

Date: April 22, 2008

Item No. 9a  
File No. 08020

## SUNSHINE ORDINANCE TASK FORCE

### AGENDA PACKET CONTENTS LIST\*

- Complaint by: Peter Witt vs Taxi Commission**
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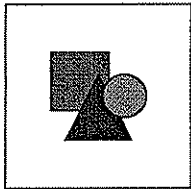
Completed by: Frank Darby

Date: April 16, 2008

**\*This list reflects the explanatory documents provided**

~ Late Agenda Items (documents received too late for distribution to the Task Force Members)

\*\* The document this form replaces exceeds 25 pages and will therefore not be copied for the packet. The original document is in the file kept by the Administrator, and may be viewed in its entirety by the Task Force, or any member of the public upon request at City Hall, Room 244.



DENNIS J. HERRERA  
City Attorney

ERNEST H. LLORENTE  
Deputy City Attorney

DIRECT DIAL: (415) 554-4236  
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**MEMORANDUM**

*April 15, 2008*

*PETER WITT v. TAXI COMMISSION (08020)*

**COMPLAINT**

**THE COMPLAINANT ALLEGES THE FOLLOWING FACTS:**

Complainant Peter Witt who regularly attends the Taxi Commission claims that when he attended the 7/25/06, 10/24/06/, 2/13/07, 4/10/07, 11/27/07, 2/26/08 and 3/11/08 meetings, the Commission committed the following acts: Interrupting public speaker, depriving public speaker equal speaking time, removal a public speaker from the meeting, misrepresentation of statement, excluding written statements that were less than 150 words from the minutes, deleting public testimony from the minutes, failure to allow additional time for set procedure, and discussing a subject that was not on the agenda.

**COMPLAINANT FILES COMPLAINT:**

On 4/1/08 Peter Witt filed a complaint that did not specifically list the sections of the Sunshine Ordinance that was violated but described the violations as listed above.

***PLEASE BE ADVISED THAT THIS COMPLAINT IS SIMILAR TO ONE FILED BY THE SAME COMPLAINANT DURING 2002. THE TASK FORCE ISSUED TWO ORDERS OF DETERMINATION. ATTACHED ARE COPIES OF THE RELEVANT DOCUMENTS***

**THE RESPONDENT AGENCY STATES THE FOLLOWING:**

On 4/15, 2008, the Agency has filed an extensive response to the complaint and provided the records of the Commission Meetings.

**JURISDICTION**

Based on the allegations of the complaint and the sections of the Ordinance stated below, the Task Force has jurisdiction to hear this matter. In addition the parties in this case do not contest jurisdiction.

**APPLICABLE STATUTORY SECTION;**

1. Sunshine Ordinance Section 67.15 which deals with Public Testimony
2. Sunshine Ordinance Section 67.16 which deals with the Minutes of the meeting

**Memorandum**

- 3. Sunshine Ordinance Section 67.7 which deals with agenda requirements.
- 4. State Government Code Section 54957.9 deals with meeting disruptions.

**APPLICABLE CASE LAW:**

**Please note that the Task Force has heard the facts of this case in 2002. See attached documents.**

**ISSUES TO BE DETERMINED**

**1. FACTUAL ISSUES**

**A. Uncontested Facts:**

- The Taxi Commission had public meetings on the dates stated by the complainant

**B. Contested facts/ Facts in dispute:**

The Task Force must determine what facts are true.

**i. Relevant facts in dispute:**

- Whether the Commission interrupted a public speaker.
- Whether a public speaker was deprived of equal speaking time.
- Whether the Commission misrepresented statements.
- Whether written statements were excluded.
- Whether public testimony was deleted from the minutes.
- Whether the Commission failed to allow additional time for set up
- Whether the Commission discussed a subject not on the agenda.

**QUESTIONS THAT MIGHT ASSIST IN DETERMINING FACTS;**

none

**LEGAL ISSUES/LEGAL DETERMINATIONS;**

- Were sections o f the Sunshine Ordinance (Section 67.21), Brown Act, Public Records Act, and/or California Constitution Article I, Section three violated?
- Was there an exception to the Sunshine Ordinance, under State, Federal, or case law?

**CONCLUSION**

**THE TASK FORCE FINDS THE FOLLOWING FACTS TO BE TRUE:**

**THE TASK FORCE FINDS THAT THE ALLEGED VIOLATIONS TO BE TRUE OR NOT TRUE.**

## Memorandum

**THE CALIFORNIA CONSTITUTION AS AMENDED BY PROPOSITION 59 IN 2004 PROVIDES FOR OPENNESS IN GOVERNMENT.**

Article I Section 3 provides:

- a) The people have the right to instruct their representative, petition government for redress of grievances, and assemble freely to consult for the common good.
- b)(1) The people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny.
  - 2) A statute, court rule, or other authority, including those in effect on the effective date of this subdivision that limits the right of access shall be adopted with findings demonstrating the interest protect by the limitation and the need for protecting that interest.
  - 3) Nothing in this subdivision supersedes or modifies the right of privacy guaranteed by Section 1 or affects the construction of any statute, court rule, or other authority to the extent that it protects that right to privacy, including any statutory procedures governing discovery or disclosure of information concerning the official performance or professional qualifications of a peace officer.
  - 4) Nothing in this subdivision supersedes or modifies any provision of this Constitution, including the guarantees that person may not be deprived of life, liberty, or property without due process of law, or denied equal protection of the laws, as provided by Section 7.
  - 5) This subdivision does not repeal or nullify, expressly or by implication, any constitutional or statutory exception to the right of access to public records or meetings or public bodies that is in effect on the effective date of this subdivision, including, but not limited to, any statute protecting the confidentiality of law enforcement and prosecution records.
  - 6) Nothing in this subdivision repeals, nullifies, supersedes, or modifies protections for the confidentiality of proceedings and records of the Legislature, the Members of the Legislature, and its employees, committee, and caucuses provided by Section 7 of Article IV, state law, or legislative rules adopted in furtherance of those provisions: nor does it affect the scope of permitted discovery in judicial or administrative proceedings regarding deliberations of the Legislature, the Members of the Legislature, and its employees, committees, and caucuses.

**Memorandum****ATTACHED STATUTORY SECTIONS FROM CHAPTER 67 OF THE SAN FRANCISCO ADMINISTRATIVE CODE (THE SUNSHINE ORDINANCE) UNLESS OTHERWISE SPECIFIED**

## Section 67.1 addresses Findings and Purpose

The Board of Supervisors and the People of the City and County of San Francisco find and declare:

- (a) Government's duty is to serve the public, reaching its decisions in full view of the public.
- (b) Elected officials, commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. The people do not cede to these entities the right to decide what the people should know about the operations of local government.
- (c) Although California has a long tradition of laws designed to protect the public's access to the workings of government, every generation of governmental leaders includes officials who feel more comfortable conducting public business away from the scrutiny of those who elect and employ them. New approaches to government constantly offer public officials additional ways to hide the making of public policy from the public. As government evolves, so must the laws designed to ensure that the process remains visible.
- (d) The right of the people to know what their government and those acting on behalf of their government are doing is fundamental to democracy, and with very few exceptions, that right supersedes any other policy interest government officials may use to prevent public access to information. Only in rare and unusual circumstances does the public benefit from allowing the business of government to be conducted in secret, and those circumstances should be carefully and narrowly defined to prevent public officials from abusing their authority.
- (e) Public officials who attempt to conduct the public's business in secret should be held accountable for their actions. Only a strong Open Government and Sunshine Ordinance, enforced by a strong Sunshine Ordinance Task Force can protect the public's interest in open government.
- (f) The people of San Francisco enact these amendments to assure that the people of the City remain in control of the government they have created.
- (g) Private entities and individuals and employees and officials of the City and County of San Francisco have rights to privacy that must be respected. However, when a person or entity is before a policy body or passive meeting body, that person, and the public, has the right to an open and public process.

**Memorandum**

Section 67.7 deals with Agenda Requirements for public meetings and provides:

(a) At least 72 hours before a regular meeting, a policy body shall post an agenda containing a meaningful description of each item of business to be transacted or discussed at the meeting. Agendas shall specify for each item of business the proposed action or a statement the item is for discussion only. In addition, a policy body shall post a current agenda on its Internet site at least 72 hours before a regular meeting.

(b) A description is meaningful if it is sufficiently clear and specific to alert a person of average intelligence and education whose interests are affected by the item that he or she may have reason to attend the meeting or seek more information on the item. The description should be brief, concise and written in plain, easily understood English. It shall refer to any explanatory documents that have been provided to the policy body in connection with an agenda item, such as correspondence or reports, and such documents shall be posted adjacent to the agenda or, if such documents are of more than one page in length, made available for public inspection and copying at a location indicated on the agenda during normal office hours.

(c) The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public.

(d) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a policy body may respond to statements made or questions posed by persons exercising their public testimony rights, to the extent of asking a question for clarification, providing a reference to staff or other resources for factual information, or requesting staff to report back to the body at a subsequent meeting concerning the matter raised by such testimony.

(e) Notwithstanding subdivision (d), the policy body may take action on items of business not appearing on the posted agenda under any of the following conditions:

(1) Upon a determination by a majority vote of the body that an accident, natural disaster or work force disruption poses a threat to public health and safety.

(2) Upon a good faith, reasonable determination by a two-thirds vote of the body, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that (A) the need to take immediate action on the item is so imperative as to threaten serious injury to the public interest if action were deferred to a subsequent special or regular meeting, or relates to a purely commendatory action, and (B)

**Memorandum**

that the need for such action came to the attention of the body subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was on an agenda posted pursuant to subdivision (a) for a prior meeting of the body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(f) Each board and commission enumerated in the charter shall ensure that agendas for regular and special meetings are made available to speech and hearing impaired persons through telecommunications devices for the deaf, telecommunications relay services or equivalent systems, and, upon request, to sight impaired persons through Braille or enlarged type.

(g) Each policy body shall ensure that notices and agendas for regular and special meetings shall include the following notice:

**KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE**  
(Chapter 67 of the San Francisco Administrative Code)

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review.

**FOR MORE INFORMATION ON YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE  
OR TO REPORT A VIOLATION OF THE ORDINANCE,  
CONTACT THE SUNSHINE ORDINANCE TASK FORCE**

(h) Each agenda of a policy body covered by this Sunshine Ordinance shall include the address, area code and phone number, fax number, e-mail address, and contact person's name for the Sunshine Ordinance Task Force Information on how to obtain a free copy of the Sunshine Ordinance shall be included on each agenda.

Section 67.15 of the San Francisco Administrative Code provides for public testimony as follows:

a.) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article. However, in the case of a meeting of the Board of Supervisors, the agenda need not provide an opportunity for members of the public to address the Board on any item that has already

**Memorandum**

been considered by a committee, composed exclusively of members of the Board, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the Board.

b.) Every agenda for special meetings at which action is proposed to be taken on an item shall provide an opportunity for each member of the public to directly address the body concerning that item prior to action thereupon.

c.) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

Section 67.16 of the San Francisco Administrative Code deals with minutes of the meeting as follows

b) The minutes shall state the time the meeting was called to order, the names of the members attending the meeting, the roll call vote on each matter considered at the meeting, the time the board or commission began and ended any closed session, the names of the members and the names, and titles where applicable, of any other persons attending any closed session, a list of those members of the public who spoke on each matter if the speakers identified themselves, whether such speakers supported or opposed the matter, a brief summary of each person's statement during the public comment period for each agenda item, and the time the meeting was adjourned. Any person speaking during a public comment period may supply a brief written summary of their comments which shall, if no more than 150 words, be included in the minutes.



**Memorandum**

The State Brown Act is located in the California Government Code Sections 54950 et seq.

Government Code Section 54957.9 provides:

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupt the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session.

## Memorandum

**HAND DELIVERED**

Sue Cauthen, Chair  
Members of the Complaint Committee  
c/o Donna Hall, Administrator  
Sunshine Ordinance Task Force  
Room 409, City Hall  
Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

Re: Peter Witt v. San Francisco Taxi Commission

Dear Chair Cauthen and Members of the Complaint Committee:

This letter addresses the issue of whether the Sunshine Ordinance Task Force ("SOTF") has jurisdiction over the complaint of Peter Witt against the San Francisco Taxi Commission ("Commission")

**BACKGROUND**

Complainant is a taxi driver who regularly attends the Commission meetings. Complainant has filed a complaint alleging that the Commission violated the Sunshine Ordinance during its public hearings with respect to public comment.

**Complaint**

Complainant alleges that the Commission violated the Sunshine Ordinance by the following actions.

1. In 2002, the Commission refused to allow public speakers to assign their speaking time to the Complainant.
2. In 2002, the Commission refused to allow the public to speak for themselves at meetings.
3. In December 11, 2001, President Sweet of the Commission interrupted a speaker during his speaking time.
4. On July 23, 2002, when Complainant used one minute of his speaking time to set up a viewer projector, he was only allotted 2 minutes remaining time to speak.
5. After a meeting on July 23, 2002, President Sweet had a conversation with the Complainant. The general substance of the conversation was that the Complainant was rude and the President wasn't going to allow Complainant's activity.
6. On August 13, 2002, while speaking on agenda item # 9, President Sweet cut off Complainant's presentation with one minute remaining on his speaking time, and told

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Complainant that he was not on the subject. The microphone was cut off, and the Complainant was ordered out of the hearing room.

7. On August 13, 2002, at the same meeting, while being escorted out by the Taxi Detail Police Officer, Complainant was told that if he "did it again" a warrant would issue for disrupting a public meeting.

### Short Answer

Based on Complainant's allegation and the applicable sections of the Sunshine Ordinance and the California Public Records Act, which are cited below, the Sunshine Ordinance Task Force has jurisdiction over one of the allegations.

1. The SOTF *does not* have jurisdiction over the allegation one. Speakers cannot assign their speaking time to a single speaker.

2. & 3. The SOTF *does not* have jurisdiction over allegation two and three because the Complainant does not have standing to assert an alleged violation of someone else's rights absent prior authorization given to the complainant.

4. The SOTF *does not* have jurisdiction over allegation four because the allotment of three minutes time is uniformly given and the speaker has to decide how to use it.

5. The SOTF *does not* have jurisdiction over allegation number five because the conversations of the parties which are not clearly part of a meeting are not covered by the Sunshine Ordinance.

6. The SOTF *does* have jurisdiction over allegation six because the Complainant alleges that he was deprived of his full speaking time. There may be facts, which may justify the actions of the Commission but that the full Task Force must make determination.

7. The SOTF *does not* have jurisdiction over allegation seven because the statements of a Police Officer about a warrant of arrest for future disruptive behavior is not covered by the Sunshine

### Discussion and Analysis

The Sunshine Ordinance is located in the San Francisco Administrative Code Chapter 67. All statutory references, unless stated otherwise, are to the Administrative Code.

Section 67.15 provides:

- (a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address a policy body on items of interest to the public that are within policy body's subject matter jurisdiction, provided that no action shall be taken on any item not

**Memorandum**

appearing on the agenda unless the action is otherwise authorized by Section 67.7(e) of this article...

...

(c) A policy body may adopt reasonable regulations to ensure that the intent of subdivisions (a) and (b) are carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker. Each policy body shall adopt a rule providing that each person wishing to speak on an item before the body at a regular or special meeting shall be permitted to be heard once for up to three minutes. Time limits shall be applied uniformly to members of the public wishing to testify.

(d) A policy body shall not abridge or prohibit public criticism of the policy, procedures, programs or services of the City, or of any other aspect of its proposals or activities, or of the acts or omissions of the body, on the basis that the performance of one or more public employees is implicated, or on any basis other than reasonable time constraints adopted in regulations pursuant to subdivision (c) of this section.

The State Brown Act is located in the California Government Code Sections 54950 et seq.

Government Code Section 54957.9 provides:

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupt the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session.

In this case, the Complainant's allegations center on the speaking time and alleged interruptions by the President. The Complainant, absent expressed authorization, does not have the requisite standing to assert violations suffered by other third parties. The Complainant use of his speaking time cannot be the basis of a Sunshine violation. The conversations between the President and Complainant concerning Complainant's conduct during meetings are not the subject of the Sunshine Ordinance. The alleged cutting off of Complainant's speaking time is a basis of Jurisdiction. However, there may be reasons for the termination of Complainant's speaking time. The Full Task Force will have to determine whether the Commission violated the Sunshine Ordinance or not. The statements of a Police Office to the Complainant while the Complainant was being escorted out of the meeting is not the subject of the Sunshine Ordinance

**Memorandum**

and there is no jurisdiction on this allegation. In summary, there is only jurisdiction over allegation six. The other allegations have no basis for jurisdiction.

Very truly yours,

DENNIS J. HERRERA  
City Attorney

Ernest H. Llorente  
Deputy City Attorney

cc: Joshua Koltun, Chair of the SOTF  
DCA Marisa Moret

## Memorandum

## ORDER OF DETERMINATION

October 22, 2002

November 1, 2002

Peter Witt

1627 Filbert Street

San Francisco CA 94123

Taxi Commission

C/o Naomi Little, Executive Director

1540 Market Street Suite 160

San Francisco CA 94102

Re: Complaint of Peter Witt against the Taxi Commission regarding alleged public comment violations.

Based on the information provided the Task Force from Complainant Peter Witt and from Naomi Little and Lynette Sweet of the Taxi Commission, the following Order of Determination was adopted:

- (1) Items 2 and 3 of the complaint are dismissed. (i.e., In 2002 the Commission refused to allow the public to speak for themselves at meetings; and December 11, 2001 President Sweet of the Commission interrupted a speaker during his speaking time.)
- (2) Item 6 of the complaint continued to the next meeting of the Task Force in order for the Task Force to review the videotape of the meeting of August 13, 2002. (i.e., on August 13, 2002, while speaking on agenda item # 9, President Sweet cut off Complainant's presentation with one minute remaining on his speaking time and told Complainant that he was not on the subject; the microphone was cut off, and the Complainant was ordered out of the hearing room.)
- (3) Item 4 of the complaint continued to the next meeting of the Task Force in order for the Task Force to review the videotape of the meeting of July 23, 2002. (i.e., on July 23, 2002 when Complainant used one minute of his speaking time to set up a viewer projector, he was only allotted two minutes remaining time to speak.)

This Order of Determination was adopted by the Sunshine Ordinance Task Force on October 22, 2002.

Joshua Koltun, Chair

Sunshine Ordinance Task Force

Memorandum

**ORDER OF DETERMINATION**

November 26, 2002

December 5, 2002

Peter Witt

1627 Filbert Street

San Francisco CA 94123

Taxi Commission

C/o Naomi Little, Executive Director

1540 Market Street Suite 160

San Francisco CA 94102

Re: Complaint of Peter Witt against the Taxi Commission regarding alleged public comment violations.

Based on the information provided the Task Force from Complainant Peter Witt and from Naomi Little of the Taxi Commission, the following Order of Determination was adopted:

The Taxicab Commission violated the Sunshine Ordinance by not providing Mr. Witt additional time for his set-up procedures.

In addition, the Taxicab Commission violated the Sunshine Ordinance by depriving Mr. Witt of his full speaking time when he was told that he could not continue speaking because he was off the subject.

The Taxicab Commission has adjusted its procedures to allow for setup in future meetings.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 26, 2002.

Joshua Koltun, Chair

Sunshine Ordinance Task Force



<complaints@sfgov.org>  
04/01/2008 11:09 AM

To <soft@sfgov.org>  
cc  
bcc  
Subject Sunshine Complaint

History: This message has been forwarded

Submitted on: 4/1/2008 11:09:47 AM

Department: San Francisco Taxi Commission

Contacted: Patrica Breslin, Paul Gillespie, Richard Benjamin, Heidi Machen, & Jordanna Thigpen

Public\_Records\_Violation: No

Public\_Meeting\_Violation: Yes

Meeting\_Date: 7/25/06, 10/24/06, 2/13/07, 4/10/07, 11/27/07, 2/26/08, 3/11/08,

Section(s)\_Violated:

Description: Interrupting public speaker, depriving public speaker equal speaking time, removal a public speaker from the meeting, misrepresentation of statements, excluding written statements that were less than 150 words from the minutes, deleting public testimony from the minutes, failure to allow additional time for set up procedure, and discussing a subject that was not on the agenda.

Hearing: Yes

Date: 3/25/2008

Name: Peter Witt

Address: 1627 Filbert St.

City: San Francisco

Zip: 94123

Phone:

Email: Wittup@sbcglobal.net

Anonymous:





PETER WITT  
<wittup@sbcglobal.net>  
04/07/2008 03:19 PM

To SOTF <sotf@sfgov.org>  
cc  
bcc  
Subject Re: Fw: Sunshine Complaint

Dear Mr. Rustom

Yes that sums it up but I would like to point out in the second complaint that was not reviewed by SOTF, in which my name was discredited as a result, should be fully reviewed.

In addition, on Oct. 24 th 2006 it should be noted ; I submitted my annual customer survey, as you can observe just after I've been asked to leave (I forgot that was the point I went to for.) This is a "free" report that would need no funding. This is a report that I've have submitted to the TXC each and every year. I have ask for some copys of my surveys and the TXC rsonpce was that they only had the 2004 one on file.

This the one year that Kelly Castagnaro was acting Ex-director. In each survery conducted , I personal interviewed just over 1,000 taxi riders. I offer this study in the absence of any other evidents other then anticdotale as it relates to customer "service and avablity". With each survery I submit, I offer no advice other then what the customer has written and returned to me for submitting to the TXC. As I unform them I will. Many customers are local voters as they indicate on their survey.

Further more I have discovered many of the 1999 records are incomplete. Such as no taped records of Aug. 24th 1999 and the minutes of that meeting start on item 8# and are by themselfs incomplete. (Of a watergate nature)

This a tape (Aug. 24) was reffered to in a offcial request if there was offcial request made to the Taxi co. annual reports from the controller. The Pres. Mariann Costello (a controller herself) in a meeting in Nov. asks to look up that request in the minutes. At the time the controller at was not collecting those statements and the word "blackballed" was used by Mary McGuire, reffering to herself and that request. This may be a bit out side the box but considering the TXC has not keep complete or accurate records is of great concern especaily because of the extenting nature.

Thank you again , I think that does it ..... for now. Peter Witt.

Wittup @ SBC Global.net

To the Honorable Ethic's Committee  
and the Honorable Sunshine Ordinance Task Force  
(and to whom it may concern).

From : Peter H.G. Witt  
1627 Filbert St.  
S.F. Ca. 94123

3/21/08

**Re: San Francisco Taxicab Commission ("TXC") / "Third Complaint" (see Pg.3)**

**Background:** *First complaint*, filed with the Sunshine Ordinance Task Force against the TCX filed 9/19/02, **upheld**, 11/26/02 (please see attached ; #1, 2pgs.).

The *Second complaint* that was filed in 9/9/03, was referred to the "Sunshine Ordinance Compliance Committee". However this case, **six months later**, was **denied** based *solely* on two slanderous letters dated, 2/6/04 (please see attached ; # 2, 6pgs.) For the record, S.O.C.C. was not able to recall or review the video tapes provided - reportedly due to a time constraint- concluding, "Further evidence was needed". Included is a follow-up email sent to the S.O. C.C.

**\*Beyond any doubt:** The TXC, on the hole and from their conception, in March, of 1999, has shown a clear pattern and willingness to systematically omit pertinent data, suppress historic fact, cherry-pick antidotal testimony and then publicize it to suit the special needs of *predetermined* polical agenda. The facts clearly show TXC has failed to discharge their duties and therefore causing undue delays that impend sound "R & D" so that "*proper public*" policies may by framed in accordance with their mandate of Prop D.- "Furthering the interests of the general public"- (see attached item # 3, 1pg.)

Therefore, if this honorable Ethic's Committee still has *any doubt*, as to the scope and true nature of my this, my third complaint, **\*I strongly recommend a full investigation into my other two previous complaints**, which I believe... should have been referred to *Ethics Committee*, initially in 2002.

**"Chief Concerns"** (as it relates to third complaint): Both Mayor Brown and Mayor Newsom have had a heavy hand and directing the TXC to add more cabs. Like wise both The Board of Appeals as well as the Board of Supervisors also have a duty and responsibility to oversee the TXC. But it seems the TXC has out lived its usefulness and its time for some more reform. The Mayor and the Board of Supervisors would like to dissolve the TXC into the M.T.A. which by their nature is a conflict with each other. And this now, just after it was announced recently, that **after 9 years the TXC just completed the transfer from, S.F.P.D. ...to the TXC.**

**So why is the TXC being dissolved NOW?:** The M.T.A. who's under the direct control of the Mayor, *will* most certainly be looking at tapping into the funds that were intended for taxi driver's benefits so that they may off set their normal operating losses. Or there's likely chance that the driver's health fund will be diverted to other "mayor appointed" city entities while simultaneously, covering up the gross negligence and waste of a unresponsive governmental body.

To put the finishing touches on this misaligned polical (City Hall) machine, consider these facts... **THE TWO NEWEST TAXI COMMISSIONERS (Heinicke, Oka)** –who were appointed in June 06' after, the firing of two commissioners, allegedly for dismissing Ex-Dir. Heidi Machen- coincidently two months, after their put the finishing on adding 69 more cabs, they were just reappointed to the M.T.A. Any less transparency in this government will be accomplished when the M.T.A. overtakes the TXC.

As for the **X-President (TXC), Lynette Sweet**, well she was appointed to the B.A.R.T. Board of Directors and **Ex-Director Naomi Little**, was transferred over to another "in-house" department with in City Hall.

**F.Y.I. (as it relates):** The survey or study that I keep referring and that keeps getting suppressed. Was started in 1998, by myself because I felt the customer factor was the missing link to proper R & D for effective taxi-service. Little did I know *then*, where this would lead me ? In 2006, my survey was citified by Mr. Tom Huston, a retired "survey design technology professor" from John's Hopkins University. He indorsed my work as being, "a good survey". His final advice to me was to "have a spread sheet done next" which, given the quantity of data, should prove invaluable.

