

Metropolitan Taxicab Commission

August 28, 2012 @ 9:00 am
Commission Headquarters, 2628 Delmar, Hearings Room

Members present: Commissioners: McNutt, Reeves, Bennett, Rudawsky, Satz, and Asfaw

Members absent: Commissioners: Hamilton, Gidey, and Tucci

Legal Department: Tom McCarthy

MINUTES

The Meeting was called to order by Commissioner Reeves and the roll was called by Beth Dunham; Chairman Hamilton-absent, Commissioner McNutt-here, Reeves-here, Bennett-here, Gidey-absent, Rudawsky-here, Satz-here, Tucci-absent, and Asfaw-here. A quorum being found the meeting was called to order. The first order of business was approving the minutes from the July 12, 2012 meeting. A motion to approve the minutes was made by Commissioner Reeves, moved by Commissioner Rudawsky and seconded by Commissioner Bennett, with no further discussion roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the minutes were approved.

NEW BUSINESS

The first order of new business was setting a date for the September meeting, which will be September 20, 2012 at 9:00a.m.

The second order of business on the agenda was the CCN Hearing for Bass Transportation Services, LLC. Bass Transportation had no one present to represent them so the CCN Hearing was tabled until the September meeting.

The third item of new business on the agenda was the Circle of Light Associates Medical Transportation CCN Hearing. The Director asked if anyone was present at the hearing to represent Circle of Light Associates Medical Transportation, Mr. Fields stated he was there. The Director then stated that the CCN Application was in order and that it was the staff's recommendation the CCN Application be approved. Commissioner Reeves asked if anyone had any questions. With no questions and the staff's recommendation, Commissioner Reeves asked for a motion to be moved to approve the Circle of Light Associates Medical Transportation CCN Application. A motion was made by Commissioner Satz, seconded by Commissioner Bennett, and roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the CCN was approved. A question was raised by Commissioner Rudawsky about the CCN Application being a non-for-profit organization and if they even required a CCN from the Commission. The Director suggested it would be better to table the CCN Application until further review. Commissioner Satz withdrew his motion, and Commissioner Bennett withdrew his second. With no further discussion the vote for the CCN Application was tabled.

The last order of new business was Code Revisions in Sections 1001.1, J & O.5a. – Review of Citations by Director. The legal counsel addressed the Commissioners on the new proposals in the packets.

CHAPTER 10 – ENFORCEMENT
1001 ENFORCEMENT

1. Citations shall be reviewed by the Director for compliance with rules and the VHC and general conformity with standards of law and equity and may be dismissed by the Director for failure in

any area. Otherwise, the Director will sign the citation as having been reviewed and notify the person cited of the nature and class of the violation. Such notification shall contain the appropriate information concerning the appeal procedure pursuant to Chapter 12 of the code.

Is hereby amended to read:

CHAPTER 10 – ENFORCEMENT
1001 ENFORCEMENT

2. Citations shall be reviewed by the Director for compliance with rules and the VHC and general conformity with standards of law and equity and may be dismissed **in whole or in part or reduced to a lower category** by the Director for failure in any area. Otherwise, the Director will sign the citation as having been reviewed and notify the person cited of the nature and class of the violation. Such notification shall contain the appropriate information concerning the appeal procedure pursuant to Chapter 12 of the code.

So ordered this 28th day of August 2012.

CHAPTER 10 – ENFORCEMENT
1001 Enforcement

- J. Upon appeal, a representative of the MTC's office of General Counsel will present evidence supporting all citations written by the MTC's enforcement agents. General Counsel may dismiss any citation or charge if counsel believes the citation does not state a violation of the code or if there is otherwise insufficient evidence upon which to proceed or the citation violates basic standards of equity.

Is hereby amended to read:

CHAPTER 10 – ENFORCEMENT
1001 Enforcement

- J. Upon appeal, a representative of the MTC's office of General Counsel will present evidence supporting all citations written by the MTC's enforcement agents. General Counsel may dismiss any citation or charge **in whole or in part or reduce to a lower category of violation** if counsel believes the citation does not state a violation of the code or if there is otherwise insufficient evidence upon which to proceed or the citation violates basic standards of equity.

