

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

**Minutes of
July 26, 2011**

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Justice A. A. Birch Building. The Commissioners present were Chair Helen Rogers and Commissioners Jennifer Brundige, Sam Patel, Tom Turner, and Ed Whitmore (6). Also attending were Metro Legal advisor Corey Harkey 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.

PUBLIC HEARING: PROPOSED AMENDMENTS TO WRECKER RULES AND WRECKER ORDINANCE

Director McQuiston reported that this was a public hearing to consider three amendments and one addition to the *Rules and Procedures of the Metropolitan Transportation Licensing Commission* related to Wreckers; and two proposed amendments to the Metro Code, Chapter 6.80 – WRECKER AND TOWING SERVICES. He stated that copies of the proposed changes had been provided to Commissioners in their packets and to all licensed wrecker company owners; and that public notice had been given. The director introduced and read the proposed changes, as follows:

Change 1. Amendment to RULE 3 – Application for Wrecker Driver Permits
[Establishes eligibility criteria related to criminal background checks on applicants –
additions shown in bold print]

3. APPLICATION FOR WRECKER DRIVER PERMITS

"Each application for a wrecker driver permit shall be signed by the applicant and shall be duly attested by a notary public. The applicant must appear in person with a valid Tennessee driver's license to apply for a license. All appropriate fees must be paid in advance. Applicants must complete a criminal background check.

a. An applicant shall be disqualified if the applicant has been convicted, pled guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal

offenses under the laws of Tennessee, any other state or of the United States:

Homicide;

Rape;

Aggravated assault;

Kidnapping;

Robbery, Burglary, or Auto Theft;

Child sexual abuse;

Any sex-related offense;

Leaving the scene of an accident;

Criminal solicitation, or criminal attempt to commit any of above;

Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit; or

The felony possession, sale or distribution of narcotic drugs or controlled substances.

b. If, at the time of application, with any of the above offenses, consideration of the application shall be deferred until entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

c. An applicant shall also be disqualified if the applicant has been convicted of or released from incarceration due to two or more felony offenses within the past ten years.

Applicants with a record of **lesser** convictions may be required to appear for a Commission hearing to determine if a permit will be approved. A management representative of the employing wrecker company must also appear at the hearing. Upon denial of an application for a wrecker driver permit, no new application may be submitted for consideration for a period of three months.”

The director explained that the wrecker ordinance was the only ordinance promulgated by the Commission that did not have objective criteria for evaluating applicants' background checks, and that the ordinance authorized the Commission to set such standards. **Chair Helen Rogers** clarified that this rule would establish consistency with the other regulated industries for drivers' criminal background checks.

Change 2. Amendment to RULE 11 – Interpretation of Code Sections

[Sections cited in the current rule are references to obsolete Wrecker ordinance.

Amends references to reflect current Code – **changes shown in bold print**]

11. INTERPRETATION OF CODE SECTIONS

- ~~“a. In Section 39-1-84 (b) 6.80.520.B(3), the radio at the wrecker company’s principal place of business shall be staffed by at least one person 6 a.m. until 10 p.m. each day.~~
- ~~b. In Section 39-1-84 (c) 6.80.520.B(4), the words “direct line” should be interpreted to mean “telephone”.~~
- ~~c. In Section 39-1-55 (4), mechanical work is defined as major mechanical work excluding minor pulling of pins, but including the removal of bumpers. “~~

The director explained that this was a housekeeping amendment to update the old rule to refer to the current wrecker ordinance, and that the old subsection referring to mechanical work had been made obsolete by current ordinance restrictions on allowable charges.

Change 3. Amendment to RULE 16 – Wrecker Dispatching Errors

[Amends procedures to be followed by emergency wrecker services to address potential dispatching problems, eliminate complaints to ECC dispatchers, avoid delayed response, and correct zone map discrepancies – **changes shown in bold print**]

