

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
SFMTA,

Appeal No. **21-073**

Appellant(s)

vs.

Leung Transportation Corp.,

Respondent

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on August 3, 2021, the above-named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the SFMTA Hearing Section.

The substance or effect of the decision or order appealed from is the ISSUANCE on July 22, 2021 to Leung Transportation Corporation, of the Statement of Decision: Leung Transportation Corporation (the SFMTA Taxi Services Division has not established that Leung Transportation Corp. holds a pre-K medallion subject to the transfer restrictions of Transportation Code section 1109(d)(1)(A); therefore the Notice of Nonrenewal for Medallion # 433 is denied and the Medallion is deemed renewable under the condition that Leung Transportation Corp. complies with all renewal requirements, including an affiliation with a Color Scheme).

Medallion NO. 433

FOR HEARING ON October 20, 2021

Address of Appellant(s):

Address of Other Parties:

<p>SFMTA, Appellant(s) Taxi Services Division 1 South Van Ness Avenue, 7th Floor San Francisco, CA 94103</p>	<p>Leung Transportation Corporation, Determination Holder(s) c/o Ken Leung, Agent for Determination Holder(s) 1026 Pinehurst Court Millbrae, CA 94030</p>
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Date Filed: August 3, 2021

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 21-073

I / We, **SFMTA**, hereby appeal the following departmental action: **Statement of Decision re Medallion # 433 (Medallion Holder: Leung Transportation Corporation) which issued by the SFMTA Hearing Section on July 22, 2021.**

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **September 30, 2021, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and fatoldken@yahoo.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **October 14, 2021, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and Philip.cranna@sfmta.com.

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, October 20, 2021, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any change to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a copy of the packet of materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

Filed electronically by Philip Cranna on behalf of the SFMTA.

SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY
SFMTA HEARING SECTION

**SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY,**

vs.

STATEMENT OF DECISION

**LEUNG TRANSPORTATION
CORP.,**

Respondent

I. INTRODUCTION

This case came on for administrative hearing pursuant to a Complaint by the San Francisco Municipal Transportation Agency (hereafter the “SFMTA” or “Taxi Services”) after the Complaint was sent to respondent Leung Transportation Corporation (“Leung”) on or about September 25, 2020. The SFMTA Complaint alleges that Leung had transferred over 10% of its Corporation ownership of medallion # 433. Under Transportation Code 1109(d)(1)(A), a transfer of over 10% of a Corporation’s stock ownership renders a Corporate-affiliated medallion null and void. On that basis, the SFMTA’s Taxi Services had notified Leung on or about September 25, 2020, that medallion # 433 is ineligible for renewal.

Leung challenged the Complaint, and a video-conference hearing was scheduled by the Hearing Section for June 8, 2021, under the provisions of Article 1100 of the SFMTA’s Transportation Code (“TC”). Article 1100 governs the rights granted to taxi medallion holders in San Francisco, as well as how hearings related to those rights are administered.

On June 8, 2021, Leung (represented by Ken Leung) appeared via telephone for this hearing. SFMTA Taxi and Accessibility Services manager Philip Cranna and analyst Danny Yeung, appeared by video, along with the undersigned administrative hearing officer, and testimony and other evidence from both parties was admitted into the record into evidence.

The terms “permit”, “operating permit”, and “taxi permit” are interchangeable for the purpose of this Decision.

II. APPLICABLE LAW

Under the provisions of Article 1100 of the Transportation Code, the following statutory authority forms the relevant basis for this decision.

Relevant to this case are these Article 1100 provisions:

- TC §1104(d)(1), regarding Annual Filing Required for Renewal
- TC §1105(a)(3), regarding permits as privilege, not property of the driver
- TC §1105(a)(6), involving compliance with laws and regulations
- TC §1105(a)(3), regarding the duration of permits
- TC §1109(c)(1), regarding the full-time driving requirement
- TC §1109(d)(1), regarding Permits Void on transfer or sale

Also relevant to this case are these Proposition K provisions:

- Prop K §1(a), regarding ownership of taxi permit (medallion)
- Prop K §2(d), regarding permits are only issued to a natural person
- Prop K §4(b), declaring the 60-day period to renew Pre-K permits
- Prop K §5(a), regarding Corporation Permit sale or transfer

III. TESTIMONY

A. SFMTA Testimony and Evidence: Philip Cranna and Danny Yeung:

Philip Cranna, an Enforcement and Legal Affairs Manager for SFMTA's Taxi Services, argued the case for the Taxi Services. Mr. Cranna argued that under the facts of the case, and the applicable laws stated above, Taxi Services was entitled to not renew Medallion # 433.

Danny Yeung, an administrative analyst for SFMTA's Taxi Services, laid a foundation for the exhibits offered by Taxi Services at the hearing. The exhibits included a Permit Issuance Record (Exh. A), Leung Corporate Filing (Exh. B), Copies of Stock Register (Exh. C), Annual Sworn Statement (Exh. D), Notice of Nonrenewal (Exh. E), Declaration of Quentin Kopp (Exh. F), Salesforce Medallion Profile (Exh. G), and the Request for Hearing (Exh. H).

Mr. Yeung testified that the SFMTA records accurately reflect that the ownership of Leung had been transferred over 10 percent cumulatively throughout the years between 2007 and 2020. A detailed record of the Corporation's transfers of ownership was presented during the hearing. Leung's annual reports to the SFMTA were also offered at the time and admitted into the record. Based on this documentary evidence, Taxi Services contends that the Leung medallion should be deemed null and void, and ineligible for renewal.

B. Leung Transportation Corporation Response

Leung did not dispute the Corporation's record of ownership transfers presented by the SFMTA. Leung testified that two of the original owners have died over the years since incorporation, and thus no longer held any portion of the Corporation's stock.

Leung maintained that the Corporation's stock transfers were appropriate, given that there were no clear instructions to medallion holders indicating that a transfer of a corporation's ownership of 10% each year is prohibited.

In addition, Leung argued that the medallion should be deemed renewable by its current Corporate stock holders, because all transfers of stock were properly reported to the SFMTA over the years (and never challenged by Taxi Services).

IV. PROP K FRAMEWORK

Proposition K was signed by State Senator Quentin Kopp and adopted by the City and County of San Francisco on June 6, 1978. Among the principal changes to the Taxi industry, Prop K specifies:

- 1) Pre-K medallions are identified as medallion/taxi permits held by individuals who received taxi permits prior to the effective date of Proposition K—June 6, 1978.
- 2) No Permit shall be issued except to a natural person and in no case to any business, firm, partnership or corporation (Prop K, section 2 [D]).
- 3) All persons, businesses, firms, partnerships corporation or other entities who possess outstanding permits to operate a motor vehicle for hire on the effect date of this section must surrender and exchange any such permit for new permits within 60 days of the effective date of this section (Prop K, section 4 [B]).
- 4) If any permittee is a corporation, any sale or other transfer of 10 percent or more of the stock ownership or assets of the permittee, resulting from any transaction or series of transaction and computed on a cumulative basis, will be deemed to be a sale or transfer and the permit therefore shall be null and void, unless approved by the Police Commission in conformity with the requirements of these Ordinance (Prop K, section 5[A]). This last section is codified by under TC § 1109(d)(1)(A), and is Taxi Services' basis for non-renewal.

