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NYC TAXI AND LIMOUSINE COMMISSION

PUBLIC MEETING

held on Thursday, June 15, 2006

40 Rector Street

5th Floor

New York, New York

1 Public Hearing convened at 9:50 a.m:

2

P R E S E N T:

3

4 MATTHEW W. DAUS, COMMISSIONER/CHAIR

5 ELIAS AROUT, COMMISSIONER

6 NOACH DEAR, COMMISSIONER

7 IRIS WEINSHALL, COMMISSIONER

8 ELLIOT SANDER, COMMISSIONER

9 HOWARD R. VARGAS, COMMISSIONER

10 EDWARD GONZALES, COMMISSIONER

11 CHARLES FRASER, GENERAL COUNSEL

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1 CHAIRMAN DAUS: Good morning
2 everybody. I am sorry to keep everyone
3 waiting. We will have a few more
4 Commissioners joining us shortly.
5 I am going to proceed to Item 1 on
6 the agenda, Chairman's Report. Let me start
7 the report by talking a little bit about the
8 terrible tragedy that occurred Sunday morning
9 on the west side of Manhattan. Many of you
10 probably know that there was a woman, Danielle
11 Ricco, who lost her life on Sunday morning.

12 I just want to express on behalf of
13 everyone at the TLC, our staff, on behalf of
14 the industry, and also on behalf of all of our
15 Commissioners, we would like to extend our
16 deepest and our most heartfelt sympathy to the
17 Ricco family on this unspeakable loss. We
18 would like to let all the families involved,
19 the victims of this horrible incident, know
20 that they are in our thoughts and they are in
21 our prayers every day.

22 The New York City Police Department

23 is continuing to actively investigate this
24 incident, and we know they are committed to
25 finding out exactly what happened. I would

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1 like to, in memory of Danielle, observe a
2 moment of silence.

3 (Moment of silence.)

4 CHAIRMAN DAUS: Thank you.

5 We have a Medallion sale going on.

6 As we speak, we have just started to accept
7 bids and we have had a lot activity in this
8 regard. On Tuesday, Mayor Bloomberg signed
9 Intro 339-A, some legislation which changed
10 the distribution of the 308 Medallions that
11 are being offered for sale.

12 The 308 Medallions are going to be
13 broken up into 254 that are alternative fuel
14 and 54 that are to be operated with accessible
15 taxis. Also, this legislation starts the ball
16 rolling to go to Albany and try to commission
17 the sale of an additional 150 accessible
18 Medallions, which under way. And if you add
19 up all the totals and the numbers, before the
20 end of this year, if all these Medallions
21 sell, we will have over 281 alternative fuel

22 vehicles on the road, and possibly by next
23 year, if the legislation passes, we will have
24 231 accessible vehicles on the road.

25 We have split up the auctions now

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1 into two separate auctions. The first one is
2 taking place right now by sealed bid. The
3 first one deals with accessible vehicles and
4 Medallions, and there are 54 for sale, and we
5 started collecting bids on Tuesday. Today is
6 the last day to submit your bids at 5:00 p.m.
7 This is the deadline, at 40 Rector Street.

8 We will be opening the bids tomorrow
9 at 11:00 a.m. in this building on the sixth
10 floor. The sale for the remaining Medallions
11 will be held next week, the alternative fuel
12 Medallions. 254 are being offered for sale.
13 They will be collected starting on Monday, the
14 19th, from 9:00 a.m. to 5:00 p.m., on Tuesday,
15 and also next Wednesday, and that's the last
16 day. And then we will be opening these bids
17 on Thursday, the 22nd, at 11:00 a.m., again at
18 40 Rector on the sixth floor.

19 The minimum upset prices have been

20 set since our last meeting. They should be
21 distributed in the back, and they are all on
22 our website, so you can check out the prices.

23 I would like to thank the staff who
24 have worked very, very hard on this sale. We
25 are pretty much at the goal line right now,

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1 but a lot of work went into this effort
2 including extensive outreach efforts. In
3 addition to placing ads on television, in
4 papers, print media, we have conducted mass
5 mailings, we have conducted seminars and
6 workshops for the industry and potential
7 bidders. We have also conducted field visits.
8 Myself and my staff have been out to the
9 airports more than once to showcase
10 alternative fuel and accessible vehicles, as
11 well as at our facilities.

12 And certainly last but not least,
13 Alan Fromberg and I, our press secretary, have
14 been interviewed on radio and television many
15 times in many different communities about the
16 sale. And I hope that even though there was
17 some confusion, that Mayor Bloomberg has
18 actually brought some sense of order to this

19 and now that we have our Medallion sale set,
20 we all know what to expect.

21 And we have done our best efforts, I
22 believe, in terms of getting as much outreach
23 out there to make sure everybody understands
24 what they are doing and how to do it. So we
25 are looking forward to a very, very, very

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1 successful sale, and I will have a more full
2 report at our next Commission meeting.

3 I just want to take a moment, we just
4 received information about another tragic
5 accident that happened in Brooklyn, in Boro
6 Park actually, where a livery driver was
7 involved in an accident and was unfortunately
8 killed last night. There was apparently a
9 commuter van that was commandeered by an
10 individual with a BB gun, who was being
11 pursued by the police and he commandeered a
12 van and smashed into a livery car.

13 So I would like to just ask for
14 another moment of silence in memory of the
15 livery driver who was killed last evening.
16 His name was Shiva Ranjitsingh, and our

17 prayers and thoughts and condolences go out to

18 his family.

19 (Moment of silence.)

20 CHAIRMAN DAUS: Thank you.

21 I would like to give a more thorough
22 update on reciprocity, but in the interest of
23 time and because there are a lot of things in
24 flux, I want to let everybody know that there
25 is ongoing intense negotiations and

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1 discussions going on between the industry,
2 Nassau County officials, Suffolk County
3 officials, myself, Westchester County, various
4 Commissioners including Commissioner Dear, who
5 is very much committed to the cause and has
6 been very helpful, and also the State
7 Legislature. There is at least one bill that
8 is up there now, and we are working on some
9 amendments to it.

10 As soon as we have more details, we
11 will share them with you, but we are in active
12 negotiations and we believe that these bills
13 are moving and we are committed to making sure
14 that we reach some type of agreement with the
15 Legislature if possible. And I will keep you

16 abreast of that as we go forward.

17 We had quite an eventful week with
18 the City Council. The City Council has
19 proposed 11 bills. There was a hearing
20 yesterday. I prepared testimony but due to
21 personal reasons, I was unable to attend.
22 Andy Salkin, our First Deputy, testified on
23 the Agency's behalf, delivered the testimony
24 and there were a lot of questions.

25 The feedback that I have received is

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1 that the Council is willing to talk to us
2 further about some of these bills; we are
3 willing to talk them to about the bills as
4 well. They mostly center around the issue of
5 accessibility and alternative fuel vehicles.
6 Part of that discussion involved our position
7 being that we like a lot of the concepts and
8 we like a lot of the ideas, but we need to
9 really further discuss how we are going to
10 accomplish our shared goals.

11 Everybody agrees that we need to have
12 cleaner vehicles, a cleaner environment, do
13 everything that we can in that regard, and to

14 have accessible service to all New Yorkers.
15 But there are different viewpoints, certainly
16 even amongst the Council Members, as to how
17 you best accomplish that.

18 So I want to thank Andy for
19 testifying. I want to thank the industry who
20 I know was there in force to give their
21 viewpoints, and we are working on a plan and
22 we will share details to take it to the next
23 level.

24 Thanks to the Mayor and thanks to
25 also the Council, we are now going to the

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1 level where we are getting more of these cabs
2 on the streets. But now we need to think
3 about how we are going to best use some of
4 these cabs and provide more incentives for the
5 future. That's really the long-term plan that
6 we are going to develop.

7 One of the things that should be of
8 interest to the Commissioners is that one of
9 the bills, I think, mentioned that they would
10 like to mandate by local law that we put two
11 types of stickers on cabs. One for a
12 universal handicap accessible symbol to denote

13 wheelchair accessible cabs, and also a sticker
14 to promote clean-air vehicles.

15 I told them that at the appropriate
16 time that we would bring the Commission into
17 the loop, because the Commission has
18 traditionally been the entity that approves
19 stickers. So we will further discuss that at
20 another meeting, but I just want to make the
21 Commissioners aware of this, as I had promised
22 the Council that we would.

23 The next item actually you may have
24 read the front page of some of the papers
25 today that the subway stabber was captured

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1 yesterday in Times Square, after,
2 unfortunately, stabbing two female Canadian
3 tourists. I want to really thank, and we
4 should all thank and applaud the efforts of
5 the three taxicab drivers who, along with the
6 doorman from the W Hotel, chased down the
7 suspect and restrained the suspect until the
8 police were able to come.

9 And I would like to thank these
10 drivers for their heroism and their courage.

11 There names are Joseph Cassius (ph), Andre
12 Fequiri (ph) and Samuel Dubaton (ph). And I
13 think everyone and all New Yorkers are
14 thankful to these cab drivers for their
15 efforts.