16. WRECKER DISPATCHING ERRORS

“Any emergency wrecker service which receives a call **from the Emergency Communications Center dispatcher**, and then determines that they were given an incorrect address and the location is in another zone, ~~will should not take the call, and~~ inform the ~~police dispatch~~ dispatcher of the error, **but will also acknowledge that the company will respond to the call. The company will then notify the Transportation Licensing Commission staff of the error within 3 business days, to enable the staff to determine if there are discrepancies between the official zone map and the ECC computerized map and to resolve them.** Any emergency wrecker service which takes a zone call, arrives on the scene and then determines the location is outside their zone, ~~should not~~ **should** not take the call, but inform the MPD officer that the vehicle is located outside their assigned zone. If the MPD officer orders the emergency wrecker service to tow the vehicle regardless (in lieu of summoning the proper emergency wrecker service for that zone), the wrecker service must take the vehicle to the storage lot of the ~~appropriate~~ **responding** zone company, or ~~the Tow-In Lot~~ **to the Metro Impound Lot, as directed by the officer.”**

The director stated that the old rule had been instituted before the ECC upgraded their dispatch system. He explained that dispatchers now used a computerized map that automatically identified the emergency wrecker zone company based on the location provided by the police officer on the scene; and they no longer used a manual system. He added that there may be errors on the ECC’s computerized map, so the new rule

established a requirement to respond quickly, but enabled a process to identify and correct inconsistencies without delaying wrecker response.

Change 4. New RULE 25 – Emergency Wrecker Services Driver Training
[Establishes training standards for operators of emergency wrecker service Class C wreckers.]

25. EMERGENCY WRECKER SERVICES DRIVER TRAINING

“Effective September 1, 2011 all drivers of Emergency Wrecker Services Class C wreckers must have completed the following training:

- a. A nationally-recognized recovery training course approved by the Commission director; and
 - b. NIMS training modules IS-100b. and IS-700
- Emergency Wrecker services will provide evidence of training completion to the Commission office before allowing a driver to drive a Class C wrecker.”

The director stated that the new rule would required that drivers who were likely to be responding to major traffic incidents would have the basic Incident Management training and recovery training. He stated that this was intended to improve safety and coordination with first responders on the scene of highway incidents.

Change 5. Amendment of MCL 6.80.455 – Wrecker Booms
[Changes title and amends to specifically require that tiedowns be secured before a vehicle may be towed/transported - **changes shown in bold print.**]

6.80.455 – Wrecker Booms **and Tiedowns**

All persons operating a wrecker upon any street, road, highway or thoroughfare shall keep the wrecker boom/wheel lift in its full, upright vertical or retracted/stowed position, or, for wreckers with undercarriage/rollback wheel lifts, shall keep the wheel lift fully retracted, except while the wrecker is actually in the process of towing a vehicle. **Required tiedowns must be attached and securely fastened prior to towing or transporting any load.**

The director stated that the additional language would ensure that vehicles would not fall from the wrecker while in tow.

Change 6. Amendment of MCL 6.80.550(I) – Fees Charged
[Amends section to authorize collection of processing fee after two days because of the shorter time frame required by new State law Chapter 30 to process vehicles – **change shown in bold print.**]

6.80.550 – Fees Charged.

(l) “In addition to the rates authorized above, wrecker companies are authorized to charge a one-time processing fee of ten dollars for any vehicle remaining in storage on the company lot for ~~ten~~ **two business** days, to offset direct costs for notification of the owner or lienholder as required by state law.”

The director stated that until the new State law was passed in March, wrecker companies had been allowed ten days after they towed an abandoned vehicle to notify the vehicle owner and lien holders. He stated that the new law shortened that to three days. He added that when the ordinance wrecker rates were amended in 2008, the one-time processing fee had been approved; and this proposal to reduce the time from ten days to two days was consistent with the new State law requirement.

Chair Rogers invited public comment.

Doug Williams, owner of Tow Pro, stated that he supported the proposed changes, but had a problem with the required date for the completion of Class C wrecker driver training in new Rule 25. He stated that training was not offered prior to the proposed September 1 date; and a better date would be after April 2012.

Jim Mitchell, owner of Dad’s Towing, was supportive of the proposed changes, but agreed with Mr. Williams that the driver training deadline should be extended. He stated that he had put drivers through the training before, and that it was both expensive and time-consuming.

Frank Horne, Director of Incident Management at the Tennessee Department of Transportation, spoke in favor of the requirement for driver training. He stated that the NIMS training was computer-based and very accessible. He stated that it provided important training to enable responders on the scene to understand their roles.

Michael Edwards, owner of Edwards Towing, expressed concern about the new State law Chapter 244, which requires wrecker companies to notify law enforcement prior to towing any vehicle when the owner is not present. Director McQuiston explained that this was a new State law. **Chair Rogers** advised Mr. Edwards that the Commission had no authority to change a State law, and recommended that he should talk to his State representative.

