



Department of Investigation

Press Release

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DOI EXONERATES TLC INSPECTORS OF BRUTALITY ALLEGATIONS

-- Medallion Taxi Driver Sued City For \$45 Million --

EDWARD J. KURIANSKY, Commissioner of the Department of Investigation (DOI), has delivered a letter report to Taxi and Limousine Commission (TLC) Chairman Matthew W. Daus, containing the results of DOI's investigation into allegations of brutality and misconduct filed by a New York City medallion taxicab driver, HISHAM A. AMER, against four TLC inspectors. DOI concluded that the allegations -- which formed the basis of a \$45 million civil rights lawsuit that AMER filed on March 27, 2001, in Manhattan federal court against the City of New York -- were baseless and, indeed, fabricated.

Commissioner Kuriansky said, "The lesson here is clear: Con men and fakers just cannot scream 'brutality' against decent and conscientious public servants and hope to walk off with a barrel full of City dollars. This kind of reprehensible tort fraud not only perverts our civil rights laws and cheats the City out of scarce resources; it also tarnishes the names of reputable municipal employees and undermines the credibility of those citizens with legitimate claims and grievances."

Commissioner Kuriansky noted that the City spends more than \$450 million annually in settlement of claims and judgments, and that approximately 10 percent of the 10,000 lawsuits filed each year against the City are believed to be bogus.

According to Commissioner Kuriansky, DOI began an investigation in December 2000 after it was notified by the TLC that AMER had filed a complaint alleging that he had been assaulted and beaten by four TLC inspectors conducting what he claimed was an unlawful stop of his taxicab in midtown Manhattan, on December 13, 2000. AMER alleged that he sustained multiple injuries to his head, neck, back, shoulder, arm, and teeth after he was forcibly removed from his vehicle.

The investigation revealed that, in the afternoon of December 13, 2000, three TLC inspectors attempted a routine stop of AMER's taxicab at a TLC checkpoint located near the Waldorf Astoria Hotel on Park Avenue, between 48th and 49th Streets, in Manhattan, to determine if AMER was in compliance with TLC regulations for off-duty taxis. Upon stopping his vehicle, AMER refused to comply with the inspectors' request to produce his TLC credentials and New York State driver's license, falsely claiming that all his TLC credentials had been given to a TLC inspector during a random stop of AMER's taxicab the previous day. In fact, only AMER's rate card had been taken by that inspector.

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A TLC supervisor, who was summoned upon AMER's failure to cooperate, directed that AMER be taken to the Police Department's (NYPD) 17th Precinct on East 51st Street where he could be identified. At the precinct, AMER again failed to properly identify himself, and the TLC inspectors were directed by the NYPD desk sergeant to place AMER in a holding cell. He was searched, and his identification was found and removed by the inspectors. AMER was issued a summons for failure to produce the requested documentation to the TLC inspectors.

At the 17th Precinct, AMER filed a police complaint, alleging that he was assaulted by the TLC inspectors -- and that \$550 in cash was taken from him during the search, a charge he later dropped. AMER requested that he be transported by ambulance to a hospital. Pursuant to his request, AMER was taken to Beth Israel Medical Center, to which he was admitted for approximately a week.

On December 22, 2000, several days after his release from Beth Israel, AMER called an ambulance to his apartment, claiming that he was having a brain seizure as a result of the alleged beatings. AMER was then admitted to Coney Island Hospital.

The DOI investigation revealed no evidence whatsoever that AMER had been mistreated or assaulted by the TLC inspectors. Witnesses present at both the TLC checkpoint and the 17th Precinct stated that they did not observe any abuse of AMER. Moreover, the emergency medical technicians who transported AMER to Beth Israel, as well as the physicians who subsequently treated him, did not see any evidence of recent trauma or bruises to support AMER's claims of physical abuse. Although AMER was admitted to Beth Israel as a precaution, a physician who examined him noted in his medical record that AMER might in fact be a malingerer.

Medical tests conducted on AMER during his stay at Coney Island Hospital also failed to validate his medical complaints. Although both hospitals detected a herniated disk, the medical tests indicated the condition existed prior to AMER's encounter with the TLC inspectors.

In sum, DOI concluded that AMER's allegations were utterly lacking in credibility, and that his charges of brutality and misconduct leveled against the TLC inspectors were baseless, fabricated, and brought in bad faith.

Finally, Commissioner Kuriansky said that during the course of the TLC investigation, DOI also uncovered evidence that led it and federal authorities to suspect that AMER was involved in an elaborate criminal scheme to defraud numerous banks, credit card companies, and private businesses of hundreds of thousands of dollars. In furtherance of these criminal activities, AMER allegedly obtained false driver's licenses and identity cards from the New York State Department of Motor Vehicles and also fraudulently used numerous different social security numbers and a variety of aliases. On Wednesday, January 16, 2002, DOI and the Office of the Inspector General, Office of Investigations, for the Social Security Administration, in cooperation with the United States Attorney's Office for the Southern District of New York, arrested AMER pursuant to a federal felony criminal complaint charging him with using false social security numbers to defraud banks, credit card companies, and retailers of more than \$390,000, in violation of 18 U.S.C. §§ 1029(a)(3) and 2, and 42 U.S.C. § 408(a)(7)(B).

AMER, 39, resides in Brooklyn.

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Commissioner Kuriansky expressed his sincere appreciation to TLC Chairman Daus and NYPD Internal Affairs Bureau Chief Charles V. Campisi, and members of their respective staffs, for their cooperation and assistance in the investigation.

The DOI investigation was conducted by John P. McMahon, DOI's Inspector General for the TLC, and members of his staff, including Special Investigator Timothy Crowe and Senior Examining Attorney Robert Eisman, with the assistance of Special Investigators Frank Smith and Debra Monte, Examining Attorney Steven Fromewick, and Sergeant John Verwoert and Detective Levi Taylor of DOI's Investigative Squad.