



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
Hearings Division

**DECISION**

|                                                                                                                     |                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br><b>592 Pacific Street 1st Floor</b><br><b>Brooklyn, NY 11217</b> | <b>Summons No: 0216083854 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>MAXIMO BARBARAN</b><br><br><b>Hearing Date: 04/25/2025</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$0.00</b>          |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>                   |
|------------------|----------------------------|---------------------------|----------------------------------------------|
| 0216083854       | Dismissed                  | 06/04/2024                | Central Ave and 7 [illegible] St<br>Brooklyn |

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

**Findings of Fact & Conclusions of Law**

This matter was heard remotely, via telephonic conference, on April 25, 2025. Respondent appeared via Michael Nacmias, identified as the attorney for the named respondent. Petitioner did not appear.

The summons alleges a violation of NYC AC 19-190(b). The date of occurrence was June 4, 2024, at 5:39pm.

Respondent moves to dismiss, noting that the affidavit of service is blank, and citing to NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020). Respondent further moves to dismiss on the grounds that the summons fails to make a prima facie case, as it does not allege physical injury.

I credit respondent's testimony, and find that, as a matter of law, this summons must be dismissed, as the affidavit of service, attached to the summons, is completely blank, and not filled in at all. Petitioner is correct, that OATH rules require that a petitioner submit both a valid summons, and proof of service; otherwise, OATH cannot assert jurisdiction over the matter.

As such, the summons is hereby dismissed.



04/25/2025

04/25/2025

Craig Messing, Hearing Officer

Date