



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0219802890 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- CROWN CASTLE NG EAST LLC Hearing Date: 05/30/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,200.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0219802890	Sustained	03/01/2025	3 Ave btw E 59 St and E 60 St 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

This matter was heard remotely, via telephonic conference, on May 30, 2025. Respondent appeared via Frank Tamberino, identified as the attorney for the named respondent. Petitioner appeared via Wilda Gomez.

The summons alleges a violation of NYC AC 19-102(II). The date of occurrence was March 1, 2025, at 1:25pm.

Petitioner submitted a document, as evidence. The document includes a copy of the summons, pictures taken by the issuing officer (IO) at the time of occurrence, and the applicable permit. Petitioner testifies that the permit was valid until March 4, 2025, and notes that stipulation 25 requires "three 11 foot lanes for traffic," but the photos show only "one and a half lanes" for

traffic, due to materials in the roadway.

Respondent testifies submits five documents, as evidence, and testifies that they did keep "at least three lanes" open during this time. Exhibit A shows the "six lanes," as per a Google Maps photo. Exhibit B, C, and are pictures, at 11:13am (B), 12:51pm (C), and 1:42pm (D), showing three lanes closes, and three lanes opened, at the time. Finally, respondent submits a copy of the permit, which respondent testifies is the same as in petitioner's evidence.

Petitioner asks who took the pictures; respondent testifies that they were forwarded by his client, but cannot give a particular individual. Petitioner notes that their photos are time stamped, and stands by their summons; respondent testifies that two of petitioner's three photos are not clear, and that at least three lanes were maintained at all times.

Petitioner maintains that respondent's photos have different times than that of the summons, and petitioner's evidence.

I credit respondent's testimony, but find it insufficient to warrant dismissal of the charges, as it is uncontested that respondent's photo evidence was taken before, and after, the time of occurrence, but not at the specific time of occurrence. As such, I must credit petitioner's testimony, and evidence, as to what the condition was at the time of occurrence, and page 5 of their evidence, especially, specifically shows that less than three lanes of traffic were open at the time.

As such, the summons is hereby sustained, and the statutory penalty is imposed.



05/30/2025

05/30/2025

Craig Messing, Hearing Officer

Date