1. Medallion #433 Is a Post-K Medallion

According to the Complaint, Taxi Services alleges that medallion # 433 is a "Pre-K" medallion, even though it was issued on August 28, 1978. (See Exhibit A.) In addition, Taxi Services provided evidence to demonstrate that Leung was established as a corporation on or about March 30, 1978. (See Exhibit B.).

Accordingly, although Taxi Services has alleged that the Leung Corporation was formed to divert the foreseeable impact of Prop K, Taxi Services' documentation regarding Leung's Pre-K status is problematic. On its face TC § 1109(d)(1), applies only to pre-K medallions, but according to Prop K, the adoption date for Leung's medallion makes it a Post-K medallion and not Pre-K. If Leung Corporation is actually the holder of a Post-K medallion, it is not subject to the provisions of TC § 1109 (c)(3) which only applied to Pre-K medallions. The following timeline is crucial to the gravamen of this case:

03-30-1978

06-06-1978

08-28-1978

Leung Corp. Established

Prop K Adopted

Medallion #433 Issued

The August 28, 1978, date of issuance was more than 60 days after the adoption of Prop K on July 6, 1978. Sixty days was the time limit set forth by Prop K for the Pre-K medallion holders to renew their existing permits. In issuing the Leung medallion over the time limit, the SFPD was not in compliance with Prop K, section 4(B), and arguably enabled Leung to operate into the future without the transfer restrictions prescribed for Pre-K corporations under TC 1109(d)(1)(A).

Taxi Services' subsequent lack of enforcement likely reinforced Leung's belief that it was operating a post-K medallion that was not subject to the transfer restriction under TC 1109(d)(1)(A).

2. SFMTA Hearing Section Policy

It is the policy of this Hearing Section to tread conservatively when considering the loss of revenue to medallion holders since the rise of Lyft/Uber and the ongoing Covid crisis. In this instance, Leung was under the reasonable expectation that SFMTA accepted it as a post-K registered Corporation and that as such, it was free to transfer/sell shares of stock and still retain its medallion. Moreover, Leung was led to believe that the transfer process it engaged in was legal as its annual renewals, submitted in good faith, were never rejected by the Taxi Services. Thus, nothing in Taxi Services' enforcement history was available to disabuse Leung of its belief that it could transfer its shares in the manner it did without losing its medallion.

The SFPD issued a medallion to Leung on August 28, 1978, past the deadline for pre-K issuance. There is nothing in the record indicating that SFPD attempted to correct this issuance, if it was indeed incorrect. Furthermore, Taxi Services received and filed the Leung's annual renewal report annually after 2003 without objection, despite candid information from Leung since 2008 that it had begun exceeding, cumulatively ten percent a year restriction on transfers of corporate shares. As the main enforcement agency and the only reporting agency known by Leung, Taxi Services failed to notify Leung that its Corporation ownership transfer action was illegal.

3. Findings

The San Francisco Police Department (SFPD) issued a valid operating permit to Leung, an established corporation on August 28, 1978, past the deadline to include Leung under TC 1109(d)(1)(A).

On the basis of these considerations, I find that the SFMTA has not established, by a preponderance of the evidence, that Leung is a pre-K medallion subject to the transfer restrictions of TC 1109(d)(1)(A).

V. DATE OF DECISION

As noted above this case was heard on June 8, 2021, and ordinarily under TC §1120(e)(1) a decision would be due 30 days after the date of the hearing. However, a two week extension was requested and approved due to the expansive research of evidence. On that basis this decision is due to be filed and published on or before July 22, 2021.

VI. ORDER

By reason of the Findings stated above, the Taxi Service's Notice of Nonrenewal in this matter is denied. Medallion #433 is deemed renewable under the condition that Leung complies with all other renewal requirements, including affiliating with a Color Scheme within a reasonable time from the date of this Decision.

Dated this 22th day of July, 2021

Elaine Hou

Elaine Hou
Neutral Hearing Officer
SFMTA Hearing Section

RIGHT OF REVIEW

Under the provisions of the San Francisco Transportation Code, a decision of a hearing officer is a final administrative decision. Any party or entity adversely affected by this decision may seek review of the decision by filing an Appeal in accordance with the rules provided by the San Francisco Board of Appeals.

ATTACHMENT:

- 1) San Francisco Administrative Code Appendix 6 - ORDINANCE PROVIDING FOR THE REGULATION OF TAXICABS AND OTHER MOTOR VEHICLES FOR HIRE (Source: <http://www.taxi-library.org/prop-k.htm>)
- 2) Overview of the San Francisco Taxi Industry and Proposition K – A SHORT REPORT PREPARED FOR THE CHARTER REFORM WORKING GROUP – A POLICY BODY OF THE SAN FRANCISCO TAXI COMMISSION (Source: <http://www.medallionholders.com/docs/overview-of-prop-k.pdf>)

BRIEF SUBMITTED BY THE APPELLANT(S)

SAN FRANCISCO BOARD OF APPEALS

SAN FRANCISCO MUNICIPAL
TRANSPORTATION AGENCY,

Appellant,

vs.

LEUNG TRANSPORTATION,

Respondent.

Appeal No. 21-073

Medallion Permit No. 433

SFMTA TAXI DIVISION’S BRIEF

Hearing Date: Wednesday, October 20, 2021
Time: 5:00 p.m.
Place: City Hall, Room 416
[Zoom Remote Platform]

[Exemption from File Fees per Cal. Gov. Code §§
6103(a)-(b)]

INTRODUCTION

The San Francisco Municipal Transportation Agency (SFMTA) challenges the decision of the Hearing Officer denying the SFMTA Taxi Division’s decision not to renew Medallion #433, held by Leung Transportation Co., Inc. (Leung), a permitted Pre-K Corporate Medallion Holder.¹ The Hearing Officer’s decision is contrary to the Transportation Code and should be overturned. The decision was based upon the date of the reissuance of the Medallion following Proposition K (1978) (Prop K), resulting in an erroneous outcome.

BACKGROUND

The evidence before the Board of Appeals is undisputed, and Leung did not dispute the corporate records of ownership presented by SFMTA. Leung originally received a permit for Medallion #433 prior to the effective date of Prop K. When they passed Proposition K in 1978, San Francisco voters reformed the City’s taxi medallion system. Post-K medallions were issued for free to active drivers, and each driver was limited to a single medallion. Proposition K imposed a full-time driving requirement on medallion holders who were issued Medallions after Prop K’s enactment. Those that held Medallions prior to Prop K were allowed to retain their Medallions, which became

¹ Any capitalized terms that are not otherwise defined herein shall have the meaning ascribed in Article 1100 of the San Francisco Transportation Code.

1 known as Pre-K Medallions. Corporate Pre-K Medallion holders were also allowed to
2 retain their Medallions, provided that the Medallion would be null and void should a
3 should a transfer of ten percent or greater occur.²

4 Following the enactment of Prop K, Leung was reissued a permit on or about
5 August 28, 1978. [EXHIBIT 1]. On or about March 30, 1978, Leung Transportation
6 incorporated and filed with the California Secretary of State. [EXHIBIT 2]. Pursuant to
7 the Transportation Code, Pre-K Corporate Medallion holders must file a copy of the stock
8 register annually as part of the renewal process. §1114(d)(1). 33,000 shares were issued
9 by the corporation. [EXHIBIT 3].

