



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: 0219775537 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- MILTON GUAMAN Hearing Date: 05/15/2025 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
0219775537	Dismissed	12/31/9999	92-43 ROOSEVELT AVENUE Queens

LINE ITEM	OATH CODE	CODE SECTION/RULE	RESULT	PENALTY
1	BN10	24-218(a)	Dismissed	\$0.00

Findings of Fact & Conclusions of Law

On May 15, 2025 a hearing was held remotely by telephone on this summons. The Respondent's attorney appeared. The Petitioner did not appear. Respondent's attorney waived the right to an interpreter and to the issuing officer/inspector. The Respondent was alleged to have violated 24-118(a) after the issuing officer observed excess noise heard from the outside of the business. The date of offense is written as 03/26 and the year is blank.

Respondent moved for dismissal noting that the affidavit of service was blank. Respondent's attorney also moved for dismissal based on the lack of a prima facie case in that the date of offense on the summons failed to state the year of offense and the summons did not include the penalty as the penalty portion on the summons is blank.

I concur with the observations related to the summons and the affidavit of service. The year of offense is blank thus the summons does not put the respondent on notice as to when the offense occurred. Further the summons is defective as the affidavit of service page is blank. The Board has stated in NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020), that upon Respondent's challenge to service, Petitioner failed to establish proper service where 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. Accordingly, for the reasons stated the summons is defective on its face and it is dismissed.



05/19/2025

05/19/2025

Janet Albertson, Hearing Officer

Date