OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

DECISION

Michael Anthony Sargo, Esq. 592 Pacific Street Brooklyn,NY 11217	**Summons No: 0222314410 et al. (1 Summons)** **NEW YORK CITY POLICE DEPT,** **-against-** **JASMINE MENSEZ** **Hearing Date: 10/13/2026** **Hearing Location: Remote** **Type of Hearing: By Telephone**

Total Penalty Amount:**$25.00**

Community Service(Hr): **1**

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0222314410	Sustained	08/21/2026	WATKINS AND RIVERDALE Brooklyn

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

Findings of Fact & Conclusions of Law

Petitioner did not appear. Respondent appeared through Michael Sargo.

Summons #0222314410 charged a violation of Administrative Code § 10-125(b), prohibiting an open container of alcohol on the street. The issuing officer observed Respondent with an open container of Tequila Blanco.

Respondent moved to dismiss the summons for failure to plead a prima facie case and argued that the issuing officer did not mention that they witnessed them holding it; that there is no allegation about them drinking it; that there is no mention of whether there was anything in the beverage.

The code states, "No person shall drink or consume an alcoholic beverage, or possess, with intent to drink or consume, an open container containing an alcoholic beverage in any public place except at a block party, feast or similar function for which a permit has been obtained."

Possession of an open container containing an alcoholic beverage by any person shall create a rebuttable presumption that such person did intend to consume the contents thereof in violation of this section."

I credit the issuing officer and find that Petitioner plead a prima facie case. "Tequila Blanco" is an alcoholic beverage. Respondent has not overcome the rebuttable presumption that the Respondent intended to drink their open container of alcohol.

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 within 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 see the back of this decision for more information.



10/16/2026

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Theresa Leary, Judicial Hearing Officer

Date