**In 1998**, only 469 customers were questioned -due to a time constraint- and presented to the **Board of Appeals in Case # 98-158**. At that time, I questioned the **Police Commission** decision to add 400 cabs to 981 (please see attached # 4, 1pg.).

The next year I started using just over 1,000 customers as a sample base and faithfully, each year I submitted that data to the TXC. With only one exception in 2004, inexplicable all the data that's been submitted has been omitted from the records which without, doubt has a direct bearing on, "furthering the interests of the general public".

**In 2007**, I questioned the TXC decision to add 50 cabs essentially based on the same premise, "no clear and convincing evidence", no creditable studies and failure to compensate for drivers loses. And once again, **The Board of Appeals (Case # 07-097)** readily accepted antidotal testimony and in-house opinion over solid evidence that was, at the time, over 8,730 customers. The fact the Board failed to even inquire as to why I might have left out  $\frac{3}{4}$  of the "*preliminary report*", leaves the Board of Appeals highly suspect once again. **Currently before the Board of Appeals (April 2<sup>nd</sup>, 2008) is Case #08-009.**

## “Third Complaint”

First,... My humble apologies for my tardiness in bring this case forward, all videos not currently available on-line with SFGTV Gov. web-site, can be supply upon request.

- 1.) July 25<sup>th</sup> 2006 – (Item 3/4.) “Election for President...Vice President”  
(Will provide video upon requested) A. Speaker “Peter Witt” [P.W.] interrupted, claiming off subject.  
< By Patrica Breslin
- 2.) Oct. 24<sup>th</sup>, 2006, - (Item 6.) “Asking the mayor’s budget office to reallocate funds for outreach”  
(2:27:50).....A. \*Deprived [P.W.] of speaking time.  
B. Removal of speaker [P.W.].  
< By Paul Gillespie  
< \* At the direction of Patrica Breslin & Richard Benjamin.
- 3.) Feb. 13<sup>th</sup>, 2007 – (Item 2.) “Public Convenience and Necessity” (P.C. &N.)  
(Ref. 2:07:51) (2:10:13)..A. \*Depriving [P.W.] equal speaking time (*Not allowed to finish last sentence*)  
(Ref. 2:15:10) B. (\*) Giving caused for myself be ejected.  
< By \*Paul Gillespie  
C. Knowingly using skewed and antiquated data.  
D. Producing and using a bias (in-house) analysis.  
E. Deleting relevant \*\*data -submitted Oct. 24<sup>th</sup> 2007- for, P.C. & N. hearing.  
< By TXC , Heidi Machen & Jordanna Thigpen
- 4.) April 10<sup>th</sup>, 2007 - (Item 5/6) “Public Comment” (general)  
(34:52)....A. \*Miss-Reputation of statements [by PW]  
B. Statement of 150 words or less, not included.  
(2:09:57)...C. Deleting (all) testimony by “P.W.” from minutes, including \*J. Kennedy item 3,5,6  
< By Heidi Machen and \*approved by the TXC, without correcting.  
(\* please note this is a constant point of contention)
- 5.) Nov. 27<sup>th</sup> 2007 - (Item 2.) “Public Convenience and Necessity” (P.C. & N.)  
(48:02) .....A. Excluded statements [by PW] as submitted, 150 words or less.  
< By Heidi Machen and approved by the TXC.  
- (Item 4.) “Public Comment” (general)  
(2:53:43).....A. Excluded statements [by PW] as submitted, 150 words or less.  
< By Heidi Machen and approved by the TXC.
- 6.) Feb 26<sup>th</sup> 2008 – (Item 3.) “Public Comment” (general)  
(4:20:01) .....A. Did not provide additional time for set up procedure.  
< By Paul Gillespie
- 7.) Mar. 11<sup>th</sup> 2008 -(Item 6.) “Establishing Dispatch Standers”  
(1:18:40).....A. Discussion “off subject” ramp-taxis, not on agenda.  
< TXC
- 8.) The Ex-Director has failed to insure the development of a data base or unsure meeting are conducted within the constraints of the law (1372 Special assistant XII)
- 9.) Finally, the TXC has ignored and restricted all studies or reports which is critical of the TXC. As exemplated in a 2001 S.P.U.R. report, also excluded is a May, 22<sup>nd</sup> 2007 Goldman Study, that addresses dispatch which is the lynch-pin to good taxi service.

SUNSHINE ORDINANCE TASK FORCE

Tel: 415 554-7724  
Fax: 415 554-7854  
TDD/TTY: 415 554-5227



City Hall, Room 409  
1 Dr. Carlton B. Goodlett Place  
San Francisco 94102-4689

#1

17

ORDER OF DETERMINATION  
November 26, 2002

December 5, 2002

Peter Witt  
1627 Filbert Street  
San Francisco CA 94123

Taxi Commission  
C/o Naomi Little, Executive Director  
1540 Market Street Suite 160  
San Francisco CA 94102

Re: Complaint of Peter Witt against the Taxi Commission regarding alleged public comment violations.

Based on the information provided the Task Force from Complainant Peter Witt and from Naomi Little of the Taxi Commission, the following Order of Determination was adopted:

The Taxicab Commission violated the Sunshine Ordinance by not providing Mr. Witt additional time for his set-up procedures.

In addition, the Taxicab Commission violated the Sunshine Ordinance by depriving Mr. Witt of his full speaking time when he was told that he could not continue speaking because he was off the subject.

The Taxicab Commission has adjusted its procedures to allow for setup in future meetings.

This Order of Determination was adopted by the Sunshine Ordinance Task Force on November 26, 2002.

Joshua Koltun, Chair  
Sunshine Ordinance Task Force

To the S.F. Sunshine Ordinance Task Force (All evidence can be found on  
9/19/02 City Watch Ch.26 T.V.video tapes)

From Peter Witt


(Yellow cab driver 14 yr., S.F. Native)

1627 Filbert St. 94123  
(415) 928-1193

- 1.) **Around? the second meeting after Richie Wiener became a Taxi Commission in 2000 at a Regularly Scheduled Meeting;** Mary Louise Rattley (333-4001-?) ex- yellow cab order taker, Lou Lawson (468-5188) a Desoto cab driver, Jim Battles (752-4026) a Yellow driver and Mike Ryan (487-1266) a Yellow driver each informed one by one President, Lynette Sweet of their request to give their three minutes of speaking time to myself, Peter Witt (as had been done before)
- 2.) / -She would not allowed me to speak on their behalf, (as I had done)  
/ - Nor did she inform anyone prior to that, that their speaking time would not be given too another speaking on their behalf.  
/ - Denying each speaker a chance to speak if they so wished to do on their owe behalf.
- 3.) **On Dec. 11<sup>th</sup> 2001, at the 2001 "P. C. & N." Hearing;** While the speaker Mr. Brooks Dyer (?) - driver/owner-, was commenting on how he felt that Commissioner, Mary Mc Guire( driver Rep.) did not have to request herself as she done before given the circumstances. When President Lynette Sweet interrupted him before his speaking time was up:  
/ -She said, something like "No you can't do that here"(he could not offer his opinion).  
/ -She then said, in effect "there was no proper place to do so". (Offer his opinion)
- 4.) **On July 23<sup>rd</sup> 2002 at a Regularly Scheduled Meeting;** Before I spoke, as I had done in the past, I requested for the viewer be turned on, so I could display two grafts. But unlike in, the time it took to set up the screen (about 1 minute) was taken off my 3 minutes of speaking time, despite "the call (mine) and the pointing to order".  
/ Consequently without notice I was denied my full speaking time.  
/ No advice offered by attorney (taxi drivers have no union.)
- 5.) **After that Regularly Scheduled Meeting on July 23<sup>rd</sup> 2002;** President Lynette Sweet approached me from behind and asked me for a minute of my time. She started by saying, "you have to be the rudest person that I've ever met" and then preceded to say;  
/ - "I'm not going to allow in my \_\_\_\_\_ ? (I forgot exactly what the President Sweet called it.)  
I then asked her if she was going to throw my out. When she replied "No". Then I asked her what she was going to do.  
/ - Her reply was "you'll find out".  
That's when I asked her "Is that a treat" she replied;  
/ - "That's a promise"  
I asked her if she was trying to intimidate me. I don't recall her exact answer, but at some point Tuned my head to Gorge England (279-3890) a Luxor driver as he was leaving, who over heard most of the conversation between President Sweet and myself and who's phone number I just happened to get early that night.
- 6.) **On August 13<sup>th</sup> 2002 during a Regularly Scheduled Meeting;** While I was addressing item #9 on that nights agenda.  
/ - President Sweet interrupted me (?)with about 1 minute left on my speaking time.  
/ - I was Told I was not on the subject, the Mic. was turned off, I was ordered remove.  
/ - Not allowed to speak on item # 10  
/ - Nothing in writing that clarifies and informs my why was not allowed to continue speaking.  
(I felt I was very much on the subject -\* morale - why drivers should not be mandated to take C.P.R. training at this time).
- 7.) **\*While I was being escorted out of the building on Aug. 13<sup>th</sup> Officer Simpson from the Taxi Detail informed my that if I did "it" again that a warrant would be issued to my at my home, for disrupting a public meeting. For which I am very unclear, prior to being ejected.**

\* This commission I feel is and has always been in clear violation of the City's charter as mandated in Prop. D. (The guidelines and foundation by which the taxi commission is based on), specifically that being free from police taxi detail involvement except other then than of the enforcement.

Truly yours, Signed, Peter Witt

 9/19/02

To the S. F. Sunshine Ordinance Task Force

9/9/03

# 2

K-1  
07-097

From Peter Witt, (taxi driver)

Re Regarding a violation of the Order of determination, that was adopted by the Sunshine tasks Force on 11/26/02, by the S.F. Taxicab Commission's Executive Director, Naomi Little, August 12<sup>th</sup> 2003 and violating Parliamentary procedures.

On 8/12/03, the Executive Director, Naomi Little (not the President) denied me access to the viewer. When refusing to set up for me (only). Which prevented me from displaying relevant items for discussion that had been specifically calendered for that night's agenda. While at the same time allowing extra time to be given for "set up" so the viewer could be used by other members of the public for their displays.

This is a clear violation of Sunshine laws and displays a bias addittude, along with a over stepping one's said duty as an Executive Director. Either way by undermining the Taxicab Commission's policies or by implementing a hidden agenda (or) the Commission's real policies, Naomi Little has not for filled with her promise (before your task force) on a consistent basis, and as presented by her defense in a written statement on 10/22/02. Nor has she complied with your Sunshine Task Force "order of determination".

Thank you for your consideration of my complaint,

Sincerely Peter H.G. Witt

(415) 928-1193  
1627 Filbert St. 94123

Sunshine Ordinance Task Force



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
Fax No. 554-7854  
TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine>

January 30, 2004

Taxi Commission  
C/o Naomi Little, Executive Director  
City Hall, Room 448

Honorable Commissioners:

Peter Witt appeared before the Compliance & Amendments Committee of the Sunshine Ordinance Task Force on Wednesday, January 14, 2004, to report that the Taxi Commission is not complying with the Sunshine Ordinance Task Force Order of Determination to the Taxi Commission on November 28, 2002.

In that Order, the Task Force stated the Taxi Commission violated the Sunshine Ordinance by depriving Mr. Witt of his full speaking time, telling him that he was off the subject. Mr. Witt states the Taxi Commission is continuing to disallow his full speaking time during the public comment portions of the agenda.

Please respond to the Compliance & Amendments Committee by Friday, February 6, 2004, regarding Mr. Witt's complaint. Your reply is best sent via the Task Force Administrator Donna Hall, Room 244, City Hall. Thank you for your kind attention.

Yours truly,  
Richard Knee, Chair  
Compliance & Amendments Committee  
Sunshine Ordinance Task Force

Cc: Peter Witt



CITY AND COUNTY OF  
SAN FRANCISCO



TAXI COMMISSION  
MAYOR GAVIN C. NEWSOM



ARTHUR JACKSON, PRESIDENT  
PAUL GILLESPIE, VICE PRESIDENT  
JACK BARRY, COMMISSIONER  
PATRICIA BRESLIN, COMMISSIONER  
MARY McGUIRE, COMMISSIONER  
MIN PAEK, COMMISSIONER  
MARTIN SMITH, COMMISSIONER

*MEMORANDUM*

**MEMO TO: RICHARD KNEE  
C/O DONNA HALL  
SUNSHINE TASK FORCE**

NAOMI M. LITTLE, EXECUTIVE DIRECTOR

**FROM: NAOMI LITTLE**

**DATE: FEBRUARY 6, 2004**

**RE: PETER WITT**

This memo is in response to Mr. Peter Witt's complaint against the Taxi Commission. The Taxi Commission continually allows Mr. Witt address the Commission during public comment so long as he stays on-topic. It is the policy of the San Francisco Taxi Commission to encourage and permit public testimony before any action is taken before the Commission.

However, when Mr. Witt speaks before the Commission, often he fails to confine his remarks to the question before the Commission. When Mr. Witt testifies, often he is disrespectful and discourteous to the Commissioners and persons in the audience. Nonetheless, if is remarks are on-topic, he is allowed to continue speaking no matter how disrespectful.

Following are a copy of the last two Taxi Commission Meeting Minutes. Mr. Witt speaks on almost every item and has time to fully express himself on all Taxi Commission actions. The only time he is asked to stop is when he is disorderly, contemptuous or off the topic.

Additionally, a letter from Taxi Commission Vice President Paul Gillespie is attached.

4156464932

FAX NO. :4156484932

Feb. 06 2004 01:06PM P1

FROM: THE MAILCARRIER ETC

Richard Knea, Chair  
Compliance and Amendments Committee  
Sunshine Ordinance Task Force  
City Hall Room 244 San Francisco, Ca 94102

Dear Mr. Knea;

I am the driver representative and vice-president of the San Francisco Taxi Commission. I understand that Mr. Peter Witt has filed another complaint against the Commission and staff. I would like to take this opportunity to comment in general on Mr. Witts behavior before the Commission.

First of all, I have know Peter for a long time, had many informal conversations with him, and once met with him for ninety minutes discussing taxi issues. Not everything he says is without merit.

However, I believe that Mr. Witt has abased both the spirit and letter of the public comment process at the Commission. To suggest that he is not being given enough time to express himself is delusional and selfish. If only a handful more drivers took up as much time as Mr. Witt, our meetings would last past midnight. Between strolling to the microphone, making his comments, and enduring the inevitable confrontations that ensue, it is not uncommon for more than half an hour to be taken up with Mr. Witt. He violates the spirit of the process by constantly repeating himself, whining about how he hates his life as a taxi driver, and personally attacking those who disagree with him.

It is when Mr. Witt violates rules specific to the public comment process that I believe whoever is Chair is justified in cutting him off or expelling him. He may not discuss things irrelevant to the agenda item such as a recent instance where he began reading a letter from a passenger during public comment on the staff report. He later read the letter during general public comment and was allowed to. He may not use abusive or threatening language, a tactic which has resulted in a security officer having to show up ons many occasions. As a strong believer in free speech and democracy and public access, I have always found these moments when an armed guard has to show up depressing and disheartening. These two issues, speaking off topic and using abusive language, have been at the heart of most of the problems with Mr. Witt, and they have persisted over time and over the course of six different presidents, vice-presidents, and executive directors.

Thank you for allowing me to comment on this matter.

Paul Gillespie  
599 A Dolores St.  
San Francisco 94110

NOT (PW)

Sunshine Ordinance Task Force



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7724  
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TDD/TTY No. 544-5227

<http://www.sfgov.org/sunshine>  
**SUNSHINE ORDINANCE TASK FORCE  
COMPLIANCE AND AMENDMENTS COMMITTEE**

**DRAFT MINUTES\***

**Wednesday, March 10, 2004  
3:00 p.m., City Hall, Room 408**

18

**Committee Members:** Richard Knee, Chair, Nicole Dogwill, Alexandra Nickliss

Note: Each member of the public will be allotted the same maximum number of minutes to speak as set by the Chair at the beginning of each item, excluding persons requested by the Task Force to make presentations.

**Call to Order/Roll Call/Agenda Changes**

1. Approval of minutes of February 11, 2004 & February 21, 2004.

Minutes approved. (Nickliss/Dogwill)

2. Administrator's report.

Report given by Administrator.

3. Peter Witt regarding his complaints against the Taxi Commission.

Peter Witt addressed the Committee regarding his complaints against the Taxi Commission of not being able to use the overhead projector and being interrupted when giving public testimony.

Naomi Little, Executive Director, Taxi Commission, addressed the Committee regarding the Taxi Commission position regarding Mr. Witt's complaints.

Consensus of the Committee that there has been no violation. Chair Knee stated that if there is perceived continued violation, then the Committee will take this back to the full Task Force for referral to the Ethics Commission, which is empowered to take enforcement actions. We would need to see some more evidence than what we have been provided tonight of the allegations.

4. Steve Lawrence regarding additional complaint against the Public Utilities Commission. Continued to the next meeting.

E-Mailed to Donna, Hall@SFGOV.org 3/17/04

To San Francisco Compliance & Amendment Committee, From Peter H.G. Witt 3/13/04  
1627 Filbert St., 94123  
Re: Witt Vs "Taxicab Commission" Compliance & Amendment Committee hearing on 3/10/04

3:52 P.M.

I would like to thank the Compliance & Admendments Committee for taking the time to address my charges that I have are listed below and submitted previously to your Committee. \*\*\*\* Including the most resent violation that occurred on 1/13/04, by \*\*Vice President Paul Gillespie, telling me I was off subject and threatening to throw me if I continued on item #8. \*Effectively denying me my full speaking time during public comment time, "despite clearly being on subject."

"It is my understanding" that at the C. & A. Committee hears on 3/13/04 and on 1/14/04 decided to defer the following charges (1.- 4 listed below).

\*\*\*Followed by a list of the various reasons and statements (1, -9) the A. & C. Committee gave that would not allow you to address the charges at the time.

1.) On Aug. 12<sup>th</sup> 2003, denied equal use of the projector on item #7 by Ex-Director Little.

2.) On Oct. 28<sup>th</sup> 2003, denied equal use of speaking time on item #8 by Commissar Smith. And not allowing full time to express myself by President Jackson on items #3, #4 and #5, by no less then four interruptions claiming I was off subject.

3.) On Dec. 10<sup>th</sup> 2004 denied use of speaking time to fully express myself on item 6# by President Jackson. Again I was denied, on item #10, by Vice P. Gillespie time and threatened to be thrown me out. Claiming I was off subject.

4.)\*\*On Jan 13<sup>th</sup> 2004 denied full speaking time on item # 8 by Vice P. Gillespie and threatened to be thrown out.

\*\*\*The statements and reason the Compliance & Amendments Committee could not address the charges 1.- 4( listed above)at the 3/10/04 and 1/14/04 hearings are follows :

1.) Further evidence needed to be established.

2.) It is not the duty of the C.& A. Committee to make a determination.

3.) Some dough remained as to Witt's creditability and whether he was off the subjects with referred to his most recent change on 1/13/04 involving VP Gillespie actions, included in listed below. (Despite S.O.T.F.'s previous determination in 2002 that recognized two violations had occurred as they are related currently.

4.) Due to the number of varying points of contention claimed by Miss Little (T.C.) and Mr. Witt's, further clarity was requested in order to establish if "in fact" any violations had ocured, before the C. & A. Committee could making any resolution.

5.) The C. & A. Committee "lacked" sufficient time to review or except any evidence. (\*Noting due to the long agenda of the 3/10/04, the meeting time was rescheduled 1 hour earlier then the normal 4:00 p.m.)

6.) T.V. or Video player was not set-up or prepared for playing or reviewing evidence.

7.) An additional charge: committed on Dec.13<sup>th</sup>, was not listed in either previous complaint: dated 9/9/03 and 11/12/03, which should have been added to Mr. Witt's complaints.

8.) A failure to accurately recall any of the two-video tapes provided (at S.O.T.F.'s hearing in 2003) and the Compliance & Amendments Committee hearing on Jan. 14th 2004 (during a five month span)

9.) The use of "a hear-say response" from Ex-Director Little. (Of the Taxicab Commission) through Ex-Director Hall (Compliance & Amendments Committee.) on Jan 14<sup>th</sup> 2004, referencing "a 72 hour notice that must be given" by any member of the public wishing the use of the projector during public comment time.... "To the Taxicab commission prior-to every meeting"

In conclusion I would request "when able, in a timely manner" that the S.O.T.F. or the C. & A. Committee conduct a throe review of the following VIDEO TAPES of the "charges listed" (above 1.-4), either through the Taxicab Commission, S.F.G.T.V. or provided by myself, so that points of contention may be resolved as per-requested by me at your last hearing on 3/10/04.

- Aug. 12<sup>th</sup> ,2003 -Item #7, ----- "projector time during public comment not equally given"
- Oct. 28<sup>th</sup> ,2003 -Item #3,#4, #5 -"denied speaking time, interruptions, claiming off subject"
- " " -Item # 8----- "denied speaking time, claiming off subject"
- Dec. 10<sup>th</sup> ,2004 -Item #6 , #10--- "denied speaking time not able to express my self ,"
- Jan. 13<sup>th</sup> 2004 -Item # 8 ----- "denied speaking time, not allowed to speak on item"

I will be "more then willing" to provided any or all the videotape's (evidence) that is needed "upon request" in order to resolve any or all points of contention that are still unclear.

#3

# TEXT OF PROPOSED CHARTER AMENDMENT PROPOSITION D

scribing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said city and county by adding Section 4.133, creating a Taxi Commission to succeed to the powers and responsibilities relating to motor vehicles for hire now vested in the Police Commission and the Police Department, and providing for recovery of costs.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of said city and county at an election to be held on November 3, 1998, a proposal to amend the Charter of said city and county by adding Section 4.133 to read as follows:

NOTE: All language is new.

Section 1. The San Francisco Charter is hereby amended, by adding Section 4.133, to read as follows:

### SEC. 4.133. TAXI COMMISSION.

(a) The Taxi Commission shall consist of seven members, appointed by the Mayor. The appointments shall include a member from the senior or disabled communities, a driver who does not hold a taxicab medallion, a manager in a taxicab company (either a medallion holder or company representative), a member from the

hospitality industry, a member from the labor community, a member from the neighborhoods, and a member of the general public not affiliated with any of the other enumerated categories.

Pursuant to Government Code Section 87103, individuals appointed to the Commission under this Section are intended to represent and further the interest of the particular industries, trades, or professions specified herein. Accordingly, it is found that for purposes of persons who hold such office, the specified industries, trades, or professions are tantamount to and constitute the public generally within the meaning of Government Code Section 87103.

The commissioners appointed to take office upon the effective date of this Charter section shall by lot classify their terms so that the terms of three of the commissioners shall expire at noon on the first anniversary of such date, and the terms of the remaining four commissioners shall expire at noon on the second anniversary of the effective date. On the expiration of these and successive terms of office, the appointments shall be made for two-year terms.

Members may be removed by the Mayor only pursuant to Section 15.105. Vacancies occurring in the offices of members, either during or at the expiration of a term, shall be filled by the Mayor.

(b) Effective March 1, 1999, the Commission shall succeed to all powers and responsibilities relating to taxicabs and other motor vehicles for hire, other than criminal enforcement, now vested in the Police Commission, the Police Department or the Chief of Police. The Taxi Commission may be assigned additional duties and functions by ordinance or pursuant to Section 4.132.

(c) All costs associated with the operations of the Taxi Commission, and such officers and employees as are necessary for the Commission to operate and administer the department and are authorized pursuant to the budgetary and fiscal provisions of the Charter, shall be recovered from permit-holders, applicants, and other persons by the Commission. The Board of Supervisors shall set fees sufficient to offset the costs of the Commission's operations and any such officers and employees. Notwithstanding the above, the Board of Supervisors may continue to offer reduced fees to operators who participate in the City's Paratransit Program, and offset the reduction in revenues with a contribution from the General Fund.

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1629 Filbert Street  
San Francisco, Ca. 94123  
(415) 928-1193

CITY AND COUNTY OF SAN FRANCISCO BOARD OF APPEALS

375 Stevenson Street, Room 440  
San Francisco, CA. 94105

The Honorable Members of the Board of Appeals: RE: RESOLUTION NO. 66-98  
"Taxicab PC&N"

I have been a resident of San Francisco for 42 years.

I have been a taxicab driver in San Francisco for 10 years.

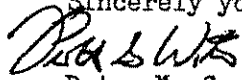
I hereby appeal RESOLUTION NO. 66-98.

1. Re: sentence one: "clear and convincing evidence" should be based on facts from outside, independent surveys.
  - A. Local dispatch service has not been addressed.
2. Re: sentence two: the words "peak-time" are not defined.
3. Taxi driver compensation had not been addressed.

I ASK THAT RESOLUTION NO. 66-98 BE AMENDED BY DEFINING "PEAK-TIME" AND THAT THE WORDS "BASED ON FACTS PROVIDED BY AN OBJECTIVE, INDEPENDENT, FACT-FINDING SURVEY" BE ADDED TO SENTENCE THREE, after the words "... deems appropriate."

Thank you.

