



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

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

Summons# : 000869225J et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CORP

Hearing Date : 5/29/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                   |
|------------|---------------------|--------------------|---------------------------------------|
| 000869225J | Sustained           | 02/20/2024         | W 69th Street and Broadway, Manhattan |

| 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 29, 2025.

Respondent PENSKE TRUCK LEASING CORP was represented by Lance Chebin.

Senior Insp John McLaughlin appeared on behalf of petitioner DEP.

The summons charges: 24 -163 - IDLING OF MOTOR VEHICLE ENGINE MORE THAN THREE MINUTES

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Petitioner stated that they stand on the summons.

Respondent stated that they deny with no rebuttal.

I credit that the summons makes out a valid charge against the respondent. I also find that the respondent did not establish a valid defense.

The summons is sustained.

|                                                                                                   |            |
|---------------------------------------------------------------------------------------------------|------------|
| <br>05/30/2025 | 05/30/2025 |
| James Klein, Hearing Officer                                                                      | Date       |

**IF YOU ARE FOUND IN VIOLATION, AND ARE NOT ELIGIBLE OR DO NOT CHOOSE COMMUNITY SERVICE, YOU MUST PAY THE PENALTY WITHIN 30 DAYS OF THE DECISION DATE OR 35 DAYS IF MAILED.**

- To pay by mail, send a check or money order to the Dept. of Finance Commissioner, P.O. Box 2307, Peck Slip Station, New York, NY 10272. The check or money order should be made out to "Finance Commissioner, City of New York." Write the summons number on the check or money order.
- To pay in person, bring a check, money order or credit card and this decision to any OATH Hearings Division location between 8:30 a.m. to 4:30 p.m.
- To pay online using a credit or debit card, go to [www.nyc.gov/citypay/oath](http://www.nyc.gov/citypay/oath)

If you do not pay the penalty, the City may: (1) file papers with the Civil Court ("docket a judgment"), (2) charge you a late fee, and (3) continue attempts to collect the debt.

**CAN I DO COMMUNITY SERVICE?**

If your summons is for the type of offense that gives you a Community Service option you can choose to complete Community Service instead of paying a penalty. Your decision will give you that option. You have to complete your Community Service by the deadline in the decision or else you will end up owing the penalty. You can even do your Community Service on the day you receive your decision.

**COMPLETION OF COMMUNITY SERVICE**

The Help Center will arrange for you to complete your Community Service. The Help Center is run by the Ombudsperson/*Pro Se* Clerk at OATH and is located at each Hearing Division in all five boroughs. To schedule your Community Service, call, email or visit a Help Center location.

**How to Contact the Help Center to Schedule Community Service:**

**Manhattan:** (212) 436-0845 CSmanhattan@oath.nyc.gov  
**Brooklyn:** (718) 923-6216 CSbrooklyn@oath.nyc.gov  
**Queens:** (718) 393-6044 CSqueens@oath.nyc.gov  
**Bronx:** (718) 503-5565 CSbronx@oath.nyc.gov  
**Staten Island:** (718) 876-2314 CSstatenisland@oath.nyc.gov

If you complete your Community Service by the deadline in the decision, you will receive a Certificate of Completion and will not have to pay a penalty. If you need an extension to complete your Community Service, please contact the Help Center.

**If you do not complete your Community Service by the deadline, you will have to pay the penalty.**

**NON-DISCLOSURE FOR SUMMONSES ELIGIBLE FOR COMMUNITY SERVICE**

If you either completed the Community Service or paid the penalty, OATH will remove your identifying information from public records related to your case.

If you **do not** complete the Community Service or pay the penalty, your identifying information may remain on public records related to your case.

**IF YOU DISAGREE WITH THE DECISION, YOU MAY APPEAL IT**

To submit your appeal, you **MUST** use OATH's online or mail-in appeal forms available on OATH's website at [www.nyc.gov/oath/appeal](http://www.nyc.gov/oath/appeal). Instructions for filing an appeal may be found on the form and OATH's website.

Your appeal **MUST** be received by the OATH Hearings Division **within 30 days** of the decision date, or 35 days if the decision was mailed to you.

To appeal you **may need to** pay the full penalty stated in this decision.

- If you cannot pay because of financial hardship, you may ask to not pre-pay by submitting with your appeal a Financial Hardship Application, available on OATH's website.
- If you are eligible and choose to perform Community Service instead of paying the penalty, you do not have to pay the penalty or complete the Community Service to appeal.

**APPEAL BY ENFORCEMENT AGENCY**

If you wish to answer an appeal filed by an enforcement agency, you **MUST** use OATH's Response To Appeal form. Instructions for filing an answer may be found on the form and OATH's website.

Your answer must be received **within 30 days** of the date of the enforcement agency's appeal, or 35 days if it was mailed to you.

If the enforcement agency wins the appeal, you may have to pay a penalty or, if eligible, complete Community Service even if your case was originally dismissed after the hearing.

For more information,  
 visit OATH's website [www.nyc.gov/oath](http://www.nyc.gov/oath)  
 or call 1-844-OATH-NYC

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