



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000834497N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC 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
000834497N	Dismissed	12/04/2023	ON 245TH STBETWEEN JERICHO TPKE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	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 for idling a motor vehicle engine longer than three minute. Petitioner submitted photos, the compliant, the affidavit of service, Department of State entity search and a video in support. Mr. Gibbs stated that while he can see the liftgate down in the video, it was not in use. Mr. Chebin argued that it was in use. He said that it would be impossible for the workers to turn off the vehicle and raise the liftgate during the course of making multiple deliveries.

I credit the summons as written. I credit Mr. Chebin's testimony, corroborated by the video, that the liftgate was in use for a

delivery.

Accordingly, the summons is dismissed.



02/20/2025

02/20/2025

Daniella Caputo, Hearing Officer

Date