



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000801103K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- UNFI TRANSPORT LLC Hearing Date: 04/08/2025 Hearing Location: Remote Type of Hearing: By Telephone
--	---

Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000801103K	Dismissed	07/17/2023	2911 Broadway Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent **UNFI TRANSPORT LLC** appeared at a remote telephonic hearing on 4/8/2025 by its authorized representative Mr. Lance Chebin of the Nacmias Law Firm.

Petitioner NYC Dept. of Environmental Protection appeared by Insp. Michael Grosso.

Respondent is charged with a violation of NYC Adm. Code 24-163 for allegedly causing or permitting the engine of the vehicle cited in the Summons to idle for more than 3 minutes while parked, standing, or stopped.

Insp. Grosso submitted into evidence: 3 min 40 sec Video, Redacted Idling Complaint, (3) photos, Affidavit of Service. (Petitioner's Exhibits 1-5)

Mr. Chebin moved to dismiss the Summons arguing that the refrigeration system was in use; that the engine must be on to run the refrigeration unit; and that you can see cables from the main cabin to the refrigeration.

Insp. Grosso referred to the Redacted Idling Complaint which states as follows: "Please describe the complaint in the space below: I observed the vehicle idling in excess of allowable time. Engine and reefer unit were idling simultaneously. THE ENGINE THAT MOVES THE VEHICLE IS NOT NEEDED TO RUN IN ORDER TO POWER THE REFRIGERATION UNIT -- the refrigeration unit operates independently of the vehicle's engine. It seems the driver was eating while the engine idled -- the lift gate was not in use and the driver remained in the cab. The driver turned off the cab engine at approximately 4:02:15PM. USDOT 179097."

The truck is clearly a "food" truck as the word "food" is on the side of the truck. I find that Petitioner has not established by a preponderance of the evidence that the engine was not required to run the refrigeration unit in the cited truck.

Accordingly, the Summons is dismissed.



04/17/2025

04/17/2025

Jerilyn F. Rubin, Hearing Officer

Date