

Agenda: Item 8

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

1 TAXI COMMISSION

2 CITY AND COUNTY OF SAN FRANCISCO

3 ADMINSTRATIVE HEARING DECISION

4 Hearing Officer: Julie Rosenberg, Esq.

5 Hearing Date: November 14, 2008

6 #1 Dr. Carlton B. Goodlett Place, SF, CA 94121, Room 408

7 Case: Amine Benchekor

8 Type of Permit: A-Card Permit #59292

9 I. Summary Suspension of Mr. Benchekor's A-Card

10 Mr. Amine Benchekor has held an A-Card Permit since June
11 2004. On October 10, 2008, the Taxi Commission ("Commission")
12 summarily suspended the permit because Commission staff believed
13 that Mr. Benchekor posed a threat to public health and safety.
14 Municipal Police Code ("MPC") Section 1090(c) states, in part:
15 "The Chief of Police may suspend summarily any permit issued
16 under this Article pending a disciplinary hearing before the
17 Police Commission when in the opinion of said Chief of Police
18 the public health or safety requires such summary suspension."

19 II. Facts

20 The Commission believes that a summary suspension is
21 warranted because Mr. Benchekor allegedly did the following:
22 (1) made a threatening statement to the management of Luxor Cab;
23 (2) drove in an unsafe and reckless manner, and (3) had a
24 physical altercation with another taxi driver.

25 a. Statement made at Luxor Cab.

26 The Assistant Manager of Luxor Cab, Mr. Charles
27 Rathbone, stated that Mr. Benchekor made a threatening
28 statement to the Luxor management. See Exhibit A,
Declaration of Charles Rathbone.

1 Although Mr. Benchekor has a long-term lease with Yellow
2 Cab, he agreed to cover a one-day shift for a Luxor driver
3 who was going out of the country. In order to work the
4 shift, Mr. Benchekor had to apply for the position and get
5 approval from Luxor's insurance company. On September 8,
6 2008, he submitted the necessary paperwork, including a
7 printout of his DMV record for the past three years. Mr.
8 Rathbone, had concerns about the record¹ and asked Mr.
9 Benchekor for his driving history for the last ten years.
10 Mr. Benchekor submitted the requested information on
11 September 9, 2008. Upon seeing the record, Mr. Rathbone,

12 told Mr. Benchekor that it was unlikely he could get
13 insurance coverage, and therefore he could not work at
14 Luxor.² Mr. Benchekor left the office without incident.

15 Apparently, Mr. Benchekor felt uncomfortable with Luxor
16 retaining his records, so on September 22, 2008, he went to
17 the Luxor offices and asked for his paperwork to be
18 returned. Mr. Rathbone informed him that he would keep
19 copies for Luxor's records. Mr. Benchekor insisted that
20 Luxor not retain any documents. According to Mr. Rathbone,
21 Mr. Benchekor became confrontational and an argument ensued
22 which resulted in the owner of Luxor, Tom Stanghellini,
23 being summoned. After the exchange of more heated words,
24 Mr. Benchekor stated, as he was leaving: "It doesn't

25
26 ¹ According to Mr. Rathbone, on the three-year print out, there were three
27 convictions, one was for driving in a HOV lane and one was for an accident
28 which took place in an apartment complex in Walnut Creek. Apparently Mr.
29 Benchekor presented Mr. Rathbone with a letter which exonerated him from
30 fault for the accident.

31 ² Mr. Benchekor's driving record was not presented as a basis for the summary
32 suspension. It is the hearing officer's understanding that the convictions
33 were not for serious violations like reckless or drunk driving.

1 matter, you'll all be dead in 2016 anyway." Mr. Rathbone
2 testified that he did not feel physically threatened by the
3 statement, but felt alarmed. He filed a police report
4 three days later. See Exhibit B.

5 Mr. Benchekor testified that he believed Mr. Rathbone
6 and Mr. Stanghellini were treating him in a humiliating and
7 discriminatory manner because he appears to be of Middle
8 Eastern descent.³ According to Mr. Benchekor, Mr.
9 Stanghellini referred to him as a Pakistani and told him
10 something along the lines of " get the f***k out."⁴ Mr.
11 Benchekor testified that he had stated that they would not
12 be alive in 2060 and that he was not making a threat.
13 The reason for the statement was to show them how
14 unnecessary it was to treat him so badly i.e. human beings
15 have a finite time on this earth.

16 Whether Mr. Benchekor said "2016" or "2060", there is no
17 threat of imminent harm. The statement was made after a
18 heated argument. Furthermore, Mr. Rathbone testified that
19 he did not feel physically threatened and in fact, he did
20 not file the police report until three days after the
21 statement was made.

22
23 **Finding: Mr. Benchekor's statement at Luxor Cab does not**
24 **support a finding that he is a threat to public health and**
25

26
27 ³ Mr. Benchekor is from Morocco in North Africa.

28 ⁴ Mr. Lassaad Venhasshine, a former Luxor driver, testified that Luxor
management treated drivers who were of middle eastern descent or Islamic in a
discriminatory way.

1 safety. Consequently it is not a sufficient basis for the
2 summary suspension of his permit.
3

4 b. 311 Complaint

5 On September 25, 2008, the SF 311 Call Center received a
6 complaint about a cab driven by Mr. Benchekor. See Exhibit
7 C. According to the caller, who was the driver of another
8 car, Mr. Benchekor drove in an aggressive manner by weaving
9 and tailgating. When the caller and Mr. Benchekor's
10 vehicles exited the 101 Freeway at King St. and stopped at
11 the stop light, Mr. Benchekor got out of his cab and tapped
12 on the window of the complaining party. According to Mr.
13 Benchkor, the complaining party stated he was going to call
14 Yellow Cab's manager and then he drove off. At that point,
15 concerned about a complaint, Mr. Benchkor asked his
16 passenger, Mr. Scott Frief, for his name and telephone
17 number.

18 Mr. Frief, who often travels to San Francisco for
19 business, testified by telephone about the incident. Mr.
20 Frief had never met Mr. Benchekor prior to the incident and
21 very credibly testified that the aggressor in this case was
22 the driver of the other vehicle (who is apparently the
23 party who complained to 311). According to Mr. Frief, the
24 other driver cut them off twice coming within inches of the
25 cab and was driving in an extremely unsafe manner. Mr.
26 Frief testified that Mr. Benchekor handled the incident in
27 an appropriate manner and did not become angry.
28

1 Finding: The Commission has not established, by a
2 preponderance of the evidence, that Mr. Benchekor was
3 driving in an unsafe manner on 9/25/08. Consequently, this
4 incident is not a sufficient basis for the summary
5 suspension.

6
7 c. Altercation with another Taxi Driver

8 On May 8, 2008, a dispute arose between Mr. Benchekor
9 and another taxi driver, Mr. Luis Constancio. See Exhibit
10 D, Police Report. Apparently, Mr. Constancio pulled ahead
11 of Mr. Benchekor in the cab line in front of the Hilton
12 Hotel on O'Farrell St. After two passengers entered Mr.
13 Constancio's cab, Mr. Benchekor approached him and said:
14 "What the fuck are you doing? That's my fare." Mr.
15 Benchekor then reached into the cab and knocked off Mr.
16 Constancio's glasses and hat. However, according to Mr.
17 Constancio, Mr. Benchekor hit him in the face. Mr.
18 Constancio got out of his cab and punched Mr. Benchekor in
19 the face.

20 Two police officers were walking in the vicinity and were
21 told by a pedestrian about the fight. According to the
22 police report, both parties denied being injured; declined
23 to sign a citizen's arrest form or make a citizen's arrest.
24 Both parties were released at the scene.

