



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: 0220653667 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- HUA GAO Hearing Date: 03/09/2026 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
0220653667	Dismissed	01/17/2026	39-16 Prince St Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6B	A.C. 19-136(b)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Petitioner NYPD did not appear. Attorney Michael Nacmias appeared on behalf of Respondent HUA GAO at telephone hearing on March 9, 2026. Respondent's counsel waived the present of the issuing officer, formal reading of the charges and the use of a translator.

Respondent was charged with violating section 19-136(B) of the Administrative Code. Date of occurrence was 01/17/26.

Respondent's counsel made two arguments in support of the dismissal of the summons. First, the summons was defective since it had a blank affidavit of service. Thus, Petitioner failed to provide proper proof of service as per the RCNY. Second,

Respondent's counsel could not determine the section of law the summons cited. The issuing officer failed to allege what conduct was committed by Respondent and does not say what kind of vehicle the summons is referring to. No additional evidence was submitted.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See *NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012); *reaffirmed in NYPD v. Doe*, Appeal No.1800218 (May 17, 2018). See also *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020).

In addition, OATH rule 6-08(c)(2) states that a summons must contain "[a] clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed..."

I give credit to the issuing officer's sworn statement and find that it established a violation. However, I find the Affidavit of Service is blank and there was no evidence presented to show that the respondent was properly served with the summons.

Therefore, the summons is dismissed.



03/10/2026

03/10/2026

Raul Quezada, Judicial Hearing Officer

Date