

CHAPTER 7

**STANDARDS OF CONDUCT FOR
REPRESENTATIVES
APPEARING BEFORE THE
COMMISSION TRIBUNAL**

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§7-01 Definitions.

Administrative Law Judge (“ALJ”). Administrative Law Judge is an attorney admitted to practice law in the State of New York who conducts administrative hearings for the Commission.

Bridge. Bridge is the area and work unit within the Adjudications Section of the Commission that coordinates the assignment of cases to be heard by administrative law judges for the Commission.

Client. A client is a respondent in a proceeding before the agency who has engaged the services of a representative.

Commission. Commission means the New York City Taxi and Limousine Commission or its designee.

Mailing Address. Mailing address means the address designated by a representative for the mailing of all notices and correspondence from the commission and for notification of charges concerning the representative pursuant to §7-10 of these rules.

Representative. A representative is a person granted permission by the Commission to represent for compensation a respondent in a proceeding before the agency. The term “representative” shall not include an individual duly admitted to the practice of law in the State of New York.

Respondent. A respondent is an individual, corporation or other entity who has applied for a license, has a license, or to whom a summons has been issued returnable at a Commission authorized facility.

§7-02 General Provisions for Representatives.

- (a) An individual who desires to be granted permission to appear before the Commission as a representative shall be:
 - (1) at least eighteen (18) years of age;
 - (2) of good moral character; and
 - (3) possess a familiarity with all Commission rules and procedures.
- (b) Applications for authorization to appear before the Commission as a representative shall be made on forms provided by the Commission.
- (c) An applicant shall provide a mailing address.
- (d) A representative shall notify the Commission immediately of any change in the representative's mailing address.
- (e) An application for authorization to appear before the Commission as a representative will not be accepted unless such applicant shall have been sponsored by an attorney duly admitted to the practice of law in the State of New York. The attorney sponsor shall undertake that he or she will directly supervise and review the work product of the applicant and shall assume legal responsibility for the conduct of such applicant before the Commission.

§7-03 Conduct and Character.

- (a) No representative shall engage in any of the following conduct:
 - (1) Disorderly behavior, breach of the peace, or other disturbances which directly or indirectly tends to disrupt or interrupt the proceedings at the Commission.
 - (2) Willful disregard of an Administrative Law Judge's authority prior to, during or after the course of an administrative hearing conducted at the Commission.

- (3) Actions, gestures or verbal conduct which show disrespect for the proceedings of the Commission.
- (b) A representative shall not leave a hearing in progress without the express permission of the Administrative Law Judge presiding.
- (c) A representative shall, at all times, cooperate with all law enforcement officers, authorized representatives of the Commission and the New York City Department of Investigation, and shall comply with all their reasonable requests.
- (d) A representative shall promptly and truthfully answer and comply as directed with all questions, communications, directives and summonses from the Commission or its representatives and the New York City Department of Investigation or its representatives.
- (e) A representative shall not offer or give any gift, gratuity or thing of value to any employee or member of the Commission, or to any other public servant. A representative shall immediately report to the Commission and the New York City Department of Investigation any request or demand for any gift, gratuity or thing of value by any employee or member of the Commission or any other public servant.
- (f) A representative shall supply the bridge with a written list of all cases to be handled by that representative no later than 3:30 p.m. of the day before the day in which such cases are scheduled to be heard. There shall be no additions to this list without the express permission of the Legal Director of Adjudications or his/her designee.
- (g)
 - (1) A representative shall not operate any Commission computer terminal or other equipment at any time.
 - (2) A representative shall not enter any non-public service area at the Commission unless accompanied or authorized by a Commission manager or supervisor.

§7-04 Misrepresentation and Related Matters.

