OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	**Summons No: 0217938610 et al. (1 Summons)** **NEW YORK CITY POLICE DEPT,** **-against-** **HERNAN A PALACIOS ERAS** **Hearing Date: 09/30/2026** **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
0217938610	Dismissed	11/12/2025	Kissena Blvd. & Booth Memorial Ave. Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADQ2	19-176 .2(B)	Dismissed	$0.00

Findings of Fact & Conclusions of Law

Respondent, HERNAN A PALACIOS ERAS, appeared by his counsel, Michael Anthony Sargo, Esq.., and the issuing officer. Petitioner, NYPD, did not appear.

Respondent was charged with operating a motorized scooter under Section 19-1762(B) of the NYC Administrative Code as the issuing officer noted "operating a motorized scooter in NYC."

Respondent's counsel moved to dismiss as the allegations make out a prima facie case as the issuing officer did not indicate that the violation occurred on a public road or in a prohibited location.

I find that the Summons must adequately gave Respondent information "adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated notice of the section of law charged," as required by 48 RCNY Section 6-08(c)(3). I find the correct section of law is 19j-176.2(B) and the issuing officer cited an incorrect section of law of 19-1762(B).

I further find that the issuing officer did not allege that the violation was observed on a public road as is required to make out a prima facie case for the section of law. Further per Section 6-08(c)(2), the Summons must 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 or the violations charged, including the . . . place . . . where such facts were observed . . . ." I find the Summons fails to provide a concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation.

Accordingly, I dismiss.

Linda Agoston

10/01/2026

10/01/2026

Linda Agoston, Judicial Hearing Officer **Date**