



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: 0207823092 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- HOLLY KIM Hearing Date: 02/12/2025 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
0207823092	Dismissed	12/23/2024	192 Street / Northern Blvd 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

Summons 207823092 charges a violation of Administrative Code § 19-190(b) for failing to yield at a crosswalk resulting in physical injury. The hearing was on February 12, 2025. Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

The issuing officer wrote that at the time and place of occurrence, pedestrian was walking in crosswalk on Northern Boulevard, intersection with 192nd Street, when she was struck by vehicle.

Respondent's counsel moved to dismiss for defective service. He also moved to dismiss the summons for failure to plead all

elements of the charge.

Section 19-190(b) imposes a fine on a motor vehicle that fails to yield to a pedestrian, comes in contact with the pedestrian, and causes a physical injury.

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, the summons would still be subject to dismissal for inadequate pleading. Nothing in the summons alleges that Respondent took any action.

Accordingly, the summons is dismissed.



02/12/2025

02/12/2025

Theresa Leary, Hearing Officer

Date