



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 0196629703 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

MINGUYO ZHANG

Hearing Date : 4/25/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0196629703	Dismissed	12/15/2024	6 Ave and 52 St, Brooklyn

LINE ITEM	OATH CODE	CODE SECTION / RULE	RESULT	PENALTY
1	AD6K	AC 19-190(A)	Dismissed	0.00

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

This matter was heard remotely, via telephonic conference, on April 25, 2025. 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(a). The date of occurrence was December 15, 2024, at 22:15 (10:15pm).

Respondent moves to dismiss, noting that the affidavit of service is blank, and citing to NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020). Respondent further moves to dismiss on the grounds that the summons fails to make a prima facie case, as it does not allege that an actual pedestrian was involved, instead alleging that the injured party was on a moped; moreover, the summons does not allege that respondent was in a motor vehicle, nor that they failed to yield, nor that the injured party had the right of way.

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. Petitioner is correct, that 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.



04/25/2025

04/25/2025

Craig Messing, Hearing Officer

Date