



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 0217053293 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

PINCHAS FRIEDMAN

Hearing Date : 3/20/2025

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
0217053293	Dismissed	01/28/2025	2108 Dorchester Rd, Brooklyn

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

This matter was heard remotely, via telephonic conference, on March 20, 2025. Respondent appeared via Michael Nacmias, identified as the attorney the named respondent. Petitioner did not appear.

The summons alleges a violation of NYC AC 19-190(b). The date of occurrence was January 28, 2025, at 17:52 [5:52pm].

Respondent requested the affidavit of service; I agreed to circulate it. Respondent moved to dismiss, as the affidavit was not filled out, and OATH thereby lacks jurisdiction over the matter; respondent submits NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020), in support of that contention. Respondent further asserts that the summons does not allege that the pedestrian did not suffer a physical injury.

I credit respondent's testimony, and find that, as a matter of law, this summons must be dismissed, as respondent correctly notes the affidavit of service, attached to the summons, is completely blank, and not filled in at all. OATH rules require that a petitioner submit both a valid summons, and proof of service; otherwise, OATH cannot assert jurisdiction over the matter.

[Moreover, I note that respondent correctly notes that 19-190(b) explicitly requires that the motorist "thereby causes physical injury" after contacting the pedestrian, which is also not alleged in this summons.]

As such, the summons is hereby dismissed.



03/20/2025

03/20/2025

Craig Messing, Hearing Officer

Date