



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0218272836 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>DAVID M GINDI</b><br><br><b>Hearing Date: 05/15/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$0.00</b>          |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>    |
|------------------|----------------------------|---------------------------|-------------------------------|
| 0218272836       | Dismissed                  | 03/26/2025                | Avenue O/E.18 street Brooklyn |

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

**Findings of Fact & Conclusions of Law**

A hearing was held by telephone on 5-18-25 on this summons which charged Respondent with failure to yield right of way in violation of Code 19-190(b). The Respondent's attorney appeared. The Petitioner did not appear. Respondent's attorney waived the right to an interpreter and to the issuing officer/inspector.

Respondent argues that the summons is defective as the affidavit of service page is blank. He further argued that the summons cannot establish a prima facie case as the recorded observations of physical injury alone did not establish that an actual physical injury was present as the description was conclusory and failed to meet the definition of a physical injury as stated in NYS Penal Law. The summons states caused injury legs. Based on this Respondent's attorney moves for

dismissal.

I find the summons is defective as the affidavit of service page is blank. The Board has stated in NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020), 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. Accordingly, for the reasons stated the summons is defective on its face and it is dismissed.



05/15/2025

05/15/2025

Janet Albertson, Hearing Officer

Date