



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000728990H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EAGLE BUS INC Hearing Date: 05/22/2025 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
000728990H	Sustained	07/05/2022	28 Allen St Manhattan

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

Findings of Fact & Conclusions of Law

Auth. Rep. Lance Chebin appeared for Respondent EAGLE BUS INC.

DEP Rep. John McLaughlin appeared for Petitioner.

On 7/5/22, 28 Allen St, NEW YORK, the issuing officer charged Respondent with a violation of 24 -163.

Mr. McLaughlin submitted into the record P1 – copy of the summons, redacted idling complaint form, 2 photographs identifying the cited vehicle, and a video of the cited idling, which was summarized into the record and reviewed by the Court.

Mr. Chebin argued there was loading and unloading, based on the video there are passengers getting on and off the bus.

Mr. McLaughlin argued the video is 5 min 24 seconds long and given the length of the video, after the 1:44 mark, there is no more loading and therefore the idling has been established.

Mr. Chebin argued the loading happened within the 3 minute mark.

Mr. McLaughlin argued after the 1:44 mark, there were 3 minutes of idling.

Here, I find that the conditions were as cited at the time of occurrence. I credit the citizen/inspector's observations. Petitioner has proven this violation a preponderance of the evidence. The video supports the charge, as after the last passenger is loaded in the video, the bus was idling for 3 minutes in violation of the cited law.

Accordingly, I find that Respondent is in violation of the charge and the summons is SUSTAINED.



05/28/2025

05/28/2025

Joseph Fan, Hearing Officer

Date