



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000837390R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING Hearing Date: 05/27/2025 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
000837390R	Dismissed	02/01/2024	524 WEST 23 STREET Manhattan

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

Findings of Fact & Conclusions of Law

This hearing was conducted via court call on May 27, 2025.

Lance Chebin appeared on behalf of PENSKE TRUCK LEASING. Petitioner DEP appeared by Inspector Monica Dorson.

The summons charges a violation of NYC AC 24-163 idling of a motor vehicle engine for more three minutes as first offense.

In support of the Summons Ms. Dorson provided proof of service; a redacted idling complaint; a photo of the vehicle license plate; a screen shot of an amended complaint in the matter of "Diana Puello v. Gavin J. Clarke, Penske Leasing And Rental

Co" and a video in support of the alleged violation.

Respondent moved to dismiss the summons and argued there was nothing linking the cited vehicle with the named respondent in the Summons. Mr. Chebin argued the amended complaint screenshot is insufficient to establish respondent as the proper party.

Here respondent specifically challenged the lack of evidence demonstrating the respondent as a proper party. Petitioner failed to provide a vehicle registration or any other official record establishing who owned the cited vehicle nor was there any photographic evidence of the vehicle door to establish a connection to the respondent.

Accordingly, for the reasons set forth above I find petitioner has failed to establish the named respondent is the proper party and the Summons is dismissed.



05/30/2025

05/30/2025

Date

William Ross, Hearing Officer