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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TAXICAB COMMISSION MINUTES

February 10, 2009 at 6:30 p.m.
City Hall, 1 Dr. Carlton B. Goodlett Place
Room 400

STAFF IN ATTENDANCE: Executive Secretary Tamara Odisho Benjamin – Taxi Commission, City Attorney Tom Owen, Sergeant Ron Reynolds- SFPD-Detail

1. **Call to Order/Roll Call** - Absent Min Paek
2. **Resolution to Recommend Allocation of the Driver Benefit Fund [INFORMATION and DISCUSSION]**
 - **Mark Kelleher, Senior Director of Development at SF State:** Overview of why Taxi Commission should create scholarship fund.
 - **Director Thigpen:** Will taxes reduce the amount of the fund?
 - **Mark Kelleher:** No tax from a non-profit to another non-profit.
 - **Com Breslin:** Is there any requirements for residency?
 - **Mark Kelleher:** None.
 - **Com Breslin:** In favor of a scholarship program but it would be favorable to have it for other schools.
 - **Pres Gillespie:** The resolution would also create a benefit to cover a portion of funeral costs for any driver killed on the job.

Public Comment:

- **Jane Bolig:** How would the funeral fund be managed? Scholarship is a great idea.
- **Robert Cesana:** Great misgivings on the proposal and believes SFMTA will get confused on who this money will go to. Should give all the money to a scholarship fund.
- **Mark Kelleher:** State law does not allow differentiating between male and/or female.
- **Tariq Mehmood:** The more important question is how much college tuition currently costs?
- **Mark Kelleher:** Estimated costs for next year are \$5,000 and fund would be perpetual.
- **Name:** What if a driver gets hurt on the job but cannot drive again?
- **Pres Gillespie:** Limited amount of money and would not be able to cover that type of accident.
- **Com Breslin:** In the change section change language to scholarship to qualified deserving applicant. Under first resolved, add future funds to be divided equally in the future.
- **Pres Gillespie:** City attorney recommended that we not suggest language on future funds. Will discuss language with the Executive Director and will present it at the next meeting.

3. Staff Report Commissioner Announcements

- **Dir Thigpen:** Overview of staff report.
- **Sgt Reynolds:** Overview of report.

Public Comment:

- **Charles Rathbone:** Prepared chart of dispatch reports.
- **Tariq Mehmood:** Last 2 meetings Commissioners have not done anything.

4. Consent Calendar [ACTION]

- **Director Thigpen:** Sever items B and C, items in D3-15 waiver of notice is required, D2, E3 and E5 for recusals.

Public Comment:

- **Charles Rathbone:** Welcome to B2-Douglas Wong and congratulations to E5-Orlando David
- **Richard Hybels:** Congratulations to E1-Bayramali Sen and E3- Sukhdev Attal
- **Marty Smith:** Welcomes E5-Orlando David to Luxor. Would like a refund for color scheme change from Delta to Luxor since it was waived for the other applicants.

- **Com Breslin:** Motion to waive notice for D3- D15

- **Com Oneto:** Second motion

Ayes: Benjamin, Breslin, Gillespie, Oneto, Suval, Tom No: 0

Absent: Paek

Recuse: 0

- **Com Breslin:** Approve item A- Minutes, grant color scheme change to D1- Bon Huey, D3- Antone Nguyen, D4- Farouk Khodor, D5- Lam Nuong, D6- Dennis Wong, D7- Michael Chang, D8- Ray Yaghmour, D9- John Vo, D10- Donald Holvoet, D11—Wing Tse, D12- Richard lee, D13- Amin Jamally, D14- Kin Ching, D15- Daryoush Amirehsani, grant medallions E1-Bayramali Sen, E2- Jian Zhou, E4- Yury Smilovitsky, E5- Orlando David, E6- Aleksandr Malinsky, E7- Mohsen Hassan

- **Com Oneto:** Second motion.

Ayes: Benjamin, Breslin, Gillespie, Oneto, Suval, Tom No: 0

Absent: Paek

Recuse: 0

- **Com Oneto:** Approve color scheme change to D2-Douglas Wong and grant medallion to E5- Orlando David.

- **Com Suval:** Second motion

Ayes: Breslin, Gillespie, Oneto, Suval, Tom No: 0

Absent: Paek

Recuse: Benjamin

- **Com Oneto:** Motion to grant a medallion to E3- Sukhdev Attal

- **Com Tom:** Second motion.