16 COMM. DEAR: You should give them a
17 fuel surcharge commendation.

18 CHAIRMAN DAUS: They deserve much
19 more than that for their efforts.

20 And I know the last time I reported
21 that we received various pilot program
22 proposals under our new rules. I have a
23 certain period of time within which to make
24 recommendations to the Board. Under those
25 rules that were passed by the Commission, it

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12

1 extends me the authority and discretion to
2 extend the time frame based on circumstances.

3 With all that is going on, with the
4 issues that we are talking about today, with
5 the Medallion sale, and staff being pulled in
6 all different directions, I would like to let
7 you know that I believe it is in our best
8 interest to deal with all of these advertising
9 proposals after the summer. So I would like

10 to just let you know that that's what our
11 intentions are.

12 So even though I promised in July we
13 would do a presentation, I would like to put
14 it beyond the summer, give us a little bit
15 more time to get our act together on this.

16 Last but not least, I just want to
17 make sure that people mark down on their
18 calendars that we are going a little bit off
19 schedule due to conflicts for the next
20 meeting. Instead of holding it on a Thursday,
21 we will be holding our next Commission meeting
22 on Tuesday, July 18th. And that's, of course,
23 tentative, but that's a change in our usual
24 schedule. And then, hopefully, we will be
25 holding a meeting on Thursday, August 10th,

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1 back to our regular schedule. Further details
2 will follow.

3 That concludes my report. Any
4 questions from the Commissioners?

5 COMM. DEAR: First of all, thank you
6 very much. I know the ongoing negotiations
7 with regard to reciprocity, I know it is a

8 tedious one, it is a tough issue, but when the
9 bill will pass, God willing, this will be
10 helpful to all of us, we won't have to deal
11 with this issue. So thank you for all your
12 efforts, and to the industry, for really
13 playing a very important role in this.

14 With regard to you made a comment
15 about the airports, you were out at the
16 airports, I can't help but hope you noticed
17 the new -- it's an onslaught of soliciting
18 that is taking place. I don't know if you
19 were solicited out there while you were there,
20 but I would like to recommend that we
21 intensify our efforts. I know it is not only
22 us, it's the Port Authority, and I know they
23 have other things in mind, but this is just as
24 dangerous to me and problematic.

25 People going into an unlicensed,

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1 illegal car, to me, is as dangerous as
2 anything can be. You can never tell where
3 this is going to lead us to. So I want to ask
4 you if we can have some sort of meeting again,
5 we did this once upon a time, where I would
6 like to be included, where we could have the

7 Port Authority as well as our enforcement
8 people, to make our case again to make sure to
9 express our concerns and do something about
10 the enforcement there.

11 (Applause.)

12 COMM. WEINSHALL: Noach, as you
13 know, there is an Airport Board which was set
14 up when the City and the Port Authority came
15 to an agreement on how much money was owed the
16 City for the airports. I am a member of that
17 board, Dan Dobroff (ph) is a member of that
18 board.

19 I would suggest that probably the
20 best forum to sort of approach this issue is
21 through the Airport Board.

22 COMM. DEAR: Okay.

23 COMM. WEINSHALL: So why don't we
24 work something out?

25 COMM. DEAR: No problem.

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1 The problem is I know the thinking is
2 of the Police Department there, they want the
3 big fish. They don't realize, you know, think
4 about terrorism, this could be a way of

5 terrorism too, who stops an unlicensed guy
6 from going there, picking up some tourists,
7 and doing something to harm them.

8 I think this is something that is
9 getting out of hand. I need to -- openly, in
10 front of everybody, to just do it, it defies
11 me. So I think if you could put the pressure
12 on top, but it has to be brought down to the
13 level of the commanding officers at both of
14 the airports. So I would appreciate that.

15 CHAIRMAN DAUS: You have our
16 assurances that we will do that.

17 COMM. DEAR: One other thing. I
18 know we are talking about alternative fuel.
19 And I know that we have had lots of discussion
20 about it concerning, we obviously approved the
21 smaller cars and so forth.

22 I started to do some more research
23 and to look into it, and I remembered also,
24 remember when we mandated the bigger cars, the
25 Crown Vic. They have been very, very

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1 successful, those cars. And, you know, we
2 have gotten less complaints because of that
3 and people are enjoying those cars.

4 And I know that one of the things we
5 did, the industry as well as the Commission, I
6 was then in City Council, put a lot of
7 pressure on Ford. They went to Ford to
8 convince them to make the stretch Crown Vics.
9 And I wondering if we could do the same, and I
10 would like to be a part of that effort, if we
11 could not convince them, because that is the
12 way the whole country is going now, with some
13 form of alternative fuel.

14 There is talk about Ford doing
15 something about it. If they are ready to
16 listen to us, why not? It is an American car,
17 it is an American company, we can support
18 them. It is funny, you know, some foreign
19 cars are made here, but all the parts are
20 coming from foreign countries. And we are
21 proud Americans and proud of our workers and
22 want to make sure the money stays here that we
23 invest. So if we could have some sort of
24 meeting where we can out to Detroit or to
25 wherever we have to go, to meet with them as a

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1 Commission, as a group, and with the industry

2 to show our strength, because you know once we
3 do it, other cities will do the same thing.

4 And if Crown Vic would come out with
5 an alternative fuel car, that would be a
6 win-win for everybody, so we don't have to go
7 back to these smaller cars. So I hope we can
8 do something like that.

9 CHAIRMAN DAUS: Absolutely. We
10 support that, Noach, and we have done work,
11 but we have to do more in this regard.

12 I personally have spoken to Bill Ford
13 and I believe we should go to every single
14 automobile company. And we have actually been
15 out there, staff has been out there, so we
16 will do more.

17 COMM. DEAR: Maybe as a Commission,
18 it will impress them more. If we go out as a
19 Commission, all the Commissioners go out and
20 we meet with the different companies and say
21 to them, let's make a bigger car. The Crown
22 Vic has been very successful.

23 CHAIRMAN DAUS: I agree with you.

24 COMM. DEAR: One last item. I know
25 we had private discussions and it's driving me

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1 nuts and I am afraid something is going to
2 happen to pedi-cabs. We don't have anything
3 to do with it, but it is a very serious issue.
4 I am afraid someone is going to get hurt.

5 COMM. WEINSHALL: Let me just
6 comment about that. There is a bill which has
7 been worked out between the City Council and
8 the Administration, which both regulates and
9 -- well, basically regulates the pedi-cabs as
10 to where they can go and what type of
11 insurance and what the consumer has to know.

12 So you should be assured that both
13 the Administration and the Council is working
14 on that. And I think the bill should probably
15 pass before the Council goes home for the
16 summer, so we are hopeful on that.

17 COMM. DEAR: But it's not coming to
18 us as a regulatory --

19 COMM. WEINSHALL: No, it's going to
20 Consumer Affairs.

21 CHAIRMAN DAUS: Any other questions?

22 (No response.)

23 CHAIRMAN DAUS: Let the record
24 reflect that Commissioner Sander has joined
25 us.

1 I would like to move Item 2, Adoption
2 of the minutes of the May 11, 2006 Commission
3 Meeting.

4 Any comments, questions, changes to
5 the minutes?

6 (No response.)

7 CHAIRMAN DAUS: Okay, can I have a
8 motion to approve, please?

9 COMM. WEINSHALL: So moved.

10 COMM. SANDER: Seconded.

11 CHAIRMAN DAUS: All in favor?

12 (Chorus of "Ayes.")

13 CHAIRMAN DAUS: Thank you.

14 I would like to now move to Item 3 of
15 the agenda, Fuel Surcharge Rulemaking
16 Petitions. There is a little confusion out
17 there in the media. This is not a public
18 hearing. Basically the way the process works
19 is organizations or industry members submit
20 petitions to the Chair, myself, for a review.
21 And then what I will do within a 60-day time
22 period is recommend approval or reject the
23 petition or modify and move in other ways on
24 it.

25 That 60-day time period has not yet

20

1 elapsed; yet, at the request of the
2 Petitioners, the first one of whom was
3 Fernando Mateo, and then from the Federation,
4 and then LMTO and the TWA followed. They are
5 all here today. Each and every one of them
6 had requested an opportunity to publically
7 present their petitions.

8 So that doesn't mean that this a vote
9 before the Commission. There is no vote or
10 matter before the Commission right now. This
11 is just an open public discussion that we
12 voluntarily, and I voluntarily, agree to for
13 the purpose of educating myself about their
14 petitions and educating the Commissioners to
15 get their input before I make my decision,
16 which will be on or about before July 3rd, I
17 believe, is the deadline.

18 So the petition process is still in
19 motion, and I just appreciate people, if they
20 could just the let Petitioners present their
21 petitions and the Commissioners will ask
22 questions, but that's basically it. If you
23 have any comments or questions afterwards, you
24 can basically contact our office and we will

25 try to take your comments into consideration.

