

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

SANFORD F. YOUNG,

Petitioner,

-against-

**CITY OF NEW YORK DEPARTMENT OF FINANCE  
PARKING VIOLATIONS ADJUDICATIONS,**

Respondents.

**ORAL ARGUMENT REQUESTED**

Index No. 111675/2006

**PETITIONER'S  
REPLY AFFIRMATION**

**For a Judgment Under Article 78 of  
The Civil Practice Law and Rules to  
Vacate the Final Adjudication and Administrative  
Appeal against Petitioner**

-----X  
STATE OF NEW YORK }  
COUNTY OF NEW YORK } s.s.:

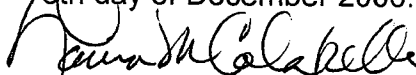
**SANFORD F. YOUNG** being duly sworn deposes and says:

1. I am the Petitioner herein. I am submitting this Affidavit and the Accompanying Memorandum of Law in further support of my Petition, and in reply to the Respondent's Memorandum of Law in Opposition dated November 1, 2006.

2. In my accompanying Memorandum of Law, I make reference to the Parking Violation Bureau's website. Annexed hereto as Exhibit "G" are true copies of printouts from that website. As set forth in my Memo, I followed the PVB's procedure to the letter, and thereby presented my defense which rebutted the allegations set forth in the summons: alleging that I was parked at "6:59" in a no parking 4-7 PM area. Accordingly, the burden shifted to the PVB to prove its case by substantial evidence, which it failed to attempt or do. See, VTL §240(2)(b) and 19 R.C.N.Y. §39-08(e).

\_\_\_\_\_  
SANFORD F. YOUNG

Sworn to before me this  
8th day of December 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC

Laura M. Colatrella  
Notary Public, State of New York  
No. 02C06138353  
Qualified in Kings County  
Commission Expires December 19, 2009

# **EXHIBIT G**



FINANCE  
NEW YORK  
MARTHA E. STARK  
COMMISSIONER



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## Parking & Vehicles

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### Parking Tickets

▶ Pay a Parking Ticket  
Finance accepts payments online, by phone, by mail, and in person.

▶ Payment Plans  
Individuals and business owners may be eligible for a payment plan to allow them to pay parking judgment debt or Taxi & Limousine Commission fines in installments.

▶ Dispute a Parking Ticket  
You can contest a parking ticket online, by mail, or in person, and do not need an attorney or paid representative to do so.

▶ Violation Codes, Fines, Rules & Regulations

▶ Tickets in Judgment  
When a parking ticket remains unanswered and unpaid for 100 days, the City enters a default judgment against the registered owner.

▶ Appealing a Hearing Decision  
You may appeal a hearing decision by submitting an Application for Appeal.

▶ Respond to a notice for a ticket already paid or dismissed

▶ Obtain a Satisfaction of Judgment, Registration Clearance, or Vehicle Release

▶ Obtaining Copies of Tickets  
View Ticket Copies Online [opens in new window]

▶ Reinstatement of a Previously Dismissed Ticket  
If a ticket was dismissed due to fraudulent evidence, Finance may reinstate the ticket and impose triple damages.

### Additional Information

Driver's licenses, registration, license plates, and other matters handled by the DMV.

▶ New York State Department of Motor Vehicles (DMV)

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New York City Alternate Side of the Street Parking Regulations  
fall under the jurisdiction of the Department of Transportation.  
➤ New York City Department of Transportation (DOT)

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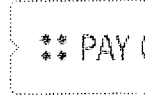
### Dispute a Parking Ticket

You may contest a parking ticket in person, by mail, or online. Along with contesting a ticket because you believe you were not guilty of the infraction, you may also request a ticket be dismissed for other reasons.

You will receive the judge's decision at the conclusion of an in-person hearing. If you request a hearing by mail or via the web, the decision will take approximately 90 days.