Sincerely yours,



Peter H. G. Witt

CC: 10 copies



COMMISSIONERS TELEPHONE (415) 554-7737

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

JORDANNA THIGPEN, ACTING EXECUTIVE DIRECTOR

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2008 APR 15 PM 3:38

BY 

## RESPONSE TO SUNSHINE COMPLAINT # 08020

Mr. Peter Witt has filed a Sunshine Complaint pertaining to seven separate Taxi Commission hearings occurring between July 25, 2006 and March 11, 2008, for a sundry list of alleged violations including:

- Interrupting public speaker
- Depriving public speaker equal speaking time
- Removal of a public speaker from the meeting
- Misrepresentation of statements
- Excluding written statements that were less than 150 words from the minutes
- Deleting public testimony from the minutes
- Failure to allow additional time for set up procedure
- Discussing a subject that was not on the agenda

At the outset, the Commission notes that it is not clear from the complaint which violation(s) occurred at which meeting. In order to conserve the resources of both our very small department and the of the Sunshine Task Force, the Taxi Commission has transcribed each hearing so that the Sunshine Task Force can address the complaints all at once, avoiding additional hearings. The Commission has noted the exact times that Mr. Witt began and ended his speaking at the Commission hearings. All meetings are archived on the Taxi Commission website for the exception of the July 25, 2006 hearing. Due to a staff transition the Taxi Commission office does not have resources to transcribe the five separate public comments made by Mr. Witt at the July 25, 2006 hearing from the audio tape record. However copies of the tapes are available and have been submitted with this Response as Exhibit 1. The minutes for all hearings are attached as Exhibit 2. Exhibit 3 is the transcript of the hearings at issue with the exclusion of the July 25, 2006 hearing. Taxi Commission President Paul Gillespie will appear at the April 22, 2008 hearing along with the department's representative, the Acting Executive Director.

The Sunshine Ordinance contemplates that minutes are to be an abbreviated version of the official record. On July 13, 2007, the Taxi Commission voted unanimously to declare the archived televised hearings available on the Internet as the official record of the minutes, while the typed minutes are merely a short summary. If the Sunshine Task Force believes additional action is required beyond this vote to effectuate this official act, the Commission will take action in this regard to ensure that all records are appropriately kept.

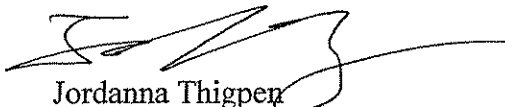
The twice-monthly Taxi Commission hearings are an extremely popular venue for individuals working in the industry to vocalize items of importance. Often, the same individuals speak at each agenda item. As a

result, the Commission President must frequently limit the amount of speaking time each speaker receives for each agenda item to less than three minutes. He makes every attempt to allow three minutes, but this is often impossible. The meetings are often extremely rancorous and unruly; on several occasions over the past few years, building security has been called. At every meeting, although both staff and the Commission are excoriated for their work, Taxi Commission staff and the Commissioners understand the importance of public comment and treat each speaker with decorum and respect.

Beyond these attempts at maintaining common human decency in what diplomatically can be described as a difficult environment, Commission staff and the Commission maintain compliance with the Sunshine Ordinance and the Brown Act, specifically with S.F. Administrative Code § 67.15(d).

Without more specific charges, staff can only submit the transcripts and the minutes for review by the Sunshine Task Force, and look forward to a full discussion on April 22, 2008.

Respectfully Submitted,



Jordanna Thigpen  
Acting Executive Director

Submitted: April 15, 2008

Attachments:

Exhibit 1: Copies of Official Tapes of July 25, 2006 Taxi Commission Hearing (V 1. and V 2.)

Exhibit 2: Official Minutes from Taxi Commission hearings of 7/25/06, 10/24/06; 2/13/07; 4/10/07; 11/27/07; 2/26/08; 3/11/08

Exhibit 3: Transcript of Hearings Prepared by Jordanna Thigpen, Acting Executive Director: 10/24/06; 2/13/07; 4/10/07; 11/27/07; 2/26/08; 3/11/08



## EXHIBIT 2



COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3  
PATRICIA BRESLIN, VICE PRESIDENT, ext. 2  
RICHARD BENJAMIN, COMMISSIONER, ext. 1  
MALCOLM HEINICKE, COMMISSIONER, ext. 4  
MICHAEL KWOK, COMMISSIONER, ext. 5  
TOM ONETO, COMMISSIONER, ext. 6  
MIN PAEK, COMMISSIONER, ext. 7

TRISTAN BETTENCOURT, ACTING EXECUTIVE DIRECTOR

## MINUTES

Commission Chambers – Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
July 25, 2006  
6:30PM  
Regular Meeting

**Present:** Breslin; Kwok; Benjamin; Paek; Oneto; Heinicke  
**Absent:** Gillespie

VICE PRESIDENT BRESLIN CALLED THE MEETING TO ORDER AT 6:50 P.M.

STAFF IN ATTENDANCE: Acting Executive Director Tristan Bettencourt, Jaime Poblitz – Taxi Commission, Officer Paul Makaveckas, Cynthia Kulstad – Taxi Detail, Paul Zarefsky, Janie Richardson – City Attorney

- **Vice President Breslin:** Welcomes public to the Commission hearing and gives the order in which the agenda will be heard.
  - **Commissioner Kwok:** Confirms order with Vice President.
1. PLEDGE OF ALLEGIANCE
  2. ROLL CALL – Roll Call showed a quorum was present.
  4. CONSIDERATION OF THE MINUTES for the July 11, 2006 TAXICAB COMMISSION MEETING [ACTION]  
Commissioner Kwok motions to approve the minutes. Commissioner Oneto seconded the motion. Motion passes 6-0.

**AYES:** Breslin; Oneto; Kwok; Paek; Benjamin; Heinicke  
**ABSENT:** Gillespie

**NOES:** None  
**RECUSED:** None

### PUBLIC COMMENT

- **Peter Witt:** Welcomes the new Commissioners and speaks on the posting of corrections of the minutes. Inquires if the Commissioners will ever post the missing minutes of 1998.
- **Robert Cesana:** Represents the PDA and has a medallion with Yellow Cab. Discusses the missing information in the packets on the proposed change on Item 8. This is a deliberate policy on behalf of the Taxi Commission staff and a problem with the previous Executive Director.

**5. CONSIDERATION OF THE CONSENT CALENDAR [ACTION]**

Commissioner Oneto motions to approve the Consent Calendar. Commissioner Breslin seconded the motion. Motion passes 6-0.

**AYES:** Oneto; Kwok; Paek; Benjamin; Heinicke, Breslin  
**ABSENT:** Gillespie

**NOES:** None  
**RECUSED:** None

**PUBLIC COMMENT**

- **Tariq Mehmood:** Feels there are many drivers being approved on the consent calendar but the companies are not hiring right now, requests the Commission to look into the issue and not to approve the drivers when they do not have jobs.
- **Barry Taranto:** Requests the Commission to congratulate the drivers who are receiving medallions.
- **Vice President Breslin:** Asks the drivers who are receiving medallions to stand up to be applauded.

*A. Approved Public Passenger Vehicle Driver Permit(s):*

Aaron T. Apperson	Dev Bahadur Basnet	Javier Cabrera-Bricio
Charles T. Dowling	Yamen Eltawil	Wayne R. Z. Feng
Flavio S. Gomes	Gam B. Gurung	Mugalli A. Hassan
Steven M. Kaplan	David M. Kern	Perter P. C. Liu
Tahir Mohmood	Isreal Megerssagenbaba	Mohamed M. Noureldin
Mansur Nurullah	Fraydoun Omar	Mohmud Omar
Howard A. Patrom	Luis R. Q. Rios	Balbir Singh
Binod B. Singh	Youssef K. Soras	Bimal Subba
Miseker K. Tekeste	Gutema T. Tezera	Juan C. Tibaduiza
Jian Xing Xu	Frankie Zhen	

*B. Approved Color Scheme Change to:*

Medallion Holder:	Medallion #:	Change:
1. George Lancia	846	Sunset Cab to Union Cab
2. Jack Shuck Hoey	386	DeSoto Cab to WorldWide Cab

*C. Approved Taxicab/Ramped Taxicab Medallion Holder Permits granted to:*

Taxicab Permit Applicant:	Medallion #:	Color Scheme:
1. Larry Kaplan	559	Yellow Cab Co-Op
2. Joseph Tesfaldet	303	DeSoto Cab
3. Charles Gale	228	Yellow Cab Co-Op
4. Michael Byrne	666	DeSoto Cab

*D. Approved Time Waiver to:*

Applicant Name	List #
1. Danil Levi (RAMP)	6-554
2. Gary Martinovsky	6-417
3. Edward Gruzman	6-418

*E. Approved list of Applicant Name(s) who are ineligible and are to be removed from the Taxicab/Ramped Taxicab waiting list per Municipal Police Code Section 1080(c)(2):*

Applicant Name	List #
1. Francis McMahan	6-409
2. James M. Houillion	6-410
3. Frank Glade	6-411
4. Leon T. Le	6-416

## 7. STAFF REPORT AND COMMISSIONER ANNOUNCEMENTS [INFORMATION]

- **Acting Executive Director, Tristan Bettencourt** announces resignation of position with Taxi Commission. Lion Productions who produces the television show Cash Cab on the Discovery Channel, has been in preliminary discussions on the staff level about possibly hosting their taxi cab based game show in San Francisco for one season. Semi-annual dispatch reports have been received except from Union which is working on it, this information is collected in anticipation of the next PC&N Hearing, the materials are related to Item #9.

### COMMISSIONER ANNOUNCEMENTS:

- Vice President Breslin has received letters and phone calls about speakers being intimidated at the Commission hearings. Encourages people to report incidents to the Commission or the Taxi Detail. Announces the service hearing on Aug. 8<sup>th</sup> and the traffic safety hearing on Aug. 22<sup>nd</sup>. Thanked Tristan for stepping in as Acting Director and for his service. Thank you Tristan.
- Commissioner Heinicke introduces himself as the new Commissioner and gives brief background on prior work experience. Looks forward to working with all the Commissioners and the public, please feel free to contact him anytime.

### PUBLIC COMMENT

- **Barry Taranto:** Welcomes the new Commissioners and addresses the staff report. Speaks on his relationship with Tristan and feels he has gone out of his way with his knowledge to help improve taxi service and in helping drivers. Feels more driver training should be part of the service hearing.
- **Mark Gruburg:** Experienced the most courteous and attentive treatment from Mr. Bettencourt and staff. Wishes him the best of luck and hopes the Commission moves on to its original business.
- **City Attorney P. Zarefsky:** Matters that come up in relation to Mr. Bettencourt in the context of other agenda items you can disallow repetitive comment by the same speaker making the same point on a different agenda item.
- **Tesafaye Chuffa:** Speaks on experiences with Mr. Bettencourt and commends him for his responsiveness to issues. Appreciates his service.
- **Peter Witt:** Feels the Cash Cab show is not a good idea for San Francisco and it's just a money maker for Discovery Channel. Many drivers are intimidated at the Commission hearing, suggests drivers to write a anonymous complaint.
- **Thomas George Williams:** Thanked the Commission for bring the issue of intimidation on the Commissioner announcements and also thanked Tristan for his service.
- **Robert Cesana:** Speaks on Mr. Bettencourt and feels the Commission needs to be stronger in screening employees.
- **Norma Geer:** Discusses intimidation and has not seen evidence of incidents happening, thanked Vice President Breslin.
- **Dave Schneider:** Welcomes Commissioner Heinicke and commends Mr. Bettencourt for his work at the Taxi Commission.
- **Jane Bolig:** Speaks on behalf of Veterans Cab to extend an invitation to all the Commissioners to come to the office and see how a taxi company operates.
- **Anne McVeigh:** The new Commissioners should be given 2-3 weeks to familiarize themselves with the industry and issues. Feels Mr. Owen should be replaced
- **Jim Kennedy:** Requests Jack Brodnax to be replaced along with other staff.
- **Tariq Mehmood:** Feels intimidation is used against those who speak at the hearings. Also discusses the departure of Mr. Bettencourt
- **Commissioner Benjamin:** In regards to Mr. Kennedy's complaints to his records being taken from the company; the solution is a receipt process and in the future that should be resolved and we can bring it up at another time.
- **Vice President Breslin:** Discusses the order of agenda, looks to other Commissioners on whether to take the closed section or election of the President. The Commissioners wish to take the election

of the Commission President.

### 3. ELECTION FOR PRESIDENT AND, IF NECESSARY, FOR VICE PRESIDENT, OF THE SAN FRANCISCO TAXICAB COMMISSION [ACTION]

Commissioner Oneto motions to elect Commissioner Gillespie for President of the San Francisco Taxi Commission. Commissioner Paek seconded the motion. Motion passes 6-0.

**AYES:** Oneto; Kwok; Paek; Benjamin; Heinicke, Breslin  
**ABSENT:** Gillespie

**NOES:** None  
**RECUSED:** None

#### PUBLIC COMMENT

- **Robert Cesana:** Nominates Malcolm Heinicke as President because of his prior experience as an attorney, feels he would be a neutral party.
- **Barry Taranto:** Former President Jackson knew how to run a Commission. The Commission needs to pick someone with the same skills, and urges to nominate Paul Gillespie as President. If not Malcolm Heinicke as already served on other Commissions and would be a good candidate for Vice President.
- **Peter Witt:** Feels the Commission has been a fraud from the beginning. Gives condolences to the Jackson family but doesn't feel he understood anything. Requests his speaking time be given back.
- **Thomas George-Williams:** UTW endorses Paul Gillespie as President and would like to see Malcolm Heinicke as Vice President.
- **Vice President Breslin:** The Vice Presidency is not an issue at this time; we are speaking about the election of the President.
- **Frank Fahy:** I hope the President when he is elected will go back to focusing on what is important in this industry like getting a \$2.00 raise in the fare to pay for the gas. Comments on Tristan Bettencourt.
- **Mark Gruberg:** Paul Gillespie is the longest serving Commissioner on this Commission. He knows the issues and is focused on the wider issues that concern our industry. Believes Mr. Heinicke would make an excellent President but there is an enormous difference in their experience and understanding of the industry.
- **Dave Schneider:** Paul Gillespie drafted the Mission Statement of the Commission and has been on it the longest and should be elected President.
- **Art Lembke:** Doesn't feel those Commissioners that voted to keep Heidi should be the President, prefers one of the new three Commissioners to be nominated.
- **Norma Geer:** Prefers to see Commissioner Breslin as President because she has been less partial unlike Gillespie who has a driver bias.
- **Steven Rimmers:** Continue this wonderful breath of fresh air and continue Mrs. Breslin as your President.
- **Murai:** Commissioner Breslin has stood her ground and is a wonderful person. I totally recommend her.
- **Unidentified Speaker:** Feels the idea of a driver bias is absurd. Placing a new Commissioner as President is just plain weird.
- **Blake Derby:** Does not feel Paul Gillespie is a good fit as President. Inquires if there is a representative of medallion holders on the Commission.
- **Carl MacMurdo:** Feels Patricia Breslin would be the best choice but as President of the Hotel Council she doesn't have time. Concerned with the bias Paul Gillespie has shown towards one group against another. Malcolm Heinicke is commended for his interest in the industry.
- **Bill Mowsey:** Paul Gillespie is the only person that should be head of this Commission.
- **Ann McVeigh:** Recommends Malcolm Heinicke because of his education and background. Is against Paul Gillespie as President.
- **Jane Bolig:** The job of this Commission is to look after the public interest and it seems to me the comments you have heard about Mr. Gillespie detract from the central concern. I hope Vice President Breslin reconsiders and throws her hat into the ring to become President.

- **Tesafaye Chuffa:** Feels the Commission needs an impartial person as President and nominates Vice President Breslin.
- **John Nakas:** Wishes Commissioner Breslin changes her mind, if not believes Malcolm Heinicke would be a good President.
- **Ruach Graffis:** Whenever someone speaks for driver-worker they are instantly labeled a communist, management should have a voice on this Commission. Recommends Paul Gillespie to the chair.
- **Tariq Mehmood:** Feels Paul Gillespie would make a fair President.

**Discussion ensued, including the following points:**

- Commissioner Oneto has spoken with Paul Gillespie and has found him to be very fair and articulate. He is the most senior Commissioner on this Commission and Paul Gillespie is a taxi driver and I think he would represent the industry the best.
- Commissioner Heinicke thanked the Commission and the public who have expressed their interest. I am not seeking a leadership position on this Commission but appreciates the comments from the public. I am not ruling out future leadership posts if it's right for everyone involved but now is not the time; I am too new to the Commission and issues. I have met with Paul and understood he is interested in this position and it's not my impression he is biased. If you think he is biased I remind you he is only one vote. He is a very fair, decent, and hard working person and I'm inclined to support him at the same time I'm also inclined to hear from our more senior Commissioners whose opinions I'll value very much.
- Commissioner Kwok would like a President with a strong backbone, who is independent and unbiased. Understands the new Commissioners would not be as knowledgeable on the issues and the industry. Welcomed to anyone in the future stepping up as President in the future.
- Commissioner Benjamin feels Commissioner Gillespie would be a good choice from hearing the public comment.
- Commissioner Paek feels Paul Gillespie takes the time on the issues and is willing to do it.
- Vice President Breslin comments on the public testimony and feels that all sides of the issue were represented. Respectively declines any nomination for the President's seat. Disappointed that Commissioner Heinicke does not want to run but understands why is not seeking the post. I will fully support Paul Gillespie's nomination if someone chooses to make it.
- Commissioner Kwok requests staff to contact Commissioner Gillespie of his election as President.

**10. CLOSED SESSION-PUBLIC EMPLOYEE NOMINATION: EXECUTIVE DIRECTOR OF TAXICAB COMMISSION [ACTION]**

Commissioner Heinicke motioned not to disclose the discussion from the Closed Session. Commissioner Paek seconded the motion. Motion passes 6-0.

**AYES:** Breslin; Kwok; Heinicke; Oneto; Paek; Benjamin  
**ABSENT:** Gillespie

**NOES:** None  
**RECUSED:** None

**Discussion ensued, including the following points:**

- Vice President Breslin requests to address Item 10 if the Commission would like to go into closed session without the new President. I will take public comment and if it is determined that we are going into closed session it will stay in the position it is on the agenda. Requests to speak to the City Attorney.
- City Attorney P. Zarefsky responds and says it's perfectly fine for the Commission to go forth but people should have a right for public comment on this agenda Item 10 that would include but not be limited to the question if the agenda item should be continued. There needs to be a unitary public comment on all matters pertaining to Item 10.
- Vice President Breslin I would like to address Item 10 and whether or not the Commission should go into closed session without our new President.
- Commissioner Benjamin inquires to the City Attorney if there is a problem if the Commission goes

into session without the President here?

- City Attorney P. Zarefsky responds and states because this item was placed on the agenda and there is a quorum the Commission may go into closed session.
- Commissioner Kwok recalls in the past there was selection process of applicants of candidates for the Executive Director position. Do we have a list of people to review from? Vice President Breslin states the agenda item is open and the discussion should form a timeline.
- City Attorney P. Zarefsky answers it is up to the Commission on what process they would like to make. Explains to Commission other alternatives on process matters.

## **PUBLIC COMMENT**

- **Art Lembke:** Comments on Heidi Machen and Tristan Bettencourt.
- **Vice President Breslin:** Interrupts Mr. Lembke and inquires if the comments are relevant to the issue of the closed session.
- **City Attorney P. Zarefsky:** Given the fact there has been plenty discussion in the public media, including the mayor himself, about the possibility of the former Executive Director coming back or being re-hired, in my judgment this is relevant to the closed session.
- **Vice President Breslin:** Give him back his time.
- **Art Lembke:** Continues to comment on Heidi Machen and her relationship with Tristan Bettencourt. Requests Commission to search for other nominees.
- **Tesafaye Chuffa:** Gives advice to the Commission on hiring an Executive Director.
- **Barry Taranto:** The Commission cannot interfere with the roll of staff and needs to pick an Executive Director who will carry out your edicts. You must find someone to lead this department tonight.
- **Mark Georgy:** Introduces Blake Derby and Dennis Corkess and asks to aggregate there 2 minute allotments into a single six minute chunk to play a video tape that relates to Heidi Machen.
- **Vice President Breslin:** Asks the City Attorney if the video tape can be allowed.
- **City Attorney P. Zarefsky:** Explains to Commission position on playing a video tape and using the public speaking time to do so.
- **Vice President Breslin:** Questions Commissioners on whether or not to allow the playing of the video tape.
- **Commissioner Kwok:** If the tape relates to Tristan Bettencourt and he is not a candidate for the job then what is the relation. We set an example for people to play long videos and I have never seen this before at a hearing.
- **Commissioner Heinicke:** It's their two minutes and they get to say what they want to say. The chair has to cut it off if it does not relate.
- **Vice President Breslin:** I will be listening to the relevancy of what you are about to show to this specific issue to the closed session. I want to hear something before the video.
- **Mark Georgy:** This six minute piece relates to one particular candidate for the Executive Director's job; Heidi Machen and relates to her judgment and performance. Plays video from channel 7 news.
- **Dennis Corkess:** I would like to yield my 2 minutes. Plays video from channel 7 news.
- **Blake Derby:** I would like to yield my 2 minutes. Plays video from channel 7 news.
- **Dan Hinds:** Welcomes Commissioner Heinicke and comments on the decision to dismiss former Executive Director Machen. Feels Commission should have a selection process.
- **Charles Rathborne:** Requests Commission not to rehire Mrs. Machen. Concerned that qualified persons are not given the opportunity to apply for this job.
- **Carl MacMurdo:** Thanked Dan Noyes for his excellent documentary. Comments on Heidi Machen and Tristan Bettencourt's relationship. Reads the San Francisco City Charter Section 4.102 on the issue of Commissioners appointing department heads.
- **Christopher Fulkerson:** Doesn't feel the Commission should rehire Heidi Machen.
- **David Pilpel:** Commission should be about the regulation of the taxi industry given the circumstances that we are under I believe it be best to recommend to the Mayor the reappointment of Heidi Machen. Encourages the Commission to announce following the closed session that the

Commission will forward names to the Mayor.

- **Michael Spain:** Requests Commission if they go into closed session they appoint an Interim Director, suggests Officer Suslow. Presents City Charter on overhead and explains to the Commissioners the process of nominations.
- **Ann McVeigh:** Reads article on Heidi Machen and Tristan Bettencourt.
- **Steven Rimmers:** Feels it's important that the Commission go forward in appointing an Executive Director.
- **Robert Cesana:** There are no applicants since the job was not advertised. Comments on Heidi Machen.
- **Mark Gruberg:** Gives reason why Heidi Machen should be reappointed. If you don't reinstate her back those who don't want to see the rules and laws enforced are going to win. Mr. Bettencourt has been used to get at her.
- **Peter Witt:** Comments on Heidi Machen and the Controller's customer survey. Concerned with missing information with PC&N packets.
- **Ruach Graffis:** Heidi Machen was appointed by Mayor Newsom to reform the taxi industry. Heidi was doing her job and doing it well. Bring Heidi back to finish the job that she started, the one she was hired to do, and the one that still needs doing.
- **Thomas George Williams:** The scandal is proof that Heidi did a good job, people are afraid they have to drive.
- **Jane Bolig:** The name I don't see on this agenda is Heidi Machen we don't know who you are going to discuss. I hope now and in the future policies can be set up for this election of the Executive Director that is public.
- **Bill Mouwsey:** Heidi Machen has maintained a system that is the best in the country of moving the medallion list faster.
- **Tariq Mehmood:** Heidi Machen went after medallion holders who were not obeying the rules. Tristan Bettencourt was used to get rid of her. Please bring her back.
- **Dave Schneider:** Speaks on Heidi Machen and feels she should return to continue the good work she was doing.
- **Norma Geer:** Believes Heidi Machen misinterpreted Proposition K and doesn't understand why medallion holders are being portrayed as greedy.

**Discussion ensued, including the following points:**

- Commissioner Benjamin asks the City Attorney what his opinion is on the comments made about three candidates being nominated. City Attorney P. Zarefsky reads an excerpt on nominations.

Commissioner Heinicke motions to go forth with the closed session. Commissioner Benjamin seconded the motion. Motion passes 6-0.

**AYES:** Breslin; Heinicke; Oneto; Kwok; Paek; Benjamin

**ABSENT:** Gillespie

**NOES:** None

**RECUSED:** None

**Discussion ensued, including the following points:**

- Vice President Breslin motions to go into closed session.
- City Attorney P. Zarefsky makes a general comment to the Commission that statements made by the public speakers on the closed session aren't automatically incorporated, and it's the Commission's responsibility to make personal decisions.
- Vice President Breslin requests a motion to go into closed session. Commissioner Kwok motions and Commissioner Paek seconds motion.
- Vice President Breslin upon return from closed session announces that the Commission is sending nominees to the Mayor for review.

