



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: 0196591589 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- FATHI AHMED Hearing Date: 02/27/2025 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
0196591589	Dismissed	12/04/2024	Bayridge Avenue and 4th Avenue 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

Respondent received a New York City Police Department summons for a violation of Section 19-190(B) of the New York City Administrative Code for failure to yield. In the summons, the issuing officer (IO) stated that on December 4, 2024 at 8:38 AM "at TPO deft did make right turn onto 4th Avenue /Bayridge Avenue striking (2) pedestrians in the crosswalk causing PI."

In a phone in hearing, Mr. Michael Nacmias, attorney for Respondent, made two motions to dismiss. The first motion was for improper service as the affidavit of service is blank, was not properly served and therefore there is no jurisdiction over Respondent. The second motion was failure to make a prima facie case on the grounds that the summons did not state Respondent was in vehicle, does not mention failure to yield and personal injury is not properly defined.

Here, I find that the summons did make a prima face case and deny Respondent's motion to dismiss on that ground.

However, the affidavit of service is blank and as such service is defective. As such, based on the foregoing, I do grant Respondent's motion to dismiss for proper service and the violation is therefore dismissed.



02/27/2025

02/27/2025

Lori Costello, Hearing Officer

Date