25 Sergeant Ron Reynolds of the SF Taxi Detail ("the
26 Detail") testified that based on his reading of the report,
27 Mr. Benchekor was not necessarily the aggressor. Sergeant
28 Reynolds described the parties as "mutual combatants."

1 Mr. Benchekor testified that Mr. Constancio made an ugly
2 comment about his mother which incited Mr. Benchekor's
3 anger.⁵

4 Although it is troubling that Mr. Benchekor engaged in a
5 physical altercation after swearing at Mr. Constancio, it does
6 not necessarily mean he is a threat to public health and safety.
7 No arrests were made and the altercation was considered mutually
8 combative by the Detail.

9
10 **Finding:** The altercation in front of the Hilton Hotel is
11 not a sufficient basis for the summary suspension.

12
13 **III. Other Evidence Supporting Mr. Benchekor**

14 a. Exhibit E has been redacted

15 "Confidential - Do Not Disclose."

16
17
18 t
19
20 b. Letter, dated November 5, 2008, from the Vice President
21 of Yellow Cab Company.

22 Mr. Nicholas Olson, Vice President of Yellow Cab, stated
23 that he considered Mr. Benchekor to be his peer and fellow
24 professional. He believes Mr. Benchekor is responsible and
25

26
27 ⁵ The police report states that Mr. Benchekor told the officers he became
angry because his mother had recently died.

28 ⁶ According to Dr. Chandra, Mr. Benchekor "has suffered from depression and
anxiety, exacerbated by the death of his mother last year and separation from
his wife and children due to visa issues."

1 upright and he has never seen him try to force others to
2 agree with him. See Exhibit E.

3 c. Letter from Communication Manager of Yellow Cab.

4 Mr. Lucky Walker, who is in charge of dispatch at Yellow
5 Cab, submitted a letter in support of Mr. Benchekor. Mr.
6 Walker stated that he has known him for seven or eight
7 years and he has always been "a perfect gentleman in his
8 demeanor and his comportment." Mr. Walker has never
9 received any complaints about Mr. Benchekor, and believes
10 he drives "safely and professionally." See Exhibit E.

11
12 **IV. Recommendation**

13 The Commission has not established, by a preponderance of
14 the evidence, that Mr. Benchekor is a threat to public health
15 and safety or has driven in an unsafe manner. Consequently, the
16 hearing officer recommends that the summary suspension of his
17 permit be lifted.

18
19
20
21
22
23
24
25 Julie Rosenberg
26 Julie Rosenberg, Esq

11/17/08
Date

27
28 Hearing Officer

EXHIBIT A

DECLARATION OF CHARLES RATHBONE

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 Charles Rathbone. I am an assistant manager in the operations department of Luxor Cab, a permitted color scheme in San Francisco. My duties include screening applicants in cooperation with my supervisor, Tom Stanghellini.

3. My first contact with Amine Benchekor was on or about September 8, 2008. At that time, Mr. Benchekor applied for a driver position at Luxor Cab. He was referred to me by one of our taxicab owner-operators who wanted to hire Mr. Benchekor as a driver for his cab. Part of the hiring process is for the new driver to be approved for coverage under Luxor's liability insurance policy.

4. As is our usual procedure, I asked Mr. Benchekor to fill out a one-page questionnaire, which he did. The form has spaces for name, telephone number, driver license number, taxi driver badge number, and similar information. He also provided at my request a print-out of his DMV driving record along with his driver license and taxi driver A-card. I made photocopies of these documents in his presence and returned the originals to him.

5. My assessment was that Mr. Benchekor would not be approved by our insurer due to multiple items that appear on his DMV print-out. My supervisor agreed, but Mr. Benchekor insisted that the adverse items could all be explained. He produced a letter which he said exonerated him with regards to one of the incidents. In order to resolve our concerns about his driving record, we suggested that he go back to DMV and obtain a ten-year print-out in addition to the standard three-year print-out that he had already given to us.

6. On or about the following day, September 9, Mr. Benchekor returned with the ten-year print-out. A review of that document confirmed our concerns about his driving record and we

1 advised him that he would not be allowed to drive a Luxor Cab. He departed without incident,
2 leaving the original of his ten-year print-out with me. I stapled it together with the other documents
3 and placed them in a file of recently declined applicants.

4
5 7. A week or ten days later, Mr. Benchehor came back to my office and requested that I return
6 his paperwork. I retrieved the documents from a drawer and separated the ten-year DMV print-out,
7 which I assumed was what he wanted. At that point, he told me to give him all of the paperwork. I
8 told him that I would return his original DMV print-out to him, but that we would first make and
9 retain a copy of it, and that he could not have the other documents.

10 8. I commenced to making a copy of the ten-year print-out, handing the original pages to him
11 as they came out of the copier. Mr. Benchehor insisted that I could not retain any documents
12 related to him, and that I must give them all to him right now. His manner became loud and
13 confrontational, and disrupted the work of others in the office. I told him to get out of the office. He
14 became even louder and continued to insist that I give him all of the documents.

15
16 9. A co-worker went to the other office and summoned my supervisor for assistance. After a
17 shouting match, Mr. Benchehor departed while calling out to us, "It doesn't matter, you'll all be
18 dead in 2016 anyway." I do not know what he meant by that, but his statement seemed to be a
19 veiled threat to myself and my co-workers. A few days later, on September 25, I went to the police
20 station on Williams Street and made a report of the incident.

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

23 

24 Charles Rathbone
25 Luxor Cab
26 October 20, 2008

27 Executed in San Francisco, California
28

EXHIBIT B

Type Initial

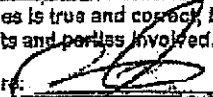
INCIDENT REPORT

081020605

Incident Number 081-020-505	Occurrence From Date/Time 9/22/08 13:00	Occurrence to Date/Time	Reported Date/Time 9/25/08 14:45	CAD Number 082692540
Type of Incident Suspicious Occurrence -64070				
Location of Occurrence 2230 Jerrold Av				
At Intersection with/Premise type Commercial Office				
Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
Domestic Violence? <input type="checkbox"/>			(Type of Weapon Used)	
Reporting Unit 3C00D				
Location Sent Counter Report				
How Cleared?	Reported to Bureau	Name	Star	Date/Time
Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

081020605

I declare under penalty of perjury, this report of 3 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.

PROF 115 CERTIFIED Signature: 

Reporting Officer Luk, Mason M	Star 4678	Station Bayview Station	Watch 1500-0100	Date 9/25/08 21:14:31
Receiving Officer	STAR	Station Bayview Station	Watch	Date
OIC Chris Martinez	STAR	Station Bayview Station	Watch 31/07	Date SEP 26 2008

Related Case: Sergeant #1425 Re-Assigned to: Varies Assigned by: MLJ4578

Copies to: Varies Add'l Copies: MLJ

Code R	Name (Last, First Middle) Rathbone, Charles Patrick	Alias
Day Phone (415)	Home Address Refused	City San Francisco
Night Phone (415)	Work Address 2230 Jerrold Ave	State CA
DOB 59	Age Unk	Zip Code 94124
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>
School (if Juvenile)	Injury/Treatment N/A	Other Information/If Interpreter Needed Specify Language E-mail: charles@luxorcap.com

Code S	Name (Last, First Middle) Benchekor, Amlie	Alias
Day Phone (415)	Home Address Unknown	City San Francisco
Night Phone	Work Address Unknown	State CA
DOB Unknown	Date of Birth Unknown	Zip Code 94109
Age Unknown	or age between and	City
Race A	Sex M	State
Height 5'08	Weight 180	Zip Code
Hair Color BLK	Eye Color BLK	
SFNO	ID# (if Juvi)	
ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
Book Section #1	Book Section #2	Book Section #3
Book Section #4	Book Section #5	Booking Location
Warrant #	Court #	Action #
Dept	Enroute to	CWB Check
Star		
Warrant Violation(s)	Bail	Mirandized <input type="checkbox"/>
Date	Time	Statement <input type="checkbox"/>
Citation #	Violation(s)	Appear Date/Time
Location of Appearance		
Book/Cite Approval	Star	Mass Arrest Code
MX-Rays <input type="checkbox"/>	School (if Juvenile)	CA Form Booked Copy Attached <input type="checkbox"/>
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos		

081020605

PROPERTY LISTINGS

E-	Code/No EVD 1	Item Description Written statement				Brand SFPD	Model 377G	
1	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1 page	Value N/A	
Seized by (Star) 4676		From Where from (R) Rathbone at 201 Williams Ave						
Additional Description/Identifying Numbers Written statement from (R) Rathbone								
	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								
	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								

.081020605

NARRATIVE

On 9/25/08 at approximately 1445 hours, I was working station duty at Bayview Station, (R) Charles P Rathbone came to the counter and reported a suspicious occurrence incident.

