



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons# : 000835846R et al. (1 summonses) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date : 3/5/2025 Hearing Location : Remote Type of Hearing : By Telephone
---	---

Total Penalty Amount : 350.00	Community Service(Hr): Not Applicable
--------------------------------------	--

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000835846R	Sustained	02/16/2024	Main street between 41 Ave and 41 Road, Queens

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

Summons 000835846R charges a violation of Administrative Code §24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. The hearing was conducted on March 5, 2025. Petitioner appeared through Inspector John McLaughlin. Respondent appeared through authorized representative Lance Chebin.

The summons alleges that a citizen observed a truck with IN license plate 2829167 idling for longer than three minutes, specifically, from 2/16/2024 4:36:14 pm to 4:40:19 pm on Main street between 41 Ave and 41 Road. This was charged as a first offense.

Respondent denied the charge, but offered no rebuttal.

Code § 24-163 prohibits idling a motor vehicle engine for longer than three minutes while parking, standing, or stopping, unless the engine is used to operate a loading, unloading or processing device.

The issuing officer's affirmed statement established a prima facie case of the violation. See 48 RCNY § 6-12(b). The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense. See 48 RCNY § 6-12(a). As Respondent has offered no rebuttal, the summons is sustained.



03/05/2025

03/05/2025

Theresa Leary, Hearing Officer

Date

