



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: 0219240423 et al. (1 Summons)

NEW YORK CITY POLICE DEPT,

-against-

HELLMAN ELECTRIC LLC

Hearing Date: 02/14/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: **\$1,200.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0219240423	Sustained	09/23/2024	West 59 Street btwn 11 and 12 Avenues Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD30	A.C. 19-102(II)	Sustained	\$1,200.00

Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on February 14, 2025.

Caroline Kane, Esq., attorney for Respondent Hellman Electric, LLC, appeared at the hearing. E. Ahmad appeared on behalf of Petitioner NYPD Traffic.

The respondent is charged with code section AC 19-102(ii) for failure to comply with terms and conditions of DOT permit (stip #016)/ Respondent had barricades closing portion of the sidewalk while site was unattended.

Petitioner's representative submitted an evidence package which contained photos of the cited condition, as well as supporting documentation (Px1). Petitioner stated that these photos show the barricades obstructing the sidewalk. Mr. Ahmad stated that matter was adjourned from 01/07/25 so that the Respondent could provide a receipt for when concrete was poured based on an exception in the aforementioned stipulation stating that the sidewalk may be partially obstructed during concrete curing.

Mr. Ahmad stated that there is no concrete curing in the photos and the full width of the sidewalk is obstructed. Mr. Ahmad rested on the summons.

Ms. Kane made a motion to dismiss this summons, stating that the cited barricades were not associated with the concrete curing performed by the Respondent nor did they belong to the Respondent. Ms. Kane submitted an evidence packet with photos taken from Google Maps that show the barricades in the summons were present at the cited location since 2021 (RxA). Ms. Kane stated that she was not sure to whom they belonged, stating they could belong to the building itself of the scaffolding company. Ms. Kane stated that the photos showed the barricades were still on the sidewalk after the work performed by Respondent was completed, as indicated in the photos. Lastly, Ms. Kane stated that the photos indicate the proposed work to be done by Respondent was not near the barricades and the barricades were not theirs.

Mr. Ahmad rebutted, stating that the Google photos taken in 2021, when the summons was issued in September of 2024, are irrelevant. Mr. Ahmad stated that the photos submitted in Petitioner's evidence packet were taken at the time the summons was issued, and clearly show that the barricades were on the sidewalk.

I credit the summons details, Petitioner's evidence, and I find that Petitioner has established a valid charge against Respondent. The Petitioner's photos were taken at the time the summons was issued, and clearly show the sidewalk is obstructed, and the site is unattended. The Respondent has not established any defenses to the summons. Therefore, I find Respondent in violation and impose the standard penalty of \$1200.

	
02/14/2025	02/14/2025
Yasmine Rachou-Gargiulo, Hearing Officer	Date