

October 23, 2007

Lt. Rickard,

1. This is a supplemental report for a Personnel Complaint against Officer Jason Berman, taken by Lt. Doyle on September 25, 2007 from Shane F. Tubbs-Zeman; event 23819-07.
2. The written complaint claims rude and unprofessional behavior by Officer Berman and selected enforcement of parking codes due to a recent newspaper article about Cody's Bar. It also asserts Mr. Tubbs-Zeman was targeted because he is a "biker" and wears "a vest."
3. Mr. Tubbs-Zeman's complaint indicated he had six witnesses who were patrons and was willing to have them in court if necessary, but was incapable of identifying them.
4. Officer Berman was briefly interviewed on October 2nd. Based on this interview he and Officers DeYoung and Gass were asked to provide a narrative E-mail about this event.
5. Officer Berman's E-mail details a previous event, 21701-07, on September 4th, when he initially came into contact with Mr. Tubbs-Zeman as he investigated a complaint for noise and an illegal parking condition in front Cody's Bar at 101 Monhagen Ave.. At the time of the event on September 4th, a warning was provided by Officer Berman to Mr. Tubbs-Zeman.
6. According to Officer Berman's E-mail, on the date of Mr. Tubbs-Zeman's complaint, Officer Berman discovered a similar parking condition to that of September 4th; a vehicle was parked on the sidewalk at 12:40a.m., on September 25th. Officer Berman was resolving it with a summons, and was confronted by an indignant Mr. Tubbs-Zeman, the owner of the vehicle. Based on Officer Berman's narrative, it would be reasonable to conclude that he allowed Mr. Tubbs-Zeman to vent his frustration.
7. Officers DeYoung's and Gass's narrative indicate they had stopped and offered assistance to Officer Berman, and describe Mr. Tubbs-Zeman acting out in a rude and loud manner.
8. A copy of the parking ticket was located and photocopied.
9. The complainant, Mr. Tubbs-Zeman was contacted several times to schedule an interview about his complaint. The interview was conducted on October 12th, 2007 at about 3:15pm at Police Headquarters.

10. At the beginning of the interview Mr. Tubbs-Zeman apologized for the scheduling difficulty, stating he is on pain medication and is permanently disabled due to a back injury, and could not come out at night due to the medication.
11. Continued interview of Mr. Tubbs-Zeman indicates his awareness of his illegal parking, explaining that he had permission to park there contrary to the law, suggesting he was targeted because of the bad press the bar recently was the subject of, and the lack of prior enforcement of parking laws.
12. Throughout this interview Mr. Tubbs-Zeman continued to refer to me as Mr. Doyle and Sergeant Doyle, and was corrected each time, even as he appeared to be looking at my department issued name tag that clearly spells out, "M. DOTY."
13. Mr. Tubbs-Zeman was asked about his witnesses. He stated that the bartender was a witness, wouldn't provide her name, and stated there was another witness, but didn't know his name and would find him if he needed to.
14. Mr. Tubbs-Zeman did not appear to have any recollection of calling the desk and speaking to me shortly after he was issued his parking ticket.
15. Mr. Tubbs-Zeman's stated goal for this complaint is to have the officer spoken to about his treatment of citizens.
16. Based on my review of the supporting documents and taking into consideration interviews with Officers Berman, DeYoung, Gass and Mr. Tubbs-Zeman, Officer Berman was reasonably performing his duty, having previously warned Mr. Tubbs-Zeman, and lawfully issued him a parking summons.
17. Mr. Tubbs-Zeman's appears to have memory issues. This is based on his admission to being permanently disabled and on pain medication, his inability to be out at night as a result of his disability and medication, his failure to remember calling police headquarters after the incident, and not being able to recall my name.
18. At this time it is suggested that allegations of rude and unprofessional conduct can not be substantiated against Officer Berman.

Respectfully Submitted,



Mark Doty
Sergeant

Supporting documents:

1. City of Middletown Police Personnel Complaint & updated blotter, re: 23819-07.
2. Photocopy of Middletown Police Department – Daily Work Schedule, 9/25/07.
3. Department E-mail from Officers Berman, DeYoung, and Gass.
4. Photocopy of Parking Ticket 214980, HQ's Copy.
5. NYSPIN Data for (NY) 62EK81.

CITY OF MIDDLETOWN POLICE DEPARTMENT PERSONNEL COMPLAINT

The City of Middletown Police Department encourages citizens to report legitimate complaints against employees of this Department. As a result, a thorough, impartial and confidential investigation will be conducted. If this complaint leads to a formal charge against the employee, you will be asked to participate in the hearing and/or arbitration process.

