



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: 0199131094 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- CARLTON A PAHERSON Hearing Date: 05/16/2025 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
0199131094	Dismissed	03/28/2025	Queens Blvd and 43rd 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 May 16, 2025. Petitioner did not appear. Respondent was represented by Michael Nacmias, Esq.

The summons charged a violation of Administrative Code 19-190(b) and alleged the issuing officer was informed by victim that driver failed to exercise due caution entering bicycle lane while victim had the right of way.

Respondent's counsel argued that the summons did not establish a prima facie case as it did not allege a physical injury. Counsel also challenged service.

I find that dismissal is warranted as the affidavit of service was completely blank. Under 48 RCNY 6-08(a)(1), petitioner is required to file proof of service with OATH. Petitioner did not appear to offer supplemental testimony. Service is thus deemed defective. See NYPD v. J. Doe, Appeal No. 2200921 (August 30, 2022). I also find that the summons is defective as it does not allege a physical injury.

Accordingly, the summons is dismissed.



05/16/2025

05/16/2025

Hannah Pinto, Hearing Officer

Date