OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001026310P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- W W TRADING CO INC **Hearing Date:** 10/02/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$0.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001026310P	Dismissed	05/05/2025	ON NEW UTRECHT AVE BETWEEN 85 ST and 86 ST Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Dismissed	$0.00

Findings of Fact & Conclusions of Law

Respondent appeared at a remote telephonic hearing on 10/2/2026 by its authorized representative Ms. Tiffany Irizarry of the Nacmias Law Firm.

Petitioner NYC Dept. of Environmental Protection appeared by Sr. Insp. Leah Smith.

Respondent is charged with a third and subsequent violation of NYC Adm. Code 24-163 for causing or permitting the engine of the vehicle cited in the Summons to idle for more than 3 minutes or when at a terminal point for any period while parked, standing, or

Sr. Insp. Smith submitted (3) photos, Redacted Idling Complaint, and 6 min 17 sec video. (Petitioner's Exhibits 1-4)

Ms. Irizarry moved to dismiss the Summons arguing that the engine was required to run the refrigeration system. In support of Respondent's motion to dismiss Ms. Irizarry submitted the following into evidence: Thermal King Operator's Manual, Thermal King Unit Description which states, in relevant part, "A belt driven compressor running off the vehicle's engine operates the refrigeration system during mobile operation. Electric Standby models have a second compressor located inside the condenser. This compressor is belt driven off an electric motor when connected to an AC power source during stationary operation". Ms. Irizarry referred to pages 23 and 25 of the Thermal King Operator's Manual. (Respondent's Exhibits A-C)

Sr. Insp. Smith reviewed Respondent's evidence and stated that Petitioner has no rebuttal.

Respondent's motion to dismiss is granted as I find the engine was required to operate the refrigeration system during mobile operation.

Accordingly, the Summons is dismissed.

10/02/2026

10/02/2026

Jerilyn F. Rubin, Judicial Hearing Officer **Date**