



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: 0219107680 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MUHAMMAD A SHABANI Hearing Date: 05/12/2025 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
0219107680	Dismissed	03/21/2025	W/B Avenue/Garritsen Ave Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AN46	A.C. 24-236(A)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

No one appeared for the petitioner. Michael Nacmias, Esq. appeared for the respondent.

On the date and at the location indicated on the summons, the officer observed a motorist operating a 2024 BMU M3401 with loud engine noise coming from exhaust. I do not credit these observations.

Mr. Nacmias made a motion to dismiss because the method of service was not stated. Also, he opined that the summons is legally insufficient because it does not say the sound could be heard 150 feet or more.

I find that the summons is legally insufficient because it did not say that sound was audible to another individual at a distance of 150 feet or more, which is an element of the offense. It merely says that the noise was loud which is subjective. Accordingly, the violation is dismissed.

Anne W Seely

05/12/2025

05/12/2025

Anne Seely, Hearing Officer

Date