



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: 0206067117 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ALEXSANDR SHAMAILOV Hearing Date: 11/12/2024 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
0206067117	Dismissed	06/22/2024	2913 Avenue V Brooklyn

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 6/22/2024 at 12:20am at 2913 Avenue V, the issuing officer is informed by bicyclist that Respondent did open his car door causing bicyclist to get injured when he collided with the door.

AC 19-190(b) provides any driver of a motor vehicle who fails to yield to a pedestrian or bicyclist who has the right of way when the driver of the motor vehicle causes contact with the pedestrian or bicyclist and thereby causes physical injury shall be

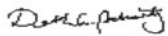
responsible for this violation. Physical injury is defined in NY PL section 10(9) as impairment of physical condition or substantial pain.

Respondent moved to dismiss the Summons on the grounds that the Affidavit of Service is blank. There is no proof of service.

In addition, the Summons does not allege that the bicyclist had the right of way, that Respondent failed to yield and does not even allege that Respondent was the driver of the motor vehicle.

I find that Service was Defective as there is no proof of Service. I will not, therefore, address the other issues raised by Respondent.

I dismiss the Summons for Defective Service.



11/19/2024

11/19/2024

Deborah Schwartz, Hearing Officer

Date