



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET NEW YORK,NY 11217	Summons No: 000873478J et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE LEASING AND TRUCKING CORP Hearing Date: 06/05/2025 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
000873478J	Sustained	02/14/2024	Intersection of W 29th St and 11th Ave Manhattan

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

Findings of Fact & Conclusions of Law

Attorney Lance Chebin, Esq. appeared for Respondent PENSKE LEASING AND TRUCKING CORP.

DEP Senior Insp. John McLaughlin appeared for Petitioner.

On 2/14/24, at Intersection of W 29th St and 11th Ave, Manhattan, the I/O issued this summons alleging a violation of 24 -163

Mr. McLaughlin submitted into the record P1 - Two photographs identifying the cited vehicle, copy of the summons, and redacted idling complaint form.

Mr. McLaughlin emailed the Court and Respondent a copy of a video (3 min 28 seconds) summarized into the record (and reviewed by the Court) time and date stamped. Mr. McLaughlin noted there audible engine noise throughout the video and

there is no processing device in use observed, while the truck was idling.

Mr. Chebin argued the Respondent was improper – the summons mentions Penske but there is no indication that the vehicle in the video belongs to Respondent.

Mr. Mcluahglin submitted into the record P2 – DMV search for the cited plate showing the vehicle belonged to Respondent.

Mr. Chebin denied the violation without any rebuttal.

Here, upon review of the video, I find it supports the documentary evidence. I credit the sworn statement of the citizen and I/O and find that Petitioner has proven its case by a preponderance of the evidence.

Based on the evidence presented, I find that Respondent is in violation of the charge and the summons is SUSTAINED.



06/05/2025

06/05/2025

Joseph Fan, Hearing Officer

Date