

Agenda Item: 6

Consideration of Hearing Officer's Recommendations in Taxi Commission v. Thomas Poole: [ACTION]

- Consideration of Hearing Officer's decision to suspend Permit # 061042 for three years for reckless driving



**CITY AND COUNTY OF
SAN FRANCISCO**

**TAXI COMMISSION
MAYOR GAVIN C. NEWSOM**

COMMISSIONERS TELEPHONE (415) 554-7737
PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
TOM ONETO, COMMISSIONER, ext. 6
MIN PAKK, COMMISSIONER, ext. 7
R. JAMES SLAUGHTER, ext. 4

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

May 28, 2008

At the meeting of the Taxicab Commission on Tuesday, May 27, 2008 the following resolution(s) and finding(s) were adopted:

RESOLUTION NO. 2008-XX

Notice of Decision

SUBJECT: Suspension of Public Passenger Vehicle Permit

PERMIT HOLDER: Mr. Thomas Poole, Public Passenger Vehicle Permit # 044-61042, engaged in the business of Yellow Cab Co-Op, 1200 Mississippi Street, San Francisco, CA 94107.

Pursuant to the recommendation of the Taxi Commission's Hearing Officer, the following recommendation is submitted to the Commission:

RECOMMENDATION:

The evidence establishes that Mr. Poole was driving in a reckless and unsafe manner. The facts suggest that Mr. Poole and Mr. Mahmudoglu were either racing or engaged in a dispute. Fortunately, nobody was killed. The hearing officer recommends that the summary suspension remain in effect for three years from the date the permit was suspended on March 27, 2008.

AYES:
ABSENT:

NOES:
RECUSED:

Respectfully submitted,

Jordanna Thigpen
Acting Executive Director

1 TAXI COMMISSION

2 CITY AND COUNTY OF SAN FRANCISCO

3 ADMINSTRATIVE HEARING DECISION

4 Hearing Officer: Julie Rosenberg, Esq.

5 Hearing Date: May 2, 2008

6 Location: #1 Dr. Carlton B. Goodlett Pl., SF, CA 94121, Rm 408

7 Case: Thomas Poole-Public Passenger Vehicle Permit #044-61042

8 Jordanna Thigpen on behalf of the Taxi Commission

- 9
- Mr. Poole did not appear and the hearing was held in *absentia*.
 - SFPD Officer Lai and Sergeant Reynolds testified on behalf of the Taxi Commission.
- 10

11 I. Facts

12 On 3/24/08 at 10:18 pm, Mr. Poole was driving Yellow Cab #2846
13 heading westbound on Fulton Street in the number two lane
14 approaching 11th Avenue. A second Yellow Cab (#1282 driven by
15 Yakub Mahmudoglu) was in the number one lane adjacent to Mr.
16 Poole's taxicab. Both vehicles were driving approximately 50-70
17 mph in a 35 mph zone while transporting passengers. Both drivers
18 were using cell phones. The front left end of Mr. Poole's
19 taxicab contacted the right side of Mr. Mahmudoglu's taxicab.
20 Mr. Mahmudoglu's taxicab moved into the number two lane ahead of
21 Mr. Poole's taxicab. The left front end of Mr. Poole's vehicle
22 contacted with the rear end of Mahmudoglu's taxicab. Mr. Poole's
23 vehicle swerved to the right and ran into the rear end of a
24 parked and unattended vehicle. The force of the impact pushed
25 the parked vehicle into a tree. Mr. Poole's car sustained major
26 damage. Mr. Mahmudoglu's vehicle hit a parked car which
27 resulted in a chain reaction of parked cars hitting other parked
28 cars with a total of six parked cars being damaged. Both
drivers and the passenger in Mr. Mahmudoglu's vehicle were taken

1 to the hospital for injuries sustained. Both drivers were issued
2 tickets for speeding in violation of Cal. Veh. Code section
3 22350.

4 The passenger in Mr. Poole's vehicle stated that he (Poole)
5 was going too fast. According to the police report, she told
6 Mr. Poole he was going to hit the car in front of them (Taxicab
7 #1282) but, Mr. Poole did not react or acknowledge her. Mr.
8 Poole then hit taxicab #1282 and both vehicles crashed.