Rathbone told me that he is the assistance manager of Luxor Cabs located at 2230 Jerrold Ave. In September 2008, (S) Amine Benchekor applied a taxi driver position with Luxor Cabs and was rejected. Rathbone stated on 9/22/08 at approximately 1300 hours, Benchekor went to his office and asked Rathbone returned all the job application documents with no duplicate copies kept in Luxor Cabs. Rathbone stated he explained to Benchekor that it is the company policy to keep copies of all application on file. Rathbone stated Benchekor became talk loudly and had to be told to leave and he complied. While leaving the office, Benchekor yelled, "Would be dead in 2016 anyway." Rathbone regarded that statement was threatening and came to the station to document the incident. Rathbone stated that Benchekor was not seen since 9/22/08.

I gave Rathbone a Follow-Up Form with a case number, and advised him of the follow-up procedure.

Rathbone wrote a (EVD 1) statement which I seized from Rathbone and booked it into evidence at Co. C.

ADDITIONAL COPIES

SAN FRANCISCO POLICE DEPARTMENT

INCIDENT REPORT STATEMENT

INCIDENT NO. 081020605		PAGE 1 of 1	
NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT RATHBONE, CHARLES P		DOB / AGE - -	RESIDENCE PHONE (DAY / NIGHT) - -
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO		BUSINESS PHONE (DAY / NIGHT) 1915 1401-1422	
DATE OF STATEMENT 9-25-08	TIME STARTED 1445	TIME COMPLETED 1650	LOCATION WHERE STATEMENT TAKEN 2230 JEFFERSON ST BAYVIEW STATION
STATEMENT TAKEN BY (NAME / STAFF) PSA LUK #4676		IN PRESENCE OF	

I am a management employee of Lunar Cab Co (2230 JEFFERSON ST).
About 10 days ago, a man applied to be a taxi driver and submitted various information for, including DMV printouts, CDL and taxi "A-Card".

Upon review, we declined to hire him and told him so.

A few days later, I believe it was Monday 9/22, he returned to our office and demanded that we hand over to him all paperwork related to his application.

I offered to return the original documents that he submitted but informed him that we would retain copies.

He became loud and belligerent, and had to be told to get out - eventually he complied but only after stating that ~~we~~ we "would be dead in 2016 anyway." We regarded that statement as threatening.

His name is: AMINE BENEHEKOR.

CDL: B9598086

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF _____ PAGE IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

Charles P. Rathbone

EXHIBIT C



Date: 2008-09-25 10:55:40

Service Request
Number: 287434**TAXI Complaint**Name:
Phone: Complaint Details:
Complaint Type: **Unsafe Driving**Incident Date/Time: **09/25/2008 10:45 am**

Clarify if necessary. Eg Is It Fri 1:30 or really Sat 1:30am

Cab / Medallion #: (Cab # is on top, sides and back.)
(Medallion is a metal plate on the dash facing forward)Driver Name/Badge#:
(Photo ID faces passenger and has: Company name, picture, badge #, name is optional)Driver Physical Description:
(ethnicity, gender, physical characteristics, facial hair, glasses, etc)Vehicle Description:
(Colors, company name, logo/picture)Dispatched: **No**Starting point:
Ending point:
(e.g. Destination, From/To)

Comments:

Motorist states, "I was driving north on 101 past the airport, I had this cab come up fast behind me and I'm a left lane driver. He was coming up real strong. He then chose to go around on the right, he jumped 2 lanes to do that. We reached the 280 split off 101, he did the same approach. He went past me, he did the same approach to a light duty truck, trying to go around him on either side. That person was proceeding to change lane. Because he didn't go up 101, he tried to fit into the 280 split, he tried to squeeze his cab, my car and a bus, taking up the emergency shoulder on the left side, I was inches on both side, because I was getting squeezed. My horn was going off for quite a while and he wasn't budging. He was going to squeeze me out. For the rest of the ride up 280, which by the way he had passengers, he was tail getting me, trying to push me. We then got to the off ramp down king street, he made sure he pulled next to me, started yelling, and got out of the cab, tapped on my window, and I said to him, I'm calling yellow cab, your nuts and he had the same expression. He had his face up against the window, the light changed and then we proceeded to go our separate directions. He was weaving and jumping on people's bumpers on more than one case all the way up 101."

SubmitCancel

EXHIBIT D

Report Type: Initial

San Francisco Police Department

INCIDENT REPORT

PERMITS, G6

080483595

080483595

Incident Number 080-483-595	Occurrence from Date/Time 5/8/08 18:20	Occurrence to Date/Time 5/8/08 18:24	Reported Date/Time 5/8/08 18:24	CAD Number 081233190
Type of Incident Battery -04134				
Location of Occurrence 333 O'Farrell St At Intersection with/Premise type Street (Not Sidewalk)				
Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Reporting Unit 4F103
Location Sent Same				
How Cleared? 11	Reported to Bureau	Name	Star	Date/Time
Elder Victim? <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

DECLARATION	I declare under penalty of perjury, this report of <u>3</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 118 CERTIFIED		5 YEAR/POST	Signature: <u>M. Shea # 2092</u>	
	Reporting Officer	Star	Station	Watch	Date
	SGT M. SHEA	2092	Tactical Company	1400-2400	5-8-08
	Reviewing Officer	STAR	Station	Watch	Date
SGT M. SHEA	2092	Tactical Company	1400-2400	5-8-08	
OIC	STAR	Station	Watch	Date	
SGT M. SHEA	2092	Tactical Company	1400-2400	5-8-08	
Related Case	Related Case	Re-Assigned to	Assigned to	Assigned by	
		Copies to	5G200	MS 2092	
			Add'l Copies	PERMITS	

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
Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>	293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES <input type="checkbox"/>	Statement YES <input type="checkbox"/>
School (If Juvenile)			Injury/Treatment		
Other Information/If Interpreter Needed Specify Language					

Code	Name (Last, First Middle)		Alias		
S 1	Conastancio, Luis				
Day Phone	Type	Home Address	City	State	Zip Code
		185 Sylvan Ave #1	San Bruno	CA	94066-
Night Phone	Type	Work Address	City	State	Zip Code
		Yellow Cab			
DOB Unknown <input type="checkbox"/>	Date of Birth	Age	Race	Sex	Height
			W	M	5'10
			Weight	Hair Color	Eye Color
			155	BLK	BRO
SPNO	ID# (If Avail)	ID Type/Jurisdiction	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number	
		DL CA			
Book Section #1	Book Section #2	Book Section #3	Book Section #4	Book Section #5	Booking Location
Warrant #	Court #	Action #	Dept	Enroute to	CWB Check
Warrant Violation(s)			Bail	Mirandized <input type="checkbox"/>	Star
Citation #	Violation(s)		Appear Date/Time	Location of Appearance	Statement <input type="checkbox"/>
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (If Juvenile)	<input type="checkbox"/> CA Form Booked Copy Attached

Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos
SF Taxi Driver medallion#59547

**San Francisco Police Department
ADDITIONAL SUSPECTS**

080483595

**SUSPECT
2**

CODE S 2	Name (Last, First Middle) Benchakor, Amlina				Alias			
Day Phone (415)	Type	Home Address			City San Francisco	State CA	Zip Code 94108	
Night Phone	Type	Work Address Yellow Cab			City	State	Zip Code	
School (If Juvenile)	Race A	Sex M	DOB Unknown <input type="checkbox"/>	DOB 12/21/87	Height 508	Weight 180	Hair Color BLK	Eye Color BRO
SFNO	M/D# (If Juv.)	ID No.	ID No.		ID No.			
Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked			
Warrant #	Court #	Action #	Dept	Enroute To	CWB Check	Star		
Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)				Appear Date/Time	Location of Appearance		
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos SF Taxi Cab medallion #0407								

**PVT PERSON
ARREST**

☐ ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

CODE	Name (Last, First Middle)				Alias			
Day Phone	Type	Home Address			City	State	Zip Code	
Night Phone	Type	Work Address			City	State	Zip Code	
School (If Juvenile)	Race	Sex	DOB Unknown <input type="checkbox"/>	DOB	Height	Weight	Hair Color	Eye Color
SFNO	M/D# (If Juv.)	ID No.	ID No.		ID No.			
Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked			
Warrant #	Court #	Action #	Dept	Enroute To	CWB Check	Star		
Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>
Citation #	Violation(s)				Appear Date/Time	Location of Appearance		
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>					
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos								

**PVT PERSON
ARREST**

☐ ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.

SFPD377 C (11/02)

080483595

San Francisco Police Department
NARRATIVE

Officer Cortes #842 and I, in uniform, were working the Market St Foot Beat program and were walking south on Mason St, at O'Farrell St. We were approached by an unidentified female (WF, 40). She told us that two cab drivers were fighting in front of the Hilton Hotel. Officer Cortes and I walked to the front entrance of the hotel, 333 O'Farrell St, and approached (S1) Constancio and (S2) Benchekor.

Constancio told me the following, in summary: He was in the taxi cab line and was waved up to the entrance by a Hilton Hotel doorman. Two people entered his cab. Another Yellow Cab pulled in front of him. The driver, Benchekor, quickly exited the cab and approached Constancio's cab and opened the driver's door. Benchekor shouted "What the fuck are you doing? That's my fare." Benchekor reached in the cab, with his right hand, and struck Constancio one time in the face. Constancio's sunglasses got knocked off. Constancio got out of his cab and punched Benchekor one time in the face and told Benchekor to leave him alone. Constancio got back in his car. Benchekor kicked the side of Constancio's cab once with his foot. There was no damage to the door.

Benchekor told Officer Cortes the following, in summary: Benchekor had thought he was next in the cab line. Constancio had pulled in ahead and picked up a fare. Benchekor approached the other cab, opened the door and told Constancio "What the fuck are you doing? That's my fare." Constancio shouted at him "What are you doing, motherfucker?" Benchekor told Officer Cortes that he became angry because his mother had recently died. He reached into the cab and knocked off Constancio's glasses and hat. Constancio got out of his cab and punched Benchekor one time in the face.

Both Benchekor and Constancio both denied being injured. They had no visible injuries. They both declined to sign a citizen's arrest form or make a citizen's arrest. They were released at the scene.

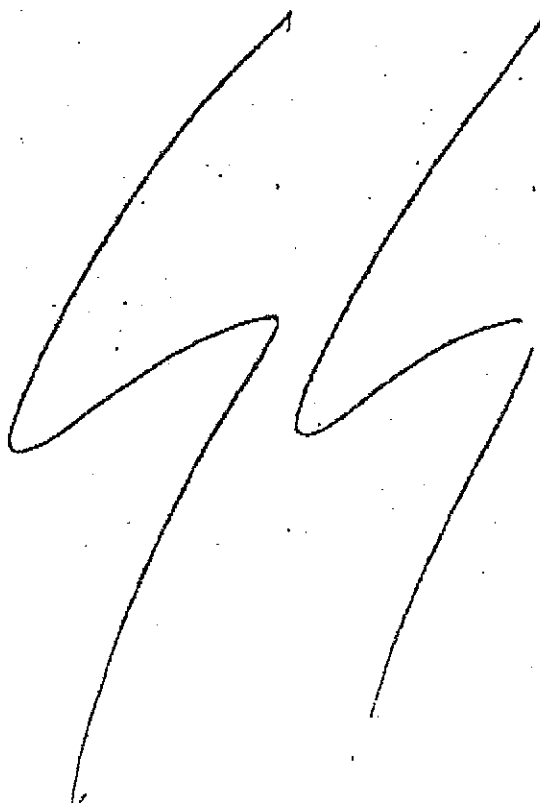


EXHIBIT E

Confidential –Do Not Disclose

SAN FRANCISCO YELLOW CAB COOPERATIVE, INC.

November 5, 2008

To whom it may concern:

Mr. Amin Benchechor is a Long-Term Lease holder (Cab #407) at Yellow Cab Cooperative of long standing; that is, since April 2004 he has leased the use of a taxicab medallion and accessed our customer order base, and he has been responsible totally for the purchase and upkeep of his vehicle as well as for buying the required insurance. He has also been responsible for choosing and assigning drivers to his cab, subject to the rules and regulations of the Taxi Commission and the S.F.P.D. Taxi Detail.

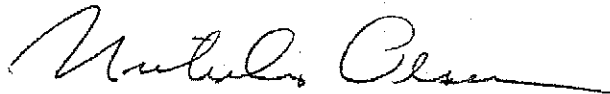
Mr. Benchechor has for all this time been a responsible business partner with Yellow Cab and has navigated the regulatory rapids of the City and our Company with exemplary precision. He did the same for years before with us as a regular daily lease driver.

Often, in addition to conducting business with Amin, I've had the pleasure of extended conversations with him about life and the wide world. While he is an upright man with strong personal convictions, I've never seen him try to force others to agree with them, a tendency many other people I've known in this business display often. I've seen him deal with stressful situations with passengers and cab people just by sighing and moving on. Rather than acting out, he has kept the stress within, no doubt sometimes to his own detriment.

I've been a cab driver for thirty-two years, twenty-three of them full time on the night shift; I consider Amin Benchechor to be my peer and a fellow Professional.

If you have any questions, please feel free to contact me.

Yours truly,



Nicholas N. Olson
1st Vice President



YELLOW
CAB COOPERATIVE

To whom it may concern:

I am the communication manager at Yellow Cab Co-Op in San Francisco; this means that I am in charge of the dispatch operation. I have known Amin Benchekor for 7 or 8 years and he has always been a perfect gentleman in his demeanor and his comportment. He takes a lot of radio orders and quickly, professionally services the calls. I take care of a lot of complaints about drivers and the way they drive, there are many cab drivers that drive frightfully and cause other drivers to call me up and complain about the driving. I have never received any complaints about Amin, from what I can tell, he drives safely and professionally.

