METROPOLITAN NASHVILLE-DAVIDSON COUNTY TRANSPORTATION LICENSING COMMISSION

Minutes of

July 28, 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 and Commissioners Jennifer Brundige, Mary Griffin, Quenton White, Tom Turner and Ed Whitmore (6). Also attending were Metro Legal advisor Jon Michael; Commission staff members Milton Bowling and Lisa Steelman; and Brian McQuistion, 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 June 23, 2009 meeting were approved.

WRECKER COMPANY DISCIPLINARY HEARING: EXPRESS TOWING

Director McQuistion stated that a copy of a written complaint from Anne Church had been provided to the Commissioners. **Chair Helen Rogers** noted that it had been provided by certified mail to the owners of Express Towing.

Inspector Bowling reported that he had been conducting an unrelated investigation after receiving information that John "Bubba" Anderson, an employee or former employee of Express Towing, been signing tow slips for vehicles towed by the company from a lot in the vicinity of 19th and Division. He stated that on July 12 he had observed an Express tow truck towing from the lot, and had asked the driver, Mr. Mullins, to show his tow slip. Inspector Bowling stated that the tow slip was blank, except for the authorizing signature of K. Ballard; and when the driver was asked who signed the tow slip he gestured toward a man who was later identified as Mr. Anderson. Inspector Bowling stated that he had questioned Mr. Anderson, who identified Ms. Ballard as someone he was training. Inspector Bowling noted that he received a complaint from Ms. Church the next day.

Ms. Church appeared. She stated that she had not seen a sign anywhere in the lot where she had parked. She stated that the tow slip for her car was not filled out until she came to the Express Towing office to claim her car. She added that the tow slip had been signed by K. Ballard. **Chair Rogers** asked if Ms. Ballard was the person who had filled out the tow slip at Express Towing; Ms. Church stated that she believed it was.

Inspector Bowling stated that he had concerns about whether Mr. Anderson had signed tow slips, and that he had requested copies of towing-related documents and contracts from Express Towing. The inspector stated that Express Towing still had not provided those documents.

Chair Rogers asked Director McQuistion about Express Towing's record with the Commission. The director stated that there had been no complaints received and that there had been no disciplinary hearings for the company under its current ownership.

Inspector Bowling stated that he had also observed an Express Towing wrecker hooked up to a vehicle at 1929 Division on June 26. He stated that he had seized the tow slip, which was signed, but contained no vehicle information. He provided a photograph of the vehicle and the tow slip. The inspector stated that on June 18 he had observed an Express Towing driver using a slim jim to gain access to a vehicle. He stated that he had requested towing records from Express Towing related to that tow also, but that none had been provided.

Craig Allen Mann, owner of Express Towing, appeared with his attorney, John Roberts. Mr. Roberts provided copies of records, stating that they had not been available to the company until this date. **Chair Rogers** asked Inspector Bowling to review the records.

Mr. Mann stated that his company had received a call to come to 19th and Division to tow cars that were parked illegally; when the drivers arrived, there was a lady there signing tow slips. He stated that she had signed the tow slips and pointed to the cars, and then had given the slips to the drivers to fill out the rest of the information. He added that the drivers completed the forms before hooking up to the cars. Mr. Mann stated that he had received a call that Inspector Bowling was at the location and was handing out cards to the people who were parked there, so he went to the see what the problem was. Mr. Mann complained that Inspector Bowling was rude to him.

