

Agenda Item: 3

Taxi Commission v. American Taxi: [ACTION]

- a. Defendant's Appeal of Administrative Fine of \$250 for Failure to Cooperate for Failing to Return a Temporary Medallion to the Taxi Commission Office and for Making False Statements with Regard to the Medallion

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

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

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

May 7, 2008

NOTICE OF VIOLATION

DRIVER/MEDALLION HOLDER/COLOR SCHEME: American Taxicab

MAILING ADDRESS:

American Taxi
C/O Paul Madgwick
120 Willow Street
San Francisco, CA 94109

After repeated warnings, Taxi Commission finds you out of compliance with Taxicab/Ramped Taxi Rules and Regulations in violation to Rule 5.A.2 for failure to return the spare medallion back to Taxi Commission by the specified deadline of **Friday, May 2, 2008**.

Violation to Rule 5.A.2 for *failure to cooperate with Taxi Commission and designee* carries penalties for \$250 for the first violation, \$400 for the second violation, and \$500 for the third violation.

American Taxi is hereby ordered to pay the Administrative Fine of **\$250 for the first offense** and given notice until **Friday, May 9, 2008** to return the spare medallion back to Taxi Commission or face additional discipline from this office.

The above fine(s) are due within 30 days.

WARNING:

Failure to take immediate action as required to correct the above violation(s) will result in further administrative penalties and suspension or revocation of your permit to operate a color scheme pursuant to Police Code section 1090 (a) (ix). In addition, failure to cooperate with the Taxi Commission or designee is a violation to Rule 5.A.2 that carry penalties for \$250 for the first violation, \$400 for the second violation, \$500 for the third violation.



NOTICE OF ADMINISTRATIVE FINE

Today's Date: May 7, 2008

Name of the violating Driver/Medallion Holder/Color Scheme:

American Taxi
120 Willow St.
San Francisco, CA 94109

The San Francisco Taxi Commission hereby issues the following ADMINISTRATIVE PENALTIES to the above violator for failure to comply with the Taxi Commission Rules and Regulations and/or the Municipal Police Code:

American Taxi failed to return the spare medallion back to the Commission by the required deadline of May 2nd, 2008.

Date of Violation	Rule Violated/Section	Description	Penalties	Amount Now Due
5/1/2008	5.A.2	Failure to cooperate with Taxi Commission or designee.	\$250 First Offense	\$250
			Total Amount Due:	\$250

If you wish to contest the alleged violation(s), you have the right to request a fact-finding hearing by filing with the Commission within 15 business days of the date of this notice. Failure to respond within the 15 days, the amount(s) of the administrative penalty shall be deemed final by the Commission.

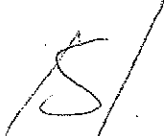
PAYMENT OPTIONS

1) BY MAIL: Send check or money order payable to the City and County of San Francisco, 25 Van Ness Avenue, Suite 420, San Francisco, CA 94102. Write the date of this Notice on your payment.

2) IN PERSON AT THIS LOCATION: Monday-Friday 8:30 AM to 5:30 PM.

WARNING

Failure to respond or pay the fines listed above will be referred to the San Francisco Tax Collector's Office and will result in further disciplinary action by the Commission.



Jordanna Thigpen, Acting Executive Director
San Francisco Taxicab Commission

RECEIPT

DATE	May 22 2008	No.	26670
RECEIVED FROM	Paul (American)	\$ 250	
FOR	Two hundred fifty		DOLLARS
DESCRIPTION	OOR RENT Two 1045 - failure to comply		
ACCOUNT	RTV		
PAYMENT	250		
BAL. DUE			
<input type="radio"/> CASH	<input checked="" type="radio"/> CHECK	FROM	TO
<input type="radio"/> MONEY ORDER		BY	
		Paul	

DECLARATION OF DANELLE CAREY

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3 1. I am over the age of 18 and not a party to this action, and I am a citizen of the United
4 States.

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6 2. My name is Danelle Carey, and my business address is 25 Van Ness, Suite 420, San
7 Francisco, CA 94102. I am employed at the Taxi Commission as the Senior Assistant, a position
8 I have held since February 2007. In that capacity, and as part of my regular duties, I provide
9 customer service for medallion holders, drivers, color schemes, and the general public. I process
10 forms and requests such as color scheme changes, applications for medallions, and temporary
11 medallions.

12
13 3. On April 25, 2008, Paul Madgwick from American Taxi sent a fax to our office requesting
14 a Temporary Medallion for lost Medallion #1045. On April 25, 2008 the Taxi Commission issued
15 American Taxi a temporary medallion which was valid for only 7 days from the date of issuance,
16 which made this temporary medallion expire on May 2, 2008.

