

Agenda Item: 8

Taxi Commission v. Driss “Kiki” Ellassali: [ACTION]

- a. Consideration of Revocation of Permit # 52819 for violations of MPC § 1110, MPC § 1187.1, and Rules 6.A.1, 6.A.4, 6.A.8, 6.A.9, and 6.A.11; MPC §§ 1078(a), 1120, 1091, 1092, 1094, and 1095.

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7
R.JAMES SLAUGHTER, ext. 4

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

May 12, 2008

Driss "KiKi" Ellassali
520 San Antonio Ave. Apt # 7
San Bruno, CA 94066

Dear Mr. Ellassali:


This will confirm that your hearing for revocation of your A-card # 52819 will be heard before the Taxi Commission on **Tuesday, June 10, 2008**, in Room 400 of City Hall at 6:30 PM and not before the Hearing Officer as originally scheduled.

At the April 18, 2008, before the Hearing Officer, you requested a continuation of your hearing based on the fact you were not able to retain an attorney. However, you went on the record agreeing to attend a future hearing with representation.

If there are any changes to the hearing times or dates, we will advise you immediately. Please review MPC § 1188 or advise your attorney to do so, as it governs hearing procedures for disciplinary matters.

Until we receive communication from an attorney indicating that she or he is representing you, we will continue to communicate directly with you. Your refusal to accept service of process at your address of record, your failure to update your address with this Commission, or your claim that you have not received documents as a result of such refusals and failures, will not relieve you of your responsibility to respond to disciplinary proceedings.

Sincerely,


Jordanna Thigpen
Acting Executive Director

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

7
8 **COMPLAINT**

9 1. Complaint is hereby made against Driss "Kiki" Ellassali, Taxi Driver ("A-card") Permit
10 52819, that said Permit Holder has conducted his business in a disorderly manner and violated
11 provisions of the *Taxicab and Ramped Taxi Rules & Regulations* and the Municipal Police Code as
12 described below.

13
14 2. Mr. Ellassali has been a P-44 Taxi Driver Permit ("A-card") holder with the City and County
15 of San Francisco since 2000. He does not hold any other type of permit with the City and County
16 of San Francisco. Officially, he claims to be driving for United Cab at present time. (Exhibit A;
17 Declaration of Vicky Siu, Exhibit 1.)

18
19 3. Mr. Ellassali first came to the attention of the Taxi Commission in Summer 2007 when the
20 office began to receive numerous complaints about illegal "brokering" or "managing" of medallions
21 in the taxicab industry. Investigation revealed severe problems perpetuated by Mr. Ellassali and
22 others who are also brokering medallions. (Exhibit B, Declaration of Scott Leon, Exhibit 2.)

23
24 4. Municipal Police Code § 1090(a) provides as follows:

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

27 (iii) The permittee or the lessee of the permittee's permit operated without the
28 insurance required by this Article.

(iv) The permittee or an agent of the permittee knowingly made false statements to or concealed information from the [Taxi Commission], the [Chief of Police or Executive Director of the Taxi Commission] or the Police Department.
(ix) The permittee violated any applicable statute, ordinance, rule or regulation pertaining to the operation or licensing of the vehicles and services regulated by this Article...

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

As will be described below, Mr. Ellassali's P-44 driver's permit is subject to revocation for good cause, including but not limited to the circumstances described herein.

5. Maintaining Leases in Violation of Rule 6.A.11: Rule 6.A.11 of the *Taxicab/Ramped Taxi Rules & Regulations* provides as follows:

No Taxicab Driver may lease a permit or medallion, either on a per shift basis or for any term of time from anyone other than the Medallion Permit Holder or the Color Scheme Company under which the permit or medallion is operating.

Mr. Ellassali has leases with an estimated two dozen medallion holders which violates this Rule. Specifically, Mr. Ellassali contracts with medallion holders to "broker" or "manage" their medallions. His arrangements with each individual medallion holder are distinct, but share common themes.

6. Mr. Ellassali pays each medallion holder a monthly fee, in cash, ranging anywhere from \$1,800 to in excess of \$3000 per month. He requires the medallion holders to "affiliate" with a color scheme. Mr. Ellassali pays directly to the color schemes, on behalf of the medallion holders, a monthly fee ranging from \$250-\$850 for use of the color scheme's trade dress on the medallion number taxicab vehicle associated with each particular medallion. "Affiliation" also typically includes use of the dispatch service, the credit card machines, and the computer system if applicable. Mr. Ellassali hires the drivers, maintains vehicles, and makes payments to the color scheme for insurance and affiliate fees. He has personally been involved in taxicab vehicle

1 accidents and so have his drivers, and in addition, he moves drivers from company to company
2 without causing them to notify the Taxi Detail as required by Rule 6.A.8. It is also alleged that in
3 some cases he also arranges for the medallion holder to copy the drivers' waybills in the medallion
4 holder's own handwriting so that it falsely appears the medallion holder has been fulfilling his
5 driving requirement. Mr. Ellassali provides these waybills knowingly and with intent to deceive the
6 Taxi Commission and the San Francisco Police Department in violation of MPC § 1110 (false
7 statements to the Taxi Commission and the SFPD.) (Exhibit C, Declaration of Tom Stanghellini;
8 Exhibit D, Declaration of Sgt. Ron Reynolds; Exhibit E, Declaration of Mostafa Syed; Exhibit F,
9 Declaration of Scott Van Leuven; Exhibit G, Declaration of Felix Goldberg; Exhibit H, Declaration
10 of Jamal Tawasha; Exhibit I, Declaration of Anatoly Beliovsky; Exhibit J, Declaration of Yousef
11 Oskoui; Exhibit K, Declaration of Hossein Khoussrooze; Exhibit L, Declaration of Jamil Sweidan;
12 Exhibit M, Declaration of Ronald Brother; Exhibit N, Declaration of Rich Hybels; Exhibit O,
13 Declaration of Kamal Heishan.)

14
15 **7. Charging Drivers Oppressive and Outrageous Gate Fees:** Mr. Ellassali maintains a stable
16 of drivers whom he uses to drive the medallion taxicab vehicles. Again, the arrangements with each
17 particular driver are distinct, but share a common theme. He may lease the taxicab vehicle for the
18 entire month at rates of up to \$6,000. He may also charge a gate fee to individual drivers of at least
19 \$150 per shift. Mr. Ellassali may also force individual drivers to purchase vehicles, although
20 occasionally he purchases them himself. (Exhibit C, Declaration of Tom Stanghellini; Exhibit N,
21 Declaration of Rich Hybels.)

22
23 **8. Operating Without a Permit:** Mr. Ellassali hires and fires drivers, maintains their
24 schedules, pays for insurance and trade dress fees, and handles purchase, maintenance and accidents
25 of vehicles. Taken together, Mr. Ellassali's actions are those of a color scheme holder. The only
26 difference between Mr. Ellassali and permitted Color Scheme Holders is that he has not adopted an
27 actual trade dress for the estimated twenty-two medallions that he manages. A Color Scheme
28 Holder finds medallions, enters into contracts with the medallion holders, and then recruits drivers

1 to operate the medallion number taxicab vehicles when the medallion holder is not driving the
2 vehicle. Color Scheme Holders also maintain business premises, general liability and worker's
3 compensation insurance, and are subject to regulation as defined in Section 5 of the *Rules &*
4 *Regulations*. (Exhibit P, Declaration of John Lazar.) MPC § 1078(a) provides that any person
5 operating a color scheme within the City and County of San Francisco is required to have a color
6 scheme permit. Mr. Ellassali does not have a permit and therefore he is in violation of MPC §
7 1078(a). In the alternative, Mr. Ellassali has operated taxicab vehicles as if he were the individual
8 medallion holder for each of the estimated two dozen medallions he is brokering. MPC § 1078(a)
9 requires that a person must have a permit to operate a taxicab vehicle, and in addition, MPC § 1120
10 requires that it is "unlawful to own or operate a taxicab in the City and County of San Francisco
11 unless a taxicab permit has been issued by the [Taxi Commission] for operation of that vehicle."
12 Each medallion that Mr. Ellassali operates is held by another individual and therefore he is operating
13 each medallion that is brokering without a permit in violation of MPC §§ 1078(a) and 1120.

14
15 9. MPC § 1187.1 provides that any person operating a taxicab without a permit in the City
16 and County of San Francisco must have a permit as required in Section 1078. The Commission may
17 impose administrative penalties for violations of the permit requirement, including \$2,500 for the
18 first offense and \$5,000 for subsequent violations. Mr. Ellassali has been operating his illegal color
19 scheme for at least 3 years. (Exhibit B, Declaration of Tom Stanghellini; Exhibit N, Declaration of
20 Rich Hybels.)