Mr. Mann stated that about a week later, Inspector Bowling had seized a tow slip from one of his drivers, Eric Barron. He stated that Mr. Barron had gone into the market to get the tow slip signed; after coming outside, he was filling it out when Inspector Bowling took it from him. He stated that if the company was doing something wrong by filling out the tow slips, then it was his fault, and he apologized. He stated that it was often dark when they came to pick up a car, and getting all the vehicle information required a flashlight; so they did not ask the private property owner's agent to write down all of that information, but did it themselves. He added that when there were many vehicles to be towed, the driver had to consider whether his tow truck was appropriate for the specific vehicle to be towed. He stated that the company would change its policy, if appropriate, but that he did not think it was a pre-signed tow slip if the property owner or agent was on site at the time. Chair Rogers asked him who K. Ballard was. Mr. Mann stated that he did not know her very well. Chair Rogers asked why Ms. Ballard was in his office filling out the tow slip. Mr. Mann responded that Ms. Ballard was not in his office, that his wife Jill had been the one to collect money at the office. He denied that his wife had filled out the tow slip at the office: he stated that Ms. Church could not have seen the tow slips on the desk at his office. because there was a podium at the window. Mr. Mann added that Inspector Bowling had inspected his vehicles, drivers' permits, manifests, and ticket books at the scene, and had not found any discrepancies. Mr. Roberts raised the question of whether the complainant was parked illegally. He described the layout of the Express Towing office. He concluded that Ms. Church had been parked illegally, that she could not have seen the tow slip being filled out at the office, and that she had incorrectly identified the person who was at the office.

Inspector Bowling stated that Express Towing had not provided the records he had requested. He concluded that the packet provided at this meeting did not include about half of what he had requested. Inspector Bowling asked if Mr. Anderson worked for Express Towing; Mr. Mann responded that he had worked for him before, but that he now had his own company, with his own business license and his own insurance.

Ms. Church stated that she had seen the podium at the Express Towing office. She stated that the person who filled out the towing slip had filled it out on top of the podium, where she could see it.

Mr. Mann stated that in his years of running the company there had been no complaints, and that Inspector Bowling's rudeness was unwarranted.

Commissioner Mary Griffin asked if the use of a slim jim was a practice used by Express Towing. Mr. Mann stated that to release hand brakes or turn the wheels it was necessary to gain access to a vehicle. He stated that the wrecker ordinance did not prohibit the use of slim jims. **Chair Rogers** asked Legal Advisor Michael if he was aware of a restriction on the use of slim jims. Mr. Michael stated that he had not researched that issue.

Director McQuistion explained to Mr. Mann that the private property owner or agent should fill out all the information required by the Tennessee Code on the tow slip.

Commissioner Tom Turner asked why there had been a delay in providing the information to Inspector Bowling. Mr. Mann responded that the number of records requested had been very extensive, and his accountant had not been able to get them together before then. Commissioner Turner stated that the records had been requested on June 15, and that part of them were being provided on July 28. Mr. Roberts added that he had the daily manifests which had been requested, but that he had forgotten them at his office. Commissioner Jennifer Brundige asked about records related to contracts for nonconsent towing. Mr. Roberts stated that this was the first time he had seen the letter requesting records, but that these records would be provided as well. Mr. Mann stated that he did not have contracts. Director McQuistion clarified the operating records which were required.

Mr. Roberts and Mr. Mann stated that Ms. Church had been parked illegally. Director McQuistion stated that the issues were whether the company had followed the right procedures in towing the vehicle, whether pre-signed tow slips had been used, and whether the towing records had been provided. Mr. Mann questioned the definition of presigned tow slips.

Commissioner Turner moved to find Express Towing in violation of Tennessee Code Annotated 55-16-112 for towing without proper authorization, and of Metro Code Section 6.80.185 for failing to provide records; and to suspend the company from performing nonconsent towing for 28 days and to place the company on probation until December 1, 2009. **Commissioner Ed Whitmore** seconded, and the motion passed (5-0).

Chair Helen Rogers turned the meeting over to Acting Chair Tom Turner and departed.

WRECKER DRIVER DISCIPLINARY HEARING: CESAR BRAMBILA

Director McQuistion reported that this hearing involved a complaint alleging failure to drop a vehicle for the drop fee. He stated that Mr. Brambila was a driver for Able Towing and had held a wrecker driver permit since April 2008.

