



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000857196L et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

HUGH OKANE ELECTRIC CO INC

Hearing Date : 7/7/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 600.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000857196L	Sustained	05/01/2024	West End Ave. btwn W. 102nd St. & W. 103rd St.,

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	BA1F	24 -163	Sustained	600.00

Total Penalty for Summons: 600.00

Findings of Facts & Conclusions of Law

This telephone hearing was held on July 7, 2025. Petitioner, NYCDEP, appeared by John McLoughlin, Representative. Respondent, Hugh Okane Electric Co. Inc, appeared by Lance Chebin, Authorized Representative.

This summons alleges a third violation of NYC Administrative Code §24-163 (Idling of motor vehicle). The prior violations were for summons Nos. 000714155R and 000745803H. In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 5/1/24, at West End Ave. between W. 102nd St. and W. 103rd St. Street, a citizen-complainant observed 1 truck with NY License Plate #27256MM idling for longer than three minutes from 7:59:36 pm to 8:03:42 pm.

Mr. McLoughlin relied on the Issuing Officer's statements in the summons. He submitted a copy of the redacted -citizen complaint (P-1), two photo depicting the truck, its address and its license plate, which were taken by the citizen-complainant (P-2&3). and documentation of the two prior violations (P-4 & 5). He also submitted a video in excess of three minutes which could not be uploaded as evidence due to the size of the file. The video was taken by the citizen-complainant at the time of the alleged violation, and it depicts audible engine noise emanating from Respondent's engine.

Mr. Chebin did not deny the prior violations, nor did he object to Petitioner's evidence. He testified that the video depicted a manhole and the work on the manhole required the Respondent's truck engine to be on. He did not submit any evidence from Respondent.

Mr. McLoughlin argued that the manhole was 4-5 feet behind the truck and there was no evidence of any wires from the truck to the manhole. The video only depicted barriers around the manhole cover to prevent people from falling in.

NYC Administrative Code § 24-163 states in relevant part that "No person shall cause or permit the engine of a motor vehicle to idle for longer than three minutes, unless the engine is used to operate a loading, unloading or processing device..."

I credit the Issuing Officer's affirmed statements in the summons and Petitioner's evidence regarding the citizen's complaint concerning the idling of Respondent's truck engine. I find that Respondent aruemnt regarding the manhole did not establish a valid defense and permitted the idling of its engine for more than three minutes while parked. Respondent failed to establish as an affirmative defense that its truck's engine was idled to operate a processing device or that such device was in use during the relevant period. Therefore, this violation is sustained and a penalty of \$600 is imposed for this third offense of NYC Administrative Code § 24-163.

 07/08/2025	07/08/2025
Barbara Halper, 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

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. 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
or call 1-844-OATH-NYC

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