

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

**Minutes of**

**September 23, 2008**

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, Tom Turner, and Ed Whitmore (6). Also attending were Legal Advisor Jon Michael; 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 August 26, 2008 meeting were approved.

**REPORT BY CONVENTION & VISITORS BUREAU**

Terry Clements and Shannon Largen of the Nashville Convention & Visitors Bureau provided a report on the taxi driver hospitality training program. Mr. Clements explained the training provided to drivers on how to serve people with disabilities, and informed the Commission about the TASH convention that would take place downtown in early December. Mr. Clements also reported on a recent CVB initiative – the secret taxi rider program – to evaluate service provided by drivers, and to provide rewards for good service. He pointed out examples of good and poor service observed to date. Commissioners asked about language and cultural issues in training. Mr. Clements responded that the CVB provided training to employees in a number of industries and agencies, and that training was delivered in English. He emphasized that the primary goal was to ensure that visitors received quality service. Ms. Largen cited an example from her taxi hospitality classes, where drivers were told about legal requirements concerning their treatment of service animals.

**REQUEST FOR EXTENSION: AMERICAN MUSIC CITY TAXI**

Director McQuiston stated that Commission Taxicabs Rule 5 on retention of permits required that companies could have no more than ten percent of their authorized permits "unfilled"; any excess permits above the ten percent number would be forfeited. He noted that American Music City Taxi had 95 permits authorized, but that the company had only 79 vehicles listed in its application for certificate renewal submitted on September 2. He added that the problem of excess/unfilled permits had been a very rare circumstance until this year; but that this marked the fourth occurrence of the problem – with three different companies – since January 2008. He opined that the addition of 25 more permits at the

end of 2007, the walk-out by drivers at Allied/Nashville Cab and temporary suspension of Diamond Taxi at the end of July, and increasing net costs to drivers had contributed to increased migration of owner-operators between companies. The director stated that in accordance with the Rule he had given American Music City owners until October 2 to meet the ten percent requirement, or they would lose the excess unfilled permits. He stated that the company was appealing the October 2 deadline to the Commission.

Johnny White, co-owner of American Music City Taxi, appeared. He stated that American Music City had some company-owned vehicles that they would put into service. He stated that when other companies had lost their drivers at the end of July, his company had filled all of its permits, and even had a waiting list; but subsequently many of these drivers had migrated back to their original companies. He noted that some companies had offered up to twelve free weeks to drivers, in order to keep their required number of permits filled; and that his company might have to do the same. He added that new unregulated transportation services were draining business from the taxicab industry.

**Vice Chair Duane McGray** asked Director McQuiston if an extension of another month, allowing the issue to be revisited at the annual public hearing in November, would be appropriate. The director stated that the annual September renewal of driver permits was under way, and that this was historically accompanied by an increase in the movement of drivers between companies. He stated that such an extension could allow time for this expected effect, as well as the summer driver turnovers, to settle down. **Chair Helen Rogers** asked Mr. White if he wanted to retain 95 permits; he responded that he did. **Commissioner Ed Whitmore** asked Mr. White if he thought an extension until early November would afford the company enough time to reach the required number of filled permits; Mr. White answered that it would. **Commissioner Whitmore** moved to extend the deadline until November 1, 2008. **Commissioner Tom Turner** seconded, and the motion passed (5-0).

### **TAXICAB COMPANY DISCIPLINARY HEARING: DIAMOND TAXI**

Roy Gillespie, owner of Diamond Taxi, appeared with counsel George Thompson. Director McQuiston stated that August 31 was the deadline for annual renewal of company Certificates of Public Convenience and Necessity. He stated that because August 31 was to fall on a Saturday, he had notified all companies that the commission office would receive applications and payments as late as September 2, the day after the Labor Day weekend. He added that he had personally called Mr. Gillespie, whose fax machine was not working, to notify him ahead of time. He stated that, as of the close of business on September 3, Diamond Taxi had not renewed. He added that he tried to reach Mr. Gillespie by telephone and fax, but there was no answer. The director stated that this was the fourteenth consecutive time that Mr. Gillespie had not paid fees on time for permits/decals or annual renewals. The director reported that Mr. Gillespie was issued a citation for the offense, with a copy to be sent to Mr. Thompson. He stated that on Thursday, September 4, a check from Mr. Gillespie was received in the mail, without an application. The director provided a copy of the check, which was written for two different amounts. He pointed out that the amount that would be considered legally valid, which was the hand-written amount, was the lower of the two figures, and was less than the required fee payment. He added that, because Mr. Gillespie's April 2008 check had bounced, the commission office would not have accepted his check anyway. He stated that he had called Mr. Gillespie and informed him that the check would not be accepted and would be

returned.

