# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

*Hearings Division*

## DECISION

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|---|---|
| TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC<br>592 PACIFIC STREET<br>BROOKLYN,NY 11217 | **Summons No:** 000965319K et al. (1 Summons)<br><br>DEPT OF ENVIRONMENTAL PROTECTION,<br><br>-against-<br><br>PENSKE TRUCK LEASING CO LP<br><br>**Hearing Date:** 10/06/2026<br><br>**Hearing Location:** Remote<br><br>**Type of Hearing:** By Telephone |

Total Penalty Amount:**$350.00**

Community Service(Hr): **Not Applicable**

| SUMMONS # | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE |
|---|---|---|---|
| 000965319K | Sustained | 09/30/2024 | INTERSECTION OF EAST 92ND STREET and YORK AVE Manhattan |

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

**Findings of Fact & Conclusions of Law**

Antwan Gibbs appeared on behalf of Petitioner and stated he stands by the summons and submitted supplemental evidence (in file) and moved to amend to 24-163 because teh cited vehicle was idling for over 3 minutes and there is no evidence that teh vehicle was adjacent to a school at time of incident.

TIFFANY IRIZARRY appeared on behalf Respondent and stated there is no evidence that the vehicle was adjacent to a school at time of incident, therefore the summons should be dismissed.

I credit the summons and find at time of incident the vehicle's engine was idling for more than 3 minutes in violation of 24-163

as a 1st offense. Amendment to 24-163 is granted. Summons is sustained.

10/06/2026

10/06/2026

**Beth Badner, Judicial Hearing Officer** **Date**