



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0221265541 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- PILOT FIBER NY LLC Hearing Date: 07/17/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0221265541	Dismissed	04/12/2026	W. 38th Street btwn 8th Av & 9th Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD30	A.C. 19-102(II)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The NYPD issued this summons to Respondent alleging that on 4/12/2026 at 11:33 AM, at West 38th Street, between 8th Avenue and 9th Avenue in Manhattan, Respondent violated NYC Administrative Code 19-102(ii) for using a portion of the roadway as a temporary pedestrian walkway not in compliance with a valid DOT (Department of Transportation) permit.

Officer Irving Pantin appeared for the NYPD and relied on the allegations in the sworn to summons. To support the charge, he submitted into evidence a copy of the permit issued by the Department of Transportation (DOT) and a photograph showing 6 construction cones tied by caution tapes blocking part of the sidewalk. (Exhibit 1)

Respondent appeared by counsel, Michael Sargo, and denied the allegations.

Respondent submitted a copy of the DOT permit issued on 3/24/2026 (Exhibit A) Respondent pointed out that the DOT permit specifically requires the full width of the sidewalk be opened to pedestrians when the site is not attended but provides an exception for concrete curing period and that a minimum 5 feet clear pedestrian walkway on the sidewalk.

Respondent then submitted photographs of the part of the sidewalk paved with wet concrete and part of the sidewalk was cleared for pedestrian traffic. (Exhibit B) Respondent noted on the photographs that the walkway was 5 feet wide as required by the permit.

Discussion:

It is undisputed that Respondent was doing construction at the location and blocked off part of the sidewalk with construction cones. Credible evidence shows that Respondent had a valid permit blocking the sidewalk. The permit allows the Respondent not to reopen the full width of the sidewalk during the concrete curing period, provided that a 5 feet wide walkway remains to allow pedestrian traffic.

I find Respondent's credible evidence shows the construction cones were placed to block of the paved concrete during the cure period. The remaining open walkway appeared to meet the 5 feet width as required by the DOT permit.

Based on the foregoing, I find Respondent did comply with the requirements imposed by the DOT permit. Respondent did not violate 19-102(ii).



07/17/2026

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Kin Lau, Judicial Hearing Officer

Date