

Taxi & Limousine Comm'n v. Alonzo

OATH Index No. 2084/26 (June 9, 2026), *adopted*, Comm'r Dec. (July 9, 2026), **appended**

At a post-suspension hearing, petitioner established that respondent poses a direct and substantial threat to public health or safety. Continued suspension of respondent's license is recommended.

New York City Office of Administrative Trials and Hearings

In the Matter of
Taxi and Limousine Commission
Petitioner
-against-
Joel Alonzo
Respondent

Report and Recommendation

Seon Jeong Lee, *Administrative Law Judge*

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Petitioner, the Taxi and Limousine Commission (“TLC”), commenced this proceeding against respondent Joel Alonzo, holder of a TLC driver license. Admin. Code §§ 19-505(l), 19-512.1(a) (Lexis 2026); 35 RCNY § 68-15(d) (Lexis 2026). Petitioner suspended respondent’s TLC driver license after receiving notice that he was arrested on April 15, 2026, and charged with assault in the third degree (Pet. Ex. 3). 35 RCNY § 68-15(d)(1); Penal Law § 120.00 (Lexis 2026).

Petitioner contends that respondent poses a direct and substantial threat to public health or safety and seeks to continue the suspension pending the resolution of the criminal charges. Respondent opposes the continued suspension and asserts that he does not pose a direct and substantial threat to public health or safety.

At a post-suspension hearing held by videoconference on May 26, 2026, petitioner relied on documentary evidence. Respondent provided testimony on his own behalf and offered testimony of one character witness and documentary evidence.

For the following reasons, I find that respondent poses a direct and substantial threat to public health or safety and recommend continuing his TLC driver license suspension while the criminal charges are pending.

Analysis

Petitioner may suspend a TLC driver license before a hearing “if the Chairperson believes that continued licensure would constitute a direct and substantial threat to public health or safety.” 35 RCNY § 68-15(a)(1); *see also* Admin. Code § 19-505(l). If the suspension is based solely on an arrest, the licensee may challenge the suspension at a post-suspension hearing where 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). Factors relevant to this inquiry include: the particular facts and circumstances underlying the criminal charges; any nexus between the respondent’s duties and responsibilities as a licensee and the alleged offense; the respondent’s driving record; any previous criminal record, or the lack thereof; and the respondent’s character and standing in the community. *Id.*

The United States Court of Appeals for the Second Circuit has held that due process affords a driver “an opportunity to show that his or her particular licensure does not cause a threat to public safety.” *Nnebe v. Daus*, 931 F.3d 66, 83 (2d Cir. 2019). A continued suspension of the license could be warranted if petitioner demonstrates that the threat posed to the public is both “direct” and “substantial”; the threat may be less direct “the further removed the crime is from the driver’s job,” and less substantial “[d]epending on the surrounding circumstances and the driver’s history.” *Id.* at 82. Other relevant considerations include whether the charged crime is “a sole infraction in an otherwise spotless record,” or the underlying conduct, while it establishes the elements of a crime, “was technical or mitigated, such that continuation of the driver’s license did not pose the kind of threat conjured by the general nature of the crime charged.” *Id.*

It is undisputed that respondent was arrested and charged based on an incident that occurred while he was on duty and operating his TLC-licensed vehicle on April 10, 2026. Petitioner relied on the New York City Police Department (“NYPD”) arrest and complaint reports for the details of the incident (Pet. Ex. 5). The allegation in the complaint report provided that on April 10, 2026, at 9:55 p.m., a vehicle “nearly struck” the complainant, who was walking southbound on the crosswalk at the southwest corner of Madison Avenue and East 55th Street in Manhattan (*Id.* at 5). This car was described as a 2022 black Chevrolet with a New York license plate number T730527C (*Id.* at 6, 7). The complainant further reported that the driver “exited the vehicle and punched him in the face[,] causing [him] to fall to the ground” and sustain “minor injuries to his face[,] right hand, and[]left knee” (*Id.* at 5). According to the report, the car left the scene heading eastbound on 55th Street (*Id.* at 6). This report indicated that the incident lasted two minutes, ending at 9:57 p.m. (*Id.* at 5). The police arrived at the scene later that night, and the complainant refused medical attention (*Id.*).

