



# OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

## Decision

Michael Anthony Sargo, Esq.  
592 Pacific Street  
Brooklyn, NY 11217

Summons# : 0211635079 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

YERMIYAHU GARTNER

Hearing Date : 8/7/2026

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                 |
|------------|---------------------|--------------------|-------------------------------------|
| 0211635079 | Dismissed           | 05/20/2026         | 60TH STREET / 16TH AVE,<br>Brooklyn |

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

Total Penalty for Summons: 0.00

### Findings of Facts & Conclusions of Law

Petitioner did not appear. Respondent appeared through Michael Sargo, attorney.

Summons #0211635079 charged a violation of Administrative Code § 19-190(b) for failing to yield at a crosswalk resulting in physical injury to a pedestrian or cyclist.

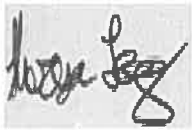
The issuing officer wrote, "At TPO, undersign was informed by [witness information] that motorist failed to yield to bicyclist causing injury." On the second page, the "Affidavit (Certificate) of Service" is blank.

Respondent moved to dismiss for failure to provide proof of service. Respondent also moved to dismiss for failure to state a prima facie case; the summons does not state who the motorist was, nor did it describe the injury enough to determine whether the suffered injury meets the statutory definition.

Section 19-190(b) imposes a fine on a motor vehicle that fails to yield to a pedestrian, comes in contact with the pedestrian, and causes a physical injury.

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, the summons would still be dismissed for failure to allege enough facts to establish a violation of the code.



08/17/2026

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Theresa Leary, Hearing Officer

Date