



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Sargo, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0196177769 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DEREK MONTERO Hearing Date: 01/30/2025 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
0196177769	Dismissed	12/10/2024	6th Avenue and Atlantic Avenue Brooklyn

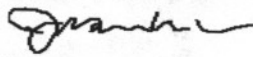
LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	AD6L	AC 19-190(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

Michael Sargo, Esq. appeared on behalf of the named Respondent. Petitioner did not appear. Respondent is charged with a violation of §19-190 (b) of the Administrative Code, failure to yield, physical injury. Respondent makes a Motion to Dismiss the summons asserting defective service as the affidavit of service is blank. In addition, Respondent argues that the summons is defective as the details are conclusory asserting that the Respondent caused injury with no details and further does not assert that it is a substantial injury.

A review of the affidavit of service reveals that it is blank therefore service is defective. A review of §19-190 (b) defines physical injury as having the same meaning as in §10 of the New York State Penal Law which defines physical injury as impairment of

physical condition or substantial pain. The details of the summons simply refer to injury with no further details. I find that based on the foregoing the Motion to Dismiss is granted.



02/06/2025

02/06/2025

Jeanne Keefe, Hearing Officer

Date