



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000802025Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC Hearing Date: 01/09/2025 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
000802025Z	Sustained	08/02/2023	INTERSECTION OF 69 STREET AND ROOSEVELT AVE Queens

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

Findings of Fact & Conclusions of Law

LEAH SMITH appeared for DEP, the petitioner here. LANCE CHEBIN appeared for respondent. The summons alleges that respondent's truck, bearing Indiana License Plate 2923704, was observed idling for longer than three minutes at the above referenced location.

Petitioner rested on the allegations contained within the four corners of the summons and the videographic, photographic, and documentary evidence submitted in support of the issuance. I find that petitioner makes a prima facie showing of the violation.

Respondent denied liability for the summons. Respondent argued that the vehicle was engaged in food delivery and that the engine needed to idle in order to keep the refrigeration unit going and prevent food from perishing. However, respondent offered no supporting evidence. On the other hand, petitioner also established that the refrigeration unit actually contained its own power source so as to eliminate the need for idling the vehicle's engine.

I do not find respondent's argument meritorious. I find that respondent has failed to establish a valid defense. I find respondent in violation and I impose the applicable penalty.

The summons is sustained.



01/24/2025

01/24/2025

Velly Polycarpe, Hearing Officer

Date