



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

Decision

Michael Sargo 592 Pacific Street 1st floor Brooklyn, NY 11217	Summons# : 0703759183 et al. (1 summonses) DEPT OF TRANSPORTATION, -against- HUGH O'KANE ELECTRIC CO INC Hearing Date : 3/3/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0703759183	Dismissed	11/27/2024	East 52 Street between Lexington Avenue and Park

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD21	34RCNY 2-07(A)(2)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Respondent, HUGH O'KANE ELECTRIC CO INC by remote hearing. Respondent was represented by its attorney Michael Sargo. Petitioner, Department of Transportation was represented by Brijnanand Persaud.

The summons charges 34 RCNY 2-07(a)(a2) failing to obtain an emergency number if opening an underground street access cover to perform emergency work during an embargo. The summons alleges that on November 27, 2024, at 12:37 PM, the issuing officer observed the Respondent working in a utility access cover during embargo hours. Respondent failed to obtain a valid utility manhole embargo permit.

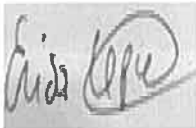
Mr. Persaud submitted the inspector's notes, and three photographs in support of the charge.

Mr. Sargo testified that the permit was issued on November 27, 2024, at 08:45 AM, prior the summons being issued. He submitted a copy of the permit as well as the emergency authorization number form. I have marked them as Respondent's Exhibit A.

Mr. Persaud confirmed that the permit was issued on November 27 at 08:45 AM.

I credit Respondent's testimony and evidence and find that Respondent has rebutted the Petitioner's case. Respondent obtained the emergency number before the summons was issued.

Accordingly, the Summons is dismissed.

	
03/06/2025	03/06/2025
Erisa Cepa, Hearing Officer	Date

