



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000844250K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 04/01/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000844250K	Sustained	04/09/2024	E 4TH ST btw 2 AVE AND 1 AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1J	24-163 (F)	Sustained	\$440.00

Findings of Fact & Conclusions of Law

This matter was heard remotely, via telephonic conference, on April 1, 2025. Respondent appeared via Lance Chebin, identified as the authorized representative for the named respondent. Petitioner appeared via Dantney Parks.

The summons alleges a violation of NYC AC 24-163(f). The date of occurrence was April 9, 2024, at 10:37am. This is noted to be a second offense, with underlying summons 000776831R.

Respondent does not contest the repeat designation.

Petitioner submits five documents, and a video, as evidence. P1 is a picture of the vehicle's license plate. P2 is a picture of the side of vehicle, with respondent's name and DOT number visible. P3 is the redacted idling complaint, and P4 is a copy of the affidavit of service for the instant summons. P5 shows the disposition of the underlying summons, showing -831R to have been found In Violation, and Paid In Full. P6 is the citizen video of the incident; it is a 2:04 video, time-stamped in accordance with the summons. Petitioner testifies that the video shows the engine audible throughout the video, clearly idling for longer than one minute, with no apparent loading or unloading, use of processing equipment, or other activity that would require the engine to run; petitioner does not believe the vehicle even possesses a processing device. As such, petitioner contends that the violation should be sustained.

Petitioner further testifies that they ran the vehicle's plates through their "Bot System," getting results from the Department of Motor Vehicles, and that this shows that the named respondent is the owner of the vehicle. Respondent submits, as P7, a screenshot of the results from the Bot System. Petitioner also testifies that the citizen's video does not need to show the school in the video, and testifies that per a Google Maps search, the school named in the summons is on the same block as the place of occurrence. Petitioner also submits, as P8, a picture of the school.

Based on the evidence, respondent denies the charges, without rebuttal.

As such, the summons is hereby sustained, and the statutory penalty, as a repeat offense, is imposed.



04/01/2025

04/01/2025

Craig Messing, Hearing Officer

Date