



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

NORA BROWN - NACMIAS LAW FIRM PPLC 592 PACIFIC STREET NEW YORK, NY 11217	Summons No: 0704086882 et al. (1 Summons) DEPT OF TRANSPORTATION, -against- EDEN GENERAL CONSTRUCTION INC Hearing Date: 05/04/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$1,200.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0704086882	Sustained	12/19/2025	461 WEST 44 STREET, BTWN 9 AVE & 10 AVE Manhattan

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

Nora Brown appeared as the authorized representative for the respondent, Eden General Construction Inc., and waived the right to counsel and the appearance of the issuing officer. Brijanand Persaud appeared as the representative for the petitioner, the Department of Transportation.

The summons alleges that on 12/19/2025 at 11:27 AM, at 461 West 44 Street, between 9 Avenue and 10 Avenue, Manhattan, an occupancy of sidewalk due to flag repairs was observed. Respondent failed to provide a walkway that meet NYC DOT specifications that must be protected by timber barrier, water-filled barrier or concrete jersey barrier. Respondent ID by cited permit M022025342C46.

The respondent is charged with Administrative Code 19-102(ii), which provides, "Except as otherwise provided by law, no person shall remove, open or otherwise disturb the pavement of, or excavate in, a public street, or use any part of a public street so as to obstruct travel therein (ii) unless such removal, opening or other disturbance of the pavement or such excavation or use is carried out in accordance with the provisions of this subchapter and of section 24-521 of the code, the rules of the department in relation thereto and the terms and conditions of such permit."

Stipulation 014 MAINTAIN A 5 FOOT CLEAR PROTECTED PEDESTRIAN WALKWAY IN THE ROADWAY. THE WALKWAY MUST MEET NYCDOT SPECIFICATIONS AND MUST BE PROTECTED BY TIMBER BARRIER, WATERFILLED BARRIER OR CONCRETE JERSEY BARRIER (CONCRETE JERSEY BARRIER MUST BE PERMITTED SEPARATELY). THE WALKWAY MUST BE RAMPED AT THE EXIT FROM AND RE-ENTRY TO THE SIDEWALK FOR HANDICAPPED ACCESSIBILITY. RAMPING MUST MEET NYCDOT SPECIFICATIONS (H-1011-7) FOR PEDESTRIAN RAMPS TEMPORARY CASES.

Petitioner's representative submitted evidence, including five photos taken by the issuing officer. The photos show cones and metal barriers used on the sidewalk by respondent; a plastic barrier along the roadway to create a pedestrian walkway; a ramp that served as a transition from roadway to sidewalk; and a copy of the permit to replace broken sections of concrete sidewalk. The stipulation that the issuing officer was referring to is the second stipulation. The barriers used were not crash proof.

Respondent's representative submitted evidence. There were temporary steel barricades and water filled barricades. It was a mixed use. Also, there was a ramp. What respondent had at the site complied with the requirements.

Petitioner's representative stated that the reason the agency wants timber, water filled or concrete barriers to be used is because if a car were to drive into the barriers, they should be sturdy and should not be displaced or allow a pedestrian to be injured in the temporary walkway provided. The metal and plastic barriers are not crash proof. He stood by the violation and stated that it should be sustained. He does not know when respondent's photos were taken. There is not a walkway provided in her photos. They were not the ones required as stipulated by DOT. They were not protective or crash proof.

Respondent's representative's statements and evidence are not persuasive and do not provide a meritorious defense. I credit the inspector's factual allegations and petitioner's evidence, and find that at the time of inspection, the walkway was not protected by a timber barrier, waterfilled barrier or a concrete jersey barrier, as mandated under Stipulation 014. Respondent's disturbance of the pavement was thus not carried out in accordance with the terms and conditions of the permit. Accordingly, the summons is sustained and the statutory \$1,200 penalty is due.