



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

Chia-Han Lin - Nacmias Law Firm, PLLC
592 Pacific Street
Brooklyn, NY 11217

Summons# : 000821907Y et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 11/21/2024

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000821907Y	Dismissed	08/10/2023	265 FRONT STREET, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

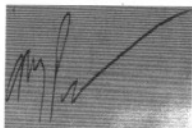
Chia Han Lin, authorized representative, appeared to represent Respondent Penske Truck Leasing Corporation at the hearing. Inspector Antwan Gibbs appeared for Petitioner.

On 8/10/2023 at 3:56pm, Respondent was observed causing or permitting the idling of a motor vehicle while parked, standing or stopped for more than one minutes while adjacent to a school – 1st offense

Inspector Gibbs offered into evidence a 1 minute 59 second video allegedly showing Respondent's truck idling for more than 1 minutes while adjacent to a school. In addition, Inspector Gibbs offered into evidence photos of the truck and a redacted idling complaint form. Pet. Exh. 1. Inspector Grosso detailed Petitioner's submissions including audible engine noise in the video and stated it established Petitioner's case.

Respondent's representative submitted a copy of a map and an appeals case. Rep. Exh. A. Respondent's representative stated that Respondent's truck was one tenth of a mile from the PS 307; that the Board's definition of adjacent would require the instant summons be dismissed and that the violation should be dismissed.

I credit Respondent's case. I find that Respondent was not adjacent to PS 307 at the time it's truck was idling for more than one minutes without any exception. I find Respondent has rebutted Petitioner's prima facie case. Accordingly, the summon is dismissed.



11/26/2024

11/26/2024

Malik Pearson, Hearing Officer

Date

