



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Appeals Division

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Appeal No. 2600386

DPR v. Gabriel Sigmund Bobek

May 28, 2026

Appeal Decision

The appeal of Respondent is **denied**.

Respondent appeals from a recommended decision by Judicial Hearing Officer (JHO) C. Messing, dated March 27, 2026, sustaining a violation of § 1-04(b)(1)(i) of the Rules of the City of New York (RCNY) for cutting, removal, or destruction of a tree. Having fully reviewed the record, the Board finds that the JHO's decision is supported by the law and a preponderance of the evidence. Therefore, the Board finds as follows:

Summons	Law Charged	Hearing Decision	Appeal Determination	Penalty
213481438	56 RCNY § 1-04(b)(1)(i)	In Violation	Affirmed – In Violation	\$750

On the summons, the issuing officer (IO) affirmed observing on October 1, 2025, at Washington Square Park (Washington Sq. W./Washington Place) in Manhattan, Respondent “in plain view pulling and breaking branches off a recently planted young tree. Damage was observed on 2 branches causing damage to tree.”

In an online hearing submission, Respondent asserted that walking by the park, he saw that someone had ripped off a branch from the tree, leaving a big strip of bark hanging. Respondent further asserted that because he feared someone would strip the piece of bark all the way to the ground, probably killing the tree, he took it upon himself to prune the tree by twisting off the piece of bark. In support, Respondent submitted three photographs of the tree and a letter from a horticulture coordinator, in which he states that he too would have removed the hanging branch because it posed a hazard and that he examined the tree and could confirm that the damage happened days before the summons was issued and that Respondent “did not cause the principal damage to the tree.”

In the decision sustaining the charge, although the JHO credited Respondent's statements, the JHO found it was insufficient to warrant dismissal, as unauthorized tree pruning is encompassed in the charge.

On appeal, Respondent reiterates the arguments made at the hearing. Petitioner, Department of Parks and Recreation (DPR), did not answer the appeal.

Panel: 5/28/2026
Atty: EBH/1241

Date Mailed:

The Board affirms the JHO's decision. Section 1-04(b)(1)(i) of Title 56 of the Rules of the City of New York (RCNY) provides:

No person shall cut, remove, or destroy any trees under the jurisdiction of the [DPR] without permission of the Commissioner. . . . For purposes of this subparagraph, "destroy" shall include, but not be limited to, kill, carve, prune, or inflict other physical damage to the tree.

As correctly noted by the JHO, the term "prune" is encompassed in the term "destroy." Notwithstanding Respondent's good-faith effort to protect the young tree by removing the rest of the hanging branch, the Board finds that Respondent's evidence does not refute that he did so without proper authorization, in violation of 56 RCNY § 1-04(b)(1)(i).

Accordingly, the Board affirms the JHO's decision sustaining the 56 RCNY § 1-04(b)(1)(i) charge and imposing a civil penalty of \$750.

By: OATH Appeals Division