



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000840522R et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ON PENSKE TRUCK LEASING CORPORATI Hearing Date: 04/15/2025 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
000840522R	Sustained	11/30/2023	ON W 108TH ST BETWEEN AMSTERDAM Ave and Broadway Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1I	24-163 (F)	Sustained	\$350.00

Findings of Fact & Conclusions of Law

On April 15, 2025, Lance Chebin, a registered representative, appeared on behalf of Respondent, Penske Truck Leasing Corporation, for a remote hearing by telephone. Michael Grosso appeared for Petitioner and relied on the Issuing Officer's affirmed statements in the summons.

Respondent was charged with violation of §24-163(f) of the Administrative Code of the City of New York for idling of motor vehicle engine for more than one minute while adjacent to school.

The Issuing Officer affirmed in the summons that on November 30, 2023, "Respondent caused or permitted the idling of a

motor vehicle parked, standing or stopped while adjacent to Bright Horizons. As per DEP records, citizen observed TRUCK with IN License Plate # 3265047 idling for longer than one minute from 11/30/2023 10:26:47 AM to 11/30/2023 10:31:49 AM at on W 108th St between Amsterdam Ave and Broadway."

Petitioner submitted the redacted complaint form (marked as P1), photos (marked as P2), school information (marked as P3), USDOT information (marked as P4), and a video (marked as P5) 5:02 long.

Respondent's representative claimed that the liftgate was in use because it was down.

Petitioner countered, contending that the liftgate was down for the duration of the video, which did not show it being used during that time.

I credit the Issuing Officer's statements in the summons, which establish that the vehicle's engine had been idling for longer than one minute while adjacent to Public School 165 in violation of Code § 24-163(f). There is a limited exemption provided to vehicles when the idling engine is used to operate a loading, unloading, or processing device. However, Respondent has not established this affirmative defense with sufficient and credible evidence. It is not enough that the liftgate had been down as the video does not show any active use of the liftgate.

Based upon the foregoing hereinabove, the preponderance of the evidence establishes that the vehicle's engine had been idling impermissibly for more than one minute while adjacent to a school, and I impose a standard penalty of \$350.00.

Wherefore, the summons is hereby sustained accordingly.



04/22/2025

04/22/2025

Sooyung Lee, Hearing Officer

Date