



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: 0199808108 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JESSICA JEAN-BAPISTE Hearing Date: 01/02/2025 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
0199808108	Dismissed	10/08/2024	East 34th Street and Beverley Road Brooklyn

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

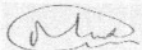
Findings of Fact & Conclusions of Law

Respondent Jessica Jean-Baptiste appeared by attorney Micheal Nacmias, ESQ., via telephone hearing on 1/2/2025. The petitioners did not appear.

The summons alleges a violation of NYC admin code 19-190 (b), "Right of way failure to yield to pedestrian motorist stated she was moving her car traveling S/b on east 34th street stopped at stop sign. Motorist states she was making left turn on Beverley Road when motorist said she did not see a pedestrian crossing and motorist hit pedestrian and pedestrian has lower back pain.". There is also a blank affidavit attached.

The attorney for Respondents made a motion to dismiss for defective service since the affidavit of service is blank and not filled out. The attorney also made a motion to dismiss based on a defective summons because the penalty information is blank, which is contrary to Oath summons requirements.

I find that petitioner failed to establish proper service where the purported proof of service on the reverse side of the summons was left blank and not signed and petitioner did not appear at the hearing to supplement proof of service. Furthermore, I find that the summons is defective in that the penalty information is missing which is contrary to Oath summons requirements under 6-08 (c)(4). Therefore, the Respondent is not in violation of the alleged charge and the summons is dismissed.



01/02/2025

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Muminur Rahman, Hearing Officer

Date