



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0199938146 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SHARPON D MCLEOD Hearing Date: 07/13/2026 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
0199938146	Dismissed	05/20/2025	Intersection of Nostrand Ave. & Lenox Road 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

This telephone hearing was held on July 13, 2026. Petitioner, NYPD, did not appear. Respondent, Sharpon D. McCleod, appeared by Michael Nachmias, Esq. and he waived the appearance of the IO.

This summons alleges a violation of NYC Administrative Code 19-190(b). The summons states that "at TPO the Respondent failed to yield to a pedestrian in the crosswalk causing physical injury.

Mr. Nachmias noted that the summons was defective because the affidavit of service was completely blank. With regard to the merits of this violation, he argued that Petitioner had failed to establish a prima facie case because it does not allege that

Respondent was in a motor vehicle, does not adequately describe the physical injury, the suffering of a physical injury is an essential element of the violation herein, and said element has not been established in the summons.

NYC Administrative Code Section 19-190 provides:

"(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.

I find that Respondent has established a valid defense because the summons fails to state a prima facie case. The summons does not contain a clear and concise statement sufficient to inform the respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation charged, pursuant to Section 6-08(c) of the OATH Hearing Division Rules of Practice. Furthermore, I further find that Petitioner failed to establish proper service of the summons. The affidavit of service was completely blank, the IO failed to provide any information on the affidavit of service and Petitioner offered no testimony or other evidence as to how the summons was served. (*See NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012)). Therefore, I find that the service of the summons was defective. The summons is dismissed due to defective service.

Barbara Halper

07/13/2026

07/13/2026

Barbara Halper, Judicial Hearing Officer

Date