



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000998281P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 07/15/2026 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
000998281P	Sustained	12/12/2024	177 DIVISION AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

TIFFANY IRIZARRY, Authorized Representative, appeared for the Respondent at a telephone hearing. Senior Insp. Ed Sferrazza appeared for the Petitioner.

Summons 000998281P alleges that the Respondent's vehicle was idling for more than one minute adjacent to a school or park based on a citizen complaint in violation of Code 24-163(f).

The Petitioner submits into evidence a copy of three photos, information regarding a playground, a citizen complaint, and a video.

A review of the video shows the lift is down at the beginning of the video and after the first 30 seconds there is no video of the rear of the truck and the lift. Shadows can be seen occasionally around the rear of the truck.

The Respondent argues the lift was in use. The Petitioner argues that the lift is not moving in the video. While the lift cannot be observed during any full one minute during the video, the Respondent presents no testimony from the driver or other evidence that it was in use at the time.

I credit the summons allegation and the Petitioner's evidence. I find the Respondent was idling for more than one minute adjacent to school/park in violation of Code 24-163. The summons is sustained.



07/21/2026

07/21/2026

Jodi Harawitz, Judicial Hearing Officer

Date