

## Agenda: Item 3

Consideration of P-16 Permit Applicant Andrew Sinaiko's Qualifications  
to Receive a P-16 Permit [ACTION]



## MEMORANDUM

**To:** Honorable Commissioners  
**From:** Jordanna Thigpen  
**Date:** September 4, 2008  
**Re:** Andrew Sinaiko, List# 6-500, Medallion Applicant

MPC § 1081 states as follows:

(a) **General Factors.** The Taxi Commission, in determining whether an individual applicant is eligible for the issuance of a motor vehicle for hire permit pursuant to Section 1079(i) may consider such facts as it deems pertinent, but must consider the following:

- (1) Whether the applicant is financially responsible and will comply with all insurance requirements and will maintain proper financial records.
- (2) Whether the applicant has complied with all applicable statutes, ordinances, rules and regulations.
- (3) Whether the applicant holds or has ever held any other permits issued to operate a motor vehicle for hire either in the City and County of San Francisco or elsewhere and the record of such applicant with regard to any such other or former permits....

(e) **Burden of Proof on Applicant; Recordkeeping by Applicant.** The taxicab permit applicant shall have the burden of showing that he or she has the driving experience required to qualify for the taxicab permit....

Per **MPC § 1121**: "The Commission retains discretion at any time, following a hearing, to deny an application for a motor vehicle for hire permit on the basis that the applicant has engaged in fraud, deceit, misrepresentation, or other misconduct in connection with the application process".

Andrew Sinaiko is applying for a medallion permit. After reviewing Mr. Sinaiko's waybills, Staff found several discrepancies.

### **Driving Experience:**

According to his waybill submission to the Commission, Mr. Sinaiko has completed the following hours/shifts:

2006: 157 shifts  
2007: 171 shifts  
2008: 340 hours\*

\*Per the Daly/Ma amendments to the full-time driving requirement (Ordinance 58-08), applicants may drive a prorated number of shifts (59 shifts) or hours (300 hours) for the year 2008.

**Staff questions whether an applicant can even be given credit for “four-hour shifts occurring back to back” (ie, working an eight hour shift but submitting two waybills for it.)**

**Waybill Discrepancies:**

After noticing initial discrepancies, Staff investigated further and randomly compared his waybills to the waybills of other drivers who drove the same medallion number. Staff reviewed the discrepancies with Mr. Sinaiko and provided him an opportunity to explain the discrepancies.

The Commission may strike individual waybills it believes to be fraudulent, strike an entire application, or strike a year’s worth of waybills.

- The airport trips recorded on his waybills for the year 2006 do not match the transaction log from Ground Transportation Unit.

| <b>Date</b>       | <b>SFO Trips Recorded on Mr. Sinaiko’s Waybills:</b> | <b>Trips Recorded on GTU Transaction Log</b>  |   |
|-------------------|--|---|---|
| March 4, 2006     | 1 trip: 24:35  | 1 trip: 13:51                                 | Per GTU log, #9070 was at SFO but not during Sinaiko’s shift  |
| May 13, 2006      | 1 trip: 04:00  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| May 21, 2006      | 2 trips: 18:50 and 20:35                             | 1 trip: 09:28                                 | Per GTU log, #9070 was at SFO but not during Sinaiko’s shift  |
| June 11, 2006     | 1 trip: 20:25  | 1 trip: 12:38                                 | Per GTU log, #9070 was at SFO but not during Sinaiko’s shift  |
| June 18, 2006     | 1 trip: 18:45  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| June 24, 2006     | 1 trip: 05:00  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| June 30, 2006     | 2 trips: 21:25 and 22:05                             | 3 trips: 17:42, 22:16 and 23:49               | Per GTU log, #9070 was at SFO during same shift but his trips don’t correspond to the GTU log                             |
| July 15, 2006     | 1 trip: 05:05  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| July 28, 2006     | 1 trip: 20:00  | 1 trip: 22:13                                 | Per GTU log, #9070 was at SFO but not during Sinaiko’s shift  |
| August 19, 2006   | 1 trip: 03:55  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| August 25, 2006   | 1 trip: 19:50  | No trips                                      | Per GTU log, #9070 was not at SFO on this day   |
| November 26, 2006 | No trips   | 5 trips: 19:29, 19:32, 19:36, 21:17 and 22:30 | Per GTU log, #9070 was at SFO 5 times, however, Sinaiko shows that he was in downtown SF and Sausalito during these times |

- Mr. Sinaiko hand wrote his name, cab number, license number, date, start time on all of his 2006 waybills and majority of his 2007 waybills whereas other driver's waybills from DeSoto Cab Company have computer generated printouts of their driver's name, cab number, license, date, start time.
  - Mr. Sinaiko states that since he worked two "4-hour shifts back to back," the computer can only generate one pre-printed waybill otherwise it would mess up the system.
  - **Staff questions whether an applicant can even be given credit for "four-hour shifts occurring back to back" (ie, working an eight hour shift but submitting two waybills for it.)**
- The time stamps or computer generated dates and times on at least fifteen (15) of Mr. Sinaiko's waybills do not match with the times that he wrote in by hand.
- On at least four (4) different dates, Mr. Sinaiko turned in waybills which have the same date and time frame as four waybills turned in by other DeSoto taxi drivers and medallion holders who drove the same medallion number. It is impossible for two drivers to operate the same medallion number during the same shift.

**#1:**

| <b>Driver:</b>                 | <b>Date Worked:</b> | <b>Time Worked:</b> |
|--------------------------------|---------------------|---------------------|
| Andrew Sinaiko                 | March 2, 2007       | 7:55pm to 12:00am   |
| Philip Ward (Medallion Holder) | March 2, 2007       | 1:44pm to 12:09am   |

**#2:**

| <b>Driver:</b>                 | <b>Date Worked:</b> | <b>Time Worked:</b> |
|--------------------------------|---------------------|---------------------|
| Andrew Sinaiko                 | March 30, 2007      | 7:52pm to 11:50pm   |
| Philip Ward (Medallion Holder) | March 30, 2007      | 1:43pm to 11:59pm   |

**#3:**

| <b>Driver:</b>                 | <b>Date Worked:</b> | <b>Time Worked:</b> |
|--------------------------------|---------------------|---------------------|
| Andrew Sinaiko                 | September 14, 2007  | 7:31pm to 12:00am   |
| Philip Ward (Medallion Holder) | September 14, 2007  | 1:10pm to 12:00am   |

**#4:**

| <b>Driver:</b> | <b>Date Worked:</b> | <b>Time Worked:</b> |
|----------------|---------------------|---------------------|
| Andrew Sinaiko | November 4, 2007    | 12:45am to 4:45am   |
| Ben Younes     | November 3, 2007    | 4:45pm to 4:36am    |

### **Declaration of Adnan Atshan**

The Declaration of Adnan Atshan is attached to this memorandum. This is a statement from a medallion holder (9070) who admits to providing his waybills to Mr. Sinaiko with the expectation and understanding that they would be copied for purposes of submitting an application to the Commission. The Declaration of Scott Leon is also attached. Finally, Lt. Jeanne Schlotz of SFPD Taxi Detail will also be in attendance at the hearing.

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DECLARATION OF SCOTT LEON

1. I am over 18 years old and a citizen of the United States, and I am not a party to this action. If called to testify to the facts below I could competently testify thereto.

2. I am an Investigator with the San Francisco Taxi Commission. My duties involve investigating drivers, color schemes, permit holders, and permit applicants of the taxicab industry to ensure they meet the regulatory compliance of the Taxicab/Ramped Taxi Rules and Regulations enacted by the Taxi Commission. I conduct audits and inspections, detect violations and fraud in the taxi industry, and I collect, maintain, and analyze evidence for disciplinary cases. I have audited hundreds, if not thousands, of individual waybills in the course of conducting my work at the Taxi Commission.

3. My authority to investigate medallion applicants is defined under MPC § 1081(a)(2), which describes eligibility factors whether the individual applicant has complied with all applicable statutes, ordinances, rules, and regulations.

4. My investigation with Mr. Andrew Sinaiko, aka "Andy" Sinaiko began sometime in late June of 2008 when our Office Coordinator Vicky Siu discovered various discrepancies with his 2006 and 2007 waybills. These discrepancies prompted me to further review and evaluate Mr. Sinaiko's waybills for compliance with the Taxi Rules and Regulations and for authenticity.

5. **Mr. Andrew Sinaiko's Waybill Discrepancies** – Pursuant to the staff memo to the Commission dated on July 16, 2008, various airport trips in 2006 did not match with the GTU transponder logs, at least 15 of Mr. Sinaiko's shifts had incorrect company time stamps compared to the times he wrote in by hand, and evidence showed 4 different dates that Mr. Sinaiko's turned in waybills that had overlapped with other DeSoto drivers and medallion holders' schedules. Based on these discrepancies, I formed the opinion that Mr. Sinaiko had questionable waybills for 2006.

