

Agenda: Item 6

Fact Finding Hearing and Disciplinary action including Possible
Revocation of Permits: [ACTION]

- a. Grasshopper Alec Kaplan medallion number 9062, violation of Rules 5.A.3, 5.A.5, 5.F.2, 5.H.a, 5.H.2, 5.H.3, 5.H.4, 5.H.5, 5.H.10, 5.H.11, 5.H.14, 5.H.16, 5.H.17, 5.I.3, 5.I.4, and 5.K.2, 4.A.5; MPC Section 1148.5, 1120, 1187.1, 1101 and 1123.
- b. Abdul Bashir Rahimi aka Sayed Bashir Rahimi medallion number 1135, violation of Municipal Police Code 1081(b).

PROOF OF SERVICE BY MAIL

I declare that:

I am employed by the City and County of San Francisco, State of California.

I am over the age of eighteen years and not a party to the within cause. My business address is San Francisco Taxicab Commission, 25 Van Ness Avenue, Room 420, San Francisco, California 94102

On August 9, 2007, I served the within, **Order to Appear**, upon the permit holder in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid, in the United States mail at San Francisco, California, addressed as follows:

Grasshopper Alec Kaplan

123

Grasshopper Alec Kaplan
c/o Grasshopper Taxi
2121 Evans Avenue
San Francisco, CA 94124

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on August 9, 2007, at San Francisco, California.

Certified Mail GAK: 7003 1010 0004 9551 3252
Certified Mail Grasshopper Taxi: 7003 1010 0004 9551 3245

Tamara Odisho
Executive Secretary

Tamara Odisho

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 GRASSHOPPER CAB COMPANY AND GRASSHOPPER ALEC KAPLAN

BUSINESS GRASSHOPPER CAB COMPANY

LOCATION 2121 EVANS AVENUE 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

TUESDAY SEPTEMBER 11 AT 6:30 PM.

in room 400, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, CA to show cause why your

PUBLIC PASSENGER VEHICLE PERMIT, #9062

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

BY ORDER OF THE TAXI COMMISSION,

SAN FRANCISCO, CA

Date

08/08/07

Heidi Machen
Executive Director

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

COMPLAINT

1. Complaint is hereby made against GRASSHOPPER CAB COMPANY and Grasshopper Alec Kaplan, Medallion # 9062, that said Permit Holders have conducted business in a disorderly manner and violated provisions of the Municipal Police Code as described below.

2. Grasshopper is a color scheme consisting of one medallion, a ramped van vehicle medallion # 9062 held by Grasshopper Alec Kaplan. Mr. Kaplan also holds an A-card Permit P44. On July 5, 2007, at approximately 3:50 PM, Deputy Director Thigpen went to Grasshopper's business premises at 2121 Evans Avenue for purposes of conducting the annual 2007 Color Scheme Audit. Such audits are regularly conducted to ensure compliance with the Municipal Police Code and the *Taxicab/Ramped Taxi Rules and Regulations*.

3. Upon arrival, Deputy Director Thigpen was informed by surrounding business owners that Mr. Kaplan or an agent were not present as required by Rule 5.H.1 (Maintaining a Business Premise) and indeed, was never present at the business premises and only came by to obtain his mail on occasion. Deputy Director Thigpen performed the audit as best as she could in Mr. Kaplan's absence but unfortunately, due to Grasshopper's failure to post any items pertaining to its business and apparently, to maintain any records whatsoever, Grasshopper received a score of 0% on the audit, violating Rules 5.A.3, 5.A.5, 5.F.2, 5.H.a, 5.H.2, 5.H.3, 5.H.4, 5.H.5, 5.H.10, 5.H.11, 5.H.14, 5.H.16, 5.H.17, 5.I.3, 5.I.4, and 5.K.2. (Exhibit A: Audit Worksheet of July 5, 2007)

1 4. At that time members of Citywide Dispatch also informed Deputy Director Thigpen that
2 Citywide has received many complaints from passengers utilizing Citywide Dispatch services when
3 Grasshopper picked up the call. These complaints stemmed from Mr. Kaplan's ongoing attempt to
4 collect signatures for his 2007 mayoral campaign; repeated refusal to accept credit cards; and irate,
5 threatening, and illegal behavior, among other issues. On July 13, 2007, Citywide served Mr.
6 Kaplan with thirty-day notice to leave Citywide's dispatch system. (Exhibit B: Declaration of Nick
7 Lewis.) As of August 6, 2007, Mr. Kaplan had not yet found a dispatch system to take him on and
8 dispatch companies are refusing to accept Grasshopper.

9 5. Citywide was also concerned because Mr. Kaplan had repeatedly refused paratransit
10 pickups, in violation of MPC § 1148.5 (Ramped Taxi Operations.) Further complaints included a
11 refusal to accept credit cards if he did not like the length of the fare. (Id.)
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13 6. On July 17, 2007, at approximately 2:00 PM, Deputy Director Thigpen was leaving the Taxi
14 Commission offices at 25 Van Ness Avenue. As she exited the elevators in the lobby, she noticed
15 Mr. Kaplan standing at the door to the building. As soon as he saw her Mr. Kaplan screamed that
16 the security guard, who was seated approximately fifteen (15) feet away at his usual post, had
17 "assaulted" him. His demeanor was erratic and disheveled and he appeared to be having difficulty
18 functioning, so Deputy Director Thigpen told Mr. Kaplan that she would not discuss the matter
19 with him at that time. He slammed the door to the building and stormed away. (Exhibit C:
20 Declaration of Muzahem Yakub.; Exhibit D: Declaration of Jordanna Thigpen.)

21 7. Later on July 17, 2007, a customer made a report to 311 regarding Grasshopper. This
22 customer complained that after picking up the customer at the airport, Mr. Kaplan drove recklessly
23 while yelling and using foul language. He would not let the passenger out when the customer
24 asked to be released from the vehicle, and he told the customer that he was the Mayor of San
25 Francisco. The customer called the police upon arrival at this destination, the Mandarin Oriental,
26 but declined to make a citizen's arrest because he was only in town for one day. (Exhibit B:
27 Declaration of Nick Lewis; Exhibit D: Declaration of Jordanna Thigpen with Attached 311 Report.)
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1 8. On Thursday, July 26, 2007, Mr. Kaplan picked up a female at the airport. As they drove
2 away from the curb he stated "Oh, you're a rich bitch," when the female stated her address. While
3 driving the 101 freeway en route to the City, Mr. Kaplan stated "I'm a homeless person. Everyone
4 hates me. I have nothing to live for. I don't want to live anymore and I want to kill myself. I'm
5 gonna take you with me." Mr. Kaplan then began to drive erratically with speeds from 50 mph to 80
6 mph, nearly hitting the center divider on multiple occasions. He continued to verbally assault the
7 female and drive dangerously for the entire trip into the City. The female began to scream for help
8 and when Mr. Kaplan finally took the Mission Street exit, she begged to be released. Mr. Kaplan
9 slammed the brakes of his vehicle and pulled into the Chevron at 1601 Van Ness Avenue. In her
10 panicked state, the female was having difficulty exiting the vehicle. Mr. Kaplan came around to the
11 passenger side, grabbed the female with both hands and threw her out of the vehicle on to the
12 sidewalk. He got back into the vehicle and sped away.

13 (Exhibit E: Police Report # 070756794; Exhibit F: Declaration of Janet Vandebos.) Reckless and
14 dangerous driving of this nature is prohibited by MPC § 1101 (Driving Recklessly or Under
15 Influence of Intoxicants Prohibited.) He was subsequently arrested for assault and battery on the
16 basis of the victim's statement coupled with the corroboration of the Chevron gas station attendant
17 who had witnessed Mr. Kaplan physically evicting the passenger and her luggage from his vehicle.
18 The District Attorney subsequently dropped the charges despite the fact that the victim was willing
19 to testify.

20 9. Commission staff had planned to issue an Admonishment for the behavior described in
21 Paragraphs 3-7, but after the incident with the female described in Paragraph 8, Taxi Commission
22 issued a summary suspension on July 27. (Exhibit G: Summary Suspension and related documents.)
23 On July 30, 2007, Mr. Kaplan appealed the summary suspension to the Board of Appeals despite
24 the fact that a complaint had not yet been heard at the Taxi Commission.
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26 10. On July 31, 2007, Deputy Director Jordanna Thigpen and Sgt. Reynolds of Taxi Detail went
27 to Pier 70 to seize Mr. Kaplan's medallion and to photograph the vehicle. They noticed that the
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1 vehicle was filled with unwashed clothing and Mr. Kaplan seemed to be living in it. Dried flowers
2 filled the dashboard of the vehicle, and debris covered every available space
3 in violation of Rule 5.F.1 (Vehicle Sanitary Requirements) and 6.C.12. (Duties and Responsibilities
4 for Drivers.) (Exhibit D: Declaration of Jordanna Thigpen, Photographs thereto.) On August 1, 2007
5 and August 2, 2007, Deputy Director Thigpen received several anonymous complaints that Mr.
6 Kaplan was driving his vehicle in the evenings and transporting passengers in violation of the
7 suspension and without a permit in violation of MPC §§ 1120 (Taxicab Permits) and 1187.1
8 (Operating Without A Permit.)

9 11. On August 3, 2007, on or about 1:00 PM, Executive Director Heidi Machen and Sgt.
10 Reynolds faxed a jointly signed letter to the Board of Appeals objecting to the staying of the
11 summary suspension pending a November Board of Appeals hearing; Sgt. Reynolds hand-delivered
12 a copy of this letter to Mr. Kaplan. (Exhibit H: Letter from Director Heidi Machen and
13 Sgt. Reynolds.)

14 Director Machen, Sgt. Reynolds, and Deputy Director Thigpen also met with Mr. Kaplan
15 and specifically asked him whether or not he was driving his vehicle. He categorically denied
16 operating the vehicle as a taxi and stated that he had removed all taxicab markings from it. He stated
17 that he was using it as his personal vehicle and was not picking up any passengers. (Exhibit
18 Declaration of Jordanna Thigpen.) Director Machen and Sgt. Reynolds provided Mr. Kaplan with
19 information about free city services that could help him learn to handle stress, rage and to remedy
20 his homeless status and recommended that he avail himself of these services.

21 12. On August 4, 2007, Deputy Director Jordanna Thigpen was collecting data for the 2008
22 Public Convenience & Necessity Hearing at the corner of Divisadero & Fulton. On or about 9:30
23 PM, Deputy Director Thigpen noticed a blond female in her early 20s flag a taxi
24 from the sidewalk. The taxi that pulled over in response was Grasshopper Taxi. This was in direct
25 violation of the summary suspension that had issued just days before. The female stepped inside Mr.
26 Kaplan's vehicle. Deputy Director Thigpen ran over to the vehicle and asked Mr. Kaplan what he
27 was doing and told him that he knew he was not supposed to be picking up fares. The fare heard this
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1 statement and opened the vehicle and then jumped out. Mr. Kaplan then stated "Great, now you
2 can't get me for picking up fares, because you took her before I could take her anywhere." He then
3 sped north on Divisadero. Deputy Director Thigpen noticed at that time that he still had taxicab
4 markings on his vehicle, although he had painted over the number "9" so that it appeared his
5 medallion number was "062" rather than "9062," in an effort to mislead authorities and in violation
6 of Rule 4.A.5. (Painting of Medallion Number.) (Exhibit I: Declaration of Maggie Ziemianek;
7 Exhibit D: Declaration of Jordanna Thigpen.)

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9 13. Deputy Director Thigpen then telephoned Sgt. Reynolds, who succeeded in getting a radio
10 address (an "APB" or All Points Bulletin) informing police that Mr. Kaplan
11 was driving on a suspended permit. Deputy Director Thigpen decided that she should proceed
12 downtown to inform bellmen at the major hotels not to place any guests into Mr. Kaplan's vehicle,
13 and also to look for his vehicle. However, after she did not see the vehicle downtown, she
14 proceeded to Haight Street. Just after the intersection of Haight and Masonic, she saw Mr. Kaplan's
15 vehicle. (Exhibit I: Declaration of Maggie Ziemianek; Exhibit D: Declaration of Jordanna
16 Thigpen.)

17 14. Three minutes later, at approximately 11:29 PM, at the intersection of Shrader and Haight,
18 three males in their 20s were standing on the side of the road. They were attempting to flag a cab.
19 Mr. Kaplan stopped in the middle of the street in violation of MPC § 1102 (Loading Regulated) and
20 after a brief conversation, the three males got into the vehicle. Deputy Director Thigpen telephoned
21 police dispatch. Deputy Director Thigpen followed Mr. Kaplan from Shrader and Haight into the
22 downtown area. Mr. Kaplan was driving erratically and twice pulled over to the side of the road as
23 if to let the passengers out, but then abruptly pulled away from the curb. Finally he turned down
24 Shannon Street, a small alley between Post and Geary, and Deputy Director Thigpen declined to
25 follow him at that point. Several minutes later, police detained and arrested Mr. Kaplan at Sutter
26 and Octavia and his vehicle was towed. (Exhibit I: Declaration of Maggie Ziemianek; Exhibit J:
27 Police report # 070791251; Exhibit D: Declaration of Jordanna Thigpen.)
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2 15. Municipal Police Code (MPC) § 1090(a)(ix) provides that a permit may be revoked when a
3 permittee has "violated any applicable statute, ordinance, rule, or regulation pertaining to the
4 operation or licensing of the vehicles and services regulated by this Article, including any rules or
5 regulations enacted by the Executive Director pursuant to this Article."

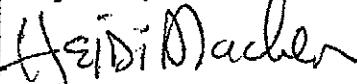
6 16. Grasshopper operated as a taxicab vehicle on a suspended permit, and therefore operated
7 without a permit, in violation of MPC §§ 1120 and 1187.1. MPC § 1187.1 provides that any person
8 operating as a taxicab vehicle without a permit shall be assessed an administrative penalty of no
9 more than \$2,500 for the first violation and \$5,000 for the second violation. Grasshopper no longer
10 has radio dispatch capability, since there is no radio in his taxicab vehicle and he told Citywide
11 Dispatch that he "smashed the radio into a thousand pieces" in retaliation for Citywide serving him
12 with notice on dispatch service. MPC § 1123(a) provides that it is unlawful for taxicabs to operate
13 without radio dispatch capability. (Exhibit B: Declaration of Nick Lewis.)
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15 17. In connection with these proceedings, which lead to possible revocation, Mr. Kaplan also
16 made false statements to the Taxi Commission and the Taxi Detail in violation of MPC § 1110
17 (False Statements Prohibited) and Rules 4.A.12 (False Statements by Medallion Holder Prohibited)
18 and 5.A.9 (False Statements by Color Scheme Prohibited.) Specifically on August 3, 2007, Mr.
19 Kaplan represented that he was not operating, and did not intend to operate, his vehicle as a taxicab
20 and that he had removed all taxicab markings from the vehicle. In fact, these were false statements
21 since he did operate the vehicle as a taxicab on at least two occasions, and he did not remove the
22 taxicab markings from the vehicle.

