



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0202880893 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>KENDALL K DONALDSON</b><br><br><b>Hearing Date: 11/13/2024</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Total Penalty Amount: **\$0.00**

Community Service(Hr): **Not Applicable**

| SUMMONS #  | SUMMARY DISPOSITION | DATE OF OCCURRENCE | PLACE OF OCCURRENCE       |
|------------|---------------------|--------------------|---------------------------|
| 0202880893 | Dismissed           | 09/24/2024         | 23RD ST & 44 DRIVE Queens |

| LINE<br>ITEM | OATH<br>CODE | CODE<br>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 section 19-190(b), but does not indicate a code of law. The summons alleges that the violation consisted of failing to yield to bicyclist in a marked bike lane. It further alleges that a collision occurred resulting in an 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 provide notice of the code of law.

Lastly, Mr. Nacmias moved to dismiss for failure to make out a prima facie violation, since petitioner did not establish all of the elements of the cited violation, as the summons does not establish a physical injury.

I credit the allegations contained in the summons. I find that the summons is fatally defective in that it does not provide respondent with notice of the code of law being cited. Furthermore, it does not make out a prima facie violation as it does not establish a physical injury as defined by the appropriate section. Lastly, since the affidavit of service is blank, service is defective. The summons is dismissed.

*Ricardo Luiggi*

11/14/2024

11/14/2024

**Ricardo Luiggi, Hearing Officer**

**Date**