- ▶ Request an Online Hearing (Hearing-by-Web)
- ▶ Request a Hearing-By-Mail
- ▶ Request an In-Person Hearing
- ▶ Appealing a Hearing Decision
- ▶ Common Reasons for Disputing a Ticket
- ▶ Violation Codes, Fines, Rules & Regulations
- ▶ Red Light Camera Program

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## Parking & Vehicles

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### E-Services

Home > Parking & Vehicles > Tickets > Disputing a Ticket

### Request a Hearing-By-Mail

If you wish to have a hearing by mail:

- Return the ticket, with the top box completed and the "Not Guilty" box checked,
- Attach a letter, explaining why you should be found not guilty of the violation, and
- Attach copies of any evidence that you wish to present.

Evidence can include, but is not limited to: testimony, photographs, repair bills, police reports, Department of Motor Vehicles or insurance company reports, and towing bills. Please be certain to keep copies of everything that you send to the Department of Finance for your own records.

Mail your request to:  
NYC Department of Finance  
Hearings By Mail Unit  
P.O. Box 29021  
Cadman Plaza Station  
Brooklyn, NY 11202-9021

### Receiving Your Decision

After reviewing your mailed submission, the Administrative Law Judge's decision will be sent to you by mail.

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### Request an In-Person Hearing

Visit any Finance Business Center for a walk-in hearing on a first-come, first-served basis between 8:30 am and 4:30 pm, Monday - Friday. No appointment is necessary.

#### Eligibility

Generally, the registered owner of the vehicle disputes his or her parking ticket. However, you may dispute a parking ticket on behalf of someone else. (For instance, you may have a hearing for a ticket you received while driving a car that is registered to a friend or family member. You may also dispute a ticket on behalf of a friend or family member who is out of the country or too ill to attend a hearing.

- If you are the spouse of the car's registered owner and you have the same last name and address, no authorization is required. However, if you have different last names and / or addresses you must bring proof of marriage.
- If you are the registered domestic partner of the car's registered owner, you must bring proof of your domestic partnership.
- If you are a friend or family member other than a spouse, you must bring a notarized letter from the car's registered owner authorizing you to dispute the ticket.

If you have received a ticket on a rental car, you are responsible for the ticket and may have a hearing as the operator of the car.

#### Evidence

You do not need an attorney to represent you. Bring evidence to support your plea of "Not Guilty," such as photographs, repair bills, Police reports, Department of Motor Vehicles or insurance company reports, and towing bills.

You must also bring your valid Driver's License and the vehicle registration or title.

▶ Evidence Requirements

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**Receiving Your Decision**

If you appear in person at a Business Center, you will receive the Administrative Law Judge's decision right away.







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### Request an Online Hearing

If you submit a "Not Guilty" plea online, you can only submit written testimony in your defense.

If you have any supporting evidence to present, such as photographs or documents, you should not request an online hearing. Select another hearing option, such as a Hearing-by-Mail, or In-person hearing at one of the Finance Business Centers.

Tickets Not In Judgment

The ticket was issued less than 100 days ago.

Tickets In Judgment

The ticket was issued more than 100 days ago, but less than 1 year (365 days) ago.

NOTE: You cannot have a hearing for any ticket issued more than one year ago.

### Receiving Your Decision

The online system is only a request to the Department of Finance for a hearing. You will not receive an immediate determination. You will receive an e-mail confirmation to let you know whether the Administrative Law Judge is able to adjudicate your claim based solely on your e-mailed submission. Then, after careful review, the Judge's written decision on your ticket will be mailed to you.

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### Request a Hearing Online (Hearing-By-Web) Tickets Not In Judgment

Use this form to plead "Not Guilty" to a parking summons that you received and w submit your defense to be reviewed by an Administrative Law Judge (ALJ). Using t form is only a request for a hearing. You will not receive a decision until your case reviewed by a judge. Finance must receive your request within 30 days of the ticke issuance date to avoid penalties.