Lucky Walker

Lucky Walker
Communication Manager
Yellow Cab SF Co-Op
(415)593-9257
(415) 298-1625 cell
(415)401-1714 fax
lucky@yellowcabsf.com

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN C. NEWSOM

COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7
SUSAN SUVAL, COMMISSIONER, ext. 5
ARTHUR TOM, COMMISSIONER, ext. 4

JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TAXI COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

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

To Amine Benchekor

Business: Yellow Cab Coop

Location: SF, CA 94109

You are hereby notified that the annexed complaint has been filed with the taxi commission of the City and County Of San Francisco, and you are hereby cited to appear in person before the Hearing Officer of the Taxi Commission on Friday, November 7, 2008 AT 11:30 a.m. in room 408, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, CA to show cause why your permits: Driver Public Passenger Vehicle For Hire P-44 #59292 heretofore granted to you, should not be subjected to the administrative action and for the reasons set forth in said complaint.

I _____, do hereby willingly accept Notice to Appear and the Complaint attached hereto.

Applicant Signature

Date

BY ORDER OF THE TAXI COMMISSION,

SAN FRANCISCO, CA October 23, 2008

Date

Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SAN FRANCISCO TAXI COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

COMPLAINT BASED ON SUMMARY SUSPENSION

1. Complaint is hereby made against AMINE BENCHEKOR, Driver Permit # P-44 59292, that said permit holder has conducted himself in a disorderly manner and violated provisions of the Municipal Police Code and the Taxicab/ramped Taxi Rules and Regulations as described below.

2. Mr. Benchekor has held a P-44 ("A-card") Permit since June 17, 2004. He is also on the waiting list for a P-16 ("medallion") Permit.

3. On September 22, 2008, police were dispatched to Luxor Cab for a suspicious occurrence. Mr. Benchekor had applied for a taxicab position with Luxor Cab and was rejected after an investigation by Luxor Cab into Mr. Benchekor's driving record.

4. After being rejected, Mr. Benchekor became extremely agitated, angry, and confrontational towards Luxor Cab staff. See Exhibit A, Declaration of Charles Rathbone. In response to a final decision from Luxor Cab, Mr. Benchekor screamed out "It doesn't matter, you'll all be dead by 2016 anyway." Luxor Cab believed this was a threatening statement from Mr. Benchekor, and Mr. Rathbone filed a San Francisco Police Report # 081020605. See Exhibit B.

5. Further investigation revealed that Mr. Benchekor has had prior incidents implicating workplace violence. Specifically, on May 8, 2008, Mr. Benchekor was involved in a battery incident at the Hilton Hotel on O'Farrell in which he punched another driver in the face. See Exhibit C, SFPD Report # 080483595.

1 6. On September 25, 2008, only three days after the incident with Charles Rathbone, at 10:45
2 AM, Yellow Cab # 407 was the subject of a 311 complaint for extremely unsafe driving bordering
3 on "road rage." See Exhibit D, 311 Complaint. Mr. Benchekor's identity as the driver of Yellow #
4 407 was later verified by the San Francisco Police Department.

5 7. Mr. Benchekor came in to the San Francisco Police Department Taxi Detail on October 10,
6 2008. He submitted to an interview with Sgt. Reynolds and gave Sgt. Reynolds a document from

7 Exhibit E- Redacted

8
9 "CONFIDENTIAL - DO NOT DISCLOSE"

10 T.

11 8. Because of the recent events involving aggression on Mr. Benchekor's part, the San
12 Francisco Taxi Detail summarily suspended his permit.

13 9. As a further violation, Mr. Benchekor's P-44 Permit expired by operation of law on May 1,
14 2008, yet he renewed his A-card on May 28, 2008 (the payment posted on July 4, 2008) without
15 going to taxi school, in violation of the law. See Exhibit F, Screenprint from Treasurer's Rhumba
16 System Indicating Payment and Renewal Dates of Permit.

17 10. The Taxi Commission will present Charles Rathbone and Sgt. Reynolds as witnesses.
18
19
20
21
22
23
24
25
26
27
28



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

October 10, 2008

RECEIVED

OCT 10 2008

SAN FRANCISCO
TAXI COMMISSION

Mr. Amine Benchechor
American Cab Company
1200 Mississippi St.
San Francisco, CA 94107
415-282-3737

Subject: Summary Suspension of Public Vehicle for Hire Permit # P44-059292 Number.

Dear Mr. Bechekor

Pursuant to Sec. 1090 (c) (viii) of the Municipal Police Code, NOTICE IS HEREBY GIVEN that on: October 10, 2008, the SFPD Taxicab Detail has summarily suspended your Public Vehicle for Hire A-Card #P44-059292.

You have the right to appeal this suspension to the Taxicab Commission. Written notice of appeal must be filed with the Director of the Taxicab Commission at 25 Van Ness, Room 420, San Francisco, California 94102, within ten (10) DAYS AFTER RECEIPT OF THIS LETTER. You are entitled to a hearing on your appeal within thirty (30) days after the filing of the notice of Appeal.

YOU ARE HEREBY ORDERED to immediately surrender you're A-Card, Badge and Company Identification card to the Taxicab Detail within 5 days of receipt of this notice.

Should you have any questions or need further information, please contact the Taxi Commission at (415) 507-2180.

Attachments:

- 1) Copy of SFPD 081020605

Sincerely,


Sgt Ron Reynolds
Officer in Charge
San Francisco Police Taxi Detail


Permit Holder

10/10/08
Date

CITY AND COUNTY OF
SAN FRANCISCO



TAXI COMMISSION
MAYOR GAVIN NEWSOM

COMMISSIONERS TELEPHONE (415) 554-773

PAUL GILLE

PAUL GILLESPIE, PRESIDENT
PATRICIA BRESLIN, VICE PRESIDENT
RICHARD BENJAMIN, COMMISSIONER, ext. 1
TOM ONETO, COMMISSIONER, ext. 6
MIN PAEK, COMMISSIONER, ext. 7
SUSAN SUVAL, COMMISSIONER, ext. 4
ARTHUR TOM, COMMISSIONER, ext. 5

JORDANNA THIGPEN, EXECUTIVE DIRECTOR

TO: All Interested Parties (All Color Schemes, SFO, GTU, Treasurer's Office, DAJA, and others)
FROM: Taxi Commission and SFPD
RE: Summary Suspension of P-44 059292
DATE: 10/15/08

Please be advised that the Taxi Detail and the Taxi Commission have summarily suspended the permit of #59292, Amine Benchekor.

Color Schemes: Do not hire Mr. Benchekor.

TTX: Please amend your records to reflect the suspension.

SFO/GTU: Please take note.

DAJA: Please suspend the smart card of Mr. Benchekor as he is not authorized to operate at the Airport.

RECEIVED

OCT 26 2008

RECEIVED
THE DISTRICT

AMINE. BENCHEKOR

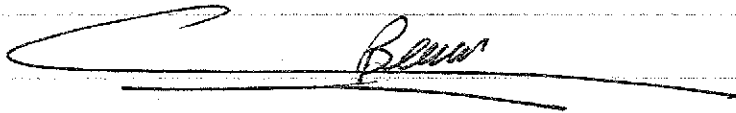
S.R. CA 94109

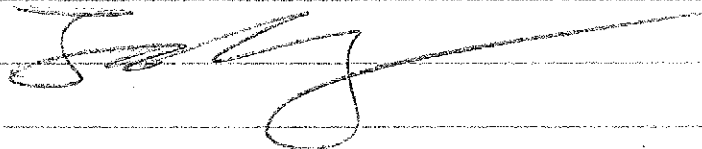
TO Whom it may CONCERN.

I would like to have my hearing on November
7th FRIDAY at 10:00 AM.

I would like To pick up my complain
by Thursday octoble 23RD at 12:00 Noon.

