

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

October 23, 2007

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Courthouse. The Commissioners present were Chair Helen Rogers, and Commissioners Jennifer Brundige, Kim Thompson and James Utley (4). Also attending were Metro Legal advisor Jon Michael; Commission staff members Milton Bowling, Walter Lawhorn and Lisa Steelman; and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Helen Rogers called the meeting to order and led the Pledge of Allegiance. She read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission. The minutes of the August 28, 2007 meeting were approved. **Commissioner Jennifer Brundige** noted an error in the September 25, 2007 minutes. **Commissioner Kim Thompson** clarified that he had seconded the motion to approve the new wrecker Rule 24 at that meeting. The minutes of the September 25, 2007 meeting were amended, and then approved as amended.

DIAMOND TAXI REPORT ON COMPLIANCE

Roy Gillespie, owner of Diamond Taxi, was not present. **Chair Helen Rogers** asked Director McQuiston to report. Director McQuiston stated that Diamond Taxi had appeared before the Commission at the September 25 meeting for a show cause hearing. As a result of that hearing, the company had been placed on probation for ninety days; and had been required to install two-way radios in all vehicles and at their fixed place of business, and to have their vehicles and fixed place of business inspected by Commission staff to verify compliance. He stated that Mr. Gillespie had not responded. He added that he had mailed Mr. Gillespie a certified letter with the Final Order, reminding the owner to contact the Commission office to arrange for the verification inspection and that he was required to appear before the Commission at this meeting to report. This letter had been returned as undeliverable. The director also reported that Mr. Gillespie had failed to pay required quarterly decal fees at the end of September, and the Commission staff had to shut his company out of the airport in order to force compliance. The director summarized that Mr. Gillespie had not complied with the decision of the Commission. **Chair Rogers** clarified that Mr. Gillespie had told the Commission that he would have the two-way radios installed by October 15. Director McQuiston stated that Mr. Gillespie had informed the staff that he would be at this meeting, and suggested moving this item to the end of the agenda. **Chair Rogers** agreed.

TAXI DRIVER PERMIT APPLICATION: TARIKH ABDULKADIR

Tarikh Abdulkadir appeared before the Commission. Director McQuiston provided the following background information: Mr. Abdulkadir applied for an initial permit with United Cab

in May 2006, and was issued a 30-day temporary permit, pending receipt of background check results. When it was received, the background check indicated that he had an open charge that could be drug-related. Attempts to contact him failed, and his temporary permit expired. On July 17, 2006 he was involved in an accident while driving an Allied taxicab without a permit. On the same day Mr. Abdulkadir called to inquire about the status of his background check. He was instructed to bring in a copy of the accident report, and to meet with the taxi inspector. He did not respond. In September 2006, Mr. Abdulkadir applied for a new permit. The charges were still open, and he was not issued a permit.

Director McQuiston stated that Mr. Abdulkadir had applied again for a permit to drive for United Cab on September 4, 2007 and had provided a copy of an expungement order on the previous open charge, as well as a copy of the July 2006 accident report indicating no violations or taxicab mechanical defects. The director summarized that Mr. Abdulkadir's current application was in order; but, because of his past history of driving without a permit, the application was forwarded to the Commission for decision.

Chair Helen Rogers asked if a representative from United Cab was present. Rod Brown appeared on behalf of the company. **Chair Rogers** asked Mr. Abdulkadir if he understood the requirement to work only for the company to which his permit was assigned. Mr. Abdulkadir stated that he had not understood the requirement earlier, but that he was now very aware of the rules. **Chair Rogers** asked if United Cab was willing to accept Mr. Abdulkadir as a driver; Mr. Brown stated that they would. Director McQuiston noted that the Commission had approved restricted permits in the past. **Commissioner James Utley** asked Mr. Brown if they were satisfied with Mr. Abdulkadir's responsiveness to the company. Mr. Brown answered affirmatively, stating that Mr. Abdulkadir had responded immediately when the company called him to bring in his vehicle. **Commissioner Utley** asked if the company would be responsible to ensure that Mr. Abdulkadir obeyed the rules, and if United Cab would keep the Commission informed of any problems. Mr. Brown stated that Mr. Abdulkadir knew that the company expected him to follow the rules. Director McQuiston noted that, since United Cab had been placed on probation, the company had been more responsive to keep the Commission informed of accidents. **Commissioner Utley** moved to approve a permit, restricted to United Cab. There was no second, and the motion failed. **Commissioner Jennifer Brundige** moved to approve a temporary permit, renewable each 90 days until the end of the 2007-08 permit year, and restricted to United Cab. **Commissioner Utley** seconded, and the motion was approved (3-0).

