

Agenda: Item 8

Hearing for Clarification of Ownership and Management Status of Delta
Cab Company [DISCUSSION AND POSSIBLE ACTION]



COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7
R.JAMES SLAUGHTER, COMMISSIONER ext. 4
SUSAN SUVAL, COMMISSIONER, ext.5

JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TO: Honorable Commissioners

FROM: Jordanna Thigpen

RE: Clarification of Ownership and Management of Status of Delta Cab Co.

Date: August 21, 2008

Background: Recently, a dispute has arisen over the ownership and management status of Delta Cab Co. This cab company was started in January 1997 by David Van, a pre-K medallion holder. Mr. Van has had various managers at the company over the years, including Roger Cardenas of Bay Cab and Marty Smith.

Currently Marty appears in the Treasurer's Office records as the owner for Delta Cab. This is not dispositive of his ownership however since the only reason he is listed there is because he actually holds the business license, which is a different, Treasurer-issued permit. The Treasurer's Office has informed me that the Commission must write a letter to remove Marty from the color scheme permit if we do not believe he is the owner.

I was unwilling to write such a letter without a hearing on the issues presented, in fairness to the two individuals involved, as well as the continued existence of this company. Additionally, Marty wanted a hearing on the issue. I believe that this dispute in ownership represents a safety risk since I have no clear lines of management at the company with whom I can communicate to conduct the business of my office.

Facts: Delta has had administrative problems in the past. It was cited in 1997, and 100% of medallion holders at the company were noted as failing Prop K. In 2000 it received another admonishment. In 2001, it received yet another admonishment. Later in 2001 the parking situation at the premises was noted by Sgt. Simpson as being out of control and that there were no parking at the premises (at that time it was located at 85 Industrial Avenue, site of the current Crown Cab operation.)

On October 22, 2002, investigation revealed that no shift changes were taking place at the company property. In November 2002 it was cited again for administrative violations.

The Taxi Commission file, which is the original Taxi Detail file brought over from Taxi Detail, plus other information, contains a declaration from David Van dated February 17, 2005 whereby he affirms that he is the owner and manager of Delta Cab. There is also a letter dated January 5, 2005 stating that Roger Cardenas was terminated as the manager of Delta in April 2003 and that David is the only manager. Those are the only documents pertaining to management in the Commission's files.

On May 23, 2008, David Van came to the office and informed the Commission that Marty Smith was "not authorize [sic] to sign, transfer, or do any business for Delta Cab" without David's signature or approval. The

Commission relied on documents in its possession stating that David Van is the owner and manager. Therefore, the Commission accepted David's letter. On May 30, 2008, the Commission sent David a letter.

Subsequently, Marty attempted to do some color scheme transfers and change the radio dispatch service. Staff informed Marty of David Van's correspondence and gave the parties some time to work out their dispute, hoping they could come to some peaceful resolution which would not need Commission intervention. Marty produced a letter, dated October 3, 2006, purportedly stamped by the Taxi Commission, purportedly signed by David, stating Marty was "half owner" of the company. David vigorously denied ever signing this letter. Marty in turn has produced a letter from Jack Trad of SF Taxi stating that he witnessed the signing of the transfer of ownership and that, in fact, David verbally promised 100% transfer of ownership to Marty.

David does not deny that he transferred the business license (a Treasurer-issued permit) for Delta Cab into Marty's name and has provided an excuse for this. However he denies ever giving Marty any share in his color scheme permit or the taxi company itself.

After David denied that he signed the letter and claimed it was fraudulent, the Taxi Commission and the SFPD contacted Adult Protective Services as a precautionary measure, since he is a senior citizen and is in poor health, and they are conducting an investigation.

Drivers and medallion holders have been contacting the office, claiming that due to the dispute in ownership, they have been deprived of monies owed to them. David was in the hospital for some time and there was no management contact at the company at all during that period. Now David claims Roger Cardenas is the manager.

Rules on Color Scheme Transfer: A color scheme permit can be transferred according to MPC § 1125(b), which provides that "the permits issued pursuant to this Section are transferable, subject to the approval of the Taxi Commission, who shall determine that the proposed transferee meets the criteria set forth in Section 1081 of this Article." Section 1081 pertains to financial responsibility, etc. MPC § 1125(b) also provides noticing requirements with regards to the proposed transfer.