Amin

 Amin



ep **Type Initial**

INCIDENT REPORT

081020605

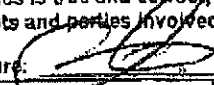
Incident Number 081-020-805	Occurrence From Date/Time 9/22/08 13:00	Occurrence to Date/Time	Reported Date/Time 9/25/08 14:45	CAD Number 082692540
Type of Incident Suspicious Occurrence -64070				
Location of Occurrence 2230 Jerrold Av		At Intersection with/Premise type Commercial Office		
Confidential Report? <input type="checkbox"/>	Arrest Made? <input type="checkbox"/>	Suspect Known? <input checked="" type="checkbox"/>	Suspect Unknown? <input type="checkbox"/>	Non-Suspect Incident? <input type="checkbox"/>
Domestic Violence? <input type="checkbox"/>		(Type of Weapon Used)		Reporting Unit 3C00D
Location Sent Counter Report				
How Cleared	Reported to Bureau	Name	Star	Date/Time
Elder Victim <input type="checkbox"/>	Gang Related? <input type="checkbox"/>	Juvenile Subject? <input type="checkbox"/>	Prejudice Based? <input type="checkbox"/>	

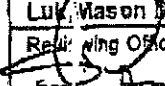
081020605

D E C L A R A T I O N

I declare under penalty of perjury, this report of **3** 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.

PROF 115 CERTIFIED

Signature: 

Reporting Officer Luk Mason	Star 4676	Station Bayview Station	Watch 1500-0100	Date 9/25/08 21:14:31
Receiving Officer 	STAR 158	Station Bayview Station	Watch	Date
OIC Chris Martinez	STAR	Station Bayview Station	Watch 31/07	Date SEP 26 2008

Related Case: **Sergeant #1425** Re-Assigned to: **Varies** Assigned by: **ML/4576**

Copies to: **Varies** Add'l Copies: **ML/5**

R

Code R	Name (Last, First Middle) Rathbone, Charles Patrick	Alias
Day Phone (415)	Type Refused	Home Address 2230 Jerrold Ave
City San Francisco	State CA	Zip Code 94124-
Night Phone (415)	Type ell	Work Address 2230 Jerrold Ave
City San Francisco	State CA	Zip Code 94124-
DOB 3/9/49	Age 59	DOB Unk
or age between: and	Race W	Sex M
Height 6'00	Weight 170	Hair Color BRO
Eye Color BLU	ID Type DL	Jurisd. CA
ID No. N3697079	Confidential Person <input type="checkbox"/>	Violent Crime Notification <input type="checkbox"/>
293 PC Notification <input type="checkbox"/>	Star	Follow-up Form YES
Statement YES	Relationship to Subject Known	
School (if Juvenile)	Injury/Treatment N/A	Other Information/If Interpreter Needed Specify Language E-mail: charles@luxorcap.com

S

Code S	Name (Last, First Middle) Benchekor, Amine	Alias
Day Phone (415)	Type Unknown	Home Address Unknown
City San Francisco	State CA	Zip Code 94109-
Night Phone (415)	Type Unknown	Work Address Unknown
City San Francisco	State CA	Zip Code 94109-
DOB Unknown	Date of Birth Unknown	Age Unknown
or age between: and	Race A	Sex M
Height 5'08	Weight 180	Hair Color BLK
Eye Color BLK	ID Type/Jurisdiction/Number	ID Type/Jurisdiction/Number
SPNO	J/D# (if Juvi.)	ID Type/Jurisdiction/Number
Book Section #1	Book Section #2	Book Section #3
Book Section #4	Book Section #5	Booking Location
Warrant #	Court #	Action #
Dept	Enroute to	CWB Check
Star	Warrant Violation(s)	Bail
Mitigated <input type="checkbox"/>	Star	Date
Time	Statement	
Citation #	Violation(s)	Appear Date/Time
Location of Appearance	Book/Cite Approval	Star
Mass Arrest Code	M X-Rays <input type="checkbox"/>	School (if Juvenile)
CA Form Booked Copy Attached <input type="checkbox"/>	Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos	

PROPERTY LISTINGS

1	Code/No EVD 1	Item Description Written statement				Brand SFPD	Model 377G	
	Serial No.	Gun Make	Caliber	Color WHI	Narcotics Lab No.	Quantity 1 page	Value N/A	
	Seized by (Star) 4676	From Where from (R) Rathbone at 201 Williams Ave						
	Additional Description/Identifying Numbers Written statement from (R) Rathbone							
	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							
	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							

On 9/25/08 at approximately 1445 hours, I was working station duty at Bayview Station, (R) Charles P Rathbone came to the counter and reported a suspicious occurrence incident.

Rathbone told me that he is the assistance manager of Luxor Cabs located at 2230 Jerrold Ave. In September 2008, (S) Amine Benchekor applied a taxi driver position with Luxor Cabs and was rejected. Rathbone stated on 9/22/08 at approximately 1300 hours, Benchekor went to his office and asked Rathbone returned all the job application documents with no duplicate copies kept in Luxor Cabs. Rathbone stated he explained to Benchekor that it is the company policy to keep copies of all application on file. Rathbone stated Benchekor became talk loudly and had to be told to leave and he complied. While leaving the office, Benchekor yelled, "Would be dead in 2016 anyway." Rathbone regarded that statement was threatening and came to the station to document the incident. Rathbone stated that Benchekor was not seen since 9/22/08.

I gave Rathbone a Follow-Up Form with a case number, and advised him of the follow-up procedure.

Rathbone wrote a (EVD 1) statement which I seized from Rathbone and booked it into evidence at Co. C.

ALBERTA POLICE
081020605

INCIDENT NO. 081020605		PAGE 1 of 1	
NAME (LAST, FIRST, MIDDLE) OF PERSON GIVING STATEMENT RATHBONE, CHARLES P		DOB / AGE	BUSINESS PHONE (DAY/NIGHT) 1915 401-1422
RESIDENCE ADDRESS / CITY IF NOT SAN FRANCISCO		ZIP CODE	BUSINESS ADDRESS / CITY IF NOT SAN FRANCISCO 2230 JERROLD ST 94124
DATE OF STATEMENT 9-25-08	TIME STARTED 1445	TIME COMPLETED 1450	LOCATION WHERE STATEMENT TAKEN AT SCENE <input checked="" type="checkbox"/> OTHER: BAYVIEW STATION
STATEMENT TAKEN BY (NAME / STAR) PSA LUK #4676		IN PRESENCE OF	

I am a management employee of Lunar Cab Co (2230 Jerrold).
About 10 days ago, a man applied to be a taxi driver and
submitted various information for us, including DMV printouts,
CDL and taxi "A-card".

Upon review, we declined to hire him and told him so.

A few days later, I believe it was Monday 9/22, he
returned to our office and demanded that we hand over
to him all paperwork related to his application.

I offered to return the original documents that he submitted,
but informed him that we would retain copies.

He became loud and belligerent, and had to be told to
get out - eventually he complied but only after stating
that ~~we~~ we "would be dead in 2016 anyway". We regarded
that statement as threatening.

His name is: AMINE BEN CHEKOR.
CDL: B9598086

I DECLARE, UNDER PENALTY OF PERJURY, THIS STATEMENT OF _____ PAGES IS TRUE AND CORRECT, BASED ON MY PERSONAL KNOWLEDGE.

SIGNATURE OF PERSON GIVING STATEMENT

Charles P. Rathbone

Report Type: Initial

San Francisco Police Department
INCIDENT REPORT

PERMITS, CA

080483595

080483595

I N C I D E N T	Incident Number	080-483-595	Occurrence from Date/Time	5/8/08 18:20	Occurrence to Date/Time	5/8/08 18:24	Reported Date/Time	5/8/08 18:24	CAD Number	081293190				
	Type of Incident	Battery -04134												
	Location of Occurrence	333 O'Farrell St At Intersection with/Premise type Street (Not Sidewalk)												
	Confidential Report?	<input type="checkbox"/>	Arrest Made?	<input type="checkbox"/>	Suspect Known?	<input checked="" type="checkbox"/>	Suspect Unknown?	<input type="checkbox"/>	Domestic Violence?	<input type="checkbox"/>	Reporting Unit	4F103		
	Location Sent	Same												
	How Cleared?	11	Reported to Bureau	Name	Star	Date/	Time	Elder Victim	<input type="checkbox"/>	Gang Related?	<input type="checkbox"/>	Juvenile Subject?	<input type="checkbox"/>	Prejudice Based?