21
22 10. **Operating Without Insurance:** "Operator" is defined in the Municipal Police Code, Article
23 16, as "any person...licensed by the City and County of San Francisco pursuant to the provisions of
24 this Article and any agent of such permittee including, but not limited to, any manager or lessee of
25 said permittee." MPC § 1091 requires that "no person...shall operate any motor vehicle for hire
26 unless and until such person...shall comply with the provisions of either Section 1092 or 1094..."
27 In addition to operating without a permit, Mr. Ellassali has not provided the Taxi Commission with
28 evidence of his insurance policy or bond or evidence of self-insurance, as required by MPC § 1092

1 or 1094, and therefore, is operating without insurance as prohibited by MPC § 1091. Nor has Mr.
2 Ellassali filed an annual sworn statement or submitted financial information as required by MPC §
3 1095. (Exhibit A, Declaration of Vicky Siu.)
4

5 11. **False Statements to SFPD:** Mr. Ellassali also attempted to conceal his noncompliance from
6 the San Francisco Police Department and the San Francisco Taxi Commission. Specifically, on
7 February 1, 2008, Mr. Ellassali made false statements to Sgt. Ron Reynolds of the San Francisco
8 Police Department Taxi Detail, when he first stated that he did not broker or manage any
9 medallions, and then admitted to brokering three medallions. These statements were knowingly
10 false and Mr. Ellassali made them with the intent to conceal the fact that he has committed the
11 violations alleged in this Complaint. He has therefore violated MPC § 1110 and Rule 6.A.4.
12

13 12. Mr. Ellassali holds a driver's permit and therefore, he is required to comply with provisions
14 of Article 16 of the Municipal Police Code as well as Section 6 of the *Rules & Regulations*. Rule
15 6.A.1 provides that each Driver shall comply with applicable laws. By operating a color scheme
16 without a permit, Mr. Ellassali is in violation of Rule 6.A.1.
17

18 13. The last color scheme with which Mr. Ellassali was affiliated was United. He falsely
19 informed Sgt. Reynolds at his interview that he was employed at Yellow Cab, yet if this is true, he
20 has failed to notify the Taxi Detail, the Taxi Commission, and the Treasurer's Office of the change
21 in his employment, in violation of Rule 6.A.8 and Rule 6.A.9. If is not true, he knowingly
22 committed a false statement in violation of MPC § 1110.
23

24 14. MPC § 1090(a)(vi) provides for mandatory revocation of the permit of a Permittee who has
25 "failed to satisfy any judgment for damages arising from unlawful or negligent operation under any
26 permit issued under this Article." In 2005, Mr. Ellassali hit a police officer with his vehicle and
27 never reported the accident. A lawsuit was filed in 2006 but Mr. Ellassali failed to satisfy the
28 judgment. (Exhibit Q, Declaration of Dmitry Erenkov.)

1 **15. Conclusion:** Mr. Ellassali is a blight upon the San Francisco taxicab industry with his illegal
2 activities and poor business judgment and practices. He has violated MPC § 1110, MPC § 1187.1,
3 and Rules 6.A.1, 6.A.4, 6.A.8, 6.A.9, and 6.A.11. He has violated MPC § 1078(a) and MPC § 1120.
4 He has also violated MPC §§ 1091, 1092, 1094, and 1095. Pursuant to MPC § 1090(a)(iii), (iv), and
5 (ix), his P-44 driver's permit must be revoked and fines of at least \$2500 must be administered. This
6 Complaint shall constitute the Executive Director's Notice pursuant to MPC § 1188. A statement
7 including a list of witnesses shall be provided to Mr. Ellassali at least five days prior to the hearing.
8 The hearing shall occur on April 18, 2008 at 10:00 am in Room 408 of San Francisco City Hall, 1
9 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

MPC § 1078(a). PERMIT REQUIRED FOR OPERATION OF MOTOR VEHICLES FOR HIRE; EXCLUSIONS.

(a) Permit Required. No person, business, firm, partnership, association or corporation shall drive or operate any motor vehicle for hire on the public streets of the City and County of San Francisco, nor shall any person, business, firm, partnership, association or corporation operate any taxicab radio-dispatch service or taxicab color scheme in the City and County of San Francisco, without a permit issued by the Taxi Commission authorizing such driving or operation in accordance with the provisions of this Article.

MPC § 1090(a)(iii), (iv) and (ix). REVOCATION OF PERMITS

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

- (i) The permittee ceased to be a full-time driver.
- (ii) The permittee failed to pay a permit fee after notice of nonpayment.
- (iii) The permittee or the lessee of the permittee's permit operated without the insurance required by this Article.
- (iv) The permittee or an agent of the permittee knowingly made false statements to or concealed information from the Police Commission, the Chief of Police or the Police Department.
- (v) The permittee has been convicted of any crime involving moral turpitude.
- (vi) The permittee has failed to satisfy any judgment for damages arising from unlawful or negligent operation under any permit issued under this Article.
- (vii) The permittee has been convicted of a misdemeanor under Section 1185 of this Article.
- (viii) The permittee violated the Traffic Code of the City and County of San Francisco or the Vehicle Code or related laws of the State of California.
- (ix) The permittee violated any applicable statute, ordinance, rule or regulation pertaining to the operation or licensing of the vehicles and services regulated by this Article, including any rules and regulations enacted by the Chief of Police pursuant to this Article.

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

MPC § 1091. INSURANCE REQUIRED.

Unless otherwise provided by ordinance, no person, firm or corporation, shall operate any motor vehicle for hire unless and until such person, firm or

corporation shall comply with the provisions of either Section 1092 or 1094 of this Article.

MPC § 1092. FILING INSURANCE POLICIES OR BOND WITH POLICE COMMISSION.

(a) Each person, firm or corporation holding a permit to operate a motor vehicle for hire pursuant to this Article shall file with the Police Commission and thereafter keep in full force and effect a policy of insurance in such form as the Police Commission may deem proper and executed by an insurer approved by the said Commission insuring the public against any loss or damage that may result to any person or property from the operation of such vehicle or vehicles.

MPC § 1094. SEC. 1094. PROVISIONS FOR SELF-INSURERS.

Any person, firm, corporation, association or organization of owners of vehicles for hire who have a certificate of self-insurance from the State of California pursuant to Sections 16500 and 16056 of the Vehicle Code may file said certificate together with a policy of insurance providing excess insurance over self-insurance retention for single limit of not less than \$1,000,000 applying to bodily injuries or property damage or a combination thereof, with the Police Commission, and shall thereupon be deemed in compliance with the provisions of Section 1092 of this Article.

MPC § 1095. INFORMATION TO BE FILED WITH CHIEF OF POLICE.

(a) Information Re Other Permits. No person, firm or corporation shall operate or cause to be operated any motor vehicle for hire, unless and until such person, firm or corporation shall file with the Police Commission a sworn statement setting forth the permits and/or certificates held, or proposed to be acquired, by applicant from other governmental bodies relating to the proposed operation, and annually thereafter, and not later than the first week in May of each year, and as often as said Commission shall direct, file a sworn statement setting forth the permits and/or certificates then held by applicant from other governmental bodies relating to said operation, together with a sworn statement showing full compliance with all provisions of the Municipal Code and/or State or federal laws applicable to said operations. Failure to file such statement or statements shall constitute a violation of this Article and shall be deemed a cause for cancellation of any and all permits to so operate.

Excepting, however, every person, firm or corporation having heretofore filed such statement with the Board of Supervisors, shall file such annual statement as provided herein.

(b) Financial Information. The Controller of the City and County of San Francisco shall establish rules and regulations for the keeping and filing of financial statements, and accounting books and records, by permittees under this Article. The purpose of such rules and regulations shall be to provide information to the Board of Supervisors with respect to maximum rates to be authorized for motor vehicles for hire and to the Police Commission for the performance of its duties under the law.

MPC § 1110: SEC. 1110. FALSE STATEMENTS PROHIBITED.

It shall be unlawful knowingly to make any false or misleading representation, or knowingly to conceal information where this Article requires that information be disclosed, in connection with the application for, renewal of, or possible revocation of a permit issued under this Article.

MPC § 1120: SEC. 1120. TAXICAB PERMITS.

It shall be unlawful to own or operate a taxicab in the City and County of San Francisco unless a taxicab permit has been issued by the Police Commission for the operation of that vehicle. Taxicab permits shall be applied for and issued pursuant to Sections 1079 through 1081 and this Division of this Article.

MPC § 1187.1: OPERATING WITHOUT A PERMIT; VIOLATIONS; ADMINISTRATIVE PENALTIES.

(a) Permit Required. Any person operating a motor vehicle as a taxicab or other motor vehicle for hire licensed under this Article must have a permit as required in Section 1078.

