

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

**Minutes of  
August 23, 2011**

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, Vice Chair Brian Winfrey, and Commissioners Jennifer Brundige, Sal Hernandez, Sam Patel and Ed Whitmore (6). Also attending were Metro Legal advisor Corey Harkey and Brian McQuiston, Director-Executive Secretary to the Commission.

**Vice Chair Brian Winfrey** called the meeting to order. He 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 June 28, 2011 and July 26, 2011 meetings were approved.

**Chair Helen Rogers** welcomed new Commissioner Sal Hernandez.

**APPLICATION FOR TAXICAB DRIVER PERMIT: YAHYE MOHMUD**

Director McQuiston stated that Mr. Mohmud had appeared at the July meeting, but did not have a company representative with him. He stated that the Commission had deferred the application hearing to this meeting.

The director reported that Mr. Mohmud had applied for an initial permit on April 20. He provided Commissioners with a report on Mr. Mohmud's record of convictions – the most recent were reckless driving and driving while revoked in 2007 – and stated that Mr. Mohmud had disclosed these and all other arrests not leading to convictions. Mr. Mohmud appeared with Yellow Cab assistant manager Marvin Sutton. Mr. Mohmud stated that he had turned his life around, and had been remarried for about a year. Mr. Sutton stated that Yellow Cab would give him a chance, if the Commission approved the application.

**Commissioner Ed Whitmore** moved to approve a permit, restricted to Yellow Cab for six months and to place him on probation for six months. **Vice Chair Brian Winfrey** seconded, and the motion passed (5-0).

**APPLICATIONS FOR WRECKER DRIVER PERMIT AND WRECKER COMPANY  
LICENSE: LAWRENCE JONES / A & L AFFORDABLE TOWING**

Director McQuiston stated that Mr. Jones had applied for a wrecker driver permit on April 7 to drive for Anytime Towing; but he had failed to appear at the May 24 Commission hearing on the application, and the application was disapproved. He reported that Mr. Jones had reapplied for the permit on June 17, and on August 8

had applied for a general wrecker company license, to operate A & L Affordable Towing. The director provided the Commissioners with the results of Mr. Jones' background check, which included a number of felonies – the most recent in 1997. He stated that there was a concern about Mr. Jones operating his own company, where he would not be subject to supervision.

**Chair Helen Rogers** asked Mr. Jones if he had any experience in towing. Mr. Jones stated that he had worked with Anytime Towing as a part-time helper, but that the company did not have any current openings for drivers. He stated that he was employed full-time in a food service position. He stated that he was off probation.

**Commissioner Ed Whitmore** moved to approve the application for a wrecker driver permit. There was no second, and the motion failed. **Commissioner Jennifer Brundige** moved to approve the application for the wrecker driver permit, under the following conditions:

- That Mr. Jones could find a licensed company willing to hire him, and which would agree to supervise him; and
- That the permit would be restricted to that company; and
- That Mr. Jones would be on probation for six months; and
- That Mr. Jones would be required to submit for random drug testing, as directed by the Director McQuiston.

**Commissioner Sam Patel** seconded, and the motion passed (5-0).

**Commissioner Jennifer Brundige** moved to defer the application for a wrecker company license for six months. **Commissioner Sam Patel** seconded, and the motion passed (5-0).

### **PASSENGER VEHICLE FOR HIRE DRIVER DISCIPLINARY HEARING: EDWARD EMESIBE**

Director McQuiston stated that Mr. Emesibe had been issued a permit to drive a passenger vehicle for hire for Waffy Taffy on March 4, 2011. He stated that afterward the staff had learned that Mr. Emesibe had failed to disclose citations received in 2010 for violations of the taxicab ordinance. The director stated that the undisclosed violations were citations issued to Mr. Emesibe when he was caught operating a out-of-service Allied Cab #101, with one of the numbers scraped off to make it look like Allied Cab #10.

Mr. Emesibe appeared. He stated that he had only disclosed the violations listed on his official driver record. He stated that he was not operating the vehicle as a taxicab and picking up passengers when he was cited, but was sleeping in the vehicle because he was on medication. **Chair Helen Rogers** asked Mr. Emesibe if the car had a toplight; he responded that it did. **Vice Chair Brian Winfrey** asked Director McQuiston if Mr. Emesibe's application would have been approved if he had disclosed the citations; the director responded that the application would have been referred to the Commission. Mr. Emesibe restated that he was not operating as a taxicab. **Chair Rogers** asked him if he was convicted when he went to court; he admitted that he was. **Chair Rogers** added that it had not been a good decision by Mr. Emesibe to drive while on medication.

**Commissioner Jennifer Brundige** moved to revoke Mr. Emesibe's passenger vehicle for hire driver's permit. **Vice Chair Brian Winfrey** seconded, and the motion passed (5-0).

### **APPLICATION FOR TAXICAB DRIVER PERMIT: EDWARD EMESIBE**

Director McQuiston reported that Mr. Emesibe had applied for a taxicab permit on June 21, to affiliate with Allied Cab. He noted that Mr. Emesibe had previously held a taxicab driver permit from October 2000 until it expired on September 30, 2009. The director noted that Mr. Emesibe's list of disclosures was vague, stating "I was given a traffic [ticket] from the taxi inspector in downtown." The director noted that Mr. Emesibe had two convictions on citations issued in 2010 related to his operation of an altered and illegal Allied taxicab, and had been issued a citation 5 days before his submission for dropping passengers off in the street while driving a Waffy Taffy passenger vehicle for hire.

