



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: 0196650017 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- GERALD CANI Hearing Date: 04/24/2026 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
0196650017	Dismissed	01/27/2026	19th Avenue and 82nd 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

The hearing was conducted via telephone conference call on April 24, 2026.

Michael Nacmias, Esq. counsel for the Respondent, Gerald Cani appeared at the hearing. No appearance on behalf of Petitioner, NYPD.

The summons charges AC 19-190 (b) Failure to Yield. Respondent made two motions. He argued that the case should be dismissed because the summons did not contain proof of service as the affidavit of service was blank, thus defective and as such there is no jurisdiction. He also argued that the summons did not make out a prima facie case as it doesn't allege

Respondent was in the motor vehicle failing to link Respondent to the activity and does not meet the definition of physical injury. Respondent's counsel submitted prior OATH appeals regarding service to support his motion.

Per 48 RCNY § 6-08(c)(1), the petitioner must file an original or copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

I grant Respondent's motion and find service defective as the affidavit of service that accompanied the summons was blank.

I also find that that the details contained in the summons are conclusory and fail to allege material elements of the charge to support a prima facie case for the charge of AC 19-190 (b).

Summons dismissed.

	
05/06/2026	05/06/2026
Melissa Petrozza, Judicial Hearing Officer	Date