

Agenda Item: 7

Consideration of Executive Director's Final Decision to Adopt the Hearing Officer's Recommendation [ACTION]:

- Robert Michael Friedman medallion number 865, National Cab, violation of the San Francisco Municipal Police Code Section § 1081(f); criminal convictions which constitute grounds for revocation under MPC §§ 1090(v), (viii); violations which constitute grounds for revocation under MPC § 1090(iv); and violation of MPC § 1110.

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN C. NEWSOM

HEIDI MACHEN
Executive Director

February 1, 2008

Mr. Robert Michael Friedman, Permit # 865
National Cab Company
2270 McKinnon Avenue
San Francisco, CA 94124

NOTICE OF DECISION

SUBJECT: Probation and Possible Amended Complaint

PERMIT HOLDER: Robert Michael Friedman, Medallion Permit # 865, Driver Permit # 041990, National Cab Company

Pursuant to the recommendation of the Taxi Commission's Hearing Officer, the following findings are submitted to the Commission:

RECOMMENDATIONS:

Revocation of Medallion Permit # 865 and Mr. Friedman's Driver Permit # 041990 for the following reasons (each of which provide sufficient and independent grounds for revocation):

- (1) Mr. Friedman violated Cal. Veh. Code § 23152 (driving under the influence) on three separate occasions and consequently was not in compliance with the law. Revocation is authorized under MPC § 1090(a)(viii) (permittee violated Vehicle Code). Even if the Hearing Officer were not to consider the 1999 Plumas County conviction because it was not raised by the Commission, the two other convictions are sufficient to warrant revocation under MPC § 1090(a)(viii)
- (2) Mr. Friedman's driver's license was suspended for three years (12/6/01 through 12/6/04) and consequently, he was legally unable to drive during this time. Revocation is authorized under MPC § 1090(a)(viii).
- (3) Mr. Friedman made seven separate false statements to the Commission about compliance with applicable laws when he submitted 1095s for the Calendar Years 200 through 2006. The record establishes that Mr. Friedman was not in compliance with applicable laws because he had three DUIs and a suspended license. These false statements warrant revocation under MPC § 1090(a)(iv) (false statements to SFPD or Taxi Commission). Even only considering the 1095s submitted by Mr. Friedman when his driver's license was revoked (2002, 2003, and 2004), there would still be sufficient grounds for revocation under MPC § 1090(a)(iv).
- (4) As a permit holder and driver, Mr. Friedman poses a threat to public safety. Furthermore, he did not disclose relevant information which would assist the Commission in determining whether he was fit and/or eligible to drive a taxicab. Consequently there is "good cause" under MPC § 1090 for revocation.

TO ANY PARTY AFFECTED BY THIS DECISION

If this decision is subject to review under Code of Civil Procedure section 1094.5, then the time within which judicial review must be sought is governed by California Code of Civil Procedure, section 1094.6.

Sincerely,

A handwritten signature in black ink that reads "Heidi Machen".

Heidi Machen
Executive Director

cc: S.F.P.D. - Taxi Detail

TAXI COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
ADMINISTRATIVE HEARING DECISION

Hearing Officer: Julie Rosenberg, Esq.
Hearing Date: January 18, 2008
#1 Dr. Carlton B. Goodlett Place, SF, CA 94121, Room 408
Case: Robert M. Friedman
Type of Permit: Medallion #865 issued 12/12/96 and A-Card
Geoffery Rotwein, attorney for Mr. Friedman
Jordanna Thigpen, attorney for Taxi Commission

I. Procedural Summary

The Taxi Commission ("the Commission") filed a complaint (hereinafter "The Complaint") on November 16, 2007 against permit holder #865, Robert M. Friedman. The hearing was originally scheduled for December 21, 2007, but upon a request by Mr. Friedman's attorney, Geoffrey Rotwein, it was continued by the Executive Director of the Taxi Commission until January 18, 2008.

On January 10, 2008, Mr. Rotwein requested a second continuance stating that Mr. Friedman was in a court-ordered substance-abuse rehabilitation program, Discovery House, and was unable to attend the hearing. In support of his request, Mr. Rotwein submitted a letter dated January 8, 2008, from Sheree Howe of the Discovery House which stated that Mr. Friedman was there by court order and could not leave. Ms. Howe did not state that leaving the facility would be detrimental to Mr. Friedman's rehabilitation. The Hearing Officer asked Mr. Rotwein for the court order along with any relevant documents which established that Mr. Friedman was legally unable to leave the facility. Mr. Rotwein indicated that there were no documents addressing this

1 inquiry. On January 14, 2008, the Hearing Officer denied the
2 request for a continuance and indicated that Mr. Friedman had
3 the option of having a telephonic hearing. This option was not
4 exercised by Mr. Friedman.

5 The hearing took place on January 18, 2008. Mr. Friedman
6 was not present, however, he was represented by Mr. Rotwein.
7 The hearing went forward *in absentia* without objection by Mr.
8 Rotwein.

9 **II. The Complaint**

10 The Commission filed a complaint seeking revocation of Mr.
11 Friedman's medallion and A-Card on the following four grounds:
12 (1) having been convicted of a crime of moral turpitude, namely
13 domestic violence (Municipal Police Code ("MPC") section
14 1090(a)(v)); (2) violating the Traffic Code of the City and
15 County of San Francisco or the Vehicle Code or the related laws
16 of the State of California, namely driving under the influence
17 ("DUI") (MPC section 1090(a)(viii)); (3) knowingly making false
18 statements to the Taxi Commission (MPC section 1090(a)(iv)); and
19 (4) failure to meet the driving requirement under (MPC section
20 1081(f)). The Taxi Commission later stated that it would not
21 proceed on the failure to meet the driving requirement until
22 there was a judgment on Sloane v. Taxi Commission, N.D. Cal. No.
23 C07-3335JSW.

24 On January 18, 2008, Mr. Rotwein submitted a brief in
25 response to the Complaint.

26 **III. Evidence not admitted into the Record.**

27 After objection by Mr. Rotwein, the Hearing Officer struck
28 the following Exhibits from the record because they were not
relevant to the charges or they went to the allegation of the

1 failure to fulfill the driving requirement: Exh. A: 4, 11, 12,
2 14, 15 and 16; Exh. B: 1, 2.

3 4 **IV. Applicable Law**

5 MPC section 1090(a) states in part:

6 (a) Revocation for Cause. Any permit issued under this
7 Article may be suspended or revoked, by the Police
8 Commission for good cause after a noticed hearing.
9 "Good cause" hereunder shall include, but shall not be
10 limited to, the following:

11 (iv) The permittee or an agent of the permittee knowingly
12 made false statements to or concealed information from the
13 Police Commission, the Chief of Police or the Police
14 Department.

15 (v) The permittee has been convicted of any crime
16 involving moral turpitude.

17 (viii) The permittee violated the Traffic Code of the City
18 and County of San Francisco or the Vehicle Code or related
19 laws of the State of California.

20 Upon a showing of good cause, the Police Commission shall
21 have discretion to suspend or revoke a permit as set forth
22 above, except that a suspension and/or revocation shall be
23 mandatory in the circumstances described in Subparts (i)
24 through (vi) above. (emphasis added).

25 Sections 4.A and 6.A of the San Francisco Taxi Rules and
26 Regulations provides in part that every Licensed Medallion
27 Holder and Licensed Permit holder "shall comply with the
28 provisions of the Charter, Police Code, Planning Code and
29 Traffic Code of the City and County of San Francisco, The
30 California Vehicle Code, California Worker's Compensation Laws
31 and these Taxicab Regulations."

32 **V. 1995 Conviction for Misdemeanor Domestic Violence**

33 The Commission seeks revocation of Mr. Friedman's permits
34 because of a misdemeanor conviction for domestic violence on

1 September 27, 1995. (See Certified Copy of Conviction, Exhibit 3
2 of Complaint). The Commission avers that domestic violence is a
3 crime of moral turpitude. (See Allegation at Paragraph 5, Page 2
4 of the Complaint). The Commission did not provide any legal
5 authority which establishes that domestic violence is a crime of
6 moral turpitude. Furthermore Mr. Friedman disclosed this
7 conviction to the Police Commission on his application for a
8 permit, dated 11/25/96. Mr. Friedman's permit #865 was issued on
9 December 12, 1996. At the hearing, the Commission stipulated
10 that this conviction would not be used as a ground for
11 revocation.

12 **Finding:** The preponderance of the evidence shows that the
13 Police Commission had notice of Mr. Friedman's 1995 conviction
14 and granted him medallion #865 on December 12, 1996. Therefore
15 the Taxi Commission cannot use this conviction as a ground for
16 revocation of Mr. Friedman's permits.

17 **VI. Violating State and Local Laws by Driving While Under the** 18 **Influence**

19 The Taxi Commission alleges that Mr. Friedman violated
20 applicable laws because he was convicted two times for driving
21 while under the influence. (Cal. Veh.Code section 23152(a) and
22 (b)). These convictions occurred in 2001 while Mr. Friedman was
23 a permit holder:

24 (1) Conviction on July 27, 2001, Plumas County, Case #1-
25 27851 (Crime committed on June 30, 2001) (Cal. Veh.Code
26 section 23152(a)) (See certified copy of Exh. 4 of the
27 Complaint), and
28

1 (2) Conviction on August 9, 2001¹, Contra Costa County, Case
2 #127508 where it was found that Mr. Friedman had a blood alcohol
3 content of .20 percent and more by weight. (Crime committed on
4 April 14, 2001) (Ca Veh. Code section 21352(b)) (See certified
5 copy of Exh. 6 of the Complaint). A .20 percent blood alcohol
6 content is more than twice the legal limit and allows the judge
7 to consider enhanced penalties (See Cal. Veh. Code section
8 23578.

9 As a result of this conviction, Mr. Friedman's driver's
10 license was suspended for three years from December 6, 2001
11 through December 6, 2004.

12 At the hearing, Mr. Rotwein objected to the admission of
13 these convictions claiming that the Commission had not met its
14 burden of establishing that the Robert M. Friedman named in the
15 convictions was, in fact, his client. This objection was
16 overruled based on Mr. Friedman's unique signatures on the
17 documents from both Plumas and Contra Costa Counties as well as
18 his social security number and address on the Contra Costa
19 documentation.

20 Third Conviction for Driving under the Influence in 1999

21 In both of the certified convictions, Mr. Friedman admitted
22 to a prior conviction for a violation of Ca Veh. Code section
23 23152(a) in Plumas County on 5/25/99, Case #992526-8 (Crime
24 committed on 4/25/99). Thus, Mr. Friedman has three convictions
25 for driving while under the influence.

26
27
28 ¹ It is not clear from the record that this is the actual conviction date. The
complaint has a court stamp that shows it was filed on 8/9/01. Sentencing
occurred on 12/6/01.

1 On March 4, 2003, Mr. Friedman submitted an employment
2 application to National Cab Company wherein he admitted to
3 having a DUI (Driving while under the influence) in 1999 and a
4 DUI in 2000. (See Exhibit A-13 of the Complaint).

5 **Findings:**

6 (1) The preponderance of the evidence establishes that Mr.
7 Friedman violated Cal. Veh.Code section 23152 on three separate
8 occasions. The Contra Costa conviction also shows that Mr.
9 Friedman had a blood alcohol level of .20% and more by weight at
10 the time of the violation.

11 (2) The preponderance of the evidence establishes that Mr.
12 Friedman's driver's license was suspended for three years from
13 December 6, 2001 through December 6, 2004.

14 **VII. False Statements**

15 **A. False Statements About Fulfilling the Full-time Driving**
16 **Requirement**

17 Given that the Commission is currently not proceeding
18 against Mr. Friedman for a failure to fulfill the full-time
19 driving requirement, the Hearing Officer will not consider the
20 allegation that Mr. Friedman made false statements about his
21 compliance with the full-time driving requirement.

22 **B. False Statements About Compliance with Applicable Laws**

23 The Commission asserts that Mr. Friedman made false
24 statements on the 1095 forms he submitted for the calendar years
25 2000, 2001, 2002, 2003, 2004, 2005, and 2006. (See paragraphs 9
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1 and 18 of the Complaint).² More specifically, Mr. Friedman signed
2 the 1095s which state:

3 I (We) and all those operating under this medallion are
4 in compliance with appropriate State of California and
5 City and County of San Francisco laws pertaining to proper
6 driver licenses, all pertinent rules adopted by the Taxi
7 Commission, all applicable San Francisco Municipal Police
8 Code sections, Appendix F of the Charter of the City and
9 County of San Francisco (Proposition K) and all other
10 pertinent local, state and federal laws applicable to the
11 operation of a Taxicab.

12 As discussed under part VI. of this decision, Mr. Friedman
13 has three DUI convictions which occurred on 5/25/99, 7/27/01
14 and 8/9/01. As a result of the 8/9/01 conviction, his
15 driver's license was suspended for three years (from 12/6/01
16 through 12/6/04).

17 At the hearing, Mr. Rotwein objected to the 1095s being
18 used as a basis for false statements because he claimed this
19 language was overbroad and that a person signing this
20 document would not know what particular laws it refers to.
21 It is hard to believe that a driver would think he was in
22 compliance with applicable laws after he had three DUI
23 convictions and a suspended driver's license. The DUIs and
24 the suspended license are relevant because they speak to Mr.
25 Friedman's fitness and eligibility to drive a taxicab.

26 Mr. Rotwein has maintained that only the 1095s signed
27 during the time Mr. Friedman's license was revoked should be

28 ² In his brief, Mr. Rotwein objected to the admissibility of the altered
1095s. The Commission redacted personal information from copies of the 1095s
to protect Mr. Friedman's privacy in the event of a request for public
records. Mr. Rotwein withdrew his objection when the Commission showed Mr.
Rotwein the original 1095s at the hearing.

1 considered by the Hearing Officer under this charge (license
2 revoked 12/6/01 thus the relevant 1095s would be for 2002,
3 2003 and 2004). The Hearing Officer does not sustain this
4 objection. Even if the Hearing Officer only considered the
5 2002, 2003 and 2004 1095s, there would still be sufficient
6 evidence to establish three separate false statements by Mr.
7 Friedman.

8 **Finding:** The preponderance of the evidence establishes that
9 Mr. Friedman was not in compliance with applicable laws because
10 he had three DUI convictions and a driver's license that was
11 suspended for three years. Consequently, his submittal of the
12 1095 forms 2000 through 2006 wherein he stated he was in
13 compliance with all applicable laws constitutes seven separate
14 false statements.

15 **VIII. "Good Cause" for Revocation**

16 MPC section 1090 gives nine examples of what constitutes
17 "Good cause" for revocation of a taxi permit. See section 1090
18 (i)-(ix). (In this decision the Hearing Officer found good cause
19 under section 1090 (viii) (violated laws by having DUIs) and
20 section 1090 (iv) (making false statements on the form 1095s)).

21 The statute specifically indicates that "Good cause" is not
22 limited to those nine examples.

23 While a permit holder, Mr. Friedman had three DUI
24 convictions and a driver's license that was suspended for three
25 years. Mr. Friedman did not disclose these violations to the
26 Commission. Rather, he submitted 1095 forms wherein he stated he
27 was in compliance with applicable laws.

28 Mr. Friedman is currently in a substance abuse
rehabilitation center and his attorney admitted at the hearing

1 that Mr. Friedman "has an alcohol issue." Given the totality of
2 the circumstances the Hearing Officer finds that there is "good
3 cause" to revoke Mr. Friedman's medallion and A-card because:
4 (1) as a permit holder and driver, he poses a threat to public
5 safety, and (2) he did not provide relevant information to the
6 Commission which would enable it to make an appropriate
7 determination about his fitness and eligibility as a driver and
8 any risks he might pose to the public.

9 **IX. Hearing Officer Recommendations:**

10 **Revocation of Permit #865 and Mr. Friedman's A-Card for the**
11 **following reasons (each of which provide sufficient and**
12 **independent grounds for revocation):**

13 (1) Mr. Friedman violated Cal. Veh. Code section 23152 on three
14 separate occasions and consequently was not in compliance with
15 the law. Revocation is authorized under MPC section 1090^(a)(viii).
16 Even if the Hearing Officer were not to consider the 1999 Plumas
17 County conviction because it was not raised by the Commission,
18 the two other convictions are sufficient to warrant revocation
19 under section 1090^(a)(viii).

20 (2) Mr. Friedman's driver's license was suspended for three
21 years (12/6/01 through 12/6/04) and consequently, he was legally
22 unable to drive during this time. Revocation is authorized under
23 MPC section 1090^(a)(viii).

24 (3) Mr. Friedman made seven separate false statements to the
25 Commission about compliance with applicable laws when he
26 submitted 1095s for the calendar years 2000 through 2006. The
27 record establishes that Mr. Friedman was not in compliance
28 because with applicable laws because he had three DUIs and a
suspended license. These false statements warrant revocation

1 under MPC section 1090^(a)(iv). Even only considering the 1095s
2 submitted by Mr. Friedman when his driver's license was revoked
3 (2002, 2003 and 2004), there would still be sufficient grounds
4 for revocation under MPC section 1090^(a)(iv).

5 (4) As a permit holder and driver, Mr. Friedman poses a threat
6 to public safety. Furthermore, he did not disclose relevant
7 information which would assist the Commission in determining
8 whether he was fit and/or eligible to drive a taxicab.

9 Consequently there is "Good cause" under section 1090 for
10 revocation.

11
12 Julie Rosenberg

13
14 Julie Rosenberg, Esq.

15 1/28/08

16 Date

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Hearing Officer

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN C. NEWSOM

PAUL GILLESPIE, PRESIDENT
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER
BRUCE OKA, COMMISSIONER
MALCOLM HEINECKE, COMMISSIONER
TOM ONETO, COMMISSIONER
MIN PAEK, COMMISSIONER

**TAXI COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

**ORDER TO APPEAR
NOTICE OF ADMINISTRATIVE
ACTION ON PERMIT**

TO ROBERT FRIEDMAN

BUSINESS NATIONAL CAB COMPANY

LOCATION 2270 MCKINNON AVE., SAN FRANCISCO, CA 94124

You are hereby notified that the annexed complaint has been filed with the Taxi Commission of the City and County of San Francisco, and you are hereby cited to appear in person before the Hearing Officer of the Taxi Commission on

FRIDAY DECEMBER 21, 2007 AT 10:00 a.m.

in room 408, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, CA to show cause why your

PUBLIC PASSENGER VEHICLE PERMIT, # 865

heretofore granted to you, should not be subjected to the administrative action for the reasons set forth in said complaint.

BY ORDER OF THE TAXI COMMISSION,

SAN FRANCISCO, CA November 16, 2007
Date

A handwritten signature in dark ink, appearing to read "Heidi Macher".
Executive Director

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5 **SAN FRANCISCO TAXI COMMISSION**
6 **CITY AND COUNTY OF SAN FRANCISCO**
7

8 **COMPLAINT**
9

10 1. Complaint is hereby made against ROBERT MICHAEL FRIEDMAN, Permit Holder # 865,
11 that said Permit Holder has conducted himself in a disorderly manner and violated provisions of the
12 Municipal Police Code as described below.
13

14 2. Municipal Police Code (MPC) § 1090(a) provides as follows:

15 (a) Revocation for Cause. Any permit issued under this Article may be
16 suspended or revoked by the Taxi Commission for good cause after a noticed
17 hearing. "Good cause" hereunder shall include, but shall not be limited to, the
following:

18 (i) The permittee ceased to be a full-time driver...

19 (iv) The permittee or an agent of the permittee knowingly made false
statements to or concealed information from the Taxi Commission, the
Executive Director or the Police Department.

20 (v) The permittee has been convicted of any crime involving moral
turpitude...

21 (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.

22
23 Upon a showing of good cause, the Taxi Commission shall have discretion to
suspend or revoke a permit as set forth above, except that a suspension and/or
24 revocation shall be mandatory in the circumstances described in subparts (i)
through (vi) above.

25 3. Taxi Commission staff received several anonymous tips regarding Mr. Friedman and the
26 possibility that he might have a conviction for a violation of California Vehicle Code § 23152
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1 (driving under the influence) or related crimes. On September 26, 2007, Lt. Jean Schlotz of the San
2 Francisco Police Department Taxi Detail sent a letter to the Taxi Commission requesting revocation
3 and detailing a possible criminal history. (Exhibit A: Declaration of Vicky Siu, Exhibit 1:
4 September 26, 2007 Letter from Lt. Jean Schlotz.) A search of Mr. Friedman's file at the Taxi
5 Commission offices reveals that he received a prior admonishment for failing to meet his
6 Proposition K driving requirement. (Id. at Exhibit 2: January 19, 2000 Admonishment.) Further
7 investigation reveals a long criminal history with a violent record dating back decades, four criminal
8 convictions in the past twenty years, as well as a pattern and practice of deliberately deceiving the
9 Taxi Commission and the City and County of San Francisco with the intent to retain taxicab
10 medallion permit # 865 despite being legally unable to hold said permit.

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12 4. Mr. Friedman received his medallion by Resolution 208-96 at the December 12, 1996
13 meeting of the Police Commission.

14 5. On September 27, 1995 Mr. Friedman was convicted of Penal Code 245(a)(1), assault with a
15 deadly weapon, perpetrated upon his partner with whom he was co-habiting.
16 (Id., Exhibit 3: Certified Copy of 1995 Conviction.) Domestic violence is a crime of moral
17 turpitude. Under MPC § 1090(a)(v), revocation is mandatory when a permittee has been
18 convicted of a crime of moral turpitude.

19
20 6. On July 27, 2001, Mr. Friedman was convicted of a violation of California Vehicle Code §
21 23152(a) (driving under the influence) in Plumas County Superior Court. (Id., Exhibit 4,
22 Certified Copy of July 2001 Conviction To Be Provided At Hearing.) Violations of the Vehicle
23 Code are grounds for permit revocation under MPC § 1090(a)(viii).

24 7. On August 9, 2001, Mr. Friedman was again convicted of a violation of California Vehicle
25 Code § 23152(a) (driving under the influence) in Contra Costa Superior Court. According to his
26 conviction records, there was an added special allegation pursuant to Vehicle Code § 23578 that he
27 had a blood alcohol level of .20%. Additionally, from charges resulting from the same incident,
28 he was also convicted of Penal Code § 148(a)(1) (resisting, delaying, or obstructing a peace officer

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2 in the discharge of his office.) (Id., Exhibit 5: Certified Copy of Second 2001 Conviction and
3 Sentence.)

4
5 8. As a result of his second DUI conviction in less than seven years, Mr. Friedman was
6 sentenced on December 6, 2001 to four years' probation, 210 days of electronic home detention,
7 and received a three-year revocation of his driving privileges. This means that he was legally
8 prohibited from driving a motor vehicle, including taxicab vehicle # 865, from December 6, 2001
9 until December 6, 2004.

