Agenda: Item 9

Consideration of Hearing Officer's Recommendations in <u>Taxi</u> <u>Commission v. Rahimi (Rahimi I)</u> [ACTION] - Consideration of Hearing Officer's Decision to Revoke P-16 Permit 1135, P-16 permit held by Abdul Bashir Rahimi aka Sayed Bashir Rahimi aka Bashir Rahimi, formerly Bay Cab now DeSoto Cab, for violations of the San Francisco Municipal Police Code Section § 1081(f); MPC § 1110, MPC § 1138, *Taxicab/Ramiped Taxi Rules & Regulations* Rules 4.A.1, 4.A.2, 4.A.12.

CITY AND COUNTY OF SAN FRANCISCO



TAXI COMMISSION MAYOR GAVIN NEWSOM

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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TO: Honorable Commissioners FROM: Jordanna Thigpen

RE: Items 7, 8, 9, and 10 on the agenda

Date: 9.19.8

Due to the voluminous nature (>300 pages) of the cases that are on for tonight's hearing, the Commission has attached the hearing officer's decision only to the complaint for Items 7, 8, 9, and 10.

Copies of the case are available at the Commission office. Commissioners have been requested to come to the office and review the documents. Copies will be available at the Commission hearing for public viewing.

TAXI COMMISSION

CITY AND COUNTY OF SAN FRANCISCO

ADMINSTRATIVE HEARING DECISION

Hearing Date: April 18, 2008

Case: Sayed Bashir Rahimi, Medallion Holder #1135

Charges: Violation of Prop. K Full-Time Driving Requirement for 2001, 2003, 2005, 2006 and 2007; False Statements; Perjury;

Harassment; 1138 Waybill Violations.

Hearing Officer: Julie Rosenberg, Esq.

I. Procedural Summary

A. First Complaint (2/8/07)

The Taxi Commission (the "Commission") issued a complaint on February 8, 2007 against Abdul Bashir Rahimi (aka Sayed Bashir Rahimi) for failing to fulfill the full-time driving requirement ("FTDR") for 2001, 2003 and 2005 in violation of San Francisco Municipal Police Code ("MPC") section 1081(f). The 2001 and 2003 violations were established by two formal reprimands (Dated April 26, 2002 and April 14, 2004) which were issued by the San Francisco Taxi Detail (the "Detail") (and signed by Mr. Rahimi. See Exhibit A. The reprimands indicate that Mr. Rahimi worked 98 days in 2001 and 29 days in 2003. The hearing was held on April 6, 2007 and a decision issued by Hearing Officer Epstein on November 20, 2007. Officer Epstein found that the Commission failed to prove, by a preponderance of the evidence, that Mr. Rahimi fell short of the FTDR for 2005. However, Officer Epstein found that FTDR deficiencies were

 $^{^1}$ At the 1/8/08 Taxi Commission hearing, Mr. Rahimi acknowledged that he is also known as Abdul Bashir Rahimi. The Amended and Second Amended complaints name Sayed Bashir Rahimi.

established for 2001 and 2003 by virtue of Mr. Rahimi's signature on both reprimands.

Officer Epstein left the record open for the years 2005-2007 in the event any new evidence emerged regarding Mr.

Ramimi's compliance with the FTDR. The Commission adopted

Officer Epstein's recommendation on January 8, 2008.

It is noteworthy that the San Francisco International Airport Transaction Log ("Airport Log") (which shows when Taxicab #1135 was at the airport²) was not submitted to Hearing Officer Epstein. See Airport Log, Exhibit E. Thus, his decision was made without the ability to compare the Airport Log to the information on the waybills.

B. Amended Complaint (2/5/08)

The Commission issued an amended complaint charging Mr. Rahimi with the following: (1) failure to fulfill the FTDR for 2001, 2003, 2005, 2006, and 2007, (MPC Section 1081(f)) (2) making false statements: (a)on the 1095s submitted to the Commission for calendar years 2000-2007, and (b) regarding his assets and liabilities, and income (MPC Section 1110)) and, (3) committing perjury at the 4/6/07 hearing with respect to his sublease of 250 Sickles Avenue and his driving schedule.

C. Second Amended Complaint (3/21/08)

The Second Amended Complaint contained the same allegations as those in the Amended Complaint with the addition of the following charges: (1) Harassment of Women, and (2) Waybill

² <u>See</u> discussion set forth in III.A.2.a for a more comprehensive description of how the Airport Log is generated.

violations (MPC Section 1138). The hearing pursuant to the Second Amended Complaint took place on April 18, 2008.

