



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Frank Tamberino, Esq 592 Pacific Street Brooklyn, NY 11217	Summons No: 0703520080 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- TC SYSTEMS INC Hearing Date: 06/02/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,500.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0703520080	Sustained	02/26/2024	EAST 235 STREET AND ONEIDA AVE Bronx

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD01	A.C. 19-102(I)	Sustained	\$1,500.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on June 2, 2025. Petitioner was represented by Paul Stewart. Respondent was represented by Frank Tamberino, Esq.

The summons charged a violation of Administrative Code 19-102(i) and alleged respondent used or opened the street without a DOT permit in that the issuing officer observed a permanent restoration in the intersection on the roadway without a DOT permit, and that an IBM tag was used for identification purposes.

Petitioner submitted notes and photographs from the inspector. See Petitioner Ex 1. Petitioner noted that Respondent was

identified by the light blue marker in the roadway depicted in the inspector's photographs.

Respondent's counsel argued that Petitioner's photographs do not show any active work occurring. Counsel also submitted a copy of a permit issued to Respondent to open the street, dated 8/29/24. See Respondent Ex A.

I credit both parties. I find Petitioner established a prima facie case through its evidence and the sworn statement on the summons. I find Respondent did not refute the allegations nor establish a valid defense. I credit Respondent's permit, but note it was taken out after the summons was issued. Subsequent correction is not a valid defense.

Accordingly, the summons is sustained.



06/02/2025

06/02/2025

Hannah Pinto, Hearing Officer

Date