1 Mr. Sinaiko's 2006 waybills reflect that he drove DeSoto's ramped taxi vehicle #9070 almost 90%  
2 of the time during the calendar year. I compared Mr. Sinaiko's 2006 waybills with Mr. Adnan  
3 Atshan's 2006 waybills, the medallion holder of ramped taxi #9070. Mileage gap discrepancies  
4 were found with Sinaiko's waybills to the ones of medallion owner #9070, but comparing their  
5 meter and trip units they were in perfect sequential order. In my experience this is questionable  
6 because I have never seen a perfectly matched, sequential order of that nature. It was my opinion  
7 after reviewing the waybills that Mr. Sinaiko copied portions of Mr. Atshan's waybills to make the  
8 waybills match up.

9  
10 6. Other questionable factors were found with Mr. Sinaiko's waybills when he drove cab  
11 #9070: 1) 100% of Sinaiko's 9070 waybills were neatly hand written with newer shades of paper,  
12 and there were no creases or gas smudges compared to the other cabs he drove in 2006; 2) there  
13 were no DeSoto date stamps recorded on these waybills, and 3) the recorded trips, and mileage units  
14 were written in perfect sequential order and perfectly matched compared to the medallion owner's  
15 #9070. **However, the fare amounts for Mr. Sinaiko's waybills were all missing on every single**  
16 **waybill submitted.** It is unusual for a medallion holder to accurately complete certain sections of  
17 the waybill, but not be thorough with other sections.

18  
19 7. **First Interview with Mr. Andrew Sinaiko** – On July 7, 2008, Mr. Sinaiko came to the  
20 Taxi Commission to respond to the discrepancies found by Commission Staff. When I questioned  
21 Mr. Sinaiko about the validity of his waybills, he was able to provide the following responses:  
22 1) He only does "drop-off" fares at the airport departure so these trips don't get recorded in airport  
23 transaction logs; 2) He splits eight hours of driving into two 4-hour shifts and submits two waybills  
24 for the eight hours of work, which may have lead to some mistakes with DeSoto's punching in and  
25 out time keeping system; and 3) The overlapping shifts are due to "human errors" at DeSoto that are  
26 beyond his control. I also questioned why there were mileage gaps with his 2006 waybills  
27 compared to the medallion holder 9070's waybills. Mr. Sinaiko insisted the mileage gaps are only  
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1 consistent to what he records in the meter; he does not know what the medallion holder does with  
2 his cab when he finishes his shifts.

3  
4 **8. Second Meeting with Mr. Sinaiko** – On July 8, 2008 Mr. Sinaiko and I met again to further  
5 examine his waybill discrepancies. Mr. Sinaiko wanted to clear the irregularities on his 2006  
6 waybills, particularly on the part of his mileage gap discrepancies with medallion holder 9070. Due  
7 to the possible difference of opinion over the issue, Mr. Sinaiko and I agreed that I would agree  
8 that there were no discrepancies as far as the mileage gaps between his 2006 waybills and 9070's  
9 waybills. However, I specifically informed Mr. Sinaiko that his waybills still posed serious  
10 discrepancies that would need to be brought up to the Commission before a vote could be taken on  
11 his application.


12  
13 **9. Interview with Mr. Adnan Atshan, Medallion Holder #9070** – On August 19, 2008, Sgt.  
14 Ron Reynolds and I had the opportunity to interview Mr. Adnan Atshan, the DeSoto medallion  
15 holder #9070, at the Hall of Justice. I specifically asked Mr. Atshan if he had any involvement  
16 assisting Mr. Sinaiko to fabricate his 2006 waybills. At first he denied any involvement. However,  
17 then fearing that he (Mr. Atshan) would face his disciplinary actions and the possibility of losing his  
18 own medallion if he continued to conceal the true facts, he sought immunity from Sgt Reynolds  
19 after the interview. Mr. Atshan requested to fully cooperate if the Taxi Commission promised not  
20 to revoke his medallion. He confessed to Sgt. Reynolds that he had allowed Mr. Sinaiko to copy his  
21 waybills. Later in the day Mr. Atshan met with Director Thigpen and Sgt. Reynolds at the Taxi  
22 Commission and provided them with a declaration, which appears in the Commission's materials.  
23 Based on my review of Mr. Sinaiko's waybills and Mr. Atshan's testimony, I believe that Mr.  
24 Sinaiko copied some or all of Mr. Atshan's waybills for material information such as mileage, meter  
25 units etc. and filled in false fares to produce enough waybills to satisfy the Commission's driving  
26 requirement with enough hours.

1    **10. Conclusion** - After reviewing Mr. Sinaiko's waybills particularly for 2006, my findings  
2 suggest that Mr. Sinaiko is not qualified to receive a medallion. Mr. Sinaiko can argue about the  
3 faulty comparison of the airport transaction logs or other plausible "human errors" performed by  
4 DeSoto's cashiers concerning his incorrect time stamps and overlapping shifts. I first became  
5 suspect regarding the validity of Mr. Sinaiko's 2006 waybills when I examined the ones he drove  
6 for cab #9070. The statement received from Mr. Atshan confirms to me that Mr. Sinaiko has  
7 engaged in fraud by falsifying his waybills in order to thwart the medallion application process.

8  
9    **11.** I declare under penalty and perjury of the State of California that the foregoing is true and  
10 correct.

11 Executed in San Francisco, California.

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14 Date: **September 4, 2008**

15 \_\_\_\_\_  
16   
17 **Scott Leon**  
18 **San Francisco Taxi Commission Investigator**



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DECLARATION OF ADNAN ATSHAN

1. I am over the age of 18 and not a party to this action, and I am a citizen of the United States. The statements below are from my own personal knowledge and if called to testify I could competently testify thereto.

2. My name is Adnan Atshan, and my business address is 555 Selby Street, San Francisco, CA 94124. I am a ramp medallion holder, # 9070, and I am affiliated with DeSoto Cab, where I have been working since 1994 off and on. I received my medallion in December 2005 by decision of the Taxi Commission. In that capacity, and as part of my regular duties, I am responsible for complying with the Taxi Commission's Rules and Regulations and applicable provisions of the Municipal Police Code, including specifically Article 16, which governs motor vehicles for hire.

3. In 2006, I was driving for DeSoto Cab for the entire year. I was driving # 9070, my medallion vehicle. I had other drivers driving for me, including Andrew "Andy" Sinaiko. I also had another driver, "Youssef." I normally worked day shifts, 4 AM to 4 PM, but on Fridays, I worked until 8 PM. I took Saturdays off, but sometimes I also worked seven days a week. Mr. Sinaiko worked 8 PM to 6 AM on Friday evenings. Sometimes he worked Sundays 6 PM to 4 AM. Those were the only shifts he worked. I don't recall the exact date he started, but I can provide that information if necessary. I believe it was early 2006. Friday and Sunday nights are the only shifts Mr. Sinaiko was driving for me in Calendar Year 2006.

4. In Calendar Year 2007, Mr. Sinaiko drove only the same shifts for me: Friday and Sunday nights.

5. Sometime in 2007, I had a conversation with Mr. Sinaiko. He said he was almost ready to get a medallion, and he wanted to get one. He said he was having a "hard time" with waybills and might be short on them for 2006. He asked me if I could "help him out." I asked what I could do,

1 and he said he wanted to "look at my waybills" so he can look at the mileage. At that time I  
2 believed he was going to look at them to copy them to meet his requirements. I showed him  
3 waybills for the entire calendar year of 2006. I requested them from a manager at DeSoto and once I  
4 received them, I left them in an envelope for him at the cashier's side of the dispatch area. He  
5 picked them up and then he brought them back. After he reviewed them, he thanked me for helping  
6 him out. I gave them to him because I felt that I had to say yes and help him out, because I was  
7 embarrassed and felt like I could not say no. I kept telling myself I should not have done it.

8  
9 6. Other people who are coming up on the waiting list have asked me for help of this nature in  
10 the past, since 2005 when I first received my medallion. They wanted to see my waybills and copy  
11 them so they could get a medallion. I have always refused their requests.

12 7. On or about July 2008, Mr. Sinaiko told me he was having problems at the Commission and  
13 that the Commission believed he had copied waybills and that they were fraudulent. He told me he  
14 had hired an attorney and that he was trying to get the medallion. I asked him if he thought he was  
15 going to get the medallion. He said he didn't know and wasn't sure.

16  
17 8. Since I gave him my waybills to copy, I have felt very guilty about what I did. I have never  
18 participated in anything like this before. I feel very bad that I misled the Commission and the public  
19 and I promise I will never be involved in anything like this again. I love working as a ramp driver  
20 and I sincerely enjoy my work serving the disabled community.

21  
22 9. I declare under penalty of perjury under the laws of the State of California that the  
23 foregoing is true and correct.

