



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: 0196677470 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- RANDHER FELIZ Hearing Date: 05/13/2025 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
0196677470	Dismissed	12/11/2024	652 BURKE AVENUE Bronx

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

Findings of Fact & Conclusions of Law

On December 11, 2024, the New York City Police Department issued Summons No. 0196677470 to Randher Feliz ("the Respondent") charging a violation of the Administrative Code of the City of New York ("Code") Section 19-190(b), alleging that the Respondent failed to yield the right of way, thereby causing injury, in front of 652 Burke Avenue, Bronx, NY. The Issuing Officer ("IO") stated that at 7:55 PM on December 11, 2024, "At TPO I/O is informed by Jorge Azabacke cell [redacted] whose address is known to the NYPD that Jorge was stuck by vehicle. PO did not witness."

Michael Nacmias, counsel for the Respondent, appeared at hearing on behalf of the Respondent on May 13, 2025. No one from the NYPD appeared. Respondent's counsel moved to dismiss the summons, alleging defective service as the affidavit is

blank and unsigned. Respondent's counsel also argued that the IO did not establish a prima facie code charge, as the summons does not connect the Respondent to any conduct or allege any physical injury.

In this matter, the affidavit of service is completely blank and unsigned, and so I find that service was defective in this matter . However, even if the Respondent had been properly served, I find that the IO did not establish a prima facie 19-190(b) violation. 19-190(b) refers to 19-190(a), which states in pertinent part: "...any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction." 19-190(b) incorporates 19-190(a) but pertains to "...any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury." The IO provided minimal detail in the summons, and failed to allege what kind of injury the complainant suffered, and how the Respondent was alleged to have caused injury.

Accordingly, the Code charge Section 19-190(b) is dismissed.



05/13/2025

05/13/2025

Ashley Mitchell, Hearing Officer

Date