

Taxi & Limousine Comm’n v. Majoka

OATH Index No. 327/26 (Sept. 8, 2025), *adopted*, Comm’r Dec. (Sept. 22, 2025), **appended**

Petitioner suspended respondent’s TLC driver license following his off-duty arrest. At a post-suspension hearing, petitioner established that respondent, who was arrested and charged with grand larceny in the fourth degree, poses a direct and substantial threat to public health or safety. Continued suspension of TLC driver license recommended.

NEW YORK CITY OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS

In the Matter of
TAXI AND LIMOUSINE COMMISSION
Petitioner
- against -
MUHAMMAD MAJOKA
Respondent

REPORT AND RECOMMENDATION

CHARLOTTE E. DAVIDSON, *Administrative Law Judge*

Petitioner, the Taxi and Limousine Commission (“TLC” or “Commission”) brought this summary suspension proceeding against respondent Muhammad Majoka, holder of a TLC driver license, pursuant to title 35 of the Rules of the City of New York (“TLC Rules”). 35 RCNY § 68-15(a)(1), (d) (Lexis 2025). Petitioner suspended respondent’s TLC driver license after it received notice that he was arrested on April 2, 2025, and ultimately charged with grand larceny in the fourth degree and criminal possession of stolen property in the fourth degree, class E felonies, as well as petit larceny and criminal possession of stolen property in the fifth degree, class A misdemeanors (Pet. Exs. 1, 3, 4, 5; Resp. Ex. B). Petitioner seeks a finding that continued suspension of respondent’s TLC driver license while the charges are pending is necessary because respondent’s continued licensure poses a direct and substantial threat to public health or safety (Pet. Ex. 1; Tr. 6).

At a post-suspension hearing held by videoconference on August 28, 2025, petitioner relied on documentary evidence. Respondent testified on his own behalf and presented documentary

evidence, asserting that he is not a threat to public health or safety and that the suspension of his TLC driver license should be lifted.

For the reasons below, I find that the evidence warrants the continued suspension of respondent's TLC driver license.

ANALYSIS

The TLC may suspend a TLC driver license prior to a hearing where the TLC Chairperson "believes that continued licensure would constitute a direct and substantial threat to public health or safety." 35 RCNY § 68-15(a)(1). The licensee is then entitled to a summary suspension hearing before this tribunal to challenge the suspension. 35 RCNY § 68-15(a)(2), (b). For a summary suspension based upon criminal charges pending against a licensee, the Commission is required at the hearing to "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).

In determining whether a driver poses a continuing "direct and substantial threat to public health or safety," due process demands that the individual circumstances underlying a driver's suspension be considered. *Nnebe v. Daus*, 931 F.3d 66, 81-83 (2d Cir. 2019). Relevant factors include whether the charged crime is "unrelated to [the driver's] duties" or the "sole infraction in an otherwise spotless record," whether the conduct that gave rise to the criminal charge, even if it satisfies the elements of the 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," and whether "the conduct underlying the arrest and the overall record and character of the driver confirms or disproves the arrest's relation to public health or safety." *Id.* at 82. Significantly, 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.* (emphasis in original).

These criteria are reflected in the rules governing the TLC, which list as relevant to this determination:

- (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 Vehicles 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).

The pending criminal charges must be taken as true. *See Nnebe*, 931 F.3d at 90 (“[W]e see 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.”); *see also, e.g., Taxi & Limousine Comm’n v. OConnor*, OATH Index No. 1780/24 at 4-5 (Dec. 28, 2023), *adopted*, Comm’r Dec. (Dec. 28, 2023).

