

I Just Got a Parking Ticket...What's next?

When you're right-FIGHT!



Larry Berezin
New York Parking Ticket LLC

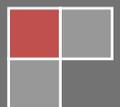


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Get a traffic ticket? No problem, Matt Weiss, Esquire will make it easy for you



Are you tired of those nasty parking tickets? Margo's Guide will help you find convenient garage parking at the most reasonable prices

About the Author



Larry Berezin

I am passionate about empowering you to navigate the highways and byways of NYC, and avoid the sting of a parking ticket warrior's scanner.

My 34 years experience as a New Jersey attorney is a tremendous asset in understanding the oftentimes confusing and conflicting parking rules and regulations aimed at parting you and your money. I will help you answer with confidence the question, "Can I park here?"

CHAPTER ONE: “KNOWLEDGE IS POWER”



Joe heads back to his car following a contentious business meeting. It's 7:01 p.m. and he's beat. He failed to close the deal, and another meeting is scheduled for next week. Joe has one more chance to land this coveted prospect.

Joe is 10 paces from his car when he notices something on the windshield. It's the orange envelope that launches a thousand epithets, a NYC parking ticket for a **No Parking** violation. Joe absolutely, positively remembers the no parking rule starts at 8:00 p.m., not 7:00 p.m. Joe feels his blood pressure rising, and his eyes begin rolling around in their sockets.

Make your car the star

This is the exact moment you win or lose your parking ticket dispute. Joe loses, if he throws the NYC parking ticket in the glove compartment of his car, and drives away in a fit of rage. What should Joe do next?

Joe does not recall seeing a parking sign regulating his parking space that prohibits parking at 7:01 p.m. He walks the entire block and discovers he is correct. The parking rule regulating his space prohibits **Parking from 8 p.m. to 10 p.m., Monday through Friday**. Joe is on his way to the goal line. Will he score or fumble?

Joe reaches for his cell phone camera, and takes a time/dated photograph of his car in the parking space; with identifiable landmarks such as the **Trader Joe** in the background. He takes a close up of the **Trader Joe building**, clearly showing the street address on the front of the building. Joe cuts to his left, and leaves some would-be tacklers in the dust. 20-15-10 yard line. Next, Joe takes overlapping photographs of the entire block showing each parking sign. He makes sure one of the photographs shows the street signs. 5 yard line. He snaps close up views of the front and back of each parking sign.

Touchdown!

Joe has the proper proof to demonstrate the parking rule displayed by the parking sign regulating his parking space goes into effect at 8:00 p.m., rather than 7:00 p.m. If you don't do the parking crime, you don't have to pay the fine. Nice work, Joe. You win

Link

[Here's a link](#) to a blog post about the proper way to take photographs to win your parking ticket dispute

