



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

LANCE CHEBIN - NACMIAS LAW FIRM
592 PACIFIC STREET
NEW YORK, NY 11217

Summons# : 000734358P et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 8/6/2024

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
000734358P	Sustained	09/23/2022	291 Broadway, Manhattan

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	350.00

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

On August 6, 2024, Lance Cebin, a registered representative, appeared on behalf of Respondent, Penske Truck Leasing Corporation, for a remote hearing by telephone. Inspector Leah Smith appeared for Petitioner and relied on the Issuing Officer's affirmed statements in the summons.

Respondent was charged with violation of §24-163(f) of the Administrative Code of the City of New York for idling of motor vehicle engine for more than one minute while adjacent to school.

The Issuing Officer affirmed in the summons that on September 23, 2022, "Respondent caused or permitted the idling of a motor vehicle parked, standing or stopped while adjacent to school. As per DEP records, citizen observed TRUCK with NJ License Plate # XLAW73 idling for longer than one minute from 9/23/2022 10:19:49 AM to 9/23/2022 10:23:19 AM at 291 Broadway."

Petitioner submitted the redacted complaint form (marked as P1), 3 photos (marked as P2), a video (marked as P3) 3:30 long, and a plate run (marked as P4).

Respondent's representative claimed there is nothing in the photos or the video indicating Respondent is the proper party.

Petitioner countered, contending that, while there is nothing on the vehicle indicating Penske, run of the license plate indicates Respondent was the registered owner.

I credit the Issuing Officer's statements in the summons and Petitioner's submitted evidence, which establish that the vehicle's engine had been idling for longer than one minute while adjacent to a school in violation of Code §24-163(f). The summons was properly issued to the title owner of the idling equipment under 24-163(a) and 24-180(b)(2). Respondent submitted no evidence to refute the ownership.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than one minute while adjacent to a school, and I impose a standard penalty of \$350.00.

Wherefore, the summons is hereby sustained accordingly.



08/09/2024

08/09/2024

Sooyung Lee, Hearing Officer

Date