



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: 0219037446 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- WAEEL S SALIM Hearing Date: 02/03/2025 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
0219037446	Dismissed	12/15/2024	Bainbridge Steet and Patchen Ave Brooklyn

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 appeared as the authorized representative of the named respondent.

The summons cites a violation of AC 19-190B.

The respondent moved to dismiss for improper service insofar as the affidavit of service was blank. He relied on the decision in Appeal No. 2000420 NYPD v. Barrett Cherelle June 18, 2020. He also moved to dismiss because the summons fails to allege physical injury, as required by the rule, that it fails to allege a failure to yield, and it fails to state who has the right of way..

Regardless of the merits, the motion to dismiss is granted.

In Appeal No. 2200921 NYPD v. J. Doe August 30, 2022, it was held that

"Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service with the Tribunal. Petitioner was not present at the hearing and therefore rested on the summons and accompanying proof of service filed with the Tribunal. At the hearing, Respondent's representative challenged the affidavit of service. Here, Petitioner filed a completely blank "Affidavit (Certificate) of Service," lacking the IO's signature or any description of the manner of service. As Petitioner failed to appear at the hearing to supplement its proof of service with any testimony or other evidence, the Tribunal finds that Petitioner failed to provide sufficient proof of service rendering service defective. See NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020); NYPD v. J. Doe, Appeal No. 2000002 (June 18, 2020)."

Accordingly, the summons is dismissed.

A. Baranoff

02/03/2025

02/03/2025

Amy Baranoff, Hearing Officer

Date