



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BKLN,NY 11217	Summons No: 000853807N et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING & RENTAL CO Hearing Date: 04/29/2025 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
000853807N	Sustained	01/05/2024	234 EAST 116 St Manhattan

LINE ITEM	OATH CODE	CODE 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 nothing 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

truck's liftgate or of any loading or unloading device being operated. Instead, the liftgate is merely seen down in the video.

Accordingly, I find Respondent in violation and impose the minimum penalty of \$350.00.



05/15/2025

05/15/2025

Daniella Caputo, Hearing Officer

Date