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3   NEW YORK CITY

4   TAXI & LIMOUSINE COMMISSION

5   PUBLIC MEETING

6   --X

7   Webex Video Conference

8   October 19, 2020
                                    10:58 a.m.
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11   H E L D   B E F O R E:

12   RYAN WANTTAJA, Acting General Counsel

13   BRIAN SWITZER, Director of Operations, TLC

14

15   BOARD OF COMMISSIONERS:

16   ALOYSEE HEREDIA JARMOSZUK

17   BILL AGUADO

18   THOMAS SORRENTINO

19   LAUVIENSKA POLANCO

20   STEVEN KEST

21   KENNETH C. MITCHELL

22   NORA CONSTANCE MARINO

23

24   Sabrina Brown Stewart,
     Court Reporter
25

1

2   S P E A K E R S:

3   Aziz Bah, IDG

4   Michele Dottin, IDG

5   Osvaldo Santos

6   Diana Clemente, Big Apple Car, VIP Gold

7   Walid Malta

8   Anwaar Malik

9   Dimitri Basiloshvili

10   Tina Raveneau, IDG

11   Guillermo Fondeur

12   Peter Mazer, General Counsel, MTBOT

13   Andre Jurezdinstacak

14   Wenjie Cheng

15   Abdoulaye Barry

16   Larbi Aitaabou, IDG

17   Juan Cuello

18   Neville Black

19   Richard Jacobson

20   Gungshun Lee

21   Daniel Ackman, ESQ.

22   Gillian Stoddard Leatherberry, Bronx Defenders, CAP

23   Megumi Saito, Staff Attorney, WJP

24   Leonardo Castillo

25   Charmaine Christie, IDG

1

2   S P E A K E R S   C O N T I N U E D:

3   Gabriel Freiman, BDS

4   Pedro Acosta, IDG

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2   COMMISSIONER JARMOSZUK: Good morning.

3   And welcome to the New York City Taxi and

4   Limousine Commission meeting. I'm calling

5   this meeting to order. It is 10:58 a.m. on

6   Monday, October 19, 2020. Good morning, and

7   welcome to the New York City Taxi and

8   Limousine Commission meeting. This is our

9   first Commission meeting since the start of

10   the COVID-19 pandemic and the Commission's

11   first virtual meeting.

12   I am Aloysee Heredia Jarmoszuk,

13   Commissioner and Chair of the TLC. Today, I

14   am joined by our board of Commissioners; Bill

15   Aguado, Kenneth Mitchell, Steven Kest, Nora

16   Constance Marino, Lauvienska Polanco, and

17   Thomas Sorrentino. Commissioner Jacques Jiha

18   was called away last-minute and cannot join

19   us and sends his regrets.

20   While we wish we could be with you in

21   person today, I am glad to have the

22   opportunity to hold this meeting in a way

23   that allows everyone to convene and

24   participate safely. I want to begin by

25   acknowledging the licensees and TLC staff

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2   member we have lost to COVID-19. Tragically,

3   the pandemic has taken at least 52 drivers

4   from their families and loved ones. Those

5   drivers came from communities throughout the

6   City and from all sectors of the for-hire

7   transportation industry; and their loss has

8   been devastating for me, the TLC

9   Commissioners, and all staff at the agency.

10   From within the TLC, we lost David

11   Louis on April 3rd, at the young age of 36.

12   David was the Deputy Director of Client

13   Services at TLC's Licensing and Standards

14   Operation, as well as an overseer of our DMV

15   satellite office in Staten Island. A person

16   of deeply held religious faith, David's love

17   of family, his car savvy, his dedication, and

18   his commitment to the TLC and his coworkers

19   were just a few facets of the person we came

20   to know and appreciate over the ten years

21   that David served New York City. We are

22   forever saddened by his passing.

23   I began as the TLC Commissioner and

24   Chair in February of this year, shortly

25   before the onset of the COVID-19 pandemic in

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2   New York City. By mid-March, the City was

3   moving toward lockdown, as people stayed home

4   to slow the virus' spread. And by April,

5   demand for taxi and for-hire services had

6   fallen to their lowest numbers. In April,

7   trips fell to 16 percent of their pre-COVID

8   levels, and only 26 percent of the drivers

9   were still on the road, which closely tracked

10   with the MTA's own ridership drop of

11   90 percent over the previous month. Trip

12   demand was still down by 71 percent at the

13   end of June, but we are beginning to see a

14   slow and steady climb as the City reopens.

15   This summer, we've released a report

16   reviewing industry data that included trips

17   during the spring and summer, so that we

18   could contextualize the impacts of the

19   COVID-19 pandemic on the sectors that we

20   regulate. Since issuing the TLC COVID-19

21   pandemic report, we have continued to see a

22   steady increase in trip volumes; 41 percent,

23   and 77 percent, respectively, in the daily

24   trip average for high volume for-hire and

25   yellow taxi services between June and April,

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2   as well as an increase in the number of

3   active vehicles; 62 percent and 60 percent,

4   respectively. The keen growth across all

5   sectors that the TLC regulates, we must note

6   the growth has been disproportionately higher

7   in FHVs and that it balances a very present

8   issue that we must recognize and try to

9   address.

10   While maintaining critical agency

11   services, the TLC pivoted to creating new

12   earnings opportunities for drivers, while

13   supporting the most at-risk New Yorkers.

14   When New York City shut down nonessential

15   businesses to stop the community spread of

16   COVID-19, we knew this would sharply decrease

17   passenger demand for licensees and impact

18   their livelihoods. The TLC (inaudible) by

19   quickly shifting some of the focus of the

20   agency to (inaudible) support our drivers.

21   TLC license drivers who are healthy and

22   wanted to work to provide an invaluable

23   service for those New Yorkers at highest risk

24   for COVID-19 and who could not safely leave

25   their homes to obtain food.

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2   The TLC staff colleagues at New York

3   City Emergency Management, the Department of

4   Sanitation, Parks and Recreation, and the

5   Information Technology and Telecommunications

6   agencies worked tirelessly the first few

7   weeks of the pandemic to stand up the TLC

8   delivery program, a vital component of the

9   City's broader GetFoodNYC program.

10   Through TLC delivery, TLC-licensed

11   drivers were able to earn money while

12   delivering meals to their fellow New Yorkers.

13   Those who participated in the Food Delivery

14   program had delivered over 65 million meals

15   and have earned over $39 million in direct

16   income; helping New Yorkers fight hunger

17   while staying home safe.

18   As the City has reopened, there has

19   been less demand for food because some New

20   Yorkers are now able to leave their homes to

21   get food, including access through the

22   Department of Education's grab-and-go

23   program. Additionally, nonprofits who have

24   contracted with the City, now have the

25   resources, facilities, staff; to purchase,

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2   package, and deliver meals to people

3   experiencing food insecurity.

4   Just this weekend, the City decided to

5   wind down the TLC delivery program of

6   GetFoodNYC by the end of this week, due to

7   lower demand. The program is a great example

8   of how New Yorkers and TLC-licensed drivers

9   provided critical services during the worst

10   food crisis since the Great Depression, here

11   in New York City. Even in the worst moments

12   of the pandemic, people were able to receive

13   food, and our drivers were able to earn some

14   income. We are incredibly proud of the work

15   of our licensees and the Agency staff. And

16   we are incredibly proud of the crucial role

17   they played in the City's recovery.

18   Staff across the Agency worked to

19   support drivers working in the delivery

20   program. Each day, at each food distribution

21   site, staff from our officers in the

22   Uniformed Services Bureau worked to help

23   ensure efficient operations of the sites,

24   while also tracking the number of drivers and

25   meals dispatched throughout the day; and

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2   putting almost a half million pieces of

3   personal protective equipment in the drivers'

4   hands.

5   Staff from every TLC division were

6   assigned to do outreach at the food sites to

7   ensure that drivers were ready, as new

8   driver-centered technologies were rolled out

9   at the New York City Emergency Management

10   Office. And many of these staff stayed on

11   volunteering to help load food into vehicles

12   for the delivery by our licensees. At the

13   beginning of the program, our uniformed

14   officers also delivered meals themselves

15   side-by-side with our drivers.

16   Behind the scenes, staff from our

17   External Affairs team and call centers set up

18   support teams to ensure any tech issues

19   drivers experienced were quickly addressed,

20   so that they could continue to work, while

21   our finance and prosecution teams set up

22   proxies to review and track driver payments

23   to ensure that all drivers participating were

24   paid what they were owed. It truly was an

25   agency-wide effort. And I know all of us at

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2   the TLC felt incredibly humbled to support

3   our drivers in this important work.

4   While drivers bridged the gap between

5   hunger and food for hundreds of thousands of

6   food insecure New Yorkers, TLC staff bridged

7   the space between licensees and needed

8   resources by accelerating the launch of the

9   Driver Resource Center, which has assisted

10   more than 600 drivers in crisis, including

11   350 medallion owners. Through the Driver

12   Resource Center, which was conceived by City

13   Council members, medallion owners with

14   outstanding loans received financial

15   counseling and legal services, while

16   connecting them to the City and state

17   benefits that help them with payments for

18   basics; such as food and utilities.

19   Furthermore, we have closely engaged

20   with many stakeholders serving on the Mayor

21   Surface Transportation Advisory Committee and

22   its for-hire vehicle subcommittee, while

23   adding the needed regulatory perspective to

24   ensure that resulting actions are practical.

25   And as the City flatten the curve of new

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2   infections, our Uniformed Services Bureau

3   worked to support the City's Phase 3 opening;

4   they inspected school buses to ensure their

5   safety before the return to classes; they are

6   working at checkpoints with the sheriff's

7   office to support crucial quarantine measures

8   for travelers; and they are currently working

9   alongside city inspectors from our sister

10   agencies to perform COVID-19 patrols and

11   business inspections in those areas of the

12   City that are currently experiencing an

13   increase in COVID-19 infections in Brooklyn

14   and Queens.

15   Throughout the health crisis, the TLC

16   never closed and continued its duty to

17   support its licensees and the riding public.

18   TLC administrative staff were able to

19   transition to work remotely, an incredible

20   undertaking by our IT department, and are now

21   on a blended in-office and remote work

22   schedule. Licensing staff carried on

23   processing and issuing TLC licenses, plates,

24   renewed licenses, and provided in-person

25   customer service to licensees throughout the

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2   pandemic from our Long Island City office.

3   Safety and Emissions division inspected

4   over 50,000 taxis and FHVs to ensure they

5   were safe for drivers and passengers out of

6   our Woodside office. In 57 e-mails and other

7   mass communications to our 200,000 licensees

8   between March and last week, our call center

9   and External Affairs staff communicated vital

10   information to drivers about the COVID-19

11   pandemic, answered over 112,000 calls,

12   putting licensees and their families in touch

13   with COVID-19 services and other benefits.

14   During the pandemic, the TLC also

15   ensured the distribution of $8.9 million from

16   the Taxi Improvement Fund, the TIF. Those

17   monies have been a needed lifeline to vehicle

18   owners and drivers of our wheelchair

19   accessible green and medallion taxis. As a

20   reminder, the TLC created the TIF to support

21   medallion owners and drivers who are putting

22   accessible vehicles on the road. Those

23   accessible vehicles server New Yorkers and

24   visitors with disabilities. And it is my

25   mission to continue to ensure that the TLC

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2   meets the mandate and access the TIF was

3   designed to create.

4   TIF is not a rainy day pot of money,

5   and is required in the interest of passengers

6   with disabilities. As the TLC endeavors to

7   ensure accessible service for all, and while

8   there's a long way to go, it is promising

9   that we have seen more than 400 new drivers

10   sign up for TIF during the pandemic, earning

11         $100 sign-up bonus, as well as extra dollars

12   per trip in a wheelchair accessible vehicle.

13   In addition to maintaining our core

14   services and devoting human and material

15   resources to the City's recovery efforts, we

16   are positioning the Agency for a future of

17   recovery and reinvention. Our 90-day review

18   is underway and has already assisted us in

19   the planning of an office of innovation

20   within the TLC, with the goal of driving

21   market advancement and stability, helping us

22   to evaluate and plan for new challenges and

23   opportunities, including a potential

24   universal TLC app.

