



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: 0219895244 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SHIMON FOGEL Hearing Date: 01/09/2026 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
0219895244	Dismissed	11/19/2025	16th Ave and 48th Street 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

This is a hearing by phone on January 9, 2026. Respondent, Shimon Fogel, appeared by Michael Nacmias, Esq. Petitioner, Police Department, did not appear.

Summons 0219895244 alleges a violation of § 19-190(b) of the New York City Administrative Code for failure to yield – physical injury.

Respondent's attorney moved to dismiss the summons arguing the summons failed to make out a prima facie case since the summons fails to mention, among other things, whether the respondent was a driver or if the pedestrian had the right of way or

the nature of the physical injury.

I credit Counsel's arguments and find that the summons does not state a prima face case for the charge because material elements are missing from the sworn details, such as whether the pedestrian has the right of way and the standard for physical injury.

Accordingly, the summons is dismissed.



01/09/2026

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Nadia Pervez, Judicial Hearing Officer

Date