



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: 0216568853 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- EPILFANIO MORALES JR. Hearing Date: 10/29/2024 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
0216568853	Dismissed	09/09/2024	East 152nd St. & Jackson Avenue Bronx

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared on behalf of Respondent Epilfanio Morales, Jr.

Petitioner alleges AC 19-190 (b) – “at the time and place of occurrence, I/O is informed by Ronald Stephanis Arriola whose address is known to the NYPD that Epifanio Morales observed motorist failure to yield to pedestrian.”

Mr. Nacmias states respondent denies the allegation. He moves to dismiss the violation based on petitioner's failure to make out a prima facie case of the charge because the petitioner does not allege whether respondent was driving or driving a vehicle. In addition, he argues no physical injury is alleged.

I find this summons is defective because it does not make out a prima facie case of the section of law charged including stating whether the respondent was driving or driving a vehicle at the time of the occurrence. Also, the summons is defective because it is confusing as to which individual observed the incident and which individual failed to yield to the pedestrian. In addition, the violating details do not allege physical injury to the pedestrian.

Accordingly, this summons must be dismissed.

Deborah Mbabazi

10/31/2024

10/31/2024

Deborah Mbabazi, Hearing Officer

Date