



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000996162N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO L P Hearing Date: 07/09/2026 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
000996162N	Sustained	02/26/2025	158 W. 44th St. Manhattan

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

Findings of Fact & Conclusions of Law

Summons # 000996162N was issued to respondent Penske Truck Leasing Co. L.P. for a violation of section 24-163; idling of a motor vehicle engine for more than three minutes, or when at a terminal point, for any period of time, 1st offense.

Tiffany Irizarry appeared for the respondent.

Senior Inspector Andy Guzman appeared for the Petitioner, DEP.

The Petitioner submitted four photographs of the license plate, the side of the vehicle with the company name, DOT

information, Complaint, and a video that lasted 4 minutes and 26 seconds. See Petitioner's Exhibit 1.

The Petitioner stated that there were audible sounds of an engine idling. There was no processing device in use.

The respondent stated that this is a first violation. You can see someone in the car; maybe he was lost. The respondent requested a reduction to the charge.

The Petitioner stated that there is no mitigation available. The penalty is set by the state.

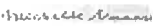
The summons and evidence submitted by the Petitioner are credited.

The respondent did not rebut the charge or provide a legally valid or meritorious defense.

Even if the operator was lost, it is not a legally valid or meritorious defense.

The penalty amount is not mitigatable.

Accordingly, the summons is sustained and a first offense penalty in the amount of \$350.00 is imposed.

	
07/09/2026	07/09/2026
Michelle Mason, Judicial Hearing Officer	Date