



Office of Administrative Trials and Hearings
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000818388Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- EFRAIMOV HAIA Hearing Date: 02/26/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	--

Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000818388Y	Sustained	10/25/2023	INTERSECTION OF 5TH AVENUE AND B Brooklyn

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

Findings of Fact & Conclusions of Law

Summons#000818388Y

Efraimov Haia

Lance Chebin, authorized representative appeared for the respondent. Inspector Leah Smith appeared on behalf of the petitioner.

The petitioner supplied three photos, a redacted civilian complaint, a plate run which showed the respondent as owner and a

video which cannot be uploaded due to technical difficulty.

The video was reviewed by all parties.

The respondent made a motion to dismiss based upon improper party due to the fact the respondent's name was not on the vehicle and the proper party to name would be Fresh Direct which is the name on the truck. There was no additional testimony or evidence submitted.

I find that the cited section of law "explicitly makes an owner a culpable party, regardless of whether it actually operates the business." Appeal No.000010, DEP v U-Haul Co of Arizona, 4/23/2020.

Therefore, I find the respondent as the owner of the vehicle is a proper party and deny the respondent's motion to dismiss. Accordingly, I find the respondent in violation of 24-163 and impose the standard penalty.

	
02/26/2025	02/26/2025
Stacey Selden, Hearing Officer	Date