9 In the 2003 corporate stock filing, the shareholders were listed as below. [EXHIBIT 3]

- 10 - Man Kwong Leung (hereinafter Man) 11,000/33%
- 11 - Choi Lan Lau Leung (hereinafter Choi) 11,000/33%
- 12 - Ken Shik Leung (hereinafter Ken) 11,000/33%

13 This ownership arrangement continued through 2005. In the 2006 renewal, the
14 shareholders were listed as below. [EXHIBIT 4]

- 15 - Man Kwong Leung 9,902/30%
- 16 - Choi Lan Lau Leung 9,902/30%
- 17 - Ken Shik Leung 9,902/30%
- 18 - Chris P Leung (hereinafter Chris) 1,647/5%
- 19 - Trevor P Leung (hereinafter Trevor) 1647/5%

20 In the 2007 renewal, the shareholders were listed as below. [EXHIBIT 5]

- 21 - Man Kwong Leung 8,255/25%
- 22 - Choi Lan Lau Leung 8,255/25%
- 23 - Ken Shik Leung 9,902/30%
- 24 - Chris P Leung 3,294/10%
- 25 - Trevor P Leung 3,294/10%

26 ² Proposition K, Section 5 states “[i]f any permittee is a corporation, any sale or other transfer of 10 percent
27 or more of the stock ownership or assets of the permittee, resulting from any transaction or series of
28 transactions and computed on a cumulative basis, will be deemed to be a sale or transfer and the permit
therefore shall be null and void, unless approved by the Police Commission in conformity with the
requirements of this Ordinance.”

1 In the 2008 renewal, the shareholders were listed as below. [EXHIBIT 6]

2	- Man Kwong Leung	6,606/30%
3	- Choi Lan Lau Leung	6,606/30%
4	- Ken Shik Leung	9,902/30%
5	- Chris P Leung	4,943/5%
6	- Trevor P Leung	4,943/5%

7 In the 2009 renewal, the shareholders were listed as below. [EXHIBIT 7]

8	- Man Kwong Leung	4,957/15%
9	- Choi Lan Lau Leung	4,957/15%
10	- Ken Shik Leung	9,902/30%
11	- Chris P Leung	6,592/20%
12	- Trevor P Leung	6,592/20%

13 In the 2010 renewal, the shareholders were listed as below. [EXHIBIT 8]

14	- Man Kwong Leung	3,308/10%
15	- Choi Lan Lau Leung	3,308/10%
16	- Ken Shik Leung	9,902/30%
17	- Chris P Leung	8,241/25%
18	- Trevor P Leung	8,241/25%

19 In the 2011 renewal, the shareholders were listed as below. [EXHIBIT 9]

20	- Man Kwong Leung	1,659/5%
21	- Choi Lan Lau Leung	1,659/5%
22	- Ken Shik Leung	9,902/30%
23	- Chris P Leung	9,890/30%
24	- Trevor P Leung	9,890/30%

25 In the 2012 renewal, the shareholders were listed as below. [EXHIBIT 10]

26	- Man Kwong Leung	330/1%
27	- Ken Shik Leung	9,902/30%
28	- Chris P Leung	11,384/34.5%
	- Trevor P Leung	11,384/34.5%

1 Choi Lau Lan Leung was no longer listed as a shareholder in 2012. This ownership
2 structure continued through 2015. In the 2016 renewal, Man Kwong Leung was removed
3 as a shareholder as below. [EXHIBIT 11]

- 4 - Ken Shik Leung 10,000/30.3%
- 5 - Chris P Leung 11,500/34.85%
- 6 - Trevor P Leung 11,500/34.85%

7 This is the current listed ownership structure as filed in the 2020 renewal documents.

8 On or about May 20, 2020, Leung filed for renewal, which includes the current
9 shareholder listing. [EXHIBIT 12]. After review of Leung’s documents, SFMTA issued
10 a Notice of Nonrenewal on or about September 25, 2020. [EXHIBIT 13].

11 **ARGUMENT**

12 Pursuant to §1105(a)(5), “Unless earlier revoked or suspended, all permits shall
13 expire one year following their issuance or renewal, or on another date as specified by the
14 SFMTA.” As a condition of renewal, “a Permit Holder must pay the applicable Renewal
15 Fee, meet the eligibility requirements required for new applicants listed in Section 1104,
16 and may be required to sign a statement under penalty of perjury affirming eligibility for
the permit.”³

17 The annual sworn statement is a declaration that Medallion Holders and their
18 Medallion(s) are in compliance with the San Francisco Transportation Code.

19 Under Article 1100, permits are a privilege and are not the property of the Permit
20 Holder [§1105(a)(3)]. Additionally, §1105(a)(6) requires that: “[e]very Permit Holder
21 shall comply with... the provisions of this Article.”

22 In 1978, voters passed Proposition K (1978) (hereinafter Prop K). Prop K was a voter
23 passed initiative that changed the way Medallions were issued and held. Prior to the
24 enactment of Prop K, Medallion Holders could hold more than one Medallion and they
25 need not be an active taxi driver. Prop K was designed to put Medallions in the hands of
26 working drivers. As part of the transition in regulation, Pre-K Medallion Holders were
allowed to hold their Medallions as Pre-K Corporate Medallions, provided that the

27 _____
28 ³ The “statement [signed] under penalty of perjury affirming eligibility for the permit” is known colloquially as “annual sworn statement” in the San Francisco Taxi industry.

1 ownership of the Medallion remained the same. The purpose was to allow those
2 Medallions to be held for a limited period of time. “Corporations have a theoretically
3 infinite lifespan, so long as shares are traded or redeemed upon the death of individual
4 shareholders. Section 5 [of Proposition K] offsets this unnatural lifespan by
5 providing that a corporation ‘dies’ when it transfers a total of 10 percent or more of
6 its stock or assets, just like a natural person eventually dies.” (EXHIBIT 14).⁴

7 **A. Leung’s Medallion #433 is a Corporate Pre-K Medallion, not a Prop K**
8 **Medallion**

9 The Hearing Officer based her decision upon the date on the reissued permit, August
10 28, 1978. She determined that #433 was actually a Prop K Medallion. However, this
11 determination defies the express terms of Prop K and the Transportation Code because
12 only one natural person may hold a Prop K Medallion. As the undisputed evidence
13 shows, #433 is held by multiple people. Furthermore, Prop K Medallions are subject to
14 the Full-Time Driving requirement and holders are required to hold an active Driver
15 Permit (A-Card). SFMTA records do not show that any of the listed owners of Leung
16 Transportation hold or have held an A-Card. As described by Hon. Quentin Kopp in his
17 declaration, “[a]ll 1978 permit holders were required to surrender their old permits and
18 obtain new permits, which would be subject to all the provisions of Proposition K.”
19 [EXHIBIT 14].

20 **B. Leung’s Medallion is null and void due to a change in corporate ownership**
21 **that exceeded 10% cumulatively**

22 §1109(d) applies to Pre-K Corporate Medallion holders, and specifically states that
23 “any Pre-K Corporate Medallion shall be deemed null and void and revoked if” the
24 Medallion was sold or transferred after June 6, 1978. For purposes of this section, “a sale
25 or transfer occurs upon a cumulative sale or transfer of either 10% or more of the stock or
26 other ownership of the Medallion Holder, or 10% of the Permit Holder’s assets since
27 June 6, 1978...”

