

## Agenda Item: 7

1. Consideration of Hearing Officer's Recommendations in Taxi Commission v. Douglas Wong: [ACTION]
  - **Douglas Wong:** Consideration of Hearing Officer's decision regarding continuation of summary suspension of P-44 Permit # 050561 and P-16 Permit # 180, issued pursuant to San Francisco Municipal Police Code Section §1090(c) for alleged violations of Penal Code §§ 12020(a)(4) (carrying concealed dirk or dagger); 12025(a) (carrying a concealed firearm), and 12031(a)(1) (carrying a loaded firearm by carrying it in a public place or public street).

CITY AND COUNTY OF  
SAN FRANCISCO



TAXI COMMISSION  
MAYOR GAVIN C. NEWSOM

JORDANNA THIGPEN  
*Acting Executive Director*

April 9, 2008

At the meeting of the Taxicab Commission on Tuesday, April 8, 2008, 2008 the following resolution(s) and finding(s) were adopted:

RESOLUTION NO. 2008-17 – Adopting of Findings for Douglas Wong

**NOTICE OF DECISION**

**SUBJECT:** Suspension of Public Passenger Vehicle Permit 050561 and Medallion Number 180

**PERMIT HOLDER:** Mr. Douglas Wong, Medallion Holder # 180, engaged in the business of Desoto Cab Company, 555 Selby Street, San Francisco, CA 94124.

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

**FINDINGS:**

The Taxi Commission approves the hearing officer's recommendation that the summary suspension remain in effect. Prior to or at the disposition of the criminal charges, the Commission may reconsider whether to lift the suspension, more for revocation of Mr. Wong's permit or take other disciplinary action it deems appropriate.

**AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter  
**ABSENT:** 0

**NO:** 0  
**RECUSE:** 0

Respectfully,

Jordanna Thigpen  
Acting Executive Director

1 TAXI COMMISSION

2 CITY AND COUNTY OF SAN FRANCISCO

3 ADMINISTRATIVE HEARING DECISION

4 Hearing Officer: Julie Rosenberg, Esq.

5 Hearing Date: March 21, 2008

6 #1 Dr. Carlton B. Goodlett Place, SF, CA 94121, Room 408

7 Case: Douglas Wong

8 Type of Permit: Medallion #180, A-Card P44-050561

9 Terence Hallinan, attorney for Mr. Wong

10 Heidi Machen, attorney for the SF Taxi Commission

11 I. Facts

12 On February 1, 2008, at approximately 10:37 a.m., medallion  
13 holder Douglas Wong was arrested at 3448 Balboa St. in San  
14 Francisco for carrying: (1) a concealed dirk or dagger (Penal  
15 Code section 12020(a)(4)), (2) a concealed firearm (Penal Code  
16 section 12025(a)), and (3) a loaded firearm in a public place or  
17 street (Penal Code section 12031(a)(1)). The firearm was a PPK  
18 automatic handgun concealed on the back of Mr. Wong's waistband  
19 with seven live rounds. He was carrying additional clips of  
20 ammunition and the dagger was carried in a sheath. At the time  
21 of the arrest, Mr. Wong was approaching the driver side door of  
22 Desoto Cab #180.

23 II. Summary Suspension of Mr. Wong's Medallion and Driver's  
24 Permit

25 On February 2, 2008, the Executive Director of the San  
26 Francisco Taxi Commission (the "Commission"), pursuant to  
27 Municipal Police Code section 1090(c), summarily suspended Mr.  
28 Wong's permits for reasons of public safety.

Section 1090(c) states in part: "The Chief of Police may  
suspend summarily any permit issued under this Article pending a  
disciplinary hearing before the Police Commission when in the

1 opinion of said Chief of Police the public health or safety  
2 requires such summary suspension."

3 On February 11, 2008, Mr. Wong appealed this summary  
4 suspension by letter faxed to the Taxi Commission office and  
5 signed by his attorney of record, Terence Hallinan.

### 6 **III. Mr. Wong's Testimony**

7 At the hearing, Mr. Wong admitted that he was carrying a  
8 concealed firearm and dagger, but claims he did so because he  
9 feared for his safety. According to Mr. Wong, on January 26,  
10 2008 (6 days before he was arrested) two of his passengers,  
11 while seated in the taxi, were approached by a drug dealer at 6<sup>th</sup>  
12 and Mission Sts. Apparently a conflict arose between the dealer  
13 and passengers at which point Mr. Wong told the passengers to  
14 get out of the car. At that time, an apparent accomplice of the  
15 dealer made threatening remarks to Mr. Wong (telling him to stay  
16 out of it; the accomplice apparently stated he knew the driver  
17 and his cab number). Since this incident, Mr. Wong has carried  
18 the firearm (owned by his brother) and dagger while driving his  
19 cab. Mr. Wong did not file a report with the police about this  
20 incident.

### 21 **III. Hearing Officer's Decision**

22 Mr. Wong admits violating Penal Code sections 12020(a)(4),  
23 12025(a) and 12031(a)(1). Even assuming his story about the  
24 drug deal is true (and there is no independent evidence (apart  
25 Mr. Wong's testimony) which supports this story), those  
26 circumstances do not permit Mr. Wong to carry a concealed,  
27 loaded, automatic firearm and dagger. As a taxi driver, Mr.  
28 Wong serves the public. Carrying these dangerous weapons, for

1 whatever reason, increases the likelihood that a member of the  
2 public's safety will be compromised.

3 Consequently, the suspension will remain in effect. Prior  
4 to or at the disposition of the criminal charges, the Commission  
5 may reconsider whether to lift the suspension, move for  
6 revocation of Mr. Wong's permits or take other appropriate  
7 disciplinary action.

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10 Julie Rosenberg

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12 Julie Rosenberg, Esq.

13 Hearing Officer

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Date 3/21/08