10 9. Mr. Friedman's response flaunted his convictions. Specifically, he proceeded to do the
11 following: (1) renew his Taxi Driver Permits ("A- cards" for Calendar Years 2002, 2003, and 2004;
12 (2) request and receive a 90-day suspension of his driving privileges from March 2003 to June
13 2003; (3) Submit Form 1095s for Calendar Years 2002, 2003, and 2004 to the Taxi Commission
14 asserting "compliance with appropriate State of California and City and County of San Francisco
15 laws pertaining to proper driver licenses, all pertinent rules adopted by the Taxi Commission, all
16 applicable San Francisco Municipal Police Code sections, [Proposition K] and all other local, state,
17 and federal laws applicable to the operation of a taxicab." Submission of the Form 1095s for
18 Calendar Years 2002, 2003, and 2004 constituted false statements to the Taxi Commission in
19 violation of MPC § 1110 and MPC § 1090(a)(iv). Violations of MPC § 1090(a)(iv) (making false
20 statements) calls for mandatory revocation of a permit. (Id., Exhibits 6-7.)

21
22 10. On March 12, 2002, Mr. Friedman addressed a letter to the Taxi Detail advising that he
23 would be "taking time off from driving." (Id., Exhibit 8: Redacted March 12, 2002 Letter.) He
24 stated that he was seeing a doctor for a medical condition. There is no mention in this March 12,
25 2002 of his DUI sentence, which prohibited driving of any type. Mr. Friedman also attached a DMV
26 Medical Evaluation dated December 6, 2001, the day his most recent sentence was entered, which
27 states affirmatively that side effects from prescribed medications can interfere with the safe
28 operation of a motor vehicle, and that in the doctor's opinion, Mr. Friedman's medical

1 condition would affect safe driving. (Id., Exhibit 9: December 6, 2001 Redacted DMV Medical
2 Evaluation.)

3
4 11. In March 2003, Mr. Friedman made a color scheme change from Arrow Cab to National
5 Cab. In his application, he claimed "I'll be dispatching also on my days off at National. No disp
6 [sic] shifts available at Vets." (Id., Exhibit 10: March 2003 Color Scheme Change.) There is no
7 mention in the color scheme change application of his two prior convictions for driving under the
8 influence, and indeed, the March 2003 application implies that he would be driving full-time while
9 dispatching part-time.

10 12. On April 27, 2004, Mr. Friedman made an application for an "indeterminate deferment
11 relief from the mandatory shift requirement." (Id., Exhibit 11: September 23, 2004 ADA
12 Application.) Although a doctor did return some documents by September
13 2004, Mr. Friedman failed to respond to further requests for information from the Taxi
14 Commission, and no modification from the driving requirement was ever granted for 2004 or any
15 subsequent year.

16
17 13. On October 18, 2007, Sgt. Reynolds of SFPD Taxi Detail interviewed Mr. Dan Hinds,
18 President of National Cab. (Exhibit B: Declaration of Sgt. Reynolds, Exhibit 1: Attached Transcript
19 of October 18, 2007 Interview.) Mr. Hinds stated that he was aware that Mr. Friedman had two
20 convictions for driving under the influence. (Id. at 3:15-18.) Hinds also claimed that Mr. Friedman
21 came to National applying to be a dispatcher, and further admitted that he (Mr. Hinds) was aware
22 that Mr. Friedman was not fulfilling his Proposition K driving requirement. (Id. at 3:24-4:3.) Hinds
23 also stated that Mr. Friedman worked at National from March 2003 to March 2006.

24 14. The Commission attempted to conduct a second interview of Mr. Hinds to find out the
25 circumstances under which Mr. Friedman was terminated from National, but Mr. Hinds failed and
26 refused to submit to an interview. (Exhibit B: Dec. of Sgt. Reynolds.) Further investigation revealed
27 a police report describing Mr. Friedman's involvement in a March 30, 2006 fist fight on National's
28 business premises. (Id., Exhibit 2.)

1 National responded only partially to Taxi Commission requests for documents and
2 information. (Exhibit A: Dec. of Vicky Siu, Exhibit 12, Letters from Taxi Commission to National
3 Cab.) Notably, National hired Mr. Friedman knowing that (1) he was a Post-K medallion holder
4 with a driving requirement and that (2) he had two prior DUIs. National further claims that there are
5 no lease agreements on file for Mr. Friedman, despite the fact that Mr. Friedman's medallion
6 remains with the company and is producing income while Mr. Friedman does not drive the vehicle.
7 (Id., Exhibit 13: Response from National Cab with Attached Documents.) If it is true that there is no
8 lease agreement between National and Mr. Friedman, it is an aberration among regular business
9 practices of National and the San Francisco taxicab industry. If it is not true, and a lease agreement
10 exists but National is failing and refusing to make the lease available for inspection, then National
11 has made false statements in violation of MPC § 1110, and violated Rules 5.A.9 and 5.K.2, among
12 others.

13 15. Taxi Commission Rule 5.H.15 requires that "On the first business day of each week, all
14 Color Scheme Holders shall fax, to the Taxi Detail, the names of all Drivers and Medallion Holders
15 who have failed to turn in waybills during the previous week." After a series of letters announcing
16 enforcement of this Rule, the Taxi Commission began requiring color schemes to send a weekly fax
17 indicating drivers and medallion holders that had not turned in waybills for the prior week. National
18 Cab submitted a document on August 6, 2007 entitled "Long Term Lease Waybill Turn In List"
19 indicating the medallions held by National with space for individuals to initial when they have
20 turned in their waybills. The medallion # 865 appears with the initials "RS 7-30-7" indicating the
21 leaseholder "RS" and the date of signature, indicating that # 865 was under lease at that time.
22 (Id., Exhibit 14, "Long Term Lease Waybill Turn In List.")

23 16. National also submitted five weekly faxes from August 14, 2007 to September 17, 2007
24 stating that "waybills for all National/Veterans Cab medallions were received for [the particular
25 weeks]." (Id., Exhibit 15, 2 Letters from Taxi Commission to Color Schemes on Rule 5.H.15 and
26 Exhibit 16, Attached Five Faxes from National Cab). In the October 18, 2007
27 Interview, in response to questioning about the lack of waybills for Mr. Friedman and why he
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1 would fax a contradictory weekly list indicating that everyone had turned in waybills, Mr. Hinds
2 explained his personal, erroneous belief as to the meaning of Rule 5.H.15 (Exhibit B: Declaration of
3 Sgt. Reynolds with Attached Transcript of October 18, 2007 Interview, 6:3-7:19.) After the
4 interview concluded, Mr. Hinds conceded that he had no waybills on file for Mr. Friedman
5 for any time from March 2003 until the present. As of November 8, 2007 National Cab still fails
6 and refuses to comply with Rule 5.H.15 because it refuses to fax in a list of names of medallion
7 holders who have not turned in waybills, so the Taxi Commission is unable to ascertain if Mr.
8 Friedman has turned in any waybills since October 18, 2007. (Exhibit A: Declaration of Vicky Siu.)

9
10 17. All medallion permit holders must be full-time drivers. A full-time driver is defined
11 in Municipal Police Code § 1081(f) and requires driving either 800 hours or 156 four-hour shifts
12 during a Calendar Year. Mr. Friedman has failed to submit any waybills for Calendar Years 2000,
13 2001, 2002, 2003, 2004, 2005, 2006, or for the current year, 2007. Pursuant to the terms of the stay
14 negotiated under Slone et al. v. Taxi Commission et al., currently pending in federal court, Mr.
15 Friedman is not eligible to have his disciplinary case stayed pending resolution of the lawsuit, since
16 the Department of Public Health has determined that the alleged disability does not require the
17 requested modification or waiver of the driving requirement. Even if it applied however, the stay
18 would only preclude the Taxi Commission from disciplining Mr. Friedman for failing to fulfill his
19 full-time driving requirement for Calendar Years 2004, 2005, 2006, and 2007. In fact, since at least
20 1999 there is no evidence that Mr. Friedman ever drove his taxicab vehicle, when he was first
21 admonished for failing the driving requirement.

22 18. Each year, every medallion holder must submit an annual "Form 1095," a sworn statement
23 indicating his compliance with "all provisions of the Municipal Police Code and/or state or federal
24 laws." The Municipal Police Code includes not only the full-time driving requirement cited
25 above, but also the following provision in MPC § 1081(b):

26 (b) Full-time Driving Pledge. No permit to operate a motor vehicle for hire shall be issued
27 unless the person applying for the permit shall declare under penalty of perjury his or her
28 intention actively and personally to engage as permittee-driver under any permit issued to
him or her for at least four hours during any 24-hour period or at least 75 percent of the
business days during the year.

1 Mr. Friedman submitted a Form 1095 for Calendar Years 2000, 2001, 2002, 2003, 2004, 2005,
2 and 2006. On each of those Form 1095s, he personally declared his compliance with all laws.
3 In fact, these statements were false, since not only did he fail to meet the driving requirement, but
4 over the years he collected two criminal convictions for violation of Vehicle Code § 23152 (Driving
5 Under the Influence). Each of these Form 1095s constitutes a separate false statement to the Taxi
6 Commission within the meaning of MPC § 1090(a)(iv). (Exhibit A: Declaration of Vicky Siu:
7 Exhibit 7). Further, each constitutes a separate false statement to the San Francisco Police
8 Department and the Taxi Commission pursuant to MPC § 1110, which prohibits false statements.
9 Violations of MPC § 1090(a)(iv) require mandatory revocation.

10
11 19. Meanwhile, Mr. Friedman has obtained annual "A-cards" through the Treasurer and Tax
12 Collector's Office, as if he were still driving a taxi. In fact, Mr. Friedman was legally prohibited
13 from doing so pursuant to a criminal conviction. However, by maintaining his A-Card, he made it
14 difficult for the Taxi Commission to discover that he was not in fact driving. One could argue that
15 this was done intentionally.

16 20. A fact-finding hearing is scheduled for December 21, 2007 at 10:00 am in Room 408 of
17 City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Mr. Friedman has the right to
18 be represented by legal counsel. The Commission shall present Sgt. Ron Reynolds as a witness.

19
20
21
22
23
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27
28

Exhibit A

Date/Name

DECLARATION OF VICKY SIU

1. I am over the age of 18 and not a party to this action, and I am a citizen of the United States.

2. My name is Vicky Siu, and my business address is 25 Van Ness, Suite 420, San Francisco, CA 94102. I am employed at the Taxi Commission as the Office Coordinator. In that capacity, and as part of my regular duties, I receive and maintain records for the Commission. Attached to this Declaration are true and correct copies of various records which were received and maintained in the ordinary course of my duties at the Taxi Commission.

3. Attached as Exhibit 1 is a true and correct of a September 26, 2007 Letter from Lt. Jean Schlotz of the San Francisco Police Department. - It's

4. Attached as Exhibit 2 is a January 19, 2000 Admonishment issued to Robert Friedman, Medallion # 865.

5. Attached as Exhibit 3 is a Certified Copy of 1995 Conviction.

6. Exhibit 4 is a Certified Copy of 2001 DUI Conviction, to be provided at the hearing.

7. Attached as Exhibit 5 is a Certified Copy of Second 2001 Conviction.

8. Attached as Exhibit 6 is a request and an approval note from Sgt. Vince Simpson of the San Francisco Police Department detailing Mr. Friedman's request and receipt of a 90-day Suspension of his driving privileges in 2003.

9. Attached as Exhibit 7 are Mr. Friedman's Form 1095s for Calendar Years 2000-2006.

10. Attached as Exhibit 8 is a Redacted March 12, 2002 Letter from Mr. Friedman to the Taxi Commission.

11. Attached as Exhibit 9 is a Redacted December 6, 2001 DMV Medical Evaluation Form.

12. Attached as Exhibit 10 is a March 2003 Color Scheme Change by Mr. Friedman from Arrow to National/Veterans Cab Company.

1 13. Attached as Exhibit 11 is an April 27, 2004 ADA Application submitted by Mr.
2 Friedman to the Taxi Commission.

3 14. Attached as Exhibit 12 are Letters from the Taxi Commission to National Cab.

4 15. Attached as Exhibit 13 is the Response from National Cab with Attached Documents.

5 16. Attached as Exhibit 14 is a document received from National Cab entitled "Long Term
6 Lease Waybill Turn In List."

7 17. Attached as Exhibit 15 are 2 letter the Taxi Commission office mailed to all color schemes
8 notifying enforcement of Rule 5.H.15.

9 18. Attached as Exhibit 16 are 5 faxes received from National Cab attempting compliance with
10 Rule 5.H.15.

11 19. Each week, pursuant to Rule 5.H.15 of the *Taxicab/Ramped Taxi Rules & Regulations*, I
12 receive weekly faxes from taxicab companies which are supposed to fax a weekly list of
13 medallion holders and drivers who have not turned in waybills. National Cab has failed and
14 refuses to comply with Rule 5.H.15 since the Taxi Commission began enforcing the rule in
15 August 2007.

16 20. I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct.

18
19 Signed:

20 
21 Vicky Siu
22 Office Coordinator
23 San Francisco Taxi Commission

24 Date: 11/16/07
25
26
27
28

Exhibit 1



GAVIN NEWSOM
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO

THOMAS J. CAHILL HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CALIFORNIA 94103-4603



HEATHER J. FONG
CHIEF OF POLICE

September 26, 2007

RECEIVED

Heidi Machen
Executive Director/Taxi Commission
25 Van Ness Avenue, #420
San Francisco, CA 94102

SEP 26 2007

SAN FRANCISCO
TAXI COMMISSION

This is a follow up request to agendize Taxi medallion #865 for revocation. This medallion is currently being held by National and issued to a Mr. Robert M. Freidman. Mr. Freidman has not driven for at least 10 years.

1. In the beginning of April 2006, I was asked to review Mr. Freidman's ability to drive.
2. I was told he was a very violent man, who had at least 4 DUI's. Indeed National fired Mr. Freidman 3/30/2006.
3. I was also told he couldn't drive because he had his license suspended or revoked, or was ill, or was in jail. (All throughout the last 10 years.)
4. I contacted Tyer Speck from Arrow Cab, who had the medallion approximately from 1998 through 2002. He said Mr. Freidman hardly drove and he had no way bills. "His comment was I guess he figured he didn't have to drive."
5. I contacted Dan Hinds and Jane Bolig from National Cab. They both said: "He has not been driving at all. He was a dispatcher for us. We have no way bills" They had the medallion from 2003 on.
6. In April 2006, I contacted Tristan Bettencourt from the Taxi Commission for an investigation. He said "No medical documents or exemption are on file here."

Sincerely,

J. Schlotz 27 4020

Lt. Jeanne Schlotz #4020
Permit/Taxi

Exhibit 2



SAN FRANCISCO POLICE DEPARTMENT

TAXICAB DETAIL

January 19, 2000

Mr. Robert Friedman
Taxicab Permit Holder #865
Veterans Cab Company

Mr. Friedman,

On January 7, 2000, the Taxi Detail conducted an audit of your waybills to determine if you were in compliance with the "full time driver" requirement as specified in Section 1081 (b) of the San Francisco Municipal Police Code. The result of our audit indicates that you have not complied with this regulation. In addition, the waybills that you submitted were found to be incomplete.

Section 1138 of the San Francisco Municipal Police Code requires that drivers of taxicabs keep an accurate and legible waybill which includes the date of operation, starting & ending times, vehicle license#, cab#, medallion#, starting and ending mileage & units, time of hire and discharge of passenger and the locations of fare pickup and drop off.

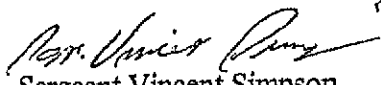
In addition, Section VI. C. 8. of the San Francisco Taxicab/Ramped Taxi Rules and regulations requires that waybills be completed in indelible ink and signed by the driver at the start of the shift.

This letter is to act as a FORMAL REPRIMAND for violation of the above regulations. You are required to drive at least 4 hours a day for 185 days in a calendar year. Furthermore, only completed waybills will be used in determining the total number of days /shifts worked. In addition, you must drive your own medallion number taxicab when complying with this full time driving requirement as per Section IV A. 10. of the San Francisco Taxicab/Ramped Taxi Rules & Regulations.

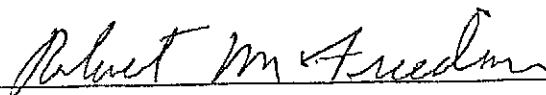
This is to act in lieu of any further disciplinary action on this matter.

Violations of any of the codes and/or rules regulating the taxicab industry is punishable by an admonishment, non-traffic infraction, misdemeanor, fine, administrative reprimand, suspension or revocation.

Respectfully,


Sergeant Vincent Simpson
Supervising Officer Taxicab Detail

Permit Holder:



Date



PROP K MEDALLION WORKSHEET

COMPANY: Veterans

MEDALLION #: T0865

MEDALLION HOLDERS NAME: Friedman, Robert

GRANT DATE: 12/11/1996 00:00:00.00

PREVIOUS FORMAL ACTION: No

PENDING COMPLAINTS: No

OFFICER'S NAME: FRAZER

DATE: 1/7/00

| MONTH | TOTAL DAYS | COMMENTS | NO LIC PLATE NUMBER PENALTY NIGHT SHIFTS 3 HRS |
|-------|------------|----------|--|
| JAN | 31 | | |
| FEB | 29 | | |
| MAR | 31 | | |
| APR | 30 | | |
| MAY | 31 | | |
| JUN | 30 | | |
| JUL | 31 | | |
| AUG | 31 | | |
| SEPT | 30 | | |
| OCT | 31 | | |
| NOV | 30 | | |
| DEC | 31 | | |

TOTAL DAYS 112



SAN FRANCISCO POLICE DEPARTMENT

TAXICAB DETAIL

March 1, 2000

To: All Prop K Medallion Holders

On 01/25/00, the Taxi Commission adopted Resolution #2000-05 defining "Business Day" and what constitutes the number of "Business Days" in the calendar year as per the driving requirement specified in Proposition K. The Commission approved the definition of "Business days" as days that are based upon four 10 hour days per week. Furthermore, the Commission set the required number of shifts needed to meet the Proposition K driving requirement as 156 shifts per calendar year.

The Taxicab Detail, when conducting future Prop K audits or when investigating complaints of Prop K violations will enforce this new resolution requiring that Medallion Holders drive at least 4 hours during any 24 hour period for at least 156 shifts per calendar year.

In addition, Medallion Holders must adhere to the below listed rules and regulations concerning waybills.

Section 1138 of the San Francisco Municipal Police Code requires that drivers of taxicabs keep an accurate and legible waybill which includes the date of operation, driver's name, vehicle license#, cab#, medallion#, starting & ending times, starting & ending mileage, starting & ending units, number of passengers, origin and destination of each trip, time of hire and discharge and the fare amount.

Section VI. C. 8. of the San Francisco Taxicab/Ramped Taxi Rules and regulations requires that waybills be completed in indelible ink, signed by the driver at the start of the shift and filed at the Color Scheme's place of business at the conclusion of each shift.

Section IV A. 10. of the San Francisco Taxicab/Ramped Taxi Rules & Regulations requires that unless their taxicab is out of service, all Medallion Holders must drive only their own medallion number taxicab when complying with the "Prop K" full time driving requirement.

Only the original waybills that are both accurate and complete will be counted when measuring the total number of shifts worked per calendar year.

Furthermore, requests for a either a 90 day suspension of the driving requirement or a modification of the driving requirement under the provisions of the Americans with Disabilities Act must be made in writing to the Taxi Commission.

Sincerely,

Sgt. Vincent Simpson
Sgt. Vincent Simpson

Supervising Officer of the Taxi Detail

ROBT M

FRIEDMAN

Robert M Friedman
Medallion Holder

865
Medallion #

March 10 00
Date

Exhibit 3

1586498

MUNICIPAL COURT OF THE CITY AND COUNTY OF SAN FRANCISCO
STATE OF CALIFORNIA

The People of The State of California
- vs -
FRIEDMAN,
FRIEDMAN, ROBERT M. Defendant
ATN: _____ CMS
_____ Co-Defendants

COURT NO. 1586498

SEP 27 1995
by DIT

| ACTION NO. | CHARGES |
|------------|---------------------|
| 0256946 | 1 273.5(A) PC 273.5 |
| 46A | 2 245(A)(1) PC 245 |

| | | |
|----------------------|-------|----|
| MOT. TO REVOKE PROB. | _____ | OC |
| MOT. TO REVOKE PROB. | _____ | OC |
| MOT. TO REVOKE PROB. | _____ | OC |

Complaint filed JUL 3 1995 Defendant status: X Custody OR _____ Bail
Bail set: \$ _____ OR by Judge: JOHN J. CONWAY JUL 3 1995
Name Date Bail Recd Amount

ARRAIGNMENT DEPT. 11 JUDGE: JOHN J. CONWAY REPORTER: J. POND

Date Initials
JUL 3 1995 Defendant thru counsel waives formal arraignment and advisement of Rights.

Date Initials
JUL 3 1995 Defendant informed of charges and arraigned. (See reverse side.)
Written S/A Order Signed and Sealed on Dkt

ATTORNEY
Date Initials
JUL 3 1995 PD appointed General appearance by _____ Attorney's Name
JUL 6 1995 *Neustadt* substituted as attorney for Defendant.
Attorney's Name

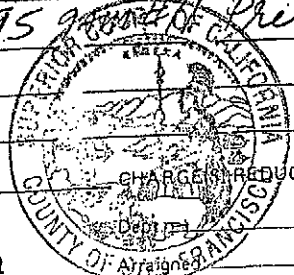
PLEA
Date Initials
JUL 3 1995 Not Guilty Other _____

STATUTORY TIME
Date Initials
JUL 3 1995 Deft. thru Atty. waives right to speedy trial and preliminary hearing within 10 days 60
NO TIME WAIVER by Defendant.

Date Initials
JUL 6 1995 Defendant withdraws time waiver.
(other) *Victim: Terri Lynn Wright S/E - Stay Away Order*
7-3-95 Lifted

Continued for further proceedings:

| DATE/TIME | DEPT. | FOR | STAT TIME WAIVED? | CMS |
|-------------|-------|--------------------------------|-------------------|-----------|
| 7-6-95 9am | 11 | Re: Stay Away Order (DOP) ORCT | <u>Yes</u> | <u>ep</u> |
| 7-19-95 9am | 11 | Pre Hrg Conf (DOP) ORCT | <u>Yes</u> | <u>ep</u> |
| 8-16-95 9am | 11 | PHC (DOP) ORCT | <u>Yes</u> | <u>ep</u> |
| 9-06-95 9am | 11 | Prelim Hrg. (DOP) ORCT | <u>Yes</u> | <u>ep</u> |
| 9-27-95 9am | 11 | Prelim Hrg. (DOP) ORCT | <u>Yes</u> | <u>ep</u> |



THE ANNEXED INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.
ATTEST: CERTIFIED

CHARGES REDUCED TO MISDEMEANORS pursuant to PC 17(b); case transferred to
NOV 1 2007
GORDON PARK-LI, Clerk
Superior Court of the City & County of San Francisco
EXTRAJUDICIAL
Date Initials
Waived/Not Waived _____
DEPUTY CLERK
(Formal Extradition Proceedings).