25   With COVID-19 exacerbating the

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2   medallion sector's financial insecurity, we

3   have also begun a medallion trace project

4   that will clarify and quantify the amount of

5   existing medallion debt, which will be

6   essential to our scoping and demanding the

7   federal assistance needed for an effective

8   public-private partnership and any potential

9   debt relief.

10   In sum, we are focused, informed,

11   prepared and prepared to lead the industry

12   through what will continue to be some of our

13   most challenging days. As our city recovers

14   and riders return, we appreciate in advance,

15   the feedback and partnership that we continue

16   to receive from our partners in government

17   and industry stakeholders. In my initial

18   time at the TLC, I have spoken with and

19   interacted with the full range of our

20   licensees from across all of the segments

21   that we regulate.

22   In February and in March, prior to the

23   onset of the pandemic, I visited with drivers

24   at our local airports. Over the summer, I

25   visited with drivers at the food distribution

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2   sites; there were ten of them during the

3   height of the pandemic. I have participated

4   in webinars and video conferences and have

5   spent hours on the phone and on social media

6   connecting with licensees. The conversations

7   that I have had with drivers and owners whose

8   struggles have been magnified by the COVID-19

9   crisis, have been nothing short of

10   heartbreaking and among the most difficult of

11   my 22-year career.

12   I appreciate the time and candor of

13   people from across the industry, including,

14   but not limited to those in the yellow

15   sector; Ms. Galleanor Comincur (phonetic),

16   Mr. Bernardo Celerino, Mr. Sergio Cabrera,

17   Mr. Alan Sapoznik, Mr. Curam Khan (phonetic),

18   Mr. Maninder Singh (phonetic), Mr. Cozin

19   Resak (phonetic). Fleet owners; Ron Sherman,

20   Amos Tamam, Malcolm Rattner. Liveries

21   representatives; Sarah Angeles and Jose

22   Altamirano. The black car representatives

23   and owners; Diana Clemente, Jeff Brose

24   (phonetic). Our high-volume drivers; Raymond

25   Morales, Ronald Rivera, Israel Savado

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2   (phonetic), Franklin D'Amato (phonetic),

3   Richard D. Curtal (phonetic), Annie Tan

4   Shepherd (phonetic), Stephanie Raj.

5   Representatives from IDG, the Taxi Driver

6   Federation, NYTWA, TMODA, YTU, The Black Car

7   Fund, Karen Myer in insurance, and advocates

8   for people with disabilities, Jean Ryan, to

9   name a few.

10   Your voices and the difficult

11   conversations that we have had are the ones

12   that we must continue to hear every day, so

13   that the TLC can try to drive changes and

14   innovation that the industry needs in the

15   days and years ahead.

16   To the licensees listening this

17   morning, those that I have spoken with and

18   those that I have yet to meet, I want to

19   assure you that I and the staff at the TLC

20   are committed to supporting you and to see

21   you through these difficult times. We are

22   doing our absolute best to not let you down;

23   we know that you have been through enough.

24   Turning to today's agenda, we are

25   meeting to approve base licensed applications

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2   and to hear feedback on two proposed rule

3   packages. The proposed rule packages include

4   items -- two items that I wish to highlight

5   for you. The proposed rules would allow us

6   to increase the number of wheelchair

7   accessible taxis on the road by broadening

8   the pool of vehicles eligible to receive

9   money from the Taxi Improvement Fund,

10   reducing financial barriers to getting more

11   accessible taxis on the road.

12   We will also hear comments on proposed

13   rules that will allow the TLC to formally

14   align its regulations with City Council

15   legislation that was passed on

16   August 14, 2018, and that went into effect on

17   November 12, 2018. The Local Law 151 of 2018

18   reduced some penalties for unauthorized

19   street hails. However, I want to emphasize

20   that the TLC has increased enforcement below

21   96th Street in Manhattan. And I can confirm

22   that the penalties for illegal street hails

23   remains significant and are $500 for the

24   first illegal street hail violation, $750 for

25   the second illegal street hail violation, and

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2   a third violation will result in a license

3   revocation.

4   The proposal at hand is merely a

5   formality since our current rules do not

6   reflect the requirements of Local Law 151,

7   and it is important that our rules correlate

8   and correspond to the law.

9   Our General Counsel, Ryan Wanttaja,

10   will provide additional information prior to

11   the hearing portion of this. I thank you for

12   your time and for listening to this elongated

13   report, and I look forward to the rest of

14   this public meeting. Thank you.

15   MR. SWITZER: I'm not hearing Ryan.

16   Ryan, are you muted?

17   COMMISSIONER JARMOSZUK: Please stand

18   by. We're going to turn things over to our

19   General Counsel, Ryan Wanttaja. As I shared

20   earlier, this is our first virtual meeting.

21   So, we just need one moment to ensure that

22   his volume is audible to all of you.

23   MR. SWITZER: I'm not hearing him. I

24   think his headphone is off. While Ryan is

25   addressing his microphone issue, we will do

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2   some housekeeping.

3   This meeting is being conducted

4   remotely via Webex and simulcasted to our TLC

5   website, live stream, and Facebook accounts.

6   Any person wishing to testify was asked to

7   sign up in advance of the hearing. All

8   registered speakers are joining the meeting

9   via Webex. If you are speaking today, your

10   audio and video were automatically muted

11   until you are recognized.

12   When your name is called, the moderator

13   will activate your account and your line will

14   be unmuted. When ready, please state your

15   name and affiliation and then proceed.

16   Public testimony is limited to three minutes

17   per speaker. Please limit your remarks,

18   specifically, to the two rule packages being

19   addressed today. When your testimony is

20   complete, your audio and video will be muted

21   by the moderator. For any additional

22   comments on separate items, you can submit

23   them to the Commission in writing.

24   A closed captioning is also available

25   for today's hearing. You can turn on the

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2   multimedia viewer that's in the lower

3   right-hand corner and hit continue and a

4   black box with all of the texts from today's

5   hearing will pop up.

6   Interpretation is also available today.

7   During the sign-up process, individuals were

8   asked if they needed any language assistance.

9   When your name is called, please speak and

10   the interpreter will repeat your testimony in

11   English. We'll repeat this message in

12   different languages today.

13   And we will set up with our Arabic

14   interpreter who will repeat this message.

15   Arabic?

16   ARABIC INTERPRETER: Yes, hi. My name

17   is Waffa (phonetic).

18   (Arabic interpretation in

19   progress.)

20   MR. SWITZER: Thank you very much.

21   We'll go to Mandarin, our Mandarin

22   interpreter. Hello, Mandarin. Go ahead.

23   MANDARIN INTERPRETER: Can you hear me?

24   MR. SWITZER: Yes, I hear you.

25   (Mandarin interpretation in

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2   progress.)

3   MR. SWITZER: Thank you very much.

4   And we'll go to our Romanian

5   interpreter. Romanian, please unmute your

6   line. Hi, Romanian?

7   ROMANIAN INTERPRETER: Good afternoon,

8   everyone.

9   (Romanian interpretation in

10   progress.)

11   MR. SWITZER: Thank you very much.

12   And we'll go to our Russian

13   interpreter. You can unmute your line.

14   You're unmuted.

15   RUSSIAN INTERPRETER: Okay.

16   (Russian interpretation in

17   progress.)

18   MR. SWITZER: Thank you.

19   And we'll go to our Haitian

20   interpreter. Haitian, your line is unmuted.

21   HAITIAN INTERPRETER: Yes, can you hear

22   me?

23   MR. SWITZER: Yes.

24   HAITIAN INTERPRETER: All right.

25   Perfect. Yes, my name is Anderson.

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2   (Haitian interpretation in

3   progress.)

4   MR. SWITZER: Great. Thank you very

5   much.

6   And as a note to everyone viewing on

7   Webex, you can change the view of your screen

8   by going to the upper right-hand corner and

9   hitting the grid view and you'll be able to

10   see all speakers that are a panelist. Okay?

11   Thank you very much. And we'll proceed with

12   our meeting now. Ryan?

13   MR. WANTTAJA: Hello. Is it better?

14   Can you hear me?

15   MR. SWITZER: Yes, very good.

16   MR. WANTTAJA: Fantastic. All right.

17   This was working earlier. And I appreciate

18   the help of our fantastic IT department here

19   as we try to do this for our first time. So,

20   with that taken care of, we'll move on to the

21   second agenda item.

22   Commissioners, before you are the

23   minutes for TLC's February 5, 2020 Commission

24   meeting. Does anyone move to approve the

25   minutes?

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2   COMMISSIONER MITCHELL: So moved.

3   MR. WANTTAJA: All right. Commissioner

4   Mitchell moved. Can I get a second?

5   COMMISSIONER AGUADO: Second.

6   MR. WANTTAJA: Commissioner Aguado

7   second. All in favor?

8   (Chorus of ayes.)

9   MR. WANTTAJA: And with that, the

10 minutes for the February 5, 2020 Commission

11 meeting are approved unanimously.

12   And moving on to the next item on our

13 agenda, I will now call on Fabian Cancel to

14 present the recommendations for base

15 applications.

16   MR. CANCEL: Good morning,

17 Commissioners. My name is Fabian Cancel.

18 I'm the Director of the Base and the Business

19 Licensing Unit. This morning we have 67 base

20 renewal and change applications and one

21 denial for your approval.

22   MR. WANTTAJA: Thank you, Fabian.

23   Does anyone move to adopt the

24 recommendations?

25   COMMISSIONER MITCHELL: Mitchell moves.

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2   MR. WANTTAJA: Mitchell moved. Does

3   anyone second?

4   COMMISSIONER POLANCO: I second.

5   MR. WANTTAJA: Commissioner Polanco

6   second. All in favor?

7   (Chorus of ayes.)

8   MR. WANTTAJA: And with that, the

9   recommendations are adopted unanimously.

10   Thank you, Commissioners.

11   So, next up, we will have a public

12   hearing on two rule packages. Both rule

13   packages were noticed for an October 19th

14   public hearing in the City Record on

15   September 18th.

16   The first rule package is a cleanup

17   rule package making technical changes to

18   portions of TLC's rule. Specifically, these

19   rules update in a LIME language relating to

20   passengers with disabilities; wheelchair

21   accessible service training and service

22   animals; their moving on fleet Dispatch

23   Service Provider license chapter allow for

24   owners of wheelchair accessible

25   vehicle-restricted medallion to receive

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2   Taxicab Improvement Fund; allow FHV bases

3   that have filed franchise agreements with the

4   New York State Attorney General's office that

5   pays drivers in accordance with those

6   agreements; and align TLC penalties

7   surrounding illegal street hails with updates

8   to the New York City Administrative Code.

9   The second rule package updates the

10   rules surrounding TLC's summary suspension

11   hearing. The proposed rules provides

12   guidance to ALJs and the chairperson as to

13   the relevant consideration for accepting

14   public safety risk, including the issues that

15   may be addressed in a hearing and the proper

16   basis for a decision regarding continued

17   suspension. In addition, the proposed rules

18   provide for a quicker return of a license for

19   those drivers whose summary suspension has

20   been lifted.

21   We will now begin the public hearing on

22   both rule packages. You will have

23   three minutes to speak. And due to the

24   number of people signed up to speak, this

25   time limit will be strictly enforced. As a

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2   reminder, after your name is called, please

3   press the start video button and turn on your

4   camera and ensure you are unmuted prior to

5   introducing yourself. Your camera will only

6   be visible once your name is called and as

7   you speak. At the start of your testimony,

8   please identify the rule package you are

9   testifying about.

10   Finally, if you did not sign up to

11   speak or run short on time and would like to

12   still submit written comments on either of

13   the proposed rules, you may still submit

14   those at tlcrules@tlc.nyc.gov. And with

15   that, I will call our first speaker.

16   Aziz Bah?

17   MR. SWITZER: Aziz Bah, you can unmute

18   your line.

19   MR. BAH: All right. My video should

20   be on. Are we ready to begin? Yes? No?

21   MR. SWITZER: We can hear you.

22   MR. BAH: Good morning, everyone. I

23   would like to talk on the proposed rule

24   regarding the suspension, about the time

25   frame. And my name is Aziz Bah. And thank

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2   you, Madam Commissioner, for giving me the

3   opportunity to weigh in. And I would like

4   also to recognize the great job your staff is

5   doing to respond to our drivers' needs.

