



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 000815401X et al. (1 Summons) DEPT OF ENVIRONMENTAL PROTECTION, -against- CORPORATE EXPRESS INC Hearing Date: 01/08/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: **\$350.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
000815401X	Sustained	07/20/2023	515 WEST 120 STREET Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BA51	24 -163	Sustained	\$350.00

Findings of Fact & Conclusions of Law

Respondent, CORPORATE EXPRESS INC., appeared telephonically by authorized representative, Lance Chebin, to adjudicate a summons issued by the DEP alleging a violation of 24-163 idling of a motor vehicle for more than three minutes 1st offense.

Dantney Parks appeared for Petitioner and submitted as PX1 a redacted idling complaint, the summons, a photograph of the CE operator of the truck, and license plate and a video taken at the time the summons was issued.

Respondent argued that the video is not clear if people are on the bus or not and it is difficult to tell if people are loading or

unloading from the bus in the video.

Petitioner argued that the video is clear that no one is seen entering or exiting the bus in the 4 minute and 11 second video and that the person taking the video was located directly outside the doors of the van when the video was shot.

I find Petitioner established the violation. I find that the video clearly shows that passengers were not loading or unloading from the bus during the time the video was shot.

I do not credit Respondent's argument.

The summons is sustained.

 01/09/2025	01/09/2025
Margaret Tolan, Hearing Officer	Date