

The NEW YORK Sun



WEDNESDAY, DECEMBER 15, 2004

CITY HALL

Mayor's Ticket Blitz Is the Pits, Watermelon Vendor Complains

By DINA TEMPLE-RASTON
Staff Reporter of the Sun

For one fruit vendor on Brighton Beach Avenue, September 25 is a day that will live in infamy. It was the day a watermelon cost him thousands of dollars.

The Brighton Beach vendor, who did not want to be identified by name for fear that he would face reprisals from city government, said he was issued three summonses for some sliced watermelon displayed on his sidewalk fruit stand. The tickets were related to the temperature of the sliced fruit, some confusion over whether the "stoop-line stand" was properly licensed, and the contention that the stand was taking up too much room on the sidewalk.

A lawyer familiar with the case, Robert Bookman, said at least two of the tickets were improperly issued and were incorrectly transferred to the Environmental Control Board instead of the Department of Consumer Affairs, which regulates the city's fruit stands. The mistake over jurisdiction and the apparent infractions bring the grand total of tickets for 312 Brighton Beach Market Inc. to \$3,000.

"This is 100% defective ticketing," a community leader aware of the Brighton Beach vendor's plight, Sung Soo Kim, said. "The city has gone into a ticketing blitz. People are scared to speak out because they are worried they will be slapped with more tickets. We don't understand why the administration is treating us like criminals." Mr. Kim is president of the Small Business Congress.

Last week, the administration increased fines for food vendors who violate health and other laws. It was a bid, city officials said, to ensure that vendors comply with city codes. The Department of Consumer Affairs, the Environmental Control Board, and the Department of Health want to impose higher fines to ensure that vendors obey the law, city officials said.

"The administration purposely did this in secret," the president of the Neighborhood Retail Alliance, Richard Lipsky, said. "The fines amount to an enormous hidden tax that becomes a cost of doing business

that is ultimately passed on to New York consumers. This hurts everyone."

That's why representatives of the Small Business Congress, an organization of 185,000 mom-and-pop businesses, are descending on City Hall today to ask the mayor to set up a task force to review the enforcement practices that Mr. Kim said are leading to record levels of bankruptcies of neighborhood stores. "It is a very serious crisis right now," he told The New York Sun in an interview.

The speaker of the City Council, Gifford Miller, will join the store owners on the steps of City Hall this morning to protest the way the administration has handled the fines, including bypassing the council so it had no say in the change, Mr. Miller's aides said yesterday.

Even before the increase in fines, it has been a difficult couple of years for small-business owners in the city. In addition to last year's 18.5% increase in property taxes, charges for garbage collection have tripled, and Mayor Bloomberg's prohibitively high cigarette tax has put a crimp on cigarette sales, the key profit center of many bodegas.

A quick check of the numbers indicates that, even without the new increase in fines, city inspectors are writing more tickets. The Department of Consumer Affairs, for example, boasts in its latest annual report that its fine collections in fiscal 2004 topped \$7.4 million compared with \$4.8 million in fiscal 2003.

"Over a 50% increase in one fiscal year? That's ridiculous," Mr. Bookman, who is also counsel to nightlife and newsstand trade groups, said. "DCA is just a little agency, so overall we're talking about millions and millions of dollars taken out of the pockets of the city's small-business owners."

He said he didn't think the sharp increase represented a conscious effort on the part of the Bloomberg administration to hammer small businesses, but rather the pressure agencies are feeling to come up with more money. "This is a result of benign neglect on the part of Bloomberg," Mr. Bookman said. "But it's resulting in a series of policies that are really antibusiness."