24 Signed:



Date:

8-19-08

25  
26 Adnan Atshan  
27 Ramp Driver # 9070

28 Executed in San Francisco, California

LAW OFFICES OF  
**RAYMOND M. ALEXANDER, JR.**  
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September 3, 2008

**RECEIVED**

SEP 03 2008

SAN FRANCISCO  
TAXI COMMISSION

The Honorable Commissioners  
San Francisco Taxi Commission  
City and County of San Francisco  
25 Van Ness Avenue, Suite 420  
San Francisco, CA 94102

**Re: Andrew Sinaiko, List No. 6-500, Medallion Applicant**

This will constitute Mr. Sinaiko's written response to the "new evidence" offered by the Taxi Commission investigative staff and his second supplemental response to the original Commission Staff report of July 16, 2008.

Following Mr. Sinaiko's response of August 6, 2008, demonstrating substantial errors in the staff investigative report of July 16, 2008, the hearing of August 12, 2008 was continued ostensibly to allow the Commission staff to obtain potentially "exculpatory" evidence from the Ground Transportation Unit. (Exhibit "A".) As previously noted, the staff had that evidence which largely vindicated Mr. Sinaiko, as early as August 7, 2008. It now appears that the continuance was part of an effort to prolong the investigation in the hope that something more damning would turn up and therefore justify the staff's "belief" in Mr. Sinaiko's wrongdoing. (Exhibit "B".)

The latest installment in the puzzling campaign against Mr. Sinaiko that is now entering its fourth month is the declaration of Adnan Atshan, the holder of medallion No. 9070, whose taxi Mr. Sinaiko drove during much of 2006. Mr. Sinaiko does not deny that he asked Mr. Atshan if he could view a few of his waybills to complete some missing meter readings on his own. As with the other purported evidence, however, it is much ado about not much.

First, although there are questions, as discussed below, concerning the circumstances under which Mr. Atshan's declaration was obtained, Mr. Atshan's statement supports the waybill evidence that Mr. Sinaiko drove taxi No. 9070 two four hour shifts, Friday evenings to Saturday morning and Sunday evenings to Monday morning, throughout 2006. (Atshan declaration paragraph 3.) Nowhere does the declaration even remotely suggest that Mr. Sinaiko did not actually drive the taxi on these days.

Secondly, although the Commission staff seems to proceed from the contrary assumption, there is nothing inherently improper in one driver asking to view another

driver's waybills. There is neither a statutory nor regulatory prohibition against this practice. Although the color scheme holders are required to "maintain and retain" the waybills for a period of years, nothing in the regulations suggests that once filed, the waybills are classified information. To the contrary, pursuant to regulation 5 H (14) drivers are entitled to obtain duplicate copies of their waybills without any restrictions whatsoever on their use. Once again, the Commission staff has leapt to conclusions and relied on supposition and speculation to suggest that something sinister has occurred, when the explanation is much more mundane.

Mr. Sinaiko will testify, if necessary, that in anticipation of the submission of his waybills to the Commission, he reviewed his waybills for taxi No. 9070 and realized that on five or six occasions, he had neglected to write in the meter readings in the taxi either at the beginning or end of his shift. Since in many instances, these would be the same numbers as Mr. Atshan's ending or beginning meter readings, respectively. Mr. Sinaiko's request to Mr. Atshan was that he be able to look at a few of the waybills to obtain the missing readings from this secondary source. Mr. Atshan, as a matter of convenience, produced them all. Mr. Sinaiko then performed the clerical task of copying the appropriate meter readings from Mr. Atshan's waybills into the space for the readings on his own. This was all.

Mr. Sinaiko did not tell Mr. Atshan that he was "short" for 2006, did not create non-existent shifts, or non-existent trips, did not claim Mr. Atshan's shifts or trips as his own, nor did he otherwise use access to Mr. Atshan's waybills to falsify any information. Had Mr. Sinaiko made the same request of Mr. Atshan immediately after the end of the shifts rather than months later, there would be no question of impropriety at all. Mr. Sinaiko's sin, if it was one, was in wanting to have been a more meticulous record keeper than he had been on those few occasions. Even a cursory look at Mr. Atshan's waybills reveals that he occasionally made the same type of error of omission. (Exhibit "C.")

Nowhere in his declaration does Mr. Atshan attest to any actual knowledge of what Mr. Sinaiko did with the borrowed waybills. He does not, in fact, say that Mr. Sinaiko asked to copy his waybills, whatever that might mean. Rather, his statement was that he "believed" Mr. Sinaiko wanted to copy the waybills to meet his "requirements" (Atshan declaration, paragraph 5, page 2, line 2.) Mr. Atshan's subjective belief is not competent evidence to prove that Mr. Sinaiko created false waybills otherwise made up shifts not driven.

Nor is Mr. Atshan's statement helpful in understanding what would be involved in "copying" his waybills. Mr. Atshan states that Mr. Sinaiko wanted to "look at the mileage", but he offers no help on how this would have helped Mr. Sinaiko supply supposedly missing shifts. (Atshan Declaration, paragraph 5, page 2, line 1.) Clearly, Mr. Sinaiko couldn't simply copy Mr. Atshan's own waybills, as the duplicative information would be easily found out, unless Mr. Atshan eliminated his own corresponding waybills. It not only is inherently unlikely that Mr. Atshan would sacrifice

his own full-time driving credits for Mr. Sinaiko's benefit, Mr. Atshan does not claim to have done this.

In short, the fact that Mr. Sinaiko asked to look at Mr. Atshan's waybills has been made to sound like wrongdoing when there is no actual substance underlying the insinuations. Perhaps sensing this, and seeking to bolster their case, the investigators have Mr. Atshan say that in the past, *other people* have asked to "see my waybills and copy them." (Atshan declaration paragraph 6, page 2, lines 8-10.) What other people did and whatever their motivations may have been, is not evidence against Mr. Sinaiko.

The Commission staff has produced not a single fabricated waybill to support its "beliefs". In those instances where it previously thought it had evidence, the real GTU records confirmed that Mr. Sinaiko had indeed driven the shifts he claimed or had reasonable explanations for the few instances where confirmation was lacking.<sup>1</sup> All that the "new evidence" establishes is that two cab drivers engaged in an innocent exchange of mechanically recorded meter readings.

Insubstantial as it is, there are disturbing aspects surrounding the manner in which Mr. Atshan's declaration was obtained and which help explain why a man who had nothing to fear, at least with respect to his dealings with Mr. Sinaiko, was willing to sign a statement which made him *sound* as if he had. If Mr. Atshan is present at the hearing and if he testifies truthfully, he is expected to testify to the following:

At the time he learned that the Commission wished to speak with him, he was visiting relatives. Upon his return he was summoned to Burglary Division at the Hall of Justice at 450 Bryant on August 19, 2008, where he was met by Mr. Leon and SFPD Officers Susan Levin and Ron Reynolds. His interview was tape-recorded, and copies of the tape have been requested.<sup>2</sup>

In this intimidating setting, Mr. Atshan was led to understand that if he did not cooperate with the investigation, he "could be brought up on charges" himself. Early in the interview, while Mr. Atshan was still trying to understand why he was there, he was told by Mr. Leon that there was a "presumption" that Mr. Sinaiko's waybills were "fake" and a further presumption that "the two of you are in it." Although Mr. Leon then added that this was "just my opinion", Officer Reynolds later adds "We know Andy's dirty. We know that for a fact." The elements of suggestion, coercion and threat were present and

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<sup>1</sup> In the interests of thoroughness, counsel has requested GTU maintenance and AVI reader location records from GTU, but has yet to receive them.

<sup>2</sup> Copies of the purported tape were given to counsel on September 2, 2008; these turned out to be truncated and incomplete. Counsel has only today received what purports to be the complete taped interview with Mr. Atshan, and a transcript is being prepared as of this writing. The comments made here are based on the incomplete version.

unmistakable even in the early stages of the interview.

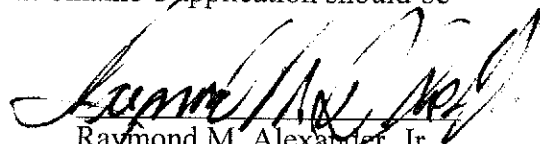
Apropos of this, In paragraph 7 of his declaration, Mr. Atshan recites to no apparent evidentiary purpose other than to add to the aura of guilt, Mr. Sinaiko's supposed account of what the Commission believes:

“Mr. Sinaiko told me he was having problems at the Commission and that *the Commission believed* he had copied waybills and that they were fraudulent.” (Emphasis supplied.)

