



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: 0218329376 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MAMADOU BARRY Hearing Date: 07/25/2025 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
0218329376	Dismissed	06/05/2025	SMITH ST AND BALTIC 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

The hearing was conducted via telephone conference call on July 25, 2025.

Michael Nacmias, attorney for Respondent, appeared at the hearing. No appearance on behalf of petitioner NYPD.

The summons charges AC 19-176.2(B) for operating a motorized scooter. Respondent's representative argued defective service as the affidavit of service was blank and that petitioner failed to make out a prima facie case as there was not details of the violation.

According to 48 RCNY 6-08(a)(1), the petitioner must file an original or a copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date. Electronic filing of the summons and proof of service is required unless the Tribunal grants an exception. Failure to timely file all proofs of service shall not divest the Tribunal of jurisdiction to proceed with a hearing or to issue a default order. This summons is dismissed for no jurisdiction since a blank affidavit of service was filed with the summons.



07/31/2025

07/31/2025

Alex Chung, Hearing Officer

Date