



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0217139708 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date: 01/21/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$2,000.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0217139708	Sustained	10/19/2023	Intersection of W 43rd St and 11th Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD1A	34RCNY 2-07(C)(4)(I)	Sustained	\$2,000.00

Findings of Fact & Conclusions of Law

Summons 0217740629 and 0217139708 were heard in the same recording.

Petitioner NYC Police Department was represented by Irving Pantin. Respondent HUGH O'KANE ELECTRIC CO INC was represented by attorney Michael Anthony Sargo at a telephone hearing on January 21, 2025. Respondent's attorney waived the presence of the issuing officer, a formal reading of the charges and the use of an interpreter.

Respondent was charged with 34 RCNY 2-07(c)(4)(i). The officer observed Respondent opened a utility access cover on a restricted area without authorization. Date of occurrence was issued on 10/19/23. Place of occurrence was intersection 43rd

Street and 11th Avenue.

Petitioner relied on the summons and submitted 4 pictures of the violation taken by the issuing officer (marked Petitioner's Exhibit 1).

Respondent's counsel made a motion to dismiss. Respondent was granted an emergency authorization to perform emergency work. In support of their defense, Respondent submitted DOT's Emergency Authorization Form dated 10/19/23 (marked Respondent's Exhibit A).

In Rebuttal, Petitioner argued the form granted Respondent access on 42nd Street and 11th Avenue. However, Respondent was working on 43rd Street.

In response, Respondent noted the officer made a mistake by citing 43rd as the place of occurrence.

I credit the sworn statement of the issuing officer and find that Petitioner's evidence established a violation. Although I credit Respondent's evidence that they had authorization from DOT to perform emergency work, their evidence shows they had permission to work on 42nd street and not 43rd street. I find two officers wrote two summonses on the date of occurrence because they saw Respondent working on two places.

Therefore, the summons is sustained, and the standard penalty is imposed.

	
01/23/2025	01/23/2025
Raul Quezada, Hearing Officer	Date