



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: 0212219242 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- FATMATA BARRIE Hearing Date: 09/15/2025 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
0212219242	Dismissed	03/20/2024	East 174th Street & Bronx River Avenue Bronx

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

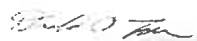
Findings of Fact & Conclusions of Law

The hearing was conducted by telephone on Court Call on September 15, 2025. Petitioner did not appear. Respondent was represented by Michael Nacmias, Esq.

The summons charged a violation of 19-190(b) of the Administrative Law, failure to yield to a pedestrian with right of way, causing physical injury.

Respondent challenged service. On the merits, respondent argued there was no prima facie case, because the allegation was vague and conclusory, and did not state that the pedestrian had the right of way.

On service, respondent objected to the failure to sign the affirmation of service or indicate by whom the summons was served. Petitioner is required by 48 RCNY § 6-08(a)(1) to file proof of service with OATH. Failure to do so or offer evidence of service at the hearing means the summons must be dismissed for defective service. NYPD v. J. Doe, Appeal No. 2200921 (August 30, 2022). Accordingly, the summons is dismissed.



09/15/2025

09/15/2025

Donald Lash, Hearing Officer

Date