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JORDANNA THIGPEN, EXECUTIVE DIRECTOR

## TAXICAB COMMISSION MINUTES

November 25, 2008 at 1:00 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

**Director Jordanna Thigpen:** Cell phone admonishment

### 1. Call to order/ Roll Call

**Present:** Benjamin, Breslin, Gillespie, Oneto, Paek (late), Tom **Absent:** Suval

### 2. Staff Report and Commissioner Announcements [INFORMATION]

- **Director Thigpen:** Overview of updates.
- **Sgt Reynolds:** Updates and discussion.
- **Com Benjamin:** Why are there about 60 medallions that have not been approved?
- **Director Thigpen:** The Board of Appeals directed the Taxi Commission to release 10 medallions per month.

#### Public Comment:

- **Richard Hybels:** When you get into a black town car, it's like hitchhiking.
- **Ruah Graffis:** Appreciates that drivers can't meet minimum wage, but if permit holders weren't getting 2-3 thousand per month it may stop these guys from driving a limo.
- **Barry Taranto:** The hotel is only allowing one driver per medallion for the raffle, unfair.
- **Peter Witt:** A driver on the medallion list should be dropped if caught on driving a limo.
- **Amine Benchekor:** Geary and Powell light is difficult.

### 3. Consent Calendar [ACTION]

**Director Thigpen:** Overview of items. Remove all items in section B and G.

#### Public Comment:

- **Charles Rathbone:** Congratulates everyone receiving this medallion.
- **Com Oneto:** Motion to approve items A- minutes, C1-7- remove names from the waiting list and F- ramp removal
- **Com Breslin:** Second motion.

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

**No:** 0

**Absent:** Paek (late), Suval

**Recuse:** 0

- **Director Thigpen:** Overview of item B1- Kalesilassie Gebresilassie
- **Kalesilassie Gebresilassie:** Has driven a taxi for over 15 years and was away for some time for a court case. When returned received the offer letter and tried to gather waybills but American couldn't find 2 years of waybills.

- **Pres Gillespie:** When did you leave the country?
- **Kalesilassie Gebresilassie:** Left December 30, 2007 and returned in September 2007.
- **President Gillespie:** Would like to continue this item to January for further investigation.
- **Director Thigpen:** Overview of the item B2- Woldu Kelati.
- **Com Breslin:** Is there a system that we have with the companies when a driver has their license suspended that they contact our office?
- **Director Thigpen:** Has enrolled the Commission into the DMV program that we will be able to find out about this information.
- **Woldu Kelati:** Didn't know that the suspension applied to commercial driving. Since it was only his personal DMV license that was suspended.
- **Com Benjamin:** While you were at court did they know that you were a taxi driver?
- **Woldu Kelati:** I don't know.

**Public Comment:**

- **Jim Gillespie:** Driver has been working for Yellow since 1990 and only thing on his record was the DUI. Career driver who made a mistake but passed PCC.
- **Com Benjamin:** What's Yellow's policy on checking suspended licenses?
- **Jim Gillespie:** In 2005 we ran a report every 6 months and someone missed that.
- **Unknown Name:** Known him for years. We all make mistakes and he deserves a second chance.
- **Unknown Name:** Has been a driver for over 20 years, nice gentlemen who deserves to be in the industry
- **Samson:** A good man makes a good driver, his DUI was a misdemeanor and not a felony and shouldn't be charged as a criminal.
- **Mark Gruberg:** Has read the report but if his one mistake was a DUI 4 years ago, that should not hold him back from receiving a medallion.
- **Barry Taranto:** He shouldn't be penalized for the DUI at least he didn't falsify waybills.
- **Com Breslin:** DUI is not the issue. The issue is driving on a suspended license and that he applied the suspension to personal driving. If he had known he shouldn't be driving, I personally don't think he would have driven his taxi. This is about whether or not the driving was willful.
- **Com Benjamin:** Motion to approve this medallion and required to issue a DMV print out for one year every 6 months. Should know he is not allowed to drive on a suspended license.
- **Com Oneto:** Second motion.
- **Com Tom:** Worried that ruling maybe sending a wrong message to the industry by allowing this and setting this as a precedent.
- **Com Paek:** Thankfully there was no accident.
- **Director Thigpen:** Roll Call

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

- **Com Oneto:** Motion to grant medallion to B4- Wossen Endalkachew
- **Com Paek:** Second motion