Therefore even if Marty's letter is valid and David did sign it – facts in dispute by the parties – it is irrelevant because the Taxi Commission *never actually approved* the transfer. Even if it was received at the Commission, there is no showing that approval was actually given by the Commission. The code is clear on this issue – it does not say "the Executive Director" – it says "the Commission."

Interpretation: Thus, it is my interpretation of the facts presented and the governing code that since approval for the proposed transfer was never given, David Van is the owner of Delta Cab.

Attachments:

January 5, 2005 Letter from David Van
February 17, 2005 Color Scheme Applicant Declaration (Amended)
May 23, 2008 Letter from David Van
May 23, 2008 Letter from David Van
May 27, 2008 Documents from Marty Smith
May 30, 2008 Letter from Jordanna Thigpen
July 1, 2008 Letter from David Van
July 6, 2008 Letter from Jordanna Thigpen
October 6, 2006 Disputed Document
August 18, 2008 "Statement of Fact" from Jack Trad

DELTA CAB
999 Pennsylvania Avenue
San Francisco, CA 94107
(415) 920-9097

January 5, 2005

San Francisco Police Department
Taxicab Detail
850 Bryant Street
San Francisco, CA 94103

Attn: Susan
Re: Delta Cab Manager

Dear Susan,

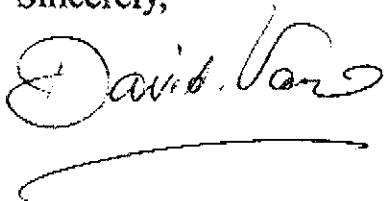
Mr. Roger Cardenas currently does not manage the Delta Cab and he was terminated on 04/30/2003.

David Van has been a manager since 05/01/2003 and I am the person in the direction of contact for all Delta Cab matters.

(415) 920-9097 (Office)
(415) 205-6501 (Mobile)

Please update this information for your record.

Sincerely,

A handwritten signature in cursive script that reads "David Van". The signature is written in black ink and is positioned below the word "Sincerely,". There is a long, horizontal flourish or underline stroke extending from the bottom of the signature.

AMENDMENT

AMENDMENT

AMENDMENT

COLOR SCHEME APPLICANT DECLARATION

I, DAVID VAN, the Color Scheme permittee, doing business as, DELTA CAB do hereby provide the following information to the San Francisco Police Department, Taxi Detail, regarding this permit.

1. The business office address is: 999 PENNSYLVANIA AVENUE, SE., CA 94107
(Where waybills will be available for inspection during business hours, the business office must be staff, Monday - Friday 9:00 a.m. to 5:00 p.m., no exceptions, no answering service, etc. the business office must store the current waybills and lost property of customers)
2. The business office phone number is: (415) 920-9097
(The business phone number must be listed in the classified section of the San Francisco phone directory and be accessible thru operator information. The number must be listed in the phonebook for service request, injuries, for complaints, and lost property).
3. The individual driver, after each shift, operating under the DELTA CAB Color Scheme must turn their waybill in at the address listed in Section 1. The waybills shall be retained for a period of three years.
4. The Color Scheme twenty-four (24 hour) hour dispatch phone number is: (415) 285-3800
*(The number **MUST BE LISTED** in the San Francisco phone book - Classified directory and **MUST** be operational twenty-four (24) hours a day, each day of the year.)*
5. All taxicabs operating under DELTA CAB Color Scheme **MUST** be equipped with a working radio which is operating under contract with CHECKER CAB CO. Dispatch Service located at 999 PENNSYLVANIA AVE., SE., CA, 94107. All taxicab vehicle shall be equipped with an operational two-way radio. Radio telephones and paging system are not two-way radios for purposes of these Taxicab Regulations. *(The dispatch service must be at least two-way radio service commonly use for dispatching standard taxi service. The two-way radio must be operational in the taxicab during all hours of operation)*
6. The manager's name DAVID VAN
 - a. manager's phone number (415) 920-9097 OFFICE, (415) 205-6501 (MOBILE)
 - b. other company's representative phone numbers GRATCHEN MAKARIAN (415) 285-3710
7. The main office phone number (415) 920-9097 Fax number (415) 681-8737
8. This Declaration will be effective on 02/17/2005

ANY CHANGES IN MY PRINCIPAL PLACE OF BUSINESS SHALL BE MADE IN WRITING WITHIN TEN (10) DAYS AND IS SUBJECT TO APPROVAL BY THE TAXICAB DETAIL. Dr.

