



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: 0216892345 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ABU NAYEEM Hearing Date: 11/15/2024 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
0216892345	Dismissed	05/17/2024	E 36 STREET / 2ND AVENUE Manhattan

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

Findings of Fact & Conclusions of Law

Summons 0216892345 charges a violation of Administrative Code § 19-190(b), prohibiting the failure to yield right of way causing injury. The hearing was November 15, 2024. Petitioner did not appear. Michael Nacmias, Esq. appeared on behalf of Respondent.

On the summons, the issuing officer attested that at the time and place of occurrence, they were informed by "Britt Wanda" that motorist failed to yield to a pedestrian.

Respondent moved to dismiss the citation for failure to properly serve the summons because the Affidavit of Service is blank.

Respondent also moved to dismiss the citation for lack of a prima facie case. Respondent argued that the summons does not allege a physical injury or who had the right of way, both of which are necessary elements of the charge.

I find that Petitioner has failed to show that the summons was properly served. See 48 RCNY § 6-08. Accordingly, the citation is dismissed for lack of service.



11/15/2024

11/15/2024

Theresa Leary, Hearing Officer

Date