



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0217766809 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>HUGH O'KANE ELECTRIC CO INC</b><br><br><b>Hearing Date: 01/14/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$2,000.00</b>      |
| <b>Community Service(Hr): Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE               |
|------------|---------------------|--------------------|-----------------------------------|
| 0217766809 | Sustained           | 06/20/2024         | 1ST AVENUE-E 96TH ST<br>Manhattan |

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

**Findings of Fact & Conclusions of Law**

Petitioner NEW YORK CITY POLICE DEPARTMENT (NYPD) appeared by NYPD court representative and issuing officer GOLDIE GRANDISON.

Respondent HUGH O'KANE ELECTRIC CO INC appeared by attorney MICHAEL NACMIAS, ESQ. of the Nacmias Law Firm.

Respondent was charged with a violation of § 2-07(c)(4)(i) of Title 34 of the Rules of the City of New York (RCNY) for performing work on a critical roadway during restricted hours without Department of Transportation (DOT) authorization.

In the summons, the Issuing Officer (IO) affirmed observing on June 20, 2024, at 10:20AM, at First Avenue and East 96th Street in Manhattan, "the cited contractor actively working in an open manhole without an authorization number. At the time of inspection the authorization number shall be obtained by the owner of the cover or grating or the authorized agent owner."

In support, petitioner submitted into evidence the section of law cited; four color photographs taken contemporaneously by the Issuing Officer (IO); three showing the manhole open; one photograph showing respondent's truck blocking one lane of traffic in front of the open manhole. Petitioner noted that the respondent should not open a manhole until they actually have obtained a permit for such activity. The photographs were date and time stamped for 10:21AM, June 20, 2024. The Issuing Officer testified that while on site she spoke to a "BARRY" who called "MIKE" on the telephone, but received no authorization number.

I find the Issuing Officer's sworn-to summons narrative to be credible and persuasive.

Respondent denied the violation arguing that. Respondent argued that they received permit #M03-2024172-A91 at 6:00AM on June 20, 2024.

Petitioner noted that there was nothing on file showing that the respondent had a permit or authorization number at the time of issuance. Petitioner researched the issue during the hearing and found in the permit database that the respondent submitted an application for a permit at 11:05AM, after the 10:20AM time of occurrence, and recommended the standard penalty of \$2,000.

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|-------------------------------------------------------------------------------------------------|------------|
| <br>01/21/2025 | 01/21/2025 |
| Mark Goichman, Hearing Officer                                                                  | Date       |