



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: 0198739622 et al. (1 Summons) NEW YORK CITY POLICE DEPT, -against- NICOLETTE FALLACARO Hearing Date: 05/11/2026 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
0198739622	Dismissed	12/13/2024	FOREST AVE & WILLOW RD W Staten Island

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

Findings of Fact & Conclusions of Law

The hearing was conducted by telephone via Court Call on May 11, 2026. Petitioner waived its appearance. Respondent appeared through attorney Michael Nacmias.

The summons charges a violation of Administrative Code § 19-190(b). The issuing officer affirmed being "informed by Atollah George . . . [that he] observed Respondent strike the victim while crossing w/signal.

Respondent moved to dismiss. Respondent contended that service was improper because the form certificate of service had not been filled out with information regarding service. The certificate of services fails to satisfy the requirements for personal

service on an individual and thus is dismissed on that basis. See NYPD v. Barrett Cherelle, Appeal No. 2000420 (June 18, 2020).

Regarding the merits, Respondent argued that the summons fails to provide facts to support a prima facie case, in that there is no allegation that Respondent was in a motor vehicle or that the pedestrian suffered a physical injury.

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."

The summons fails to establish a prima facie case because it fails to allege that Respondent was in a motor vehicle or that the pedestrian suffered a physical injury.

The summons consequently is dismissed.

<i>Michael Gallagher</i>	
05/14/2026	05/14/2026
Michael Gallagher, Judicial Hearing Officer	Date