I WILL NOTIFY THE TAXICAB DETAIL WITHIN TWO (2) WORKING DAYS OF ANY OTHER CHANGES IN THE COLOR SCHEME BUSINESS OFFICE INFORMATION. Dr.

I HAVE READ AND UNDERSTOOD ALL THE ABOVE STATEMENTS. I DECLARE UNDER THE PENALTY OF PERJURY THAT THEY ARE TRUE AND CORRECT.

Print Name of Applicant DAVID VAN

Signature of Applicant David-Van

Executed at 850 Bryant, Taxi Detail, San Francisco, California on _____

Witnesses by S. F. P. D. 1426 [Signature] (rec'd by Fax 2/22/05)
RANK STAR (SIGNATURE)

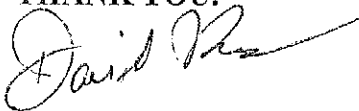
MAY 23, 2008

TAXI COMMISSION
25 VAN NESS AVENUE #420
SAN FRANCISCO, CA 94102

ATTN: JORDANNA THIGPEN


I, DAVID VAN, COLOR SCHEME HOLDER OF DELTA CAB, HEREBY
INFORM YOU THAT EFFECTIVE IMMEDIATELY MARTIN B. SMITH,
MANAGER OF DELTA CAB IS NOT AUTHORIZE TO SIGN, TRANSFER, OR
DO ANY BUSINESS FOR DELTA CAB WITH OUT MY SIGNATURE AND OR
APPROVAL.

THANK YOU.

A handwritten signature in cursive script, appearing to read "David Van", written in black ink.

DAVID VAN
DELTA CAB

received 5.23.8

A large, stylized handwritten signature in cursive script, written in black ink.

MAY 23, 2008

TAXI COMMISSION
25 VAN NESS AVENUE #420
SAN FRANCISCO, CA 94102

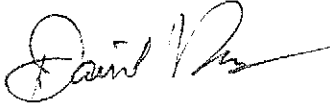
ATTN: JORDANNA THIGPEN

RE: RADIO DISPATCH

I, DAVID VAN, COLOR SCHEME HOLDER OF DELTA CAB, HEREBY REQUEST TAXI COMMISSION TO STOP PROCESSING THE TRANSFER OF DELTA CAB RADIO DISPATCH FROM TOWN TAXI TO CHECKER CAB BECAUSE WE HAVE A SIGNED CONTRACT WITH TOWN TAXI FOR THREE YEARS. THEREFORE, I WANT TO WITHDRAW THE RADIO DISPATCH CHANGE.

HOPING FOR YOUR IMMEDIATE ATTENTION REGARDING MY REQUEST.

THANK YOU.



DAVID VAN
DELTA CAB

received 5.23.8



RECEIVED

APR 23 2008

SAN FRANCISCO
TAXI COMMISSION

Delta Cab Company
1340 25th Street
San Francisco, Ca. 94107
Phone 415-920-9097
Fax 415-920-9317
e-mail deltacab@msn.com

11/22/03
M. Smith
8/1/03
11/22/03

Taxi Commission
Executive Director
Jordanna Thigpen

Dear Jordanna:

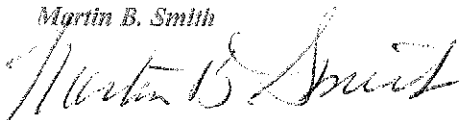
It has come to my attention that david van has attempted to stop the changing of Delta Company's radio dispatching service from town taxi dispatch service to black and white checker dispatch service .

Enclosed you will find documents showing my ownership of Delta Cab Company and Color Scheme. See attachment #1,2,3 and also I enclosed is a copy of DBA abandoned by david van see attachment #4.

This is a business decision by me as Owner /Manager Delta Cab Company to change dispatch service and I gave proper notice to the town taxi and the Taxi Commission see attachment 5. Also included is attachment # 6 showing original letter from david van adding my name to the color scheme for Delta Cab

Just to let you know Black and White's award winning dispatch company is still consistently moving up as one of the best dispatch companies in San Francisco. Delta has had a history with Black and White Checker for many years and will benefit the driver's and the public.