Date of Report: 9-25-07	Time: 9:15 AM	Event No.: 23819-07	Case No.: (If Applicable)
Type of Complaint: <input checked="" type="radio"/> External <input type="radio"/> Internal <input type="radio"/> Other	If Other, please explain:		
How Received: <input type="radio"/> Phone <input checked="" type="radio"/> Walk-In <input type="radio"/> Other	If Other, please explain:		
Date of Incident: 9-25-07	Day of Incident: TUESDAY	Time of Incident: 12 th AM	
Location of Incident: 101 MONTAGNE AV.		Nature of Complaint: HARASSMENT	


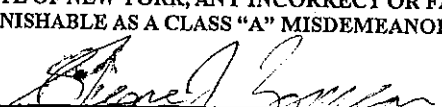
Complainant: SHANE F. TUBBS-ZEMAN		Date of Birth: [REDACTED]	
Address: [REDACTED]	City: [REDACTED]	State: N.Y.	Zip Code: 10940
Home Phone #: [REDACTED]	Work Phone #: 845 NONE	Other Phone: [REDACTED]	
Employer: LOWE'S STORES	Occupation: [REDACTED]		
Employer's Address: [REDACTED]		Employer Telephone No.: [REDACTED]	

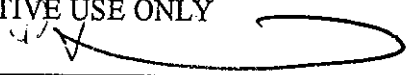
Details of Incident: (ADDITIONAL SPACE AVAILABLE ON BACK OF FORM, IF NEEDED) *CAME OUT DOOR OF BAR 2 CALLS PARKED OUTSIDE BAR. P.C. BERMAN "I TOLD YOU CAN'T PARK THERE YOU WILL DO WHAT I TELL YOU". I SAID WHY AND HE POINTED TO HIS BADGE AND SAID THIS IS WHY. I SAID JUST BECAUSE YOU HAVE A BADGE DOES NOT MAKE YOU ANY BETTER OR WISER THAN ME, YOU ARE SUPPOSED TO ENFORCE THE LAW NOT MAKE YOUR OWN. WANT TO SEE WHAT I CAN DO, I WILL HAVE*

Personnel Complained Of: (NAME OR PHYSICAL DESCRIPTION, BADGE #, CAR #, ETC.) *YOUR BIKE TOWED. HE SAID THIS IN A BELLIGERENT AND DISRESPECTFUL MANNER. I TOLD THE OTHER OFFICER THAT I WAS RESPECTFUL TO HIM, AND WOULD BE*

Witness Info: (NAME, D.O.B., ADDRESS, TELEPHONE NUMBERS, ETC.) *RESPECTFUL TO HIM TOO (BERMAN) IF HE DID NOT YELL AT ME. ISSUED ME A TICKET FOR PARKING ON SIDE WALK AND HE WALKED AWAY. WHEN OFFICER SAID HE WOULD*

NOTE: PURSUANT TO SECTION 210.45 OF THE PENAL LAW OF THE STATE OF NEW YORK, ANY INCORRECT OR FALSE STATEMENT ATTRIBUTED TO YOU AND CONTAINED HEREIN IS PUNISHABLE AS A CLASS "A" MISDEMEANOR.

	<i>Police HQ</i>		9-25-07
Reporting Officer's Signature	Location Report Taken	Complainant's Signature	Date

ADMINISTRATIVE USE ONLY		No Further Action Needed: _____	
Reviewed By: 	Name & Rank: <u>276</u>	Investigation Assigned To: <u>DOLY</u>	
Date Reviewed: 9/28/07	MPD-II #: _____		
	Shield No. _____		

Details of Incident: (CONTINUED) TOW MY BIKE I SAID YOU BETTER HAVE \$28,000.00 TO PAY FOR IT. I HAVE BEEN PARKING THERE FOR TWO YEARS, AND THE OWNER OF BAR TOLD ME IT IS ALRIGHT TO PARK THERE. MR. BROAS WHO OWNS THE BUILDING ALSO SAID IT WAS OK TO PARK THERE. I AM ONE OF THE PEOPLE WHO KEEPS THE PEACE IN THAT BAR. I DO NOT WORK THERE BUT I KNOW THE OWNER AND IF SOMEONE GETS OUT OF HAND OR A FIGHT STARTS I PUT THEM OUTSIDE. ITS PROBABLY BECAUSE OF MY SIZE, SINCE IT IS EASIER FOR A BIG GUY TO DO IT. THERE ARE SIX WITNESSES TO THIS WHO WERE BAR PATRONS. I DO NOT KNOW THEIR NAMES RIGHT NOW BUT THEY WILL BE IN COURT IF NECESSARY. AND I HAVE PHOTOS OF WHERE BIKE WAS PARKED. THERE WAS AN ARTICLE IN MONDAY'S RECORD AND I THINK THAT IS THE REASON THIS HAPPENED. YOU CAN ESTABLISH A PRESENCE BUT YOU DONT HAVE TO PICK ON SOMEONE BECAUSE THEY ARE A BIKER OR THEY WERE A VEST. ONE OFFICER WAS VERY REASONABLE BUT P.O. BEAMON & FEEI WAS TRYING TO START AN INCIDENT.