Respondent was arrested in Manhattan on April 15, 2026, five days after the alleged incident with the complainant, who was identified as a “stranger” in the arrest report (*Id.* at 3). The details of the incident provided in that report varied slightly from the complaint report and alleged that respondent struck the complainant “in the neck with closed fist causing redness . . . and pain” (*Id.* at 3). According to a certified copy of TLC’s trip-sheet report, respondent had

been driving his TLC vehicle with the license plate number T730527C on April 10, 2026, and had dropped off a passenger at 9:57:03 p.m. on West 55th Street, a block and a half away from the incident location (Pet. Exs. 2, 6, 7; Tr. 14-15). Respondent admitted that he was on duty and driving his TLC vehicle at the time of the alleged incident (Tr. 35).

Respondent was arraigned on May 4, 2026 (Pet. Ex. 4 at 7). The charges pending against him include assault in the third degree in two counts and reckless endangerment in the second degree (*Id.* at 4-5). See Penal Law §§ 120.00, 120.20. Respondent was released on his own recognizance, and his next criminal court appearance is scheduled for July 16, 2026 (*Id.* at 7). No evidence was provided of any prior arrests or suspensions, or TLC violations.

At trial, respondent elected not to testify about the details of the underlying incident but did briefly state that the allegations “aren’t true,” that he has not “done anything wrong,” and his “conscious is clear” (Tr. 31). Respondent is 39 years old and lives with his 82-year-old mother (Tr. 22-23). He has two adult children who are 22 years old and 18 years old, and he pays for his son’s college tuition (*Id.*). He testified that his personal life has been a “disaster” since his TLC license suspension and it has affected his ability to pay bills and provide for his family (Tr. 30-31).

Respondent began to drive for a living in Westchester County (Tr. 29-30). In 2021, he obtained his TLC license and started to drive for Uber and Lyft because he wanted to “serve New York” (Tr. 22-23, 29). He said that driving is his “passion,” and he typically works seven days a week, taking rest only on holidays when ridership goes down because people leave the city (Tr. 30). He works about six to 11 hours daily and drives around eight to 15 customers a day (*Id.*). His Uber passenger rating is 4.97 stars out of a 5.0 (Resp. Ex. A), based on approximately 12 to 18 rides daily and positive feedback such as “good driving, good conversation . . . clean car,” which is also rewarded with “good tips” (Tr. 24-25). For Lyft, he has a 5.0 rating, based on 2273 rides over 5.1 years and passenger compliments for his good driving, clean car, friendliness, and for going “above and beyond” (Resp. Ex. B; Tr. 26).

Respondent testified without dispute that he has never received a passenger complaint (Tr. 28). A passenger once threw a gun into his car, but that incident was resolved without escalating the situation (Tr. 28-29, 37).

Respondent's New York State Department of Motor Vehicles abstract documents an accident on January 21, 2024, that resulted in property damage (Pet. Ex. 8 at 4; Tr. 19). Respondent credibly testified that he was driving a passenger when a car crashed into him from behind and caused him to crash into the car before him in a six-car accident on the highway (Tr. 27, 31). Respondent also completed defensive driving courses in 2020 and 2023 (Pet. Ex. 8 at 4; Tr. 28, 33).

A fellow TLC licensee and family friend, Ezeiza Herrera, testified about respondent's character (Tr. 40-41). She has known respondent for 30 years as her younger brother's childhood friend from Washington Heights and they are "almost like family" (Tr. 41-42). They have taken family trips together in the past with their children to amusement parks (*Id.*). During the summers when she returns to the neighborhood, she interacts with respondent more regularly (Tr. 41). Other times, they speak once or twice a month about TLC-related matters, of which he keeps her up to date (*Id.*). Herrera described respondent as "laid back, pretty chill, kind of serious" and "reserved" (Tr. 42-43). She opined that respondent is the only person who drives better than her; whenever she or anyone needs a ride or there is a neighborhood block trip, respondent is a designated driver who can be trusted to drive them safely (Tr. 42-44). She knew respondent to be "helpful," describing a time when he went "out of his way" to help fix her car mirror, and stated that he "looks out for her" (Tr. 43). She has never observed respondent in an argument or involved in a physical or verbal conflict with a member of the public (*Id.*). She testified that she was surprised by the allegation that respondent exited his car to punch someone while on duty (Tr. 46).

