



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: 0196594458 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MARIO IPPOLITO Hearing Date: 01/23/2025 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
0196594458	Dismissed	11/07/2024	Bay Ridge Ave & 8th Ave Brooklyn

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

Findings of Fact & Conclusions of Law

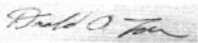
The hearing was conducted by telephone on Court Call on January 23, 2025. Petitioner did not appear. Respondent was represented by Michael Nacmias, Esq.

The summons charged a violation of 19-190(b) of the Administrative Code, failure to yield to a pedestrian with right of way, causing physical injury.

On the merits, respondent moved to dismiss for failure to state a prima facie case in not containing an allegation that respondent was driving or the pedestrian had right of way, or in not describing the injury beyond the conclusory "physical

injury.”

On the threshold jurisdictional issue of service, respondent moved to dismiss because the certificate of service did not contain an actual or electronic signature. The certificate had space left for inclusion of an electronic signature above the printed name of the DOHMH employee who allegedly mailed the summons. Therefore, the certificate of service has only a name printed in ordinary text indistinguishable from any other text on the page. In the absence of any testimony or evidence from petitioner as to an authentication procedure, this cannot be considered a valid electronic signature under the NYS Electronic Signatures and Records Act (ESRA). See DOHMH v. Third Avenue Heights, LLC , Appeal No. 2301934 (February 29, 2024). The summons is dismissed for defective service.

	
01/24/2025	01/24/2025
Donald Lash, Hearing Officer	Date