



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

**DECISION**

|                                                                                             |                                                                                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LANCE CHEBIN - NACMIAS LAW FIRM</b><br><b>592 PACIFIC STREET</b><br><b>BKLN,NY 11217</b> | <b>Summons No: 000853782X et al. (1 Summons)</b><br><br><b>DEPT OF ENVIRONMENTAL PROTECTION,</b><br><br><b>-against-</b><br><br><b>ON PENSKE TRUCK LEASING CORPORATI</b><br><br><b>Hearing Date: 04/29/2025</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         |
|------------|---------------------|--------------------|-----------------------------|
| 000853782X | Sustained           | 01/04/2024         | 153 AMSTERDAM AVE 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**

Authorized representative Lance Chebin appeared at the hearing by phone for Respondent. Michael Grosso appeared by phone for Petitioner. Respondent was charged with violation of 24-163 for idling of a motor vehicle engine for more than three minutes. Petitioner submitted photos, the citizen complaint, the affidavit of service, the license plate lookup and a video in support. Mr. Grosso stated that while the liftgate was down in the beginning of the video, we do not see it going up and down. He stated that while it is down, the engine should be off. Mr. Chebin testified that the liftgate was down because it was in use. He offered noting further.

I credit the summons as written. Based upon a review of the record, I find that there is no evidence of raising or lowering of the