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1 But we are proceeding in accordance with the
2 petition process.

3 And I would now like to call up the
4 first Petitioner, The New York State
5 Federation of Taxicab Drivers, I believe
6 Fernando Mateo is here. And I want to also
7 state for the record, that all the petitions
8 have been accepted as to legal form so they
9 are all currently before me. And I want to
10 thank them for all their hard work because
11 they are in pretty good shape and they look
12 very professional. And I want to thank all
13 the groups.

14 We are not going to put any time
15 limits on this officially, but we would
16 appreciate, Mr. Mateo and the other
17 Petitioners, in the interest of moving along,
18 if you could try to expeditiously conclude the
19 presentation and then allow for some questions
20 if we have them.

21 Thank you.

22 MR. MATEO: Good morning, Mr.
23 Chairman. Good morning, Commissioners. I

24 just want to say thank you for allowing us the
25 opportunity to speak to you about why we need

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22

1 a surcharge and why the industry is starving
2 for a surcharge.

3 Today we are seeking a temporary
4 \$1.50 per trip surcharge to automatically be
5 implemented whenever gasoline prices rise
6 above \$2.50 a gallon in the City New York.

7 First, I would like to introduce Chad. Chad
8 is my assistant. He also gives me foot
9 massages and buys me lunch -- no.

10 He is part of our advocacy group and
11 he has prepared us well for this presentation,
12 so thank you very much, Chad.

13 If you notice here on this chart, we
14 indicate all of the different states across
15 the country that have already allowed their
16 taxi industry to get a fuel surcharge. And
17 this has happened since January of 2006.

18 One of these particular states,
19 Memphis, Tennessee, has allowed their drivers
20 a surcharge of \$2 a gallon. And I think that
21 is along the lines of where it really should

22 be, but we are asking for \$1.50. Ithaca, New
23 York has also approved a surcharge. So we
24 have approximately 22 states across the
25 country that have understood that the rising

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1 cost of gasoline has put a hurt on their
2 industry, so they have come to the rescue and
3 they are looking to help their industries.

4 There are also another nine states,
5 including New York, that has this surcharge
6 under consideration. So it is important that
7 you realize that we shouldn't be the last to
8 react. We should be amongst the first to
9 protect our drivers.

10 This second graph here, Exhibit B,
11 basically will show you how gas prices have
12 risen since our last increase, which was in
13 2004, March 2004. You will realize that
14 gasoline prices at that time was about \$1.70 a
15 gallon, and it had been approximately ten
16 years before we had gotten to this fare hike.
17 So this industry has been suffering for quite
18 sometime, but we never expected for gasoline
19 to spike the way it has over the last six
20 months.

21 It went from \$2.36 a gallon up \$3.23
22 a gallon. And nationwide it went from \$2.14
23 to \$2.90 a gallon. So we can see here a trend
24 that has taken us to this particular stage,
25 and that is, not only asking you to consider a

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1 a surcharge, but asking you, Mr. Chairman and
2 Commissioners, not no allow 60 days to go by.
3 60 days during the summer months are
4 crucial. During the summer months, cabs have
5 to run with air conditioning, they consume
6 more gasoline. If drivers decided not to turn
7 on the air conditioning, then you would
8 receive complaints from the passengers saying
9 that the cabbies aren't giving them the
10 service they deserve.

11 But, nevertheless, cab drivers in New
12 York have thick skin. They know what it is to
13 work hard and they know what it is to provide
14 good service. So it is important that you
15 understand that 60 days is unacceptable. It
16 is unacceptable because the summer hot months
17 will have gone by. So if you could really put
18 this on the fast track, we would greatly

19 appreciate it, and I am sure that the drivers

20 would appreciate it as well.

21 (Applause.)

22 MR. MATEO: Exhibit C will basically

23 explain to you where we were. On June 7,

24 2004, gasoline prices were at \$2.13. In June

25 of 2006, the average is \$3.03, which means

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1 that the increase in the cost of an average
2 gallon of gasoline grade in New York City over
3 the past two years has gone up 42 percent.

4 Now, this 42 percent sends a very
5 clear message, the passengers aren't paying
6 for this. The Commission, TLC, the city, the
7 state and/or the feds are not refunding the
8 drivers for the extra costs that they have to
9 take out of their pocket. I never, in all of
10 my life, have seen an industry or any employee
11 go from earning \$100 a day to earning \$70 a
12 day two years later. It just doesn't make any
13 sense whatsoever.

14 Exhibit D basically makes it a lot
15 simpler to understand. In 2004, cab drivers
16 were earning \$158 a day; in 2006 they are
17 earning \$130 a day. That means they are

18 taking home about \$30 a day less than what
19 they were two years ago. Gasoline prices,
20 vehicle and gas, their expenses were \$66.53 in
21 2004. That has increased to \$94.47 today.
22 Which means that based upon these numbers,
23 cabbies used to earn in 2004 approximately
24 \$39,500 a year. Two years later they are
25 \$32,515 a year.

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26

1 I don't know how to really put this
2 because I think it's self-explanatory. I
3 believe that unions in the City of New York
4 when they don't get raises, they strike. When
5 they don't get more money after their contract
6 is over, they strike, they complain, they put
7 the pressure.
8 This industry hasn't stopped working,
9 we haven't struck (sic), we haven't stopped
10 working, we encourage the drivers to go out
11 there and do their jobs every day. But at
12 this rate, we don't know what is going to
13 happen. Why? Because it just, once again,
14 doesn't make sense. You are he earning almost
15 \$40,000 two years ago and today you are

16 earning \$8,000 less. How do you make ends
17 meet?

18 And mind you, the Medallions that the
19 City is selling, most of these drivers have to
20 pay a mortgage on their Medallions. If they
21 are earning less money, it just makes it that
22 much more difficult for them to fulfill their
23 obligations to make their payments. So it's
24 important that we understand that \$32,515 to
25 support your family, to pay the mortgage on

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27

1 your Medallion, it just makes it a lot more
2 difficult to bring good drivers into the
3 industry. Drivers are leaving, they are not
4 coming.

5 And it's very important that you also
6 understand that the City of New York has a
7 private industry that has generated -- the
8 only private industry that has generated
9 approximately \$340 million over three years
10 for this City is the taxi industry. The only
11 industry that has not received compensation
12 for high gas cost prices is the taxi industry.
13 So here you have a city that is making a ton
14 of money from the industry, but is not letting

15 them live. It's literally choking them. And
16 that's totally unacceptable.

17 Exhibit E, once again, focuses on the
18 wages. New York City taxi drivers annual
19 pre-tax 2004 to 2006 plummeted 21.5 percent.
20 Cost of living rose almost 8 percent, which
21 basically puts the drivers in a position where
22 they are earning 30 percent less today than
23 what they were earning in the past.

24 Now, if you look at other industries,
25 like the supermarket industries, the

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28

1 landlords, the airlines, the utility
2 companies, the railroads, the trucking
3 industry, these people have all gotten more
4 money because of high oil prices. New York
5 City taxi drivers have gotten zero, and, once
6 again, that's totally, totally unacceptable.

7 Thank you, Chad.

8 (Applause.)

9 MR. MATEO: In summary, all the New
10 York State Federation of Taxicab Drivers is
11 seeking to have the TLC protect the
12 livelihoods of New York City taxi drivers by

13 showing us the same level of respect and
14 consideration other localities across the
15 nation have shown their taxi drivers by
16 enacting fuel surcharges.

17 To be certain, New York City does
18 very well with its taxi, as I explained
19 before. Not only are taxis the primary form
20 of transportation for New York's millions of
21 tourists who come to New York, spend their
22 money and invigorate our economy, but the City
23 also makes annual killings off the selling of
24 Medallions. This month alone, as I said, the
25 City will sell another 308 new taxi

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29

1 Medallions, with an average reported price of
2 \$379,000 per Medallion.

3 The TLC should see a return of \$160
4 million, enough to probably put back into the
5 monies Homeland Security took away from us.
6 So this industry is doing its part. It's good
7 to know that at least someone has found a way
8 to make a living off the taxi drivers.

9 The TLC needs to protect the taxi
10 driver's ability to earn a living through
11 their profession. To do this, TLC must

12 implement the \$1.50 per trip surcharge to taxi
13 fares that will applied when, and only when,
14 the prices of regular gasoline exceed \$2.50.
15 We are not looking to make money. We are
16 looking to turn the clock back to 2004 so that
17 we are earning the same today as we were
18 earning two-and-a-half years ago.

19 Lastly, I would be remiss if I did
20 not make a final comment about a separate
21 topic, this month's Medallion sale. It's a
22 comment that should apply to all future sales
23 of Medallions as well, and we will be writing
24 a letter to the Mayor of the City of New York
25 letting him know what our concerns are. It is

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30

1 long past time that the TLC formally adopts a
2 preference for selling Medallions to
3 individual drivers over taxi fleet owners and
4 corporations.

