



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: 0216610112 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ANDRE GONZALEZ Hearing Date: 12/10/2024 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
0216610112	Dismissed	10/20/2024	East 97th St and 1st Ave Manhattan

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

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on December 10, 2024. Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

The summons charges Respondent with a violation of Administrative Code § 19-190(b) for failure to yield to a pedestrian. The issuing officer affirmed as follows: "defendant failed to yield causing physical injury to w."

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian or a person riding a bicycle who has the right of way "and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby

causes physical injury.”

The summons fails to make out a prima facie case. The summons does not allege that Respondent was driving a motor vehicle or who had the right of way. The summons also does not allege that Respondent's vehicle made contact with a pedestrian or a person riding a bicycle and fails to provide a description of the physical injury. The summons does little more than restate parts of the statute. The summons consequently does not support a prima facie case. See NYPD v. Renee Mouhadeb Appeal No. 2401299 (September 26, 2024) (allegation “Right away [sic] – failure to yield to pedestrian – physical injury” fails to establish prima facie case).

The summons is dismissed.

	
12/10/2024	12/10/2024
Michael Gallagher, Hearing Officer	Date