D E C L A R A T I O N	I declare under penalty of perjury, this report of <u>3</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 116 CERTIFIED 5 YEAR/POST Signature: <u>M. Shea # 2092</u>												
	Reporting Officer	Star	Station	Watch	Date								
	SGT M. SHEA	MA	2092	Tactical Company	1400-2400	5-8-08							
	Reviewing Officer	STAR	Station	Watch	Date								
	SGT M. SHEA	2092	Tactical Company	1400-2400	5-8-08								
OIC	STAR	Station	Watch	Date									
SGT M. SHEA	2092	Tactical Company	1400-2400	5-8-08									
Related Case	Related Case	Re-Assigned to	Assigned to	Assigned by									
		Copies to	5G200	Add'l Copies	PERMITS								

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	or age between:	Race	Sex	Height	Weight	Hair Color	Eye Color	ID Type	Jurisd.	ID No.
Unk			and									
Confidential Person	<input type="checkbox"/>	Violent Crime Notification	<input type="checkbox"/>	293 PC Notification	<input type="checkbox"/>	Star	Follow-up Form	Statement	Relationship to Subject			
							YES	YES				
School (if Juvenile)	Injury/Treatment				Other Information/If Interpreter Needed Specify Language							

S U S P E C T	Code	Name (Last, First Middle)										Alias	
	S 1	Constancio, Luis											
	Day Phone	Type	Home Address				City		State	Zip Code			
	(41)						San Bruno		CA	94066			
	Night Phone	Type	Work Address				City		State	Zip Code			
			Yellow Cab										
	DOB	Date of Birth	Age	or age between:	Race	Sex	Height	Weight	Hair Color	Eye Color			
	Unknown			and	W	M	5'10	155	BLK	BRO			
	SFNO	I/D# (if Juvl)	ID Type/Jurisdiction/Number				ID Type/Jurisdiction/Number		ID Type/Jurisdiction/Number				
			DL CA										
	Book Section #1	Book Section #2	Book Section #3	Book Section #4	Book Section #5	Booking Location							
	Warrant #	Court #	Action #	Dept	Enroute to	CWB Check		Star					
Warrant Violation(s)	Bail				Mirandized	Star	Date	Time	Statement				
					<input type="checkbox"/>				<input type="checkbox"/>				
Citation #	Violation(s)				Appear Date/Time		Location of Appearance						
Book/Cite Approval	Star	Mass Arrest Code	M X-Rays	School (if Juvenile)	<input type="checkbox"/> CA Form Booked Copy Attached								
Other Information: Citation/Warrant/Booking Charge(s)/Missing Person-Subject Description; Scars, Marks, Tattoos													
SF Taxi Driver medallion #59547													

080483595

San Francisco Police Department

ADDITIONAL SUSPECTS

S U S P E C T 2	CODE S 2	Name (Last, First Middle) Benchekor, Amine				Alias				
	Day Phone (415)	Type Cell	Home Address 1234 5th St				City San Francisco	State CA	Zip Code 94109	
	Night Phone	Type	Work Address Yellow Cab				City	State	Zip Code	
	School (if Juvenile)		Race A	Sex M	DOB Unknown <input type="checkbox"/>	DOB 12/21/67	Height 508	Weight 180	Hair Color BLK	Eye Color BRO
	SFNO	J/D# (if Juv.)	ID No.		ID No.		ID No.			
	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked				
	Warrant #	Court #	Action #	Dept	Enroute To	CWB Check		Star		
	Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>	
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>						
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos SF Taxi Cab medallion #0407										
PVT PERSON ARREST	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									
	CODE	Name (Last, First Middle)				Alias				
	Day Phone	Type	Home Address				City	State	Zip Code	
	Night Phone	Type	Work Address				City	State	Zip Code	
	School (if Juvenile)		Race	Sex	DOB Unknown <input type="checkbox"/>	DOB	Height	Weight	Hair Color	Eye Color
	SFNO	J/D# (if Juv.)	ID No.		ID No.		ID No.			
	Book/Charge 1	Book/Charge 2	Book/Charge 3	Book/Charge 4	Book/Charge 5	Where Booked				
	Warrant #	Court #	Action #	Dept	Enroute To	CWB Check		Star		
	Warrant Violation(s)				Bail	Mirandized <input type="checkbox"/>	Star	Date/Time	Statement <input type="checkbox"/>	
	Citation #	Violation(s)				Appear Date/Time	Location of Appearance			
	Book/Cite Approval	Star	Mass Arrest Code	M X-Rays <input type="checkbox"/>						
Other Information: Citation/Warrant/Booking Charge(s)/Missing Persons-Subject Description/Scars, Marks, Tattoos										
PVT PERSON ARREST	<input type="checkbox"/> ORIGINAL PRIVATE PERSON'S ARREST FORM BOOKED AS EVIDENCE. PHOTOCOPY ATTACHED WITH THIS REPORT.									

SFPD377 C (11/02)

Incident# 080483595

Page 2 of 3

080483595

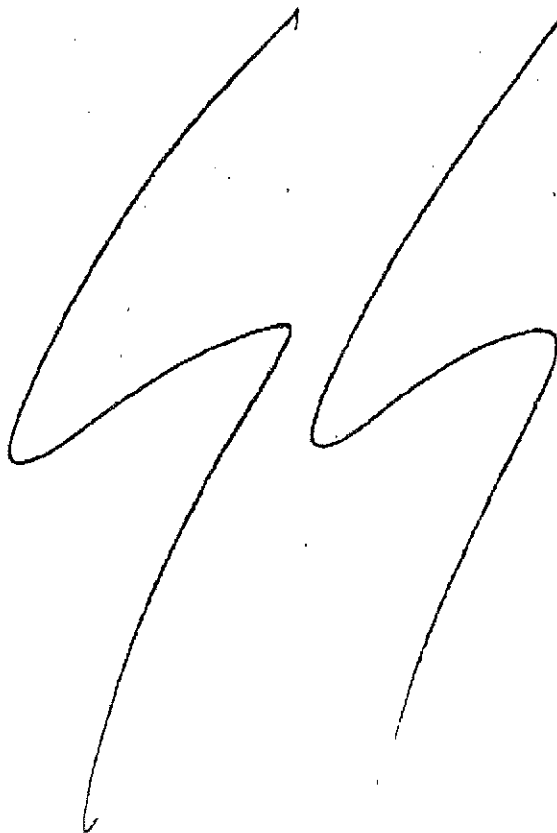
San Francisco Police Department
NARRATIVE

Officer Cortes #842 and I, in uniform, were working the Market St Foot Beat program and were walking south on Mason St, at O'Farrell St. We were approached by an unidentified female (WF, 40). She told us that two cab drivers were fighting in front of the Hilton Hotel. Officer Cortes and I walked to the front entrance of the hotel, 333 O'Farrell St, and approached (S1)Constancio and (S2)Benchekor.