PRELIMINARY HEARING DEPT. _____ JUDGE _____ REPORTER: _____

Upon calling of the case, the court ordered the following:

Date _____ Initials _____
That the matter be continued to _____ in Dept. _____ at _____
Time waived by Defendant(s) _____ Yes/No _____
That the Deft. be held to answer and admitted to Bail of \$ _____ and that the case be transferred to the Superior Court for further proceedings in Dept. _____ on _____ Date _____ at _____
That the pending misdemeanors be certified to the Superior Court for further proceedings.
That the case be dismissed and the Defendant discharged on the grounds of _____
Exhibits released to custody of _____
Files transferred to Superior Court.
That the case be certified to Superior Court.
(other orders of court) _____

PLEA OF GUILTY

Date _____ Initials _____
SEP 27 1995
SEP 27 1995

To charge(s) of 273.5(a) PC Felony/Misdemeanor reduced pursuant to PC 17(b).
Amended to a lesser included offense by stipulation _____ Yes/No _____
DEPT. _____ JUDGE: JOHN J. CONWAY REPORTER: J. POND

Deft. advised of and personally waived his right to a speedy trial by jury or court; advised of and personally waived his right to confront and cross-examine the witness against him; advised of and personally waived his right against self-incrimination; and was further advised of the nature of the charge(s) and that a plea of guilty was, in fact, a conviction; and was advised of the maximum and minimum penalties of each charge and the consequences of a plea to each charge; and (if applicable) was advised and waived his right to a preliminary hearing before he could be held to answer to the charges against him; and after inquiry by the court, the court found that the Deft. understood the charges against him and that the above waivers of his rights were intelligently and voluntarily made.

Certified to Superior Court for sentencing on _____ Date _____ Dept. _____

Statutory time for sentencing waived.

Sentence of Court: ISS, 3 yw WAPD PMH, 20 d AG, 5 d dca
CTS thru SWAP - 5/5:11-1-95; Alcohol and
Domestic Viol Crime line; Victim Terri Wright SAE
did not wish a S/A report - Prob may revert
to court upon completion of all conditions

Sentence Modified to _____

Stay of Execution until _____ Date _____

Defendant remanded to custody.

Pre-sentence/pre-plea report ordered, continued to _____ Date _____

SEP 27 1995

1385/1382 Dismissal of charge(s) of 245(A).7 PC/F

(other orders of court) _____

BENCH WARRANT

Issued _____ for _____ recalled/discharged _____ Date _____

Disposition re BW _____ Contempt _____

Issued _____ for _____ recalled/discharged _____

Disposition re BW _____ Contempt _____

BAIL FORFEITURE

Date _____ Initials _____

Bail No. _____ Forfeited on: _____ Amount \$ _____

Forfeiture set aside and bail reinstated/exonerated.

Bail No. _____ Forfeited on: _____ Amount \$ _____

Forfeiture set aside and bail reinstated/exonerated.

RIGHTS

Date _____ Initials _____

Deft. advised of each of the following Constitutional Rights: Right to attorney and to have court appoint lawyer if he is indigent; Right to a speedy, public trial by jury; Right to be released on reasonable bail; Right to exercise privileges against self-incrimination; Right to confront and cross-examine witness against him; Right to use subpoena power of court to produce witness and to present evidence on his behalf; Right to a preliminary hearing within 10 days or have charges dismissed; and Right to appeal if convicted.

STATE OF CALIFORNIA

MOTION HEARD

Friedman / Roff

COURT NO. 1586498 CME

BAIL INFORMATION

WARRANT

CONTINUED FOR FURTHER PROCEEDING

[illegible]

OTHER ACTION/ORDER

AUG 20 1998, S

Probation modified to extend probation term 3.25.99
Underlying case #1794603 dismissed

| ACTION NOS. | DEFENDANT(S) | VIOLATION(S) | DEPT. |
|-------------|--------------------|---------------------------------------|-------|
| 1586498 | ROBERT M. FRIEDMAN | 273.5(a) PC/Fel. 245(a)(1) PC/Fel. | 11/53 |

THE PEOPLE OF THE STATE OF CALIFORNIA VS. THE DEFENDANTS ABOVE NAMED
FILED AND ENTERED
MUNICIPAL COURT
 JUL 3 1995
 IN THE MUNICIPAL COURT
 CITY AND COUNTY OF SAN FRANCISCO
 STATE OF CALIFORNIA

Gordon Park Li, Clerk

COMPLAINT

BY Paul Morse Deputy
 PAUL MORSE states and declares on information and belief that the said defendant did in the city and County of San Francisco, State of California, on or about the 29th day of June, 1995, commit the crime of felony, to wit: Violating Section 273.5(a) of the California Penal Code, in that the said defendant did willfully and unlawfully inflict a corporal injury resulting in a traumatic condition upon TERRI LYNN WRIGHT who was then and there the cohabitant of said defendant and a person of the opposite sex cohabiting with said defendant.

COUNT II

That the said defendant did in the City and County of San Francisco, State of California, on or about the 29th day of June, 1995, commit the crime of felony, to wit: Violating Section 245(a)(1) of the California Penal Code, in that the said defendant did wilfully, unlawfully, and personally commit an assault upon TERRI LYNN WRIGHT by means of force likely to produce great bodily injury.

I state, declare, verify and certify under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on July 3, 1995.

Paul Morse
 PAUL MORSE

Exhibit 4

To Be Provided at the Hearing

RECEIVED

DEC 26 2007

FILED

SAN FRANCISCO
TAXI COMMISSION

JUL 03 2001

SHERIFF PLUMAS COUNTY ADMINISTRATOR
BY *[Signature]* DEPUTY

1 JAMES REICHLE
District Attorney
2 520 Main Street, Room 404
Quincy, CA 95971
3 Telephone: (530) 283-6303

4 ATTORNEYS FOR PLAINTIFF

5
6
7 IN THE PLUMAS COUNTY SUPERIOR COURT DEPARTMENT II
8 IN AND FOR THE STATE OF CALIFORNIA
9

10 THE PEOPLE OF THE STATE OF CALIFORNIA,]

CASE NO. 01-27851

11 Plaintiff,]

COMPLAINT/INFORMATION

12 vs.]

13 ROBERT MICHAEL FRIEDMAN,]

14 Defendant.]
15

16 I, JAMES REICHLE, state on information and belief, that
17 Defendant did in the County of Plumas, State of California,
18 commit the following crimes as FELONIES, on or about JUNE 30,
19 2001, namely:
20

21 COUNT I:

22 A violation of Section 23153(a) of the California
23 Vehicle Code, in that on or about the above date,
24 defendant did unlawfully, while under the influence
25 of an alcoholic beverage and a drug and under their
combined influence, drive a vehicle and in so
driving, concurrently did an act forbidden by law
and neglected a duty imposed by law which
proximately caused bodily injury to ERICK BUSTRIA.
(FELONY)

26 It is further alleged, pursuant to sections 23550
27 and 23550.5 that the defendant has suffered the
following prior convictions:
28 ///

Date of Offense: 4/25/99; Conviction Date: 5/25/99;
Vehicle Code Section: California Vehicle Code
§23152(a); Court: Plumas County Superior Court,
Department II, Quincy; Docket No. 9925268..

COUNT II:

A violation of Section 23153(b) of the California
Vehicle Code, in that on or about the above date,
defendant did unlawfully while having .08 percent
and more, by weight, of alcohol in his blood; drive
a vehicle and in so driving did an act forbidden by
law and neglected a duty imposed by law which
proximately caused bodily injury to ERICK BUSTRIA.
(FELONY)

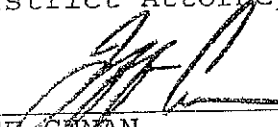
It is further alleged, pursuant to sections 23550
and 23550.5 that the defendant has suffered the
following prior convictions:

Date of Offense: 4/25/99; Conviction Date: 5/25/99;
Vehicle Code Section: California Vehicle Code
§23152(a); Court: Plumas County Superior Court,
Department II, Quincy; Docket No. 9925268.

Executed July 3, 2001, at Quincy, California.

JAMES REICHLE
District Attorney

REPORT NO.: 68609PP
.12/.14 br.

By 
JEFF CONAN
Deputy District Attorney

* * * * *

The People request discovery pursuant to Penal Code

Section 1054, et seq.

* * * * *

ct III 23152(a) V.C.

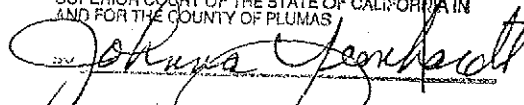
Prior as charged in ct I

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE

Attest: 12/20/01 2001

DEBORAH W. NORRIE

CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA IN
AND FOR THE COUNTY OF PLUMAS



RECEIVED

DEC 26 2007

SAN FRANCISCO
TAXI COMMISSION

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLUMAS

Page: 1

JUDGE: IRA KAUFMAN

Clerk: SHERRIE L. ESLICK

Orig. Agency: CHP Incident #: 68609PP, 01-05105 Bailiff: TOM YOCKEY

Date: 07/27/2001 08:30

Reporter: JANEEN VICKREY
Interpreter:

Case #: J CR 01-27851 01

Appearances:

THE PEOPLE OF THE STATE OF CALIFORNIA
PLAINTIFF

D.A.: JEFF CUNAN

VS.

FRIEDMAN, ROBERT MICHAEL

Attorney: ABRAMSON, BILL
(Present)

DEFENDANT

(Custody: I/C ID#: 27779)

Proceeding: PRE-TRIAL CONFERENCE

Ct 1: 23153A F VC Dispo: DISMISSED PER PLEA TO ANOTHER COUNT 07/27/2001
Ct 2: 23153B F VC Dispo: DISMISSED PER PLEA TO ANOTHER COUNT 07/27/2001
Ct 3: 23152(A) M VC Dispo: NOLO CONTENDRE PLEA 07/27/2001

--- PLEA OF GUILTY

[X] Defendant present

[X] With attorney

[X] Defendant pleads nolo contendere to Amended Complaint Count(s): 3

[X] Count(s): 1,2 Dismissed

[X] Reduced from felony to misdemeanor

[X] Admitted prior conviction(s): 99-25268 PLUMAS COUNTY

[X] Defendant signed written plea

[X] Defendant orally and voluntarily waived following right:

Right to jury trial

Right to confront and cross examine witness against him

Right against self incrimination

Right to produce evidence

[X] Upon inquiry of the Court, the Court determined Defendant understood the nature of the charges, the elements of offense, the pleas available thereto, the possible defenses thereto, and the possible range of penalties and consequences of his plea (including the effect of the admission of any prior convictions)

[X] Factual basis stipulated

[X] Time for sentencing waived

--- JAIL & RESTITUTION

[X] CTS 9 day(s) Actual: 7 day(s) Good/Work time: 2 day(s)

--- ORDER OF JUDGMENT AND PROBATION

[X] No legal cause why judgment should not be entered

[X] Suspends the imposition of judgment and sentence, and directs the defendant to be admitted to Summary Probation for 5 years upon the following terms and conditions:

[X] See order on file

Printed: 2001-08-01 09:02:02.960

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLUMAS

Page: 2

JUDGE: IRA KAUFMAN

Clerk: SHERRIE L. ESLICK

Orig. Agency: CHP Incident #: 68609PP, 01-05105 Bailiff: TOM YOCKEY

Date: 07/27/2001 08:30

Reporter: JANEEN VICKREY

Interpreter:

Case #: J CR 01-27851 01

Appearances:

THE PEOPLE OF THE STATE OF CALIFORNIA
PLAINTIFF

D.A.: JEFF CUNAN

VS.

FRIEDMAN, ROBERT MICHAEL

Attorney: ABRAMSON, BILL
(Present)

DEFENDANT

(Custody: I/C ID#: 27779)

Proceeding: PRE-TRIAL CONFERENCE

- [X] Sign a copy of the Probation Order
- [X] Obey all laws
- [X] Notify Probation/Court of address change forthwith
- [X] Must report to Court when ordered

--- FINE AND FEES

- [X] Pay a fine and penalty assessment of \$ 1,533.00
to be paid in monthly payments with a collection charge \$35.00
Report immediately to Treasurer's Office, Second Floor, Courthouse.

--- JAIL TERM

- [X] Sentenced to 10 days in County Jail
Must show up at jail in a SOBER CONDITION with no alcohol in
system; must submit to breath test to determine blood
alcohol content
Stay to 08/07/2001 AT 07:00 PM
- [X] Shall participate in and successfully complete a state licensed
education and counseling program for multiple offender(18 month)
- [X] Defendant to attend DUI program through county
and complete the DUI class within 24 months

--- OTHER SPECIAL CONDITIONS

- [X] Not Drive Without A Valid License. Not drive a motor vehicle without
a valid driver's license and insurance.
- [X] Not Drive After Drinking/Using Drugs. Not drive a motor vehicle, nor
be the sole occupant in the front seat of a motor vehicle, within
4 hours of drinking intoxicants and/or using drugs, nor, in any
event, with any measurable amount of alcohol in the body.
- [X] Chemical Test. Must submit to a chemical test(blood, breath or urine)
for blood alcohol content when asked to do so by a peace officer.
- [X] Not indulge in excessive use of intoxicants
- [X] Shall seek and maintain employment
- [X] If you meet all DMV's requirements, including proof of financial
responsibility, your privilege to operate a motor vehicle is

Printed: 2001-08-01 09:02:03.080

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF PLUMAS

Page: 3

JUDGE: IRA KAUFMAN

Clerk: SHERRIE L. ESLICK

Orig. Agency: CHP Incident #: 68609PP, 01-05105

Date: 07/27/2001 08:30

Reporter: JANEEN VICKREY

Bailiff: TOM YOCKEY

Interpreter:

Case #: J CR 01-27851 01

Appearances:

THE PEOPLE OF THE STATE OF CALIFORNIA
PLAINTIFF

D.A.: JEFF CUNAN

VS.

Attorney: ABRAMSON, BILL
(Present)

FRIEDMAN, ROBERT MICHAEL

DEFENDANT

(Custody: I/C ID#: 27779)

Proceeding: PRE-TRIAL CONFERENCE

restricted for 18 MONTHS driving to and from work,
driving to and from the drinking driver program, and driving during
the scope of employment if necessary. This restriction begins on
the day your driving privilege is restored by DMV

--- SPECIAL NOTES

BAIL IS EXONERATED.

Orig. Agency: CHP(68609PP, 01-05105) Degree: M

Court Appearances:

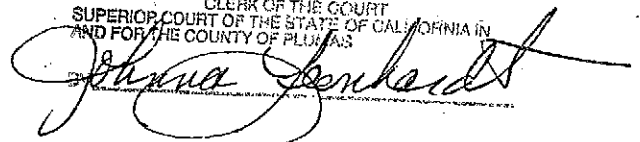
| | | Vac | TW | Calendar |
|------------|-------|-----|----|---------------------|
| 07/03/2001 | 01:30 | | | ARR IK IRA KAUFMAN |
| 07/03/2001 | 03:00 | | N | ARR IK IRA KAUFMAN |
| 07/05/2001 | 03:00 | | N | B/OR IK IRA KAUFMAN |
| 07/06/2001 | 08:30 | | Y | FP IK IRA KAUFMAN |
| 07/20/2001 | 01:30 | | | PX IK IRA KAUFMAN |
| 07/20/2001 | 08:30 | | | PTC IK IRA KAUFMAN |
| 07/20/2001 | 10:00 | | | PTC IK IRA KAUFMAN |
| 07/24/2001 | 03:00 | | Y | ARR IK IRA KAUFMAN |
| 07/27/2001 | 08:30 | | | PTC IK IRA KAUFMAN |

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE

Attest: 12-20-2001 7

DEBORAH W. NORRIE

CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA IN
AND FOR THE COUNTY OF PLUMAS



| | | | |
|---|-------------------------------|--|------------|
| SUPERIOR COURT OF CALIFORNIA | | Reserved for Clerk's File Stamp | |
| COUNTY: <u>Plumas</u> | DEC 26 2001 | FILED | |
| PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA | SAN FRANCISCO TAXI COMMISSION | JUL 27 2001 | |
| DEFENDANT: <u>Robert Michael Friedman</u> | | SHERI WERT, Court Administrator Plumas County Superior Court BY <u>SHERIE ESICK</u> DEPUTY | |
| DUI ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code § 23152) | | CASE NUMBER: <u>01-27851</u> | DEPARTMENT |

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you. Initial the box for each applicable item only if you understand it, and sign and date the form on page 5. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

RIGHT TO AN ATTORNEY

1. I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the Court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.

NATURE OF THE CHARGES (Complete all items you are charged with.)

I understand that I am charged with a violation of Vehicle Code section(s):

2. 23152(a) - Driving under the influence of alcohol or drugs, or both.
3. 23152(b) - Driving when my blood-alcohol level was .08 percent or higher.
4. 23152(d) - Driving a commercial vehicle when my blood-alcohol level was .04 percent or higher.
5. 23103, 23103.5 - Reckless driving involving alcohol or drugs, or both.
6. Check if applicable - ☐ 14601 or ☐ 14601.1 or ☐ 14601.2 or ☐ 14601.5
Driving in knowing violation of a driver's license restriction, suspension, or revocation.
7. Check if applicable - ☐ 14601.3 (Habitual traffic offender) - Accumulating a driving record history in knowing violation of a driver's license suspension or revocation.

8. If applicable - I understand that I am also charged with the following other offense(s):

Violation of Probation Plumas County Case # 99-25268

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

9. If applicable - I am also charged with having the following other conviction(s):

CVC 23152(a) Plumas County # 99-25268 - Conviction 5/25/99

LIST OFFENSE(S), CASE NUMBER(S) AND DATE(S)

10. If applicable - I am also charged with violating the probation order(s) in the following case(s):

99-25268 6-25-99

CASE NUMBER(S) AND DATE(S)

11. I understand the charge(s) against me, and the possible pleas and defenses.

CONSTITUTIONAL RIGHTS

12. RIGHT TO A JURY TRIAL - I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.

| INITIALS ↓ |
|------------|
| <u>RMF</u> |
| 1. |
| <u>RMF</u> |
| 2. |
| <u>X</u> |
| 3. |
| <u>X</u> |
| 4. |
| <u>X</u> |
| 5. |
| <u>X</u> |
| 6. |
| <u>X</u> |
| 7. |
| <u>RMF</u> |
| 8. |
| <u>RMF</u> |
| 9. |
| <u>RMF</u> |
| 10. |
| <u>RMF</u> |
| 11. |
| <u>RMF</u> |
| 12. |

CONSTITUTIONAL RIGHTS (Continue)

13. **RIGHT TO CONFRONT WITNESSES** - I understand that I have the right to confront and cross-examine all witnesses testifying against me.
14. **RIGHT AGAINST SELF-INCRIMINATION** - I understand that I have the right to remain silent and not incriminate myself, and the right to testify on my own behalf. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.
15. **RIGHT TO PRODUCE EVIDENCE** - I understand that I have the right to present evidence and to have the Court issue subpoenas to bring into court all witnesses and evidence favorable to me, at no cost to me.

RIGHTS ON CHARGES OF OTHER CONVICTION(S) AND PROBATION VIOLATION(S)

16. If applicable - I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for all charges against me, including other alleged conviction(s) or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges against me, including any other alleged conviction(s) or probation violation(s):

17. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.)
18. I give up my right to a jury trial.
19. I give up my right to confront and cross-examine witnesses.
20. I give up my right to remain silent and to not incriminate myself.
21. I give up my right to produce evidence and witnesses on my own behalf.

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST

22. I understand that if I am not a citizen, a plea of guilty or no contest could result in my deportation, exclusion from admission to this country, or denial of naturalization.
23. I understand that a plea of no contest (*nolo contendere*) will have exactly the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony.
24. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case.
25. I understand that the Department of Motor Vehicles (DMV) may consider any of my other convictions for DUI or reckless driving, even those that are not charged in this proceeding, and may impose a more severe license restriction, suspension, or revocation as a result.
26. I understand that in addition to the fine, the Court will add assessments which will significantly increase the amount I must pay. I will also be ordered to make restitution and to pay a restitution fine of \$100 to \$1000 (or \$200 to \$10,000 if the offense is a felony) unless the Court finds compelling and extraordinary reasons not to do so.
27. If applicable - I understand that if my blood-alcohol level was .20 percent or above, or if I refused to submit to a chemical test, the Court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation.
28. If applicable - I understand that if I am the registered owner of the vehicle used in the offense:
A. The Court will impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The Court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Penal Code §§ 191.5 or 192(c)(3)), or any combination thereof, in the past 7 years.

| INITIALS ↓ |
|-----------------|
| 13. <i>LM7</i> |
| 14. <i>LM7</i> |
| 15. <i>LM7</i> |
| 16. <i>LM7</i> |
| 17. <i>LM7</i> |
| 18. <i>LM7</i> |
| 19. <i>LM7</i> |
| 20. <i>LM7</i> |
| 21. <i>LM7</i> |
| 22. <i>LM7</i> |
| 23. <i>LM7</i> |
| 24. <i>LM7</i> |
| 25. <i>LM7</i> |
| 26. <i>LM7</i> |
| 27. <i>LM7</i> |
| 28A. <i>LM7</i> |

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST (Continued)

B. The Court may also require me to install an ignition interlock device (IID) for up to three years. If this is my first offense, heightened consideration will be given to required IID installation if the factors in item No. 27 (page 2) exist, or if I have two or more prior moving traffic violations. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.

C. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (V.C. § 14601 *et seq.*) or driving without a license (V.C. § 12500(a)), my vehicle will be subject to forfeiture as a nuisance.

INITIALS ↓

28B.

