



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

LANCE CHEBIN - NACMIAS LAW FIRM 592 PACIFIC STREET Brooklyn, NY 11217	Summons No: 000911769Y et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- PENSKE TRUCK LEASING CO LP Hearing Date: 07/07/2025 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
000911769Y	Sustained	10/09/2024	100 WALL STREET Manhattan

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

Findings of Fact & 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 second violation of NYC Administrative Code §24-163 (Idling of motor vehicle). The prior violation was Summons No. 00797275H. In the summons, the Issuing Officer (IO) affirmed, as verified by a review of DEP records, that on 10/9/24, at 100 Wall Street, a citizen-complainant observed 1 truck with NJ License Plate #XFCL62 idling for longer than three minutes from 10:09:26 am to 10:17:15 am.

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

Mr. Nacmias did not deny the prior violation. He stated that Respondent denied this 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 second offense violation is sustained and a penalty of \$440 is imposed.

Barbara Halper

07/08/2025

07/08/2025

Barbara Halper, Hearing Officer

Date