**6. PUBLIC COMMENT**

- **Thomas George Williams:** Speaks on the corruption in the taxi industry, and manager Jim



- Gillespie who is a convicted felon. Feels the industry needs to be cleaned up.
- **Art Lembke:** Doesn't understand why a medallion can't be sold or left to a spouse. Post K permit holders waited 15-20 years to get their medallions.
  - **Blake Derby:** Proposition K was not about driving until I am dead. I signed an intent to keep it on the road and it cost me a lot of money. You are letting people have too much power. You need to charge money to the hotels for the history of the rip-offs of limousines.
  - **Robert Cesana:** If you look at the minutes of the staff report it says our auditor is making good progress in reviewing the driving requirement in compliance with Prop. K. What's strange is that the driving requirement was before Heidi came along. Her office has gone to a number of cabs companies for audits and has not followed the law by taking the waybills.
  - **Mark Gruberg:** Thomas George Williams the chair of United Taxicab Workers was fired from his job at National Cab. I know a number of drivers over the years who have been fired for activism. If you see fewer drivers without medallions here in this room keep in mind they are here with a fair amount of courage.
  - **Murai:** Most medallion holders who I see are working full time and complying. Daly Ma came in and made a wonderful thing that drivers have to drive prior to getting a medallion.
  - **Tesafaye Chuffa:** Does not hold a medallion and the previous Directors have taken away his due procedure for the last six years. Those who are on the list deserve a medallion when their name comes up on the list if they meet the driving requirements.
  - **Michael Spain:** Addresses comments made earlier by Mark, many of the drivers do get into hassles with their companies they are working at but it's not political. Mark Gruberg was politically active at Yellow and was never fired, he left after he received his permit. Feels staff is putting wrong information in the packets.
  - **Unidentified Speaker:** Wants Commission to move forward to better the taxi industry and allow those who don't have the money to pay the fees after they get the job to serve the city.
  - **Carl MacMurdo:** Congratulates Paul and would like him to agenda the federal disability law. Regarding Jim Gillespie he is not a convicted felon. Gives packets to the Commissioner Heinicke on the federal disability law and ADA procedures.
  - **David Pilpel:** Comments on Tristan Bettencourt's departure and thanked him for his service.
  - **Christopher Fulkerson:** Please act soon on the proposed gas surcharge. Comments on the SF Taxicab Industry equity analysis.
  - **Dan Hinds:** Speaks on issue with Thomas George-Williams. Angry that people would suggest that he was fired because of his activism. Gives history of relationship.
  - **Dave Schneider:** The Taxi Commission may want to consider an all hybrid fleet as soon as possible and have all centralized GPS cabs.
  - **Peter Witt:** Feels nobody cares about this industry. Would like the next President to bring together the industry which is fractured.
  - **Jim Kennedy:** Points out the taxi industry doesn't receive anything from the general fund. Aids are hired at enormous prices.
  - **Ann McVeigh:** Average medallion holders are still driving, there are many lies being told up here. Speaks on Heidi Machen.
  - **Bill Mowsey:** Drivers are self-employed and get do not get any benefits from the cab companies. Drivers are intimidated and do not want to face discrimination in speaking at the hearings. Feels Heidi Machen and Tristan Bettencourt did a wonderful job. Reinstate Heidi Machen.
  - **Tariq Mehmood:** There is a big dispute between medallion holders and drivers. I have prepared a report for the Commission which states a medallion should only be held for four years.

**8. REVISING ADA PROCEDURES TO MAKE SF HEALTH DEPARTMENT RESPONSIBLE FOR GIVING ACCOMMODATIONS [DISCUSSION AND POSSIBLE ACTION]**

Commissioner Kwok motions to continue to item till the next meeting. Motion passes 6-0.

**AYES:** Breslin; Heinicke; Oneto; Kwok; Paek; Benjamin

**NOES:** None

**ABSENT:** Gillespie

**RECUSED:** None

**Discussion ensued, including the following points:**

- Vice President Breslin the remaining agenda items. Commissioner Heinicke comments on the late hour and suggests that because the issues are complicated that they be heard at a future hearing.
- Vice President Breslin comments that there is missing information in the packet. If the Commission chooses not to hear this tonight we still have to take public comment and not make any decisions.
- Commissioner Heinicke agrees with Vice President Breslin and wouldn't mind taking a few comments but feels that a decision tonight wouldn't be fair to the issue. Vice President Breslin is handed a list of speakers from the last hearing who already spoke on the item at the July 11<sup>th</sup> hearing who cannot speak tonight. Reads the list of names. If you speak tonight you will not be able to speak at the next hearing.
- Carl MacMurdo states they were not told they could not speak on the issue. Since staff has twice failed to give the proposal, I would like to give copies to the Commission. Vice President agrees with Mr. MacMurdo that since the material was not in the packets and the item should be continued.
- Vice President Breslin requests speakers to come forth and speak.

**PUBLIC COMMENT**

- **Robert Cesana:** I would like to see the item continued but we must make sure that the packet is complete.
- **Vice President Breslin:** Thanked the public for providing the missing information
- **Charles Rathborne:** Feels the SF Health Department should be responsible for ADA requests due to privacy issues.
- **Vice President Breslin:** Would like to put a directive to staff that no further medical assessments be made until it goes to the Health Department or the appropriate staff member.
- **City Attorney P. Zarefsky:** Request from Commissioner Breslin may be a Sunshine issue, since the proposal Commissioner Breslin is not on the agenda. I suggest it be an interim until the next meeting when the matter is addressed in a more comprehensive way.
- **Vice President Breslin:** Requests a motion to continue item
- **Commissioner Kwok:** Motions to continue item to next meeting.
- **Vice President Breslin:** All in favor.

**9. DISCUSSION ON THE COLOR SCHEME CHANGING DISPATCH SERVICES FROM ONE COMPANY TO ANOTHER. DISCUSSION OF PARKING SPACE AVAILABILITY FOR SHIFT CHANGES. [DISCUSSION AND POSSIBLE ACTION]**

Commissioner Kwok motions to continue to item till the next meeting. Commissioner Paek seconded the motion. Motion passes 6-0.

**AYES:** Breslin; Heinicke; Oneto; Kwok; Paek; Benjamin

**ABSENT:** Gillespie

**NOES:** None

**RECUSED:** None

**PUBLIC COMMENT: No public comment**

**ADJOURNMENT**

Meeting adjourned at 11:47PM.

Respectfully Submitted,  
Jaime Poblitz  
Executive Secretary



COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3  
PATRICIA BRESLIN, VICE PRESIDENT  
RICHARD BENJAMIN, COMMISSIONER, ext. 1  
MALCOLM HEINICKE, COMMISSIONER, ext. 4  
MICHAEL KWOK, COMMISSIONER, ext. 5  
TOM ONETO, COMMISSIONER, ext. 6  
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

## MINUTES

Commission Chambers – Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
October 24, 2006  
6:30PM  
Regular Meeting

Present: Gillespie; Breslin; Benjamin; Kwok; Oneto; Heinicke  
Absent: Paek

PRESIDENT GILLESPIE CALLED THE MEETING TO ORDER AT 6:33 P.M.

STAFF IN ATTENDANCE: Executive Director Heidi Machen, Jaime Poblitz – Taxi Commission, Captain Thomas O'Neil– Taxi Detail, Tom Owen– City Attorney

1. ROLL CALL – Roll Call showed a quorum was present.
2. PARATRANSIT ISSUES. [DISCUSSION]

- Executive Director, Heidi Machen introduces Annette Williams from Muni Accessible Services, Stu Smith, and Jean Lynch from the Paratransit Coordinating Council to give a presentation on paratransit issues. Presenters provided overview and history of the paratransit system in San Francisco to the Commission.

**Discussion ensued, including the following points:**

- President Gillespie inquires on total number of trips and if other counties are utilizing paratransit for taxis. Annette Williams responds that in the future they are looking at an increase in taxi trips but not as much as the increase seen in the late 90's. Other cities have programs but in terms of the ADA paratransit systems, there is not a lot of use. Ms. Williams gives comparison to the fee per trip cost of taxis, at \$11.33 compared to group/individual vans which are much higher.

**PUBLIC COMMENT:**

- Jackie Sachs: Feels the Paratransit Broker's office should sell fast passes to individuals.
- Dan Hines: Feels that taxi stands are extremely cost effective and taxi service should be expanded.
- Mark Soto: Speaks on the satisfactory survey on taxi paratransit service which was at 98%.
- Tom Stanghellini: Speaks on the need for the debit card program.
- Hansu Kim: Speaks in opposition on behalf of all the major companies, MHA, UTW, and SFTA as a authorized representative in regards to the debit card proposal before the city.
- Bruce Oka: Feels the debit card program should be in place and will decrease fraud
- Vice President Breslin: Comments on the absence of Commissioner Kwok and states he will be arriving.
- Bill Mouwsey: Comments on the issue of fraud and people misusing scrip; believes bigger companies should only have the ramp taxis.
- Barry Taranto: Believes Muni needs to act upon the debit card program and smaller companies are not being accounted for ramp van service. Suggests a survey be done on ramp medallion holders.
- Robert Cesana: Believes the Taxi Commission should reduce overall cost down for the aging population and stop subsidizing the paratransit industry with the taxi industry.

- **Laurie Graham:** Speaks on incentives to ramp taxi drivers and her experience as a ramp driver.
- **Alec Kaplan:** Proposes that the Commission prohibit ramp vans from the airport unless the request is for someone who is disabled.
- **Peter Witt:** Commends Commissioner Heinicke on his service and comments on his taxi survey.
- **Tesfaya Chuffa:** Gives suggestion to paratransit office they should have a faster paperwork process for customers.
- **Cheryl D:** Comments on the ramp taxi proposal of extra training to drivers from two hours to four hours.
- **Thomas George Williams:** UTW supports the proposed four hour training and getting a debit card program.
- **Roger Ray:** Feels extra training is needed for ramp taxi drivers in counting education. Comments on the survey conducted on ramp vans at the airport, showing abuse only by a minority of ramp vans.
- **Tariq Mehmood:** Feels that all ramp medallions should be held at big companies and believes that fraud is a big problem affecting paratransit.
- **Ed Burke:** President of GPS Datasolutions, gives update on the debit card program.
- **Mark Gruberg:** Feels that many drivers are not taking paratransit rides and companies should give incentives to ramp drivers for those pick-ups.
- **Mark Soto:** Give status update on compliance of companies to the Commission.
- **Commissioner Heinicke:** Inquires if wait times are higher for paratransit riders.
- **Mark Soto:** Our experience in paratransit is no different than the regular community, they are competing with the general public for service.
- **Michael Spain:** Provides history of taxi/paratransit funding.
- **Carl MacMurdo:** Comments on MHA's position on the debit card contract.
- **Anaperla Aureolas:** Feels the Commission needs to address the issue of drivers who do not take service dogs for the disabled due to religion issues.
- **Ruach Graffis:** Agrees the Commission needs to address the issue of religion vs. people with service animals. Comments on the need for BART station drops for disabled riders.

**Discussion ensued, including the following points:**

- Mark Soto gives follow up comments on fraud and what Paratransit is doing on the issue; provides the fraud hotline: 1-877-477-2747.
- Commissioner Heinicke feels the debit card program needs to be acted upon, which would stop fraud.
- Commissioner Benjamin and Commissioner Heinicke request an update on where the debit card program is today.
- Director Machen offers to produce a memo to the Commissioners on a timeline and summary of the debit card program.
- Commissioner Kwok gives overview of the issues affecting the paratransit system and riders.
- Vice President Breslin expresses the overall issues raised by the public on paratransit which feels the Commission need to take positions on; the debit card program, training, penalties on scrip refusal, incentives for drivers, BART station drops, and standards for companies for having ramp taxis.
- Commissioner Heinicke feels the main issue affecting paratransit and the general public is availability for taxicabs. Inquires if the Commission can change the requirement for receiving a ramp medallion.
- City Attorney Tom Owen explains it can be discussed later. Director Machen explains the 100 pickup rule in the year preceding the issuance of a ramp medallion. PCC & Muni have proposed a pre-screening for drivers up for a medallion.
- Commissioner Heinicke asks the current method of enforcing the pick up per shift rule. Capt. O'Neil gives briefing on the Taxi Detail's methods.
- President Gillespie comments on the fact that San Francisco is a model for the Paratransit system and thanked the public and presenters for attending the hearing.

**6. CONSIDERATION FOR RESOLUTION AUTHORIZING EXECUTIVE DIRECTOR TO ASK MAYOR'S BUDGET OFFICE TO REALLOCATE FUNDS FOR OUTREACH. [DISCUSSION & POSSIBLE ACTION]**

- **Executive Director, Heidi Machen** introduces the item to the Commission.
- **Commissioner Heinicke** inquires on what money are we requesting and how much.
- **Director Machen** explains the breakdown has not been made for the cost to conduct the PC&N survey, nor has the data been assessed on the Health Care Working Group survey. This resolution allows the office to work within the boundaries of the Budget on where the funds can be directed. This money is a carry over from last year's budget so it is unutilized funds.
- **Vice President Breslin** inquires on the special fund.
- **Director Machen** responds the \$40,000 within the drivers fund could be a used for the Driver Health Care program if the Commission wishes to do so.

**PUBLIC COMMENT:**

- **Robert Cesana:** Does not want the survey to be conducted by the Taxi Commission staff and wishes it be done independently.
- **Peter Witt:** Speaks to the Commission on the survey he conducted to the public.
- **Michael Spain:** The Medallion Holder's Association has an issue with the survey that would poll the drivers on the health care plan and feel the poll may not be independent.

**Discussion ensued, including the following points:**

- Vice President Breslin would like the Commission to approve the questions and procedures that will be used for the PC&N survey. States to the public the PC&N hearing will not be next month but in February 2007.
- Director Machen states should this Commission want to survey the drivers we are trying to roll that into the driver's A-card renewal which will begin in December of this year. Provides the Commission with methodology that the surveys will be based on using the Schaller report as a guideline.
- Director Machen would like to schedule for the next meeting approval of the questions for PC&N and the Health Survey.
- Vice President Breslin suggests amending the resolution stating the funds are from carryover funds and not taking away from the driver fund or the hiring an officer in Taxi Detail.
- Director Machen comments she is working closely with Taxi Detail in hiring for the sergeant position and agrees with the amendment made by Commissioner Breslin also suggests an additional amendment, to include the line item in the current budget for the \$25,000 to the contract specialist for the PC&N survey and include that for a portion of funds to look to.

Commissioner Heinicke motions to approve the Resolution 2006-111 with the following amendments authorizing Executive Director to seek reallocation of carry over and previously reserved PC&N survey funds in addition with the direction to staff to present the survey and distribution proposal and the approval of the Commission to conduct the survey. Commissioner Kwok seconded the motion. Motion passes 6-0.

**AYES:** Gillespie; Oneto; Kwok; Benjamin; Heinicke; Breslin  
**ABSENT:** Paek

**NOES:** None  
**RECUSED:** None

**3. STAFF REPORT AND COMMISSIONER ANNOUNCEMENTS [INFORMATION]**

- **Executive Director, Heidi Machen** gave an update on the meetings she attended and correspondence received and sent.
- **Captain O'Neil** provides update on enforcement issues on behalf of the Taxi Detail.
- **Commissioner Benjamin:** Requests to calendar a resolution to waive the meter inspection fee for companies due to the meter increase on November 1<sup>st</sup>.
- **Director Machen:** Agrees the re-inspection fees be waived, also suggests the inspections be carried over to the following year since the inspection for this year closed out October 11<sup>th</sup> or we can ask weights and measures to accept a letter from the certified meter adjuster.
- **Commissioner Heinicke:** Agrees with Director Machen and would like a recommendation made to the Commission.
- **President Gillespie:** Commends Jaime Poblitz for her work done at the Commission. Requests to close meeting in memory of Musharaf Poswal and Rob Logan.
- **Vice President Breslin:** Requests her fellow Commissioners to review Mr. Chuffa's case.
- **Commissioner Heinicke:** Comments on citation information provided by SFO. Welcomes Jordanna Thigpen to the Taxi Commission.

**PUBLIC COMMENT:**

- **Tesfaya Chuffa:** Comments on personal case.
- **Robert Cesana:** Feels Director Machen should have presented the four amendments made by the Commission to the Budget Committee in public and not in private.
- **Barry Taranto:** Feels the proposed taxi stands for Halloween are not driver friendly and need to change. Feels companies are responsible for shift changes and thanked Jaime Poblitz for her service to the Taxi Commission.
- **Alec Kaplan:** Commends the Taxi Commission staff for their hard work.
- **Michael Spain:** Comments on the Budget Committee hearing.
- **Thomas George Williams:** Feels the Commission needs to enforce the \$91.50 gate fee since companies are overcharging. Gives condolences to Mr. Poswal's family.
- **Jim Gillespie:** Commends the Commission for trying to waive the meter inspection fees would like the process expedited.
- **Steven Conrad:** Comments on illegal limousines and is representing Ciro Matarazzo.
- **Mark Gruberg:** Displays letter that was sent to medallion holders to attend the Budget Hearing.
- **Emile Lawrence:** Discusses overcharge gate fees that drivers are charged.
- **Ruach Graffis:** Feels Mr. Poswal's family may be eligible for worker's compensation death benefits; if not, the family can sue Yellow cab for wrongful death.
- **Tariq Mehmood:** Thanked Jaime Poblitz for her service to the Taxi Commission, agrees companies should not have to pay for meter re-inspection fees.

**Discussion ensued, including the following points:**

- Commissioner Heinicke comments on the concerns raised by Jim Gillespie. Director Machen comments it takes almost a year to complete inspections for the entire fleet and cannot be done during the two month window of time but our office will do what we can.

- Commissioner Heinicke requests Director Machen to call and contact weights and measures.

**4. PUBLIC COMMENT**

- **Tesfaya Chuffa:** Feels President Gillespie is not taking a leadership position on helping out with his case.
- **Carl MacMurdo:** Requests Commission staff to provide more public packets to the public.
- **Director Machen:** Comments the public is welcome to the office to pick up packets at cost from the Commission prior to the meeting and we have two public binders with the packets on the table.
- **Barry Taranto:** Agrees the public should have copies of the packets, announces the exotic erotic ball is this weekend, and thanked Commission staff for providing information on the Oracle event but feels the stands are in-accessible.
- **Emilie Lawrence:** Speaks on retaliation by companies for speaking at Commission hearings.
- **Jim Gillespie:** Provides condolences to Mr. Poswal's family and comments on shift changes outside of the property.
- **Alec Kaplan:** Would like a minimum number for packets for the public and comments on shift changes.
- **Robert Cesana:** Comments on the lack of a proper taxi stand at Moscone Center.
- **David Pilpel;** The Director of Taxi Commission has the authority to reallocate funds within the Budget as long as it does not increase the total amount.
- **Jackie Sachs:** Feels a camera should be installed at Sutter & Powell to monitor cab drivers making a right hand turn on a red who are not yielding to pedestrians.
- **Michael Spain:** Comments on the Budget Committee hearing and the illegal limousine issue.
- **Mark Gruberg:** Commends Jaime Poblitz on her work at the Taxi Commission and urges the Commission to utilize administrative penalties to operators of vehicles performing taxi services.
- **Tariq Mehmood:** Commission needs to investigate those who get fired for speaking at the Taxi Commission hearing.
- **Thomas George Williams:** A letter should be sent out to all companies stating they cannot charge over \$91.50, please enforce the gate cap.
- **Cory Lamb:** Comments on Mr. Poswal's passing and the importance for drivers to follow the rules.

**5. CONSIDERATION OF THE CONSENT CALENDAR [ACTION]**

**Discussion ensued, including the following points:**

- Director Machen gives recommendation to the Commission to sever Item C & F. Gives recommendation for Item G & H, not to revoke the permits because the fees have been paid.

**PUBLIC COMMENT:**

- **Jim Gillespie:** Comments on Item C2 and provides summary to Commissioners.
- **Robert Cesana:** The Commission promised to have a discussion on how to properly fill out waybills and guidelines need to be issued.
- **Thomas George Williams:** Believes applicant C2 has not driven and feels the applicant should not get the medallion.
- **Steven Conrad:** Speaks on Item D and feels the applicant has been a long time driver and should not be removed.
- **Alec Kaplan:** Comments on Item F.
- **Emile Lawrence:** Comments on Item C2 and feels it is the Commission's duty to investigate fraud.
- **Tesfaya Chuffa:** Comments on fraud in the industry.
- **Carl MacMurdo:** Speaks on item C2 and feels Virginia Fuquay has been a long term driver and deserves a medallion.
- **Tariq Mehmood:** Suggests the Commission review the letter of intent for new drivers, and feels applicant C2 waybills are false.

Commissioner Heinicke motions to table Item G & H on the Consent Calendar. Commissioner Oneto seconded the motion. Motion passes 5-0.

**AYES:** Gillespie; Oneto; Benjamin; Heinicke; Breslin  
**ABSENT:** Paek; Kwok

**NOES:** None  
**RECUSED:** None

*G. Tabled Item:*

Permit Holder Name:	Medallion Number:	Color Scheme:	Amount Due:
1. John V. Donnelly	859	WorldWide Cab	\$621.50
2. William P. Jones	862	WorldWide Cab	\$621.50
3. Keith Raskin	1137	WorldWide Cab	\$621.50

*H. Tabled Item:*

Color Scheme/Dispatch Company:	Account Number:	Delinquent Amount:
1. WorldWide Cab	3037	\$1299.00
2. Union Cab	3042	\$2988.68

Commissioner Benjamin motions to approve Items A, B, & E on the Consent Calendar. Commissioner Gillespie seconded the

motion. Motion passes 5-0.

**AYES:** Gillespie; Oneto; Benjamin; Heinicke; Breslin  
**ABSENT:** Paek; Kwok

**NOES:** None  
**RECUSED:** None

A. Minutes Approved for the October 10, 2006 Taxicab Commission Meeting.

B. Approved Public Passenger Vehicle Driver Permit(s):

Bahman Alison	Ali Asghar	Khosrow Alizadeh
Mehreteab Berhanykun Araya	Jurandir Batista De Souza	Lazhar Belkadi
Abbas Biabani	Daniel De Almeida Bisneto	Perry Michael Brandon
Heristal Alves Castro Jr.	Mohamed R.H. Cherif	Bella De Barros
Alex Epelbaum	Minjigdorj Erdenekhuu	Romilson Eterno Dos Santos
Elias Medeksa Folle	Iyad Ibrahim Hadeed	Ashebier Haye Gebreselassie
Mazen S. Juhar	Nasir Ali Khan	Sher Ali Khan
Ricky Kumar	Darren Edward Lavigne	Francisco Ramon Montemayor
Mario Queiroz Neto	Lusmar Silva Neto	Nick Nana Nketiah
Susan Oak	Ko Ko Oo	Narinder S. Pathak
Hank D. Quan	Marcello Luiz Ribeiro	Ademilson Silva Rodrigues
Abderrahim Saad	Aladdin M. Salah	Charles H. Schoellenbach
Nagwa Sherpa	Kulbir Singh Sidhu	Kuldip Singh
Tin Soe	Andre Emanuel Stafford	Nguu The Tat
Fitsum G. Bocru	Francisco Aires Da Silva	Soon Sein Hoe
Adil Imam	Fasil Lemma	Abdullah Loinab
David Arnold Long	Nikoli Michael Malik	Fabiano Honorio Mariano
Yohanes Melaku	Elsiddig Adam Mohamed	Hussein Abdulla Mohamed
Umesh Rai	Milan Rana	Jevgenijs Romanovskis
Orlando Oliverio Ruiz	Charanjit Singh	Nirmaljit Singh
Tefera Tesema	Fan Yang	Ben Li Yu
Naing Win Tun	Aliaksandr Zhyhalau	

E. Approved list of Applicant Name(s) who are ineligible for a Ramp Taxicab Medallion per Municipal Police Code Section 1080(c)(2):

Applicant Name(s):	List #:
1. Phillip Lo	6-575
2. Alice D. Mack	6-576
3. Fontaine Lai	6-577

Commissioner Gillespie motions to approve Item C1 on the Consent Calendar. Commissioner Gillespie seconded the motion. Motion passes 4-0.

**AYES:** Gillespie; Oneto; Heinicke; Breslin  
**ABSENT:** Paek; Kwok

**NOES:** None  
**RECUSED:** Benjamin

C. Approved Taxicab or Ramp Taxicab Medallion Holder Permit to:

Taxicab Permit Applicant:	Medallion #:	Color Scheme:
1. Richard N. Sprang	297	Luxor

**Discussion ensued, including the following points:**

- Director Machen gives update to the Commission and states the applicant still falls short of hours with the addition of the two new waybills. The other extra waybills presented to the Commission by Mr. Gillespie were not provided to the Commission staff.
- Commissioner Benjamin provides thought on waybills and states he has concerns.
- Commissioner Heinicke questions Director Machen and Jim Gillespie on the waybills counted.
- Vice President Breslin suggests the two parties sit down together and count the waybills, both initial, and bring it back to the next Taxi Commission hearing.

Commissioner Breslin motions to continue Item C2 on the Consent Calendar. Commissioner Heinicke seconded the motion. Motion passes 4-0.

**AYES:** Oneto; Benjamin; Heinicke; Breslin  
**ABSENT:** Kwok; Paek

**NOES:** None  
**RECUSED:** Gillespie

C. Continued till November 14, 2006

Medallion Holder:	Medallion #:	Change:
2. Virginia C. Fuquay*	227	Yellow Cab Co-Op

Commissioner Benjamin motions to approve Item D1 on the Consent Calendar. Commissioner Oneto seconded the motion. Motion passes 4-0.

**AYES:** Oneto; Benjamin; Heinicke; Breslin  
**ABSENT:** Paek; Kwok

**NOES:** None  
**RECUSED:** Gillespie

D. Approved list of Applicant Names(s) who are ineligible and are to be removed from the Taxicab/Ramped Taxicab waiting list per Municipal Police Code Section 1080(c)(2) for failure to qualify:

Applicant Name(s)	List #
1. Ciro Matarazzo	6-011

**Discussion ensued, including the following points:**

- Commissioner Heinicke inquires on the Commission's authority to make exemptions to the rules. Feels that it will be inspected by GTU as long as the vehicle is safe and meets the requirements, it should be allowed as a spare.
- Commissioner Breslin and Commissioner Benjamin do not want to vote on F2 & F3 stating he doesn't have to paint or install a camera.
- Alec Kaplan requests the Commission to approve item F1 and dismiss item F2 & F3.

Commissioner Heinicke motions to approve Item F1 and to continue Item F2 & F3 to the call of the chair on the Consent Calendar. Commissioner Oneto seconded the motion. Motion passes 5-0.

**AYES:** Oneto; Heinicke; Breslin; Benjamin; Gillespie  
**ABSENT:** Kwok; Paek

**NOES:** None  
**RECUSED:** None

F1. Approved to grant Grasshopper Taxicab exception to the vehicle standard rule Section 4 A. 8 (c) to place vehicle with 190,000 miles into service as a spare.

- President Gillespie requests to adjourn meeting in memory of Musharaf Poswal and Rob Logan.

## 7. ADJOURNMENT

Meeting adjourned at 11:21 PM.

