



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000834352M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH O' KANE ELECTRIC CO INC Hearing Date: 02/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount:\$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000834352M	Dismissed	01/26/2024	225 EAST 38 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Authorized representative Lance Chebin appeared at the hearing by phone for Respondent. Antwan Gibbs appeared by phone for Petitioner. Respondent was charged with violation of 24-163(f) for idling a motor vehicle engine longer than one minute adjacent to a school. Petitioner submitted photos, the compliant, the affidavit of service a video in support. Mr. Gibbs stated while there was a lot of ambient noise in the video, emissions could clearly be seen from the tailpipe. Mr. Chebin argued that there was evidence presented that the truck was adjacent to a school. Mr. Gibbs stated that he did not see a school in the video. He made a motion to amend the charge to 24-163.

Petitioner's motion to amend the charge is denied as the details of violation do not support that the vehicle was idling for

longer than 3 minutes. Additionally, I find that Petitioner failed to establish that Respondent was idling adjacent to a school.

Accordingly, the summons is dismissed.



02/20/2025

02/20/2025

Daniella Caputo, Hearing Officer

Date