28 ⁴ Exhibit 14 is a declaration signed by Hon. Quentin Kopp, a primary author of Proposition K. It is part of SFMTA’s historical files and is produced to show the legislative intent of the regulations surrounding Corporate Pre-K Medallions. City Charter S.F. Charter §8A.101(b) “[o]nce adopted, Agency regulations shall thereafter supersede all previously-adopted ordinances governing motor vehicles for hire that conflict with or duplicate such regulations.” The ten percent rule is codified in §1109(d).

1 Here, in the corporate documentation submitted by Leung [EXHIBIT 3-12], the
2 filings show a transition of ownership over the years. The early shareholders Man, Choi
3 and Ken each held 33% of the shares. In 2006, Trevor and Chris were added as
4 shareholders, each receiving 5% at the expense of Choi and Man, respectively. Between
5 2006 and 2012, the shares of Man and Choi were gradually reduced, as Trevor and Chris'
6 respective holdings gradually increased to the point that Choi was removed from the
shareholders list in 2012 and Man in 2016.


7 In 2003, Man and Choi each held 33% of the shares of the Business Entity,
8 respectively. By 2016, neither were listed as shareholders, and Trevor and Chris each
9 held 34.85%. As the transfer of shares from Man and Choi were gradually shifted to
10 Trevor and Chris, there was an ownership change of at least 66% of the shares, which
11 exceeds the 10% limit codified in §1109(d)(1). As there was a greater than 10%
ownership change, Medallion #433 is null and void.

12 CONCLUSION

13 Based upon the undisputed documentary evidence submitted by Leung, there was
14 a change in ownership of 23,000 shares of the Pre-K Corporate Medallion, which is 70%.
15 Because this transfer of ownership exceeded 10%, Medallion #433 is null and void and is
16 not eligible for renewal.

17 For the foregoing reasons, the Board of Appeals should overturn the July 22, 2021
18 Hearing Officer decision and deem Medallion #433 null and void pursuant to §1109(d).

19 Respectfully Submitted,

20 

21 Date: 9.30.21

22 Philip Cranna
23 Enforcement and Legal Affairs Manager
SFMTA Taxi Services

EXHIBIT LIST

- EXHIBIT 1 Permit T-433 8/28/78¹
- EXHIBIT 2 Corporate Filing 5/31/07
- EXHIBIT 3 Copies of Stock Register 2003-05
- EXHIBIT 4 Copies of Stock Register 2006
- EXHIBIT 5 Copies of Stock Register 2007
- EXHIBIT 6 Copies of Stock Register 2008
- EXHIBIT 7 Copies of Stock Register 2009
- EXHIBIT 8 Copies of Stock Register 2010
- EXHIBIT 9 Copies of Stock Register 2011
- EXHIBIT 10 Copies of Stock Register 2012-15
- EXHIBIT 11 Copies of Stock Register 2016-17
- EXHIBIT 12 Annual Sworn Statement 5/20/20
- EXHIBIT 13 Notice of Nonrenewal 9/28/20
- EXHIBIT 14 Declaration of Quentin Kopp 3/18/98

¹ For privacy purposes, redactions have been made to Exhibits 1 and 3-12. Original copies are available to the Board of Appeals if requested.

EXHIBIT 1

VEHICLE FOR HIRE PERMIT
San Francisco Police Department

PERMIT NUMBER

T - 433

TYPE OF PERMIT

TAXICAB

DATE GRANTED

AUG 28 1978

NAME

LEUNG TRANSPORTATION

ADDRESS

██████-24th Ave., S.F. CA

PHONE NUMBER

566-██████

IN CONFORMITY WITH THE POLICE CODE OF THE CITY AND COUNTY
OF SAN FRANCISCO, PERMISSION IS HEREBY GRANTED TO OPERATE
A VEHICLE FOR HIRE. THIS PERMIT IS NON-TRANSFERABLE AND
NON-ASSIGNABLE EITHER EXPRESSLY OR BY OPERATION OF LAW.

Secretary Police Commission
SIGNATURE *Smca 8/27*

DATE

AUG 11 1978

EXHIBIT 2

State of California
Secretary of State

CERTIFICATE OF STATUS
DOMESTIC CORPORATION

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That on the **30th day of March, 1978, LEUNG TRANSPORTATION CO., INC.** became incorporated under the laws of the State of California by filing its Articles of Incorporation in this office; and

That said corporation's corporate powers, rights and privileges are not suspended on the records of this office; and

That according to the records of this office, the said corporation is authorized to exercise all its corporate powers, rights and privileges and is in good legal standing in the State of California; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great Seal
of the State of California this day of
May 31, 2007.



Debra Bowen

DEBRA BOWEN
Secretary of State

EXHIBIT 3

PART 4

THIS SECTION IS TO BE COMPLETED BY CORPORATE PERMITTEE ONLY

NAME OF CORPORATION LEUNG TRANSPORTATION Co., INC.

Corporate Position	Name	Mailing Address	Residence Telephone
President	MAN KWONG LEUNG	[REDACTED] 24TH AVE, SF.	650-430-[REDACTED]
Vice President	CHOI LAN LAU LEUNG	CA 94122	u
Secretary	KEN SHIK LEUNG		u
Treasurer	KEN SHIK LEUNG		u
Other			

Have there been any transfers, of any nature or amount or other reallocation of the stock or assets of the corporation?

If you check yes, attach a complete written explanation.

Yes

No

Have there been any changes in the membership of the board of directors or officers of the corporation?

If you check yes, attach a complete written explanation.

Yes

No

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders. SAME AS ABOVE
- Total number of shares originally authorized by the Corporation. 33,000
- Total number of shares originally issued by the Corporation. 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares. 11,000 / 33 1/3%
- Name, address and phone number of all stockholders in the corporation as of the date of this filing. SAME AS ABOVE
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares. 11,000 / 33 1/3%

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

Signature [Handwritten Signature]

Title SECRETARY

Date 6/20/03

PART 4

THIS SECTION IS TO BE COMPLETED BY CORPORATE PERMITTEES ONLY

<u>Corporate Position</u>	<u>Name</u>	<u>Mailing Address</u>	<u>Residence Telephone</u>
President	MAN KWONG LEUNG	[REDACTED] - 24 TH AVE	650-430-[REDACTED]
Vice President	CHOI LAN LAN LEUNG	S.F. CA 94122	
Secretary	KWONG LEUNG		
Treasurer			
Other			

Have there been any transfers, of any nature or amount or other reallocations of the stock or assets of the corporation?
If you check yes, attach a complete written explanation.

Yes

No

Have there been any changes in the membership of the board of directors or officers of the corporation?
If you check yes, attach a complete written explanation.

Yes

No

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders. SAME AS ABOVE
- Total number of shares originally authorized by the Corporation. 33,000
- Total number of shares originally issued by the Corporation. 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares. 11,000 // 33 1/3 %
- Name, address and phone number of all stockholders in the corporation as of the date of this filing. SAME AS ABOVE
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares. 11,000 // 33 1/3 %

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

Signature [Handwritten Signature]

Title SECRETARY

Date 5/7/04

PART 4

THIS SECTION IS TO BE COMPLETED BY CORPORATE PERMITTEE ONLY

NAME OF CORPORATION LEUNG TRANSPORTATION CO. INC.

