OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000964462Z et al. (4 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **PENSKE TRUCK LEASING CO LP** **Hearing Date :** 10/13/2026 **Hearing Location :** Remote **Type of Hearing :** By Telephone

Total Penalty Amount : 1,400.00	**Community Service(Hr):** Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000964462Z	Sustained	11/04/2024	INTERSECTION OF EAST 61ST ST AND, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000964790H	Sustained	11/07/2024	1221 AVENUE OF THE AMERICAS, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000965421R	Sustained	03/05/2025	ON 2ND AVE BETWEEN E 7TH ST AND, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000966542H	Sustained	12/16/2024	INTERSECTION OF SACKETT STREET A,

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	350.00

Total Penalty for Summons: **350.00**

Findings of Facts & Conclusions of Law

Respondent appeared by its authorized representative Tiffany Irizarry to respond to the summonses and the idling charges therein.

Petitioner appeared by Sr. Inspector Michael Grosso and submitted photos and videos of the vehicles in question, redacted idling complaints and screen shots showing the vehicle registration information.

Summons No. 000964462Z

This charge sets forth that the vehicle was idling for more than three minutes at the subject location.

After reviewing the video Inspector Grosso stated that the vehicle was idling for more than three minutes, the trucks engine can be heard throughout the video and that there was no processing equipment in use.

Ms. Irizarry stated that Respondent has no response on the merits but objected to the video because it did not show the license plate for the truck.

Inspector Grosso responded that photos were taken (including of the license plate) while the truck was idling and submitted as evidence.

I find that Petitioner established a prima facie case of idling for more than three minutes at the subject location and that the truck's license plate was photographed and submitted. Respondent did not present a defense on the merits.

Accordingly the summons is **sustained.**

Summons No. 000964790H

This charge sets forth that the vehicle was idling for more than three minutes at the subject location.

After reviewing the video Inspector Grosso stated that the vehicle was idling for more than three minutes and that there was no loading or unloading.

Ms. Irizarry stated that there was a lot of background noise heard during the video and that therefore it cannot be determined if the noise was from the truck.

I find that Petitioner established a prima facie case of idling for more than three minutes at the subject location and that noise heard during the video was from the truck's engine. Respondent did not present a defense to the charge.

Accordingly the summons is **sustained.**

Summons No. 000965421R

This charge sets forth that the vehicle was idling for more than three minutes at the subject location.

After reviewing the video Inspector Grosso stated that the vehicle was idling for more than three minutes and that the lift gate at the back of the truck was down but not in use.

Ms. Irizarry stated that the summons should have been issued to 24/7 Contracting the entity whose name appears on the side of the truck and submitted another summons from 2024 which was issued to 24/7 Contracting and the 2024 summons and the within summons references the same out of state license plate. Ms. Irizzary also stated that the vehicle registration information for the truck reflects that the registration date was after the summons was issued. No evidence was submitted to show that the truck was registered to another entity.

Inspector Grosso responded that the search results for the truck's registration show that the truck was registered to Respondent and that the date which is after the issuance of the summons is the date when the registration was renewed. In addition and in regard to the 2024 summons, Inspector Grosso pointed out that pursuant to the idling statute no person shall cause or permit the idling of a motor vehicle engine for more than three minutes and therefore Respondent is a proper party

as the truck was registered to Respondent.

I find that Petitioner established a prima facie case of idling for more than three minutes at the subject location and that the summons was properly issued to Respondent as the truck was registered to Respondent. Respondent did not present a defense to the charge

Accordingly the summons is **sustained.**

Summons No. 000966542H

This charge sets forth that the vehicle was idling for more than three minutes at the subject location.

After reviewing the video Inspector Grosso stated that the vehicle was idling for more than three minutes and that there was no activity.

Ms. Irizarry stated that the license plate in the video does not match the license plate shown in the photo of a license plate submitted by Respondent. Ms. Irizarry also stated that on the merits, Respondent denies the charge with no rebuttal.

Inspector Grosso responded that the truck has one license plate in the back and another license plate for the trailer attached to the truck and that the photo was of the license plate in the back and the trailer's license plate is visible in the video.

I find that Petitioner established a prima facie case of idling for more than three minutes at the subject location and credit Petitioner's explanation regarding the two license plates.

Respondent denied the charge with no rebuttal.

Accordingly the summons is **sustained.**

10/13/2026 **10/13/2026**

Melanie Finkel, Hearing Officer **Date**