

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

Minutes of

September 26, 2006

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville Court facility at 501 Great Circle Road, in Metro Center. The Commissioners present were Acting Chair Holly Sharp and Commissioners Ray Dayal, Kim Thompson, and James Utley (4). Also attending were Metro Legal advisor Jason Bergeron, Commission staff members Walter Lawhorn and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

Acting Chair Holly Sharp called the meeting to order and led the Pledge of Allegiance.

The minutes of the August 22, 2006 meeting were unanimously approved.

APPLICATION FOR TRANSFER OF EMERGENCY WRECKER LICENSE AND ZONE

Director McQuiston reported that an application had been received from Robert and Joyce Dean for the transfer of the emergency wrecker service license and zone assigned to Cotton's, Incorporated. He stated that he had spoken with Mr. Darrell Read, company owner, who had indicated that he wanted to sell the company to Mr. and Mrs. Dean. Director McQuiston explained that this item was for information only, and that a public hearing on the transfer would be scheduled for the October 24 Commission meeting.

WRECKER COMPANY DISCIPLINARY HEARINGS

Able Towing: **Acting Chair Holly Sharp** noted that several complaints had been filed against Able Towing, and that the Commission would hear each complaint, in order; and then allow Able Towing to respond.

Ms. Courtney Gabbard appeared before the Commission. She stated that Able Towing had towed her vehicle from private property on June 3, and that she had been charged seventy-five dollars for the tow bill, which exceeded the maximum sixty-five dollars rate allowed by the ordinance.

Mr. Sam Elias appeared before the Commission. He stated that Able Towing had towed his vehicle from private property on July 1, and that he had also been charged seventy-five dollars for the tow. He also stated that he had been charged for storage, despite the fact that the Able Towing tow ticket and his receipt showed that the vehicle had been on the company lot for less than two hours.

Mr. Joe Brown, manager of Play dance club, appeared before the Commission. He stated that he had experienced problems with Able Towing for months, adding that Able wrecker drivers cruised for business and had offered his parking lot security guard bribes to give them permission to tow cars from the lot. He also stated that a wrecker lettered "Accelerated Towing, Pegram, TN 259-2727" had towed a vehicle belonging to a customer on August 23; when he had called the number, the driver of the wrecker had answered and had told him that he was actually Able Towing.

Mr. Jason Quiram appeared before the Commission. He stated that Able Towing had also charged him seventy-five dollars for towing his car from private property on August 24. He also stated that Able Towing did not have a signature on the tow ticket indicating that the tow had been legally authorized.

Director McQuiston provided copies of the tow tickets and receipts associated with the complaints. He stated that he had stopped the "Accelerated Towing" wrecker himself on August 11.

Mr. Mark Wayman, owner of Able Towing, appeared before the Commission. He admitted that the company had charged seventy-five dollars for the tows. He explained that he had heard that the rate had been increased to seventy-five dollars, and that he had assumed that information to be correct. He stated that he had changed his rate back to sixty-five dollars after Director McQuiston had informed him that there had been no increase, but he complained that the ordinance was confusing. He did not dispute the charges concerning the improper storage fee and the lettering of the "Accelerated Towing" wrecker; he stated that the vehicle had been re-lettered to comply with the ordinance. He denied the cruising charge, and argued that customers at Play had been parking in ten parking spots belonging to another nearby business.

Acting Chair Sharp stated that Commissioners would address each charge in turn.

Commissioner Ray Dayal moved that Able Towing be found in violation of the ordinance for overcharging Ms. Gabbard for towing. **Commissioner James Utley** seconded, and the motion passed unanimously (3-0).

Commissioner Dayal moved that Able Towing be found in violation of the ordinance for overcharging Mr. Elias for towing, and for charging for storage of his vehicle, which had not been on the lot for two hours. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

Commissioner Dayal moved that Able Towing be found in violation of the ordinance for cruising, and for improper lettering of a wrecker. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

Commissioner Dayal moved that Able Towing be found in violation of the ordinance for overcharging Mr. Quiram. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

Having addressed all complaints, **Commissioner Dayal** moved to place Able Towing on probation for a period of six months. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

All Tow Master: **Acting Chair Sharp** noted that a complaint by Mr. Scott Ewing against All Tow Master for towing without proper authorization had been heard at the August Commission meeting, but had been continued in order to hear witness testimony from MNPD officer Ron Bright.

Officer Bright appeared before the Commission. He stated that he had been on duty in the vicinity of *The Tennessean* parking lot at 12th and Porter on April 18, when he was approached by Mr. Ewing, whose vehicle had been towed. Officer Bright stated that he had personally called All Tow Master and had spoken with owner Mr. Bernard Teffeteller; who told him that Mr. Williams, a security guard with *The Tennessean*, had authorized the tow.