(b) Administrative Penalties. The Taxi Commission (the Commission) may impose administrative penalties for violations of the permit requirement, in accordance with the procedures established in Section 1188. The penalties may be assessed against the driver or against the vehicle's owner if it is proven that the driver operated the vehicle as a taxicab with the owner's knowledge. These penalties are in addition to any other penalties or methods of enforcement authorized by law.

For purposes of Section 1188, the violator shall be referred to as "the permit holder." If any penalties are not paid to the Taxi Commission within 30 days of the notice, the Commission shall refer the unpaid penalties to the Bureau of Delinquent Revenue.

(c) Amount of Penalty. The administrative penalties assessed against the violator by the Commission shall not exceed two thousand five hundred dollars (\$2,500) for a first violation or five thousand dollars (\$5,000) for a subsequent violation.

In determining the amount of the penalty in an individual case, the Commission shall take into account:

- (i) Whether the violator has in the past violated the permit requirement, other provisions of Article 16, the Taxi Commission's rules and regulations, or state law relevant to the operation of a taxicab permit;
- (ii) Whether the violator concealed or attempted to conceal his or her non-compliance with the permit requirement; and
- (iii) Such additional factors as the Commission may determine are appropriate.

MPC § 1188. PROCEDURES FOR ADMINISTRATIVE PENALTIES.

(a) Director's Notice. Upon a determination that a permit holder has violated the full-time driving requirement or the Commission's rules and regulations, the Executive Director of the Taxi Commission (the Director) shall send a written notice, by first class mail or hand-delivery, to the permit holder, at the address listed in the Taxi Commission's records, identifying and describing the alleged violations and stating the amount of the administrative penalty to be imposed. The notice shall also inform the permit holder that he or she has the right to request a fact-finding hearing on the alleged violations and the proposed penalty by filing such a request within 15 business days of the date of the notice. The Director and the permit holder may modify the Director's proposed decision by mutual consent. If the permit holder does not request a fact-finding hearing within the 15 days, the decision of the Director shall be final.

(b) Scheduling of Fact-finding Hearing. Whenever a fact-finding hearing is requested under subsection (a) above, the Director within 10 business days of receiving the request shall notify the permit holder of the date, time, and place of the hearing by first-class mail or hand delivery. Such hearing shall be held no sooner than 20 business days and no later than 40 business days after the Director receives the request for a hearing, unless the time is extended by mutual agreement of the permit holder and the Director. Notice of hearings shall be posted on the Commission's web site at least 72 hours in advance of the hearings.

(c) Hearing Officers. The Director shall appoint a hearing officer for the fact-finding hearing from a list approved by the Commission. The hearing officer shall not be an employee of the Taxi Commission or the Police Department.

(d) Submittals for the Hearing. At least 5 business days prior to the hearing, the parties to the hearing shall submit written information to the hearing officer including, but not limited to, the following: a statement of the issues to be determined by the hearing officer, a statement of the evidence to be offered at the hearing and the identity of any witnesses to appear at the hearing. The written information shall not exceed 10 double-spaced pages, excluding exhibits.

(e) Conduct of the Hearing. The hearing shall be open to the public and tape recorded. Any party to the hearing may, at his or her own expense, cause the hearing to be recorded by a certified court reporter. During the hearing, evidence and testimony may be presented to the hearing officer. Parties may be represented by counsel and have the right to cross-examine witnesses. All testimony shall be given under oath.

The hearing need not be conducted according to formal rules of procedure and evidence, but no decision shall be based solely on hearsay evidence. The hearing officer may make reasonable rulings to ensure a fair and efficient hearing.

(f) Proposed Decision. The hearing officer shall, within ten business days after the conclusion of the hearing, present a proposed decision including written findings and recommendations regarding penalties to the Commission. The hearing officer shall at that time transmit his or her decision to the permit holder by certified mail directed to the most recent address on file with the Commission for the permit holder. The Commission shall post at its office a notice that a copy of the proposed decision is available for public inspection during normal business hours.

(g) Commission Action. The Executive Director shall place the hearing officer's proposed decision on the Commission's consent calendar for the next scheduled meeting occurring not less than ten calendar days after entry of the Director's decision. The Director shall also submit the recording of the hearing and any written materials submitted in connection with the hearing. The proposed decision shall be a recommendation to the Commission, 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. The Commission shall serve its final decision upon the parties to the hearing and post the decision in the same manner as provided for herein with respect to the hearing officer's proposed decision.

(h) Collection. If the Commission finds against the permit holder and imposes administrative penalties, the Commission's decision shall state the amount of the penalties and declare that they are due and payable to the City and County of San Francisco within 30 days of the date of the decision, provided that the Executive Director may agree to a reasonable payment schedule not to exceed the permit holder's income on a monthly basis. If the penalties are not paid to the Taxi Commission within 30 days of the notice, the Commission may move to suspend or revoke the permit.

(i) Other Penalties. The penalties and methods of enforcement set forth in this Section and in Sections 1186 and 1187 are in addition to those set forth in

Sections 1090 and 1185 of this Code and in addition to any other penalties or methods of enforcement authorized by law.

DECLARATION OF VICKY SIU

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

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

3. Attached as Exhibit 1 is a true and correct copy of a Police Department document issuing Mr. Driss "Kiki" Ellassali a P-44 Taxi Driver Permit on May 26, 2000.

4. Attached as Exhibit 2 is a true and correct copy of Mr. Ellassali's records from the Treasurer & Tax Collector's computer system. I access the Treasurer & Tax Collector's records on a daily basis in the course of my duties. The records demonstrate the history for a particular permit. In the case of Mr. Ellassali, the records demonstrate that he renewed his A-card on February 20, 2008 and claims to drive for United Cab. At the top it states that the account began May 26, 2000.

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1 5. I also collect and maintain annual filings required by permittees operating taxicabs. Both
2 color schemes and medallion permit holders are required to submit annual filings known as a Form
3 1095 as well as other declarations regarding worker's compensation and financial filings. Mr.
4 Ellassali has never submitted any of the annual filings as required.

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

8
9 Signed:

Date: 3/11/08

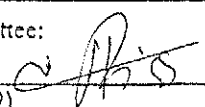
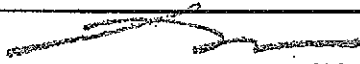
10 
11 Vicky Siu
12 Office Coordinator
13 San Francisco Taxi Commission

14 Executed in San Francisco, California
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POLICE DEPARTMENT PERMIT

City and County of San Francisco

State of California

Permit Number: 9A557	Date Granted: MAY 28 2000
TYPE OF PERMIT: DRIVER PUBLIC VEHICLE	
Permission is hereby granted to: Name(s) Driss Ellassali	
Location: 650 Ellis St. #12, San Francisco 94109	
Business Name: "Yellow Cab Co."	
Unless revoked or suspended by the Chief of Police during a current year or unless the permit is valid for only a specified time, it shall be deemed that application for a tax license renewal has been made at the end of each year and the original application granted under the conditions, limitations and obligations is unchanged.	
Instructions To Permittee(s): You must display this permit on site in a conspicuous place. You are required to allow any police officer to inspect your premises. You shall not transfer this permit to another person or conduct a separate business at a different location other than that described on this permit. ANY CHANGE IN OWNERSHIP OR THE LOCATION OF THE BUSINESS REQUIRES THAT A NEW APPLICATION BE FILED WITHIN 10 DAYS OF THE DATE OF CHANGE. If a permit is granted, and an appeal is filed by any person within 15 days of issuance, the permit is not valid until the appeals process is concluded, and a final decision is rendered by the Board of Appeals.	
Pertinent information regarding this permit:	
Failure to conduct your business in conformity with these regulations may subject you to a criminal citation or arrest and the revocation of your permit. This permit is accepted and subject to all legal obligations, requirements, and to the conditions set forth above.	
Signature of Permittee: 	Issued by:  Chief of Police

SFPD 237 (Rev.6/99)

Verified by: _____

TLA2 ACCT. NO: P44 052819 TAX ID	-	CENSUS	OLD#
DBA UNITED CAB	CERTIF NBR	DATE STARTED 05-26-00	
SITUS 0000 VARIOUS LOCATIONS	0000	DATE INACTIVATED	
OWNER ELASSALI, DRISS	CARE OF		
ADDRESS 4 BERN CT #11	MILLBRAE, CA	94030	
CONDOMINIUM DISTRICT CODE	NON-MATCHING ADDRESS	UNIT COUNT	
PERMIT NO. 094557 SUB-CLASS	DESC. DRIVER-PUB.PASS.VEH.	ACCOUNT TYPE A	
COMMENT: ADDR/DEA UD 02/22/05			
EXPIRE DTE - -	12-31-08	12-31-07	12-31-06 12-31-05
DATE PAID - -	02-20-08	01-16-07	04-19-06 02-07-05
BATCH NO	0067	0155	0874 0764
ISSUE DT 00-00-00	02-22-08	01-19-07	04-21-06 02-11-05
DUE: FEE	53.00	52.00	51.00 50.75
SURCHRG	3.00	3.00	9.00
MISC.			
PENALTY	4.80		11.50 4.57
TOTAL	60.80	55.00	71.50 55.32
PAID: FEE	53.00	52.00	51.00 50.75
SURCHRG	3.00	3.00	9.00
MISC.			
PENALTY	4.80		11.50 4.57
TOTAL	60.80	55.00	71.50 55.32
BALANCE	0.00	0.00	0.00 0.00
P44 052819 RECORD RETRIEVED - ENTER CLASS-ACCOUNT FOR NEXT RECORD			

DECLARATION OF TOM STANGHELLINI

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

2. My name is Tom Stanghellini, and I am the Operations Manager for Luxor Cab Company. I have been employed in that capacity for six years and prior to that time, I was an officer with the Daly City Police Department for twelve years. My business address is 2230 Jerrold Avenue, San Francisco, CA 94124. I oversee administration including scheduling of taxicab drivers, leases with medallion holders. Part of my duties are processing transactions such as new medallions, color scheme changes, insurance requests and medallion lease payments. I also handle driver scheduling and I must approve every driver that comes through Luxor Cab for insurance purposes.