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18 4. As a courtesy, I personally contact the Color Schemes to remind them to return their
19 temporary medallion and pick up a permanent temporary medallion if necessary. On May 2, 2008, I
20 contacted the office of American Taxi and advised them that temporary medallion #1045 expired
21 that day and needed to be returned to our office no later than close of business, 5pm. I was assured
22 that Paul would be returning this medallion that afternoon and that they would need a permanent
23 temporary medallion because they were never able to locate the actual metal medallion. Paul did not
24 come to the office with the medallion as promised and no other representative of American
25 appeared either. Nor did anyone bring the medallion on May 5 or May 6.

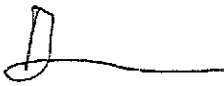
26
27 5. On May 7, 2008, I made a second attempt to obtain possession of the temporary medallion.
28 I again contacted American Taxi and spoke with Paul and told him that temporary medallion #1045

1 had expired on May 2, 2008 and should have been returned on that day. Paul claimed he was very
2 much aware of the date and argued that it was an honest mistake. I advised Paul that a penalty
3 would be assessed for failing to comply with the Taxi Commission and return the temporary
4 medallion by the expiration date. I referred him to our Investigator Scott Leon for further
5 information with regards to his penalty.
6

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8 6. I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Signed:

Date: 6-2-08

11 
12 Danelle Carey
13 Senior Assistant
14 San Francisco Taxi Commission

15 Executed in San Francisco, California
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120 Willow Street, San Francisco, CA 94109
Phone: 415-614-2000 Fax: 415-775-3321



Fax

RECEIVED

MAY 07 2008

SAN FRANCISCO
TAXI COMMISSION

To: SF Taxi Commission

From: PAUL

DANELLE

Fax: 415-503-2186

Pages: 2

Phone:

Date: 05/07/2008

Re: MEDALLION 1045

CC:

DANELLE,

HERE IS A COPY OF TEMPORARY, TEMPORARY MEDALLION 1045. CUT IN HALF PER YOUR INSTRUCTIONS. I WILL BRING IT TO YOUR OFFICE TOMORROW

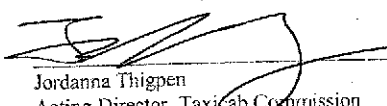
PAUL

CITY AND COUNTY OF SAN FRANCISCO

TEMPORARY MEDALLION

#1045 ISSUED TO:
Valid pending issuance of permanent metal medallion.

EXPIRES: May 2, 2008

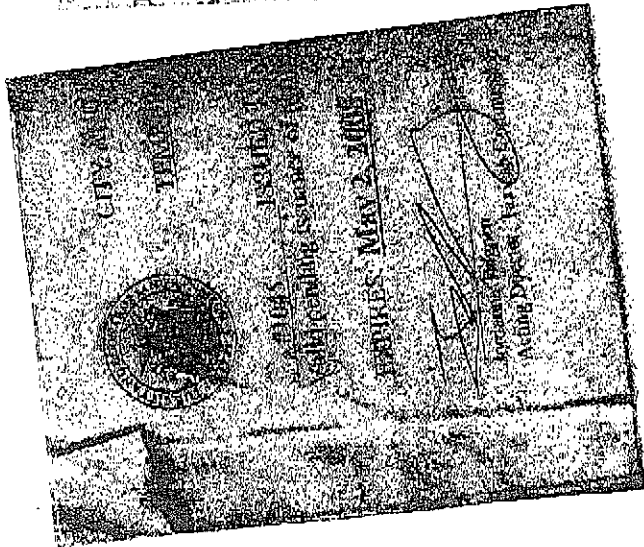
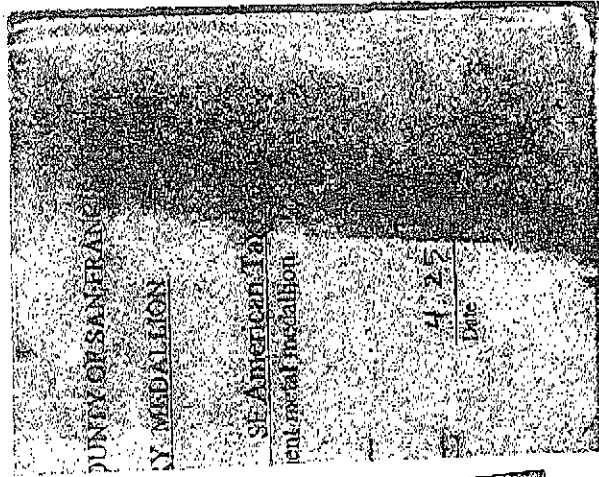

Jordanna Thigpen
Acting Director, Taxicab Commission

CITY AND COUNTY OF SAN FRANCISCO

TEMPORARY MEDALLION

SF American Taxi
Permanent metal medallion.

4.25.8
Date



SF AMERICAN TAXICAB, INC.