Commissioner Ray Dayal stated that Officer Bright's testimony corroborated the account given by Mr. Ewing at the August 22 meeting. After some discussion, **Commissioner Dayal** moved to find All Tow Master in violation of the Tennessee Code, and to place the company on probation for a period of six months. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

WRECKER DRIVER PERMIT APPLICATIONS:

Douglas Minton: Mr. Minton was not present. Director McQuiston verified that he had been informed of the meeting. **Acting Chair Holly Sharp** directed that his application be denied for failure to appear.

Wilman J. Rhinehart: Mr. Rhinehart appeared with Ms. Tina Hughes, President of General Towing and Recovery. Director McQuiston explained that Mr. Rhinehart had disclosed several arrests on his application, although these did not appear on his criminal record check. Mr. Rhinehart stated that he had held the same job for five years, and that he had recently returned from duty in Iraq. **Commissioner James Utley** moved to approve Mr. Rhinehart's application. **Commissioner Ray Dayal** seconded, and the motion passed unanimously (3-0).

CARRIAGE COMPANY DISCIPLINARY HEARING – CROSSROAD CARRIAGE:

Director McQuiston reported that he had received a report that Crossroad Carriage Company had operated an unlicensed "Cinderella" carriage on September 2. He stated that he had confirmed this information with Mr. William Cole, owner of the carriage, on September 5.

Director McQuiston also reported that a horse pulling another Crossroad carriage downtown had been startled by noise on September 2. The driver, David Biddle, had lost control of the horse, and the three passengers were ejected from the carriage. One of the passengers, Mrs. Jacquelyn Davis, had suffered a broken leg in the accident. Director McQuiston stated that Crossroad Carriage had not notified the Commission of the accident; instead, he learned of the accident from Mrs. Davis on September 7.

Mr. Walter Morton, owner of Crossroad Carriage, appeared before the Commission. Mr. Morton stated that he thought he was allowed to swap out carriages, providing that he did not exceed his authorized number of carriage permits. He also stated that he was waiting for a police report on the accident before notifying the Commission office. He complained that the director had suspended his carriage driver and horse from operating downtown, and that he believed he was being unfairly singled out by the director.

Acting Chair Holly Sharp cited the specific requirements for carriage permits and reporting of accidents from the ordinance. **Commissioner Ray Dayal** asked Mr. Morton if he understood these ordinance requirements; Mr. Morton responded that he had a copy of the ordinance, but it was missing pages.

Commissioner Dayal moved to find Crossroad Carriage in violation of the ordinance and to place the company on probation for six months. **Commissioner Kim Thompson** seconded, and the motion passed unanimously (3-0).

TAXI DRIVER DISCIPLINARY HEARING – DAVID D. OLLIS

Director McQuiston informed Commissioners that three complaints had been received against Mr. David D. Ollis, taxi driver. He reported that one of the complainants, taxi driver Mr. Mohammed Al-Zaidi, had telephoned on September 25, and would be unable to attend due to a family emergency. A second complainant, hotel manager Rodney Thompson, was not present.

Complainant Mr. Mohammed Al Khafaji appeared before the Commission. Mr. Al Khafaji stated that Mr. Ollis had threatened him with a large flashlight on June 9, while Mr. Khafaji was waiting in line for passengers at the Sheraton Hotel in downtown Nashville.

Mr. Ollis appeared before the Commission. He denied Mr. Al Khafaji's complaint.

Following discussion, **Commissioner Ray Dayal** moved that the disciplinary hearing be recessed until the October meeting, in order to allow the other complainants to be present. **Commissioner Kim Thompson** seconded, and the motion passed unanimously (3-0).

TAXI DRIVER PERMIT APPLICATION – JESSE E. HARRIS

Mr. Jesse E. Harris appeared before the Commission. Director McQuiston stated that Mr. Harris' background check had revealed a number of felony convictions. He stated that all were many years ago, and that Mr. Harris had been forthcoming in disclosing them on his application.

Mr. Harris appeared before the Commission with Mr. Doug Trimble, President of Yellow Cab. **Commissioner James Utley** and **Commissioner Ray Dayal** questioned Mr. Harris and Mr. Trimble about the application and the company's willingness to employ him. Following discussion, **Commissioner Dayal** moved to approve Mr. Harris' application. **Commissioner Utley** seconded, and the motion passed unanimously (3-0).

OTHER BUSINESS

Director McQuiston reminded Commissioners that the October meeting would include election of officers.

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Cynthia M. Odle
Chair