Ayes: Benjamin, Breslin, Oneto, Suval, Tom No: 0

Absent: Paek

Recuse: Gillespie

- **Director Thigpen:** Overview of Item B- Taxi Commission v Dev Narewatt

- **Com Benjamin:** Were there any waybills during the time he was working at his shop?

- **Director Thigpen:** Doesn't remember what the hearing officer reviewed.

- **Attorney for Dev Narewatt:** The hearing officer did not review 3 years of waybills. You would have to assume GTU records are correct at all times. The decision refers to GTU declaration that seems like there was a transponder issue. March –September 2006 gap discrepancy is an issue.

- **Dev Narewatt:** Has receipts for waybill payments. Ten year taxi driver and purchased a new vehicle every 3 years. What am I being punished for? This is not fair. I work 7 days a week but no one wants to listen.

- **Name:** Very popular driver and see him all the time at the airport. Has a shop but has a manger who runs the shop.
- **Name:** Has seen him for years at the airport. He is a hard working man.
- **Thomas George Williams:** I was surprised to see Dev Narewatt on here. Smart card is confusing, waybills get lost and transponders don't work well. Airport records are not reliable.
- **Name:** Knows this driver and he deserves a medallion.
- **Robert Cesana:** Doesn't know this driver, but smart card is enormous issue. Smart cards do not have names on it.
- **Name:** Knows this driver and always works on weekends and sees him at the airport, also uses his shop.
- **Name:** Professional engineer has known Dev for 4 years and wishes others had his honesty and work ethics. He works at nights and he has a mechanic shop.
- **Paul Grezan:** Taxi driver and knows Dev is a legitimate driver.
- **Mike Dejami:** Transponder is not working. Records from the cashier would be helpful to compare to his waybills. Smart cards option for 2-3 months allowed you to not use other exiting means.
- **Ahmed:** Has known Dev for at least 10 years. Smart card is an issue. Drivers each have their own cards.
- **Vic Ridley:** Smart card is fallible and has seen Dev driving.
- **Sayad Azad:** Driving for over 19 years. Has seen him at the airport and in the City.
- **Camile Barkookie:** Dev is a hard worker and he is not lying.
- **Tone Lee:** Good driver. Told him to be aware of his place on this list and to begin driving again.
- **Ashwan Aeir:** Known Dev for over 20 years and as a driver for 10 years. Does have a shop but only works there during the days,
- **Gratch:** There may be some airport discrepancy. He is a good driver and commission should contact company to get records.
- **Tariq Mehmood:** Shuttles that go to the airport use a transponder and would have been upset if they were improperly or incorrectly being charged by SFO for wrong transponder readings. Believes there are no issues with the transponders.
- **Pres Gillespie:** Notices National Cab is not here to back him up. This case is worthy of being reheard. But it wouldn't be by our Commission.
- **Com Benjamin:** Hearing officer never reviewed 2005 waybills. Are transponders checked for accuracy? Specifically this transponder and other transponders? Motion to rehear this case with a letter sent to GTU for review of transponder and evidence.
- **Director Thigpen:** Cannot say why she didn't. SFO would have to answer these questions.
- **Com Breslin:** Second motion

Ayes: Benjamin, Breslin, Gillespie, Oneto, Suval, Tom **No: 0**
Absent: Paek **Recuse: 0**

- **Director Thigpen:** Overview of consent item C- Taxi Commission v Kalesilassie Gebresilassie
- **Com Benjamin:** We have had previous problems with American Cab and production of waybills. Motion to continue the case
- **Kalesilassie Gebresilassie:** Would be happy for a rehearing.

Public Comment:

- **Name:** Thinks he has a very powerful argument including tax records and given problems at American Cab and a plausible case against them, should have an opportunity to present this again.
- **Com Oneto:** Second motion

Ayes: Benjamin, Breslin, Gillespie, Oneto, Suval, Tom **No: 0**
Absent: Paek **Recuse: 0**

5. Clean Air Taxi Program: Second Quarter Report [INFORMATION AND DISCUSSION]

- **Director Thigpen:** Overview of numbers and there's a 10% quarterly increase of clean vehicles. Commitment is great from industry.
- **Pres Gillespie:** Commend mid-year commitment from companies. Two largest companies already under the goal, as are several other companies, great news. Companies not in compliance cannot bring in any more gas vehicles. Every company must meet 1/3 reduction every year until 2011. Will present a resolution at next

meeting reviewing goals.

