



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Phoebe Dossett, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000855586H et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CORP Hearing Date: 06/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$440.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000855586H	Sustained	12/01/2023	Intersection of Clark St & Columbia Heights Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA1E	24 -163	Sustained	\$440.00

Findings of Fact & Conclusions of Law

Lance Chebin appeared on behalf of the Respondent, Penske Truck Leasing Corporation and John McLaughlin appeared on behalf of the Petitioner, DEP at a remote hearing held on 6/30/2025.

Respondent was charged with idling a truck for more than three (3) minutes at the intersection of Clark Street and Columbia Heights, Brooklyn in violation of AC 24-163. The summons cites this as a second violation found in Summons # 000797802K.

AC 24-163 provides that:

No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle longer than three minutes...unless the engine is used to operate a loading, unloading, or processing device.

Mr. Chebin did not challenge the second violation and stated that he had reviewed evidence provided by DEP and denied the charge with no rebuttal.

I credit Petitioner's sworn statement and find it establishes a violation of the cited section of law. I also find that it establishes a second violation. I find that Respondent did not establish a defense or rebuttal to the charge.

Accordingly, I find Respondent in violation of the cited section of law as a second violation and impose the mandatory penalty.



07/03/2025

07/03/2025

Janet Gawthrop, Hearing Officer

Date