

Michael Nacmias, Esq. - Nacmias Law Firm 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons#: 0216440218 et al. (1 summonses) NEW YORK CITY POLICE DEPT, -against- VICTORIA ENGLISH Hearing Date : 4/16/2025 Hearing Location : Remote Type of Hearing : By Telephone
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Total Penalty Amount :	0.00	Community Service(Hr):	Not Applicable
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SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0216440218	Dismissed	02/24/2025	119 AVE 8 FARMERS BLVD, Queens

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Summons 0216440218 charges a violation of Administrative Code § 19-190(b) for failing to yield at a crosswalk resulting in physical injury. The hearing was on April 16, 2025. Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

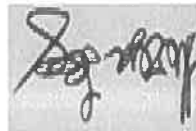
The issuing officer wrote that school safety personnel reported a female driver stopped in front of a pedestrian. No penalty amount is written in either the minimum or maximum penalty space. On the reverse side of the ticket, the "Affidavit (Certificate) of Service" is blank. Respondent asked that the blank Affidavit of Service be considered and moved to dismiss.

Respondent also moved to dismiss for the lack of information in the "mail in penalty", and because the ticket does not allege a physical injury, a failure to yield, or who had the right of way.

Section 19-190(b) imposes a fine on a motor vehicle that fails to yield to a pedestrian, comes in contact with the pedestrian, and causes a physical injury.

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, the summons would still be subject to dismissal for failure to inform Respondent of the maximum penalty authorized to be imposed if the facts constituting the violation are found. See 48 RCNY § 6-08(c)(4). Accordingly, the summons is dismissed.



04/16/2025

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Theresa Leary, Hearing Officer

Date