DIAMOND TAXI REPORT ON COMPLIANCE, CONTINUATION

Roy Gillespie, owner of Diamond Taxi, had arrived late and appeared before the Commission. **Chair Helen Rogers** asked him if he had two-way radios installed in his cabs. Mr. Gillespie responded that he had eight radios, for which he had paid cash, but had been unable to buy the remaining radios. **Chair Rogers** reminded him that he had told the Commission that they would all be installed by October 15. He stated that he had not been allowed to purchase the remainder on credit. **Chair Rogers** asked where his office was located; Mr. Gillespie stated that it was at 1200 Buchanan Street. Inspector Lawhorn stated that there was a building there with a sign that read Diamond Cab, but that he had not been inside to see what was in the building. **Chair Rogers** asked who the landlord was; Mr. Gillespie stated that the landlord was Shawn Patterson. **Commissioner Jennifer Brundige** asked if he had brought a copy of the lease; Mr. Gillespie did not respond. **Chair Rogers** affirmed that the Commission had asked Mr. Gillespie to provide a copy of the lease. Mr. Gillespie stated that he had expected to show the lease when he was inspected. Inspector

Lawhorn stated that he had gone to the address, but had not been able to enter because the gate was locked. **Chair Rogers** asked Mr. Gillespie for his mailing address; he answered that it was 1200 Buchanan. Director McQuiston told Mr. Gillespie that the last mailing address he had provided to the Commission was 1403 Clay Street, and that mail sent to that address had been returned. The director told Mr. Gillespie that, although Inspector Lawhorn had attempted to visit the 1200 address, it was the company's responsibility to arrange for inspection and verification. **Chair Rogers** asked Mr. Gillespie when he could be inspected for compliance. He stated that eight radios would be installed on October 31, and that the remainder could be ready in another three weeks. **Chair Rogers** stated that the remainder would be inspected for compliance on November 26. Director McQuiston requested that the inspection for compliance should also include the dispatch office, and that the burden for setting up the inspection time should be on Mr. Gillespie. **Chair Rogers** agreed and, following discussion related to the timing of the initial inspection of the eight installed radios, she reminded Mr. Gillespie that compliance was expected by the November 27 Commission meeting.

WRECKER COMPANY DISCIPLINARY HEARING: ALL TOW MASTER

Bernard Teffeteller, owner of All Tow Master, appeared before the Commission with council Robert Vaughn. Inspector Bowling reported that he had investigated complaints concerning tows from the Southern Hills Condominiums, and would represent the complainants. He noted that there had been two complaints filed against All Tow Master in early 2007 for unauthorized towing from that location: Florence Finney's complaint concerning the tow of her vehicle on February 17, and Howard Bridgeforth's complaint concerning the tow of his vehicle on February 24. The inspector produced Mrs. Finney's customer copy of the tow slip/receipt, pointing out that there was no signature of the person authorizing the tow. He also produced a notarized letter from Gene Golden, manager of Southern Hills Condominiums, in which Mr. Golden stated that he had not signed tow tickets authorizing the towing of Mrs. Finney's and Mr. Bridgeforth's vehicles. **Chair Helen Rogers** asked if All Tow Masters was currently on probation for the same offense. Director McQuiston stated that the Commission had suspended All Tow Master's license earlier for a similar offense, but that the Chancery Court had issued a stay of that order, pending a decision on the company's appeal. **Commissioner Jennifer Brundige** noted that the company had been placed on probation for a similar offense in 2006; Director McQuiston stated that this probation period had expired, but added that all of the previous Commission actions against All Tow Master had been for the same offense – towing without proper authorization. **Chair Rogers** asked Mr. Teffeteller to comment. Mr. Teffeteller stated that he had been in Florida when these tows had occurred in February, and he had fired the driver for violating his instructions not to tow without a signed tow slip. He stated that he had recently turned in his license to the Commission office, and that he would like to get out of the nonconsent towing business altogether. He added that he would like to be allowed to continue to operate as a general wrecker service. Director McQuiston stated that the general wrecker license included both companies performing nonconsent towing from private property and companies performing other, consensual services. He noted that a recent amendment to the wrecker ordinance empowered the Commission to restrict companies from performing nonconsent tows, if appropriate. **Commissioner Brundige** moved to prohibit All Tow Master from performing nonconsent towing for a period of one year. **Commissioner Utley** seconded, and the motion was approved (3-0). Inspector Bowling recommended that the wrecker driver who had towed these vehicles be required to appear before the Commission. **Chair Rogers** agreed.

