



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

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

Summons# : 000842783Y et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

CS TRUCKING LLC

Hearing Date : 4/21/2025

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
000842783Y	Sustained	12/21/2023	125 WEST 39 STREET, Manhattan

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

The hearing was conducted via telephone conference call on April 22, 2025.

Respondent CS TRUCKING 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 and argued that the truck had to be on for the refrigeration system to work.

Petitioner says the respondent must provide evidence for the argument they make.

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