There were no other public comments.

Commissioner Jennifer Brundige asked if Rule 3, paragraph b should not read “If at the time of application, the applicant is charged with any of the above offenses”. Director McQuiston responded that it should, and the wording should be changed. **Commissioner Brundige** asked if the applicants would be allowed to appear if they were pending charges for a wrecker-related offense. The director stated that the new rule, if passed, would be applied to new applicants, and not to renewing drivers. He stated that current drivers with permits would be “grandfathered”, but that any who were pending charges would likely be referred for disciplinary hearings.

Commissioner Tom Turner moved to approve the proposed Rule 3 with the correction to paragraph b, to read “If at the time of application, the applicant is charged with any of the above offenses...”; to approve the proposed changes to Rule 11 and Rule 16; to approve the proposed Rule 25, with the effective date changed to May 1, 2012; and to approve the proposed amendment to Metro Code Section 6.80.455. **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

Commissioner Sam Patel moved to approve the proposed amendment to Metro Code Section 6.80.550(l). **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

ANNUAL PUBLIC HEARING: EMERGENCY WRECKER SERVICE ZONES

Director McQuiston reported that Metro Police, the Emergency Communications Center (ECC), and TDOT HELP had been invited to provide input to the Commission’s annual assessment of emergency wrecker services and zones. The director noted that in past years the Commission had also been provided with a list of complaints received concerning emergency wrecker companies, but that information had not been particularly useful for the purposes of the annual public hearing as outlined in the wrecker ordinance, which were related to the efficiency and suitability of the emergency wrecker zones and assignments in providing response to the police. He stated that in summer 2010 the ECC had fielded a computer assisted dispatching system that, combined with consistent reporting of information by police officers at incident scenes, allowed the ECC to log data on all incidents. He stated that this data now made it possible to make a truer assessment of emergency wrecker company responsiveness. He reported that data had been provided to the Commission staff on July 15, but the sheer magnitude of information would require additional time to analyze, and an accurate performance evaluation could not be presented until the September meeting.

Chair Helen Rogers asked Commission members if they would accept that report at the later date; there were no objections. Director McQuiston stated that representatives from the police and TDOT HELP were present, and that there would be one proposal for a zone boundary change to be considered at this hearing.

Captain Rita Brockmann-Baker and Mickie Sherrell from the Police Department stated that they had no complaints to report concerning the emergency wrecker companies.

Emerson Boguskie from TDOT HELP stated that that he had observed the emergency wrecker companies many times during the past year, and that he had seen good improvement. He stated that professional training would be a very helpful step.

Chair Rogers invited company representatives to appear. Representatives from all companies except Anchor Towing and Recovery appeared; all reported that they were not experiencing problems in their zones, except a boundary issue reported between the Collier and Custom zones.

Director McQuiston reported that there had been no requests received from companies to alter zone boundaries, but that one administrative zone boundary problem should be settled at this meeting. He stated that in 2004 the Commission had approved the

consolidation of the former “Guess” zone into the A.B. Collier zone, and Metro Plans had been asked to correct the zone map accordingly. He stated that Metro Plans had discovered that it no longer had the zone map in its files, and so the map had to be re-created. The director stated that an error occurred during that re-creation process, along the boundary between A.B. Collier’s and Custom Towing’s zones, in the vicinity of Interstate 65 and Harding Place. He recommended that the map be corrected to return to the pre-2004 official boundary.

Commissioner Jennifer Brundige moved to approve the zone map change: to return the A. B. Collier – Mike’s Custom Towing boundary line to its pre-2004 position. **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

PUBLIC HEARING: APPLICATION FOR TRANSFER OF EMERGENCY WRECKER LICENSE AND ZONE (COTTON’S TOWING)

Director McQuiston reported that two applications had been received – from Tow Pro owners Douglas and David Williams, and from Chapman’s Wrecker Service owner John Graham – for transfer of the license and zone assigned to Cotton’s Towing. He stated that Cotton’s Towing owners Robert and Joyce Dean desired to sell their company to the Williams’. The director stated that the current Tow Pro zone was not adjacent to the Cotton’s zone, but the Chapman’s zone was. He added that Tow Pro had Class C wreckers, although the company had no interstate highway within its zone; and that Chapman’s Wrecker Service did not have Class C capability.