28C.

| SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (Section 23152) | | |
|---|--|--|
| Offense | Minimum and Maximum Sentences when Probation is Granted (3 to 5 Years Probation Term) | Minimum and Maximum Sentences without Probation |
| First offense within 7 years See Nos. 29-33 | Two options, both requiring a fine of \$390 to \$1,000, attendance at a 3-month alcohol/drug program (or a 6-month program if my blood-alcohol content was .20 percent or more, or if I refused a chemical test at arrest), plus either: (A) 48 hours to 6 months in jail, and a 6-month driver's license suspension; or (B) A 90-day driver's license restriction allowing driving for work and alcohol/drug program attendance only. However, my driver's license shall be suspended for 6 months if the offense occurred in a vehicle which requires a class A or B driver's license. | 96 hours to 6 months in jail, \$390 to \$1,000 fine, and a 6-month driver's license suspension. |
| Second offense within 7 years See Nos. 29-33 | Two options, both carrying a fine of \$390 to \$1,000, plus either: (A) 10 days to 1 year in jail, and a 2-year driver's license suspension; or (B) 96 hours to 1 year in jail (the 96 hours will be served in 2 increments of a continuous 48-hours each); an 18-month (or 30-month) alcohol/drug program, and a driver's license restriction allowing driving only for work and program attendance for the duration of the program. My license shall instead be suspended for 2 years if the offense occurred in a vehicle which requires a class A or B driver's license. | 90 days to 1 year in jail, \$390 to \$1,000 fine, and a 2-year driver's license suspension. |
| Third offense within 7 years See Nos. 29-34 | 120 days to 1 year in jail, \$390 to \$1,000 fine, a 3-year driver's license revocation, and an 18-month alcohol/drug program if I have not completed one before. | 120 days to 1 year in jail, \$390 to \$1,000 fine, and a 3-year driver's license revocation. |
| Fourth or subsequent offense within 7 years See Nos. 29-34 | 180 days to 1 year in jail, \$390 to \$1,000 fine, a 4-year driver's license revocation, and an 18-month alcohol/drug program if I have not completed one before. | 16 months, or 2 or 3 years in state prison, (or 180 days to 1 year in county jail); \$390 to \$1,000 fine, and a 4-year driver's license revocation. |

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152

29. I understand that the DMV may restrict, suspend, or revoke my driver's license under a procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the Court's sentence and that I must obey it.

30. I understand that the DMV will not issue a restricted driver's license or restore my driving privilege following a restriction, suspension, or revocation unless I have proof of insurance for 3 years. The DMV will suspend my driver's license: (1) until proof of insurance is provided to the DMV and (2) upon my failure to maintain such proof during the 3-year period.

31. I understand that I must successfully complete an alcohol/drug program in order to have my driving privilege reinstated following any license restriction, suspension, or revocation which is imposed on me, even if I am not ordered to attend such a program by the Court.

32. I understand that the DMV will prevent me from operating a commercial vehicle if I was operating a commercial vehicle at the time of the offense. The DMV will also revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of Vehicle Code §§ 23152, 23153, or Penal Code §§ 191.5, 192(c)(1) or 192(c)(3).

INITIALS ↓

29.

30.

31.

32.

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTION 23152 (Continued)

33. If applicable - I understand that if I was under the age of 21 at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the Court. If I do not have a valid driver's license, the Court will order the DMV to delay issuing a license to me for 1 year after I become eligible to drive.

INITIALS ↓
33.

34. If applicable - I understand that if I am convicted of a third or subsequent DUI violation:
A. I must surrender my driver's license to the Court. I will also be designated as an habitual traffic offender for 3 years after my conviction, and I will receive an enhanced sentence if I drive in violation of my license revocation.

34A.

B. If probation is granted, I may request to participate in a 30-month treatment program. This program includes between 120 and 300 hours of community service. If the Court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation, instead of the jail term specified in the chart on page 3.

34B.

SENTENCES FOR RECKLESS DRIVING (Sections 23103, 23103.5)

| Nature of Offense | Minimum and Maximum Sentences | Other Consequences |
|---|---|--|
| Reckless driving reduced from driving under the influence | <p>If probation is granted: A maximum of 90 days in jail, or \$1,000 fine, or both, plus attendance at a treatment program.</p> <p>If probation is not granted: 5 days to 90 days in jail, or \$145 to \$1,000 fine, or both.</p> | If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 7 years. |

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

| Vehicle Code Section | First Offense | Second or Subsequent Offense: |
|----------------------|---|--|
| 14601 | 5 days to 6 months in jail, and a fine of \$300 to \$1,000. | I have prior conviction(s) in past 5 years of sections 14601, 14601.1, 14601.2, or 14601.5. 10 days to 1 year in jail, and a fine of \$500 to \$2,000. 10 days in jail required if probation is imposed. |
| 14601.1 | Up to 6 months in jail, or a fine of \$300 to \$1,000, or both. | 5 days to 1 year in jail, and a fine of \$500 to \$2,000. |
| 14601.2 | 10 days to 6 months in jail, and a fine of \$300 to \$1,000. 10 days in jail required if probation is imposed. | 30 days to 1 year in jail, and a fine of \$500 to \$2,000. 30 days in jail required if probation is imposed. |
| | If I have been designated as an habitual traffic offender within 3 years of this conviction, I will, in addition, be sentenced to serve 180 days in jail and to pay a \$2,000 fine. | |
| 14601.5 | Up to 6 months in jail, or a fine of \$300 to \$1,000, or both. | 10 days to 1 year in jail, and a fine of \$500 to \$2,000. Note-section 14601.3 also constitutes a prior conviction for this offense. |

| Vehicle Code Section | First Offense | Second or Subsequent Offense: |
|----------------------|---|---|
| 14601.3 | 30 days in jail, and a fine of \$1,000. | Prior conviction(s) in past 7 years of section 14601.3. 180 days in jail, and a fine of \$2,000. |

ADDITIONAL PENALTIES FOR A VIOLATION OF SECTIONS 14601, 14601.1, 14601.2, or 14601.5

35. If applicable - I understand that if I am convicted of a violation of Vehicle Code § 14601.2, or if the original charge was for a violation of that section but I am pleading to section 14601, 14601.1 or 14601.5, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate. This order will be imposed for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license. Failure to install the IID shall result in the suspension of my driver's license by the DMV.

INITIALS ↓
35.

36. I have read and understood the applicable charts on pages 3 and 4 which list the minimum and maximum penalties for the offense(s) I am charged with. (See No. 37 for the offenses not listed in the charts.)

PENALTIES FOR OTHER OFFENSES

37. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 and 4, include the following:

| | | | | |
|---------------------|-------------|------|-------------|------|
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: | | | | |
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: | | | | |
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: | | | | |
| SECTION NUMBER | JAIL - MIN. | MAX. | FINE - MIN. | MAX. |
| OTHER CONSEQUENCES: | | | | |

PLEA(S)

38. I hereby freely and voluntarily plead No Contest to the following:

GUILTY OR NO CONTEST

III CVC 23152(a), Adult VOP case #99-25268
LIST CHARGE(S)

39. If applicable - I freely and voluntarily admit the other conviction(s) that I listed on this form. I understand that this admission will increase the penalties which are imposed on me.
40. If applicable - I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).
41. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.
42. If applicable - I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

TEMPORARY JUDGE'S NAME

** DEFENDANT'S SIGNATURE:

Robert M. F. Smith

DATE:

7/27/2001

INITIALS

36.

RMF

RMF

37.

RMF

38.

RMF

39.

RMF

40.

RMF

41.

RMF

42.

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.


SIGNATURE OF DEFENDANT'S ATTORNEY

7-27-01
DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐ Spanish ☐ Other (specify): _____

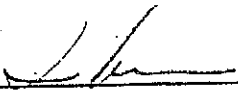
COURT INTERPRETER'S SIGNATURE

TYPE OR PRINT NAME

DATE

COURT'S FINDINGS AND ORDER

The Court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s) and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The Court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The Court accepts the defendant's plea(s), the defendant's admission of the other conviction(s) and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein:

- 
☒ Judge of the Superior Court
☐ Temporary Judge of the Superior Court

7/27/01
DATE

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF
THE ORIGINAL ON FILE IN THIS OFFICE

Attest: 10/20/01 2007

DEBORAH W. NORRIS

CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA IN
AND FOR THE COUNTY OF PLUMAS

Exhibit 5

SUPERIOR COURT OF CALIFORNIA
COUNTY OF CONTRA COSTA
PITTSBURG

RECEIVED

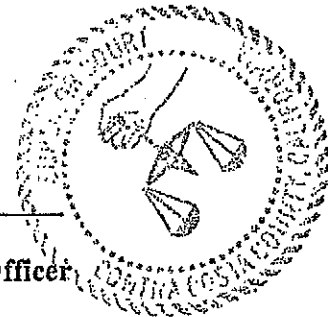
OCT 24 2007

SAN FRANCISCO
TAXI COMMISSION

CERTIFIED COPY OF DOCKET FOR PRIORS—Case No. 127508-0

I hereby certify that the attached documents are true and correct copies of the items from the court's docket and file as check below:

- ☒ Docket face sheet listing charges
- ☐ Docket sheet with rights given and waived
- ☒ Docket sheet with guilty plea
- ☐ Tahl Waiver form
- ☐ Complaint
- ☒ Probation order
- ☐ Other: _____



Ken Torre, Executive Officer

Date: 10-22-07

By: [Signature]

Deputy Clerk

Exhibit 6

FILED
AUG 9 - 2001

SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA
PITTSBURG

THE PEOPLE OF THE STATE OF CALIFORNIA,

VS.

ROBERT MICHAEL FRIEDMAN,
DEFENDANT./

NO. 127508-0
DA NO. C 01 007759-4
COMPLAINT - MISDEMEANOR

- 01) CVC 23152(a)
W/PRIORS
- 02) CVC 23152(b)
W/PRIORS
- 03) PC 148(a)(1)

The undersigned states, on information and belief, that ROBERT MICHAEL FRIEDMAN, Defendant, did commit a misdemeanor, a violation of VEHICLE CODE SECTION 23152(a) (DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS), committed as follows:

On or about April 14, 2001, at Pittsburg, in Contra Costa County, the Defendant, ROBERT MICHAEL FRIEDMAN, did unlawfully drive a vehicle while under the influence of an alcoholic beverage and under the combined influence of alcoholic beverage and a drug.

SEPARATE CONVICTION(s)

It is further alleged that within seven years of the commission of the above offense, said Defendant committed a violation of the following Vehicle Code section(s) and was duly convicted as follows:

| <u>VIOL.</u> <u>DATE</u> | <u>CONV.</u> <u>DATE</u> | <u>OFFENSE</u> | <u>DOCKET</u> | <u>COURT</u> |
|-----------------------------|-----------------------------|----------------|---------------|----------------------|
| 04/25/99 | 05/25/99 | CVC 23152(a) | 992526-8 | PLUMAS JUSTICE COURT |

SPECIAL ALLEGATION
DRIVING UNDER INFLUENCE
WITH BLOOD ALCOHOL OVER .20%

It is further alleged, pursuant to Vehicle Code section 23578, that in the commission of the above offense the Defendant had a blood alcohol content of .20 percent and more by weight.

COUNT TWO:

The undersigned further states, on information and belief, that ROBERT MICHAEL FRIEDMAN, Defendant, did commit a misdemeanor, a violation of VEHICLE CODE SECTION 23152(b) (DRIVING WHILE HAVING A 0.08 OR HIGHER BLOOD ALCOHOL), committed as follows:

On or about April 14, 2001, at Antioch, in Contra Costa County, the Defendant, ROBERT MICHAEL FRIEDMAN, did unlawfully, while having a 0.08 percent and more, by weight, of alcohol in his blood, drive a vehicle.

SEPARATE CONVICTION(s)

It is further alleged that within seven years of the commission of the above offense, said defendant committed a violation of the following Vehicle Code section(s) and was duly convicted as follows:

| <u>VIOL.</u> <u>DATE</u> | <u>CONV.</u> <u>DATE</u> | <u>OFFENSE</u> | <u>DOCKET</u> | <u>COURT</u> |
|-----------------------------|-----------------------------|----------------|---------------|----------------------|
| 04/25/99 | 05/25/99 | CVC 23152(a) | 9925268 | PLUMAS JUSTICE COURT |

SPECIAL ALLEGATION
DRIVING UNDER INFLUENCE
WITH BLOOD ALCOHOL OVER .20%

It is further alleged, pursuant to Vehicle Code section 23578, that in the commission of the above offense the Defendant had a blood alcohol content of .20 percent and more by weight.

COUNT THREE:

The undersigned further states, on information and belief, that ROBERT MICHAEL FRIEDMAN, Defendant, did commit a misdemeanor, a violation of PENAL CODE SECTION 148(a)(1) (RESIST, OBSTRUCT, OR DELAY A PEACE OFFICER), committed as follows:

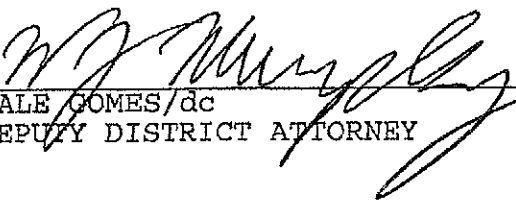
On or about April 14, 2001, at Antioch, in Contra Costa County, the Defendant, ROBERT MICHAEL FRIEDMAN, did willfully and unlawfully resist, delay, and obstruct a peace officer in the discharge of and the attempt to discharge a duty of his/her office.

COMPLAINANT REQUESTS THAT DEFENDANT(S) BE DEALT WITH ACCORDING TO LAW.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
CORRECT.

DATED: July 30, 2001

AT MARTINEZ, CALIFORNIA


R. HUDDLESTON
COMPLAINANT


DALE GOMES/dc
DEPUTY DISTRICT ATTORNEY

ANTIOCH POLICE DEPARTMENT

NOTICE, SENTENCE, COMMITMENT FORM

CLERK'S DOCKET AND MINUTES

PA RATE-H

DEFENDANT FRIEDMAN, ROBERT MICHAEL DEPT. 038 DATE 12/06/2001 TIME 1:30 P
ADDRESS 4308 WOLVERINE WAY ANTIOCH CA 94508 06/30/19
ROC PTC MISC PROB DEFENSE ATTORNEY PD-FRANKLI TIME WAIVED
CUSTODIAL STATUS OR TARGET DATE: 10/31/2001
CHARGES 01 M CVC 23152(a) W/P 02 M CVC 23152(b) W/P 03 M PC 148(a)(1)
03-026

JUDGE STEVEN AUSTIN COURT REPORTER K. JOHNSTON DEPUTY CLERK M. GREENBERG
ASSIGN. TO DEPT. JUDGE COURT REPORTER DEPUTY CLERK

APPLICABLE ENTRIES MARKED

| | | |
|--|--|---|
| <input type="checkbox"/> Deft. proceeds in PRO PER <input type="checkbox"/> Deft. appears <input type="checkbox"/> In custody <input type="checkbox"/> Deft. not appearing <input checked="" type="checkbox"/> Withby Atty (Pub. Def./ADO) <u>H. Taylor</u> <input checked="" type="checkbox"/> Deputy Dist. Atty. <u>S. Brock</u> <input type="checkbox"/> Court Probation Off. <input type="checkbox"/> Interp. <u>sworn/oath on file</u> <input type="checkbox"/> Cert. <input type="checkbox"/> Non-Cert. <input type="checkbox"/> Qualified per Rule 984.2 <input type="checkbox"/> Order <u>Int.</u> <input type="checkbox"/> Int. Coord. notified | <input type="checkbox"/> Answers true name as charged <input type="checkbox"/> Waives Arr/reading of Complaint <input type="checkbox"/> Handed copy of Complaint/Discovery <input type="checkbox"/> Deft. duly arr. <input type="checkbox"/> Video <input type="checkbox"/> on Prob. Vio. <input checked="" type="checkbox"/> Deft. waives arr. on amended complaint. | <input type="checkbox"/> Bench/Arrest Warrant to Issue Bail Set at \$ _____ <input type="checkbox"/> Recalled <input type="checkbox"/> Set Aside <input type="checkbox"/> Remain Out <input type="checkbox"/> No PTA Release <input type="checkbox"/> No Vol. App. <input type="checkbox"/> Hold until _____ <input type="checkbox"/> Bail forfeit & continued 190 days <input type="checkbox"/> Bail Exon <input type="checkbox"/> Bail forfeiture set aside & reinstated upon payment of fee \$ _____ |
| <input type="checkbox"/> Referred To: PUBLIC DEFENDER <input type="checkbox"/> Referred To: PROB. Bail Study/PPR <input type="checkbox"/> Referred per <input type="checkbox"/> 288.1 PC <input type="checkbox"/> 1368 PC <input type="checkbox"/> Adult Pre-Trial/PC 1000 Diversion eligibility <input type="checkbox"/> Pub. Def. Conflict Filed; Appointed ADO <input type="checkbox"/> Report to _____ for booking <input type="checkbox"/> 977 waiver filed <input type="checkbox"/> 170.6 PC filed/oral <input type="checkbox"/> In re law notice given | <input checked="" type="checkbox"/> Written Plea filed <input type="checkbox"/> Pleads Guilty, Ct.# _____ <input checked="" type="checkbox"/> Pleads No Contest, Found Guilty, Ct.# <u>2</u> <input type="checkbox"/> Pleads Not Guilty, Ct.# _____ <input type="checkbox"/> Jury Trial Waived/Demanded <u>comp.</u> <input type="checkbox"/> Time for Trial/Sent Waived/Not Waived <input type="checkbox"/> Time for PX 10/60 Days Waived/Not Waived <input checked="" type="checkbox"/> Admits/Denies <u>2</u> Priors/Refusal/Enhance | <input type="checkbox"/> Vacate date of _____ <input type="checkbox"/> Def. must/need not appear |
| <input checked="" type="checkbox"/> Per/Def. Motion to/for/cont. <u>Amend</u> <input type="checkbox"/> Submitted with argument <input type="checkbox"/> without argument <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Submitted <input type="checkbox"/> No Action Taken <input type="checkbox"/> Grounds: _____ <input type="checkbox"/> D.A. Motion to file amended complaint <input type="checkbox"/> Complaint amended on its face to add Ct.# _____ <input type="checkbox"/> a violation of section _____ <input type="checkbox"/> Pursuant to 23103.5CVC <input type="checkbox"/> Strike the words felony and feloniously. Substitute the word misdemeanor wherever it appears in Complaint. <input type="checkbox"/> Per Court/DA dismiss Complaint/Ct.# <u>43</u> <input type="checkbox"/> Criminal Protective Order Issued and served | <input type="checkbox"/> Court Probation granted for <u>12</u> mo/yr <input type="checkbox"/> Adult Pre-Trial/PC 1000 Diversion granted <input type="checkbox"/> Probation/Diversion/Reinstated/Modified/Extended to _____ <input type="checkbox"/> Original terms in full force and effect except as ordered. <input type="checkbox"/> Deft. given/waived rights to Revoc. Hg; Admits/Denies allegations <input type="checkbox"/> Prob. Revoked: <input type="checkbox"/> Def. found in violation of probation <input type="checkbox"/> Probation/Diversion: Terminated: Successfully/Unsuccessfully/Denied <input type="checkbox"/> Pay Prob. Vio. fine of \$ _____ <input type="checkbox"/> Upon payment of fine/completion of jail sentence <input type="checkbox"/> Criminal Proceedings Reinstated/Dismissed | |

| | | |
|---|---|---|
| <input type="checkbox"/> Pay a fine of \$ _____ <input type="checkbox"/> Rest. Fine of _____ <input type="checkbox"/> Pay \$10 cite fee/\$25 Booking Fee/\$ _____ CJA Fee <input type="checkbox"/> Pay balance of fine/ <input type="checkbox"/> In lieu of fine <input type="checkbox"/> Susp. \$ _____ after fine. <input type="checkbox"/> Make monthly payments to CCU P.O. Box 1669 Martinez, CA 94553 Phone (925) 646-1951 by _____ <input type="checkbox"/> _____ hours Volunteer work by _____ Fee \$ _____ <input type="checkbox"/> Re-refor/reinstate to Level I/Level II/PCDDP <input type="checkbox"/> Referred to ORC for Attorney Fee Costs of \$ _____ <input type="checkbox"/> License Suspended/Revoked _____ months/years <input type="checkbox"/> DL310/DL309 Served <input type="checkbox"/> Advised 14607.8 CVC <input type="checkbox"/> Pay fine/comply or appear on _____ at _____ | <input checked="" type="checkbox"/> Be Imprisoned <u>210</u> (days/months/years) <input type="checkbox"/> _____ days/months/years credit <input type="checkbox"/> _____ days/months/years suspended <input type="checkbox"/> Sentence to commence _____ <input checked="" type="checkbox"/> Serve consecutive/concurrent <input checked="" type="checkbox"/> with <u>127</u> <u>476</u> <input type="checkbox"/> with any sentence <input type="checkbox"/> Main Jail <input type="checkbox"/> Electronic Home Detention <input type="checkbox"/> WAP Contact CAB immediately / within 15 days. <input type="checkbox"/> Day for day credit for time served in approved residential program. Proof by _____ | <input type="checkbox"/> Obey all laws. <input type="checkbox"/> Do not use any alcohol. Do not go to places where alcoholic beverages are the chief item of sale. <input type="checkbox"/> Attend _____ AA/NA meetings per week and present proof at each court appearance. <input type="checkbox"/> Submit to search and testing <input type="checkbox"/> Destroy <input type="checkbox"/> Return weapon <input type="checkbox"/> Stay away from _____ |
|---|---|---|

☐ REMANDED to County Jail: ☐ Ordered released ☐ On OR ☐ Promise to Appear ☐ Def. to be allowed _____ phone calls
Bail Set in the amt. of \$ _____ ☐ Court Courtesy ☐ State Prison Commitment ☐ Committed to custody until sentence is satisfied in full

TO THE SHERIFF: COMMITMENT: I hereby certify that this is a true copy of the Entry of Judgment or Order and is your authority for the execution thereof.

☐ See other minute pages for additional proceedings.

PROBATION ORDER COMMITMENT FORM

ORDER OF PROBATION

1 CONCORD

☐ MARTINEZ☒ PITTSBURG☐ RICHMOND☐ WALNUT CREEK

DEFENDANT

Robert M. Friedman

DOCKET NO.