Public Comment:

- **Mark Gruberg:** Believes the commission's numbers for Green Cab are incorrect.
- **Director Thigpen:** If the Commission has made an error it will make the change.

6. **Taxi Commission v. Tu Lam, Revocation of P-16 Permit # 896 and P-44 Permit # 48151 for violating Taxicab Rules and Regulations 4.A.1, 4.A.2, 4.A.3, 4.A.4, 5.A.1, 5.A.3, 5.A.4, 5.C.5, 5.E.1c, 5.H.3, 5.H.4, 5.H.6, 5.H.9, 5.H.15, 5.H.16, 5.H.17, 5.I.2, 5.I.3, 5.K.3, 5.C.2, MPC § 1081(f), MPC §1123, MPC § 1138, MPC § 1140(a), MPC § 1147.7 and MPC § 1148.6(b) [ACTION]**

- **Director Thigpen:** Overview of the case
- **Jessie Ralph, Attorney for Tu Lam:** Reviews facts of case.
- **Director Thigpen:** Rebuttal
- **Jessie Ralph, Attorney for Tu Lam:** Rebuttal

Public Comment: None

- **Pres Gillespie:** Commission needs to deliberate the issue. Union Cab was a company that allowed medallion holders to operate their medallion without requiring medallion holders to drive. Lack of evidence that Mr. Lam was a real driver. Town Taxi admits there were no waybills. Although he has driven in 2008, there is no evidence he drove in the previous years.
- **Com Breslin:** Strong supporter of revocation but should both the A card and medallion be revoked?
- **Pres Gillespie:** Serious offense and should revoke both A card and medallion.
- **Com Benjamin:** Only 2 days on the waybills missing 2 lines on each waybill. It's hard to believe that you were able to have that many pick ups while operating your vehicle. Brings question to mind since other waybills are not so completely filled out.
- **Com Tom:** Taxi industry is not the last resort and not finding another job is not compelling.
- **Com Breslin:** Missing payments are small but this was his second chance and he should have stuck to his plan. Ownership of the medallion is subject and not because of the driving requirement, I am hesitant to revoke the A card but not the medallion.
- **Pres Gillespie:** Doesn't want to take away his means of making money but believes he has forfeited his right to hold a medallion.
- **Com Oneto:** Issue here is that he has not shown any responsibility to hold an A card or medallion. He collected profit for years from Mr. Me. This is years of fraud.
- **Com Benjamin:** Agree and not convinced any of his waybills are real. Signature different on each waybill. Is he on any Town Taxi rosters?
- **Director Thigpen:** Did not spend resources to review the waybills, but Town Taxi did not have him scheduled on the roster.
- **Com Oneto:** Motion to revoke medallion and A card
- **Com Benjamin:** Second motion.
- **Com Breslin:** Doesn't present a safety hazard and can drive in other jurisdictions and can reapply in San Francisco next year.
- **Com Tom:** Would the Commission cash the checks?
- **Director Thigpen:** It is up to you.
- **Com Oneto:** The settlement agreement is void if we revoke his A card and medallion. Commission to return recent check.

Ayes: Benjamin, Breslin, Gillespie, Oneto, Suval, Tom

No: 0

Absent: Paek

Recuse: 0

SPECIAL ORDER 8:00-8:30 PM

7. Public Comment (Please limit public comment to items NOT on the agenda)

- **Charles Rathbone:** Presented a copy of Luxor proposal for medallion auctions.

