



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: 0703820123 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- CROWN CASTLE NG EAST LLC Hearing Date: 05/19/2025 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
0703820123	Dismissed	02/13/2025	WEST 25 STREET BTWN HIGH LINE 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

Inspector Perry Mitchell appeared for Petitioner, Department of Transportation, and Attorney Caroline Kane appeared for Respondent, CROWN CASTLE NG EAST LLC., on May 19, 2025.

Respondent is charged with New York City Administrative Code 19-102(i).

Summons alleges that...use/opening of street without DOT permit...I observed a Crown Castle marked "handhole" utility access installed in the sidewalk with no NYC DOT Permit...

Petitioner submitted photos, see Petitioner Exhibit 1, to establish cited condition.

Respondent submitted a DOT email chain, see Respondent Exhibit A, and a permit, see Respondent Exhibit B. Respondent argued that they did have a permit but the location on their permit is different from the location cited. Respondent argued that DOT instructed Respondent to use this location since they were unable to use the cited address.

Petitioner argued that Respondent must use the right address for the permit to be valid.

Respondent argued that it was DOT that told them to use the address.

New York City Administrative Code 19-102(i) provides that unlawful use or opening of street. Except as otherwise provided by law, no person shall remove, open or otherwise disturb the pavement of, or excavate in, a public street, or use any part of a public street so as to obstruct travel therein (i) without a permit from the commissioner,

I credit the Respondent's argument. Upon submitted evidence, I find that the permit Respondent submitted was sufficient to refute the charge. I find that email correspondence establish that DOT permitted the use of a different address.

Accordingly, the summons is dismissed.

Iyayi Uwa

05/29/2025

05/29/2025

Iyayi Uwa, Hearing Officer

Date