

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

**Minutes of**

**March 24, 2009**

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 Duane McGray, and Commissioners Jennifer Brundige, Mary Griffin, and Ed Whitmore (5). Also attending were Commission staff members Walter Lawhorn, Milton Bowling and Lisa Steelman; 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 February 24, 2009 meeting were approved.

**WRECKER COMPANY APPLICATION: TURNER TOWING AND RECOVERY**

Director McQuiston reported that Joshua Turner had applied to operate a new company, Turner Towing and Recovery. He stated that in August 2008, Mr. Turner's application for a wrecker driver permit had been forwarded to the Commission because of his very extensive criminal conviction record; at that meeting, the Commission had approved a temporary permit and probation for one year, restricted to Turner Towing, a company owned by Christie Haley. The director stated that on January 30, 2009 Ms. Haley had changed the name of her company to "Christie's Towing & Recovery", and had informed the staff that Mr. Turner was no longer employed by her company. He noted that this change effectively invalidated Mr. Turner's driver permit; and that Mr. Turner had then applied for a license to operate a new general wrecker service - "Turner Towing & Recovery".

Mr. Turner appeared, with Ms. Haley and Todd Devidts, owner of Southside Towing. Ms. Haley stated that she had merged her company with Southside Towing, and that they would like to have Mr. Turner work for their company. **Chair Helen Rogers** asked if this was a change to Mr. Turner's request to form his own company; Mr. Turner responded that it was, and that he was requesting instead to move his permit to Southside Towing. **Chair Rogers** asked Director McQuiston if there had been any problems noted with Ms. Haley's company. The director responded that there had been none, but he added that he had requested that Ms. Haley provide a copy of documentation from the Secretary of State to verify the merger of her company with Mr. Devidts'. Ms. Haley stated that she had not yet provided that proof. The director stated that if that was provided, the movement of Mr. Turner's restricted permit could be handled by staff. He concluded that, since Mr. Turner was withdrawing his application for a company license, there was no decision required by the Commission.

Ms. Haley asked what would be required. **Chair Rogers** stated that she would have to

provide the articles of incorporation to document the company merger, and then Mr. Turner would have to apply to move his permit to the new company; this could be done by the staff.

### **TAXICAB COMPANY APPEAL/REQUEST FOR EXTENSION: UNITED CAB**

Director McQuiston stated that United Cab was appealing a deadline set for compliance with the requirement for retention of permits established in Commission Taxicabs Rule 5. He noted that this was the second time within the past year that United Cab had fallen below the minimum number of vehicles required to retain their 70 permits. He provided the following background information related to this appeal:

- When United Cab submitted a list of current vehicles on December 8, 2008 for the annual taxicab public hearing, their list showed 63 vehicles (meeting the “ten percent rule”). However, a quick review by staff revealed at least 20 of the vehicles reported appeared to be inaccurately listed. The company was directed to provide a correct list.
- On December 29, United Cab submitted a revised list, with most of the same problems as had been detected on the first list.
- On January 12, a letter was sent to the company, giving them until January 28 to submit an accurate list, and also establishing February 28 as the deadline to come into compliance with Rule 5 or forfeit any excess permits.
- The company did not provide the list until early February.
- On February 15, United Cab submitted an appeal of the deadline, request an extension. Because this was too late for the request to be placed on the Commission’s already-full February 24 meeting agenda, the director extended the deadline until March 24.
- On February 28, United Cab submitted a formal appeal letter to the Commission, appealing the March 24 deadline and requesting that the Commission extend the company’s deadline to comply with Rule 5 for “at least 6 to 8 months”. The director provided a copy of this letter to Commissioners.

Director McQuiston stated that an extension of 6-8 months was excessive. He stated that the main factor contributing to the repeated problems of noncompliance with Commission Rule 5 was that there were too many approved taxicab vehicle permits, with a limited number of vehicles. He added that the worsening taxicab economy was likely to aggravate the problem, because fewer owner-operators would be able or willing to purchase and insure new or replacement vehicles.

**Commissioner Mary Griffin** asked the director to clarify his statement that the vehicles reported by the company “appeared to be inaccurately listed”. The director referred to copies of the vehicle list submitted by United Cab on December 8 and of the revised list submitted on December 29. He pointed out that the December 8 list had been annotated by Ms. Steelman. It showed that 9 of the 63 vehicles listed had moved to other companies, 4 others had expired insurance policies, and 4 others had no owner’s permits. In addition, 39 of the vehicles were listed as having “temporary” license plates, and 2 others were listed with license plate numbers of “2005” and “venture”. One of the VINs listed was a telephone number. **Commissioner Griffin** asked what was meant by the notation “no equip ret” on the revised list. The director responded that this was a notation by United Cab, to indicate that several of the vehicle owners had not returned meters, toplights and

radios owned by the company; therefore, United was still listing them. The director noted that these owner-operators had moved to other companies, and that recovering that equipment was a civil matter. The director concluded that the lists as submitted were unusable.

