



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: 0202547410 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- GIORGI TAHRELASHVILI Hearing Date: 11/13/2024 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
0202547410	Dismissed	06/30/2024	234 SANDS STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE		PENALTY
1	AX25	AC 10-125	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The summons alleges that respondent committed a violation of the New York City Administrative Code section 10-125 with the following statement: "[respondent] was observed with an open container of stella artois alcohol in public view."

Michael Nacmias, attorney, appeared on behalf of Respondent. The Police Department did not appear.

Mr. Nacmias firstly moved to dismiss for defective service, noting that the affidavit of service is blank.

Mr. Nacmias also argued that the details do not make out a prima facie case, as they do not indicate that it is an alcoholic

beverage.

I credit the allegations contained in the summons. I find that the details do indicate stella artois "alcohol," and as such, the summons alleges that respondent was consuming an alcoholic beverage. However, petitioner has failed to establish proper service as the affidavit of service is blank. Respondent's motion to dismiss for defective service is granted and the summons is dismissed.

Ricardo Luiggi

11/13/2024

11/13/2024

Ricardo Luiggi, Hearing Officer

Date