CHAPTER TWO: REQUIRED ELEMENTS



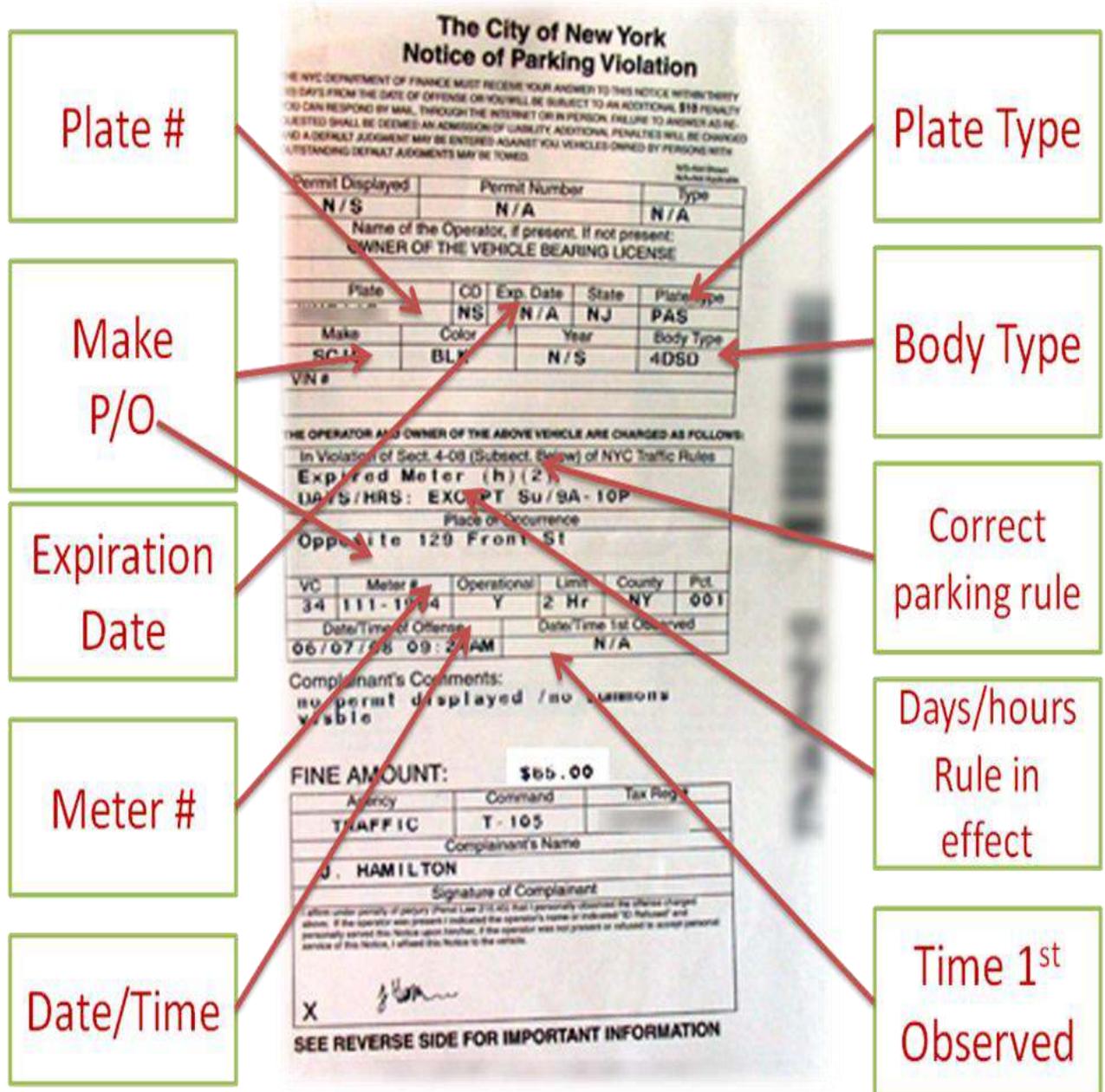
Check you're parking ticket very carefully for omitted, misdescribed, or illegible required elements

A Required Element is a bite size piece of information that must be included on the front of a parking ticket to establish a prima facie case by a parking ticket warrior against a member of the NYC driving public. If any required elements are omitted, misdescribed, or illegible, the warrior fails her mission of separating you from your money.

Here is a list of the 10 required elements contained in the *Compilation of the Rules of the City of New York, Title 19, Section 39-02 et seq.*

1. Registration plate number
2. The type of registration
3. The state of registration
4. The date of expiration
5. A description of the vehicle
6. A general statement of the violation alleged, including a reference to section 4-08 of title 34 of the *Official compilation of the Rules of the City of New York* or applicable provision of the *Vehicle and Traffic Law* or of the *Administrative Code of the City of New York* or any other law or rule
7. Information as to the days and hours the applicable rule or provision is in effect, unless always in effect pursuant to the rule or provision and where appropriate the word 'all' when the days and /or hours in effect are every day and/or twenty-four hours a day
8. The date and time
9. The place of occurrence ("P/O")
10. The meter number, if a meter violation

Diagram:



