



NEW YORK STATE SENATOR

Simcha Felder

NYC TICKET FRAUD and CORRUPTION

SIMCHA FELDER May 13, 2021

| ISSUE: **DEPARTMENT OF SANITATION**



Today, Senator Simcha Felder (Boro Park, Midwood) and Councilman Kalman Yeger (Boro Park) demanded an end to corrupt enforcement practices by the Department of Sanitation (DSNY) and other New York City agencies. Revealing evidence of fraudulent sanitation tickets outside DSNY headquarters at 125 Worth Street, they demanded an immediate investigation into the offending enforcement agents, OATH officers who fail to report incriminating evidence for investigation, and pushed for a long-overdue fix to protect New Yorker's from fraudulent tickets.

Legislation sponsored by Senator Felder (S6320) and Assemblyman Barnwell (A1970) would require all NYC agencies issuing summonses to photo document the violation(s). A similar bill was proposed by Councilmembers Alan Maisel and Kalman Yeger in the NYC Council (Int 1006).

"Last time I checked, Americans were innocent until proven guilty. This system stinks! Dirty sanitation enforcement agents fabricate violations and issue tickets outside of routing hours while unscrupulous OATH officers bury the evidence. If the city wanted to solve this problem they could have done it long ago, but they have no incentive. The city makes out like a bandit by robbing hardworking New Yorkers," said Senator Felder.

"Sadly, this instance of a falsified summons is not an isolated incident. My colleagues and I have frequently learned of instances of false summonses issued by DSNY's quota agents. Often, 311 complaints of missed pickups result in a quota agent issuing a summons as a punishment for the complaint, rather than making up the missed pickup, like in other neighborhoods. We have brought these incidents to the attention of the Sanitation Department's management, to no avail. Hopefully, this very clear evidence of corruption will push the Sanitation Department to taking action to reign in its rogue quota agents," said Councilman Kalman Yeger.

"We have seen time and again, the City issue tickets to New Yorkers without any proof of the condition the City is ticketing. When people try to fight the ticket, they have no evidence to counter the allegation(s) and are found guilty. The burden should not be on the person receiving the ticket, but on the City who issues the ticket. In the 21st Century, with all the technology we have, there is zero reason why the City should not be forced to provide photographic evidence to prove the violation," said Assemblyman Barnwell (not present).

“A complaint that my colleagues and I often receive from constituents and homeowners is that I didn’t deserve the ticket I received from the Department of Sanitation, ‘my sidewalk was clean, I just swept it.’ Unfortunately, it’s often their word against that of the inspector, that’s why this bill that Senator Felder is introducing is so important, It levels the playing field by having the inspector photograph the violation he is issuing. I also proposed similar legislation in the City Council because it’s only fair that evidence is provided to substantiate the violation,” said Councilman Alan Maisel (not present).

In the case illustrated, the property owner checked security camera footage after a sanitation summons arrived by mail. The video footage clearly shows no evidence of litter as attested to in the violation and no evidence of an enforcement agent in the vicinity during routing hours. However, a sanitation enforcement vehicle is clearly present an hour after the regulations end. Dismissing the ticket on the evidence provided would trigger an investigation, requiring OATH officers to refer it to the Inspector General’s Office. Instead, OATH dismisses the ticket on grounds of prima facie evidence. (video footage available upon request)

According to a 2017 report by the NYC Comptroller’s office, revenue from fines increased 22 percent during the current administration from \$811 million in FY 2013 to \$993 million in FY 2016. “Quality of Life” violations that include sanitation violations generated \$184 million.

RELATED LEGISLATION

2021-S6320

-
- Introduced

- ◦ In Committee Assembly
 - In Committee Senate
- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
- ◦ Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
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Requires all agencies of the city of New York which issue summons to document violations with photographic evidence when feasible

April 21, 2021

In Senate Committee Finance

Sponsored by Simcha Felder

Do you support this bill?