Constancio told me the following, in summary: He was in the taxi cab line and was waved up to the entrance by a Hilton Hotel doorman. Two people entered his cab. Another Yellow Cab pulled in front of him. The driver, Benchekor, quickly exited the cab and approached Constancio's cab and opened the driver's door. Benchekor shouted "What the fuck are you doing? That's my fare." Benchekor reached in the cab, with his right hand, and struck Constancio one time in the face. Constancio's sunglasses got knocked off. Constancio got out of his cab and punched Benchekor one time in the face and told Benchekor to leave him alone. Constancio got back in his car. Benchekor kicked the side of Constancio's cab once with his foot. There was no damage to the door.

Benchekor told Officer Cortes the following, in summary: Benchekor had thought he was next in the cab line. Constancio had pulled in ahead and picked up a fare. Benchekor approached the other cab, opened the door and told Constancio "What the fuck are you doing? That's my fare." Constancio shouted at him "What are you doing, motherfucker?" Benchekor told Officer Cortes that he became angry because his mother had recently died. He reached into the cab and knocked off Constancio's glasses and hat. Constancio got out of his cab and punched Benchekor one time in the face.

Both Benchekor and Constancio both denied being injured. They had no visible injuries. They both declined to sign a citizen's arrest form or make a citizen's arrest. They were released at the scene.





Date: 2008-09-25 10:55:40

Service Request
Number: 287434**TAXI Complaint**Name:
Phone: Complaint
Details:
Complaint
Type: **Unsafe Driving**Incident
Date/Time: **09/25/2008 10:45 am**

Clarify if necessary. Eg Is it Fri 1:30 or really Sat 1:30am

Cab /
Medallion #: (Cab # is on top, sides and back.)
(Medallion is a metal plate on the dash facing forward)Driver
Name/Badge#:

(Photo ID faces passenger and has: Company name, picture, badge #, name is optional)

Driver
Physical
Description:

(ethnicity, gender, physical characteristics, facial hair, glasses, etc)

Vehicle
Description:

(Colors, company name, logo/picture)

Dispatched: **No**Starting
point: Ending
point:

(e.g. Destination, From/To)

Comments:

Motorist states, "I was driving north on 101 past the airport, I had this cab come up fast behind me and I'm a left lane driver. He was coming up real strong. He then chose to go around on the right, he jumped 2 lanes to do that. We reached the 280 split off 101, he did the same approach. He went past me, he did the same approach to a light duty truck, trying to go around him on either side. That person was proceeding to change lane.

Because he didn't go up 101, he tried to fit into the 280 split, he tried to squeeze his cab, my car and a bus, taking up the emergency shoulder on the left side, I was inches on both side, because I was getting squeezed. My horn was going off for quite a while and he wasn't budging. He was going to squeeze me out. For the rest of the ride up 280, which by the way he had passengers, he was tail getting me, trying to push me.

We then got to the off ramp down king street, he made sure he pulled next to me, started yelling, and got out of the cab, tapped on my window, and I said to him, I'm calling yellow cab, your nuts and he had the same expression. He had his face up against the window, the light changed and then we proceeded to go our separate directions. He was weaving and jumping on people's bumpers on more than one case all the way up 101."

Submit Cancel

Confidential –Do Not Disclose

TLA2 ACCT. NO: P44 059292 TAX ID - CENSUS OLD# 051478
 DBA TOWN TAXI CERTIF NBR DATE STARTED 06-17-04
 SITUS 0000 VARIOUS LOCATIONS ST 0000 DATE INACTIVATED
 OWNER BENCHEKOR, AMINE CARE OF
 ADDRESS 526 ELLIS ST. #53 SAN FRANCISCO, CA. 94109
 CONDOMINIUM DISTRICT CODE NON-MATCHING ADDRESS UNIT COUNT
 PERMIT NO. 088525 SUB-CLASS DESC. DRIVER-PUB.PASS.VEH. ACCOUNT TYPE A
 COMMENT: RELEASE HOLD PER OFF. MAK #1601

EXPIRE DTE	- -	12-31-08	12-31-07	12-31-06 W	12-31-05
DATE PAID	- -	05-28-08	02-21-07	04-04-06	01-28-05
BATCH NO		0550	0293	0800	0718
ISSUE DT	00-00-00	07-04-08	02-23-07	04-07-06	01-28-05
DUE: FEE		53.00	52.00	5.00	50.75
SURCHRG		3.00	3.00		
MISC.					
PENALTY		12.00	4.70		
TOTAL		68.00	59.70	5.00	50.75
PAID: FEE		53.00	52.00	5.00	50.75
SURCHRG		3.00	3.00		
MISC.		12.00			
PENALTY			4.70		
TOTAL		68.00	59.70	5.00	50.75
BALANCE		0.00	0.00	0.00	0.00

 P44 059292 RECORD RETRIEVED - ENTER CLASS-ACCOUNT FOR NEXT RECORD

DECLARATION OF CHARLES RATHBONE

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 2. My name is Charles Rathbone. I am an assistant manager in the operations department of
6 Luxor Cab, a permitted color scheme in San Francisco. My duties include screening applicants in
7 cooperation with my supervisor, Tom Stanghellini.

8
9 3. My first contact with Amine Benchechor was on or about September 8, 2008. At that time,
10 Mr. Benchechor applied for a driver position at Luxor Cab. He was referred to me by one of our
11 taxicab owner-operators who wanted to hire Mr. Benchechor as a driver for his cab. Part of the
12 hiring process is for the new driver to be approved for coverage under Luxor's liability insurance
13 policy.

14 4. As is our usual procedure, I asked Mr. Benchechor to fill out a one-page questionnaire, which
15 he did. The form has spaces for name, telephone number, driver license number, taxi driver badge
16 number, and similar information. He also provided at my request a print-out of his DMV driving
17 record along with his driver license and taxi driver A-card. I made photocopies of these documents
18 in his presence and returned the originals to him.

19
20 5. My assessment was that Mr. Benchechor would not be approved by our insurer due to
21 multiple items that appear on his DMV print-out. My supervisor agreed, but Mr. Benchechor
22 insisted that the adverse items could all be explained. He produced a letter which he said
23 exonerated him with regards to one of the incidents. In order to resolve our concerns about his
24 driving record, we suggested that he go back to DMV and obtain a ten-year print-out in addition to
25 the standard three-year print-out that he had already given to us.

26 6. On or about the following day, September 9, Mr. Benchechor returned with the ten-year
27 print-out. A review of that document confirmed our concerns about his driving record and we
28

1 advised him that he would not be allowed to drive a Luxor Cab. He departed without incident,
2 leaving the original of his ten-year print-out with me. I stapled it together with the other documents
3 and placed them in a file of recently declined applicants.

4
5 7. A week or ten days later, Mr. Benchekor came back to my office and requested that I return
6 his paperwork. I retrieved the documents from a drawer and separated the ten-year DMV print-out,
7 which I assumed was what he wanted. At that point, he told me to give him all of the paperwork. I
8 told him that I would return his original DMV print-out to him, but that we would first make and
9 retain a copy of it, and that he could not have the other documents.

10 8. I commenced to making a copy of the ten-year print-out, handing the original pages to him
11 as they came out of the copier. Mr. Benchekor insisted that I could not retain any documents
12 related to him, and that I must give them all to him right now. His manner became loud and
13 confrontational, and disrupted the work of others in the office. I told him to get out of the office. He
14 became even louder and continued to insist that I give him all of the documents.

15
16 9. A co-worker went to the other office and summoned my supervisor for assistance. After a
17 shouting match, Mr. Benchekor departed while calling out to us, "It doesn't matter, you'll all be
18 dead in 2016 anyway." I do not know what he meant by that, but his statement seemed to be a
19 veiled threat to myself and my co-workers. A few days later, on September 25, I went to the police
20 station on Williams Street and made a report of the incident.

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

23 

24 Charles Rathbone
25 Luxor Cab
26 October 20, 2008

27 Executed in San Francisco, California
28