



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 001013960Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- DIAMOND CHEMICAL COMPANY INC Hearing Date: 08/27/2026 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
001013960Y	Sustained	04/29/2025	McDougal St b/w 3rd and 4th Sts Manhattan

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

Findings of Fact & Conclusions of Law

Summons: 001013960Y

Hearing date: 8/27/26

Appearing for petitioner: A. Gibbs

Witness(es):

Appearance for respondent: T. Irizarry, as authorized representative

Witness(es):

The charge dated 4/29/2025, was idling for more than three minutes, first offense. Petitioner augmented the summons with citizen complaint records, photographs, and a video.

Respondent argued the video does not show idling for more than three minutes.

Petitioner stated that despite the ambient noise the cited vehicle's engine is on for over three minutes.

Findings of Fact and Conclusions of Law:

I credit the statement of facts in the summons and supporting evidence.

I have viewed the video. I find vehicle is idling, there is no driver, the rear doors are open but there is no activity at rear.

I find the video does not undermine the sworn-to complaint.

Accordingly, I sustain the charge.



08/27/2026

08/27/2026

Clive Morrick, Judicial Hearing Officer

Date