OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001020938N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NEW BEGINING TRUCKING CORP **Hearing Date:** 09/18/2026 **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
001020938N	Sustained	03/12/2025	4907 1st Avenue Brooklyn

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

Findings of Fact & Conclusions of Law

At a telephone hearing the respondent appeared by their representative, Tiffany Irizarry. Petitioner DEP appeared by Senior Insp. Dantney Parks. The summons alleged the respondent idled a motor vehicle engine for more than 3 minutes in violation of 24-163 of the Administrative Code (Code) as a first offense.

Petitioner submitted time and date stamped photos of the truck, the US DOT information, the redacted citizen complaint form, and a 3:52 minute location, date, and time stamped idling video showing the truck idling on the street. Petitioner stated the forklift is being used to off-load items from the truck.

Respondent stated the vehicle has a clean idling sticker and requests dismissal. Petitioner stated the clean idling sticker is not an exemption.

Code § 24-163 prohibits any person from idling a motor vehicle engine in excess of three minutes while parked, standing, or stopped, subject to specified exemptions.

That the truckmight have had a certified clean idle sticker, as here, is not a defense. *See NYC v. New York Fast Carting Corp.*, Appeal No. 1501339 (February 25, 2016).

I credit the affirmed statements in the summons and the evidence submitted that the vehicle idled for more than 3 minutes. I do not find the clean idling sticker created an exemption to the statute. I sustain the violation and impose a $350.00 fine.



09/18/2026

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Howard Weisinger, Judicial Hearing Officer **Date**