



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo 592 Pacific Street 1st floor Brooklyn, NY 11217	Summons No: 0703635489 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- P CITYWIDE CONTAINER SERVICE COR Hearing Date: 03/03/2025 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
0703635489	Dismissed	07/01/2024	338 Bowery between Bond Street and East 3 Street Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADB9	34RCNY 2-14(F)(7)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, CITYWIDE CONTAINER SERVICE CORP appeared by remote hearing. Respondent was represented by its attorney Michael Sargo. Petitioner, Department of Transportation was represented by Brijnanand Persaud.

The summons charges 34 RCNY 2-14(f)(7)) commercial refuse container without proper reflective markings on all four sides. The summons alleges that on July 1, 2024, at 02:58 Am, the issuing officer observed a commercial refuse container without proper reflective markings on all four sides of the container.

Mr. Persaud submitted the inspector's notes and eight photographs in support of the charge.

Mr. Sargo argued that the entire container is painted bright yellow; the paint itself is reflective, no additional markings are needed. Mr. Persaud testified that the container is rusted, and the yellow paint is not as bright as it should be.

34 RCNY 2-14(f)(7) states that "All containers shall be clearly marked on all four sides with high intensity reflective paint, reflectors, or other markings capable of producing a warning glow when struck by the head lamps of a vehicle or other source of illumination at a distance of three hundred feet."

I credit Respondent's testimony and find that Respondent has rebutted the Petitioner's case. The photos submitted by the Petitioner show a commercial container painted on all four sides with high intensity reflective paint, yellow paint.

Accordingly, the Summons is dismissed.

	
03/06/2025	03/06/2025
Erisa Cepa, Hearing Officer	Date