



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000820460M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NESTLE WATERS 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
000820460M	Sustained	10/30/2023	406 WEST 31 STREET Manhattan

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

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 Exhibits 3 & 4). Petitioner also presented a video that was longer than three minutes.

The video shows the truck parked on the right hand side of the one way street. The video is shot from the sidewalk. The

truck's flashers are on.

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 5. Petitioner then presented a NYS Department of Motor Vehicle search which shows the truck no longer registered to Respondent. Petitioner's Exhibit 6. However, the effective date of the registration was 6/18/24. The summons was issued on 10/30/23.

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 truck's engine was audible. I impose the monetary penalty of \$350.00.

William Chen

11/20/2024

11/20/2024

William Chen, Hearing Officer

Date