



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000831142K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CABLEVISION SYSEMS OF N Y C CORP Hearing Date: 02/06/2025 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
000831142K	Sustained	08/23/2023	456 ST MARKS AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner appeared by Antwan Gibbs. The named Respondent appeared by Lance Chebin. The summons alleges violation of NYC Administrative Code 24-143(f) for idling a truck in front of a school for more than one minute. The hearing was held by telephone.

Petitioner submitted a video of the truck idling for 1:46 minutes, photographs of the truck and the cited location, a redacted idling complaint, and other related documents. (Pet. exhs. 1-6)

Respondent moved to dismiss the charge arguing that there was no clear evidence that the truck was in a school zone.

The issuing officer affirmed on the summons verifying that Respondent's truck idled for longer than one minute at the cited date, time, and location, based on his review of DEP records, which included the documents and video submitted by the citizen-complainant. This was sufficient to establish Petitioner's prima facie case. See DEP v. Academy Lines LLC, Appeal No. 1900379 (May 16, 2019). Once the Petitioner has established its prima facie case, the Respondent has the burden to refute Petitioner's evidence or otherwise establish a defense. See 48 RCNY § 6-12(a).

Here, Respondent merely contested the sufficiency of the video and failed to present evidence to refute the summons or establish an affirmative defense.

Accordingly, I credit the Petitioner and find that they have established a violation of the cited provision of law.

The summons is sustained and the first offense penalty is imposed.

	02/06/2025
Susan Kippins, Hearing Officer	Date