OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

TIFFANY IRIZARRY - NACMIAS LAW FIRM, PLLC 592 PACIFIC STREET BROOKLYN,NY 11217	**Summons No:** 001033587N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- COOPER FRIEDMAN ELECTRIC SUPPLY CO INC **Hearing Date:** 10/23/2026 **Hearing Location:** Remote **Type of Hearing:** By Telephone

Total Penalty Amount:**$600.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
001033587N	Sustained	06/30/2025	E 26 Street between Park Ave S and Madison Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	$600.00

Findings of Fact & Conclusions of Law

The NYC Department of Environmental Protection (DEP) issued this summons to Respondent alleging a violation of NYC Administrative Code 24-163.

Mr. Grosso form the DEP waived appearance for the hearing. The Court proceeded relying on the sworn to summons.

In the sworn to summons, the DEP alleged that respondent caused or permitted the idling of a motor vehicle parked, standing or stopped. As per DEP records, citizen observed TRUCK with NY License Plate #14753ML idling for longer than three minutes from 6/30/2025 9:56:30 AM to 6/30/2025 9:59:55 AM at on E 26th Street between Park Avenue S and Madison

Avenue.

The summons alleged two prior violations under summonses: 000761418L and 000765344X.

Respondent appeared by its representative Ms. Tiffany Irizarry. Respondent denied the allegations but did not submit any rebuttal evidence or assert any legal defense.

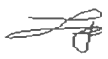
Discussion:

It is well established that, the sworn to affirmed statements in the summonses established petitioner's case with respect to all the charged violations. See 48 RCNY § 6-12(b) ("If the summons is sworn to under oath or affirmed under penalty of perjury, the summons will be admitted as prima facie evidence of the facts stated therein."). Once petitioner established its cases, the burden shifted to respondent to refute the charges or establish a defense. See 48 RCNY § 6-12(a); DOHMH v. Vicki Keitt-Trustee, Appeal No. 2301969 (February 29, 2024); DOB v. Manhattan 55 Group, LLC. Appeal No. 2500824 (July 31, 2025).

In this case I find the sworn to statements in the summons credible and established prima facie evidence of the alleged violation. Respondent did not assert and defense or submit any rebuttal evidence.

I find Respondent failed to refute the charges or establish a valid legal defense. I find the Respondent violated AC 24-163.

Respondent did not challenge the two alleged prior violations.



10/23/2026

10/23/2026

Kin Lau, Judicial Hearing Officer

Date