



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET BKLYN,NY 11217	Summons No: 000916217Z et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- NATIONAL DCP LLC Hearing Date: 08/12/2025 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
000916217Z	Sustained	12/11/2024	118 FULTON STREET 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 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 1st offense.

Inspector Grosso submitted the redacted idling complaint, the summons and certificate of service, 2 photos of the vehicle, and the video (Exhibit 1). He noted that the video shows the liftgate on the ground but not in use.

Mr. Chebin argued that there was loading and unloading. He also argued that the refrigeration unit on the truck requires the

engine to be on to operate.

Inspector Grosso argued that the refrigeration unit is self powered.

The video shows the liftgate was down but there was no active loading/unloading. The rear pull-down gate of the vehicle was also closed. Respondent contended that the truck's refrigeration unit is powered by its engine but did not produce evidence to support this contention, such as a statement from the truck's driver. Accordingly, the summons is sustained.

	
08/15/2025	08/15/2025
Viven Chiu, Hearing Officer	Date