



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: 0219079769 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- NAFTULI S REICHBERG Hearing Date: 09/18/2025 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
0219079769	Dismissed	07/26/2009	62 st / 18 ave 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

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

Summons 0219079769 charged a violation of Administrative Code § 19-190(b) for failing to yield at a crosswalk resulting in physical injury.

The issuing officer wrote, "At tpo, IO is informed by [name and date of birth] that she was hit by the motorist who failed to yield to her." On the second page, the "Affidavit (Certificate) of Service" is blank.

Respondent moved to dismiss the summons for defective service, citing Appeal 2000420. He also argued it does not establish a prima facie case of the violation because it does not allege a physical injury, it does not identify the motorist, and it does not say the individual was a pedestrian.

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.

Had service been effective, I would grant Respondent's motion to dismiss for failure to allege sufficient facts to establish a prima facie case. §19-190(b) does require that injury to a pedestrian be pled in the description of the charge. Petitioner failed to plead those facts.

Accordingly, the summons is dismissed.



09/22/2025

09/22/2025

Theresa Leary, Hearing Officer

Date