



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000820424P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NESTLE WATERS NORTH Hearing Date: 11/13/2024 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
000820424P	Sustained	07/17/2023	60 WATER 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

A remote hearing was held on 11/13/24. Petitioner Department of Environmental Protection appeared by its representative Antwan Gibbs. Respondent appeared by its authorized representative Lance Chebin. Petitioner alleged Respondent violated AC 24-163(f).

Petitioner presented the complaint (Petitioner's Exhibit 1); the summons with proof of service (Petitioner's Exhibit 2); and photos of the van (Petitioner's Exhibit 3). Petitioner also presented a video that was longer than one minute.

The video shows the van parked on the left hand side of the street. The video is shot from the sidewalk. The driver is inside of

the van. The engine is audible in the video, especially when the citizen walks up to the rear of the van. The van then drives away. The school is visible in the video.

Petitioner pointed out that the video does not show processing equipment being used and no loading or unloading taking place.

Respondent moved to dismiss for the wrong named respondent. Nestle ceased to exist in 2021 and the new company name is Blue Triton. Respondent's Exhibit 1.

Petitioner stated that it runs the vehicle license plate through its system. The result shows that at the time of the issuance of the summons, the vehicle was still registered in Nestle's name. Petitioner's Exhibit 4. Petitioner then presented a NYS Department of Motor Vehicle search which shows the van still registered to Respondent. Petitioner's Exhibit 5.

Respondent had nothing further to say about the charge.

I find Respondent in violation. I deny the motion to dismiss as I find that the van was still registered to Respondent on the date of issuance. I also find that the van's engine was audible and that the van was parked near a school. I impose the monetary penalty of \$350.00.

William Chen

11/20/2024

11/20/2024

William Chen, Hearing Officer

Date