



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: 0215804784 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JULIE F XU Hearing Date: 12/12/2025 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
0215804784	Dismissed	04/25/2025	N/W Skillman Ave 43rd Street 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

Respondent JULIE F XU appeared at a remote telephonic hearing on 12/12/2025 by Michael Nacmias, Esq.

There was no appearance by Petitioner NYPD.

Respondent is charged with a violation of NYC Adm. Code 19-190(b) for allegedly failing to yield to a bicyclist causing injuries

Mr. Nacmias moved to dismiss the Summons arguing that the Affidavit of Service is blank. In support of Respondent's motion to dismiss Mr. Nacmias cited the Board's decision in *NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18, 2020) which

held: "For the reasons stated in NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020), the Board finds that upon Respondent's challenge to service, 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."

Respondent's motion to dismiss is granted as the Affidavit of Service is completely blank and unsigned and Petitioner did not appear at the hearing to supplement its proof of service.

Accordingly, the Summons is dismissed.



12/12/2025

12/12/2025

Jerilyn F. Rubin, Judicial Hearing Officer

Date