This sort of “guilt by innuendo” is the process by which rumor metastasizes to the point it comes to be taken as fact: the Commission staff forms a belief based on rumors, which rumors it has thus far been unable to substantiate; it nevertheless publishes a statement suggesting that Mr. Sinaiko is engaged in fraud, thereby creating an aura of suspicion and wrongdoing around Mr. Sinaiko in the eyes of the public, who then spread the rumor further(See, Exhibit “C”, to August 6, 2008 response.); Mr. Sinaiko mentions this treatment to Mr. Atshan, who becomes fearful that he too may be under suspicion, such that when he is summoned before the Commission in a setting that suggests he is indeed a suspect and is told again what the Commission believes, he agrees to sign a statement attesting to what Mr. Sinaiko told him the Commission believes. He then apologizes for misleading the Commission in order to keep his medallion, and the Commission submits the statement as “new evidence.” (Atshan Declaration paragraph 8.)

Nowhere, in the middle of this is there an actual fact, setting forth what Mr. Atshan or Mr. Sinaiko did to mislead the Commission. All Mr. Atshan did was let Mr. Sinaiko look at his waybills. Beyond that, he has no actual knowledge. Through intimidation tactics, however, the investigators have managed to create what looks like a confession to a crime for which there is no evidence of commission. The ‘new evidence’ is not evidence of anything other than a last ditch effort to salvage a thoroughly misguided investigation. Enough is enough. Mr. Sinaiko's application should be approved without further delay.

DATED: September 3, 2008



Raymond M. Alexander, Jr.  
Attorney for Andrew Sinaiko

RMA: hs  
Sinaiko/Taxi Commission

## Ray Alexander

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**From:** Jordanna Thigpen [Jordanna.Thigpen@sfgov.org]  
**Sent:** Thursday, August 07, 2008 3:00 PM  
**To:** Ray Alexander  
**Subject:** Re: Andy Sinaiko

Hi Ray,

I have a feeling these records will be good and I am working to get them in my hands by Monday afternoon. At this point I have to present all the possible evidence to the Commission because of what occurred at the prior hearings as far as the request for an agenda item.

The new hearing would be September 9, 2008 - however, we can do the following: if staff was able to settle the inconsistencies based on these records, we could revise the memo to state such (we have to revise it anyway) and calendar him for August 26. While we cannot make recommendations, we can certainly report that inconsistencies have been addressed through further investigation, if that is the case. If Commissioners still felt that there were too many discrepancies and didn't want to vote favorably on Aug 26, I could ask that the item be continued to September 9 so you could be there for it. What do you think?

Jordanna Thigpen  
Executive Director  
Taxi Commission  
25 Van Ness Ave. # 420  
San Francisco, CA 94107  
T: (415) 503-2183  
F: (415) 503-2186  
email: jordanna.thigpen@sfgov.org

"Ray Alexander"  
<rmalex@rmalex.com>

08/07/2008 02:54  
PM

"Jordanna Thigpen"  
<Jordanna.Thigpen@sfgov.org>

To

cc

Subject

Andy Sinaiko

Dear Jordanna: I received your voice mail message concerning the continuance. Unfortunately, I will be on vacation from August 16th through the 25th, so if there is anything to discuss from the GTU records, we will have to do it before then. What is the date of the new hearing, and do we need to appear on Tuesday? My client's question, and mine, is why is he in the position of having to exculpate himself? He said on his waybills that he went to the airport on a number of occasions, and after sixty days of investigation, there is no reason to believe that he didn't. The problem that I have with

"potentially exculpatory evidence" is that it sounds as if he is still under suspicion. Whatever you want to call it, let's hope that the GTU records prove to be reliable. As I said, after the resistance I met trying to get them, I have my doubts as to how helpful they will be for anyone, but we will see.

Raymond M. Alexander, Jr.  
Law Offices of Raymond M. Alexander, Jr.  
214 Grant Avenue, Suite 400  
San Francisco, CA 94108  
Direct: 415: 989-9011  
rmalex@rmalex.com





## Ray Alexander

---

**From:** Jordanna Thigpen [Jordanna.Thigpen@sfgov.org]  
**Sent:** Thursday, August 14, 2008 4:49 PM  
**To:** Ray Alexander  
**Subject:** RE: Andrew Sinaiko

I understand what you are looking for Ray, but we have other responsibilities here besides review of these documents. I have never received the attachment. I receive attachments every day from dozens of people without incident. You can try sending it to my gmail account at jordannathigpen@gmail.com and see if that works.

Additionally, I made it clear that if we cannot prove what investigators believe and informants have revealed regarding Mr. Sinaiko's waybills, we would place the item on the consent calendar for August 26, whereas if we believe we will be able to sustain such proof, we would delay the item until your return so that he is represented by counsel.

Jordanna Thigpen  
Executive Director  
Taxi Commission  
25 Van Ness Ave. # 420  
San Francisco, CA 94107  
T: (415) 503-2183  
F: (415) 503-2186  
email: jordanna.thigpen@sfgov.org

"Ray Alexander"  
<rmalex@rmalex.com>

08/14/2008 03:59  
PM

"Jordanna Thigpen"  
<Jordanna.Thigpen@sfgov.org>

To

cc

Subject

RE: Andrew Sinaiko

Jordanna: As you know, I will be out of the office next week, so next Wednesday, doesn't do me any good. I'm still trying to figure out how you failed to receive the attachments to Chris Roach's email, since I sent it to my clients by the same method and they received it, and just to check, I forwarded the "forward" to you to myself, and I received it complete with GTU attachments. Anyway, assuming that we are looking at the same information, it shouldn't take whoever reviews the records too long to confirm what I told you in my email and it would seem that the law of diminishing returns applies. What I'm looking for now is a statement from the staff to the effect that "due to the further efforts of staff and Mr. Sinaiko's counsel, information not previously available has clarified the perceived discrepancies and the staff is now satisfied that Mr. Sinaiko drove the requisite number of shifts to qualify for his medallion."

Raymond M. Alexander, Jr.  
Law Offices of Raymond M. Alexander, Jr.  
214 Grant Avenue, Suite 400

San Francisco, CA 94108  
Direct: 415: 989-9011  
rmalex@rmalex.com

-----Original Message-----

From: Jordanna Thigpen [mailto:Jordanna.Thigpen@sfgov.org]  
Sent: Thursday, August 14, 2008 2:21 PM  
To: Ray Alexander  
Cc: Scott Leon  
Subject: Re: Andrew Sinaiko

Hi Ray,

We did receive some records from GTU and are in the process of reviewing them. They were much more minimal than the records I suspect you received - which I still have no idea what you received from GTU or have seen any copies since GTU did not cc me on what they gave you.

I did not know we had received these until today since I was out of the office.

We should have our review completed by Wednesday morning and an answer for you regarding the agenda at that time.

Sincerely,

Jordanna

Jordanna Thigpen  
Executive Director  
Taxi Commission  
25 Van Ness Ave. # 420  
San Francisco, CA 94107  
T: (415) 503-2183  
F: (415) 503-2186  
email: jordanna.thigpen@sfgov.org

"Ray Alexander"  
<rmalex@rmalex.com>

08/14/2008 01:39 PM

"Jordanna Thigpen"  
<Jordanna.Thigpen@sfgov.org>

To

cc

Subject

Andrew Sinaiko

Jordanna: Would you be so kind as to send me by fax, or email if possible, copies of whatever you received from the GTU with respect to Mr. Sinaiko? Just to be on the safe side, I am making this request pursuant to the Sunshine Ordinance, including Section 67.25. Thanks.

Raymond M. Alexander, Jr.  
Law Offices of Raymond M. Alexander, Jr.

c

|     | TRIPS (1) | UNITS (2) | PD MILES(4) | TOT MILES (5) |
|-----|-----------|-----------|-------------|---------------|
| IN  |           |           |             |               |
| OUT | 2010      | 22836     | 6561        | 12726         |
| DIF |           |           |             |               |

CAB LIC. NO.

