



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                    |                                                                                                                                                                                                                                                                                                   |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LANCE CHEBIN - NACMIAS LAW FIRM</b><br>592 PACIFIC STREET<br>NEW YORK, NY 11217 | <b>Summons No: 000852034X et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>PENSKE TRUCK LEASING CORPORATION</b><br><br><b>Hearing Date: 04/24/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                            |
|------------|---------------------|--------------------|------------------------------------------------|
| 000852034X | Sustained           | 12/06/2023         | W. 31st St. bet 7th & 8th Avenues<br>Manhattan |

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

**Findings of Fact & Conclusions of Law**

Lance Chebin appeared as an authorized representative on behalf of Respondent Penske Truck Leasing Corporation.

Inspector Leah Smith appeared on behalf of Petitioner, Dept. of Environmental Protection.

Petitioner charges AC 24-163. Petitioner alleges the respondent was observed with its motor vehicle idling while parked standing or stopped in excess of 3 minutes. According to DEP records, a citizen observed respondent's truck with NY Lic. Plate No. 72976NC. (1st offense).

Mr. Chebin states that he has previously reviewed petitioner's evidence and respondent denies the allegation with no rebuttal.

I do not credit respondent's denial and find it has failed to establish a valid defense. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard penalty of \$350.00 is imposed.

*DK Mbabazi*

04/25/2025

04/25/2025

Deborah Mbabazi, Hearing Officer

Date