Chair Helen Rogers asked Mr. and Mrs. Dean to appear. Mrs. Dean stated that they desired to get out of the business. They stated that all equipment would transfer to the new owners, and that employees would retain their jobs. **Chair Rogers** asked if the sale of Cotton’s as a company would go through if the Commission did not approve the transfer to Tow Pro; Mr. Dean stated that if the zone was not transferred to Tow Pro they would prefer to stay in the business and keep the zone license. The Deans stated that they did not have a back-up agreement with Mr. Graham. Director McQuiston asked the Deans if they leased the property that the company was using; they responded that they did, and that the lease was transferable.

David Williams appeared with attorney Michael McGovern. Mr. Williams stated that if the transfer was approved, the company would be managed separately from the Tow Pro office. Inspector Bowling asked about a Tow Pro driver who had attempted to pick up a vehicle from the Chapman’s lot without a wrecker driver permit. Mr. Williams stated that the driver had applied for the permit, and that the company had thought that he had picked it up already. He stated that because the driver had not gone to get his permit, his employment had been terminated. Mr. Williams stated that the company now had a binder with all drivers’ permits and medical cards. Inspector Bowling asked why the person riding with the driver also did not have a permit. Mr. Williams responded that he did not think that it was required for the passenger to have a permit. Inspector Bowling responded that it was a requirement. Mr. Williams apologized, and noted that the other person was also no longer employed by the company. **Commissioner Jennifer Brundige** asked Mr. Williams if he intended to keep the Cotton’s employees, equipment and location; he responded that this was their intention. Director McQuiston noted that response capability was vital, and that it was important to the Commission that Tow Pro

and Cottons operate their wreckers from two separate business locations, if approved. He noted that this had been a problem in the past with another company. **Commissioner Brundige** asked if Class C equipment would be located within the Cotton's zone. Mr. McGovern stated that the contract with the Deans obligated the Williams' to retain the Cotton's employees and equipment. **Commissioner Jennifer Brundige** asked how long this was required; Mr. McGovern responded that it was for six months. Mr. Williams stated that Tow Pro would reassign a couple of its heavy-duty wreckers to the Cotton's zone. **Commissioner Ed Whitmore** asked if the two zones would operate under the same name. Mr. Williams responded that they would have the same corporate name but operate under different DBA's; he explained that one company was Road Masters DBA Tow Pro, and the other would be Road Masters DBA Cotton's Towing. **Chair Rogers** noted that it would be a positive impact to have heavy-duty wreckers in the Cotton's zone.

John Graham appeared. He stated that he would like to combine the Cotton's zone into his adjacent Chapman's Wrecker Service zone. He provided Commissioners with documentation showing that a Tow Pro driver had recently tried to pick up a vehicle from his lot without a wrecker driver permit. He stated that most of the Cotton's employees had already quit because they would have to sign a non-compete clause under the terms of the sale to Tow Pro. **Chair Rogers** asked Mr. Graham what he would propose, considering that the Deans had indicated that they would not want to give up the zone unless the transfer to the Williams' was approved. Mr. Graham stated that he would like to have the Deans continue to operate the zone. **Commissioner Brian Winfrey** asked Mr. Graham if he would increase his staff or capabilities if his application were to be approved. Mr. Graham responded that he would hire any drivers, but that the zone was only 5-7% of his business. **Chair Rogers** asked if he would obtain any more equipment; Mr. Graham stated that he had three trucks, and could get another on immediately, if approved. **Commissioner Tom Turner** clarified that the Cotton's zone and the Chapman's zone were adjacent to one another. **Commissioner Winfrey** asked Director McQuiston if it would be necessary for Mr. Graham to operate from two separate locations, similar to the Tow Pro – Cottons concern. The director responded that it would not be necessary for Mr. Graham to do so, if the Cottons zone were to be merged with the Chapman's zone as part of the transfer approval. He noted that the recent transfer of the Gary's zone had similarly resulted in its consolidation into the adjacent Bailey's zone. The director stated that separate operations were necessary when there would be a geographic separation between the zones. Mr. Graham stated that he had two relatively new wreckers with low mileage because they were not being utilized, but added that if necessary he was prepared to buy another wrecker.

Commissioner Winfrey moved to approve the transfer of the Cotton's license and zone to the Williams' – Road Master DBA Cotton's Towing. **Commissioner Sam Patel** seconded, and the motion passed (5-0).

