



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: 0211687549 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MAMADOU DIALLO Hearing Date: 06/17/2025 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
0211687549	Dismissed	01/26/2025	AVENUE J / E 31 ST Brooklyn

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	ADQ2	19-176 .2(B)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On June 17, 2025, a telephonic hearing was held with respect to the instant matter, alleging a violation of Admin. Code 19-176(2)(B). Petitioner, the New York City Police Department, did not appear. Respondent, via attorney Michael Nacmias, waived the appearance of an interpreter and elected to proceed without the issuing officer present.

Respondent requests dismissal for two reasons: (1) there is no affidavit of service, and therefore, service was inadequate and (2) the allegations are conclusory insofar as they do not specify that the scooter lacked registration.

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 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. See NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020). I, however, note that Respondent's arguments with respect to the allegations are without merit since Admin. Code 19-176(2)(b) prohibits anyone from riding aa motorized scooter on streets or parks or any public places. There is no requirement that the scooter be registered or unregistered since 19-176(2)(b) subjects riders of all motorized scooters to penalties.

Since there was no proof of service in the instant matter, the summons is dismissed.



06/17/2025

06/17/2025

Raymond Queliz, Hearing Officer

Date