The inquiry is whether petitioner established that respondent's continued licensure poses a direct and substantial threat to public health or safety in view of the "conduct underlying the arrest and the overall record and character of the driver." *Nnebe*, 931 F.3d at 82. The determination is highly fact-dependent and requires an "individualized assessment of the circumstances of each case." *Taxi & Limousine Comm'n v. Encarnacion*, OATH Index No. 2457/22 at 5 (June 17, 2022), *adopted*, Comm'r Dec. (June 22, 2022); *see* 35 RCNY § 68-15(d)(5).

Respondent argued that the allegations in the police reports are double hearsay statements and should be given little weight (Tr. 13). While double hearsay statements may

have diminished reliability, this tribunal has credited contemporaneously recorded statements by complainants in police reports or criminal complaints when it gives reliable context to the underlying circumstances of the incident. *See, e.g., Taxi & Limousine Comm'n v. Bhuiyan*, OATH Index No. 1240/26 at 2-3, 7 (Feb. 10, 2026), *adopted*, Comm'r Dec. (Feb. 24, 2026) (crediting double hearsay statements in the criminal complaint alleging multiple incidents involving complainants over several days in support of continuing the suspension); *Taxi & Limousine Comm'n v. Bassiony*, OATH Index No. 957/26 at 6, 8-9 (Jan. 7, 2026), *adopted*, Comm'r Dec. (Jan. 21, 2026) (finding that no evidence was offered to mitigate the allegations in the criminal court complaint which was relied upon to continue the suspension); *Taxi & Limousine Comm'n v. Hamizane*, OATH Index No. 663/21 at 10 (Dec. 11, 2020), *adopted*, Comm'r Dec. (Dec. 30, 2020) (finding the information based on "multiple levels of hearsay" in documents including police reports more plausible than respondent's denial of the assault and incredible testimonial evidence to continue the suspension).

Furthermore, for the purpose of this proceeding, the criminal charges pending against respondent are presumed to be true. *See Nnebe*, 931 F.3d at 90 (finding "no constitutional infirmity in a process that allows for context-specific findings but does not open the question of a driver's factual guilt of the criminal charges"). I find that petitioner has met its burden.

The police reports stated that a pedestrian was almost hit by respondent's vehicle in the crosswalk, after which respondent exited his TLC-licensed vehicle and punched the pedestrian, who fell to the ground and suffered minor injuries. Following this incident, respondent was charged with assault and reckless endangerment. This incident occurred while respondent was on duty, thus bearing a direct nexus to his duties as a TLC licensee. *See Taxi & Limousine Comm'n v. Niazy*, OATH Index No. 608/20 at 4, 7-8 (Oct. 31, 2019), *adopted*, Comm'r Dec. (Nov. 25, 2019) (finding a "direct correlation" between the charges that arose from respondent's confrontation with a pedestrian while on duty and respondent's duties as a licensee).

Respondent denied the allegations in the police reports without offering any mitigating evidence regarding the incident. It is respondent's right to refrain from testifying about the underlying circumstances of the incident, and the burden rests on TLC to show that respondent's continued licensure would pose a direct and substantial threat to public health or

safety. However, this tribunal has found that “[t]here is a difference between offering mitigating evidence about the circumstances underlying an arrest, as *Nnebe* permits, and completely denying any conduct giving rise to the criminal charge, as respondent did here.” *Hamizane*, OATH 663/21 at 8.

The credible evidence established that respondent assaulted a member of the public while on duty by getting out of his car and hitting a pedestrian, who suffered minor injuries. There is no indication that respondent was acting in self-defense in response to a provocation by the complainant, which might mitigate the severity of the charges. *Compare Taxi & Limousine Comm’n v. Abbosov*, OATH Index No. 3439/23 at 5-6 (June 27, 2023), *adopted*, Comm’r Dec. (July 6, 2023) (suspension maintained where respondent offered no evidence in mitigation of the charges which included assault in the third degree) and *Taxi & Limousine Comm’n v. Raj*, OATH Index No. 298/21 at 4 (Sept. 23, 2020), *adopted*, Comm’r Dec. (Oct. 6, 2020) (continuing suspension where driver “simply denied that an assault occurred” instead of offering mitigating evidence), *with Taxi & Limousine Comm’n v. Fadhli*, OATH Index No. 144/25 at 7 (Aug. 2, 2024), *adopted*, Comm’r Dec. (Aug. 6, 2024) (lifting suspension of driver charged with assault arising from a traffic dispute where the driver credibly testified that “the pedestrian provoked him by kicking his car and spitting on him,” and the pedestrian suffered a minor injury) and *Taxi & Limousine Comm’n v. Doss*, OATH Index No. 2502/24 at 2, 4, 6 (Apr. 15, 2024), *adopted*, Comm’r Dec. (May 2, 2024) (lifting suspension for respondent who was arrested and charged with third-degree assault based on credible mitigating evidence that complainant was the aggressor and was also arrested).

