

Taxi & Limousine Comm'n v. Uddin

OATH Index No. 1051/26 (Jan. 2, 2026), *adopted*, Comm'r Dec. (Jan. 6, 2026), **appended**

Petitioner suspended respondent's TLC Driver License following his arrest. At a post-suspension hearing, petitioner failed to prove that respondent poses a continuing "direct and substantial threat" to the public's health or safety. Lifting of suspension recommended.

NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

In the Matter of
TAXI & LIMOUSINE COMMISSION
Petitioner
- against -
MD SABBIR UDDIN
Respondent

REPORT AND RECOMMENDATION

ORLANDO RODRIGUEZ, *Administrative Law Judge*

Petitioner, the Taxi and Limousine Commission ("TLC"), brought a summary suspension proceeding against respondent, MD Sabbir Uddin, holder of a TLC Driver License. Admin. Code § 19-512.1(a) (Lexis 2025); 35 RCNY § 68-15(d) (Lexis 2025). On December 15, 2025, after receiving notice of respondent's arrest for assault in the second degree, petitioner suspended respondent's TLC Driver License (Pet. Ex. 3). Respondent is currently charged with assault in the third degree and harassment in the second degree (Pet. Ex. 4). The charges relate to an incident that occurred on December 26, 2024 (*Id.*). Petitioner now seeks a finding that continued suspension of respondent's license is necessary, pending the outcome of the criminal case, because respondent poses a "direct and substantial" threat to the public (Pet. Ex. 1). Respondent opposes continued suspension of his license and contends that, based on the underlying facts of his arrest, his unblemished record as a licensee, and his overall character, he does not pose a "direct and substantial" threat to the public.

At a post-suspension hearing on December 19, 2025, petitioner relied on documentary evidence. Respondent testified, presented witness testimony, and offered documentary evidence. For the reasons below, I find that, even if the charges underlying respondent's arrest are true,

petitioner failed to prove that respondent poses a continuing “direct and substantial threat” to the public’s health or safety.

ANALYSIS

Petitioner may suspend a TLC Driver License before a hearing “for good cause shown relating to a direct and substantial threat to the public health or safety.” Admin. Code § 19-512.1(a). Suspension may be based on pending criminal charges, including felonies, certain misdemeanors, and the traffic infraction of driving while ability impaired. 35 RCNY § 68-15(d)(1). If a license is suspended based solely on an arrest, the licensee may challenge the suspension at a post-suspension hearing. 35 RCNY § 68-15(a)(2). At the hearing, the TLC “must prove by a preponderance of the evidence that the charges pending against the Respondent, if true, demonstrate that the continuation of the Respondent’s License during the pendency of criminal charges would pose a direct and substantial threat to public health or safety.” 35 RCNY § 68-15(d)(5). Relevant considerations include “the conduct underlying the arrest and the overall record and character of the driver.” *Nnebe v. Daus*, 931 F.3d 66, 82 (2d Cir. 2019).

Due process demands that the hearing be “meaningful,” affording the driver “an opportunity to show that his or her particular licensure does not cause a threat to public safety.” *Id.* at 83. As the Second Circuit explained, the inquiry “is focused not on the threat posed by the charges, but rather on the threat posed to the public by *the driver’s licensure*.” *Id.* at 82 (emphasis in original). Therefore, the criminal charge alone should not be “the only consideration relevant to the inquiry.” *Id.* at 83. The court further explained, “[d]epending on the surrounding circumstances and the driver’s history, the threat may also be more or less ‘substantial.’” *Id.* at 82. Another consideration is whether the charged crime is the “sole infraction in an otherwise spotless record.” *Id.*

Under petitioner’s rules, at a hearing to determine whether the licensee’s suspension should continue due to a “direct and substantial threat” to the public, the parties may present relevant evidence, including, but not limited to:

- a) The particular facts and circumstances underlying the criminal charges, including the connection between the alleged offense and the Respondent’s duties and responsibilities as a driver licensed by the Commission;

- b) The Respondent's driving record, including any history of serious violations or license suspension under these Rules or applicable provisions of law relating to traffic or [v]ehicles licensed by the Commission;
- c) The Respondent's previous criminal record, or lack thereof;
- d) The Respondent's character and standing in the community; and
- e) Any other evidence relevant to whether continued licensure of the Respondent during the pendency of criminal charges would pose a direct and substantial threat to public health or safety.

35 RCNY § 68-15(d)(5).

Consistent with due process and petitioner's rules, this tribunal has determined, on a case-by-case basis, that a licensee's suspension should either be lifted or extended depending on whether continued licensure would constitute a "direct and substantial threat" to public health or safety. Admin. Code § 19-512.1(a); 35 RCNY § 68-15(d)(1). *Compare Taxi & Limousine Comm'n v. Hoque*, OATH Index No. 3665/23 at 7 (Aug. 2, 2023), *adopted*, Comm'r Dec. (Aug. 21, 2023) (suspension continued where the ALJ "found it concerning that the Complaining Victim was fearful for her safety due to escalating violence on the part of the respondent"); *with Taxi & Limousine Comm'n v. Escano-Escano*, OATH Index No. 1878/23 (Feb. 7, 2023), *adopted*, Comm'r Dec. (Feb. 13, 2023) (lifting of suspension recommended where 14 months had passed between the alleged conduct and the arrest, only minor injuries were alleged, respondent had no prior complaints or arrests, and respondent provided context for the circumstances leading to his arrest by way of a temporary order of protection in respondent's favor against complainant).