Respectfully Submitted,

Jaime Poblitz  
Executive Secretary





COMMISSIONERS TELEPHONE (415) 554-7737

PAUL GILLESPIE, PRESIDENT, ext. 3  
PATRICIA BRESLIN, VICE PRESIDENT  
RICHARD BENJAMIN, COMMISSIONER, ext. 1  
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BRUCE OKA, COMMISSIONER, ext. 5  
TOM ONETO, COMMISSIONER, ext. 6  
MIN PAEK, COMMISSIONER, ext. 7

HEIDI MACHEN, EXECUTIVE DIRECTOR

## MINUTES

Commission Chambers

February 13, 2007 at 6:30 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place  
Room 400

**Present:** Gillespie; Breslin; Benjamin; Heinicke; Paek; Oneto; Oka  
**Absent:** None

President Gillespie called the meeting to order at 6:33 P.M.

**STAFF IN ATTENDANCE:** Executive Director Heidi Machen, Deputy Director Jordanna Thigpen, Executive Secretary Tamara Odisho – Taxi Commission, Tom Owen– City Attorney

- **Heidi Machen, Executive Director:** Turn-off cell-phones, interferes with phone systems and we get feedback.

### 1. Call to Order/Roll Call

### 2. Public Convenience and Necessity [INFORMATION and ACTION]

- **Director Machen:** Gave an overview of the Public Convenience & Necessity meeting
- **Deputy Director Thigpen:** Presented a power point presentation of the PC&N findings. Talked about issues for reform.
- **President Gillespie:** Inquired about flag-down stands
- **Deputy Director Thigpen:** Bell men reported differently than flag-down survey.
- **Com Heinicke:** Less than 50% response in any area of the City is bad. Public is using other means of transportation because taxis aren't available.
- **Com Benjamin:** GPS will alleviate this issue, Yellow and Luxor are two of 31 companies that currently have this in their cabs.
- **Com Oka:** Sunset residents complain to him that trying to get a cab takes anywhere from 30-60 minutes. Not sure if more cabs are the answer.
- **Com Breslin:** Have the supervisor's seen the report? Regarding the airport, are there more cabs staged there? If not, then where are the cabs? We should have a system that has a revolving/rotating taxi at each taxi stand.
- **Deputy Director Thigpen:** Yes, each was given a copy. We can look into the revolving taxis at the stands.

### Public Comment:

- **Susan Mizner, Executive Director, Mayor's Office on Disability:** Consistently receives complaints

regarding unequal service from the disabled community. Thrilled about the ramp medallion proposal. Contacted community, and many couldn't make it because of transportation issue.

- **Susan Wakman:** Problems with ramp and taxis not stopping for the blind. More cabs will alleviate the problem, especially if the commission would create a dedicated dispatch system.
- **Corey Lamb:**
- **Name:** Should increase the ramps
- **Name:** Survey was good, should've surveyed the cab drivers as well.
- **Chuffa:** I'm a rider and driver and am never satisfied with the number of taxis operating in the City.
- **Cheryl Domico:** More ramp cabs needed
- **Cindy Ward:** Appreciates survey but Desoto is poorly reflected, since they field 99.9% of their calls, dispatch works well for them.
- **James Kennedy:** Conduct EIR on operation of CNG cabs
- **Christopher Folker:** 60 minute wait for ramp cabs; cell phone numbers of ramp drivers is the saver. Issuing more ramp taxis may lose business for minimum 2 ramp pick up.
- **Howard Shapman:** Companies don't share the ramps pick up's equally, increase ramp service at airport and hotels.
- **Mike Errage:** transportation problem isn't just a problem effecting transportation but also the health, especially for disabled.
- **James Pie:** Seniors Action Network; the recommendation for more medallions has been happening for a long time but nothing ever happens.
- **Barry Taranto:** Top light issue, not in control of by the drivers, but companies.
- **John Lazar:** Luxor and yellow have 40% of ramp cabs. There's nothing that adequate. Cell phones a good business for ramp drivers, 1/3 of calls go directly to drivers.
- **Robert Cezano:** City is cheap and won't subsidize ramp program. Charge no show customers.
- **Carl McMurdo:** Amend Prop K, medallions shouldn't all be CNG, Goldman study should be reviewed.
- **Jerald Ganity:** Worked over 28 years and makes money because he drives.
- **Jane Bowlig:** Increase won't work, we should require drivers to take continuous classes. Ramps are needed but there is a structural problem.
- **Victoria:** Illegal cabs and limos are a problem.
- **Thomas George Williams:** Cabs are not needed.
- **Charles Rathborn:** Report has discrepancies.
- **Ruach Graffis:** This issues has been discussed for years. Make ramp holders employees.
- **Mark Gruberg:** Some taxis should be issued. Permit holders do well, working driver feels grunt of work.
- **Nick Sweiss:** Ramps should not be going to the airport, should be in the City providing service to locals, should have incentives.
- **Peter Witt:** 50% pick up rate in 2001, the times have changed after the dot com.
- **Michael Kwok:** Beta issue with ramps
- **Mike Spain:** Should issues 219 medallions. Chases down and out illegal limos.
- **Steve Remers:** Can make money working a 10 hour shift. Not sure why there's a wait, enough cabs.
- **Nate Dwiri:** Same arguments year after year.
- **Com Heinicke:** What's the response peak-time?
- **Nate Dwiri:** Average time 6-8 minutes, if traffic is heavier times of course increase.
- **Anne Ferran:** Sister uses ramps and only way to get a cab is through cell phone. Wait sometimes can be up to one hour. Called fire department at times to help.
- **Jim Gillespie:** Yellow, Luxor and Desoto makeup 75% of dispatch, response is very good. Extra ramps won't solve the problem but a revamping of the system will.
- **Taso Zagraphos:** Report skewed.
- **Tariq Mehmood:** Yellow cab started new system, which has a good result. Business isn't in the sunset, no matter how many medallions are increased.
- **Karen Horning:** Bad survey, illegal cabs servicing hotels not drivers fault.
- **Adam:** No need for cabs, but need for professional drivers.
- **Michael Ferguson:** Ramp drivers should have a reduced gate fee. No-shows are costly.
- **Tony:** Cabs are a luxury or necessity? DPT gives tickets when waiting to pick up fares, and sometimes when

dropping off, that's an issue.

- **Richard Corey:** Survey flawed and unfair to companies.
- **David Hass:** Responds to calls, but many times no shows, they must pick up cabs on the street. Tries to pick up at hospitals, but can't wait there.
- **Emil Lawrence:** Supply/ demand issue is not considered when making decisions.
- **Blake Derby:** No new medallions, ramp program should be removed.
- **Mary McGuire:** Report used outside staff, would like to know who these people are, and how they were chosen.
- **Director Machen:** Steve Laplant took her shift as a volunteer in the Bayview since he lives there.
- **Tom Stanghellini:** Survey open information not there, how many cabs at the airport, and how long are they waiting? Peak-times are an issue. Random response time in survey inappropriate.
- **Chuck Walker:** Before 9-11 business was very good. Dispatch pick ups have more no-shows.
- **Deputy Director Thigpen:** Commenting on public comment
- **Com Heinicke:** No show an issue, Feels there is a need and people are in favor of adding more medallions. Peak-time system maybe an option. Enforcing can be done within the industry. Could issue the peak medallions to good response dispatch companies. Recommends 25 regular and 75 peak time medallions.
- **Com Oka:** Agrees with Com Heinicke. But not ready to issue more medallions. Wants more review of the ramp system and how it operates. Very good comments, but cannot get anything done without the help of the industry.
- **Com Breslin:** Not sure how many medallions should be issued, feels the survey covered quiet a bit of information. How to finance the CNG medallions issue, should be reviewed. Can't set restrictions on airport, and should look into peak-time medallions. Should have more meetings on this issue.
- **Com Oka:** We should have a say as to who received the ramp medallion.
- **Com Benjamin:** is there a peak-medallion pick-up time?
- **Com Heinicke:** Yes, and we will have to see if this investment will be worth while.
- **Com Oneto:** Once the health care plan comes out I think the need for cabs will decrease.
- **Com Paek:** Faced with 2 issues. Ramp medallion issues serious need to resolve this issue. How to better resolve this situation? Centralized dispatch should be addressed, meeting should be continued, but not sure if that will resolve the problem.
- **Com Heinicke:** Input from the public and from the survey addresses a underserved community.

### 3. Consideration of the Consent Calendar. [ACTION]

- **Director Machen:** Introduction of item, recommends severing items F,G,H, I & J
- **President Gillespie:** Agrees and severs those items

#### Public Comment:

- **Charles Rathborn:** Kye Rorie should get a medallion, it is only fair.
- **Nick Sweiss:** In favor of approving Item E
- **Carl McMurdo:** Kye Rorie should receive medallion.
- **Dan Hinds:** Not opposing Taso's application but careful consideration.
- **John Lazar:** Item F application is not adequate since he is applying for 2 frequencies, dispatch needs 3 frequencies.
- **Steve Remers:** Trying to improve service at Yellow Cab and want to continue please pass Item F.
- **Pres Gillespie:** Motion on Items A & B
- **Com Breslin :**Motion
- **Com Heinicke :**2<sup>nd</sup> motion
- **Roll Call**

**AYES: Benjamin, Breslin, Gillespie, Heinicke; Paek, Oka, Oneto**

**NOES: 0**

**ABSENT: 0**

**RECUSED: 0**

- **Com Breslin:** Would like an update from staff regarding Kye Rorie.
- **Director Machen:** We sent him a letter and will offer him a medallion once it's available. Commission may have to give him a provision medallion. No new hours for this new year required.
- **Com Breslin:** When would it be a good time to notice him so that he isn't overlooked?
- **Director Machen:** Vicky Siu keeps a good track of medallions and will let him know when it's available to him.
- **Com Breslin:** No others should receive a medallion before him.
- **Pres Gillespie:** Motion on Item C1, D & E
- **Com Breslin:** Motion
- **Com Heinicke :** 2<sup>nd</sup> Motion

**AYES:** Benjamin, Breslin, Gillespie, Heinicke; Paek, Oka, Oneto      **NOES:** 0  
**ABSENT:** 0      **RECUSED:** 0

- **Com Breslin:** Motion on C2
- **Com Benjamin:** Motion
- **Com Heinicke:** 2<sup>nd</sup> Motion

**AYES:** Benjamin, Breslin, Heinicke; Paek, Oka, Oneto      **NOES:** 0  
**ABSENT:** 0      **RECUSED:** Gillespie

- **Pres Gillespie:** Taso please explain this issue, since you are here.
- **Taso Zagrafos:** Yellow cab working with Paratransit program and MUNI working with debit programs. Wants to use other data terminals, or other debit card systems using their "home" grown program for competitive business purposes. Will have 3<sup>rd</sup> party vendor equipment to make this work. But need the extra line not for dispatch but for the transferring of information.
- **Pres Gillespie:** Would like the proposal in writing. Have not had anyone to speak to this from yellow cab, we addressed this same issue a few weeks ago with Luxor. Continued to the next meeting.
- **Director Machen:** Item G, adoption of the findings.
- **City Attorney:** There are no changes, just adopting this issue which was resolved in a past meeting.

**Public Comment:**

- **James Kennedy:** This issue isn't fair.
- **Anne :** San Francisco is violating federal standards for ADA.
- **Com Breslin:** To clarify, he would still be allowed to apply for ADA, he chose not to.
- **City Attorney:** Yes, this appeal was for the last denied modification.
- **Com Oka:** Motion
- **Com Breslin:** 2<sup>nd</sup> motion

**AYES:** Benjamin, Breslin, Gillespie, Heinicke; Paek, Oka, Oneto      **NOES:** 0  
**ABSENT:** 0      **RECUSED:** 0

- **Pres Gillespie:** public comment on h,i & j

**Public Comment:**

- **James Kennedy:** Item I, wants waybills returned by someone other than staff.
- **Jane:** Independent contractors should be termed-out once their jobs are done.
- **Robert Cezano:** Problem with these positions since the commission wants to increase power by hiring more people.
- **Corey Lamb:** Taxi Commission similar to the movie "A Bugs Life"
- **Name:** Hiring investigators not good idea, and pay is high for counting waybills.
- **Tony:** Cost and effect on industry has a negative impact.
- **Carl McMurdo:** Auditor makes sense we don't need 2. ADA subscribers should not be considered violators.
- **Tom Stanghellini:** Industry is going backwards.

- **Charles Rathborn:** Don't want to pay for this, not fair.
- **Anne:** Against hiring of investigators.
- **Mark Gruberg:** 2 positions will not just be counting way bills. They will also be searching and investigating.
- **Jim Gillespie:** Enforcement through commission isn't as effective as if it would be done through Taxi detail.
- **Dan Hinds:** They won't serve public interest. Most people believe medallions should be given out. Prop K effective and efficient.
- **Emil Lawrence:** Financially the Commission is out of control.
- **Thomas George Williams:** 2 positions are a good idea.
- **John Lazar:** Gate increase needed. Put all things on the table and pass together.
- **Deputy Director Thigpen:** Responds to comments.
- **Com Breslin:** Would like to further discuss the investigator positions. Would like to hire someone to train the police. Not sure regarding the investigator issue, especially if we want to change Prop K.
- **Deputy Director Thigpen:** SEIU doesn't like provisional contracts, and we would need money allocated for the position as well.
- **Com Heinicke:** Can we eliminate the position if we approve it? I'm in favor of enforcing the industry but I feel that this would be chasing a ghost. I have heard many credible questions. Alter the proposal to add one investigator position, reduce the fee to fund one position, and review the position to ensure enforcement. But I don't believe we need two.
- **Pres Gillespie:** We have heard every excuse regarding Prop K and overturning it, but there are 100's of cases that aren't ADA who aren't abiding the rules. We never fund these enforcing positions and then the industry becomes lax and doesn't comply.
- **Com Breslin:** If there's an audit of all the waybills, I don't think this is the position to do this. I think we need someone to clean up the illegal taxis and limos. Not once since 2001 have we put together anything to address Prop K. I don't think 2 positions are the answer.
- **Com Oneto:** What happens if we only hire one person.
- **Deputy Director Thigpen:** The issue would be safety
- **Com Oka:** Although we can't fix Prop K, we have the mind set of the taxi community and the public is changing the way the industry is run. Provisions of Prop K need to be changed and fixed, let's put it to the voters.
- **Com Heinicke:** Motion of one investigator position
- **Pres Gillespie:** Discussion on this?
- **Com Oka:** 2<sup>nd</sup> Motion

**AYES:** Benjamin, Breslin, Heinicke; Oka,  
**ABSENT:** 0

**NOES:** Gillespie, Paek, Oneto  
**RECUSED:** 0

- **Pres Gillespie:** Motion on Medallion increase of \$137.50, item J
- **Com Heinicke:** Motion
- **Com Paek:** 2<sup>nd</sup> Motion

**AYES:** Benjamin, Breslin, Gillespie, Heinicke; Paek, Oka, Oneto  
**ABSENT:** 0

**NOES:** 0  
**RECUSED:** 0

- **Pres Gillespie:** item H as a whole
- **Com Heinicke:** Motion
- **Com Oka:** 2<sup>nd</sup> motion

**AYES:** Benjamin, Breslin, Gillespie, Heinicke; Paek, Oka, Oneto  
**ABSENT:** 0

**NOES:** 0  
**RECUSED:** 0

4. **Staff Report and Commissioner Announcements [INFORMATION]**
  - **Director Machen:** Staff update

**5. Public Comment (Please limit public comment to items NOT on the agenda)**

- **Com Breslin:** Announcement that SF Marriott will be in need of taxis on future dates that the Commission will fax to all color schemes.
- **Com Oka:** Sensitivity training for drivers. Taxi school operators, please bring taxi school curriculum for review.

**Public Comment:**

- **Thomas George Williams:** Have not yet agenzized the over charging of gas and gate which is on the Notice Section.
- **Robert Cezano:** Should conduct town hall meeting on ramp taxis.
- **Mike Spain:** Drivers should be happy that there hasn't been an increase in gas and gate.
- **Victoria:** It doesn't take long to load and unload members of the disabled community.
- **Barry Taranto:** Look at centralized dispatch. Street closures and companies are not posting.
- **Carl McMurdo:** We should agenda peak-time medallions. Top-lights maybe confusing because some cabs have the advertising sign which is white on white.
- **Tariq Mehmood:** Desk clerks at hotels sell the shuttles to their customers. They collect money from the shuttles, and many do it.
- **Mary McGuire:** Wants to know how the SF Weekly got a hold of Heidi Mueller's way bills? No revocations have come of any of the cases I turned in for revocation.
- **Name:** Why not hire a taxi driver apply for this position, since they would know best.

**6. Adjournment**

Respectfully Submitted,

Tamara Odisho  
Executive Secretary



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

HEIDI MACHEN, EXECUTIVE DIRECTOR

## MINUTES

Commission Chambers

April 10, 2007 at 6:30 p.m.

City Hall, 1 Dr. Carlton B. Goodlett Place  
Room 400

**Present:** Benjamin; Breslin; Heinicke; Oneto; Oka

**Absent:** Gillespie; Paek

Vice President Breslin called the meeting to order at 6:32 P.M.

**STAFF IN ATTENDANCE:** Executive Director Heidi Machen, Executive Secretary Tamara Odisho –  
Taxi Commission, Tom Owen– City Attorney

• **Heidi Machen, Executive Director:** Turn-off cell-phones, interferes with phone systems and we get feedback.

### 1. Call to Order/Roll Call

### 2. Consideration of the Consent Calendar. [ACTION]

- **Com Breslin:** Would like to be excused from voting on the minutes, since I was not at the last meeting, but can vote on the rest of the consent calendar.
- **City Attorney:** Without VP's vote there isn't a quorum, continue item to next week.

### Public Comment:

- **Robert Cesano:** Omission of minutes in the healthcare packet on page 31, want to include that the medallions holders object to the health care package presented.
- **Charles Rathbone:** Hopes taxi wrap 916 is approved by the Commission.
- **Jim Kennedy:** Believes that his letter should have been included in the minutes. Would also like waybills and contract back.
- **Com Breslin:** Minutes will be voted on next week.
- **Dir Machen:** Reads consent calendar.
- **Com Benjamin:** Questions George Lancia, medallion #846, claims that he isn't able to drive his own medallion.
- **George Lancia:** Medallion is never available. Union Cab always leases it out.
- **Com Breslin:** Asks Dir Machen to look into the issue. Asks to vote on B, C & D.
- **Com Benjamin:** Motion on B,C,& D
- **Com Oneto:** 2<sup>nd</sup> motion

- **Roll Call on Consent Calendar items B,C & D**  
**AYES: Benjamin, Breslin, Heinicke, Oka, Oneto**      **NOES: 0**  
**ABSENT: Gillespie; Paek**      **RECUSED: 0**

**3. Taxi Driver and Rider Bill of Rights; and Quality of Taxi Driver Service [DISCUSSION]**

- **Com Breslin:** Thanks Jordanna Thigpen for all her help on this, and appreciates that she met with her during Jordanna's vacation.
- **Dir Machen:** Displays taxi stands map, and discusses DPT meeting.
- **Miguel Bustos, Mayor's Office:** Reads letter from Mayor
- **Com Breslin:** No decision to be made tonight, this is just discussion. Would like to agendaize for a future meeting, to also include professional conduct, neighborhood accessibility, taxi zones, and call phones @ taxi stands.
- **Charles Rathbone:** Suggests adding the Bill of Rights to an automated message on taxi companies' telephones and to their websites, rather than in cabs.
- **Robert Cesano:** Commission should conduct a pilot program for cab sharing.
- **Marty Smith:** Cab sharing already exists. Sensitivity training and taxi stands at BART stations important.
- **Ron Fishman:** BART stands are never placed correctly, buses enormity cover stand and cabs cannot see passengers waiting and cannot get to them.
- **Thomas George Williams:** Bill of rights is important since there isn't labor representation. Drivers need to know rights.
- **Ruach Graffis:** UTW created the bill of rights, and apologize for only distributing tonight.
- **Barry Taranto:** Illegal limos and gypsy cabs should be included in the bill of rights. Material to be on website not in cabs.
- **Peter Witt:** Believes bill of rights are a good idea. Equal to bus stands and taxi stands.
- **Com Benjamin:** Drivers should be using fire hydrants to pick up and drop off it is legal.
- **Com Heinicke:** Mayor brought up the bill of rights at his State of the city. The bill of rights should not be used as a policy changing vehicle, but rather an informational material on the current policy and rights. This should be kept basic. Neighborhood service should not be included in the bill of rights. Cab dispatch also is not relevant in the bill of rights. Cab stands are great but not many in the outer districts.
- **Com Oka:** Passengers should be given a copy as they enter vehicles.

**Public Comment:**

- **Robert Cesano:** Mayor's representative left, shows Mayor doesn't care.
- **Ron Fishman:** City should have their own dispatch company.
- **Bob Vitcha:** Drivers should be allowed to use their cell phones for business, change language in the bill of rights to include that.
- **Chuffa:** Wishes there was a real bill of rights from drivers. Trying to improve dispatch won't make a difference.
- **Peter Witt:** Driver's should be surveyed
- **Com Benjamin:** Shouldn't allow anyone to eat or drink in the cabs.
- **Com Oka:** Eating would be important for those who are diabetic.
- **Com Breslin:** Awareness is important and not making the bill of rights a new policy document is very important. Let's agendaize this for the next meeting.
- **Com Heinicke:** Agenda management is needed for all future meetings.
- **Com Oka:** Agrees, finds it hard to get a cab late and care provider has to come late to his home.

**4. Staff Report and Commissioner Announcements [INFORMATION]**

- **Dir Machen:** Update
- **Com Breslin:** Overwhelming amount of passengers didn't get service by the T-line.
- **Com Heinicke:** MUNI service at ballpark should be non-stop.
- **Com Oka:** T-line is up and running, there will be direct connection, should refer to MUNI website.



**Public Comment:**

- **Robert Cesano:** 1095 photo contentious issue
- **Dir Machen:** Office is trying to digitize all driver files, since we don't have access to the Treasurer's databases.
- **Com Heinicke:** Doesn't find anything wrong with the photo taking.
- **Barry Taranto:** Feels the Commission should have a better working relationship with the Giants.
- **Mark Gruberg:** Business tax issue is a big deal, sent a letter to the Treasurer's office on this issue.
- **Com Heinicke:** Wants Commission to look into this.
- **Corey Lamb:** Knew the photo would be an issue. Should send a letter to notify medallion holders of this standard.

**5. Public Comment (Please limit public comment to items NOT on the agenda).**

- **Barry Taranto:** Medallion holders should be concerned about leased drivers' quality of life standards.
- **Robert Cesano:** Schedule meetings to discuss taxi rules, stop sending admonishments.
- **Charles Rathbone:** The adoption of the change in the fare increase, without the medallion holder's input, creates a loss of income to drivers.
- **Com Oneto:** How will this effect drivers?
- **Charles Rathbone:** When traffic is slow, 1/6 of a mile = 40c < 1/5 of a mile at 45c.
- **Thomas George Williams:** Spent a few weeks in NYC at labor convention, very informative.
- **Ron Fishman:** Shouldn't have to notify Commission when driving fulfillment is done.
- **Chuffa:** Believes the Commission gave ramp to someone behind him on the waiting list.
- **Jim Gillespie:** Commission request to handout taxi rules and gather signatures of pre-k medallion holders is going to be difficult with Friday deadline.
- **Com Machen:** Will be happy to provide extension, will send correspondence.

**6. Adjournment**

Respectfully Submitted,

Tamara Odisho  
Executive Secretary



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MIN PAEK, COMMISSIONER, ext. 7  
HEIDI MACHEN, EXECUTIVE DIRECTOR

## MINUTES

**Commission Chambers  
November 27, 2007 at 6:30 p.m.  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Room 400**

**Present:** Gillespie, Benjamin, Oka, Heinicke (late), Oneto

**Absent:** Breslin, Paek

President Gillespie called the meeting to order at 6:30 P.M.

**STAFF IN ATTENDANCE:** Executive Director Heidi Machen, Deputy Director Jordanna Thigpen, Executive Secretary Tamara Odisho – Taxi Commission, City Attorney Tom Owen, Lieutenant Schlotz

**Heidi Machen, Executive Director:** Turn-off cell-phones, interferes with phone systems and we get feedback.

### 1. Call to Order/Roll Call

### 3. Allowing Newly Issued Hybrid or Alternative Fuel Taxi Restricted Permits to be Used Alternatively in Ramped Taxis. [ACTION]

\* Item was taken out of order.

- **Director Machen :** Introduction of item and amendment to resolution
- **Pres Gillespie:** Speaking on behalf of this and ramp drivers whowill be using this. Hopes to pass this resolution.
- **Com Oka:** In support of this. If we have ramp drivers getting medallions but want to continue serving the community, this is a good way to do this.
- **Com Benjamin:** Will this be temporary? Will this then be 24 hybrid and 26 ramps? Who and when can they switch over if they would like to leave the program. This is a little confusing.
- **Pres Gillespie:** It would be up to the individual driver to replace hybrid with ramp. Knowing two of the drivers that want to do this, I know this would be serving the community.

- **Director Machen:** He could move his medallion in the future if he chooses to do so into a sedan vehicle.

