



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000977309P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND RENTAL CO Hearing Date: 07/14/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000977309P	Sustained	12/24/2024	541 W. 30th St Manhattan

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

Findings of Fact & Conclusions of Law

A remote hearing was held on 7/14/26. Petitioner Department of Environmental Protection appeared by its representative Senior Inspector Andy Guzman. Respondent appeared by its authorized representative Tiffany Irizarry. Petitioner alleged Respondent violated AC 24-163.

Petitioner presented two photos of the truck, the USDOT information for the van and the redacted idling complaint. Petitioner's Exhibits 1-4. Petitioner also presented a video longer than three minutes.

The video is first shot from across the street. Smoke from the tailpipe is visible. There are two people loading boxes onto a

dolly at the rear of the van. They close the door and one person walks away with the dolly and the other walks towards the van. Smoke continues to come from the tailpipe.

Respondent stated that the men were working unloading the boxes. The engine must be on to keep the engine warm.

I find Respondent in violation. The exceptions to this law are not present in this case. No process equipment was in use. The engine can only be on to keep a bus warm. Neither applies to this summons. I impose the monetary penalty of \$350.00.

William Chen

07/15/2026

07/15/2026

William Chen, Judicial Hearing Officer

Date