



Office of Administrative Trials and Hearings
Hearings Division

DECISION

Nacmias Law 592 Pacific Street PO BOX 677 Brooklyn, NY 11217	Summons No: 000908649M et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- HIGHWAY SAFETY PROTECTION CORP Hearing Date: 06/09/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000908649M	Dismissed	06/10/2024	313 SACKETT STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1F	24 -163	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The hearing was held via telephone on 6/9/2025. The respondent appeared by authorized representative, Mr. Lance Chebin. Ms. Dantney Parks appeared for the petitioner.

The summons alleges a third/subsequent violation of AC 24-163 for idling a truck with NY License Plate # 62169PC longer than three minutes at 313 Sacket Street in Brooklyn. It cites prior summons numbers 000735395Z and 000805623M.

Ms. Parks relied on the sworn statements in the summons. In support of the violation, she submitted a Citizen Observation Video, a redacted Citizen's Idling Complaint Form, two photographs of the subject vehicle, and copies of the cited prior

summonses.

Upon review of the petitioner's evidence, Mr. Chebin motioned to dismiss the summons as duplicative of summons # 000908653P also heard on this (HRG OFF. EX.) call.

Ms. Parks agreed that while the cited location is different on this summons, the video shows the same vehicle backing up and stopping in front of the premise apparently identified by the citizen as 313 Sacket Street. Summons 000908653P was issued re the same vehicle stopped in front of 303 Sackett Street. In both videos it appears construction debris from the sidewalk is being loaded into the vehicle by a payloador on the sidewalk. The truck seems to have moved to make it easier for the payloador to deposit debris into the truck. She agreed the summons was duplicative of # 000908653P and made no recommendation on the summons.

I find that while the cited address is different on the two summonses, the vehicle is the same vehicle and the facts leading to the charge are identical. I find the instant summons is duplicative of # 000908653P.

Therefore, I dismiss the summons.



06/23/2025

06/23/2025

Susan Huot, Hearing Officer

Date