127508-0

The above named defendant having been convicted in this court of the offense(s) of violation of:

Section(s) ☒ 23152☒ with prior(s)☒ Other:127476-0IT IS ORDERED: That ☐ imposition ☐ execution of sentence be suspended during period of probation with the following terms:**TERMS OF PROBATION (Applicable Items Checked):** ☒☒ COURT PROBATION GRANTED: Conditional and revocable release in the community without Probation supervision except as specified by the Court for a period of 4 months / 0 years from the date of this order.☒ STANDARD TERMS (see reverse for standard terms and additional instructions.)☐ REVIEW DATE:☐ Defendant must appear in Court. ☐ Defendant need not appear.**AIL/FINE/VOLUNTEER WORK/RESTITUTION**☒ Be IMPRISONED 2/0 hrs/days/months☐ hrs/days/months credit.☐ hrs/days/months suspended.☐ Sentence to commence☐ Serve consecutive/concurrent with☐ Any imposed sentence:☐ Main Jail ☐ Work Alternative Program ☒ Electronic Home Detention☐ in _____ County allowed.☐ Contact Custody Alternative Bureau (CAB) within 15 days☐ Day for day credit for time served in approved residential program.☐ Other:☒ Pay a FINE of \$ 1190☐ Suspend payment of \$☒ Pay restitution fine of \$ 100.☒ Make monthly installments to Court Collections & Compliance Unit,

P.O. Box 7515 San Francisco, CA 94120 by:

☐ Pay to Clerk of Court by☐ Probation to terminate upon payment of fine/completion of jail sentence.☐ _____ days jail concurrent/consecutive in lieu of fine.☐ Other:☐ Perform _____ hours VOLUNTEER COMMUNITY SERVICE☐ In lieu of fine ☐ In lieu of Interlock☐ Show proof of completion to Court by☐ Make Restitution of \$ _____ to _____☐ Make RESTITUTION as determined by the Court Probation Officer☐ Show proof of restitution to Court by☐ Honor any civil judgments as a result of this conviction.☐ Pay to CCU ☐ Other:☐ Submit your person, place of residence, storage locker or any vehicle under your control to search and seizure at any time of day or night, with or without warrant, to any peace officer ☐ for alcoholic beverages ☐☐ Not use or possess any dangerous drugs, narcotics, or narcotic paraphernalia without prescription.☐ Not have a checking account or charge accounts, nor have any checks or credit cards in your possession, control or custody, except checks made payable to you.☐ Do not own or have possession or control of any firearm or weapon.☐ Weapon ordered ☐ confiscated ☐ destroyed ☐ returned to☐ Do not annoy/threaten/contact☐ Attend batterers/domestic violence program as directed by the Court Probation Officer and not leave or terminate program without permission.☐ Contact Court Probation Officer on

Other

16. ☒ Abstain from the use of alcoholic beverages.17. ☐ Submit to drug/alcohol use detection tests as directed by Court Probation Officer or by any peace officer.18. ☒ Not go to places where alcoholic beverages are the chief item of sale.19. ☐ Take antabuse as prescribed by physician & if directed by alcohol program.**PROGRAM TERMS**20. ☐ Attend and complete the First Offender Drinking Driver's Program:☐ Level 1 ☐ Level 2 (area of choice authorized)☐ Other:21. ☒ Report to Post Conviction Drinking Driver's Program within 10 days and comply with its rules and fee requirements.

(Take completed DL 103 form to DMV within 30 days)

22. ☐ Participate in counseling as directed by the Court Probation Officer and not leave or terminate program without permission.23. ☐ Referred for HIV testing. Return to Court on24. ☐ Other:**DRIVING TERMS**25. ☐ Driving privilege restricted for By ph to/during/from: employment, treatment program ☐ School ☐☐ Other:26. ☒ Driving privilege suspended/revoked for 3 yrs27. ☐ Not drive a motor vehicle unless properly licensed and insured.28. ☐ Not drive vehicle with any measurable alcohol in blood.29. ☒ If arrested for a violation of 23152 or 23153 CVC, not refuse a chemical test for the detection of alcohol.**VEHICLE IMPOUNDMENT TERMS**30. ☐ DEFENDANT'S VEHICLE BE: Impounded _____ daysProof by _____ ☐ Not Impounded☐ Not Registered Owner ☐ Loss of employment ☐ Other31. ☐ Install Ignition Interlock device on any vehicle owned/operated from now until _____ years after license reinstatement.32. ☐ Provide proof of installation to court by33. ☐ Ignition Interlock Device ☐ ordered ☐ not orderedDefendant: ☐ does not own vehicle ☐ has no ability to pay34. ☐ Do not drive any motor vehicle unless said vehicle is equipped with a Certified Ignition Interlock Device.☒ Other ADVISED as HTO

Although not a condition of probation, you are ordered to pay the following fees:

☐ \$25 Booking Fee ☐ \$10 Cite Fee ☐ CJA \$ _____ ☐ Other _____

I HAVE READ AND RECEIVED A COPY OF THESE CONDITIONS OF PROBATION AND I UNDERSTAND AND AGREE TO PERFORM THEM AND UNDERSTAND THAT IF I FAIL TO DO SO, MY PROBATION MAY BE REVOKED AND I MAY BE SENTENCED TO JAIL OR SENTENCED AS OTHERWISE PROVIDED BY LAW.

DEFENDANT'S SIGNATURE:

Robert M. FriedmanSOCIAL SECURITY # 5167-54-9350 DOBADDRESS 4308 Woodview way CITY ANTIOCHSTATE CA ZIP CODE 94533 PHONE 925-970320

COMMITMENT: TO THE SHERIFF, I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE COPY OF THE ENTRY OF JUDGMENT OR ORDER AND IS YOUR AUTHORITY FOR THE EXECUTION THEREOF.

SAC

JUDGE OF THE MUNICIPAL COURT

12/6/01

DATED

Exhibit 7

FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

(We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s)) ☐ No

PART 2

(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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, Appendix F 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.

Medallion Number(s) 865 Color Scheme Red, White, Green

Name(s) in which Medallion is Held: ROBERT M. FRIEDMAN

Residence Address of Medallion Holder: San Francisco, Ca. 94509
(Street, city, state, zip)

Business Address of Medallion Holder: 1501 Harrison St. S.F., Ca. 94103
(Street, city, state, zip)

Residence Phone: 916 552-1100 Business Phone: (415) 552-1100
Area code Number Area Code Number

PART 3

(We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed on May 3 2000 At SAN FRANCISCO CA. 94103
Date City, State

Medallion Holder(s) Robert M. Friedman _____
Signature Signature
ROBERT MICHAEL FRIEDMAN _____
Print Name Print Name

509T _____
California driver license number California driver license number
4/1/11 _____
Date of Birth Date of Birth
Right Thumb Print Right Thumb Print

Witnessed By: _____ Star # _____ Date _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
 County of San Francisco
 On May 3, 2000 before me, Marianne Harp (Notary Public)
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Robert M. Friedman
Name(s) of Signer(s)

☒ personally known to me – OR – ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Marianne Harp
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Form 1095
 Document Date: None Number of Pages: _____
 Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert M. Friedman Signer's Name: _____

- ☒ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing:

- ☐ Individual
☐ Corporate Officer
 Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
 OF SIGNER
 Top of thumb here

Signer Is Representing:

FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s))

☒ No

PART 2

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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, Appendix F 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.

Medallion Number(s) 865 Color Scheme ARROW CAB

Name(s) in which Medallion is Held: ROBERT M. FRIEDMAN

Residence Address of Medallion Holder: ANTIOCH CA 94531

Business Address of Medallion Holder: 3 PECK CAB CO 11TH + HARRISON
CE 415 (Street, city, state, zip)

Residence Phone:
Area code Number

Business Phone: (415) 552-1100
Area Code Number

PART 3

(We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed on April 6 2001 At S.F. CAL.
Date City, State

Medallion Holder(s) Robert M. Friedman Signature

FRIEDMAN, ROBERT M. Print Name

1114-111101 California driver license number

California driver license number

Right Thumb Print

Date of Birth

Date of Birth

Right Thumb Print

Witnessed By: [Signature]

Star # 6562

Date 4/6/01

HIS FORM MUST BE NOTARIZED OR SUBMITTED IN PERSON TO THE POLICE TAXICAB DETAIL

11/1/01

FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s))

☒ No

PART 2

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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, appendix F 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.

Medallion Number(s) 865 Color Scheme ARROW-RED & CREME

Name(s) in which Medallion is Held: ROBERT M. FRIEDMAN

Residence Address of Medallion Holder: E. WAY ANTIOCH CA 94531
Street, City, State, Zip

Business Address of Medallion Holder: SPECK CAB CO. 159 HARRISON ST SF. 94103
Street, City, State, Zip

Residence Phone: 415 812 3757
Area Code Number

Business Phone: 415 812 3757
Area Code Number

PART 3

I (We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed on April 19, 2002 at Antioch CA
Date City, State

Medallion Holder(s) Robert M. Friedman
Signature

Signature

FRIEDMAN, ROBERT M.
Print Name

Print Name

CA
Driver's License Number State

Driver's License Number State



Right Thumb Print

3
Date of Birth

Date of Birth

Right Thumb Print

Witnessed by: _____ Star # _____ Date _____

THIS FORM MUST BE NOTARIZED OR SUBMITTED IN PERSON TO THE POLICE TAXICAB DETAIL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California,

County of Contra Costa,

On April 19th 2002 before me, Divya Saini, Notary Public
personally appeared Robert M. Friedman,
~~personally known to me~~/proved to me on the basis of
satisfactory evidence to be the person~~s~~ whose name ~~(s)~~
is/~~are~~ subscribed to the within instrument and
acknowledged to me that he/~~she/they~~ executed the same
in his/~~her/their~~ authorized capacity~~(ies)~~, and that by
his/~~her/their~~ signature~~(s)~~ on the instrument the person~~s~~,
or the entity upon behalf of which the person~~s~~ acted,
executed the instrument.

Witness my hand and official seal.

Divya Saini



Attached document:

Document Type/Title Sworn Statement - Taxicab Medallion holder
Document Date 4/19/02 No. of pages 1
Other signers _____

FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s))

☒ No

PART 2

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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, appendix F 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.

Medallion Number(s) 865

Color Scheme NATIONAL
ARROW-RED & CREME

Name(s) in which Medallion is Held: ROBERT M. FRIEDMAN

Residence Address of Medallion Holder: SF CA 94103
Street, City, State, Zip

Business Address of Medallion Holder: NATE CAB CO. 2270 McRINNON ST SF CA
Street, City, State, Zip

Residence Phone: (415) 441-4444
Area Code Number

Business Phone: ()
Area Code Number

PART 3

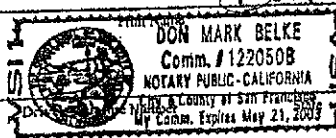
I (We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed on April 29, 2003 at San Francisco, CA
Date City, State

Medallion Holder(s) Robert M. Friedman
Signature

Appeared before me identified by
CDL # 1220508 and signed in
my presence. Don Mark Belke
Signature

Robert M. Friedman
Print Name



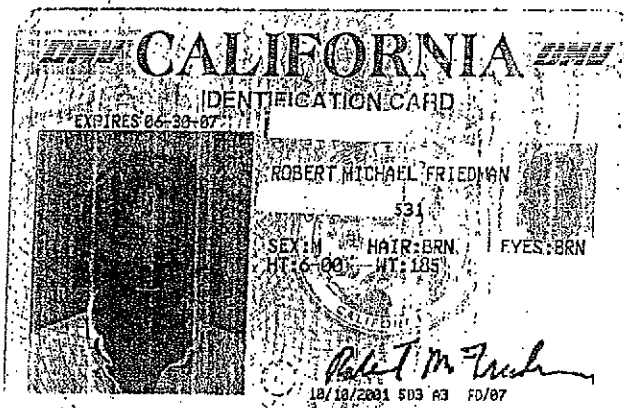
7 Driver's License Number State

Date of Birth Right Thumb Print

Witnessed by: Don Mark Belke
Notary

Star # 4/29/03 Date

THIS FORM MUST BE NOTARIZED OR SUBMITTED IN PERSON TO THE POLICE TAXICAB DETAIL



ISSUED BY:

OFFICE OF THE TREASURER & TAX COLLECTOR
PUBLIC PASSENGER VEHICLE DRIVER

EXPIRES: DECEMBER 31, 2003
ROBERT M FRIEDMAN

The above named person is licensed as a Public Passenger Vehicle Driver in accordance with the San Francisco Police Code, Article 1, Sections 2.26.1 and 2.27.1



FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s)).

☒ No

PART 2

I (We) and all those operating under this medallion are in compliance with appropriate State of California and the City and County of San Francisco laws pertaining to proper driver licenses, all pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, Appendix F 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.

Medallion Number(s) 865 Color Scheme NATIONWIDE CAB CO

Name(s) in which Medallion is Held: ROBERT MICHAEL FRIEDMAN

Residence Address of Medallion Holder NEW ANTIOCH CA 94531 NOBLE CA 94564
Street, City, State, Zip

Business Address of Medallion Holder: 2270 UNION ST SF CA
Street, City, State, Zip

Residence Phone: (415) 6484444 Business Phone: (415) 6484444
Area code Number Area Code Number

PART 3

I (We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed 4/27/04 at _____
Date City, State

Medallion Holder(s) Robert M. Friedman _____
Signature Signature
ROBERT MICHAEL FRIEDMAN _____
Print Name Print Name



4/07 _____
California driver license number/Expiration California driver license number/Expiration
Date of Birth Date of Birth

Witnessed By: [Signature] Date 4/27/04

THIS FORM MUST BE SUBMITTED IN PERSON TO THE TAXI COMMISSION

FORM 1095

To: The San Francisco Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire:

☐ Yes (If you have such permits or licenses, attach a copy(s))

☒ No

PART 2

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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, appendix F 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.

Medallion Number(s) 865 Color Scheme NATIONAL
Taxicab Company

Name(s) in which Medallion is Held: ROBERT M. FRIEDMAN

Residence Address of Medallion Holder: PALO ALTO CA 94564
Street Address, City, State, Zip

Business Address of Medallion Holder: 2270 McKINNON ST SF CA 94124
Street Address, City, State, Zip

Residence Phone: (415) 444-4444
Area Code Number

Business Phone: (415) 444-4444
Area Code Number

PART 3

I (We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable, and any attachments hereto, are true and correct.

Executed on 4/7/05 at Palo Alto CA
Date City, State

Medallion Holder(s) Robert M. Friedman
Signature

Signature

ROBERT M. FRIEDMAN
Print Name

Print Name

Driver's License Number

State

Driver's License Number

State

Date of Birth

Date of Birth

Right Thumb Print

Right Thumb Print

Witnessed by: _____

Date _____

PLEASE SEE ATTACHED
CURRENT CALIFORNIA
NOTARY FORM

THIS FORM MUST BE NOTARIZED OR SUBMITTED IN PERSON TO THE TAXICAB COMMISSION

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

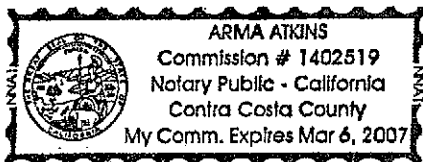
State of California

County of CONTRA COSTA } ss.

On April 7, 2005 before me, ARMA ATKINS ^{NOTARY}
Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared ROBERT M. FRIEDMAN
Name(s) of Signer(s)

☐ personally known to me
☒ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: FORM 1095

Document Date: 4/6/05 Number of Pages: 1

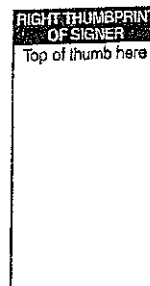
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Robert M. Friedman

- ☐ Individual
- ☐ Corporate Officer -- Title(s): _____
- ☐ Partner -- ☐ Limited ☐ General
- ☐ Attorney-in-Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____



FORM 1095

(Friedman)

To: Taxicab Commission

In compliance with the provisions of Section 1095 of the San Francisco Municipal Police Code, the undersigned Taxicab Medallion Holder(s) hereby make(s) a sworn statement as follows:

PART 1

I (We) have permits or licenses from other governmental bodies to the operation of Motor Vehicles for Hire:
☐ Yes (If you have such permits or licenses, attach copies) ☒ No

RECEIVED

APR 12 2006

SF Taxi Commission

PART 2

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 pertinent rules adopted by the Taxi Commission, all applicable San Francisco Municipal Police Code sections, Appendix F of the Charter of the City and County of San Francisco (Proposition K) and all other local, state and federal laws applicable to the operations of a taxicab.

Medallion Number(s): 0865 Color Scheme: National Cab Co., Inc.Names(s) in which Medallion is held: ROBERT MICHAEL FRIEDMANResidence Address of Medallion Holder: _____
Street City State Zip PINOLE CA 94564Business Address of Medallion Holder: 2270 McKinnon Avenue, San Francisco, CA 94124
Street City State ZipResidence Phone: (415) Business Phone: (415) 648-4119

PART 3

I (We) declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations were applicable and any attachments hereto, are true and correct.

Executed 4-3-06 at PINOLE, CALIFORNIA
Date City, State

Medallion Holder(s)

Robert M. Friedman
Signature

Signature

ROBERT M. FRIEDMAN
Print Name

Print Name

California Driver License/Expiration

California Driver License/Expiration

Right Thumb Print

Date of Birth

Date of Birth

Right Thumb Print

Witnessed By:

Date:

4-3-06PLEASE SEE ATTACHED
CURRENT CALIFORNIA
NOTARY FORM

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

CONTRA COSTA

SS.

On 4-3-06

before me,

KEN IMAH NOTARY PUBLIC

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared

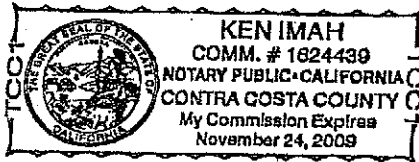
ROBERT MICHAEL FRIEDMAN

Name(s) of Signer(s)

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies) and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

ANNUAL SWEEN STATEMENT

Document Date:

3-2-06

Number of Pages:

1

Signer(s) Other Than Named Above:

NONE

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Exhibit 8

| ROUTING AND TRANSMITTAL SLIP | | | FOR ACTION |
|---|--|---|---------------------------------------|
| | | | FOR RECOMMENDATION |
| 1 TO | (NAME) _____ (UNIT) _____ | INITIALS _____ DATE _____ | FOR APPROVAL AS REQUESTED |
| 2 TO | (NAME) _____ (UNIT) _____ | INITIALS _____ DATE _____ | NOTE & FORWARD FOR INFORMATION |
| 3 TO | (NAME) _____ (UNIT) _____ | INITIALS _____ DATE _____ | NOTE & RETURN PER CONVERSATION |
| 4 TO | (NAME) Sgt. Vincent CARDON (UNIT) _____ | INITIALS _____ DATE MAR 4 8 2002 | CONFER FOR SIGNATURE |
| <p>UNABLE TO CONTACT M.H. NO ANSWER TO PHONE. SPOKE WITH BILL DICKIE (LAWSON) WAS ADVISED THAT M.H. WAS ONLY ADVISING THAT HE WOULD NOT BE AVAILABLE FOR 30 OR MORE DAYS.</p> | | | COORDINATE |
| | | | INVESTIGATE & REPORT |
| | | | FOR COMPLIANCE |
| | | | REPLY IN MY NAME |
| <p>NOTE: DO NOT USE THIS FORM AS A RECORD OF APPROVALS, CONCURRENCES, DISAPPROVALS, CLEARANCES AND SIMILAR ACTIONS.</p> | | | |
| FROM | (NAME) _____ (UNIT) _____ | DATE _____ PHONE _____ | |

SAN FRANCISCO POLICE DEPARTMENT

SFPD 39 (7/72)

Lake Detail
Permit Section.

la, they - right - fine - " " I have
Kaiser needed coverage so they say
that they can fix it. It's driving
me crazy not being able to work.

Perant #865

A CARD # D44-041990

I had you

Robert M. Friedman

Exhibit 9



DRIVER MEDICAL EVALUATION

(Medical Information is CONFIDENTIAL under Section 1808.5 CVC)

PHYSICIAN RETURN FORM TO:
DEPARTMENT OF MOTOR VEHICLES
LICENSING OPERATIONS DIVISION
Driver Safety Branch
303 Hegenberger Road, Ste 400
Oakland, CA 94621

Telephone: (510) 563-8900 FAX: (510) 563-8950

BY THE INDICATED DATE:

09283532

INSTRUCTIONS TO THE DRIVER: Please take this form to the doctor most familiar with your health history and current medical condition. Be sure to complete and sign the health history section below before giving this form to your doctor.

NAME (LAST, FIRST, MIDDLE)

Robert Michael Friedman

NO.

FIELD FILE

STREET ADDRESS

CITY

ZIP

P.O. Box 4728, Antioch, Ca 94531

PATIENT MUST COMPLETE HEALTH HISTORY BELOW (Please explain any YES answers)

| |
|---|
| Head, neck, or spinal injury |
| Seizure, convulsions, or fainting |
| Dizziness or frequent headaches |
| Eye problem (except corrective lenses) |
| Cardiovascular (heart or blood vessel) disease |
| Stroke |
| Lung disease (include TB and asthma) |
| Nervous stomach or ulcer |
| Diabetes |
| Kidney disease (including stones or blood in urine) |
| Muscular disease |
| Extensive confinement by illness or injury |
| Permanent defect |
| Psychiatric disorder |
| Any other nervous disorder |
| Problems with the use of alcohol or drugs |
| Rheumatic fever |
| Suffering from any other disease |
| Any major illness last 5 years |
| Any operations last 5 years |
| Currently taking medications |

EXPLANATION: (Include onset date, diagnosis, medication, doctor's name and address and any current condition or limitation. Attach additional sheet, if needed).

Under the penalty of perjury, under the laws of the State of California, that I have provided true and complete information concerning my health.

Date

Dec 5, 2001

Driver's Signature:

X Robert M. Friedman

INSTRUCTIONS TO THE DOCTOR: The Department of Motor Vehicles' records indicate your patient may have a condition that could affect the safe operation of a motor vehicle. In this case, the Department is concerned about the following condition(s): Drug

(To be completed by DMV hearing officer)

With your assistance, we hope to resolve the matter with a minimum of inconvenience to all concerned.

The Health History section should be completed and signed by the patient before you complete this evaluation.

Your experience and knowledge of the patient's condition, results of medical examinations, and treatment plans, will be of great value in assisting the department to determine a proper licensing decision. PLEASE ANSWER ALL QUESTIONS on this form that are applicable to your patient's condition(s). You may furnish a narrative report if you prefer, but please include all information pertinent to your patient. The department has sole responsibility for any decision regarding the patient's driving qualifications and licensure. The department will also consider non-medical factors in reaching a decision.

TREATMENT BY OTHER DOCTOR(S)

Is this patient being treated for any condition by another doctor?

☐ Yes ☒ No

If yes, please indicate name of treating doctor(s).

Condition being treated:

TREATMENT UNDER YOUR SUPERVISION

DIAGNOSIS (IF THE DIAGNOSIS IS A DISORDER CHARACTERIZED BY LAPSES OF CONSCIOUSNESS, DEMENTIA, OR DIABETES, COMPLETE PAGE 3 OR 4.)

DO YOU NEED TO SEE YOUR PATIENT AT REGULAR INTERVALS? IF YES, HOW OFTEN?

☒ Yes ☐ No I saw patient on 12/05/01

PROGNOSIS

Fair

IS THE CONDITION

☒ Improving ☐ Stable ☐ Worsening or deteriorating ☐ Subject to change (IF MULTIPLE CONDITIONS, PLEASE DESCRIBE STATUS AND PROGNOSIS COMMENTS BELOW.)

MANIFESTATIONS: (SYMPTOMS)

(PRESENT)

(PAST)

MAY CONDITION IMPAIR VISION?

☐ Yes ☒ No

HOW LONG HAS THIS PERSON BEEN YOUR PATIENT?

DATE OF LAST EXAMINATION

12/05/01

IS YOUR PATIENT UNDER A CONTROLLED MEDICAL PROGRAM?

☒ Yes ☐ No

HOW LONG HAS CONTROL BEEN MAINTAINED?

