



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Nacmias Law Firm 592 Pacific Street 1 Floor Brooklyn, NY 11217	Summons No: 0217767743 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- HUGH O'KANE ELECTRIC COMPANY INC Hearing Date: 02/07/2025 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
0217767743	Dismissed	06/05/2024	12 Ave btw 40 St and Lincoln Tunnel 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

This matter was heard remotely, via telephonic conference, on February 7, 2025. Respondent appeared via Andre Autz, identified as the attorney for the named respondent. Petitioner appeared via Wilda Gomez.

The summons alleges a violation of 34 RCNY 2-07(c)(4)(i). The date of occurrence was June 5, 2024, at 7:32am.

Petitioner submits a document, as evidence. The document contains three photos, testified to be of the manhole work being done, of the vehicle being used to do the work, and of the side of the vehicle, with respondent's name visible. Petitioner further testifies that respondent did not have the proper permit to perform this work.

Respondent submits, as evidence, an Emergency Authorization Number Form, sharing the date of the date of occurrence, at 4:00am, with an approximate location as the date of occurrence. Respondent moves to dismiss.

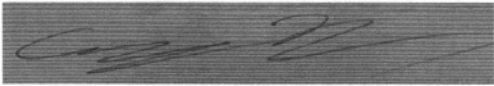
Petitioner requests the actual permit; respondent does not have it, but notes the permit referenced on the form, 03195. Petitioner looked up the permit number, and testifies that she found that the permit application was sent at 7:58am, after the time of occurrence.

Respondent testifies that this was a matter of 20 minutes, for an emergency authorization form, claiming it to be "de minimis."

Petitioner testifies that respondent could have called a 24-hour phone line at 4:00am, when the form was first submitted.

I credit respondent's testimony, and grant his motion to dismiss. Petitioner testifies that respondent did this work without a proper permit, but as written, the summons only alleges that respondent did not have an authorization number, and respondent's evidence clearly shows that they did obtain this number, several hours before the date and time of occurrence.

As such, the summons is hereby dismissed.



02/07/2025

02/07/2025

Craig Messing, Hearing Officer

Date