



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: 0219163414 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- TANAYD DOMINICK Hearing Date: 09/19/2025 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
0219163414	Dismissed	07/30/2025	Dekalb Ave and Marcy 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

Petitioner NYPD did not appear. Michael Nacmias, Esq., appeared on behalf of Respondent Tanaya Dominick at a telephone hearing on September 19, 2025. Respondent's counsel waived the presence of the issuing officer and a formal reading of the summons.

Respondent was charged with violating section 19-190(B) of the Administrative Code. Date of occurrence was 07/30/25.

Respondent's counsel made two arguments in support of the dismissal of the summons. First, the summons was defective since it had a blank affidavit of service. Thus, Petitioner failed to provide proper proof of service as per the CPLR and the court

had no jurisdiction over Respondent. Second, the summons is facially defective because it does not allege a violation since it does not describe what kind of injury the pedestrian suffered. The summons also fails to allege whether Respondent was on a motor vehicle and Respondent could have been on a bicycle or anything. No additional evidence was submitted.

The Board has held that service is improper when the Issuing Officer fails to provide any information on the affidavit of service and petitioner offered no testimony or other evidence at the hearing as to how the summons was served. See *NYC v. M & G General Construction*, Appeal No. 1200063 (May 31, 2012); reaffirmed in *NYPD v. Doe*, Appeal No.1800218 (May 17, 2018).

I give credit to the issuing officer's sworn statement but find Petitioner failed to establish a violation. The summons fails to allege the necessary facts to establish a violation under OATH rule 6-08(c) since it fails to mention whether the pedestrian had the right of way and how was the pedestrian injured. In addition, I find the Affidavit of Service is blank and there was no evidence presented to show that Respondent was properly served with the summons.

Therefore, the summons is dismissed.

	
09/22/2025	09/22/2025
Raul Quezada, Hearing Officer	Date