



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: 0200160245 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- GLEN E SCOTT Hearing Date: 08/01/2025 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
0200160245	Dismissed	03/07/2025	BEDFORD AVE & CLARKSON AVE 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

Michael Nacmias, Esq. appeared on behalf of the respondent and moved to dismiss the summons issued to the respondent alleging a violation of New York City Administrative Code Section 19-190(b) for failing to yield to a pedestrian upon making a right turn and striking the pedestrian.

The second page of the summons containing the affidavit of service is completely blank, with no information filled in whatsoever as to the type of service made on the respondent.

Furthermore, the summons fails to state any penalty amount on its face.

Finally, Mr. Nacmias argued that the summons does not allege a physical injury to the pedestrian and thereby fails to state a prima facie case against the respondent.

I find all of Mr. Nacmias's arguments persuasive. Section 6-08(b) of the OATH Hearings Division Rules of Practice sets forth the specific types of service on a respondent that are acceptable for summonses adjudicated at this tribunal. Without the summons specifying what type of service was made upon the respondent, it is impossible to determine whether service was proper. The summons is therefore dismissed because it does not conform to Section 6-08(b) of the OATH Hearings Division Rules of Practice.

Section 6-08(c)(4) of the OATH Hearings Division Rules of Practice requires that the summons must contain, at a minimum, information adequate for the Respondent to calculate the maximum penalty authorized to be imposed if the facts constituting the violation are found to be as alleged. This summons fails to state the maximum penalty authorized to be imposed if the facts constituting the violation are found to be as alleged. The summons is therefore dismissed because it does not conform to Section 6-08(c)(4) of the OATH Hearings Division Rules of Practice.

With respect to the alleged violation of New York City Administrative Code Section 19-190(b), in order for a respondent to be found in violation of this section, the petitioner must establish all elements set forth in the statute, including that a driver **failed to yield** to a pedestrian or cyclist who has the right of way, **made contact** with that person using a motor vehicle, and that contact **caused physical injury** due to the driver's **failure to exercise due care**. The summons does not allege a physical injury to the pedestrian and is not sufficiently specific to establish the respondent's failure to exercise due care. The summons is therefore dismissed because it does not establish all the elements of the alleged violation on its face. The petitioner, NYPD, did not appear at the hearing and provided no further detail beyond what is stated in the summons.



08/01/2025

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Paul Vaygen, Hearing Officer

Date