



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000840599P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EMPIRE STATE TOWING INC Hearing Date: 04/15/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000840599P	Sustained	01/06/2024	ON BROADWAY BETWEEN W 108TH ST and West End Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

On April 15, 2025, Lance Chebin, a registered representative, appeared on behalf of Respondent, Empire State Towing, Inc., for a remote hearing by telephone. Michael Grosso appeared for Petitioner and relied on the Issuing Officer's affirmed statements in the summons.

Respondent was charged with violation of §24-163 of the Administrative Code of the City of New York for idling of motor vehicle engine for more than three minutes.

The Issuing Officer affirmed in the summons that on January 6, 2024, "Respondent caused or permitted the idling of a motor

vehicle while parked, standing or stopped. As per DEP records, citizen observed TRUCK with NY license plate # 12387TV idling for longer than three minutes from 1/6/2024 1:53:16 PM to 1/6/2024 1:56:46 PM at on Broadway between W 108th St and West End Ave." This was charged as a second subsequent violation based upon prior summons 000787678N.

Respondent's representative did not dispute the prior violation and denied the charge without rebuttal.

I credit the Issuing Officer's statements in the summons, which establish that the vehicle's engine had been idling for longer than three minutes in violation of Code § 24-163 and that a summons had been previously issued for the same charge. Respondent submitted no credible evidence to refute the charge.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than three minutes, that this was a second subsequent violation of the same section of law §24-163, and I impose a second subsequent penalty of \$4400.00.

Wherefore, the summons is hereby sustained accordingly.



04/22/2025

04/22/2025

Sooyung Lee, Hearing Officer

Date