



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: 0206198374 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- KEVIN WILLIS Hearing Date: 02/02/2026 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
0206198374	Dismissed	12/13/2025	132 STREET & FOCH BOULEVARD 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

Michael Nacmias, Esq., appeared as the attorney for the respondent, Kevin Willis, and waived the appearance of the issuing officer. The petitioner, the New York Police Department, did not appear.

The summons alleges that on 12/13/25 at 5:43 PM, at 132 Street and Foch Boulevard, Queens, a failure to yield to pedestrian in crosswalk. Physical injuries.

The respondent is charged with Administrative Code 19-190(b), which states, "Except as provided in subdivision c of this section, 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 of a misdemeanor, which shall be punishable by a fine of not more than two hundred fifty dollars, or imprisonment for not more than thirty days or both such fine and imprisonment. In addition to or as an alternative to such penalty, such driver shall also be subject to a civil penalty of not more than two hundred fifty dollars which may be recovered in a proceeding before the environmental control board. For purposes of this section, "physical injury" shall have the same meaning as in section 10.00 of the penal law."

Penal Law 10.00(9) provides, "'Physical injury' means impairment of physical condition or substantial pain."

Respondent's attorney moved to dismiss the summons because the affidavit of service is blank. Petitioner failed to provide proof that respondent had notice. There is no jurisdiction over the respondent. He cited Appeals No. 2000420.

On the merits, he argued that there is no prima facie case on the grounds that it is conclusory. The summons does not connect respondent to any conduct or that he did anything, or that there was a motor vehicle. He moved to dismiss the summons.

Respondent's attorney's statements are persuasive and provide a meritorious defense. As the Affidavit (Certificate) of Service was left blank, "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." NYPD v. Barrett Cherelle, Appeal No. 2000420, June 18, 2020. I find that in the instant case, petitioner had failed to establish that service was properly effectuated.

I also find that the summons fails to state a prima facie case, as the summons does not allege that respondent was a driver of a motor vehicle that caused contact with the cited pedestrian or that such contact impaired the pedestrian's physical condition or caused substantial pain.

Accordingly, the summons is dismissed and no penalty is due.

Grace Chen

02/17/2026

02/17/2026

Grace Chen, Judicial Hearing Officer

Date