



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

LANCE CHEBIN - NACMIAS LAW FIRM
592 PACIFIC STREET
BROOKLYN, NY 11217

Summons# : 000904242M et al. (3 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

ON PENSKE TRUCK LEASING CORPORATI

Hearing Date : 5/2/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 950.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000904242M	Dismissed	12/10/2024	37 Av btn 79 St and 80 St, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA51	24 -163	Dismissed	0.00

Total Penalty for Summons: 0.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000904269M	Sustained	12/11/2024	Intersection 41 Av and 79 St, Queens

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000904273P	Sustained	12/10/2024	Clermont Ave btn Myrtle Av and Willoughby Av, Brooklyn

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

Total Penalty for Summons: 350.00

Findings of Facts & Conclusions of Law

The hearing was conducted via telephone conference call on May 2, 2025.

Lance Chebin appeared as authorized representative for respondent Penske Truck Leasing Corporation. Monica Dorson appeared on behalf of petitioner DEP.

00904242M charges AC 24-163, idling of a motor vehicle engine for longer than three minutes, as a first offense. Ms. Dorson presented the NYC Citizen Idling compliant, photographs and a video in support. Mr. Chebin made a motion to dismiss as the evidence does not indicate why Penske was named as respondent. Ms. Dorson stated that when there is an out of state plate, DEP police does the searches to determine respondent name, presenting the DEP police search result in support.

While I credit the evidence presented by the petitioner establishing the idling of a truck engine, I find that it is insufficient to establish a valid charge against the named respondent. The petitioner's evidence shows a corporate name on the door, not Penske, and the DEP police search doesn't indicate whether it searched the license plate for any particular state. I find that searching the plate number and locating a New Jersey address for the plate does not establish that the Indiana plate is registered to the named respondent. For this reason, I find that the petitioner's evidence does not establish a valid charge against the named respondent. The summons is dismissed.

00904269M charges AC 24-163, idling of a motor vehicle engine for longer than three minutes, as a third offense. Mr. Chebin testified that the respondent does not dispute the third offense charge. Mr. Chebin stated that the respondent denied the charges but will not present evidence in support of said denial.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent as a third offense. I do not credit respondent's unsupported denial. I find the respondent in violation and impose the third offense \$600 penalty.

00904273P charges AC 24-163, idling of a motor vehicle engine for longer than three minutes, as a first offense. Mr. Chebin stated that the respondent denied the charges but will not present evidence in support of said denial.

I credit the summons details and I find that the petitioner has established a valid charge against the respondent as a first offense. I do not credit respondent's unsupported denial. I find the respondent in violation and impose the first offense \$350 penalty.

	
05/02/2025	05/02/2025
Joan Giaccio, Hearing Officer	Date