At: 00:57:10

2 JAMES STREET
MIDDLETOWN, NY 10940-

Entry/CC#: **CM-023819-07** Date: **09/25/2007** Time: **00:41** Tour: **A** Desk Officer: **680**

Call Type...: **PARKING OFFENSES** Priority...: **1** How Received: **RADIO**

Caller.....: ,
Bus. Name...:
Address....:
City/St/Zip: ,

Call Back #: ()-

Location of Assignment: **101 MONHAGEN AVE, MIDDLETOWN**
Cross Street.....:
Business Name.....: **CODY'S BAR**
Description.....: **MOTORCYCLE ON SIDE WALK**
Disposition.....: **PARK TICKET ISSU**

Post: **3** Dispatched: **Y** Dispatched Date: **09/25/2007** Call Taker: **1193**

VEHICLE'S INVOLVED

Plate & State:
Year/Make/Model/Color:
Vin:



OFFICERS INVOLVED

Serial #:1179 Rank:PO Name:JASON A BERMAN

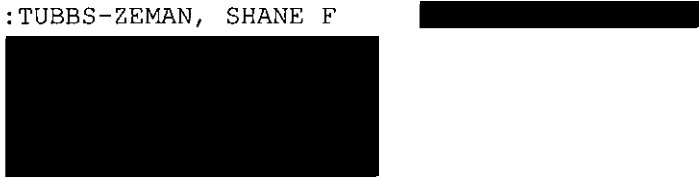
UNIT'S INVOLVED

Unit: 13 Officers: (1179)
Disp. Time: 00:42 | Arv. Time: 00:42 | Comp Time: 00:52
Rcv'd to Comp: 0:11 :: Disp to Comp: 0:10

ASSOCIATED NUMBERS

PERSONS INVOLVED

Name.....:TUBBS-ZEMAN, SHANE F
Address.....
City/State/Zip
Phone Number..
Mobile Number.
Sex.....:M Race:WHT
Person Type...:OWNER



Entry/CC#: **CM-023819-07** Date: **09/25/2007** Time: **00:41** Tour: **B** Desk Officer: **881**

Call Type.: **PARKING OFFENSES** Priority.: **1** How Received: **RADIO**

Caller.....: ,

Bus. Name..:

Address....:

City/St/Zip: ,

Call Back #:()-

Location of Assignment: **101 MONHAGEN AVE, MIDDLETOWN**

Cross Street.....:

Business Name.....:

Description.....: **BIKE ON SIDE WALK**

Disposition.....: **PARK TICKET ISSU**

Post: Dispatched: **y** Dispatched Date: **09/25/2007** Call Taker: **1193**

OFFICERS INVOLVED

Serial #:1179 Rank:PO Name:JASON A BERMAN

UNIT'S INVOLVED

Unit: 13 Officers: (1179)

Disp. Time: 00:42 | Arv. Time: 00:42 | Comp Time: 00:52

Rcv'd to Comp: 0:11 :: Disp to Comp: 0:10

ASSOCIATED NUMBERS

MIDDLETOWN POLICE

Day TUESDAY

*Can get
Call for help*

AP's 16-17-7 out of service 1

POST	PERSONNEL	PERSONAL SIGNATURE
Lieutenant		
Sergeant	DOTY	<i>[Signature]</i>
Sergeant	Booth OT. (RB)	<i>[Signature]</i>
1	SOMMER	8 <i>[Signature]</i>
2	BERMAN	
3	BERMAN	13 <i>[Signature]</i> 1179
4	SLANOVEC	6 <i>[Signature]</i>
5	Grass OT. (RB)	<i>[Signature]</i>
6	<i>Depour OT (RB)</i>	7 <i>[Signature]</i>
7		
8	KUMMER	

POST	PERSONNEL	PERSONAL SIGNATURE
Bureau Comm.		
Bureau Comm.	RICKARD	<i>[Signature]</i>
Training Lt.	CORCORAN	<i>[Signature]</i>
Lieutenant	DOYLE	<i>[Signature]</i>
Sergeant	JAHRLING	<i>[Signature]</i>
Sergeant		
Sergeant	MISHK	<i>[Signature]</i>
Detective	JOHNSON, M	<i>[Signature]</i>
Detective	WEISSINGER	<i>[Signature]</i>
Detective	KEATING	<i>[Signature]</i>
1	VALENTIN	11 <i>[Signature]</i>
2	LOPEZ	66 <i>[Signature]</i>
3	KASSEL	<i>[Signature]</i>
4	THELEN	19 <i>[Signature]</i>

Sent to: 680 SGT MARK DOTY
From: 1179 PO JASON A BERMAN

Date/Time Sent: 10/02/2007 06:14:09 PM

Subject: PARKING COMPLAINT

Also Sent to: 680

Message: SGT DOTY,

I AM WRITING YOU AS YOU HAVE REQUESTED REGARDING THE COMPLAINT FROM THE OWNER OF A MOTORCYCLE IN WHICH THE BIKE WAS PARKED ON THE PUBLIC SIDEWALK IN FRONT OF CODYS BAR.