3. I first became aware of Mr. Driss "Kiki" Ellassali, an illegal medallion broker, on or about May 1, 2005. At that time he came into Luxor to be a taxicab driver. My recollection is that he came in with the medallion holder that he would be driving for, Mr. Ian Cartmill, the former holder of medallion # 334. I placed him as a driver under # 334, since he represented that he would be driving that vehicle. I spoke to the medallion holder, approximately two months later, and Mr. Cartmill stated "for finances, speak to Kiki, because he handles all that." I assumed that Mr. Ellassali was brokering Mr. Cartmill's medallion by hiring drivers, managing their schedules, purchasing the vehicle, paying color scheme fees and paying insurance. In my experience as Operations Manager these are typical activities of a color scheme, and individuals engaging in this practice are acting as brokers or color schemes without a permit.

4. On or about December 2006, Mr. Ellassali started to pay the monthly color scheme fees for # 675 and other medallion vehicles. At some point in early 2006, he also began paying the color scheme fees for cab number # 968 and brokering # 968, but the owner took back

1 management because of Mr. Ellassali's business practices which include bouncing checks and
2 being delinquent in payments to Luxor Cab.

3
4 5. On November 9, 2006, Ian Cartmill, passed away. Luxor Cab was required to turn the
5 medallion back to the City. In November or December 2006, Mr. Ellassali began brokering
6 Medallion # 1079 and Medallion # 841. I understand from my conversations with others in the
7 industry that he is brokering over two dozen medallions at various companies.

8
9 6. In the past year and a half, I have had consistent problems with drivers that are driving for
10 Mr. Ellassali. Specifically, they turn in waybills from other companies such as DeSoto, to Luxor
11 Cab. From my understanding, resulting from my conversations with drivers and customers, some
12 of Mr. Ellassali's drivers are driving for DeSoto, which does not accept credit cards, and then
13 come into Luxor to process their credit card slips. This results in expense to Luxor Cab because
14 of the merchant services charges from the credit cards, and additionally, I am aware that some
15 customers have done chargebacks because they have realized they did not ride in a Luxor Cab
16 and were contesting a charge from Luxor Cab.

17
18 7. The most recent incident involving Mr. Ellassali occurred in November 2007. Luxor had a
19 driver for twenty-five years, Mr. Mikhail Liriseman. Mr. Liriseman came up on the waiting list.
20 He wanted to affiliate with Luxor, but could not decide if he wanted to be gas and gates or a
21 color scheme affiliate. I told him he needed to make that decision right away and that he needed
22 to speak to John Lazar. I talked to him in person twice more over a four-week period and
23 informed him of his responsibilities in that regard. He failed and refused to speak to John. On or
24 about November 15, 2007, Mr. Ellassali came in with four drivers and stated that those drivers
25 were going to be the drivers for Mr. Liriseman. Once more I informed Mikail to speak to John,
26 but he continued to fail and refuse, and ultimately, filed for a transfer to Yellow Cab.

1 8. One reason I believe that Mr. Ellassali is managing several dozen medallions is because
2 he has an enormous stable of drivers. I have tried to force Mr. Ellassali to bring new drivers in
3 when he hires them, because of our insurance requirements at Luxor. He will not commit drivers
4 to a specific shift. He will simply say "these two drivers are going to alternate back and forth on
5 night shifts," or "these drivers will be relief drivers" on a particular vehicle. I will then check for
6 that particular vehicle and discover some other drivers driving those shifts. Then I will find out
7 the original drivers are driving at other companies on other vehicles that Mr. Ellassali is
8 brokering. Over the years, Mr. Ellassali has repeatedly turned up at Luxor driving various taxicab
9 vehicles from other companies.

10
11 9. I have had ongoing problems with Mr. Ellassali since May 2005. For example, he has
12 bounced several checks to Luxor Cab for payments of color scheme fees that he has made on
13 behalf of the medallions he is brokering. Also, when I call medallion holders to discuss a
14 particular problem, the medallion holder will respond "it's not my problem, it's Kiki's problem."
15 However, our contract is with the medallion holder, not with Mr. Ellassali.

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1 10. When he brokers a medallion, Mr. Ellassali purchases the vehicles for the medallion
2 holders and also purchases insurance. Meanwhile, the medallion holder's name remains on the
3 title. Some of the problems I have noted include overcharging of gate fees (up to \$150), not shift-
4 changing on property, refusal to communicate with Luxor management, charging excessive
5 deposits to drivers (upwards of \$2,000). Mr. Ellassali also enters into questionable arrangements
6 with medallion holders - for example, Cab Number # 675 was in an accident and Mr. Ellassali
7 paid to replace the vehicle. This occurred approximately November 2007.

8
9 11. I declare under penalty of perjury under the laws of the State of California that the
10 foregoing is true and correct.

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12 Signed:

Date:

13 
14 Tom Stanghellini
15 Operations Manager
Luxor Cab

3-11-08

16 Executed in San Francisco, California
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DECLARATION OF SCOTT LEON

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

2. I am an Investigator with the San Francisco Taxi Commission. My duties involve investigating Color Schemes and permit holders of the taxicab industry to ensure they meet the regulatory compliance of the Taxicab/Ramped Taxi Rules and Regulations enacted by the Taxi Commission. I conduct audits and inspections, detect violations and fraud in the taxi industry, and I collect, maintain, and analyze evidence for disciplinary cases. I also interview witnesses, including drivers, medallion holders, color scheme company owners, and others.

3. My investigation with Mr. Driss "Kiki" Ellassali began in November 2007 under the direction of Deputy Director Jordanna Thigpen. I was instructed to assist with the investigation to review and evaluate Mr. Ellassali's role in the taxicab industry as a "broker" or "manager" of medallions.

4. I discovered that Mr. Ellassali's network of medallion holders was quite extensive. In conversations with sources and informants in the industry, I believe that Mr. Ellassali is brokering at least twenty-four medallions. Due to resources constraints in our office and my need to finish the annual Proposition K driving requirement audits and the annual color scheme audits, I have stopped investigating Mr. Ellassali, but I believe that we have only scratched the surface of his illegal activities in the San Francisco taxicab industry.

5. Over the course of February 2008, Sgt. Reynolds, Deputy Director Thigpen, and myself interviewed several medallion holders who are allowing Mr. Ellassali to broker or manage their medallions. Those medallion holders included the following individuals: Mostafa Syed, Scott van Leuven, Felix Goldberg, Jamal Tawasha, Anatoly Beliovsky, Yousef Oskoui, Hossein Kousrooze, Jamil Sweidan, Kemal Heishan, Ahmad Mozanffari, and Ronald Brother. Each one submitted voluntarily to an interview and voluntarily submitted declarations. Those declarations are attached to the Complaint.

DECLARATION OF SGT. RON REYNOLDS

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

2. My name is Ron Reynolds, and I am a Sergeant with the San Francisco Police Department Taxi Detail. My business address is 850 Bryant Street, Suite 458, San Francisco, CA 94103 I am employed at the Taxi Detail as Officer-in-Charge, a position I have held since November 2006. In that capacity, I have responsibility for motor vehicles for hire and all associated permits, such as medallion permits, in the City and County of San Francisco.

3. My office received a complaint that Medallion # 899 was being managed or brokered by an individual alleged to be managing or brokering two dozen medallion permits. Brokering or managing medallions is a violation of the triple-layer lease rule contained in the *Taxicab/Ramped Taxi Rules & Regulations* and in my experience, brokering or leasing results in other rule violations such as overcharging of gate fees, shift-changing off property, and other problems. Therefore, I decided to investigate the complaint for Medallion # 899.