5 As a matter of fundamental fairness,
6 those who drive our taxis should receive the
7 maximum benefits for their labor. Unless the
8 TLC fundamentally changes the way it sells
9 Medallions, those wealthy enough to buy

10 numerous Medallions will continue to send
11 drivers off to struggle each night and make a
12 living while they sit home, do nothing, and
13 get richer by the day.

14 It's important that you consider
15 individuals over people that have a ton of
16 money, because small business is really the
17 backbone of the City.

18 Commissioners, thank you very much, I
19 appreciate it.

20 CHAIRMAN DAUS: Thank you for that
21 very well-organized presentation, Mr. Mateo.

22 The next Petitioner is League of
23 Mutual Taxicab Owners, I believe Vincent
24 Sapone is here. Good morning, Mr. Sapone.

25 MR. SAPONE: Good morning. Thank

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31

1 you, Mr. Chairman, Commissioners. My name is
2 Vincent Sapone, you are probably all aware of
3 that. I am managing director of the League of
4 Mutual Taxicab Owners. It is about 4,000
5 strong today, God bless, and we represent the
6 owner-drivers but we also have some lease-
7 drivers. Not as many as the owner-drivers,
8 but we have some.

9 And, You know, I hope you got my
10 Petition in front of you. Mateo did a
11 wonderful job, but no one here is oblivious to
12 what is going on. I don't feel I have to
13 bring demonstrations here of signs and cards.
14 Everyone here knows what is going on. You
15 read the paper, you guys are smart. You are
16 very intelligent or else you wouldn't be
17 sitting there.

18 The bottom line is, I am talking
19 about the small business man or the small
20 working man, lease-drivers, owner drivers.
21 They have to work 12 hours a day to make a
22 certain amount of money. Most of them work
23 six days and some of them seven days. The
24 bottom line is that it is costing them an
25 extra \$25 a day or so for gas.

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32

1 What business does anyone here, and
2 let them come back at me and tell me, that
3 knows that uses fuel and doesn't raise their
4 prices? I want to know who doesn't do that?
5 Are we in China? Are we in Russia?
6 What is the reason? I feel some

7 reason that -- forgive me, the TLC is trying
8 to hold us back. What is so hard to
9 understand that we need a surcharge? If gas
10 goes back down to \$2, okay, take it away. I
11 have been told that for years. I am coming
12 here for years. This is my third petition,
13 okay, and every time they told me that, they
14 know more than me, okay. And you know what,
15 the big guys were wrong. The little guys were
16 right. It keeps going up.

17 What do we have to do? Do we have to
18 beg to get a surcharge here? This is
19 important. Would anyone here like the idea if
20 the Mayor says, "You know what, you are
21 getting paid too much. I am going to deduct
22 your salary." Would anyone like that? Why
23 are we hurting the little guy? What's the
24 reason for that?

25 I have a whole list of what to talk

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33

1 about here. Maybe I should, I think I should.
2 You have it in front of you, I hope you all
3 read it. I don't know how to get through to
4 anyone here. I know I have some supporters
5 here, and God bless you. And maybe I have a

6 few doubtful people, and why, what the reason
7 is, is beyond me. Who could be doubtful?

8 My garbage man charged me a
9 surcharge, okay. An air conditioning guy came
10 to fix the air conditioning at our building,
11 they charged us a surcharge for gas. You
12 know, there are certain people out there that
13 don't want to pay an extra penny, that always
14 complain, that take taxis and buy products,
15 that always complains, no matter what the
16 price is.

17 We don't transport dishwashers. Most
18 of our people that we transport make \$40,000
19 to \$200,000 a year. And if they take a cab
20 twice a week and they can't afford that extra
21 \$2, they should move out of New York. We have
22 the best taxi industry in the world, and they
23 all look to Mr. Daus to follow what he is
24 doing.

25 Why can't you -- and forgive me for

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34

1 yelling -- why can't you say, you know what,
2 let's do it. Let's do the right thing to help
3 these people. Maybe someone is telling you

4 not to do it, I don't know, okay. But the

5 bottom line is, help a human being.

6 If you go to the store and they raise

7 a gallon of milk five cents, you have to pay

8 for it. The owner ain't paying for it. Why

9 should we absorb it?

10 Now, if you read my Petition -- do I

11 have more time or I ran out of time?

12 CHAIRMAN DAUS: You can proceed.

13 MR. SAPONE: Excuse me, if I don't

14 pronounce certain words right because I was

15 born in Harlem. Nothing wrong with Harlem,

16 don't get me wrong, but I grew up in a

17 neighborhood, you know what I mean.

18 Anyway, I want to thank Commissioner

19 Sander and Noach Dear for the last time I was

20 here, throwing in that little dig about what

21 we need. And Mateo is right, we can't wait 60

22 days. We cannot wait 60 days. You guys have

23 to do something. And there are ways, you

24 know, we have some high profile people here.

25 There are ways to talk to the Mayor to get the

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35

1 surcharge moving.

2 60 days, air conditioning being used,

3 that's a long time. You know, if I got a
4 heart condition and I get a heart attack, I
5 don't want an ambulance to wait 60 days to
6 come pick me up.

7 (Applause.)

8 MR. SAPONE: Maybe some people don't
9 like what I say, but I say what I feel. I
10 don't mean to insult nobody, trust me. I say
11 what's good for my neighbor and my brother, no
12 matter what color they are or where they come
13 from. That is what I talk about, help the
14 neighbor. That's the way I was brought up.

15 Anyway, getting back to our Petition,
16 we are looking for a 95 cent increase on the
17 meter. We feel that's fairest way for the
18 drivers and fair for the customers. And you
19 know what, I don't see any rebuttal from
20 passengers. You might have one out of ten who
21 says, "I ain't paying that." So let them
22 walk, let them take the subway. Who cares?

23 Let them complain to you, let them
24 send you a thousand letters. Who cares?

25 Anyway, the current rate of fare, the

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1 TLC, pursuant to New York City Charter Chapter

2 65, Section 23.04 -- who wrote this?

3 By the way, the former Chairman, he

4 helped us put this together.

5 CHAIRMAN DAUS: Mr. Sapone, I have

6 read it. Do you have anything that you would

7 like to add to the Petition at this time?

8 MR. SAPONE: In other words, I don't

9 have to go over it at all?

10 CHAIRMAN DAUS: No, it's on my desk

11 and I have read it and we are analyzing it.

12 Is there anything that you would like

13 to add?

14 MR. SAPONE: If you read this here,

15 what is on your desk now, it explains, I

16 think, in more detail. The TLC Rule 1-09(b)

17 mandates two and ten shifts per year for

18 independent owner-drivers, at 20 gallons per

19 shift, the cost of fuel was \$34 per shift

20 prior to the last fair adjustment. \$1.70

21 times 20 equals \$34, that's simple enough.

22 The cost was \$7,140 per year, 34

23 times 210 equals 7,140 --

24 CHAIRMAN DAUS: I'm sorry, Mr.

25 Sapone, we have the Petition.

1 MR. SAPONE: In other words, I am
2 boring you.

3 CHAIRMAN DAUS: No, not at all. We
4 have the Petition. The purpose of this was to
5 give you the opportunity to supplement it.

6 MR. SAPONE: All right. Before I
7 leave, all I want to say is, listen, there
8 might be one of you or two of you that don't
9 agree, and I don't know why. Only the Lord
10 knows why. The rest of you, stand up and be a
11 man and be a person and do what is right.

12 One of these drivers could be your
13 brother-in-law, your brother or your son.
14 Think of it that way. They are human beings,
15 they are spending X more dollars a day for gas
16 and the guy who rides in the taxi should pay
17 for that.

18 Thank you so much.

19 CHAIRMAN DAUS: Thank you, Mr.
20 Sapone.

21 The last Petitioner is the Taxi
22 Workers Alliance.

23 Good morning, Ms. Desai. Please
24 identify yourself and the gentlemen with you
25 for the record, please.

1 MS. DESAI: Sure.

2 Good morning, I am Bhairau Desai of
3 the New York Taxi Workers Alliance.

4 MR. HAUCK: My name is Bernaro Hauck
5 (ph) of the New York Taxi Workers Alliance.

6 CHAIRMAN DAUS: Good to see you, Mr.
7 Hauck.

8 MS. DESAI: We have one more
9 presenter, Bairsford Simmons (ph).

10 MR. SIMMONS: Hello, gentlemen and
11 ladies. I am Bairsford Simmons, and I am a
12 member of the New York Taxi Workers Alliance,
13 I am also a present-day driver.

14 CHAIRMAN DAUS: Thank you, good
15 morning.

16 MS. DESAI: Good morning. Thank you
17 for this opportunity. As you know, our
18 Petition calls for emergency action. It's a
19 shame that in November of 2005, when the TLC
20 actually rejected our fuel surcharge petition,
21 at the same hearing at the end of that
22 hearing, you took emergency action to change
23 the renewal procedures around the drug test,
24 so I really ask you, what is the priority?

