



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street, 1st Floor ATTN: Lance Chebin Brooklyn, NY 11217	Summons No: 000819616L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 11/04/2024 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
000819616L	Sustained	10/26/2023	I/S/O SMTH ST & SACKETT ST Brooklyn

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

Findings of Fact & Conclusions of Law

Lance Chebin appeared for the Respondent. Michael Grosso, DEP Inspector, appeared for the Petitioner.

The Respondent was charged with idling the engine of a vehicle for more than 3 minutes at the intersection of Smith Street in Brooklyn on October 26, 2023.

The Petitioner relied on the summons and submitted evidence (PET EXHS 1-5, supporting docs and a mobile device video). The Respondent's moved to the dismiss the summons on the basis that it failed to clearly establish that the named Respondent was in control of the vehicle on the date of issuance. The Petitioner moved to maintain the summons.

I find that the Petitioner's presentation to be persuasive evidence that the Respondent was in violation on the date of issuance.

The summons is hereby sustained.

C. Charles

11/04/2024

11/04/2024

Claude Charles, Hearing Officer

Date