



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: 0218090950 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- KEJIAN ZUO Hearing Date: 08/07/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$750.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0218090950	Sustained	03/25/2025	278 8TH STREET Staten Island

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	\$750.00

Findings of Fact & Conclusions of Law

This is a hearing by phone held August 7, 2025. Respondent, Kejian Zuo, appeared by Caroline Kane, Esq. Petitioner, Department of Transportation, appeared by Brijnanand Persaud.

Summons 0218090950 alleges a violation of New York City Administrative Code § 19-102(i).

Petitioner's representative relied on the summons and submitted photographs taken by the Issuing Officer (IO) on the date of violation. See Petitioner's Exhibit.

Respondent's counsel questioned Petitioner as to the Code section being alleged and stated it is for the street.

Petitioner's counsel then made a motion to amend the charge to a violation of Code § 19-121(a) for obstruction of the street. He stated the summons and photograph establish a violation under the proposed provision of law and that the new excavated material is on the sidewalk. He stated the proposed Code has a lower penalty than the initial section charged.

Respondent's counsel did not object.

Petitioner's motion to amend is granted. I find the violation details about the sidewalk excavation provide Respondent adequate notice under Code § 19-121(a). It is therefore a nonprejudicial amendment to the Respondent.

Code § 19-121(a) states "[i]t shall be unlawful for any person to obstruct, or cause to be obstructed, any portion of a street with construction materials or equipment, unless authorized by a permit issued by the commissioner." Street is defined as "[a]ny public street, avenue, road, alley, lane, highway, boulevard, concourse, parkway, driveway, culvert, *sidewalk*, crosswalk, boardwalk, viaduct, square or place, except marginal streets." See Code §19-121(13).

Here, I find that Respondent has obstructed the sidewalk with excavation materials. Therefore, I find Respondent to be in violation. I credit the Issuing Officer's affirmed statements on the summons.

Accordingly, the summons is sustained as amended. The penalty is \$750.

Sarah Axtell

08/08/2025

08/08/2025

Sarah Axtell, Hearing Officer

Date