



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000996277N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- S INC TRISTATE FILTER & HVAC SUPPLIE Hearing Date: 07/09/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$600.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000996277N	Sustained	03/05/2025	43 E. 25th St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1K	24-163 (F)	Sustained	\$600.00

Findings of Fact & Conclusions of Law

Summons # 000996277N was issued to respondent Tristate Filter & HVAC Supplies Inc. for a violation of section 24-163(f); idling of motor vehicle engine for more than one minute while adjacent to school or park 3rd and subsequent offense.

Tiffany Irizarry appeared for the respondent.

Senior Inspector Andy Guzman appeared for the Petitioner, DEP.

The Petitioner submitted photographs of the license plate, company name, address and phone number, complaint, prior

summonses, and video. See Petitioner's Exhibit 1.

The Petitioner stated that the video lasted 1minute and 58 seconds. There was an audible engine sound and no processing device in use.

The respondent did not contest that there were prior violations.

The respondent stated that in the video, a worker was moving around the truck and actively working. You can see boxes in the back of the truck. The employee was either loading or unloading the boxes.

The Petitioner stated that you can see an individual in the back. There was no processing device in use. There was no lift gate being used to put the box in or out of the truck. Everything is done manually and that does not require the lift gate, or the engine to be on.

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.

The video shows a vehicle idling for more than 1 minute while adjacent to a school.

The video shows the back of the truck and a box on the sidewalk.

There was no lift gate in use.

There is no indication of any processing taking place.

Accordingly, the summons is sustained and a third offense penalty in the amount of \$600.00 is imposed.

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