



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000728031M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- COMMERCIAL COOLING Hearing Date: 12/30/2024 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
000728031M	Sustained	08/08/2022	208 W. 29th Street Manhattan

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

Findings of Fact & Conclusions of Law

This telephone hearing was held on December 30, 2024. Petitioner, NYCDEP, appeared by Representative Leah Smith. Respondent, Commercial Cooling, appeared by Lance Chebin, Authorized Representative. He waived translation services, counsel and the appearance of the Issuing Officer (IO).

This summons alleges a violation of NYC Administrative Code 24-163 (Idling of motor vehicle). In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 8/8/2022, a citizen-complainant observed a motor vehicle with NY License Plate #73841MM idling for longer than three minutes from 3:00:46 pm to 3:04:10 pm, at 208 W. 29th Street.

Ms. Smith relied on the sworn statements of the IO in the summons.

Mr. Chebin denied the allegations in the summons. He did not provide any testimony or evidence to rebut this charge.

NYC Administrative Code § 24-163 states in relevant part that "No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device..."

I credit the Issuing Officer's affirmed statements in the summons regarding the citizen's complaint concerning the idling of the engine of Respondent's truck. I further find that Respondent did not establish a defense to this violation and that Respondent permitted the idling of its engine for more than three minutes while parked and that Respondent did not establish a defense to this charge. This violation is sustained and a penalty of \$350 is imposed.

Barbara Halper

01/03/2025

01/03/2025

Barbara Halper, Hearing Officer

Date