



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	Summons No: 001000495P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- METAL LOGISTICS NYC INC Hearing Date: 08/14/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001000495P	Sustained	04/15/2025	ON MADISON AVE BETWEEN E 29TH ST & E 30th St Manhattan

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

Findings of Fact & Conclusions of Law

At a telephone hearing the Respondent, Metal Logistics NYC INC appeared by its representative, Tiffany Irizarry. Petitioner DEP appeared by Senior Insp. Martin Joyce. The summons alleged that the respondent idled a motor vehicle engine for more than 3 minutes in violation of 24-163 of the Administrative Code (Code). The violation was charged as a second offense.

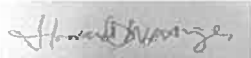
Petitioner submitted the registration, the prior violation, the summons and the affidavit of service, the time and date stamped photos of the truck and plate, the redacted citizen complaint form, and a 3:44 minute video showing the truck idling on the street.

Respondent did not challenge the violation charged as a second violation. Respondent stated there is no idling audible in the video.

Code § 24-163(a) provides in pertinent part: (a) No person shall cause or permit the engine of a motor vehicle ... to idle for longer than three minutes . . . while parking ... standing ... or stopping ... unless the engine is used to operate a loading, unloading or processing device.

I credit the IO's sworn statement on the summons and the submitted evidence which established Petitioner's prima facie case. See *NYC v. 217 Baitao Grocery Corp.*, Appeal No. 1500926 (November 19, 2015); see also Section 6-12(b) of Title 48 of the Rules of the City of New York (providing that a summons affirmed under penalty of perjury is prima facie evidence of the facts stated therein). I do not find the Respondent has refuted the affirmed summons or established an affirmative defense. Petitioner is not required to submit the citizen complainant's video at the hearing, even where a video has been presented, it is not fatal to the summons that it does not clearly show the vehicle vibrating, producing visible emissions, or making audible engine noise. See *DEP v. Hub Truck Rental Corp.*, Appeal No. 2001344 (February 11, 2021).

I, therefore, sustain the summons as a second violation and impose a \$440.00 fine.



08/14/2026

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Howard Weisinger, Judicial Hearing Officer

Date