



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

LANCE CHEBIN - NACMIAS LAW FIRM
592 PACIFIC STREET
NEW YORK, NY 11217

Summons# : 000835853P et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE LEASING AND RENTAL COMPANY

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
000835853P	Sustained	02/14/2024	East 49th Street between Madison Ave and 5th Avenue,

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

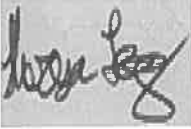
Summons 000835853P charges a violation of Administrative Code §24-163, prohibiting the idling of a motor vehicle engine for longer than 3 minutes. The hearing was conducted on March 5, 2025. Petitioner appeared through Inspector John McLaughlin. Respondent appeared through authorized representative Lance Chebin.

The summons alleges that a citizen observed a truck with NY license plate 60040NB idling for longer than three minutes, specifically, from 2/14/2024 11:13:19 am to 11:16:58 on East 49th Street between Madison Ave and 5th Avenue. 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

