



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: 0217048471 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SHAKHRUS YSSUPZHANOV Hearing Date: 03/03/2025 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
0217048471	Dismissed	01/11/2025	Coney Island Avenue and Avenue X Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AN22	A.C. 24-228.1	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On March 3, 2025, a telephonic hearing was held with respect to the instant matter. Petitioner, the New York City Police Department, did not appear. Respondent, represented by Michael Nacmias, Esq., waived the use of an interpreter and elected to proceed without the issuing officer present.

In the summons, Petitioner states issuing officer observed "operator in motor vehicle with loud engine exhaust which was heard from 300 feet away" at Coney Island Avenue and Avenue X on January 11, 2025 at 6:50P.M, in violation of Admin Code 24-228.1.

Respondent averred that the summons should be dismissed because the affidavit of service is blank and that the subsection of the Administrative Code is incorrect.

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 credit Respondent's testimony and find that the affidavit of service is insufficient since there is no information regarding service. Accordingly, the matter is dismissed.

	
03/03/2025	03/03/2025
Raymond Queliz, Hearing Officer	Date