Sukhpritt Mann and Roderick Brown, representing United Cab, appeared before the Commission. Ms. Mann stated that she was director of operations for the company, and provided Commissioners a vehicle list dated March 22, 2009. She stated that the company had 60 vehicles – 54 in service, and 6 in the paint shop – and that the company was lacking 3 vehicles. She stated that the company had requested an extension of 6-8 months because the annual taxicab inspection period would be under way for the next three months, and this historically had been a period of significant fluctuations in the industry. She stated that historically United Cab had bought vehicles to fill new permits, and then leased them to drivers; but that the recent trend by companies receiving additional permits had been to lure owner-operators and their vehicles from other companies, with the result that the expanding companies were not adding more vehicles to the industry. She concluded that United Cab intended to purchase more vehicles to lease to drivers, but that the period of uncertainty would last for several months.

**Vice Chair Duane McGray** asked how many of the vehicle owners listed had been with the company for at least 12 months; Ms. Mann estimated that number to be close to 40%. **Vice Chair McGray** stated that the turnover, then, was at about 60%. He noted that the industry appeared to be over-saturated, in terms of available permits; and asked why United Cab would not be better off to release a few permits now, and wait until the economy improved to request more permits. Ms. Mann stated that United Cab was small, and that the expenses of operating the company required that it maintain 65 vehicles in order to be financially viable. **Vice Chair McGray** noted that the company had not had that many vehicles for a long time. Mr. Brown stated that this was the reason the company was not doing well; the approval of additional permits without the addition of vehicles had forced the company to struggle to regain viability. **Vice Chair McGray** asked what the company would do to improve its condition. Ms. Mann stated that she had purchased ten new vehicles within the last year, and intended to purchase ten more; but that it would take some time to accumulate enough capital to do more than that. **Vice Chair McGray** stated that United Cab could meet its business needs to be financially viable with only 65 permits, provided that it could fill all of those permits; in that way, the company could meet the requirements for retention under Rule 5 with fewer vehicles on hand, and would not have to appear before the Commission. Ms. Mann stated that the company was normally close to full, near 70 permits. Director McQuiston pointed out that this was not the case, as evidenced by the fact that the company had experienced similar problems in early 2008. He added that lists submitted by the company usually listed 63 vehicles, right at the margin.

**Vice Chair McGray** noted that he had not supported the approval of additional permits at the end of 2007, and that the Commission had not approved additional permits at the end of 2008. He added that it was now clear that companies were having problems filling their permits, and that it would likely be several years before the economy improved and the impact of a new convention center could be realized. He expressed concern that continuing to retain the large number of permits would not be beneficial to the taxicab industry.

Ms. Mann stated that the problems of retention had not occurred until the approval of additional permits in late 2007. She restated that United Cab was close to meeting the minimum requirement for 63 permits.

Inspector Lawhorn stated that it was possible that some current vehicles would not pass inspection. **Chair Helen Rogers** asked when United Cab's vehicles would be inspected. Inspector Lawhorn responded that inspections were under way, but that he would not start on United Cab vehicles for at least three weeks.

**Vice Chair McGray** moved to extend the deadline for United Cab no more than three months, subject to reports by the company and by staff at the April 28 meeting on the number of permits filled by the company; if the company were to be in a worse position at that time, then the extension would be withdrawn, and the Commission would take appropriate action. **Commissioner Ed Whitmore** seconded, and the motion was approved (4-0).

#### **TAXICAB DRIVER DISCIPLINARY HEARING: JOSEPH LORANCE**

Complainant Veronica Simmons did not appear. Director McQuiston noted that the charge in the complaint was very serious, and recommended that the Commission defer the hearing for one month.

**Vice Chair McGray** moved to defer the hearing until the April 28 meeting. **Commissioner Mary Griffin** seconded, and the motion passed (4-0).

#### **REPORT ON APPLICATIONS FOR TRANSFER OF EMERGENCY WRECKER LICENSE AND ZONE**

Director McQuiston stated that three applications had been received for the transfer of the emergency wrecker license formerly assigned to Nashville Towing and Recovery: from Anchor Towing and Recovery, Dad's Towing Service, and Tow Pro. He stated that a public hearing to reassign the zone would be scheduled for the April 28, 2009 meeting.

The director stated that an application had also been received by Darrell Greer, owner of Nashville Towing and Recovery. He stated that the request in this application had not been to operate a zone, but to operate throughout the County as a heavy-duty-only emergency wrecker service. The director stated that such a request was unprecedented, and must be considered as separate from the applications to operate the zone. **Chair Helen Rogers** noted that this application necessarily would be a policy issue.

#### **OTHER BUSINESS**

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

ATTEST:

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Brian E. McQuiston  
Director-Executive Secretary

APPROVED:

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Helen S. Rogers  
Chair