The instant summary suspension arises from allegations connected to an ongoing marital dispute between respondent and complainant. This is respondent's second summary suspension matter in the past three months. On October 8, 2025, petitioner suspended respondent's TLC Driver License after receiving notice that he was arrested for acting in a manner to injure a child less than 17 years old. *See Taxi & Limousine Comm'n v. Uddin*, OATH Index No. 700/26 (Nov. 6, 2025), *adopted*, Comm'r Dec. (Nov. 10, 2025). Following a hearing in that matter, the ALJ recommended lifting the suspension, finding the incident was an aberration "with limited bearing on respondent's ability to act professionally with passengers and the public as a TLC-licensed

driver.” *Id.* at 7. The ALJ also noted that “[t]here was no evidence that respondent has ever been convicted of a crime” and that there was “no additional evidence of prior domestic violence incidents between respondent and his wife or child.” *Id.*

In support of its case here, petitioner submitted the New York Police Department complaint and arrest reports and the criminal complaint filed in Queens County (Pet. Exs. 4, 6). The police reports and the complaint show that at approximately 3:50 p.m. on December 26, 2024, respondent punched complainant in the face during a dispute (Pet. Exs. 4, 6). It is further noted that complainant lost two teeth as a result (Pet. Exs. 4, 6). The cause of the dispute is not noted. The complaint report includes the following notations:

Is victim fearful for their safety? NO

Escalating violence / abuse by suspect? NO

Were prior [Domestic Incident Reports] filed for [complainant]? NO

(Pet. Ex. 6). Currently, the top charge against respondent is assault in the third degree, a class A misdemeanor (Pet. Ex. 5).

As in the prior matter, petitioner presented respondent’s suspension history and adjudication history. *See Uddin*, OATH Index No. 700/26 at 4. The evidence shows that respondent’s record is as it was in the prior matter. The records show that respondent’s TLC Driver License was previously suspended on three occasions (Pet. Ex. 7). The first suspension lasted eight days, from September 11 to September 18, 2013, for a “drug test” (*Id.*). The second suspension, from February 17 until March 10, 2017, was for “enforcement” related to a February 17, 2017, arrest for attempted endangering the welfare of a child in Queens County (*Id.*). The third suspension, for an “inquest hearing,” lasted six days, from May 24 to May 29, 2018 (*Id.*). As in the prior matter, no additional details were provided.

Petitioner also presented respondent’s TLC adjudication history and the corresponding TLC adjudication codes (Pet. Exs. 8, 8A). No evidence was presented of any new violations since the prior matter. From 2017 to the present, respondent has been found guilty of a violation on six occasions (Tr. 24-25; Pet. Exs. 8, 8A). There is one matter pending, with respondent scheduled to appear for a hearing on February 9, 2026 (Pet. Ex. 8A).

The Department of Motor Vehicles abstract of respondent’s driving record states that respondent was convicted on October 16, 2025, for a July 22, 2025, violation of failing to yield

for pedestrians, for which he was fined \$50 and three points (Pet. Ex. 9). Respondent was also in an accident on December 4, 2022, for which a police report was filed (*Id.*).

Despite having two criminal matters pending, respondent chose to testify through the assistance of a Bengali interpreter. He testified that he has been a taxi driver since 2011 (Tr. 34). He currently drives yellow taxis (Tr. 34). Respondent estimated that he completes approximately 7,000 rides per year. (*Id.*). Petitioner offered no evidence to rebut that estimation.

Regarding the arrest, respondent denied the allegations, attributing his wife's claim to her extramarital relationship (Tr. 32-33).

The issue to be determined is whether, assuming the charges underlying the arrest to be true, petitioner has established that respondent's continued licensure would pose a direct and substantial danger to public health or safety. *Nebe* makes clear that in evaluating whether a driver's suspension should be continued, the analysis is focused on the threat posed to the public by *the driver's licensure*." 931 F.3d at 82. To that end, it is essential to assess all the evidence concerning the alleged crime as well as respondent's character. *See Taxi & Limousine Comm'n v. Bah*, OATH Index No. 1927/20 at 5 (June 1, 2020), *adopted*, Comm'r Dec. (June 9, 2020) ("Besides the seriousness of the pending criminal charges, consideration is given to the nexus between the charge and licensed activity, the driver's character, and the likelihood of recurrence.").