4. On January 31, 2008, I went to Royal Cab and interviewed drivers and office personnel at Royal's premises. Cab # 899 was sitting on the lot, out of service for a blown engine. However, Spare Cab # 2318 was out and had apparently been used as a substitute for weeks without notification to the taxi Commission or the Taxi Detail. No driver I interviewed at Royal's premises could recall seeing Cab # 2318 or a driver for that vehicle or Cab # 899 in weeks. Apparently, the drivers and the cab had not been shift-changing for Cab # 2318 on property. I asked for waybills for Cab # 899 or Cab # 2318 and no waybills were available since none had been turned into the business office since the end of November 2007.

1 5. On February 1, 2008, I interviewed Jamil Sweidan, a medallion holder with Royal. I
2 informed him that I had a complaint regarding his medallion, that it was being illegally brokered
3 or managed by Mr. Driss Ellassali. During that conversation, Mr. Sweidan admitted to me that he
4 was not driving his medallion and was in violation of the full-time driving requirement.

5
6 6. Mr. Sweidan also admitted to me that Mr. Ellassali was in fact brokering his medallion for
7 Him by hiring drivers. Mr. Sweidan stated that he did not have a written contract with Mr.
8 Ellassali, that he did not know Mr. Ellassali's last name, that he occasionally drove other cabs
9 since his was occupied by drivers that Mr. Ellassali obtained for him and placed in his vehicle to
10 drive it, and that he had no idea he was violating the rules. He also stated that he (Mr. Sweidan)
11 drove a spare cab for months at a time, when he did drive.

12
13 7. I have reviewed the declaration that Mr. Sweidan gave to the Taxi Commission, based on
14 a subsequent interview he gave to Investigator Scott Leon. Based on my review of that
15 declaration, it is my belief that Mr. Sweidan gave inconsistent statements to Investigator Leon
16 and myself, because Mr. Sweidan admitted to me that he had been contracting with Mr. Ellassali
17 for over a year and knew that Mr. Ellassali was managing the medallion, while he told
18 Investigator Leon that he was "confused" about who was managing his medallion.

19
20 8. On February 1, 2008, I also interviewed Mr. Ellassali himself, because he came with Mr.
21 Sweidan to the interview to represent Mr. Sweidan's interests. Like Mr. Sweidan, Mr. Ellassali
22 voluntarily came into Taxi Detail to answer questions; he was not requested to be at the interview
23 for Mr. Sweidan.

24
25 9. I asked Mr. Ellassali if he was brokering Medallion #899, held by Mr. Sweidan, to which
26 he responded "no" – despite the fact that Mr. Sweidan had already informed me moments before
27 that Mr. Ellassali was, in fact, brokering # 899. I also asked him if he was leasing #899, to which
28 he responded "whatever he [Mr. Sweidan] told you, it's fine." He made what I believe to be false

Mar. 10. 2008 11:50AM

TAXI COMMISSION

No. 3551

P. 4/4

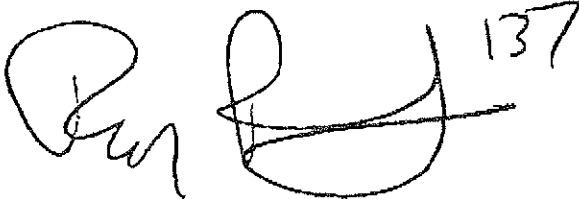
1 statements regarding the submission of waybills, and what I believe to be false statements
2 involving the drivers operating # 899 and # 2318. He also made what I believe to be false
3 statements regarding the use of particular cabs and whether they were shift-changing on the
4 property.

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6 10. In the course of the interview he finally conceded that he has his "friends" drive taxicab
7 vehicles. He claimed that he "helps a big community of people, no one helps them when they
8 come here but I do" and stated that he helps 2,000 people. He stated "I know Gavin Newsom, I
9 know Jordanna [Thigpen]," to imply that he would have these two public officials use their
10 official position to help him if he was in trouble, and to intimidate a Sergeant of the San
11 Francisco Police Department who was performing his official duties.

12
13 11. After being interrogated, Mr. Ellassali finally conceded that he was leasing/brokering
14 medallions, but he stated that he was only leasing/brokering three medallions. I believe this to be
15 an untrue statement based on my review of the other declarations in this matter from other
16 medallion holders that he is brokering.

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

Signed:

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Date: 3/11/08

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23 Ron Reynolds
24 Sergeant, Officer-in-Charge, Taxi Detail
25 San Francisco Police Department

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27
28 Executed in San Francisco, California

DECLARATION OF MOSTAFA SYED

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

2. My name is Mostafa Syed. I reside at 1068 Crestwood Drive, South San Francisco, CA 94080.

3. I have been a taxi driver in San Francisco since 1988. I hold medallion permit #179 and presently drive full time for Luxor Cab.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about 1998 in the taxi lot of the San Francisco International Airport (SFO). By word of mouth and recommendation from other medallion holders, I was told that Mr. Ellassali was someone who helps manages medallion and he offers to pay more money than the color schemes pay the medallion holders.

5. On or about the second week of October 2007 I was scheduled to leave the country to travel to Bangladesh to seek medical treatment for my heart condition. I needed someone to manage my medallion for the period I was gone, otherwise there would be financial hardship for my family.

6. Mr. Ellassali offered to manage my medallion until I returned back from Bangladesh on December 30 2007. On or about the first week of October 2007 I accepted Mr. Ellassali's offer to manage my medallion, including hiring drivers, paying the insurance and taking care of the maintenance for the vehicle.

7. On or about first week of October 2007 I informed Mr. Tom Stangellini that I would contract with Mr. Ellassali to manage my medallion. Mr. Stangellini gave me the approval without any comments or objections.

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1 8. Based on our agreement Mr. Ellassali offered to pay me \$2,700 per month in cash while I
2 pay him the Luxor gate fees during the shifts I drive. Mr. Ellassali also agreed to handle the
3 maintenance for the vehicle, and pay for the color scheme and insurance fees to Luxor.

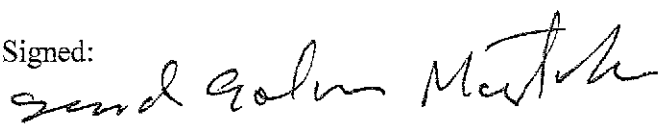
4 9. Mr. Ellassali continued to manage my medallion after I returned from Bangladesh on January
5 1, 2008. I receive my cash transactions at least once per month in various places, such as my
6 house, at SFO, or during shift changes at Luxor.

7 10. I chose Mr. Ellassali to manage my medallion because he was able to help me financially
8 while I was away from the country. I have no knowledge that I have violated any taxi rules or
9 regulations, and it is my intention to fully cooperate with the Taxi Commission at all times during
10 this investigation.

11 11. I declare under penalty of perjury under the laws of the State of California that the
12 foregoing is true and correct.

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14 Signed:

Date: 02-27-08

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16 Executed in San Francisco, California
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DECLARATION OF SCOTT VAN LEUVEN

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

2. My name is Scott Van Leuven. I reside at 2378 Saint Francis Drake #6, Fairfax, CA 94930.

3. I have been a taxi driver in San Francisco since 1972. I hold medallion permit #675 and presently drive full time for Luxor Cab.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about January 2007 through Mr. John Lazar at Luxor. I informed Mr. Lazar that wanted a better deal for the management of my medallion, or otherwise I would go somewhere else. Rather than see me leave Luxor, Mr. Lazar just told me to contact Mr. Ellassali.

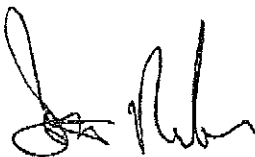
5. On or about January 2007 I telephoned Mr. Ellassali he made an offer to manage my medallion, which I accepted. Based on a verbal agreement without a written contract, Mr. Ellassali agreed to pay me \$2500 per month in cash while he covers the maintenance, permit and insurance fees to Luxor.

6. I have been receiving my cash payments from January 2007 until the present time. I receive my payment once a month and it is delivered to me during shift changes.

7. I chose Mr. Ellassali to manage my medallion by recommendation of Mr. Lazar at Luxor and simply because Mr. Ellassali offers to pay more than the color schemes. I have no knowledge that I have violated any taxi rules or regulation, and it is my intention to fully cooperate with the Taxi Commission at all times during this investigation.

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

Signed:



Date:

2 - 27 - 08

Executed in San Francisco, California

DECLARATION OF FELIX GOLDBERG

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

2. My name is Felix Goldberg. I reside at 2079 Morello Ave., Pleasant Hill, CA 94523.

3. I have been a taxi driver in San Francisco since 1980. I hold medallion permit #841 and presently drive full time for Luxor Cab.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about May 2007 at the taxi lot of the San Francisco International Airport (SFO). By word of mouth and recommendation from other medallion holders, I was told that Mr. Ellassali was someone who helps manage medallions with additional incentives.

