



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0703771274 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CROWN CASTLE NG EAST LLC Hearing Date: 03/20/2025 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
0703771274	Dismissed	12/09/2024	on Meeker Avenue btwn Humboldt Street and Russell Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD02	A.C. 19-102(I)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

CHARGES

Summons #0703771274 charges Respondent with violating NYC Administrative Code §19-102(i), alleging that on December 9, 2024, at 11:24am, on Meeker Avenue btwn Humboldt Street and Russell Street, Brooklyn, NY the issuing officer observed: "above respondent has 2 permanent restoration in the segment & hardware instead on the sidewalk without a DOT permit on a protected street...expired on 10/29/2024."

Attorney Caroline Kane appeared at a remote hearing on March 20, 2025 as an authorized representative of Respondent.

Michelle Heard appeared at the hearing as an authorized representative of Petitioner.

RELEVANT LAW

NYC Administrative Code §19-102 states in pertinent part:

“Except as otherwise provided by law, no person shall remove, open or otherwise disturb the pavement of, or excavate in, a public street, or use any part of a public street so as to obstruct travel therein (i) without a permit from the commissioner, and (ii) unless such removal, opening or other disturbance of the pavement or such excavation or use is carried out in accordance with the provisions of this subchapter and of section 24-521 of the code, the rules of the department in relation thereto and the terms and conditions of such permit.”

TESTIMONY

Ms. Heard relied on the summons and submitted photographs into evidence (Petitioner’s 1).

Ms. Kane represented that Respondent did have a permit for the work done and submitted a permit and Google Maps printouts into evidence (Respondent’s A 1-3). Ms. Kane represented that when Respondent pulled the permit, the address range DOT gave them was from Exit 33 and North Henry Street, but it is the same location as where the summons was issued.

Ms. Heard noted that the address range was on Meeker Avenue, but argued that the permit expired before summons issuance. Ms. Heard noted that a review of DOT records showed that an inspection was conducted on Respondent’s permit in March of 2025 for the same location showing a permanent cut in the parking lane.

Ms. Kane represented that the work was completed on October 12, 2024 and that Petitioner’s photographs show the completed work.

DECISION

The summons is dismissed.

I credit the representations and evidence submitted by Respondent’s Representative and find that it persuasively rebuts the sworn statements of the issuing officer as set forth in the summons as well as the evidence by Petitioner’s Representatives. Specifically, I credit that the permit Respondent had at the time of the summons covered the cited work and that the work was completed within the time frame of the permit.

Therefore, I find Respondent not in violation of NYC Administrative Code §19-102(i).

Accordingly, the summons is dismissed.

	04/01/2025
04/01/2025	04/01/2025
Sharah Thomas, Hearing Officer	Date