



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000978257R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING & RENTAL CORPORATION Hearing Date: 07/20/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000978257R	Sustained	11/25/2024	W. 42nd St. btwn 5th Ave. & 6th Ave. Manhattan

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

Findings of Fact & Conclusions of Law

This telephone hearing was held on July 20, 2026. Petitioner, NYCDEP, appeared by Inspector Andy Guzman. Respondent, Penske Rental and Leasing Corporation, appeared by Tiffany Irizarry, Esq. She waived the appearance of the Issuing Officer (IO).

This summons alleges a violation of NYC Administrative Code 24-163 (Idling of motor vehicle). In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 11/25/2024, at W. 42nd St. between 5th Ave. and 6th Ave. Manhattan, a citizen-complainant observed a truck with IN License Plate #3523264 idling for longer than three minutes.

Inspector Guzman relied on the affirmed statements of the IO in the summons.

Ms. Irizarry stated that she had an opportunity to review Respondent's evidence. She further stated that Respondent denied the violation. She did not submit any testimony or evidence to rebut the charge.

NYC Administrative Code § 24-163 states in relevant part that "No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device..."

I credit the Issuing Officer's affirmed statements in the summons regarding the citizen's complaint and affidavit concerning the idling of the engine of Respondent's truck. I further find that Respondent permitted the idling of its engine for more than three minutes while parked and that Respondent did not establish a defense to this charge. This violation is sustained and a penalty of \$350 is imposed.

Barbara Halper

07/20/2026

07/20/2026

Barbara Halper, Judicial Hearing Officer

Date