

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

**Minutes of
April 26, 2012**

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 Sal Hernandez, Sam Patel, Tom Turner and Curt Wallen (5). Also attending were Metro Legal advisor Theresa Costonis, and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Helen Rogers called the meeting to order. She led the Pledge of Allegiance and read the Notice of Appeal statement, advising of the right to appeal decisions of the Transportation Licensing Commission.

The minutes of the March 9, 2012 and March 22, 2012 meetings were approved.

PUBLIC HEARING: PROPOSED AMENDMENTS TO TAXICABS ORDINANCE

Commissioner Tom Turner stated that the independent transportation study was still under way. He moved to defer the public hearing until the June meeting. **Commissioner Sal Hernandez** seconded, and the motion passed (4-0).

APPLICATION FOR GENERAL WRECKER SERVICE LICENSE: A & L AFFORDABLE TOWING

Director McQuiston reported that Lawrence Jones had appeared before the Commission with applications for a general wrecker company license and a wrecker driver permit in August 2011. The director stated that the Commission had approved the driver permit, with several restrictions; but had deferred the application for the company license for six months. He noted that six months had passed, and Mr. Jones had requested a hearing on his company application.

Mr. Jones failed to appear. **Commissioner Tom Turner** moved to defer the application until the May meeting. **Commissioner Sal Hernandez** seconded, and the motion passed (4-0).

APPLICATION FOR WRECKER DRIVER PERMIT AND GENERAL WRECKER COMPANY LICENSE: ALFRED MCDOWELL – MCDOWELL'S TOWING

Director McQuiston reported that Mr. McDowell had applied for a new general wrecker company license and a wrecker driver permit. He stated that the applications were being forwarded to the Commission because Mr. McDowell had a significant

record of convictions. He provided a copy of the application and background check report, which included a 1998 felony conviction for theft and a 2009 conviction for domestic assault.

Mr. McDowell appeared. **Chair Helen Rogers** questioned him about the domestic assault charge; Mr. McDowell he explained that he had been having marital problems at the time. He added that he had completed a 16-weeks program for anger management. **Chair Rogers** asked if he had held a wrecker driver permit in the past; Mr. McDowell responded that he had worked for a man several years ago, and had been operating backhoes and other large equipment in the meantime. Director McQuiston asked when he had operated a wrecker in Davidson County; Mr. McDowell responded that it had been nine or ten years ago. The director reminded Commissioners that there had been a period between 2001 and 2003 when Metro government had not been enforcing the wrecker ordinance because of a federal appeals court decision – later overturned by the Supreme Court. **Chair Rogers** asked if he had considered driving a wrecker for someone else; Mr. McDowell responded that he wanted to work for himself. **Commissioner Tom Turner** noted that he was not applying to perform nonconsent towing.

Commissioner Turner moved to approve both the company license and the driver permit, with the restriction that both McDowell's Towing and Mr. McDowell be placed on probation for 12 months. **Commissioner Sam Patel** seconded, and the motion passed (4-0).

APPLICATION FOR WRECKER DRIVER PERMIT: CHASE MITCHELL

Director McQuiston reported that Mr. Mitchell had held a wrecker driver permit in 2007, but had been convicted on a felony drug charge. He noted that it had been five years since that offense, and Mr. Mitchell had re-applied. The director noted that Mr. Mitchell had completed certification training for heavy-duty wrecker recovery. He added that Mr. Mitchell was the son of the owner of Dad's Towing, and had been working for the company in a supervisory position. The director provided a copy of the application and background check report.

Mr. Mitchell appeared. He described his position at Dad's Towing. **Chair Helen Rogers** asked him what he had done to change his life since the 2007 felony conviction. Mr. Mitchell expressed regret for his actions. **Chair Rogers** asked how long it had been since he had been subjected to a drug screen; Mr. Mitchell responded that the company did random drug screens on all employees, and that he had last been tested in conjunction with his probation, which ended in 2011. He stated that he would be willing to submit to random drug testing as required by Director McQuiston. **Commissioner Tom Turner** asked about a probation violation charge on his record. Mr. Mitchell stated that it was related to his failure to submit a list of his community service hours, but he added that he had satisfactorily completed his probation since then. **Commissioner Turner** asked how often employees at Dad's Towing were subjected to random drug testing; Mr. Mitchell responded that it was a monthly requirement, and that he was required to be tested as well. **Commissioner Sal Hernandez** asked what the outcome had been of his 2008 DUI charge; Mr. Mitchell responded that it had been reduced to reckless driving.

Commissioner Sam Patel moved to approve the application, under the following conditions and restrictions: permit restricted to Dad's Towing for two years, and Mr. Mitchell required to submit for random drug testing as directed by Director McQuiston for twelve months. **Commissioner Curt Wallen** seconded, and the motion passed (3-1).

OTHER BUSINESS

Chair Helen Rogers stated that the Commissioners had received a memorandum from the chief of police. She noted that the Transportation Licensing Commission was an independent commission, appointed by the Mayor and approved by the Metro Council; and that its responsibilities were the regulation of taxicabs, wreckers, horse-drawn carriages, and other passenger vehicles for hire. She stated that the Commission met monthly and was not involved in the day-to-day operation of the department. She stated that the Commission's concern was for public safety. She stated that she was confident that the police could deal with the situation in an appropriate way. She stated that the Commission's task would be to define how and who would be able to enforce the ordinances that the Transportation Licensing Commission was charged to oversee, and how it would be able to regulate in the future. She asked Legal Advisor Costonis to review the rules, regulations and ordinances that applied to the task; and to advise the Commission on what inspectors can and cannot do, and how they are to do that. The other Commissioners agreed that this was appropriate. Legal Advisor Costonis stated that she could be prepared to provide a response before the next Commission meeting. **Chair Rogers** asked that Commission members be provided with that report at least five days before the May 24 meeting.

Director McQuiston stated that in response to the direction of the Commission at the December 2011 meeting he had initiated a survey of taxi-related licensing/permitting fees charged by other cities. He reported that 12 cities had responded, and he provided the information to Commissioners. The director added that fees were also being reviewed by Finance/OMB.

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

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Helen S. Rogers
Chair