



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

Hearings Division

Decision

Michael Nacmias, Esq. - Nacmias Law Firm
592 Pacific Street 1st Floor
Brooklyn, NY 11217

Summons# : 0200151876 et al. (1 summonses)

NEW YORK CITY POLICE DEPT,

-against-

RICHARD FELIX

Hearing Date : 9/18/2025

Hearing Location : Remote

Type of Hearing : By Telephone

Total Penalty Amount : 0.00

Community Service(Hr): Not Applicable

SUMMONS #	SUMMARY DISPOSITION	DATE OF OCCURRENCE	PLACE OF OCCURRENCE
0200151876	Dismissed	08/26/2024	Intersection UTIACA AVE / EASTERN PARKWAY,

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

Total Penalty for Summons: 0.00

Findings of Facts & Conclusions of Law

Petitioner did not appear. Respondent appeared through attorney Michael Nacmias.

Summons 0200151876 charged a violation of Administrative Code § 19-190(b) for failing to yield at a crosswalk resulting in physical injury.

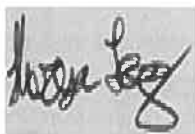
The issuing officer wrote they were informed by Anique Edwards that they were hit by above listed motorist. On the second page, the "Affidavit (Certificate) of Service" is blank.

Respondent moved to dismiss the summons for defective service, citing Appeal 2000420. He also argued it does not establish a prima facie case of the violation because it does not allege a physical injury.

Before turning to the merits of the summons, service must be established. Per 48 RCNY § 6-08(a)(1), Petitioner is required to file proof of service before the hearing. Here, Petitioner has filed the summons without proof of service. Accordingly, the summons is dismissed.

Had service been effective, I would grant Respondent's motion to dismiss for failure to allege sufficient facts to establish a prima facie case. §19-190(b) does require that injury to a pedestrian be pled in the description of the charge. Petitioner failed to plead those facts.

Accordingly, the summons is dismissed.



09/18/2025

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Theresa Leary, Hearing Officer

Date

