



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: 0202922620 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ROXANA E DRAGOMIR Hearing Date: 01/10/2025 Hearing Location: Remote Type of Hearing: By Telephone
---	---

Total Penalty Amount: \$0.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0202922620	Dismissed	11/21/2024	30th Avenue/14th Street 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

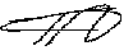
Petitioner, NYPD was not present for the telephone hearing. Respondent Roxana E. Dragomir was represented by attorney Michael Nacmias.

The summons alleges " Failure to yield. Physical Injury. Pedestrian in crosswalk."

Mr. Nacmias moved to dismiss stating that the blank affidavit of service fails to provide jurisdiction. He also stated that the details of the summons fail to make a prima facie case in that there is no detail regarding who failed to yield, was the respondent driving, was a vehicle involved, or if there was a pedestrian who had the right of way.

Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service with the Tribunal. The petitioner filed blank affidavit of service. "Per *NYPD v. J. Doe*, Appeal No. 2200921, August 30, 2022. "Petitioner failed to appear at the hearing to supplement its proof of service with any testimony or other evidence, the Tribunal finds that Petitioner failed to provide sufficient proof of service rendering service defective." See *NYPD v. Ajaz B. Kiani*, Appeal No. 1801238 (June 18, 2020); *NYPD v. J. Doe*, Appeal No. 2000002 (June 18, 2020).

This summons is dismissed for defective service as the Affidavit of Service is blank. The summons also fails to make prima facie case.

	
01/10/2025	01/10/2025
Therese A Tomlinson, Hearing Officer	Date