



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: 0211688227 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ROGELIO MARTINEZ Hearing Date: 12/11/2024 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
0211688227	Dismissed	06/10/2024	5102 AVENUE N Brooklyn

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared for Respondent. Petitioner NYPD did not appear and relied on the summons.

Respondent was cited for violating AC10-125 for open container. The IO observed respondent with an open container of alcohol.

Mr. Nacmias challenged service. He cited Appeal No. 2000420. On the merits, he argued that the summons does not establish a prima facie case as the allegation does not identify the beverage with the alcohol percentage. The allegation is conclusory.

The certificate of service is blank (Hearing Officer Exhibit 1). I find the service was defective. The summons is dismissed.

Viven Chiu

12/12/2024

12/12/2024

Viven Chiu, Hearing Officer

Date