



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: 0203062430 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ALEX PALACIO Hearing Date: 11/14/2025 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
0203062430	Dismissed	09/25/2025	Lefferts Boulevard and 101 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

Petitioner NYC Police Department was not present. Respondent, Alex Palacio, appeared at a telephone hearing by his attorney, Michael Nacmias.

The Issuing Officer (IO) affirmed that on September 25, 2025 at Lefferts Blvd. and 101 Ave., respondent failed to yield to a pedestrian causing personal injury in violation of Section 19-19 (b) of the Administrative Code (Code).

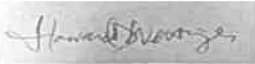
Respondent's attorney challenged the sufficiency of the Issuing Officer's (IO) service of the summons. He asserted the failure to complete the affidavit of service was insufficient to confer jurisdiction over the respondent. The affidavit of service was blank.

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 the facts do not support the charge. I agree because the pedestrian's right of way has not been affirmed by the IO.

Finally, I agree with respondent the summons failed to charge the correct section of the Code.

For all the reasons set forth in this decision, the summons is dismissed.



11/14/2025

11/14/2025

Howard Weisinger, Judicial Hearing Officer

Date