25 At that time, we had testified that

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39

1 drivers had lost close to \$3,000 in income of
2 how much extra they were paying to gas up;
3 yet, you chose to ignore that issue, and
4 instead, take emergency action to require
5 people to renew within 30 days. I hope that
6 all these months later, that the priorities of
7 the TLC have come back into order and
8 recognize that at this point, since March of
9 '04 up to today, taxi drivers have paid over
10 \$4,200 extra to gas up.

11 That's \$4,200 of income that was
12 promised to drivers at the time of the fare
13 raise. The only fare raise within one whole
14 decade. I don't think that any worker who
15 would earn close -- whose income will go down
16 over \$130 a week, which is what we are talking
17 about, in March of '04, the gas prices were
18 \$1.80 per gallon, drivers were paying \$28.80
19 to gas up. At the current rate, they are
20 paying closer to \$50 to gas up. That is a
21 loss of income of over \$21. For a six-day
22 work week that is a loss of income of over
23 \$130.

24 Imagine, if overnight, your salaries
25 were cut by \$130 per week. Now perhaps for

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40

1 people that earn in the high income rate of
2 over 50,000, 60,000, 100,000 a year, that may
3 seem like pennies. But for people who are
4 working 60 to 70 hours a week and still
5 earning within the high 20s at the very most,
6 this is significant money.

7 For the first time drivers expected
8 since 2004 to be able to pay the rent on time,
9 to have family vacations, to provide for their
10 children in a better reasonable means. And
11 with one hand the City gave us the raise and
12 with the other, you have taken it away. We
13 need you to act immediately. This is a
14 crisis. This is an imminent threat to the
15 livelihood and basic quality of life for over
16 40,000 workers in this industry.

17 From the richest corporations in
18 world, from Wal-Mart to American Airlines, to
19 the smaller businesses in this country,
20 everyone has gotten a surcharge except for
21 taxi drivers. In New York City itself, you
22 have a completely three-tiered system where

23 the livery and black car industries, whose
24 rates re not regulated by the TLC, they have
25 enacted surcharges. From the biggest

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41

1 corporations within the livery and black car
2 industry to the smaller bases.

3 Yet, the medallion taxicab industry,
4 the drivers, who are the ones that bring in
5 the most capital into New York City within
6 this industry are the ones who have continued
7 to suffer.

8 Lastly, I want to say that this is
9 the one cost in this industry -- again, in
10 this industry the only thing that a taxicab
11 driver is guaranteed are your losses and the
12 risks that you bear. Your safety is not
13 guaranteed, your income is not guaranteed, and
14 certainly high rates of profit and return are
15 nowhere in the picture, yet alone, to even be
16 considered as a guarantee.

17 Your expenses are the only guarantee
18 that you have, and the one expense that
19 fluctuates the most in this industry is the
20 price of fuel. And that happens to be the

21 only expense that taxi drivers pay for 100
22 percent out of pocket. This is the one
23 expense that the TLC must begin to regulate.
24 If the car breaks down, you have policies.
25 With Medallions, you can refinance. There are

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42

1 other measures to protect the fluctuations in
2 various operating expenses in this industry,
3 except when it comes to the cost of fuel. And
4 it is not a coincidence to us that it is the
5 one cost that only drivers seem to pay for.
6 So when you refuse to act on a surcharge, what
7 you are saying to 40,000 working families is
8 that the Taxi and Limousine Commission could
9 care less if you lose thousands upon thousands
10 of dollars of hard-earned money.

11 You need to set the record straight
12 and say to 40,000 families that you do care.
13 You respect your own policy. That you will
14 stick with your words. You promised us a
15 particular raise and a particular income in
16 March of 2004, and you will be honorable about
17 your own words and your own promise, you will
18 live up to that and protect the income that
19 tax drivers fought so hard to win and that you

20 had said they would be guaranteed.

21 All we are asking for is an offset in
22 the increase in an operating cost. We are not
23 asking for a general fare raise, it is just a
24 surcharge. It is temporary. It is in
25 relation to the cost of fuel. If that price

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43

1 comes down, then so does the surcharge.

2 (Applause.)

3 MS. DESAI: Thank you, Ms. Desai.

4 MR. HAUCK: Good morning, Mr.
5 Chairman and Commission. I don't want to
6 repeat the whole thing which you got it also
7 in our Petition.

8 It is just that we are urging on
9 behalf of the drivers to take action as quick
10 as possible because the drivers are losing
11 lots of money, every day \$20 to \$25 extra they
12 are paying at the gas station. They hard
13 working people and at the end shift, they are
14 just getting to the gas station.

15 CHAIRMAN DAUS: I understand.

16 MR. HAUCK: It is what you promised
17 in 2004, to protect the driver's income. So I

18 believe that you will take this action as
19 quick as possible. It is \$600 to \$700 a month
20 for the person driving a yellow medallion
21 taxicab, who are losing this money. This is
22 quite a lot of money.

23 It is not the person who is making
24 over \$100,000, \$200,000, it might not be big.
25 But for the cab drivers, it is really, really

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44

1 a big amount of money. So I urge the
2 Commission to take this action as quick as
3 possible. This is not permanent. This is
4 just temporary,, if you look at it, if the
5 price goes below \$2, it will not be effective
6 anymore. If it \$2 to \$3, then 50 cents, and
7 \$3 to \$4, a dollar. That's the ratio of the
8 price. So you have to look at it.

9 CHAIRMAN DAUS: Thank you, your
10 point is well taken. And thank you for your
11 petition, it is very well done.

12 MS. DESAI: We just have one last
13 comment.

14 CHAIRMAN DAUS: If it is brief,
15 please, because it is not fair to the other
16 groups.

17 MS. SIMMONS: It is very brief, sir.

18 Like I said, my name is Bairsford

19 Simmons and my hack license number is 338474,

20 and that will give you an example of how long

21 I have been driving a cab. Over 30 years in

22 New York City.

23 I can't repeat what everybody else is

24 saying, but we are definitely in need of a

25 dollar surcharge on the gas, dependent on

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45

1 wherever the gas prices go. I drive one of

2 the wheelchair accessible cabs, and I am

3 telling you, sir, it costs me \$75.00. And I

4 every day break the rule by working more than

5 my 12 hours to survive. If you guys see me in

6 the street, you will know what happened.

7 So I am asking you, gentlemen,

8 ladies, to oversee whatever the petitions we

9 have here and give us what we are asking for.

10 We are not asking for a raise, we are just

11 asking for a surcharge to surplus the gas.

12 CHAIRMAN DAUS: We certainly don't

13 want you to do that, to break those rules.

14 MR. SIMMONS: That is what I have to

15 do.

16 CHAIRMAN DAUS: I certainly commend

17 you for your services to the industry, 30

18 years of staying in, and the fact that you are

19 one of the individuals out there trying to

20 make a difference for the disabled community,

21 we applaud you and commend you for that and

22 thank you.

23 We will make a decision forthwith.

24 MR. SIMMONS: Thank you very much for

25 hearing us, sir.

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46

1 CHAIRMAN DAUS: Thank you very much.

2 I would like to now proceed to Item 4

3 on the agenda, the base licensing application

4 review. We Sara Meyers from our Licensing

5 Division who will be making the presentation.

6 MS. MEYERS: Good morning. I guess

7 I will just follow in Bill Carter's footsteps.

8 CHAIRMAN DAUS: Yes, some of the

9 cameras are clearing out, Sara, if you could

10 just wait a few seconds.

11 MS. MEYERS: Sure.

12 CHAIRMAN DAUS: Okay.

13 MS. MEYERS: Today we have 58 bases

14 that are being proposed for either a renewal
15 of their current license, to be granted a new
16 license, or to be granted an ownership change
17 or relocation, so I will just read the list.

18 CHAIRMAN DAUS: As per protocol in
19 the past, if anyone has any issues with any
20 particular bases Sara is reading, just shout
21 out that you have an issue with the base and
22 we will put it to the side.

23 These are not denials, Sara, correct?

24 MS. MEYERS: There are no denials
25 today.

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47

1 CHAIRMAN DAUS: Okay, let's go.

2 MS. MEYERS: The following two bases
3 are applying for a new base license: Base
4 number B01238, Guadalupana Car & Limo. Inc.,
5 B02139, Mo Super Cars.

