



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000818952X et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE LEASING & RNTL CO

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
000818952X	Sustained	11/14/2023	606 WEST 42 STREET, Manhattan

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.

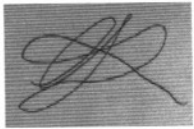
Petitioner presented a screenshot, a redacted NYC Citizen Idling Complaint, two photos depicting various portions of the cited vehicle, (collectively, "P1"), and a video in support.

Respondent contested the summons and argued as follows. The truck in the video does not have any logo or showing of Respondent here, PENSKE. There is also no other indication in the evidence proving that this NOV has any association with Respondent here, PENSKE.

Ms. Parks stated that Respondent's ownership of the cited vehicle was verified by the information on the screenshot. After reviewing the screenshot, Mr. Lin offered no rebuttal arguments.

I credit the summons details and Petitioner's evidence. Petitioner stated a prima facie case. I'm not convinced by Respondent's arguments that the summons was issued to an improper party. Respondent failed to refute the allegations or establish a defense.

Accordingly, the summons is sustained.



11/06/2024

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Geoffrey Luan, Hearing Officer

Date