PUBLIC HEARING: PROPOSED NEW HORSE-DRAWN CARRIAGES RULE

Director McQuiston stated that there had been several cases of carriage operators claiming that they had received permission from authorities to operate, but for which they had no written authorization to do so. He proposed an addition to the Rules for

carriages to eliminate confusion and ensure enforceability by establishing a clear requirement for documentation to ensure that all deviations from the approved downtown carriage tours route and carriage stands were properly requested and approved in advance by the appropriate officials. He noted that the proposed rule had been provided to all carriage company owners, and public notice had been given. The director read the proposed new Rule 9:

9. DOCUMENTATION REQUIRED FOR OPERATIONS DURING DAYLIGHT HOURS OR SPECIAL EVENTS

Any carriage driver who is operating a horse-drawn carriage from any stand or on any route on public property within the metropolitan area which deviates from the following standard downtown tour route:

West from stands on Broadway; then
South on Fourth Avenue; then
West on Demonbreun; then
North on Fifth Avenue; then
East on Broadway; then
Around Riverfront Circle; then
West on Broadway, Return to Carriage Stands

or which deviates from the signed and restricted-use carriage stands on Broadway, must have documentation signed by the appropriate official at the Mayor's office, or the Traffic and Parking Commission, or the Metro Parks and Recreation Board. This documentation must specifically authorize all deviations, and must include: the purpose for which it is approved, the start time and end time, and detailed routes and stops (including loading and unloading areas) which have been pre-approved. Drivers will be required to present this documentation to transportation licensing inspectors or police officials on demand.

Chair Helen Rogers invited public comment:

Paul Morrison, carriage company owner, spoke in opposition to the proposed rule. He stated that it was not possible to get advance approval when tourists came and asked the carriage operator to take them to a hotel or restaurant. He stated that the company did not only do the 20 minute tour, as described; but they also did 30 minute tours and 60 minute tours that required them to go on different streets. He noted that they stayed within general boundaries. **Chair Rogers** asked if an operating zone would be helpful; Mr. Morrison responded that it could, but it would not necessarily help for weddings. **Chair Rogers** stated that there would be sufficient advance notice for a wedding to allow the company to request permission. Mr. Morrison restated that more flexibility was needed to meet the requests from tourists. **Chair Rogers** asked how far they would go; Mr. Morrison responded that they would not go past 10th Avenue. Director McQuiston stated that the ordinance did not allow the flexibility that Mr. Morrison wanted. He read from section 12.54.310 of the Metro Code:

12.54.310 Routes

A. A horse-drawn carriage [company] shall operate horse-drawn carriages only upon streets according to the routes and restrictions developed through consultation with the metropolitan traffic and parking commission.

The director stated that this did not allow horse-drawn carriages to operate as taxicabs, taking people where they wanted to go. They were to provide tours on route approved by the Traffic and Parking Commission; and the only route that had been approved was the one listed in the Rule. He noted that a company owner who wanted to do something else could put in a request to do so; if it was approved by the Traffic and Parking Commission, then the Transportation Licensing Commission would have no problem with the additional route. The director noted that, just as Mr. Morrison had stated, carriage companies had been doing whatever they wanted to do, and without even asking for approvals. The director noted that the Mayor's office might be the approval authority for special events that closed off streets, such as a filming downtown, and that Metro Parks would have to approve any use of carriages on Parks property; but most deviations would have to be approved by the Traffic and Parking Commission. Mr. Morrison stated that there were also frequent road closures downtown. **Chair Rogers** stated that these cases could be managed by requesting permissions to deviate from the routes.

Sam Roberts, carriage company owner, stated that tourists frequently asked carriage operators show them where things were in the downtown area. He stated that it was impossible to provide service to them on only one route. **Chair Rogers** stated that he should go to the Traffic and Parking Commission to request other route changes or additions. Director McQuiston stated that the Commission could make recommendations for specific routes and stands to the Traffic and Parking Commission, just as it had done in requesting taxi stands. He stated that he had held a series of meetings in past years to develop proposals for additional carriage routes and stands, but these had become untenable when construction of the new train station at Riverfront Park was announced. The director stated that the new Rule's purpose was to require that approvals – which were already required by the law – were documented. Inspector Bowling suggested that Mr. Roberts or other carriage operators should go to the Traffic and Parking Commission and request approval for all of the routes that they thought were necessary. **Commissioner Brian Winfrey** agreed, noting that carriage operators were already required to stay on the one approved route, and could be cited for any deviations. He stated that getting documented approvals for these deviations or other routes would benefit operators in case they were stopped and cited.