Complainant Richard Houston appeared. He stated that his mother had come to visit him on May 19, and parked in the wrong parking lot. He stated that about ten minutes later, he saw a tow truck approaching the apartments; and when he learned that she had parked across the street he went down to move her car. He stated that the car had not been hooked up, and he told the tow truck driver that he was going to move the car. He stated that the driver ignored him, and continued to load the car. He stated that when the driver told him that it would cost \$85 to get the car released he got upset. He stated that his mother agreed to go with the driver to the company lot to pay for the release of her vehicle. He added that she was not taken to the lot, but to an ATM, where she withdrew the \$85

and her vehicle was released to her. Mr. Houston stated that the vehicle should have been dropped for the drop fee, and that he called the police.

Inspector Bowling asked Mr. Houston if the vehicle was hooked when he arrived to move it. Mr. Houston responded that it was not hooked.

Mr. Brambila appeared with Mark Wayman, owner of Able Towing. He stated that the vehicle had been moved off the property before Mr. Houston arrived. He explained that the tow was in progress – that he had already pulled the vehicle out of the parking spot, and had departed the premises. He described the property and drew a diagram to show where he was when Mr. Houston had approached him. He stated that he had been courteous to Mr. Houston's mother, and that she had agreed to the charge. He explained that he had stopped at the nearest ATM at her request, to enable her to avoid having to go all the way to the storage lot.

Mr. Houston stated that the vehicle had still been in the parking lot when he asked for it to be dropped. He also drew a diagram of the parking lot, showing where the car and the tow truck were when he arrived.

The Commissioners examined the diagrams. **Commissioner Mary Griffin** asked Mr. Houston why his mother was not present. He responded that she had just been hired as a teacher in Wilson County, and this was her first day on the job. **Commissioner Ed Whitmore** commented that it appeared that the car was between two parking lots when he arrived, and already had been removed from the parking space by the wrecker. Mr. Brambila stated that this was correct.

Commissioner Whitmore asked if Mr. Houston's mother had enough cash to pay the drop fee. Mr. Brambila stated that she had told that she did not have any money. Director McQuistion noted that wrecker drivers were allowed to require cash only for dropping cars. Mr. Wayman stated that his company would also allow the use of credit cards for drop fees. He stated that most vehicles pulled from parking spaces required the driver to reposition the vehicle before towing.

Commissioner Mary Griffin stated that there was insufficient proof, and moved to find no violation. **Commissioner White** seconded, and the motion passed (4-0).

WRECKER COMPANY DISCIPLINARY HEARING: ABLE TOWING

Mark Wayman, owner of Able Towing, appeared with attorney Phillip Davidson. Director McQuistion stated that the charge was that Able Towing towed a vehicle from private property to an unauthorized lot at 706 Shirley Street. He reminded Commissioners that, as a result of a problem identified with Nashville Towing & Recovery in the fall of 2008, beginning with the renewal of wrecker company licenses on December 1, 2008 all companies applying to perform nonconsent tows were required to provide proof of the appropriate Use and Occupancy Permit from Metro Codes for their storage lots before they could obtain a license. He stated that Able Towing's lot at 706 Shirley Street did not have the necessary permit, so the company was issued a general wrecker license to perform consensual tows only. He stated that in early December Mr. Wayman applied for a license for a new location at 2629 Hart Street, and provided the appropriate Use and Occupancy Permit for that address; as a result, Able Towing was also issued a license to perform nonconsent towing from 2629 Hart Street. The director stated that at the end of January 2009 the staff learned that Able Towing did not even have a lease for the lot at 2629 Hart Street, and Metro Codes canceled the Use and Occupancy Permit. The director added that on March 5 Codes issued a stop work order closing Able Towing's 706 Shirley Street address as a wrecker company storage lot. He stated that as a result Able Towing had no approved storage lot.

The director stated that on June 5 Inspector Bowling observed vehicles being towed by Able Towing into the lot at 706 Shirley Street. He added that the tow slips for these vehicles indicated that they were nonconsent tows.

