



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0211665017 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MARCEL ANSELME Hearing Date: 07/16/2026 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
0211665017	Dismissed	05/27/2026	143-45 Springfield Blvd

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

Findings of Fact & Conclusions of Law

A hearing was held by telephone on July 16, 2026. The Respondent appeared by attorney Micahel Sargo. The Petitioner did not appear. Respondent was charged with failure to yield injury in violation of 19-190(b). The affidavit of service is blank.

Respondent's attorney argues that the summons is defective as the affidavit of service page is not signed. He further argued that the summons cannot establish a prima facie case there is insufficient allegation made to support a physical injury, operation of a vehicle or contact with pedestrian.

The summons states defendant failed to a pedestrian crossing in marked crosswalk.

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian who has the right of way "and whose motor vehicle causes contact with a pedestrian . . . and thereby causes physical injury." See *NYPD v. Hershel Rosenfeld*, Appeal No. 1900526 (June 27, 2019). Here, as the IO never alleged that Respondent's vehicle made contact with the pedestrian, or that the pedestrian had the right of way or sustained a physical injury the summons cannot establish a prima facie case.

For the reasons stated in *NYPD v. Ajaz B. Kiani*, Appeal No. 1801238 (June 18, 2020), I find Petitioner failed to establish proper service where the purported proof of service on the reverse side of the summons was left blank and not signed and Petitioner did not appear at the hearing to supplement its proof of service. Accordingly the summons is dismissed.



07/16/2026

07/16/2026

Janet Albertson, Judicial Hearing Officer

Date