



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Nacmias Law 592 Pacific Street Brooklyn, NY 11217	Summons No: 000844544X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- UNFI TRANSPORT LLC Hearing Date: 06/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$350.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000844544X	Sustained	03/11/2024	847 Union Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

The hearing was held via telephone on 6/9/2025. The respondent appeared by authorized representative, Mr. Lance Chebin. Ms. Dantney Parks appeared for the petitioner.

The summons alleges a first offense violation of AC 24-163 for idling a truck with Indiana License Plate #3353591 longer than three minutes at 847 Union Street in Brooklyn.

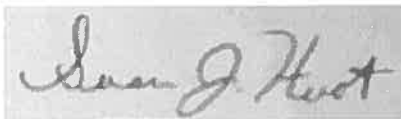
Ms. Parks relied on the sworn statements in the summons. In support of the violation, she submitted a citizen observation video approximately 3:40 seconds in length, photos of the subject vehicle and a redacted Citizen's Idling Complaint Form.

Mr. Chebin argued the engine was required to be on to run the refrigeration unit on the vehicle. Therefore, the vehicle is exempt from the regulation. Upon questioning Mr. Chebin stated he had no evidence to submit to show the refrigeration unit on the vehicle needed the engine to power it.

Ms. Parks responded that in her experience handling these cases the particular unit shown in the citizen's video is self-powered. It does not require the engine to be running for power.

I find the petitioner has established a valid charge through the sworn statements in the summons. Once the petitioner's case is established the burden shifts to the respondent to rebut the charge by a preponderance of credible evidence. . Upon questioning Mr. Chebin stated he would not submit any evidence and rely solely on his interpretation of the citizen's observation video. I do not credit Mr. Chebin's unsupported argument. He did not indicate he was present when the summons was issued or submit any documentation related to the specific refrigeration unit on the subject vehicle. I find the respondent has not rebutted the charge by a preponderance of credible evidence.

I sustain the summons and assess the \$350 mandated penalty.



06/23/2025

06/23/2025

Susan Huot, Hearing Officer

Date