#### Outcome

You will receive an e-mail confirmation and a judge's written decision by conventio mail once your case is reviewed. If we are unable to process your case, you may b asked to either provide additional information/evidence to support your defense or an in-person hearing at a Finance Business Center.

#### Instructions

Fill in all of the requested information including your e-mail address. Note that if yo not provide all of the requested information, the processing of your request may b delayed or denied. If you have any supporting evidence to present, such as photog or documents, you should not request an online hearing. Select another hearing of such as a Hearing-by-Mail, or In-person hearing at one of the Finance Business Ce

\* Required Information

#### Contact Information

First Name \*

Middle Initial

Last Name \*

Street Address 1 \*

Street Address 2

City \*

State / Province \*



Zip/Postal Code \*

Country \*

E-mail Address \*

**Ticket (Summons) Information**

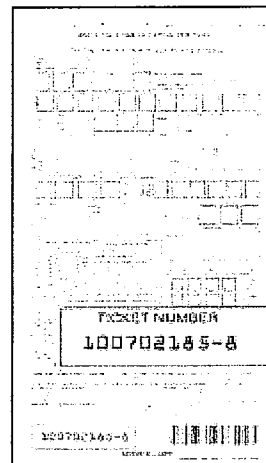
Ticket Number \*

Violation Code \*

License Plate Number \*

License Plate State / Province \*

Plate Type  
(For NYS Registered Vehicles) \*



**Defense**

Enter your defense

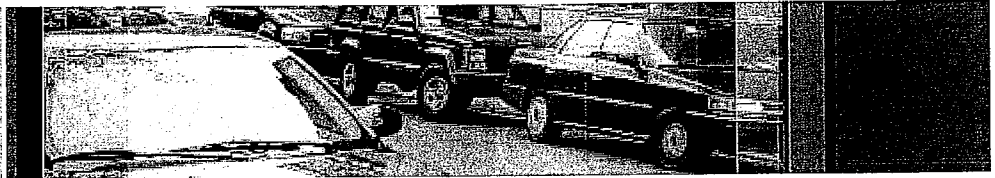
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Common Reasons for Disputing a Ticket & Evidence Requirements

Defective Ticket

A ticket is defective when a required element under the law is missing or misdescribed. Defective tickets may be dismissed even if you do not have another defense to a charged violation. Upon requesting a hearing, Finance will review recently issued summonses for these defects and dismiss them automatically.

Broken Meter

A broken meter may - or may not - absolve you from liability in a parking violation. At a broken meter (one that is not working at all or is too fast) parking is allowed only up to one hour. Where a meter is missing, parking is still allowed for the maximum time on the posted sign (an hour for a 1-hour meter, two hours for a 2-hour meter, etc.). If you were issued a ticket for an expired meter violation and the meter was broken, you must send your plea of "Not Guilty" to a different claim unit so that your claim can be substantiated.

Check "Broken Meter" in the third box at the bottom of the back of the ticket. This is an administrative claim, not a request for a hearing. Send the ticket to:

NYC Department of Finance Meter Unit
P.O. Box 29021
Cadman Plaza Station
Brooklyn, NY 11202-9021

- If your meter claim is valid, the ticket will be dismissed.
If your meter claim is denied, you can still request a hearing on the ticket.

Missing or Illegible Signs

Section 4-08 (1)(i) of the New York City Traffic Rules provides that "one authorized regulatory sign anywhere on a block, which is the area of sidewalk between one intersection and the next, shall be sufficient notice of the restriction(s) in effect on that block."

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For this reason, if your defense is that all the signs on the block were missing or illegible or that the sign where your vehicle was parked is different from the one stated on the summons, you should submit overlapping photographs of the entire block, corner to corner. Photographs are important evidence at your hearing, particularly when you plead "Not Guilty" due to missing signs.

Photographs should clearly identify the street name and the building address stated on the summons. The photos should also show all signs on the block, including the front and back of any illegible ones. You may also submit additional evidence, such as diagrams, witness statements, maps, videos, etc.