5 months

IS THE PATIENT ADHERING TO THE MEDICAL REGIMEN? IF NO, PLEASE EXPLAIN:

☒ Yes ☐ No

IS THE PATIENT KNOWLEDGEABLE ABOUT THE MEDICAL CONDITION?

☐ Yes ☐ No

LIST THE MEDICATIONS PRESCRIBED. PLEASE INCLUDE DOSAGE AND FREQUENCY OF USE

CC

) bid.

WHEN WAS THE LAST MEDICATION CHANGE MADE?

12/04/01

WOULD THE SIDE EFFECTS FROM THE PRESCRIBED MEDICATIONS INTERFERE WITH THE SAFE OPERATION OF A MOTOR VEHICLE?

☒ Yes ☐ No If yes, please describe:

IN YOUR OPINION, DOES YOUR PATIENT'S MEDICAL CONDITION AFFECT SAFE DRIVING?

☒ Yes ☐ No ☐ Uncertain

HAVE YOU ADVISED AGAINST DRIVING?

☐ Yes ☐ No

DOCTOR'S COMMENTS:

LEVELS OF FUNCTIONAL IMPAIRMENTS

Functional impairments that may affect safe driving ability. Please check where applicable.

| | MILD | MODERATE | SEVERE |
|--|--------------------------|--------------------------|--------------------------|
| Visual neglect..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Left side <input type="checkbox"/> Right side | | | |
| Loss of upper extremity motor control..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Left side <input type="checkbox"/> Right side | | | |
| Loss of lower extremity motor control..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Left side <input type="checkbox"/> Right side | | | |

WOULD ADAPTIVE DEVICES AID YOUR PATIENT IN COMPENSATING FOR HIS/HER DISABILITY?

tain

IF YES, PLEASE DESCRIBE

WOULD YOU RECOMMEND A DRIVING TEST BE GIVEN BY DMV?

DIABETES

PLEASE INDICATE THE TYPE OF DIABETES THIS PATIENT HAS

☐ Type 1 ☐ Type 2 ☐ Gestational

DATE OF DIAGNOSIS

WHAT METHOD OF TREATMENT IS REQUIRED?

☐ Controlled diet ☐ Oral diabetes medication ☐ Insulin injections ☐ Insulin pump ☐ Other:

HAS THIS PATIENT RECEIVED DIABETES EDUCATION FROM A HEALTH CARE TEAM?

☐ Yes ☐ No

DOES THIS PATIENT COMPLY WITH THE PRESCRIBED TREATMENT PLAN?

☐ Yes ☐ No

IF NO, PLEASE EXPLAIN

IS THE DIABETES CONTROLLED AT THIS TIME?

☐ Yes ☐ No

IF YES, HOW LONG HAS CONTROL BEEN MAINTAINED?

IF NO, PLEASE EXPLAIN

WHAT ARE THIS PATIENT'S FASTING BLOOD GLUCOSE LEVELS?

AFTER HOW MANY HOURS OF FASTING?

WITHIN THE LAST THREE YEARS, HAS THIS PATIENT EXPERIENCED

☐ Hypoglycemic episodes? ☐ Hyperglycemic episodes?

REASON FOR EPISODES (e.g., non-compliance w/regimen, change in condition, insulin unavailable, illness, etc.)

Please indicate the complications manifested by the hypoglycemic or hyperglycemic episodes and rate the severity of each.

| | NONE | MILD | MODERATE | SEVERE | UNCERTAIN |
|----------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Abdominal pain..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Cognitive deficits..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Confusion..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Confusion or disorientation..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Incoordination..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hypoglycemic unawareness..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lack of stamina..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Loss of consciousness..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Stupor..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Visual changes..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ketoacidosis..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Slowed reactions..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Seizures..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Weakness or fatigue..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Other..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DOES THIS PATIENT MANAGE HYPOGLYCEMIC OR HYPERGLYCEMIC EPISODES WITH OR WITHOUT HELP?

☐ With ☐ Without

HAS THIS PATIENT'S DIABETES CAUSED ANY OF THE FOLLOWING CHRONIC COMPLICATIONS?

☐ Visual changes ☐ Kidney disease ☐ Nervous system disease ☐ Vascular disease

PLEASE DESCRIBE THE EXTENT OF THE COMPLICATIONS

HAS THIS PATIENT BEEN HOSPITALIZED WITHIN THE LAST THREE YEARS DUE TO DIABETES COMPLICATIONS?

☐ Yes ☐ No If yes, please give dates:

WHAT COMPLICATIONS NECESSITATED HOSPITALIZATION?

HAS AMPUTATION BEEN NECESSARY?

☐ Yes ☐ No

IF YES, PLEASE EXPLAIN

ADDITIONAL COMMENTS BY DOCTOR

DRIVER'S ADVISORY STATEMENT

Medical information is required under the authority of Divisions 6 and 7 of the California Vehicle Code. Failure to provide the information is cause for refusal to issue a license or to withdraw the driving privilege.

All records of the Department of Motor Vehicles, relating to the physical or mental condition of any person, are confidential and not open to public inspection (California Vehicle Code Section 1808.5). Information used in determining driving qualifications is available to you and/or your representative with your signed authorization.

The department has sole responsibility for any decision regarding your driving qualifications and licensure. The department will also consider non-medical factors in reaching a decision.

MEDICAL INFORMATION AUTHORIZATION

(Valid for three years)

DOCTOR, HOSPITAL, OR MEDICAL FACILITY (NAME AND ADDRESS)

Kaiser Permanente
3400 Delta Fair Boulevard
Antioch, California 94509

DATE

12/06/01

MEDICAL RECORD/PATIENT FILE NUMBER

0983532

I hereby authorize my doctor or hospital to answer any questions from the Department of Motor Vehicles, or its employee relating to my physical or mental condition, and/or drug and/or alcohol use or abuse, and to release any related information records to the Department of Motor Vehicles or its employees. Any expense involved is to be charged to me and not to the Department of Motor Vehicles.

I hereby authorize the Department of Motor Vehicles to receive any information relating to my physical or mental condition and/or drug and/or alcohol use or abuse, and to use the same in determining whether I have the ability to operate a motor vehicle safely.

NOTE: You may wish to make a copy of the completed Driver Medical Evaluation for your records.

SIGNED

X

WITNESS

DATE

DATE

DOCTOR'S SIGNATURE

DOCTOR'S SIGNATURE

DOCTOR'S NAME (PRINTED)

DATE

CLASSIFICATION OR SPECIALTY

MEDICAL LICENSE NUMBER

TELEPHONE NUMBER

Family Practice

G074894

(925) 779-5366

Exhibit 10

GRANTED APR 8 2003

Date: MAR 19-2003

Received by: [Signature] PH 5891

TAXICAB COLOR SCHEME APPLICATION
San Francisco Police Department
From Veterans (PH)
To National

☐ NEW COLOR SCHEME (complete Part I)
☒ EXISTING COLOR SCHEME (complete Parts I and II)

Part I PLEASE PRINT CLEARLY - COMPLETE ENTIRE FRONT SIDE

| | | | | | | | |
|---|--|--|--|--|--|--|--|
| APPLICANT'S NAME <u>FRIEDMAN</u> <u>ROBERT</u> <u>M</u> LAST FIRST MIDDLE | | | RESIDENCE ADDRESS <u>SF CA 94122</u> NUMBER STREET APT# CITY STATE ZIP | | | | RESIDENCE PHONE <u>415-444-4444</u> |
| APPLICANT'S NAME LAST FIRST MIDDLE | | | RESIDENCE ADDRESS NUMBER STREET APT# CITY STATE ZIP | | | | RESIDENCE PHONE |

If this color scheme request is granted by the Chief of Police, list what your business name, business address and business phone number will be.

| | | |
|--|---|---------------------------------------|
| BUSINESS NAME <u>NATIONAL CAB CO.</u> | BUSINESS ADDRESS <u>2276</u> <u>142 KINNON</u> <u>SF CA 94124</u> NUMBER STREET APT# CITY STATE ZIP | BUSINESS PHONE <u>415-444-4444</u> |
| PERMIT NUMBER(S) <u>865</u> | NUMBER OF VEHICLES PROPOSED TO BE OPERATED <u>One</u> | |

Distinguishing color scheme of vehicle to be used in business: YELLOW BODY, GREEN FENDERS
YELLOW AND GREEN CHECKS THROUGH FENDERS AND REAR DOORS

Design and color of uniform and cap devices to be worn by "drivers": NONE

Logo on cap devices and uniforms: NONE

Logo shown on vehicles: MAP of U.S.

Type of vehicles proposed to be operated: FORD

Does the applicant understand that every person, firm or corporation operating a taxicab or taxicabs shall adopt and have approved by the Chief of Police a distinguishing color scheme, design or dress for all such taxicabs and the operators thereof, and shall use the same on all such taxicabs operated; provided, however, that any person may, with the consent of another operator to whom a distinctive dress or color scheme has been previously assigned, use said dress or color scheme?

☒ YES ☐ NO

Does the applicant understand that it is unlawful to make or cause to be made any changes whatever in the color or distinguishing characteristics of taxicabs unless the permission of the Chief of Police has first been obtained?

☒ YES ☐ NO

I (We) certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,

executed this 17th day of MARCH, 2003 at S.F. CA
CITY, STATE

[Signature]
SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

Part II

PLEASE PRINT CLEARLY

Name of Color Scheme Holder:

JAMES E. O'CONNOR

Name of person authorized to sign for Color Scheme Holder:

JAMES E. O'CONNOR

PRINT NAME



SIGNATURE

I, the Color Scheme Holder / person authorized to sign for the Color Scheme Holder for

TAXICAB COLOR SCHEME

hereby give consent to the applicant named on the reverse side of this form to use my color scheme.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,

executed this

17

day of

March

2003

, 19

at

S.F. Ca

CITY, STATE



SIGNATURE OF COLOR SCHEME HOLDER / PERSON
AUTHORIZED TO SIGN FOR COLOR SCHEME HOLDER

Office Use Only

Date this application received:

Date Notice of Hearing card sent:

Date of Hearing:

Date of notification to other
color scheme holder:

Name of person notified at other
color scheme:

Decision of Chief of Police:

Date insurance certificate filed:

Date new photos filed:

Date change of color scheme occurred:

Compliance with other stipulations: (kind and date)

TAXICAB COLOR SCHEME QUESTIONNAIRE

Name: FRIEDMAN ROBERT M Medallion # 865

Please list the reasons why you are requesting this change. Why are you moving from one color scheme to another?

I LL BE DISPATCHING ALSO ON
my DAYS OFF AT NATIONAL

NO DISP SHIFTS AVAILABLE AT
VETS

Robert M Friedman

Signature

Date

Exhibit 11

U



Naomi M. Little
Executive Director

Date Received: APR 27 2004

REQUEST FOR REASONABLE ACCOMMODATION

Social Security Number

Work Phone _____ Home Phone _____

1. Nature of Permit.

Nature of Permit: _____
Current Type of Permit Held: TAXICAB MEDICATION # 865
Type of Permit Sought: _____

2. Reasonable Accommodation Request.

What type of accommodation are you are requesting?

- ☐ Modified work schedule
 ☐ Removal of communications barrier.
 ☒ Job Restructuring
- ☐ Change in procedure
 ☐ Purchase of assistive services
 ☐ Reassignment
- ☐ Purchase assistive device
 ☐ Removal of architectural barrier
 ☐ Other:

Please describe the requested accommodation:

Please explain how you believe this accommodation will enable you to perform the fundamental functions of your position: See attached letter from Dr. [redacted]

Exhibit 12

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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
MALCOLM HEINICKE, COMMISSIONER, ext. 4
BRUCE OKA, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

September 26, 2007

Joseph Breall
National Cab
2270 McKinnon Ave.
San Francisco, CA 94124

Dear Mr. Breall:

Please inform me in writing whether or not you have any waybills on file for any year for Mr. Robert Friedman, Medallion # 865. If there are any on file, we can arrange a mutually convenient time for inspection. I will also need to arrange a time for myself and Sgt. Reynolds to interview Mr. Dan Hinds regarding this medallion owner. I will be out of the office beginning the afternoon of September 28, 2007, returning the morning of October 15, 2007, so I would appreciate it if we could set the appointment for the interview with Dan before I leave.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jordanna Thigpen".

Jordanna Thigpen
Deputy Director



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
MALCOLM HEINICKE, COMMISSIONER, ext. 4
BRUCE OKA, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

October 26, 2007

Joseph Breall
National Cab
2270 McKinnon Ave.
San Francisco, CA 94124

Dear Mr. Breall:

This will serve as a friendly reminder of our October 29, 2007 meeting with Mr. Dan Hinds at 10:00 am at National Cab's offices. As we discussed at our last meeting, Mr. Hinds will make available employment records for Mr. Robert Friedman, # 865. These records will be available for inspection. Sgt. Reynolds will also interview Mr. Hinds. Other documents pertaining to # 865, such as the lease agreement(s), may also be requested at that time.

Additionally, we had previously requested National Cab's driver's rosters (schedules) for August and September 2007. Upon reviewing the records that were submitted in response to our request, we have realized that in fact National did not comply with this request. In fact National only faxed a partial schedule which apparently contained only medallions under "gas and gates" leases.

We must account for every single medallion under National's control in August and September 2007 and it is your responsibility to provide these records if requested. This includes medallions with long term leases, gates and gas leases, vehicles that are not in operation, and vehicles under any other type of arrangement whatsoever. Although Rule 5.H.4 does not require twenty-four hour notice, we are giving you advance notice in this instance and please note that this is our *second* request for this information.

Finally, we also note that National Cab stopped complying with Rule 5.H.15 during the week of September 17, 2007. This Rule provides as follows:

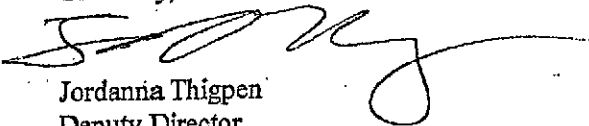
On the first business day of each week, all Color Scheme Holders shall fax, to the Taxi Detail, the names of all Drivers and Medallion Holders who have failed to turn in waybills during the previous week.

As part of the undertaking of administrative functions, pursuant to voter mandate, the Commission receives these faxes, rather than Taxi Detail.

Mr. Hinds' interpretation of this Rule, which he explained at the October 18, 2007 meeting, is incorrect. Every Monday, National must fax a list of "all Drivers and Medallion Holders who have failed to turn in waybills during the previous week" – *not* confirm that waybills were received for all medallion number taxicab vehicles. A separate letter will go out to National Cab confirming the plain language of this Rule and your client's erroneous interpretation.

Thank you for your cooperation and we shall see you on Monday.

Sincerely,



Jordanna Thigpen
Deputy Director



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
MALCOLM HEINICKE, COMMISSIONER, ext. 4
BRUCE OKA, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

November 1, 2007

Joseph Breall
National Cab
2270 McKinnon Ave.
San Francisco, CA 94124

Dear Mr. Breall:

Thank you for your letter dated October 26, 2007 (received October 31, 2007 via email). In this letter you described the issue of Mr. Hinds' attendance at the 10:00 am October 29 meeting. It was unfortunate that Mr. Hinds was not available to attend that meeting, however I will note that I later saw him at the Rules Subcommittee, which I was staffing at the particular day and time for which we had rescheduled our October 29 meeting. He arrived at approximately 10:15 am.

I have explained in prior correspondence that Mr. Hinds' interpretation of Rule 5.H.15 is **wrong**.

The Rule could not be more crystal clear. It does not ask for a list of medallion number taxicab vehicles for which waybills have been turned in. Instead it asks for a list of drivers and medallion holders who have not turned in waybills.

Out of 34 taxi companies, there are only six who are not complying, of which National is the only one which is claiming a personal, erroneous rendition of Rule 5.H.15. It is of no consequence to National which companies are not complying. The fact is that National is not.

We will expect compliance to begin November 5, 2007. National is already severely delinquent in complying with this Rule, and the Commission has been more than generous so far with regards to issuing citations. The Executive Director will issue a citation for a violation of Rule 5.H.15 and for a violation of Rule 5.A.2 on Tuesday, November 6, 2007 if compliance does not begin, and will continue to issue citations with the corresponding escalating fines, each subsequent week until compliance is effectuated.

Consider this letter your client's final warning. National must a weekly fax a list of "names of all drivers and medallion holders who have failed to turn in waybills during the previous week."

Sincerely,

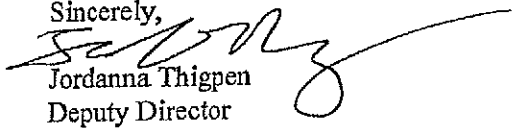
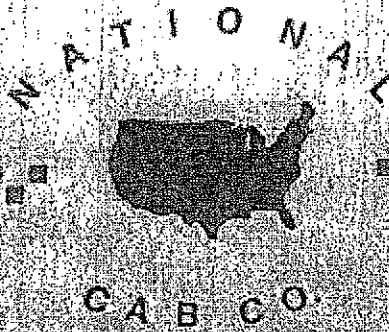

Jordanna Thigpen
Deputy Director

Exhibit 13

2270 MCKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 848-4444
OFFICE: (415) 848-4119
FAX: (415) 821-6861



dba VETERANS CAB, INC.
(415) 552-1300

DAN HINDS
PRESIDENT

November 7, 2007

Taxi Commission
Deputy Director Jordana Thigpen

Dear Jordana:

In response to your query for documents with respect to Robert Michael Friedman, we have located material responsive to your document request on items 1 & 4.

To my knowledge there is no lease agreement between National and Robert Michael Friedman, nor a termination document, nor have we been able to ascertain the identity of IRS.

Yosef Abera drives and manages cab #865. He has one driver on the schedule with him. Appropriate documentation accompanies this letter.

My apology for not getting this material to you Monday.

Sincerely,


Dan Hinds
President
National/Veterans Cab

National Cab Company, Inc. Application side 1

Date: March 4 03

Social Security #: _____

Applicant Name: FRIEDMAN
(last)

ROBERT
(first)

MIKE
(middle)

Address: 252 11TH ST

City: SAN FRANCISCO

Zip: 94103

Home: 415 272-2865

Cell#: SAME

Emergency#: _____

Drivers Lic # _____

Expires: _____

Are you at least 18 years old? ☒ Yes ☐ No Are you a legal U.S. Citizen, or Resident? ☒ Yes ☐ No
If yes, can you present evidence of U.S. citizenship or your legal right to work in the U.S.? ☒ Yes ☐ No
Any Moving Violations in the past three (3) years? ☒ YES ☐ NO

If you answered YES, then give date and violation #

| Date | Violation |
|-------------|------------|
| <u>95</u> | <u>DUI</u> |
| <u>2000</u> | <u>DUI</u> |

Has your driver's license ever been suspended? ☒ YES ☐ NO

Has your driver's license ever been revoked? ☒ YES ☐ NO

Have you ever been convicted of a felony? ☐ YES ☒ NO

If yes to suspended / revoked / convicted of felony explain why below:

DUI VALID DEC 2003

List your work experience below:

| Date Started | Date Stopped | Company | Reason you stopped |
|--------------|-----------------|---------------------|----------------------|
| <u>75</u> | <u>11/28/01</u> | <u>VETS CAB CO.</u> | <u>MOVED AWAY TO</u> |
| | | | |
| | | | |

List two (2) people you know well as references:

| Name | Address | Telephone |
|---------------------|---------------------|-----------------|
| <u>BILL SCOTT</u> | <u>VETS CAB CO.</u> | <u>654 3187</u> |
| <u>JIM O'CONNOR</u> | <u>NATL CAB</u> | |

Tell us whom to notify in case of an emergency:

| Name | Address | Telephone |
|--------------------|-----------|------------|
| <u>SONYA FREED</u> | <u>3F</u> | <u>405</u> |

I, the undersigned applicant understand that National Cab Company relies on the information provided on both sides of this form in making its decision to hire or not hire me. I agree to inform National Cab Company, Inc. immediately if there is any change to this information. I agree that if I have provided information to National Cab Company, Inc. it will be grounds to terminate me. I further agree a permission to National Cab Company, Inc. to perform any investigations it deems necessary regarding my background. I authorize any person or entity on this form to fully disclose and release to National Cab Company, Inc. all information requested about me. I understand that I am being hired as time/temporary/supplemental employee - and that my hours may change or my services be terminated anytime at the sole discretion of National Cab Company Inc. I understand further, that I am on probation the first 90 days of my work.

SIGNED: Robert M. Friedman

DATE: March 4 03

National & Veterans Cab Co. LONG TERM LEASE Schedule ROSTER -- MEDALLION # 865

Please Print Neatly - Lessee is responsible for keeping this roster up-to-date on a daily basis. Failure to keep this schedule up to date daily may result in 1) fines, 2) out-of-service, 3) no insurance coverage, 4) loss of your lease.

| | | | | |
|--------------|---------------|----------|----------|----------|
| LESSEE 1 | | DRIVER 2 | DRIVER 3 | DRIVER 4 |
| FIRST NAME | YOSSEF | | | |
| LAST NAME | SAMSON | | | |
| ADDRESS | TESFAMHARI | | | |
| CITY/ZIP | OAKLAND 94612 | | | |
| HOME PHONE | 516 | | | |
| CELL PHONE | | | | |
| DRIVERS LIC# | | | | |

| SHIFT | SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|-------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Times | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM |
| SHIFT | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY |
| Times | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM |
| SHIFT | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY |
| Times | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM |
| SHIFT | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY | TESTAMARIAN DAY |
| Times | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM | 16:00 - 4 AM |

This is a true and correct schedule roster for my long-term lease cab which I agree to update daily if there are any changes.

Date: 10/02/06 Signed: Yossef Lessee

INITIAL BELOW AT LEAST ONCE A MONTH VERIFYING ROSTER CHANGES ARE UPDATED DAILY:

2006: JAN / FEB / MAR / APR / MAY / JUN / JUL / AUG / SEP / OCT / NOV / DEC
 2007: JAN / FEB / MAR / APR / MAY / JUN / JUL / AUG / SEP / OCT / NOV / DEC

Exhibit 14

San Hinds
Junctional/Net.

Long Term Lease Waybill Turn In List

July 29 to August 4, 2007

The taxi commission wants us to report when waybills are NOT turned in. We need to make sure that they are. Long-term leases have been notified that they must begin turning in waybills weekly. Long-term leases know they shouldn't bother dispatchers at shift change.

