



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division
Decision

LANCE CHEBIN - NACMIAS LAW FIRM
592 PACIFIC STREET
BROOKLYN, NY 11217

Summons# : 000830543R et al. (8 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORPORATION

Hearing Date : 2/5/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 2,890.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830543R	Sustained	11/03/2023	ON WEST 3RD ST BW MERCER ST & LAGUARDIA

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830544Z	Sustained	11/22/2023	ON EAST 19TH ST BW 5TH AVE & BWAY, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830588K	Sustained	11/27/2023	ON ASHLAND PL BW HANSON PL & LAFAYETTE,

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830606P	Sustained	11/13/2023	ON 10 AVE BW W28 ST & W29 ST, Manhattan

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830607R	Sustained	09/22/2023	ON W BROADWAY BW W HOUSTON & PRINCE ST,

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830705K	Sustained	11/01/2023	ON WEST 3RD ST BW THOMPSON ST &

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	440.00

Total Penalty for Summons: 440.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830708X	Sustained	09/06/2023	261 9 STREET, Brooklyn

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

Total Penalty for Summons: 350.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000830751L	Sustained	11/09/2023	ON WEST 3RD ST BW MERCER ST & LAGUARDIA

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

The summonses allege that Respondent violated section 24-163 of the New York City Administrative Code by idling for longer than three minutes. Summons -05K is alleged to be a second violation, citing prior summons 000759731P.

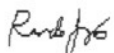
Section 24-163, as relevant, states that "No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading, unloading or processing device."

Lance Chebin appeared on behalf of Respondent. Monica Dorson appeared on behalf of the Department of Environmental Protection.

Mr. Chebin stated that respondent received petitioner's evidence prior to the hearing. That respondent did not contest the repeat designation of summons -05K. That as to summons -88K, respondent moved to dismiss, arguing that petitioner failed to establish a connection between respondent and the vehicle in question. As to the remaining summonses, respondent wished to deny the allegations with no rebuttal.

As to summons -88K, Ms. Dorson submitted photographs of the vehicle in question, a NYC Citizen Idling Complaint form, a video taken by the citizen depicting the alleged idling, and printouts of petitioner's DMV info for the vehicle in question listing respondent.

I credit the allegations contained in the summonses as well as petitioner's evidence. Respondent's motion to dismiss on summons -88K is denied, as I credit petitioner's vehicle information, connecting respondent to the vehicle in question. Respondent failed to rebut the allegations or argue a valid defense thereto. Respondent is found in violation as to all summonses. The second violation penalty shall be imposed as to summons -05K, and the first violation penalty shall be imposed as to the remaining summonses.



02/06/2025

02/06/2025

Ricardo Luigi, Hearing Officer

Date