BEFORE I GET INTO THE DETAILS ABOUT THIS INCIDENT I WOULD LIKE TO INFORM YOU THAT ON 09/04/07 AT APPROX 21:44 HRS (BLOTTER # 07-21701) I WAS ADVISED BY THE CHIEF OVER THE POLICE RADIO (CAR-CAR) TO CHECK ON THE AREA IN FRONT OF CODYS BAR FOR REPORTS OF A PARKING CONDITION THAT NEEDED TO BE CORRECTED IN FRONT OF CODYS BAR, IN ADDITION TO A NOISE COMPLAINT AT SAME LOCATION.

I THEN CHECKED THE AREA AND CORRECTED THE SITUATION BY ASKING AN EMPLOYEE TO HAVE THE LIVE BAND LOWER THE VOLUME ON THEIR SPEAKERS AND ALSO TO ADVISE THE OWNER OF A MOTORCYCLE THAT WAS PARKED ON THE PUBLIC SIDEWALK IN FRONT OF CODYS BAR, TOP HAVE THE BIKE MOVED. AT THAT TIME I MET A MALE SUBJECT (OWNER OF BIKE) AND ADVISED HIM THAT HE COULD NOT PARK ON THE PUBLIC SIDEWALK IN FRONT OF THE BAR. THE MAN TOLD ME THAT HE HAD PERMISSION BY THE OWNER OF CODYS, AND I ADVISED HIM THAT IT IS A CITY OWNED SIDEWALK AND HE HAD TO MOVE IT. THE MAN DID COMPLY AT MOVED THE BIKE OFF OF THE SIDEWALK AND PARKED IT IN A LEGAL PARKING SPOT OF MONHAGEN AVE WITH NO FURTHER INCIDENTS. THE MAN RECEIVED A WARNING WITH NO PARKING TICKET ISSUED AND WAS ADVISED OF THE OFFENSE AND NOT TO PARK ON THE SIDEWALK IN THE FUTURE.

ON 09/25/07 AT APPROX 12:40 AM WHILE AT THE GAS STATION PUMPS AT WEST MAIN AND MONHAGEN AVE I OBSERVED A MOTORCYCLE PARKED ON THE SIDEWALK IN FRONT OF CODYS BAR. MYSELF AND PO DEYOUNG THEN RESPONDED TO CODYS BAR AND I BEGAN ISSUING A PARKING TICKET FOR PARKING ON THE SIDEWALK TO A NEWER YEAR CUSTOM STYLE BIKE (CHOPPER STYLE). AT THIS TIME NO SIBJECT(S) WERE STANDING IN THE AREA OF CODYS BAR. WHILE WRITING THE PARKING SUMMONS MYSELF AND PO DEYOUNG WERE APPROACHED BY A MAN WHO STATED HE WAS THE OWNER OF THE BIKE AND THAT HE HAD PERMISSION TO PARK THERE BY THE OWNER. AT THIS TIME I RECOGNIZED THE SUBJECT TO BE THE SAME SUBJECT I GAVE A WARNING TO LAST TIME FOR THE SAME OFFENSE AT THE SAME LOCATION ON 09/4/07 AT 21:44 HRS (BLOTTER # 07-21701). I TOLD THE MAN THAT I HAVE ALREADY BEGAN TO WRITE THE PARKING SUMMONS FOR PARKING ON THE PUBLIC SIDEWALK, AND FURTHERMORE I HAVE GIVEN HIM A WARNING FOR THIS SAME OFFENSE AT THE SAME LOCATION ON 09/4/07 AT 21:44 HRS (BLOTTER # 07-21701). AT THIS TIME THE MAN TOLD ME HE HAD PERMISSION TO PARK THE BIKE THERE FROM THE OWNER AND THAT HE IS VERY GOOD FRIENDS WITH THE OWNER AND KEEPS THE BAR "CLEAN" FOR THE OWNER AND FIXES/PREVENTS ALL THE PROBLEMS AT THE BAR. HE FURTHER STATED THAT NOW SINCE THE BAR WAS IN THE PAPER, THAT WE (THE POLICE) ARE SINGLING THEM OUT, PICKING ON THEM AND BOTHERING THEM ABOUT THINGS SUCH AS RIGHT NOW. THE MAN FURTHER STATED "I HAVE BEEN PARKING HERE FOR 2 YEARS AND NEVER BEEN BOTHERED, BUT NOW THAT THE BAR IS IN THE NEWSPAPER YOUR BOTHERING US". I TOLD THE MAN THAT ONCE

AGAIN THIS IS A CITY OWNER SIDEWALK AND IT IS ILLEGAL TO PARK ON IT. THE MAN THEN TOLD ME THAT THE OWNER OF CODYS IS THE ONE WHO CARES FOR THE SIDEWALK SO ITS HIS. ONCE AGAIN I TOLD THE MAN THAT IT IS CITY OWNED AND THAT THE OWNER OF THE BAR DOES NOT OWN IT. AT THIS TIME THE MAN BECAME IRRATE AND BEGAN YELLING TOWARDS R/O AND PO DEYOUNG AND THEN MOVED THE BIKE WHILE IT WAS NOT RUNNING (WALKED WITH IT) AND PLACED IT IN FRONT OF THE DOOR OF CODYS AND SAID NOW ITS ON CODYS PRIVATE PROPERTY AND YOU CANT TICKET IT.