RECEIVED

1. When Long-Term-Leases turn in their waybills, initial this form
2. File all waybills as usual.

AUG 06 2007

SAN FRANCISCO
TAXI COMMISSION

| LTL # | Disp. Init. |
|-------|-----------------------------|
| 0022 | 8-1 RS |
| 0025 | 7-30 RS ⁸⁻⁵ |
| 0026 | 7-30 |
| 0027 | 8-1/4/07. (11) |
| 0028 | 7-30-7 RS |
| 0069 | (10) 8-5 ZSD |
| 0124 | (11) 8-5 (11) |
| 0130 | (11) |
| 0137 | (11) 7/30 ¹¹⁻⁵ |
| 0162 | (11) 8/3 ¹¹⁻⁵ |
| 0170 | 7-30 R S/15 ¹¹⁻⁵ |
| 0174 | 8-1 8-6 |
| 0182 | (12) 8-5-ZSD |
| 0186 | 8-1 R ¹¹⁻⁵ |
| 0193 | 8-1 |
| 0194 | (11) 8/2 |
| 0204 | (11) 8/6 |
| 0205 | 8-1 8-6 |
| 0209 | (10) ZSD 8-6 |
| 0210 | 8-1 |
| 0213 | 8-1 |
| 0214 | 7-30-7 |
| 0215 | 8-1 R |
| 0216 | 8-1 R (11) |

| LTL # | Disp. Init. |
|-------|---------------------------|
| 0220 | 8-1 R ¹¹⁻⁵ |
| 0222 | (11) 7/30 ¹¹⁻⁵ |
| 0223 | 8-1 |
| 0224 | 8-1 8-6 |
| 0226 | 8-1 R ¹¹⁻⁵ |
| 0243 | 8-1 |
| 0301 | RS 7-30 |
| 0302 | 8-1 8-6 |
| 0306 | 8-1 |
| 0326 | 8-5 R.L |
| 0336 | 8-1 R/84-R. |
| 0354 | (11) ZSD 8-6-07 |
| 0366 | RS-8-1 |
| 0377 | (11) |
| 0380 | (9) ZSD 8-6 |
| 0446 | (11) 7/30 (11) 8-5 ZSD |
| 0496 | 8-1 R ¹¹⁻⁵ |
| 0523 | (14) ZSD 8-5-02 |
| 0543 | 8-1 |
| 0734 | R.L 8-5 |
| 0860 | (10) ZSD 8-5 |
| 0865 | RS 7-30 7 |
| 0980 | (11) |
| 1111 | 8-1 |

42
3
126

415 2340 filled
987 5361

R

Exhibit 15

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
MALCOLM HEINICKE, COMMISSIONER, ext. 4
BRUCE OKA, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

Nathan Dwiri
Yellow Cab Co-op
1200 Mississippi Street
San Francisco, CA 94107

June 12, 2007

Re: Enforcement of Rule 5.H.15

Dear Color Scheme Holders,

On May 24, 2007, the Taxi Commission sent a fax regarding the enforcement of Taxicab Rules and Regulation Rule 5.H.15:

On the first business day of each week, all Color Scheme Holders shall fax, to the Taxi Detail, the names of all Drivers and Medallion Holders who have failed to turn in waybills during the previous week.

We advised all color scheme permit holders that beginning June 4, 2007, all color scheme holders should begin complying with this rule. As of June 8, 2007, only one company has complied.

Please note that violations of Rule 5.H.15. are subject to fines including \$25.00 for the first offense, \$50 for the second offense and \$150 for subsequent offenses. In addition fines may be levied for failure to cooperate under Rule 5.A.2.

This is a reminder to all Color Scheme Holders that you will need to fax or email a list of all medallion holders and drivers that have failed to turn in waybills for the previous week. You may fax the list to the Taxi Commission at 415-503-2186 or email it to sftaxi.commission@sfgov.org. The list must be sent every Monday. The list may be in any format that you choose, but you must make separate lists of drivers and of medallion holders. Each list should be titled "DRIVERS" or "MEDALLION HOLDERS" and the medallion numbers should be listed next to the medallion holders' names.

Sincerely,

Handwritten signature of Heidi Machen in black ink.
Heidi Machen
Executive Director

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN C. NEWSOM

COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
MALCOLM HEINICKE, COMMISSIONER, ext. 4
BRUCE OKA, COMMISSIONER, ext. 5
TOM ONETO, COMMISSIONER, ext. 8
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN
Executive Director

July 20, 2007

Berhane Assefa
ABC Taxicab
999 Pennsylvania Avenue
San Francisco, CA 94107

Subject: Reporting of Drivers Waybills

Dear Berhane Assefa,

Per the Taxicab/Ramped Taxi Rules and Regulations 5H15, Taxi Commission requests a weekly update on the first business day of each week from each company as to whether or not all waybills have been turned in. If a driver or medallion holder has not turned in their waybills that week, please list their names and fax or email us the list not later than each Monday of every week. Failure to submit a list, or to state that everyone has complied, will give the Commission reason to believe that a color scheme is not in compliance.

This is the second written request that Taxi Commission has sent to taxi companies; and we have announced reminders at two recent Commission meetings. Beginning August 6, 2007, the Taxi Commission will begin to issue fines to taxi companies that fail to comply with this rule.

Thank you for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Machen".
Heidi Machen
Executive Director

Exhibit 16

National Cab Company, Inc.
Veterans Cab Company, Inc.

2270 McKinnon Avenue
San Francisco, CA 94124
National Dispatch (415) 648-4444
Veteran Dispatch (415) 552-1300
Facsimile (415) 821-6861

Monday, November 05, 2007

Taxicab Commission:

Scheduled drivers and/or medallion holders delinquent
with waybills - week of 10/29-11/4, 2007:

| Medallion# | Driver or Medallion Holder | Badge |
|------------|----------------------------|-------|
| 194 | Daniel Woldemichael | 61179 |
| 194 | Mohamed Ben Amuer | 52751 |
| 194 | Benjamine Tsige | 62791 |
| 446 | Osama Haddad | 53703 |
| 446 | Farah Khoury | 52867 |
| 446 | Solomon Tamerat | 62746 |
| 980 | Ahmad Sidaoui | 40940 |

RECEIVED

NOV 05 2007

SAN FRANCISCO
TAXI COMMISSION

NOTE: Fax this form to the Taxicab Commission every Monday morning, even if all drivers turned in waybills during the previous week. FAX: (415) 503-2186

National Cab Company, Inc. & Veteran's Taxicab Co., Inc.

2270 McKinnon Avenue, San Francisco, CA 94124

(415) 821-6861

National Dispatch: (415) 648-4444

Veteran's Dispatch: (415) 552-1300

Fax Cover

| | |
|---|--------------------------------|
| To: Heidi Machen | Fax Number: 5032186 |
| Company : Taxicab Commission | Date : 11/5/2007 at 3:25:14 PM |
| From : Don Mark Belke | Fax Number : 4156484440 |
| Telephone : 4156413794 | Pages including cover page: 2 |
| Subject : Updated delinquent waybill list 11/5/07 | |

Comments:

Dear Taxi Commission;

This morning, I had faxed to you the list of drivers and medallion holders who drove and did not turn in waybills. I received a telephone message from Tamara indicating the list was incorrect in form, and not clear. I had wrongly assumed that the format we used would be acceptable since it was taken verbatim from the format used by Yellow Cab. Sorry that our earlier list was not clear and not acceptable. The words "Medallion holder" were added per your telephone message. This list is intended to report any scheduled driver and/or medallion holder who did not turn in waybills. Those scheduled drivers and/or medallion holders who turned in waybills are not on the list. Only those who did not turn in waybills and drove are listed on this list.

hope this format is more to your liking. Please excuse my earlier error.

sincerely,

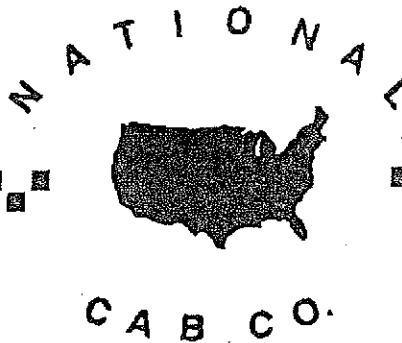
Mark Belke
415-641-3794**RECEIVED**

NOV 05 2007

SAN FRANCISCO
TAXI COMMISSION**Confidential and Privileged Material**

The information contained in this facsimile message is client PRIVILEGED AND CONFIDENTIAL and is intended only for the individual or entity named in this transmission sheet. If the reader of this message is not the intended recipient, or employee or agent responsible for delivering it to the intended recipient, you are hereby notified that dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephoning us and return the original message to us at the address above via U.S. Postal Service. Upon receipt we will reimburse you for any reasonable cost of return. Thank you.

2270 McKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 648-4444
OFFICE: (415) 648-4119
FAX: (415) 821-6861



dba VETERANS CAB, INC.
(415) 552-1300

DAN HINDS
PRESIDENT

RECEIVED

September 17, 2007

SEP 17 2007

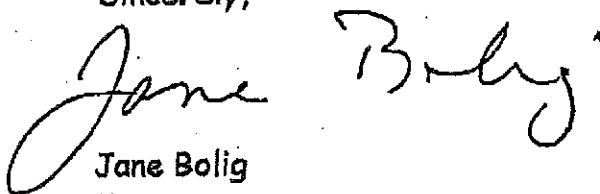
Heidi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

SAN FRANCISCO
TAXI COMMISSION

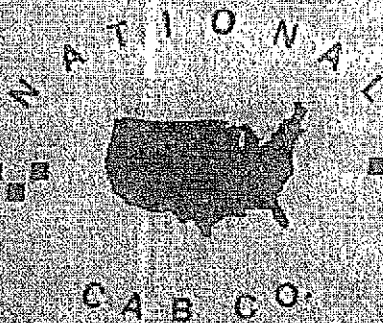
Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the week of September 9 to September 15, 2007.

Sincerely,


Jane Bolig
Manager

2270 McKINNON AVE
SAN FRANCISCO, CA 94124
DISPATCH: (415) 848-4144
OFFICE: (415) 848-4119
FAX: (415) 821-6861



CSA VETERANS CAB, INC.
(415) 552-1500

DAN HINDS
PRESIDENT

September 9, 2007

Heidi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

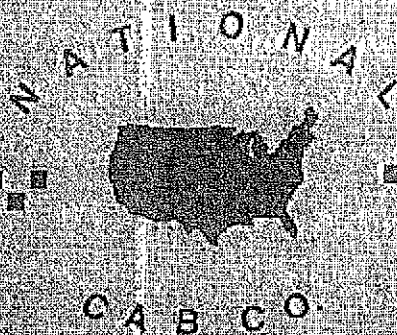
Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the
week of September 2 to September 8, 2007.

Sincerely,

Jane Bolig
Jane Bolig
Manager

2270 McKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 648-4444
OFFICE: (415) 648-4119
FAX: (415) 821-8861



DAN HINDS
PRESIDENT

DR. VETERANS CAB, INC.
(415) 552-1301

September 4, 2007

Heldi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the week of August 26 to September 1, 2007.

Sincerely,

Jane Bolig
Manager

08/27/2007 13:48 FAX 4158216881

NATIONAL

002/002

2270 McKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 648-4444
OFFICE: (415) 648-4119
FAX: (415) 821-6881



dba VETERANS CAB, INC.
(415) 552-1300

DAN HINDS
PRESIDENT

August 27, 2007

Heldi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

RECEIVED

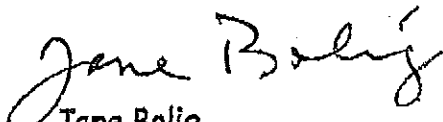
AUG 27 2007

SAN FRANCISCO
TAXI COMMISSION

Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the week of August 19 to August 25

Sincerely,


Jane Bolig
Manager

08/20/2007 14:44 FAX 4158218861

NATIONAL

001/001

2270 McKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 648-4444
OFFICE: (415) 648-4119
FAX: (415) 821-6861



dba VETERANS CAB, INC.
(415) 552-1800

DAN HINDS
PRESIDENT

August 20, 2007

Heidi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the week of August 12 to August 18.

Sincerely,

A handwritten signature in cursive script that reads "Jane Bolig".

Jane Bolig
Manager

RECEIVED

AUG 20 2007

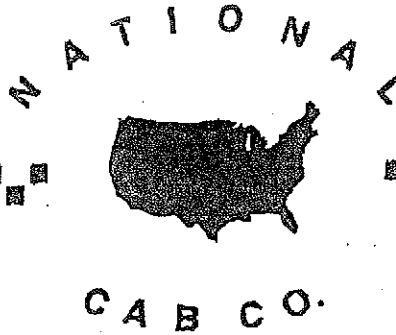
SAN FRANCISCO
TAXI COMMISSION

08/14/2007 09:52 FAX 4158218861

NATIONAL

001/001

2270 McKINNON AVE.
SAN FRANCISCO, CA 94124
DISPATCH: (415) 648-4444
OFFICE: (415) 648-4119
FX: (415) 821-6861



dba VETERANS CAB, INC.
(415) 552-1300

DAN HINDS
PRESIDENT

August 14, 2007

Heidi Machen, Executive Director
San Francisco Taxicab Commission
25 Van Ness Blvd Suite - 420
San Francisco, CA 94102

Dear Ms. Machen:

Waybills for all National/Veterans Cab medallions were received for the week of August 5 to August 11.

Sincerely,

Jane Bollig
Jane Bollig
Manager

RECEIVED

AUG 14 2007

SAN FRANCISCO
TAXI COMMISSION

Exhibit B

Nov. 13. 2007 11:46AM TAXI COMMISSION

No. 1449 P. 1

DECLARATION OF SGT. RON REYNOLDS

1. I am over the age of 18 and not a party to this action, and I am a citizen of the United States.

2. My name is Sgt. Ron Reynolds, and my business address is 850 Bryant Street, San Francisco, CA 94102. My badge number is # 137. I am employed at the San Francisco Police Department as the Officer in Charge of the Taxi Detail.

3. In that capacity, and as part of my regular duties, I assist the Taxi Commission with administrative investigations and conduct criminal investigations.

4. On October 18, 2007, commencing at 10:31 am, I interviewed Mr. Dan Hinds, President of National Cab, at his office. A true and correct transcript of the interview is attached to my Declaration as Exhibit 1.

5. On October 29, 2007, I attempted to interview Mr. Dan Hinds for a second time to follow up on some questioning and review some records. Upon arrival shortly after the appointed time, Mr. Hinds' attorney, Joseph Breall, informed me that Mr. Hinds was failing and refusing to submit to any further interviews.

//

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1 6. In response to a Taxi Commission request, I obtained a Police Report # 060339582 from
2 Hall of Justice records. A true and correct copy is attached as Exhibit 2 to this Declaration.
3

4 7. I declare under penalty of perjury, under the laws of the State of California that the foregoing
5 is true and correct.
6

7 Signed:  137
8
9

10 Sgt. Ron Reynolds # 137
11 San Francisco Police Department
12 Taxi Detail
13

14 Date: 11/13/07
15
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Exhibit 1

1 **Interview of Dan Hinds – Thursday, October 18, 2007**

2 **Location:**

3 National Cab Company, Inc.
4 DBA: Veterans Cab Company
2270 McKinnon Ave.
San Francisco, CA 94124

5 **Present:**

6 Dan Hinds, National Cab Company, Inc.
7 Joseph Breall, National Cab Company, Inc.
Sgt. Ron Reynolds, SFPD Taxi Detail
8 Lt. Henry Garcia, SFPD Taxi Detail
Jordanna Thigpen, SF Taxi Commission
9 Scott Leon, SF Taxi Commission

10 **Interview commenced at 10:31 am.**

11 **Sgt. Reynolds:** Ok Mr. Hinds, we've been talking a little bit and as I said we started this as an
12 administrative investigation, and it does appear there are some elements of a possible criminal
13 investigation. You are not being investigated criminally. We are looking into a gentleman, Robert
14 Friedman, and I understand he has worked for you for a time period. Is that correct?

15 **Mr. Hinds:** Yes.

16 **Sgt Reynolds:** What time period did he work for you?

17 **Mr. Hinds:** Approximately from March 2003 to March 2006.

18 **Sgt Reynolds:** And what was his position?

19 **Mr. Hinds:** His position was a dispatcher.

20 **Sgt Reynolds:** Was he a driver or a medallion holder?

21 **Mr. Hinds:** He was a medallion holder.

22 **Sgt Reynolds:** And do you have a lease with him to use his medallion?

23 **Mr. Hinds:** Yes.

24 **Sgt Reynolds:** And do you still have a lease to use his medallion?

25 **Mr. Hinds:** We still use his medallion.

26 **Sgt Reynolds:** And that medallion number was 865?

27 **Mr. Hinds:** That is correct.

28 **Sgt Reynolds:** In the course of those 3 years did you have any personal knowledge of Mr.

1 Friedman driving his own medallion?

2 **Mr. Hinds:** No I don't.

3 **Sgt Reynolds:** Do you know if he has ever filled out any waybills from 2003 to 2006?

4 **Mr. Hinds:** I don't believe so.

5 **Sgt Reynolds:** We touched a bit on ADA Issues that he possibly has an exception on file?

6 **Mr. Hinds:** That is my understanding, yes.

7 **Sgt Reynolds:** And where did that understanding come from?

8 **Mr. Hinds:** From Mr. Friedman.

9 **Sgt Reynolds:** So he told you that he filed that paper work?

10 **Mr. Hinds:** That was my understanding.

11 **Sgt Reynolds:** Have you ever seen the paper work?

12 **Mr. Hinds:** I don't recall.

13 **Sgt. Reynolds:** With regards to Mr. Friedman, did you ever become aware of his driver's license

14 was suspended?

15 **Mr. Hinds:** I believe Mr. Friedman mentioned that.

16 **Sgt Reynolds:** And what time period did he mentioned that?

17 **Mr. Hinds:** I don't recall.

18 **Sgt Reynolds:** Do you think it was last year, two years that he first came here?

19 **Mr. Hinds:** To be honest, I would be guessing...

20 **Sgt Reynolds:** Ok, I don't want you to guess. Did you ever become aware that he had a criminal

21 history while working for you?

22 **Mr. Hinds:** I am not sure what you mean by criminal history.

23 **Sgt Reynolds:** Did he ever get arrested for a crime in California?

24 **Mr. Hinds:** I don't know that I am aware he was arrested for a crime.

25 **Sgt Reynolds:** Ok, if any statements come to through?

26 **Mr. Hinds:** Just a second...

27 **Sgt Reynolds:** Sure, absolutely.

28 (Mr. Hinds consults with Mr. Breall in private).

1 **Mr. Hinds:** Ok, yes I am aware he was arrested for a crime.

2 **Sgt Reynolds:** Do you know when that took place?

3 **Mr. Hinds:** No.

4 **Sgt Reynolds:** Do you know where that occurred?

5 **Mr. Hinds:** I believe it took place in the Bay Area.

6 **Sgt Reynolds:** And that was when he was working for you?

7 **Mr. Hinds:** Yes.

8 **Sgt. Reynolds:** And was that arrest how you learned he lost his license?

9 **Mr. Hinds:** My understanding was that he was arrested for driving under the influence or for
10 whatever he found to be arrested as in...

11 **Sgt Reynolds:** Yes, DUI. Ok, I guess what I am asking you said at some point you realized he
12 did not have a driver's license. Do you know if he lost that driver license because of that DUI or
13 have he lost that license before the DUI?

14 **Mr. Hinds:** I am not sure.

15 **Sgt Reynolds:** Other than that one DUI, were you ever aware of him having any other DUIs?

16 **Mr. Hinds:** I believe that he may have had an earlier DUI.

17 **Sgt Reynolds:** So you were aware of two?

18 **Mr. Hinds:** Yes.

19 **Sgt Reynolds:** When you have a driver, do you look into those types of things before you allow
20 them to take any of these cars out, whether they have a driver license and a good driving history?

21 **Mr. Hinds:** Yes we do.

22 **Sgt Reynolds:** And is it that one of the reason why you allowed him to be a dispatcher versus a
23 driver because of his driving history?

24 **Mr. Hinds:** Mr. Friedman came to us applying to be a dispatcher.

25 **Sgt Reynolds:** Ok, so he never wanted to be a driver?

26 **Mr. Hinds:** He did not make that request.

27 **Sgt Reynolds:** With regards to the rules and regulations, are you aware that all medallion holders
28 are supposed to drive 800 hours a year?

1 **Mr. Hinds:** I am aware there is a driving requirement, yes.

2 **Sgt Reynolds:** And you knew he was not meeting that requirement?

3 **Mr. Hinds:** I was aware that he was not driving 800 hours, yes.

4 **Sgt Reynolds:** And is that how the discussion came up that he had the ADA referral on file?

5 **Mr. Hinds:** No, not as I recalled specifically.

6 **Sgt Reynolds:** I am just a little curious and this is just for my own curiosity. If you were aware
7 he wasn't in compliance, did you tell him he needed to be in compliance?

8 **Mr. Breall:** I think you are making an assumption that he wasn't in compliance, so I don't think
9 this is proven at all.

10 **Sgt Reynolds:** Ok, well then you explain that to me why he wasn't in compliance?

11 **Mr. Breall:** Well there are several issues here: 1) Was he key personnel at National Cab, and 2)
12 Did he have disabilities that would keep him from driving that he would potentially accept, and
13 from the driving requirements.

14 **Sgt Reynolds:** You use the term "key personnel," please explain to me what you mean by that
15 comment?

16 **Mr. Breall:** Someone who is important to the operations at National Cab, and someone who is an
17 employee and involved with functions that are deemed important and critical.

18 **Sgt Reynolds:** So your definition of "key personnel" is that someone who could also then by
19 being a "key personnel" they would be in compliance with 800 hours rule? Is that what you are
20 saying?

21 **Mr. Breall:** This driving requirement rule is something that the City and the Industry have been
22 trying to work out for the last several years. The application has been in a state of flux, and that
23 is just an understatement. I don't see anything particular about Mr. Friedman's case requiring
24 special knowledge.

25 **Sgt Reynolds:** Well you are familiar with Mr. Gillespie from Yellow and the fact he did not meet
26 his requirements because he said he was a manager, you remember that case with the
27 Commission?

28 **Mr. Hinds:** Yes I do.

1 **Sgt Reynolds:** And do you remember what the ultimate disposition was?

2 **Mr. Hinds:** As I recalled Mr. Gillespie was not driving for a number of years and he was fined a
3 relatively modest amount of money.

4 **Sgt Reynolds:** But if he was fined a penny, wouldn't that mean he was in violation of the rules?

5 **Mr. Breall:** I think you are asking him for a legal opinion right now.

6 **Sgt Reynolds:** I am just trying to get to the term "key personnel," well I guess I will come out by
7 ask him, so you believe by being a dispatcher Mr. Friedman did not have to drive? Is that correct?

8 **Mr. Breall:** If that is the case I will put it out there, the permit holders association of the Superior
9 Court indicated that the appellate in that case who was a dispatcher was exempt from the driving
10 requirement because he was a key personnel because of his job as a dispatch. That is the case
11 that we all refer to.

12 **Sgt Reynolds:** What's the citation number?

13 **Mr. Breall:** It is an unpublished case and the Commission has it. It is with the permit holders
14 association of the superior court.