23 18. MPC § 1090(b) provides that where a person violating this Article holds more than one
24 permit to operate a motor vehicle for hire in the City and County of San Francisco, the Taxi
25 Commission may revoke or suspend all such permits. The Taxi Commission has discretion to
26 consider whether to suspend or revoke Mr. Kaplan's Medallion # 9062. The Taxi Commission also
27 has discretion whether to suspend or revoke Mr. Kaplan's A-card # P44-50373.
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2 19. Mr. Kaplan's behavior has gradually become more erratic and inappropriate. On
3 several occasions, he has abused Commission staff at the offices at 25 Van Ness Avenue in San
4 Francisco, and failed repeatedly to cooperate in violation of Rule 4.A.2. The incidents are escalating
5 in severity and frequency. In addition to the above-listed violations, Mr. Kaplan has indicated a
6 repeated unwillingness to obey laws and comply with the Commission's and the Police
7 Department's directives in violation of Rules 4.A.1 (Compliance with Law Required by Medallion
8 Holder,) 4.A.2 (Cooperation from Medallion Holder Required), 5.A.1 (Compliance with Law
9 required by Color Scheme Holder,) 5.A.2 (Cooperation from Color Scheme Holder Required),
10 6.A.1 (Compliance with Law Required by Driver), 6.A.2 (Cooperation from Driver Required).

11 Respectfully submitted,

12 

13 Heidi Machen
14 Executive Director
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16 **Exhibits:**

- 17 Exhibit A: Audit Worksheet of July 5, 2007
18 Exhibit B: Declaration of Nick Lewis
19 Exhibit C: Declaration of Muzahem Yakub
20 Exhibit D: Declaration of Jordanna Thigpen and Exhibits Thereto
21 Exhibit E: Police Report # 070756794
22 Exhibit F: Declaration of Janet Vandebos
23 Exhibit G: Summary Suspension and related documents
24 G1. Summary Suspension
25 G2. Officer Kulstadt letter, July 27, 2007
26 G3. Preliminary Statement of Appeals from Grasshopper Alec Kaplan
27 Exhibit H: Letter from Director Heidi Machen and Sgt. Reynolds
28 Exhibit I: Declaration of Maggie Ziemianek
Exhibit J: Police Report # 070791251

COLOR SCHEME INSPECTION

Date/Time: 7-5-7 3:50 PM Officer/Star: Jardana Thigpen

Color Scheme:

Address: 2421 Evans Ave. trying to get him out

Color Scheme Holder: Crashchapper

Phone:

Manager: 0 - no office

Fax:

Dispatch Service: Citywide

of Medallions:

Parking Spaces at Company:

Parking Spaces at Alternate Site:

Location of Alternate Site:

Description	YES	NO
Maintain a signature roster of every permittee acknowledging receipt of rules & other printed matter. 5.A.3		
Has submitted two 8x10 color photos of each vehicle type operating under color scheme. 5.A.5		
Facilities to ensure the thorough washing of taxicabs. 5.F.2		
Maintain an office that's staffed between 9AM & 5 PM and has an operational fax machine. 5.H.1		
A current list of all taxicab vehicles posted at company. 5.H.2 (Includes vehicle #, license #, VIN #, year, make and operating status)		
Must maintain current and complete driver's rosters. 5.H.3 (Includes driver's name, home address, phone, "A" card # and CDL#, Updated on a weekly basis)		
Maintain and post a daily driver assignment roster. 5.H.4 (Updated on a daily basis and retained for 2 years)		
Company listed in SF telephone directory. Page #1362 5.H.5 (Number must not be used to operate other business or service)		
Waybills filed & maintained at company's location for 3 years. 5.H.10		
Crime Information Bulletins prominently posted. 5.H.11		
Issuance of receipts for copies of waybills to drivers. 5.H.14		
Copy of Workers Compensation Insurance posted in an area visible to drivers. 5.H.16		
Gate fee schedules prominently displayed. 5.H.17		
Maintain found property logs for 1 year. 5.I.3		
Copies of found property logs faxed each week. 5.I.4		
Maintain written copies of all lease agreements with every taxi permittee. 5.K.2		✓

Comments: not present. Citywide states he is rarely present + causes lots of problems. many passenger complaints.

Taxi Schools posted

DECLARATION OF NICK LEWIS

1. My name is Nick Lewis. I am over age 18 and I am a citizen of the United States.
2. I am the President of Big Dog City Cab. My business premises is located at 2121 Evans Avenue.
3. Big Dog City uses Citywide Dispatch services and in fact, owns Citywide Dispatch. Many companies fall under the umbrella of Citywide Dispatch and operate out of 2121 Evans Avenue. One of these companies was Grasshopper Taxi.
4. Citywide has had on going problems with Mr. Kaplan. His behavior is erratic and deranged, and his appearance is filthy and unkempt. When he gets a no-go he calls dispatch and screams and shouts over the radio or by telephone, and on one occasion, he cried.
5. One of the major issues is that Citywide has only three ramp vans. Citywide puts a call on the radio, and if no one picks up the call, then Citywide dispatchers will call the individual ramp van drivers to see if they are working and can take the call. On many occasions when Mr. Kaplan was called in this manner, he refused to pick up the ramp calls, despite the fact that he holds a ramp medallion.
6. Citywide has received many complaints about Grasshopper Taxi. On March 26, 2007, I noticed a complaint about Grasshopper Taxi on the website <http://www.yelp.com>. A passenger complained that the driver was rude, played music loudly, was unkempt in appearance, and slowed down his vehicle to yell at another driver out the window.
7. On May 15, 2007, Mr. Kaplan became involved in a verbal clash with some people driving another vehicle at 7th and Bryant. He followed them to their place of work. He went inside the building looking for them. He gained access to the interior of the building, but the receptionist would not let him in to the building. Beginning the next morning, he called the company over fifteen times. The manager of the firm called down to Citywide begging for cessation of the harassment and said he would call the police if it did not stop.
8. On June 18, 2007, during the day shift, he refused to let some passengers pay with a credit card.
9. On July 2, 2007, a male passenger picked up on Fair Oaks Street complained that Mr. Kaplan was driving in excess of 80 miles an hour on the freeway, while simultaneously attempting to force this male passenger to sign his mayoral petition and "ranting and raving" about things in society that were bothering him.
10. On July 15, 2007, Grasshopper took a fare to 37th Ave. The female passenger wanted to pay with a credit card. Mr. Kaplan told the woman that he had no credit card capabilities. In fact, he does have those capabilities, he just did not want to deal with the credit card. He called dispatchers at Citywide and informed them to call the police and inform them that the passenger was a failure to pay and to arrest her. Dispatchers refused to do so. A call then came over the radio for a credit card order to the airport, and Mr. Kaplan checked in on the radio to pick it up. He stated that he did in fact have a credit card machine, but that he "does not use it for in-town pickups."
11. On July 17, 2007, the police called from the Mandarin Hotel downtown. Then officer refused to go into detail, but there was a "possible citizen's arrest" going on due to trouble caused by the driver of Grasshopper Taxi. The officer wanted a supervisor from Grasshopper Cab to come down to the Hotel to deal with the

situation. When informed that the individual causing trouble was the owner, the officer stated that he may call back, but he did not.


12. On July 13, 2007, Citywide served Grasshopper with thirty-day notice to leave Citywide because we can no longer assume the liability of Grasshopper's presence on our dispatch system. It is my understanding that no other dispatch service will accept Mr. Kaplan.
13. On or about the late evening of July 27, 2007 or early morning of July 28, 2007, he told one of our dispatchers at Citywide that he had "smashed the radio into a thousand pieces."
14. I declare under penalty of perjury of the laws of the state of California that the foregoing is true and correct.

Nicholas R. Lewis
Nick Lewis

8/6/07
Date

DECLARATION OF MUZAHM YAKUB

1. My name is Muzahem Yakub. I am over the age of 18, not a party to this action and I am a Green Card Holder in the United States.
2. I am employed by Black Bear Security Inc., which holds a contract with the City Property at 25 Van Ness Avenue, where the subject incidents took place. I work different shifts including the day shift.
3. On or about July 17, 2007, at approximately 2:00 pm, Mr. Greg Bayol, the building manager, came down to the security front desk where I am usually stationed. He asked me if I knew a gentleman named Alex Kaplan and I said no.
4. Mr. Bayol stated that Mr. Kaplan was claiming I had assaulted him. I stated that there is an observation camera that would prove I had done no such thing. Mr. Bayol left the area.
5. After approximately five minutes a thin gentleman with scraggly hair, who I now know to be Mr. Kaplan, came to the front desk trying to provoke me into looking closely at the security log book and trying to get me to write something on a card.
6. Mr. Bayol came down again and asked this gentleman what he wanted. They conducted a small conversation which I did not hear. Mr. Bayol returned to my post and told me to call the police if this gentleman returned.
7. Mr. Kaplan left but within a minute returned to my post in a panicked, enraged state. He was shouting "Fuck you, fuck you," and other words I did not understand. He then stated "I will give you one last chance to say you are sorry."
8. I told him "Give me a chance to talk, I don't even know what I have to be sorry for, but anyway I am sorry." He stated that I was lying and started to leave the building.
9. At that moment Jordanna Thigpen, an employee of the Taxi Commission, came out of the elevator and as soon as Mr. Kaplan saw her he screamed to her that I had assaulted him.
10. On July 26, 2007, Mr. Kaplan returned to the building and went to the Ethics Commission to file a complaint about the Elections Department for problems he was allegedly experiencing with petitions for his upcoming mayor's race. He was irate and very upset. He came very close to the Building Manager Greg Bayol's face when Mr. Bayol asked him to leave and it looked as if he were going to attack Mr. Bayol. We called the police and he left.
11. I declare under penalty of perjury under the laws of the State of California that for the foregoing is true and correct.


Signature

Muzahem Yakub
Print Name

08-07-07
Date

DECLARATION OF JORDANNA THIGPEN

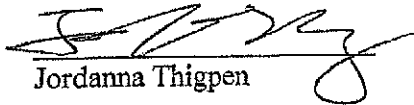
1. My name is Jordanna Thigpen. I am over age 18 and I am a citizen of the United States, and I am not a party to this action.
2. My investigation into Grasshopper Cab and Mr. Grasshopper Alec Kaplan was originally prompted by the administrative audit and complaints from Citywide Dispatch.
3. On July 5, 2007, I went to Grasshopper's business premises at 2121 Evans Avenue for purposes of conducting the annual administrative audit which the Commission conducts for all companies. Several cab companies, including Citywide Dispatch, share the same office space at this address and maintain their records in a central location. Grasshopper was not maintaining a business premises and had no staff present. There were no records whatsoever at the premises and other individuals present indicated that Grasshopper only occasionally visited the premises to pick up mail. I awarded Grasshopper a score of 0% on the audit as a result of the failure to comply with any applicable rules.
4. Also on July 5, 2007, Citywide Dispatch employees informed me that Citywide has received many complaints from passengers who utilize Citywide Dispatch services. I later spoke to Nick Lewis, manager of Citywide Dispatch, and obtained a statement from him regarding the many issues surrounding Grasshopper Cab and Mr. Kaplan.
5. On July 13, 2007, Mr. Lewis served Grasshopper with 30-day notice and informed him that as of August 13, 2007 he could not use their dispatch system. As of August 6, 2007, he has not found another dispatch service to take him on and has not made application at the Taxi Commission offices.
6. On July 17, 2007, at approximately 2:00 PM, I was on my way out of the Taxi Commission offices at 25 Van Ness Avenue in San Francisco. As I exited the elevator in the lobby, I saw Mr. Kaplan standing at the door. As soon as he saw me he screamed to me that the building security guard, who was stationed at his usual post, had "assaulted" him. His behavior was erratic and he was disheveled and dirty in appearance. As I walked towards the door I noticed that his eyes were wild and he could not hold a steady gaze. I was concerned for my safety and that of the guard so I told him firmly "Alec I will not discuss this with you right now." He slammed the door and stormed away.
7. Moments before my arrival in the lobby, Mr. Kaplan had been involved in an altercation with the same guard. The Building Manager, Greg Bayol, told the security staff that if Mr. Kaplan came to the building again, they should telephone the police due to his bizarre behavior. I spoke to the guard, Muzahem Yakub, and obtained a statement from him.
8. On July 18, 2007, I reviewed complaints from 311 describing incidents with Grasshopper Cab (Attached Excel spreadsheet). It should be noted that several of these complaints were made by Mr. Kaplan himself.
9. On July 26, 2007, Mr. Kaplan returned to the building and again engaged Mr. Yakub with threats and angry behavior. Mr. Yakub telephoned the police in response.
10. Also on July 26, 2007, Mr. Kaplan was arrested for allegedly committing battery and making criminal threats to a fare that he picked up at the airport. The facts demonstrate that Mr. Kaplan allegedly falsely imprisoned this female for a period

of approximately forty-five minutes. Mr. Kaplan was then served with a summary suspension from the Taxi Commission.

11. On July 31, 2007, Sgt. Reynolds and myself went to Pier 70 to photograph Mr. Kaplan's vehicle and obtain the medallion. The interior of the vehicle was in very poor condition and was covered with filthy clothing, old food, garbage, and other items. The dashboard was covered with dried flowers and memorabilia (Photographs, Attached.) The rear portion of the vehicle, where wheelchair vehicles are supposed to enter when they are transported, had been made into a bed area with a mattress, rendering transportation of these vehicles impossible.
12. On August 1 and 2, 2007, I received several anonymous complaints that Mr. Kaplan was driving his vehicle in violation of the summary suspension which had issued.
13. On August 3, 2007, Sgt. Reynolds, Director Machen, and myself went to the McDonald's on Bryant Street across from the Hall of Justice to provide Mr. Kaplan with a letter regarding his suspension. Mr. Kaplan was specifically asked if he was operating or intended to operate his vehicle as a taxicab and he clearly stated to all of us "No. I am operating it as a personal vehicle only and I have removed all taxicab markings from the vehicle."
14. On August 4, 2007, I was collecting data for the 2008 Public Convenience & Necessity Hearing. I was at the corner of Divisadero & Fulton. I had asked a friend, Margaret Ziemianek, to join me for the evening. At approximately 9:30 PM, I saw Alec Kaplan pull up in a Grasshopper Cab. I noticed that the cab stated "062" on the side instead of "9062" which is Grasshopper's medallion. I know that Medallion # 62 is not issued to Grasshopper.
15. A blond female entered his vehicle and shut the door. I ran over to his cab and stated "Alec, what are you doing?" In response he simply stared at me. I stated "Alec you know you are not supposed to be driving, you have a suspension." The female opened the door and Ms. Ziemianek and myself stated "Get out, get out of the cab," and she jumped out. Mr. Kaplan smirked and stated "Great, now you can't get me for picking up fares, because you took her before I could take her anywhere." He then sped north on Divisadero.
16. I telephoned Sgt. Reynolds who instructed me to go to the Taxi Commission offices and get the license plate number so that an APB could be issued for the vehicle. I then proceeded downtown to see if I could spot his vehicle and to warn some bellmen that I know at various hotels that they should not put any fares in the vehicle.
17. After that, I proceeded to Haight Street at approximately 11:35 PM. Shortly after I turned on to Haight Street from Masonic, I noticed Mr. Kaplan's vehicle with only one car between us. That car turned left and there was no separation between our vehicles. I saw three males on the north side of the street just past the intersection of Haight and Shrader. They were attempting to flag a cab. Mr. Kaplan stopped in the middle of the street and after a brief conversation, the three males jumped into the vehicle. I telephoned police dispatch and Ms. Ziemianek stayed on the phone with them while I drove. I followed him from Shrader and Haight into downtown. He was driving erratically and pulled over twice, but never stopped, and did not let his passengers out. Finally he turned down Shannon Alley and I declined to follow him for safety concerns.
18. Later I received a telephone call from the police and they informed me that Mr. Kaplan was detained at Sutter and Octavia. Ms. Ziemianek and myself went to

that location and I made a Citizen's Arrest at that time based on his numerous violations over the course of the evening.