120 WILLOW STREET SAN FRANCISCO, CA 94109 (415) 614-2000 PHONE (415) 775-3321 FAX

May 13, 2008

CERTIFIED MAIL

Jordanna Thigpen
San Francisco Taxi Commission
25 Van Ness Avenue, Suite 420
San Francisco, CA 94102

RECEIVED

MAY 16 2008

SAN FRANCISCO
TAXI COMMISSION

Re: Appeal of Administrative Fine

Dear Ms Thigpen,

This letter is an appeal of the administrative fine imposed upon SF American Taxicab, Inc for the alleged violation of Rule 5.A.2, 'Failure to cooperate with Taxi Commission or designee'. We received a notice of violation dated May 7, 2008 stating our company failed to return the spare medallion back to the Commission by the required deadline of May 2nd, 2008. The failure to return the temporary medallion was an honest oversight on our part and nothing more. We had no reason to keep the temporary medallion and simply forgot.

We respectfully request this administrative fine be rescinded and the \$250.00 we have paid be returned. We thank you in advance for your time and consideration regarding this request.

Respectfully,



Paul Madgwick
Manager

Cc: President Paul Gillispie, SF Taxi Commission
Nathaniel P. Ford. Sr



CITY AND COUNTY OF
SAN FRANCISCO

TAXI COMMISSION
MAYOR GAVIN NEWSOM

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R. JAMES SLAUGHTER, ext. 4

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

June 2, 2008

American Taxi
Attn: Paul Madgwick
120 Willow Street
San Francisco, CA 94109
VIA FAX: 415 775 3321

Dear Mr. Madgwick:

This is a reminder of your hearing on your appeal of your administrative fine, which is scheduled for **June 10, 2008 at the Taxi Commission hearing at 6:30 PM at City Hall Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, Ca 94102.**

The Commission submits a declaration made by Senior Assistant Danelle Carey in accordance with the submission procedures of MPC § 1188(d).

Issues to be determined: the validity of the \$250 fine for failure to cooperate

Evidence to be offered: The Declaration of Danelle Carey and the testimony of Jordanna Thigpen

Identity of any witnesses to appear: Jordanna Thigpen and possibly Danelle Carey will appear as live witnesses

We have not yet received any written information from American Taxi; you have until midnight tonight to make a submission. No written submissions will be received by the Commission after the deadline.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Thigpen", with a long horizontal flourish extending to the right.

Jordanna Thigpen
Acting Executive Director



120 Willow Street, San Francisco, CA 94109
Phone: 415-614-2000 Fax: 415-775-3321



Fax

To: SF Taxi Commission **From:** PAUL MADGWICK
JORDANNA THIGPEN

Fax: 415-503-2186 **Pages:** 2

Phone: **Date:** 06/02/2008

Re: TAXI COMMISSION HEARING **CC:**
RE MEDALLION 1045

MS. THIGPEN

I WAS UNAWARE THAT YOU NEEDED ANY ADDITIONAL INFORMATION REGARDING OUR APPEAL OF THE FINE LEVIED AGAINST US, FOR ALLEDGED NON CO-OPERATION WITH THE S.F. TAXI COMMISSION. HOWEVER I AM HAPPY TO COMPLY WITH YOUR DEADLINE OF 12:00 MIDNIGHT TONIGHT

THANK YOU,
PAUL MADGWICK

SF AMERICAN TAXICAB, INC.

120 WILLOW STREET SAN FRANCISCO, CA 94109 (415) 614-2000 PHONE (415) 775-3321 FAX

June 2, 2008

DECLARATION BY PAUL MADGWICK, RE: LOST MEDALLION 1045.

On April 25th 2008 I reported the loss of medallion 1045 to the San Francisco Taxi Commission. I submitted a copy of the police report and a check for \$175.00 to cover the fee for a replacement medallion.

No attempt was ever made to reach me on May 2nd. None of my staff would commit me to anything without my prior consent. Had I received any message from the Taxi Commission, I would have no reason not to comply.

On May 6th, I caught the fact the I had missed the shortened deadline for a permanent temporary medallion. At which point, around noon, I immediately called the Taxi Commission and spoke with Danelle Carey and explained the situation. Ms. Carey told me that a permanent temporary would not be available until 1:00pm on the following day May 7th.

Ms. Carey called me back later that afternoon on May 6th, and told me that there would be a penalty assessed. She informed me that I would be interviewed by Scott Leon, on the following morning, May 7th.

During my telephone interview Mr. Leon informed me that he had discussed the matter with Ms. Thigpen and that S. F. American Taxi would pay a fine of \$250.00 and that the matter would go no further.

I wish to protest this matter because there was never an issue of noncooperation with the Taxi Commission. It was myself who informed the Taxi Commission of my error. There was never an attempt to deceive or not comply with any rules or regulations and this fine was unfair. Therefore we want the fine rescinded and the \$250.00 returned. I further ask that the San Francisco Taxi Commission treat all color schemes in a fair and unbiased manner.

This statement is true and and correct. I am willing to swear to these facts under oath.

Paul Madgwick.

Manager,
SF American Taxicab, Inc.