

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

**Minutes of
January 24, 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 Vice Chair Brian Winfrey and Commissioners Sal Hernandez, Sam Patel, Tom Turner and Curt Wallen (5). Also attending were Metro Legal advisor Jenny Howard and Brian McQuiston, Director-Executive Secretary to the Commission.

Vice Chair Brian Winfrey called the meeting to order. He asked that a moment of silence be observed in honor of Mike Martin. He then 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 December 20, 2011 meeting were approved, as corrected.

APPLICATION FOR BOOTING SERVICE LICENSE: CENTRAL PARKING SYSTEM

Director McQuiston reported that an application had been received on November 8, 2011 from Central Parking System for a license to perform booting. He noted that the company operated paid parking lots and was applying to enable them to boot vehicles that had not paid for parking. The director stated that the application was in order, but required some clarification at this hearing. He addressed the following to the applicant's representative:

- Are the lots/garages "attended" or "unattended", and do the owners understand the restrictions on towing of booted vehicles in Section 6.81.170?
– Answer: Yes
- Will the company use a vehicle for management, including booting?
– Answer: Yes
- The Immobilization Notice included in the application does not have the required Booting Fee printed on the notice.
– Response: the notice would be revised to include the \$50 fee
- The receipt must include information on the vehicle to assist in complaints and protect against false damage claims.
– Response: Receipts would include the required information
- Issuance of the license, if approved, must be made contingent upon passing a staff inspection of each lot/garage for signage required by the ordinance.
– Response: Inspections of lots and signage would be coordinated

Commissioner Curt Wallen asked if there was a number which could be called in case of a mistake made in booting a vehicle.

– Response: There would be a number provided which was answered 24 hours each day. If a mistake was made, there would be no fee, and the boot would be removed very quickly.

Commissioner Tom Turner asked if the company would boot vehicles that did not display a proper sticker

– Response: Boots would not be applied unless there had been previous unpaid parking violations, in accordance with ordinance requirements

Commissioner Turner moved to approve the application, contingent upon the inclusion of the required information on the immobilization notice and upon staff inspection and approval of mandatory signage at the company's lots. **Commissioner Sam Patel** seconded, and the motion passed (4-0).

APPLICATION FOR WRECKER DRIVER PERMIT: RICKY KIDD

Mr. Kidd appeared. Director McQuiston reported that Mr. Kidd had applied for an initial wrecker driver permit on January 4, to drive for Buy & Tow Wrecker Service, owned by Lawrence Cammon. He provided copies of the results of Mr. Kidd's background check. He stated that the report was unclear as to the date of Mr. Kidd's release from incarceration. Mr. Kidd responded that he had been released in 1986.

Mr. Cammon was not present. **Commissioner Sal Hernandez** moved to disapprove the application, noting that there were several DUIs on Mr. Kidd's record. There was no second, and the motion failed.

Mr. Kidd stated that his license had been revoked for DUIs, but that he got it back in 2005, and had no problems since then.

Commissioner Tom Turner asked if Buy & Tow was approved for nonconsent towing. Director McQuiston responded that it was not.

Commissioner Sam Patel stated that he would like to hear from the company owner.

Mr. Cammon appeared. He stated that he had known Mr. Kidd for three years, and would support his application.

Mr. Kidd responded to questions from **Commissioner Turner** and **Commissioner Hernandez** about his criminal record.

Commissioner Turner moved to approve the application, restricting Mr. Kidd's driver permit to Buy & Tow Wrecker Service, and to place him on probation for two years. **Commissioner Sam Patel** seconded, and the motion passed (3-1).

APPLICATION FOR TAXICAB DRIVER PERMIT: DERRICK BERRY

Director McQuiston reported that Mr. Berry had appeared at the November Commission meeting to apply for a livery driver permit, but stated that he wanted to drive a taxi instead. The director noted that because Mr. Berry had not applied for a taxi permit and had not completed the additional training required for taxicab applicants, the Commission had not acted on the application. The director stated that Mr. Berry had since applied for the taxi driver permit. He provided copies of Mr. Berry's criminal record.

Mr. Berry appeared with Marvin Sutton, assistant manager at Yellow Cab. **Vice Chair Brian Winfrey** asked Mr. Sutton if he was aware of Mr. Berry's background history; Mr. Sutton responded that he was, and that Mr. Berry had been very forthcoming. **Vice Chair Winfrey** asked how the company was prepared to supervise Mr. Berry. Mr. Sutton responded that the company would treat him like any other driver. He stated that because drivers were independent contractors they could not be closely supervised. Mr. Berry provided a copy of his certificate for attending Taxi Pro training.

Inspector Walter Lawhorn asked Mr. Berry if he would be able to deal with potentially hostile passengers, noting that his record included arrests involving altercations with people. Mr. Kidd responded that the problems had involved his wife, and those had been resolved. **Vice Chair Winfrey** emphasized that this record was a public safety consideration.

Commissioner Hernandez moved to disapprove the application. **Commissioner Sam Patel** seconded, and the motion passed (3-0, with one abstention).

TAXICAB DRIVER DISCIPLINARY HEARING: SONNY OKPOBRISI

Mr. Okpobrisi appeared with attorney Paul Whalen. Director McQuiston reported that Mr. Okpobrisi had held a taxicab driver permit since October 2006. He stated that when Mr. Okpobrisi renewed his permit in September 2010, he had affiliated with American Music City Taxi. The director stated that in July 2011 Inspector Bowling had observed Mr. Okpobrisi operating a taxicab lettered United Cab, but with an unauthorized paint scheme.