Inspector Bowling stated that on June 5 he observed five vehicles at the 706 Shirley Street lot. He stated that he obtained tow slips and took photographs of the vehicles. He provided Commissioners with a copy of a tow slip for a Dodge Stratus, license number 511 VGQ, and a photograph he had taken of the vehicle on the 706 Shirley Street lot. Inspector Bowling stated that he obtained a copy of the tow slip from the owners of the vehicle, who arrived to gain release of the vehicle while he was there.

Director McQuistion stated that Section 6.80.580(I) of the Metro Code applied:

In addition to the unlawful land prohibited acts contained in Section 6.80.450, it is declared that the following additional acts shall also be prohibited and the license of any person doing any such acts may be revoked, suspended, placed on probation or not renewed:

- I. To remove or cause the removal of any vehicle from private property to a vehicle storage facility that:
- 1. Is not currently licensed by the commission or not in compliance with this chapter or any rule or regulation promulgated pursuant thereto.

Mr. Davidson stated that he believed that section applied only to a lot that does not meet the requirements of the wrecker ordinance. He stated that Mr. Wayman had obtained permission from Sonny West at Codes to store those vehicles at 706 Shirley Street for that weekend until they could be moved to a lot at Lemuel Street. He stated that Mr. Wayman already had approval for the lot at Lemuel Street. Director McQuistion stated that Mr. Wayman had obtained a Use and Occupancy Permit for a lot at Lemuel from Codes, but had never applied for a license to operate a wrecker service there. Mr. Davidson stated that he had sent a letter asking to use Lemuel as a satellite lot. Director McQuistion responded that there was not an application to use that lot, and that another company had actually applied for a license to operate at that Lemuel address.

Mr. Davidson restated that the lot at Shirley Street did meet the Commission's ordinance requirements for a lot to store vehicles. Director McQuistion responded that 706 Shirley Street was only a business address, and did not qualify as a storage lot for nonconsent towing. He explained that the application approved by the Commission for Able Towing to operate at 706 Shirley Street was not for nonconsent towing; the application for Able Towing to operate at 2629 Hart Street had been approved for nonconsent towing, but had not been used. Mr. Davidson asked Director McQuistion if he had asked Sonny West to corroborate his statement that Codes had allowed Mr. Wayman to operate temporarily from 706 Shirley Street. The director responded that the burden of proof of that statement was Mr. Wayman's.

Acting Chair Tom Turner stated that the Commission had not issued any permission to use the 706 Shirley Street lot for nonconsent towing, and that the permissions given to use 2629 Hart Street for that purpose subsequently had been invalidated. Mr. Wayman mentioned Lemuel Street. Commissioner Mary Griffin stated that Ready Towing had applied to operate at that address. Director McQuistion stated that Mr. Wayman had told staff that he was purchasing the lot at Lemuel, and that he got it approved by Codes; but he had not submitted an application to operate from there. Mr. Wayman stated that he

considered this to be a gray area. He complained that this was harassment.

Mr. Davidson asked Mr. Wayman why he had used 706 Shirley Street as a lot on that weekend. Mr. Wayman stated that he had received permission from Sonny West. **Commissioner Ed Whitmore** asked if there was any permission given in writing by Mr. West. Mr. Wayman and Mr. Davidson stated that they had received verbal permission. Director McQuistion stated that there had been an issue months before with the use of 706 Shirley Street when Codes had issued the stop work order and had given Able Towing 30 days to remove vehicles from the lot, but he expressed disbelief that this was extended to allow even more vehicles to be towed – and without the owners' consent – to the lot. Mr. Wayman stated that Mr West had approved this.

Acting Chair Turner stated that there had been no license issued to use 706 Shirley Street for nonconsent towing after December 1, 2008, although there had been some previously-towed vehicles remaining on the lot after that time.