There were no other comments.

Commissioner Jennifer Brundige moved to approve the new Rule 9, as proposed. **Commissioner Sam Patel** seconded, and the motion passed (5-0).

APPLICATION FOR OTHER PASSENGER VEHICLE FOR HIRE SERVICE: ACE NASHVILLE LIMO

Director McQuiston reported that Olusegun Ojo-Daniel was applying for a certificate of public convenience and necessity to operate ACE Nashville Limo as a livery service. He stated that it was being forwarded to the Commission because inspectors have cited drivers four times for operating ACE Limo vehicles without permits; and that one of those times was after the company had submitted this application. He stated that some of this information had been presented to the Commission before, when Abdifatah Sahal appeared in May to apply for a taxicab driver permit. The director noted that Mr. Sahal had been cited for operating an ACE Limo vehicle without a driver permit. The

director reported that on May 13, Laura Mask was also cited by Inspector Deckard for operating an ACE Limo vehicle without driver and vehicle permits.

Mr. Ojo-Daniel appeared. He stated that Mr. Sahal had told the Commission that he was only using the ACE Limo vehicle for his personal use, and was not using the vehicle for hire. He noted that Ms. Mask had been cited at the Hampton Inn, and explained that the Inn's owner was a frequent customer who lived in Franklin. Mr. Ojo-Daniel stated that he was out of town, so he had asked Ms. Mask to pick up the Inn's owner and transport him to the Hampton Inn, and also to take him back home later that day. He stated that he had been operating his business since 2006. **Chair Helen Rogers** stated that he was admitting to the Commission that he had allowed a driver to operate his vehicle without proper permits. Director McQuiston stated that the Commission had been licensing companies, vehicles and drivers since November 2010. **Chair Rogers** noted that the ordinance requiring licenses and permits had been in effect for months prior to his application, and that he had been operating illegally. Mr. Ojo-Daniel stated that he had operated the company before the ordinance passed, but that he had not been operating illegally since then. He stated that he understood that if the customer was picked up outside of Davidson County, then it was not required to have a permit. He stated that the customer had been picked up in Williamson County. Inspector Bowling stated that he had pictures of an ACE Limo dropping passengers off at Second Avenue and Broadway, and that he frequently observed ACE Limo vehicles operating in the downtown area. Director McQuiston noted that Mr. Ojo-Daniel had admitted that his driver was picking up at the Hampton Inn. Mr. Ojo-Daniel stated that he had a trip sheet from Ms. Mask, showing that she had picked up the customer in Franklin. **Chair Rogers** asked him why he had not applied for the certificate in November; Mr. Ojo-Daniel responded that he had financial constraints. **Chair Rogers** asked the director how much the licensing fees would be for Mr. Ojo-Daniel; Director McQuiston responded that the fees for the certificate and the three vehicle permits would be \$305; and any drivers would be required to pay \$95 in permit-related fees. **Chair Rogers** asked Mr. Ojo-Daniel if he had not been able to afford \$305 in the past nine months. Mr. Ojo-Daniel stated that he had not been working, and that even Mr. Sahal had not been using his vehicle for hire. Inspector Bowling stated that he continued to observe ACE Limo vehicles operating at night. Mr. Ojo-Daniel stated that he understood from conversation with Inspector Deckard that he was not operating illegally if he was coming from outside of Davidson County. Director McQuiston stated that the company's address was in Antioch, and Inspector Bowling noted that he had a Davidson County business license. Discussion followed. Inspector Bowling noted that even after numerous citations the company was continuing to operate without a certificate. **Chair Rogers** asked if it would be possible to get an injunction against a company. Legal Advisor Harkey stated that it had not been done very often, but that it was a legal option available to the Commission.

Commissioner Tom Turner moved to disapprove the application. **Commissioner Sam Patel** seconded, and the motion passed (4-1).