II. Applicable Law

MPC section 1090(a) states in part:

- (a) Revocation for Cause. Any permit issued under this Article may be suspended or revoked, by the Police Commission for good cause after a noticed hearing. "Good cause" hereunder shall include, but shall not be limited to, the following:
- (i) The permittee ceased to be a full-time driver.
- (iv) The permittee or an agent of the permittee knowingly made false statements to or concealed information from the Police Commission, the Chief of Police or the Police Department.
- (viii) The permittee violated the Traffic Code of the City and County of San Francisco or the Vehicle Code or related laws of the State of California.
- (ix) The permittee violated any applicable statute, ordinance, rule or regulation pertaining to the operation or licensing of the vehicles and services regulated by this Article, including any rules and regulations enacted by the Chief of Police pursuant to this Article. Upon a showing of good cause, the Police Commission shall have discretion to suspend or revoke a permit as set forth above, except that a suspension and/or revocation shall be mandatory in the circumstances described in Subparts (i) through (vi) above. (emphasis added).

"Full-Time Driver" is defined "to mean any driver actually engaged in the mechanical operation and having physical charge or custody of a motor vehicle for hire which is available for hire or actually hired (i) for at least four hours during any 24-hour period on at least 75 percent of the business days during the calendar year or (ii) for at least 800 hours during the calendar year." MPC section 1076(o).

MPC section 1081(f) which addresses the driving requirements states: "Full-Time Driving Required. Every permittee subject to the provisions of this Section shall

³ In paragraph 5 of the Second Amended Complaint, the Commission sets forth Mr. Rahimi's prior disciplinary history. The revocation of Mr. Rahimi's color scheme permit is not relevant to the charges in this case.

be a full-time driver by satisfying the definition of that term in Section 1070(o). . ."

III. Charges

- A. Failure to Fulfill the Full-Time Driving Requirement
- 1. 2001 and 2003

At the hearing on 4/18/08, Mr. Rahimi suggested that in order to continue driving, he was forced to sign the reprimands which were issued on 4/26/02 and 4/15/04. There is no record, however, of an appeal or rebuttal of the reprimands. The reprimands indicate that Mr. Rahimi worked 98 days in 2001 and 29 days in 2003. See Exhibit A, Reprimands for 2001 and 2003. The 2004 reprimand refers to an interview with the Detail in which Mr. Rahimi claims to have been a victim of an assault in February 2003, and therefore was unable to drive for the remainder of that year. However, Mr. Rahimi never reported the incident to the Detail, and did not ask for a suspension of the FTDR.

Finding: Given that Mr. Rahimi: (1) signed both reprimands; (2) did not file rebuttals or request suspensions or accommodations for the FTDR, and (3) told the Detail that he did not drive a taxi after February 2003 for the calendar year 2003, the hearing officer finds that Mr. Rahimi violated the FTDR for calendar years 2001 and 2003.

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2. 2005-2007

The hearing officer reviewed each waybill submitted for the years 2005, 2006, and 2007. See Exhibits B, C and D. Many waybills were invalidated because: (1) they were duplicates, i.e. more than one waybill was submitted for the same day and those submitted had inconsistent information including the number of passengers, destinations, and shift times; (2) the Airport Log showed that Mr. Rahimi's vehicle, #1135, was at the airport during the reported shift times, but many of the waybills do not list SFO; (3)in some cases, SFO was listed on the waybill, but there was no records of the taxi being there in the Airport Log and (4) the shift hours reported on the waybills were not credible given the low number of fares listed. For example, waybills that stated only one, two, three, or four fares for a ten-hour shift. The Taxicab Industry Report, dated January 8, 2008, which was prepared by the San Francisco Controller's Office, indicates that the average number of fares per shift4 is fifteen. See page 15 of Report, Exhibit F. The hearing officer invalidated, for example, waybills which had four fares or less for a ten hour shift.

