



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: 0217976660 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- VENESA I SUKHU Hearing Date: 02/19/2025 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
0217976660	Dismissed	12/30/2024	Ascan Avenue and Queens Boulevard 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

On February 19, 2025, a telephonic hearing was held with respect to the instant matter. Petitioner, the New York City Police Department, did not appear. Respondent, represented by attorney Michael Nacmias, waived the appearance of an interpreter and elected to proceed without the issuing officer present.

In the summons, Petitioner states that Officer Eng observed Venesa Sukhu violate Administrative Code 19-190(B) in that "issuing officer is informed by respondent that she did strike pedestrian in a marked crosswalk at above location. Pedestrian does complain of back pain, remove[d] to Elmhurst Hospital in regard for further evaluation" on December 30, 2024, at 10:47A.M. at the intersection of Ascan Avenue and Queens Boulevard.

Respondent requests dismissal for two reasons: (1) there is no affidavit of service, and therefore, service was inadequate and (2) the allegations fail to make out a prima facie violation of Admin Code 19-190(B) since the language on the summons mirrors the statute, and that the allegations as written are facially insufficient.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See *NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012); reaffirmed in *NYPD v. Doe*, Appeal No. 1800218 (May 17, 2018).

I credit Respondent's testimony and find that the summons is defective since there are zero factual allegations indicating that Ms. Sukhu was in a vehicle, or that she failed to yield to the pedestrian. Moreover, I find that the Affidavit of Service is blank and there was no evidence presented to show that the respondent was properly served with the summons.

Accordingly, the instant summons is dismissed.



02/19/2025

02/19/2025

Raymond Queliz, Hearing Officer

Date