



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 000998287X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP 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
000998287X	Sustained	12/12/2024	118 WEST 70 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	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.

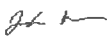
Summons 000998287X alleges at 118 West 70 street the Respondent's vehicle was idling for more than one minute adjacent to a school or park based on a citizen complaint in violation of Code 24-163(f).

The Petitioner submits into evidence a copy of three photos, a citizen complaint, school information, a video, and DEP finalized rules.

The Respondent argues there is insufficient video evidence, the school is not seen in the video and that the school is not sufficiently adjacent to the truck.

The Petitioner argues that the video shows that The Blessed Sacrament Sunday school is down the block, which is covered by the code, and that the Stratford Arms seen in the video is a dorm and is not included in the definition of a school.

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



07/23/2026

07/23/2026

Jodi Harawitz, Judicial Hearing Officer

Date