⁴ The number of hours for a "Shift" is not indicated in the Report.

a. The Airport Log

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The Airport Log, submitted by the Commission, indicates when Cab #1135 entered and exited the airport parking lot in 2005, 2006 and through June 26 of 2007. 5 The procedure is explained by the Manager of the New South Parking Garage, Larry Johnson. See Exhibit E. According to Mr. Johnson, when a taxi enters the airport garage, the driver receives a paper ticket which records the time of entry and the lane electronically by way of an encoded magnetic strip which appears on the face of the ticket. vehicle then goes to the bottom of the garage to wait to be dispatched to the airport. Once a taxi is dispatched, it goes to the exit point, which is at the cashier's booth. The driver gives the ticket to the cashier who scans it to determine the amount due and types in the medallion number which is recorded on the Airport Transaction Log as "License." Mr. Johnson produced the record by logging into the software system at the garage known as "Parking and Revenue Control System." The airport records submitted by Mr. Rahimi for 2005-2007 are not consistent with the Airport Transaction Log provided by the Commission. Mr. Rahimi's records were not

 $^{^{5}}$ A different tracking system was implemented after June 26, 2007.

considered by the hearing officer, because no foundation was provided which explained where they came from and how they were generated.

b. Invalid Waybills for 2005

There are no original waybills for 2005. It is Mr.

Rahimi's position the originals were submitted to Bay Cab, who in turn, gave them to Mr. Jack Brodnax, a Management Assistant for the Commission. At the 4/6/07 hearing, Mr.

Brodnax testified that he did not find any 2005 waybills for Mr. Rahimi during his audit of Bay Cab records on April 20, 2006. Mr. Rahimi produced what he claims are copies of waybills for 2005, the originals of which he testified (at the 4/6/07 hearing) he submitted to Bay Cab.

The majority of waybills submitted for 2005 are invalid. There were seven duplicates submitted with inconsistent information for the following dates: 1/4, 2/17, $2/22^6$, 3/11, 6/13, 7/29 and 10/12.

Furthermore, Mr. Rahimi's vehicle (Cab #1135) was at the airport numerous times during reported shift times, however, the airport is not listed as a destination in the

⁶ 2/22/05: The 2/22/05 waybills have different start and finish times, an inconsistent number of fares and destinations, and different mileage reported. The first waybill states that the shift went from 4 pm until 3am, the shift times on the second waybill appear to be 4pm to 4 am. The Commission presented evidence which established that Mr. Rahimi spoke at a Pittsburgh City Council meeting sometime after 8:04 pm on 2/22/05. Given that: (1)Mr. Rahimi was in attendance at the City Council meeting during his reported shift time, and (2) he submitted duplicate and inconsistent waybills, no credit will be given for the reported hours on that day.

waybills. In fact, 69 of the 99 waybills (70%) submitted (including duplicates) were not consistent with the Airport Log. For example: the Airport Log for 2/27/05 shows that Cab #1135 went to the airport six times during the reported shift time, but SFO is not listed on either of the duplicate 2/17 waybills.

With respect to hours reported, 30/99 (30%) waybills were invalidated for not having a credible number of fares for the hours worked. Many waybills had two, three, or four fares for a ten-hour period. The waybill dated 3/2/05 has one fare to San Jose and indicates the shift was ten hours. The waybill dated 10/23/05⁷ has only one fare (charged \$14) and states the shift is ten hours. The 10/31/05 waybill states the shift was ten hours, but no fares are listed. See Exhibit B.

The mileage-out figures reported are often inconsistent, going down when they should be going up. See Exhibit B.

Finding: Given the foregoing deficiencies, the hearing officer finds that only 157 hours can be counted towards the

⁷ It is not entirely clear if the waybill is for the $23^{\rm rd}$. It clearly says 10/2[?]/05."

FTDR for 2005. Consequently, Mr. Rahimi violated MPC section 1081(f).

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c. Invalid Waybills for 2006

Duplicate (and in two instances triplicate) waybills were submitted for 15 days in 2006. The duplicates submitted for each specific day have a different number of fares and different trip information, i.e. different destinations: 1/3 (triplicate), 1/9, 1/11, 1/19 (triplicate), 1/24, 4/19, 6/5, 8/7, 8/20, 9/3, 9/19, 11/16, 11/19, 11/20 and 12/8. All of the duplicates for each of the days have a different number of fares and different trip information.

Furthermore, 65 out of the 82 (79%) waybills submitted for 2006 were inconsistent with the Airport Log. With respect to hours reported, 49/82 (60%) waybills were invalidated for not having a credible number of fares for the hours worked. See Exhibit C.