Martin B. Smith



Owner/ Manager

RECORDED

MAY 27 2008

SAN FRANCISCO
CITY OF SAN FRANCISCO

TAX COLLECTORS BUSINESS TAX SYSTEM DATE: 05/09/08
OWNERSHIP ACCOUNT INQUIRY TIME: 12:52
SOLE PROPRIETORSHIP
BUSINESS TAX ID: 545509101-02 OWNERSHIP NAME: SMITH MARTIN
SUBTYPE:
STATE CORPORATION NBR: CHANGE CODE: 0C TAKEN OVER THE COUR
START DATE: 10/31/06 INACT DATE: REACT DATE: STAT: ACTIVE
DETERMIN RATING CODE: 1 REG FEE YEAR: 2009 REG FEE STATUS: N 2000 REFND IND:
BUSINESS MAILING ADDRESS (CARE OF):
LAST NAME: SMITH FIRST NAME: MARTIN MI: B
TITLE: OWNER PHONE NUMBER: 415-987-4674-
ADDRESS: 16 HARVA ST
CITY: SAN FRANCISCO STATE: CA ZIP: 94112-
ACCT RECORD LOCATION:
CONTACT NAME: SMITH FIRST NAME: MARTIN MI: B
TITLE: OWNER PHONE NUMBER:
ADDRESS: 313 28TH ST
CITY: SAN FRANCISCO STATE: CA ZIP: 94131-
CERT STAT (C-CURR/N-NOT-CURR/H-HOLD): N FILING CLASS: L 2000 REFUND FINALIZED (Y/N):
BILLING SUSPENDED FROM THRU
DC000049 RECORD DISPLAYED
NEXT KEY: NEXT SCREEN:
CLEAR:EXIT PF1:HELP PF2:REFRESH PF3:PREV MENU PF4:MAIN MENU PF5:IRGPEEYR
PF6:SPMT PF7:IBSPYSM PF8:ISTMDTRP PF9:IACGTRCV PF10:ICRTSI 11:UOVR 12:IPMTHS

RECEIVED

MAY 27 2008

SMITH MARTIN
BUSINESS TAX SYSTEM

3

~~*****~~ TAX COLLECTORS BUSINESS TAX SYSTEM DATE: 05/09/08
~~*****~~ CERTIFICATE ISSUE DATE INQUIRY BY DBA/SITUS/CLASS TIME: 12:51
~~*****~~ PAGE: 1
 BUSINESS TAX ID: 545509101-02 OWNERSHIP NAME: SMITH MARTIN
 CERTIFICATE NBR: 403326 CERT PROCESSING: FEIN SUPPLIED INSTEAD OF OWNE

DBA NBR AND DBA NAME/ SITUS NBR AND STREET ADDR	CLS/PEC	START DATE	INACTIVE AS OF	LAST CERT SET UP IN ISSUE DATE	BTS ON
01 DELTA CAB CO 001 1340 25TH ST	11	6114 11/01/06			05/09/08
01 DELTA CAB CO 001 999 PENNSYLVANIA AVE	11	6114 10/31/06	10/31/06	01/28/08	10/31/06

DC908013 END OF DATA - NO MORE DATA TO DISPLAY
 NEXT KEY: NEXT SCREEN:
 CLEAR:EXIT PF1:HELP PF2:REFRESH PF3:PREV MENU PF4:MAIN MENU
 PF7:PREV PAGE PF8:NEXT PAGE PF10:URGENT

3

TLA2 ACCT. NO: P69 003011 TAX ID - CENSUS OLD#
 DBA DELTA CAB CO CERTIF NBR DATE STARTED 06-01-00
 SITUS 1340 25H ST 0000 DATE INACTIVATED
 OWNER SMITH, MARTIN CARE OF
 ADDRESS 1340 25TH ST SAN FRANCISCO, CA 94107
 CONDOMINIUM DISTRICT CODE NON-MATCHING ADDRESS UNIT COUNT 15
 PERMIT NO. 000000 SUB-CLASS DESC. COLOR SCHEME - TAXI ACCOUNT TYPE A
 COMMENT: PD \$1250 B#0844 4.13.06 FOR 02-03/PD \$516 B#0252 6.29.06 FOR 06-07
 EXPIRE DTE - - - - 06-30-08 06-30-07 W 06-30-06
 DATE PAID - - - - 06-28-07 09-14-06 07-06-05
 BATCH NO 0840 0535 0535
 ISSUE DT 00-00-00 00-00-00 06-29-07 09-15-06 07-08-05
 DUE: FEE 1,049.00 516.00 508.50
 SURCHRG 3.00 9.00
 MISC.
 PENALTY
 TOTAL 1,052.00 525.00 508.50
 PAID: FEE 1,049.00 516.00 508.50
 SURCHRG 3.00 9.00
 MISC.
 PENALTY
 TOTAL 1,052.00 525.00 508.50
 BALANCE 0.00 0.00 0.00
 P69 003011 RECORD RETRIEVED - ENTER CLASS-ACCOUNT FOR NEXT RECORD