19. I declare under penalty of perjury of the laws of the state of California that the foregoing is true and correct.


Jordanna Thigpen

8-6-7
Date

CASE ID	Opened Date	Form Name	Complaint Type	Cab Number	Driver Name	Driver Description	Start	End	Vehicle Description	Complaint Details
59081	6/27/07 12:34 PM	TAXI_Complaint	Service/Failure to Comply	9064	n/a	n/a	nikko hotel	NULL	dc solo cab	this morning at 2am driver of grasshopper parked i/f/o the neko hotel de sot took first spot
59825	6/28/07 9:55 PM	TAXI_Complaint	Other	9062	Grasshopper Alec Kaplan #50373	n/a	SFO middle lot	SFO inner lot	Grasshopper (pink with green grasshopper)	Taxi driver is complaining against the manager of smartcard taxi system named Kishar

66132	7/13/07 12:10 PM TAXI_Complaint	Service/Failure to Comply	N/A	Dispatcher's name is TO	Not provided	N/A	N/A	N/A	Dispatcher from Citywide Dispatcher refused him to turn in his Lost and found item
67980	7/17/07 7:12 PM TAXI_Complaint	Unsafe Driving	9062	Grasshopper Alec Kaplan / 50573	Caucasian Male, 5'9, 130, long shoulder length scraggly hair, wears a wool cap.	San Francisco Airport	222 Sansome Street at The Madarin Oriental Hotel	Purple Van, Or Purple and Green van. Grasshopper Cab Company @ 2121A Evans Street.	You got picked up at the airport and he drove recklessly all the way. He was yelling and cursing the whole way. He wouldn't let the customer out when he demanded to be let out. He told the customer that he was the mayor of san francisco. The customer said that the driver was out of his mind.

Complaint Narrative	Call Taker	Closed Date	Status
<p>this morning at 2am driver of grasshopper parked i/o the nako hotel waiting for a fare there was no other cab there a de soto cab came an parked i/o the grasshopper taxi ask the de soto cab to move called the de soto dispatched to have the cab move because he was there first the de soto cab #9064 still would not move alec of grasshopper cab called p.d. but then left</p>	Andre Johnson	6/27/07 1:56 PM	Closed
<p>Taxi cab driver (Alec Kaplan) has a complaint against the airport smartcard taxi system manager. On the above date and time, Alec the Grasshopper cab driver was at SFO middle lot. Alec then proceeded to the reader to pay to enter to the inner lot. Alec physically tagged the card to the reader and it deducted \$4 and raised the gate. Unfortunately, Alec could not proceed because there are 6 cabs in front and there are no where for him to go. Then the gate came down, and the machine said to re-tag card, which Alec did. The gate did not raise this time. Alec couldn't go any further without breaking the gate. So he honked the horn and no one and including security personnel in the area would assist him. They told Alec he had to go to the office. Alec went to the office. Kishar was eating his dinner in front of Alec. Kishar said to go next door, because Keisha wouldn't help him. Kishar said to Alec that he must be messed up because nobody else ever had any problems. Alec went next door upon Kishar's instruction. This other person finally unlocked the card and said Kishar is the boss. Alec went back to Kishar and said to let me through. Alec went back to his car, but he was forced to pay again. Alec had to</p>	Kevin Hihn	7/3/07 10:48 AM	Closed

<p>Taxi Cab Driver Grasshopper Alec Kaplan from Grasshopper Cab Company called in said the Citywide Dispatcher name TO would not take his Lost and Found item he was trying to turn in. He said it is a blue jacket with several coins inside. He said T.O (the dispatcher refused to give him a receipt telling him in very foul language that he should have turned it in at the end of his shift. He said he then told the dispatcher that he received notice that his job was being terminated on yesterday then at that point he was willing to take it. He said that the boss named Nick had to tell the dispatcher to give him a receipt, and when he did he did not note that there were several coins inside of the jacket. Alec said he was only trying to abide by the law and follow the procedure he was told to do regarding Lost and Found items, and he had to be harassed to turn it in. He would like to have a copy of this complaint sent to him.</p> <p>Grasshopper Alec Kaplan 3145 Geary Blvd. Apt. 57 San Francisco, Ca 94118 Telephone number 415-225-7623</p>	Nicole Johnson		Open
<p>The customer called the police at the hotel when he got there. The police came out and talked to the driver and asked the customer if he would like to make a citizens arrest but the customer said no because he is only going to be in town for a day.</p>	Mario Cabrera		Open

08/06/2007 13:51
08/05/2007 11:54

SFPD PERMITS TAXI → 95032186
NORTHERN STATION → 95537969

NO. 129 002
NO. 664 0001

San Francisco Police Department
INCIDENT REPORT

23
COPY 0791251

Report Type: Initial

Incident Number 070-791-251	Occurrence from Date/Time 08/04/07 23:37	Occurrence to Date/Time	Reported Date/Time 08/04/07 00:01	Case Number 072164454
Type of Incident False Personation to Receive Money or Property -09029, Marijuana Offense -16010				
Location of Occurrence As Intersection with/Premise type Bush St Steiner St. Street, (Not Sidewalk)				
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"/>				Reporting Unit 3E14E
Location Sent Bush St and Steiner St				
How Cleared? 7	Reported to Bureau Taxi	Name Sgt. Ron Reynold	Star 08/05/07 00:45	Elder Victim? <input type="checkbox"/>
Gang Related? <input type="checkbox"/>		Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

070791251

I declare under penalty of perjury, this report of 5 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		8 YEAR/POST		Signature: [Signature]	
Reporting Officer Wakayama, David I	Star 2048	Station Northern Station	Watch 2100-0700	Date 08/05/07 09:14:08	
Reviewing Officer [Signature]	Star [Signature]	Station Northern Station	Watch 6/16	Date 8/05/07	
OIC T.W.D. CANNING #269	Star [Signature]	Station Northern Station	Watch	Date AUG 05 2007	
Related Case	Related Case	Re-Assigned to	Assigned to 5F200	Assigned by DW 2046	
Copies to 5F200 5N200		Add'l Copies			

Code R	Name (Last, First Middle) Thigpen, Jordanna Gabrielle		Alias		
Day Pl (415)	Home Address Refused	City	State	Zip Code	
Night Home (415) 503-2183	Work Address 25 Van Ness Ave. Suite #420	City San Francisco	State CA	Zip Code	
DOB / Age 08/08/77 29	DOB Unk	Race W	Sex F	Height	Weight
Confidential Person? <input type="checkbox"/>	Violent Crime Notification? <input type="checkbox"/>	299 PC Notification? <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>	Statement YES <input type="checkbox"/>
School (if Juvenile)			Other Information/If Interpreter Needed Specify Language No E-Mail		

Code C	Name (Last, First Middle) Kaplan, Alec		Alias Grasshopper		
Home Address	City San Francisco	State CA	Zip Code 94118		
None	City	State	Zip Code		
Age 37	or age between and	Race W	Sex M	Height 600	Weight 150
Unknown	Eye Color BRO	Hair Color HSL			
SFNO 545313	DL	ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number	
Book Section #1	Book Section #2	Book Section #4	Book Section #5	Booking Location	
Warrant #	Court #	Action #	Dept	Enroute to	CWE Check
Warrant Violation(s)	Bail	Mirandized	Star	Date	Time
Citation # 001659394	Violation(s) 1088(a)MPC, 1089(h)MPC, 1078(a)MPC	Appear Date/Time 09/21/07 08:00		Location of Appearance 850 Bryant #475	
Book/Cite Approval Sgt. Vanderbilt	Star 1776	Mass Arrest Code	M X-Rays	School (if Juvenile)	CA Form Booked Copy Attached
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos Wearing-green sweater, blk pants					

08/06/2007

13:51

SFPD PERMITS TAXI → 95032186
STATION → 5503/959

NO.129

003

NO.664

0002

070791251

San Francisco Police Department
PROPERTY LISTINGS

E	Code/No EVD 1	Item Description 2 Suspected Marijuana Cigarettes, 3 sm "roaches"	Brand Marijuana	Narcotics Lab No.	Quantity 5	Value N/A
1	Serial No.	Gun Make	Caliber	Color	07241238	
	Seized by (Star) 549	From Where Drivers side door "map pocket"				
	Additional Description/Identifying Numbers One brown prescription bottle w/white cap containing 2 Suspected Marijuana Cigarettes and 3 small "roaches".					
E	Code/No EVD 2	Item Description Indicia	Brand	Narcotics Lab No.	Quantity 5	Value N/A
2	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star) 549	From Where Inside of (U) Vehicle				
	Additional Description/Identifying Numbers 5 miscellaneous items of paper regarding taxi fares, receipts.					
E	Code/No EVD 3	Item Description Citizens Arrest Form	Brand SFPD	Narcotics Lab No.	Quantity 1	Value N/A
3	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star) 2046	From Where @ Thigpen				
	Additional Description/Identifying Numbers 1 C.A. Form signed by @ Thigpen.					
E	Code/No EVD 4	Item Description Incident Report Statement Form	Brand SFPD	Narcotics Lab No.	Quantity 1	Value N/A
4	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star) 2046	From Where @ Thigpen				
	Additional Description/Identifying Numbers 1 SFPD incident report statement written and signed by @ Thigpen.					
	Code/No	Item Description	Brand	Narcotics Lab No.	Quantity	Value
	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star)	From Where				
	Additional Description/Identifying Numbers					
	Code/No	Item Description	Brand	Narcotics Lab No.	Quantity	Value
	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star)	From Where				
	Additional Description/Identifying Numbers					
	Code/No	Item Description	Brand	Narcotics Lab No.	Quantity	Value
	Serial No.	Gun Make	Caliber	Color		
	Seized by (Star)	From Where				
	Additional Description/Identifying Numbers					

08/06/2007 13:51

SFPD PERMITS TAXI → 95032186
→ 95032186NO.129 P04
NO.664 P003San Francisco Police Department
VEHICLE INFORMATION

070791251

VEHICLE CODES: B-BUSSED; D-DAMAGED; F-USED FELONY; T-TOWED; U-USED OTHER; V-VANDALIZED; X-STRIPPED

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.	
	U		CA	2008	CO		
	Veh Year	Ford		Model			
	2004			Windstar			
VEHICLE INFORMATION	Style		Color		Plates/VIN Match?	Plates Missing?	
	Station Wagon		Purple		<input checked="" type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply)				Damage	Point of Entry	
	APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>				None visible		
OWNER	Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	
	<input type="checkbox"/>	<input type="checkbox"/>	Sgt Vanderbilt		1776	Auto Return	
	Hold For Taxi		Other Information				
	Registered Owner Business Name/Last Name					First Name	Residence Phone
OWNER	Kaplan					Alex (Grasshopper)	(415) 226-7623
	Residence Address		City	State	Zip	Business Phone	
	3145 Geary Blvd		San Francisco	CA	94118-		

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.	
	Veh Year	Make		Model			
VEHICLE INFORMATION	Style		Color		Plates/VIN Match?	Plates Missing?	
					<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply)				Damage	Point of Entry	
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>						
OWNER	Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	
	<input type="checkbox"/>	<input type="checkbox"/>					
	Hold For		Other Information				
	Registered Owner Business Name/Last Name					First Name	Residence Phone
OWNER							
	Residence Address		City	State	Zip	Business Phone	

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.	
	Veh Yr	Make		Model			
VEHICLE INFORMATION	Style		Color		Plates/VIN Match?	Plates Missing?	
					<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
	Condition (Check all that apply)				Damage	Point of Entry	
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>						
OWNER	Crime Scene Tech. Notified?	387 Form Given to Owner?	Tow Approved By (Name)		Star	Towed to (Name/Address)	
	<input type="checkbox"/>	<input type="checkbox"/>					
	Hold For		Other Information				
	Registered Owner Business Name/Last Name					First Name	Residence Phone
OWNER							
	Residence Address		City	State	Zip	Business Phone	

08/06/2007

13:51

SFPD PERMITS TAXI → 95032186
NORTHERN STATION → 95037969NO. 129
NO. 664005
0004San Francisco Police Department
NARRATIVE

070791251

On the above date and time Officer Tierrafria #549 and I were dispatched to Bush St and Steiner St regarding a taxicab driver who was no longer licensed to operate a taxicab. The taxicab was described as being a (UO) Ford Windstar, purple in color, with a license plate of 8A81588.

Upon arrival we could not locate the taxicab at this intersection. We were advised by dispatch that the reportee regarding this call was at Mason St and Post St. We responded to this location to meet with the reportee, however, upon our arrival we were unable to locate this individual. A call back to the reportee was unanswered.

At this time we were advised by dispatch that Sgt. Vanderbilt #1776 (3A106) had the vehicle we were looking for stopped at Sutter St and Octavia St.

We responded to Sgt. Vanderbilt's location. At this time dispatch advised us that the reportee had been contacted and would respond to our location.

I spoke to (R) Thigpen, Deputy Director of Taxi Commission, who advised me she has had prior contact with the driver of the stopped taxicab, identified as (C) Kaplan. Thigpen told me (C) Kaplan had his taxicab drivers badge (Medallion) and "A" Card (Driver-Public Passenger Vehicle) taken away from him recently. She said he had displayed "bizarre" behavior by kidnapping a fare and saying, "I'm going to kill myself and take you with me." She said he may need to be evaluated for possible psychiatric problems. Thigpen also told me they had reports that (C) Kaplan was smoking marijuana while transporting his fares. She said he was advised that he was no longer allowed to operate his taxi.

(R) Thigpen then told me she was working a Taxi Commission detail when she saw (C) Kaplan's taxicab attempting to pick up a fare at the intersection of Divisadero St and Fulton St. She told me as she approached (C) Kaplan an unidentified woman got into the back of the taxicab. She said when she got to the open window of the taxicab she said, "Alex, what are you doing. You're not supposed to be picking up fares." She said the unidentified woman who had just gotten into the cab, jumped out after her above statement. Thigpen told me (C) Kaplan then sped off at a high rate of speed. She said she followed in her city car and called the police. She said she lost sight of (C) Kaplan but eventually was able to locate him at Haight St and Cole St, where she witnessed 3 unknown males get into the back of (C) Kaplan's taxicab. She said she followed (C) Kaplan and called the police. She said (C) Kaplan was driving at a high rate of speed and eventually lost sight of him. She said she was later contacted by SFPD dispatch who told her that (C) Kaplan had been stopped by police. She said she responded to Sutter St and Octavia St.

(R) Thigpen agreed to sign a (E3) Citizens Arrest Form and I accepted the arrest with the approval of Sgt. Vanderbilt #1776. Thigpen wrote (E4) Statement regarding the incident.

Sgt. Vanderbilt advised me he had spoken with the Officer In Charge of the Taxi Detail, Sgt. Ron Reynolds, who advised him of the background of (C) Kaplan as well as the charges regarding the incident.

