



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Summons No: 000826937H et al. (1 Summons)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORP

Hearing Date: 01/09/2025

Hearing Location: Remote

Type of Hearing: By Telephone

LANCE CHEBIN
592 PACIFIC STREET
NEW YORK, NY 11217

Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000826937H	Sustained	01/10/2024	630 East 6th Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	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 2824295, was observed idling for longer than one minute at the above referenced location. The summons alleges that the location is adjacent to M839 Tompkins Square Middle School.

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's primary argument is that the videographic submission does not identify a school so as to decrease the threshold of idling minutes from three to one.

In response petitioner explained that the cumulative allegations identify the presence of the school on the same lock as the idling truck. Indeed, publicly available photos support petitioner's position.

In light of the foregoing, 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.



01/14/2025

01/14/2025

Velly Polycarpe, Hearing Officer

Date