



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm by Michael Sargo 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0703615936 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- C&D CARTING LLC Hearing Date: 11/25/2024 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
0703615936	Dismissed	06/10/2024	East 111th Street bt 3rd and Lexington Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADR6	34RCNY 2-11(E)(12)(IX)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner DOT appeared by Brij Persuad. Respondent C&D Carting LLC appeared by its attorney Michael Sargo to answer the sole charge of placing No Parking signs on the street in front of 162 and 172 East 111th Street without a DOT permit. The first hearing date was September 16, 2024.

Mr. Persuad submitted Respondent's DOT permit; the site plan it submitted to DOT; as well as the issuing officer's inspection report and photographs (Pet Ex 1). I credit Petitioner's evidence to the extent that it shows Respondent had a valid permit to

place such signs in front of the construction at 168 East 111th Street; and that it was allowed up to 80 linear feet of no parking signs on the street in front of its jobsite, which appears from the photographs and site plan to be at least 4 lot sizes in width.

In defense, Mr. Sargo argued that the site plan and pictures shows that the signs are correctly placed. Mr. Persuad did not challenge these arguments. I agree with counsel. Accordingly, I find that the photographs in evidence and Respondent's permit and site plan demonstrate that C&D Carting did in fact comply with the terms of its permit at the site and that therefore no violation exists. The summons is dismissed.

Patrick Mercurio

11/25/2024

11/25/2024

Patrick Mercurio, Hearing Officer

Date