5. On or about May 2007 my taxi vehicle was having a lot of maintenance issues and it eventually broke down beyond repair. I needed a new vehicle and I was informed by other permit holders that Mr. Ellassali own several vehicles with Yellow and Luxor.

6. Since I did not have a lot of cash to purchase a new vehicle, I approached Mr. Ellassali for help on or about May 2007. At first Mr. Ellassali offered me to lease one of his vehicles for \$80 per shift, a 2003 Ford Taurus, License #7Z60048, VIN # 1FAFP55S03G250739. As part of our agreement, Mr. Ellassali agreed to pay me \$1800 per month in cash for the monthly fees I collect from my medallion and I would pay him \$80 per shift for the leasing of his vehicle. As an additional incentive, Mr. Ellassali also agreed to handle all my maintenance costs, cover my permit and insurance fees to Luxor, and provide me with a flexible driving schedule.

7. On or about May 2007 I informed Tom Stangellini that I would be leaving Luxor and contract with Mr. Ellassali to manage my medallion. Mr. Stangellini provided the approval without any objections.

8. I have been receiving my cash payments from May 2007 until the present time. I receive my payment once a month and it is delivered to me during shift changes at Luxor.

1 9. On or about July 2007 Mr. Ellassali issued a non-sufficient check to Luxor in the
2 amount of \$1300 to pay for my permit and insurance fees. Because of Mr. Ellassali's bad check, I
3 temporarily lost access to my company's dispatch service for that month. This incident occurred
4 again in August 2007 when Mr. Ellassali issued another bad check to Luxor, resulting in further lost
5 of my taxi wages.

6 10. On or about December 2007, I told Mr. Ellassali that I was not satisfied with the
7 management of my medallion because he was not paying on time with the color scheme, insurance
8 and workers compensation fees. We made an agreement that I would purchase the vehicle from Mr.
9 Ellassali for \$4,000. I told Mr. Ellassali that once I finish paying off the vehicle I will continue to
10 manage my own medallion. I already paid Mr. Ellassali \$1,500, so I still owe him a remaining
11 balance of \$2,500 as of today.

12 11. I chose Mr. Ellassali to manage my medallion because I did not have a lot of cash and I needed
13 a vehicle to drive. Mr. Ellassali provided me with a flexible schedule when I can start driving at
14 3pm. I have no knowledge that I have violated any taxi rules or regulation, and it is my intention to
15 fully cooperate with the Taxi Commission at all times during this investigation.

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

18
19 Signed:

Felix Goldberg

Date:

02/26/08

20 Executed in San Francisco, California
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DECLARATION OF JAMAL TAWASHA

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

2. My name is Jamal Tawasha. I reside at 244 Dennis Drive, Daly City, CA 94015.

3. I have been a taxi driver in San Francisco since 1987. I am a new medallion permit holder #1315 and presently drive full time for Luxor Cab.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about 2001 when we waited together in the taxi lot of the San Francisco International Airport (SFO). Prior to receiving my new medallion, Mr. Ellassali had offered to sell me his hybrid vehicle to use as my taxi.

5. On December 1, 2007 I purchased Mr. Ellassali's 2005 Ford Escort, an alternate fuel only vehicle, in the amount eighteen thousand USD (\$18k). The Ford Escort's vehicle license plate number is #8JI7267, and the vehicle's identification (VIN) is #1FMCU95H1KB86725.

6. Since I owe money to Mr. Ellassali for the purchase of this vehicle, he offered to manage my medallion along with an opportunity to finance the vehicle. In other words, I reimburse Mr. Ellassali back through the monthly fees I collect from my medallion.

7. On or about December 12, 2007, I accepted Mr. Ellassali's offer to manage my medallion. Based on a verbal agreement without a written contract, Mr. Ellassali agreed to pay me \$1,800 per month in cash while he hires my drivers and takes care of my permit and insurance fees to Luxor.

8. When I began contracting with Mr. Ellassali to manage my medallion, the managers at Luxor Cab already knew of my situation and did not say anything to me.

9. I have been receiving my cash transactions from January 2008 until the present time. I receive my payment once a month and it is delivered to me during shift changes at Luxor.

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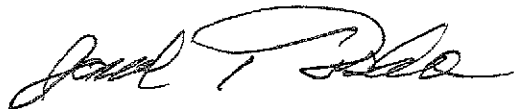
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1 10. I chose Mr. Ellassali to manage my medallion only by word of mouth and recommendation
2 of other people. As a new permit holder I do not want to take any chances or do anything that
3 could jeopardize loosing my medallion. I have no knowledge that I have violated any taxi rules or
4 regulation, and it is my intention to fully cooperate with the Taxi Commission at all times during
5 this investigation.

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

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10 Signed:



Date: 2/22/08

11 Executed in San Francisco, California
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DECLARATION OF ANATOLY BELIOVSKY

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

2. My name is Anatoly Beliovksy. I reside at 179 20th Avenue Apt 2, San Francisco, CA 94121.

3. I have been a taxi driver in San Francisco since 1991. I hold medallion permit #1276 and presently drive full time at Luxor Cab.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about August 2007 when we waited together in the taxi lot of the San Francisco International Airport (SFO). By word of mouth and recommendation from other medallion holders, I was told that Mr. Ellassali was someone who helps manage other people's medallion with hassle free incentives.

5. On September 1, 2007, I approached Mr. Ellassali and accepted his offer to manage my medallion. Based on a verbal agreement without a written contract, Mr. Ellassali agreed to pay me \$1800 per month in cash while he takes care of my maintenance of my vehicle and also covers the permit and insurance fees to Luxor.

6. On September 1, 2007 when I began contracting with Ellassali, the managers at Luxor already knew that I was affiliated with Mr. Ellassali and they chose not to get involved.

7. I have been receiving my cash transactions from September 1, 2007 until the present time. I receive my payment once a month and it is delivered directly to me during shift changes.

8. Starting next month in March 2008, Mr. Ellassali will begin paying me \$1,800 per month minus the gate fees because I will be driving additional shifts of at least three (3) nights out of the week.

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1 9. I chose Mr. Ellassali to manage my medallion because it provides me the opportunity to do
2 less work and spend more time with my family. I don't have deal with the headaches of managing
3 my drivers or deal with unexpected maintenance issues. I have no knowledge that I have violated
4 any taxi rules or regulation, and it is my intention to fully cooperate with the Taxi Commission at all
5 times during this investigation.

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

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10 Signed:

A. Belilovsky

Date:

02/22/08

11 Executed in San Francisco, California
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2. My name is Yousef Oskoui. I reside at 4139 Snow Bank Court, San Jose, CA 95135.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about August 2006 when I left Luxor and started driving for Yellow. By word of mouth and recommendation from other medallion holders, I was told that Mr. Ellassali was someone who helps manage other people's medallion and he offers to pay more money than the color schemes.

6. On or about August 2006 when I began contracting with Mr. Essali, the managers at Yellow already knew that I was affiliated with Mr. Essali and they chose not to get involved.

8. I chose Mr. Ellassali to manage my medallion out of convenience with additional financial incentives. I have no knowledge that I have violated any taxi rules or regulation, and it is my intention to fully cooperate with the Taxi Commission at all times during this investigation.

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

Young Pharm

Date: 2/21/08

Executed in San Francisco, California

DECLARATION OF HOSSEIN KHOUSROOZE

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

2. My name is Hossein Khoussrooze. I reside at 1288 East Hillsdale Blvd #B105, Foster City, CA 94404.

3. I have been a taxi driver in San Francisco since 1989. I hold medallion permit #981 and presently drive full time for Yellow Cab Cooperative.

4. I first became acquainted with Driss Ellassali, aka Driss "Kiki" Ellassali, on or about 2004 when I left Luxor and started driving for Yellow. By word of mouth and recommendation from other medallion holders, I was told that Mr. Ellassali was someone who helps manage other people's medallion and he offers to pay more money than the color schemes.

5. Because my family and I live in Foster City, it was a hassle for me to always come out to San Francisco when I am not driving. I would have to deal with maintenance issues of my vehicle and take care of unexpected accidents in the middle of the night.

6. On or about December 2005, I approached Mr. Ellassali and accepted his offer to manage my medallion. Based on a verbal agreement without a written contract, Mr. Ellassali agreed to pay me \$2500 per month in cash while he pays \$850 per month to Yellow to cover the permit in fees and insurance fees for \$700 per month.

7. On or about December 2005 when I began contracting with Mr. Ellassali, the managers at Yellow already knew of my situation and did not say anything to me.

8. I have been receiving my cash transactions from December 2005 until the present time. I receive my payment once a month and it is delivered directly to my house.