Commissioner Jennifer Brundige asked if Able Towing's license had been revoked. Director McQuistion stated that the revocation had been upheld, but might be appealed. **Commissioner Griffin** clarified that while on appeal the company could not tow.

Commissioner Whitmore moved to find Able Towing in violation of Metro Code Section 6.80.580, and to bar Mr. Wayman from receiving a license or permit for a period of two years. **Commissioner Griffin** seconded, and the motion passed (4-0).

WRECKER COMPANY APPLICATION: READY TOWING

Director McQuistion reported that this was a new application for a new company. He stated that on February 24, 2009 the Commission revoked Able Towing's license; the next day, Jennifer Lary came to the Commission office to apply for a license to operate Ready Towing.

Inspector Bowling stated that he had observed Ms. Lary when she arrived in the parking lot outside the Commission office, and saw her exit a vehicle that was registered to Mr. Wayman. He referred to the application, copies of which were included in the packets provided to the Commissioners, and pointed out that the application submitted by Ms. Lary listed Michael Davis as the owner of Ready Towing. **Acting Chair Tom Turner** asked if Mr. Davis was present for this hearing; he was not. Inspector Bowling stated that when Ms. Lary turned in the application he had asked her who Mr. Davis was, and that she did not know. The inspector added that Ms. Lary crossed out Mr. Davis' name as an executive officer of Ready Towing, and listed herself as treasurer. He stated that Ms. Lary did not have any identification with her, but that one of her references listed on the application was 8733 Newsom Station Road – an address which he recognized as one that had been used by Mr. Wayman.

Inspector Bowling also reported that after the revocation of Able Towing's license Able Parking Enforcement, later renamed Ace Parking Enforcement, began booting cars. He stated that Ms. Lary was identified by Police as one of those doing the booting, and that the vehicle used by the booting company was registered to Mr. Wayman.

Inspector Bowling also reported that he had observed one of the Able Towing wreckers that had been re-lettered "Ready Towing". He provided a photograph that he had taken of that vehicle. He noted that after Able Towing was granted a stay on the revocation the truck was re-lettered "Able Towing".

Director McQuistion noted that as part of the application Ready Towing was supposed to provide a certificate of insurance, and that when the insurance company faxed a certificate

of insurance for Ready Towing LLC to the Commission office on February 25, it included a handwritten note from the insurance agent: "also known as Able Towing". The director also noted that the address of Ready Towing was 115 Lemuel, the address Mr. Wayman identified as a lot that he owned.

The director stated that all of these items indicated a connection between the applicant and Able Towing, and that Ms. Lary had signed an application listing someone that she did not even know as owner. He stated that this did not seem to be appropriate for consideration.

Ms. Lary appeared with attorney Phillip Davidson. Mr. Davidson asked Ms. Lary to identify Mr. Davis. She stated that he was her brother; he was going to work with her, but had moved out of state. Mr. Davidson and Ms. Lary stated that she had decided to buy out Mr. Wayman, to operate at 115 Lemuel and to buy his wreckers in a lease-purchase arrangement.

Mr. Davidson asked Ms. Lary about her involvement with Able Parking Enforcement. He asked if that had anything to do with Able Towing. She responded that it did not. Mr. Davidson asked why they had used the Able name. She stated that they were using Able's office at 706 Shirley Street to have access to a credit card machine. Mr. Davidson asked if she had any legal connection to Mark Wayman or Able Towing; she stated that she did not. Mr. Davidson asked Ms. Lary if she had met all the requirements to apply for a license, as far as she knew. She responded that she had.

Director McQuistion asked Mr. Davidson if he had seen Ms. Lary's application, because there were many reasons why it should not be approved. Mr. Davidson stated that he had not.

