

Minutes of the Metropolitan Taxicab Commission
Friday, February 18, 2005
1:00 p.m., in the Auditorium at 100 N. Tucker Blvd.

(Note: there were 18 attendees in the audience today)

Meeting was called to order at 1:10 p.m. by Chairman Thomas McCarthy.

Roll was called; all Commissioners were present except Messrs. Bennett and Rudawsky.

** Motion was made by Mr. Harris to approve the Minutes of the January 14 meeting; motion was seconded by Mr. Morgan and passed by unanimous vote with no changes being made.*

Old Business

Director Tully gave an update on the premium sedan applications: the deadline expired January 31; there were applications for 26 vehicles – all were approved, bringing the new total to 96 vehicles; there are four new companies. All applicants have until April 1 to have their vehicles inspected, or their application fees will be forfeited.

Regarding the sale of Archway Cab: Mr. Tully reported that he reviewed the application with MTC Legal Counsel Patrick McCarthy; the staff recommendation is to approve this transaction. Several questions/comments were interjected by Messrs. McNutt and Harris, and were answered to their apparent satisfaction.

** Motion was made by Chairman McCarthy to approve this sale; motion was seconded by Mr. Hamilton, and was passed by unanimous vote.*

Mr. McCarthy asked the Director to give an update on the NCAA Final Four Tournament to be held in St. Louis April 2 - 4. Director Tully replied that he is working with the City's Director of Operational Planning. Mr. Hamilton stated he has talked with Carole Moody of the Convention and Visitors Commission concerning efforts to locate a corporate sponsor to obtain baseball-style caps, imprinted with the event logo, for cab drivers to wear to publicize/promote the tournament.

Mr. Hamilton added his recommendation that Mr. Tully should arrange a meeting with principals of cab companies to brief all area drivers about performance standards the MTC will expect concerning customer service, pricing issues, etc. Chairman McCarthy added a caveat that, while the MTC Enforcement Agents and their colleagues are still expected to do their jobs, they should remain mindful that area-wide resources will be 'taxed to their limit' during this 4-day weekend which has an estimated revenue potential of \$50 million.

Mr. Hamilton asked for the members' comments and for a policy clarification concerning a pending request to permit additional premium cars to participate in this specific NCAA event. Mr. Tully replied that General Motors has requested that MTC license 25 additional Town Cars for executives' use. Mr. Hamilton added that he has talked with Missy Slay at the organizing committee and that there will be some special contracts in place, however, these cars' drivers must also abide by our regulations and will have to pay a pro-rated license fee to MTC. Mr. Hamilton emphasized that these cars will not be available for hire, they will only be permitted to shuttle executives to event venues around town.

Mr. Harris interjected a question as to whether/how enforcement can be increased for the NCAA Final Four events, stating that during the recent Mardi Gras events in the Soulard district, he was made aware of several flagrant violations. Mr. Tully replied that our Agents did vigorously enforce, both at the Saturday (February 5) parade and on Mardi Gras itself (February 8) - and that, despite our limited agent staff, 70 citations had been issued; he added there were no physical arrests, but stated that some vehicles were 'red-tagged.'

Mr. Harris thanked him for that focused enforcement and for his report, and advocated the Commission hire additional enforcement agent(s). Mr. Tully replied that, regrettably, no funds are currently allocated in the budget to increase our staff.

Mr. McNutt, returning to the subject of the NCAA tournament, stated that at the recent Super Bowl (held February 6 in Jacksonville, Florida) a major problem had arisen due to inadequate planning for taxicab 'staging' space.

Mr. Hamilton suggested that Mr. Tully should liaise with the mayor's office and with Missy Slay to coordinate the locations, and capacity, of the various 'staging' areas which we intend to implement.

Chairman McCarthy, consulting the Agenda, asked how the recent closing of State licensing offices by Governor Blunt will affect MTC's plans for issuance of its specialty license plates. Mr. Tully replied that the nearest "for fee" office will be across the street at City Hall. Chairman McCarthy stated that, given our volume, he feels confident that City Hall authorities will grant the MTC status as a 'clearinghouse' to handle issuance of these license plates ourselves.

Mr. McCarthy asked Mr. Tully what other items need to be addressed; Director Tully replied that our counsel, Patrick McCarthy, has - as directed - drafted the wording of the VFH Code revision which was *approved at last month's meeting*, whereby the **unsuccessful party** in any 'taxi court' proceedings will be required to sustain all administrative fees, including but not limited to professional stenographers' fees. Mr. Tully said this text merely needs to be typed and will be submitted at the March meeting.

The Commissioners then consulted their calendars and chose Friday, March 11 for the meeting date; due to existing commitments for several members, it was agreed the meeting will begin at 10:00 a.m.

Chairman McCarthy then asked Mr. Tully to deliver his Director's Report.

- Mr. Tully enumerated the number of licenses issued and the fees generated to date, including penalties which became applicable when the deadline expired on January 31.
- Mr. Tully then provided an overview of what had transpired at the February 3 and 17 sessions of MTC Taxi Court, adding that as of February 1 the airport Starter Agents have begun using our ticket books to issue citations for VFH Code violations.

