



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 000911627Z et al. (1 summonses)

DEPT OF ENVIRONMENTAL PROTECTION,

-against-

PENSKE TRUCK LEASING CO LP

Hearing Date : 7/7/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 350.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000911627Z	Sustained	10/14/2024	10 EAST 38 STREET, 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

This telephone hearing was held on July 7, 2025. Petitioner, NYCDEP, appeared by John McLoughlin, Representative. Respondent, Penske Truck Leasing Corporation, appeared by Michael Nacmias. He waived the appearance of the Issuing Officer (IO)

This summons alleges a violation of NYC Administrative Code §24-163 (Idling of motor vehicle). In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 10/14/23, at 10 E. 38th Street, a citizen-complainant observed 1 truck with IN License Plate #3394904 idling for longer than three minutes from 11:42:40 am to 11:46:56 am.

Mr. McLoughlin relied on the Issuing Officer's statements in the summons

Mr. Nacmias stated that Respondent denied the violation. He did not submit any testimony or evidence to rebut the charge.

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 regarding the citizen's complaint concerning the idling of Respondent's truck engine. I find that Respondent did not establish a defense and permitted the idling of its engine for more than three minutes while parked. This violation is sustained and a penalty of \$350 is imposed.



07/07/2025

07/07/2025

Barbara Halper, Hearing Officer

Date