Determination of the risk to public health or safety is highly fact dependent. *See, e.g., Taxi & Limousine Comm’n v. Rohan*, OATH Index No. 1314/23 at 6-7 (Dec. 7, 2022), *adopted*, Comm’r Dec. (Dec. 19, 2022) (upholding suspension where respondent was charged with assault in the third degree after his escalation of a traffic dispute resulted in the hospitalization of the alleged victim for a laceration); *Taxi & Limousine Comm’n v. Amrani*, OATH Index No. 271/21 at 3, 5-6 (Dec. 16, 2020) (recommending continuation of suspension where licensee was accused of inflicting injuries requiring hospitalization, had previously pled guilty to violating a TLC rule against reckless driving following a passenger complaint, and had a record of additional driving violations); *but see Taxi & Limousine Comm’n v. Duran*, OATH Index No. 3163/23 at 3, 6-7 (June 7, 2023), *adopted*, Comm’r Dec. (June 12, 2023) (lifting suspension where respondent, charged with assault in the third degree, had no prior arrests and the evidence demonstrated her professionalism, maturity, and high passenger ratings); *Taxi & Limousine Comm’n v. F.B.*, OATH Index No. 3086/23 at 8 (May 22, 2023), *adopted*, Comm’r Dec. (May 24, 2023) (lifting suspension where the arrest for criminal obstruction of breathing was an isolated incident and evidence showed that respondent was a good driver with no passenger complaints).

Here, the signed and sworn criminal complaint against respondent alleges that in Brooklyn, New York, on or about January 4, 2025, at approximately 10:00 a.m., “several gold earrings,

necklaces and rings along with over \$5000 in cash was missing from a closet in the bedroom” that the complainant and respondent shared, where respondent was the only person other than the complainant with a key to the closet (Pet. Ex. 4). It further alleges that the complainant is the custodian of that cash and jewelry, which have a total value of more than \$17,000, and respondent did not have permission or authority to take that property (*Id.*).

Respondent was arrested on April 2, 2025, arraigned in Kings County Criminal Court on April 3, 2025, and released on his own recognizance (Pet. Ex. 5). His next appearance in criminal court is scheduled for October 31, 2025 (*Id.*).

Petitioner is in his early 30s and resides in Airmont, New York (Pet. Ex. 2; Resp. Ex. B). He received his TLC driver license in March 2025, approximately one month before his arrest (Pet. Ex. 2). According to respondent, he spent about \$1,100 to obtain his TLC driver license (Tr. 19). He has had a New York State driver license since January 2025 and had been driving before that in Pakistan for 10 years (Resp. Ex. D; Tr. 23).

Respondent has been driving for a car service company outside of New York City that pays “very low wages” (Resp. Ex. C; Tr. 19-21). He typically makes at least 25 to 30 trips a day, usually between homes and shops in Spring Valley and Monsey, New York (Tr. 19, 22-23). He has been driving for the company for several months, with a short gap (Tr. 21). Respondent testified that, when received his TLC driver license, he “got a vehicle from a friend, did that for two, three days. Was finding jobs, but my license got suspended, so I had to move back to what I was doing” (*Id.*). Respondent has not driven for Uber, which he testified has a wait list for drivers of more than a year and a half (Tr. 20).

Respondent testified that his customers are all happy with him and there has never been a complaint about his driving or his attitude and behavior, nor has he been accused of assaulting, threatening, or stealing from a passenger (Tr. 23). Although he does not have documentation of passenger ratings, respondent indicated that if there were complaints about him, his employer would remove him from its trip-assignment app or suspend him (Tr. 24-25). He has never been arrested in his life (Tr. 24, Resp. Ex. B). He describes his driving as “smooth” and “careful” (Tr. 23). DMV records indicate that respondent has had no violations or reported accidents in the eight months he has been licensed to drive by New York State (Resp. Ex. D).

In applying *Nnebe* and TLC’s summary suspension rules to cases where a respondent’s TLC driver license has been suspended due to an arrest for a crime, this tribunal must consider

whether there is a connection or nexus between the alleged offense and respondent's duties and responsibilities as a TLC-licensed driver. *Nnebe*, 931 F.3d at 82-83. In addition, there must be an individualized determination as to whether respondent's continued licensure poses a direct and substantial threat to public health or safety. *Id.* "It is possible for a driver to be charged with an act that itself endangered public health or safety, but that is insufficient to demonstrate that the driver would *continue* to pose a threat if allowed to retain his or her license." *Id.* at 82.

