



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Matthew Whitening - NACMIAS LAW FIRM PLLC 592 Pacific Street - 1st Floor Brooklyn, NY 11217	Summons No: 000807934Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PARK LUMBER YARD CORPORATION Hearing Date: 01/06/2025 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
000807934Z	Sustained	08/11/2023	ON SUTPHIN BOULEVARD BETWEEN 95T Queens

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

Findings of Fact & Conclusions of Law

The summons was issued by the NYC Department of Environmental Protection for idling of motor vehicle engine for more than three minutes as a first offense.

Petitioner, DEP, appeared by Dantey Parks.

Respondent appeared by Matthew Whitening, representative.

Petitioner submitted into evidence, photographs, redacted citizen complaint report and video of the cited condition, without

objection.

Mr, Whitening argued that the Respondent was loading and unloading and thus was not in violation of the summons.

Petitioner argued that the vehicle is a supply truck that does not require the engine to idle since the excavator has a separate power unit.

Based on review of the video, the evidence indicates that the truck engine was idling and that the truck appears to have a separate power unit to operate loading and unloading.

The standard penalty is hereby imposed.



01/17/2025

01/17/2025

John Ciafone, Hearing Officer

Date