



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: 0196258444 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- JOHNATAN BANEGAS Hearing Date: 01/09/2026 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
0196258444	Dismissed	10/18/2025	88 Ave and 169 St. 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

This is a hearing by phone on January 9, 2026. Respondent, Jonathan Banegas, appeared by Michael Nacmias, Esq. Petitioner, Police Department, did not appear.

Summons 0196258444 alleges a violation of § 19-190(b) of the New York City Administrative Code for failure to yield – physical injury.

Respondent's attorney moved to dismiss the summons arguing (i) service was defective because the Issuing Officer failed to sign or fill in anything on the affidavit/certificate of service and (ii) the summons failed to make out a prima facie case since the

summons fails to mention, among other things, whether the respondent was a driver or if the pedestrian had the right of way.

I find that Petitioner failed to establish proper service. Here, 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). Further, Counsel is correct that the summons does not state a prima face case for the charge because material elements are missing from the sworn details, such as whether the pedestrian has the right of way and the standard for physical injury.

Accordingly, the summons is dismissed.



01/09/2026

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Nadia Pervez, Judicial Hearing Officer

Date