I THEN TOLD THE MAN THAT A PARKING TICKET HAS ALREADY BEEN WRITTEN AS THE OFFENSE DID OCCUR IN FRONT OF R/O'S PRESENCE PRIOR TO HIM MOVING THE BIKE. THE MAN THEN BEGAN YELLING TOWARDS R/O SAYING "I AM FORMER MILITARY AND NO WAY AM I GOING TO LISTEN TO YOU, YOU ARE NOTHING TO ME, AND I'LL SUE YOU FOR MY \$35,000 BIKE". THE MAN FURTHER BEGAN YELLING AT R/O "TOW MY BIKE TO AND I'LL SUE YOU FOR MORE". AT THIS TIME SUBJECT WAS YELLING VERY LOUDLY (UNREASONABLE NOISE) HOWEVER HE WAS NOT IN PUBLIC VIEW BY PATRONS OF THE BAR OR ANYONE AT THE GAS STATION ACROSS THE STREET TO EXECUTE A DISORDERLY CONDUCT ARREST FOR UNREASONABLE NOISE.

R/O THEN ASKED THE MAN IF HE HAD ANY PAPERWORK FOR THE BIKE SUCH AS THE YEAR, MAKE AND MODEL AS NYSPIN RESPONDED THAT THE MAKE WAS "UNKNOWN". THE MAN TOLD R/O "YOUR LOOKING AT THE BIKE RIGHT NOW AND YOU COULD SEE EVERYTHING YOU NEED". R/O THEN COMPLETED PARKING SUMMONS AND PUT "UNKNOWN" FOR THE MAKE OF THE MOTORCYCLE. R/O THEN GAVE THE MAN THE PARKING TICKET AND TOLD HIM NOT TO PARK ON THE SIDEWALK IN THE FUTURE. THE MAN TOLD R/O THAT HE CAN PARK WHEREVER HE WANTS AND THAT HE WAS GOING TO PUT IN A COMPLAINT WITH THE CITY AS THE OWNER OF CODYS OWNS THE SIDEWALK. I THEN INFORMED THE MAN THAT IF HE CHOOSES HE COULD PLEA NOT GUILTY TO THE PARKING TICKET AND IT COULD GO TO TRIAL THROUGH THE CITY OF MIDDLETOWN COURT. THE MAN THEN WALKED IN FRONT OF THE FRONT DOOR TO CODYS BAR, STANDING THERE, WITH HIS ARMS FOLDED IN A MANNER WHERE HE WAS TRYING TO STARE DOWN R/O. AT THAT TIME R/O AND PO DEYOUNG LEFT THE LOCATION AND INFORMED DISPATCH THAT A PARKING SUMMONS WAS ISSUED.

IF YOU HAVE ANY FURTHER QUESTIONS PLEASE FEEL FREE TO CONTACT ME ON MY CELL PHONE AS I WILL BE AT K9 TRAINING THIS WEEK. AS STATED, PO DEYOUNG WAS AT THE INCIDENT FROM START TO FINISH. LT DOYLE DID BLOTTER THE INCIDENT WHEN HE MET WITH THE MAN WHEN HE CAME IN THE FOLLOWING MORNING TO MAKE A COMPLAINT AT HEADQUARTERS (BLOTTER # 07-23836). FURTHERMORE I BELIEVE YOU STATED THE MAN DID CALL YOU RIGHT AFTER THE INCIDENT, YELLING AT YOU ON THE PHONE AND FURTHER REFUSED TO COME TO THE STATION TO MAKE A COMPLAINT THAT EVENING.

Sent to: 680 SGT MARK DOTY
From: 1137 PO NATHANAEL M DEYOUNG

Date/Time Sent: 10/03/2007 12:37:04 AM

Subject: PERSONNEL COMPLAINT

Also Sent to: 680

Message: RE: COMPLAINT AT CODY'S BAR.