Officer Tierrafria #549 requested the assistance of a K-9 Unit regarding any possible narcotics in the vehicle due to the information provided by (R) Thigpen regarding (C) Kaplan's suspected narcotics use. Officer Brunner #820 (4T94) responded to assist with negative results. However, during an inventory search of the vehicle prior to being towed, Officer Tierrafria located a (E1) brown prescription medicine bottle, containing two cigarettes (joints) and 3 small used cigarettes (roaches) of suspected marijuana. She seized the bottle and its contents as evidence.

08/06/2007

13:51

SFPD PERMITS TAXI → 95032186
IDENTIFICATION STATION → 95037989

NO. 129
NO. 654

006
0005

With the approval of Sgt. Vanderbilt #1776 (C) Kaplan was cited and released at the scene for the listed charges.

(UO) Ford Windstar was towed to Auto Return with a hold for the Taxi Detail.

I gave (R) Thigpen a follow up form with a case number.

All evidence was booked at Co. E by me. .

Officer Helmer #2126 handcarried the (E1) suspected marijuana to the Narcotics Drop box at 850 Bryant Street.

It should be noted (C) Kaplan did not meet the criteria for a mental health detention at this time.



Jordanna

07/31/2007 04:14 PM

To jordanna.thigpen@sfgov.org
cc
bcc
Subject



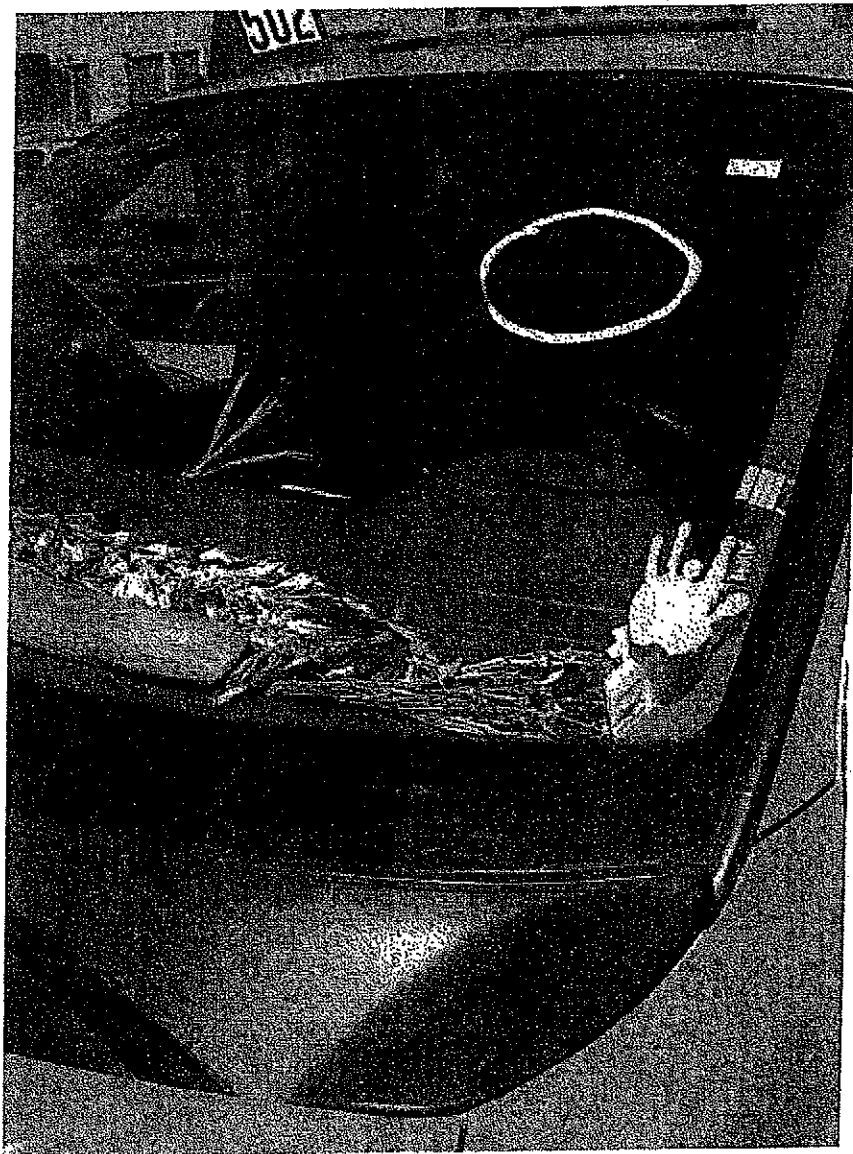
Sent from my iPhone



Jordanna

07/31/2007 04:15 PM

To jordanna.thigpen@sfgov.org
cc
bcc
Subject



Sent from my iPhone



Jordanna

07/31/2007 04:16 PM

To jordanna.thigpen@sfgov.org

cc

bcc

Subject



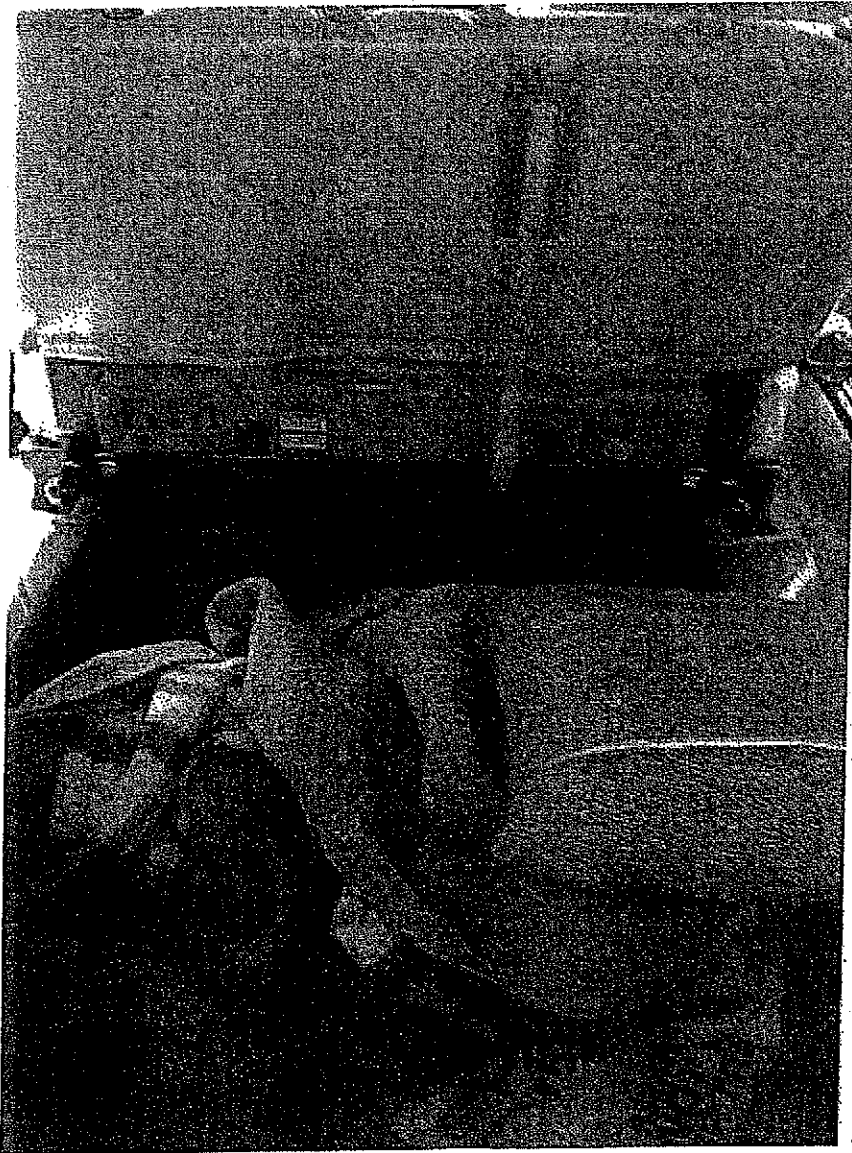
Sent from my iPhone



Jordanna

07/31/2007 04:18 PM

To jordanna.thlgpen@sfgov.org
cc
bcc
Subject



Sent from my iPhone



Jordanna

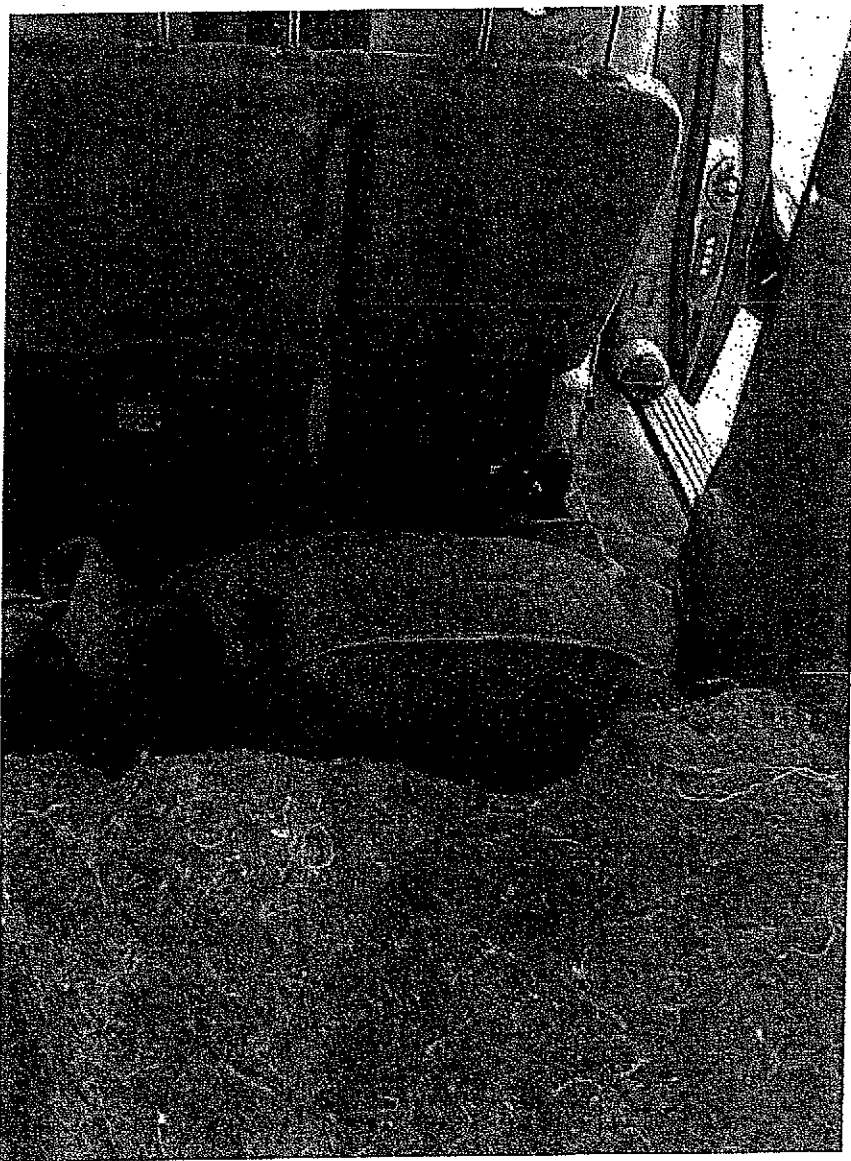
07/31/2007 04:22 PM

To jordanna.thigpen@sfgov.org

cc

bcc

Subject



Sent from my iPhone



Jordanna



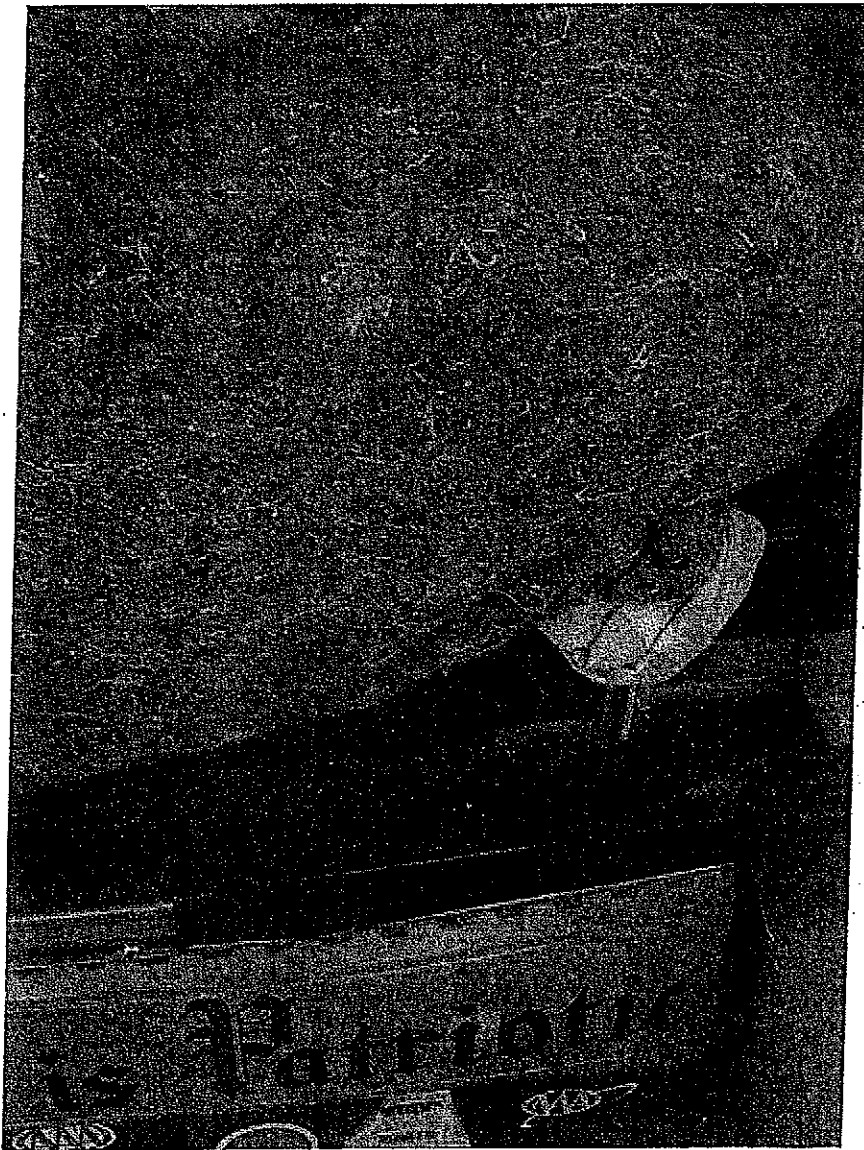
07/31/2007 04:23 PM

To jordanna.thigpen@sfgov.org

cc

bcc

Subject



Sent from my iPhone



Jordanna

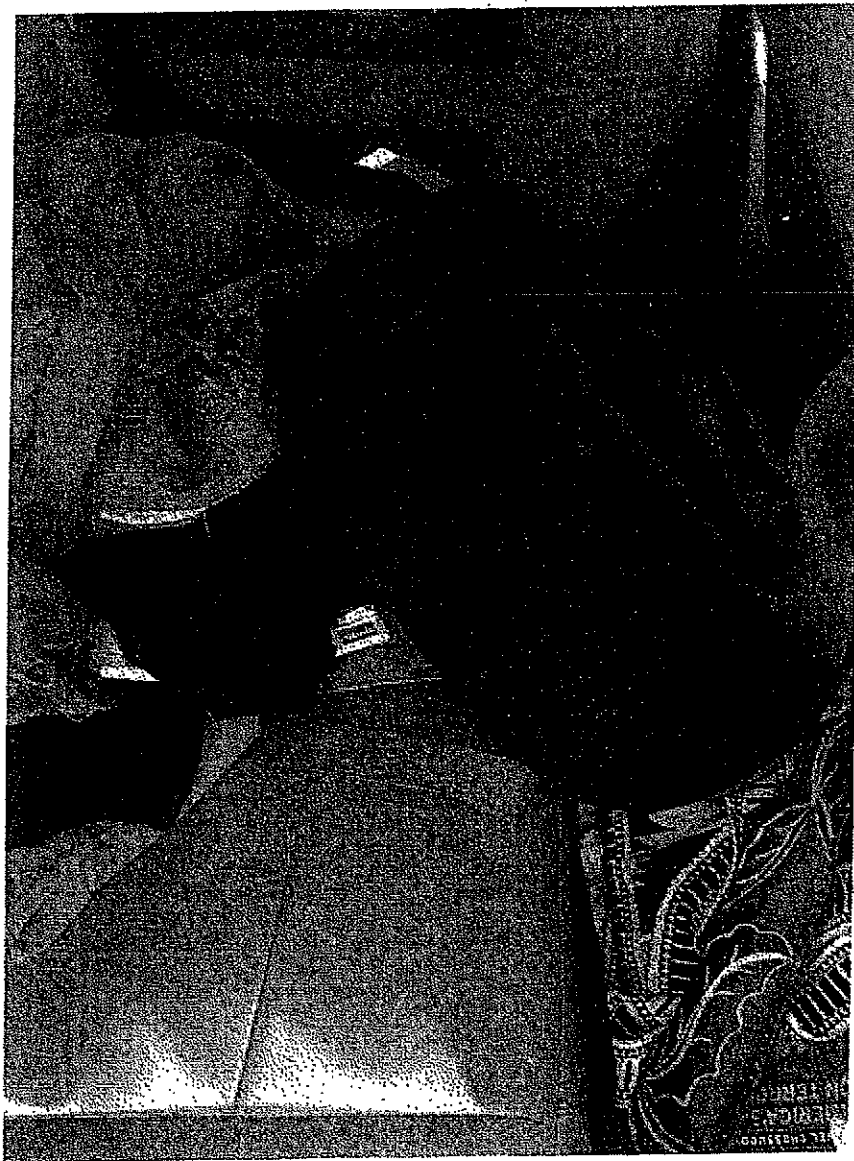
07/31/2007 04:25 PM

To jordanna.thlgpen@sfgov.org

cc

bcc

Subject



Sent from my iPhone

2
7/31/07



Jordanna

[REDACTED]

07/31/2007 04:25 PM

To jordanna.thigpen@sfgov.org

cc

bcc

Subject



Sent from my iPhone

08/26/2007 13:51
Report type: Initial

SFPD PERMITS TAXI → 95032186

NO.129 507

San Francisco Police Department

INCIDENT REPORT

070756794

Incident Number 070-756-794	Occurrence from Date/Time 07/26/07 18:18	Occurrence to Date/Time	Reported Date/Time 07/26/07 18:42	CAD Number 072073089
Type of Incident Threats -19057, Battery -04134				
Location of Occurrence 101 Freeway NB				
At Intersection with/Premise type All Others, explain in Narrative				
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)				Reporting Unit 3B4C
Location Sent 1601 S. Van Ness Av				
How Cleared?	Reported to Bureau Operations Center	Name Perry	Star #281	Date/Time 07/26/07 19:41
Elder Victim? <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

070756794

OFFICIAL DECLARATION	I declare under penalty of perjury, this report of <u>6</u> 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: <u>[Signature]</u>				
	Reporting Officer Chl, Young S.	Star 1664	Station Southern Station	Watch 1100-2100	Date 07/27/07 00:05:03
	Reviewing Officer Sgt. Juarez	STAR 1800	Station Co 3	Watch 15/01	Date 7/27/07
	OIO	STAR	Station	Watch	Date
Related Case	Related Case	Re-Assigned to Copies to 5G200 5G200	Assigned to 5G200	Assigned by y.c. 1664	
Add'l Copies DA/2, OR/1, TAX/1					

R / V I C T I M	Code RV 1	Name (Last, First Middle) Vandebos, Janet M.		Alias	
	Day Phone [Redacted]	Type Cell	Home Address [Redacted]	City San Francisco	State CA
	Night Phone [Redacted]	Type Home	Work Address None	City	State
	DOB / Age [Redacted]	DOB Unk. <input type="checkbox"/>	or age between: and	Race W	Sex F
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input checked="" type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input checked="" type="checkbox"/>
School (if Juvenile)		Injury/Treatment None	Relationship to Subject Stranger/None		
Other Information/If Interpreter Needed Specify Language No E-mail provided					

B O O K I N G	Code B 1	Name (Last, First Middle) Kaplan, Alec		Alias	
	Day Phone [Redacted]	Type Cell	Home Address 3145 Geary Blvd. #57	City San Francisco	State CA
	Night Phone [Redacted]	Type Home	Work Address None	City	State
	DOB Unknown <input type="checkbox"/>	Date of Birth [Redacted]	Age [Redacted]	or age between: and	Race W
	SPNO 545313	ID# (if Juv.)	ID Type/Jurisdiction/Number CA	ID Type/Jurisdiction/Number CA	ID Type/Jurisdiction/Number
Book Section #1 NW 422 PC		Book Section #2 242 PC	Book Section #3 1089(g) MPC	Book Section #4 1077(a) MPC	Book Section #5
Warrant #		Court #	Action #	Dept	Enroute to
Warrant Violation(s)		Bail		Mirrored <input type="checkbox"/>	Star #703
Citation #		Violation(s)		Appear Date/Time	Location of Appearance
Book/Cite Approval Sgt. Juarez		Star #1800	Mass Arrest Code	M X-Ray <input type="checkbox"/>	School (if Juvenile)
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos					CA Form Booked Copy Attached

LSW: Grey sweater, Red sweatpants.

070756794

San Francisco Police Department
ADDITIONAL REPORTEE

RP CODES: P -FOUND; N -NOTIFY; P -PARENT; R -REPORTEE; V -VICTIM; W -WITNESS

W I T N E S S	Code W 2		Name (Last, First Middle) [REDACTED]					Alias			
	Day Phone (415) [REDACTED]		Type Cell	Home Address [REDACTED]				City [REDACTED]		State CA	Zip Code
	Night Phone (415) [REDACTED]		Type Cell	Work Address [REDACTED]				City [REDACTED]		State CA	Zip Code 94103
	DOB/ [REDACTED]	Age [REDACTED]	DOB Unk <input type="checkbox"/>	or age between AND	Race H	Sex M	Height	Weight	Hair Color	Eye Color	ID No.
	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PG Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>	Statement YES <input checked="" type="checkbox"/>	Relationship to Subject Stranger/None		
	School (if Juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language Employee of Chevron Gas Station / Spanish only				

Code		Name (Last, First Middle)						ALIAS				
Day Phone		Type	Home Address						City		State	Zip Code
Night Phone		Type	Work Address						City		State	Zip Code
DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.		
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Star	F/U Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject		
School (If Juvenile)		Injury/Treatment					Other Information/If Interpreter Needed Specify Language					

Code		Name (Last, First Middle)					Alias				
Day Phone		Type	Home Address				City		State	Zip Code	
Night Phone		Type	Work Address				City		State	Zip Code	
DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.	
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		299 PC Notification <input type="checkbox"/>		Star	P/U Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>	Relationship to Subject		
School (if juvenile)		Injury/Treatment				Other Information/If Interpreter Needed Specify Language					

Code		Name (Last, First Middle)						Alias				
Day Phone		Type	Work Address						City		State	Zip Code
Night Phone		Type	WORK ADDRESS						City		State	Zip Code
DOB/	Age	DOB Unk <input type="checkbox"/>	or age between AND	Race	Sex	Height	Weight	Hair Color	Eye Color	ID No.		
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>		293 PC Notification <input type="checkbox"/>		Smr	F/U Form YES <input type="checkbox"/>		Statement YES <input type="checkbox"/>		Relationship to Subject		
School (if Juvenile)		Injury/Treatment					Other Information/If Interpreter Needed Specify Language					

