



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000840437M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- READYREFRESH Hearing Date: 04/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000840437M	Sustained	04/10/2023	730 COLUMBUS AVENUE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

On 11/29/23, Respondent Neptune Machine Inc. was issued a summons alleging a second offense violation of AC section 24-163. in that its truck with NY license plate #84621ML was observed idling for more than three minutes at the above indicated place of occurrence, in violation of AC section 24-163.

On 4/7/25, the hearing was conducted by telephone. Respondent appeared by its authorized representative Lance Chebin. Petitioner DEP appeared by Inspector Leah Smith.

Ms. Smith rested on the summons.

Mr. Chebin denied the charge but submitted not evidence in rebuttal.

I credit the allegations contained in the summons and find that Petitioner established a prima facie case for a second offense violation of the cited section of law. I do not credit Respondent's denial and find that Respondent failed to submit any evidence in rebuttal. Accordingly, I sustain the summons and impose the mandatory second offense penalty.

<i>Didi Skaff</i>	
04/08/2025	04/08/2025
Didi Skaff, Hearing Officer	Date