



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: 0219073196 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- PEDRO E GARCIA PEREZ Hearing Date: 04/10/2025 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
0219073196	Dismissed	02/19/2025	7107 NEW UTRECHT AVENUE Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AN37	A.C. 24-233(B)(2)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Summons 219073196 alleges a violation of § 24-233(b)(2) of the Administrative Code of the City of New York (Code), for operating a personal audio device in such a manner as to create an unreasonable noise/audio from a motor vehicle.

Petitioner, Police Department, did not appear at the hearing.

Respondent, PEDRO GARCIA PEREZ, appeared by attorney Michael Nacmias, Esq.

Respondent's attorney moved to dismiss the summons, arguing (i) service was defective because the IO failed to sign or fill in

anything on the affidavit/certificate of service located on the reverse side of the summons; and (ii) the summons failed to make out a prima facie case for the charge, where the details of the charge was left entirely blank.

I find that Petitioner failed to establish proper service.

Here, the purported proof of service on the reverse side of the summons was left blank and not signed and Petitioner did not appear at the hearing to supplement its proof of service. See *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020).

Accordingly, the summons is dismissed.

	
04/10/2025	04/10/2025
Kevin Lawner, Hearing Officer	Date