



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

Michael Nacmias, Esq. 592 Pacific Street 1st Floor Brooklyn, NY 11217	Summons No: 0214576221 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- DARLENE BROWN Hearing Date: 11/07/2025 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
0214576221	Dismissed	03/01/2025	St. James Place and Fulton Street 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

Petitioner NYC Police Department was not present. Respondent, Darlene Brown, appeared at a telephone hearing by her attorney, Michael Nacmias.

The Issuing Officer (IO) affirmed that on March 1, 2025, at 1:23 PM at St. James Place and Fulton Street, Brooklyn, respondent failed to yield the right of way with personal injury in violation of Section 19-190 (b) of the Administrative Code (Code).

Respondent's attorney challenged the sufficiency of the Issuing Officer's (IO) service of the summons. He asserted the failure

to complete the affidavit of service was insufficient to confer jurisdiction over the respondent because it was blank.

I agree the defective service is fatal to obtaining jurisdiction over the respondent. Petitioner failed to establish proper service where the purported proof of service on the reverse side of the summons was left blank and not signed and Petitioner did not appear at the hearing to supplement its proof of service. See NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020).

As to the merits of the case, Mr. Nacmias stated the summons does not establish a prima facie case because it fails to affirm respondent was in a motor vehicle. Further, the summons failed to affirm any conduct by the respondent.

Code Section 19-190(a) makes it a violation to fail to yield to a pedestrian when such pedestrian or cyclist has the right of way. Section 19-190(b) provides that if a driver violates subdivision (a) and the vehicle causes contact with the pedestrian and thereby causes physical injury, the driver shall be subject to a civil penalty of not more than \$250.

I agree the IO failed to establish a prima facie case because there is no respondent conduct affirmed by the IO. Therefore, the summons is dismissed.



11/07/2025

11/07/2025

Howard Weisinger, Judicial Hearing Officer

Date