



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: 0214768070 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- SCOTT S GAETHERS Hearing Date: 10/15/2025 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
0214768070	Dismissed	07/25/2025	Jackson Avenue and 49 Avenue Queens

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 Respondent was represented by his attorney Mr. Michael Nacmias. The NYPD appeared via sworn-to summons. the summons states: "Motorist did strike pedestrians who were crossing the crosswalk while travelling straight."

Mr. Nacmias argues that the summons fails to make a prima facie case in that it does not allege any right of way and does not allege that the pedestrian was injured. Furthermore, Mr. Nacmias states that the service is improper as the affidavit of service is blank.

Rule 19-190(b) states in relevant part: "...any driver of a motor vehicle who violates subdivision a of this section and whose

a misdemeanor...” Section a states in relevant part: “...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 ...” The summons is dismissed for failing to make a prima facie case in that the summons fails to state that the pedestrian had the right of way and also fails to state that there was any injury. Additionally, service is defective as the affidavit of service is completely blank.

	
10/15/2025	10/15/2025
Samia Patel, Hearing Officer	Date