- (a) A representative shall not hold himself or herself out as an attorney at law. It shall be a representative's affirmative* obligation to inform his/her clients or prospective clients that he/she is not an attorney at law.
- (b) A representative shall not refer to himself or herself by any title other than "representative."
- (c) All advertising by a representative shall clearly and conspicuously state that he or she is not an attorney at law.
- (d) Advertising or other publicity generated or otherwise permitted by a representative shall not contain any false or misleading statement.
- (e) A representative shall not induce or encourage any witness in a proceeding before an ALJ to make a false statement.
- (f) A representative shall not make a statement or allow the introduction of evidence in a proceeding before an ALJ which he or she knows, or reasonably should have known, to be false, fraudulent or misleading.
- (g) A representative shall not offer into evidence any document in a proceeding before an ALJ unless he or she has examined the document carefully and has satisfied himself or herself that it is genuine, true, and accurate.
- (h) A representative shall not call any witness in a proceeding before an ALJ unless he or she has interviewed such witness and satisfied himself or herself that the testimony which the witness intends to offer is not misleading or false.
- (i) If any witness in a proceeding before an ALJ makes any statement or offers into evidence any document which the representative knows is misleading or false, the representative shall immediately inform the Administrative Law Judge.

* [As reads in the Official Compilation of the Rules of the City of New York.]

- (j) No representative shall knowingly allow any false statement to be made by such representative's client or by a witness called by such representative on administrative appeal of an Administrative Law Judge's determination.
- (k) In connection with the representation of a respondent in an adjudication, a representative is guilty of misconduct when he or she is guilty of any deceit or collusion, or consents to any deceit or collusion, with intent to deceive the agency or any party.
- (l) In connection with the representation of a client before the agency, a representative shall not make any untrue statement of fact. In connection with the issuance of agency documents, the representative shall state all material facts.

§7-05 Solicitation.

- (a) A representative shall not solicit clients, or permit the solicitation of clients by another person on the representative's behalf, on the premises of the Commission.

§7-06 Conflict of Interest.

- (a) No representative shall represent more than one person, partnership, corporation, or association in connection with any matter in which the interests of such persons, partnerships, corporations or associations are in conflict with one another.

§7-07 Competent Representation.

- (a) No representative shall undertake the representation of a client unless he or she is able provide competent representation. A representative must, at a minimum:
 - (1) be thoroughly familiar with the facts of his or her client's particular case;

- (2) have a thorough understanding of the rule or rules of the Commission involved in such case; and
- (3) be thoroughly familiar with all applicable procedures.

§7-08 Assignment of Administrative Law Judges.

- (a) No representative shall attempt to influence an employee of the Commission concerning the selection of an Administrative Law Judge to hear a particular case.
- (b) Once a representative has been assigned to a hearing room, the representative shall not leave such room until all cases assigned to him or her have been adjudicated or the ALJ has given permission to the representative to leave for a stated reason or a specific period of time.

§7-09 Suspension or Revocation.

- (a) Any representative who violates these rules may be barred from representing clients before the Commission for such time and subject to such conditions as may be determined by an administrative law judge after a hearing and a finding of violation, as provided for in §7-10.
- (b) Notwithstanding any inconsistent provision of this section, a representative's authorization to appear before the Commission may be suspended or revoked if it is determined that he/she has committed an act evidencing lack of good moral character which, had such act occurred prior to the time application was made to the Commission, would have served as a basis for denying such application.

§7-10 Procedures in the Event of a Violation of Commission Rules.

- (a) Upon an allegation of a violation of any of these rules by a representative, the Commission may institute proceedings to suspend or revoke such representative's authorization to appear before the Commission. Such proceedings shall be commenced by notifying the representative by both certified and first class mail of the formal written charges against him/her. Such charges shall be specific and shall advise the representative that a

finding of guilty will result in the suspension or revocation of the authorization to appear before the Commission as a representative.

A written notice shall accompany the charge, stating the date, time and place of the scheduled hearing of charges.

This hearing shall be held at, and under the auspices of, the New York City Office of Administrative Trials and Hearings (also known as OATH), before an administrative law judge specially designated by OATH to conduct such a hearing. At the conclusion of the hearing, the judge will prepare and submit to the Chairperson a report containing his or her findings of fact and conclusions of law together with any recommended penalties. The Chairperson shall make the final agency decision as to findings of fact, conclusions of law, and penalties.

- (b) If the Commission finds that emergency action is required to ensure public health, safety or welfare, it may order the summary suspension of the representative's authorization to appear before the Commission, pending a hearing on written charges held pursuant to §7-10(a). Such order shall be served upon the representative by both certified and first class mail at his/her last mailing address of record.