



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Caroline Kane, Esq. - Nacmias Law Firm, PLLC 592 Pacific Street, 1st Floor Brooklyn, NY 11217	Summons No: 0218621682 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- EMPIRE PROPERTIES PARTNERS LLC Hearing Date: 12/18/2024 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$750.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0218621682	Sustained	08/26/2024	34-29 37th St Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD09	AC 19-121(A)	Sustained	\$750.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on December 18, 2024. Petitioner was represented by Goldie Grandison. Respondent was represented by Caroline Kane, Esq.

The summons charged a violation of Administrative Code 19-121(a) and alleged that the issuing officer observed respondent with a construction fence obstructing a portion of the sidewalk without a valid DOT permit.

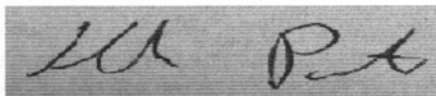
Petitioner submitted a copy of Respondent's DOB permit; a copy of Respondent's DOT permit; and photographs of the fence. See Petitioner Ex 1. Petitioner noted that the DOB permit was for filing a temporary construction fence, and that the DOT

permit was for jersey barriers and that the DOT permit was used for ID purposes. Petitioner argued that Respondent did not have a permit to maintain the fence on the sidewalk, and that there was a partial sidewalk closure because of the fence.

Respondent's counsel did not contest the allegations but requested Petitioner amend the charge to one with a lesser penalty. Petitioner declined.

I credit both parties. I find Petitioner established a prima facie case. I find Respondent did not refute the allegations nor establish a valid defense.

Accordingly, the summons is sustained.



12/18/2024

12/18/2024

Hannah Pinto, Hearing Officer

Date