



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000787690X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 11/12/2024 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
000787690X	Sustained	02/28/2023	INTERSECTION OF COURT STREET AND Brooklyn

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

Findings of Fact & Conclusions of Law

Lance Chebin, authorized representative, appeared to represent Respondent Westmoreland Construction Inc. at the hearing. Senior Inspector Michael Grosso appeared for Petitioner.

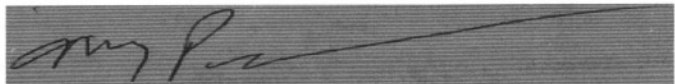
On 2/28/2023 at 11:15am, the Respondent was observed causing or permitting the idling of a motor vehicle while parked, standing or stopped – 1st offense.

Inspector Grosso offered into evidence video allegedly showing Respondent's truck idling for more than 3 minutes. 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 and stated it established Petitioner's case.

Respondent's representative reviewed the video and offered no rebuttal.

I credit Petitioner's submissions. I find Respondent's vehicle was idling for more than 3 minutes and Respondent did not present a legal defense to the violation. Accordingly, the violation is sustained with the standard penalty of \$350 imposed.



11/19/2024

11/19/2024

Malik Pearson, Hearing Officer

Date