



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Hearings Division

DECISION

THOMAS G BUTLER C/O MICHAEL NACMIAS 592 PACIFIC STREET DUMONT AVENUE BROOKLYN,NY 11217	Summons No: 0214575397 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- THOMAS G BUTLER Hearing Date: 01/13/2026 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
0214575397	Dismissed	10/01/2025	Carlton Ave and Myrtle 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

I find the summons does not state a prima facie case for a violation as charged under New York City Administrative Code 19-190(b) for: Failure to yield to a pedestrian with personal injury.

Respondent, Thomas Butler appeared through Attorney Michael Nacmias for a telephonic hearing.

The date of occurrence indicated in the summons was October 1, 2025.

Petitioner, New York City Police Department (NYPD) did not appear and relied on the contents of the summons for its case in

chief.

The Issuing Officer (IO) indicated that Respondent stated that pedestrian was in the crosswalk when his vehicle hit the pedestrian causing injury to left leg.

Attorney Nacmias indicated that the summons should be dismissed because it does not state that the pedestrian had the right of way or that Respondent failed to yield in accordance with the requirements for the charge.

§ 19-190 Right of way.

a. Except as provided in subdivision b of this section, any driver of a motor vehicle who fails to yield to a pedestrian or person riding a bicycle when such pedestrian or person has the right of way shall be guilty of a traffic infraction, which shall be punishable by a fine of not more than fifty dollars or imprisonment for not more than fifteen days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall be subject to a civil penalty of not more than one hundred dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "motor vehicle" shall have the same meaning as in section one hundred twenty-five of the vehicle and traffic law.

b. Except as provided in subdivision c of this section, any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law.

In this case, the summons indicates there was contact by the Respondent's vehicle with the Pedestrian. This contact caused physical injury to the Pedestrian.

However, a key element for a violation under section 19-190 to ensue is that the pedestrian had the right of way during the incident. Here, the summons fails to state that the pedestrian did have the right of way.

Accordingly, the summons is dismissed for failure to state a prima facie case for the violation as charged.