



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

JOSE A GARCIA c/o Mihael Nacmias, Esq. 592 Pacific Street Br,NY 11217	Summons No: 0196377648 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JOSE A GARCIA Hearing Date: 07/16/2025 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
0196377648	Dismissed	02/28/2025	s/b Ocean Pkwy w/Brighton Avenue Brooklyn

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 Jose P. Garcia is charged with a violation of VTL 19-190-A in that it is alleged he failed to yield the right of way to a pedestrian causing injury. The accident occurred on 2/28/2025 as respondent was proceeding southbound on Ocean Parkway at the intersection with Brighton Avenue in Brooklyn.

Mr. Garcia was represented by Michael Nacmias, Esq. Mr. Nacmias waived an interpreter and the appearance of the issuing officer.

Mr. Nacmias moved to dismiss on the following grounds: there was a blank affidavit of service; and there was no allegation of

physical injury which is an element of the violation

The details of violation read:

"At time and place of occurrence (TPO) I was informed by Kareem Bubb that he observed motorist failed to yield to pedestrian."

A review of the summons shows that it is defective for the reasons stated above. The affidavit of service is blank and the details of violation do not allege physical injury to the pedestrian which is an element of the violation.

Based on the foregoing, the violation is dismissed.



07/16/2025

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Mark Snyder, Hearing Officer

Date