



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: 0703774574 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CITYWIDE CONTAINER SERVICE CORP Hearing Date: 04/24/2025 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
0703774574	Sustained	12/12/2024	58 Cornelia St. bt Bushwick & Evergreen Aves Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADC4	AC 19- 123	Sustained	\$750.00

Findings of Fact & Conclusions of Law

The summons is sustained and Citywide Container Service Corp. ("Citywide") must pay a fine.

Caroline Kane, Esq. appeared and said that she is the attorney for Citywide. Insp. Michelle Heard appeared for the Department of Transportation ("DOT"). All parties appeared telephonically. The summons said that Citywide had a refuse container occupying the parking lane without a DOT permit to do so. The summons said that this constituted a violation of Administrative Code section 19-123. The first scheduled hearing date was March 20, 2025 and the hearing occurred on April 24, 2025.

Insp. Heard submitted a copy of a summary of the violation, several photographs taken by the officer at the time of inspection and a copy of an expired permit. Ms. Kane submitted a permit that was in effect from December 10, 2024 through December 24, 2024. It was noted that the summons was issued on December 12, 2024. Insp. Heard said that the permit presented by Ms. Kane referred to 1177 Bushwick Avenue between Cornelia Street and Jefferson Avenue. She said that even though this might be the same property as 58 Cornelia Street, which was referred to in the summons, it did not relate to the same segment of the roadway as it would have been for an area around the corner. Ms. Kane said that she had no further issues.

I credit the foregoing testimony and evidence. These show that the permit covering the area in question was expired at the time the summons was issued and the permit presented by Ms. Kane affected an area around the corner so that there was no valid permit in effect to cover the placement of the container at the time and place shown in the summons.

The summons is sustained and the approved penalty is imposed.

Joseph J. Handlin

05/06/2025

05/06/2025

Joseph J. Handlin, Hearing Officer

Date