



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: 0202641176 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JIANHAI ZHANG Hearing Date: 03/14/2025 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
0202641176	Dismissed	01/23/2025	60 Avenue and Main Street 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

Michael Nacmias, Attorney for Respondent, JIANHAI ZHANG appeared for a hearing by telephone on March 14, 2025. Petitioner, New York City Police Department, did not appear.

Respondent is charged with a violation of Section 19-190(b) of the NYC Administrative Code. The issuing officer states that Respondent failed to yield to a pedestrian causing physical injury. The Affidavit of Service was left blank.

Section 19-190(b) of the Administrative Code of the City of New York provides, in relevant part, that any driver of a motor vehicle who fails to yield to a pedestrian who has the right of way and whose motor vehicle causes contact with and injury to that pedestrian, shall, in addition to being guilty of a misdemeanor, be subject to a civil penalty of not more than \$250. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

Under Penal Law § 10.00 (10), a serious physical injury is defined as one that causes death, serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ.

I credit the summons, however it makes no mention of a motor vehicle or who was driving, and while it does mention physical injury it fails to meet the definition of physical injury under Penal Law § 10.00. In addition, the Affidavit of Service is blank rendering service defective.

Accordingly, the Summons is dismissed



03/24/2025

03/24/2025

Amita Rodriguez, Hearing Officer

Date