



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: 0217044080 et al. (1 Summons)

NEW YORK CITY POLICE DEPT,

-against-

BERESFORD O WILLIAMS

Hearing Date: 02/13/2025

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
0217044080	Dismissed	11/18/2024	Avenue W and East 19 Street 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

On February 13, 2025, a telephonic hearing was held with respect to the instant matter. Petitioner, the New York City Police Department, did not appear. Respondent, represented by attorney Michael Nacmias, waived the appearance of an interpreter and elected to proceed without the issuing officer present.

In the summons, Petitioner states that Officer Brown observed Beresford Williams violate Administrative Code 19-190(B) in that "right of way- Fail to yield AT TPO Deft did Fail to Yield to pedestrian in crosswalk causing physical inj [sic] to pedestrian" on November 18, 2024, at 9:20A.M. at Avenue w/East 19 Street.

Respondent requests dismissal for two reasons: (1) there is no affidavit of service, and therefore, service was inadequate and (2) the allegations fail to make out a prima facie violation of Admin Code 19-190(B) since the language on the summons mirrors the statute, and that the allegations as written are facially insufficient.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See *NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012); reaffirmed in *NYPD v. Doe*, Appeal No.1800218 (May 17, 2018).

I credit Respondent's testimony and find that the summons is defective since there are no allegations detailing that Mr. Williams was in a vehicle when he purportedly failed to yield. Moreover, I find that the Affidavit of Service is blank and there was no evidence presented to show that the respondent was properly served with the summons.

Accordingly, the instant summons is dismissed.



02/13/2025

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Raymond Queliz, Hearing Officer

Date