



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn ,NY 11217	Summons No: 000902724X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 04/24/2025 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
000902724X	Sustained	05/22/2024	209 E. 14th St. Manhattan

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

Findings of Fact & Conclusions of Law

Lance Chebin appeared as an authorized representative on behalf of Respondent Penske Truck Leasing Co. LP.

Inspector Leah Smith appeared on behalf of Petitioner, Dept. of Environmental Protection.

Petitioner charges AC 24-163. Petitioner alleges the respondent was observed with its motor vehicle idling while parked standing or stopped in excess of 3 minutes. According to DEP records, a citizen observed respondent's truck with IN Lic. Plate No. 2845890. (1st offense).

Inspector Smith produced photographs including the company name on the side, license plate number of the vehicle and a refrigerator unit above the outside of the cab, redacted idling complaint and video indicating the sound of engine noise. She argues the video shows the side of the truck is open, its front lights are blinking and its heard idling. During that time, individuals are observed loading boxes at the side of the truck, placing them on a dolly and transporting them to some other location but there is no use of a liftgate.

Mr. Chebin admits respondent owns the subject vehicle and it was idling at the time of the summons but states it is subject to an exception because the vehicle must be kept refrigerated in order to be operation. Mr. Chebin stated he did not know what was contained in the boxes that were brought out of the truck.

In response, Inspector Smith states that it is unlikely that the vehicle needed to remain refrigerated since the respondent kept the vehicle's side door open during the entire time of the video.

I do not credit respondent's evidence and find it fails to rebut petitioner's evidence. I credit petitioner's evidence and find respondent in violation.

Accordingly, this summons is sustained and a standard penalty of \$350.00 is imposed.



04/29/2025

04/29/2025

Deborah Mbabazi, Hearing Officer

Date