



Street vendors get help against unfair ticketing

by Lisa A. Fraser

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Marcelino Guzman has been selling religious articles and accessories on the street in Corona for five years now, and though business has been good for him, he has been hit with numerous tickets from the city for small violations that he feels are unfair.

Guzman, a Mexican immigrant, isn't alone. A number of street vendors all across the city sing the same chorus: the tickets are unfair and too high.

"It's a bit stressful because sometimes it's not just one ticket, it's sometimes three tickets in one visit," Guzman said. "It's also stressful because there's a time limit of two months to pay the ticket, so when I got them, that was my priority and another responsibility."

Some violations could get thrown out by the judge, but often times vendors are forced to pay. In recent years, more and more street vendors have been slapped with numerous tickets for small violations that add up to large amounts of money owed. Many of them cannot afford to pay off the fines in court, and often times when they appear before a judge, the language barrier puts them at an even greater disadvantage.

"Some tickets I could fight and I have won, but some I've lost," Guzman said.

He has been on the lucky side. He's had tickets thrown out, and he's been able to appeal some tickets. Guzman has also been able to navigate around the language barrier. Translators are often provided by the city when vendors appear before a judge, but he noted that at times they too can hinder a vendor making their case.

“Even the translators sometimes try to have the city's side,” he said. “Every time I have an opinion, they don't translate it or they tell me that there's not enough time. It's helpful to have one but it's not the same as having your own.”

It's these challenges and more that the Street Vendor Project tries to solve for the many immigrant vendors who dot New York City streets. Part of the Urban Justice Center, the project's sole aim is to obtain more rights for vendors who make their living on the streets.

On Friday, March 18, organizers and volunteers with the project met with local vendors along the bustling Roosevelt Avenue corridor in Jackson Heights to discuss issues they face vending in the borough.

The outreach is part of the Street Vendor Project's ongoing campaign to increase the number of vending permits available in New York City so more men and women can earn a livelihood selling their creations and products on the street.

“We want to inform them about the organization and the campaign,” said Darya Marchenkova, one organizer with the project. She and volunteers trekked up and down Roosevelt Avenue to talk to vendors and to get them to share their concerns.

“It's not long before they pull out tickets to show us,” she said.

The Street Vendor Project has over 1,200 vendors who are members. The project serves as a voice for the more than 10,000 vendors who contribute to the city's vibrant street life.

Friday's goal was to gather more vendors and convince them to attend the monthly meetings held every second Tuesday of the month in Manhattan. The volunteers handed out information on their campaign as well as how to prevent getting tickets.

According to Sean Basinski, director of the Street Vendor Project, vendors are often issued tickets for petty violations that do not violate health or safety codes. For instance, they are often issued tickets for having a cooler poking out from underneath the cart, not having their license properly displayed or placing their table more than 18 inches from the curb.

Often times, the cost could easily climb up to \$1,000 if vendors don't pay the tickets on time, and the fines can also increase for unrelated violations.

The project isn't alone in their fight. They are supported by many Council members. The SVP, along with Councilman Stephen Levin of Brooklyn, is fighting to make sure that no vendor receives a ticket over \$250. Before 2006, vendors never received a ticket over that cost.

One of the aims last Friday was to gather the vendors together for an upcoming meeting with Councilwoman Julissa Ferreras.

Levin introduced a memorandum last August to help alleviate the tough fines and the unnecessary arrests and confiscation of goods. In addition to reverting the fine back to no more

than \$250, he is fighting to make sure that separate and unrelated offenses do not count as subsequent violations for one violation.

According to Levin, over 40,000 summonses are written by the Environmental Control Board for minor violations that have nothing to do with health or safety. The violations are often subject to a gradual penalty system which increases fines for each subsequent violation in two years.

“The ECB's interpretation of vending fines is not consistent with how it treats larger businesses subject to similar regulatory schemes,” Levin wrote. “The vending fine structure is an example of economic injustice which punishes our smallest of small businesses.”

Guzman thinks it's unfair but he will still continue to sell the products that he has been making by hand for 20 years. “Police should have a little common sense that we're trying to make a living, we're not doing anything wrong,” he said.