9 When interviewed by the SFPD at San Francisco General
10 Hospital, Mr. Poole stated that he did not remember what
11 happened.

12 The accident was witnessed by a pedestrian walking
13 westbound on Fulton St. from 10th Avenue.

14 The facts are established from SFPD Police Report #080311441
15 and testimony at the hearing by SFPD Officer Lai.

16 **II. Summary Suspension of Mr. Poole's Permit**

17 Pursuant to Municipal Police Code section 1090(c), the San
18 Francisco Police Taxi Detail summarily suspended Permit #044-
19 61042 on March 27, 2008.

20 Section 1090(c) states in part: "The Chief of Police may
21 suspend summarily any permit issued under this Article pending a
22 disciplinary hearing before the Police Commission when in the
23 opinion of said Chief of Police the public health or safety
24 requires such summary suspension."

25 **IV. Hearing Officer's Recommendation**

26 The evidence establishes that Mr. Poole was driving in a
27 reckless and unsafe manner. The facts suggest that Mr. Poole and
28 Mr. Mahmudoglu were either racing or engaged in a dispute.
Fortunately, nobody was killed. The hearing officer recommends

1 that the summary suspension remain in effect for three years
2 from the date the permit was suspended on 3/27/08.

3
4 Julie Rosenberg

5 Julie Rosenberg, Esq.

6 Hearing Officer

5/2/08

Date

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GAVIN NEWSOM
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



HEATHER J. FONG
CHIEF OF POLICE

COMPLAINT

STATE OF CALIFORNIA
City & County of San Francisco

Complaint is hereby made against: **Thomas Poole # 044-61042**

Engaged in the business of: **Driver Public Vehicle**

At the address of 1200 Mississippi St., San Francisco, in the said City & County, that the said business was conducted by Thomas Poole in an unlawful, disorderly and improper manner as follows, to wit:

On 03/24/2008, at 2218 hrs, Mr. Poole was legally operating Yellow Taxicab# 2846 in the City and County of San Francisco California. Mr. Poole was driving his taxicab west bound on Fulton St. approaching 11th Ave in the number 2 lane. There was a second Yellow Taxicab# 1282 being driven by Yakub Mahmudoglu behind Poole's taxicab and also heading westbound on Fulton St. in the number 1 lane approaching 11th Ave. Both taxicabs had fares in their vehicles. Both taxicabs were traveling between 50 to 70 MPH. The speed limit on Fulton St. was 35 MPH. Both taxi drivers were using their cell phones while driving. The left front end of Poole's taxicab contacted the right side of Mahmudoglu's taxicab. Both vehicles continued traveling forward and Mahmudoglu's taxicab moved into the far right lane ahead of Poole's taxicab. Poole's taxicab left front end contacted the rear end of Mahmudoglu's taxicab. Poole's taxicab swerved to the right and the front end contacted the rear end of a parked and unattended vehicle. The force of the impact pushed the parked vehicle into a tree located at 3522 Fulton.

Mahmudoglu's taxicab continued forward and the right front end contacted the left rear end of a second parked and unattended vehicle. This collision caused a chain reaction. The second unattended vehicle rear end contacted a third parked and unattended vehicle. The third parked vehicle hit a fourth and the fourth hit a fifth and the fifth hit a sixth unattended vehicle. All the vehicles finally came to rest. Both taxicab drivers stated they didn't remember what happened before the accident. Both taxicab drivers were taken to the hospital for head, neck and back injuries. The passenger in Mahmudoglu's vehicle was taken to the hospital for knee and facial pain. The seatbelts in both vehicles were not used.

The passenger in Poole's vehicle stated, "The cab driver was driving too fast on Fulton. He was going about 50 – 60 mph. I told him he was going to hit the car in front but he didn't react or acknowledge me. He then hit the car in front and we crashed. He didn't care and I think he was suicidal".

The passenger in Mahmudoglu's taxicab stated, "I wasn't paying attention and I think we got hit. I screamed and the driver kept driving. He didn't stop and we got hit again. I didn't realize what happened and we ran into the parked cars."