6 The following 50 bases are applying
7 to renew their current base license: B01041,
8 18th Avenue Too Inc.; B01035, Amsterdam Radio
9 Dispatcher Inc.; B01960, Bloomingdale Car
10 Service, Inc.; B02020, Blue Diamond Car
11 Service Inc.; B01631, B.O.B. Express; B01051,

12 BQN Car Service; B01312, Brooklyn Radio
13 Dispatch, Inc.; B00827, Castle Car Service,
14 Inc.; B00881, Crossbay Car Service, Inc.;
15 B01277, D&J Service Incorporated doing
16 business as Citicar Private Car Service;
17 B00957, DMD Incorporated; B00823, Eastern LPB
18 Inc.; B01215, Ecuadoor Corp.; B01529, Ecu
19 Line Corp. doing business as New Eastern Car &
20 Limo Service; B02039, Ecu Mex Inc. doing
21 business as Cancun Express Car & Limo; B01423,
22 Eilat Transportation Corp. doing business as
23 Manhattan Car Service; B01593, Evergreen
24 Transportation Incorporated; B01433, Fanny
25 Radio Dispatcher Service Incorporated; B00176,

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48

1 Fiat Express Corp., B01129, Gateway
2 Incorporated doing business as Gateway Car &
3 Limo; B00728, Gunhill Car Service; B01169,
4 Hollywood Radio Dispatch Inc.; B01465, Ivette
5 Car Service; B01445, J.T. Transportation
6 Company Incorporated; B01351, Khageirekh Car
7 Service; B02041, Lex Car Service Incorporated;
8 B01489, Lincoln Limo Brokerage Incorporated,
9 B01389, Metro luxury Inc.; B02004,
10 Metropolitan Multiplex Car Service Corp.;

- 11 B01039, Monopoly Inc. doing business as Bnei
- 12 Joseph Car Service; B01527, New Family Radio
- 13 Dispatcher Incorporated; B01555, New Jerusalem
- 14 Car Service II Incorporated; B01984, New York
- 15 88 Express Corp.; B00859, Promenade Car
- 16 Leasing Inc.; B01996, Puebla Express Corp.
- 17 doing business as Poblana Car & Limo; B01273,
- 18 Puerto Rico Car Service Incorporated; B01973,
- 19 Raja Car & Limousine Service Inc., B01565, R&B
- 20 Car Limo Corp.; B01444, Rego Park Express
- 21 Inc.; B01177, RPDW doing business as New
- 22 Richmond Car Service; B01569, Shaheeda Corp.
- 23 doing business as Jamaica Express #2 Car
- 24 Service; B00977, Sun Fat Tat Express Corp.;
- 25 B01453, St. George Express Car Service Inc.;

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49

- 1 B02019, Timely Car Service; B01685, Tov Too
- 2 Transportation; B0030, Tremont Dispatch
- 3 Incorporated; B00401, Tremont Dispatching
- 4 Corp.; B01629, VHC Incorporated; B01315,
- 5 V.I.T. Car service Inc.; B01029, Zion Car
- 6 Service Inc..
- 7 The following two bases are applying
- 8 to renew their base license as well as

9 relocate their base station location: B01326,
10 Deborah Car & Limo Service, Incorporated;
11 B00345, Martin's Belle Harbour Car Service.

12 The following three bases are
13 applying to renew their base station license
14 as well as transfer ownership: B01717, High
15 Class Bronx Limo & Car Service Corp.; B01651,
16 Hunts Point Car Service Corp. d/b/a Redi-Eagle
17 Car Service; B01697, New Mexicana Car Service
18 Incorporated.

19 And, finally, the following base is
20 applying to change its base station location
21 and transfer ownership, and that's B02029,
22 Golden Azteca Corp. d/b/a Mex Cancun Express.

23 CHAIRMAN DAUS: Any questions or
24 comments about these applications from our
25 Board?

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50

1 (No response.)

2 CHAIRMAN DAUS: Okay, do I have a
3 motion to approve?

4 COMM. WEINSHALL: So moved.

5 CHAIRMAN DAUS: Do I have a second?

6 COMM. SANDER: Seconded.

7 CHAIRMAN DAUS: All in favor?

8 (Chorus of "Ayes.")

9 CHAIRMAN DAUS: Thank you, Sara.

10 I just want to note for the record
11 also, as we have done in prior license
12 applications, that the following bases which
13 have one or more convictions for dispatching
14 unlicensed drivers be looked at in the same
15 way as all others, including adherence to a
16 business plan.

17 I would like to just state those
18 bases for the record: Bloomingdale Car
19 Service, Blue Diamond Car Service, Castle Car
20 Service, D&J Service Inc. doing business as
21 Citicar Private Car Service, Eastern LPB Inc.,
22 Ecuadoor Corp., Ecu Line Corp. doing business
23 as New Eastern Car & Limo Service, Ecu Mex
24 Incorporated doing business as Cancun Express
25 C&L, GTWY Inc. doing business as Gateway Car &

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51

1 Limo, Hollywood Radio Dispatch Inc.,
2 Metropolitan Multiplex Car Service Corp., New
3 Family Radio Dispatcher Inc., New York 88
4 Express Corp, Promenade Car Leasing Inc.,
5 Puebla Express Corp. d/b/a Poblana C&L, RPDW

6 doing business as New Richmond Car Service,
7 Shaheeda Corp. doing business as Jamaica
8 Express #2 Car Service, St. George Express Car
9 Service Inc., Tov Too Transportation Inc.,
10 High Class Bronx Limo & Car Service Corp.,
11 Hunts Point CS Corp. doing business as
12 Redi-Eagle CS, and New Mexicana CS Inc.

13 I also want to thank Sara and all the
14 licensing staff for all their hard work. I am
15 glad to report to the Commission that we are
16 almost up to date, and that starting next
17 month, we should be hearing applications from
18 the spring.

19 MS. MEYERS: We are today actually.

20 CHAIRMAN DAUS: Actually we are
21 today, great. Excellent job and I want to
22 thank everybody, Andy, and all the folks in
23 Licensing who played a part in that process.

24 I would now like to turn it over to
25 Chuck who is going to talk about Item 5 on the

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52

1 agenda.

2 MR. FRASER: We have a proposed rule
3 for hearing and consideration today.

4 The proposed rule is very

5 straightforward. The rule would allow
6 ownership of a taxicab medallion by a limited
7 liability corporation company which is known
8 as an LLC. As of now, our rules permit
9 medallion ownership only by an individual,
10 partnership or a corporation. This would
11 expand ownership eligibility to LLCs.

12 We published the Rule for written
13 comment. We have received no written
14 comments, and so, we are ready for the public
15 hearing.

16 CHAIRMAN DAUS: We only have one
17 speaker that signed up to speak, that is Mr.
18 Vincent Sapone.

19 He is out with the cameras, all
20 right. So we have no speakers for the public
21 hearing.

22 Any questions or comments from the
23 Commissioners?

24 COMM. DEAR: Could you elaborate,
25 just help explain the difference between this

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53

1 and the others and what kind of effect will it
2 have on the industry?

3 MR. FRASER: Essentially no effect on
4 the industry.

5 The Limited Liability Company has
6 some tax advantages, I understand, and so it's
7 a commonly used mechanism for ownership of a
8 business, and this would make that available
9 for medallion owners. I don't think the staff
10 review of this indicates there will be any
11 affect on the industry whatsoever.

12 CHAIRMAN DAUS: This is more making
13 our rules conform to laws that were passed
14 about LLCs, right?

15 MR. FRASER: Well, the Ad Code does
16 not limit ownership of a medallion to
17 individuals, partnerships or corporations.
18 And so our rule was more restrictive than the
19 Ad Code, and this expands our rules somewhat
20 closer to the extent permitted by the Ad Code.

21 COMM. DEAR: What did we do until
22 now? I mean, taxis are not a new --

23 MR. FRASER: Until now, Limited
24 Liability Companies would not have been able,
25 under our rules, to own a medallion.

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1 COMM. DEAR: So instead of LLC, what

2 did they do?

3 MR. FRASER: Corporations,
4 partnerships or individuals.

5 CHAIRMAN DAUS: There have been some
6 changes in the corporate law in the last few
7 years. It's important for our rules, because
8 we spell out different types of corporate
9 ownership, to just allow individual corporate
10 owners to make the choice as to what's best
11 for them for a variety of different reasons.

12 I can't see any compelling reason.
13 It was more of a housekeeping proposal.

14 Any other questions?

15 (No response.)

16 CHAIRMAN DAUS: Do I have a motion
17 to approve?

18 COMM. SANDER: So moved.

19 CHAIRMAN DAUS: Okay, a second?

20 COMM. WEINSHALL: Second.

21 CHAIRMAN DAUS: All in favor?

22 (Chorus of "Ayes.")

23 CHAIRMAN DAUS: Okay, it passes.

24 Item 6 we have a staff presentation.
25 I would like to call Pansy Mullins, our Deputy

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1 Commissioner for Uniformed Services, who is
2 doing an outstanding job.

3 As you know, some of the focus has
4 been on bases and base enforcement. And as a
5 result of all the hard work of licensing and
6 enforcement. Now that we have actually
7 started telling bases you better clean up your
8 act, and if they don't we are standing ready
9 now to make sure that we enforce the law. So
10 if you continue to operate without a license
11 as a base, we take action.

12 So her presentation is going to be
13 about padlocks and the padlock procedures.
14 Some of you may have been familiar with this.
15 Pansy has some requests and some information
16 to share with us.

17 Good morning, Pansy.

18 MS. MULLINS: Good morning. In
19 response to issues raised by several
20 Commissioners during the February meeting
21 about whether bases were being given advance
22 notice about renewing their licenses, TLC
23 staff began developing a plan to notify bases
24 that did not have current licenses.

