



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

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

Summons# : 0219161288 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

SHALOM AMRAJN

Hearing Date : 9/18/2025

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
0219161288	Dismissed	05/03/2025	MARCY AVE & CLIFTON PL, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AA75	AC 17-503(D)(3)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

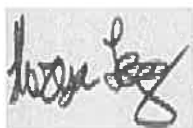
Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

Summons 0219161288 charged a violation of AC 17-503(D)(3), prohibiting smoking in public parks. The issuing officer observed the Respondent smoking in public park in plain view. On the second page, the "Affidavit (Certificate) of Service" is blank.

Respondent moved to dismiss the summons for defective service, citing NYPD v. Barrett Cherelle, Appeal 2000420 (June 18, 2020), which found, "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."

Respondent also moved to dismiss for failure to say what the Respondent was smoking, and for failing to identify the park that Respondent was allegedly smoking in.

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.



09/22/2025

09/22/2025

Theresa Leary, Hearing Officer

Date

