



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias 592 Pacific Street Brooklyn, NY 11217	Summons No: 0202498194 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- IKROM SABIROV Hearing Date: 10/07/2025 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
0202498194	Dismissed	05/24/2025	2220 WEST 11 STREET Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6B	A.C. 1 9-136(b)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

I find Respondent IKROM SABIROV not in violation of the charge of NYC Administrative Code § 1 9-136(b).

Petitioner NYPD did not appear. Respondent appeared through counsel at a telephone hearing on October 7, 2025. Respondent's counsel, Michael Nacmias, waived the presence of the issuing officer, the use of an interpreter and the reading of the summons.

Respondent was charged with violating section 19-136(b) of the Administrative Code.

Respondent's counsel moved to dismiss the summons on three separate grounds: (1) improper service of the summons based on the defective affidavit of service, which was blank; (2) lack of jurisdiction, based on the defective affidavit of service, which was blank; and (3) Petitioner failed to make a prima facie case as the summons does not allege sufficient facts for the violation charged. Specifically, Respondent's counsel argued that the description of the charge does not correspond to the elements of the cited section of law as the summons states that Respondent was operating a vehicle which is not an element of the charge. I find these 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 left blank 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 § 19-136(b) states that "[i]t shall be unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law, between the building line and the curb line for the parking, storage, display or sale of motor vehicles." In addition, 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, the summons alleges that the respondent was observed operating a vehicle on a public sidewalk. However, Code § 19-136(b) does not list operating a vehicle on a sidewalk as an element, and it only specifically addresses "the parking, storage, display or sale of motor vehicles".

Accordingly, the summons is dismissed.



10/08/2025

10/08/2025

George Drakopoulos, Hearing Officer

Date