Larry's Top 10 Tips

1. I recommend out-of-state members of the driving public always check the expiration date inserted on your parking ticket. If the parking ticket warrior inserts, "N/S," and the month and year your registration expires is clearly displayed on your plate; fight your parking ticket for an omitted/misdescribed required element. You will win.
2. If a warrior describes your body type as a 2DSD when it is a 4DSD, it is highly unlikely a judge will dismiss your parking ticket for a misdescribed required element. Here's why. 39-02 only requires a description of your vehicle, which is interpreted by parking judges as "reasonably accurate," not exactly accurate. Figures, right?! Please note 39-02 conflicts with VTL 238. Unfortunately, NYC parking judges generally follow the Rules of NYC when a conflict arises with the NY State laws contained in VTL 238
3. Color, year, and VIN number are not required elements
4. It is the NYC_DOF policy to require judges to check for omitted, misdescribed, or illegible required elements on every contested parking ticket. I recommend you point out the specific required element you are basing your dispute on. Do not rely upon the judge to make your case for you. Here's why. How will a judge know the place of occurrence is wrong, unless you present the proper proof? How will a judge know your plate number is wrong, unless you provide a copy of your vehicle registration?
5. The place of occurrence may be described in three ways. In front of, opposite, or what I call the pirate treasure map description, i.e., N/E corner of 32nd Avenue, 50 feet from the corner of 32nd Place. Do not assume this mishmash is correct. Check it out. If the warrior only inserts "Corner of 32nd Avenue, fight your parking ticket. You'll win.
6. If "front of," or "opposite" is not inserted in a digital parking ticket, or the proper box checked on a handwritten parking ticket, you win upon application
7. The meter number must be inserted on your parking ticket when your parking crime is "expired meter."
8. Don't forget the 5 minute grace period rule applies to Muni-meters, street cleaning, and parking signs that display a fixed time period for days and hours. Compare the time of violation on your parking ticket with the days/hours displayed on the parking sign. For example, if a no standing rule is from 7A to 10A and your parking ticket is issued at 10:04A, you win upon application. You own 5 extra minutes. Spend them wisely!
9. The correct violation Code [VC: 46] is not a required element; but the correct NYC parking rule [4-08(f)(1)] is. The parking rule must match the parking crime with which you are charged. If you are charged with double parking, and 4-08(f)(1) is **NOT** inserted in your parking ticket; You win, upon application
10. A hand written parking ticket is required to have the parking ticket warrior's handwritten signature. Almost any mark on the parking ticket is accepted by a judge. A digital parking ticket is not required to contain a warrior's signature

CHAPTER THREE: PARKING TICKET PENALTIES



Days	Action
30	You are required to fight, settle or pay your parking ticket within 30 days from the issue date
31-44	Too late, a \$10 penalty is assessed by the NYC_DOF and added to your base fine
45-74	Hey Mr. Moneybags, an additional \$20 penalty is added. You now owe your base fine plus \$30
75-99	What's wit chu? You now owe an additional \$30 penalty. Your \$65 parking ticket now costs you \$60 base fine plus \$60 penalties = \$125
>100	Judgment. Tow. You have a sheriff and marshals posse looking for your vehicle. Take care of this immediately!

