



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: 0209613003 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JESSE CHAPMAN Hearing Date: 11/13/2024 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
0209613003	Dismissed	06/07/2024	73 AVE / 193 ST Queens

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

Findings of Fact & Conclusions of Law

The summons alleges that respondent committed a violation of the New York City Administrative Code section 19-190(b) with the following allegations: "failure to yield right of way to pedestrian, physical injury."

Michael Nacmias, attorney, appeared on behalf of Respondent. The Police Department did not appear.

Mr. Nacmias firstly moved to dismiss for defective service, noting that the affidavit of service is blank.

Mr. Nacmias also moved to dismiss for failure to make out a prima facie violation, arguing that the allegations of the summons

are a mere restatement of the statute and do not allege any conduct of the respondent.

I credit the allegations contained in the summons. I find that the summons does not make out a prima facie violation as written, as it is a blanket restatement of the language of the cited statute. Furthermore, since the affidavit of service is blank, service is defective. The summons is dismissed.

Ricardo Luigi

11/14/2024

11/14/2024

Ricardo Luigi, Hearing Officer

Date