



**OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS**  
*Hearings Division*

**DECISION**

|                                                                                                       |                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Michael Nacmias, Esq. - Nacmias Law Firm</b><br>592 Pacific Street 1st Floor<br>Brooklyn, NY 11217 | <b>Summons No: 0218323060 et al. (1 Summons)</b><br><br><b>NEW YORK CITY POLICE DEPT,</b><br><br><b>-against-</b><br><br><b>ISAIAH S ORTIZ</b><br><br><b>Hearing Date: 01/29/2026</b><br><br><b>Hearing Location: Remote</b><br><br><b>Type of Hearing: By Telephone</b> |
|-------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                              |
|----------------------------------------------|
| <b>Total Penalty Amount: \$0.00</b>          |
| <b>Community Service(Hr): Not Applicable</b> |

| <b>SUMMONS #</b> | <b>SUMMARY DISPOSITION</b> | <b>DATE OF OCCURRENCE</b> | <b>PLACE OF OCCURRENCE</b>        |
|------------------|----------------------------|---------------------------|-----------------------------------|
| 0218323060       | Dismissed                  | 12/10/2025                | 7th Avenue and 56 Street Brooklyn |

| <b>LINE ITEM</b> | <b>OATH CODE</b> | <b>CODE SECTION/RULE</b> | <b>RESULT</b> | <b>PENALTY</b> |
|------------------|------------------|--------------------------|---------------|----------------|
| 1                | AD6L             | AC 19-190(B)             | Dismissed     | \$0.00         |

**Findings of Fact & Conclusions of Law**

A hearing was held by telephone on January 29, 2026. The Respondent's attorney appeared and waived an interpreter and the issuing officer. The Petitioner did not appear. Respondent was charged with failure to yield with injury in violation of 19-190(b). The summons states respondent did fail to yield the right of way to pedestrian while make a left turn striking pedestrian and causing physical injury.

Respondent's attorney argues that the summons is defective as the affidavit of service page is partially blank and is not signed by the officer. He further argued that the summons cannot establish a prima facie case as there is no allegation that the respondent was driving a motor vehicle and no sufficient allegation that the pedestrian sustained a physical injury. The

statement of PI did not establish that an actual physical injury was present as the description was conclusory and failed to meet the definition of a physical injury as stated in NYS Penal Law.

Code § 19-190(b) makes it unlawful for the driver of a motor vehicle to fail to yield to a pedestrian who has the right of way "and whose motor vehicle causes contact with a pedestrian . . . and thereby causes physical injury." This summons fails to state the respondent was operating a motor vehicle and it does not establish a physical injury occurred as the language is conclusory and fails to establish an injury pursuant to the definition of the NYS Penal law. Further the summons is defective as the affidavit of service page is partially blank and unsigned. The Board has stated in NYPD v. Ajaz B. Kiani, Appeal No. 1801238 (June 18, 2020), 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. Accordingly, for the reasons stated the summons is defective on its face and it is dismissed.



01/29/2026

01/29/2026

Janet Albertson, Judicial Hearing Officer

Date