While the underlying charges, taken as true, are unquestionably serious, the evidence adduced at the hearing does not support the continued suspension of respondent's license. Although respondent presently has two open criminal matters, the record before the tribunal contains substantial evidence mitigating the asserted risk that respondent's continued licensure poses to public health or safety.

Weighing in respondent's favor is the length of time between the alleged incident and the subsequent arrest. Nearly a year elapsed between the alleged criminal behavior (December 26, 2024) and respondent's arrest for that behavior (December 9, 2025). As a result, the arrest and the details in the complaint are so attenuated from the incident itself that it raises questions about the allegations in the complaint. The circumstances surrounding that delay bear directly on whether the alleged conduct reflects an ongoing or escalating threat. *See Taxi & Limousine Comm'n v. Barthelemy*, OATH Index No. 3043/23 (May 19, 2023), *adopted*, Comm'r Dec. (May 24, 2023) ("Further weighing in respondent's favor is the length of time between the complaint and the arrest."). Notably, when complainant reported a separate incident in October 2025, there is no

evidence that she mentioned the December 2024 incident to the police. *See Uddin*, OATH Index No. 700/26, at 7 (noting that “[t]here was also no additional evidence of prior domestic violence incidents between respondent and his wife or child”). The lapse of time between the date of the alleged incident (December 2024) and the date complainant reported it (December 2025), as well as the absence of any reference to the allegations here when complainant reported the October 2025 incident, undercuts the weight of the allegations and weighs against a finding that the alleged conduct represents a continuing danger to the public. *See Taxi & Limousine Comm’n v. Duran*, OATH Index No. 3163/23 at 5 (June 7, 2023), *adopted*, Comm’r Dec. (June 12, 2023) (“[T]here is no requirement that every claim in a police report must be accepted as true.”) citing *Taxi & Limousine Comm’n v. Singh*, OATH Index No. 701/20 at 4 (Nov. 1, 2019), *adopted*, Comm’r Dec. (Nov. 19, 2019) (“[T]he additional details of the complaint, which rely on multiple levels of hearsay, should be weighed against the rest of the evidence.”).

The record further undermines petitioner’s assertion that respondent’s continued licensure poses a direct and substantial threat to public safety. Entries in the complaint report indicate that complainant was not in fear for her life, that the reported injuries were minor, that there was no indication of escalating violence or abuse, and that no prior domestic incident reports had been prepared involving complainant and respondent (Pet. Ex. 6). In addition, there is no evidence that respondent has any prior criminal convictions. *See Taxi & Limousine Comm’n v. Ismail*, OATH Index No. 2532/25 at 5-6 (July 29, 2025), *adopted*, Comm’r Dec. (Aug. 1, 2025) (lifting suspension where the record reflected no criminal convictions or history of domestic violence). Taken together, these factors weigh against a conclusion that respondent’s continued licensure during the pendency of his criminal case poses a direct and substantial threat to the public.

The credible evidence established that over the course of approximately 15 years, respondent completed 7,000 rides per year, a significant sample size; respondent has a good, albeit imperfect, driving record; and he has never received a passenger complaint alleging threatening behavior or engaged in improper behavior that would indicate that his continued licensure poses a potential threat to public safety.

Petitioner failed to prove that respondent poses a continuing “direct and substantial threat” to public health or safety. Instead, the credible evidence established that the pending criminal charges appear to stem from an ongoing marital dispute. Further, the record established that

respondent is a hard-working driver, with a history of law-abiding behavior, who demonstrates proper regard for public safety. Accordingly, respondent's license suspension should be lifted.

FINDINGS AND CONCLUSIONS

1. Respondent was arrested for assault in the second degree and related charges.
2. Respondent is currently charged with assault in the third degree and harassment in the second degree.
3. Petitioner did not establish that respondent's continuing licensure during the pendency of his criminal case poses a "direct and substantial threat" to public health or safety.

RECOMMENDATION

I recommend lifting the suspension of respondent's TLC Driver License.

Orlando Rodriguez
Administrative Law Judge

January 2, 2026

SUBMITTED TO:

DAVID DO
Commissioner/Chair

APPEARANCES:

SHIVAJEET CHAKRABORTY
Representative for Petitioner

DANIEL ACKMAN, ESQ.
Attorney for Respondent

January 6, 2026

MD Sabbir Uddin
[REDACTED]
[REDACTED]

Re: TLC License No. 5409522

Licensee Uddin:

Pursuant to TLC Rule 68-15, a summary suspension hearing was concluded on December 19, 2025, as a result of your December 9, 2025 arrest for assault in the second degree.

After hearing the evidence presented, the presiding Administrative Law Judge (“ALJ”), Orlando Rodriguez, found that your suspension should be lifted.

I accept the ALJ’s Recommendation and lift the suspension of your TLC license.

Sincerely,

/s/ Sherryl A. Eluto

Sherryl A. Eluto
General Counsel

cc: Orlando Rodriguez, *Administrative Law Judge*
Daniel Williamson, *Supervising Attorney, OATH Trials (TLC)*
Daniel Ackman, *Attorney for Respondent*