25 Licensing mailed letters to the bases

1 30 days ahead of time, notifying them that
2 they had 30-day time period to submit their
3 completed base application or close the base.
4 Copies of the letters were then to given to
5 USB and USB then hand-delivered them to the
6 bases and reminded them that they had to
7 submit their application within 30 days or
8 otherwise they would face the possibility of
9 us bringing an action to padlock the base.

10 This also allowed us to find out
11 which bases were no longer operating and
12 notify Licensing so that they could update
13 their database. Most bases submitted their
14 completed application within the time period.
15 However, those that didn't were issued a
16 notice of violation and a hearing.

17 The violation alleged that they were
18 unlicensed and so they were fined a \$100 a day
19 for every day they operated while unlicensed.
20 And that if they didn't become licensed, we
21 were requesting a padlock order, so that if
22 they continued to operate, we would padlock
23 their premises.

24 For current renewals, Licensing is
25 now sending out a letter 90 days prior to the

1 expiration date reminding them that they have
2 90 days to renew their license. USB is then
3 going out 30 days before the license is due
4 for renewal, reminding them that they 30 days
5 to renew their license and that if they don't,
6 we will bring appropriate action.

7 At the end of the 30 days, Licensing
8 notifies us of those bases that have not
9 renewed their license application, and we then
10 go out and serve a notice of violation and
11 hearing for the padlock hearing. At that
12 point a hearing is held at Rector Street with
13 the base part presenting the evidence on
14 behalf of the TLC and the Respondent is
15 allowed to be present with an attorney and to
16 present any evidence they wish to present.

17 At the conclusion of the hearing a
18 report of recommendation is made by the ALJ
19 and it is submitted to the Chair, who may
20 accept, reject or modify the ALJ's decision.
21 If the base is found guilty in the decision
22 and order, the decision and order is posted on
23 the premises and it gives the base 10 days to
24 either become licensed or stop the unlicensed

25 activity.

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58

1 If after 10 days the unlicensed
2 activity continues, under Administrative Code
3 19-528, Subdivision E, we would then request
4 permission, from you, the Commission, to seal
5 the premises.

6 Since the Commission only meets once
7 a month and may not meet on both summer
8 months, we are requesting you to authorize the
9 Chair, or his designee, to be able to issue an
10 order so that we can speed up the process. I
11 am requesting that you delegate to the Chair,
12 or his or her designee, the authority,
13 pursuant to Section 19-528(e) of the
14 Administrative Code to issue written
15 directives authorizing the enforcement of
16 orders issued pursuant to 19-528(b) of the
17 Administrative Code, which is operating while
18 unlicensed.

19 Additionally, I am requesting also
20 that you delegate to the Chair, or his or her
21 designee, the authority pursuant to 19-528(f)
22 of the Administrative Code to order the

23 premises that have been sealed to be unsealed.

24 CHAIRMAN DAUS: Okay, Chuck?

25 MR. FRASER: For the more legally

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59

1 inclined, I have passed along a copy of the
2 padlock statute, Section 19-528 of the
3 Administrative Code.

4 The two sections that Deputy
5 Commissioner Mullins is referring to are
6 paragraphs E and F. The statutory scheme
7 provides that after the violation, after the
8 license expires, after the violation is
9 issued, after the hearing is held, after the
10 base is found guilty of unlicensed operation,
11 and the notice -- the order that they be
12 closed is posted at the premises and 10 days
13 passes, after all of that, the Commission then
14 must issue a written directive authorizing
15 essentially the execution of the order, and,
16 therefore, the physical closing, the sealing
17 of the base. That's paragraph E

18 Paragraph F provides that the
19 Commission can order, when the requirements
20 are met, the Commission can then order the
21 premises to be unsealed. That's paragraph F.

22 The point that Deputy Commissioner
23 Mullins is making is that we obviously want to
24 be able to close an illegal base, a base that
25 is operating without a license, quickly. The

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60

1 Commission only meets monthly, and obviously,
2 there might be months, for instance, August, a
3 summer month where the Commission might not
4 meet. So the idea would be that after the 10
5 days has expired, Deputy Commissioner Mullins
6 is suggesting that it might be beneficial not
7 to have to wait until the next Commission
8 meeting in order to be actually execute the
9 closure order. Therefore, that's why she is
10 asking for delegation of 528(e).

11 The converse is once the base has now
12 cleaned up their act and complied with all the
13 requirements, we want to be able to unseal the
14 base as quickly as possible without further
15 delay. Again, the Commission only meets
16 monthly and so on. And so, we want to be able
17 to do that under 528(f) as promptly as
18 possible.

19 So the second thing I have passed out

20 is language for your consideration that would
21 effectuate the delegation that Deputy
22 Commissioner Mullins is requesting. And I
23 will just read it for the record:
24 "The Commission hereby delegates its
25 authority to issue a written directive

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61

1 pursuant to Section 19-528(e) of the
2 Administrative Code and its authority to order
3 that a premises be unsealed pursuant to
4 Section 19-528(f) of the Administrative Code,
5 to the Chair or his or her designee."

6 CHAIRMAN DAUS: Does anybody have
7 any questions for Chuck or Pansy on the
8 delegation or the issue?

9 COMM. DEAR: We are talking about
10 voting on this today?

11 CHAIRMAN DAUS: That's what they are
12 recommending.

13 COMM. DEAR: Without any notice or
14 any hearings?

15 CHAIRMAN DAUS: Are notices or
16 hearings required?

17 MR. FRASER: This is not a rule.
18 This is a delegation of authority. I

19 conferred with the Law Department about it,
20 and their opinion, with which I agree, is that
21 this is not needed as a rule, and, therefore,
22 the CAPA process and the public notice is not
23 required.

24 You may choose to do it anyway, but
25 it is not required.

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62

1 COMM. DEAR: My concern is, and I
2 will put on my lawyer's hat, before we change
3 rules and start giving out delegation of
4 powers, I like to sleep over something like
5 this. I like to hear what other people have
6 to say about it.

7 And the concern is also, and this has
8 always been an issue when I was in the Council
9 also, before we take away powers from one
10 group to another, we are taking away powers
11 from the Commission and giving it over to the
12 Chairman, I think we should have a little more
13 discussion.

14 COMM. SANDER: You want to wait a
15 month?

16 COMM. DEAR: I would like to hold

17 this over.

18 CHAIRMAN DAUS: My understanding is

19 that this is, first of all, not a power grab

20 by the chair. That is a ministerial matter,

21 and by not voting on it today, now that we

22 have these padlock cases coming up, it may

23 result in us not being able to take action

24 against unlicensed bases, and a delay.

25 I am going to abstain and not vote on

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63

1 this because it does involve me. This is not

2 a power grab, Commissioner Dear. This is a

3 process that is long-standing that involves a

4 ministerial delegation of authority on one

5 tiny part of this process.

6 The Commissioner delegated to the

7 Chair many years ago in 2000 the ability to

8 make the final decisions. This is simply once

9 you make the decision, because of some arcane

10 language in the local law that the Council

11 passed, Chuck and Pansy want to make sure that

12 it is perfectly clear that the actual issuance

13 of a letter or a directive following my

14 decision can be executed so that these folks

15 can't go into a court and challenge us that we

16 didn't have the authority.

17 So I think it is in the best interest
18 of the public. It is for you all to decide
19 what you want to do.

20 COMM. DEAR: Give me some
21 background. What has happened until now?

22 MR. FRASER: What has happened in
23 recent years is that when we brought padlock
24 proceedings, all of the bases that we have
25 brought them against have settled with us

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64

1 rather than go to trial and force the
2 adjudication.

3 We are finding now with our toughened
4 enforcement and stricter, an appropriately
5 stricter application of the base renewal
6 rules, we are finding that a number of bases
7 are not settling and are going through the
8 adjudication. As to the question of what
9 would happen if we delay this a month, one of
10 the downsides of doing that is that we do
11 expect to have padlock orders coming, and,
12 therefore, there will be a delay in actually
13 executing them and closing down the illegal

14 bases.

15 COMM. DEAR: The next meeting is
16 July 18th, so it is not -- how long will it
17 take to execute the padlock orders?

18 MR. FRASER: Once the Commission
19 issues the written directive, I assume it
20 happens the next day.

21 COMM. DEAR: Let me ask you this
22 Commissioner, and I have tremendous respect
23 you. It is not like I am against you, but
24 there are issues --

25 MS. MULLIN: I don't take it

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65

1 personally.

2 COMM. DEAR: I know you don't. But
3 is there something pending? Are there issues
4 right now?

5 MS. MULLIN: There is one decision
6 that I assume should be in front of the Chair
7 next week.

8 And just to point out, in my former
9 life as Consumer Affairs, the decision of
10 sealing had actually been designated to the
11 Director of Enforcement. And it's almost --
12 it's really an administrative process.