- **Richard Hybels:** Spoke with Malcolm Heinicke and he will consider modifying his proposal. Is up hauled to have to buy back his medallion.
- **Zamja Douwe:** This is like a liquor license. The City wouldn't take away a businesses license and shouldn't do it with medallions unless someone is violating the rules
- **Mustaffa:** Driver for 21 years, feeding 7 members of his family. Should have a mutually beneficial program.
- **Robert Cesana:** The end of this Commission will be taken over to the MTA. Thanks Jordanna for ADA letter. Drivers should apply early.
- **Name:** Received a medallion and it's precious to him. Worked hard for this and auctioning off would be a death warrant for him.
- **Mike Spain:** Charter Reform meeting proposals said that the Taxi Commission was supposed to review proposal.
- **Glen Mack:** Cost of living has gone up but not meters. Buying power is less and can't raise a family on this income.
- **Jane Bolig:** No transfer proposal will work unless all interested parties are considered.
- **Zuhair:** Seems like this is being planned very well. Merger with SFMTA and auctioning selling these medallions.
- **Steven Lee:** Was on the previous calendar and wants to know what the delay is.
- **Tone Lee:** Game is over and party is over as well. When 2005 rule changed reminded that he should continue driving. It is not fair that he won't be able to get a medallion because he is a MUNI driver.
- **Name:** Has known Steven Lee for many years and he is a good driver.
- **Rahimi:** Driver since 1982 and for waybill violations has been removed from the industry.
- **Calvin Wong:** Here to support Steven Lee. There was no rule that if he worked for MUNI he cannot get a medallion. It is not fair. Should be reconsidered.
- **Chris Franko:** Known Steven Lee and wants to support him to receive a medallion.
- **Name:** Hard to believe that medallions will be auctioned off. No union, or medical benefits. Consideration should be put to the voters.
- **Name:** Hopes Steven Lee will get his medallion.
- **Name:** Steve Lee has been a driver for years and should be condiseder for a medallion.
- **Steven Web:** Know very few drivers that can come up with money to buy a medallion.
- **Name:** Got his medallion last year after waiting 15 years and it's hurtful.
- **Carl Macmurdo:** Malcolm withdrew auction plan. Hopes commission allows ADA applications to come in late.
- **Myriah:** Likes Prop K and would like it to stay. But if drivers can buy medallions would do so if names on the list are offered a medallion.
- **Bill Mounsey:** Name on the list and will suffer if medallion list won't be used.
- **Thomas George Williams:** Was a member of Charter Reform working group and at last vote, change was considered. Real danger comes from the mayor's office. Wants to sell drivers out to bail out drivers.
- **Name:** Has been on the list since 1994 and was told that it would be a 10 year wait. That's why all these drivers have signed up to receive a medallion. This auction would take away our right.
- **Barry Kornegold:** Recently received his medallion and has concern for drivers on the list.
- **Mary Maguire:** If the proposal is withdrawn it's only in its present form. Do any of the proposals increase or improve taxi service?
- **Peter Witt:** See attached 150 words
- **Tariq Mehmood:** There is sympathy for drivers. Work will go on.
- **Ruah Graffis:** City is in a budget crisis but drivers have union wage, health care and other benefits.
- **Mark Gruberg:** A pandora's box was opened by the Mayor. All money driven on the mayor's part and for those who want to sell it.
- **Robert:** Father was a taxi driver who supported family on income. Business has been less than it's ever been.

8. Resolution to Recommend Draft SFMTA Rules on Medallion Leasing [ACTION]

- **Com Oneto:** Wanted the Commission to change their own rules before the merger so that the leases could be on file. Would like to adopt this resolution and to urge SFMTA to adopt it as well.. This is not changing lease agreements.

- **Com Breslin:** Can vote on this tonight and vote on the other next week.

Public Comment:

- **Tariq Mehood:** There are drivers who have 2 separate leases with different companies and I'm not talking about brokers.
- **Mark Gruberg:** Is this for a long term lease? They have very different contracts.
- **Com Oneto:** Motion to adopt resolution
- **Com Suval:** Second motion

Ayes: Breslin, Gillespie, Oneto, Suval, Tom

No: Benjamin

Absent: Paek

Recuse: 0

9. Adjournment

To be entered into the Taxicab Commission minutes, of Feb 10th 2009.

From/By , Peter Witt

↘ **For the Record; Why has this commission refused my request for information ????**

↘ And why didn't this Commission Define "Peak Times" As required by the Board of Appeals , BEFORE....
adding cabs in 1999 ???

↘ Why didn't you support the Task Force recommendations ??? As pre-advised.

Such as ... # 1.) Increasing dispatch coverage.

2.) Increasing meter rates.

5.) Taking steps to stop illegal limousines.

↘ ~~WHERE~~ ^{ARE} WHERE the customer surveys and reports I've submitted for ...P.C.&N... "NOT" Inclusive..... OR available to the public ??

↘ Because this commission has been operating illegally from the get go....under a Willie and Gavin agenda, to just add cabs. policy.
Now MTA, WHY ???

Because the City's POOR....poor S.F.

↘ Screw the cab driver's

↘ SCREW "the Public"

● More servicemy ASS !!!

↘ HOW ABOUT CUSTOMER SERVICE ???

↘ HOW ABOUT A -S. F.- LIVING WAGE

● For -S.F.- taxi driver

OR ...A SICK DAY OFF,WILL MTA CARE?