



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: 0219119863 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DAVID ANDRE Hearing Date: 10/20/2025 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
0219119863	Dismissed	07/07/2025	2 Ave and East 41 St 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

Michael Sargo, Esq. appeared as the authorized representative of the Respondent. Petitioner did not appear.

Respondent is charged with a violation of Administrative Code 19-190(B) for failing to comply with the cited code requirements, as described in the summons.

Mr. Sargo moved to dismiss the summons for failure to provide proof of service. Mr. Sargo also stated that Petitioner failed to provide proof of service because the Affidavit of Service is blank.

Upon the review of the summons, I find that it does not establish a prima facie case because it does not allege that respondent's contact with pedestrian caused physical injury. The law requires summons to provide and allege all of the elements of the charge and physical injury is a material element for the respondent to be found in violation. Physical injury under this provision is defined by section 10.00 of the New York State Penal Law, which defines it as "impairment of physical condition or substantial pain." The summons merely states "causing injury to head" without alleging impairment or substantial pain. Therefore, I do not credit the allegations. I find that the Affidavit of Service is blank. As such, I find that Petitioner failed to provide proof of service of the summons, and the Office of Administrative Trials and Hearings lacks jurisdiction.

Dismissed.



10/21/2025

10/21/2025

Myeisha Rouff, Judicial Hearing Officer

Date