Chairman McCarthy then requested that Mr. Morgan deliver the Treasurer's Report.

- Mr. Morgan announced that the annual audit will be conducted one week from today, on Friday, February 25, by St. Louis County Auditor Mark Burchyett. Mr. Morgan added that, depending on their turnaround time, we may receive the audit results in time for the next board meeting on March 11.

Mr. McNutt questioned the expenditures shown for legal fees, and Mr. Morgan explained the figure is high due to several one-time occurrences, but stated these will diminish.

Mr. Hamilton questioned the figure of \$5,000 shown under 'fixed assets' for staff automobiles; Mr. Morgan concurred that figure obviously represents only *one* vehicle, and pledged to verify all figures he was just provided for inclusion in today's financial report. He stated he will submit an amended report at the March meeting.

Chairman McCarthy then suggested that the 'public comments' portion of the Agenda should be conducted at this point, since not all the attendees can stay for the duration of the entire meeting. *This portion will include three public appeals hearings of recent disciplinary matters.*

A court reporter was then admitted, to record verbatim testimony of the affected drivers, of MTC enforcement agents, and of various witnesses. Complete details of this testimony will be available when the official transcripts are received.

Synopses of the subject appeals cases follow:

- 1) Driver Douglas Bobo, of A-VIP Limo, who was represented by his attorney, Mr. Don Nangle.

Mr. Nangle stated that Mr. Bobo has lost his livelihood due to a 'simple misunderstanding'; after a brief discussion, * Chairman McCarthy made a motion to amend the violations as follows: to uphold Mr. Bobo's fines for being out of uniform and for soliciting airport business; and to uphold his 30-day suspension which had already begun on February 3 and thus will end on March 3; he further stipulated that Mr. Bobo is being placed on probation for the remainder of the year, and mandated that, should any further infractions occur, the result will be the immediate revocation of his operating license (known as C C N, 'Certificate of Convenience and Necessity' required to operate a vehicle-for-hire company). The motion to amend the violations as specified was upheld by polling the 7 commissioners today present, with 4 of the 7 members voting to uphold the motion as amended.

(Note: On advice of counsel, to avoid the appearance of a conflict of interest, Messrs. Harris, McNutt, and Shiferaw abstained from participating in the vote.)

- 2) Driver Larry Goldstein, of West County Cab Company, who was represented by his attorney, Mr. Sidney Siegfried.

* Mr. Hamilton made a motion to sustain the ruling of MTC Special Commissioner Ellsworth Cundiff, the designated hearing officer; the motion was seconded by Mr. Morgan. The commissioners today present were polled, with Chairman McCarthy requesting that the industry members recuse themselves from participating in the poll, to avoid the appearance of a conflict of interest as they are Mr. Goldstein's direct competitors; the remaining (non-industry) members voted to uphold Judge Cundiff's ruling.

(Note: Chairman McCarthy commented that, had Mr. Rudawsky been present today, he too would have been requested to recuse himself from participating in the poll).

3) Dr. Ioan Ziub, Managing Director of Airport Taxi Company, LLC

Following some discussion about the legality of Dr. Ziub's stated intention to represent and speak on behalf of all eight member taxicab companies which comprise the subject company,

* Chairman McCarthy made a motion to postpone hearing this appeal until all member parties are properly represented before the Commissioners, possibly by legal counsel of their mutual choosing, at which time the Commission will dispose of all their issues as one single appeal; the motion was seconded by Mr. Harris and passed by unanimous vote, as conducted by a poll of all commissioners today present.

Chairman McCarthy explained to Dr. Ziub that this motion had been merely a procedural vote, and in no way reflects upon the merits of his opinions concerning the issues pending appeal.

Mr. McCarthy asked the members for any other items of new business, and Mr. McNutt mentioned that recently, he had e-mailed all his fellow Commissioners about the imperative of assessing full meter rates only, and of specifically prohibiting any discounting. Mr. Hamilton interjected that he had received a telephone call yesterday from Mr. Rudawsky, who is not present today, in his (Mr. Rudawsky's) belief that Mr. Hamilton would be chairing today's public meeting .

Mr. Rudawsky had requested that, should Mr. McNutt introduce this specific subject today, discussion should be deferred until Mr. Rudawsky is in attendance. Chairman McCarthy indicated that he, too, had received a similar telephone call from Mr. Rudawsky and believes this request is a reasonable one; he then asked MTC legal counsel Mr. Patrick McCarthy for his legal opinion in this regard. Mr. Patrick McCarthy responded that he concurs it is advisable to defer this subject for discussion until Mr. Rudawsky is also present.

Mr. McCarthy asked that someone make the motion to adjourn; Mr. Harris did so, motion was seconded by Mr. Hamilton. Chairman McCarthy reiterated that the next meeting will be held on Friday, March 11, and reminded everyone of the unusual **starting time of 10:00 a.m.** on that date.

Meeting was adjourned at 2:44 p.m.

-- minutes taken by Judith Cannon, MTC Office Administrator.