SGT DOTY,

ON 9/25/07 AT APPROXIMATELY 1240AM, WHILE ON PATROL DURING AN "A LINE" TOUR OF DUTY, I RESPONDED TO THE AREA OF WEST MAIN ST AND MONHAGEN AVE WHERE I MET WITH PO BERMAN. PO BERMAN ADVISED ME OF RECENT COMPLAINTS REGARDING PARKING ON THE SIDEWALK IN FRONT CODY'S BAR AT WHICH TIME I DID OBSERVE A MOTORCYCLE PARKED ON THE SIDEWALK IN FRONT OF SAID LOCATION. PO BERMAN ADVISED ME THAT HE WAS GOING TO ISSUE A PARKING TICKET FOR PARKING ON THE SIDEWALK. WHILE PO BERMAN WAS ISSUING THE SUMMONS I STOOD IN THE IMMEDIATE AREA OF THE VEHICLE AT WHICH TIME A CODY'S EMPLOYEE WALKED OUTSIDE AND ASKED ME IF THERE WERE ANY PROBLEMS. SUBJECT WAS ADVISED OF THE RECENT PARKING COMPLAINTS AT WHICH TIME A W/M APPROACHED THE R/O, APPEARING INTOX, STATING HE WAS THE OWNER OF THE MOTORCYCLE AND FURTHERMORE THAT HE HAD PERMISSION FROM THE CODY'S BAR OWNER TO PARK ON THE PUBLIC SIDEWALK. THE SUBJECT WAS ADVISED THAT THE PUBLIC SIDEWALK WAS NOT OWNED BY CODY'S BAR AND THEREFORE CODY'S BAR COULD NOT GIVE HIM PERMISSION TO PARK ON THE SIDEWALK. THE SUBJECT APPEARED TO BECOME UPSET AND ADVISED ME THAT THE ONLY REASON WE WERE BOTHERING HIM WAS DUE TO THE BAR BEING IN THE NEWSPAPER AS OF RECENT. THE SUBJECT BECAME IRATE AND BEGAN TO YELL AT OFFICERS STATING THAT HE HAD BEEN PARKING IN THE SAME LOCATION FOR OVER 2 YEARS AND THAT HE HAS ONLY DONE GOOD THINGS FOR CODY'S BAR KEEPING THE "TRASH" OUT OF THE BAR.

THE SUBJECT THEN BEGAN TO WALK HIS MOTORCYCLE OFF OF THE PUBLIC SIDEWALK ONTO A DIRT AREA IN FRONT OF THE BAR AGAIN YELLING AT OFFICERS "NOW YOU CANT WRITE ME A TICKET BECAUSE IT IS OFF OF THE SIDEWALK". IT WAS AT THIS TIME THAT THE SUBJECT THEN STOOD IN FRONT OF ME APPROXIMATELY ONE TO TWO FEET AND BEGAN YELLING "I'M A MILITARY MAN AND THERE IS NO WAY I'M GONNA LISTEN TO THE TWO OF YOU." R/O ADVISED THE SUBJECT TO CALM DOWN AND LOWER HIS VOICE AT WHICH TIME THE SUBJECT COMPLIED.

PO BERMAN ATTEMPTED TO REQUEST FURTHER INFORMATION REGARDING THE MOTORCYCLE FOR FURTHER COMPLETION OF HIS PARKING SUMMONS. THE SUBJECT REFUSED TO PROVIDE FURTHER INFORMATION. THE SUBJECT STATED HE WAS GOING TO COMPLAIN TO THE MAYOR AND FURTHER THAT WE HAD NO RIGHT HARASSING HIM DUE TO PARKING HIS MOTORCYCLE IN FRONT OF THE BAR.

PO BERMAN FINISHED ISSUING THE PARKING SUMMONS AND OFFICERS LEFT THE AREA.

Sent to: 680 SGT MARK DOTY
From: 1197 PO PATRICK H GASS

Date/Time Sent: 10/03/2007 12:34:51 AM

Subject: CODY'S BAR

Also Sent to: 680

Message: SERGEANT DOTY,

THIS MESSAGE IS IN REGARDS TO A SEPTEMBER 25, 2007 INCIDENT INVOLVING A MOTORCYCLE BEING PARKED ILLEGALLY IN FRONT OF CODY'S BAR.

ON SEPTEMBER 25, 2007, AT APPROXIMATELY 12:40 AM, R/O WAS ON PATROL, AND HEARD PO BERMAN, OVER THE RADIO, CALL HEADQUARTERS SAYING HE WOULD BE IN FRONT OF CODY'S BAR ON MONHAGEN AVENUE WITH A PARKING VIOLATION. R/O RESPONDED TO THAT AREA, AND OBSERVED TWO MPD MARKED UNITS IN THE ROAD IN FRONT OF CODY'S BAR, AND A MOTORCYCLE PARKED ON THE SIDEWALK IN FRONT OF CODY'S BAR. R/O THEN NOTICED PO BERMAN STANDING NEXT TO ONE PATROL UNIT, AND PO DEYOUNG STANDING NEXT TO THE OTHER PATROL UNIT. R/O ALSO OBSERVED A SUBJECT- M/W, 600-602, 205 LBS, BALD, STANDING ON THE SIDEWALK, YELLING IN THE DIRECTION OF PO BERMAN AND PO DEYOUNG. R/O WAS UNABLE TO ASCERTAIN WHAT THE SUBJECT WAS YELLING. R/O PULLED UP NEXT TO THE OTHER MARKED UNITS, AND BEGAN TO EXIT THE VEHICLE TO ASSIST THE OTHER OFFICERS. AT THIS POINT, PO BERMAN AND PO DEYOUNG GOT INTO THEIR CARS, AND LEFT THE SCENE.

