



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: 0215821550 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- THOMAS GULLY Hearing Date: 04/17/2026 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
0215821550	Dismissed	12/10/2025	E 111 St 3 Ave 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

Respondent's attorney, Michael Nacmias, appeared by telephone to answer the charge 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, Respondent "driving and failed to yield to bicyclist thus resulting in the bicyclist being struck causing pain." Petitioner, Police Department, did not appear at the hearing.

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 since the violation did not allege who had the right of way, failed to state whether Respondent was

driving a motor vehicle, and lacked detail regarding the 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 *NYF Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020).

Accordingly, the summons is dismissed.

04/17/2026	04/17/2026
Anna Stebbins, Judicial Hearing Officer	Date