



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: 0198141388 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DAVID L CRUZ Hearing Date: 01/22/2025 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
0198141388	Dismissed	12/03/2024	EAST 38 STREET and 3 AVENUE Manhattan

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

Findings of Fact & Conclusions of Law

Michael Nacmias, Esq. appeared for Respondent. Petitioner NYPD did not appear.

Respondent was cited for violating AC 19-190(b) for failure to yield causing physical injury. The summons alleges that Respondent failed to yield causing physical injury to pedestrian. Police did not witness.

Mr. Nacmias stated that the Certificate of Service is blank and argued defective service. He cited Appeal No. 2000420. On the merits, he argued the summons does not establish a prima facie case as it fails to detail the physical injury.

I find service is defective. The summons also fails to establish a prima facie case. The summons is dismissed.

Viven Chiu

01/22/2025

01/22/2025

Viven Chiu, Hearing Officer

Date