**Public Comment:**

- **Laurie Graham:** I do not consider putting a regular medallion on a ramp as a restricted medallion since you can still pick up anyone in the vehicle.
- **Charles Rathbone:** Supporting this and anything else that provides options
- **Tom Stanghellini:** This goes against what the commission voted for when voting for hybrid CNG vehicles. Don't take a hybrid and put it into a ramp van. This will mix things up.
- **Barry Taranto:** Only four Commissioners here should have a full commission. New medallions for hybrids not for ramp vans.
- **Mark Gurberg:** Alt fuel medallion should drive that vehicle. These folks should wait for a regular medallion to keep the alt fuel intact and with the Mayor's 2011 goals.
- **Grasshopper Alec Kaplan:** Important to encourage non-idling technology in the city. Take all possible action in the city. If someone wants to keep a ramp vehicle with a regular than it should be allowed.
- **Tariq Mehmood:** Medallions to be considered should be allowed without the condition for pick ups and what vehicle is being used.
- **Hansu Kim:** What is the definition of an alternative fuel vehicle? We should have a definition before we have restrictions.
- **Chuffa:** Bad precedent passing this resolution.
- **Com Benjamin:** We do not have any alt fuel vehicle if we do not have a list, so we shouldn't be issuing these medallions.
- **Com Oneto:** No one has to buy an alt fuel until July 2008 so no one has to operate that vehicle until then.
- **Dir Machen:** The amendment to the Resolution would subject any of these medallions to van rules.
- **Com Oka:** Motion to approve resolution as amended
- **Com Oneto:** 2<sup>nd</sup> motion
- **Roll Call**
- **Vote**
- **Ayes:** Gillespie, Oneto, Heinicke, Oka      **Noes:** Benjamin
- **Absent:** 0      **Recuse:** 0

**2. Public Convenience and Necessity: Establishing Appropriate Number of Taxis, Including Possible Issuance of Peak Time Medallions [DISCUSSION and POSSIBLE ACTION]**

- **Pres Gillespie:** Would like to first go to public comment.

**Public Comment:**

- **Keith Raskin:** Issue has been long in the industry. Has Heinicke read the Agnos report from years ago? Should fix the industry before the issues.
- **Barry Taranto:** Many drivers here to speak on this issue. There are no studies in the packet, should delay this to look at the study. What's the effect of the new medallions already issued. Should wait for that first.
- **Tom Stanghellini:** Peak time medallions a good idea. Let's utilize the fleet. Allow drivers to make same turns that MUNI drivers are allowed.
- **Charles Rathbone:** Peak time medallion drivers should allow the opportunity to return the medallion without a penalty. Should not be restrictive and mandatory for people on the list.

- **Chuffa:** New medallions are better does not agree with peak time medallions. Limos take up a lot of the business.
- **Com Heinicke:** After issuing these medallions this would be it, does not want to flood the market on Monday mornings. It's my plan to move for 69 fulltime additional medallions. Peak time medallions to be addressed in the prop k charter reform working group.
- **Healy:** Going into a recession, more is not necessarily better. Becomes dangerous since drivers will be racing each other to fares.
- **Grasshopper Alec Kaplan:** It is impossible to pick up people and not get tickets. City is not friendly to taxi drivers. Peak time medallions would be feasible.
- **Mark Gruberg, UTW:** Oppose additional medallions at this point. Since the previously issued 50 medallions have yet to hit the streets. Publish surveys first.
- **Com Heinicke:** Did you feel the last PCN study support 100 medallions, yes or no?
- **Mark Gruberg:** The last survey was flawed and would like to see some evidence for more medallions.
- **Bill Mounsey:** Never enough cabs in the city. People expect taxi service to wait at their door. There will never be enough taxis. Nothing has changed over the years.
- **Com Heinicke:** What was the effect on your business?
- **Bill Mounsey:** It took 4 years to pick up business.
- **Barry Korngold:** Too complicated to put out peak time cabs out. First get rid of the limos and then issue the medallions.
- **Tariq Mehmood:** This meeting should not talk about how many medallions to issue but a report for the future.
- **Hansu Kim:** Number of medallions important to service. Last PC&N study was flawed and this should not be done without a true survey. The numbers are all political, since there are no objective materials.
- **Com Heinicke:** Do you think there are enough taxis in the City?
- **Hansu Kim:** No, Bruce Schaller's survey was best done. Many ways to improve public service. But using public comments should not be the factor used to make the decision on issuing the medallions.
- **Marty Smith:** Always a proponent of more cabs. But economy is on a downslide and would rather see 20 medallions introduced at a time as opposed to the large number at once.
- **Carl McMurdo:** Weekend embarrassing shortage in the city. Since the approved medallions have not been put out on the streets, cannot judge the impact.
- **Name:** There is a shortage at all times especially conventions since the cabs won't service the outer parts of the city.
- **Peter Witt:** (Include handout in the minutes) More cabs are better service. Illegal limos and health care can happen if fares are increased.
- **John Lazar:** There's a law regarding limos. Sit at hotels in the evenings and cannot get a cab or town car. If you enforce the laws then possibly can put hundreds more medallions on the streets.
- **Emil Lawrence:** Shift changing during 3-7pm causes the biggest problem for need.
- **Pres Gillespie:** Giving the City 119 taxis will do the City service. One cab per every 500 people. Only DC and Honolulu have higher number of cabs per capita. There will be a follow-up on the illegal limo issue. There is no one formula to make sure this is correct but has done research and will vote for this.
- **Com Heinicke:** Dir Machen in reaction to comments made regarding the winter season can we issue 10 medallions per month over 2008.
- **Dir Machen:** Can do this, we have done this last year. And if you vote to approve tonight then the Controller's office would issue a report as well as a report from the planning department.

- **Com Oka:** If we put out more medallions, we will have to think about meter rate increases. The public should pay more for cabs if they want more cabs. How much we raise the meter, not too sure. But people he has spoken with have agreed.
- **Com Heinicke:** Does not agree but would like to see an increase in dispatch service. Not so much to set the market but allow dispatch surcharge programs within the color scheme to charge the outer city customers.
- **Com Benjamin:** Agrees with what he has heard so far. We should slowly release the medallions.
- **Com Heinicke:** The notion that the public is underserved and the current issuing process is not great and this is a relatively small increase that has for me been apart of the process from the beginning. Personal preference to do this tonight and address peak time at a later date.
- **Com Heinicke:** Motion to move 69 alternative fuel/hybrid new medallions
- **Com Benjamin:** 2<sup>nd</sup> motion
- **Ayes: Gillespie, Benjamin, Oka, Heinicke**                      **No: Oneto**  
**Absent: Breslin, Paek**    **Recuse: 0**

**6. Consent Calendar [ACTION]**

\* Item was taken out of order.

- **Com Heinicke:** Motion to approve items A – 11.13.07 Minutes & B- New Public Passenger Permits
- **Com Oka:** 2<sup>nd</sup> motion
- **Voice vote**
- **Ayes: Gillespie, Benjamin, Oka, Heinicke, Oneto**                      **No: 0**  
**Absent: Breslin, Paek**    **Recuse: 0**

- **Com Heinicke:** Motion to approve items C1-Grant medallion to Michael Gibbons,C2- Grant medallion to John Nickulus & C9 – Grant medallion to Tam D Nguyen
- **Voice vote**
- **Ayes: Gillespie, Benjamin, Oka, Heinicke, Oneto**                      **No: 0**  
**Absent: Breslin, Paek**    **Recuse: 0**

- **Dir Machen:** Staff memo and update.
- **Raymond Delgado:** Took another job during the years and lost track of the requirements to receive a medallion. In 2005 received a notice that would be required to drive but had not been driving.
- **Jim Gillespie:** No requirement when he was on the list to receive medallion to have driving time. No Daly/Ma when he was on the list. He is a victim and should be considered.
- **Carl Macmurdo:** The changed interpretation was an issue and for bonafide driver's Commission should be lenient. Daly/Ma may have amendment.
- **Barry Taranto:** What about all those other drivers that have to drive when they have health issues? Why didn't he start driving when he received the letter? Commission should not make an exception.
- **Mark Gruberg:** Legislation was prospective and drivers have had the opportunity and flexibility to be able to meet the driving requirement.
- **Hansu Kim:** All supported Daly/Ma and very unfair to driver's who have fallen through the cracks.
- **Com Oka:** Could Mr. Delgado apply for a time waiver?  
Dir Machen: A time waiver would not apply to Mr. Delgado since he needs more than one year.
- **Emil Lawrence:** This person drove years past and has been on the list regardless if he missed the deadline.

- **Chuffa:** This is strange that the Commission is going case by case on this issue. Commissioners should check this rule and requirements should be met.
- **Nathan Dwiri:** Delgado also drove a ramp taxi for several years.
- **JoanAnn:** The intent behind driving a cab is having qualified drivers. Unfair that he will be penalized for this.
- **Grasshopper Alec Kaplan:** Punishment the drivers go through daily basis.
- **Bill Mounsey:** Also a long time driver and continuously drove as a taxi driver. If drivers keep breaking the rules what is the point?
- **Barry Korngold:** Daly/Ma problem is it is unpredictable to know when you will receive your medallion. So drivers take other jobs to supplement income since they do not make as much money as medallion holders.
- **Com Heinicke:** No doubt that Mr. Delgado is a good guy but the rules are the rules and there is a driving requirement. Will be denying medallion.
- **Com Benjamin:** Will have to agree.
- **Com Oneto:** Also agree but he voluntarily took himself out of service.
- **Com Heinicke:** I do not think he has a good case for an appeal because the Daly/Ma is black and white. Board of Appeals should respect the rules passed.
- **Com Oneto:** Motion to deny medallion to C3- Raymond Delgado
- **Com Heinicke:** 2<sup>nd</sup> to deny
- **Ayes: Oka, Heinicke, Oneto, Benjamin**                      **Recuse: Gillespie**  
**Absent: Breslin, Paek**    **No: 0**

**Public Comment: None**

- **Com Oneto:** Motion to approve items C4- Grant medallion to Georg J Rasmussen, C8- Grant medallion to Yosef Habtemariam, C12- Grant medallion to Frederick Lein & C-13 Grant medallion to Reynaldo Magno
- **Com Heinicke:** 2<sup>nd</sup> motion
- **Ayes: Benjamin, Oka, Heinicke, Oneto**                      **Recuse: Gillespie**  
**Absent: Breslin, Paek**    **No: 0**
- **Com Oneto:** Motion to approve C5-Ken Dao, C6- Robert MacKenzie, C7- Tai Yip, C10- Amilcar Pereira & C11- Nikolay Busel
- **Com Heinicke:** 2<sup>nd</sup> motion
- **Ayes: Gillespie, Oka, Heinicke, Oneto**                      **Recuse: Benjamin**  
**Absent: Breslin, Paek**    **No: 0**
- **Pres Gillespie:** Continued C-14- Mikhail Lirisman because no quorum, since Yellow and Luxor must recuse from the vote.
- **Com Heinicke:** Apologies to Mr. Lirisman and would like to continue this to the call of the chair.
- **Dir Machen:** Remove D-26 Adel Aldalali from receiving a time waiver, since applicant withdrew his name.
- **Com Oka:** Motion to remove D-26
- **Com Oneto:** 2<sup>nd</sup> motion
- **Ayes: Gillespie, Benjamin, Oka, Heinicke, Oneto**                      **Recuse: 0**  
**Absent: Breslin, Paek**    **No: 0**
- **Com Oka:** Motion to approve Item E- applicant ineligible for a ramp medallion for failure to respond
- **Com Oneto:** 2<sup>nd</sup> motion.

- **Ayes: Gillespie, Benjamin, Oka, Heinicke, Oneto**                      **Recuse: 0**  
**Absent: Breslin, Paek**    **No: 0**

- **Martin Kazinski:** Similar situation as Delagado has medical condition that does not allow him to drive. Daly/Ma does not accommodate him.
- **Dir Machen:** He has come before the Commission before and he did not accept Taxi Commission accommodation, which would allow him to meet the driving requirement prospectively.

**Public Comment:**

- **Peter Witt:** Supports Martin Kazinski. Commission can accommodate him.
- **Mark Gruberg:** There was no past opportunity for him to appeal; it has now become possible for him to appeal. This Commission needs to set standards for these conditions.
- **JoanAnn:** In favor of not removing Mr. Kazinski from the list. His information needs not be public but drivers should not be limited to speak to what accommodations were offered to him to the past.
- **Bill Mounsey:** Commission is digging a hole since every week there is an issue concerning all these problems. Should either stick to the law or make an accommodation.
- **Hansu Kim:** Legal question to retroactively apply to people who have already paid to be on the list.
- **Com Heinicke:** Motion to remove F-Martin Kazinski from the PC&N waiting list
- **Com Oka:** 2<sup>nd</sup>
- **Com Heinicke:** Motion to remove F1- Behailu Mekbib, F2- Samuil Zotman, F3- Katherine Taylor, F5- Kevin McCarthy and F6- Ronnie Larry from the PC&N waiting list.
- **Com Oka:** 2<sup>nd</sup>
- **Ayes: Gillespie, Benjamin, Oka, Heinicke, Oneto**                      **Recuse: 0**  
**Absent: Breslin, Paek**    **No: 0**

- **Pres Gillespie:** Item G, will take public comment

**Public Comment:**

- **Peter Witt:** Fog City colors are not contrasting colors and are not the law.
- **Com Heinicke:** Can staff look into this.
- **Dir Machen:** This Commission would have approved original color scheme as have the police. What is the Commission requesting?
- **Com Heinicke:** Would like the Director to review the color scheme.
- **Com Oneto:** Fog City numbers difficult to detect.
- **Com Benjamin:** Agrees.
- **Grasshopper:** Also observed difficulty to see
- **Richard Hybels:** Medallions going to a highly performing to a low performing dispatch.
- **Tariq Mehmood:** B&W Checker sent a letter to the Commission that only a certain number of medallions are approved. Commission should find out which medallions are single shifts.
- **Com Heinicke:** Does staff know if these medallions are single shifts or not? Do you know why these drivers have gone to B&W as opposed to another color scheme? What about the others going to Fog City?
- **Keith Raskin:** They will be full-time and they switched to follow me. They made their own decision collectively.
- **John Lazar:** Disappointed Commissioners are allowing these color scheme changes to not full-service companies

- **Com Oka:** Motion to approve color scheme change for items G1- William Jones, G2- John Donnelly, G3- Max David, G4- Chcuk Tong, G5- Edward Bennet, G6- George Blake, G7- Jack Schuck, G8- Michael Chong
- **Com Oneto:** 2<sup>nd</sup> motion
- **Ayes:** Gillespie, Benjamin, Oka, Heinicke, Oneto                      **Recuse: 0**  
**Absent:** Breslin, Paek    **No: 0**
  
- **Com Oka:** Motion to approve color scheme change G9- Mahinder Singh
- **Com Oneto:** 2<sup>nd</sup> motion
- **Ayes:** Benjamin, Oka, Heinicke, Oneto                                      **Recuse: Gillespie**  
**Absent:** Breslin, Paek    **No: 0**

**SPECIAL ORDER 8:00 - 8:30 PM**

**4. Public Comment (Please limit public comment to items NOT on the agenda)**

- **Barry Taranto:** Commission should have come up with rules and regulations months ago. There should be a fee charged to anyone who has not met the driving requirement. New cab stand at Intercontinental hotel. SFPD-Detail needed at 49er home games. There should be a handout by the Commission to tell driver's they do not have to pay.
- **Hansu Kim:** Why has this Commission approve medallions to people who have not qualified for a medallion? So what is the policy the Commission has?
- **Eric Hatten:** Spoke with Commission on two meetings previous but have not heard from the Commission on his status. Heard that everyone was given a letter for Daly/Ma, but only first 200 were mailed out.
- **Dir Machen:** This applicant was not an A card holder 4 years ago, it would be impossible for him to meet his requirement.
- **Com Heinicke:** Call the office to discuss this with the Director.
- **Chuffa:** Why do the Commissioners require newly issued medallion holders to drive 156 4 hour shifts? Shift changing is a problem since it cannot happen off the lot. This kills the business. Allow independent drivers to be able to shift off the lot.
- **Lt. Schlotz:** Trend of people approved without completing the driving requirement
- **Dan Hinds:** Unable to attend the last meeting. To my knowledge National has not been under investigation and that type of remark and suggestion says something to people.
- **Emil Lawrence:** Rules keep changing for post k medallions but none of the rules apply to those medallion holders. Pre-K medallions are now on the post K medallion list; if that is the case then the laws should apply to all people on the list.
- **Keith Raskin, B&W Checker:** Survey was taken in the spring and B&W did 100%.
- **Bill Mounsey:** Commission should enforce laws on limos before releasing more medallions. Limos are cutting into his business.
- **JoanAnn:** Will possibly be disqualified for being disabled since she signed contract and that should stand. Commission should have an open policy for all accommodations given to people that have disabilities. Minutes from the last meeting not on the web.
- **Name:** Passengers smoking crack in his cab and he notified dispatch that called the police and dispatched police to his location.
- **Name:** Similar situation to Delgado but has always worked for DeSoto. When information received it was not certified on Daly/Ma and never signed any agreement.
- **Name:** Green Cab flyer and not sure if the letter is violation or discrimination because it would allow UTW members first.



- **Ruah Graffis:** Reason Yellow and other companies do not charge for credit card slips is because UTW rallied BOS of this legislation.
- **Barry Korngold:** Has been on the list for many years and was sent his notice but won't be heard until 2008, but only has driving 3 out of the 4 years.
- **Carl Macmurdo:** On the next agenda should put on the agenda to prorate for 2008. JoanAnn and Mr. Saidniku may qualify under lawsuit.
- **Jim Gillespie:** Cannot charge for credit card use and only two companies have invested in equipment. Majority goes through vendors and pays a fee.
- **Peter Witt:** Handout and overview.
- **Thomas George Williams:** Drivers should not pay the business license fee. Hours for 2008 should be prorated. Green cab also has credit cards. Commission should make it mandatory that all taxis have credit card machines.
- **Tone Lee:** Three medallions should be ended. Prop K undermines the public. When the medallion holder ages they can't drive they will lease it to people.
- **Tariq Mehmood:** Michael Roach's medallion should have been approved at the last meeting.
- **Mark Gruberg:** UTW does not charge drivers as long as they follow the procedures of the company.

#### 5. Criminal Background Checks for Taxi Drivers and Medallion Applicants [ACTION]

- **Jordanna Thigpen, Deputy Director:** Introducing the item.
- **Com Heinicke:** Resolution limited to discretion of police department to provide the Commission with the results.
- **Deputy Director Thigpen:** Correct, the background check would be not be disclosed to the public. Amendment to be made to include that.

#### Public Comment:

- **Charles Rathbone:** Support staff proposal.
- **Emil Lawrence:** Objects the Resolution. Was not posted online.
- **Thomas George Williams:** Should not meddle in drivers backgrounds.
- **Spanky Williams:** Was a prisoner and served term. Could not drive taxi in LA so came back to SF. Recidivism is high and Commission should not limit who drives taxis.
- **Carl Macmurdo:** Should not have too much rigidity on background.
- **Peter Witt:** Was a nice person before he became a driver.
- **Tariq Mehmood:** Resolution has been changing over the last few weeks.
- **Chuffa:** Supported this in the past but does not any more.
- **Nate Dwiri:** When he first applied police officers knocked on neighbors doors to find out who he was. How are you to check backgrounds of people from other countries?
- **Deputy Director Thigpen:** This will be solely for medallion holders with the discretion to review. Commission staff is not making the decision but rather detail will be.
- **Com Heinicke:** Motion to approve resolution with amendment
- **Com Oneto:** 2<sup>nd</sup>
- **Ayes:** Gillespie, Benjamin, Oka, Heinicke, Oneto                      **Recuse: 0**  
**Absent:** Breslin, Paek    **No: 0**

#### 7. Staff Report and Commissioner Announcements [INFORMATION]

- **Dir Machen:** Update and overview.
- **Commissioner Announcements:**
- **Com Oka:** B&W Checker certificate for most improved cab company

- **Com Benjamin:** Can we agendize that anyone who is given a letter in 2007 will be held to 2007 requirements.

**Public Comment:**

- **Charles Rathbone:** Read on the Mayor's website a charter reform working group separate from the Commission's Charter Reform working group.
- **Barry Korngold:** Language of Daly/Ma vague for 2008.
- **Peter Witt:** Macy's stand is always blocked by limo.
- **Chuffa:** Thanks Commissioner Benjamin to address this issue. Why should drivers have to drive 156 4 hour shifts?
- **Thomas George Williams:** All taxi stands are occupied by limos.

**8. Public Comment (Please limit public comment to items NOT on the agenda; also limited to public that did not speak during Special Order)**

- **Tom Stanghellini:** There are a lot of shady things going on with the leases that are paying for shifts.

**9. Adjournment at 10:15pm**



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HEIDI MACHEN, EXECUTIVE DIRECTOR

## TAXICAB COMMISSION AGENDA

February 26, 2008 at 6:30 p.m.  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Room 400

**STAFF IN ATTENDANCE:** Executive Director Heidi Machen, Executive Secretary Tamara Odisho – Taxi Commission, Sergeant Ron Reynolds, City Attorney Tom Owen

**Heidi Machen, Executive Director:** Turn-off cell-phones, interferes with phone systems and we get feedback.

### 1. Call to Order/ Roll Call

- **Present:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter
- **Absent:** 0

### 2. Consent Calendar

- **Dir Machen:** Server items C1- Leonid Tarakanov, C2- Barry Korengold, D1-Marco Mora E2- Barry Korengold and F4- CS change for recusal

**Public Comment: NONE**

- **Com:** Motion to approve A- Minutes, B- Public Passenger Drivers, E-1 time waiver to Mohammed Lassoued, cs change to F1-Chi Chu Shing, F2- Frances Wilson, F3- Yefim Dolgoy, F-5 Ahmed Kabo
- **Com:** 2<sup>nd</sup> motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter
- **ABSENT:** 0

**NO: 0**  
**RECUSE: 0**

### Public Comment on Severed Items:

- **Marco Mora:** Did not turn in his application because his blood pressure was taken incorrectly.
- **Dir Machen:** Staff told me he did not bring in his medical documents and he was placed on notice calendar. Was a long time since he responded and no other applicants has had this problem.
- **Pres Gillespie:** Would like to continue to have staff put together a memo on this.

- **Dir Machen:** Recommend not to remove him and give him 2 weeks to complete his application and then start the removal process to the calendar.
- **Mark Gruberg:** This is a case of an applicant who has no health insurance and was anxious of the bad result.
- **Com Breslin:** Motion to approve C1-Leonid Tarakanov conditionally. Motion to grant medallion and if he does not pass background check then Commission will revoke his medallion.
- **Com Benjamin:** 2<sup>nd</sup> motion
- **Ayes:** Gillespie, Breslin, Benjamin, Oneto, Paek, Slaughter      **No: 0**  
**Absent:** 0      **Recuse: 0**
- **Pres Gillespie:** Continue Barry Korengold items C2- grant medallion and E2- time waiver to call of the chair.
- **Com Oneto:** Motion to not remove D1- Marco Mora from the list. Grant him 2 weeks to turn in required documents to the commission for PC&N application.
- **Com Breslin:** 2<sup>nd</sup> motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT:** 0      **RECUSE: 0**
- **Pres Gillespie:** Continue items D2-D5 to next calendar.
- **Com Oneto:** Motion to grant cs change to George Huie from Regents to Yellow
- **Com Slaughter:** Second motion
- **AYES:** Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT:** 0      **RECUSE: Gillespie,**

**SPECIAL ORDER 7:00-7:30PM**

**3. Public Comment (Please limit public comment to items NOT on the agenda)**

- **Barry Taranto:** Concerned that medallion holders are not being responsible and are giving drivers authority over their medallions. Sometimes medallion holders give their medallion to a color scheme. A third is the medallion holder giving their medallion to another party as if they are a color scheme.
- **Com Breslin:** Rules Committee has addressed this issue and those recommendations with be presented at the next meeting.
- **Tom Stanghellini:** Escape hybrids are too high for top sign advertisements. However wrapping a cab may take months. Option would be placing ads on the side windows.
- **Charles Rathbone:** Formula for calculating average gate should be average of the days of the week in order to give deeply discounted shifts for example Thanksgiving.
- **Tariq Mehmood:** Thanks all the Commissioners on passing the Gas and Gate legislation. Issue Charles Rathbone brought up is valid and should be addressed.
- **Mike Spain:** Would also like to thank Board of Supervisors and should not provide certain groups in the industry to exploit these rules. Many complaints about middle men, which I think are fair since drivers keep more of their own money.
- **Peter Witt:** At the last Commission meeting someone said taxi drivers should be held to a higher standard. Presented this report to the Commission 2 years ago.
- **Bill Mounsey:** Got hit in the face by a pedestrian. Police came 15 minutes later and didn't do much to find the perpetrator.

- **Name:** In divorce settlement ½ medallion was left to her. Came to the Commission who xeroxed her copies and has not heard from the commission. Ex-husband put his name alone on the medallion.
  - **Mark Gruberg:** Legislation passed today by Board of Supervisors increasing gas and gate by \$5 -12.50/shift. UTW fought this but lost and drivers will have to pay the price. Healthcare was taken out of the legislation. Provision which retroactively covers gate charges, violates due process rights.
  - **Robert Cezano:** Raising gas and gate by the City for the industry to go all green. Nothing happened with any reports the controller's office conducts. It's up to the city to find a way to keep the costs of taxis lower.
4. **Setting Additional Administrative Guidelines for the Key Personnel Exemption to the Medallion Holder Driving Requirements [DISCUSSION and POSSIBLE ACTION]**
- **Dir Machen:** Overview of the item and resolution drafted directs staff to investigate but leaves it up to the commission to make changes.
  - **Com Benjamin:** I thought we would include non-medallion holders who are on the list but work as dispatchers.
  - **Pres Gillespie:** Would that take legislation?
  - **City Attorney:** Yes, the Commission could draft legislation and present it to the board.
  - **Pre Gillespie:** What you are talking about is different than this resolution. We can amend this and come back next week.
  - **Com Breslin:** Can we just include it tonight?
  - **Pres Gillespie:** We need to agendaize that.

