



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0703995820 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CITYWIDE CONTAINER SERVICE CORP Hearing Date: 12/18/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$250.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0703995820	Sustained	09/07/2025	2058 UNION ST BTWN EAST NEW YORK & SUTTER AVS Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADC9	34RCNY 2-14(F)(6)	Sustained	\$250.00

Findings of Fact & Conclusions of Law

The Department of Transportation (DOT) issued this Summons to Citywide Container Corp. charging a violation for failure to provide required street protection under the wheels of a commercial container (aka dumpster) on the date and at the location indicated above. Brijnanand Persaud represented DOT at the remote hearing, and Michael Sargo, Esq., represented Citywide Container Corp.

In addition to relying on the Summons, Mr. Persaud submitted an evidence package including photographs the inspector issuing the Summons had taken and annotated and permit information. He argued that the photographs indicated that no protection had ever been installed.

Mr. Sargo said that the Summons should be dismissed because his client had installed the dumpster with proper protection. He submitted an affidavit from Citywide Container's compliance manager saying that the dumpster had been installed with proper protection and that "(i)f any protective material was displaced or removed, such action was not caused by our company but by third-party contractors or site conditions beyond our control."

In discussing this case, I note, as I did at the hearing, that I disagree with Mr. Persaud's evaluation of the photographs because I do see evidence that some protection was there at some point. However, the provision of law under which this violation is charged addresses not only initial installation but requires that "(p)rotection must remain in place for the entire time the container remains on the roadway." DOT's photographs (some of which are in Mr. Sargo's package as well) make it clear that this was not the case. And although the affidavit Mr. Sargo submitted claims that Citywide Container exercised "due diligence," there is no evidence of this on an ongoing basis.

Accordingly, I credit the sworn statement of fact in the Summons and DOT's evidence, and I find that they support the violation charged. Although I do not question the veracity of Mr. Sargo's evidence, including the affidavit, I find it fails to establish a defense.

This violation is sustained, and the standard penalty of \$250 is imposed.



12/22/2025

12/22/2025

Sara Piovio, Judicial Hearing Officer

Date