



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

**DECISION**

|                                                                                                            |                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Caroline Kane, Esq. - Nacmias Law Firm, PLLC</b><br>592 Pacific Street, 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0217766652 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>EMPIRE PROPERTIES PARTNERS LL</b><br><br><b>Hearing Date: 02/05/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$1,200.00</b>      |
| <b>Community Service(Hr): Not Applicable</b> |

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE                                |
|------------|---------------------|--------------------|----------------------------------------------------|
| 0217766652 | Sustained           | 06/14/2024         | ON BROOME ST BW THOMPSON ST AND SULLIVAN ST Queens |

| LINE ITEM | OATH CODE | CODE SECTION/RULE | RESULT    | PENALTY    |
|-----------|-----------|-------------------|-----------|------------|
| 1         | AD30      | A.C. 19-102(II)   | Sustained | \$1,200.00 |

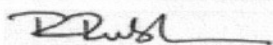
**Findings of Fact & Conclusions of Law**

The hearing was conducted via telephone conference call on February 5, 2025.

Caroline Kane, Esq, attorney for Respondent, appeared at the hearing. Issuing Officer Goldie Grandison appeared on behalf of Petitioner NYPD Traffic. The Summons alleges a violation of Code 19-102(ii) for failing to comply with the terms and conditions of a DOT permit. The Summons states the Issuing Officer observed the above contractor actively working at the above location with a concrete pump on the roadway before the permitted time. At the time of inspection, the contractor failed to comply to the terms and conditions of DOT permit violation 072 work 9AM-4PM Monday to Friday.

Officer Grandison submitted the DOT building operation permit with stipulations and date and time stamped photographs. See Petitioner's Exhibits. Officer Grandison was sworn in and testified that she observed Respondent's concrete pump in full use with arm extended prior to the permitted time of 9AM on the date the Summons was issued. Officer Grandison stated this was in violation of the 072 stipulation permitting work using the equipment type of a concrete pump between the hours of 9AM-4PM Monday to Friday. Officer Grandison identified the foreperson on the job as Lijin Hao who presented Respondent's license. Ms. Kane requested an amendment to the Summons to a violation of 19-121(a) work without a permit. Officer Grandison stated Petitioner DOT's position is the denial of the request to amend the violation as Respondent clearly violated the 072 stipulation by working at 8:10AM prior to the required time of day.

Code 19-102(ii) provides that no person shall use any part of a public street so as to obstruct travel therein unless such use is carried out in accordance with the terms and conditions of the permit issued for such use. The permit issued to Respondent contained Stipulation 072 that provided "WORK 9AM-4PM MONDAY TO FRIDAY." I credit the summons details and find that the Petitioner has established a valid charge against the Respondent. Petitioner established its prima facie case through the IO's affirmed statement in the Summons. See 48 RCNY § 6-12(b). Petitioner's documentary evidence further supports Petitioner's case. Once Petitioner established its case, the burden shifted to Respondent to refute the charge or establish an affirmative defense. See 48 RCNY § 6-12(a). Based on the foregoing, I find no basis to amend the Summons to 19-121(a) and find Respondent has neither refuted the charge nor established an affirmative defense. The Summons is upheld.



02/06/2025

02/06/2025

Randee Rubenstein, Hearing Officer

Date