



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000838278L et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 03/06/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount:\$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000838278L	Dismissed	01/25/2024	625 East 14 street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

000838278L

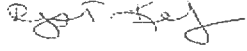
The summons was issued for a violation of 24-163 idling of a motor vehicle idling for more than 3 minutes.

John P. McLaughlin appeared for the petitioner and stood by the summons as written. He noted that the lift gate seemed that it was not in actual operation during the 3 minutes of the video.

Lance Chebin, of Nacmias Law Firm, appeared for the respondent, PENSKE TRUCK LEASING CORPORATION and denied

the summons. He argued that the respondent was using the lift gate which required the engine to be running. He noted in the video and photos showed some items from the truck unloaded on the sidewalk, the truck still had other items inside and the photos also showed the lift gate in different positions. He argued it was clear that the lift was in use unloading which is defense to the cited section of law.

The summons is dismissed. I find based on the credible testimony of the respondent's representative and the reliable documentation submitted that the truck was unloading large amounts of cargo using the lift gate which is a meritorious defense to the cited section of law.



03/12/2025

03/12/2025

Regina Kilhenny, Hearing Officer

Date