

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

**Minutes of**

**August 22, 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 Chair Cynthia Odle and Commissioners Ray Dayal, Gladys Lozada, and Kim Thompson (4). Also attending were Metro Legal attorney Phil Baltz, Commission staff member Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

**Chair Cynthia Odle** called the meeting to order and led the Pledge of Allegiance.

The minutes of the July 25, 2006 meeting were unanimously approved.

**APPLICATION FOR CERTIFICATE – FIVE STAR TAXI**

Director McQuiston reported that Five Star Taxi, a new corporation, had applied for a taxicab Certificate of Public Convenience and Necessity. Mr. Roger Baker and Mr. Benny Judkins, partners in the corporation, appeared before the Commission with counsel Mr. Russell Willis. Mr. Willis requested that the public hearing on the Five Star Taxi application be scheduled for a September meeting. **Chair Cynthia Odle** noted that the November meeting would be the regular annual taxi public hearing for consideration of new certificates and additional permits. Mr. Willis responded that there was already an unmet need for more taxicabs, which could be addressed if Five Star Taxi's application could be received early. Following some general discussion about whether there was an unmet need, **Commissioner Ray Dayal** noted that other companies might also plan to request additional permits, and moved to place the public hearing on the Five Star Taxi application on the agenda for the annual public hearing on November 28, 2006. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

**PUBLIC HEARING: CONSOLIDATION OF NASHVILLE CAB AND KENNEDY CAB**

Director McQuiston informed Commissioners that Taxi USA of Tennessee, parent company of Allied, Nashville, and Kennedy Cab companies, had submitted a letter requesting to consolidate Nashville Cab and Kennedy Cab companies. **Chair Cynthia Odle** called the public hearing to order.

Mr. James Church and Mr. John Moutrey of Taxi USA of Tennessee appeared before the Commission with counsel Mr. Guilford Thornton. Mr. Church explained that the consolidation would result in the fifteen permits assigned to Kennedy Cab being absorbed into Nashville

Cab, allowing the corporation to avoid unnecessary duplication of expenses and to improve marketing. Director McQuiston stated that there would be no impact on the number of airport slots assigned to other companies, but that the consolidation would afford some flexibility to the corporation in maintaining minimum vehicle/permit requirements. **Chair Odle** asked if the corporation had considered the potential impact on the Kennedy Cab customer base. Discussion followed concerning the historical contribution of Kennedy Cab to the community. Mr. Church responded that this had been part of their deliberations, and that the corporation would consider ways to honor the legacy of Kennedy Cab.

**Chair Odle** invited public comment. There was none, and the public hearing was closed.

**Commissioner Ray Dayal** asked about the status of the company's driver training program. Mr. Church stated that this program was to be initiated in Nashville Cab within the next month. He demonstrated the new meter to be installed in all Nashville Cab vehicles. He also reported that Nashville Cab and Allied Cab each had one ADA-accessible van. These were being scheduled for inspection by MTA and the ADA office. He invited Commissioners to view the Nashville Cab van after the meeting.

**Commissioner Dayal** moved to approve the request, with the condition that Taxi USA of Tennessee would develop a plan to appropriately honor the legacy of Kennedy Cab as part of the consolidation, and would work with the Commission director and the Chair on its implementation. **Commissioner Gladys Lozada** seconded, and the motion passed unanimously.

### **SHOW CAUSE HEARING: TOW PRO**

Director McQuiston stated that three drivers for Tow Pro Custom Towing had been cited within the past three months for operating wreckers without permits. **Chair Cynthia Odle** asked for Tow Pro and the arresting officer to appear.

Mr. Doug Williams, owner of Tow Pro, appeared before the Commission with counsel, Mr. Michael McGovern. Mr. Williams explained that the drivers were employees who had been hired to transport equipment, and company dispatchers had not known that they did not have wrecker driver permits. **Commissioner Ray Dayal** asked Mr. Williams if he could guarantee that there would be no recurrences. Mr. Williams stated that the company now had a board in the dispatch office, indicating which drivers were permitted to operate wreckers. He also reported that all driver files had been updated to include copies of their current wrecker driver permits, and that these files were being checked monthly to determine in advance if licenses, permits, physicals or other requirements were due to be updated in the next month. The company was considering a computer program that would alert management of expirations beforehand. These steps would enable the company to avoid similar problems in the future.

Officer James G. Curtis, MNPD, explained the circumstances of the three citations. He informed Commissioners that Tow Pro was doing well in every other aspect of providing emergency wrecker support – showing up on time, and with all equipment in good order.

**Commissioner Gladys Lozada** moved to place a letter in the company's file, directing that any similar incidents would automatically be placed on the Commission's agenda for

consideration of further action. **Commissioner Dayal** seconded, and the motion passed unanimously.

### **WRECKER COMPANY DISCIPLINARY HEARING: ALL TOW MASTER**

Director McQuiston informed Commissioners that a complaint had been received from Mr. Scott Ewing, concerning the impoundment of his vehicle by All Tow Master. He stated that Officer Ron Bright, MNPD, had been expected to appear, but was not present. **Chair Cynthia Odle** asked Mr. Ewing to appear and to present his complaint.

Mr. Ewing stated that his car had been towed by All Tow Master from a lot owned by *The Tennessean* the on the night of April 18. He explained that he had believed the car was stolen, so he had spoken with Officer Bright, who was nearby. He added that Officer Bright had informed him that the car could be legally towed at the request of *The Tennessean*, but that there was reason to believe that the tow had not been properly authorized. Mr. Ewing alleged that the All Tow Master driver had returned to get a tow ticket authorized by *The Tennessean* after the fact.

Mr. Bernard Teffeteller, owner of All Tow Master, appeared before the Commission. Mr. Teffeteller stated that he had towed Mr. Ewing's car at the request of *The Tennessean*. He added that *The Tennessean* frequently had problems with illegal parking by patrons of the local restaurants, and that they routinely provided written and verbal warnings to vehicle owners in these establishments before they call to have vehicles towed. **Commissioner Gladys Lozada** noted that a storage fee had been charged, and asked Mr. Teffeteller why the time of the tow was not indicated on the tow slip. After discussion about signage, property ownership, and the lack of a time entry on the tow authorization slip, **Commissioner Ray Dayal** moved to suspend the hearing until a future meeting when Officer Bright could be present. **Commissioner Lozada** seconded, and the motion passed unanimously.

### **WRECKER DRIVER PERMIT APPLICATIONS:**

**Chair Cynthia Odle** apologized, but stated that she would have to leave. Director McQuiston noted that the quorum would be lost, and requested that the Commission consider staff recommendations on two wrecker driver permit applications before adjourning.

**Enayatullah Belyad:** Director McQuiston stated that Mr. Belyad had failed to appear before the Commission on his application at the July meeting, and recommended deferral. **Commissioner Gladys Lozada** moved to defer consideration on Mr. Belyad's application until the September meeting. **Commissioner Dayal** seconded, and the motion passed unanimously.

**Thomas E. Jester:** Director McQuiston stated that additional information had been provided to the Commission staff concerning Mr. Jester's application, and recommended that the Commission refer it back to staff for decision. **Chair Odle** directed that the staff take appropriate action on Mr. Jester's application.

**OTHER BUSINESS**

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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Cynthia M. Odle  
Chair