APPLICATION FOR TAXICAB DRIVER PERMIT: LAEKMARIAM ADANE

Mr. Adane appeared, but he did not have a company representative present. Director McQuiston reported that Mr. Adane had applied for an initial permit on June 10, and that a background check revealed a 2009 marijuana offense, which was disclosed. The

director stated that Mr. Adane had not identified a taxicab company on his application. The director noted that most taxicab companies had all of their permits filled, and had not been committing to drivers for positions until the drivers could obtain their permits. Inspector Lawhorn stated that Mr. Adane's father was a taxicab driver. **Chair Helen Rogers** asked Mr. Adane about the marijuana charge. He responded that he had been working for a construction company, and after they had been cleaning up at the worksite he had been asked to drive the company work van to his supervisor's house; along the way, he had been stopped. He stated that the officer had found a small amount of marijuana in the van. **Commissioner Ed Whitmore** asked Mr. Adane for whom he would work if he got his permit. Mr. Adane stated that he had spoken to Checker Cab, and had been told that they would likely lease him a van if he could obtain a permit. Director McQuiston stated that if the Commission approved the permit, the staff would not issue it until a company signed the affiliation form. **Commissioner Jennifer Brundige** clarified that the staff would hold onto the permit until a company accepted Mr. Adane. Director McQuiston stated that this would require a conditional approval. Mr. Adane stated that several companies had told him that they had owner-operators who may be willing to lease their vehicles while they are temporarily out of the state or country.

Commissioner Tom Turner moved to approve the application, with the following conditions: that it would be restricted to the company, after a company provided an affiliation form; that Mr. Adane would be placed on probation for one year; and that he would be required to submit to random drug testing during that time as directed by the Commission staff director. **Commissioner Sam Patel** seconded, and the motion passed (5-0).

APPLICATIONS FOR WRECKER DRIVER PERMITS

William Womack: Mr. Womack failed to appear.

Jeremy Farrar: Mr. Farrar failed to appear.

Commissioner Jennifer Brundige moved to disapprove the applications of Mr. Womack and Mr. Farrar. **Commissioner Brian Winfrey** seconded, and the motion passed (5-0).

APPLICATION FOR TAXICAB DRIVER PERMIT: YAHYE MOHMUD

Director McQuiston reported that Mr. Mohmud had applied for an initial permit on April 20, and that a background check had revealed the following convictions:

1998 - Simple Possession - Marijuana

2003 - Domestic Assault

2004 - Theft

2007 - Reckless Driving and Driving While Revoked

The director stated that Mr. Mohmud had disclosed these and all other arrests not leading to convictions. He noted that on his application Mr. Mohmud had indicated that he would be applying to drive for Allied Cab or Yellow Cab, but he had not been accompanied by a company owner.

Chair Helen Rogers asked Mr. Mohmud if he had a position yet; Mr. Mohmud responded that he could work for Yellow Cab. Director McQuiston stated that a vehicle owner from Yellow Cab had come to the meeting to appear on Mr. Mohmud's behalf;

but the director expressed concern that vehicle owners were not responsible to the Commission in the same way that company owners were. **Commissioner Sam Patel** told Mr. Mohmud that the Commission would expect him to come with a company owner or manager. **Chair Rogers** asked if a deferral of the hearing for one month would be helpful. Mr. Mohmud agreed, and the matter was deferred until the August meeting.

OTHER BUSINESS:

Chair Helen Rogers stated that **Vice Chair Mary Griffin** had resigned after accepting a new position with the State of Tennessee. She stated that it was therefore necessary to elect a new Vice Chair to fill the vacancy; and she asked for nominations or volunteers. **Commissioner Brian Winfrey** volunteered. **Commissioner Tom Turner** moved to elect **Brian Winfrey** as Vice Chair. **Commissioner Ed Whitmore** seconded, and the motion passed (4-0).

Inspector Lawhorn reported that there was a large folk festival event coming to Nashville over the Labor Day weekend; and that it was expected to be a major community-wide event with up to 80,000 attendees.

Director McQuiston stated that he had received a request for ownership changes from livery certificate holders Grand Avenue Limousine and Silver Oak Holdings. He stated that the necessary background checks had been completed, and recommended that the Commission approve the changes. **Vice Chair Brian Winfrey** moved to approve the ownership changes, as recommended. **Commissioner Ed Whitmore** seconded, and the motion passed (5-0).

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

ATTEST:

APPROVED:

Brian E. McQuiston
Director-Executive Secretary

Helen S. Rogers
Chair