Finding: Given the foregoing deficiencies, the hearing officer finds that only 63 hours can be counted towards the FTDR for 2006. Consequently, Mr. Rahimi violated MPC section 1081(f).

d. Invalid Waybills for 2007

It is notable that the quality of Mr. Rahimi's waybills significantly improved after his original hearing date of 4/6/07. More specifically, the number of fares increased and many more details were included such as the time of each fare. As previously indicated, the Airport Logs submitted by the Commission are only available up until June 26, 2007. After that time, a new system was implemented. Mr. Rahimi did not submit any foundation for the airport logs he submitted. Consequently, they are not being considered by the hearing officer.

There were 13 duplicate waybills submitted for 2007: 1/6, 2/6, 2/7, 2/14, 2/17, 2/23, 3/8, 3/9, 4/9, 4/18, 6/15, 8/9, and 12/18. The waybills through June 26, 2007 were compared with the Airport Log and 44/68 (65%) waybills were found to be inconsistent with the Airport Log. With respect to hours reported, 23/68 (34%) waybills were invalidated for not having a credible number of fares for the hours worked. See Exhibit D.

Finding: Given the foregoing deficiencies, the hearing officer finds that only 517.5 hours can be counted towards

the FTDR for 2007. Consequently, Mr. Rahimi violated MPC section 1081(f).

B. False Statements

MPC section 1110 states that "[i]t shall be unlawful knowingly to make any false or misleading representation, or knowingly to conceal information where this Article requires that information be disclosed, in connection with the application for, renewal of, or possible revocation of a permit issued under this Article."

1. 1998 Permit Application

The Commission alleges that Mr. Rahimi knowingly falsified his permit application in order to represent that he was financially responsible. More specifically, Mr. Rahimi did not disclose certain real estate holdings:

3 Sheryl Court (a home in Pleasant Hill worth approximately \$724,000), 5 Industry Road in Pittsburgh, CA

a.Mr. Rahimi's Real Estate Holdings and Liabilities

and "further property interests in Alameda County and in

 $^{^{\}rm g}$ In granting a permit, one factor the Commission must consider is "whether the applicant is financially responsible and will comply with all insurance requirements and will maintain proper financial records." See MPC section 1081(a)(1). In order to ascertain financial responsibility, the permit application requests a description of an applicant's financial state.

other cities in Contra Costa County, many of which are distributed among his [Mr. Rahimi's] various aliases."

The Commission further alleges that at the time he applied for a permit, Mr. Rahimi failed to disclose that he "owed": (1) the State of California \$33,869.99 in back taxes for the Calendar Years 1990-1995, and (2) \$10,671.93 for a 1992 Judgment.

Finding: The hearing officer does not find that Mr.

Rahimi knowingly concealed information in order to falsely represent that he was financially responsible. To the contrary, and as acknowledged by the Commission, Mr. Rahimi's holdings make him a "multi-millionaire." One can infer that a multi-millionaire is financially responsible. With respect to Mr. Rahimi's liabilities, the Commission has not provided any evidence that he has not complied with the insurance requirements or has failed to maintain proper financial records.

b. False Statements Regarding Income

The Commission alleges under the second paragraph 9 of the Second Amended Complaint[misnumbered] that Mr. Rahimi made false statements when he told Hearing Officer Epstein (at the hearing on 4/6/07) that he was a poor taxi driver

with a wife and four kids at home to support; that he worked seven days a week trying to make ends meet; that he had spoken to the welfare office and had been granted welfare and food stamps, and that he had no other source of income except from his medallion. The Commission asserts that because he is a multi-millionaire with various property holdings, Mr. Rahimi made false statements and committed perjury. Mr. Rahimi's statements regarding his economic status are not material to the case at hand. See discussion on perjury, below.

c. False Statements on 1095s Submitted

Pursuant to Municipal Police Code section 1095, medallion holders and taxi drivers are required to annually submit a sworn statement ("Form 1095") that indicates they are in compliance with all laws relating to the operation of a taxicab.

The Form 1095s are filed in May of each year and appear to relate to the one-year period immediately preceding the signing of the 1095.

²⁶ Part 2 of the Form 1095 states: "I(We) and all those operating under this medallion are in compliance with appropriate State of California and City and County of San Francisco laws pertaining to proper driver licenses, all

County of San Francisco laws pertaining to proper driver licenses, all pertinent rules adopted by the Tax Commission, all applicable San Francisco Municipal Police Code sections, Appendix G of the Charter of the City and County of San Francisco (Proposition K) and all other pertinent local, state and federal laws applicable to the operation of a Taxicab."

The Commission alleges that Mr. Rahimi was not in compliance with all laws and rules as he declared on his Form 1095s for the Calendar Years 2000-2007.