CAB NO.  
9070  
MED. NO.  
9070  
MILEAGE  
37267

march - 3 - 2006  
start 6:45 AM  
finish 5:00 PM

|         |          |    |
|---------|----------|----|
| SCRIP   | TURN IN  | \$ |
| PAT.    | GROSS    | \$ |
| CHARGES | CO-SHARE | \$ |
| TIPS    | MY NET   | \$ |

ADNAN. ATSIHAN

SIGNATURE  
*Adnan Atsihan*

| NO. PAS. | TIME  |      | FROM        | TO              | AMOUNT | TIP |
|----------|-------|------|-------------|-----------------|--------|-----|
|          | IN    | OUT  |             |                 |        |     |
| 1        | 1715  | 741  | 580 mission | S.F.O           | 34     | 80  |
| 2        | 2805  | 838  | 2778 YOAK   | 2100 Weber      | 18     | 60  |
| 3        | 1905  | 914  | 1865 clay   | post mungin     | 7      | 80  |
| 4        | 11033 | 1057 | S.F.O       | sheraton palace | 36     | 60  |
| 5        | 1220  | 240  | 163 Feebath | S.F.O           | 33     | 45  |
| 6        | 1340  | 414  | S.F.O       | Fish waf        | 38     | 80  |
| 7        | 1430  | 449  | 201 Spear   | Lauren washing  | 10     | 85  |
| 8        |       |      |             |                 |        |     |
| 9        |       |      |             |                 |        |     |
| 0        |       |      |             |                 |        |     |
| 1        |       |      |             |                 |        |     |
| 2        |       |      |             |                 |        |     |
| 3        |       |      |             |                 |        |     |
| 4        |       |      |             |                 |        |     |
| 5        |       |      |             |                 |        |     |
| 6        |       |      |             |                 |        |     |
| 7        |       |      |             |                 |        |     |
| 8        |       |      |             |                 |        |     |
| 9        |       |      |             |                 |        |     |

EMO TO DRIVER

**DRIVE CAREFULLY      DRESS NEATLY      BE COURTEOUS**

|     |           |           |             |               |
|-----|-----------|-----------|-------------|---------------|
|     | TRIPS (1) | UNITS (2) | PD MILES(4) | TOT MILES (5) |
| IN  | 3452      | 40727     | 11884       | 22816         |
| OUT |           |           |             |               |
| DIF |           |           |             |               |

CAB NO.

CAB LIC. NO.

MED. NO.  
2070

MILEAGE

47328

Start 6:00 AM  
3-10-08  
Finish 2 PM  
= 8.00 hours

|         |          |    |
|---------|----------|----|
| SCRIP   | TURN IN  | \$ |
| PAT.    | GROSS    | \$ |
| CHARGES | CO-SHARE | \$ |
| TIPS    | MY NET   | \$ |

SIGNATURE  
ADWAN AT 3452 / Adwan At 3452

| NO. PAS. | TIME |      | FROM            | TO             | AMOUNT | TIP |
|----------|------|------|-----------------|----------------|--------|-----|
|          | IN   | OUT  |                 |                |        |     |
| 1        | 620  | 630  | 14th ST         | 856 Broadway   | 6 90   |     |
| 2        | 645  | 651  | 1716 Mission St | St. Mission    | 8 45   |     |
| 3        | 727  | 741  | 461 28th ST     | 4th & Howard   | 13 65  |     |
| 4        | 829  |      | 1201 14th Ave   | 9th & Park     |        |     |
| 5        | 846  | 917  | 265 Central     | ok air         | 53 25  |     |
| 6        | 1042 | 1051 | 1474 SAC        | 4th & Stockton | 6 00   |     |
| 7        | 1054 | 1102 | 112 7th ST      | 1140 7th ST    | 8 25   |     |
| 8        | 125  |      | 3rd @ (at)      | Belmont        | 30 85  |     |
| 9        |      |      | near            |                |        |     |
| 0        |      |      |                 |                |        |     |
| 1        |      |      |                 |                |        |     |
| 2        |      |      |                 |                |        |     |
| 3        |      |      |                 |                |        |     |
| 4        |      |      |                 |                |        |     |
| 5        |      |      |                 |                |        |     |

MEMO TO DRIVER

DRIVE CAREFULLY      DRESS NEATLY      BE COURTEOUS

DECLARATION OF TASSIE RAUE RE: ANDREW SINAIKO MEDALLION

APPLICANT, LIST NO. 6-500.

I, Tassie Raue declares:

1. I am employed by the DeSoto Cab Company ("DeSoto") as a bookkeeper and cashier and have been employed by Desoto for the past forty-five years. As such, I have personal knowledge of the matters stated herein.

2. Among my duties as bookkeeper and cashier is the issuing of waybills to outgoing drivers and the receipt of waybills and fees submitted by drivers at the end of their shifts. At all times mentioned herein, my normal working hours were 2:00 p.m. to 10:00 p.m., Monday, Tuesday, Thursday and Friday.

3. At DeSoto, the waybills are passed through a window slot between the cashier and the drivers. For DeSoto owned cabs, at the beginning of each shift, the driver is passed a waybill time stamped by computer with the driver name, cab number, beginning or "out" time of the shift, date and mileage. At the end of the shift, the driver re-submits the waybill and the waybill is inserted in a time clock and stamped with the approximate ending time of the shift. The drivers have no access to the time clock and once the waybill is passed through the window for the last time, no access to the waybill. This system is not used for driver-owned cabs affiliated with DeSoto, whose owners are responsible for processing their own waybills, which are then maintained by DeSoto

4. For drivers working split shifts, the driver of a DeSoto cab is given an initial waybill computer stamped as described above. At the end of the first shift, the driver is to submit the waybill through the window and receive a time-clock stamp showing the approximate ending time of the first shift. This waybill is returned to the driver along with a second waybill for use in recording the trips on the second half of the split shift. Under ordinary circumstances, this waybill is not computer stamped for the reason that to do so, would automatically generate a second, full gate and gas fee for the second half of the split shift. The second shift waybill is stamped by the time clock with the beginning time of the second shift. Under ordinary circumstances, this will be done at the same time that the first shift waybill is stamped in, such that the "out" time on the second shift waybill will be the same or near the same, as the "in" time on the first shift waybill. I have never been involved with this action. I have just heard how it is done.

5. At the conclusion of the second half of a split shift, the driver passes both waybills through the window and the cashier staples them together, ordinarily with the first shift waybill on top. The pair of waybills is then inserted into the time clock and the one on top is stamped with the ending time. At that point, the first waybill will have three time stamps: the computer generated start time, the clock stamp showing the end of the first shift, and a clock stamp showing the end of the split shift. The stapled pairs of waybills are then placed in the company files. Again I have never been involved with this action. I have just heard how it is done.

6. I personally process thousands of waybills each year as do the cashiers on other the shifts. At any given time as many as 15-20 drivers may be lined up at the window to submit their waybills and cash. Mistakes are made. On occasion, the second half waybill on a split shift will be stapled on top and stamped with the end time. On occasion, both waybills will be stamped with the end time, and on occasion, due to oversight or haste, neither will be time-stamped. The intention, whether or not the driver has driven a full shift, short shift or split shift, is that the approximate end time of the shift will appear somewhere on the waybill for DeSoto's record keeping purposes. On occasion, however, whether because the driver delayed submission waybill, in order to complete the required information, was delayed by a breakdown and/or called in the end of the shift, or because of cashier oversight, the time stamp will not coincide with the actual end of the shift.

7. I have reviewed each of the waybills attached hereto as Exhibit "A." The waybill issued to Andrew Sinaiko for Friday, March 2, 2007, showing an "out time of 19:55 in cab No. 1073 appears to be regular on its face and would have been issued by me assuming I was on duty at my regular time. This waybill would not have been issued in this form unless cab No. 1073 were available to Mr. Sinaiko at that time, unless as occasionally occurs, there was a breakdown in cab No. 1073 and he was sent out temporarily in a spare cab.

8. Phillip Ward's waybill for March 2, 2007, reflects an out time of 13:44, or 1:44 p.m. and an "in" time stamp of 12:09 a.m. on March 3, 2007. Mr. Ward drove a short shift ending at 19:54 or 7:54 p.m., prior to the start of Mr. Sinaiko's shift. The prorated gate fee on a short shift, represented here by the figure "48.60," while not in my handwriting, is computed by multiplying the hours driven, in this case 6 hours and 10 minutes, by the hourly rate of \$8.10. The 12:09 a.m. time stamp indicates to me that the swing shift cashier neglected to time stamp the waybill at the end of Mr. Ward's shift, and that the night shift cashier noticed Mr. Ward's waybill didn't have a time stamp and stamped it later.



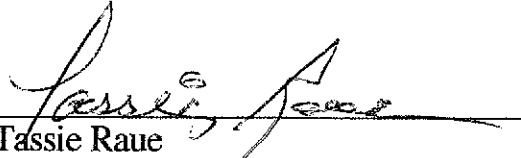
9. Mr. Sinaiko's waybill for March 30, 2007 is regular on its face, and would not have been issued unless cab No. 1073 were available at Mr. Sinaiko's out time of 19:52 or 7:52 p.m. except under the circumstances outlined in 7, above. Mr. Ward's waybill for the same date, showing an out time of 13:43, or 1:43 p.m. bears my handwritten notation, "short 2430", indicating that he terminated his shift after 3 hours and 10 minutes, at 4:53 p.m., well before the start of Mr. Sinaiko's shift. The time stamp of 11:59 p.m. however, appears to be in error, again as the result of my oversight in failing to stamp it at the appropriate time, and that the night shift cashier time stamped it later.

