OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 000991272L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC **Hearing Date:** 09/16/2026 **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
000991272L	Sustained	02/10/2025	7121 18th Ave Brooklyn

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 9/16/26. Petitioner Department of Environmental Protection did not appear. Respondent appeared by its authorized representative Tiffany Irizarry. Petitioner alleged that Respondent violated AC 24-163.

Respondent presented a letter stated that all of their trucks need the engine to charge the battery that is needed to operate the lift gate and that they operate trucks with refrigeration units. Respondent's Exhibit 1. Respondent also presented excerpts from the refrigeration unit manual. Respondent's Exhibit 2. It shows that some models have a battery to operate the refrigeration unit. Respondent testified that the battery is optional. One cannot tell if the batter is operating just by looking at the unit. They were delivering ice cream.

I find Respondent in violation. I credit Respondent's statements that it was transporting ice cream and that the truck had a refrigeration unit that was capable of working on a battery. I find that Respondent did not show that the battery was in operation. I impose the monetary penalty of $350.00.

09/30/2026

09/30/2026

William Chen, Judicial Hearing Officer **Date**