Drivers may be held to a higher standard of care than the rest of the driving public as they are responsible for public safety. *See Taxi & Limousine Comm’n v. Ahmed*, OATH Index No. 1077/19 at 2 (Feb. 7, 2019), *adopted*, Comm’r Dec. (Feb. 26, 2019). Here, respondent failed to maintain the level of professionalism required of a licensee in his interaction with the public. *See Taxi & Limousine Comm’n v. Masum*, OATH Index No. 2012/20 at 6 (June 1, 2020), *adopted*, Comm’r Dec. (June 12, 2020) (drivers are expected to “maintain self-control and professionalism in their many interactions with passengers, other drivers, and other members of the public”).

While the record suggests this was an isolated incident resulting in minor injuries to the complainant, and despite respondent's devotion to his work as a driver and high passenger ratings in his five years as a licensee, these considerations in respondent's favor are outweighed by the seriousness of his violent act toward a member of the public, without provocation, while on duty. *See Taxi & Limousine Comm'n v. Bukhari*, Comm'r Dec. (Sept. 3, 2025), *rejecting*, OATH Index No. 188/26 (Aug. 20, 2025) (suspension continued for driver who exited his vehicle "like mad" while on duty when someone hit the back of his car, chased and hit a pedestrian on the head, causing pain, then seized another pedestrian's cane, causing this person to fall to the ground); *cf. Taxi & Limousine Comm'n v. Cruse*, OATH Index No. 892/22 at 7 (Dec. 8, 2021), *adopted*, Comm'r Dec. (Dec. 20, 2021) (continuing suspension for driver based on evidence of physical injuries to the victim, which outweighed his high passenger ratings over the five years as a licensee and an otherwise spotless record).

Respondent expressed no remorse for this incident. Furthermore, Herrera's testimony about respondent's character based on her limited and occasional interactions with him were not compelling. Although respondent credibly testified to financial hardship, this is not a consideration for lifting the suspension. *See Taxi & Limousine Comm'n v. Bah*, OATH Index No. 683/22 at 5-6 (Dec. 3, 2021), *adopted*, Comm'r Dec. (Dec. 16, 2021) (finding that financial hardship does not overcome the public safety risk of continued licensure).

In sum, weighing all the evidence in this record, I find that petitioner has met its burden to establish by a preponderance of the credible evidence that respondent poses a direct and substantial threat to public health or safety.

Findings and Conclusions

1. Respondent was arrested and charged with assault in the third degree, reckless endangerment in the second degree, and related charges.
2. Petitioner established that respondent poses a direct and substantial threat to public health or safety, and his license suspension should be continued during the pendency of the criminal charges.

Recommendation

Respondent's TLC driver license should remain suspended pending the outcome of the criminal case.

Seon Jeong Lee
Administrative Law Judge

June 9, 2026

Submitted To:

Midori Valdivia
Chair and Commissioner

Appearances:

Patrick Schofield
Representative for Petitioner

Neighborhood Defender Service
Attorneys for Respondent

By: Katie Doman, Esq.
Ramses Vazquez, Esq.

July 9, 2026

Joel Alonzo
[REDACTED]
[REDACTED]

Re: TLC License No. 5983766

Licensee Alonzo:

Pursuant to TLC Rule 68-15, a summary suspension hearing was held on May 26, 2026, as a result of your April 15, 2026 arrest for assault in the third degree.

After hearing the evidence presented, the presiding Administrative Law Judge (“ALJ”), Seon Jeong Lee, found that your suspension should remain in place until the criminal charges are resolved.

On June 10, 2026, you were mailed a copy of the ALJ’s decision and a letter advising you of the right to submit a written response within ten (10) days to the Chairperson of the Commission. More than ten days have passed, and you have failed to submit any written comments.

I accept the ALJ’s recommendation and will keep the suspension of your TLC license in place.

Sincerely,

/s/ Sherryl A. Eluto

Sherryl A. Eluto
General Counsel

cc: Seon Jeong Lee, *Administrative Law Judge*
Daniel Williamson, *Supervising Attorney, OATH Trials (TLC)*
Katie Doman, *Attorney for Respondent*