



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: 0214881518 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- LUIS E MUGA Hearing Date: 06/02/2025 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
0214881518	Dismissed	04/12/2025	5th Ave and E 70th Street Manhattan

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

Findings of Fact & Conclusions of Law

This is a hearing by phone held June 2, 2025. Respondent, Luis Muga, appeared by Michael Nacmias, Esq. Petitioner, Police Department, did not appear.

Summons 0214881518 alleges a violation of § 19-190(b) of the New York City Administrative Code for failure to yield – physical injury.

Respondent's attorney moved to dismiss the summons arguing (i) service was defective because the Issuing Officer failed to sign the affidavit/certificate of service and (ii) the summons failed to make out a prima facie case since the summons does not

establish that the Respondent was the driver of a motor vehicle. In support of his argument regarding service, Respondent's attorney specifically mentioned *NYPD v. Ajaz B. Kiani* [(Appeal No. 1801238) (June 18, 2020)] and argued that the certificates of service must be signed.

I find that Petitioner failed to establish proper service. Here, the purported proof of service on the reverse side of the summons was largely left blank and not signed and Petitioner did not appear at the hearing to supplement its proof of service. See *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020). Further, Counsel is correct that the summons does not state a prima face case for the charge because material elements are missing from the sworn details, such as whether Respondent was driving a motor vehicle.

Accordingly, the summons is dismissed.

	
06/02/2025	06/02/2025
Sarah Axtell, Hearing Officer	Date