



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: 0217060279 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ISRAEL SHENBERGER Hearing Date: 09/29/2025 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
0217060279	Dismissed	12/31/9999	Dadicc Rd and Church Avenue 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 NYPD did not appear. Michael Nacmias, Esq., appeared on behalf of Respondent Israel Shenberger at telephone hearing on September 29, 2025. Respondent's counsel waived the present of the issuing officer, a formal reading of the summons and the use of a translator.

Respondent was charged with violating section 19-190(B) of the Administrative Code. The summons states "At TPO Vi did collie with bicyclist in the crosswalk." Date of violation was 10/08/25.

Respondent's counsel made two arguments in support of the dismissal of the summons. First, the summons does not allege

physical injury and does not say whether Respondent failed to yield the right of way. Second, the narrative does not connect Respondent to any conduct. The summons also fails state Respondent was operating a vehicle. No additional evidence was submitted.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See *NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012); reaffirmed in *NYPD v. Doe*, Appeal No.1800218 (May 17, 2018).

I give credit to the issuing officer's sworn statement but find that Petitioner failed to establish a violation. The summons is facially defective since the date of occurrence is in the future because the date of occurrence was noted as 10/08/25. I find Respondent's argument to be persuasive.

Therefore, the summons is dismissed.



09/30/2025

09/30/2025

Raul Quezada, Hearing Officer

Date