Entry/CC#: **CM-021701-07** Date: **09/04/2007** Time: **21:44** Tour: **C** Desk Officer: **581**

Call Type...: **TRAFFIC COMPLAINTS** Priority...: **1** How Received: **RADIO**

Caller.....: ,
Bus. Name...:
Address.....:
City/St/Zip: ,

Call Back #: ()-

Location of Assignment: **101 MONHAGEN AVE., MIDDLETOWN APT A**
Cross Street.....:
Business Name.....: **CODY'S**
Description.....: **PARKING & NOISE/DISORDERLY ESTABLISHMENT/CORRECTED**
Disposition.....: **COMPLETED**

Post: Dispatched: **Y** Dispatched Date: **09/04/2007** Call Taker: **1015**

OFFICERS INVOLVED

Serial #:1179 Rank:PO Name:JASON A BERMAN

UNIT'S INVOLVED

Unit: 13 Officers: (1179)
Disp. Time: 21:45 | Arr. Time: 21:45 | Comp Time: 21:50
Rcv'd to Comp: 0:06 :: Disp to Comp: 0:05

ASSOCIATED NUMBERS

HEADQUARTER'S COPY																																										
POLICE DEPARTMENT - CITY OF MIDDLETOWN, N.Y.																																										
PLATE	[REDACTED]																																									
STATE	<input checked="" type="checkbox"/> NY 4	<input type="checkbox"/> PA 2	<input type="checkbox"/> NJ 3	OTHER	<input type="checkbox"/> PASS 1	<input type="checkbox"/> COMM 2	<input checked="" type="checkbox"/> OTHER 3	REG. EXP. 43008					214980																													
MAKE	<input type="checkbox"/> CHEVY 1	<input type="checkbox"/> FORD 2	<input type="checkbox"/> PLYM 3	<input type="checkbox"/> DODG 4	<input type="checkbox"/> OLDS 5	<input type="checkbox"/> BUICK 6	<input type="checkbox"/> VW 7	<input type="checkbox"/> PONT 8	<input type="checkbox"/> TOYT 9	<input type="checkbox"/> NISSAN 10	<input type="checkbox"/> CHRY 11	<input type="checkbox"/> VOLVO 12	OTHER																													
BODY TYPE	<input type="checkbox"/> SEDAN 1	<input type="checkbox"/> VAN 2	<input type="checkbox"/> STA WAG 3	<input type="checkbox"/> TRUCK 4	<input type="checkbox"/> TRAIL 5	<input checked="" type="checkbox"/> Motorcycle					COLOR BK																															
TO THE OWNER AND/OR OPERATOR OF THE VEHICLE BEARING LICENSE PLATES INDICATED ABOVE, YOU HAVE INCURRED THE FOLLOWING VIOLATION:																																										
<table style="width:100%; border: none;"> <tr> <td style="width: 33%;">1 <input type="checkbox"/> NO PARKING AREA (118-11) \$25</td> <td style="width: 33%;">11 <input type="checkbox"/> PARKED IN FIRE LANE (118-8) \$50</td> <td style="width: 33%;"></td> </tr> <tr> <td>2 <input type="checkbox"/> PARKED IN 2 HOUR ZONE (118-18) \$25</td> <td>12 <input type="checkbox"/> PARKED IN BUS ZONE (118-28) \$25</td> <td></td> </tr> <tr> <td>3 <input type="checkbox"/> PARKED IN 4 HOUR ZONE (118-18A) \$25</td> <td>13 <input type="checkbox"/> HANDICAP PARKING (118-25) \$200</td> <td></td> </tr> <tr> <td>4 <input type="checkbox"/> NO PARKING 2AM - 6AM (118-13) \$25</td> <td>14 <input type="checkbox"/> HANDICAP PARKING (SHOPPING CENTERS) (1203-C) \$200</td> <td></td> </tr> <tr> <td>5 <input type="checkbox"/> NO STOPPING (118-12) \$25</td> <td>15 <input checked="" type="checkbox"/> PARKED ON SIDEWALK (102-23) \$50</td> <td></td> </tr> <tr> <td>6 <input type="checkbox"/> NO STANDING (118-12) \$25</td> <td>16 <input type="checkbox"/> PARKED LEFT SIDE TO CURB (1203-C) \$25</td> <td></td> </tr> <tr> <td>7 <input type="checkbox"/> PARKED NEAR DRIVEWAY (118-6) \$25</td> <td>17 <input type="checkbox"/> DOUBLE PARKING (1202 A-1-A) \$25</td> <td></td> </tr> <tr> <td>8 <input type="checkbox"/> PARKED NEAR FIRE HYDRANT (118-5) \$25</td> <td>18 <input