RECEIVED
 MAY 29 2008
 2008.05.29
 0000000000

RECEIVED
 MAY 29 2008
 2008.05.29
 0000000000

Office of The County Clerk

Search Detail - Fictitious Business Search

Step 3 of 3

Document Number Date Filed
1996-0207673-00 09/09/1996



Business Name	DELTA CAB	Start Date	09/09/1996	Abandonment Date	10/25/1999
Address	1545 RIVERA ST.				
City, State and Zip Code	SAN FRANCISCO, CA, 94116				



Owner Name	VAN DAVID	Start Date	09/09/1996	Withdrawal Date	10/25/1999
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<- Previous Record - [New Search](#) - Next Record ->

[Return To List](#)

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INDEXED

MAY 27 2008

FILED
S.F. COUNTY

Delta Cab Company
1340 25TH Street
San Francisco, Ca. 94107
Phone: 415-920-9097
Fax: 415-920-9317
Email: delta_cab@msn.com
May 12, 2008

5

From: Martin B. Smith
Owner/manager Delta Cab Company

To: Town Taxi
Ralph Machkovsky

Delta Cab Company will be transferring their radio dispatch service from Town Taxi dispatch service to Black and White Checker dispatch service as of July 1, 2008.

Thank you
Marti Smith 5-12-08
Marti Smith
Owner/manager

[Signature]
per 5/13/08

RECEIVED
MAY 29 2008
COMMUNICATIONS
DIVISION



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
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7
R. JAMES SLAUGHTER, ext. 4

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

May 30, 2008

David Van
1545 Rivera Street
San Francisco, CA 94116

Dear Mr. Van:

Thank you for coming to my office to discuss the outstanding issues at 999 Pennsylvania Avenue and 1340 25th Street.

You have represented to myself and Sgt. Reynolds that you are the sole color scheme holder for Delta Cab and that no one else is authorized to make decisions for you with regards to the color scheme, including and especially Marty Smith. Additionally, you have represented that you transferred the business license into Marty Smith's name, but not the color scheme permit.

Marty brought in a document, allegedly time-stamped by our office October 6, 2006, and purportedly signed by you, claiming to make him a 50% owner of the color scheme. You have claimed that this document is potentially fraudulent because you do not remember signing it. This document does not appear in our files. Regardless of the validity of this document, a proper amendment to your color scheme permit was never signed and a new application listing both you and Marty was never filled out at this office. Therefore as far as this office is concerned, you are the sole color scheme permit holder.

Meanwhile, as we discussed and you confirmed, Marty Smith is claiming to be the manager of Delta Cab. As the color scheme holder, you have represented that you do not want any more medallions coming under the Delta Cab color scheme. You stated that Marty claims he will be bringing up to 22 more medallions to Delta Cab over the next month. Marty wants this office to calendar those medallions for affiliation with Delta Cab in accordance with Commission procedures.

You and Marty must resolve the outstanding issues with regards to Delta Cab and your color scheme permit as follows:

- Who is a color scheme holder at Delta Cab
- Who will be the person accountable to the Taxi Commission
- Who will make decisions on behalf of Delta Cab

If you cannot resolve these issues by July 2, 2008, the Commission will have no choice but to calendar an item on the July 8, 2008 agenda to determine the proper course of action for the Commission to take with regards to this color scheme. This could include forced transfer of the medallions to color schemes of the medallion holders' choosing. The Commission's first responsibility is to the citizens of the City and County of San Francisco and must ensure the safety of the public at all times.

