



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo 592 Pacific Stre BROOKLYN,NY 11217	Summons No: 0703814504 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CROWN CASTLE NG EAST LLC Hearing Date: 05/12/2025 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
0703814504	Dismissed	02/07/2025	846 2nd Ave Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD01	A.C. 19-102(I)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

This hearing was conducted remotely by telephone. Attorney Michael Sargo appeared for Respondent. Keith White appeared for Petitioner Department of Transportation (DOT). Respondent is charged with a violation of section 19-102(i) of the Administrative Code.

Petitioner provided an evidence packet (P. Ex. 1) and stated it contained pictures the issuing officer took. The second pictures showed an area extending to the manhole cover and a trench extending to the cover and into the intersection. The third picture showed the trench extending to the crosswalk, which required an additional permit, the fourth it extending to a bicycle lane, and the fifth and subsequent pictures showed the trench extending into a crosswalk, and pictures showing the trench making

a lateral turn into a sidewalk area. Another picture showed an identification plate. Petitioner stated there was only a permit on file for the intersection work, and that a different permit was needed for the area that extended into the crosswalk.

Respondent moved to dismiss because they had a proper permit that included that street segment. Respondent submitted a permit (R. Ex. A) and email correspondence with the DOT (R. Ex. B) and described the correspondence as Respondent reaching out to the DOT in October of 2024 to figure out what location to use in the permitting. Regarding the permit (R. Ex. A) Respondent stated it showed the location was between 11th and 10th avenue and pointed to highlighted text in both documents to show that the DOT had specifically informed the Respondent of where the work should be completed.

Petitioner stated there could have been a miscommunication, or perhaps the instructions were not as clear as they should have been. I asked Petitioner if the address cited as the place of occurrence in the summons would fit within the address that appears in the permit that Respondent submitted, and Petitioner indicated it would. Petitioner stated the way information is entered to the system, and advised Respondent that there was a disconnect between the way the permit (R. Ex. A) was issued and the way locations appeared in the system, which could cause issues down the road. Petitioner did not make a recommendation.

I find that Respondent showed by preponderance of the evidence that they did have a permit for the cited location, and that said permit was in effect at the time the summons was issued.

The summons is thus dismissed.

Daniel A Vazquez

05/21/2025

05/21/2025

Daniel Vazquez-Diaz, Hearing Officer

Date