Corporate Position	Name	Mailing Address	Residence Telephone
President	MAN KWOK LEUNG	[REDACTED] 24TH AVE	650 4630 [REDACTED]
Vice President	CHOI LAN LAM LEUNG	SAN FRANCISCO, CA 94122	
Secretary	KEN LEUNG		
Treasurer	KEN LEUNG		
Other			

Have there been any transfers, of any nature or amount or other reallocation of the stock or assets of the corporation?

If you check yes, attach a complete written explanation.

Yes

No

Have there been any changes in the membership of the board of directors or officers of the corporation?

If you check yes, attach a complete written explanation.

Yes

No

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders. SAME AS ABOVE
- Total number of shares originally authorized by the Corporation. 33,000
- Total number of shares originally issued by the Corporation. 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares. 11,000 33 1/3%
- Name, address and phone number of all stockholders in the corporation as of the date of this filing. SAME AS ABOVE
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares. 11,000 33 1/3%

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

[Signature] SECRETARY 6/1/85
 Signature Title Date

EXHIBIT 4

PART 4

NAME OF CORPORATION LEUNG TRANSPORTATIONS CO. INC.

Corporate Position	Name	Mailing Address	Residence Telephone
President	MAN KWONG LEUNG	[REDACTED] 24 TH AVE	SAN FRANCISCO
Vice President	CHOI LAN LAU LEUNG	CA 94122	
Secretary	KEN S LEUNG	LI	650 430- [REDACTED]
Treasurer	KEN S LEUNG	Y	Y
Other	CHRIS P. LEUNG	Y	Y
	TREVOR P. LEUNG	LI	Y

Have there been any transfers of any nature or amount or other reallocation of the stock or assets of the corporation? If you check Yes, attach a complete written explanation:

Yes No

Have there been any changes in the membership of the board of directors or officers of the corporation? If you check Yes, attach a complete written explanation:

Yes No

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders
- Total number of shares originally authorized by the Corporation 33,000
- Total number of shares originally issued by the Corporation 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares
- Name, address and phone number of all stockholders in the corporation as of the date of this filing
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares

MAN KWONG LEUNG 9902
 CHOI LAN LAU LEUNG 9902
 KEN S LEUNG 9902
 CHRIS P. LEUNG 1647
 TREVOR P. LEUNG 1647

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

[Signature]
 Signature

SECRETARY
 Title

4/12/06
 Date

THIS FORM MUST BE SUBMITTED IN PERSON TO THE TAXI COMMISSION

EXHIBIT 5

THIS FORM MUST BE SUBMITTED IN PERSON TO THE TAXI COMMISSION

PART 4

NAME OF CORPORATION LEUNG TRANSPORTATION Co., INC.

Corporate Position	Name	Mailing Address	Residence Telephone
President	MAN KWONG LEUNG	[REDACTED] 24 TH AVE	650-430-[REDACTED]
Vice President	CHOI LAN LAN LEUNG	SAN FRANCISCO, CA 94122	4
Secretary	KEN S. LEUNG	4	4
Treasurer	KEN S. LEUNG	4	4
Other	CHRIS P. LEUNG	4	4
	TREVOR P. LEUNG	4	4

Have there been any transfers of any nature or amount or other reallocation of the stock or assets of the corporation? If you check Yes, attach a complete written explanation:

Yes No

Have there been any changes in the membership of the board of directors or officers of the corporation? If you check Yes, attach a complete written explanation:

Yes No

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders
- Total number of shares originally authorized by the Corporation 33,000
- Total number of shares originally issued by the Corporation 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares
- Name, address and phone number of all stockholders in the corporation as of the date of this filing
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares

MAN KWONG LEUNG	8255
CHOI LAN LAN LEUNG	8255
KEN S. LEUNG	9902
CHRIS P. LEUNG	3294
TREVOR P. LEUNG	3294

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

Signature [Handwritten Signature]

Title SECRETARY

Date 4/20/07

THIS FORM MUST BE SUBMITTED IN PERSON TO THE TAXI COMMISSION

EXHIBIT 6

**THIS FORM MAY BE NOTARIZED OR SUBMITTED IN PERSON
TO THE TAXI COMMISSION**

PART 4

NAME OF CORPORATION LEUNG TRANSPORTATION CO. INC.

Corporate Position	Name	Mailing Address	Residence Telephone
President	MAN KWONG LEUNG	[REDACTED] 24 TH AVE	650-430-[REDACTED]
Vice President	CHAI LAN LAU LEUNG	SAN FRANCISCO, CA 94122	4
Secretary	KEN S. LEUNG	[REDACTED] PINEHURST CT	4
Treasurer	KEN S. LEUNG	MILBRAE, CA 94030	4
Other	CHRIS P. LEUNG TREVOR P. LEUNG		4

• I hereby attach a file stamped copy of Form SI200C for the previous calendar year (initial here): 6/9/08 *Ken*

• Have there been any transfers of any nature or amount or other reallocation of the stock or assets of the corporation?
 Yes, If you check Yes, attach a complete written explanation. *askery*

No, I hereby declare that there have not been any changes or transfers of any nature which would constitute ground for revocation of my permit(s) under Municipal Police Code 1083.

• Have there been any changes in the membership of the board of directors or officers of the corporation?
 Yes, If you check Yes, attach a complete written explanation.

No

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

Signature *askery* Title SECRETARY Date 5/2/08

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders
- Total number of shares originally authorized by the Corporation 33,000
- Total number of shares originally issued by the Corporation 33,000
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares
- Name, address and phone number of all stockholders in the corporation as of the date of this filing
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares

MAN KWONG LEUNG	6606
CHAI LAN LAU LEUNG	6606
KEN S. LEUNG	9902
CHRIS P. LEUNG	4943
TREVOR P. LEUNG	4943

**THIS FORM MAY BE NOTARIZED OR SUBMITTED IN PERSON
TO THE TAXI COMMISSION**

EXHIBIT 7

EXHIBIT 8

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG [REDACTED] 24TH AVE, SAN FRANCISCO, 415-731 [REDACTED]
 CHOI LAN LAU LEUNG [REDACTED] 24TH AVE. SAN FRANCISCO, ~~415~~-430 [REDACTED]
 KEN S. LEUNG } [REDACTED] PINETURST CT, MILLBRAE, CA, 65043 [REDACTED]
 CHRIS P. LEUNG }
 TREVOR P. LEUNG }

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG	3308 SHARES	10%
CHOI LAN LAU LEUNG	3308 SHARES	10%
KEN S. LEUNG	9902 SHARES	30%
CHRIS P. LEUNG	8241 SHARES	25%
TREVOR P. LEUNG	8241 SHARES	25%

NAMES & ADDRESSES & PHONE NUMBERS

RECEIVED

APR 30 2010

SFMTA Division of Taxes & Accessible Services

~~SHARES HELD~~

[Handwritten Signature]

4/30/2010

EXHIBIT 9

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG } [REDACTED] 24TH AVE, SAN FRANCISCO, 415-731-[REDACTED]
CHOI LAN LAN LEUNG }

KEN S LEUNG } [REDACTED] PINETHURST CT, MILLBRAE, CA, 650-430-[REDACTED]
CHRIS P LEUNG }
TREVOR P LEUNG }

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG	1659 SHARES	5%
CHOI LAN LAN LEUNG	1659 SHARES	5%
KEN S LEUNG	9902 SHARES	30%
CHRIS P LEUNG	9890 SHARES	30%
TREVOR P LEUNG	9890 SHARES	30%

