



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street Brooklyn, NY 11217	Summons No: 0216208778 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- WAQAS GUL Hearing Date: 01/08/2025 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
0216208778	Dismissed	09/16/2024	208th Street and 32nd 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

The hearing was conducted via telephone conference call on January 8, 2025.

Wagas Gul, Respondent, appeared at the hearing through his counsel Michael Nacmias. No appearance on behalf of Petitioner, NYPD.

The summons charges AC 19-190 (b) Failure to Yield. Respondent made two motions. He argued that the case should be dismissed because the summons did not contain proof of service as the affidavit of service was blank and as such there is no jurisdiction. He also argued that the summons did not make out a prima facie case as it didn't link Respondent to the activity,

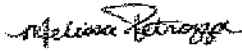
did not allege who had the right of way and did not meet the definition of physical injury.

Per 48 RCNY § 6-08(c)(1), the petitioner must file an original or copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

I grant Respondent's motion and find there is lack of jurisdiction as the affidavit of service that accompanied the summons was blank.

I also find that that the details contained in the summons are conclusory and fail to allege material elements of the charge to support a prima facie case for the charge of AC 19-190 (b).

Summons dismissed.

	
01/08/2025	01/08/2025
Melissa Petrozza, Hearing Officer	Date