



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: 0199881330 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MBAYE SENE Hearing Date: 04/24/2025 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
0199881330	Dismissed	01/30/2025	Church Ave & Nostrand Ave Brooklyn

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

Findings of Fact & Conclusions of Law

Summons 0199881330 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, Mbaye Sene, 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; and (ii) the summons failed to make out a prima facie case for the charge, where the IO's narrative failed to make a connection between Respondent and the motorist.

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.

	
04/25/2025	04/25/2025
Kevin Lawner, Hearing Officer	Date