



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: 0215820871 et al. (1 Summons)

NEW YORK CITY POLICE DEPT,

-against-

PAOLA A GAVIRIA

Hearing Date: 11/25/2024

Hearing Location: Remote

Type of Hearing: By Telephone

Total Penalty Amount: \$0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0215820871	Dismissed	10/06/2024	main street and 70th road 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

Petitioner alleges AC 19-190 (b) – “right of way, fail to yield physical injury, tpo, deft states made left turn s/b Main St to e/b 70 rd when struck ped in crosswalk. Respondent moves to dismiss the charge of AC 19-190(b). He moves to dismiss the violation based on initial defective service as the Affidavit of Service is blank. Further, Petitioner failed to make out a prima facie case of the charge of AC 19-190(b) as the Petitioner does not allege that Respondent was driving a motor vehicle or that a pedestrian was injured by Respondent or that pedestrian had the right of way.

I find this summons is defective because it does not make out a prima facie case of NY Admin Code 19-190(b) including stating whether the respondent was driving or driving a vehicle at the time of the occurrence. Finally, the summons is

defective because there is no pedestrian listed and there is no injury alleged.

Accordingly, this summons must be dismissed.

Stephanie Y. Gayden

11/25/2024

11/25/2024

Stephanie Gayden, Hearing Officer

Date