



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000824142P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 12/11/2024 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
000824142P	Sustained	11/30/2023	89-25 161ST ST Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Lance Chebin appeared for Respondent by phone. The DEP was represented by Dantney Parks by phone.

The summons was issued charging a violation of NYC Rule 24-163(f), idling of motor vehicle engine for more than one minute while adjacent to school. First offense.

The summons alleges a citizen observed a truck with License Plate #2743883 idling for longer than one minute on 11/30/23 at 12:47:20 to 12:48:40 at 89-25 161st St.

The DEP submitted the following:

P1 Photo of Side of truck – 2 photos

P2 Photo of license

P3 Info on the entity Penske

P4 Photo of a sign New Dawn Charter High School 11 that says entrance down the ramp taken on 11/30/23 at 12:49 pm

P5 Idling Complaint

P6 Affidavit of Service

P7 A video 1min 51 sec in length. I will note that I cannot hear the truck idling and there are other delivery trucks right in front of the truck.

Mr. Chebin denied the charge. He argued that that truck was not blocking the school entrance. Mr. Chebin does not have a proper defense. That is not the issue here.

Here, I find the documents submitted by the DEP (P1-P7) credible and prove that the truck was idling for more than one minute on that day in front of the school. Summons sustained.

E. Barrett

12/17/2024

12/17/2024

Elizabeth Barrett, Hearing Officer

Date