WRECKER DRIVER PERMIT APPLICATION: JOSHUA ZENTZ SR.

Mr. Zentz did not appear. Director McQuiston stated that a notice to appear had been sent to him by certified mail, and had been returned as undeliverable. **Chair Helen Rogers** noted that Mr. Zentz had not disclosed convictions on his application. **Commissioner Brundige** moved to disapprove the application. **Commissioner Kim Thompson** seconded, and the motion was approved (3-0).

OTHER BUSINESS

Director McQuiston stated that the Commission had received an application from Michael Copeland for a wrecker driver permit. The application had not been placed on the agenda, but Mr. Copeland and his attorney were present and had requested that the Commission consider it at this meeting. The director noted that the Commission could exercise its discretion to hear the application, or to direct it to a later meeting. He added that he had copies of the application. **Chair Helen Rogers** stated that the Commission would hear the application.

Mr. Copeland appeared before the Commission with Robert Vaughn as council. Mr. Vaughn invited the Commission's attention to Mr. Copeland's background check. Director McQuiston noted that Mr. Copeland had applied for a permit in early 2007; this application had been on the Commission's agenda in March, but had been withdrawn at the meeting by Mr. Vaughn. The director stated that Mr. Copeland had held a wrecker permit from 1992 until 2005. He noted that Mr. Copeland's background check included three felonies and some assaults. He stated that Mr. Copeland had owned a wrecker company in the past, and highlighted the following: in 1998 the Metropolitan Police Department had conducted an audit of vehicles on his storage lot, reporting lack of records and Impound Lot control numbers; in 1999, police had done a spot check of a crusher lot operated by Mr. Copeland, citing him for four violations of the Tennessee Code; in 1999, the Commission had suspended his wrecker company's license for ninety days, and placed it on probation for five years. The director added that there were fourteen complaints in that company's file. Referring to Mr. Copeland's current application, the director pointed out that Mr. Copeland had indicated that he would be driving for A.B. Collier Wrecker Service. No representative from A.B. Collier was present.

Mr. Vaughn noted that the convictions on Mr. Copeland's background check were old, and had not prevented his client from receiving a permit from the Commission in the past. He stated that the record of Mr. Copeland's former company should not apply to his current application, because he was only applying to drive a wrecker, and not to operate a company. He added that there appeared to be no wrecker driver-specific violations on Mr. Copeland's record. **Chair Rogers** told Mr. Vaughn that the Commission's concern was for public safety, and she noted that Mr. Copeland's record included many assault charges. Mr. Vaughn stated that most of these charges had occurred over ten years ago, and questioned whether a 2005 charge listed had resulted in a conviction. Mr. Copeland stated that he had attended anger management classes in the 1990s.

Chair Rogers expressed concern that the company had not appeared. Mr. Copeland stated that no one would hire him without a wrecker driver permit. **Commissioner Jennifer Brundige** asked if it would be possible to issue a temporary permit, and require Mr. Copeland to come back to the Commission with a company; Director McQuiston answered that it was possible. **Commissioner James Utley** asked Mr. Copeland if he could get a

company to come before the Commission within thirty days; Mr. Vaughn assured him that this would be done, or Mr. Copeland would surrender his permit. Director McQuiston recommended the November 27 meeting as the expiration date of any temporary permit. **Commissioner Utey** moved to grant Mr. Copeland a temporary wrecker driver permit, until November 27. **Commissioner Kim Thompson** seconded, and the motion was approved (3-0).

Director McQuiston announced that Mr. Charles Shope, owner of Hillwood Wrecker Service, would be honored and inducted into the Order of Towman in November. The award, which would be presented in Baltimore, was in recognition of his professionalism and dedication to the local community.

There was no further business, and the meeting was adjourned.

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Helen S. Rogers
Chair