10. Mr. Sinaiko's waybill for September 14, 2007 is regular on its face and would not have been issued unless cab No. 1073 were available to him at the time indicated, 19:31 or 7:31p.m., except under the circumstances mentioned above. Mr. Ward's waybill for the same date, indicating an out time of 13:10, or 1:10 p.m. contains the notation in my handwriting, "short 4455" indicating that Mr. Ward short shifted after five and one-half hours, at 18:40 or 6:40 p.m. The time stamp of 12:00 a.m. would again appear to be the result of oversight on my part and a later time stamp by the night shift cashier.

11. I have reviewed the waybills for Mr. Sinaiko's split shift on June 15 and June 16, 2007 which I am informed have been questioned by Taxi Commission staff and are attached hereto as Exhibit "B." These indicate that Mr. Sinaiko began his split shift in cab No. 0374 at 19:55 on June 15, 2007 and then switched to cab No. 0466 at 12:29 a.m. at the beginning of his second shift because for one reason or another, cab No. 0374 was no longer available to him. The reason that the waybill for cab No. 0466 also is computer stamped with Mr. Sinaiko's first shift start time of 19:55 is to provide continuity with his original start time for purposes of calculating his gate a gas fee. The lack of an ending time stamp at the end of the second shift indicates an error on the part of the cashier and not Mr. Sinaiko.

Under penalty of perjury, I declare the foregoing to be true and correct


Executed at San Francisco, California, this 20 day of August, 2008

  
Tassie Raue

|     | TRIPS (1) | UNITS (2) | PD MILES(4) | TOT MILES (5) |
|-----|-----------|-----------|-------------|---------------|
| IN  | 2097      | 31137     | 9019        | 15908         |
| OUT | 2075      | 30972     | 8983        | 15857         |
| DIF | 22        | 165       | 36          | 51            |

CAB NO. 1073  
 CAB. NO. 1073  
 7D11145 <REC> 1073GE

|            |           |          |
|------------|-----------|----------|
| Out: 19:55 | 20070302p | 152899   |
| SCRIP      | TURN IN   | \$       |
| PAT. 8.00  | GROSS     | \$       |
| CHARGES    | GO-SHARE  | \$ 96.00 |
| TIPS       | MY NET    | \$       |

SIGNATURE  


15300-4-1533-90  
 out: 8 PM  
 in: 12 AM Total: 4 hrs

|    | NO. PAS. | TIME |     | FROM            | TO          | AMOUNT | TIP |
|----|----------|------|-----|-----------------|-------------|--------|-----|
|    |          | IN   | OUT |                 |             |        |     |
| 1  |          |      |     | 550 Battery     | NS          |        |     |
| 2  | 2        |      |     | 200 Jax         | Geary/Jones |        |     |
| 3  | 2        |      |     | 685 Ellis       | EBIT        |        |     |
| 4  | 1        |      |     | 828 Franklin-20 | 20/Geary    |        |     |
| 5  | 2        |      |     | 199 N Mtg       | Geary/Jones |        |     |
| 6  | 1        |      |     | 1661 Pine       | Grove/Gough |        |     |
| 7  |          |      |     |                 |             |        |     |
| 8  |          |      |     |                 |             |        |     |
| 9  |          |      |     |                 |             |        |     |
| 10 |          |      |     |                 |             |        |     |
| 11 |          |      |     |                 |             |        |     |
| 12 |          |      |     |                 |             |        |     |
| 13 |          |      |     |                 |             |        |     |
| 14 |          |      |     |                 |             |        |     |
| 15 |          |      |     |                 |             |        |     |
| 16 |          |      |     |                 |             |        |     |

MEMO TO DRIVER  
 BADGE? Y N...PICTURE? Y N...A-CARD? Y N...CAR REG? Y N  
 HUBCAPS? Y N METER SEAL & STICKER? Y N License Pl Y N  
 REMEMBER: SFPD FINES YOU IF YOU DON'T HAVE THESE INITIAL

**DRIVE CAREFULLY DRESS NEATLY BE COURTEOUS**

S (1) UNITS (2) PD MILES (4) TOT MILES (5)  
 215 830 728 983 1059  
 215 830 728 983 1577  
 DIF 07100 0 1112:00

CAB NO. 1073  
 MED. NO. 1073  
 Ward Phillip  
 C.A.P.I.C. NO. VD11145 <KBC>

152 899 #7.1  
\$20.00

Out: 13:44 20070302P 152815  
 SCRIP TURN IN \$  
 PAT. GROSS 48.60  
 CHARGES CO-SHARE \$81.00  
 TIPS MY NET \$  
 SIGNATURE Phillip Ward

| NO. PAS. | TIME  |       | FROM      | TO          | AMOUNT | TIP |
|----------|-------|-------|-----------|-------------|--------|-----|
|          | IN    | OUT   |           |             |        |     |
| 1        | 12:20 | 12:30 | St Mary's | 1000 Sutter | 12     | -   |
| 2        | 12:35 | 12:45 | St Mary's | N/G         |        |     |
| 3        | 12:45 | 12:55 | St Mary's | 5 Sutter    | 13     | -   |
| 4        | 12:55 | 1:05  | St Mary's | Eddy V New  | 7      | -   |
| 5        | 1:05  | 1:15  | St Mary's | Parkway     | 10     | -   |
| 6        | 1:15  | 1:25  | St Mary's | Kings       | 9      | -   |
| 7        | 1:25  | 1:35  | St Mary's | Langston    | 6      | -   |
| 8        | 1:35  | 1:45  | St Mary's | 16th        | 7      | -   |
| 9        |       |       |           |             |        |     |
| 10       |       |       |           |             |        |     |
| 11       |       |       |           |             |        |     |
| 12       |       |       |           |             |        |     |
| 13       |       |       |           |             |        |     |
| 14       |       |       |           |             |        |     |
| 15       |       |       |           |             |        |     |
| 16       |       |       |           |             |        |     |

MEMO TO DRIVER: BADGE? Y N... PICTURE? Y N... A-CARD? Y N... CAR REG? Y N  
 HUBCAPS? Y N METER SEAL & STICKER? Y N License Pl Y N  
 REMEMBER: SFPD FINES YOU IF YOU DON'T HAVE THESE INITIAL

**DRIVE CAREFULLY**      **DRESS NEATLY**      **BE COURTEOUS**

|     | TRIPS (1)       | UNITS (2) | PD MILES(4) | TOT MILES (5) |
|-----|-----------------|-----------|-------------|---------------|
| IN  | 3341            | 45380     | 12947       | 22836         |
| OUT | <del>3326</del> | 45219     | 12904       | 22766         |
| DIF | 3326            | 1611      | 43          | 70            |

CAB NO. 1873  
 Driver: Andrew  
 7D11145 <KMR>  
 MED. NO. MIDBASE

15 3.30:07 11:55

12-9

4195

Out: 7:50 AM  
 in: 11:50 PM  
 Total: 4 hours

|            |           |          |
|------------|-----------|----------|
| Out: 19:52 | 20070330P | 159850   |
| SCRIP      | TURN IN   | \$       |
| PAT.       | GROSS     | \$       |
| CHARGES    | CO-SHARE  | \$ 96.00 |
| TIPS       | MY NET    | \$       |

SIGNATURE  
*Andrew*

|    | NO. PAS. | TIME |     | FROM         | TO                | AMOUNT | TIP |
|----|----------|------|-----|--------------|-------------------|--------|-----|
|    |          | IN   | OUT |              |                   |        |     |
| 1  | 2        |      |     | 3868 - 22 ST | 570 -             |        |     |
| 2  | 1        |      |     | 175 Bluxome  | Lomb / Web        |        |     |
| 3  | 1        |      |     | 2765 Union   | 501 Jones         |        |     |
| 4  | 1        |      |     | 624 Taylor   | 477 Euclid        |        |     |
| 5  | 3        |      |     | 347 Presidio | Chestnut / Pierce |        |     |
| 6  |          |      |     |              |                   |        |     |
| 7  |          |      |     |              |                   |        |     |
| 8  |          |      |     |              |                   |        |     |
| 9  |          |      |     |              |                   |        |     |
| 10 |          |      |     |              |                   |        |     |
| 11 |          |      |     |              |                   |        |     |
| 12 |          |      |     |              |                   |        |     |
| 13 |          |      |     |              |                   |        |     |
| 14 |          |      |     |              |                   |        |     |
| 15 |          |      |     |              |                   |        |     |
| 16 |          |      |     |              |                   |        |     |

MEMO TO DRIVER  
 BADGE? Y N... PICTURE? Y N... A-CARD? Y N... CAR REG? Y N  
 HUBCAPS? Y N METER SEAL & STICKER? Y N License Pl Y N  
 REMEMBER: SFPD FINES YOU IF YOU DON'T HAVE THESE INITIAL

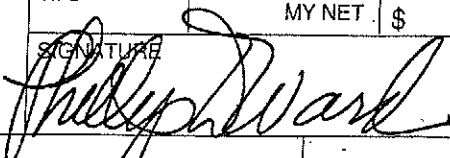
**DRIVE CAREFULLY DRESS NEATLY BE COURTEOUS**

Handwritten scribbles and initials in the top left corner.

