



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 000854501P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 05/02/2025 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
000854501P	Sustained	12/15/2023	West 18th Street btw Fifth & Sixth Avenues Manhattan

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

Findings of Fact & Conclusions of Law

The violation is sustained.

The Respondent, PENSKE TRUCK LEASING CORPORATION, appeared by its authorized representative, Lance Chebin - Nacmias Law Firm. The Petitioner, NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION, appeared by its representative, Inspector Leah Smith. Due to an error the automatically generated date on this decision is incorrect. **The hearing was conducted by telephone on April 30, 2025.**

The summons alleges a violation of NYC Air Pollution Control Code Section 24-163, Idling of a Motor Vehicle engine over three

(3) minutes. The Issuing Officer specifically alleges in details of the violation that the charge was based on a Citizen Complaint alleging that Respondent's truck with NY license plate #72976NC was idling for longer than three (3) minutes on December 15, 2023 beginning at 8:54:45 AM on West 18th Street between Fifth & Sixth Avenues in Manhattan.

Petitioner's representative relied on the summons for Petitioner's main case.

Respondent's representative stated that upon review of Petitioner's evidence received through discovery, Respondent denies the existence of the violating condition but will not produce any evidence or assert any affirmative defenses to the charge in the summons.

I find on the Petitioner's credible case that the violating condition described in the summons existed and the standard penalty is imposed.

The summons is sustained.

Jamin Sewell

05/02/2025

05/02/2025

Jamin Sewell, Hearing Officer

Date