



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: 0218873234 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MAKSIM GERGUSHKIN Hearing Date: 02/09/2026 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
0218873234	Dismissed	12/20/2025	500 East 14th St. Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Summons # 0218873234 was issued to respondent Maksim Gergushim for a violation of section 19-190(b); At T/P/O above listed driver failed to yield for pedestrian, leading to injury. Officer informed by witness.

Attorney Michael Nacmias appeared for the respondent.

The Petitioner, NYPD was not present.

The respondent stated that the summons should be dismissed because service was improper as the affidavit of service was

not signed. See NYPD v. Barrett Chevelle, Appeal No. 2000420 (June 18, 2020). See HO Exhibit 1, affidavit of service.

The respondent also stated that the summons should be dismissed because the I/O did not allege a physical injury; the I/O did not adequately describe a physical injury. Also, the I/O did not allege who had the right of way.

The summons does not establish a prima facie case.

The summons was issued as a violation of section 19-190(b), which is the violation section for a serious personal injury. The summons does not allege a serious personal injury, which is an element of the charge and a requirement.

Service was improper because the affidavit of service was left blank.

Accordingly, the summons is dismissed for improper service.

	
02/09/2026	02/09/2026
Michelle Mason, Judicial Hearing Officer	Date