



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: 0217827565 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- Emil Omerovic Hearing Date: 02/26/2025 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
0217827565	Dismissed	01/07/2025	Lafayette Street & Walker Street 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

Summons 0217827565 alleges a violation of § 19-190(b) of the Administrative Code of the City of New York (Code), for failing to yield to a pedestrian. In the summons, the issuing officer (IO) affirmed that, at the time and place of occurrence, that the IO was "informed by Reldalee Wagner that" Respondent "failed to yield right of way while C/V was crossing in crosswalk causing physical injury."

Petitioner, Police Department, did not appear at the hearing. Respondent, Emil Omerovic, appeared by attorney Michael Nacmias, Esq. Respondent's attorney moved to dismiss the summons, arguing (i) service was defective because the IO failed to sign or fill in anything on the affidavit/certificate of service located on the reverse side of the summons; and (ii) the summons

failed to make out a prima facie case for the charge where it failed to state Respondent was in any vehicle and failed to include any description of the physical injury.

I find that Petitioner failed to establish proper service. Here, the purported proof of service on the reverse side of the summons was left blank and not signed and Petitioner did not appear at the hearing to supplement its proof of service. See *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020).

Accordingly, the summons is dismissed.

	02/26/2025
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Kevin Lawner, Hearing Officer	Date