SFPD377 B (03/03)

070756794

San Francisco Police Department
PROPERTY LISTINGS

E	Code/No EVD 1	Item Description Statement				Brand	Model	
1	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Written Statement prepared by (R/V1) Vandebos								
E	Code/No EVD 2	Item Description Digital Image Discs				Brand	Model	
2	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 2	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Digital Image Discs containing sixteen digital photos of (F1).								
E	Code/No EVD 3	Item Description Identification				Brand	Model	
3	Serial No.	Gun Make	Caliber	Color	Narcotics Lab No.	Quantity 1	Value	
Seized by (Star)		From Where						
Additional Description/Identifying Numbers Grasshopper's Taxi ID card with (B1) Kaplan's picture.								
	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								
	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
VEHICLE INFORMATION**

070756794

VEHICLE CODES: B-BUSTED; D-DAMAGED; F-USED FELONY; T-TOWED; U-USED OTHER; V-VANDALIZED; X-STRIPPED

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
	F		CA	2008	CO	
	Veh Year	Make	Model			
	2004	Ford	Freestar			
	Style	Color		Plates/VIN Match?	Plates Missing?	
	All Others, Explain in Narrative	Purple	<input checked="" type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>		
	Condition (Check all that apply)			Damage	Point of Entry	
	APPARENTLY DRIVABLE <input checked="" type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>			None		
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name) Star
			Sgt. Juarez	#1800	Auto Return 450 7th	
	Hold For	Other Information				
	General Work	Has Grasshopper Co. sign on both sides of the vehicle.				
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone
	Kaplan			Alec		(415) 225-7623
	Residence Address		City	State	Zip	Business Phone
			San Francisco	CA	94118-	

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
	Veh Year	Make	Model			
	Style	Color		Plates/VIN Match?	Plates Missing?	
				<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
		Condition (Check all that apply)			Damage	Point of Entry
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>					
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name) Star
	Hold For	Other Information				
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone
	Residence Address		City	State	Zip	Business Phone

VEHICLE INFORMATION	Code	Plate No.	State	Reg Yr	Plate Type	VIN No.
	Veh Yr	Make	Model			
	Style	Color		Plates/VIN Match?	Plates Missing?	
				<input type="checkbox"/>	FRONT <input type="checkbox"/> REAR <input type="checkbox"/>	
		Condition (Check all that apply)			Damage	Point of Entry
	APPARENTLY DRIVABLE <input type="checkbox"/> BURNED? <input type="checkbox"/> DAMAGED? <input type="checkbox"/> STRIPPED? <input type="checkbox"/>					
	Crime Scene Tech. Notified? <input type="checkbox"/>	387 Form Given to Owner? <input type="checkbox"/>	Tow Approved By (Name)	Star	Towed to (Name/Address)	Tow Check (Name) Star
	Hold For	Other Information				
		Has Grasshopper Co. sign on both sides of the vehicle.				
OWNER	Registered Owner Business Name/Last Name,			First Name		Residence Phone
	Residence Address		City	State	Zip	Business Phone

070756794

San Francisco Police Department
NARRATIVE

On 07/26/07 at 1842 hrs, Officer Oryall #4116, Officer Park ##768, unit 3B13C and I responded to 1601 S. Van Ness Ave. regarding a check on well being call. Upon our arrival, I met with (R/V1) Vandebos, Janet who was crying and visibly shaking stated the following:

Vandebos told me that on 07/26/07 at approximately 1735 hrs, she boarded the (F1) Minivan taxi from the SFO arrival platform and told the driver later identified as (B1) Kaplan, Alec that she wanted to go to 2636 Green St. in San Francisco. As Kaplan was starting to drive away from the platform, Kaplan said, "Oh, you're a rich bitch

While driving the (F1) on 101 N. freeway towards San Francisco, Kaplan stated, "I'm a homeless person. Everyone hates me. I have nothing to live for. I don't want to live anymore and I want to kill myself. I'm gonna take you with me". Kaplan then started to drive erratically with unstable speeds between fifty MPH to eighty MPH almost hitting the center divider on several occasions. Vandebos became more frantic as the ride progressed. Vandebos said the verbal assault and the threat continued for the next thirty five minutes. Vandebos said she thought that Kaplan was really going to kill her by him crashing his (F1). Vandebos said she was in fear for her life. When Kaplan exited the freeway by taking the Mission St. off-ramp, Vandebos screamed for help and requested he let her exit the (F1) at the Chevron Gas Station located at 1601 S. Van Ness Ave. Kaplan stopped the (F1) by slamming the brakes. While Vandebos was having difficulty unbuckling the seatbelt, Kaplan exited the (F1), came around to her side and opened the door. Kaplan then grabbed Vandebos against her will with both of his hands and threw her out of the (F1) on to the sidewalk. Vandebos said Kaplan then re-entered (F1) and sped away to an unknown direction. Kaplan said (W2) Estrada, Ivan (an employee of Chevron Gas Station) witnessed the scene.

Estrada told Sgt. Juarez #1800 that on above date at approximately 1800 hrs, he heard a female screaming. Estrada does not speak English and could not understand what she was screaming. Estrada then saw Kaplan opening the rear passenger side door of (F1) and saw Kaplan throw either Vandebos or the suitcase on to the sidewalk. Kaplan then re-entered the (F1) and sped away Eastbound on Mission St.

I asked Vandebos if she was hurt and needed any medical attention. Vandebos said she was not hurt and refused my offer.

I gave Vandebos a victims of crime notification and a follow-up form with a case number.

Vandebos then contacted her husband Naify, Robert who later responded to the scene and transported Vandebos to their house.

While searching the area and on the way back to the Southern Station, Officer Oryall, Officer Park and I observed a matching description (provided by Vandebos) of the vehicle and the driver at 6th St. and Folsom St. We made a traffic stop and detained the driver. I was able to positively identify the driver as Kaplan, Alec via his CA Driver's License (B4976424).

I contacted Vandebos regarding the contact that we made on Kaplan. Vandebos agreed to respond to the scene. Officer Martinez #1208 and Officer Spears #4152, unit 3B12D conducted a cold show with a positive result.

Kaplan did not have the medallion displayed on the outer garment in violation of 1089(g) MPC. Kaplan also stated that he is homeless and lives in his (F1) while working as a taxi driver. I observed unwashed garments along with several sleeping bags on back of the (F1) and dried

flowers on the dashboard in violation of 1077(a) MPC.

Officer Oryall and Officer Park transported Kaplan to Southern Station.

Vandebos also agreed to respond to the Southern Station where she provided a (E1) written statement.

I contacted Parry #281 at CWB who then told me that an Inspector would call me back. Inspector Shea #2092 at GW called me back and told me that no one would respond. However, Inspector Shea advised me that the (F1) needed to be towed and held for GW.

Officer Oryall contacted Grasshopper Taxi Co. at 415-920-0700. Filmus, Sam (manager of the Grasshopper Taxi Co.) told Officer Oryall that Kaplan was an independent taxi driver and no longer has a valid contract with Grasshopper Taxi Co.

