OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001018281P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ALWAYS FRESH INC **Hearing Date:** 09/10/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001018281P	Sustained	04/07/2025	5702 18th Avenue Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	$350.00

Findings of Fact & Conclusions of Law

Respondent appeared by its authorized representative Tiffany Irizarry. Petitioner did not appear.

The Summons alleges a violation of AC 24-163(f) Causing or Permitting the Engine of a Motor Vehicle to Idle for More than 1 Minute adjacent to a School or Park while Parked, standing or Stopped, in that, on 4/7/2025 at 1:19pm at 5702 18th Avenue adjacent to Gravesend Park, as per DEP records, Citizen observed Van with NY License Plate # 28508ND Idling for More Than 1 Minute from 4/7/2025 1:16:16pm to 4/4/2025 1:19:57pm at 5702 18th Avenue.

AC 24-163(f) provides no person shall cause or permit the engine of a motor vehicle other than a legally authorized emergency

vehicle to idle for more than 1 minute while adjacent to a School or Parrk Parked Standing or Stopped unless the Engine is used to operate a loading, unloading or processing device.

Respondent denied the Summons and submitted no evidence in rebuttal.

I sustain the Summons.

09/29/2026

09/29/2026

Deborah Schwartz, Judicial Hearing Officer **Date**