



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000785680N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CERTIFIED LUMBER CORP Hearing Date: 01/07/2025 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
000785680N	Sustained	03/16/2023	WILLOUGHBY AND DEKALB AVENUES Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner, DEP, appeared by Inspector Leah Smith. Respondent appeared by its authorized representative, Lance Chebin. Respondent is charged with idling a truck for longer than three minutes.

Insp. Smith submitted: two photos; a redacted idling complaint; the affidavit of service; and a video.

Insp. Smith explained that this truck is a flatbed, loaded with sheetrock; that in the video, a worker is observed unstrapping the sheetrock and a crane type arm is placing the sheetrock on top but there is no processing device in use.

Respondent contended that because a crane was being operated there was no idling here.

I credit petitioner's evidence. Respondent did not submit any evidence to rebut the petitioner's position that the crane type arm did not require the truck's engine to be operated. Therefore, I find that there was no processing device in use at the time and this summons is sustained.



01/14/2025

01/14/2025

Pauline Glaser, Hearing Officer

Date