



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: 0217806472 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- RAFAEL YHOA Hearing Date: 04/09/2025 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
0217806472	Dismissed	02/18/2025	Linden St & St. Nichols St Queens

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

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on April 9, 2025. Petitioner did not appear. Respondent was represented by Michael Nacmias, Esq.

The summons charged a violation of 19-190(b) of the Administrative Law, failure to yield to a pedestrian with right of way, causing physical injury. The details of the charge read, "right of way -failure to yield causing physical injury." Respondent argued the summons was defective, in not providing information about the maximum penalty, as required by 48 RCNY 6-08(c). Respondent also argued the summons did not state a prima facie case, as the allegations were conclusory and merely restated the charge.

On the threshold issue of jurisdiction, respondent challenged service because the summons was blank and unsigned. Petitioner is required by 48 RCNY § 6-08(a)(1) to file proof of service with OATH. Failure to do so or offer evidence of service at the hearing means the summons must be dismissed for defective service. NYPD v. J. Doe, Appeal No. 2200921 (August 30, 2022). Accordingly, the summons is dismissed.



04/09/2025

04/09/2025

Donald Lash, Hearing Officer

Date