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

- **Com Oneto:** Motion to grant medallions to B3- Emmanuel Agu, B5- Raymond Wong, & B6- John Zucca
- **Com Paek:** Second motion

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

- **Com Benjamin:** Motion to approve color scheme permit transfer of Max Cab from Sai Chiang to Steven Gee
- **Com Tom:** Second motion

**Ayes:** Benjamin, Gillespie, Oneto, Paek, Tom      **No:** 0  
**Absent:** Breslin (Stepped out for this vote), Suval      **Recuse:** 0

- **Com Paek:** Motion to waive notice for item E.
- **Com Benjamin:** Second motion.

Ayes: Benjamin, Oneto, Paek, Tom  
Absent: Breslin (Stepped out for this vote), Suval

No: 0  
Recuse: Gillespie

- **Com Paek:** Motion to approve color scheme changes for E1- Viboon Vannakittikun and E2- Thomas Eng
- **Com Oneto:** Second motion.

Ayes: Benjamin, Oneto, Paek, Tom  
Absent: Breslin (Stepped out for this vote), Suval

No: 0  
Recuse: Gillespie

- **Director Thigpen:** Overview of item G1- Masoud Charsoughi
  - **Pres Gillespie:** You haven't driven a taxi until December 2006. This isn't a reward to put your name on your list. You can't meet the requirements to receive the medallion.
  - **Masoud Charsoughi:** Wasn't told that he was required to have an A-card.
  - **Com Oneto:** Motion to deny time waiver to G1- Masoud Charsoughi based on the fact he won't be able to meet the driving requirement.
  - **Com Benjamin:** Second motion.
- Ayes: Benjamin, Gillespie, Oneto, Paek, Tom  
Absent: Breslin (Stepped out for this vote), Suval
- No: 0  
Recuse: 0
- Item G2- Kalesilassie Gebresilassie continued

#### 4. Clean Air Taxi Program: First Quarter Report [INFORMATION]

- **Director Thigpen:** Overview of results.
- **Pres Gillespie:** Would like to add a column to the Green Guide. Changes to memo.
- **Ben, Clean Energy:** Clean Energy recently purchased a large landfill in Texas which will reduce green house gases.
- **John Janes:** Industry is doing well with converting vehicles. Thanks Commission for help. Could he get a list of grant money available to help buyers purchase vehicles? Tax credit for Ford Escape will change for 2009.
- **Director Thigpen:** Industry lost grant money before and would not like for that to happen again.
- **Com Oneto:** What's the demand supply like?
- **John Janes:** How many would you like? We have more 2009 taxis than NYC.
- **Mike Spain:** Understands this is a quarterly report, but another column could have provided the broader success of the program. This distorts the totals. There are a lot of cars that are not being included in this that get better mileage than some of the hybrids and CNGs. Why are those vehicles that are not included?
- **Pres Gillespie:** We are only measuring since July 1, 2008 and not before.
- **Richard Hybels:** Has only placed one hybrid vehicle in the fleet. Cannot recruit new medallion holders since the list of names and addresses is no longer public.
- **Director Thigpen:** The personal information of mailing addresses cannot be released to the public.
- **Mark Gruberg:** Although not the lowest is the cleanest fleet.
- **Charles Rathbone:** Thanks Commission for their work.
- **Mary McGuire:** Really likes the Ford Escape but at 50,000 miles the sensors start to go and can't tell the tire pressure. The car also shuts off and did so while driving on the freeway. This problem needs to be handled.
- **John Janes:** Taxi community is the highest account Ford has. They are aware of the sensor issue and are working on addressing it.
- **Marty Smith:** Car show had many nice and new vehicles.
- **Jim Gillespie:** New Clean Energy station that went live last week. Largest in Northern California. Works efficiently and has 4 pumps.
- **Jane Bolig:** Entering into a transition phase with zero emission cars. It's an expensive upfront cost for companies since they are based on lines of credit which are difficult to get.

#### 5. Consideration of Possible Working Group for "Taxi Wrap Benefit Fund" to Determine Disposition of Funds Collected From Taxi Wraps [DISCUSSION AND POSSIBLE ACTION]

- **Pres Gillespie:** Would like to create a small committee to discuss the dispersing of these funds before the merger.