6   I'm coming before you today as a driver

7   and a member of the Independent Drivers

8   Guild. Actually, I'm the organizing director

9   as well; a driver that understands the

10   distress associated with losing one's

11   license, even for a day. So, as it stands,

12   while most people have the luxury to go about

13   their business without the fear of losing

14   their job should they get arrested, for

15   example, for showing up at a rally, a

16   TLC-licensed driver is shackled 24/7 with

17   excess policing on and off the job.

18   When an arrest occur while I am at

19   work, instead of suspending my license, I

20   should be granted a fair hearing by the TLC

21   within five days max and a decision rendered

22   the same day. TLC should not take my license

23   away based on accusations only. Doing the

24   most dangerous job in the City, a driver has

25   no protection and often time is left to

1

2   defend himself. Drivers get verbally or

3   physically attacked, and when they push back,

4   the TLC's responds after an arrest that may

5   result as a result of that, should not always

6   be an immediate suspension. Even though the

7   driver is allowed to bring evidence at the

8   board hearing to make a case of why he should

9   keep his license, the idea of fighting two

10   battles can affect his mental wellness.

11   Losing a TLC license would prevent a

12   driver from making an income necessary to

13   hire a lawyer to represent him in both

14   courts. Hence, creating a ripple effect that

15   can bankrupt a worker that was barely getting

16   by. Furthermore, when an arrest happens off

17   the job, allow the court system to decide.

18   If the driver is found guilty of a crime that

19   constitutes a direct and substantial threat

20   to public health or safety, only then TLC can

21   act.

22   MR. WANTTAJA: Thirty seconds

23   remaining.

24   MR. BAH: Time is money. It could take

25   up to 52 days to get reinstated. So, with

1

2   mounting bills and expenses and the lack of

3   savings due to a weak industry, a driver's

4   life can be easily ruined by a simple parking

5   ticket, let alone an unfounded license

6   suspension. I disagree with the proposed

7   rule. Look out for your drivers, TLC. Thank

8   you so much.

9   COMMISSIONER MARINO: Can I just ask a

10   quick question on this, Mr. Bah?

11   MR. BAH: Sure.

12   COMMISSIONER MARINO: Are you in favor

13   of this rule change?

14   MR. BAH: I am not.

15   COMMISSIONER MARINO: And that is

16   because why? Because it actually allows

17   for -- and I know we're on time constraint,

18   so I don't want to talk a lot here. But I

19   just want to get a sense if you are for or

20   against these rules changes?

21   MR. BAH: I'm against it because it

22   don't go far enough as far as restricting the

23   number of days a driver should wait, and they

24   shouldn't suspend the driver at all.

25   COMMISSIONER MARINO: I completely

1

2   understand. All right. Thank you, sir.

3   MR. BAH: Thank you.

4   MR. WANTTAJA: Thank you. And our next

5   speaker will be Michele Dottin.

6   MR. SWITZER: Michele, please unmute

7   your line.

8   MS. DOTTIN: Good morning, everyone.

9   Thank you for having us. I am Michele

10   Dottin. I am a driver and an advocate for

11   all FHV drivers. It is with a heart that's

12   troubled that I'm coming to you today on

13   behalf of drivers losing their livelihood

14   over an arrest made in their personal lives.

15   In this country, an individual is considered

16   innocent until proven guilty. I believe we

17   drivers should have the same rights afforded

18   to us by the law. Taking away our right to

19   drive is unacceptable. Why should TLC take

20   away the right of a driver to earn a living

21   while waiting to have their day in court?

22   Drivers are policed excessively. The

23   TLC should only take away a driver's license

24   if and when they are convicted by a court of

25   law, not TLC. This course that you chose

1

2   will send a driver into a tailspin, leaving

3   them in with mental health issues, leaving

4   them with the inability to feed their

5   families. Injustices continue to happen

6   against such -- our drivers' Community. We

7   face double jeopardy, which also affects us

8   along the way. A bill was passed, 748-A,

9   which found that if a driver is ticketed by

10   cameras, then the TLC could no longer ticket

11   them.

12   We have six points on our license,

13   which allows us before we are stringently

14   charged by TLC rules. All of these things

15   affect a driver. And taking into

16   consideration this, which brings a driver to

17   being -- their license taken away for a

18   charge that we do know as individuals, there

19   are lots of actual issues that can make a

20   charge come on a driver. We're a community

21   of drivers that only way of earning money is

22   actually when we're on the road. We do not

23   earn an income -- we do not have the ability

24   to get unemployment if our license is taken

25   away. We pay all our own bills because we

1

2   are self-employed.

3   All of these things that you look at

4   and all of these things that come in front of

5   a driver --

6   MR. WANTTAJA: Thirty seconds

7   remaining.

8   MS. DOTTIN: -- that as a licensed --

9   as an immigrant, we don't need to be

10   exploited. We need to have a fair hearing

11   and in a reasonable amount of time. But I

12   believe that a court of law should be done

13   and a driver should be vindicated through a

14   court of law before TLC steps in.

15   So, I ask you please to reconsider your

16   actions against drivers. Give them a fair

17   shot to have their day in court with

18   reasonable considerations on their part. Do

19   not take away their livelihood. I vote no on

20   suspending the drivers. Thank you very much.

21   MR. WANTTAJA: Thank you for your

22   testimony. The next speaker will be Osvaldo

23   Santos, who has indicated that they need

24   Spanish translation services.

25   MR. SWITZER: Your line is unmuted.

1

2   MS. SANTOS: Good morning. This is

3   Ashley Santos, Osvaldo Santos' daughter. I'm

4   sorry for my presence, but this is my father

5   here.

6   We're, actually, testifying based on a

7   violation that he had, a summons. The

8   inspection was done on May 5th, the inspector

9   said everything was good to go and that he

10   passed. But two weeks and a half later, he

11   received a notice in the mail saying that he

12   had failed due to camera system, which he

13   received the date way past his correction

14   date; and at that time, he was a little ill.

15   But when he went to do the correction

16   that was made on May 27, 2020, he went to the

17   inspector and the inspector said that he is

18   good to go because the car that he has does

19   not require a camera system. So, my father

20   here sent all the inspection, the vehicle

21   report to the office and everything was good

22   to go, so we're just waiting for that to be

23   closed. Thank you.

24   MR. WANTTAJA: Thank you. And we have

25   members from our External Affairs division

1

2   listening, and we have your e-mail address.

3   Somebody will get in contact with you about

4   this.

5   MS. SANTOS: Perfect. Thank you so

6   much, sir.

7   MR. WANTTAJA: Thank you.

8   And our next speaker is Diana Clemente.

9   MR. SWITZER: Your line is unmuted.

10   MS. CLEMENTE: Good morning. My name

11   is Diana Clemente. And I am the President

12   and owner of Big Apple Car, VIP Gold. I am

13   also the President of the Black Car

14   Assistance Corporation, the black car

15   industries trade association. With regard to

16   the cleanup rules, I would like to focus on a

17   major concern we have with the language used

18   on one specific rule. The rule that would

19   allow FHV bases that have franchise

20   agreements, pursuant to New York State law,

21   to pay drivers and pass along summonses in

22   accordance with those agreements.

23   In the traditional black car industry,

24   many companies are set up as cooperatives.

25   While most are franchises, the absence of

1

2   cooperatives in this language would exclude

3   many traditional bases from continuing to

4   operate in the manner outlined in the

5   cooperative agreements. This could also

6   create an unfair playing field within the

7   traditional black car industry by not

8   treating franchise models the same as

9   cooperative models.

10   With regard to paying earnings within

11   one week of a trip's completion, this would

12   create an issue with traditional bases who

13   work with corporate accounts. Corporate

14   accounts are established with various payment

15   schedules, which can vary from 30 to 45 days

16   contractually, with payment often not made

17   for 120 days or more. All bases ensure that

18   drivers are paid in a timely manner.

19   With regard to passing along summonses

20   to drivers, the exclusion of cooperatives

21   would also put a hold to this practice. As

22   you know, in a true cooperative, the

23   shareholders are the drivers. And they have

24   agreed to this practice of passing along

25   summonses, as well as payment schedules.

1

2   These practices have always been a part of

3   the agreements signed by the cooperative

4   shareholders.

5   Since high-volume for-hire vehicle

6   companies are, in fact, organized as

7   cooperatives, we understand why this language

8   was excluded. Simply lumping in cooperatives

9   with a broad stroke would ultimately also

10   apply to HV/FHVs. While a traditional black

11   car base, an HV/FHV, may both be organized as

12   cooperatives, the reality is that they

13   operate with very different business models.

14   For example, HV/FHV companies require

15   immediate credit card payment. Therefore, we

16   believe that specific language could be

17   created that would preserve the

18   aforementioned practices for traditional

19   black car bases that are cooperatives, while

20   excluding it from HV/FHVs.

21   We are proposing legislative language

22   that would ensure that traditional or legacy

23   cooperatives are treated the same as

24   franchisees. The proposed rule in question

25   would be amended to include the following

1

2   language:

3   Except when the driver and base are

4   operating under the terms of a franchise

5   agreement filed with the Attorney General of

6   the State of New York, or when the driver and

7   base are operating under the terms of a

8   cooperative agreement as defined in

9   Subchapter 59D-03 subsection (d). By

10   referencing --

11   MR. WANTTAJA: Thirty seconds

12   remaining.

13   MS. CLEMENTE: -- Subchapter 59D-03,

14   which defines high-volume for-hire vehicle

15   services, this amendment would effectively

16   allow traditional black car bases organized

17   as cooperatives to be treated the same as

18   franchises, while continuing to exclude

19   HV/FHVs, the true intent of this proposed

20   cleanup bill.

21   In closing, I thank you for your time,

22   and I welcome any questions you may have.

23   COMMISSIONER POLANCO: So, Ryan, what

24   is that about in terms of the language of

25   cooperative? Was it removed from the

1

2   original regulation? And what is this in

3   terms of the difference between the FHV and

4   the black car? I want to know a little bit

5   more about that.

6   COMMISSIONER MARINO: I second that. I

7   second Lauvie's inquiry. Not that I have to

8   second it, but you know what I mean. I would

9   like to hear more about it.

10   COMMISSIONER MITCHELL: Mitchell

11   thirds. I'd like to hear about it.

12   MS. CLEMENTE: I know you proposed it

13   to Ryan, but I'd be happy to jump in, if Ryan

14   wants me to.

15   COMMISSIONER MARINO: Yeah. Sure,

16   Diane -- Ms. Clemente, go ahead.

17   MS. CLEMENTE: Okay. Sure. So, in the

18   traditional industry, there are franchise

19   groups and cooperatives. The problem is that

20   Uber and Lyft and other high-volume app-based

21   companies are also conducting as

22   cooperatives. But when the rule change was

23   written, the word "cooperatives" was left

24   out. Because if that were to happen, it

25   would also apply to Uber and Lyft, and that

1

2   was never the intent. But by omitting the

3   language "cooperative" in the rule change

4   cleanup, that means the traditional

5   companies; such as Skyline or Vital that have

6   operated under these agreements for years

7   would not have the exemption that franchise

8   bases would have.

9   So, the wording that we propose would

10   enable the cleanup to exclude Uber and Lyft

11   because they get paid immediately, and they

12   are not dealing with payment terms; such as

13   traditional coops; such as, again, Skyline

14   and Vital.

15   COMMISSIONER MARINO: I think this

16   sounds like a valid concern. I know we're

17   pressed for time, but I think this is

18   something that should be looked into. Do my

19   colleagues agree with me?

20   COMMISSIONER SORRENTINO: I agree.

21   That should be looked into.

22   COMMISSIONER MITCHELL: I agree also.

23   COMMISSIONER MARINO: Thank you for

24   bringing this to our attention, Ms. Clemente.

25   MS. CLEMENTE: Thank you very much.

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2   COMMISSIONER MARINO: We will look into

3   it for sure.

4   MS. CLEMENTE: Thank you.

5   MR. SWITZER: Thank you. Our next

6   speaker is Walid Malta with Arabic

7   translation or interpretation.