Inspector Bowling reported that he had stopped Mr. Okpobrisi on July 6, 2011 in the vicinity of Second Avenue and Commerce because he was operating a taxicab lettered United Cab, but painted blue and white – which was not the company's paint scheme. He stated that Mr. Okpobrisi had presented his driver's permit, which showed affiliation with American Music City Taxi. Inspector Bowling stated that he issued two citations: one for operating with a driver permit which did not comply with the requirements related to having the correct company affiliation displayed, and the other for operating a taxi with a deceptive color scheme. The inspector noted that Mr. Okpobrisi did not change his company affiliation to United Cab until July 12, 2011. Inspector Bowling stated that Mr. Okpobrisi had been found guilty in environmental court on the citations, and that during his testimony had told the referee that he was downtown looking for a mechanic.

Mr. Whalen stated that the environmental court decisions were under appeal. He stated that there may also have been some points that had not been discussed during the court hearing. He stated that Mr. Okpobrisi had not been carrying any passengers when he was cited, but was to meet with someone who would repair the air conditioner in the vehicle. Mr. Whalen stated that the color scheme was not changed because Mr. Okpobrisi had not completed the transformation of his vehicle from American Music City Taxi. Mr. Whalen stated that his client had since completed the process to change over to United Cab. Mr. Okpobrisi stated that he had not been able to get the car painted earlier because United Cab had run out of paint. He stated that the air conditioner was not working, and that he was trying to pick up the repairman when he was cited. He stated that Mr. Brown at United Cab knew about his efforts to get the vehicle ready to complete the transfer. He added that Mr. Brown was unable to come to this meeting because there was no one to replace him at the office.

Director McQuiston asked Mr. Okpobrisi if his vehicle had a radio, top light and meter when it was stopped; Mr. Okpobrisi responded that it did. The director asked if the items were from American Music City Taxi; Mr. Okpobrisi responded that the items were from United Cab. Johnny White, co-owner of American Music City Taxi, clarified that Mr. Okpobrisi had not owned a vehicle while he was at the company; he added that the meter, top light and radio were not supposed to be installed in a vehicle until the vehicle had been painted and lettered. Inspector Bowling agreed, and noted that this had not been the first time that Mr. Okpobrisi had been observed cruising downtown with the vehicle. Inspector Lawhorn stated that he had observed Mr. Okpobrisi's vehicle operating in the downtown area on two other occasions, but due to traffic he had been unable to turn around to stop him.

Commissioner Sal Hernandez asked Inspector Bowling if he had observed passengers in the car on the other occasions; the inspector responded that on July 1 he had observed Mr. Okpobrisi's vehicle parked among other cabs in the taxi line in front of Tootsie's, which was indicative of an effort to pick up passengers. **Vice Chair Brian Winfrey** asked the inspectors if these observations had taken place over a long period of time; Inspector Lawhorn stated that all of these had occurred within a period of 2-3 weeks. Director McQuiston asked Mr. Okpobrisi when he had left American Music City Taxi. Mr. Okpobrisi responded that the process had taken about one month. He stated that he had purchased the vehicle from another driver, but that the other driver had quickly replaced it with a newer vehicle, so that there were no slots remaining at the company. Inspector Lawhorn stated that the vehicle did not have to be carrying passengers in order to be considered as a taxicab.

Commissioner Curt Wallen noted that when Mr. Okpobrisi applied to renew his permit in September 2011 he had failed to disclose four traffic citations; and that as a result he had been issued an owner's permit only. Director McQuiston noted that Traffic School records had identified the undisclosed citations; but he added that the driver permit Mr. Okpobrisi had been operating under when he was stopped by Inspector Bowling had been obtained in September 2010, and at that time Mr. Okpobrisi had also failed to disclose a moving traffic citation issued to him in August

2010. Mr. Whalen asked if the status of Traffic School citations had been a common driver misperception at the time; Director McQuiston responded that it was.

Commissioner Sal Hernandez moved to suspend Mr. Okpobrisi's owner's permit for thirty days. **Commissioner Tom Turner** seconded, and the motion passed (4-0).

APPLICATIONS FOR WRECKER DRIVER PERMITS:

Mary Bode-Bargo: Ms. Bode-Bargo failed to appear. **Commissioner Sam Patel** moved to disapprove the application. **Commissioner Tom Turner** seconded, and the motion passed (4-0).

Michael Wright: Mr. Wright failed to appear. **Commissioner Curt Wallen** moved to disapprove the application. **Commissioner Tom Turner** seconded, and the motion passed (4-0).

COMMISSION MEETING SCHEDULE FOR 2012

Director McQuiston stated that following the January meeting he had requested input from Commissioners on a proposal to move the monthly meetings from Tuesdays to Thursdays. He stated that **Commissioner Jennifer Brundige** would have an occasional conflict with a Thursday schedule, and that **Chair Helen Rogers** had a conflict with the current Tuesday schedule. **Commissioner Tom Turner** moved to approve the Thursday schedule for 2012. **Commissioner Sam Patel** seconded and the motion passed (4-0).

OTHER BUSINESS:

SHUTTLE COMPANY NAME CHANGE: TPS PARKING NASHVILLE, LLC

Director McQuiston stated that the company, which used the name The Parking Spot as its business name, had changed its corporate name, but that there were no owner/partner or location changes involved. **Commissioner Curt Wallen** moved to approve the name change. **Commissioner Sam Patel** seconded, and the motion passed (4-0).

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

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Helen S. Rogers
Chair