



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

LANCE CHEBIN - NACMIAS LAW FIRM  
592 PACIFIC STREET  
NEW YORK, NY 11217

Summons# : 000831398Y et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

Penske Truck Leasing Co LP

Hearing Date : 2/3/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                           |
|------------|------------------------|--------------------|-----------------------------------------------|
| 000831398Y | Sustained              | 01/19/2024         | ON W 18 STBETWEEN 6<br>AV AND 7 AV, 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

Petitioner, NYC DEP, appeared by Dorson. Respondent, Penske Truck Leasing Co LP, appeared by Chabin. The first hearing date was scheduled for February 3, 2025, today's hearing date. This summons is sustained and the standard penalty imposed.

Respondent is charged under NYC Administrative Code Section 24-163 in that Responding was idling a motor vehicle engine for more than 3 minutes. See Petitioner's Exhibit 1.

Respondent claimed that the engine was one because of the very cold weather and that there was a person inside the vehicle. I do not credit Respondent's argument. Petitioner relied on the summons. I find that the violating conditions existed at time of issuance, and that Respondent has not established a valid defense. This summons is sustained and the standard penalty imposed.

|                                                                                   |            |
|-----------------------------------------------------------------------------------|------------|
|  | 02/11/2025 |
| 02/11/2025                                                                        | 02/11/2025 |
| Marcelo Martinez, Hearing Officer                                                 | Date       |

