



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000827355M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 01/08/2025 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
000827355M	Sustained	01/09/2024	ON HORACE HARDING EXPRESSWAY S S Queens

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

Findings of Fact & Conclusions of Law

Respondent, PENSKE TRUCK LEASING CORPORATION, appeared telephonically by authorized representative, Lance Chebin, to adjudicate a summons issued by the DEP alleging a violation of 24-163 idling of a motor vehicle for more than three minutes 1st offense.

Dantney Parks appeared for Petitioner and submitted as PX1 a redacted idling complaint, license plate and branding photographs, a copy of the summons and a video.

Respondent argues that the summons was issued to the wrong party since the branding photograph (PX1) on the truck's cab

states Glass America and the summons was issued to Penske Truck Leasing. Respondent argued that Penske is a truck rental company and the truck in the photographs is a flatbed truck.

Petitioner submitted as PX2, a screen shot from the DMV verification system showing that the truck with license plate #46879ND, described in the summons, is registered to Penske Leasing.

I find Petitioner established the violation.

I do not find that the summons was issued to the wrong party since DMV records show that the license plate described in the summons and depicted in the video belongs to Respondent.

The summons is SUSTAINED.

 01/09/2025	01/09/2025
Margaret Tolan, Hearing Officer	Date