



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: 0219100925 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- ALEN GORELIK Hearing Date: 04/09/2026 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
0219100925	Dismissed	01/13/2026	Homecrest Ave / Avenue Z Brooklyn

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

Findings of Fact & Conclusions of Law

Summons 0219100925 alleges a violation of § 19-190(b) of the Administrative Code of the City of New York (Code), for failing to yield to a pedestrian.

Petitioner, Police Department, did not appear at the hearing.

Respondent, Alen Gorelik, appeared by Michael Nacmias, Esq.

Respondent's attorney moved to dismiss the summons, citing *See NYPD v. Barrett Cherelle*, Appeal No. 2000420 (June 18,

2020). He argued that service was defective because the IO failed to sign or fill in anything on the affidavit/certificate of service located on the reverse side of the summons. He also argued that the summons failed to make out a *prima facie* case for the charge, where the violation details failed to allege any physical injury or whether Respondent was the driver of the bicycle or the motor vehicle.

I find that Petitioner established proper service. Here, the IO checked the box on the front of the summons above the signature that they personally served the respondent, so service is facially valid without further evidence from Petitioner.

Code § 19-190(b) provides, in pertinent part, "[A]ny 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 subject to a civil penalty." (Emphasis added.)

I find that the IO's statements on the summons failed to make out a *prima facie* case for the charged section, where the IO alleged failed to allege that Respondent was the driver of a motor vehicle. The section of law applies to drivers of motor vehicles. Accordingly, the summons is dismissed.

KLawner

04/13/2026

04/13/2026

Kevin Lawner, Judicial Hearing Officer

Date