Officer Park followed (F1), which was towed to Auto Return at 450 7th St. CSI lot. Officer Park took sixteen digital photos of (F1), which were stored into (E2) two digital image discs. Officer Park also recovered (E3) Grasshopper's taxi ID with Kaplan's photo from (F1).

I contacted Brown #703 at CWB with negative result.

Per Sgt. Juarez's #1800 approval, Kaplan was booked at CJ #9 on above listed charges.

Officer Park later booked (E1) – (E3) into evidence at Southern Station.

DECLARATION OF JANET VANDEBOS

1. My name is Janet Vandebos. I am over age 18 and I am a citizen of the United States, and I am not a party to this action.
2. I travel regularly for my job duties and I am a frequent taxi user to and from the San Francisco International Airport (SFO). On July 26, 2007, at approximately 5:35 PM, I went to the cab stand line/arrival platform at SFO.
3. When my turn came up, a pink/purple taxicab vehicle with a green grasshopper painted on the side pulled up in front of me. I told the line manager I did not want to take that vehicle because I did not recognize the color scheme and the vehicle looked strange to me, but he insisted that I take the vehicle.
4. As soon as I stepped inside with my luggage, I noticed that the vehicle was unkempt in appearance and filled with debris and clothing, including an excessive amount of dead gladiola flowers. The driver of the vehicle asked me where I was going and I stated [REDACTED]. He turned around and said "Oh, you're a rich bitch" as he left the platform. I was very shocked to hear this statement and I felt fear when he turned around because I immediately felt that he was unstable. I tried to calm him down by stating "No that is not my house, it's a friend's house," because I could tell he was so upset. His appearance was disheveled, with dirty grayish brown hair and wild eyes and a mustache. He was very thin.
5. He started driving towards the City and almost immediately he began ranting about how bad his life is and that "No one cares about me, everyone hates me, I have nothing to live for." He began driving at speeds from 30 mph to 80 mph in a dangerous and erratic manner. He was unable to maintain a lawful and stable speed. He stated "Today is the day -- I am killing myself and you are going with me." He would then aim the vehicle towards the center divide while traveling in excess of 80 mph. I was in fear for my life and I really believed he was going to kill both of us by crashing the vehicle on the freeway.
6. During the trip he started to roll a marijuana joint and he also began to eat a chocolate bar. During this time he was steering with his knee and other times with his elbow. I thought that he would crash the vehicle due to his dangerous and reckless manner of driving. I thought he might be under the influence of drugs.
7. I tried to stay calm because I did not want to get dumped off on the side of the freeway. Meanwhile, I called my husband on my cellular phone, and he called 911 from a different telephone. My cellular phone then went dead. I was becoming more and more panicked and fearful. I did not know when, if at all, I would be released from the vehicle. He was still ranting about dying and wanting to take his own life.
8. He took the Mission Street exit and began driving through the City. By that time my cellular phone was working again and I called 911. I started to scream for help and I told him to let me off at the Chevron at 1601 S. Van Ness Avenue since it was the first safe place I could think of to be released. He slammed on his brakes and pulled into the station parking lot.
9. I was crying and shaking and it was difficult for me to get my seatbelt off and get the door open when he stopped. He became angry that I was having so much difficulty and he came around to the side of the vehicle and whipped open the door of the vehicle. He grabbed my body with both hands and forcefully threw me and my luggage out of the vehicle on to the sidewalk. He jumped back into the cab and sped away at approximately 6:15 PM.

10. Later, the police contacted me after they spotted him on the street. I went down and identified him and I learned that his name is Grasshopper Alec Kaplan and his company is Grasshopper Cab.
11. I am now fearful to take taxis because I keep thinking about what happened. I am very concerned for other women who might be in my position. I want this individual to be prevented from driving so that what happened to me doesn't happen to another person.
12. I declare under penalty of perjury of the laws of the state of California that the foregoing is true and correct.


Janet Vandebos

8/06/07
Date

07/27/2007 16:32 FAX 4155032186

TAXI COMMISSION

002/002



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

BOARD OF APPEALS

July 27, 2007

JUL 30 2007

APPEAL # 07-130

Mr. Grasshopper Alec Kaplan
Via personal delivery

Subject: Summary Suspension of Color Scheme, Taxicab Permit and Public Passenger Vehicle Driver Permit

Dear Mr. Kaplan:

Pursuant to Sec. 1090 (c) of the Municipal Police Code, NOTICE IS HEREBY GIVEN that on: July 27, 2007, the Taxicab Commission has summarily suspended your Color Scheme Permit, Taxicab Medallion Permit and Public Passenger Vehicle Driver Permit.

According to Police Incident Report 070756794, on 07/26/07, you were arrested and taken into custody for criminal threats and battery to a passenger while serving in your capacity as a cab driver. According to the Police Narrative, you stated to your passenger, "I'm a homeless person. Everyone hates me. I have nothing to live for anymore and I want to kill myself. I'm gonna take you with me." According to the report, you then began driving recklessly with unstable speeds between fifty to eighty MPH, almost hitting the center divider on several occasions while continuing to verbally assault and threaten your passenger for the next 35 minutes. After exiting the freeway, you physically threw your passenger out of the vehicle, which was witnessed by an employee of the gas station.

Several incidents preceded your July 26 arrest that indicate an escalating pattern of uncontrollable and erratic behavior. For instance, at the July 13 Taxi Commission meeting, the President asked you to cease speaking during public comment due to use of discriminatory and offensive language. You exhibited a hostile attitude toward Commission staff on one or more occasions. During a recent heightened alert at SFO, we received a complaint that you screamed to a representative of Daja that you had lost money in a machine. On July 17, 2007, at approximately 2:30 pm, SF Taxi Commission Deputy Director Jordanna Thigpen witnessed you at 25 Van Ness, where the Taxi Commission is located. You screamed at her that the Security Guard, who was seated approximately fifteen (15) feet away at his usual post, had "assaulted" you. According to Ms. Thigpen, you appeared to have trouble functioning and were disheveled and erratic.

In mid-July, you informed Taxi Commission Office that your dispatch company, Citywide Dispatch had given you a 30-day notice due to ongoing complaints about you and failure to pick up disabled passengers. To date, you have been unable to find another dispatch company. On Thursday, July 26, you left a lengthy message for Executive Director Heidi Machen asking to be relieved of an obligation to have radio service in your taxicab because you needed to return the radio to Citywide Dispatch so you could receive your deposit back and have money to eat. According to Citywide Dispatch Nick Lewis, you subsequently phoned their dispatch company and left an emotionally charged message stating that you had smashed their radio into a million pieces. Operating a taxicab without a radio is a violation of MPC 1123 and a serious safety concern.

Due to the above, you pose a threat to Public Safety and to the Citizens of San Francisco.

YOU ARE HEREBY ORDERED to *cease operations and surrender your Medallion and A-card to the San Francisco Police Department's Taxi Detail* upon receipt of this notice. Should you have any questions or need further information, please contact the San Francisco Police Department at (415) 553-1447.

Sincerely,

Handwritten signature of Heidi Machen in black ink.

Heidi Machen

Executive Director Taxicab Commission

07/27/2007

15:28

SFPD PERMITS TAXI

NO. 080

001



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

July 27, 2007

To: All San Francisco Taxicab Color Schemes

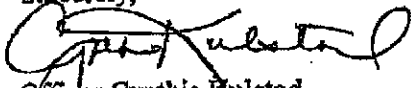
Subj: DRIVER OUT OF SERVICE

This letter is to advise all San Francisco Taxicab Color Schemes that **MR. ALEC KAPLAN**, drivers license #B4976424, is **OUT OF SERVICE** effective immediately and until further notice pending a criminal investigation.

If any Color Scheme has either employed Mr. ALEC KAPLAN or accepted his employment application, the Color Scheme shall immediately notify the Taxicab Detail, remove the driver from service and advise the driver to contact **Officer Cynthia Kulstad** at 553-9844 immediately.

Thank you for your assistance in locating this driver.

Sincerely,


Officer Cynthia Kulstad
San Francisco Police Department
Taxi Detail

850 Bryant Street, Room 458 San Francisco CA 94103

Phone No. (415)553-9844 Fax No. (415)553-7969

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO
PRELIMINARY STATEMENT OF APPEAL

BOARD OF APPEALS

Date

Filed:

JUL 30 2007

APPEAL # 07-130

I/We, Grasshopper Alec Kaplan, hereby appeal the following departmental action: suspension of color scheme permit, medallion # 9062, which was issued / became effective on: 7/27/07, for the property at N/A.

Briefing Schedule:

Note: If the following submittal deadlines fall on a weekend or holiday, staff will adjust the date to the next business day.

Appellant's Brief is due (15) days after date of filing on or before 8/14/07, 12 pages maximum, double-spaced, with unlimited exhibits, with original and 10 copies delivered to the Board office by 4 p.m., and with additional copies delivered to the other parties the same day.

Permit Holder's Brief, Respondent's Brief & Other Parties' Brief are due (7) days later on or before 8/21/07, 12 pages maximum, double-spaced, with unlimited exhibits (including a set of reduced plans for the permit holder's brief), with original and 10 copies delivered to the Board office by 4 p.m., and with additional copies delivered to the other parties the same day.

Appellant's Reply is due (10) days later on or before 8/31/07, 6 pages maximum, double-spaced, with unlimited exhibits, with original and 10 copies delivered to the Board office by 4 p.m., and with additional copies delivered to the other parties the same day.

Hearing Date: Wednesday, Nov. 7, 2007.

JUL 31 2007

Place: City Hall, Room 416, One Dr. Carlton B. Goodlett Place (formerly 301 Polk Street)
 Time: 5:00 p.m. (Everyone is required to arrive no later than 5:00 p.m., no matter what time their appeal is on the agenda because cases are often withdrawn, rescheduled, and taken out of order)

All parties to an appeal must adhere to the briefing schedule above, unless a briefing schedule extension request is granted. Members of the public and other non-parties, however, may submit letters of support/opposition no later than the Thursday prior to hearing by 4 p.m., with an original and 10 copies required of all documents submitted. Only photographs or drawings may be submitted at hearing. If you have any questions or problems, please call this office as soon as possible at 415-575-6880.

DO NOT WRITE ABOVE THIS LINE. FOR STAFF USE ONLY.

The reasons or grounds for this appeal are as follows (please summarize, or continue on 2nd page):

I never threatened the lady. I transported her safely. I am innocent of all but terrorism charges. You are assuming guilt, but I have a clean DMV and have been safely transporting

Grasshopper Alec Kaplan
 Signature of Appellant or Agent

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN C. NEWSOM

HEIDI MACHEN
Executive Director

City and County of San Francisco Board of Appeals
1660 Mission Street, Room 3036
San Francisco, CA 94103
August 1, 2007

RE: Grasshopper Alec Kaplan Summary Suspension Appeal #07-130

Dear President Knox and Director Feldman:

Grasshopper Alec Kaplan has filed an appeal of the Taxi Commission's decision to summarily suspend his color scheme permit, taxi medallion permit and public passenger vehicle permit. We reserve the right to contest Board of Appeal's jurisdiction on this appeal since this is a summary suspension on the basis of a threat to public safety which is pending a hearing at the Taxi Commission.

It is our understanding that in cases involving public safety, the Board of Appeals has upheld the Department's decision pending such a hearing, but we write to underscore the department's interest in having this suspension upheld in the interim. Mr. Kaplan has proven to be a threat to the public and should not be driving a taxicab.

Mr. Kaplan was arrested for threatening and assaulting a female passenger in his taxi. Recently Mr. Kaplan behavior has come to the attention of the Police Department and he has shown an escalating pattern of uncontrollable and erratic behavior; his most recent episode was directed at a taxi passenger which led to his arrest.

The Taxi Commission intends to hear a complaint against Mr. Kaplan at its September 11 meeting and strongly recommends that he not be given the opportunity to drive a taxi in San Francisco pending this appeal.

Respectfully submitted,

A handwritten signature in cursive script that reads "Heidi Machen".

Heidi Machen
Executive Director Taxicab Commission
cc: Appellant, Grasshopper Alec Kaplan

A handwritten signature in cursive script that reads "Sgt. Ron Reynolds" followed by the number "137".

Sgt. Ron Reynolds 137
SFPD Taxi Detail


DECLARATION OF MARGARET ZIEMIANEK

1. My name is Margaret Ziemianek. I am over age 18 and I am a citizen of the United States, and I am not a party to this action.
2. On the evening of August 4, 2007, I was standing at the corner of Divisadero and Fulton assisting Jordanna Thigpen, Deputy Director of the Taxi Commission, with collection of data for the Taxi Commission's 2008 Public Convenience & Necessity Hearing. Specifically I would hand \$5 bills and a letter from the Taxi Commission to drivers when they arrived in response to calls that Ms. Thigpen made from Taxi Commission-issued cellular telephones.
3. At approximately 9:30 PM, I saw a blond woman in her early 20s standing less than five feet away from me attempting to flag a taxicab vehicle. Within one minute, a pink/purple minivan taxicab vehicle pulled up. Ms. Thigpen had informed me that I should not take this taxicab vehicle if I saw it in the City because the company, Grasshopper, was suspended and had no permit to operate. She had also informed me of an alleged incident which had recently occurred involving a possible false imprisonment and/or battery of a female fare.
4. As soon as I saw this vehicle I immediately turned to tell Ms. Thigpen but she had already noticed the vehicle and was approaching it as the blond female was entering the vehicle and shutting the door.
5. Ms. Thigpen stated to the driver through the open window "Alec, what are you doing?" The response from the driver was to glare at her and remain silent. Ms. Thigpen then stated "You know you are on a suspension, what are you doing?"
6. At that time the fare opened the door and I stated "Get out of the cab," and she jumped out. Mr. Kaplan then said to Ms. Thigpen "Great, now you can't get me for driving her since you took her," or something to that effect. He looked angry and unstable and his appearance was disheveled. He then drove away very fast. I was afraid that he would hurt someone and I was concerned that he was driving on a suspended permit.
7. The woman was visibly shaken and stated that she was just trying to take a taxi and asked what was happening. Ms. Thigpen stated that she worked for the Taxi Commission and that the vehicle was suspended. The woman stated she had not known that and was concerned for her safety. Ms. Thigpen assured her that everything was fine but that she should not be taking that cab if she saw it the rest of the evening. At that time a DeSoto Cab pulled up in response to one of the calls and I gave the driver the \$5 and the letter and we put the fare into the DeSoto Cab.
8. Ms. Thigpen telephoned the police to obtain an All Points Bulletin. Ms. Thigpen stated that we should go downtown to ensure that this vehicle was not downtown picking up fares at the hotels or in North Beach. We drove downtown but did not see him. We then drove to the Haight Ashbury District.
9. At approximately 11:29 PM, we saw the same pink/purple taxicab vehicle ahead of another car in front of us. The other car turned left and there were no other vehicles separating us from Grasshopper's vehicle. Just past Shrader Street on Haight Street, I noticed three males standing on the side of the road attempting to flag a taxi.
10. The Grasshopper taxicab stopped in the middle of the street and the three males got inside the vehicle. Ms. Thigpen followed Grasshopper's vehicle down Haight to Stanyan, then to Masonic, down Bush, and then down Taylor to Post. I

telephoned police dispatch, which stayed on the telephone with us. I noticed that the driver of the Grasshopper vehicle was driving erratically. At two different points, he pulled over and it appeared he was going to stop, but then he sped away abruptly. Finally he turned right down Shannon Alley off of Post Street and we did not follow him.