Leung 4/20/2011

EXHIBIT 10

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG

24TH AVE, SAN FRANCISCO, 415-731-
CA 94122

KEN S. LEUNG

CHARS P. LEUNG

TREVOR P. LEUNG

PINEHURST CT, MILLBRAE, CA 94030, 650

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG	330 SHARES	1%
KEN S. LEUNG	9,902 SHARES	30%
CHARS P. LEUNG	11,384 SHARES	34.5%
TREVOR P. LEUNG	11,384 SHARES	34.5%

Leung 5/2/2012

RECEIVED

MAY 03 2012

SFMTA Division of Taxes &
Accessible Services

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG

[REDACTED] 24TH AVE, SAN FRANCISCO
CA 94122
415-731-[REDACTED]

KEN S. LEUNG

CHRIS P. LEUNG

TREVOR P. LEUNG



[REDACTED] PINETURST Cr, MILLBRAE
CA 94030
650-430-[REDACTED]

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

RECEIVED

MAY 03 2013

SFMTA Division of Tax & Accessible Services

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG	330 SHARES	1%
KEN S. LEUNG	9,902 SHARES	30%
CHRIS P. LEUNG	11,384 SHARES	34.5%
TREVOR P. LEUNG	11,384 SHARES	34.5%

5/3/13

To submit
California FI-200

Guy

Debra 5/3/2013

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG

[REDACTED] 24TH AVE, SAN FRANCISCO
CA 94122
415-731-[REDACTED]

KEN S. LEUNG
CHRIS P. LEUNG
TREVOR P. LEUNG

[REDACTED] PINNACREST CT, MILLBRAE
CA 94030
650-430-[REDACTED]

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

RECEIVED

MAY 03 2014

SFMTA Division of Tax & Accessible Services

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG	330 SHARES	1%
KEN S. LEUNG	9,902 SHARES	30%
CHRIS P. LEUNG	11,384 SHARES	34.5%
TREVOR P. LEUNG	11,384 SHARES	34.5%

~~5/3/13~~
To submit
California
[REDACTED]

RECEIVED
MAY 05 2014
SFMTA Division of Tax & Accessible Services

Debra
~~5/3/2013~~
5/5/2014

LEUNG TRANSPORTATION CO., INC.

ORIGINAL STOCKHOLDERS

MAN KWONG LEUNG

[REDACTED] 24TH AVE, SAN FRANCISCO, CA 94122
650-430-[REDACTED]

KEN S. LEUNG
CHRIS P. LEUNG
TREVOR P. LEUNG

} [REDACTED] PINELIST G MILLBRAE, CA 94030
650-430-[REDACTED]

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

MAN KWONG LEUNG

330 SHARES

1%

KEN S. LEUNG

9,902 SHARES

30%

CHRIS P. LEUNG

11,384 SHARES

34.5%

TREVOR P. LEUNG

11,384 SHARES

34.5%

Ken S. Leung
5/29/2015

EXHIBIT 11

LEUNG TRANSPORTATION Co., INC.

ORIGINAL STOCKHOLDERS

KEN S. LEUNG
CHRIS P. LEUNG
TREVOR P. LEUNG



██████████ PINEHURST CT, MILLBRAE, CA 94031
650-430-██████████

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

KEN S. LEUNG	10,000 SHARES	30.30%
CHRIS P. LEUNG	11,500 SHARES	34.85%
TREVOR P. LEUNG	11,500 SHARES	34.85%


5/3/2016

LEUNG TRANSPORTATION Co., Inc.

ORIGINAL STOCKHOLDERS

KEN S. LEUNG
CHRIS P. LEUNG
TREVOR P. LEUNG } [REDACTED] PINETTURST CT, MILBRAE, CA 94031
T. 650.430. [REDACTED]

ORIGINAL AUTHORIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

KEN S. LEUNG	10,000 SHARES	30.30%
CHRIS P. LEUNG	11,500 SHARES	34.85%
TREVOR P. LEUNG	11,500 SHARES	34.85%



4/24/2017

EXHIBIT 12



2020 Annual Sworn Statement Pre-K & Corporate

In compliance with the provisions of SFMTA Transportation Code, Division II, Article 1100 § 1114(c) and (d), the undersigned Taxi Medallion Holder(s) hereby makes a sworn statement as follows:

PART 1

Do you have any other permits or licenses from other governmental bodies relating to the operation of Motor Vehicles for Hire?

Yes (If Yes, you must attach copies of such permits or licenses) No

PART 2

I (We) hereby declare that all drivers driving medallion number(s) T-433 that are mandated by the State of California to be covered by "Worker's Compensation" insurance, are so covered.

I (We) and all those operating under this medallion are in compliance with appropriate California and City and County of San Francisco laws pertaining to proper driver licenses, all pertinent rules adopted by the SFMTA Taxi Services, the SFMTA Transportation Codes, all applicable San Francisco Municipal Police Code sections, all California Vehicle Codes, all California Workers' Compensation Laws and Regulations, and all other pertinent local, state and federal laws applicable to the operation of a taxicab.

Medallion Number(s): T-433 Social Security Number (Last 4 Digits): _____

Medallion Holder(s) Name(s): LEUNG TRANSPORTATION CO., INC.

Residence Address of Medallion Holder: _____ 24th AVE, S.F. CA 94122
City State Zip

A P.O. Box is not permitted
Mailing Address if different from above: _____
Street City State Zip

Taxi Company Name: S F SUPER CAB Taxi Company Phone: 415-681-6688

Taxi Company Address: 1407 IRVING ST, S.F. CA 94122
Street City State Zip

Residence Phone: (650) 430- [REDACTED] Cellular Phone: (650) 430- [REDACTED]

Medallion Holder Email Address: _____ [REDACTED]@YAHOO.COM
Print legible

Write the names of all taxi companies that your medallion has been associated with in the last five (5) years:

_____ S F TAXICAB _____

PART 3

I (We) hereby declare that I have not committed any violations that would constitute grounds for revocation of my permit under San Francisco Transportation Code Section 1118. I (We) further declare under penalty of perjury under the laws of the State of California that the information provided on this form, attached explanations where applicable and any attachments hereto, are true and correct.

Executed on 5/20/20 at SAN FRANCISCO CA
Date City State

Medallion Holder(s): _____
Signature (First Named Medallion Holder) Signature (Second Named Medallion Holder)

_____ KEN S LEUNG _____
Print Name Print Name

_____ [REDACTED] 2310 _____ [REDACTED] / 21
CA Driver License Number Expiration Date CA Driver License Number Expiration Date



PART 4

NAME OF CORPORATION

LEUNG TRANSPORTATION Co. INC.

