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: 0203068425 et al. (1 Summons)** **NEW YORK CITY POLICE DEPT,** **-against-** **JEAN JOURDAN** **Hearing Date: 09/28/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$0.00**

Community Service(Hr): **Not Applicable**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0203068425	Dismissed	08/07/2026	QUEENS BLVD & 83 AVE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD62	A.C. 1 9-176(b)	Dismissed	$0.00

Findings of Fact & Conclusions of Law

The summons alleges that the respondent violated NYC Administrative Code 19-190(b) by failing to yield at Queens Boulevard and 83rd Avenue Queens on August 7, 2026. Michael Nacmias, Esq., appeared for the respondent Jean Jourdan. The petitioner NYPD did not appear.

The issuing officer stated in the sworn summons "Respond to MVA, def. stated he struck pedestrian in crosswalk."

The respondent moved to dismiss the summons on the ground that the affidavit of service filed with it was blank, and on the ground that the summons fails to establish a prima facie case. The summons does not allege the pedestrian was physically

injured, or that the pedestrian had the right of way.

NYC Administrative Code 19-190(b) provides that any driver of a motor vehicle who fails to yield to a pedestrian when such pedestrian has the right of way and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall 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.

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

48 RCNY 6-08(1)(a) provides that the petitioner must file an original or a copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

I find the petitioner failed to provide proof of service as required.

The issuing officer here does not allege that a pedestrian had the right of way or that a pedestrian was physically injured. I find the summons fails to allege sufficient facts on which the respondent could be found in violation. I find the summons fails to establish a prima facie case.

Based on the above, the summons is dismissed.



10/09/2026

10/09/2026

Anthony Feldmesser, Judicial Hearing Officer

Date