11. We flagged down the first police officers that we saw and explained the situation to them.
12. Approximately twenty minutes later, we went to the site of his detainment and arrest, at Sutter and Octavia. As the driver was being led from the Grasshopper vehicle into a police vehicle, I confirmed that it was the same driver, "Alec" that I had seen earlier.
13. I declare under penalty of perjury of the laws of the state of California that the foregoing is true and correct.


Margaret Ziemianek


Date

**CITY AND COUNTY OF
SAN FRANCISCO**



**TAXI COMMISSION
MAYOR GAVIN C. NEWSOM**

HEIDI MACHEN
Executive Director

November 28, 2007

Mr. Abdul Bashir Rahimi aka Sayed Bashir Rahimi # 1135
Bay Cab Company
999 Pennsylvania Ave.
San Francisco, CA 94107

AMENDED NOTICE OF DECISION

SUBJECT: Probation and Possible Amended Complaint

PERMIT HOLDER: Abdul Bashir Rahimi aka Sayed Bashir Rahimi, Bay Cab Company,
999 Pennsylvania St., San Francisco, CA 94107

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

RECOMMENDATION 1:

The hearing officer recommends that the record be left open in this case for the years 2005-2007 in case new evidence emerges regarding Mr. Rahimi's compliance with MPC § 1081(b).

RECOMMENDATION 2:

The hearing officer recommends that Mr. Rahimi be placed on two years' probation, from the date the Commission adopts this recommendation, during which time the Commission staff shall conduct quarterly audits of Mr. Rahimi's waybills and evaluate any other relevant evidence of his compliance with MPC § 1081(b).

RECOMMENDATION 3:

The hearing officer recommends that if during two or more quarterly audits during any twelve-month period there is evidence that Mr. Rahimi has failed to comply with the full-time driving requirement (pro-rated for the audit period) a disciplinary hearing shall be held in which Mr. Rahimi's permit shall be subject to an extreme presumption for revocation based on his two previous violations of the FTDR and the results of the new audits.

This decision will be presented to the Taxi Commission on **Tuesday, January 8, 2007**, and the Commission may adopt, modify or deny such recommendation, or may remand the matter to the hearing officer for further proceedings. The Commission may act on the hearing officer's proposed decision and the record presented; it may not rehear the case.

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,

Heidi Machen
Executive Director

cc: S.F.P.D. - Taxi Detail
Henry Epstein, Hearing Officer

HEARING OFFICER: Henry Epstein, for the San Francisco Taxicab Commission
DATE of HEARING: 10 AM, April 6, 2007
ROOM 408, City Hall, 1 Dr. Carlton Goodlett Place, San Francisco, California 94102

CASE: Disciplinary action for Prop. K Violation

Permit Holder: Mr. Abdul Bashir Rahimi *aka* Sayed Bashir Rahimi
Color Scheme: Bay Cab Company
Type of Permit: Medallion: #1135
Date Granted:
Investigating Officer: Mr. Jack Brodnax, Commission designee
Complainants: The San Francisco Taxicab Commission
CHARGES: Violation of the Prop. K Full Time Driving Requirement (FTDR) Section 1081(b) SF Municipal Police Code (MPC) for 2001; 2003; 2005

PRIOR ADMONITIONS under the Rules and Regulations for violation of MPC 1081(b):

April 26, 2002 for 2001: Prop. K audit shows
drove only 98 days in 2001

April 15, 2004 for 2003: Prop. K audit shows
drove only 29 days in 2003

Representation

Mr. Rahimi represented himself at the hearing.
Mr. Richard Stypmann represented Mr. Rahimi in post-hearing matters.
Mr. Jack Brodnax brought the case for the Commission as its designee.
Ms. Jordanna Thigpen, Deputy Director, represented the Commission in post-hearing matters.

Exhibits

- A. Letter, Rodger Cardenas, Bay Cab Manager *re:* Rahimi waybills, 4/16/2007
- B. Commission Post-hearing brief, Jordanna Thigpen, Deputy Director (with driver rosters), 5/22/2007
- C. Complaint (with letters of reprimand), Jack Brodnax, Commission designee, 2/8/2007
- D. Waybill copies, #1135: 2005; 2006; 2007, submitted by Mr. Rahimi

E. Rahimi Post-hearing brief, Richard Stypmann 5/29/2007
F. Way-bill duplicates, 2005: 2/17; 2/22; 6/13; 7/29; 10/12

I. SUMMARY OF PROPOSED DECISION

Despite troubling evidence of shortfalls and discrepancies in Mr. Rahimi's driving record, the Commission failed to prove, by a preponderance of the evidence, that Mr. Rahimi fell short of the FTDR for 2005. However, the discrepancies and shortfalls were sufficiently striking to impose a two year probationary period on Mr. Rahimi's medallion during which time he will be subject to quarterly audits of his driving record.

Mr. Jack Brodnax, the then Commission-designee, claimed that he found no 2005 waybills for Mr. Rahimi at Bay Cab when he conducted an audit there in mid-March 2006. However, Mr. Cardenas, the Bay Cab manager stated that he gave waybills for #1035, Mr. Rahimi's medallion, to Mr. Brodnax "along with all the Bay Cab medallion holders' waybills on or about March 15, 2006". Exbt. A.

At the hearing Mr. Rahimi submitted into evidence, over the Commission's objections, copies of 99 waybills from January 04, 2005 through December 20, 2005. He testified that he submitted the originals of these waybills to Bay Cab and that they were not reconstructions. Mr. Rahimi testified that he drove an average of two ten hour shifts per week during 2005 although he admitted the shifts were interrupted on account of pain.

To confirm the veracity of the copied waybills, the hearing officer requested drivers' rosters to cross-check them against the waybills. Exbt. B.

However, Mr. Brodnax testified that the drivers' rosters were not completely reliable as a cross-check of Mr. Rahimi's waybills and driving record. This weakened the weight of the rosters as evidence although the hearing officer found the rosters still relevant and found discrepancies between them and Mr. Rahimi's waybills troubling.

The hearing officer requested that the Commission staff produce daily driver schedules as a more reliable way to cross-check the waybills but these were not produced by the Commission staff, as requested.

Therefore, although Mr. Rahimi's compliance with the FTDR for 2005 is suspect, the hearing officer could not make a finding that he had, by a preponderance of the evidence, violated MPC 1081(b) for 2005.

However, the hearing officer urges the Commission to keep the record open in this case during a two year probationary period for Mr. Rahimi. If further evidence of non-compliance with MPC 1081(b) emerges during that period (or with respect to the years 2005-2007), the Commission shall be free to bring a new or amended Complaint, without prejudice. The Commission may also, without prejudice, bring any additional charges

related to the evidence in this case, including but not limited to MPC 1090, 1110 and 1138 and Taxicab Commission Rule 4.A.12.

II. CHRONOLOGY

On April 26, 2002, Mr. Rahimi received a formal reprimand from the SFPD Taxi Detail for an FTDR violation for 2001. He was found to have driven a taxi under permit #1136 for a total of only 98 days in that year, well short of the 156 shift FTDR requirement. He acknowledged the reprimand on June 8, 2002, by signing his name as Abdul Bashir Rahimi, and by doing so admitted the FTDR deficiency. Exbt. C.

On April 15, 2004, Mr. Rahimi received a second formal reprimand from the SFPD Taxi Detail for an FTDR violation for 2003. He was found to have driven a taxi under permit #1135 for a total of only 29 days in 2003. He acknowledged the reprimand on June 8, 2002, by signing his name as Sayed Bashir Rahimi, and by doing so admitted the FTDR deficiency. The 2004 letter of reprimand refers to an interview with the Detail in which Mr. Rahimi claims to have been a victim of an assault in February of 2003, and as a result was unable to drive for the remainder of that year. However, the reprimand states that Mr. Rahimi never reported the incident to the Detail, and did not ask for a suspension of the FTDR requirement or other accommodation regarding the FTDR. That letter goes on to state as follows: Exbt. C.

[i]n accordance with section 5.H.14 of the Taxicab Commission Rules and Regulations (R&R) you shall obtain and maintain receipts or copies of waybills turned into the color scheme and in accordance with MPC Sec. 1096(c) you shall submit a written request to the taxicab commission, if you wish to seek a suspension of your driving requirement because of sickness, death or similar hardship for a period not to exceed 90 days.

A Proposition K Audit for 2005 was conducted on April 20, 2006, by Commission designee, Mr. Jack Brodnax. Mr. Brodnax testified that he found no waybills at Bay Cab for Medallion #1135. As a result this Complaint was initiated in February, 2007, and the case heard on April 6, 2007.

At the hearing, Mr. Rahimi produced what he claimed were copies of waybills for 2005, 2006 and 2007, the originals of which he testified he submitted to Bay Cab.

Mr. Brodnax challenged the authenticity of the waybills and requested revocation on the basis of three FTDR violations for 2001, 2003 and 2005. He noted that the submitted waybills were not in conformity with MPC 1138, although this was not formally charged.

In a post-hearing brief of May 22, 2007, Jordanna Thigpen, Deputy Director of the Commission, also challenged the authenticity of the waybills. She claimed that the 2005 waybills were "apparently written in a different hand than Mr. Rahimi's" and that "the signatures themselves were written in different hands."

In a reply brief of May 29, 2007, Mr. Rahimi raised various due process defenses but offered no additional corroboration of his driving in 2005.

III. TESTIMONY: Mr. Rahimi and Mr. Brodnax

In the Complaint, Mr. Brodnax states that when he went to Bay Cab on April 20, 2006 to audit Mr. Rahimi's waybills, he found no waybills filled out by Mr. Rahimi.

This statement is directly contradicted by a statement from Rodger Cardenas, Bay Cab Manager that "the 2005 waybills for Mr. Bashir Rahimi, Medallion holder #1135 were given to Mr. Jack Brodnax Taxi commission representative, along with all the Bay Cab medallion holders waybills on or about March 15, 2006." The unsworn but notarized statement is dated 16 April 2007.

Mr. Brodnax testified that in a telephone conversation prior to the hearing, Mr. Rahimi stated to him that he was not driving. Mr. Rahimi testified that when he called Mr. Brodnax, the latter would not speak with him.

Mr. Rahimi submitted into evidence, over the Commission's objections, three sets of copied waybills: i) 99 waybills from January 04, 2005 through December 20, 2005; ii) 85 waybills from January 3, 2006 through December 20, 2006; and iii) 37 waybills from January 2007 through March 17, 2007. He testified that he submitted the originals of these waybills to Bay Cab. Exbt. D.

Mr. Brodnax objected that many of these 99 waybills had no In and Out times as required by MPC 1138 and had numerous other omissions. He noted that even if these incomplete waybills were allowed to count towards the FTDR, they did not meet the 156 shifts per year requirement, although they appear to have met the 800 hours, since Mr. Rahimi frequently entered ten hours per shift.

Mr. Rahimi insisted that he has been a full-time driver since 1999, has no other job, drives his own medallion, and that because he has four children and his wife does not work had no choice but to drive full time. He stated that he could not depend on a monthly stipend from a cab company and in fact pays Bay Cab \$200 month to lease its color scheme. He testified he buys his cab, repairs it, and collects money from drivers;

Mr. Rahimi testified that from 1999 to 2004 he drove 7 days a week, 10 to 13 hours per day, but that since 2005, because of pain from arthritis, he has cut down his percentage of driving days. He said that the pain, in both hands and feet, began in 2002, but that he drove full time for several more years because he had to. However, since 2005 he testified that he has driven about two shifts per week, for about ten hours each, but "not ten hours straight" because of his pain. He testified that he drove two ten hour shifts (with breaks during the shifts) per week in 2006 and continues that pattern in 2007. He testified that he applied for an ADA accommodation to the FTDR about a month before the hearing.

Mr. Rahimi's testimony that from 1999 to 2004 he drove 7 days a week, 10 to 13 hours per day, is inconsistent with his two reprimands for failing to fulfill the FTDR for 2001 and 2003. This damaged his credibility.

Mr. Rahimi testified that in recent years he avoids the airport because he cannot pick up luggage because of his arthritis and does not want to alienate customers. At the hearing, Mr. Rahimi showed the hearing officer two bottles of medicine tablets: naproxen for pain, and "tramadol". He testified that they make him "way way sleepy" but relieve his pain. He claims he wrote a letter to the Detail in 2003 to ask for a reduction in hours but didn't follow it up because he had to work long hours to support his family.

Mr. Rahimi testified that he has no other income. He subleases a parking lot connected to the taxicab company he used to own, the "49'ers," but claimed he clears no profit.

Mr. Rahimi testified that he "plead guilty" to not always completing his waybills correctly because he is sometimes rushed when driving, but that he was a full time driver.

IV. THE ROSTERS AND THE DAILY DRIVING SCHEDULES

The hearing officer requested drivers' rosters against which to cross-reference Mr. Rahimi's waybills.

Mr. Rahimi objected to this use of the rosters and Mr. Brodnax conceded that the rosters were not completely reliable to corroborate actual driving. Mr. Brodnax contrasted these with the "Daily Driving Schedules" which he stated were a more reliable way of cross-checking waybill dates and shifts.

However, the Commission staff did not produce Daily Driving Schedules as requested by the hearing officer. The staff was able to produce Bay Cab rosters which had some utility as a check against the waybills. Exbt. B.

V. DOCUMENTARY EVIDENCE

Mr. Brodnax testified that he found no 2005 waybills for Mr. Rahimi during his audit of Bay Cab records on April 20, 2006. Thus he was unable to submit original waybills as evidence of Mr. Rahimi's driving record during 2005.

At the hearing, Mr. Rahimi submitted into evidence, over Mr. Brodnax's objections, 99 copied waybills from January 04, 2005 through December 20, 2006. He denied these were reconstructions. Exbt. D.

Thus the evidentiary documentation in this case consists primarily of copies of waybills driving under permit #1135 the originals of which Mr. Rahimi claimed he had submitted to Bay Cab during 2005. Although individually dated, there is no means of determining when the originals were actually submitted to Bay Cab or when they were copied. Other than what purport to be Mr. Rahimi's signatures, the copies have no marks, entries, or

other indicia that would assist in determining when they were actually submitted, by whom, and to whom.

The hearing record also consists of a copy of Bay Cab Rosters which reflect for 2005 the schedule of the drivers of various Bay Cab Medallion holders, including that of #1135, Mr. Rahimi's medallion.

A review of Mr. Rahimi's waybill copies provides the following information:

There are 99 waybills submitted by Mr. Rahimi for 2005. Most of these list "10" as the duration of each shift. Accordingly the 800 hours threshold would be met if shift hours are accepted.

However, of these 99, only 12 waybills have "time in" and "time out" listed. This absence is also troubling, inasmuch as the lack of this information tends to cast further doubt that they were created during each of the days claimed, rather than at some time after the fact, and for the purpose of claiming additional days of taxi driving to meet the FTDR. Exbt. D.

While each of the 99 waybills for 2005 is signed it is somewhat doubtful that they were all signed by the same person. There are differences in the way the signatures slant, and some are printed, others in cursive. Exbt. F.