type="checkbox"/> PARKED OVER 12" FROM CURB (1203-A) \$25</td> <td></td> </tr> <tr> <td>9 <input type="checkbox"/> ILLEGALLY PARKED IN CONTRACT SPACE (118-8) \$25</td> <td>19 <input type="checkbox"/> PARKED ON CROSSWALK (1202-A-1-D) \$25</td> <td></td> </tr> <tr> <td>10 <input type="checkbox"/> PARKED IN TRUCK LOADING ZONE (118-21) \$25</td> <td>20 <input type="checkbox"/> OTHER</td> <td></td> </tr> </table>													1 <input type="checkbox"/> NO PARKING AREA (118-11) \$25	11 <input type="checkbox"/> PARKED IN FIRE LANE (118-8) \$50		2 <input type="checkbox"/> PARKED IN 2 HOUR ZONE (118-18) \$25	12 <input type="checkbox"/> PARKED IN BUS ZONE (118-28) \$25		3 <input type="checkbox"/> PARKED IN 4 HOUR ZONE (118-18A) \$25	13 <input type="checkbox"/> HANDICAP PARKING (118-25) \$200		4 <input type="checkbox"/> NO PARKING 2AM - 6AM (118-13) \$25	14 <input type="checkbox"/> HANDICAP PARKING (SHOPPING CENTERS) (1203-C) \$200		5 <input type="checkbox"/> NO STOPPING (118-12) \$25	15 <input checked="" type="checkbox"/> PARKED ON SIDEWALK (102-23) \$50		6 <input type="checkbox"/> NO STANDING (118-12) \$25	16 <input type="checkbox"/> PARKED LEFT SIDE TO CURB (1203-C) \$25		7 <input type="checkbox"/> PARKED NEAR DRIVEWAY (118-6) \$25	17 <input type="checkbox"/> DOUBLE PARKING (1202 A-1-A) \$25		8 <input type="checkbox"/> PARKED NEAR FIRE HYDRANT (118-5) \$25	18 <input type="checkbox"/> PARKED OVER 12" FROM CURB (1203-A) \$25		9 <input type="checkbox"/> ILLEGALLY PARKED IN CONTRACT SPACE (118-8) \$25	19 <input type="checkbox"/> PARKED ON CROSSWALK (1202-A-1-D) \$25		10 <input type="checkbox"/> PARKED IN TRUCK LOADING ZONE (118-21) \$25	20 <input type="checkbox"/> OTHER	
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DATE OF VIOLATION 9/25/07			TIME 12:40 PM			OFFICER'S SIGNATURE / PIN [Signature] 179																																				
LOCATION OF VIOLATION 470 101 Manhattan Ave																																										
YOU MUST ENTER A PLEA OF GUILTY OR NOT GUILTY WITHIN TEN (10) DAYS FROM DATE OF VIOLATION OR THE SCHEDULED FINE MAY BE TWICE THE AMOUNT SPECIFIED. ADDITIONAL DELAYS WILL RESULT IN FURTHER PENALTIES UNTIL A TOTAL OF \$210.00. THE NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES WILL BE NOTIFIED OF YOUR FAILURE TO ENTER A PLEA OR PAY THE SCHEDULED FINE PLUS ANY ADDITIONAL PENALTIES. THIS MAY RESULT IN DENIAL OF VEHICLE REGISTRATION RENEWAL.																																										
PLEA INSTRUCTIONS																																										
IF YOU WISH TO PLEAD "GUILTY", COMPLETE THE PLEA SECTION BELOW AND MAIL THIS NOTICE WITH YOUR PAYMENT. PLEASE WRITE THE SUMMONS NUMBER AND YOUR LICENSE PLATE NUMBER ON THE FRONT OF YOUR PERSONAL CHECK OR MONEY ORDER.																																										
IF YOU WISH TO PLEAD "NOT GUILTY", COMPLETE THE PLEA SECTION BELOW AND MAIL THIS NOTICE. YOU WILL BE NOTIFIED BY MAIL AS TO THE TIME AND DATE OF YOUR HEARING.																																										
PERSONAL CHECK OR MONEY ORDER ONLY: CITY OF MIDDLETOWN																																										
<input type="checkbox"/> I PLEAD "GUILTY" AND PAYMENT IS ENCLOSED.						<input type="checkbox"/> I PLEAD "NOT GUILTY" AND REQUEST A HEARING.																																				
NAME:																																										
ADDRESS:																																										
DATE PAID / /			AMOUNT PAID \$			RECEIPT NUMBER #																																				

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