You also mentioned several other outstanding issues with regards to your property at 999 Pennsylvania Street. The severity of the incidents, the fear that you described that you are feeling, and your unwillingness or inability to properly care for the property, including the alleged presence of toxic waste and criminality on the property, have given my office and the San Francisco Police Department cause for concern. Sgt. Reynolds has contacted Adult Protective Services and an investigation has been opened. You will be contacted by an investigator from that office.

Thank you very much and please do not hesitate to contact me if you have additional questions or concerns.

Sincerely,



Jordanna Thigpen
Acting Executive Director

JULY 1, 2008

TAXI COMMISSION
25 VAN NESS AVENUE # 420
SAN FRANCISCO, CALIFORNIA 94102

ATTN: JORDANNA THIGPEN
EXECUTIVE DIRECTOR

THIS IS IN RESPONSE TO YOUR LETTER DATED MAY 30, 2008.

1. IN REGARDS TO THE SIGNED DOCUMENTS CLAIMING MARTIN SMITH'S 50% OWNERSHIP AND COLOR SCHEME, I HEREBY DECLARE THAT SAID DOCUMENT IS FRAUDULENT BECAUSE I DID NOT SIGN IT. I AM THE SOLE COLOR SCHEME HOLDER FOR DELTA CAB AND NO BODY IS AUTHORIZED TO MAKE ANY DECISION WITH REGARDS TO THE COLOR SCHEME.

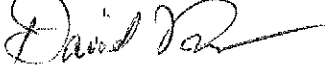
2. DELTA CAB BUSINESS LICENSE WAS NEVER ABANDONED BY ME. DURING THAT TIME, MR. ROGER CARDENAS WAS THE MANAGER FOR DELTA CAB WHO FAILED TO PAY THE RENEWAL FEE ON TIME. SO, I PAID THE REINSTATEMENT FEE IN THE AMOUNT OF \$1,930.00 (PLEASE REFER TO THE ATTCHED CANCELLED CHECK) IN ORDER TO ALLOW MR M. SMITH NAME ON THE BUSINESS LICENSE.

3. MARTIN SMITH IS PRESENTLY HOLDING THE POSITION AS THE MANAGER OF THE COMPANY. HE IS NOT AUTHORIZED TO CHANGE THE RADIO DISPATCH FROM TOWN TAXI TO CHECKER CAB BECAUSE OF THE THREE YEARS BINDING CONTRACT WITH TOWN TAXI AND TO AVOID ANY LEGAL LAW SUIT.

4. THE FRAUDULENT DOCUMENT REGARDING 50 % OWNERSHIP WAS NEVER SIGNED BY ME AND WAS NEVER FILED WITH THE TAXICAB DETAIL AND TAXI COMMISSION OFFICE. THEREFORE, I DENY MR SMITH CLAIMING 50% OWNERSHIP.

I WOULD APPRECIATE YOUR IMMEDIATE ATTENTION REGARDING THESE ISSUES.

RESPECTFULLY YOURS,



DAVID VAN
DELTA CAB

Ps /cc SGT. REYNOLDS

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
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MIN PAEK, COMMISSIONER, ext. 7
R. JAMES SLAUGHTER, ext. 4
SUSAN SUVAL, COMMISSIONER, ext. 5

JORDANNA THIGPEN, EXECUTIVE DIRECTOR

July 6, 2008

David Van
Delta Cab
Sent to personal address: 1545 Rivera Street
San Francisco, CA 94116

Dear Mr. Van:

This letter will serve as a confirmation of our conversation in my office on Thursday, July 3, 2008.

As you know this office had provided you until July 2, 2008 to resolve your outstanding dispute with a gentleman purporting to be a manager of Delta Cab, Marty Smith. As I had previously detailed, if the dispute was not resolved by that day, I would have no choice but to recommend placing a hold on all color scheme changes or new medallions entering into Delta Cab, pursuant to your explicit instructions that you did not want any medallions coming to the company, and for reasons of public safety due to the ownership dispute. As of July 3, 2008, the dispute is still outstanding and there is now a hold on all medallions entering Delta Cab.

