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: 0217819535 et al. (1 Summons)** **NEW YORK CITY POLICE DEPT,** **-against-** **AUSTIN R FRANCAVILLA** **Hearing Date: 10/14/2026** **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
0217819535	Dismissed	08/21/2026	79-01 METROPOLITAN AVENUE Queens

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 hearing was conducted via telephone conference call on October 14, 2026.

Respondent's attorney Michael Nacmias appeared at the hearing. No appearance on behalf of the NYPD petitioner.

The summons charges a violation of Administrative Code Section 19-190(b), failure to yield in that at TPO the Issuing Officer was informed by above driver operating vehicle was traveling s/b on 79th Street and making a left turn and struck pedestrian who was lawfully crossing in marked crosswalk. The pedestrian sustained injuries to left elbow, head and back from impact and went to Elmhurst hospital by EMS. Driver admitted they did not see pedestrian and did not exercise due care.

Respondent's attorney requested a dismissal of the charge based on inadequate service. Respondent's attorney also stated they denied the allegation and that the Issuing Officer did not personally observe the incident.

I find service defective in this instance. Petitioner failed to establish proper service where the purported proof of service on the reverse side of the summons was not signed, and Petitioner did not appear at the hearing to supplement its proof of service.

Additionally, I find the summons defective on its face since the summons does not allege the pedestrian had the right of way.

For the reasons above, the summons is dismissed.

10/14/2026 **10/14/2026**

Heather Widell, Judicial Hearing Officer **Date**