| TO | AMOUNT | S (1) | UNITS (2) | PD MILES (4) | TOT |
|----|--------|-------|-----------|--------------|-----|
|    |        | 528   | 4519      | 15940        | 22  |
|    |        | 53    | 445131    | 12900        | 22  |

(5) Ward, Phillip  
 CAB LIC. NO. 1073  
 7D11145 <KBC> 1073  
 MED. NO. MILEAGE  
 20070330p 159798

159850  
 5.6  
 \$18.00

|   |          |          |
|---|----------|----------|
| SCRIP   | TURN IN  | \$       |
| PAT.  | GROSS    | \$       |
| CHARGES   | CO-SHARE | \$ 81.00 |
| TIPS  | MY NET   | \$       |
| SIGNATURE<br> |          |          |

| NO. PAS. | TIME  |       | FROM       | TO           | AMOUNT | TIP |
|----------|-------|-------|------------|--------------|--------|-----|
|          | IN    | OUT   |            |              |        |     |
| 1        | 12:10 | 12:40 | St Lukes   | N/G          |        |     |
| 2        | 12:40 | 1:10  | 16 + Val   | 1500 Cmt     | 15     |     |
| 3        | 1:10  | 1:40  | 260 Dinner | Capt + Hotel | 7      |     |
| 4        | 1:40  | 2:10  | 1760 Lunch | C + Beans    | 15     |     |
| 5        | 2:10  | 2:40  | 18 + Beans | C + Beans    | 11     |     |
| 6        | 2:40  | 3:10  | St Lukes   | 1440 Dinner  | 12     |     |
| 7        |       |       |            |              |        |     |
| 8        |       |       |            |              |        |     |
| 9        |       |       |            |              |        |     |
| 10       |       |       |            |              |        |     |
| 11       |       |       |            |              |        |     |
| 12       |       |       |            |              |        |     |
| 13       |       |       |            |              |        |     |
| 14       |       |       |            |              |        |     |
| 15       |       |       |            |              |        |     |
| 16       |       |       |            |              |        |     |

MEMO TO DRIVER BADGE? Y N... PICTURE? Y N... A-CARD? Y N... CAR REG? Y N  
 HUBCAPS? Y N METER SEAL & STICKER? Y N License Pl Y N  
 REMEMBER: SFPD FINES YOU IF YOU DON'T HAVE THESE INITIAL

**DRIVE CAREFULLY      DRESS NEATLY      BE COURTEOUS**





|     | TRIPS (1) | UNITS (2) | PD MILES(4) | TOT MILES (5) |
|-----|-----------|-----------|-------------|---------------|
| IN  | 5437      | 54095     | 17730       | 33936         |
| OUT | 5418      | 53905     | 17680       | 33874         |
| DIF |           | 190       | 50          | 58            |

CAB NO. 0374  
 MED. NO. 0374  
 SINAIKA, Andrew  
 8J28708 <REC> MESSAGE

6-15-07  
 4.9  
 15.95  
 76799  
 out: 8 PM  
 in: 12 AM  
 Total: 4 hrs

|                              |           |          |
|------------------------------|-----------|----------|
| Out: 19:55                   | 20070615p | 76740    |
| SCRIP.                       | TURN IN   | \$       |
| PAT.                         | GROSS     | \$       |
| CHARGES                      | CO-SHARE  | \$ 96.00 |
| TIPS                         | MY NET    | \$       |
| SIGNATURE <i>[Signature]</i> |           |          |

|   | NO. PAS. | TIME |     | FROM          | TO            | AMOUNT |  |
|---|----------|------|-----|---------------|---------------|--------|--|
|   |          | IN   | OUT |               |               |        |  |
| 1 | 2        |      |     | 3064 SAC      | 300 Grove     |        |  |
| 2 | 2        |      |     | St Mary #     | Ritz          |        |  |
| 3 | 2        |      |     | 1700 NPT, 207 | Saffer, Stock |        |  |
| 4 | 2        |      |     | 1001 S VN     | Union Kearny  |        |  |
| 5 |          |      |     |               |               |        |  |
| 6 |          |      |     |               |               |        |  |
| 7 |          |      |     |               |               |        |  |
| 8 |          |      |     |               |               |        |  |
| 9 |          |      |     |               |               |        |  |
| 0 |          |      |     |               |               |        |  |
| 1 |          |      |     |               |               |        |  |
| 2 |          |      |     |               |               |        |  |
| 3 |          |      |     |               |               |        |  |
| 4 |          |      |     |               |               |        |  |
| 5 |          |      |     |               |               |        |  |
| 6 |          |      |     |               |               |        |  |

MEMO TO DRIVER: LICENSE? Y N... PICTURE? Y N... A-CARD? Y N... CAR REG? Y N... METER SEAL & STICKER? Y N License Pl Y N... YOU IF YOU DON'T HAVE THESE INITIAL

DRIVE CAREFULLY      BE NEATLY      BE COURTEOUS



| TRIPS (1) | UNITS (2) | PD MILES(4) | TOT MILES (5) |
|-----------|-----------|-------------|---------------|
| 1001.4    | 24922     | 34739       | 67993         |
| 1000.2    | 24402     | 34705       | 67930         |
| 1.2       | 120       | 34          | 063           |

CAB NO.   
 26396   
 Driver: Andrew   
 7U12656   
 MILEAGE

6-16-07

4.2 263957   
 13.65   
 out: 12:30 AM   
 in: 4:30 AM   
 Total: 4 hours

|                              |          |         |
|------------------------------|----------|---------|
| Out: 19:55                   | 20070615 | 263783  |
| SCRIP                        | TURN IN  | \$      |
| PAT.                         | GROSS    | \$      |
| CHARGES                      | CO-SHARE | \$ 96.4 |
| 18.00                        |          |         |
| TIPS                         | MY NET   | \$      |
| SIGNATURE <i>[Signature]</i> |          |         |

| NO. PAS.     | TIME |     | FROM          | TO              | AMOUNT |
|--------------|------|-----|---------------|-----------------|--------|
|              | IN   | OUT |               |                 |        |
| 1            |      |     | 61 Napoleon   | Kiska Rd        |        |
| 1            |      |     | 701-A Clayton | 2nd / Grandview |        |
| 1            |      |     | Delfino       | Union / Mason   |        |
| <b>29.60</b> |      |     |               |                 |        |

TO DRIVER: 1. ...PICTURE? Y N...A-CARD? Y N...CAR REG?   
 2. ...METER SEAL & STICKER? Y N License Pl Y   
 IF YOU DON'T HAVE THESE INITIAL   
 DRIVE CAREFULLY BE NEATLY BE COURTEOUS

**PC&N TAXICAB/RAMP TAXI PERMIT APPLICATION**  
San Francisco Taxicab Commission

|  |   |   |  |
|--|---|---|--|
| Applicant's Name (First, Middle, Last)<br><b>Andrew Simaiko</b>  |   | Type of Medallion Applying for:<br><input checked="" type="checkbox"/> Regular <input type="checkbox"/> Ramp  |  |
| Residence Address (Street Address, City, State, Zip)<br><b>Alameda, CA 94501</b>   |   |   |  |
| Mailing Address (if different than residence address)  |   |   |  |
| Residence Phone Number   |   | Alternate Phone Number:   |  |
| Hours Available at this Number: <b>M-F 8AM-6 PM</b>  |   | Hours Available at this Number: <b>all hours</b>  |  |
| Social Security Number   |   | Other name(s) used  |  |
| California Driver's License Number / Expiration Year   |   | Date of Birth   | Place of Birth                           |
| Race (Optional)  | Sex<br><input checked="" type="checkbox"/> M <input type="checkbox"/> F | Height  | Eye Color<br><b>green</b>                |
|  |   |   | Hair Color<br><b>brown</b>               |
| Color Scheme / Business Name<br><b>De Soto Cab Cooperative Co., Inc.</b>   |   |   | Business Number<br><b>(415) 970-1300</b> |
| Color Scheme / Business Address (Street Address, City, State, Zip)<br><b>555 Selby St. San Francisco, CA 94124</b>               |   |   |  |
| Are you a U.S. Citizen? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If No, Alien Resident Card Number |   | Are you currently an active driver and hold a current Public Passenger Vehicle Driver Permit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No<br>If Yes - Date Permit was Issued: <b>1-14-08</b> Permit #: <b>PHH</b> |  |

Facts which show why the public will not be adequately served unless this permit is granted: (attach additional pages if needed)

