



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

SUPERSEDING DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000998105X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 07/10/2026 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
000998105X	Sustained	03/14/2025	ON BROADWAY BETWEEN W 108TH ST And West End Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA11	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

This is a superseding decision and order because the original decision and order failed to address the arguments/defense, presented by the respondent's representative. The hearing date was July 10, 2026.

At the phone hearing petitioner appeared by Inspector Smith. The respondent appeared by T. Irizarry from The Nacmias Law Firm.

The summons charges a violation of NYC AC 24-163, for idling of motor vehicle for longer than one minute adjacent to school or park. Truck NY License Plate 15342NE.

Petitioner presented an evidence package which contained a redacted idling complaint, a printout from NYS DMV Compass registration system which shows the current registration information, photo of the NYC Parks Department Broadway Mall Sign, printout of US DOT, photo of license plate, photo of the truck, NYC Parks printout showing the Broadway Malls in Manhattan from 59th Street to W. 168th Street, are under the NYC Parks Department jurisdiction and a video (P. Evidence). She rested on the information contained in the summons and the petitioner's evidence.

Ms. Irizarry moved for a dismissal as the respondent was not aware that the cited area was a designated NYC park area, and the driver was looking up an address in GPS. Inspector Smith argued the entire length of the Broadway Malls is now designated under the jurisdiction of the NYC Parks Department and further looking up an address is not a defense too an idling charge.

I find petitioner established this charge and therefore the summons is sustained.

E. Garcia

07/15/2026

07/15/2026

Elizabeth Garcia, Judicial Hearing Officer

Date