



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000839657X et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ACE TRAVEL INC

Hearing Date : 4/1/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 440.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000839657X	Sustained	12/03/2023	Allen St btw Canal St and Hester St, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

Findings of Facts & Conclusions of Law

This matter was heard remotely, via telephonic conference, on April 1, 2025. Respondent appeared via Lance Chebin, identified as the authorized representative for the named respondent. Petitioner appeared via Dantney Parks.

The summons alleges a violation of NYC AC 24-163. The date of occurrence was December 3, 2023, at 5:44pm. This is noted to be a second offense, with underlying summons 000771880K.

Respondent does not contest the repeat designation.

Petitioner submits seven documents, and a video, as evidence. P1 is a picture of the vehicle's license plate. P2 is a picture of the side of vehicle, with respondent's name and DOT number visible. P3 is the redacted idling complaint, and P4 is a copy of the instant summons, and proof of service. P5 is a weather report, showing the temperature to be above 48 degrees Fahrenheit on the date of occurrence. P6 is a picture that petitioner testifies show that the location was a "terminal point." P7 shows the disposition of the underlying summons, showing -880K to have been found In Violation, and Paid In Full. P8 is the citizen video of the incident; it is a 3:43 video, time-stamped in accordance with the summons. Petitioner testifies that the video shows the engine audible throughout the video, clearly idling for longer than three minutes, with no apparent loading or unloading, use of processing equipment, or other activity that would require the engine to run; as such, petitioner contends that the violation should be sustained.

Respondent testifies that there is loading and unloading in the video, as people are seen going on and off of the bus.

Petitioner testifies that the Department does not consider loading and offloading to occur at a terminal point; instead, this is only when the vehicle pulls over on a street.

Respondent testifies that this is not a terminal point, petitioner defines a "terminal point" as a location where the vehicle stops and waits for a period of time, differentiating it from when the vehicle pulls over temporarily on a street, for a matter of a few seconds.

Respondent then denies the charges, without rebuttal.

As such, the summons is hereby sustained, and the statutory penalty, as a repeat offense, is imposed.



04/01/2025

04/01/2025

Craig Messing, Hearing Officer

Date

IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to www.nyc.gov/citypay/oath

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

CAN I DO COMMUNITY SERVICE?

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

COMPLETION OF COMMUNITY SERVICE

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

How to Contact the Help Center to Schedule Community Service:

Manhattan: (212) 436-0845 CSmanhattan@oath.nyc.gov
 Brooklyn: (718) 923-6216 CSbrooklyn@oath.nyc.gov
 Queens: (718) 393-6044 CSqueens@oath.nyc.gov
 Bronx: (718) 503-5565 CSbronx@oath.nyc.gov
 Staten Island: (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

If you do not complete your Community Service by the deadline, you will have to pay the penalty.

NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you do not complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at www.nyc.gov/oath/appeal. Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

APPEAL BY ENFORCEMENT AGENCY

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,
 visit OATH's website www.nyc.gov/oath
 or call 1-844-OATH-NYC

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