#### Public Comment:

- **Peter Witt:** Amazing you can create something and not be able to do something.

- **Com Breslin:** Are you taking names and who is on the committee?
- **Pres Gillespie:** Is taking names but would to keep it small.
- **Director Thigpen:** Overview
- **Pres Gillespie:** Would like to wrap up lingering items and allow members of the public to address the issues.

**Public Comment:**

- **Barry Taranto:** PCO's are not honoring drivers and doesn't think the MTA is ready for taxis.

**7. Disciplinary Case: Taxi Commission v. Driss Ellassali (Elassali I) [ACTION] - Continued**

- **Consideration of Hearing Officer's Decision On Complaint for Violations of MPC §§ 1110,1187.1, 1078(a), 1120, 1091, 1092, 1094, and 1095, and Rules 6.A.1, 6.A.4, 6.A.8, 6.A.9, 6.A.11**

**8. Disciplinary Case: Taxi Commission v. Amine Benchekor [ACTION]**

- **Consideration of Hearing Officer's Decision on Complaint for Summary Suspension for Reasons of Public Health and Safety for Aggressive Behavior**
- **Director Thigpen:** Overview of the case.
- **Katherine Morgan:** Thanks commission

**Public Comment:**

- **Charles Rathbone:** Comments made by Mr. Benchekor's witnesses that Luxor is racist were deplorable but we do not want to block him from making an income.
- **Sgt Reynolds:** The DA's office didn't take up this case and was dismissed. Upset my integrity was attacked at the hearing.
- **Com Breslin:** Motion to uphold the hearing officer's decision.
- **Com Paek:** Second motion.

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

**Absent:** Suval      **Recuse:** 0

**SPECIAL ORDER 4:00 – 4:30 PM**

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

- **Robert Vitcha:** Commission should add a surcharge from Candlestick Park after games. Would like commission to consider this.
- **Carl Macmurdo:** Compliment staff on award ceremony
- **Marty Smith:** Surcharge button on vehicle to add that can easily tally cost.
- **Peter Witt:** (See attached notes submitted by Mr. Witt)
- **Mary McGuire:** Really has a problem on how the press portrays the industry. UTW doesn't represent the industry. Articles are being planted in the paper and hope it stops at MTA.
- **Mike Spain:** Future reports should allow other vehicles and their full percentages.
- **Tariq Mehmood:** Why is the Commission being folded? There were certain rules some felt were cumbersome and those people weren't heard and now the merger is happening.
- **Jane Bolig:** Common knowledge that Peter Witt's comments belong on paper view.

**10. Proposed Amendments to Medallion Holder Section of The Taxicab/Ramped Taxi Rules and Regulations [DISCUSSION AND POSSIBLE ACTION]:**

- Proposed Amendment to Rule 4.A.9
- Proposed Amendment to Rule 4.A.10
- Proposed Amendment to Rule 4.A.11
- Proposed New Rule 4.A.13

- **Director Thigpen:** Overview of items.
- **Com Breslin:** Believes there was more agreement on 4.A.10 than 4.A.9
- **Director Thigpen:** 4.A.10., drive your own medallion rule. There was discussion around this to amend the rule to allow operating any vehicle allowing

- **Pres Gillespie:** Term words “not available” doesn't mean allowing the medallion to be leased out.
- **Com Breslin:** Unavailable does not mean long term lease should we include that language?
- **Director Thigpen:** Leases will be a major issue to address and will need to be before merger.

Public Comment on Resolution 4.A.10:

- **Mark Gruberg:** Opposes the way it's being proposed and is ambiguous. Needs more information.
- **Charles Rathbone:** This rule would undermine the medallion program. Require shift changing to be staggered over a number of hours.
- **Ruah Graffis:** You want to advantage good cab companies. The cab will be kept in better condition if the medallion holder is required to drive.
- **Mike Spain:** Likes the flexibility of this rule. Some of the speakers are from smaller companies. Larger companies cannot afford to wait for so long. Dispatcher then gives me a spare to operate. What vehicle I'm in doesn't matter as much as is serving the company.
- **Carl Macmurdo:** What happened during the dotcom boom where this was enforced created terrible business for the public.
- **Barry Korengold:** Agrees with Carl. One reason he wanted to be a medallion holder is to drive his own vehicle.
- **Jim Gillespie:** Perception that if a driver doesn't drive their own car will not care for it is not true. Most people don't drive their own cars.
- **Nate Dwiri:** Thanks the Commissioners for their hard work.
- **Jane Bolig:** Unfounded assumptions. There won't be fewer cabs but more taxis.
- **Marty Smith:** Luxor wants vehicles on the streets as quickly as possible.
- **Com Benjamin:** Motion to approve.
- **Com Tom:** Second motion

