



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: 0203313606 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- YOSEF NOGINSKI Hearing Date: 12/19/2024 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
0203313606	Dismissed	10/30/2024	INT OF SCHENECTADY AVE AND MONGOMERY ST Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

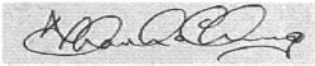
Findings of Fact & Conclusions of Law

The hearing was conducted via telephone conference call on December 19, 2024.

Michael Nacmias, attorney for Respondent, appeared at the hearing. No appearance on behalf of petitioner NYPD.

The summons charges AC 19-190(B) for failure to yield causing serious injury. Respondent's representative motioned to dismiss for no jurisdiction as the affidavit of service was blank, defective summons due to no penalties stated, and for failure to establish a prima facie case as there was no details of the violation.

According to 48 RCNY 6-08(a)(1), the petitioner must file an original or a copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date. Electronic filing of the summons and proof of service is required unless the Tribunal grants an exception. Failure to timely file all proofs of service shall not divest the Tribunal of jurisdiction to proceed with a hearing or to issue a default order. This summons is dismissed for no jurisdiction since a blank affidavit of service was filed with the summons.



12/26/2024

12/26/2024

Alex Chung, Hearing Officer

Date