



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: 0204730296 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- PAMELA M MARTINEZ Hearing Date: 01/15/2026 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
0204730296	Dismissed	11/26/2025	Jamaica Ave and 112 St Queens

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 matter was heard remotely, via telephonic conference, on January 15, 2026. Respondent appeared via Michael Nacmias, identified as the attorney for the named respondent. Petitioner did not appear.

The summons alleges a violation of NYC AC 19-190(b). The date of occurrence was November 26, 2025, at 5:00pm.

Respondent requests that I examine the affidavit of service, for this summons; I noted that it was not filled out. Respondent moves to dismiss, on these grounds. Respondent cites to NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020), in support of their motion to dismiss.

Respondent further testifies that the summons does not allege that respondent was in a motor vehicle, does not allege a physical injury, and that the victim had the right of way, nor a failure to yield by respondent, and moves to dismiss for a failure to make out a prima facie case on the face of the summons.

I credit respondent's testimony, and find that, as a matter of law, this summons must be dismissed, as the affidavit of service, attached to the summons, is completely blank, and not filled in at all. OATH rules require that a petitioner submit both a valid summons, and proof of service; otherwise, OATH cannot assert jurisdiction over the matter.

As such, the summons is hereby dismissed.



01/15/2026

01/15/2026

Craig Messing, Judicial Hearing Officer

Date