8   COMMISSIONER MARINO: Brian, before we

9   go on, I trust somebody has made a note of

10   that. I just don't want this to fall through

11   the cracks. That sounds like a very valid

12   concern that really requires attention. So,

13   I'm not writing anything down. I hope

14   someone at the TLC is just making note of

15   this so we can readdress it later.

16   MR. SWITZER: Yes, we have our External

17   Affairs and policy team watching.

18   COMMISSIONER JARMOSZUK: And I am

19   confirming that we will reconsider this

20   component of the proposed rule. Thank you.

21   COMMISSIONER MARINO: Thank you, Madam

22   Chair. It's so nice to see you, by the way.

23   Thank you, everyone.

24   COMMISSIONER JARMOSZUK: You too.

25   Thank you, Diana.

1

2   COMMISSIONER MARINO: Thank you, Diana.

3   MS. CLEMENTE: Thank you.

4   COMMISSIONER MARINO: Bill, you're

5   muted. If you're trying to speak, you're

6   muted.

7   COMMISSIONER AGUADO: How soon will TLC

8   get back to us on this matter?

9   COMMISSIONER JARMOSZUK: We will follow

10   up after this meeting.

11   MR. WANTTAJA: Our next speaker is

12   Walid Malta, who has indicated they need

13   Arabic translation services.

14   MR. MALTA: Can you hear me -- my

15   testimony?

16   COMMISSIONER POLANCO: We can hear you.

17   ARABIC INTERPRETER: He said, "I'm so

18   sorry about -- I made mistake by just -- I

19   didn't give attention to the red light. So,

20   I just clip it like I mean it, but it was

21   like hard for me to control my car. At the

22   same time, please, I need help because I

23   don't mean to make this mistake, but it

24   happened because the road was not clear in

25   front of me. And I'm without work since

1

2   March and I really need my license back

3   because I need really to work. And, again,

4   I'm so sorry about this mistake with the car.

5   But it's not like in my intention to do this

6   mistake."

7   MR. WANTTAJA: Thank you. And we have

8   members of our External Affairs staff

9   listening, and they will be reaching out to

10   you about this issue.

11   ARABIC INTERPRETER: He said, "I really

12   appreciate that."

13   MR. WANTTAJA: Thank you. And our next

14   speaker is Anwaar Malik.

15   MR. SWITZER: Your line is unmuted.

16   MR. MALIK: Should I start talking?

17   MR. WANTTAJA: We can hear you. Thank

18   you.

19   MR. MALIK: Okay. So, suspending a

20   driver's license, I don't agree with that

21   rule because first, you have to go through

22   all the courts and everything and plea not

23   guilty or guilty, and you guys just want to

24   take away his whole livelihood, his or her's

25   whole livelihood; that just doesn't sound

1

2   right. And before we talk about the driver's

3   license getting suspended, I think TLC should

4   get suspended because you guys didn't do some

5   of the work you were supposed to do.

6   Now, you're letting Uber and Lyft get

7   new drivers; what's up with that? Now

8   drivers have to deal with more stress because

9   new drivers are coming? That's just messed

10   up. I mean, I think you guys should like --

11   before all this, just fix up TLC within the

12   inside and then think about drivers. Like,

13   drivers never got any kind of relief from

14   TLC. Well, maybe the COVID, the deliveries,

15   some drivers participate in that. But other

16   than that, drivers didn't really get

17   anything.

18   And then we can't use the bus lanes.

19   Even though our passengers pay a $2.50

20   surcharge and everything, we still can't use

21   the bus lanes. Yet the buses, they only

22   charge like a dollar from their passengers.

23   Other than that, like a bus can block a whole

24   street. And let's say a TLC driver stops in

25   an intersection, we get a ticket for that;

1

2   it's not even our fault. The bus driver

3   stopped without putting his or her caution

4   lights on.

5   So, how is it that we're -- we're not

6   even being treated fairly. All the money we

7   make, like it's just going to you guys. And

8   why did you come out with a double jeopardy

9   ticket in the first place? Were you guys

10   short on money or something? I just don't

11   get. And where is the TLC police when

12   drivers are getting attacked? Where are the

13   TLC police when drivers are getting killed?

14   Can someone answer that?

15   MR. WANTTAJA: We're here to hear

16   testimony on the two rule packages in front

17   of us. And in the interest of time, we're

18   just supposed to do the testimony now. If

19   you have further questions for the TLC,

20   please feel free to put them in writing at

21   tlcrules@tlc.nyc.gov.

22   MR. MALIK: They don't answer back.

23   MR. WANTTAJA: Thirty seconds

24   remaining.

25   MR. MALIK: Yeah, they don't answer

1

2   back. I was having the serious issues when

3   there was a lockout done. I couldn't even

4   sleep at nighttimes. Part-time drivers lost

5   their jobs who had to pay for college and

6   stuff. I couldn't even sleep in those days.

7   I sent an e-mail to TLC, never got an answer

8   back.

9   COMMISSIONER JARMOSZUK: Sir, we

10   have --

11   MR. MALIK: They didn't show any kind

12   of responsibility.

13   COMMISSIONER JARMOSZUK: Sir, we have

14   your name and your contact information, and I

15   will personally follow up with you. This is

16   the Commissioner.

17   MR. MALIK: You're a Commissioner.

18   You're good, but --

19   COMMISSIONER JARMOSZUK: I'm going to

20   follow up with you.

21   MR. MALIK: Okay.

22   MR. WANTTAJA: Thank you for your

23   testimony. We will move on to the next

24   speaker. Our next speaker is Dimitri

25   Basiloshvili (phonetic), who has indicated

1

2   they need Russian translation services.

3   RUSSIAN INTERPRETER: Dimitri?

4   MR. SWITZER: Dimitri, your line is

5   unmuted.

6   (Russian communication in

7   progress.)

8   RUSSIAN INTERPRETER: So, Dimitri's

9   license was blocked and he has done

10   everything that was needed because he had

11   some problem with inspection. And the

12   problem is that he didn't come to the court

13   hearing. And he knows that it was a big

14   mistake, and he knows that he didn't pay --

15   he said that he didn't pay because he

16   couldn't understand, it was confusing with

17   the address. He couldn't understand what the

18   address change with the car and with not car,

19   and he's just asking you to understand him

20   and to leave him because he's responsible and

21   realizes that he's made a mistake.

22   MR. WANTTAJA: All right. Thank you.

23   We have members of our External Affairs team

24   listening on the conversation. And somebody

25   will follow up with you about this issue.

1

2   RUSSIAN INTERPRETER: Okay. Dimitri.

3   MR. DIMITRI: Um-huh.

4   (Russian communication in

5   progress.)

6   RUSSIAN INTERPRETER: Dimitri is asking

7   if he should expect the contact on his

8   e-mail.

9   MR. WANTTAJA: Yes. We have your

10   e-mail address. And TLC will be reaching out

11   to you at the e-mail address you signed up to

12   speak with.

13   (Russian communication in

14   progress.)

15   RUSSIAN INTERPRETER: Yes. And the

16   last question is: Does it mean that he will

17   be informed about his next steps?

18   MR. WANTTAJA: Our staff will reach out

19   to you and talk about next steps.

20   (Russian communication in

21   progress.)

22   RUSSIAN INTERPRETER: "Thank you so

23   much."

24   MR. WANTTAJA: Thank you for your

25   testimony.

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2   And just as a reminder, we are hearing

3   testimony on two rule packages. If you have

4   issues with a particular summons, please

5   reach out to TLC to address those matters.

6   And we'll get back to you on those.

7   Next up, our next speaker is Tina

8   Raveneau.

9   MR. SWITZER: Your line is unmuted.

10   MS. RAVENEAU: Thank you. Good

11   morning, Madam Chair. My name is Tina

12   Raveneau. And I am a TLC driver and a member

13   of Independent Drivers Gild. I would like to

14   thank you for this opportunity as a driver to

15   view my opinions on matters such as these,

16   which has been heavily affecting drivers like

17   me in the for-hire vehicle industry. I would

18   like to emphasize that drivers' livelihood

19   should not be taken away until proven guilty.

20   Drivers should be given time for a fair

21   hearing to plea their case within a

22   reasonable time, like the same week of

23   occurrence.

24   Also, drivers' personal affairs should

25   not be held against them until there is a

1

2   final judgment in a court proceedings.

3   Drivers should be able to continue living

4   their lives and working to provide for their

5   families. Drivers should not have to suffer

6   these kind of consequences, which, honestly,

7   continues to happen. All standards should be

8   the same across all government agencies.

9   Drivers' lives really do matter, too. And

10   the TLC has not been putting that forward.

11   You pretend you do, but you really don't.

12   These behaviors also continue to drive

13   drivers suicide at increase rates, and these

14   rates are increasing. You know, every time

15   you guys put drivers into more debt, I mean,

16   this affects them mentally. They don't know

17   what to do. You don't provide any kind of

18   service to really help a driver, except for

19   taking their livelihood away or incur more

20   fees.

21   You know, for example, NYPD don't

22   really give even a regular civilian tickets

23   when they're stopped for maybe a minute or

24   two in a bus lane, and TLC is doing it

25   consistently. All those rules should be the

1

2   same across the board and it's not. TLC is

3   just doing whatever it wants just to incur

4   money on drivers, which ultimately affects

5   drivers' livelihood. This has got to stop.

6   I mean, you guys say it, but you really,

7   really have to do it. I mean, it's there.

8   It's there in the numbers. And we have lost

9   drivers, right? We have literally lost

10   drivers. Drivers have to take their lives

11   because of the actions from this agency. As

12   city agency, your interest should always be

13   for the drivers.

14   So, once again, I just want to say I'm

15   not in favor of these rules. Any rules

16   you're implementing should really be in favor

17   of drivers and drivers' livelihood. Thank

18   you.

19   MR. WANTTAJA: Thank you for your

20   testimony. Our next speaker is Guillermo

21   Fondeur. Please unmute your microphone if

22   you're speaking now.

23   MR. FONDEUR: Are you hearing me now?

24   MR. WANTTAJA: Yes, we can hear you

25   now. Thank you.

1

2   MR. FONDEUR: All right. So, good

3   morning, my drivers community and

4   representatives of TLC and Authority.

5   So, my testimony this morning is about

6   the discrimination. We're always talking

7   about discrimination, and as you could see in

8   this panel, we have many different

9   backgrounds. But when it came to the favors

10 and rules, you could see the discrimination

11 on that FHV compared with the yellow and

12 green taxis. So, from the WAV vehicle, you

13 have certain privilege going in favor of the

14 green and yellow taxis; like the tax credit

15 they receive when they get the new WAV

16 vehicle, is very high compared with the

17 credit the FHV drivers receive. So, that's

18 something TLC have to review and became with

19 the new package, more favor for all the

20 drivers at the same time, not certain

21 privilege for one and not the others.

22   So, that's my testimony for this

23 morning; for TLC to review these

24 discriminated -- like I said before. And

25 thank you for the opportunity.

1

2   MR. WANTTAJA: Thank you for your

3   testimony. The next speaker is Peter Mazer.

4   MR. MAZER: Good morning,

5   Commissioners. My name is Peter Mazer. And

6   I'm General Counsel to the Metropolitan

7   Taxicab Board of Trade. We're a trade

8   association that represents the owners of

9   medallions and interest of our drivers. We

10 have our drivers resource center that

11 provides free legal services to our drivers.

12 We've represented more than 5,000 drivers and

13 have provided more than $1.3 million in free

14 legal services, including services before

15 OATH and defending drivers in summary

16 suspension hearings.

17   This morning, I would like to talk

18 about the summary suspension rules that we

19 are considering. To be clear, the summary

20 suspension rules are not new. Commission has

21 summarily suspended licensees for the last

22 twenty years or more on the basis of an

23 arrest. Things have changed, though, and the

24 rules have been modified and revised over the

25 years. Until about a year ago, it was almost

1

2   impossible to get a license back from the TLC

3   when one was suspended because of an arrest.

