



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BKLYN,NY 11217	Summons No: 000845437P et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HUGH OKANE ELECTRIC CO INC Hearing Date: 08/12/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$440.00**

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

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000845437P	Sustained	01/16/2024	699 7th AVE Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

Lance Chebin appeared for Respondent. Inspector Michael Grosso appeared for Petitioner DEP.

Respondent was cited for violating AC 24-163 for idling of motor vehicle engine for more than 3 minutes. This is a 3rd offense.

Inspector Grosso submitted the redacted idling complaint, the summons and certificate of service, the 2 priors, 2 photos of the vehicle, and the video (Exhibit 1). He noted that 1 prior has not been heard yet but Petitioner was still pursuing the charge as a 3rd offense.

Mr. Chebin argued that the engine is needed to be on to power the lights for the work to be done at the site . Work was taking place at 8pm.

Inspector Grosso argued that powering the lights is not an exemption.

Using the engine to power the lights does not fall into the exemption for "processing device." Processing device is defined as a device that accomplishes the function for which the vehicle or equipment was designed, other than transporting goods or people, via a mechanical connection to the engine, including operating a lift, crane, pump, drill, hoist, or mixer . See DEP v. Con Edison, Appeal No. 2200691 (July 28, 2022). Respondent did not establish a defense. Accordingly, the summons is sustained. The penalty for a second offense is imposed because one of the priors has not been heard yet.

Viven Chiu

08/15/2025

08/15/2025

Viven Chiu, Hearing Officer

Date