



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

LANCE CHEBIN - NACMIAS LAW FIRM
592 PACIFIC STREET
BROOKLYN ,NY 11217

Summons# : 000820970M et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

CERTIFIED LUMBER LLC

Hearing Date : 1/7/2025

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
000820970M	Sustained	11/13/2023	ON AVE ABETWEEN E 4TH ST AND E, Manhattan

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

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

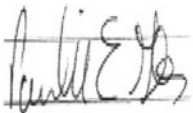
Petitioner, DEP, appeared by Inspector Leah Smith. Respondent appeared by its authorized representative, Lance Chebin. Respondent is charged with idling a truck for longer than three minutes. This was charged as a third offense.

Insp. Smith submitted: two photos; violation details of the two prior summonses; a redacted idling complaint; the affidavit of service; a video; and US DOT Company Snapshot.

Respondent testified that this was a flatbed truck and as may be observed in the video, a worker was moving items on and off the truck for longer than one minute when the truck was adjacent to a school. This was charged as a third offense.

Insp. Smith responded that because there was no lift gate or forklift being operated which required the truck's engine to run, there was no exception for idling in this case pursuant to the statute.

I credit petitioner's evidence. I find that respondent was in violation as alleged. This summons is sustained.



01/14/2025

01/14/2025

Pauline Glaser, Hearing Officer

Date