4   The standard applied was that the OATH judges

5   were to consider the charges as if they are

6   true, and that's still the standard. But

7   respondents were not permitted to submit any

8   kind of evidence regarding mitigation of

9   circumstances. And it was rare for a driver

10   to get his license back. That was changed as

11   a result of several lawsuits that were filed

12   and OATH judges now consider different types

13   of evidence, including whether or not a

14   driver presents a threat to public health or

15   safety; and as a result, more drivers are

16   getting their licenses back as a result of

17   summary suspension hearings. And most of the

18   rules that you are considering today are, in

19   fact, codifications of those court decisions.

20   But there is one point that I would

21   like to address this morning and that is the

22   time length that exists between the

23   issuance -- the arrest and the issuance of

24   the decision at OATH and the ultimate return

25   of the driver's license. We have heard many

1

2   drivers this morning testified that they

3   consider the process unfair, and I agree with

4   them. But the process exists and has existed

5   for many years, and we have to work within

6   the constraints of the process that we have

7   before us to make the process even fairer.

8   My concern is with respect to when a

9   criminal case begins. The Commission has

10   taken the position that a criminal case can

11   begin with the issuance of a desk appearance

12   ticket. When a desk appearance ticket is

13   issued, that's not really the commencement of

14   charges within the meaning of the criminal

15   court system. That's simply a notice that a

16   respondent is to appear at a future date in

17   criminal court, so that the respondent could

18   be arraigned.

19   MR. WANTTAJA: Thirty seconds

20   remaining.

21   MR. MAZER: Yeah. The Commission has,

22   in fact, suspended licenses on the basis of

23   desk appearance tickets. Now, we have a

24   greater problem with the COVID situation.

25   Criminal courts, for the most part, had shut

1

2   down and we are -- and cases are languishing

3   in criminal court. Even for many, many

4   months, respondents are waiting for upcoming

5   court dates. As a result of that, their

6   licenses continue to remain on suspension

7   because most of the licensees get their

8   license returned only when they plead to a

9   lower charge that's no longer a suspendible

10   offense; that's how most drivers get their

11   licenses back, not as a result of an OATH

12   hearing.

13   And we'd like you to consider or at

14   least reconsider when a case begins and make

15   it clear that something could be addressed so

16   that we don't have to deal with this very

17   long time period between the time that a

18   person enters the criminal court system --

19   MR. WANTTAJA: It's been three minutes.

20   MR. MAZER: Okay. And if you have any

21   questions, I'd like to -- and somebody else

22   will submit a written comment section.

23   COMMISSIONER MARINO: Mr. Mazer, I just

24   want to confirm -- so, you as well, I mean,

25   are you for these rules or against these

1

2   rules? Or you're for the concept and think

3   they don't go far enough? Just in one

4   sentence, please.

5   MR. MAZER: Sure. I would like not to

6   have summary suspensions on the basis of an

7   arrest; I think that's unfair. But given the

8   fact that that's been part of our history for

9   the last twenty years, we have to work within

10   those parameters. To that extent, the rules

11   are an improvement over the prior rules, but

12   I am still concerned about clarifying the

13   language as to when a criminal case is

14   commenced, when formal charges are commenced

15   and there's an arraignment, that it should be

16   the beginning of the criminal court process,

17   not when a desk appearance ticket is issued.

18   That change I would ask for.

19   COMMISSIONER MARINO: Okay. I think,

20   though, that's also a valid concern. I

21   hope -- I just ask our staff to, you know --

22   obviously, with all of these speakers, I'm

23   sure you're taking notes. But I think that's

24   another valid concern, procedurally.

25   MR. WANTTAJA: Thank you, guys. And we

1

2   will have all of the written comments package

3   for all the Commissioners at the conclusion

4   of this meeting.

5   COMMISSIONER MARINO: Thank you, Ryan.

6   MR. WANTTAJA: Yep. Our next speaker

7   is Andre Jurezdinstacak (phonetic).

8   MR. SWITZER: Your line is unmuted.

9   MR. ANDRE: Hello?

10   MR. SWITZER: Hello, we can hear you.

11   MR. ANDRE: Yes, I am Andre

12   Jurezdinstacak. Thank you so much for your

13   time. And thank you so much for allowing me

14   to speak to you. I am owner of the medallion

15   in the past 40 years; I have been driving by

16   myself. After, because of my health, I have

17   rented my medallion to a garage. Right now,

18   I have my medallion for TLC because I was not

19   able to find anymore garage. I am in the

20   situation that I don't know really what's

21   going on with the industry. Because I cannot

22   sell my medallion to anyone at a reasonable

23   because of the high price for the medallion.

24   And also, the garage, they don't want to take

25   anymore, the medallions, because of the

1

2   shortage of the drivers.

3   I'd just like to know what is your

4   future for the people like me? And how can

5   we just work together to find some solution?

6   Thank you.

7   MR. WANTTAJA: Thank you for your

8   testimony. Our next speaker will be Wenjie

9   Cheng.

10   MR. SWITZER: Your line is unmuted.

11   MR. CHENG: Hello?

12   MR. SWITZER: Hello, Wenjie?

13   MR. CHENG: Yeah, I'm Wenjie Cheng. I

14   thank you so much. Hopefully, you can help

15   me. Let me have the chance to speak

16   something. And I'm wrong. I made a mistake.

17   And now, I need the translation of Mandarin.

18   MR. WANTTAJA: I believe we have a

19   Mandarin translator online right now.

20   MR. CHENG: Okay.

21   MR. WANTTAJA: One second here.

22   MR. CHENG: (Mandarin communication in

23   progress.)

24   MR. SWITZER: Mandarin Interpreter,

25   please unmute your line. Mandarin

1

2   Interpreter, are you there?

3   (No response.)

4   MR. SWITZER: All right. Sorry about

5   that. So, let's --

6   >>: Hi. I'm Cheng's brother-in-law.

7   Can I help him to translate instead?

8   MR. WANTTAJA: No problem. Thank you.

9   >>: Thank you.

10   MR. CHENG: (Through interpreter):

11   I'm Cheng. I'm very sorry for the

12   mistake I made. And I didn't realize it when

13   that happened, but I studied the TLC laws

14   afterwards and understood that I should not

15   extend my hand when somebody knocked on my

16   window and said he needed help, and so I'm

17   fully accountable for it. But after the

18   incident, we were hit very hard by

19   coronavirus. Between me and my wife, we have

20   two kids and we have three elders on both

21   sides; two of them have Alzheimer's disease.

22   And we made the decision that we should

23   protect the elders, not going out to work on

24   the street afterwards.

25   So, right now, we're having very, very

1

2   hard time. We cannot really -- we want

3   leniency and hope the City will take our

4   situations into consideration and extend

5   leniency for us. Thank you very much.

6   >>: This is what Mr. Cheng has said

7   earlier in Mandarin.

8   MR. WANTTAJA: Thank you for your

9   testimony. And TLC staff who are listening

10   will reach out to Mr. Cheng about his

11   particular situation.

12   And our next speaker is Abdoulaye

13   Barry.

14   MR. BARRY: Good morning,

15   Commissioners. I am very sorry right now by

16   the TLC rule because I'm glad we are going to

17   TLC. I have a summons with TLC officer

18   regarding he said that I have a phone on my

19   ear. I do not have no phone on my ear. So,

20   when he gave me the summons, after he come

21   back he start explaining to me what I needed

22   to do about the summons. I said to him,

23   "forget about it. It's okay." And then he

24   take my license back and went back he wrote

25   another two extra tickets. So, totally, I

1

2   have three summons against the TLC officer.

3   So, my suggestion to TLC, the

4   Commissioner, can you please provide cameras

5   for TLC officers. When they stop drivers,

6   let's say any driver do any violation --

7   we're not the criminals. We are just here to

8   support our families, do the right things.

9   Thank you for your support when I went to TLC

10   because I'm not sure if TLC is not going to

11   give me fine for my (inaudible). When I

12   realized my mistake, the meeting was -- I

13   have a meeting with TLC right here. This is

14   the papers -- can you hear me? I'm sorry.

15   MR. WANTTAJA: Yes, we can hear you.

16   And please do not call in while driving.

17   TLC's staff will be reaching out to you about

18   your specific summons. We have your contact

19   info that you signed in to speak with.

20   MR. BARRY: Okay. So, when --

21   Commissioner, I'm very sorry for saying this

22   because I wanted to talk to you guys, can you

23   please, again, provide officers with cameras

24   like the way the police officers carry

25   cameras when they stop taxi drivers? Because

1

2   sometimes we're having a little bit of

3   altercation with the TLC officers the way

4   they talk to us, they talk to us like

5   criminal. We're not criminals. We're just

6   here to support our families. Thank you.

7   MR. WANTTAJA: That isn't an issue for

8   us, but thank you for your testimony. And

9   we'll be moving on to the next speaker now.

10   Next up, we have Larbi Aitaabou.

11   MR. AITAABOU: Yeah, hi. Good

12   afternoon, everyone. Thank you, TLC. Thank

13   you, Commissioner. I mean, I'm going to be

14   very brief. I'm sure this is going to take a

15   lot of people to speak about all the issues

16   that they're facing. But my name is Larbi,

17   and I am a member of the IDG, Independent

18   Drivers Guild, and also advocating for

19   drivers in New York City.

20   One thing that's been on the rise

21   lately is the consumer complaints that is

22   happening pretty much on a daily basis. And

23   that can vary from a bike rider, meaning, you

24   know, bicycle rider, pedestrians and other

25   motorists, even bus drivers. I don't know

1

2   why it's happening, but I'm sure some of

3   those complaints are really invalid. Some of

4   those complaints, based on race. Some of

5   those complaints, based on -- I don't know,

6   ethnic background, can be.

7   But, again, drivers are being summoned

8   severely and they have an ultimatum -- either

9   pay the summons or settle the summons at a

10   certain amount or face the judge and,

11   actually, pay a hefty fine. The reason is

12   because somebody complained about you, you

13   would be summoned to TLC, and then you would

14   be fined.

15   I feel that drivers are being targeted;

16   Number 1, as the gentleman previously

17   mentioned, that the TLC are treating

18   drivers -- TLC officers, the one on the

19   street, treating drivers as criminals. There

20   is no professionalism. I witnessed them with

21   my own eyes. And we ask them to talk to

22   drivers with respect and dignity. They are

23   people, honest people, trying to make an

24   honest living. So, please enforce that. You

25   are the Commissioner, and there is a way to

1

2   teach people how to conduct their job in a

3   fair and transparent and also respectful way.

4   The other thing is -- without going in

5   to say, the DMV and the Port Authority, that

6   is something that we need also to address.

7   Believe it or not, Commissioner, if you drive

8   in New York City -- I'm sure sometimes you

9   do -- every time you see a police officer's

10   lights on, it has to be either a yellow taxi,

11   or the black car, a for-hire vehicle car.

12   Most of the time -- I don't want to say that

13   the police are trying to meet the quota, but,

14   of course, there is drivers -- I believe

15   there is drivers that can make a mistake.

16   Sometimes they're --

17   MR. WANTTAJA: Thirty seconds

18   remaining.

19   MR. AITAABOU: I'm going through the

20   summary suspension with actually (inaudible)

21   with all the issues that drivers are facing.

22   So, please conduct a thorough research to

23   re-implement these rules in a fair and

24   transparent way.   TLC should push the

25   protection for all drivers' livelihood.   They

1

2   have family, most of them are immigrants;

3   they are afraid of the TLC. So, make the TLC

4   their friend, not their enemy, please. And

5   thank you for your time.

6   MR. WANTTAJA: Thank you for your

7   testimony. The next speaker will be Juan

8   Cuello, who has indicated that they need

9   Spanish translation services.

10   MR. SWITZER: Your line is unmuted.

11   MR. CUELLO: Juan Cuello.

12   MR. SWITZER: Mr. Cuello, you are back

13   on mute.

14   MR. CUELLO: (Through interpreter):

15   Yes, my name is Juan Cuello. I have

16   been working 21 years, and I have had a

17   license for the Taxi and Limousine

18   Commission. I have never been suspended, not

19   even my motor vehicle or the TLC license.

20   And, recently, I just got a summons but I

21   don't know where it came from since they

22   didn't give it to me directly. But the

23   number of the summons is 80-17(A1).

