



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: 0217088612 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ELROY J SNEED Hearing Date: 08/06/2025 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
0217088612	Dismissed	02/13/2025	CHRYSTIE AND GRAND STREETS 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

The summons alleges that the respondent violated NYC Administrative Code 19-190(b) by failing to yield at Chrystie Street and Grand Street Manhattan on September 5, 2021. Michael Nacmias, Esq., appeared for the respondent Elroy J. Sneed. The petitioner NYPD did not appear.

The issuing officer stated in the sworn summons, that at T/P/O, issuing officer was informed by the listed respondent that while making a left turn from 5 Ave onto E. 96 St, his vehicle came into contact w/pedestrian. Pedestrian fell onto the ground.

Pedestrian then called 911 and was removed to hosp. by EMS. Ped was on cross walk."

NYC Administrative Code 19-190(b) provides that any driver of a motor vehicle who fails to yield to a pedestrian when such pedestrian has the right of way and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

The respondent moved to dismiss on the ground that the affidavit of service filed with the summons was blank and on the ground that the summons fails to establish a prima facie case.

Section 10.00 of the NY Penal Law defines "physical injury" as impairment of physical condition or substantial pain.

48 RCNY 6-08(1)(a) provides that the petitioner must file an original or a copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

I find the petitioner failed to provide proof of service as required. The Affidavit (Certificate) of service is blank.

The issuing officer here does not allege that the pedestrian had the right of way or that the pedestrian was physically injured. I find the summons fails to allege sufficient facts on which the respondent could be found in violation. I find the summons fails to establish a prima facie case.

The respondent's motion is granted. The summons is dismissed.



08/13/2025

08/13/2025

Anthony Feldmesser, Hearing Officer

Date