Most of the shifts for 2005 list 10 hours, but the number of fares average 5 to 6 fares for each of these waybills, and the fare amounts are low. This again creates doubts about the authenticity of these waybills. The amount of work during each claimed "10 hour" shift provides only an average of 5 to 6 rides during a 10 hour span, for an average total take of only \$68.03 per shift.¹ If Mr. Rahimi took in an average of only \$68.03 per 10 hour taxi shift, it is doubtful that this is his only income for 2005, and doubtful that he did not work elsewhere during 2005 despite his testimony.²

But there are further inconsistencies in the 2005 waybills for Medallion # 1135 that prove even more problematic. If we assume that the Bay Cab Roster is an accurate description of the scheduling of Mr. Rahimi during 2005, we would need to have a match between the dates he was scheduled on the Roster with the dates of his waybills. Since he only drives for Bay Cab, his waybills should only correspond with the drive shifts for which he was scheduled by Bay Cab during that year. However, there are serious mismatches with the scheduling Roster.

The following describes discrepancies between the waybill dates and the Roster schedules for Mr. Rahimi:

¹ Approximate totals based on 99 waybills for 2005: \$6,735.36. Average over 99 trips: \$68.03.

² A percentage of the \$68.03 average daily take would be paid to Bay Cab, leaving that much less for all of Mr. Rahimi's efforts.

Jan. 2005: Waybill submitted for 1/23 and 1/27, but not Mr. Rahimi is not listed on Bay Cab Roster for these dates.

Feb. 2005: Waybills for 2/10 and 2/12, but no listing on Bay Cab Roster.

Mar. 2005: Waybills for 3/2, 3/17, and 3/22, but no listing on Bay Cab Roster.

Apr. 2005: Waybills for 4/2, 4/6, and 4/13, but no listing on Bay Cab Roster.

May 2005: Waybills for 5/19 and 5/20, but no listing on Bay Cab Roster.

Jun. 2005: Waybills for 6/4, 6/7, 6/25 and 6/30, but not on Bay Cab Roster.

Jul. 2005: Waybill for 7/21, but no listing on Bay Cab Roster.

Aug. 2005: Waybill for 8/10, but no listing on Bay Cab Roster.

Sep. 2005: Waybill for 9/15, but no listing on Bay Cab Roster.

Nov. 2005: Waybills for 11/6, 11/7, 11/11 and 11/20, but no listing for Mr. Rahimi on Bay Cab Roster.

Dec. 2005: Waybill for 12/6, but no listing on Bay Cab Roster.

These 24 questionable waybills which were not listed on the Bay Cab Roster schedule *reduce the 99 to 75 shifts for 2005*. Assuming a 10 hour shift for these 75 days, Mr. Rahimi has not met the threshold total hours requirement for 2005. Accordingly, even if the other uncompleted bills are accepted as authentic, according to these rosters, Mr. Rahimi has not met the FRDR for 2005.

Perhaps the most troubling evidence is that of duplicate waybills. In February there were two waybills on 2/17 by Mr. Rahimi that were each for 10 hour shifts. They have different trips listed on them although one appears to read 4AM-in and 4AM-out and the other 4AM-in and 4PM-out. They each total 10 hours. It is likely that one of these waybills has been falsified. Exbt. F.

On another occasion in February (2/22), two separate waybills were submitted with Mr. Rahimi's name on them but with different trips listed, and with somewhat different signatures slanting in different directions. Even if Mr. Rahimi signed both pairs of waybills, it is remarkable that on one waybill in each pair the fare amounts are rounded off, while on the other the amounts are given in exact cents. Each gives a 10 hour shift total. One starts at 3AM and ends at 4PM; the other starts at 4AM and ends at 4AM. Given these disparities, it is likely that someone other than Mr. Rahimi submitted at least one of the waybills in Mr. Rahimi's name for that date. It is also possible that Mr. Rahimi submitted another waybill with the same date by mistake in order to establish that he drove, without realizing that someone else had already used that date for Medallion #1135. Exbt. F.

Duplicate waybills were submitted again for June 13, 2005, July 29, 2005, and October 12, 2005 with many of the same discrepancies: overlapping hours with different fare destinations; rounded off fares versus exact change fares; ten hours on each waybill (or no hourly total). Exbt. F.

Given the fact that at least five of these ten waybills cannot be authentic representations of the work that Mr. Rahimi did on each of these five days, there should be a further

reduction in the total number of shifts (or hours) during which he would have worked driving a taxi during 2005, providing that the waybills, inadequate under MPC 1138(a-n), are counted at all.

VI. DEFENSES

Mr. Rahimi raised mainly procedural defenses or “objections” to the Complaint and actions of the Commission regarding the Complaint. He offered no additional evidence to corroborate his driving hours. Exbt. E.

1. Objection to refusal of Commission personnel to provide timely posthearing brief
 2. Objection to Commission’s handling of A-card evidence
 3. Objection to any further proceedings against Sayed Bashir Rahimi, #1135, when Complaint is directed at Abdul Bashir Rahimi
 4. Objection to refusal to produce “entire record: in this matter upon his request on May 25, 2007.
 5. Objection to not producing the daily driver schedules
 6. Objection to the credibility of Mr. Brodnax and to Mr. Brodnax and Ms. Thigpen “concealing exculpatory evidence” and not disclosing “ongoing litigation.”
 7. Objection to mischaracterization of the conduct of Bashir Rahimi and/or Richard Stykmann and allegations of criminality by Jordanna Thigpen on May 25, 2007.
 8. Objection that Complaint alleges that Mr. Rahimi violates section 1081(b) of the MPC, Appendix F of the Charter of the City and County of San Francisco (Prop. K) but there is no mention of taxicabs or Prop. K in Appendix F.
 9. General objection to Commission failure to provide due process; demurrer
 10. Objection that violations arising from evidence (e.g., waybills, rosters, daily schedules) submitted for 2006 and 2007 are not part of the Complaint.
 11. Mr. Rahimi offered one substantive defense: He contended that he followed industry practices in submitting incomplete waybills
1. Untimely posthearing brief

Due to administrative exigencies and delays by Bay Cab in providing documents, the hearing officer granted an extension of time to the Commission designee to submit a post-hearing brief by May 22, 2007. Mr. Rahimi was not prejudiced by the delay as he presented no evidence that he had insufficient time to frame his own reply brief and did

not ask leave for more time. In addition, he was later granted additional time to submit a missing page from his own brief and the hearing officer closely considered his reply brief and entered it as part of the record over objection from the Commission designee as to legal warrant for it and excessive length.

2. A-card evidence

Mr. Rahimi objected to the Commission's handling of evidence regarding his A-card status. The hearing officer requested this information in order to resolve confusion over Mr. Rahimi's name (see VI.,3, *infra*). However, the hearing officer made a determination of Mr. Rahimi's identity without recourse to this information, and since no A-card violation was charged in the Complaint, the matter is irrelevant for the sole violation charged, MPC 1081(b).

3. Misidentification of defendant

Mr. Rahimi contended that the Complaint was brought against "another party," and not against Mr. Sayed Bashir Rahimi. However, Mr. Rahimi admitted to FTDR violations in 2001 and 2003 as Abdul Bashir Rahimi, and came before the hearing officer as "Sayed Bashir Rahimi," charged with another violation of the FTDR regulations during 2005. Inasmuch as Abdul and Sayed have the same numbered medallion, #1035, the argument that the Complaint has misidentified the defendant as Abdul Bashir Rahimi, is frivolous. Mr. Rahimi may not avoid the Commission's disciplinary proceedings by changing his first or any part of his name. Therefore, the hearing officer finds that the Commission's Complaint may be read against Abdul Bashir Rahimi *aka* Sayed Bashir Rahimi as the sole defendant. Mr. Rahimi, under either name, clearly had adequate notice and appeared and testified at the hearing. The hearing officer finds no valid due process objection.

4. Refusal of the Commission to produce entire record of case

Mr. Rahimi contended that the Commission refused to produce the record in this case upon request on May 25, 2007 denying him due process.

Specifically, Mr. Rahimi referred to "evidence from the Tax Collector's office" which was not relevant to the decision in this case. He also referred to a letter by Mr. Cardenas "before April 23, 2007," which appears to be the Cardenas letter of April 16, 2007. That letter was subsequently turned over to Mr. Rahimi and is included in the record of this case and weighed in favor of Mr. Rahimi. There is no prejudice to Mr. Rahimi regarding turning over of this letter to him. All relevant evidence in this case is contained in this decision and there is no due process violation in the Commission's alleged "refusal" of Mr. Rahimi's blanket request to see the "entire record" in this case. The entire record is attached to the decision.

5. Objection to the Commission's not producing the daily work schedules

The hearing officer found the Commission's failure to produce the daily driver schedules for 2005 significantly impaired its case.

6. "Concealing exculpatory evidence" and not disclosing "ongoing litigation."

Mr. Rahimi objected to the credibility of Mr. Brodnax for "concealing exculpatory evidence" and unforthcomingness "regarding ongoing litigation." In fact, Mr. Brodnax admitted, against interest, that the rosters were not completely reliable, increasing his credibility. Mr. Rahimi makes the grave charge that Mr. Brodnax (and Ms. Thigpen) concealed "exculpatory evidence" but does not say what it is beyond alluding to "ongoing litigation" regarding "Brodnax and the Taxi Commission." He elsewhere in his brief alludes to litigation regarding Bay Cab, but fails to show relevance to his own case. These objections are irresponsible.

7. Objection to mischaracterization of criminal conduct on May 25, 2007

This was irrelevant to the case and the hearing officer did not consider it.

8. 1081(b) and Appendix F of the Charter of the City and County of San Francisco (Prop. K do not provide proper notice

Mr. Rahimi has been a taxicab medallion holder for many years and has owned a cab company. He fully understands the FTD requirements of Prop. K and the recital of MPC 1081(b) alone should have provided him sufficient notice of the FTDR. In addition, the Complaint charges him, in plain English, with not complying with "the full time driver requirement." He has also received two previous reprimands for non-compliance in 2002 and 2004 in which he is charged with 1081(b), standing alone. Mr. Rahimi had sufficient notice of the charge against him and there is no due process violation.

9. General objection to Commission failure to provide due process; demurrer

Mr. Rahimi outlines demurrer and due process standards but other than stating that he is entitled to due process, does not adduce specific evidence that due process was denied and fails to establish any grounds for a demurrer. The latter, especially, is unintelligible as a claimed defense.

10. Evidence (e.g., waybills, rosters, daily schedules) submitted for 2006 and 2007 are not part of the Complaint.

The hearing officer considered only evidence under 1081(b) for 2005, the year charged in the Complaint, and advised the Commission that the years 2006 and 2007 and any new violations must be addressed in an amended or new Complaint. It is noteworthy, however, that Mr. Rahimi submitted the 2006-2007 waybills himself, although he now objects to their inclusion in the record of this case.

11. Mr. Rahimi contended that he followed industry practices in submitting incomplete waybills, despite the clear requirements of MPC section 1138(a-n) as follows:

Drivers of taxicabs and motorized rickshaws shall keep an accurate and legible waybill, which waybill shall set forth the following information:

- (a) Date of waybill;
- (b) Driver's name;
- (c) Vehicle number and vehicle license number;
- (d) Number of medallion issued by the Police Department;
- (e) Time driver began for period covered by waybill;
- (f) Starting mileage of the taxicab for period covered by waybill;
- (g) Starting meter units for the period covered by the waybill;
- (h) Ending time for the period covered by the waybill;
- (i) Ending mileage of the taxicab for the period covered by the waybill;
- (j) Ending meter units for the period covered by the waybill;
- (k) Number of passengers for each trip;
- (l) The origin and destination of each trip;
- (m) The charges authorized and made for each trip;
- (n) The time of hire and discharge for each trip.

Mr. Rahimi submitted no evidence regarding "industry practice," and in his testimony admitted that he was sometimes rushed when he filled out his waybills, implying that he knew how to fill them out correctly. Mr. Rahimi also testified he "plead guilty" to filling out his waybills improperly.

Moreover, the Complaint does not charge Mr. Rahimi's with failure to complete his 2005 waybills per MPC 1138; it is limited to his alleged failure to fulfill the FTDR requirements during that year. Accordingly, any deficiencies on these waybills are not intended to prove an MPC 1138 violation. However, the Commission is not estopped from using Mr. Rahimi's waybills to determine the actual number of shifts that Mr. Rahimi drove during 2005 or as evidence of deficits in Mr. Rahimi's compliance with 1081(b). In addition, the Commission is entitled to discount shifts referenced to waybills when the waybills are so incomplete that they cannot reasonably establish shifts or hours.

Summary of Mr. Rahimi's Defenses

Mr. Rahimi contended that he was denied due process of law. By "due process" Mr. Rahimi apparently means procedural due process rights, as opposed to those involving substantive due process. However, the hearing officer finds that in bringing this action against Mr. Rahimi, the Commission abided by all procedural due process requirements as they apply to cases brought under the MPC 1090. Notice was duly provided, by the filing of this Complaint on or about February 12, 2007, for hearing in March 2007 and the hearing was then re-noticed for April 6, 2007. Mr. Rahimi was given ample time to gather evidence and confront the charges against him. Mr. Rahimi was advised by the hearing officer to seek out an attorney to represent him. Mr. Rahimi declined to do so at the hearing itself, but engaged Mr. Stypmann, a "legal technician" to represent him for

post-hearing matters. There is no basis for any of Mr. Rahimi's procedural due process objections except the daily driver schedules, *supra*, VI., 5, and this objection was weighted accordingly.

VII. RECOMMENDED DECISION

Under Section 1090 of the S.F. Municipal Police Code, the Taxicab Commission may penalize any taxicab permit issued under Article 16 for good cause, after a noticed hearing. "Good cause" includes, but is not limited to cases in which 'the permittee violated any applicable statute, ordinance, rule or regulation pertaining to the operation of licensing of the vehicles and services regulated by [Article 16], including any rules and regulations enacted by the Chief of Police pursuant to this Article."

Mr. Abdul Bashir Rahimi *aka* Sayed Bashir Rahimi having been provided a noticed hearing and an opportunity to fully contest the charges against him, good cause exists to impose the following order under the evidence and arguments contained in this decision.

The hearing officer recommends that the record be left open in this case for the years 2005-2007 in case new evidence emerges regarding Mr. Rahimi's compliance with MPC 1081(b). If so, the Commission may file a new or amended Complaint in light of the new evidence and is not restricted to the charges in the original Complaint.

The hearing officer also recommends that Mr. Rahimi be placed on two years' probation, from the date the Commission adopts this recommendation, during which time the Commission staff shall conduct quarterly audits of Mr. Rahimi's waybills and evaluate any other relevant evidence of his compliance with MPC 1081(b). If during two or more quarterly audits during any twelve month period there is evidence that Mr. Rahimi has failed to comply with the FTDR (pro rated for the audited period) a disciplinary hearing shall be held in which Mr. Rahimi's permit shall be subject to an extreme presumption for revocation based on his two previous violations of the FTDR and the results of the new audits.³ The quarterly audits may begin at any time following the Taxicab Commission's adoption of this proposed decision and may include 2006.

Henry Epstein,
Hearing Officer
The San Francisco
Taxicab Commission.
November 20, 2007

³ If Mr. Rahimi is granted an ADA accommodation shortening his hours, that accommodation shall be factored in. Note that the 12 month period need not be a calendar year, and the quarters are intended simply as three month periods and need not correspond to fiscal or administrative quarters.