



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: 0198116490 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- PATRICK S MCDONALD Hearing Date: 01/27/2025 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
0198116490	Dismissed	12/13/2024	S/E/C/O WATCHOGUE RD & WILLOWBROOK RD Staten Island

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

Findings of Fact & Conclusions of Law

Respondent appeared by his authorized representative Michael Nacmias, Esq.

The Summons alleges a violation of AC 19-190(b) Right of Way, Failure to Yield, Physical Injury, in that, on December 13, 2024 at 9:40am on the Southeast Corner of Watchogue Road and Willowbrook Road. Respondent while making a left turn did strike Pedestrian in crosswalk while Pedestrian was walking with signal, failing to yield to Pedestrian.

AC 19-190(b) provides that any driver of a motor vehicle who fails to yield to a pedestrian when such person has the right of way and whose vehicle causes contact with the pedestrian and thereby causes physical injury, shall be responsible for this

violation. Physical injury is defined in NY PI. Section 10(9) as impairment of physical condition or substantial pain.

Respondent moved to dismiss for defective service since the Affidavit of Service is blank.

Respondent also moved to dismiss on the grounds that no physical injury is alleged. Therefore, there is no prima facie case.

Because I agree that Service is defective, I will not address the lack of prima facie case.

I dismiss the Summons.

Deborah Schwartz

01/28/2025

01/28/2025

Deborah Schwartz, Hearing Officer

Date