



# Office of Administrative Trials and Hearings

Hearings Division

## Decision

|                                                                                                       |                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons# : 0220251534 et al. (1 summonses)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>J M DEJESUS PAULINO</b><br><br><b>Hearing Date : 4/6/2026</b><br><br><b>Hearing Location : Remote</b><br><br><b>Type of Hearing : By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                               |             |                               |                       |
|-------------------------------|-------------|-------------------------------|-----------------------|
| <b>Total Penalty Amount :</b> | <b>0.00</b> | <b>Community Service(Hr):</b> | <b>Not Applicable</b> |
|-------------------------------|-------------|-------------------------------|-----------------------|

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE            |
|------------|---------------------|--------------------|--------------------------------|
| 0220251534 | Dismissed           | 09/15/2025         | JEROME & GUN HILL RD,<br>Bronx |

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

**Total Penalty for Summons: 0.00**

### Findings of Facts & Conclusions of Law

Petitioner did not appear. Respondent appeared through attorney Michael Nacm as.

Summons 0220251534 charged a violation of "§ 19-190(b)." No body of law is indicated.

The issuing officer wrote, "Deft did fail to yield to a pedestrian causing physical injury." On the second page, the "Affidavit (Certificate) of Service" is blank. No penalty amount is written in the maximum penalty space.

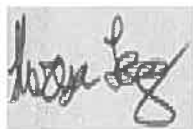
Respondent moved to dismiss the charge for defective service, and for failure to plead a prima facie case. The summons does not allege that Respondent was in a motor vehicle, it does not allege who had the right of way, and physical injury is not adequately described.

Section 19-190(b) imposes a fine on a motor vehicle that fails to yield to a pedestrian, comes in contact with the pedestrian, and causes a physical injury.

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, the summons would still be dismissed for failure to allege enough facts to establish a violation of the code.

The summons is dismissed.



04/06/2026

04/06/2026

**Theresa Leary, Hearing Officer**

**Date**