



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000834949P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- USA SHRED LLC Hearing Date: 02/27/2025 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
000834949P	Sustained	02/01/2024	Livingston btwn Smith and Hoyt Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Lance Chebin appeared as the authorized representative of the named respondent. Inspector McLaughlin appeared for the Petitioner.

The summons cites a violation of 24-163f

The Petitioner submitted the idling summons affidavit and complaint, photos, information pertaining to the Helen Keller School,

and a google map.

A video which exceeded one minute was played into the record and described.

The respondent contended that the petitioner's evidence did not establish proximity to a school. From the google map, it did not appear that the school was actually on the same block as where the idling took place.

The Petitioner submitted a google photo of 180 Livingston Street itself, which shows that the school is right next door to a Dallas Barbeque. If one compares it to the video, at 1 minute 44 seconds, one can see that the vehicle had been parked right in front of the same Dallas Barbeque.

I find the sworn account of the issuing officer to be credible, and that it establishes the charge. The respondent failed to set forth a valid legal defense. For the reasons stated by the Petitioner, I do find proximity to a school was established. The summons is sustained.

Amy Baranoff

02/27/2025

02/27/2025

Amy Baranoff, Hearing Officer

Date