OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons# : 000966186K et al. (1 summonses)** **DEPT OF ENVIRONMENTAL PROTECTION,** **-against-** **ON PENSKE TRUCK LEASING CORPORATI** **Hearing Date :** 10/13/2026 **Hearing Location :** Remote **Type of Hearing :** By Telephone

Total Penalty Amount :	**440.00**	**Community Service(Hr):**	**Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000966186K	Sustained	12/17/2024	ON COURT STREET BETWEEN CARROLL,

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1J	24-163 (F)	Sustained	440.00

Total Penalty for Summons: **440.00**

Findings of Facts & Conclusions of Law

This is a superseding decision to correct the decision that was issued on October 13, 2026 for this summons and the other summonses that were issued to Respondent. A separate superseding decision is also issued for the other summonses.

Respondent appeared by its authorized representative Tiffany Irizarry to respond to the charge of idling a motor vehicle for more than one minute adjacent to a school or park. The charge sets forth that this is a repeat violation.

Petitioner appeared by Sr. Inspector Michael Grosso and submitted photos and video of the vehicle in question, a redacted idling complaint and a screen shot showing the vehicle registration information and information regarding the location of the park was submitted.

After reviewing the video Inspector Grosso stated that the vehicle was idling for more than one minute and the lift gate was not in use and that a park is visible in the video.

Ms. Irizarry stated that the truck's engine starts at around the seven second mark in the video and the truck was about to pull away but was waiting for a traffic light to turn green. Also Respondent is not contesting the prior violation.

Inspector Grosso responded that there was no traffic preventing the truck from pulling away from the curb and the traffic light was not near where the truck was located. I credit the foregoing.

I also find that Petitioner established a prima facie case of idling for more than one minute at the subject location and adjacent to a park.

Respondent did not present a defense on the merits.

Accordingly the summons is **sustained** as a repeat violation with the penalty imposed as set forth above.

10/13/2026	**10/13/2026**
Melanie Finkel, Hearing Officer	**Date**