



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

GARY CHEN - NACMIAS LAW FIRM PLLC 592 Pacific Street - 1st Floor Brooklyn, NY 11217	Summons No: 000808940J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 07/31/2024 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
000808940J	Sustained	09/08/2023	VAN WYCK EXPY BTWN JAMAICA & 138 ST Queens

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

Findings of Fact & Conclusions of Law

Petitioner New York City Department of Environmental Protection (DEP) was represented by DEP court representative DANTNEY PARKS.

Respondent PENSKE TRUCK LEASING CORP was represented by attorney GARY CHEN, ESQ of the Nacmias Law Firm.

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

I find the Issuing Officer's sworn-to summons narrative and submitted documentary evidence to be credible and persuasive.

The respondent's attorney stated that he had a chance to review the petitioner's evidence, but that his client did not supply him with any evidence, and therefore he was going to deny the violation, without further rebuttal.

Code § 24-163 provides, in pertinent part: (a) No person shall cause or permit the engine of a motor vehicle . . . to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device.

The credible evidence, here the sworn-to summons narrative of the Issuing Officer, is sufficient to establish, and I find, that respondent was in violation on the date of the offense. The violation is SUSTAINED, and I impose the penalty of \$350.

	
08/01/2024	08/01/2024
Mark Goichman, Hearing Officer	Date