



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000836074K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PRO-TEK SERVICES OF NY Hearing Date: 03/05/2025 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
000836074K	Sustained	02/01/2024	28 Desbrosses Street Manhattan

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

Findings of Fact & Conclusions of Law

Summons 000836074K charges a violation of Administrative Code §24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. The hearing was conducted on March 5, 2025. Petitioner appeared through Inspector John McLaughlin. Respondent appeared through authorized representative Lance Chebin.

The summons alleges that a citizen observed a truck with NY license plate 49569NC idling for longer than three minutes, specifically, from 2/1/2024 1:30:31 pm to 1:33:49 pm at 28 Desbrosses Street. This was charged as a first offense.

Respondent denied the charge, but offered no rebuttal.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device.

The issuing officer's affirmed statement established a prima facie case of the violation. See 48 RCNY § 6-12(b). The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense. See 48 RCNY § 6-12(a). As Respondent has offered no rebuttal, the summons is sustained.

	
03/05/2025	03/05/2025
Theresa Leary, Hearing Officer	Date