(1) 2000-2005

The Commission stated that Mr. Rahimi was not in compliance with all laws because he received two admonishments in 2000, one admonishment in 2002 (for failing to fulfill the FTDR in 2001) and one admonishment in 2004 (for failing to fulfill the FTDR in 2003). The Commission does not provide any evidence that Mr. Rahimi was not compliant with applicable laws in 2002 or 2004.

Finding: Given that the Commission issued the admonishments and was aware of Mr. Rahimi's noncompliance with applicable laws, the Form 1095s which cover the time period of 2000, 2001 and 2003 shall not be considered false statements.

(2) 2006-2007

The Commission also alleges that Mr. Rahimi failed to fulfill the FTDR for 2005-2007 and therefore the Form 1095s covering this time frame constitute false statements

by Mr. Rahimi. The hearing officer found that Mr. Rahimi failed to fulfill the FTDR for 2005, 2006 and 2007. The Commission did not, however, submit a Form 1095 for the time covering 2007 because the Form 1095 applicable for that period is filed in May 2008 (hearing was held in April 2008).

Finding: The two Form 1095s that cover the time period of 2005¹¹ and 2006 are false statements made to the Commission in violation of Municipal Police Code section 1110. See Exhibit G.

C. Perjury

Perjury is committed when an individual, under oath, makes a knowingly false statement about a matter material to the case at hand. See Cal. Pen. Code section 118. A matter is material if the false statement could affect the outcome of the case.

1. Lease for 250 Sickles Avenue

In paragraph 16 of the Second Amended Complaint, the Commission alleges that Mr. Rahimi committed perjury at

¹⁰ The Commission further alleges that Mr. Rahimi was not in compliance with the laws and rules because he did not pay the SF property taxes owed for 250 Sickles Avenue. Property taxes are not related to the operation of a taxicab, and therefore, the failure to pay the taxes is not within the scope of Section 1095.

 $^{^{11}}$ The Form 1095 filed in May 2005 would not be a false statement, because at that point, Mr. Rahimi still had time to fulfill the FTDR for 2005.

the hearing on 4/16/07 when he stated that he had a twenty or twenty-five year lease with the county for property located at 250 Sickles Avenue. According to Exhibit C2 of the Second Amended Complaint, Mr. Rahimi had a two year lease with Cal-Trans from 6/1/03 through 5/31/06.

Finding: The hearing officer finds that Mr. Rahimi's prior rental agreement is not material to the case at hand and therefore perjury has not been established.

2. Perjury Regarding Mr. Rahimi's Driving Schedule

The Commission alleges that Mr. Rahimi committed

perjury at the 4/6/07 hearing when he stated that he had

been driving seven days a week, 10 to 13 hours per day

from 1999-2004.

Finding: Given the earlier finding that Mr. Rahimi failed to fulfill the FTDR for 2001 and 2003, the hearing officer finds that Mr. Rahimi committed perjury when he stated at the 4/6/07 hearing that he had been driving seven days a week, 10 to 13 hours a day from 1999-2004.

- D. <u>Harassment</u>
- 1. Towards the Commission Staff and SFPD

The Commission alleges that Mr. Rahimi is in violation of Taxicab Rule sections 6.D.1 and 6.D.2 because he has repeatedly sexually harassed members of the Commission staff, SFPD officers, and passengers.

Section 6.D.1 states: "No Taxicab Driver shall speak in an obscene, boisterous, loud, threatening or abusive manner while in the course of their employment as a Taxicab Driver."

Section 6.D.2 states: No Taxicab Driver shall threaten, harass or abuse any other person while in the course of their employment as a Taxicab Driver."

Finding: Comments made to Commission staff and SFPD officers do not fall within the purview of these regulations as they only apply while in the course of employment as

2. Harassment of Passengers

With respect to harassment against passengers, there are two alleged incidents. (1) The first complaint was apparently made to 311 about an incident that occurred on 10/19/07. According to the caller, who is not identified in any of the documentation provided by the Commission,

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Mr. Rahimi drove two passengers to the downtown area. 12 The driver was flirty and looked at them in the rear view mirror. When the cab arrived at the destination, the fare was \$41. The driver stated that he did not have change and the passengers offered him \$40. The driver refused to unload the luggage and called the women "f***ing bitches" when they did not give him a tip. Mr. Rahimi denied the allegations. SFPD Officer Lily Ng spoke to the complaining party who verified the facts and the driver's description. In response to this complaint, SFPD Officer Lily Ng issued Mr. Rahimi an administrative citation, dated 3/12/08, which ordered him to appear at Taxicab School on 3/13/08. See Declaration of Officer Lily Ng, dated 3/20/08 which is part of the Second Amended Complaint.

