



NOTICE OF DECISION

<p>TAXI AND LIMOUSINE COMMISSION</p> <p>Petitioner</p> <p>-against-</p> <p>ARIF, MUHAMMAD, RAKEBU L.</p> <p>[REDACTED]</p> <p>Respondent</p>	<p>Summons Number: 10021685C</p> <p>License Number: [REDACTED]</p> <p>Decision Date: 05/07/2014</p> <p>Hearing Officer: Amy Baranoff</p> <p>Respondent Representative: A Godinger</p> <p>Petitioner Representative: S Shukla</p>	<p>Summary Disposition: GUILTY</p> <p>Points (Total): 4</p> <p>Suspension/Revocation: Not applicable</p> <p>Compliance:</p> <p>Total Fine Amount: 1400</p>
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Charge Code	Decision Code	Penalty Amount	Points
54-14(A)	Closed, Guilty at Hearing	\$1000	4
54-13(A)(3)(VI)	Closed, Guilty at Hearing	\$400	3
54-13(A)(2)	Closed, Dismissed at Hearing	\$0	0

Hearing Officer Findings:

The complainant appeared and testified that at the date and time of the occurrence, she was at the intersection of 79th and 3rd on the east side of the street. She was with other pedestrians, and started to cross with the light. The crosswalk is in the street. There is construction material and barriers obstruction the sidewalk. The vehicular traffic at 3rd Avenue is in a single lane. The complainant was at the southeast corner furthest the left, and west of the other pedestrians. There was a warning sign indicating that traffic was going into a single lane.

The witness had just stepped into the street, and saw a flash of yellow. She was hit in the leg and thrown off balance. She landed on the ground. She was face down, and her nose was bleeding. Her hand was crumpled under. Another pedestrian called the police. She was in pain and did not know what happened. She was face down, and heard a male passer-by stop others from moving her until the paramedics arrived. She was in a heap on her hands and

[Signature]

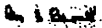
Amy Baranoff
 Hearing Officer

knees. The police and the ambulance came. The cab was a few feet away, and it did stop. She was taken to the hospital to check her injuries. She had eight hours of tests and multiple x rays and MRIs. She had multiple fractures in her left ankle and nose and a broken finger. She did not speak to the driver, but gave 911 a statement. She filed a complaint with 311 for the medallion number that was on the police report.

The TLC submitted the trip sheet, the non passenger complaint, the veriphone map, and the police report.

Upon cross examination, she clarified that the construction materials and barricades were on the sidewalk, but the crosswalk, where she was hit, was in its normal condition. There may or may not have been materials which obstructed the respondent's view. There was no construction going on at the corner of 79th where she was hit. Between 78th and 79th, there was a shed that varied in width. At the time, it may have been about eight feet wide and the length of the block.

I find the sworn account of the complainant to be credible. The respondent failed to appear and to set forth a credible defense. I find that the respondent's vehicle struck the complainant while she was crossing in the pedestrian crosswalk with the walk sign illuminated. The witness suffered extensive injuries. I found insufficient evidence to establish that the driver's view was obstructed, or that there were circumstances beyond his control that prevented him from seeing the complainant. As such, I find that he respondent violated rule 54-13(a)(3)(v1) by failing to yield the right of way to the pedestrian, who was crossing with the light, in the pedestrian crosswalk. I further find that this would also constitute reckless driving pursuant to 54-14(a), insofar as the respondent failed to yield a right of way to a group of pedestrians lawfully walking in the crosswalk, and by so doing so, acting in a reckless manner which could, and did, cause harm to any one of these pedestrians. Insofar as the respondent has been found to have violated more specific and serious laws arising out of this incident, the charge of 54-13A2 is dismissed as duplicative and as a lesser included offense.


Amy Baranoff
Hearing Officer