CHAPTER FOUR: D-FENSE



Violation	34 RCNY 4-o8	D-Fense
Fire Hydrant VC: 40	(e) (2)	<ol style="list-style-type: none"> 1. I was parked more than 15 feet from the pump 2. There was a licensed driver sitting behind the wheel ready to move upon request between sunrise and sunset
Bus Stop VC: 19	(c) (3)	<ol style="list-style-type: none"> 1. I stopped temporarily to expeditiously drop off or pick up a passenger
Street Cleaning VC: 21	(d) (1)	<ol style="list-style-type: none"> 1. 5 minute grace period 2. I was not parked in violation of a posted sign
Failure to Display Muni-meter receipt VC: 38	(h) (10) (ii)	<ol style="list-style-type: none"> 1. Explain why the receipt was not visible, and attach a copy of the receipt to your Defense Letter
General No Standing VC: 14	(f)	<ol style="list-style-type: none"> 1. I stopped temporarily to drop off or pick up a passenger. Temporarily means 2 minutes or less
General No Parking VC: 20	(g)	<ol style="list-style-type: none"> 1. I stopped temporarily to drop off or pick up a passenger 2. I stopped temporarily to load or unload property to the curb
Double Parking VC: 46	(f) (1)	<ol style="list-style-type: none"> 1. DO NOT DOUBLE PARK, if you are a private passenger vehicle
Pedestrian Ramp VC: 67	(f) (7)	<ol style="list-style-type: none"> 1. The pedestrian ramp is located in the middle of a block without a marked crosswalk, or traffic control device regulating the flow of traffic 2. The pedestrian ramp is located in the middle of the long street of a 'T' intersection without a marked crosswalk, or traffic control device regulating traffic
Improper registration VC: 83	(j) (1)	<ol style="list-style-type: none"> 1. The parking ticket warrior must explain why your vehicle is "improperly registered," or else you're entitled to a dismissal upon application 2. My pick-up truck has an unburdened weight of less than 5,500 pounds entitling me to register it as a passenger or commercial vehicle



Always, every time without fail, check for omitted, misdescribed or illegible required elements

CHAPTER FIVE: PARKING TICKET APPEAL



YOUR SECOND BITE AT THE SAME APPLE

Appeal Process



You are required to complete an application for appeal, which is supplied by the Department of Finance, Adjudication Division. Here's a link to the web page where you can [download the application](#). The following is a list of documents you must provide with your appeal application:

- The original judge's decision
- The original ticket, or a copy of each
- All evidence that you submitted at the original hearing

If you did not pay your fine prior to your appeal, payment must be enclosed with your application for appeal; or your appeal will not be considered by the Appeals Board.

Your application for appeal, supporting documents, and payment for your parking ticket must be received by the Adjudication Division on or before **30** days from the date of the original judge's decision. Although this time period may be extended in the "interests of justice," it is highly unlikely that you will qualify for this extension.

If you make any mistakes, your application will be returned for correction. However, you must re-submit your corrected application within the original 30 day period to perfect your appeal.

How to set forth your reasons why the original decision should be reversed

- Keep in mind there are a gazillion appeals processed every year. Your argument should be objective, respectful, and directed to a mistake of law or fact made by the original judge
- Keep your emotions to yourself. Your anger and ranting will not enhance your chances of success.
- You cannot submit additional evidence. You can only direct your argument to evidence you submitted at the original hearing; unless the respondent consents (Yea right!)
- Respectfully refer the Appeals Board to the specific rule of law that the original hearing officer misapplied.
- Be persuasive! By that I mean, do not merely parrot conclusions. No one likes to be told how to think. Lead the Appeals Board to the "right conclusion" by submitting facts that allow the Appeals Board to reach the only reasonable decision, in your favor

You appeal will be heard on the papers, unless you specifically request an in-person hearing. You must make your request for an in-person hearing by checking the appropriate box on the application for appeal.

You will find the rules covering appeals at Title 19, Section 39-12.

Resources



[Click on Call 888 Red Light](#)

(You must press control & click activate the link)



[Click on *PARK IT!*](#)

(You must press control & click to activate the link)

Matt Weiss, Esquire is the "GO TO" guy when it comes to fighting traffic tickets. Matt has dedicated the last 20 years of his practice of law to making it easy for members of the driving public to win.

I have seen Matt at work. He's terrific. If you need help with a traffic ticket,

click on  . You'll be glad you did!

The absolute best way to avoid a New York City parking ticket is to stay out of harm's way. You probably are asking yourself, "How can I do that?" Well, it's easy.

You may wish to invest a small amount of money and purchase [Margot Tohn's, *Park IT!*](#) It is a terrific, incredibly valuable guide to parking garages. Margo's Guide will help you choose the most convenient garage with the most reasonable rates.



New York
Parking Ticket

Call us with your NYC parking ticket challenges. We will help you fight when you're right, and help you save your hard earned dough!

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