

DISCUSSION DRAFT – SFTMA MOTOR VEHICLE FOR HIRE REGULATIONS
SECTION 1111: DISCIPLINARY PROCEEDINGS
TAXI TOWN HALL MEETINGS,
MAY 1, 2009 AT 10:00 A.M.-12:30 P.M. AND 1:30PM-4:00 P.M.
MAY 4, 2009 AT 9:00AM- 1:00 P.M.-4:00 P.M.
1 SOUTH VAN NESS AVENUE, 2ND FLOOR ATRIUM

SEC. 1111. DISCIPLINARY PROCEEDINGS

(a) Disciplinary Complaint

In order to initiate a disciplinary proceeding, the SFMTA must present a written complaint consisting of a list of each alleged violation, the alleged facts that establish each violation, and any argument in support of requested disciplinary measure(s) or monetary penalties. The complaint shall not exceed 10 double-spaced pages, excluding exhibits. The SFMTA may include as a part of the complaint any findings that the SFMTA proposes be adopted by the hearing officer.

(b) Scheduling a Disciplinary Hearing

The disciplinary hearing shall be scheduled no sooner than 30 calendar days after the disciplinary complaint is provided to the ~~Permittee~~ Permit Holder unless the parties agree to a different schedule. The ~~Permittee~~ Permit Holder may request a continuance of the hearing by submitting a written request to the SFMTA and to the hearing officer at least five business days prior to the scheduled hearing. The ~~hearing officer~~ SFMTA must grant or deny the request for continuance within ~~10~~ three business days. If the ~~hearing officer~~ SFMTA takes no action on the request within ~~10~~ three business days the request shall be deemed to be granted. If the SFMTA denies the request, it shall immediately forward its decision to the hearing officer, who may also grant or deny the request for continuance in his or her discretion at any time prior to the hearing. If the hearing officer takes no action on the request, the request shall be deemed to be granted. The final decision on the request for continuance shall be provided to the Permit Holder and shall be posted on the SFMTA's website. No continuance of the disciplinary hearing may exceed ~~be granted for a period in excess of~~ 60 days, provided, however, that if there is a pending criminal proceeding against the Permit Holder the

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SFTMA BOARD OF DIRECTORS ON MAY 19, 2009**

ROOM 400, SAN FRANCISCO CITY HALL, 2:00PM

SFMTA IS ACCEPTING COMMENTS TO DRAFT REGULATIONS THROUGH MAY 8, 2009

AFTER MAY 8 COMMENTS MAY BE ADDRESSED TO THE BOARD AT ITS MEETING

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Email comments to:
taxi-driver@sfmta.com

Or mail or deliver comments to:
Chris Hayashi
1 South Van Ness Ave, 7th Floor
San Francisco, CA 94103

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hearing officer may suspend the hearing pending final resolution of the criminal case.

(c) Response to Complaint

No later than ~~5~~ five business days prior to the hearing, the *Permittee Permit Holder* may provide the SFMTA and the hearing officer a written response to the disciplinary complaint, along with any additional information the *Permittee Permit Holder* considers relevant to the case. The response shall not exceed ~~10~~ ten double-spaced pages, excluding exhibits, and shall include a list of the witnesses, if any, that the *Permittee Permit Holder* will present at the hearing. The *Permittee Permit Holder* may include as a part of the complaint any findings that the *Permittee Permit Holder* proposes be adopted by the hearing officer.

(d) Presentation of the Case

(1) The SFMTA shall make the initial presentation of its case at the hearing, and shall have the burden of proving, by a preponderance of the evidence, the facts alleged in the complaint and that such facts constitute permit violation(s).

(2) Following presentation of evidence, each party shall have at least ~~5~~ five minutes to present their rebuttal arguments, if any.

(e) Decision

(1) The hearing officer shall issue a written decision within ~~10~~ ten business days of the date of the hearing, and shall include written findings and disciplinary measures or monetary penalties, if any. No later than ~~3~~ three business days following the hearing the SFMTA shall publish a summary of the results of the disciplinary case on the SFMTA website, referenced by the case number, date of hearing and the affected permit number. The decision shall include written findings and disciplinary measures or monetary penalties, if any. If a Taxi or Ramp Taxi permit

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was suspended pending resolution of the case, the decision shall include a finding of whether the matter was resolved substantially in the Permit Holder's favor. The full text of the decision shall be sent to the Permittee Permit Holder no later than the business day following the issuance of the decision.

(2) The hearing officer's decision shall take effect on the date that notice is provided to the Permittee Permit Holder.

(g) The appeal to the Board of Appeals of any decision to revoke a permit for the operation of a Motor Vehicle for Hire shall automatically suspend the permit that is the subject of the appeal for the duration of the appeal, or 90 days, whichever is less.

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