



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BROOKLYN, NY 11217	Summons No: 000843582M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORPORATION Hearing Date: 05/01/2025 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
000843582M	Sustained	12/07/2023	216 W 54 St Manhattan

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

Findings of Fact & Conclusions of Law

This matter was heard remotely, via telephonic conference, on May 1, 2025. Respondent appeared via Lance Chebin, identified as the authorized representative for the named respondent. Petitioner appeared via John McLaughlin.

The summons alleges a violation of NYC AC 24-163. The date of occurrence was December 7, 2023, at 10:07am.

Petitioner submits four documents, and a video, as evidence. Documents include: a composite picture, showing the vehicle's license plate, the side of vehicle, with respondent's name and DOT number visible, and a "SAFER snapshot" showing respondent's information; the redacted idling complaint; and a copy of the instant summons, and proof of service, and a

registration showing the named respondent to be the owner of the vehicle. The citizen video of the incident is a 4:20 video, time-stamped in accordance with the summons. Petitioner testifies that the video shows the engine audible throughout the video, clearly idling for longer than three minutes, with no apparent loading or unloading, use of processing equipment, or other activity that would require the engine to run; as such, petitioner contends that the violation should be sustained.

Respondent testifies that petitioner's evidence shows that the current registration is suspended, and argues that they are improperly named as a respondent.

Petitioner testifies that the registration was still valid at the time of occurrence.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges, as respondent does not dispute their ownership of the vehicle, only that the registration was currently expired, as per petitioner's evidence; however, petitioner testifies that the registration was valid at the time of occurrence, and respondent does not refute this.

As such, the summons is hereby sustained, and the statutory penalty imposed.



05/01/2025

05/01/2025

Craig Messing, Hearing Officer

Date