



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000831761J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 04/14/2025 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
000831761J	Dismissed	11/29/2023	HICKS ST btw'en REMSEN & MONTAGUE STREETS Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA11	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The respondent was represented by Lance Chebin. The petitioner was represented by Michael Grosso. The summons alleges that the respondent's vehicle was observed idling for more than one (1) minute while adjacent to a school and without a valid reason. The respondent has denied the charged violation and argues that the wrong respondent was named.

The petitioner has not presented documentation to establish that the license plate of the vehicle noted on the face of the summons belongs to the named respondent. The petitioner has provided a record of vehicle registration for plate #94092B rather than the one cited in the summons which is 86608NB. The petitioner's representative has stated that when he types in license plate # 86608NB, the registration report for plate #94092B is generated. The petitioner has been unable to explain the

reason for this discrepancy. This information is required where the photograph of the identifying information present on the vehicle in question notes EMG Industrial Chimney as the vehicle operator. The petitioner was offered an adjournment to obtain the necessary information, but he declined.

Based on the above, I find that there is insufficient evidence to establish that the named respondent was the appropriate party to cite in this matter and the summons is hereby dismissed.



04/14/2025

04/14/2025

Patricia Cardoso, Hearing Officer

Date