



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn, NY 11217	Summons No: 0221062335 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ANTHONY MUNIZ Hearing Date: 08/19/2026 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
0221062335	Dismissed	05/21/2026	159 STREET & HORACE HARDING EXPRESSWAY 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

Respondent ANTHONY MUNIZ appeared by attorney MICHAEL ANTHONY SARGO, ESQ.

Issuing Officer (IO) did not appear, proceeding based on the sworn-to summons of Police Officer MATTHEW CLARKSON, which states that on May 21, 2026, at 6:05 PM, the respondent was charged with a violation of VTL 19-190(b), and that the officer stated in the narrative, "Failure to Yield."

Respondent denied the violation, arguing that (1) that the affidavit/certificate of service is blank, and therefore service of the summons was improper; and (2) the summons fails to establish a prima facie case because it simply re-states the rule and

gives no information as to what the respondent did or did not do.

This summons is dismissed for facial insufficiency. My reasons for doing so are set forth below.

Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service with the Tribunal. Petitioner was not present at the hearing and therefore rested on the summonses and accompanying proofs of service filed with the Tribunal. At the hearing, Respondent challenged service, arguing that the IO had failed to sign the proofs of service. It is noted that the proof of service for the summons entitled "Affidavit (Certificate) of Service," are completely blank.

I find that upon Respondent's challenge to service, 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. The summons, therefore, is DISMISSED for improper service.

Additionally, upon a careful reading of the summons, I find that the IO failed to describe any action the respondent may have taken - the IO merely gives a bare restatement of the charges - Failure to Yield - and offers no description of the alleged actions that the respondent is accused of. Did the respondent turn left? Right? Was the respondent in an intersection? Turning into a cross walk? Away from a cross walk? Was there a traffic control device? A stop sign? Were pedestrians involved? How many? Where were they? What happened to the pedestrian? This is insufficient on its face.

To be sufficient on its face, the "(n)on-hearsay allegations of the factual part of the information and/or of any supporting depositions [must] establish, if true, every element of the offense charged and the defendant's commission thereof (CPL § 100.40(1)(c)). This is referred to as the "prima facie case requirement" (People v Jones, 9 NY3d 259, 262 (2007)). An information which does not meet this requirement is jurisdictionally defective and mandates dismissal of the charges (People v Dreyden, 15 NY3d 100 (2010); People v Kalin, 12 NY3d 225 (2009); People v Casey, 95 NY2d 354 (2000)).

I find that the IO failed to allege any specific act or series of actions or inactions. Therefore, the information is facially insufficient. Based on the above, the case against the respondent is DISMISSED for this reason as well.

Therefore, the information is facially insufficient. Based on the above, the case against the respondent is DISMISSED for this reason as well.

Mark Goichman

08/19/2026

08/19/2026

Mark Goichman, Judicial Hearing Officer

Date