



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 000987138Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ICON CONTRACTING LLC Hearing Date: 08/04/2026 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
000987138Z	Sustained	02/14/2025	205 WEST 29 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & 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 made a motion to dismiss and stated that the video does not clearly show idling and the school sign is small and not clearly visible, and it was not identifiable by the driver who was not reasonably aware of the school on the block.

Respondent is charged with idling of a vehicle, NY License Plate # 92128ME for more than 1 minute while parked, stopped, or standing adjacent to a school or a park, under Code 24-163 (f), as a first offense.

I deny Ms. Irizarry's motion to dismiss. I find her defense that the video does not clearly show idling and the school sign is small and not clearly visible, and it was not identifiable by the driver who was not reasonably aware of the school on the block to not be a credible defense.

Under § 39-02, adjacent to Any Public or Non-Public School shall mean on each and every street on which a school is located and has entrances and/or exits to such street. School shall include any building or structure, playground, athletic field or other property that is part of the school. See, DEP v. New York Paving Inc Appeal, No. 2400840 (October 31, 2024).

I further find that petitioner, through the sworn summons has credibly established that the cited vehicle was idling for more than 1 minutes while parked, stopped as a first offense.



08/06/2026

08/06/2026

Keith J. Ludwiczak, Judicial Hearing Officer

Date