



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: 0217062919 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JEHUDAH SAMET Hearing Date: 11/21/2024 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
0217062919	Dismissed	10/01/2024	15 Avenue IO 59th Street 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

Petitioner NYPD did not appear. Attorney Michael Nacmias appeared on behalf of Respondent Jehudah Samet at telephone hearing on November 21, 2024. Respondent's counsel waived the present of the issuing officer, a formal reading of the summons and the use of a translator.

Respondent was charged with violating section 19-190(B) of the Administrative Code. The summons states "right of way failure to yield physical injury." Date of occurrence was 10/01/24.

Respondent's counsel made one argument in support of the dismissal of the summons. The summons is facially defective

because it does not allege a violation since it only makes conclusory statements. The summons does not allege any conduct by Respondent that would lead to a violation. Also, the summons fails to mention if Respondent was operating a vehicle and if a pedestrian was involved. No additional evidence was submitted.

I give credit to the issuing officer's sworn statement but find that it fails to establish a violation. I find Respondent's argument to be persuasive. The summons fails to allege what conduct by Respondent would warrant a violation. Furthermore, the summons fails to mention if a pedestrian was injured.

Therefore, the summons is dismissed.

	
11/22/2024	11/22/2024
Raul Quezada, Hearing Officer	Date