



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: 0211768150 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- TARIEL DARSANIA Hearing Date: 01/12/2026 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0211768150	Dismissed	10/19/2025	West Broadway and Duane Street Manhattan

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

Findings of Fact & Conclusions of Law

The summons alleges violation of NYC Administrative Code 19-190(a) and states that the defendant was driving and collided with a pedestrian walking in the crosswalk.

The agency that issued the summons, the Police Department of the City of New York, did not appear at the hearing.

Michael Nacmias, Esq. appeared for the respondent, Tariel Darsania, and denied the violation.

Respondent moved to dismiss the violation as proof of service of the summons was not provided. In support of his motion

respondent relied on appeal no.2000420. Further respondent moved to dismiss the summons as it did not state the defendant was driving a motor vehicle.

NYAC 19-190(a)states in pertinent part that "...any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction ..."

48 RCNY 6-08(c) requires that the summons contain at a minimum a clear and concise statement sufficient to inform the respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation and information adequate to provide specific notification of the section or sections of the law to have been violated.

48 RCNY 6-08(a) requires that the petitioner file an original or copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

The issuing officer does not make a mere conclusionary statement but rather alleges essential facts of the violation, i.e., that the defendant was driving and that pedestrian collided with the passenger side walking in the cross walk. I find that the fact the defendant was driving a motor vehicle can be inferred from the narrative.

However, [t]he affidavit of service submitted to the tribunal is blank. It has been held that "Even if the summons is personally served, the affidavit of service should be completed to effectuate service." See NYC v. M&G General Construction, Appeal No. 1200063(May 31, 2012).

Accordingly, the summons is dismissed for failing to meet the requirements of 48 RCNY 6-08(a).

Ilene Sussman

01/12/2026

01/12/2026

Ilene Sussman, Judicial Hearing Officer

Date