



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000999712M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING & RENTAL CO Hearing Date: 07/17/2026 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
000999712M	Sustained	03/07/2025	ON 5TH AVENUE BETWEEN STERLING PLACE AND ST JOHNS PLACE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

The hearing on summons number 000999712M was conducted by telephone conference call on July 17, 2026.

Petitioner Department of Environmental Protection appeared at the hearing through Senior Inspector Dantney Parks. Respondent PENSKE LEASING & RENTAL CO appeared at the hearing through authorized representative Tiffany Irizarry.

The Issuing Officer alleges in the summons that Respondent violated New York City Administrative Code 24-163 for idling a motor vehicle engine for more than three minutes. It is indicated as a first offense.

Petitioner reiterates the sworn statements contained in the summons and submits an evidence packet containing photographs of the vehicle, registration information, a redacted idling complaint form, and a link to a video of the alleged idling vehicle. Petitioner acknowledges that the vehicle has a Thermo King cooling device, but notes that the particular model is self-powered and does not require the use of the engine in order to operate. Petitioner also submits a copy of the Thermo King operator's manual.

Respondent notes that the vehicle is a food delivery truck and argues that the engine is required for the food to stay cool. Respondent states that it is a smaller truck, and Respondent doubts that it has a dual power source as alleged by Petitioner.

I credit the statements contained in the summons and find a violation of 24-163 as alleged. I also find that Respondent has not established a defense. Respondent did not provide any credible evidence that the Thermo King unit is a processing device that needs the engine in order to operate. Accordingly, the summons is sustained, and the standard penalty imposed.



07/21/2026

07/21/2026

Alexandra Saker, Judicial Hearing Officer

Date