



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: 000835243H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 02/10/2025 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
000835243H	Sustained	01/17/2024	233 WEST 46 STREET Manhattan

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

Findings of Fact & Conclusions of Law

Michael Grosso appeared for Petitioner, DEP. Lance Chebin appeared for Respondent, Penske Truck Leasing Corp., vehicle owner.

Respondent has been charged with New York City Administrative Code Section 24-163 for idling a vehicle motor engine for over three minutes.

Petitioner submitted two photos, a redacted complaint, and a video 3:18 minutes in length.

Petitioner stated that the liftgate was down in the vehicle, it must be being used. Here it was just on the ground. The engine is audible in the video.

Mr. Cheblin stated that the liftgate was down; the engine had to be on to move it there.

I credit the issuing officer's statement in the summons and Petitioner's evidence, and find that they establish the violation. In the video the liftgate was on the ground, there was nobody at the liftgate, and no activity. Respondent has not refuted the charge or established any defense or exemption to the charge. The violation is sustained and the mandatory penalty imposed.

Paula

02/12/2025

02/12/2025

Paula Mobley, Hearing Officer

Date