**Public Comment:**

- **Charles Rathbone:** Privacy issue still exists, hours worked are fine but pay should be redacted.
- **Tom Stanghellini:** Financial records can be opened to the investigator to certify hours worked, doesn't want information being released to the public
- **Barry Korengold:** If there's an exemption to medallion holders, only fair it applies to applicants.
- **Barry Taranto:** Language in resolution to help those experienced drivers working in the office. How do you ensure confidentiality and at the same time have proof of work?
- **Jim Gillespie:** Majority of medallions are at the larger companies and are easy to follow, since they keep records of pay. Maybe staff should conduct a one time per year audit of the companies. Should set the standard for all companies as a guideline to follow.
- **Peter Witt:** Glad this is working its way down to the details. This item has been on the table for years.
- **Com Oneto:** Wasn't there a penalty if they did not turn their forms in on time?
- **Pres Gillespie:** Isn't there a deadline now that we can deny the exemption if they do not turn them in on time?
- **Com Oneto:** At the last meeting the Director said that there were some folks who had not turned in their application on time. There should either be a fee or a denial if applications are not turned into the commission.
- **Dir Machen:** Thank you for bringing this issue up. We had to remind companies several times before the deadline. Commission could make the policy decision.
- **Pres Gillespie:** Since everyone turned in their applications, we do not need to make this amendment.
- **Com Slaughter:** We did not hear that from Director Machen.

- **Dir Machen:** It would be helpful is the commission made a decision on this. We can give zero credit to applicants who do not turn in their applications.
- **Com Breslin:** Should include the details of date and time application is due.
- **Com Benjamin:** Agrees, and should add more language to resolution.
- **Com Breslin:** Opposed to spending staff time on a minimal number of people who may or may not be fraudulent. Believes staff has the power to check and investigate fraud. Against releasing personal information of these key personnel.
- **Com Paek:** Should have some standards procedures and structure.
- **Com Slaughter:** Can remove the word “comprehensive” from the resolution. Not interested in invading privacy of the key personnel.
- **Com Breslin:** If we eliminate “comprehensive” I would also eliminate “preliminary” and would like a detailed understanding of what type of investigation will be conducted and where.
- **Com Slaughter:** Nervous about adding detailed language which is too hands on.
- **Com Benjamin:** Motion to approve resolution and omitting “comprehensive” from language.
- **Com Paek:** Seconds motion.
- **AYES: Gillespie, Benjamin, Paek, Oneto, Slaughter NO: Breslin**  
**ABSENT: 0 RECUSE: 0**

**5. Supporting Supervisor Daly’s Legislation Adopting Standards for Pro-rating Medallion Applicant Driving Requirement Contained in Municipal Police Code 1121 and Eliminating Time Waivers for Regular Medallion Applicants if the Amendment Becomes Law [DISCUSSION and Possible ACTION]**

- **Dir Machen:** Overview of the item
- **Pres Gillespie:** Can we discuss an item that is not included on this resolution?
- **Dir Machen:** Spoke with Supervisor Daly’s office and will be considering removing 2004 language.
- **Pres Gillespie:** Would like to discuss removing 2004 driving requirement.
- **City Attorney:** As long as it falls within the context.
- **Com Breslin:** Reviewed the resolution with Sup Daly’s office and didn’t understand why time waivers were included in this.
- **Pres Gillespie:** Wouldn’t removal of 2004 driving requirement eliminate the need for time waivers?
- **City Attorney:** No.
- **Com Benjamin:** If this goes through retroactively would those who have been denied come before us?
- **City Attorney:** The Board of Supervisors would make that determination in their legislation.
- **Com Oneto:** In Daly’s language it leaves it up to the Commission to prorate but doesn’t set a standard.

**Public Comment:**

- **Charles Cezano:** Drivers do not necessarily drive the same cabs and that is a lot of waybills to meet this requirement. If one or two waybills are missing then the applicant falls out of the running. Suggest waybills should be electronic.
- **Com Slaughter:** This language does not change the burden of proof, right?
- **City Attorney:** Correct.
- **Barry Korengold:** Shouldn’t remove time waivers, they help applicants. This language doesn’t need to be changed but is misinterpreted.

- **Carl Macmurdo:** Agrees with what Barry said. Time waivers are helpful. Another amendment not in here is removing 2004 as a requirement. Sup Daly's office will be introducing this legislation.
- **Jim Gillespie:** This legislation won't affect 100 people but more like 10- 15 people.
- **Mark Gruberg:** There's some purpose to keeping the time waiver.
- **Com Slaughter:** May want to wait until after the legislation is passed to consider time waivers. Consensus of the commission is remove 2004 as one of the years.
- **Com Breslin:** Would like to poll commissioners as to their stand on this legislation to report to Supervisor Daly.
- **Pres Gillespie:** There is a general consensus to remove the time waiver and accept the resolution.
- **Com Slaughter:** Motion to approve resolution but first removing time waiver language
- **Com Breslin:** 2<sup>nd</sup> motion
- **AYES: Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter** **NO: 0**  
**ABSENT: 0** **RECUSE: 0**

## 6. Establishing Dispatch Standards [INFORMATION and DISUCSSION]

- **Dir Machen:** Overview of item.
- **Pres Gillespie:** Think this through and review this data and make any potential amendments.
- **Com Benjamin:** Should give a minimum requirement of reporting.
- **Com Oneto:** We need to set the standards on ramps soon. We should set something like 70-75% calls must be responded to and then should create a progressive discipline program.
- **Com Slaughter:** Looking at dispatch rules, Rule 7 says the dispatcher who is contacted and cannot provide ramp service are required to find a ramp vehicle. New language is not needed since we have it on the books, staff needs to enforce the rule with fines.
- **Dir Machen:** Currently have fines on the books that staff can impose on the offending company, but it is labor intensive since if it is challenged then it needs to go before the hearing officer and then possibly then Board of Appeals.
- **Com Benjamin:** Should limit ramps to only 3 companies; Yellow, Luxor and B&W
- **Pres Gillespie:** Desoto has 14 cabs and should be considered.
- **Dir Machen:** A company does not perform like you think they do. There are different circumstances. Yellow faired poorly, but their drivers could be giving cell phone numbers to users. DeSoto did not perform well either.
- **Com Oneto:** Can't we set a standard and of those decertify those who are not meeting the minimum.
- **Dir Machen:** Commission can consider the next 3-4 meetings to discuss this issue. Allowing enough time to put the dispatch companies on notice. They renew their application in July. Would also need to ensure there's enough time for ramp applicants to apply for a color scheme change.
- **Com Breslin:** Taxi Rules Committee meets March 14, 2008 and will be discussing this issue at that meeting.

### Public Comment:

- **Tom Stanghellini:** Why don't other larger companies invest in ramp vehicles? Recommends Commissioners to come to dispatch companies and listen to how drivers are turning off radios or refusing calls.
- **Charles Cezano:** Should ban vans from the airport. Many companies are not taking vans unless owners pay for the vehicles. Vans loose money and don't make money for companies. A lot of these surveys are cell phones.

- **Barry Taranto:** Helped Roger Cardenas when he was having problems with vans. Commission issues ramp medallions to holders who are at underserved companies.
- **Charles Rathbone:** Congrats to B&W Checker. Staff going the right direction but be careful to not over scrutinize.
- **Tone Lee:** Good service means a well functioning cab company
- **Peter Witt:** The customer is important. There are standards and intent and letter of the law. This should have been addressed years ago. There are goals but they are unrealistic.
- **Bill Mounsey:** Should have central dispatch for ramp taxis. These vans are another way of getting another medallion. B&W Checker has a good service, but larger companies used to have better service. Strange that smaller company does better than larger.
- **Mark Gruberg:** No cab company will send a caller a cab, it's a volunteer system. Dispatchers can't always get volunteers. Central dispatch frightens people, call it something else. Regents numbers are somewhat discouraging, however Regents keeps the passenger on the line and tell the passenger the cab is coming.
- **Thomas George Williams:** Drivers are independent contractors and do not have to pick up fares they do not want.
- **Gratch, B&W Checker:** There's only one way to address this issue, since drivers are independent contractors, there should be incentives, possibly charge extra fee. Job is difficult and heavy for drivers to complete.
- **Tariq Mehmood:** Talked to Yellow management to change software to put into a better dispatch system to increase service.
- **Carl Macmurdo:** Commends commission for putting this on the agenda. Goldman School has a report last year that should be reviewed. Ramp program should have employees or proper incentives.

#### 7. Staff Report and Commissioner Announcements [INFORMATION]

- **Dir Machen:** Overview of item.
- **Sgt Reynolds:** Will continue to operation bandit over the next few months. New breed of illegal limos. Made some arrests.
- **Com Breslin:** Pleasure working with Sgt Reynolds. Question on background check for medallion holders.
- **Sgt Reynolds:** Older permits seem to take longer than the newer ones, about 100 left.

#### Commissioner Announcements:

- **Com Breslin:** Rules will be meeting next month. Handouts given to commissioners and should be reviewed before it goes to the public. Only Section 4 was noticed, would like to have others discussed. Can someone come speak to us about the merger? Address authority on the Peter Witt case and a decision. On Senate language, to include illegal limos for the City. Property tax issue find out from the Assessor/ Recorder and if all that is needed is making a note on that.
- **Com Benjamin:** Should find out if there are any improperly registered taxis. Has spoken with Sgt Reynolds about this.
- **Sgt Reynolds:** Have been investigating this issue and it is illegal to do this but there is no penalty for not complying. Area surrounds hybrid vehicles. If it not a criminal act, it's not in our jurisdiction.
- **Pres Gillespie:** Would like a memo on this issue. Com Benjamin, continue to work with Sgt Reynolds.

#### Public Comment:



- **Charles Cezano:** You are obligating people to purchase green taxis and should look at how to help individuals or a plan to finance these vehicles.
  - **Barry Taranto:** Applaud staffs outreach. Sgt Reynolds doing great work on under cover operations, however left out names of the hotels and should be more specific.
  - **Tone Lee:** Bribes happen behind the building.
  - **Mary McGuire:** Would like clarification on wrap fund and is it re-categorized as a fee and can it be integrated as office budget.
  - **Pres. Gillespie:** Will be having a hearing in the next few weeks. Staff has been doing a great job on researching this.
  - **Charles Rathbone:** There is a legitimate limo industry and there is a new breed of thuggish illegal limo drivers that need to be addressed.
  - **Peter Witt:** This is the fifth report and hands one out to the commission, CPUC, DA's office as well. Hopes the Commission does not merge with the MTA. There are rules of how the Commission should be spending the wrap fund, look it up.
  - **Tariq Mehmood:** Give us more information we can hand out to bellman.
- 8. Public Comment (Please limit public comment to items NOT on the agenda; also limited to public that did not speak during Special Order)**
- **Carl Macmurdo:** Congratulates Paul Gillespie on legislation passed by the Board of Supervisors. Key Personnel exemption issues that still need to be addressed are whether or not the Commission will allow mid-year designations of key personnel. Spoke with Sup Elsbernd who may be willing to introduce amendments.
  - **Tone Lee:** Income of taxi drivers continues to go down.
  - **Mary McGuire:** Inefficient that taxi commission drives to and from commission office to color scheme. Should conduct audit at company. Enjoys driving her new hybrid vehicle.
- 9. Adjournment- 10:10pm**



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HEIDI MACHEN, EXECUTIVE DIRECTOR

## TAXICAB COMMISSION MINUTES

March 11, 2008 at 6:30 p.m.  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Room 400

**STAFF IN ATTENDANCE:** Executive Director Heidi Machen, Deputy Director Jordanna Thigpen, Executive Secretary Tamara Odisho – Taxi Commission, Sergeant Ron Reynolds, City Attorney Tom Owen

**Heidi Machen, Executive Director:** Turn-off cell-phones, interferes with phone systems and we get feedback.

### 1. Call to Order/ Roll Call

- Present: Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter
- Absent: 0

### 2. Consent Calendar [ACTION]

#### Public Comments:

- **Reza Ghorbani:** Has been a owner/driver for 20 years in the tri-bay area.
- **Thomas Stern:** Has stopped driving for 10 years ago and has not contacted the Commission with his new address.
- **Ron Fishman:** Why is American allowing Best Cab to leave, that shouldn't be a decision up to the Commission.
- **Barry Taranto:** Studies show that American dispatch did not do any service. Best cab should move to a dispatch company that provides service to ramp vehicles.
- **Jim Gillespie:** Compliments Rashad Ahmed and Luis Lavagnino for receiving medallions.
- **Tariq Mehmood:** Rashad is a good driver and knows he doesn't have any background problems.
- **Com Benjamin:** Motion to approve consent items: A- minutes; B-Public Passenger permits; C1- Sherry Giorgetti, C2 Thomas Stern, C4- Pascal Consentino; D1- CS change for Evren Byrd
- **Com Oneto:** 2<sup>nd</sup> motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter
- ABSENT:** 0

**NO: 0**  
**RECUSE: 0**

- **Com Breslin:** Remove item C3-Reza Gorbani for failure to respond or submit an application
- **Com Benjamin:** 2nd motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: 0**
  
- **Com Benjamin:** Approve pending DOJ background clearance items E1- Rashad Ahmed and E2- Luis Lavagnino
- **Com Paek:** 2<sup>nd</sup> motion
- **AYES:** Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: Gillespie**
  
- **Com Oneto:** Waiver requirement for Item F- Best cab dispatch change to be placed on notice.
- **Com Benjamin:** 2<sup>nd</sup> motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: 0**
  
- **Com Benjamin:** Approve dispatch change for Best Cab from American to Town taxi
- **Com Oneto:** 2<sup>nd</sup> motion
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: 0**

**SPECIAL ORDER 7:00 – 7:30 PM**

**3. Public Comment: (Please limit public comment to items NOT on the agenda)**

- **Charles Rathbone:** Resigned as Treasurer from Medallion Holders Association
- **Barry Taranto:** Staff is meeting with SFMTA to discuss folding of agencies. Someone from the SFMTA should be invited to update the Commission on merger meetings occurring. Abuses happening with the smart card, there is an investigation. Limo and town cars taking business. Baseball season beginning.
- **Jim Gillespie:** Address the issue of bandit taxis affecting the industry. Would like Commission to write a support letter in favor of the bill. Doesn't seem to have any opposition.
- **Chuffa:** Would like the Commission to reconsider the requirement for the medallion holders to drive 156 hours their first year of receiving medallions.
- **Jaswinder:** UTW sued and asked drivers to not drive Welch medallions. UTW settled the lawsuit and took those medallions leaving yellow drivers without a job.
- **Name:** UTW abused the Taxi law and created more layers than allowed.
- **Mohammed Booya:** Why doesn't UTW show their financial records to their members. Where does the collected money go?
- **Bill Mounsey:** Drivers received a gas increase last year but now there's a gas and gate increase leaving the drivers in the red.
- **Robert Cezano:** Smart card was not created to track medallion holders there is no identification on the card. There should be some system created
- **Tariq Mehmood:** Need some basic healthcare plan. There's a violation of the layer clause with the Welch medallions and should be addressed by the Commission. A station wagon is registered as a taxi and is not allowed.
- **Ron Fishman:** As a driver had more money in 1980 than today. Meter should be increased. Higher driver turnover due to less competitive salary. Pay doesn't keep up with inflation.

#### 4. Election for a President and Vice President of the San Francisco Taxi Commission [ACTION]

##### Public Comment:

- **Barry Taranto:** Commission to re-elect a new president.
- **Peter Witt:** Does not support President Gillespie.
- **Tariq Mehmood:** There are so many bad drivers out there. Commission and President should be proud of what they do.
- **Anne McVeigh:** Would like to support Com Breslin for her role and would like to see her stay in her role or elected as President.
- **Mark Gruberg:** No longer supports President Gillespie as president.
- **Chuffa:** Commissioners are regular people caught between people. What's the importance of this election if the Commission will move to the SFMTA?
- **Hansu Kim:** Supports President Gillespie's nomination. Difficult industry and hard to reach a consensus.
- **Bill Mounsey:** Supports President Gillespie's nomination because he is the only driver on the commission.
- **Dan Hinds:** Supports President Gillespie's nomination. Over the few months has exercised leadership.
- **Name:** Would like to support President Gillespie.
- **Carl Macmurdo:** Any commissioners would make good president.
- **Name:** Approves of Pres Gillespie and wishes him well.
- **Barry Korengold:** Supports Paul although he doesn't agree with him. Only cab driver on the Commission.
- **Name:** Would like to support Paul Gillespie as president.
- **Commissioner Breslin:** Paul you have served as vice president under several executive directors and as president you have done and accomplished a lot. I am not suggesting myself. This commission is made up of many representatives. I would like to recommend Commission Benjamin as president.
- **Com Slaughter:** The Commission's working very well and there are a lot of things coming up. Stability is something this commission could use.
- **Com Paek:** Electing a new president, would rock the boat. There is a lot that needs to get done and to learn for someone in a new position.
- **Com Benjamin:** Appreciates the nomination but would like to support Paul as president and Patricia as vice president.
- **Com Paek:** Motion to elect Paul Gillespie as President of the Taxi Commission.
- **Com Oneto:** 2<sup>nd</sup> motion.
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: 0**
- **Com Oneto:** Motion to elect Patricia Breslin as Vice President of the Taxi Commission.
- **Com Benjamin:** 2<sup>nd</sup> motion.
- **AYES:** Gillespie, Breslin, Benjamin, Paek, Oneto, Slaughter      **NO: 0**  
**ABSENT: 0**      **RECUSE: 0**

## 5. Establishing Dispatch Standards [DISCUSSION and POSSIBLE ACTION]

- **Dir Machen:** Overview of the item
- **Mark Soto, Veolia Transportation:** Provided historic context for MTA setting minimum number of taxis per dispatch companies to contract with paratransit broker.
- **Pres Gillespie:** We have not had a minimum requirement for a particular color scheme.
- **Mark Soto:** Creating a minimum would help aide the paratransit community.
- **Dir Machen:** Overview of the number of ramps at each dispatch company. The requirement would be to have at least 4 ramp vans per dispatch company. There are 11 dispatch companies that operate any number of color schemes.

### Public Comment:

- **Name:** By doing this you will eliminate small businesses which is against what SF stands for. When starting a business, it would be impossible to line up 50 cabs.
- **Ron Fishman:** There's no way to line up 50 taxis and is discriminatory in a small business progressive city.
- **Bill Mounsey:** This is a step in the right direction. Most ramp cabs are not being used as ramp vehicles. B&W checker does a good job picking up the disabled community.
- **Charles Rathbone:** Approves of this resolution and hopes the Commission approves this. American is a mockery of dispatch service. Commission shouldn't allow any dispatch unless it can provide service to all communities.
- **Name:** American is a mismanaged company that operates other types of business. It's a mismanaged and over extended company and doesn't deserve ramp vans.
- **Robert Vitcha:** Small but a step in the right direction. Should strengthen standards on ramp dispatch.
- **Barry Taranto:** Happy this resolution is coming before the Commission. But should wait to vote on this until the next meeting. The minimum should be 30 and there should be at least one ramp in the city for service.
- **Anne McVeigh:** Decisions are being made on the surveys conducted by staff. Industry didn't approve of those results. Commissioner should consider this.
- **Dan Hinds:** National doesn't accept ramp vans because they cannot provide good service to disabled community.
- **Name:** This legislation is anti competitive and anti small business.
- **Andy Snaiku:** Radio dispatcher for DeSoto and drove a ramp for a few months. Minimum requirement of 50 medallions is high. A lot of cooperation among the larger companies to be able to service the ramp community.
- **Hansu Kim:** Long over due to improve public service and availability. Dispatch companies are important for public service and are different than owning a small business and operating a medallion. The minimum requirement should be 75 medallions per dispatch service. This creates a standard.
- **Rich Hybels:** Servicing the community is difficult with 30 cabs. Most of them are at the airport. We work off Citywide's dispatch.
- **Ruah Graffis:** Interesting that Commission is taking this on after so much technology coming out to make this easier off one phone number. Against this resolution
- **Chuffa:** Ramp service is improving but for some reason orders are not being posted on gps / radio orders. Has spoken to drivers at other companies that are wondering where the orders are going.

- **Peter Witt:** Agenda doesn't mention ramp taxis so shouldn't be discussing this issue. This is not a solution to this problem.
- **Mark Gruberg:** Supports this idea but not sure this resolution is the best way of approaching this issue. Unfair for the Commission to set a 50 cab standard to be met within a few months.
- **Tariq Mehmood:** Dispatch to the disabled community is a serious issue. The resolution will not solve the issue. Ramp drivers should have monetary incentives since picking up ramps do not make enough money to gas and gate.
- **Com Benjamin:** Approves and agrees with this resolution.
- **Com Oneto:** As a consumer, who would call a dispatch company with a small number of taxis? A better number would be at least 75. Would like to hear from PCC on this.
- **Com Paek:** This is more complicated than just numbers and would like to hear more discussion on this. Would like to realize incentives for ramp drivers since this is touching on a driver's income.
- **Pres Gillespie:** Would like to hear from the PCC community and the rules committee.
- **Com Slaughter:** Ramps and regular taxis are different conversations. This resolution doesn't address the ramp problem.

**6. Consideration of Taxicab Rules and Regulations Section 4 Rule Changes [DISCUSSION and POSSIBLE ACTION]:**

- **Com Breslin:** Introduction of this item. Would like to dedicate one hour of tonight's meeting to this discussion.
- **Deputy Director Thigpen:** Review of 4.A.7- Leaser to have name on vehicle title and registration.
- **Com Oneto:** Since the legislation was passed last week this would now double charge drivers.
- **Com Breslin:** I don't believe this will change anything for the drivers. Would like to send this back to the Rules committee.
- **Deputy Director Thigpen:** Review of 4.A.9- shift changing ; 4.A.10- ; 4-A.11- notice when leaving for 30 days or more; 4.C.1- leases

**Public Comments:**

- **Ron Fishman:** 30 day notice burdensome and would like it eliminated. Shift changing on property causes accidents and safety problems.
- **Emil Lawrence:** Shift changing on lot isn't purposefully. 30 day notice shouldn't be required.
- **Carl Macmurdo:** Shift changing is an issue for people who live far off on the lot especially long term drivers. Drive your own medallion rule inhibited service esp during dot com boom. 30 day notice rule doesn't seem right.
- **Barry Taranto:** Drive your own medallion is important for vehicle maintenance. Should set up a procedure for shift changing to help better service the public. Broker language should be approved as amended.
- **Robert Cezano:** 30 day notice requirement is against rules.
- **Richard Hybels:** leased drivers will pay for their own vehicles and have and will save money. Shift changing should occur off lot.
- **Jim Gillespie:** Sees both sides of shift changing. The commission won't be able to stop it but the parking on the street is negative. Maybe some regulations on taxis found parked on a public street. Don't understand the drive your own medallion rule.

- **Chuffa:** Shift changing off site should be allowed. We need to service the city and how to improve it. 30 day notice is wrong.
- **Anne McVeigh:** Agrees with Carl Macmurdo's changes.
- **Hansu Kim:** Current rules have not been updated to incorporate leased drivers. Shift changing off site should be allowed. Drive your own medallion rule shouldn't be required either.
- **Barry Korengold:** Drive your own medallion rule impractical. 30 day notice is infringement on rights. Shift changing off site should be allowed.
- **Tom Stanghellini:** Shift changing off site happens all the time. How will commission obtain waybills if they shift change off the property? Drive your own medallion rule should be managed.
- **Charles Rathbone:** Shift changing on premises is best way to control a taxi.
- **Sgt Reynolds:** Most drivers are honest and hard working people. Tried locating a taxi medallion and found out that the cab didn't report to color scheme since November 2007.
- **Mark Gruberg:** Drive your own medallion should be left in tact.
- **Ruah Graffis:** Should keep shift changing on site.
- **Bill Mounsey:** Problem is long term leases and someone should look into that.
- **Mary Maguire:** What protection does medallion holder have for their drivers if they do not follow the rules?
- **Name:** UTW is in violation of the rules.
- **Peter Witt:** GTU should be addressing some of these issues. Long term leases, lots of drivers like them should ask why. 3 months notice sounds appropriate 30 days may not be realistic.
- **Tariq Mehood:** There are a lot of taxis and drivers park their personal vehicles which get broken into off the lot. GPS makes it easy to locate taxis.
- **Com Oneto:** The reason for the 30 day rule was placed on the books because the Commission needs to know where medallion holders are at all times.
- **Pres Gillespie:** 4.A.3 and 4.A.7 should be revetted by the Rules subcommittee. 4A.9 to be added to resolution on the waybill portion of that rule. 4.A.10 to be considered and drafted in a resolution. Drive your own rule, reso for modification, elimination and reduction.
- **Com Breslin:** 4.A.11 resolution to get rid of this rule and add the new amendments. Change of residence address even if they are vacationing. The last sentence should go to the color scheme section.
- **Com Slaughter:** Draw up a resolution as 2 separate resolutions eliminating 4.A.11.
- **Pres Gillespie:** 4.B.3 also needs a resolution merging the language.

#### 7. Staff Report and Commissioner Announcements [INFORMATION]

- **Deputy Director Thigpen:** Read Ms. Machen's staff update.
- **Sgt Reynolds:** Update

#### Commissioner Announcements:

**Com Benjamin:** Received a memo from Tom Owen and would like it to be agendized.

**City Attorney:** Allows a key personnel exemption to drivers.

#### Public Comment:

- **Carl Macmurdo-** Sup Elsbernd will be introducing an amendment to the key personnel legislation
- **Barry Korengold:** Drivers didn't get anything out of the gas and gate increase. Rec adding a .25 to drop.

**8. Public Comment (Please limit public comment to items NOT on the agenda; also limited to public that did not speak during Special Order)**

- **Richard Hybels-** Make a rule that even numbered cabs are only allowed to the airports on certain days.
- **Mark Gruberg-** Relentless attacks at UTW over and over again. Legislation recently passed worst taxi legislation created.
- **Hansu Kim-** Update on debit card another time.

