



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: 0218403525 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- GLENN CONTI Hearing Date: 01/12/2026 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
0218403525	Dismissed	10/17/2025	I/O Corporal Kennedy and 23 Ave 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 summons alleges violation of NYC Administrative Code 19-190(b) and states defendant did fail to yield in marked crosswalk causing physical injury.

The agency that issued the summons, the Police Department of the City of New York, did not appear at the hearing.

Michael Nacmias, Esq. appeared for the respondent, Glen Conti, and denied the violation.

Respondent requested a dismissal of the summons contending that service was improper in that the affidavit of service was

blank. Respondent relied on appeal no.2000420 in support of its motion. Further, respondent contended factual allegations did not make out the elements of the charge as the summons alleged only physical injury. Respondent noted that provision of law requires that physical injury occur and that physical injury alone did not meet the definition of physical injury under the penal code. Respondent asserted that minor injuries do not meet that definition. Respondent stated that the summons did not allege that the defendant was operating a motor vehicle and that summons did not allege that who had the right of way.

48 RCNY 6-08(c) requires that the summons contain at a minimum a clear and concise statement sufficient to inform the respondent with reasonable certainty and clarity of the essential facts alleged to constitute the violation and information adequate to provide specific notification of the section or sections of the law to have been violated.

NYAC 19-190(b) states in pertinent part that "...any driver of a motor vehicle who violates subdivision a of this section and whose motor vehicle causes contact with a pedestrian or person riding a bicycle and thereby causes physical injury, shall be guilty..."

NYAC 19-190(b) specifically requires that the pedestrian or bicyclist suffer physical injury as a result of contact with a motor vehicle.

The summons fails to allege that the respondent was driving or operating a motor vehicle. All physical injuries do meet the definition of physical injury under the penal code. The penal code defines physical injury as "impairment of physical condition or substantial pain".

48 RCNY 6-08(a) requires that the petitioner file an original or copy of the summons, together with proof of service, with the Tribunal prior to the first scheduled hearing date.

The affidavit of service submitted to the tribunal is blank. It has been held that "Even if the summons is personally served, the affidavit of service should be completed to effectuate service." See NYC v. M&G General Construction, Appeal No. 1200063 (May 31, 2012).

For the reasons stated above I find the requirements of 48 RCNY 6-08 have not been met.

Accordingly, the summons is dismissed.