At this time, the fictitious business name "Delta Cab" is registered in San Francisco under the name of Marty Smith. That filing is done with the Treasurer/Tax Collector's Office and my office has no interest in that filing except to the extent that it proves Delta Cab is licensed to do business in the City and County of San Francisco. Delta Cab also has a color scheme permit, issued by my office. The color scheme permit is under your name, and there are no other names on the color scheme permit. You have asserted that a document purporting to transfer ownership to Mr. Smith (produced by Mr. Smith) is fraudulent. Regardless of the validity of that document, all ownership transfers must be approved by the Taxi Commission pursuant to MPC § 1125, and that never occurred.

You have indicated that you are the owner of 99 Pennsylvania/1340 25th Street, and that there are several tenants at the property at 999 Pennsylvania/1340 25th Street. After reviewing those addresses online at the Assessor/Recorder's website for the City, I have additional questions regarding those properties.

From what I am able to tell, the relevant block and lot numbers are 4226/011 for 999 Pennsylvania and 4226/014 for "1340 25th Street," which is actually 1050 Iowa Street according to the Assessor's website. I am not able to ascertain the identity of the owner of either parcel from the website. I need to know the exact block and lot number(s) for which you are claiming ownership.

Additionally, as we discussed, I will need to see a copy of any lease(s) that you have entered into for the property. I will be contacting each of the color schemes currently claiming either of the two addresses to

obtain a copy of their leases as well. Once I have obtained all the leases, I will be contacting you again. You have indicated in the past that (1) not all color schemes claiming these addresses have a legal right to occupy your properties and (2) that there are issues with regards to the fitness of tenants at the property to maintain the property in a safe and legal condition – specifically, that there is toxic waste, garbage, and other problems from these tenants.

Another outstanding issue at Delta Cab is the issue of worker's compensation. You presented a notice of cancellation of coverage that was effective midnight on July 3, 2008, but asserted that it had been reinstated. I will attempt to contact the appropriate individual to verify reinstatement. The Commission takes worker's compensation coverage very seriously and revocation of a color scheme is one possible consequence of failing to provide coverage.

Please provide the block and lot numbers for the properties and the leases by 5 PM on Friday, July 11, 2008. I also need to clarify Delta's exact address by that date as it is uncertain at this time.

Additionally, as we discussed, I would like to outline my office's current understanding of the business of Delta Cab:

Owner and Manager: David Van

Years as Delta Cab: since 1997


Dispatch Service: Town Taxi

Number of Medallions: 19 (one currently on hold attempting to transfer in)

Address: ? To be provided by July 11, 2008

Please inform me if any of the above-stated information is incorrect.

Sincerely,



Jordanna Thigpen
Executive Director

CC: Sgt. Reynolds, Taxi Detail

6

RECEIVED

OCT 06 2006

SF Taxi Commission

DELTA CAB COMPANY

To: San Francisco Taxicab Commission

From: David Van
Delta Cab Company

To whom it may concern

I wish to add Martin Smith's name as half owner of D Delta cab
color scheme and company.

Sincerely:

David Van

David Van
415-205-6501

Oct 3rd 2006
Date

RECEIVED

MAY 27 2008

RECEIVED
OFFICE OF THE
S.F. TAXI COMMISSION

Statement of Fact

Jack G. Trad

To whom it may concern:

I Jack G. Trad witnessed the signing of the document on October 3, 2006 by David Van giving Martin B. Smith 50% of the Color Scheme of Delta Cab Company. At the same time David Van Promised to Martin B. Smith the whole Color scheme within one (1) year of the October 3, 2006 date giving Martin B. Smith 100% ownership of Delta Cab Company. I swear that this statement is true under the threat of perjury.

Sincerely,

Jack G. Trad



Date

05-18-08

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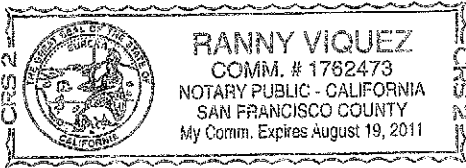
AUG 21 2008

SAN FRANCISCO
TAXI COMMISSION

JURAT

State of California }
County of San Francisco } SS.

Subscribed and sworn to (or affirmed) before me on this 18 day of August, 2008, by
Jack C. Trad, proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.



Ranny Viquez
NOTARY'S SIGNATURE

PLACE NOTARY SEAL IN ABOVE SPACE

OPTIONAL INFORMATION

The information below is optional. However, it may prove valuable and could prevent fraudulent attachment of this form to an unauthorized document.

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