



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: 0203316035 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- EVELYN ANDERSON Hearing Date: 01/10/2025 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
0203316035	Dismissed	11/21/2024	Albany Ave & East New York 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

Petitioner, NYPD was not present for the telephone hearing. Respondent Evelyn Anderson was represented by attorney Michael Nacmias.

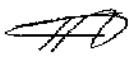
The summons alleges "Officer responded to vehicle accident. Reliable witness video footage of defendants vehicle striking pedestrian as he was crossing street in marked crosswalk causing injury."

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 the pedestrian who had the right of

way, if the respondent was the owner or driver.

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.

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