



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: 0204697067 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- NIKOLOZ TOPURIA Hearing Date: 09/04/2024 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
0204697067	Dismissed	07/16/2024	1159 Second Avenue Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

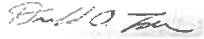
Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on September 4, 2024. Petitioner did not appear. Respondent was represented by Michael Nacmias, Esq.

The summons charged a violation of 19-190(b) of the Administrative Code, failure to yield to a pedestrian with right of way, causing physical injury.

On the merits, respondent moved to dismiss for failure to state a prima facie case, in that there was no allegations of physical injury, an element of the charge under AC 19-190(b).

On the jurisdictional issue of service, respondent challenged service because the certificate of service was blank and unsigned. Petitioner is required by 48 RCNY § 6-08(a)(1) to file proof of service with OATH. Failure to do so or offer evidence of service at the hearing means the summons must be dismissed for defective service. *NYPD v. J. Doe*, Appeal No. 2200921 (August 30, 2022). Accordingly, the summons is dismissed.



09/04/2024

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Donald Lash, Hearing Officer

Date