



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: 0212112890 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SUZANNE SLININ Hearing Date: 07/31/2025 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
0212112890	Dismissed	06/10/2025	126 Smith Street Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6K	AC 19-190(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

I find Respondent Suzanne Slinin not in violation of the charge of NYC Administrative Code § 19-190(b) for failure to yield right of way to pedestrian causing physical injury.

Petitioner NYPD did not appear. Respondent Suzanne Slinin appeared through counsel at a telephone hearing on July 31, 2025. Respondent's counsel, Mr. Michael Nacmias, waived the presence of the issuing officer, the use of a translator and the reading of the summons.

Respondent was charged with violating section 19-190(b) of the Administrative Code on June 10, 2025, at 5:40 pm. Specifically, Petitioner alleges that Respondent "failed to yield to pedestrian crossing the crosswalk" and that Respondent "was operating a motor vehicle" and that "pedestrian states vehicle struck pedestrian in her left leg".

Respondent's counsel moved to dismiss the summons on two separate grounds: (1) improper service of the summons based on the affidavit of service which was not signed; and (2) Petitioner failed to make a prima facie case as the summons does not allege sufficient facts for the violation charged, such as whether the pedestrian had the right of way. I find both arguments persuasive.

For the reasons stated in *NYPD v. Ajaz B. Kiani*, Appeal No. 1801238 (June 18, 2020), I find that upon Respondent's challenge to service, Petitioner failed to establish proper service where the purported proof of service on the reverse side of the summons was not signed, and Petitioner did not appear at the hearing to supplement its proof of service.

I also find that Petitioner failed to make a prima facie case here. Code Section § 19-190(a) makes it a violation to fail to yield to a pedestrian or person riding a bicycle when such pedestrian or cyclist has the right of way. Moreover, OATH rule 6-08(c) states that a summons must contain "[a] clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed...". Here, Petitioner simply stated in the summons that Respondent "failed to yield to pedestrian crossing the crosswalk" and that Respondent "was operating a motor vehicle" and that the pedestrian stated a vehicle struck her in her left leg. However, the summons fails to specify whether the pedestrian had the right of way, which is a required element under Code § 19-190(b). See *City of New York v. Christopher Colander*, Appeal No 1701338 (February 1, 2018).

Therefore, the summons is dismissed.



07/31/2025

07/31/2025

George Drakopoulos, Hearing Officer

Date