



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: 0201015073 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- KOZETA VITO Hearing Date: 11/18/2025 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
0201015073	Dismissed	06/14/2025	East Tremont & 3rd 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

Petitioner NYC Police Department was not present. Respondent, Kozeta Vito, appeared at a telephone hearing by attorney, Michael Nacmias.

The Issuing Officer (IO) affirmed that on June 14, 2025, at 10:55 AM at East Tremont & 3rd Avenue, he was informed the witness observed a pedestrian get hit by the car in violation of Section 19-190 (b) of the Administrative Code (Code).

Respondent's attorney challenged the jurisdiction over the respondent. He asserted the failure to complete the affidavit of service was insufficient to confer jurisdiction because it was blank.

I agree the defective service is fatal to obtaining jurisdiction over the respondent. 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. See *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020).

As to the merits of the case, Mr. Nacmias stated the summons does not establish a prima facie case because it fails to affirm respondent was in a motor vehicle, respondent caused physical injury, or that the pedestrian caused physical injury.

Code Section 19-190(a) makes it a violation to fail to yield to a pedestrian when such pedestrian or cyclist has the right of way. Section 19-190(b) provides that if a driver violates subdivision (a) and the vehicle causes contact with the pedestrian and thereby causes physical injury, the driver shall be subject to a civil penalty of not more than \$250.

I agree there is no jurisdiction over the respondent and the IO failed to establish a prima facie case. Therefore, the summons is dismissed.



11/18/2025

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Howard Weisinger, Judicial Hearing Officer

Date