**Chair Helen Rogers** asked if there was a management representative present from Allied Cab. There was none. Director McQuiston noted that there was no affiliation form with the application, and that the general manager at Allied Cab had been notified of this application hearing.

Following discussion, **Commissioner Jennifer Brundige** moved to approve Mr. Emesibe for a permit under the following conditions:

- That Allied Cab would provide an appropriate affiliation form; and
- That Mr. Emesibe's permit would be restricted to Allied Cab for six months; and
- That Mr. Emesibe would be on probation for six months.

**Vice Chair Brian Winfrey** seconded, and the motion passed (5-0).

### **TAXICAB DRIVER DISCIPLINARY HEARING: JULIET EJORH**

Director McQuiston reported that Ms. Ejorh had applied for a taxicab driver permit on March 9, 2011; but had failed to disclose citations issued by the Highway Patrol on February 19, when she was stopped while driving an illegal passenger vehicle for hire advertising "\$10 Flat Rate." The director stated that Ms. Ejorh had also been cited on April 15 by Inspector Deckard for driving an unpermitted passenger vehicle for hire for "Ultimate Limo".

Trooper Vincent Turocy of the Tennessee Highway Patrol appeared. He reported that he had stopped Ms. Ejorh in the downtown area at about 1:30am on February 19. He stated that after checking her registration, he had cited her for operating with illegal tags. He stated that she had two passengers in the vehicle with her, who told him that they were paying customers who had been picked up at Second Avenue and were being transported for a \$10 flat rate. Trooper Turocy stated that he issued 4 citations related to the vehicle tags and insurance. He added that Ms. Ejorh had been found guilty in court, but that she had not paid the fines and that her license would be suspended. **Chair Helen Rogers** asked if Ms. Ejorh had admitted wrongdoing.

Trooper Turocy responded that Ms. Ejorh had told him that she was just trying to make money to feed her family.

Ms. Ejorh appeared. She stated that she had a family and needed to make a living. She admitted that she had switched vehicle tags from her brother's vehicle. She explained how difficult and expensive it had been for her to get the taxi driver permit and to fix her car. She stated that her husband had reckless driving on his record, so he was not able to get a permit.

**Commissioner Sam Patel** moved to revoke Ms. Ejorh's permit. **Vice Chair Brian Winfrey** seconded, and the motion passed (4-1).

### **PASSENGER VEHICLE FOR HIRE DRIVER DISCIPLINARY HEARING: ABDIHAKEM ALI**

Director McQuiston reported that Mr. Ali had applied for a permit to drive for Metro Livery on May 25, and was issued the permit on June 7. He stated that on June 9, during the CMA Music Festival, Mr. Ali was cited by Inspector Deckard for operating an unpermitted passenger vehicle for hire – a van labeled "Fan Fair Shuttle", and was found guilty in Environmental Court for operating an unpermitted passenger vehicle for hire. Director McQuiston added that Mr. Ali was a former taxicab driver; noting that in August 2000 the Commission had revoked his taxicab driver permit. He provided a copy of the minutes of that hearing.

Mr. Ali appeared. He admitted that he had made a one-time mistake, and expressed remorse. He stated that he had been attempting to work for tips only.

**Chair Helen Rogers** stated that he had seen the opportunity to make more money during Fan Fair. Mr. Ali stated that he had driven the other vehicle only because Metro Livery did not have enough cars. Inspector Deckard stated that he had contacted Metro Livery, and the company denied any connection with Mr. Ali. Mr. Ali argued that the company had hired him.

There was no representative from Metro Livery present. Director McQuiston stated that Metro Livery sent all of their drivers to a particular company for their drug tests; and that Mr. Ali's drug test results had not come from that company. **Chair Rogers** stated that it might be appropriate to defer the hearing until Metro Livery could corroborate or dispute Mr. Ali's account.

Following discussion, **Commissioner Ed Whitmore** moved to place Mr. Ali on probation for six months. There was no second, and the motion failed. **Vice Chair Brian Winfrey** moved to defer a decision for one month to get a response from Metro Livery. **Commissioner Sam Patel** seconded, and the motion passed (5-0).

### **APPLICATION FOR OTHER PASSENGER VEHICLE FOR HIRE PERMIT: CEDRIC HUDSON**

Mr. Hudson did not appear. **Vice Chair Brian Winfrey** moved to disapprove the application. **Commissioner Jennifer Brundige** seconded, and the motion passed (5-0).

**OTHER BUSINESS:**

Director McQuiston reported that Legal Advisor Corey Harkey was being reassigned, and that Jenny Howard was being assigned to advise the Commission. Commissioners and staff thanked Ms. Harkey for her support during the past two years.

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

ATTEST:

APPROVED:

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Brian E. McQuiston  
Director-Executive Secretary

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Helen S. Rogers  
Chair