Inspector Bowling asked how Ms. Lary was going to buy the business. She stated that she was going to pay \$50,000 for the business, but that it would be a lease until she could raise the money to pay it off. The inspector asked if she was currently employed. She stated that her grandfather would be paying for it at first. He asked if she had ever been in the wrecker business; she responded that she had not. **Commissioner Mary Griffin** asked if her grandfather would be the owner; Ms. Lary responded that he would be buying it for her.

Inspector Bowling asked Ms. Lary if she had any connection with Travis Flowers; she answered that she did. Inspector Bowling asked if there was any connection between Travis Flowers and Mr. Wayman; she said that there was none. Inspector Bowling asked why Mr. Wayman allowed Mr. Flowers to use his vehicle and the 706 Shirley Street address for his booting business; Ms. Lary responded that she was the owner of the booting business, and had purchased the vehicle from Mr. Wayman. Inspector Bowling asked why the registration had not been changed. Ms. Lary stated that she bought the vehicle in March. Inspector Bowling asked if Ms. Lary had a connection with Robert Flowers; she responded that she did not. He asked what the connection was between her and Travis Flowers; she responded that he was her husband. Inspector Bowling asked what the connection was between Travis Flowers and Yvonne Flowers; she responded that she was their mother. Inspector Bowling asked if Yvonne flowers was not Mr. Wayman's girlfriend; Ms. Lary stated that they were no longer together.

Commissioner Griffin referred to the drivers listed on the application. She noted that Cesar Brambila and Robert Flowers were listed, and that they listed the same home address as Mr. Wayman.

Inspector Bowling asked about the 8733 Newsom Station Road address. Ms. Lary stated that she and her husband lived there. She stated that her husband had been renting it from Mr. Wayman, but that they were now living in Indiana.

Acting Chair Turner asked Ms. Lary about a tow slip that she had signed on June 5, authorizing a nonconsent tow by Able Towing. There was no response.

Commissioner Jennifer Brundige asked what was to be purchased from Able Towing in the lease-purchase agreement. Ms. Lary stated that it would include the lot and the tow trucks. **Commissioner Brundige** asked if she had paid the application fee. There was no response.

Commissioner Griffin expressed concern that the application was inaccurate and incomplete, and moved to disapprove the application. **Commissioner Brundige** seconded. During discussion, **Commissioner Quenton White** noted that Mr. Davidson wanted to comment. Mr. Davidson stated that the application had been submitted at the end of February, and that it was essentially correct at that time. He agreed that it had to be updated, but asked if it then could be re-filed with the Commission staff. **Commissioner Griffin** responded that there was no restriction on the filing of an application. The motion passed (4-0).

WRECKER COMPANY APPLICATION: SOUTHSIDE TOWING & RECOVERY

John Todd Devidts and Christie Haley appeared before the Commission. Director McQuistion reported that this was an application by a currently-licensed company to perform nonconsent towing. He stated that because there also had been some changes in the company ownership some explanation was appropriate.

The director stated that Southside Towing, owned by Mr. Devidts, had operated as a general wrecker company performing nonconsent towing beginning in 2006, but when the company applied to renew its license in December 2008 the owner did not have the appropriate Use and Occupancy Permit to operate a wrecker storage lot. He noted that as a result the company had been issued a general wrecker license only. He added that the company had since obtained the necessary Codes permit.

Director McQuistion stated that Ms. Haley had applied for a license to operate Turner Towing as a new general wrecker company in June 2008, and that she had renewed in December 2008. He stated that in January 2009 Ms. Haley had changed the name of her company to Christie's Towing & Recovery.

The director referred to the Commission hearing held on March 24, 2009 related to an application submitted by Joshua Turner, noting that at that meeting the Commission had approved the merger of Southside Towing and Christie's Towing & Recovery into one company: Southside Towing & Recovery. He noted that the staff had not yet been provided documentation to show that the corporation merger had been approved by the Secretary of State.