15 **Sgt Reynolds:** All right, so by your answer you felt there was nothing to report either the Taxi
16 Commission or the Taxi Detail with regards to Mr. Friedman not driving for 3 years?

17 **Mr. Hinds:** First and foremost I do not believe it was my place to make that determination.

18 **Sgt Reynolds:** All right, you have presented documents to us today and we appreciate that. We
19 have also asked to look at his employment records and counsel has suggested that we notify the
20 employee first, so we picked a date of the 29th at 10:00 O'clock where we will come back and you
21 will present those documents to us. Is that correct?

22 **Mr. Breall:** That is for review. We will give Mr. Friedman notice that you have requested to
23 review his personnel file, and we have chosen a date for that occur and we will sent notice to the
24 address we have on file and that this is occurring and he if he has any issues or objections to
25 contact you.

26 **Sgt Reynolds:** Well I am also going to be bringing him in for an interview, so I am also going to
27 request at this point that you give me the latest address and telephone numbers and information
28 so I can get in touch with him.

1 **Mr. Breall:** That is fine.

2 **Sgt Reynolds:** Does anybody in here have any questions at this time?

3 **Ms. Thigpen:** I have question, Mr. Hinds have you been responsible for complying with the rules
4 that was recently announced for enforcement in August regarding the color schemes responsibility
5 to weekly fax in a list of medallion holders who have not turned in waybills?

6 **Mr. Hinds:** We have faxed in a list of medallions with no waybills turned in.

7 **Ms. Thigpen:** So you have been responsible for faxing those lists, right?

8 **Mr. Hinds:** Yes.

9 **Ms. Thigpen:** And in any time since the beginning of August 2007 until the present time that the
10 rules will be enforced, have you indicated on any such lists that Mr. Friedman has in fact has not
11 turned medallions in?

12 **Mr. Hinds:** With all due respect, that is not my reading that would require me to do.

13 **Ms. Thigpen:** And what is your reading?

14 **Mr. Hinds:** My reading of the requirement is you wanted to know any medallions or waybills
15 were not turned in.

16 **Ms. Thigpen:** Correct.

17 **Mr. Hinds:** Well, Mr. 865 has waybills turned in.

18 **Ms. Thigpen:** And where at those waybills?

19 **Mr. Hinds:** We can produce them for you.

20 **Ms. Thigpen:** Would you please produce them now because we have requested them along with
21 the other documents?

22 **Mr. Hinds:** I understand. You are requesting waybills for 865?

23 **Ms. Thigpen:** Correct.

24 **Mr. Hinds:** I didn't realize that you were requesting those waybills at this meeting.

25 **Ms. Thigpen:** That was in the letter September 26 2007.

26 **Mr. Breall:** I think there is a misunderstanding. There is a different rule that is being followed
27 here. And Mr. Hind's reading of the rule is that any cab with medallions with no waybills turned in,
28 for the cab itself should receive notification. Not the medallion holder, so we are clear. You are

1 not asking for us to produce all waybills for cab 865, you are just asking for all waybills for Mr.
2 Friedman, correct?

3 **Ms. Thigpen:** The rule as it applies to color schemes states that a weekly list shall be faxed to
4 the Taxicab Commission and it refers to drivers and medallion holders. This is the language of the
5 rules: 5.H.15., "On first business day of each week, all Color Scheme Holders shall fax, to the Taxi
6 Detail (although Taxi Commission enforces it, since Taxi Commission has undertaken
7 administrative functions pursuant to voter mandate in 1999), the names of all Drivers and
8 Medallion Holders who have failed to turn in waybills during the previous week." The rule could not
9 be more explicit and does not refer to a cab or vehicle medallion number. In fact, Mr. Hinds has
10 faxed a list every week since August stating all medallion holders have turned in waybills.

11 **Mr. Hinds:** Actually I would disagree with that characterization

12 **Ms. Thigpen:** Ok, and what would be your characterization of the statements you have faxed to
13 the Taxicab Commission?

14 **Mr. Hinds:** My characterization is what I thought you understood for any medallions you do not
15 have any waybills turned in, you wanted a list of those that we did not receive no waybills. That is
16 what I told people.

17 **Ms. Thigpen:** Ok, so all your medallion holders have turned in waybills?

18 **Mr. Hinds:** I did not say all of our medallion holders turned in waybills, I said there are waybills
19 for every medallions.

20 **Ms. Thigpen:** Ok, so 865 medallion has waybills on file?

21 **Mr. Hinds:** Yes, 865 have waybills on file. That is correct.

22 **Ms. Thigpen:** And Mr. Friedman does not have waybills on file?

23 **Mr. Hinds:** I never said Mr. Friedman has waybills on file or suggested he has any waybills on file.

24 **Ms. Thigpen:** Yes or No, did he have waybills on file?

25 **Mr. Hinds:** I don't believe so. I am having someone check that right now, but I don't believe so.

26 **Ms. Thigpen:** Ok, when will you be able to ascertain if Mr. Friedman does have waybills on file?

27 **Mr. Hinds:** We can have that for you within 24 hours.

28 **Ms. Thigpen:** Ok, we did give you 24 hours notice in the letter of September 26, which says

1 "Please inform in writing whether you have any waybills on file for any year for Mr. Robert
2 Friedman, medallion number 865. If there are any on file we can arrange a mutually convenient
3 time for inspections." We did in fact do that. That is why we are here today.

4 **Mr. Hinds:** I don't believe there any waybills on file. I will double check and verify.

5 **Sgt Reynolds:** So you don't think there are any?

6 **Mr. Hinds:** I think I said that.

7 **Sgt Reynolds:** When we talked on the phone, you said you had made some copies and we were
8 talking about inspections versus giving them and I think counsel you and I had talked about that?

9 **Mr. Breall:** That was a different issue. That wasn't even for a medallion holder.

10 **Sgt Reynolds:** Oh I see. I am confused. I am sorry.

11 **Mr. Breall:** That was for a different person for a different cab number. So this is different. We
12 are double checking on that, but to the extent we do find any waybills for him we'll be happy to
13 produce them since everyone is coming back next Monday to look at his personnel file. If we have
14 waybills, we will give them to you then. Our best believe at this point is there aren't any.

15 **Sgt Reynolds:** I want to make sure you said next Monday, because next Monday is not the day
16 we are coming.

17 **Mr. Breall:** No, I meant a week from next Monday.

18 **Sgt. Reynolds:** All right, very good. We want to make sure.

19 **Ms. Thigpen:** Mr. Hinds, did you tell Lt. Schlotz of the SFPD Taxi Detail at any times over the past
20 2 years that there are no waybills on file for Mr. Friedman?

21 **Mr. Hinds:** I recalled... well to be honest I am not sure.

22 **Ms. Thigpen:** Ok, do you have any knowledge of your agent Jane Bolig, former agent, making
23 that statement to Lt. Schlotz?

24 **Mr. Hinds:** I am not sure... (pauses)

25 **Mr. Breall:** Don't speculate.

26 **Ms. Thigpen:** You don't know?

27 **Mr. Hinds:** I don't know.

28 **Ms. Thigpen:** Ok, that is all the questions I have for now until we return.

1 **Sgt Reynolds:** Counsel, is there anything you like to add?

2 **Mr. Breall:** No.

3 **Sgt Reynolds:** Dan, anything you like to finish up with?

4 **Mr. Hinds:** No.

5 **Interview Concluded: 10:50 am**

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Exhibit 2

10/31/2007

12:57

SFPD PERMITS TAXI → 95032186

NO. 494

002

San Francisco Police Department

INCIDENT REPORT

060339582

Report Type: Initial

| | | | | |
|---|--|---|---|--|
| Incident Number 080-339-582 | Occurrence from Date/Time 03/30/06 01:50 | Occurrence to Date/Time | Reported Date/Time 03/30/06 01:53 | CAD Number 060890266 |
| Type of Incident Assault, Aggravated, W/ Other Weapon -04013, Marijuana Offense -16010, Narcotics Paraphernalia, Possession of -16710 | | | | |
| Location of Occurrence 2270 McKinnon Av At Intersection with/Premise type Misc. Building or Store | | | | |
| Confidential Report? <input type="checkbox"/> | Arrest Made? <input checked="" type="checkbox"/> | Suspect Known? <input type="checkbox"/> | Suspect Unknown? <input type="checkbox"/> | Non-Suspect Incident? <input type="checkbox"/> |
| Domestic Violence? <input type="checkbox"/> | | | (Type of Weapon Used) Flats | |
| Reporting Unit 3C12D | | | | |
| Location Sent 2270 McKinnon Av | | | | |
| How Cleared? | Reported to Bureau | Name | Star | Date/Time |
| | | | Elder Victim <input type="checkbox"/> | Gang Related? <input type="checkbox"/> |
| | | | Juvenile Subject? <input type="checkbox"/> | Prejudice Based? <input type="checkbox"/> |

060339582

| | | | | | |
|---------------------------------------|--|------------------------------|-----------------------------------|---------------------------------|----------------------------------|
| DECLARATION | I declare under penalty of perjury, this report of _____ pages is true and correct, based on my personal knowledge, or is based on information and belief following an investigation of the events and parties involved. | | | | |
| | PROP 115 CERTIFIED | | POST TRAINING | | Signature: _____ |
| | Reporting Officer Johnson, Taurus L. | Star 75 | Station Bayview Station | Watch 1800-0400 | Date 03/30/06 04:39:20 |
| | Reviewing Officer | STAR | Station Bayview Station | Watch | Date |
| | DIC SGT, C. R. E. | STAR 1170 | Station C | Watch 21/07 | Date 3/30/06 |
| Related Case | Related Case | Re-Assigned to | Assigned to SG200 | Assigned by Taurus L. | |
| Copies to SG200 EN200 SN200 | | Add'l Copies v/wap, or, 2/da | | | |

| | | | | | | |
|--|--|--|--|---|------------------------------|---|
| R / V I C T I M | Code R/V | Name (Last, First Middle) Friedman, Robert Michael | | | Address | |
| | Day Phone | Type | Home Address refused | City | State | Zip Code |
| | Night Phone | Type | Work Address 2270 McKinnon Ave | City San Francisco | State CA | Zip Code 94124- |
| | DOB / Age | DOB | or age between and | Race W | Sex M | Height Weight Hair Color RO BRO |
| | Confidential Person <input type="checkbox"/> | Violent Crime Notification <input checked="" type="checkbox"/> | 293 PC Notification <input type="checkbox"/> | Star 75 | Follow-up Form YES | Statement YES |
| School (if juvenile) | | Injury/Treatment nose/Medic 17 | | Relationship to Subject Stranger/None | | |
| Other Information/If Interpreter Needed Specify Language | | | | | | |

| | | | | | | |
|--|--|--|--|------------------------------|--|--|
| BOOKED | Code B | Name (Last, First Middle) Sousa, Luiz Fernando Luis Da | | | Address | |
| | Day Phone | Type | Home Address | City San Francisco | State CA | Zip Code 94122- |
| | Night Phone | Type | Work Address 2270 McKinnon Ave | City San Francisco | State CA | Zip Code 94124- |
| | DOB Unknown | Date of Birth | Age | or age between and | Race W | Sex M |
| | Height | Weight | Hair Color BRO | Eye Color BRO | | |
| | SPNO | ID# (if Juvi.) | ID Type/Jurisdiction/Number | ID Type/Jurisdiction/Number | ID Type/Jurisdiction/Number | |
| | Book Section #1 n/w 245(a)(1)p | Book Section #2 11357(b) H&S | Book Section #3 11364 H&S | Book Section #4 | Book Section #5 | Booking Location Bayview Station |
| | Warrant # | Court # | Action # | Dept | Enroute to Lomeda | Star 6221 |
| | Warrant Violation(s) | Bail | Mirandized <input checked="" type="checkbox"/> | Star 75 | Date 03/30/06 02:30 | Statement <input type="checkbox"/> |
| | Citation # | Violation(s) | Appear Date/Time | Location of Appearance | | |
| Book/Che Approval Sgt Devlin | Star 396 | Mass Arrest Code | M X-Rays <input type="checkbox"/> | School (if juvenile) | <input checked="" type="checkbox"/> CA Form Booked Copy Attached | |
| Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description: Scars, Marks, Tattoos Wearing Beige Jacket, Blue T-shirt, gray pants, green sneakers | | | | | | |

060339582

San Francisco Police Department
PROPERTY LISTINGS

| | | | | | | | | |
|--|------------------|--|---------|--------------|-------------------------------|---------------|-------|--|
| E | Code/No EVD 1 | Item Description Diskette | | | | Brand | Model | |
| 1 | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity 1 | Value | |
| Seized by (Star) | | From Where | | | | | | |
| Additional Description/Identifying Numbers 1 Diskette with 4 images | | | | | | | | |
| E | Code/No EVD 2 | Item Description Statement | | | | Brand | Model | |
| 2 | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity 1 | Value | |
| Seized by (Star) 75 | | From Where Scene | | | | | | |
| Additional Description/Identifying Numbers 1 Written Statement from (v) | | | | | | | | |
| E | Code/No EVD 3 | Item Description SFPD Form 80 | | | | Brand | Model | |
| 3 | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity 1 | Value | |
| Seized by (Star) | | From Where | | | | | | |
| Additional Description/Identifying Numbers 1 signed citizen's arrest form | | | | | | | | |
| E | Code/No EVD 4 | Item Description Green Vegetable Matter | | | | Brand | Model | |
| 4 | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. 06230398 | Quantity 2 | Value | |
| Seized by (Star) 1528 | | From Where inside left pocket of Sousa's beige jacket | | | | | | |
| Additional Description/Identifying Numbers | | | | | | | | |
| E | Code/No EVD 5 | Item Description Glass Pipe | | | | Brand | Model | |
| 5 | Serial No. | Gun Make | Caliber | Color RED | Narcotics Lab No. | Quantity 1 | Value | |
| Seized by (Star) 1528 | | From Where inside left pocket of Sousa's beige jacket | | | | | | |
| Additional Description/Identifying Numbers | | | | | | | | |
| | Code/No | Item Description | | | | Brand | Model | |
| | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity | Value | |
| Seized by (Star) | | From Where | | | | | | |
| Additional Description/Identifying Numbers | | | | | | | | |
| | Code/No | Item Description | | | | Brand | Model | |
| | Serial No. | Gun Make | Caliber | Color | Narcotics Lab No. | Quantity | Value | |
| Seized by (Star) | | From Where | | | | | | |
| Additional Description/Identifying Numbers | | | | | | | | |

San Francisco Police Department
NARRATIVE

060339582

On the above date and time, headquarters sent Officers Ma#1653, Cabuntala#1528 and I to 2270 McKinnon Ave regarding a person yelling for the Police.

Upon our arrival, Officer's Whitfield#379 and Norris#4229 (3C15E) were on scene. As I approached the rear door of 2270 McKinnon Ave, I saw that Officer Whitfield had one person detained. I then entered the office hallway where I saw blood drops on the floor and a white male later identified as (r/v) Robert Friedman on the floor. Friedman was attempting to stand up however, he was having trouble with his balance. I visually saw that Friedman had blood stains on his shirt, blood on his face and blood coming from his nose. I then requested a ambulance to respond because of Friedman's injuries. Medic 17 arrived on scene and treated Friedman. Friedman told Medic 17 that he would seek medical attention on his own.

I then spoke with Friedman who told me, (b) Luiz Sousa who is a cab driver for National Cab attacked him. Friedman told me he and Sousa began arguing through a glass window about a gas receipt. Friedman told me Sousa refused to give him a gas receipt for his taxi. Friedman said the verbal altercation then escalated and Sousa came around to the office and tried to enter. Friedman said when Sousa tried to enter the office he pushed Sousa back and closed the door. Friedman said Sousa began screaming and hitting the wall outside the office. Friedman told me this went on for a few minutes. Friedman then told me when he saw that the police was coming, he opened the door and Sousa came around from the side of the wall and hit him in the face. Friedman was unable to tell me if it was with a closed fist or open hand. Friedman said he and Sousa then began a physical altercation. Friedman said Sousa then pushed him to the ground and began kicking him. Friedman was unable to tell me how many times Sousa kicked him only that it was numerous times. I did not see any bruising on Friedman's stomach or chest area. Friedman provided me with a written (e2) statement of the incident. It should be noted, I asked Friedman if he was in fear of his life at anytime during this incident and Friedman replied, "Oh no not at all".

Friedman made a (E3) citizen's arrest on Sousa in which I took custody. Search Incident to arrest on Sousa, Sgt. Devlin#396 (3C106) found (E4) 2 baggies of green vegetable matter (suspected marijuana) and a (E5) glass pipe in the inside pocket of Sousa's beige jacket. Sousa was transported back to Bayview Station and booked on the above charges with the approval of Sgt. Devlin.

It should be noted, after I mirandized Sousa I asked him if he would like to talk with me and Sousa said, no.

It should be noted, Sgt. Devlin provided a digital camera in which officer Ma took (e1) photos of Friedman and Sousa's injuries. It should also be noted, Sousa was treated and released by Medic 17 at the scene.

Officer Ma booked all evidence at Bayview Station. Officer Ma also hand carried the suspected Marijuana to 850 Bryant Street where he made a narcotics drop.

I gave Friedman a follow up form with a case number and a victim of violent crime form.

1 GEOFFREY ROTWEIN (SBN 58176)
400 Montgomery Street, Second Floor
2 San Francisco, California 94104
Telefacsimile: (415) 397-0862
3 Telephone: (415) 397-0860

4 Attorney for Permittee
ROBERT FRIEDMAN
5
6
7

8 **THE TAXICAB COMMISSION**
9 **CITY AND COUNTY OF SAN FRANCISCO**

10 In re the Matter of Permittee) **PERMITTEE'S BRIEF**
11)
12 ROBERT FRIEDMAN,) HEARING: January 18, 2008
13) TIME: 10:00 a.m.
Public Passenger Vehicle Permit No. 865.) PLACE: Room 416, City Hall
HEARING OFFICER: Julie Rosenberg

14
15 **I.**

16 **FORM 1095 ARE INADMISSIBLE**

17 The Commission submits as evidence the Form 1095 for the years 2000-2006. Each
18 one shows *whited out* areas, some with partial handwritings. Thus, each Form 1095 shows
19 alterations, or they are incomplete.

20 As the proponent of each Form 1095, the Commission solely bears the burden to show
21 its authenticity and admissibility as an exception to the Hearsay Rule:

22 The party producing a writing as genuine which has been altered,
23 or appears to have been altered, after its execution, in a part
24 material to the question in dispute, must account for the alteration
25 or appearance thereof. He may show that the alteration was made
26 by another, without his concurrence, or was made with the
consent of the parties affected by it, or otherwise properly or
innocently made, or that the alteration did not change the
meaning or language of the instrument. If he does that, he may
give the writing in evidence, *but not otherwise*.

27 (Evidence Code section 1402, italics added.)

28 A writing is inadmissible unless authenticated. (Sections 1400-1402.) "As the

1 proponent of the document, the Commission had the burden of showing its authenticity,
2 including the absence of any material alteration. (Evid. Code, § 403, subd. (a)(3), 1400-
3 1402.)” (*People v. Morris* (1991) 53 Cal.3d 152, 205.)

4 In *Fashion 21 et al. v. Coalition for Humane Immigrant Rights of Los Angeles* (2004)
5 117 Cal.App.4th 1138, an edited version of an original videotape offered by one party was
6 challenged for not being properly authenticated. The Court held as follows:

7 Under Evidence Code section 1402 the party offering an edited
8 videotape into evidence at trial bears the burden of showing the
9 editing did not distort the “meaning” of the activities depicted in
10 the tape. If, at trial, Fashion 21 failed to show the edits it made
11 in reducing seven hours of footage to 11 minutes did not “change
12 the meaning” of the tape an objection under section 1402 would
13 have to be sustained.

14 (*Id.*, at p. 1147, quotes in original.)

15 Proof that a person authorized alterations to the printed terms of a document must be
16 clear and convincing in order to bind such person to the altered terms. (*Dozier v. National*
17 *Borax Co.* (1917) 35 Cal.App. 612, 618; *Arneson v. Webster* (1964) 226 Cal.App.2d 370,
18 376.)

19 The Commission cannot prove by clear and convincing evidence that the alterations
20 to each Form 1095 satisfies the exceptions in Section 1402. It is also not possible to
21 determine what entries Permittee made that were deleted, and whether such redacted
22 information eliminates the charge of falsification by him.

23 Lastly, the Commission must prove that the person who was convicted of driving under
24 the influence is the same person as Permittee here.

25 II.

26 1995 CONVICTION FOR MISDEMEANOR DOMESTIC VIOLENCE

27 The Commission alleges that Permittee was convicted in September 1995 for domestic
28 violence, prior to his receipt of a medallion in December 1996.

First, unless the Commission proves that the “Robert M. Friedman” who suffered the
conviction is the same Permittee Robert Michael Friedman here, the conviction is irrelevant.

Second, MPC 1090 focuses on conduct by permittees *after* the medallion is issued.

1 Since the application process involves review of a permittee's background and entitlement to
2 a medallion, once the Taxi Detail and the Taxi Commission clear him/her for receipt of a
3 medallion, any prior conduct cannot be used for discipline. Only that conduct which occurs
4 after issuance of a medallion is relevant to suspension or revocation under MPC 1090, and
5 thus the conviction is irrelevant.

6 Third, approval by the Taxi Detail and Taxi Commission of Permittee for receipt of a
7 medallion is waiver and estops their attempt now twelve years later from attempting to use
8 this conviction, which was a matter of public record, as a basis to discipline Permittee.

9 Fourth, the Commission is barred by laches for waiting twelve years to use the
10 conviction to seek sanctions.

11 **III.**

12 **CONCLUSION**

13 Based on the evidence to be presented, the arguments to be made and the above,
14 Permittee requests that if the Hearing Officer decides to impose a sanction, that it be other
15 than revocation of his medallion..

16 DATED: January 17, 2008

Respectively submitted:

17 /s/ Geoffrey Rotwein
18 GEOFFREY ROTWEIN
19 Attorney for Permittee
20 ROBERT FRIEDMAN
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January 8, 2008

Julie Rosenberg
Hearing Office
San Francisco Taxi Commission

Dear Ms. Rosenberg

On October 1, 2007 Robert Michael Friedman was admitted to a court ordered in-patient treatment program. Mr. Friedman's participation in this program is mandated by the court as part of a settlement agreement with Mr. Friedman. Court ordered supervision of Mr. Friedman will end on April 1, 2008. Not until this time will Mr. Friedman be able to attend this hearing

Should you wish to contact me, I may be reached at Tri-Cities, substance abuse treatment program Monday-Friday 8am - 5pm at (510) 374-7017.

Sincerely,

A handwritten signature in black ink, appearing to read "Sheree Howe", is written over the word "Sincerely,".

Sheree Howe, R.A.S.
Registered Addiction Specialist Abuse