13 You post the order and you go back
14 and check, and if they are continuing to
15 operate, at that point you seal the premises
16 and issue another violation.

17 COMM. DEAR: You can't seal them now
18 without coming to the Commission?

19 MS. MULLIN: Without coming to
20 Commission, according to our rules.

21 COMM. DEAR: I don't think we've
22 ever had -- I don't remember in the years that
23 I have been here --

24 CHAIRMAN DAUS: It has never gotten
25 to that point.

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66

1 MR. FRASER: It has literally never
2 gotten to that point before.

3 MS. MULLIN: I can tell you the last
4 sealing signed dates back about four
5 Commissioners, so it seems it hasn't been done
6 in quite a few years.

7 COMM. DEAR: And, obviously, you are
8 having more of a problem now. Is this an
9 issue more now than before?

10 MS. MULLIN: Well, we are attempting

11 to really clean up a lot of things, so we have
12 spent a lot attention on the bases, because we
13 believe that if we put our attention on the
14 bases, they are the ones we can pressure to
15 then force their drivers and everyone else to
16 comply. So we are now attempting to make sure
17 all bases are properly licensed.

18 COMM. DEAR: So giving it over to
19 you now, would give you that opportunity
20 without coming to the Commission and then you
21 can do it quicker. And then what's the
22 Commission's role in this at all?

23 CHAIRMAN DAUS: We could notify you.

24 MS. MULLIN: We would report back to
25 you to let you know what was happening.

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67

1 COMM. DEAR: I don't know, because
2 the Commission had it, I would like some sort
3 of checks and balances. So I have no problem
4 if they want to do it, somehow we could review
5 if, and we don't accept it, we could overturn
6 it or not overturn it, something like that, if
7 there is an issue that is raised by somebody.

8 The concern I have is looking -- and
9 this has been fantastic, and we have had a lot

10 of exchange, but we have had a lot of
11 companies, base license applications, and,
12 remember, we were about to turn somebody down,
13 and they were in the corner and they didn't
14 know or there was some sort of
15 miscommunication, in particular, the language
16 issue and everything else.

17 So I have no problems, today is
18 Pansy, I want to think of the future. I
19 respect Pansy. She has done a great job and I
20 respect her, but I just want to make sure that
21 we have some sort of checks and balances even
22 though you have the powers, somehow we could
23 have a review of something like that, a call
24 up or review, that they do it and if there are
25 some questions raised, we have a right to

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68

1 review it.

2 CHAIRMAN DAUS: Again, if I could
3 just put things in context. We are talking
4 about unlicensed bases posing a threat to the
5 public. With all due respect, we have been
6 trying to do whatever we can to speed the
7 process up.

8 And we are going to be dealing with
9 this in a very real way because of all our
10 actions in holding these other bases
11 accountable. Now a lot of these bases have
12 their licenses denied and they are continuing
13 to operate. They are posing a threat to the
14 public.

15 I guess I just am not understanding
16 what the concern is. I just don't understand
17 it, Commissioner Dear.

18 COMM. SANDER: If I may, let me just
19 say a couple of quick things.

20 I appreciate what the Commissioner is
21 saying in terms of I am for the Commission
22 having an opportunity to take a look at them.
23 I think in this particular circumstance there
24 are compelling reasons about why we need to
25 act today.

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69

1 I would respectfully request, I know
2 you have done a terrific job in doing this
3 before when we have had items in trying to
4 give us a little more advance notice, and I
5 think that's part of the discomfort which I
6 understand the Commissioner raising sort of

7 prospectively, these kinds of items, if we can
8 kind of get them before --

9 CHAIRMAN DAUS: And I apologize for
10 that, but in our minds, we view this as a very
11 minor, ministerial -- I didn't realize that it
12 would be an issue. It's just a housekeeping
13 thing.

14 COMM. SANDER: Understood, If I may
15 continue?

16 CHAIRMAN DAUS: Okay.

17 COMM. SANDER: So there is no
18 problem with that and I understand you
19 wouldn't see that. For that reason, I totally
20 support giving the agency, giving the staff
21 without Commission approval, the ability to do
22 that. So I think it is appropriate.

23 In terms of the concerns that the
24 Commissioner raised, asking now for review and
25 notification when this occurs, just so we are

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70

1 notified when this happens. That might be one
2 way of addressing the Commissioner's concerns.
3 Again, I think the discomfort is more a sense,
4 a matter of notification and checks and

5 balances, from my previous work with

6 Commissioner Dear.

7 CHAIRMAN DAUS: Commissioner Dear,

8 if that would satisfy you, I would be more

9 than willing to do that. I was planning on

10 keeping everybody abreast of our developments

11 in this new area, which is significant for the

12 industry. For the licensed folks that do the

13 right thing and follow the procedures, this

14 sends a message to the people that says --

15 these are the people that came before us,

16 Noach, and said: You have two, three, five,

17 six, seven chances to fill out the paperwork.

18 And they don't do it and they are

19 operating in flagrant violation of our

20 authority. For us to go out there and use the

21 Administrative Code to the fullest extent of

22 the law to shut them down. So I hope that

23 would appease you.

24 COMM. DEAR: I understand. I just

25 want to put in safeguards, because I always

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71

1 know that there is something that falls

2 through the cracks. We've had a few examples,

3 and we dealt with them. And I appreciate how

4 we dealt with them. I just want to know,
5 because of the large immigrant community that
6 does not know how to deal with bureaucracy.
7 And we know this agency, if any agency deals
8 the immigrant community, it is this agency.

9 And I know you try very hard and I
10 just want to make sure that nothing falls
11 through the cracks and everyone has every
12 opportunity. But you are right, after a while
13 if they just don't understand it and they are
14 just doing it because they want to laugh at us
15 and defy our orders, then we have to move
16 forward. But the notification, I think, is
17 appropriate.

18 CHAIRMAN DAUS: Okay.

19 COMM. DEAR: But also again, as
20 Commissioner Sander said so eloquently, that
21 these things should not be sprung up on us.
22 These are things that we should discuss before
23 and let us know. Because when you start
24 changing, at least from an attorney's point of
25 view, I guess I am taking over a little bit of

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1 Alberto's part where he used to watch, be the

2 person who oversees to make sure that we are
3 doing everything correctly.

4 I am just concerned. Ever since I
5 remember taking a course in law school, and
6 they label you, you were this, you were that
7 and everything else. And after I walked out,
8 this professor, who was a very respected big
9 professor, very well known in criminal law, I
10 learned a lot.

11 We have to be careful. Before we
12 make rules and regulations, we have to make
13 sure who it is affecting and how it is
14 affecting them.

15 CHAIRMAN DAUS: That's a fair point.

16 I don't think the staff intended
17 otherwise, but we will keep that in mind as we
18 move forward.

19 COMM. DEAR: Again, it's nothing
20 against -- I told you from day one when you
21 talked about Pansy Mullin, I have the utmost
22 respect for her. She is in a tough position
23 but I know she is the most sensitive and
24 caring person there is.

25 COMM. SANDER: As is our Chairman.

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1 CHAIRMAN DAUS: Any more questions?

2 COMM. VARGAS: What about the
3 possibility, I would like to propose maybe
4 adding a sentence consistent with what
5 Commissioner Sander just said to this proposed
6 rule that says: Any time the written
7 directive is used and padlock procedures are
8 enforced by the Deputy Commissioner, that we
9 are notified the next Commission meeting of
10 what occurred and possibly the facts and
11 circumstances of what happened there?

12 CHAIRMAN DAUS: I think that's a
13 great idea actually.

14 Does anybody have an issue with that?

15 (No response.)

16 CHAIRMAN DAUS: Would you like to
17 make the motion then?

18 COMM. VARGAS: I will like to make
19 that motion.

20 CHAIRMAN DAUS: Do we have a second?

21 COMM. SANDER: Second.

22 CHAIRMAN DAUS: All in favor?

23 (Chorus of "Ayes.")

24 CHAIRMAN DAUS: For the record, I
25 will abstain since it involves me.

1 Thank you, Commissioner Mullin, we
2 appreciate your hard work.

3 Item 7, do we have a motion to close
4 the public meeting and convene in executive
5 session to consider the Commission Appeal of
6 Luc Cajuste, Hack License Number 392425?

7 COMM. WEINSHALL: So moved.

8 CHAIRMAN DAUS: We have a motion by
9 Commissioner Weinshall.

10 Do we have a second?

11 COMM. VARGAS: Second.

12 CHAIRMAN DAUS: All in favor of the
13 motion to close the meeting and go to
14 executive session to consider the appeal?

15 (Chorus of "Ayes.")

16 CHAIRMAN DAUS: Okay, we have a new
17 procedure so we just ask that the members of
18 the public vacate this room. We are going to
19 use this for the executive session, including
20 the media. Thank you very much for covering
21 us.

22 Thank you.

23 (Time noted: 11:20 a.m.)

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CERTIFICATION

I, MARGARET EUSTACE, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

MARGARET EUSTACE,
Shorthand Reporter

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25

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