



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0196598820 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SHELLYANN LOVELACE Hearing Date: 07/21/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0196598820	Dismissed	06/01/2026	74th St. and 4th Ave. Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Respondent, SHELLYANN LOVELACE, appeared by his authorized representative, Michael Anthony Sargo, Esq., who waived the issuing officer. The petitioner, NYPD, did not appear.

The SUMMONS alleged a violation of Section 19-190(B) of the NYC Administrative Code for failure to yield the right of way for "causing injury."

Counsel challenged service and stated that the Affidavit of Service was not signed or dated and that service was defective and moved to dismiss for defective service.

Motion granted. I find the Affidavit (Certificate) of Service was blank. I find that petitioner failed to provide sufficient proof of service rendering service defective.

Counsel moved to dismiss as the allegations fails to make out a prima facie case as there was no allegation that the pedestrian had the right of way and that was no description of the injury and stated that the cited section of law did not apply to bicyclists.

Section 19-190, provides, in pertinent part:

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

c. It shall not be a violation of this section if the failure to yield and/or physical injury was not caused by the driver's failure to exercise due care.

Section 10.00 of the New York State Penal Law defines "physical injury" as "impairment of physical condition or substantial pain."

I do not credit the allegations. I find that the issuing officer did not allege that the respondent failed to yield and caused injury to the pedestrian who had the right of way and I find that the issuing officer did not assert that he personally observed the commission of the violation charged and I find that the issuing officer failed to establish that there an impairment of physical condition or substantial pain.

Accordingly, I dismiss.

Linda Agoston

07/24/2026

07/24/2026

Linda Agoston, Judicial Hearing Officer

Date