



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: 0220110633 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MAMADOU BARRY Hearing Date: 04/16/2025 Hearing Location: Remote Type of Hearing: By Telephone
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Total Penalty Amount: \$100.00
Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0220110633	Sustained	02/25/2025	9 AVE / WEST 53RD ST Manhattan

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADF3	AC 10-157(B),(C),(E)	Sustained	\$100.00

Findings of Fact & Conclusions of Law

Summons 0220110633 charges a violation of "10-157(e)(2)" for riding a commercial bicycle with no helmet. The hearing was on April 16, 2025. Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

The issuing officer wrote that Respondent was riding a bicycle, disobeyed a red signal while making a delivery, was not wearing a helmet, and that there were other observed equipment violations. He alleges that Respondent had a helmet in his backpack.

Respondent denied the charges, but offered no factual rebuttal. Respondent moved to dismiss for failure to cite a body of law

on the face of the ticket.

Citing a section of law number, but not a body of law, in the summons gives a respondent information "adequate to provide specific notification of the section of the law alleged to have been violated," per Section 6-08(c)(3) of Title 48 of the Rules of the City of New York, where the respondent understands what the charge concerns, comes prepared to argue against it, and is not confused or prejudiced. *See NYC v. Tejada Jensi Florentino*, Appeal No. 1701096 (February 15, 2018).

Here, the body of law is not marked on the face of the summons, but the violated code section and a description of the violation is included on the face of the ticket. The description of the violation gives facts relevant to a violation of Administrative Code § 10-157: Bicycles used for commercial purposes. I find that Respondent was given adequate specific information to prepare for hearing with his attorney and was thus not prejudiced by Petitioner's failure to check the box for "Administrative Code."

The issuing officer's affirmed statement established a prima facie case of the violation. *See* 48 RCNY § 6-12(b). The burden of proof then shifts to Respondent to refute Petitioner's case or establish a defense. *See* 48 RCNY § 6-12(a). As Respondent has offered no rebuttal, the summons is sustained.



04/16/2025

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Theresa Leary, Hearing Officer

Date