Please provide the following information for each position listed below:

Corporate Position Name Mailing Address Residence Telephone

President

KEN S. LEUNG

Vice President

CHRIS P. LEUNG

Secretary

KEN S. LEUNG

Treasurer

KEN S. LEUNG

Other

VICE-PRESIDENT - TREVOR P. LEUNG

PINEHURST CT
MILLBRAE CA 94030

- I hereby attach a file stamped copy of Form SI-200C from the California Secretary of State for the previous calendar year (initial here): [initials] (If you do not have a stamped copy, you will need to request one from the Secretary of State. Note that it will take up to six (6) weeks for delivery.)
- I hereby attach a file stamped copy of Form SI-200C from the California Secretary of State for the previous calendar year (initial here): [initials] (If you do not have a stamped copy, you will need to request one from the Secretary of State. Note that it will take up to six (6) weeks for delivery.)
- Have there been any transfers of any nature or amount or other reallocation of the stock or assets of the corporation?
 Yes, If you check Yes, attach a complete written explanation.
 No, I hereby declare that there have not been any changes or transfers of any nature which would constitute ground for revocation of my permit(s) under Transportation Code § 1109(d).
- Have there been any changes in the membership of the board of directors or officers of the corporation?
 Yes, If you check Yes, attach a complete written explanation.
 No

I certify under penalty of perjury under the laws of the State of California that the information provided above and attached to this form is true and correct.

I am on the Board of Directors of the Corporation and I am authorized to sign for such.

Signature

[Handwritten Signature]

Title

PRESIDENT

Date

5/20/20

STOCKHOLDERS INFORMATION

On a separate piece of paper, please list the following information:

- Name, address and phone number of all original stockholders
- Total number of shares originally authorized by the Corporation
- Total number of shares originally issued by the Corporation
- Number of shares held by each original stockholder and its percentage equivalent of the original number of authorized shares
- Name, address and phone number of all stockholders in the corporation as of the date of this filing
- The total number of shares of each current stockholder and its percentage equivalent of the current number of authorized shares.

STOCKHOLDERS INFORMATION

ORIGINAL STOCKHOLDERS

KEN S. LEUNG	[REDACTED]	CT, MILLBRAE, CA 94030	650.4	[REDACTED]
CHRIS P. LEUNG	[REDACTED]	CT, MILLBRAE, CA 94030	650.	[REDACTED]
TREVOR P. LEUNG	[REDACTED]	CT, MILLBRAE, CA 94030	650.	[REDACTED]

ORIGINAL AUTHOURIZED SHARES

33,000

ORIGINAL SHARES ISSUED

33,000

NUMBER OF SHARES & PERCENTAGE

KEN S. LEUNG	10,000 SHARES	30.30%
CHRIS P. LEUNG	11,500 SHARES	34.85%
TREVOR P. LEUNG	10,000 SHARES	34.85%

DATE : 5/20/2020



EXHIBIT 13



London Breed, Mayor

Gwyneth Borden, Chair
Amanda Eaken, Vice Chair
Cheryl Brinkman, Director

Steve Heminger, Director
Sharon Lai, Director

Jeffrey Tumlin, Director of Transportation

NOTICE OF NONRENEWAL OF PERMIT AND NOTICE OF RIGHT TO REQUEST A HEARING (Transportation Code 1105, 1120)

September 28, 2020

Leung Transportation Co. Inc.
[REDACTED] 24th Avenue
San Francisco, CA 94122

Re: Medallion #0433

Dear Leung Transportation Co. Inc.:

You are being sent this notice because you have not yet fulfilled the requirements to renew your permit. SFMTA staff has made repeated attempts to notify you of your compliance deficiencies via emails, phone calls and letters.

SFMTA is acutely aware of the impact of the pandemic on the taxi industry and has made several efforts to assist drivers and the industry at large, including extending the permit term beyond the end of the fiscal year. SFMTA's goal is compliance and you may have an opportunity to come into compliance.

You have 20 business days from the date of this notice to come into compliance or request a Hearing. Please be advised that Nonrenewal is a last resort. Instructions for filing an appeal are below.

NOTICE OF NONRENEWAL OF PERMIT is hereby given due to the following reason(s):

- 1109(a)(1): Your medallion is not affiliated with a color scheme as required by the Transportation Code.
- 1109(d)(1): Your Pre-K Corporate Medallion is null and void due to a transfer of at least 10% of the stock or other ownership. For the purposes of this Section, a sale or transfer occurs upon a cumulative sale or transfer of either 10% or more of the stock or other ownership of the Medallion Holder, or 10% of the Permit Holder's assets since June 6, 1978.



Pursuant to 1120(a), a Permit Holder who receives Notice of Nonrenewal may request a hearing by submitting to SFMTA a request for hearing, in writing, within 20 business days of the date that the Notice of Nonrenewal was served. If you would like to request a hearing regarding this Notice of Nonrenewal, you may submit your request in writing electronically to SFTaxi@sfmta.com or by US Mail:

Taxis and Accessible Services
Attn: Taxi Hearings
1 South Van Ness Avenue, 7th Floor
San Francisco, CA 94103

Please be advised that failure to timely request a hearing will result in the nonrenewal of your permit and such action will be considered final and not subject to further administrative or judicial review.

A handwritten signature in black ink, appearing to read 'Philip Cranna', with a long horizontal flourish extending to the right.

Philip Cranna
Enforcement and Legal Affairs Manager
Taxis & Accessible Services

PROOF OF SERVICE

1 I am employed in the City and County of San Francisco, in the State of California. I am
2 over the age of 18 and not a party to the within action. My business address is One South Van
3 Ness Ave., Seventh Floor, San Francisco, CA 94103.

4 The foregoing documents described as a Notice of Nonrenewal from **SAN FRANCISCO**
5 **MUNICIPAL TRANSPORTATION AGENCY, TAXI SERVICES**, was served on the
6 person(s) named below by placing true copies in an envelope addressed as below or as shown on
7 the attached service list.

8

<p>9 Hearing Officers Henry Epstein 10 James Doyle 11 San Francisco, Municipal Transportation Agency One South Van Ness Avenue, Sixth Floor 12 San Francisco, CA 94103</p>	<p>Medallion: 0433 Leung Transportation Co. Inc. ██████ 24th Avenue San Francisco, CA 94122</p>
---	--

13

14 **BY MAIL**

15 I sealed such envelope and placed it for collection and mailing on the above
16 date at my business address following ordinary business practices. I am readily
17 familiar with my employer’s practice for collection and processing of
18 correspondence for mailing with the U.S. Postal Service. In the ordinary course
of business, such correspondence is deposited with the United States Postal
Service with postage fully paid on the same date it is placed for collection.

19 **PERSONAL DELIVERY**

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

22 Executed on **September 28, 2020** San Francisco, California.

23 Ivonne Moreno
24 Typed or Printed Name

/s/
Signature

25

26

27

28

EXHIBIT 14

DECLARATION OF QUENTIN L. KOPP

I, QUENTIN L. KOPP, do declare that:

(1) I am now, and have been since December 1, 1986, a member of the California Senate representing the Eighth Senatorial District which comprises the western portion of the City and County of San Francisco and northern portion of San Mateo County. I have been a member of the State Bar of California and duly admitted to practice law in all the courts of the State since January 26, 1954.

(2) I was elected to the Board of Supervisors of the City and County of San Francisco in November, 1971 and served as a member of the Board of Supervisors of the City and County from January 8, 1972 until November 30, 1986.

(3) In late 1977 and early January of 1978, in consultation with then-Supervisor John J. Barbagelata, I drafted and redrafted an initiative ordinance regulating the issuance and operation of taxicab permits. That measure was placed on the ballot as Proposition K at the June, 1978 election, and adopted by the voters.

