



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: 0216825630 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- CLIFFORD A JAMIESON Hearing Date: 09/09/2025 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
0216825630	Dismissed	07/20/2025	Atlantic and Kingston 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 Respondent Clifford A Jamieson not in violation of the charge of NYC Administrative Code § 19-190(b) for failure to yield right of way to pedestrian causing physical injury.

Petitioner NYPD did not appear. Respondent Clifford A Jamieson appeared through counsel at a telephone hearing on September 9, 2025. Respondent's counsel, Mr. Michael Nacmias, waived the presence of the issuing officer, the use of an interpreter and the reading of the summons.

Respondent was charged with violating section 19-190(b) of the Administrative Code on July 20, 2025, at 9:01 pm.

Respondent's counsel moved to dismiss the summons on three separate grounds: (1) improper service of the summons based on the defective affidavit of service, which was blank and not signed; (2) the summons is defective as it fails to specify the body of law applicable here; and (3) Petitioner failed to make a prima facie case as the summons does not allege sufficient facts for the violation charged. Specifically, Respondent's counsel argued that the summons failed to allege whether Respondent was driving a vehicle, and it failed to allege whether Respondent caused physical injury to a pedestrian, which is a required element for this charge. I find all three arguments persuasive.

For the reasons stated in *NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020)*, I find that upon Respondent's challenge to service, 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.

I also find that Petitioner failed to make a prima facie case here and that the summons is defective. Code Section § 19-190(a) makes it a violation to fail to yield to a pedestrian or person riding a bicycle when such pedestrian or cyclist has the right of way. Moreover, Code Section § 19-190(b) states that "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". In addition, OATH rule 6-08(c) states that a summons must contain "[a] clear and concise statement sufficient to inform the Respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation or the violations charged, including the date, time where applicable, and place when and where such facts were observed...". Here, Petitioner simply alleged in the summons that "driver failed to yield to pedestrian causing minor injuries" struck a pedestrian. However, the summons fails to allege whether the pedestrian had the right of way, a required element of Code § 19-190(a). See *City of New York v. Christopher Colander, Appeal No 1701338 (February 1, 2018)*. Moreover, the summons fails to allege the required elements under Code § 19-190(b), such as whether the Respondent was operating this vehicle, whether it was Respondent's vehicle that came into contact with the pedestrian and if that contact caused physical injury to the pedestrian. See *NYPD v. Renee Mouhadeb, Appeal No. 2401299 (September 26, 2024)*.

Finally, under 48 RCNY § 6-08(c)(2) a summons must include "[i]nformation adequate to provide specific notification of the section or sections of the law, rule or regulation alleged to have been violated." Here, the Petitioner, by only citing to 19-190(b), failed to include in the summons a proper reference to the body of law in which the cited section of law can be found.

Therefore, the summons is dismissed.



09/09/2025

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George Drakopoulos, Hearing Officer

Date