



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons No: 0217740629 et al. (1 Summons)

NEW YORK CITY POLICE DEPT,

-against-

HUGH O'KEANE ELECTRIC CO INC

Hearing Date: 01/21/2025

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: \$0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0217740629	Dismissed	10/19/2023	Intersection of W 42nd St and 11th Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD1A	34RCNY 2-07(C)(4)(I)	Dismissed	\$0.00

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 (manhole) without an authorization. Date of occurrence was 10/19/23. Place of occurrence was intersection of 42nd Street and

11th Avenue.

Petitioner relied on the summons and submitted 8 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).

I credit the sworn statement of the issuing officer, but Petitioner failed to establish a violation. I credit Respondent's evidence that they had authorization from DOT to perform emergency work at the cited place of occurrence.

Therefore, the summons is dismissed.

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