



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: 0220538533 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- AHMET CELIK Hearing Date: 06/29/2026 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$25.00
Community Service(Hr): 1

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0220538533	Sustained	05/09/2026	1151 Brighton Beach Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AX25	AC 10-125	Sustained	\$25.00

Findings of Fact & Conclusions of Law

Michael Nacmias appeared as the authorized representative of the named respondent. The summons cites a violation of A.C 10-125.

The respondent contended first, that one could not tell if the officer was citing the Administrative Code or the Rules of the City of New York, since it appeared both boxes were checked.

Second, the summons fails to allege the percentage of alcoholic content, so the Department has failed to prove their case.

Preliminarily, a review of the summons does establish sufficient notice of a violation of the administrative code, even though it appears that in checking the box for "administrative code," the check mark also touched the top of the box underneath, which states "Rules of the City of New York". The motion to dismiss on that ground is denied.

Second, insofar as to whether the narrative provided enough information to establish the charge, I find that it does. It is not necessary that the Department establish alcoholic percentage content, or even that Franzikaver 12 oz is an alcoholic beverage. . In Appeal No. 2501532 NYPD v. J. Doe January 7, 2026, it was held that " the Tribunal finds that the summons complied with 48 RCNY § 6-08(c)(2) and sufficiently informed Respondent of the violating condition charged. In it, the IO affirmed observing Respondent "holding an open 12 oz bottle of Modelo in plain view on [a] public sidewalk." Respondent did not argue that Modelo was non-alcoholic, only that the summons did not state that it was. The Tribunal has previously held that the summons need not specify that the container contained alcohol or was not empty. See NYPD v. J. Doe, Appeal No. 2100938 (October 8, 2021); NYPD v. J. Doe, Appeal No. 1800373 (July 20, 2018).

Furthermore, in Appeal No. 2100938 NYPD v. J. Doe October 8, 2021, it was held that " The summons stated that Respondent was observed "with an open 16oz can Barrier Brewing Company American Pilsner beer in her left hand sitting on chair inside of Domino public park," which Respondent did not deny. Contrary to Respondent, there is no requirement that a summons also must contain language negating the exceptions for alcohol consumed at a party, or the consumption of liquid with less than .005% alcohol. As it has in other cases, the Tribunal takes administrative notice that Barrier Brewing Company beer is an alcoholic beverage. See NYPD v. J. Doe, Appeal No.1900280 (May 24, 2019). Further, the summons need not specify that the container contained alcohol, or was not empty."

Here, the summons alleges that "the undersigned observed the defendant "with an open glass bottle of Franzikaver 12 oz on a public sidewalk in plain view." Pursuant to the holdings in the above cases, this is sufficient to establish a prima facie case, which I find was not factually rebutted by the respondent. Accordingly, the summons is sustained.

Respondent has the option to either pay the civil penalty imposed or complete community service. The civil penalty imposed is listed above. If you choose to pay the civil penalty, it must be paid within 30 days of the decision date or 35 days if the decision is mailed.

If Respondent chooses community service, respondent must complete 1 hour by 14 days.

If Respondent chooses community service and fails to complete community service by the deadline, respondent will be required to pay the monetary penalty 30 days from the date of the decision or 35 days if the decision was mailed.

Please check the back of this decision for more information.

Amy Jill Baranoff

06/29/2026

06/29/2026

Amy Jill Baranoff, Judicial Hearing Officer

Date