



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: 000830214X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATION Hearing Date: 01/30/2025 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
000830214X	Sustained	11/20/2023	29 E. 51st St Manhattan

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

Findings of Fact & Conclusions of Law

A remote hearing was held on 1/30/25. Petitioner Department of Environmental Protection appeared by its representative Leah Smith. Respondent appeared by its authorized representative Mabel Oghojafor. Petitioner alleged Respondent violated AC 24-163.

Petitioner presented two photos of the truck, the citizen's complaint and proof of service. Petitioner's Exhibits 1 - 4. Petitioner also presented a video that was longer than three minutes.

The truck is parked on the left hand side of the street. It is a dimly lit street. The video is shot from across the street and the

engine is audible. No loading/unloading is taking place and no process equipment is in use. The citizen then walks across the street and to the rear of the truck.

Respondent argued that there are no lights on the vehicle and it is a dark street. The engine noise cannot be attributed to the truck.

I find Respondent in violation. I find the truck idled for longer than three minutes and that the engine noise came from the truck. There is no processing equipment being used. I impose the penalty of \$350.00.

William Chen

02/07/2025

02/07/2025

William Chen, Hearing Officer

Date