Both drivers were issued a mail out citation for 22350 CVC speeding. A re-examination of Drivers License request was sent to DMV for both taxi drivers.

Municipal Police Code 1090(a) (vii) states:

(a) Revocation for Cause. Any permit issued under this article may be suspended or revoked by the Police Commission for good cause after a noticed hearing. "Good cause" hereunder shall include, but shall not be limited to, the following:

(viii) The permit tee violated the Traffic Code of the City and County of San Francisco or the vehicle Code or related laws of the State of California.

Municipal Police Code 1090(c) states:

(c) Suspension by the Chief of Police. The Chief of Police may suspend summarily any permit issued under this Article pending a disciplinary hearing before the Police Commission when in the opinion of said Chief of Police the public health or safety requires such summary suspension, Any affected permit tee shall be given notice of such summary suspension in writing delivered to said permit tee in person or by registered letter.

Vehicle Code 22350 states:

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Municipal Police code 1101. states:

It shall be unlawful for any person who operates a motor vehicle for hire licensed under this Article to do so (a) while under the influence of liquor, or (b) in a reckless and dangerous manner.

Taxicab/Ramped Taxi Rules and Regulations 6.A. 1. states:

Every licensed permit holder shall comply with the provisions of the Charter, Police Code, Planning Code and Traffic Code of the City and County of San Francisco, The California Vehicle Code, California Worker's Compensation Laws and these Taxicab Regulations. The provisions of all ordinances and regulations applicable to the San Francisco International Airport, San Francisco City and County Department of Agriculture and Weights and Measures and all other governmental jurisdictions thought which the permit holders traverse.

The SFPD Taxi Detail believes that Mr. Poole's irresponsible behavior and poor judgment skills while operating a motor vehicle in San Francisco makes him an immediate danger to the public. Therefore, the Taxi Detail requested that the Taxi Commission start administrative disciplinary proceedings against Thomas Poole for criminal behavior, unsafe driving, public safety issues and for not being in compliance with the Taxicab/Ramped Taxi Rules and Regulations and the San Francisco Municipal Police Code.

Dated: April 02, 2008

Sgt. Ron Reynolds
O.I.C. Taxicab Detail



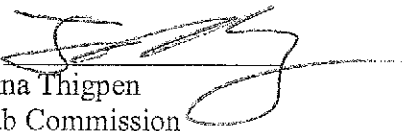
Dated: April 02, 2008

Approved by: Lt. Jeanne Schlotz # 4020
Commanding Officer Permits Bureau



Dated: April 02, 2008

Approved by:
Jordanna Thigpen
Taxicab Commission



Executive Director

Supporting Documents:

- 1) SFPD Incident Report # 080311441



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

March 27, 2008

Mr. Thomas Poole
Yellow Cab Company.
1200 Mississippi St.
San Francisco, CA 94107
415-282-3737

Subject: Summary Suspension of Public Vehicle For Hire Permit.

Dear Thomas Poole:

Pursuant to Sec. 1090 (c) of the Municipal Police Code, NOTICE IS HEREBY GIVEN that on: March, 27, 2008, the Taxicab Detail has summarily suspended your Driver of Public Vehicle for Hire Permit and Taxi Permit.

You have the right to appeal this suspension to the Taxicab Commission. Written notice of appeal must be filed with the Director of the Taxicab Commission at 25 Van Ness, Room 420, San Francisco, California 94102, within ten (10) DAYS AFTER RECEIPT OF THIS LETTER. You are entitled to a hearing on your appeal within thirty (30) days after the filing of the notice of Appeal.

YOU ARE HEREBY ORDERED to immediately surrender your badge, "A" card and Taxicab Photo Identification to the Taxicab Detail within 5 days of receipt of this notice.

Should you have any questions or need further information, please contact the Taxi Commission at (415) 503-2180.

Attachments:

- 1) Copy of Formal Complaint

Permit Holder

Sincerely,

Sgt Ron Reynolds
Officer in Charge
San Francisco Police Taxi Detail

04/02/08
Date