So ordered this 28th day of August 2012.

CHAPTER 10 – ENFORCEMENT
1001 Enforcement

O. POINT PENALTIES:

5. Class V Violation – Default

- a. Any violation of the Director Rules or the VHC not specifically set out therein shall result in in (1) point charged against the driver's license for each violation and, in addition, within any contiguous twenty-four (24) month period.

CHAPTER 10 – ENFORCEMENT

1001 Enforcement

O. POINT PENALTIES:

5. Class V Violation – Default

- a. Any violation of the Director Rules or the VHC not specifically set out therein shall result in in (1) point charged against the driver's license for each violation and, in addition, within any contiguous twenty-four (24) month period, **unless such points are waived under sections 1001.1 or 1001.J:**

So ordered this 28th day of August 2012.

Draft revisions to Section 1201 A:

“In No event will an appeal be delayed for longer than one hundred eighty (180) days unless due to continuance requested by the appealing party.”

Draft language for changes to Section 508 A.

“A vehicle for hire may be transferred by its owner from one CCN holder to another with the consent of the receiving CCN holder as long as the vehicle passes inspection at the time of transfer and is within the age requirement of the appropriate type of vehicle without regard to any age restrictions in this code that are placed upon a vehicle entering service for the first time.

Draft language changes for Section 501M:

In the current section 501 M, eliminate the words “presented at the time of engagement of the service.”

Draft changes to Section 1206:

Repeal section

1001

O.

7. When a violation carrying a point penalty is appealed to a hearing officer and is subsequently upheld, the points will be assessed as of the issuing date of the violation and not as of the date of the adjudication.

A Director's Rule was added to section 508 A. “A vehicle within age requirement has only thirty (30) days to transfer from one CCN holder to another.”

A motion was made by Commissioner Bennett for approval of the code revisions, seconded by Commissioner Satz. Roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, and the revisions were approved.

DIRECTOR'S REPORT

There were no items on the Director's report to discuss.

TREASURER'S REPORT

Commissioner Reeves discussed the financial report in the packets. He started with the month of July showing a slight loss of \$4,780.61. He explained this was nothing out of the ordinary, and the budget was tracking along as planned.

OLD BUSINESS

St. Louis Bar Cycle was discussed during old business. The legal counsel explained that this item should be withdrawn, that the Commission doesn't have authority over non-motorized vehicles that were not grandfathered in from the time the Commission was formed.

PUBLIC COMMENTS

Rose Harmon addressed the Commissioners in regards to the new credit card processing machines. She raised concerns on receiving fraudulent credit cards, and she also expressed money made by credit card trips with the new credit card devices had to go to a middle man before she received the money made for the trip. She was instructed by the Commission to try the new system and see how it goes, and if there are any problems then address the Commission at that point.

EXECUTIVE SESSION

Commissioner Reeves made a motion to enter into Executive Session under section 610.021RSMo to discuss litigation, confidential and privileged matters, including legal and personnel matters. The motion was moved Commissioner Rudawsky, seconded by Commissioner McNutt with that roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, and the Commissioners convened into Executive Session. The statement below appears on every agenda:

Pursuant to Missouri Statute 620.021, an Executive Session may be held to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; leasing, purchase or sale of real estate under §610.021(2); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor work products under §X610.021(17).

ADJOURNMENT

Commissioner McNutt reconvened the August 28, 2012 meeting at 10:15. A motion was made by Commissioner McNutt to adjourn Executive Session, moved by Commissioner Rudawsky, seconded by Commissioner Satz, with that roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, and Executive Session was adjourned. Commissioner McNutt then made a motion to adjourn the August 28, 2012 meeting at 10:21 a.m., seconded by Commissioner Satz, roll was called; Commissioner McNutt-yes, Reeves-yes, Bennett-yes, Rudawsky-yes, Satz-yes, and Asfaw-yes, the meeting was adjourned.

Minutes were interpreted from an audio recording of the meeting by Beth Dunham.