**9. Adjournment – 11:35 pm**



EXHIBIT 3

1 **Transcripts of Taxi Commission Hearings of 10/24/06, 2/13/07, 4/10/07, 11/27/07, 2/26/08, and**  
2 **3/11/08:**

3  
4 **October 24, 2006 Hearing:**

5  
6 Mr. Witt spoke on two separate occasions as follows:

7  
8 **October 24, 2006: 1:03:14: Peter Witt:** Good evening Commissioners, Peter Witt Yellow Cab  
9 owner recently, as of January, native San Franciscan, I could go on, but I would like to take this  
10 opportunity to thank Commissioner Heinicke for donating his time to this Commission, because I  
11 do believe he is on track, and I do believe he is up to speed and that he is capable of bringing some  
12 added, how shall we say, needed inspiration, that has been long, long overdue as a matter of fact it  
13 has never been delivered. And that would be a long story. But anyway, Commissioners, all I have, I  
14 really don't want to say too much, I don't want to take as much time as I have, and I would like to  
15 say two words or three, and two words would be pilot program. This is a pilot program that's been  
16 going on for I don't know how long, but I don't think we've addressed the needs of this program,  
17 you've heard Laurie Graham and I totally agree with her, I also agree with a few other speakers that  
18 have mentioned a card swipe program. But anyway let's move on, I like to say that San Francisco is  
19 absolutely not growing. One comment I heard by a speaker said San Francisco is growing. That is  
20 totally bogus. I've been doing a survey and every day I get these statistics of San Francisco's  
21 population, and every year it has declined, one year after the other. Going down and down. It's a  
22 little hard to find out how many people live in San Francisco but if you find the right person to talk  
23 to, talk to the right people you will find it's about 719,016. So anyway thank you very much.

24  
25 **October 24, 2006: 2:27:51: Peter Witt:** Two minutes for one card, Mr. Gillespie? Name, Peter  
26 Witt again, Yellow Cab driver, native San Franciscan. Driver for 18 years. You know I have a little  
27 outreach program of myself going on. This is the '06 survey –

28 **Commissioner Gillespie:** Excuse me, Mr. Witt, this is not about your survey.

1 **Peter Witt:** This is about outreach.

2 **Commissioner Gillespie:** Excuse me, Mr. Witt, this is not about your survey –

3 **Peter Witt:** It's about outreach -

4 **Commissioner Gillespie:** - it's about the resolution -

5 **Peter Witt:** This is about outreach.

6 **Commissioner Gillespie:** I'm sorry, if you're going to talk about your survey, it's inappropriate at

7 this time.

8 **Peter Witt:** We're talking about outreach, Commissioner Gillespie. This is about outreach.

9 **Commissioner Breslin:** It's about allocation of funds.

10 **Peter Witt:** And if you would like to cut me off –

11 **Commissioner Benjamin:** It's about allocation.

12 **Peter Witt:** I'm not leaving. You're going to have to kick me out. This is about outreach. Nothing

13 else it's about.

14 **Commissioner Breslin:** [unintelligible]

15 **Peter Witt:** I would like some time back, Mr. Gillespie, please.

16 **Commissioner Gillespie:** No. You've come to speak about your survey, you are out of order.

17 **Peter Witt:** Alright, fine. This is about outreach. And you're taking up my time and you are out of

18 order, Mr. Gillespie.

19 **Commissioner Benjamin:** It's about allocation of funds. Paul. Paul.

20 **Peter Witt:** What happened?

21 **Commissioner Gillespie:** Next speaker. Mike Spain please come up. You're finished.

22 **Commissioner Benjamin:** Paul.

23 **Commissioner Gillespie:** Please sit down.

24 **Peter Witt:** Outreach.

25 **Peter Witt:** You'll have to throw me out this time. I've been doing a survey for the last nine years -

26 **Commissioner Gillespie:** Mr. Witt, you're out of order. Captain O'Neill, can we have Mr. Witt

27 removed?

28 **Peter Witt:** I believe you've ignored these surveys for the last nine years. OK, I'll leave.

1 **Commissioner Gillespie:** Mike? Please next speaker.

2 **Peter Witt:** To be entered in the PC&N hearing.

3 (leaves at 2:29:50)

4

5 **February 13, 2007 Hearing:**

6

7 Mr. Witt spoke on one occasion as follows:

8

9 **February 13, 2007: 2:08:13: Peter Witt:** Commissioners, you know, a good survey is a terrible  
10 thing to waste. This is some corrections of my survey. You know some people get it, and some  
11 people don't get it, and some people don't want to get it. Top lights for instance. Dispatch. Taxi  
12 stands. Nothing new here. OK? Absolutely nothing new. 30% pickup rate this year. Well you know  
13 last year, it was great, it was satisfactory. What happens in one year that brings it down to a 30%  
14 pickup rate. This is my survey Commissioners. [unintelligible, because he stepped away from the  
15 microphone] Stop, so I can bring this up here. This is my survey. No you can leave it. There's three  
16 customers on each year, so really the survey should be way up there. 50% was the pickup rate in  
17 2000- no in 1989. 40%, I have a statistic here, [unintelligible, steps away from microphone]  
18 prepared by Paul Gillespie, which you notice down here, 40% overall arrival rate, in 2001.

19 Commissioners, this is a brief of this survey, you can change the - yeah - this is my report. A nine  
20 year compilation. Commissioners, you approved 100 cabs in April 25, 2000. Commissioner Paul  
21 Gillespie was on this Commission at the time. And Heidi Machen - [bell at 2:10:13]

22 **Commissioner Gillespie:** Do you have an executive summary or something of that -

23 **Peter Witt:** [unintelligible, microphone turned off]

24 **Commissioner Gillespie:** That's two sentences now. That's - sorry sir, you have two minutes like  
25 everyone else.

26 **Peter Witt:** I don't see any words up there. I'll finish my sentence here [rest unintelligible,  
27 microphone turned off]

28

1 **Commissioner Gillespie:** OK here. That's it. You've more than have made your point, sir. Next  
2 speaker. If we could have the security people here to remove Mr. Witt from the meeting. I mean, I  
3 know your threats aren't real Peter, but it's still really beyond decorum. Please, go ahead.

4  
5 **April 10, 2007:**

6  
7 Mr. Witt spoke on one occasion as follows:

8  
9 **April 10, 2007: 59:50: Peter Witt:** Hi again Commissioners, I'm the guy again, remember me,  
10 who keeps getting cut off and kicked out, all the time,. You know, when it comes to like the bill of  
11 rights for drivers, you know, I'm the one who got assaulted, felony assaulted, by a limo driver in  
12 1998, and an investigation never take place. I had six stitches above my eye. I have an address of  
13 that limo driver too by the way, I think the drivers should have representation. When drivers sign a  
14 petition that says their dispatch is dispatch is deeply flawed, I think they have representation. I  
15 think they should be represented. I think drivers should have the right to earn an honest living, as  
16 opposed to driving a limo. I think drivers should have the right, like the handicapped, to call in. I  
17 was denied the other day. I think drivers should be surveyed and asked what they would do to  
18 improve service. Drivers are an asset to this community. Service we know is a liability. It is clear by  
19 the rules that drivers are abused and slaves. As drivers are required to pick up 10 orders that you  
20 don't provide them. So let's whip the drivers into shape, let's force them to make money. That  
21 makes sense. Drivers, not the customers, need rights here. We have the best driver sin the world.  
22 Where are our rights? Where is our dialogue? (finished at 1:01:32)

23  
24 **November 27, 2007 Hearing:**

25  
26 Mr. Witt spoke on 7 occasions as follows:

1 **November 27, 2007: 48:07: Peter Witt:** To be added to the minutes. I'd like these to be added.  
2 You can show that if you like. There's a copy for Mr. Heinicke. Why is the press providing more  
3 information than the Taxi Commission's website? I didn't see any data. Where is the data that I  
4 submitted for this year's PC&N? Omitted again. And not included. Disseminating public  
5 information is the Executive Director's job. Heidi is not the first Executive Director to do this, I can  
6 only hope she is the last, because good faith is not being served here. Like more cabs is better  
7 service? More cabs is the same old service, Commissioner Heinicke. Sunday is already full.  
8 Monday too. Increase availability, supply to specific demands, stamp out illegal limos, provide  
9 health benefits, and be the greenest city, by simply adjusting the meter rates and crunch times to  
10 encourage your new sensible cab pooling system – [bell at 49:07] that's what I recommend.

11

12 **November 27, 2007: 1:25:34: Commissioner Oka:** OK, Peter, you are the last speaker.

13 **Peter Witt:** I appreciate that very much. Commissioners, the intent of the Prop K was etched  
14 almost 30 years ago. But it was only recently you've decided to clean it up. Well, I shouldn't say  
15 that. The Ma Daly amendment decided to clean it up. Somehow, it slipped by you. It never crossed  
16 your conscience. Um, with that, having said that, and nothing's perfect, but its way better than what  
17 we had before. It's on the road, it's on the right road to recovery. Um, but you know, to change the  
18 subject, Fog City is on the consent calendar believe it. They are on the violation of the law. They  
19 are on the violation of the Police Code, the rules.

20 **Commissioner Heinicke:** 1:26:23: Are we doing public comment on C3?

21 **Peter Witt:** Oh, my apologies, I was out of the room.

22 **Commissioner Heinicke:** Just to clarify, are you in favor of the medallion of us granting the  
23 medallion, or opposed to it, or would rather not state?

24 **Peter Witt:** I'm on the fence.

25 **Commissioner Heinicke:** Thank you.

26

27

28

1 **November 27, 2007: 1:47:40: Peter Witt:** Commissioners, Peter Witt, Yellow Cab driver for  
2 twenty years, native San Franciscan. I'm here to support Martin. I've known him for years. I think  
3 he's one of the most conscientious drivers we have in SF and he cares about the business, and as  
4 you can see, well spoken. I believe a disabled – a disability clause should be in there. Daly and Ma  
5 is not perfect, you can yourselves design something and propose it and you can also accommodate  
6 Mr. Martin. Alright? So, thank you. (finished at 1:48:35)

7

8 **November 27, 2007: 1:56:08: Peter Witt:** Good evening Commissioners, Peter Witt, yellow cab  
9 driver, twenty years, native San Franciscan. You know, the letter of the law. Well now, the letter of  
10 the law says that contrasting colors should be on the color scheme. Again I'm referring to Fog City.  
11 Those are not contrasting colors. Light green and yellow. I think if you could talk to talk to any art  
12 student you'll get that figured that out. But if you approve these medallions - you know, I'm not  
13 looking against Fog City. It just that it annoys me when they go around and you can't see the  
14 numbers on the cars. OK, that law is in there for a reason, that law is not being followed, if you  
15 approve these cabs, you're approving – well, you're not approving the law. You're disapproving,  
16 something, that is you know, supposed to be followed. [bell at 1:57:08]

17 **Commissioner Heinicke:** Mr. Witt, if I could –

18 **Peter Witt:** Yes.

19 **Commissioner Heinicke:** - you raised this last time, and a few other speakers then echoed your  
20 concerns, and I asked you about it -

21 **Peter Witt:** Yes.

22 **Commissioner Heinicke:** - and you clarified it, but I want to make sure I understand it - your  
23 concerns -

24 **Peter Witt:** Yes.

25 **Commissioner Heinicke:** Your concern is that because of a lack of contrasting colors they use on  
26 the decals, when you are being a Fog City cab, you can't tell what the medallion number is, and  
27 then therefore you and other cab drivers can't sort of perform the self policing function that you all  
28 perform, is that the gist of it? Or is it something else?

1 **Peter Witt:** No.

2 **Commissioner Heinicke:** OK.

3 **Peter Witt:** It is the gist of it, but it wouldn't be exactly what I'm saying. It's just that at night,  
4 they're basically an invisible cab, they're not an identifiable cab.

5 **Commissioner Heinicke:** You mean the whole cab is invisible, or just the medallion part?

6 **Peter Witt:** Well, the number of the cab, identifying the cab, for instance, not that it happened, not  
7 that it has happened, or is they run over somebody, and then they're not going to be identified and  
8 that's a simple fact, for instance, if somebody left something in the cab and the cab or if the cab  
9 drove away quickly, and they forgot, they say whoops, they can't identify that cab and that's a  
10 simple thing, and it's just, you know it's one of the examples of this Commission, and that's all I'm  
11 going to use it for.

12 **Commissioner Heinicke:** No, I got you. Thank you. (1:58:30.)

13 **Commissioner Gillespie:** Thank you.

14

15 **November 27, 2007: 2:53:31: Peter Witt:** I think we have other speakers. I'm not ready yet, I  
16 haven't set up. Peter Witt, Yellow Cab driver, service animal. What's service? Well, it's  
17 prearranged service. How about driver performance? How about the top light? What is the long  
18 range master plan of this Commission? Is it to drive taxi drivers right out of the taxi business and  
19 into the limo business? I wonder. It seems so. Is it your intention to continue to destabilize this taxi  
20 industry with higher gates and more cabs at the same time along with allowing illegal limousines to  
21 operate on a daily basis at known locations with the same drivers, habitual drivers. Health care.  
22 Where does the taxi drivers fit into the equation? Inflation. Poor dispatch. Where - have you ever  
23 heard of morale affecting attitude? You've seen it in Grasshopper, and you've seen it in Barry  
24 Tarantos, Barry Taranto. Moral - morale drives a workforce and puppets drive this Commission.  
25 Twenty years of driving a taxi doesn't mean a thing to this Commission. Turning in one lost item  
26 though, does. Every taxi driver I'm sure, in San Francisco, has turned in more than one last item.  
27 What I see here is a candy coating of reality and the lack of dialogue. Good faith and sound  
28 reasoning is out the window. Because of this staff and the composition of this Commission. I for



1 one do not wish this Commission gone - just the people that have broken it. And those that have no  
2 intention of fixing it. A transfusion, I would say, is in order, rather than throwing the baby out [bell  
3 at 2:54:31] with the bath water.

4 **Commissioner Gillespie:** Thank you.

5  
6 **November 27, 2007: 3:17:04: Peter Witt:** Camera. I don't see it on the screen. The sunshine's  
7 rule, 150 words, you're allowed to submit and they should go in the minutes. And if I may have a  
8 ruling on that by the, uh, Mr. Owens. Sunshine? 150 words added to the minutes? OK? Yeah, it's  
9 OK. Alright you may not know this, Commissioners, but I'll start over. Who makes you the judge,  
10 jury, and executioner? You may not know this Commissioners, but I was a nice guy before I  
11 became a cab driver. No criminal record, no arrests, no nothing. But as a cab driver on the other  
12 hand, it's another story. You might pull up my records and take a look at them, I give you  
13 permission. Uh, you might think, uh, it's my customers that give me a hard - that give me the most  
14 trouble, like being assaulted without a - without any recourse, but as a cab driver, you get chased by  
15 the cops and the robbers, ok, a cabbie has - can do little to defend themselves in either case. It's not  
16 funny, Mr. Commissioner, I wish you wouldn't laugh.

17 **Commissioner Heinicke:** Oh, Peter.

18 **Peter Witt:** You haven't heard my stories. (bell at 3:19:04)

19 **Commissioner Gillespie:** Thank you.

20 **Peter Witt:** Time back?

21 **Commissioner Gillespie:** No. Please, sit down.

22  
23 **November 27, 2007: 3:37:48: Peter Witt:** Commissioners, full service. We haven't got the  
24 definition of what service is, I don't think we can even begin to define. Especially if computer  
25 systems set off alarms - car alarms in the middle of the night. I think you need to address that issue.  
26 Also the fact that - what about a list of least approved companies. I think that might bring some  
27 light to the issue with dispatch. Macy's by the way - that taxi stand - that's where the limos block  
28 our access to that taxi stand. It seems to me that every time I pass that stand, There's a limo or two -

1 and by the way these are stretch limos, so one or two will fill up four spots for a taxi, but even one  
2 double parked will- will take care of that, will block our access. So, a lot needs to be said, I don't  
3 think I have time to say it. (finished at 3:38:48)

4  
5 **February 26, 2008 Hearing:**

6  
7 Mr. Witt spoke on three occasions as follows:

8  
9 **February 26, 2008: 40:19: Peter Witt:** Good evening Commissioners, members of the public. I  
10 just happened to be passing by, so I couldn't resist stopping in and saying hi. I don't come in with a  
11 speech or anything, although I should have been more prepared. I just want to talk a little bit about  
12 service. Now, I actually, I want to show this on the screen, so maybe we could stop the clock for a  
13 moment, we could set this up.

14 **Commissioner Gillespie:** No, we don't need to stop the clock. Just talk over your –

15 **Peter Witt:** Oh, OK. I'm sorry –

16 **Commissioner Gillespie:** No, we'll set that up for you, just keep talking.

17 **Peter Witt:** Oh, alright. Well, uh, service. What is it? It's a pretty big question around here. We've  
18 tried to touch on it but I don't think we've really hit the mark. We talk about full service, we talk  
19 about – we're going to be talking about dispatch. And I was just, you know - I was here at the last  
20 meeting, and someone said, it was one of you Commissioners, "taxi drivers are expected to be held  
21 to a higher standard." I was wondering, a higher standard than a limousine driver? And by the way,  
22 the pay rate, that we get for the higher standard that we are supposed to maintain. We're supposed  
23 to above a cop? Is that the standard we want? And the pay scale that we get? I don't think the two  
24 really add up. So my question is, what is service, and what do you expect of it. And then another  
25 question is, outreach. What are we supposed to get? What is outreach? And how far have you  
26 outreached? You know I often think this Commission has as much outreach as a pit bull at a postal  
27 convention. Um, that's a joke. Um, this is a little outreach that I've produced. Again, we need some  
28 work on this camera, can you stop the clock please?

1 **Commissioner Gillespie:** We can see it fine Peter.

2 **Peter Witt:** No you can't see it fine. Where is the title? Excuse me if you could stop the clock, I  
3 would like to show the title of my survey. It zooms out and I don't know how to do it. But that little  
4 screen holds a full page I believe of a paper. And again the clock is running and my time is running  
5 out. If that's all you can produce, I'm going to say, you know, it's about a foot and a half screen  
6 here and we've got about a six inch frame. Again, my clock, my time is running out. Uh,  
7 Commissioners, again, the outreach, of a pitbull at a postal convention. You can't even begin to see  
8 the stuff I have here. Not even a half a page I can show? Not even a half a page. Commissioners, we  
9 can go through the methodology of this, I've worked on this for ten years, I do a thousand  
10 customers every year. We have the locals compared to the visitors we have graphs, we have more  
11 graphs of visitors, and we have whether they want more cabs or not. We have eight categories. [bell  
12 at 43:19] Again my time was wasted while we were trying to set this up, and my time, it can run  
13 over time.

14 **Commissioner Gillespie:** You can leave a copy of this with us --

15 **Peter Witt:** I left a copy two years ago.

16 **Commissioner Gillespie:** I'd be happy to look at it. Next speaker please.

17

18 **February 26, 2008: 1:14:03: Peter Witt:** Peter Witt, Yellow Cab, native San Franciscan. Not  
19 much to say here, but it's just that I just want to point out, and I'm glad in a sense that's this is -  
20 working its way down to the fine details, because we all know the devil is the details. And, but I do  
21 want to mention, we all know this has been on the table for I don't know how many years, this  
22 wasn't just last week, or just month, and I very rarely, I would like to think, more often to agree,  
23 with Miss Patricia Breslin, with moving a little wider, and not narrowing the view, and to move this  
24 item along and to keep it moving, so we can get it off the table. Thank you very much. (finished at  
25 1:14:56)

26

27 **February 26, 2008: 2:45:35: Peter Witt:** From the customer's point of view, it should be looked  
28 at. I think we have an understanding of who performs and who doesn't perform. From a Taxi

1 Commission point of view, but I think the customer is the almighty whatever you want to call it.  
2 Commissioners, with all due dispatch, or due diligence, establishing standards has already been  
3 done. The double standards that we have here are what we are dealing with. We have a standard for  
4 the top light. It's a very simple standard. We have a standard for the color scheme. It's a very  
5 simple standard. We have intent, and then we the letter of the law. If I get an order at 37th and egg  
6 nog, and I was to go out there and there was no one there, and then I got an order downtown, am I  
7 expected to take that order downtown? Commissioners, with all due respect, and with good faith,  
8 this Taxi Commissions should have been on this from day one. You know, the Taxi Task Force  
9 recommended a subcommittee for dispatch. Never done. You just add cabs, that's all you do around  
10 here. You know, the back of this Rule Book has a severability clause. Maybe we could see it. Check  
11 it out, on the monitor. That means, if there's invalid law, it doesn't count. We have standards we  
12 have goals. They're there, but they're totally unrealistic. Let's be truthful, like with MUNI, what  
13 Gavin Newsom said about MUNI. Check out France and Belgium. They have some dispatch  
14 standards. We used to be dispatched by foot, then finger, then morse code. Then we got the radio.  
15 [bell] Thank you.

16 .....  
17 **March 11, 2008 Hearing:**

18  
19 Mr. Witt spoke on three separate occasions as follows:

20  
21 **March 11, 2008: 47:41: Peter Witt:** Peter Witt, Yellow Cab, San Francisco native, driver twenty  
22 years. Um, you know, let's see, can I get a look at this for a second here? This is an order from  
23 sunshine, if you can see it in the yellow there, that's where I'm supposed to have time to set up. You  
24 know, a driver representative has been what's lacking on this whole Commission for the whole  
25 time. Gillespie, President, this is a per-Commission, Gillespie request for guidelines for the use of  
26 ramp taxis. This was in 19-excuse me, 2001. Here's a memorandum from Kelly Castagnaro for the  
27 ramp taxis, here's some recommendations, no follow through. 2001, we've been waiting, for what  
28 to do with those drivers. [bell]

1 **Commissioner Gillespie:** Thank you.

2  
3 **March 11, 2008: 1:53:23 Peter Witt:** Commissioners, commissioners, welcome again. Um, I'll  
4 need a viewer here, I'd like to show you, where it doesn't say ramp taxis. It doesn't say it All the  
5 ramp drivers out there don't know about this probably. This is – you know, this is a little off the  
6 subject, I would say, if you're talking about ramps. We're not talking about tramp taxis are we? We  
7 couldn't be. Uh, a ramped taxi, or is it a taxi? Three orders for ramp and ten orders for a taxi.  
8 They're the same. They should be the same. They're no difference really. The ramp taxi program is  
9 a façade. One study says it's a model program for the country, great service, the other says "you can  
10 never get a cab." So, which is it? A cab or a ramp? You know, when you add cabs and you raise the  
11 gates, you create hardship, and you lower the standard of living for a driver. You create it more  
12 difficult to get a ramp. Why would a ramp cab want to take a ramp order? Uh, the failure here is to  
13 communicate. Another Band-Aid for a retreaded tire. This taxi ramp program – pilot program,  
14 excuse me, has yet to land. I have an idea though, ok, whatever happened to the seniority program,  
15 that was on the plate at the taxi task force back in '98. If you ask all the old cab drivers out there  
16 that missed the boat, if they want a ramp medallion, you know they might go for it, they might give  
17 us better service, you know I say twenty years of driving, should qualify a ramp driver. So what are  
18 we trying to do here, you know the solution here, this is not a solution. This solution is another fix,  
19 it's not fixing the problem .You know, instead of, there's the dedication, there's the expense, there's  
20 the inflation. There's, you know, the motivation is just not there. [bell]

21 **Commissioner Gillespie:** Thank you, next speaker.

22  
23 **March 11, 2008: 3:48:52: Peter Witt:** Good evening Comissioners, I hope you've been taking  
24 notes. There's some very god points that have been made. And if we're going to balance things I  
25 think we need to make a list of what's what. You know I'm absolutely in favor of keeping close  
26 tabs on drivers. And you, excuse me, GTU is supposed to take care of the rest, as far as the safety of  
27 the vehicle is concerned. I was wondering if you have the top lights straight yet. I know we're not  
28 talking about this rule yet but I'm bringing it up because it's a simple rule that's easily visible, and

1 nothing's being done, it's not enforced. So when we talk about enforcing things I think we have to  
2 take a little look at that. Now, Fog City, I brought up before, as a number that you can't see, I think  
3 a lot of Commissioners have agreed on this, but yet we still see it out there on the street, and we  
4 can't identify it. It's another rule in the book that doesn't get enforced. It's simple enough to do, so  
5 why are we going so complicated here? These rules seem to close the door for service if you ask  
6 me. An in-house housekeeper seems to be responsible. Limos park all over the street in San  
7 Francisco, I might add, and they're twice as long as taxis a lot of them. How about – and how about  
8 those Sierra cabs? They park in San Francisco too. By the way, these are San Francisco taxis. So  
9 they should be able to park in San Francisco. Drivers need to eat dinner, lunch, and breakfast, and  
10 by the way get a cup of coffee. You know, change of shift in New York. Have you ever heard of  
11 New York? By the way they have a problem in New York. You know, customer feedback is  
12 awesome. That's why I do it. You know they say there's a problem in New York. Residents.  
13 Change of shift. Peak time. That's the worst time. To do it. Now personally I don't really like the  
14 idea of long term leases, but you know a lot of people do love the idea of long term leases. But you  
15 know, if the driver's allowed to turn in the medallion to his color scheme, and the color scheme, and  
16 not allowed to drive his vehicle – that's the thing, if he's not allowed to drive his vehicle and if he's  
17 just going to flip it over to a long-term leaser, and really, how do we keep better tabs on these  
18 drivers, now really again, a lot of people love these long term leases, but you might want to ask,  
19 why, OK. Um, 30 day notice, you know I think it is because if you die, you want to know. Person  
20 doesn't come back in 30 days, you know he's dead. I think three months might be more appropriate.  
21 I think two days' notice, I don't know what that means exactly. Please, listen to the public. [bell]  
22 The drivers here that matter.