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

Absent: Suval Recuse: 0

- **Director Thigpen:** Would like to retroactive this rule to the last few years for audits. Overview of items 4.A.11 and 4.A.13.
- **Com Benjamin:** Can we amend 4.A.11 to allow a color scheme to activate and place the medallion on the street?
- **Director Thigpen:** Unless it is a single shifter the color scheme should be allowed to operate any medallion.
- **Pres Gillespie:** It would be very rare to ever take a medallion out of operation.
- **Com Breslin:** Should merge 4.A.11 and 4.A.13. Last 2 sentences of 4.A.11 would change it to read that drivers have a current emergency contacts on file.

Public Comment- none

- **Com Benjamin:** Motion to approve with amendments
- **Com Paek:** Second motion.

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

Absent: Suval Recuse: 0

- **Director Thigpen:** Overview of 4.A.9- shift changing off the property.
- **Pres Gillespie:** Is reluctant to allow drivers to shift change off property. Neighborhoods don't want cabs parked there and I don't want it to happen.
- **Com Tom:** Interesting that they park in the neighborhoods but don't service them.
- **Com Benjamin:** Waybills and lost property should be turned in.

Public Comments:

- **Ruah Graffis:** Driver was killed for shift changing off a lot.
- **Jim Gillespie:** In favor of keeping the rule tight with regards to lost property and waybills but should be allowed to change within the city limits
- **Mike Spain:** The problem will be on the neighborhoods and will be impact them.
- **Mary McGuire:** Some of the areas lots are intimidating and unsafe.
- **Ron Reynolds:** Some companies follow the rules and others follow their profits. Shift changing is challenging for SFPD unit. We need to know where the drivers are and what they are doing. 7th and Townsend is a parking lot for limos and taxis.
- **Pres Gillespie:** Would like SFPD to enforce this and not send the message to drivers they can park here without

finer.

- **Com Paek:** Motion to approve
- **Com Benjamin:** Second motion

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

Absent: Suval Recuse: 0

## 11. Proposed Amendments to Color Scheme Section of The Taxicab/Ramped Taxi Rules and Regulations [DISCUSSION AND POSSIBLE ACTION]:

- **Proposed Rule 5.H.3**
- **Proposed Rule 5.H.4**

- **Director Thigpen:** Overview of item
- **Pres Gillespie:** Would like to agendaize this for the next rules meeting and then placing it before the Commission.

### Public Comment:

- **Charles Rathone:** More paper work for staff.
- **Nate Dwiri:** This would create so much paper work. Large companies can produce this on a moment by moment basis.
- **Pres Gillespie:** I see this point and smaller companies that claim they've lost rosters is the issue and maybe this can be an exemption for the larger companies.
- **Jim Gillespie:** This would be a big effort and if we have rules they need to be followed and should add penalties. Even electronically it's a huge amount of data.
- **Sgt Reynolds:** It's the smaller companies that don't want to follow the rules.
- **Pres Gillespie:** We want all the information accessible, how do we write a rule that won't be onerous on companies that are not following the rules.

## 12. Adjournment

[REDACTED]

(This section of the original was cut off.)

[REDACTED]

From Peter Witt TB be included in the minutes at 11/25/08

This is 05' preliminary report on taxi-customer service.  
OVER 1,000 customers every year.  
BUT every year the TXC keeps losing them.

PUBLIC CORROSPONDANCE.....just disappears from the

PC& N PROCESS.....HOW IS THAT POSSIABLE ??  
And WHO RESPONCEABLE ????

I'd SAY ..... It a bit of a problem went ANTICDOTALE  
EVEIDENTS IS USED TO OUTLINE PULBIC POLICY.

I BELIEVE ....there are ETHICAL VIOLATIONS here

WITH REGARDS TO.....

PUBLIC TRUST,

DISGARDING CORROSOPNDANCE

& DESIMINATING INFORMATION.

The TXC accountability is now being addressed by Sunshine.

over.