



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: 0216512515 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JENNIFER M ALVARADO Hearing Date: 06/16/2025 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
0216512515	Dismissed	04/25/2025	Queens Blvd /43rd street 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

Respondent was charged with failure to yield right of way in violation of Code 19-190(b). The Respondent's attorney Michael Nacmias appeared. The Petitioner did not appear. Respondent's attorney waived the right to an interpreter and to the issuing officer/inspector. Respondent argues that the summons is defective as the affidavit of service page is blank. Further, he argued that the summons cannot establish a prima facie case as there is no allegation that the Respondent caused the physical injury.

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian who has the right of way "and whose motor vehicle causes contact with a pedestrian . . . and thereby causes physical injury." In *NYPD v. Hershel*

Rosenfeld, Appeal No. 1900526 (June 27, 2019) the Board held that where the IO never alleged that Respondent's vehicle made contact with the pedestrian or that the pedestrian was in the crosswalk or had the right of way the summons must be dismissed. The summons does not allege that the Respondent caused physical injury, and thus does not establish a prima facie case. 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, the summons is defective on its face and it is dismissed.



06/16/2025

06/16/2025

Genna Rosten, Hearing Officer

Date