



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: 0199614544 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SERGIO PORTOBANCO Hearing Date: 12/09/2024 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
0199614544	Dismissed	10/18/2024	SW CORNER 90 STREET AND JAMAICA AVENUE 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

Respondent is charged with a violation of A.C. 19-190(b), Failure to Yield, Physical Injury.

Michael Nacmias, Esq. represented respondent, Sergio Portobanco, at the telephone hearing. Petitioner did not appear at the telephone hearing.

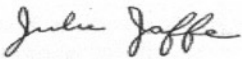
Michael Nacmias made two motions to dismiss.

Michael Nacmias said his first motion to dismiss is because the Affidavit of Service is blank.

Michael Nacmias said his second motion to dismiss is because the summons does not make out a prima facie case. He said the summons does not allege respondent had a motor vehicle. He also said the summons does not allege who had the right of way. In addition, Michael Nacmias said the summons does not allege physical injury.

I find upon respondent's challenge to service, petitioner failed to establish proper service where the affidavit of service was blank and petitioner did not appear at the hearing to supplement its proof of service. Therefore, the summons is dismissed.

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Julie Jaffe, Hearing Officer	Date