



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0200011067 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MANUEL D LANIN Hearing Date: 07/11/2025 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
0200011067	Dismissed	05/22/2025	Huntington Street and Smith Street Brooklyn

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

Findings of Fact & Conclusions of Law

On July 11, 2025, a telephonic hearing was held with respect to the instant matter, alleging a violation of Admin. Code 19-190(A). Petitioner, the New York City Police Department, did not appear. Respondent, via attorney Michael Sargo, waived the appearance of an interpreter and elected to proceed without the issuing officer present.

Respondent requests dismissal for two reasons: (1) there is no affidavit of service, and therefore, service was inadequate and (2) the allegations fail to make out a prima facie violation of Admin Code 19-190 since there is no factual allegation that there was physical injury.

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).

I find that the Affidavit of Service is blank and there was no evidence presented to show that the respondent was properly served with the summons. See NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020). I note, however, that since the instant offense is a violation of 19-190(A), physical injury is not a requisite element since 19-190(A) provides "that any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction."

Nevertheless, the instant summons is dismissed.



07/11/2025

07/11/2025

Raymond Queliz, Hearing Officer

Date