24   I have been fifteen years with my

25   license clean. But since 2016, I received

1

2   two summonses; it was two tickets of three,

3   so three and three is six. And in relation

4   and talking about the summons 80-27(A1), I

5   don't know why they put it on my record. But

6   in summary, I'm sorry. And I also did the

7   course of reduction of points and insurance

8   in August of 2000 -- 8/18/20, so in August of

9   2020.

10   MR. WANTTAJA: Thank you. We have TLC

11   staff members listening on this call, and

12   they will be reaching out to you about your

13   summons. We have your contact information

14   from when you signed up to speak, so somebody

15   should be reaching out to you shortly.

16   COMMISSIONER POLANCO: I'm, sorry.

17   Maybe we could do an announcement in the

18   different languages, basically, that anyone

19   that has signed up -- and I imagine that

20   sometimes this gets -- when they come to the

21   live hearing, before they speak up, we

22   already have been able to speak with them

23   beforehand, so we know that their issues are

24   not related to the rule at hand; and it is

25   more of an issue regarding summonses and so

1

2   forth. But maybe there could be a way -- I

3   don't know if there's a way. Because we have

4   so many speakers regarding -- complaining

5   about summonses, and they are very important

6   because they affect their livelihood, but

7   they are taking away time from the rule at

8   hand. People are waiting already to speak up

9   regarding the rule itself. And I know that

10   they can refer to the External Affairs

11   Department, but I don't know if there's a way

12   to ask beforehand.

13   I know it's our first virtual meeting.

14   So, I suppose maybe for the next meeting, if

15   it's virtual again, that this could be sorted

16   out. Because a lot of time is being taken up

17   with complaints regarding summonses. And I

18   really -- us as Commissioners cannot help.

19   It's more like an internal agency matter.

20   And I'm sorry that they're going through

21   this, but there's not much us Commissioners

22   at this hearing we could do, except that it's

23   an agency matter. So, I don't know whether

24   it could be translated, if they could know,

25   maybe there could be a separate link. I have

1

2   no idea. I just wanted to bring that up.

3   COMMISSIONER MARINO: I think that's a

4   really good observation and suggestion,

5   Commissioner. And I also, too, just want to

6   say that we all understand the importance of

7   losing your license. I work on a license.

8   My -- Tom works on a license. We can't even

9   imagine our lives -- so, it's a very serious

10   matter that needs serious consideration. And

11   maybe there should be some type of link --

12   that's a terrific idea. But yeah, clearly,

13   we're here to talk about these rules and it's

14   a good observation, Lauvie.

15   MR. WANTTAJA: Thank you,

16   Commissioners. We have -- I'm seeing on my

17   list, two remaining speakers that have

18   requested translation services; one in

19   Spanish and one in Mandarin. If I could have

20   those translators just make a brief

21   announcement -- I think you're right. That

22   would be helpful. I see we have the Spanish

23   translator still on the line.

24   SPANISH INTERPRETER: Yes. What was

25   the announcement that you'd like me to make?

1

2   MR. WANTTAJA: Sure. If you are

3   speaking about a specific summons, please

4   reach out to TLC External Affairs at

5   tlc.nyc.gov.

6   (Spanish interpretation in

7   progress.)

8   MR. WANTTAJA: And just as another

9   matter, I see a next speaker who is also

10   requiring Mandarin translation services. Do

11   we have the translator available?

12   MR. SWITZER: Yes. Mandarin

13   interpreter, can you unmute your line.

14   COMMISSIONER JARMOSZUK: Hold on. This

15   is Aloysee. Before we move on, I just want

16   to say to the gentleman who spoke, that we

17   didn't close out with, Senior Cuello:

18   (Spanish communication in

19   progress.)

20   MR. CUELLO: Muchas gracias, sí.

21   COMMISSIONER JARMOSZUK: Gracias.

22   MR. WANTTAJA: So, while we are waiting

23   to sort out the Mandarin translator, why

24   don't we move on to the next speaker, Neville

25   Black.

1

2   MR. SWITZER: Neville, your line is

3   unmuted.

4   MR. BLACK: Actually, I was just

5   calling about a summons also.

6   MR. WANTTAJA: Thank you. Somebody

7   from TLC -- I see your e-mail address is on

8   here -- will be reaching out to you shortly.

9   MR. BLACK: All right. Thank you.

10   MR. WANTTAJA: Thank you. Our next

11   speaker is Richard Jacobson.

12   MR. JACOBSON: Am I unmuted now?

13   MR. SWITZER: You are unmuted now.

14   MR. JACOBSON: Okay. Thank you. I'm

15   really not calling to take up a lot of time.

16   I want to say that I am a TLC license holder;

17   I hold that license very proudly. I'm very

18   happy that there is an institution called the

19   TLC. I think that we lead the country in

20   terms of ground trans -- you know,

21   administrative processes for managing ground

22   transportation professionals. And that we

23   have a barrier to entry and, therefore, we're

24   beholding certain rules. But having said

25   that, I am very, very pleased, again, to be a

1

2   part of it.

3   If I go to the TLC Rule Book,

4   Chapter 80, the beginning of it says the

5   "Scope of this chapter, to establish

6   procedures for the licensing and regulation

7   of drivers licensed by the Taxi and Limousine

8   Commission to drive taxicabs, for-hire

9   vehicles, and street hail liveries; that's

10   (a). (B), to establish operating rules to

11   protect the public. (C), to establish

12   appropriate penalties for the violation of

13   these rules."

14   So, the Point B that -- nobody could

15   really question A and C, but the Point B does

16   not include "protect the drivers." And

17   really, I have to say that this is the

18   essence of everything that you hear in terms

19   of whether this package should go through.

20   Drivers are not represented in the rules that

21   they're not -- they are not positively

22   represented. They are primarily, largely,

23   overwhelmingly represented in a very negative

24   light. And these rules -- the scope of this

25   Rule 80 here proves that.

1

2   So, all the calls that you're

3   hearing -- I mean, the due process that

4   really should be there where someone would

5   have a voice and have a sense that in this

6   American -- this great American city, that we

7   have the opportunity to be innocent before

8   proven guilty, it doesn't seem to exist; and

9   this is problematic. And from that

10   standpoint, maybe a 10,000 vote standpoint,

11   if there's a ruling that ignores what people

12   are putting on the table through IDG, I

13   couldn't agree with -- I could not agree with

14   it. And I would say, let's pause it, back it

15   up, and reconsider it with all parties,

16   perspectives heard and so that drivers -- the

17   dignity of drivers are reflected in any

18   rules, not to mention their basic legal

19   rights be reflected in it.

20   So, I want to give a quick example --

21   MR. WANTTAJA: Thirty seconds

22   remaining.

23   MR. JACOBSON: Can you hear me?

24   MR. WANTTAJA: Yes. Thirty seconds

25   remaining.

1

2   MR. JACOBSON: Certainly. If a

3   bicyclist feels that they were wronged and

4   they chase down a car and break their back

5   window, that bicyclist could disappear and

6   there's no recourse for the driver who is

7   already struggling financially, and now they

8   have to fix their car. Do you understand?

9   So, that's the kind of environment that

10 drivers operate in daily. And we just need

11 to really revisit how the rules are written

12 and include drivers as full-fledged citizens.

13   And thank you very much. I yield my

14 time.

15   MR. WANTTAJA: Thank you for your

16 testimony.

17   Our next speaker is Gungshun Lee

18 (phonetic), who has indicated they would like

19 Mandarin translation services.

20   MR. SWITZER: Your line is unmuted.

21   MANDARIN INTERPRETER: Hello? You hear

22 me?

23   MR. SWITZER: Yes, we can hear you.

24   MANDARIN INTERPRETER: Okay. Good.

25   MR. WANTTAJA: My apologies, Gungshun

1

2   Lee, you're still having connectivity issues

3   with our Mandarin translator.

4   In the meantime, we'll go to Karl

5   Beecher. And I will just note that if we

6   have not solved this by the end of Karl

7   Beecher's testimony, I would invite you to

8   give your testimony in Mandarin and we can

9   have it translated after we receive the

10   transcript. So, next, I will go to Karl

11   Beecher.

12   MR. SWITZER: Hi. We have the Mandarin

13   interpreter, but we just don't have Gungshun

14   Lee.

15   MANDARIN INTERPRETER: Yes, the

16   Mandarin interpreter is ready.

17   MR. WANTTAJA: Hello, yes. I'm seeing

18   Gungshun Lee, who is muted right now.

19   MR. SWITZER: Karl Beecher, your line

20   is unmuted.

21   MR. BEECHER: Yes, can you hear me?

22   MR. WANTTAJA: Yes. And just for the

23   record, this is Karl Beecher.

24   MR. BEECHER: Good morning, everyone.

25   Ryan, you're doing a great job. Good

1

2   morning, Commissioners and everyone. This is

3   the situation:

4   I'm presently not a TLC driver. I

5   still have the license but I don't use it.

6   I've had it over 20 years. I have a regular

7   job that's very demanding, so I don't get the

8   chance to, actually -- but the purpose of

9   giving my testimony is because of two years

10   ago, 2018. Okay? I got arrested and I was

11   charged. Now, fortunately, the situation

12   that -- the disposition was that it was

13   thrown out because it was a false situation.

14   But I realized that all my licenses -- 'cause

15   I have a few licenses; I have TLC and I have

16   a tow truck license, right? And they were

17   both suspended immediately. I didn't know

18   this until notices started coming in the

19   e-mail and saying, "your license is

20   suspended," this, this, and that. I was

21   shocked 'cause I take great pride in having

22   my license. Even though I don't use them as

23   much, I always, you know, make sure they're

24   always valid and current, just in case if

25   anything happens. Today in society, no one

1

2   knows how secure their job is going to be.

3   So, the fact is -- just to keep it

4   short, 'cause I know you guys are busy and

5   I'm busy as well. But the thing is, as for

6   this new ruling that you guys are trying to

7   pass or passed, I'm not sure. I really agree

8   with the fact that it's no longer just for an

9   arrest. From what I've read, the legal

10   terminology I'm not that familiar with all

11   those things. But from what I understood is

12   that arrest is not a cause for summary

13   suspension. It's when it is -- you're

14   charged, from what I understand and how I

15   read it. But if that's the case, it's nice

16   that they brought it to the charge, but

17   that's not enough. I don't agree with that

18   aspect of it. I think it should be until the

19   case is heard in court, you're found

20   guilty -- like some other drivers have

21   mentioned. This shouldn't really be a

22   consideration, you know.

23   Fortunately, for me, I have a job that

24   I don't need this license right now. But I

25   could imagine the people who rely on this as

1

2   their livelihood; it's insane. And one of

3   the Commissioners who rightly says that she

4   has license in certain things -- I mean, if

5   you're going down the street and then someone

6   accuses you of, let's say -- let's pick up

7   something; I don't know, a hit-and-run -- you

8   hit somebody and they thought it was your car

9   and you get arrested, and now your license is

10   taken away. And now you have to wait -- and

11   depending on how long the case is being

12   heard, you have to wait all this time before

13   your license now is -- or the case is thrown

14   out or the case is adjudicated or whatever

15   the case is. But the --

16   MR. WANTTAJA: Thirty seconds

17   remaining.

18   MR. BEECHER: So, my -- okay. So, to

19   sum it up: I'm not in agreement with this.

20   I stand in support of all my TLC drivers and

21   I say that it doesn't go far enough. It

22   should be only when a case is tried, you're

23   found guilty, then a suspension should be

24   administered, summary suspension should be

25   administered. 'Cause we are innocent,

1

2   supposedly, until proven guilty.

3   So, that's my observation. But I think

4   you guys are doing a great job. Just look a

5   little bit more into that, changing it to --

6   no suspension until the total case is heard

7   and found guilty; that's the only time that I

8   think it should be suspended. Thanks again.

9   Ryan, keep up the good work.

10   MR. WANTTAJA: Thank you. Thank you

11   for your testimony.

12   Our next speaker will be Daniel Ackman.

13   MR. SWITZER: Your line is unmuted.

14   MR. ACKMAN: Thank you, Commissioners.

15   My name is Dan Ackman. I am the lead lawyer

16   in the case Nnebe v. Daus, which is a

17   long-running class action lawsuit concerning

18   the TLC suspension and arrest policy. It's

19   not noted in the Statement of Basis and

20   Purpose, but it seems that the new rule

21   changes are designed to come into some kind

22   of accord with the Second Circuit's recent

23   ruling that the prior summary suspension,

24   post-suspension policy, was unconstitutional

25   as a violation of due process. In that

1

2   regard, it's a welcomed development, but as

3   many have said, it's not nearly far enough.