(4) I am informed that a number of corporations have now sought approval from the Police Commission of the sale or transfer of more than 10 percent of their corporate stock or assets. I am further informed that the Police Commission has disapproved the transfers, and, as required by Proposition K, ordered the immediate revocation and surrender of all the permits held by the applicant corporations. I am further informed that corporate applicants have appealed those decisions to the Board of Appeal. *The only appropriate result in this case is for the Board to uphold the decision of the Police Commission, disapproving the subject transfers and*

ordering the immediate revocation and surrender of all the permits held by the applicant corporations.

Purpose and Operation of Proposition K

(5) The primary purpose of Proposition K was to place permits in the hands of working drivers. Therefore, Proposition K provided that upon its adoption, permits would be nontransferable. Only natural persons who were willing to fulfill the measure's driving requirement could receive taxicab permits. All 1978 permitholders were required to surrender their old permits and obtain new permits, which would be subject to all the provisions of Proposition K.

(6) Some of those holding taxicab permits in 1978 were corporations. In drafting Proposition K, Supervisor Barbagelata and I decided not to strip corporations of their permits immediately, but to allow corporations to obtain the "new" or replacement permits on the same basis as natural persons who held permits prior to the June, 1978 municipal election.

(7) Issuing new permits to corporations on the same basis as natural persons meant preventing transferability and providing for expiration. Under Proposition K, a natural person may not sell or transfer his or her permit, and loses his or her permit when he or she dies. The permit may then be issued to another driver/applicant, in keeping with the overriding policy of Proposition K to grant permits to actual drivers. Without some special provision, corporations could evade both of those restrictions. They could effectively transfer ownership of the permit by selling the stock of the corporation that held the permit, and could hold the permits in perpetuity by continually adding new shareholders as previous shareholders died or transferred their interests.

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Section 5

(8) To address these problems, Supervisor Barbagelata and I included Section 5 in Proposition K. Section 5 provides, in relevant part:

SECTION 5. Corporate Permittee. (a) If any permittee is a corporation, any sale or other transfer of 10 percent or more of the stock ownership or assets of the permittee, resulting from any transaction or series of transactions and computed on a cumulative basis, will be deemed to be a sale or transfer and the permit therefore shall be null and void, unless approved by the Police Commission in conformity with the requirements of this Ordinance. * * *

The purpose of Section 5 was effectively to “grandfather” corporately-held permits, *so long as the ownership of the corporation remained the same*. Under Section 5, if a corporation holding taxicab permits transfers or changes ownership of a cumulative total of 10 percent or more of its stock or assets, its permits are revoked by law.

(9) Section 5 was a compromise provision intended to allow the corporations a *limited* period of time to continue operating their permits, while providing for the return of those permits to the City in the same manner as permits held by a natural person. Corporations have a theoretically infinite lifespan, so long as shares are traded or redeemed upon the death of individual shareholders. Section 5 offsets this unnatural lifespan by providing that a corporation “dies” when it transfers a total of 10 percent or more of its stock or assets, just like a natural person eventually dies. The corporation’s permits are then returned to the City for transfer to another permitholder. This provision prevents corporate permitholders from tying up permits indefinitely and preventing new permitholders from entering the market. It also prevents corporations from speculating in the value of the permits they hold by selling stock in the corporation.

(10) Proposition K does allow the Police Commission to approve certain transfers, but only those transfers the Commission determines to be “in conformity with the requirements of [Proposition K].” The primary requirements of Proposition K, for these purposes, are that permits go to drivers and that permits be nontransferable.

(11) Thus, in 1982, the Police Commission properly allowed Yellow Cab Company to acquire real property for a new garage through a property exchange with a third party, even though the property Yellow was surrendering represented more than 10 percent of its corporate assets. Similarly, Section 5 would not bar a corporate permitholder from trading-in a significant portion of its vehicle fleet as part of the purchase of new vehicles, even if the vehicles it was surrendering represented more than 10 percent of the corporation’s assets. Such transfers do not involve a change in the ownership or control of the corporation; they do not delay the corporation’s eventual surrender of its taxicab permits or allow the corporation to trade on the perceived market value of the permits it holds.

(12) Section 5 clearly bars the types of transfers that recently have been presented to the Police Commission for approval. Proposition K does not contain any exception for transfers where the transfer is between original shareholders or where the stock is repurchased by the corporation. I would never have included such exceptions if they had been proposed in 1977 or 1978. Prior to placing Proposition K on the ballot, I authored two virtually identical measures that were passed by the Board of Supervisors in 1977 but were subsequently vetoed by the Mayor. No exceptions for intra-corporate transfers or corporate stock transfers were even discussed in the several public hearings on those measures. No such exceptions were ever discussed by me with any party while drafting Proposition K in late December, 1977 and the first week of January, 1978.

(13) Such transfers would undermine the purposes of Proposition K as surely as outright sales to third-parties. They would unnaturally prolong a corporation's possession of the permits and allow shareholders to profit from increases in the "market value" of the permits, whether one shareholder owns a greater share of the corporation's permits when he or she buys stock in an individual transaction or the shareholders as a whole own a greater share in a corporation's permits when a corporation buys back stock and the shareholders' proportional interest in the permits increases.

(14) Section 5 already gives corporate permitholders a significant protection (and advantage) by allowing them to sell or transfer up to a cumulative total of 10 percent of their corporate shares or assets without forfeiting their permits, instead of losing their permits immediately upon any sale or transfer. Meanwhile, the corporations reap significant benefits from operation of their permits, because they are not required to pay lease fees to another permitholder. The corporate permitholders have all held these permits, and reaped these benefits, for 20 years now; no corporate permits have ever been revoked based on Section 5.

Pro Rata Revocation

(15) I am informed that the Police Commission found that the corporate permitholders involved in this case had exceeded the 10 percent limit on sales or transfers of corporate stock, and ordered the surrender of all the permits held by the corporate applicants. I am further informed that the Board of Appeal agreed that the threshold for revocation had been reached, but ordered the surrender of the corporately-held permits on a proportional or *pro rata* basis.

(16) Section 5 provides that once a cumulative total of 10 percent of the corporate stock or assets have been sold or transferred, "the permit therefor shall be null and void." There is no merit to the argument that the reference to the "permit" (singular), rather than "permits" (plural),

means that a corporate holding more than one permit does not lose all its permits once it has exceeded the 10 percent limit. Even where the corporation holds more than one permit, *each and every permit will suffer equally from the same defect* -- 10 percent of stock of the corporation holding the permit has now been sold or transferred. Each permit is held by the corporation as a whole; the 10 percent of the corporate stock is not associated with a specific permit. Section 5 applies to all permits held by a corporation exceeding the 10 percent limit.

(17) It is the intent of Proposition K that *all* of a corporation's permits be forfeited once the 10 percent limit of Section 5 has been reached. Again, any other result violates the primary purposes of the measure. If a corporation surrenders only some of its permits, the corporation's possession of its remaining permits continues to extend beyond the cutoff *set by the voters* and those permits continue to be kept out of the hands of working drivers. In addition, the corporation is still able to take a speculator's profit upon the sales of its stock, based upon the value that the remaining corporate permits give that stock. *Pro rata* revocation, while perhaps to some having the appearance of a compromise solution, in fact defies the voter-approved compromise already struck in Section 5 and thwarts the goals and policies of Proposition K, which, after all, is a voter-adopted law and entitled to even greater weight than other ordinances.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 18, 1998, at Sacramento, California.


QUENTIN L. KOPP

LEUNG TRANSPORTATION CORP DID NOT SUBMIT A BRIEF