



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Nacmias Law Firm - Chia Han Lin
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 000818946J et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ON PENSKE TRUCK LEASING CORPORATI

Hearing Date : 11/6/2024

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
000818946J	Sustained	11/11/2023	Intersection of Union St & Court St, Brooklyn

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

Both parties attended a telephonic hearing on Wednesday, November 6, 2024. Dantney Parks appeared for Petitioner. Chia Han Lin appeared for Respondent and waived the presence of the Issuing Officer.

Respondent denied the allegation without making a rebuttal argument.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping unless the engine is used to operate a loading, unloading, or processing device.

Per § 6-12(b) of Title 48 of the Rules of the City of New York (RCNY), the summons details, affirmed by the Officer under penalty of perjury that the Officer verified Respondent's vehicle idled for longer than the statutorily allowed period 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. Edge Auto, Appeal No. 2301007 (October 26, 2023), see also DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019).

I credit the summons details. Petitioner stated a prima facie case. Respondent failed to refute the allegations or establish a defense.

Accordingly, the summons is sustained, and a statutory civil penalty of \$350 is imposed upon Respondent.



11/06/2024

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Geoffrey Luan, Hearing Officer

Date