4   I don't know if the Commissioners know,

5   but this policy of suspending based on an

6   arrest without any investigation into the

7   circumstance of the arrest or without a

8   regard for the driver's record, is a unique

9   policy -- I don't think any other state or

10   federal -- or state or city agency that

11   regulates workers or trades or professions,

12   has a policy like this; it's certainly

13   unusual, proudly unique, highly irregular.

14   And that is the policy, although, it's

15   good, fair enough, to have a hearing after

16   the suspension, as many have said, there

17   should be at least some kind of investigation

18   before a suspension of any kind. They can

19   look into the circumstances of the arrest.

20   They should consider the driver's record,

21   both as a TLC driver and whether he has a

22   prior criminal record or a prior criminal

23   arrest. If not, and he has got fairly clear

24   record and no criminal record, there's really

25   no reason to consider him a threat to public

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2   safety, which is the legislative standard.

3   And the TLC rule still violates the

4   City Code in two important ways; one is, the

5   City Code does not allow for suspensions on

6   arrest. It only allows for suspensions based

7   on a threat to public safety. And an arrest

8   is not the same as a threat to public safety;

9   it's never been considered that, and it is no

10   that. Secondly, the TLC rules allow the

11   Chair to review the decisions of ALJs, and

12   there's nothing in the New York City Code

13   that allows that either.

14   So, I would ask the Commission to amend

15   the policy in three ways; one, there should

16   be no suspensions without any investigation

17   into the circumstance of the arrest and the

18   driver's record; second, the post-suspension

19   process should be shortened further; third,

20   if a driver is suspended, he should be given

21   a hearing automatically, or he should be --

22   the default option, too, would be to grant

23   him a hearing, rather than to make the driver

24   request the hearing. 'Cause right now, after

25   many years --

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2   MR. WANTTAJA: Thirty seconds

3   remaining.

4   MR. ACKMAN: -- very few of the drivers

5   who are suspended, actually, request a

6   hearing.

7   Fourth, ALJs' decisions should be

8   anonymized. 'Cause right now if you do go

9   through a hearing and an ALJ writes a

10   decision, that decision records the facts of

11   your arrest and the charges against you; and

12   that goes on the internet forever, even when

13   the charges are dismissed and the arrest

14   record is otherwise sealed.

15   And fifth, chair review should be

16   otherwise -- should be eliminated. I have

17   submitted fairly detailed written comments as

18   well. I'm happy to answer any questions

19   about the lawsuit or about my testimony.

20   COMMISSIONER MARINO: I have a couple

21   questions for you, Mr. Ackman. When did you

22   bring this lawsuit? And is it a federal or a

23   state lawsuit?

24   MR. ACKMAN: It was, actually, brought

25   in 2006. It's been pending for fourteen

1

2   years --

3   COMMISSIONER MARINO: Oh, my God.

4   MR. ACKMAN: Circuit Court, there've

5   been two appeals. Most recently, the Second

6   Circuit Court of Appeals ruled in 2019; that

7   decision is part of my written testimony,

8   it's an octavo to my written testimony. But

9   it's very, very difficult and a long-running

10   lawsuit. And, unfortunately, it's been

11   marred by many false statements by TLC

12   officials, including the former Chair and

13   General Counsel.

14   COMMISSIONER MARINO: Okay. I am very

15   interested in that lawsuit. I don't know if

16   you know, but I'm also an attorney who does a

17   lot of constitutional law issues. And you

18   beat me, 2006, that beats my oldest case.

19   But I'm very interested, and I think you've

20   raised very valid points. So, I would like

21   to speak -- I don't want to waste everybody's

22   time, but I'm very interested in your

23   lawsuit. And I would like to hear more. If

24   you could shoot me and an e-mail. I would

25   like to talk to you more about it.

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2   MR. ACKMAN: I will do that.

3   COMMISSIONER MARINO: Okay. You can

4   just send that to nora@marinojustice.com,

5   please.

6   MR. ACKMAN: All right.

7   COMMISSIONER MARINO: Thank you.

8   MR. WANTTAJA: Thank you for your

9   testimony.

10   Our next speaker will be Gillian

11   Stoddard Leatherberry.

12   MR. SWITZER: Your line is unmuted.

13   MS. LEATHERBERRY: Good day. My name

14   is Gillian Stoddard Leatherberry. And I'm a

15   civil public defender at the Bronx Defenders

16   Civil Action Practice, also known as CAP.

17   Thank you for the opportunity to testify

18   regarding the summary suspension proposed

19   rules.

20   Bronx Defenders is a public defender,

21   nonprofit, that practices holistic public

22   defense to address the causes and

23   consequences of the multi-law system involved

24   that our clients face. CAP frequently

25   represents drivers whose licenses have been

1

2   suspended by the TLC following arrest.

3   License suspension is devastating for our

4   clients. Our clients are hardworking parents

5   and spouses, immigrants and community members

6   who often work a minimum of eight hours a

7   day, often for longer, five to seven days per

8   week prior to suspension.

9   Immediate loss of income is both

10   shocking and destructive for our clients and

11   their families. Because TLC license

12   suspensions often last for months, most

13   drivers whose licenses are suspended face

14   extended financial instability, including

15   missed rent, mortgage payments and other

16   bills. Loss of a license takes an extremely

17   heavy and emotional toll on our clients.

18   The TLC should stop suspending licenses

19   based on arrest or criminal charges. TLC

20   license suspension, when based on arrest or

21   criminal charges, disproportionately affects

22   black and brown drivers. Further, since the

23   vast majority of suspended drivers end up

24   without any criminal conviction and return to

25   driving when their criminal case concludes,

1

2   the suspensions cause serious harm to the

3   drivers' lives and you deprive the City of a

4   needed service, while doing nothing to

5   protect public safety.

6   Third, TLC's policy is widely out of

7   line with other New York State and City

8   agencies that do not suspend based on arrest

9   or criminal charges alone. Alternatively, if

10   TLC continues suspension based on arrest or

11   criminal charges, only arraignment charges,

12   rather than arrest charges, should provide a

13   basis for suspension. Arrest charges are

14   often dropped, changed, or downgraded

15   following the prosecutor's assessment of the

16   arrest charges.

17   Second, when a driver receives a desk

18   appearance ticket, drivers are not connected

19   with an attorney until the arraignment, which

20   could be months after initial arrest.

21   Second, the hearing process must be as short

22   as possible. Hearing should be scheduled to

23   be heard within three days of receipt of the

24   hearing request. Decision-makers should

25   render a decision in three or fewer days and

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2   chair review should be eliminated.

3   Third, basic components of due process;

4   such as standards of review, evidentiary

5   standard, and deadlines for every step of the

6   process should be strengthened, clearer, more

7   specific and clearly and accessibly

8   communicated to drivers. Fourth, to rule

9   should require decisions to be anonymized and

10   prohibit disclosure appearing in transcripts

11   and any other form, so drivers are not forced

12   to choose between exercising their due

13   process rights at TLC and their Fifth

14   Amendment right in their criminal,

15   immigration, or family cases.

16   The new universal sentiment among our

17   clients is that "TLC always wins." While

18   some drivers have prevailed at a hearing

19   since the decision in Nnebe versus Daus, the

20   process should be reformed to give drivers a

21   fairer chance. I refer you to our written

22   testimony for greater explanation of these

23   points, and also echo the testimony of

24   drivers and other driver advocates testifying

25   today. Thank you.

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2   MR. WANTTAJA: Thank you for your

3   testimony.

4   Our next speaker will be Megumi Saito.

5   MR. SWITZER: Megumi, your line is

6   unmuted.

7   MS. SAITO: Hi, good morning. Thank

8   you. My name is Megumi Saito. And I am a

9   Staff Attorney at the Worker Justice Project,

10   an initiative of the Legal Aid Society's

11   criminal defense practice. The Worker

12   Justice Project fights employment

13   discrimination faced by people with arrest

14   and conviction records. We thank the TLC for

15   the opportunity to provide testimony in

16   response to Proposed Rule 68-15 and to

17   recommend further amendments.

18   In order to have a Constitutional fair

19   summary suspension system, the TLC must

20   change the process by which it decides to

21   suspend a license, and it should also remove

22   chair review from the process. We

23   respectfully urge the TLC to make the

24   following modifications to the proposed rule:

25   First, the TLC should cease summary

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2   suspensions and limit suspensions to when

3   (a), there is a conviction warranting a

4   suspension or revocation proceeding; or (b),

5   the allegations are directly related to the

6   duties of a driver. The mere fact of an

7   arrest does not show good cause relating to a

8   direct and substantial threat to public

9   health or safety.

10   Of the approximately 180,000 arrests

11   disposed of in New York City in 2019, only

12   19 percent resulted in a criminal conviction.

13   We are unaware of any instance where a taxi

14   driver was arrested and harmed a passenger

15   while their criminal case was pending. To

16   summarily suspend is to sentence a driver to

17   unemployment before any investigation or

18   finding of guilt. The TLC should wait for

19   the outcome of the criminal case before

20   deciding to suspend. And to this end, the

21   TLC may require updates, including next court

22   date appearances and a certificate of

23   disposition when the case is over.

24   Also, the TLC already has a process to

25   conduct an independent investigation and

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2   potentially suspend or revoke a license if it

3   concludes that a driver poses a direct and

4   substantial threat. Any passenger, fellow

5   driver, or law enforcement officer may file a

6   complaint against a driver with the TLC, and

7   the TLC will initiate an administrative

8   investigation.

9   Second, change the word "charges" to

10   "arraignment charges" in 68-15 subsection

11   (d)(1). At a minimum, the TLC should wait

12   until the District Attorney's Office has

13   decided what, if any, charges to prosecute,

14   which are reflected in the arraignment

15   charges.

16   MR. WANTTAJA: Thirty seconds

17   remaining.

18   MS. SAITO: Summarily suspending based

19   on arrest charges is particularly harmful to

20   drivers issued desk appearance tickets,

21   because they will often wait weeks or months

22   for their arraignment. TLC should wait and

23   discern whether a suspension is warranted

24   only after a DA decides whether an arrest

25   will, in fact, evolve into a prosecution and

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2   what the charges will be. The Legal Aid

3   Society also echos the following

4   recommendations made by fellow advocates

5   regarding the ALJ decisions being anonymous;

6   that chair reviews should be eliminated, and

7   the proper use of hearing transcripts.

8   Thank you very much for hearing our

9   testimony today. I refer you to our written

10   comments for more on these points.

11   MR. WANTTAJA: Thank you for your

12   testimony.

13   Our next speaker will be Leonardo

14   Castillo, who has indicated they were

15   requesting Spanish translation services.

16   MR. SWITZER: Leonardo, your line is

17   unmuted.

18   (Spanish communication in

19   progress.)

20   MR. CASTILLO: (Through interpreter):

21   Good morning. My testimony is that I

22   just recently had a ticket. I was driving

23   behind a bus, me and some other cars. So,

24   the bus stopped at a light by 233rd Street to

25   leave and pick up some passengers. Then the

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2   light was green and the vehicles that were

3   behind me, and me as well, started driving

4   along his side to try to pass the bus --

5   (Spanish communication in

6   progress.)

7   COMMISSIONER JARMOSZUK: We will move

8   on to the next speaker.

9   MR. WANTTAJA: Thank you. Our next

10   speaker is Charmaine Christie.

11   MR. SWITZER: Charmaine, your line is

12   unmuted.

13   MS. CHRISTIE: Yes, hi. Good

14   afternoon. My name is Charmaine Christie.

15   And I am a member of IDG. Thank you very

16   much for giving me the opportunity of

17   speaking this afternoon. Good afternoon,

18   Commissioners, Commissioner Jarmoszuk and the

19   other attendees of the panel.

20   I, actually, was going to address the

21   rule of suspending drivers, but it has been

22   quite well covered by a number of attorneys

23   this afternoon. But I just wanted to say

24   that in reviewing and revising this rule

25   that's currently present, that rather than

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2   suspending drivers right away for an

3   infraction, that the suspension should take

4   place once there has been a decision or a

5   conviction on the case.

