



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

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

Summons# : 000866349H et al. (3 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO L P

Hearing Date : 8/12/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 1,050.00

Community Service(Hr): Not Applicable

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE               |
|------------|------------------------|--------------------|-----------------------------------|
| 000866349H | Sustained              | 12/20/2023         | ON WEST 22ND<br>STREETBETWEEN 5TH |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1I      | 24-163 (F)          | Sustained | 350.00  |

Total Penalty for Summons: 350.00

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                     |
|------------|------------------------|--------------------|-----------------------------------------|
| 000905755M | Sustained              | 12/05/2024         | 116 STREET BETWEEN<br>AMSTERDAM AVE AND |

| LINE ITEM | OATH CODE | CODE SECTION / RULE | RESULT    | PENALTY |
|-----------|-----------|---------------------|-----------|---------|
| 1         | BA1I      | 24-163 (F)          | Sustained | 350.00  |

**Total Penalty for Summons: 350.00**

| SUMMONS #  | SUMMARY<br>DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE              |
|------------|------------------------|--------------------|----------------------------------|
| 000905856L | Sustained              | 05/17/2024         | 7 EAST 57th STREET,<br>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**

Lance Chebin appeared for Respondent. Inspector Michael Grosso appeared for Petitioner DEP.

Respondent was issued 3 summonses.

Summson 000866349H was issued for violating AC 24-163(f) for idling of motor vehicle engine for more than 1 minute while adjacent to a school. 1st offense.

Inspector Grosso submitted the redacted idling complaint, the summons and certificate of service, photos of the vehicle and the school sign, SAFER web snapshot, and the video (Exhibit 1).

Mr. Chebin argued that the school is not clearly visible in the video.

I am not persuaded by Respondent's argument. The school does not need to be clearly visible in the video. Respondent did not argue that the vehicle was not adjacent to the school. Respondent did not argue that the school was not easily identifiable. The school was easily identifiable as Petitioner submitted a photo of the school signage. The summons is sustained.

Summons 000905755M was issued for violating AC 24-163(f) for idling of motor vehicle engine for more than 1 minute while adjacent to a school. 1st offense.

Inspector Grosso submitted the redacted idling complaint, the summons and certificate of service, 3 photos of the vehicle, DMV lookup reflecting Respondent is the owner, a screenshot of the school's details including photo and location, and the video (Exhibit 1).

Mr. Chebin argued that the school is not easily marked.

Respondent did not establish a defense. There is a sign by the school's entrance that reads "Columbia Greenhouse Nursery School." The summons is sustained.

Summons 000905856L was issued 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 also submitted the DMV lookup (Exhibit 2).

Mr. Chebin argued that there were multiple trucks double parked in the video and it is unclear where the engine sound was coming from.

Respondent did not establish a defense. Respondent did not submit evidence, such as a statement from the driver, that the cited vehicle was not idling. The summons is sustained.



08/15/2025

08/15/2025

Viven Chiu, 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](mailto:CSmanhattan@oath.nyc.gov)  
**Brooklyn:** (718) 923-6216    [CSbrooklyn@oath.nyc.gov](mailto:CSbrooklyn@oath.nyc.gov)  
**Queens:** (718) 393-6044    [CSqueens@oath.nyc.gov](mailto:CSqueens@oath.nyc.gov)  
**Bronx:** (718) 503-5565    [CSbronx@oath.nyc.gov](mailto:CSbronx@oath.nyc.gov)  
**Staten Island:** (718) 876-2314    [CSstatenisland@oath.nyc.gov](mailto: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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