



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street Brooklyn, NY 11217	Summons No: 0209363835 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- NIAH HERMAN Hearing Date: 01/27/2025 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
0209363835	Dismissed	11/18/2024	157th and 109th Avenue 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

A hearing was held by telephone on summons number 0209363835 which charged Respondent with failure to yield right of way in violation of Code 19-190(b). The Respondent's attorney Michael Nacmias appeared. The Petitioner did not appear.

Respondent's attorney argues that the affidavit of service is defective as the affidavit of service page is blank. Respondent's attorney further argued that the summons does not establish a prima facie case as there is no allegation of injury.

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian who has the right of way "and whose motor vehicle causes contact with a pedestrian . . . and thereby causes physical injury."

This summons does not establish a prima facie case as there is no allegation of injury alleged. Further the summons is defective as the affidavit of service page is blank. Accordingly the summons is dismissed.



01/27/2025

01/27/2025

Genna Rosten, Hearing Officer

Date