



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000826989J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CINTAS CORPORATION Hearing Date: 01/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000826989J	Sustained	01/22/2024	1 East 14th Bet aves B and C Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

LEAH SMITH appeared for DEP, the petitioner here. LANCE CHEBIN appeared for respondent. The summons alleges that respondent's truck, bearing Indiana License Plate 3386039, was observed idling for longer than three minutes at the above referenced location.

Petitioner rested on the allegations contained within the four corners of the summons and the videographic, photographic, and documentary evidence submitted in support of the issuance. I find that petitioner makes a prima facie showing of the violation.

Respondent denied liability for the summons. Respondent argued that the driver of the vehicle was present at the time of issuance and that he needed to keep warm, given the cold temperature in the winter season.

I do not find respondent's argument meritorious. As petitioner points out, the statute does not contain any provision for cabin comfort as an exception to the idling proscriptions. Accordingly, I find that respondent has failed to establish a valid defense. I find respondent in violation and I impose the applicable penalty.

The summons is sustained.



01/24/2025

01/24/2025

Velly Polycarpe, Hearing Officer

Date