



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 0214977575 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

Nicolette Pena

Hearing Date : 2/26/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0214977575	Dismissed	09/24/2024	HYLAN BLVD AND EBBRITS ST, Staten Island

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Summons 0214977575 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.

Petitioner, Police Department, did not appear at the hearing. Respondent, Nicolette Pena, 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. On the merits, he denied the allegations without rebuttal.

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	02/26/2025
Kevin Lawner, Hearing Officer	Date

