

COURT OF APPEALS OF NEW YORK

Matter of Terence Dolce v. Nassau County Traffic and Parking Violations Agency

7 N.Y.3d 492, 859 N.E.2d 469, 825 N.Y.S.2d 663 (N.Y. 2006) · Decided October 24, 2006

SUMMARY

The New York Court of Appeals held that the Nassau County Traffic and Parking Violations Agency is an arm of the Nassau County District Court and therefore has jurisdiction to adjudicate qualifying traffic and parking violations. The court also held that a duplicate physical filing of the simplified traffic information in the District Court was unnecessary to confer jurisdiction on the agency. The court reversed the Appellate Division and remitted the matter to Supreme Court for further proceedings.

CASE DETAILS

COURT	Court of Appeals of New York
WRITING FOR THE COURT	Ciparick, J.; Chief Judge Kaye; Judge Rosenblatt; Judge Graffeo; Judge Read; Judge R.S. Smith; Judge Pigott
JURISDICTION	New York
DECIDED	October 24, 2006
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Respondent commenced a CPLR article 78 proceeding challenging a Nassau County Traffic and Parking Violations Agency judicial hearing officer's denial of his motion to dismiss a simplified traffic information. Supreme Court granted the petition and transferred the matter to Mineola Village Court; the Appellate Division affirmed. The New York Court of Appeals reversed and remitted.
STANDARD OF REVIEW	The Court of Appeals reviewed the lower courts' statutory and jurisdictional construction de novo; the opinion does not identify a separately stated standard of review.
PRECEDENTIAL VALUE	published precedential opinion of the New York Court of Appeals
PARTIES	Nassau County Traffic and Parking Violations Agency v. Terence Dolce

TOPICS

municipal law

statutory interpretation

administrative law

criminal procedure

appellate procedure

PRACTICE AREAS

municipal law

administrative law

criminal procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the Nassau County Traffic and Parking Violations Agency has jurisdiction to adjudicate traffic and parking violations as an arm of the Nassau County District Court.
2. Whether a simplified traffic information must be physically filed both with the Nassau County District Court and with the TPVA to confer jurisdiction on the TPVA.
3. Whether the courts below properly relied on statutory provisions and later-enacted 2002 amendments in determining the TPVA's jurisdiction over a 2001 traffic infraction.

HOLDINGS

1. The Nassau County Traffic and Parking Violations Agency was established as an arm or branch of the Nassau County District Court and therefore has jurisdiction to adjudicate the traffic and parking matters assigned to it.
2. A simplified traffic information filed with the TPVA did not also have to be physically filed with the Nassau County District Court to confer jurisdiction on the TPVA.
3. *People v. Jones* was wrongly decided to the extent it held that the TPVA was not an arm of the Nassau County District Court.

KEY QUOTATIONS

“we conclude that the TPVA was created to be an adjunct of the Nassau County District Court and therefore has jurisdiction to adjudicate traffic and parking violations without the need for any duplicative filing in District Court.” (494)

“Properly construed, however, this statute means only that the TPVA may not lawfully deprive a person of his or her right to appear personally before the court—including before the TPVA.” (495)

“Again, since the TPVA is an arm of the District Court, the proceeding is indeed pending in that court by virtue of its filing with the TPVA.” (498)

FACTUAL BACKGROUND

In 2001, Dolce received a traffic ticket returnable at the Nassau County Traffic and Parking Violations Agency for allegedly driving around a lowered railroad crossing gate in Mineola, Nassau County. He moved to dismiss the simplified traffic information because the prosecution allegedly failed to provide a supporting deposition he had requested. The TPVA hearing officer denied the motion, and Dolce additionally challenged the TPVA's jurisdiction over the matter.

PROCEDURAL HISTORY

After receiving a traffic ticket returnable at the TPVA, Dolce moved to dismiss based on the alleged failure to provide a requested supporting deposition. The TPVA judicial hearing officer denied the motion. Supreme Court annulled the determination and transferred the case to Mineola Village Court, and the Appellate Division affirmed on the ground that jurisdiction was lacking because the simplified traffic information had not also been physically filed in Nassau County District Court. The Court of Appeals reversed and remitted for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remitted to Supreme Court for further proceedings on the petition. The Court of Appeals did not reach the claims concerning the alleged failure to provide a supporting deposition or whether the TPVA determination was arbitrary and capricious and unsupported by substantial evidence.

CASES CITED

- People v. Jones, 178 Misc. 2d 681 (App. Term, 2d Dep't 1998)