*As a licensed San Francisco taxicab driver since 1979 and a long-time resident of San Francisco and the Bay Area, I have extensive experience in conveying passengers safely to and from all areas of the city. I respond to radio calls throughout the city at residences, hospitals, hotels, offices, restaurants and other places of business. My long experience has afforded me a great knowledge of the streets of the city and an understanding of the inner workings of the cab industry. Whenever asked, I am happy to share my geographic, historical, and sociological knowledge with my passengers.*

**OFFICE USE ONLY**

|  |                          |                     |       |
|--|--------------------------|---------------------|-------|
| Received By:  | Receipt No: <b>31290</b> | Amount: <b>6.58</b> | Date: |
| Notice Date:   | Issuing Date:            |                     |       |

I have driven a taxicab in the City of San Francisco and I meet the current year's driving requirement pursuant to SFPD Municipal Police Code Section 1121(b).  Yes  No

List residences for last five years (List most recent first, attach additional pages if needed)

| From Date | To Date | Residence Address (Street Address, City, State, Zip) |
|-----------|---------|--|
| 2003      | 2008    | Amherst, CA 94501                                    |
|           |         |  |
|           |         |  |
|           |         |  |
|           |         |  |

How long have you lived within a 30 mile radius of San Francisco? 28 years 11 months

How many years driving experience do you have in San Francisco? 28 years 9 months

Are you physically qualified to drive a standard vehicle safely?  Yes  No

List employment for last five years (List most recent first, attach additional pages if needed)

| From Date | To Date | Company Name    | Address (Street Address, City, State, Zip) | Type of Work                  |
|-----------|---------|-----------------|--|-------------------------------|
| 2003      | 2008    | De Soto Cab Co. | 535 Solby St. SF, CA 94124                 | cab driver / radio dispatcher |
|           |         |                 |  |                               |
|           |         |                 |  |                               |
|           |         |                 |  |                               |

Have you ever been convicted of, or plead guilty or No Contest to any crime?  Yes  No If yes, provide the information required below.

(Attach additional pages if needed)

Failure to provide full information relative to prior convictions, guilty pleas or not contest pleas may be considered cause to deny the permit.

| Offense | Date | Place of Arrest | Disposition |
|---------|------|-----------------|-------------|
|         |      |                 |             |
|         |      |                 |             |
|         |      |                 |             |
|         |      |                 |             |

Is your eyesight impaired?  Yes  No  
Do not include ordinary nearsightedness or farsightedness corrected by eyeglasses.

Is your hearing impaired?  Yes  No

Do you have any physical impairments?  Yes  No If yes, describe the impairment:

Have you ever had: Epilepsy  Yes  No Vertigo  Yes  No Heart Trouble  Yes  No

Are you now, or have you ever been, Addicted to the use of intoxicating liquor?  Yes  No Any Narcotic Drug?  Yes  No

Were you previously licensed as a taxi driver or chauffeur?  Yes  No If yes, has the license been revoked?  Yes  No If yes, explain for what cause?

If you are granted a taxicab permit, will you use or provide 24-hour radio dispatch service?  Yes  No

If yes, explain how you will use and provide 24-hour radio dispatch service: (i.e. state existing radio cab company, detail information about new service, other)

De Soto Cab Company

If you are granted a taxicab permit, will you use an accurate taximeter at all times and possess a valid current Weights and Measures seal?  Yes  No

If you are granted a taxicab permit, will you obtain a San Francisco Airport decal, submit annually a State of California brake, road lamp, and smog inspection certificate and submit to an annual inspection of the general appearance of the interior and exterior of your taxicab?  Yes  No

Read each section and sign initials to the left of each section if you agree and understand.

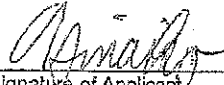
NA I understand that in addition to the regulations adopted by the Taxicab Commission and of the City and County of San Francisco Controller there are sections of the San Francisco Municipal Code, San Francisco Traffic Code and California Vehicle Code that are applicable to my business as a taxicab permit holder.

NA I understand that there may be sections of the San Francisco municipal Code that are applicable to my business and/or permit. There are copies of the San Francisco Municipal Code available at City Hall, The Public Library, Legal bookstores and on-line at [www.sfgov.org](http://www.sfgov.org). If a Letter of Intent is required, I acknowledge that the Letter of Intent is part of the application, and I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California. I understand that any false or incomplete information provided by me, relative to this application, may be considered cause to either deny the requested permit or revoke the permit that is granted.

NA I will actively and personally engage as a permittee-driver under any permit issued to me for at least four (4) hours during any twenty-four (24) hour period at least seventy-five percent (75%) of the business days during the calendar year and that the information submitted on my application and financial statement is true and correct. I understand that any false or incomplete information provided by me relative to this application, may be considered cause to either deny the requested permit or revoke the permit if granted.

I have read all of the above statements and declare under penalty of perjury that they are correct.

Executed on this 27<sup>th</sup> day of May, 20 08 at San Francisco, California.

  
Signature of Applicant

TAXICAB COLOR SCHEME APPLICATION  
San Francisco Taxicab Commission

NEW COLOR SCHEME  
(Complete both sides)

CHANGE OF COLOR SCHEME - From: \_\_\_\_\_  
(Complete front side only)

\*YOU MUST SUBMIT A CERTIFICATE OF WORKER'S COMPENSATION, REGISTRATION CARD, & INSURANCE CARD WITH THIS APPLICATION.

**PLEASE PRINT CLEARLY - COMPLETE ENTIRE FORM**

|  |  |                |
|--|--|----------------|
| Applicant's Name (First, Middle, Last)<br><u>Andrew Sinaiko</u>  |  | Phone<br>( ) - |
| Residence Address (Street Address, City, State, Zip)<br><u>Alameda, CA 94501</u>   |  |                |
| Joint Applicant's Name (First, Middle, Last)<br>_____  |  | Phone<br>( ) - |
| Residence Address (Street Address, City, State, Zip)<br>_____  |  |                |
| Is this a Corporate permit? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If yes, Name of Corporation: _____ |  |                |

If this color scheme request is granted by the Taxicab Commission, list what your business name, address and phone number will be.

|  |  |   |
|--|--|---|
| Business Name<br><u>De Soto Cab Co</u> | Business Address (Street Address, City, State, Zip)<br><u>555 Sella San Francisco, CA 94124</u>                              | Business Phone<br><u>(415) 970-1300</u> |
| Medallion Number(s)<br>_____           | <input type="checkbox"/> Owner / Operator<br><input type="checkbox"/> Gas & Gate<br><input type="checkbox"/> Long Term Lease |   |

Please list the reason(s) why you are requesting this change:

I want my medallion to be with De Soto Cab Co., because I have been with De Soto for over 25 years and I want to stay at the best cab company in San Francisco.

I (We) certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 27<sup>th</sup> day of May, 2008 at San Francisco, California

Andrew Sinaiko  
Print Name of Applicant

[Signature]  
Signature of Applicant

**\* TO BE COMPLETED BY ACCEPTING COLOR SCHEME**

|   |                               |
|---|-------------------------------|
| Name of person authorized to sign for Color Scheme Holder:<br><u>CINDY L. WARD</u>  | Title:<br><u>GENERAL MGR.</u> |
| I, the Color Scheme Holder / person authorized to sign for the Color Scheme Holder for <u>DESOTO CAB CO.</u><br>Taxicab Color Scheme hereby give consent to the applicant named to use my color scheme. |                               |
| I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.   |                               |
| <u>Cindy L. Ward</u><br>Signature of Color Scheme Holder / person authorized to sign for Color Scheme Holder  | <u>5/21/08</u><br>Date        |

**OFFICE USE ONLY**

|                         |                     |                                |                        |
|-------------------------|---------------------|--------------------------------|------------------------|
| Agenda Notice Date      | Hearing Date        | Decision of Taxicab Commission | New Declaration Signed |
| Worker's Comp Submitted | Insurance Submitted | Paint Chips Submitted          | Photos Submitted       |
| Received by:            | Receipt No.         | Amount                         | Date                   |



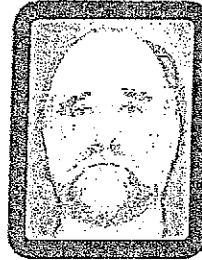
ISSUED BY  
OFFICE OF THE TREASURER & TAX COLLECTOR  
PUBLIC PASSENGER VEHICLE DRIVER

EXPIRES: DECEMBER 31, 2008

**ANDREW SINAIKO**

**P44-046006**

The above named person is licensed as a Public Passenger Vehicle Driver in accordance with the San Francisco Police Code, Article 1, Sections 2.26.1 and 2.27.1



**CALIFORNIA**  
DRIVER LICENSE CLASS: C

EXPIRES

ANDREW SINAIKO  
ALABAMA LN 74001  
SEX: M HAIR: BRN EYES: GRN  
HT: 5-08 WT: 175 DOB: [REDACTED]  
RSTR: CORR LENS

*Andrew Sinaiko*  
01/20/2004 235 RB PD/09