Director McQuistion stated that there had been no complaints received concerning any of the companies involved. He stated that the only concern was the status of Mr. Turner's wrecker driver permit. He noted that Mr. Turner's application for a wrecker driver permit had been referred to the Commission in August 2008 because of his extensive conviction record; and that the Commission had taken into account that he would be working for Christie's Towing & Recovery, which would not be performing nonconsent tows, when it approved his permit with conditions. The director explained that if the Commission approved Southside Towing & Recovery's application to perform nonconsent towing, Mr. Turner's status should be considered.

Acting Chair Tom Turner asked if Mr. Turner's permit would still be restricted. Ms. Haley stated that the probation on Mr. Turner's permit would expire on August 26, 2009.

Commissioner Mary Griffin asked for Mr. Turner to appear. She asked about his record since he had obtained his permit. Mr. Turner admitted that he recently had received a speeding ticket while towing a vehicle. **Commissioner Griffin** warned him about safety and staying out of trouble.

Commissioner Jennifer Brundige moved to approve the application, with the following conditions: that the documentation showing the merger be provided to the staff, as previously agreed; that an insurance certificate be provided, showing that the company had the required insurance coverage; and that the company would be on probation until December 1, 2010. **Commissioner Griffin** seconded, and the motion passed (4-0).

WRECKER DRIVER PERMIT APPLICATIONS:

Christopher Plemons: Mr. Plemons failed to appear. Commissioner Mary Griffin moved to disapprove his application for a wrecker driver permit. Commissioner Jennifer Brundige seconded, and the motion passed (4-0).

Joseph Brown: Mr. Brown failed to appear. **Commissioner Mary Griffin** moved to disapprove his application for a wrecker driver permit. **Commissioner Jennifer Brundige** seconded, and the motion passed (4-0).

TAXI DRIVER PERMIT APPLICATION: ABDULLAHI ABDULLE

Abdullahi Abdulle appeared before the Commission. Director McQuistion reported that Mr. Abdulle's application for a taxicab driver permit had been on the agenda last month, but because there had been an addressing error in his notice, he had not appeared; as a result, his application was being reconsidered at this meeting.

Acting Chair Tom Turner noted that Mr. Abdulle's background check indicated two drug arrests in 2004, and a conviction for Aggravated Possession of Drugs in September 2004. Director McQuistion reported that Mr. Abdulle's background check result showed an arrest in February 2004 for possession of khat, and another arrest for possession of khat in August 2004. He added that there was concern about Mr. Abdulle's disclosure explanation in his application, which read:

"I have being [sic] arrested. Khat Feb 2004. It's something traditional we use, but here is misunderstanding."

The director stated that there should not continue to be a misunderstanding about khat being an illegal drug.

Acting Chair Turner asked Mr. Abdulle if he was still using khat; Mr. Abdulle responded that he was not. He explained that he had been arrested once for using khat, and that the second arrest was because he had left town and failed to appear in court; so both charges related to the same arrest.

Acting Chair Turner asked if a management representative from United Cab was present. Director McQuistion noted that they had been present at the beginning of the meeting, but had since departed.

Commissioner Mary Griffin asked what he had meant about a misunderstanding. Mr. Abdulle responded that during his trial the judge and others had not known anything about khat. **Commissioner Griffin** clarified with Mr. Abdulle that he had no misunderstandings that this was an illegal drug, and was not using it.

Discussion followed concerning drug testing and the timing of permit renewals. **Commissioner Jennifer Brundige** moved to approve the permit, with the following conditions: that Mr. Abdulle would remain on probation until September 30, 2010; that his permit would be restricted to United Cab; and that he would be required to submit to random drug testing directed by the company. **Commissioner Griffin** seconded, and the motion passed (4-0).

OTHER BUSINESS:

Director McQuistion informed Commissioners that the August meeting would include a public hearing on a new ordinance to regulate Other Passenger Vehicles For Hire.

Commissioners recognized and thanked Legal Advisor Jon Michael for his service with the Commission.

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

ATTEST: Brian E. McQuistion	APPROVED: Helen S. Rogers