Finding: The hearing officer finds that Mr. Rahimi has already been disciplined for this incident.

(2) The second incident involved a complaint made by a female passenger to DeSoto Cab on March 9, 2008. The basis of the complaint was that Mr. Rahimi made an

 $^{^{12}}$ There were no waybills submitted for October 2007.

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27 28 inappropriate comment about the passenger's breasts. The complaint was anonymous, and Cindy Ward, Manager of DeSoto Cab, refused to provide a statement regarding the incident.

Finding: Given the lack of substantiation for this allegation, the hearing officer finds that the Commission did not establish, by a preponderance of the evidence, that Mr. Rahimi committed harassment while acting as a driver.

E. Waybill Violations (MPC Section 1138)

Municipal Police Code section 1138 states, in part:

Drivers of taxicabs and motorized rickshaws shall keep an accurate and legible waybill, which shall set for the following information: (a) Date of waybill, (b) Driver's name; (c) Vehicle number and vehicle license number; (d) Number of medallion issued by the Police Department; (e) Time driver began for period covered by the waybill; (f) starting mileage of the taxicab for period covered by waybill; (g) Starting meter units for the period covered by the waybill; (h) Ending time for the period covered by the waybill; (i) Ending mileage of the taxicab for the period covered by the waybill; (j) Ending meter units for the period covered by the waybill; (k) Number of passengers for each trip; (1) The origin and destination of each trip; (m) The charges authorized and made for each trip; (n) The time of hire and discharge for each trip."

A review of Mr. Rahimi's waybills for 2005, 2006 and 2007 shows that the majority do not comply with the requirements set forth in section 1138. More specifically,

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the following information was missing on many of the waybills: license plate numbers, starting and ending mileage for the taxicab shift, starting and ending meter units, the charges authorized and made for each trip and the time of hire and discharge for each trip. The violations are too numerous to list hear. See Exhibits B, C, and D.

Finding: Mr. Rahimi violated section 1138 for the calendar years 2005, 2006 and 2007.

IV. Penalty Guidelines for FTDR Violations

"When the full-time driving requirement has been violated, the Commission has discretion to revoke the violator's permit. The Commission shall exercise its discretion in a manner consistent with the underlying purposes of Proposition K, including... the basic principle that permit holders be full-time drivers rather than absentees." See Taxi Commission Rules and Regulations-Enforcement of the Full-Time Driving Requirement: Standards for Permit Revocation, Exhibit H, also found at http://www.sfgov.org/site/taxicommission index.asp?id=4549.

As a guide to exercising its discretion in determining whether or not to revoke a medallion, the Commission

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mandates that certain standards be followed: (1) Determine the number of violations, (2) Determine which presumption, if any, applies, and (3) Weigh facts and circumstances relevant to the violations.

Extremely Strong Presumption Favoring Revocation

The hearing officer finds that there are two separate grounds which establish an extremely strong presumption in favor of revocation: (1) Egregious noncompliance with the driving requirement for the calendar years 2003, 2005 and 2006; 13 (See Exhibit H, Rule IV.B.3) and (2) Three violations of the driving requirement coupled with another serious violation of the law or serious misconduct. The hearing officer already found that are five FTDR violations for 2001, 2003, 2005, 2006 and 2007. With respect to serious violations of the law and serious misconduct, the hearing officer finds: (1) Mr. Rahimi made false statements in violation of MPC section 1110, (2) Mr. Rahimi fabricated and falsified waybills for the calendar years 2005, 2006 and 2007, and (3) Mr. Rahimi committed perjury at the administrative hearing on April 6, 2007.

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¹³ In 2005 Mr. Rahimi worked 157 hours, in 2006 he worked 63 hours, in 2003 he worked 29 days. Whether credit given is calculated in terms of shifts or hours, egregious noncompliance has been established.

In weighing the facts and circumstances of this case, there are no credible and compelling mitigating circumstances that explain the violations.

V. Recommendation

Pursuant to MPC section 1090, the hearing officer recommends that Medallion #1135 and the current A-Card issued to Mr. Rahimi be revoked under the findings above.

Julie Rosenberg, Esq. Di Hearing Officer

Date /