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1 10. I chose Mr. Essali to manage my medallion because it provides me the opportunity to do
2 less work and spend more time with my family. I don't have to worry about covering my night
3 shifts and I did not have to deal with unexpected maintenance issues during my time off. I have no
4 knowledge that I have violated any taxi rules or regulation, and it is my intention to fully cooperate
5 with the Taxi Commission at all times during this investigation.

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

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10 Signed:



Date:

2 - 20 - 08

11 Executed in San Francisco, California
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DECLARATION OF JAMIL SWEIDAN

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

2. My name is Jamil Sweidan, currently residing at 2470 Erin Place, South San Francisco, CA 94080.

3. I have been a taxi driver in San Francisco since 1979. I hold medallion permit #899 and presently driving for Royal Taxi.

4. I first became acquainted with Driss Essali, aka Driss "Kiki" Essali, on or about May 2006 when I was driving for Royal Taxi. Since I see Mr. Essali during my shift changes, I thought Mr. Essali was just a driver for my medallion permit at Royal Taxi. I am aware that Mr. Essali is also managing other medallion permits, but I do not know any of the specifics.

5. Due to my confusion I initially thought Royal Taxi was managing my medallion, but in fact it is Mr. Essali who is managing it because he pays the medallion fees and arranges driver to operate the vehicle.

6. I have since realized Mr. Essali has been managing my medallion for the past year and a half. I receive \$1800 per month in cash, and Mr. Essali pays \$1420 per month to cover color scheme and insurance fees to Royal Taxi.

7. I have been receiving my cash payments on or about July 2006 until the present time and my payments are delivered to my house. Since I receive my payments every month, I did not suspect there was anything wrong with my medallion permit or how it was managed.

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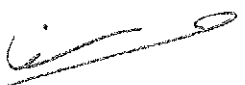
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1 8. I have no knowledge that I have violated any taxi rules or regulation, and it is my intention
2 to fully cooperate with the Taxi Commission at all times during this investigation.

3 9. I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

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7 Signed: 

Date: 2.13.08

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9 Executed in San Francisco, California
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DECLARATION OF RONALD BROTHER

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

2. My name is Ronald Brother, and I reside at 1390 Market St. Apt #1426, San Francisco, CA 94102.

3. I have been a taxi driver in San Francisco since 1978. I hold medallion permit holder #349 and presently drive for Yellow Cab Cooperative.

4. I first became acquainted with Driss Essai, aka Driss "Kiki" Essali, back in February 2007 when I was driving for Yellow. From recommendations of other medallion holders, I was informed that Mr. Essali pays more money managing my medallion than any color scheme would.

5. On 9/26/2007 I had a quadruple bypass surgery which affected my ability to fulfill my full time driving requirement. On 12/26/2007 I applied for an ADA Accommodation with the SF Taxi Commission because I am presently not driving at this time.

6. On or about April 2007 I informed Jim Gillespie that I would be leaving Yellow and contract with Mr. Essali to manage my medallion. Jim Gillespie made no comment about me leaving Yellow and provided me the approval without any objections.

7. On or about April 2007, I approached Mr. Essali and I accepted his offer. Mr. Essali promised to make my job easier and said he would handle everything from hiring all my drivers, collecting my gate fees, and purchasing my insurance.

8. Based on verbal agreement I collect \$3000 per month from Mr. Essali when I am not driving or \$2500 per month when I am driving. No written contract was ever created between me and Mr. Essali. I receive my payments in cash once a month and delivered by a night driver coming to my house.

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1 9. I have been receiving my payments from Mr. Essali on or about April 2007 until the present
2 time.

3 10. I have no knowledge that I have violated any taxi rules or regulation, and it is my intention
4 to fully cooperate with the Taxi Commission at all times during this investigation.

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

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9 Signed:



Date: 2-13-2008

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11 Executed in San Francisco, California
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DECLARATION OF RICHARD HYBELS

1. I am over the age of 18, a citizen of the United States, and I am not a party to this action. If called to testify to the facts below I could competently testify thereto.

2. My name is Richard Hybels and I am the President and Owner of Metro Cab, a permitted color scheme in San Francisco. I first became acquainted with Driss "Kiki" Ellassali when I was working at National Cab as the General Manager. In 2001, Mr. Ellassali came to National with another driver. He stated that he and the other driver wanted to lease a medallion. I leased a medallion to him. I do not remember who signed the contract at that time, but Mr. Ellassali was not a National driver before that time. After the lease was signed, I never saw Mr. Ellassali again at National but was too busy to look into the reasons.

3. The next time I saw him was in February 2006. One of my long term lease holders wanted to give up his long term lease on medallion # 60. He brought a woman in with him to take over his lease. Normally I don't allow the lessee to choose someone to take over a long term lease, to prevent the "selling" of a lease by subterfuge. I have found that individuals misrepresent the status of the future lessees in exchange for cash. For example, some individuals have represented that a proposed lessee is a "partner" or "brother" when in reality it is a business deal, and the original lessee eventually disappears. In the case of Medallion # 60, I made an exception this time because the outgoing lessee had some personal problems and I was trying to help him out. I had never seen the woman before, and she was not a driver with my company. I told her that she had to drive the vehicle full time because the owner of the vehicle tends to have fewer accidents than substitute drivers.

4. It quickly came to my attention that she was Mr. Ellassali's wife, which she confirmed. On February 15, 2006 very first night the car was out on the streets, her driver had a \$60,000 accident on my insurance. Shortly after the accident, she told me had bought a used Town Taxi to substitute for the wrecked vehicle. I informed her that since the GTU stickers (airport decals) were already off, and the vehicle had more than 60,000 miles on it, it could not be re-used as a taxicab vehicle.

1 5. A few days later I was shocked to see a fully outfitted Metro Cab parked in front of Luxor
2 Cab as I drove by Luxor's business premises. Mr. Ellassali was placing the numbers and name on
3 with decals. I went over to him and asked what he was doing and told him he could not use that
4 vehicle as a taxicab because it was a used vehicle that could not be issued new airport decals. Later,
5 the Ground Transportation Unit allowed Mr. Ellassali to use the vehicle and gave him airport decals
6 for the vehicle even though it had already been taken out of service.

7
8 6. Because the lessee had misrepresented her intentions, bounced checks and because I was
9 aware that her drivers were being mistreated in a number of ways canceled the lease on or about
10 May 1, 2006.

11
12 7. On or about November 28, 2006, one of my drivers named David Reeder was involved in
13 two accidents in one day. I terminated Mr. Reeder and I told colleagues in the industry what had
14 happened and to be on the lookout for him. Approximately three days later, someone told me that
15 Mr. Reeder was driving a Yellow Cab for "Kiki." I contacted Yellow Cab and was informed that
16 he was not driving there, and that the medallion holder was driving the particular vehicle at issue. A
17 few days after that someone called me to tell me that Mr. Reeder was at Luxor Cab getting the
18 vehicle repaired. I went down to Luxor and Mr. Reeder was logged in using the medallion holder's
19 identification. Jim Gillespie of Yellow Cab came down to Luxor and seized the medallion so that
20 Mr. Reeder could not operate the vehicle.

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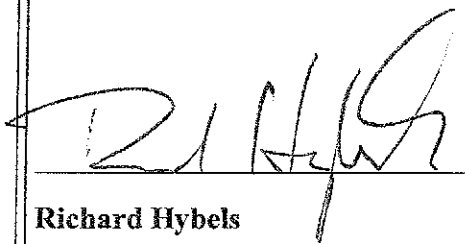
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1 8. On February 5, 2008, I spoke with a driver who informed me that he drove for Mr. Ellassali
2 for five days in a hybrid vehicle. Mr. Ellassali charged him gates as follows: Monday, \$125;
3 Tuesday, \$130; Wednesday, \$140; Friday, \$150. These gates are illegal because Mr. Ellassali does
4 not have a color scheme permit, and also because the gates are in violation of the current gate cap.

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6 9. I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct.
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13 **Richard Hybels**

14 **President/Owner, Metro Cab**

2.7.08

Date

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16 **Executed in San Francisco, California**
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DECLARATION OF KAMAL HEISHAN

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

2. My name is Kamal Heishan, currently residing at 3709 Palos Verdes Way, South San Francisco, CA 94080.

3. I have been a taxi driver in San Francisco since 1981. I am medallion permit holder #892 and presently driving full time at least 5 days per week for Yellow Cab Cooperative.

4. Prior to meeting Driss Essali, aka Driss "Kiki" Essali, I used to manage my own permit. Eventually it became burdensome for me to cover one of my driver's shifts due to attendance problems or have to deal with maintenance issues with my cab.

5. I first became acquainted with Mr. Essali, on or about June 2007 when I was driving for Yellow. By recommendations of other medallion holders, I was informed he would manage my medallion.

