



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: 0200435878 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- IRENE MORRIS Hearing Date: 04/13/2026 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
0200435878	Dismissed	12/28/2024	E. 167 and Jerome Avenue Bronx

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

Findings of Fact & Conclusions of Law

A hearing was held by telephone on April 13, 2026. The Respondent's attorney Micheal Nacmias appeared. The Petitioner did not appear. Respondent was charged with failure to yield with injury in violation of 19-190(b). The affidavit of service is completed but is not signed. The issuing officer completed the affidavit of service but failed to sign the document.

Respondent's attorney argues that the summons is defective as the affidavit of service page is not signed. blank. He further argued that the summons cannot establish a prima facie case as there is insufficient information to allege pedestrian had the right of way, or 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. Further the allegation of "at crosswalk "did not establish that the pedestrian had the green light

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." In NYPD v. Hershel Rosenfeld, Appeal No. 1900526 (June 27, 2019). I find the summons fails to state a prima facie case as the summons language does not sufficiently allege physical injury under the the NYS Penal law. The description physical injury is conclusory. Additionally, I find the failure to sign the affidavit of service is not grounds for dismissal. Pursuant to the the Rules of the City of New York, proof of service does not have to be signed so long as it is filed with OATH. Failure to sign the affidavit is a minor defect, and the Board has previously found that minor defects on an affidavit or certificate of service are harmless error.

Accordingly the summons is dismissed as failing to establish a prima facie case.



04/13/2026

04/13/2026

Janet Albertson, Judicial Hearing Officer

Date