



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000730525P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- RITS LLC SOUTHERN GLAZERB S WINE AND S Hearing Date: 04/21/2025 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
000730525P	Sustained	09/08/2022	57th Street and 2nd Manhattan

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

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on April 21, 2025.

Respondent SOUTHERN GLAZER was represented by LANCE CHEBIN, AUTHORIZED REPRESENTATIVE.

Senior Insp. John McLaughlin appeared on behalf of petitioner DEP.

The summons charges: 24 -163 - IDLING OF MOTOR VEHICLE ENGINE MORE THAN THREE MINUTES 1st OFF

Petitioner stated that they stand on the summons and citizen complaint as written. Further, petitioner submitted a video, documents, and photos as evidence of the facts of the violation.

Respondent reviewed the evidence presented by petitioner including the video. Respondent argued the refrigeration unit was in use and, therefore, the engine had to be on. Respondent stated that they take that position based on the video evidence but submits no other evidence.

Petitioner says the respondent has the burden and hasn't disproves the DEP's case.

Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the IO's summons, affirmed under penalty of perjury that the IO verified Respondent's vehicle idled for longer than three minutes at the cited date, time, and location based on a review of DEP records, was sufficient to establish petitioner's prima facie case. See DEP v. Visual Citi Inc., Appeal No. 2401600 (December 19, 2024) and DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019).

I credit that the summons makes out a valid charge against the respondent. I also credit that the respondent did not establish a valid defense. The IO's statement in the summons, affirmed under penalty of perjury, that the IO verified respondent's vehicle idled for longer than three minutes at the cited date, time, and location based on a review of DEP records, was sufficient to establish petitioner's prima facie case. The respondent provided no actual evidence of what happened in this specific circumstance that would rebut the facts as stated in the summons.

The summons is sustained.

 04/22/2025	04/22/2025
James Klein, Hearing Officer	Date