



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000847966J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NESTLE WATERS Hearing Date: 04/15/2025 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
000847966J	Sustained	02/12/2024	INTERSECTION OF 4TH AVENUE AND 7th Street Brooklyn

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

Findings of Fact & Conclusions of Law

On April 15, 2025, Lance Chebin, a registered representative, appeared on behalf of Respondent, Nestle Waters, for a remote hearing by telephone. Michael Grosso 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 February 12, 2024, "Respondent caused or permitted the idling of a motor

vehicle parked, standing or stopped while adjacent to P.S.118 The Maurice Sendak Community School. As per DEP records, citizen observed TRUCK with NY License Plate # 37404MJ idling for longer than one minute from 2/12/2024 8:23:50 AM to 2/12/2024 8:24:59 AM at intersection of 4th Avenue and 7th Street."

Respondent's representative denied the charge without rebuttal.

I credit the Issuing Officer's statements in the summons, which establish that the vehicle's engine had been idling for longer than one minute while adjacent to Public School 118 in violation of Code § 24-163(f). Respondent submitted no credible evidence to refute the charge.

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.



04/22/2025

04/22/2025

Sooyung Lee, Hearing Officer

Date