



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

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

Summons# : 000815480N et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

CITYWIDE CONTAINER SERVICE CORP

Hearing Date : 11/14/2024

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
000815480N	Sustained	07/18/2023	600 AVENUE OF THE AMERICAS, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1J	24-163 (F)	Sustained	440.00

Total Penalty for Summons: 440.00

Findings of Facts & Conclusions of Law

Lance Chebin, authorized representative, appeared to represent Respondent Citywide Container Service Corp at the hearing. Senior Inspector Michael Grosso appeared for Petitioner.

On 7/18/2023 at 2:59pm, the Respondent was observed causing or permitting the idling of a motor vehicle while parked, standing or stopped for more than one minute while adjacent to a school – 2nd offense.

Inspector Grosso offered into evidence a 1 minute 31 second video allegedly showing Respondent's truck idling for more than 1 minute. In addition, Inspector Grosso offered into evidence photos of the truck and a redacted idling complaint form. Pet. Exh. 1. Inspector Grosso detailed Petitioner's submissions including audible engine noise in the video, that the school is captured in the video at the 1 minute mark and that all evidence presented established Petitioner's case.

Respondent's representative stated that an improper respondent was named as the Respondent Citywide Container Service Corp has no association with the truck.

Inspector Gross further offered into evidence the results of the license plate of the offending vehicle being searched through department of motor vehicle records which reported that Citywide Container Service Corp as the owner of the vehicle.

I credit Petitioner's case. Without a completed DMV bill of sale or other proof of transfer of title or credible documentation that, as of the date of occurrence, Respondent did not hold title to the cited vehicle, Respondent has failed to credibly challenge its identification as title owner. Cf. DEP v. New York Custom Woodworking, Appeal No. 2201205 (January 26, 2023). I find that the evidence supports a prima facie case for the violation as alleged and Respondent has failed to provide a defense. Accordingly, I find that the summons is sustained and the standard penalty is imposed for this violation.



11/21/2024

11/21/2024

Malik Pearson, Hearing Officer

Date