



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000843012K et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- ANY PENSKE LEASING AND RENTAL COMP Hearing Date: 05/12/2025 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
000843012K	Sustained	12/28/2023	655 W. 34th Street Brooklyn

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

Findings of Fact & Conclusions of Law

Leah Smith appeared for the petitioner. Lance Chebin appeared for the respondent.

On the date and at the location indicated on the summons, the officer states that according to DEP records a citizen observed that the subject motor vehicle, which belonged to the respondent, idled for more longer than three minutes while it was parked, standing, or stopped. I credit these observations.

Ms. Smith submitted photographs, video, citizen report and affidavit (Pet). I credit this evidence.

Ms. Smith opined that the video demonstrated the sound of the vehicle.

Mr. Chebin opined that the engine had to be on because the truck was operating with a refrigerating device.

Ms. Smith opined that this unit does not require engine for refrigeration to work.

I find that the conditions were as described in the summons and that the refrigeration unit can work with the engine off. The credited findings establish a violation of the cited code section. Accordingly, the violation is sustained, and the above fine is imposed.

Anne W Seely

05/12/2025

05/12/2025

Anne Seely, Hearing Officer

Date