The charges here are serious, with respondent alleged to have taken \$17,000 worth of items including \$5,000 cash. This tribunal has repeatedly found a direct nexus between "[c]rimes which involve drivers' honesty" and "their willingness to follow regulations and qualifications for continued licensure, since a driver's interactions with the public include accepting cash or credit card payments, making change, and safeguarding valuables in his or her car." *Taxi & Limousine Comm'n v. Flete*, OATH Index No. 510/21 at 7 (Oct. 28, 2020), *adopted*, Comm'r Dec. (Nov. 12, 2020); *see also, e.g., Taxi & Limousine Comm'n v. Cabrera*, OATH Index No. 1179/25 at 7 (Jan. 29, 2025), *adopted*, Comm'r Dec. (Feb. 11, 2025); *Taxi & Limousine Comm'n v. Cepeda*, OATH Index No. 2089/23 at 5-6 (Mar. 2, 2023), *adopted*, Comm'r Dec. (Mar. 14, 2023). A direct nexus is established even where the crime charged was alleged to have occurred while the driver was off duty and where the alleged victim was someone with whom the driver shared a residence. *Taxi & Limousine Comm'n v. Iftikhar*, OATH Index No. 2365/25 at 3, 5 (June 23, 2025), *adopted*, Comm'r Dec. (July 8, 2025).

A long tenure as a TLC-licensed driver can be a mitigating factor in the risk assessment, but respondent only received his TLC driver license about five months ago and provided scant evidence of his qualities as a driver for hire outside of his own testimony. *Compare Iftikhar*, OATH 2365/25 at 6-7 (continuing suspension where respondent had no prior arrests or history of passenger complaints but had held his TLC driver license for only a little over a year and was charged with the crime of grand larceny), *with Taxi & Limousine Comm'n v. Haleah*, OATH Index No. 2857/22 at 4-6 (July 12, 2022), *adopted*, Comm'r Dec. (July 13, 2022) (lifting suspension where respondent was arrested for grand larceny in the fourth degree but testified credibly as to mitigating circumstances around his arrest and had an unblemished 24-year record as a TLC-licensed driver). Respondent introduced no letters or support of character witness testimony to support his position. *See, e.g., Taxi & Limousine Comm'n v. Khudoykulov*, OATH Index No. 184/25 at 5 (Aug. 7, 2024), *adopted*, Comm'r Dec. (Aug. 21, 2024) (noting that "the potential risk

to public health or safety can in some cases be outweighed by evidence of a driver's clean driving record, good character, and professionalism"). The mitigating evidence here is too thin to outweigh the nature of the felony charges pending against respondent.

Accordingly, considering all the factors set forth in *Nnebe* and the TLC Rules, I find that petitioner has met its burden of proof that respondent's continued licensure would pose a substantial and direct threat to public health or safety. I recommend that the suspension remain in place during the pendency of respondent's criminal case.

FINDINGS AND CONCLUSIONS

1. Respondent is currently charged with grand larceny in the fourth degree, criminal possession of stolen property in the fourth degree, and other underlying charges.
2. Continued suspension of respondent's license until the conclusion of the criminal case is necessary to protect the health and safety of the public.

RECOMMENDATION

I recommend continued suspension of respondent's TLC driver license pending the outcome of his criminal case.

Charlotte E. Davidson
Administrative Law Judge

September 8, 2025

SUBMITTED TO:

DAVID DO
Commissioner/Chair

APPEARANCES:

SHIVAJEET CHAKRABORTY

for Petitioner

BROOKLYN DEFENDER SERVICES

by ANNA ARKIN-GALLAGHER, ESQ.

for Respondent

September 22, 2025

Muhammad Majoka
[REDACTED]
[REDACTED]

Re: TLC License No. 6103560

Licensee Majoka:

Pursuant to TLC Rule 68-15, a summary suspension hearing was held on August 28, 2025, as a result of your April 2, 2025 arrest for grand larceny in the fourth degree and criminal possession of stolen property in the fourth degree.

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

On September 9, 2025, 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: Charlotte Davidson, *Administrative Law Judge*
Todd Mordos, *Supervising Attorney, OATH Trials (TLC)*
Anna Arkin-Gallagher, *Attorney for Respondent*