6   With that, I will segue to the other

7   matter that I wanted to talk about. Being

8   that we are invaluable service operators in

9   the industry, transportation services we

10   provide, I wanted to state that while using

11   the roadways and thoroughfares, when it comes

12   to bus lanes, that TLC operatives be given

13   the opportunity to use these bus lanes, as we

14   are providing valuable transportation

15   services to our passengers.

16   So, therefore, rather than be ticketed

17   by not only the -- because I'm in New York --

18   NYPD and TLC officers out on the road, that

19   we should be given that opportunity to use

20   the bus lanes while transporting our

21   passengers.

22   The third thing that I would like to

23   highlight is: As a female TLC licensee

24   operating on the road, there doesn't seem to

25   be that type of safety being offered to us as

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2   members; TLC members, in general, but women

3   in particular. And if you're operating at

4   night, there doesn't seem to be that type of

5   assistance. Because often times, there is no

6   police officer around the areas that we're

7   traveling, or their TLC operators, who could

8   come to our assistance. So, the fact that

9   other business owners are given that

10   opportunity to have certain elements to

11   protect themselves, we are out there

12   defenseless, basically.

13   So, basically, those are some of the

14   issues that I would like to bring to the

15   panel's attention, that you could look more

16   seriously into these matters and address

17   them. Thank you so much for this time.

18   MR. WANTTAJA: Thank you for your

19   testimony. Our next speaker will be Ashraf

20   Awad.

21   MR. SWITZER: Your line is unmuted.

22   (No response.)

23   MR. SWITZER: Ashraf, your line is

24   unmuted.

25   (No response.)

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2   MR. SWITZER: Okay. We should skip.

3   MR. WANTTAJA: Okay. Moving on. Our

4   next speaker is Gabriel Freiman.

5   MR. SWITZER: Gabriel, your line is

6   unmuted.

7   MR. FREIMAN: Good afternoon. My name

8   is Gabriel Freiman, I am the

9   attorney-in-charge of Brooklyn Defender

10   Services, Employment Practice. I thank the

11   TLC for holding this hearing, specifically,

12   on the issue of summary suspensions. BSD's

13   Employment Practice regularly represents

14   drivers who are licensed with the TLC, who

15   face charges that results in their

16   suspension.

17   I want to acknowledge and echo the

18   important points that have been made by many

19   drivers today, as well as advocates for

20   drivers. And we very much agree that the

21   TLC's policy of automatic suspension, based

22   on charges in the criminal legal system,

23   reinforces harms that come from racially

24   discriminatory law enforcement practices.

25   The majority of our clients who have their

1

2   licenses suspended, received favorable

3   outcomes in criminal legal proceedings and

4   then they drive for TLC again. The broad

5   suspension policy that the TLC has and has

6   proposed, poses disastrous economic risks for

7   drivers, and we urge the TLC to abandon this

8   practice and develop more equitable system

9   working with drivers and advocates.

10   I want to focus the oral testimony I'm

11   giving today on the reality that when -- in

12   my office, we meet with drivers, we find that

13   drivers are very concerned about the hearings

14   for two reasons; one is, even with the

15   proposed rules, the timelines involved in

16   these proposed rules leave drivers without

17   work for far too long. Under these rules, a

18   driver could wait ten days for a hearing,

19   fifteen days for the ALJ's report and

20   recommendation, and twenty days for chair

21   review. In total, waiting forty-five days

22   for reinstatement after requesting a hearing,

23   or more, depending on how weekends and

24   holidays fall.

25   What that means is that even if someone

1

2   has promptly challenged their suspension,

3   they're left out of work for almost as long

4   as a criminal case could be resolved. The

5   fix that this hearing process is intending to

6   provide is no better than letting the

7   criminal case run its course. We recommend

8   that the TLC reduce the timelines involved,

9   so that hearings can be scheduled within

10   three days and decisions rendered within

11   three days. As other lawyers for drivers

12   have proposed, we also recommend eliminating

13   chair review or reducing chair review to

14   two days. And this way, drivers could

15   challenge their suspensions and prevail and

16   get back to work with a much more limited

17   financial cost.

18   The second issue I wish to highlight is

19   the issue of publication of OATH decisions

20   under the full name of the driver. This

21   causes many of the drivers that we work with

22   to decline to challenge their suspension,

23   even if there are no facts that would suggest

24   they pose a risk to the public.

25   MR. WANTTAJA: Thirty seconds

1

2   remaining.

3   MR. FREIMAN: If a licensee

4   participates in a hearing to challenge their

5   suspension, that decision is published on an

6   OATH online database that's available to the

7   public, whether or not the licensee prevails.

8   And it contains very personal information.

9   Many of the drivers we represent are

10   immigrants, who are not citizens, and they

11   are often quite concerned about the treat of

12   a publicly available decision with their full

13   name and charges.

14   We believe that it is essential that

15   the TLC create a rule to protect the privacy

16   of drivers who wish to pursue suspension

17   hearings by anonymizing the names at these

18   proceedings. This would be consistent with

19   the eventual outcome of sealing that so many

20   of the drivers that we work with ultimately

21   receives.

22   Thank you very much. We are open to

23   answer any questions and we'd refer you to

24   our written table.

25   MR. WANTTAJA: Thank you for your

1

2   testimony.

3   Our next speaker will be Pedro Acosta.

4   MR. ACOSTA: Yeah. Good afternoon,

5   everyone. Good afternoon Commissioners.

6   Thank you for giving me the opportunity to

7   talk about so many problems that we are

8   having lately -- I mean, always but lately

9   it's getting worse and worse every day.

10   The first thing that I want to talk

11   about is the suspension of drivers. I know

12   that a lot of drivers already talked about

13   that, but I also have to strongly begs you

14   please to stop doing the license suspension

15   to drivers before we are found guilty of any

16   violation. Please, stop that.

17   One more thing that I want to talk --

18   it's something that is affecting many

19   drivers; it's about insurance. When somebody

20   is renting a vehicle -- let's say for

21   American Leasing, and they have American

22   Transit Insurance, and if that driver tries

23   to go to another company, which had the same

24   insurance, American Transit, that guy is

25   going to be linked to the first company until

1

2   they want to release us from that policy.

3   So, that means that we won't be able to get

4   another vehicle with the same insurance

5   company if the other company doesn't release

6   him from that policy. That's very bad

7   because I know guys who have been linked to

8   that company for weeks and they're unable to

9   start working from another company because

10   they keep you like that. We are like an

11   object of those companies. Please try to

12   interfere in this problem because it's

13   affecting many drivers.

14   One more thing that I want to mention

15   is what my brother, Guillermo, talk before

16   when he was talking about the WAV vehicle and

17   the discrimination that we are suffering on

18   this issue. I know seventeen guys who owns

19   WAV vehicle. And we bought it because we

20   thought that we were going to be granted with

21   a grant that the Taxi Improvement Fund is

22   giving through TLC. Well, we found out that

23   it's not for us. That's a discrimination

24   because when you give a person a privilege to

25   do the same work that another person is doing

1

2   and you don't give it to that other person,

3   that is a discrimination.

4   We are the people who are providing the

5   wheelchair service in our community because

6   yellow and green are not doing that, at least

7   in the boroughs. I know that yellow are

8   doing it in the City. But in the boroughs,

9   we are doing the service. So, please, we

10   strongly beg you to also extend the grant to

11   us. It's a $30,000 grant, which is very

12   good, in four years. So, we expect that you

13   make some changes, and you can make some

14   adjustments that we can be included in

15   that --

16   MR. WANTTAJA: Thirty seconds

17   remaining.

18   MR. ACOSTA: Yes. One more thing that

19   I want to mention is that we have so much

20   crisis. And you know that -- especially, now

21   after the COVID, and I think that you are

22   also spending so much money on wellness

23   programs to help drivers with some mental

24   health problem. And I think at the same

25   time, you are creating the situations that

1

2   we're getting in mental problems when you

3   have those enforcement officers giving us a

4   ticket for moving traffic violation in the

5   City. I think that --

6   MR. WANTTAJA: Please sum up your

7   testimony.

8   MR. ACOSTA: All right. Thank you.

9   Thank you so much then.

10   MR. WANTTAJA: Thank you for your

11   testimony. And we will try once more for

12   Ashraf Awad.

13   (No response.)

14   MR. WANTTAJA: Ashraf Awad?

15   (No response.)

16   MR. WANTTAJA: Well, that concludes our

17   list of speakers for today's public hearings.

18   And for that, I thank the Commissioners for

19   diligently staying with us today. Thank you

20   for working through all of our technical

21   difficulties here.

22   Actually, I should try Gungshun Lee one

23   more time.

24   MR. SWITZER: He has left the meeting.

25   MR. WANTTAJA: Okay. Commissioner.

1

2   COMMISSIONER JARMOSZUK: Thank

3   everybody for joining us. And the

4   Commissioners, we appreciate your time and

5   your patience. And the participants and

6   speakers, we appreciate your candor and your

7   testimony. And we will follow up as we have

8   indicated we would with the individuals.

9   Thank you so much.

10   COMMISSIONER POLANCO: I'm sorry. So,

11   we're not posting any rules today, right?

12   MR. WANTTAJA: There is no vote today.

13   COMMISSIONER POLANCO: Oh, there is no

14   vote. I want to take an opportunity to

15   thank -- first, to congratulate the

16   Commissioner, the new Commissioner, Aloysee

17   Heredia Jarmoszuk. I'm sorry for killing

18   your name.

19   COMMISSIONER JARMOSZUK: That's okay.

20   COMMISSIONER POLANCO: I want to

21   congratulate you and welcome you to the Taxi

22   and Limousine.

23   I want to thank the staff at TLC for

24   all the hard work that you've been doing all

25   this time, for your continued work. I want

1

2   to thank everyone in the industry who has

3   continued to work. I know you mentioned the

4   52 drivers that passed away and Mr. David

5   Louis from TLC. I'm so sorry to hear of

6   other passing, and I hope that their family

7   finds comfort. And whatever it is that we

8   can do at TLC, we are here for them.

9   And I also want to thank two people

10   that retired during the pandemic, Chris

11   Wilson and Gary Weiss. I really want to

12   thank them for their service for all the

13   years that they dedicated to the City of New

14   York; and that's all I wanted to say, and

15   thank you. Thank you all and it's great

16   seeing all of you.

17   COMMISSIONER JARMOSZUK: Thank you,

18   Commissioner.

19   MS. MARINO: I want to join in with

20   everything Lauvie just said.

21   COMMISSIONER JARMOSZUK: Thank you,

22   also.

23   MR. WANTTAJA: All right. And with

24   that, the time is 12:54, and we will conclude

25   our initial meeting. Thank you. Thank you

1

2   all.

3   COMMISSIONER JARMOSZUK: Thank you.

4   COMMISSIONER MARINO: All right.

5   Thanks.

6   COMMISSIONER SORRENTINO: Thanks.

7   (TIME ADJOURNED: 12:54 p.m.)

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2   C E R T I F I C A T E

3

4   STATE OF NEW YORK)

5   :SS

6   COUNTY OF QUEENS)

7

8   I, Sabrina Brown Stewart, a shorthand

9   reporter within and for the State of New York, do

10   hereby certify that the within is a true and

11   accurate transcript of the statement taken on

12   October 19, 2020.

13   I further certify that I am not related to

14   any of the parties to this action by blood or by

15   marriage, and that I am in no way interested in the

16   outcome of this matter.

17   IN WITNESS WHEREOF, I have hereunto set my

18   hand this 19th day of October, 2020.

19

20

21
                     Sabrina Brown Stewart
                      Sabrina Brown Stewart

22

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24

25

$100 14:11

$13 53:13

$250 44:19

$30000 101:11

$39 8:15

$500 18:23

$750 18:24

$89 13:15

& 1:4

'cause 76:14,21 77:4 78:25 81:24 82:8 (6)

18th 25:15

19th 25:13 106:18

22year 16:11

233rd 91:24

3rd 5:11

59d03 38:9,13

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50000 13:4

81820 67:8

112000 13:11

180000 89:10

200000 13:7