



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: 0219006426 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- HENRY MEJIA Hearing Date: 03/26/2025 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
0219006426	Dismissed	01/05/2025	89-22 Roosevelt Avenue Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AX25	AC 10-125	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on 3/26/25. Michael Nacmias, Esq. appeared on behalf of Respondent and there was no appearance on behalf of petitioner.

The summons alleges violation of NYC Admin Code 10-125 and states that the Issuing Officers observed Respondent with a 16 oz Corona beer in view in public.

Respondent moved to dismissed as the affidavit of service is blank.

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 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).

For the reasons stated above I find the requirements of 48 RCNY 6-08 have not been met.

	
03/26/2025	03/26/2025
Elyse Post, Hearing Officer	Date