

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000996247M	Sustained	03/04/2025	LIVINGSTON ST BETWEEN HANOVER PL & NEVINS ST.

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000996393K	Sustained	02/13/2025	I/O W 125TH ST & AMSTERDAM AVE.

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

Findings of Facts & Conclusions of Law

The hearing was conducted by phone on July 8, 2026. Petitioner appeared through Senior Insp. Ed Sferrazza. Respondent appeared through Tiffany Irizarry, registered representative.

Respondent received three summonses: each charged a repeat violation of AC 24-163 with a prior cited in support on each.

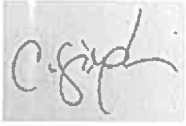
Insp. Sferrazza submitted Petitioner's evidence, including video, on each into the record. See Pet. Ex. 1. On each he argued the refrigeration unit is independent of the engine.

Ms. Irizarry submitted a document from Respondent into the record on each. See Resp. Ex. A. She argued that the letter established that each of the cited vehicles was equipped with a liftgate and that the truck engine was required to be running in order to keep the liftgate batteries charged.

Insp. Sferrazza argued that liftgate battery charging was not a defense or exemption.

I credit the IO, establishing the prima facie case for violation on each. I credit Petitioner's evidence. I credit Respondent's evidence that the liftgate batteries may require the engine to be running to remain charged. I do not find this to be an exception or defense to the charge. I do not credit the Respondent's letter as establishing that the refrigeration units needed the engine running to operate. I find the cited priors valid.

Therefore I find Respondent in violation and impose the standard penalty for a second violation on each.



07/13/2026

07/13/2026

Charles Simpkins, Hearing Officer

Date