



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000842326Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK RENTAL Hearing Date: 04/09/2025 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
000842326Z	Dismissed	12/12/2023	55 WEST 16 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The respondent was represented by Lance Chebin. The petitioner was represented by Sr. Insp. John McLaughlin. The summons alleges that the respondent's vehicle was observed idling for more than one (1) minute while next to a school without a valid reason. The respondent has denied that the vehicle was idling while next to a school. The evidence presented by the petitioner includes two (2) location stamped photos which show the respondent's vehicle either at 576 6th Avenue or 100-112 W. 16th Street. The supporting video fails to show either the location where it was taken, or the presence of a school. It was also noted that the person taking the video never identified the location where it was being taken.

Where the respondent has denied that there is a school at the noted location and the presence of the respondent's vehicle at

a location adjacent to said school, and the petitioner's evidence fails to show either the presence of a school or the location of the respondent's vehicle, there is insufficient evidence to establish the violation alleged and the summons is hereby dismissed.



04/09/2025

04/09/2025

Patricia Cardoso, Hearing Officer

Date