6. On or about June 2007 I had approached Mr. Essali and accepted his offer to manage my medallion as long as meet my full driving requirements of 800 hour shifts. Mr. Essali said he could provide additional incentives and would promised to take care all of my drivers' shifts, including paying for my color scheme permit fees and all of my insurance expenses.

8. Based on verbal agreement I collect \$1800 per month from Mr. Essali when I am driving. No written contract was ever created between me and Mr. Essali. I receive my payments in cash every month, and it is delivered during shift changes.

9. I have been receiving these cash transactions since approximately June 2007 until the present time.

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1 10. I chose Mr. Essali to manage my medallion because it provided me the opportunity to spend
2 more time with my family and alleviated the stress and hassle of always coming out
3 the City all the time. I have no knowledge that I have violated any taxi rules or regulations, and it is
4 my intention to fully cooperate with the Taxi Commission at all times during this investigation.

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

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9 Signed:

Kamal v. L. L.

Date: 2 - 12 - 08

10 Executed in San Francisco, California
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DECLARATION OF JOHN LAZAR

1
2
3 1. I am over the age of 18, a citizen of the United States, and I am not a party to this action. If
4 called to testify to the facts below I could competently testify thereto.

5
6 2. My name is John Lazar and I am the President of Luxor Cab. I have been employed in that
7 capacity for 12 years. I have been working in the San Francisco taxicab industry off and on since
8 1960 and am knowledgeable about all aspects of operating a taxicab color scheme in the City and
9 County of San Francisco. I oversee all operations of Luxor Cab including employees, dispatch,
10 drivers, medallion holders, and general administration of the company. Each year, I pay the City
11 and County of San Francisco an annual permit fee to obtain my "color scheme permit." My permit
12 fee is based on the size of my company. This year, Luxor paid \$2,716 for the permit because Luxor
13 has more than 50 medallions. In fact, at this time Luxor has 204 medallions. Luxor also maintains
14 its own dispatch system and every medallion at the color scheme "Luxor Cab" affiliates with
15 "Luxor Dispatch."

16
17 3. **Attracting and Retaining Medallion Holders:** There are many duties involved in running
18 a successful San Francisco taxicab color scheme. The first duty is to attract and retain medallion
19 holders. There are two types of medallion holders – "pre-K" and "post-K." These designations
20 reference the date at which a medallion holder first received a medallion permit. "Pre-K" medallion
21 holders first received a permit prior to 1978 and have renewed it annually since that time. "Post-K"
22 medallion holders first received a permit after 1978. To attract medallion holders, like all color
23 schemes, Luxor offers a financial incentive for affiliating with our company, which is permitted
24 under the *Taxicab/Ramped Taxi Rules & Regulations*. It is increasingly difficult to retain medallion
25 holders because many companies have begun to offer financial incentives for medallion holders
26 who will abandon one color scheme for another.

27
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1 4. **Types of Leasing Arrangements:** As a color scheme, Luxor may only enter into leases
2 with three layers, pursuant to the *Taxicab/Ramped Taxi Rules & Regulations*, Rule 5.K.1. A
3 medallion holder may enter into three types of leases with Luxor depending on whether he is pre-K
4 or post-K. For pre-K medallion holders, these individuals all receive a monthly fee from Luxor and
5 the drivers are on long term leases. For a post-K medallion holder, he may simply "affiliate" with
6 Luxor, in which case he pays Luxor a monthly fee and obtains use of our trade dress for his taxicab
7 vehicle, as well as a radio, dispatch service, and worker's compensation insurance. In those
8 instances the medallion holder is responsible for leasing to individual drivers and obtaining general
9 liability and their own vehicle. Another common arrangement for a post-K medallion holder is to
10 become a "gas and gates" driver for Luxor. He receives a monthly lease fee from Luxor and comes
11 in to drive his taxicab vehicle at specified shifts, paying for gas and paying the gate fees on a per-
12 shift or weekly basis. When he is not driving, Luxor may operate it as a "gas and gates" vehicle for
13 drivers working as "gas and gates" drivers. Because of my knowledge of the industry and the length
14 of time I have been working in it, I know that Luxor's practices as a color scheme with respect to
15 medallion holders are standard throughout the industry.

16
17 5. **Purchasing Vehicles:** For gas and gates vehicles, Luxor purchases vehicles for our drivers.
18 For medallion holders who have affiliated or who have long term leases, the medallion holders
19 purchase vehicles for themselves. Drivers are not allowed to purchase the vehicle or be on the title
20 or registration. Because of my knowledge of the industry and the length of time that I have been
21 working in it, I am aware that such arrangements are common at other color schemes besides Luxor.

22
23 6. **Insurance:** Luxor purchases general liability insurance for gas and gates vehicles, but not
24 for long term leases or for affiliates. Luxor purchases worker's compensation for everyone.

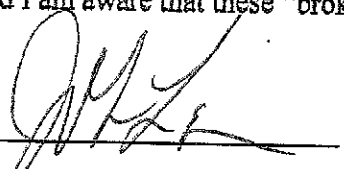
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26 7. **Drivers:** Luxor recruits and retains drivers to work at the company. We ensure that all
27 drivers have A-cards from the City and County of San Francisco and verify that they have a safe
28 driving record with the DMV. We strive to ensure a safe workforce with drivers who have not been

1 involved in accidents or who have problems with customers, and we take complaints very seriously.
2 Having an established business with a permit assists us in our effort to control the drivers for the
3 safety of the public.
4

5 8. **Safety of Vehicles:** Luxor takes public safety and safety of taxicab vehicles very seriously.
6 We have union shops (Teamsters Local 1414) for our mechanics, and we ensure that all vehicles are
7 repaired if there are problems. We are required to maintain certain standards for taxicab vehicles by
8 the *Rules & Regulations* and to be inspected by the Ground Transportation Unit at San Francisco
9 International Airport.
10

11 9. **Administration:** Luxor also maintains all business records associated with running a color
12 scheme company. The *Rules & Regulations* require us to maintain certain records, such as waybills,
13 and to provide receipts to drivers if requested. We have an office staff and regular employees who
14 work full-time to perform these duties. We also have cashiers to handle the gate payments and
15 perform other duties as necessary. We pay payroll taxes to the City and County of San Francisco as
16 well as parking taxes.
17

18 10. I am aware that some individuals are operating illegally in the City and County of San
19 Francisco as "brokers" or "managers" of medallions. I am aware of Mr. Driss "Kiki" Ellassali
20 because he brokers several Luxor medallions. I believe that individuals operating as "brokers" or
21 "managers" are illegally operating like a color scheme because they are performing similar duties,
22 and I am aware that these "brokers" are not paying a color scheme permit fee to the City.
23

24 
25 John Lazar, President, Luxor Cab

26 Executed in San Francisco, California
27
28

3-9-08
Date

DECLARATION OF DMITRY ERENKOV

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

2. My name is Dmitry Erenkov, and my business address is 3450 Geary Blvd. Suite 100, San Francisco, CA 94118. I am an insurance broker with my own firm, Dmitry Erenkov Insurance Agency. In that capacity, and as part of my regular duties, I obtain liability, worker's compensation, and physical damage insurance policies for taxicab companies in San Francisco. At this time I have approximately 400 medallions participating in a group liability policy through agency. Deputy Director Jordanna Thigpen enumerated several medallions to me and I confirmed that some of them are covered in my current automobile liability policy, but not all of them.

3. When there is an accident involving a taxicab vehicle, I require that all accidents are reported in a timely manner. Even though claims can be reported directly to the insurance company, I ask all the drivers to report claims to my office.

4. I am aware of an accident involving Mr. Driss "Kiki" Ellassali, a taxicab driver. This accident occurred on or about late 2005. At that time Mr. Ellassali was driving for United Cab. He struck a motorcycle police officer, who I understood was on duty at the time for the San Francisco Police Department and assigned to the Airport. He struck the officer from behind, presumably causing damage and injury. He never reported the accident to me and I only found out six months later when the officer served a summons and complaint at United Cab. He then reported the accident to me.

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Mar. 18. 2008 4:34PM TAXI COMMISSION

S F I T A
No. 3741 P. 2

1 5. After the accident, the insurance company excluded Mr. Ellassali from the list of drivers on
2 the policy I obtain for San Francisco taxicab vehicles because he did not report the accident.
3 Consequently, Mr. Ellassali is not listed on our scheduled list of insured drivers.
4

5 6. Deputy Director Jordanna Thigpen telephoned me to inquire about the accident and Mr.
6 Ellassali generally and I have reviewed this declaration for accuracy of my statements to her.
7

8 7. I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

Signed:

Date:

3/18/08

Dmitry Erenkov

Owner

Dmitry Erenkov Insurance Agency

Executed in San Francisco, California