



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons# : 000986788X et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRACK LEASING CORP Hearing Date : 8/4/2026 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount : 350.00	Community Service(Hr): Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000986788X	Sustained	01/19/2025	42 W 58 ST , Manhattan

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

Antwon Gibbs appeared for the Petitioner the New York City Department of Environmental Protection, which was held by telephone. He submits a series of photographs in support and a DEP redacted complaint, marked collectively as petitioner's exhibit "1". He recommended the statutory first offense penalty.

Tiffany Irizarry appeared under oath as the authorized representative of the respondent. She stated that there was a worker who was operating the lift gate after the 3 minutes, but was actively working at the time of issuance.

Respondent is charged with idling of a vehicle, Indiana License Plate # 3143102 for more than 3 minute while parked, stopped, or standing under Code 24-163, under Code 24-163, as a first offense.

I find Ms. Irizarry's defense that there was a worker who was operating the lift gate after the 3 minutes, but was actively working at the time of issuance to not be a valid defense. There is no processing devise in use at the time of issuance during the 3 minutes cited.

I further find that petitioner, through the sworn summons has credibly established that the cited vehicle was idling for more than 3 minutes while parked, stopped as a first offense.



08/05/2026

08/05/2026

Keith J. Ludwiczak, Hearing Officer

Date