



Office of Administrative Trials and Hearings

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 0221668839 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

BRYANT FLORES

Hearing Date : 7/23/2026

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
0221668839	Dismissed	06/03/2026	153 MARCUS GARVEY, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AN56	A.C. 24-236(C)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

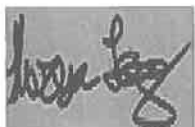
Summons 0221668839 charged a violation of Administrative Code § 24-236(c). The issuing officer observed Respondent operating "above listed vehicle" generating sound that is plainly audible to another individual at a distance of 200 feet. On the second page, the "Affidavit (Certificate) of Service" is blank.

Respondent moved to dismiss the summons for service, citing Appeal No. 2000420, NYPD v. Barrett Cherelle (June 18, 2020). He also moved to dismiss for failure to plead adequate details on the summons, as no vehicle is described.

The code states, "Motor vehicles with a maximum gross weight greater than 10,000 lbs. No person shall cause or permit any motor vehicle with a maximum gross weight greater than 10,000 lbs. to operate on a public right-of-way where the muffler or exhaust generates a sound that is plainly audible to another individual at a distance of 200 feet or more from the motor vehicle, except when compression brake systems are used in an emergency to stop the vehicle."

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, the summons would have been dismissed for failure to describe a vehicle that this section of code applies to.



07/27/2026

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Theresa Leary, Hearing Officer

Date