



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0206023456 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DOMINQUE GABRIEL Hearing Date: 11/12/2024 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
0206023456	Dismissed	09/21/2024	2112 FLATBUSH AVENUE Brooklyn

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

Findings of Fact & Conclusions of Law

Michael Sargo, Esq. appeared for Respondent. Petitioner NYPD did not appear and relied on the summons.

Respondent was cited for violating AC 19-190(b) for failure to yield. The summons alleges the motorist was observed failing to yield to pedestrian.

Mr. Sargo argued defective service because the affidavit of service is blank. He argued that the summons fails to establish a prima facie case as it lacks details of injury and even fails to state "injury."

I find service was defective. I also find that Petitioner did not establish a prima facie case. The allegation does not indicate the injury which is a required element of the violation. The summons is dismissed.

<i>Viven Chiu</i>	
11/13/2024	11/13/2024
Viven Chiu, Hearing Officer	Date