Director McQuiston noted that when Mr. Gillespie had failed to pay in the past, the staff had found it necessary to contact the airport and request that Diamond Taxi be barred from the ground transportation area. He stated that because this hurt the drivers, he had made the decision to issue a citation to the owner instead.

Director McQuiston read Section 6.72.035 of the ordinance:

**All certificates of public convenience and necessity shall expire on August 31<sup>st</sup> of the year following the date on which the certificate was issued. All certificates may be renewed by the director for each successive year between August 1<sup>st</sup> and August 31<sup>st</sup> of each year. A renewal fee of seventy-five dollars for each approved permit to operate a taxicab shall be charged at the annual renewal of the certificate of public convenience and necessity. Failure to renew a certificate by August 31<sup>st</sup> shall result in forfeiture of the certificate.**

Mr. Thompson noted that the initial check had not been accepted. He stated that Mr. Gillespie had then sent in a check for the correct amount, but that check had not been accepted. **Chair Helen Rogers** asked when the second check was received. Director McQuiston responded that the second check was received well after the deadline, although he could not specify the date, because the check was still in the office safe. Mr. Thompson stated that there was a period during which Mr. Gillespie did not know that his first check had not been accepted. Mr. Thompson stated that his client was requesting that the Commission accept his fee payment by certified check. He acknowledged that his client had made a mistake; but he argued that the administrative action extending the deadline beyond the specific August 31 deadline, although practical, allowed other companies to renew late as well.

**Chair Rogers** asked if there were any other companies that renewed after September 2; director McQuiston answered that there were not. **Chair Rogers** clarified that Mr. Gillespie was the only company owner who went beyond the one-day grace period which had been offered because of the holiday. She expressed appreciation to Mr. Thompson for his involvement, and explained that the Commission had already extended a large amount of grace to his client – more than to any other company in the city.

**Commissioner Ed Whitmore** asked if there had been any occasions when other companies had been late in paying required fees. Director McQuiston stated that there had been, but that this was the first time one had been brought to the Commission during his tenure. He explained that this was necessary because this was not the first time for Mr. Gillespie: he was late every time.

**Commissioner Whitmore** moved to accept the certified check, and give him another chance. There was no second.

**Vice Chair Duane McGray** asked Director McQuiston if Diamond Taxi was in compliance concerning the communications issues that had been before the Commission over the past year. Inspector Lawhorn stated that he had not yet inspected the new Diamond Taxi dispatch office. Director McQuiston stated that the Commission's suspension had been appealed, and was pending a hearing. **Vice Chair McGray** asked Mr. Gillespie if his office was operational; Mr. Gillespie replied that it was. Mr. Gillespie stated that he had called director McQuiston two weeks earlier to arrange for an inspection, and was refused. **Vice Chair McGray** asked Mr. Thompson if he was familiar with the forbearance of the Commission with his client over the past year and a half; Mr. Thompson replied that he was not. **Vice Chair McGray** explained that the Commission had extended opportunities

many times during that period to Mr. Gillespie, and that his consistent failures to pay required fees on time represented another failure on the part of his client to meet the basic requirements for a taxi company.

**Commissioner Mary Griffin** invited Mr. Gillespie to explain the record of late payments. Mr. Gillespie stated that the report that he had failed to pay on time was not true. Mr. Thompson asked him how many times he had paid late; Mr. Gillespie responded that it was three or four times. **Vice Chair McGray** showed Mr. Thompson the copies of receipts and documented evidence of fourteen consecutive late payments, from January 2006 until July 2008.

Mr. Gillespie complained that director McQuiston did not send him a notice, reminding him to pay. **Vice Chair McGray** asked Mr. Gillespie who was responsible to ensure that he is in compliance. Mr. Gillespie stated that previous directors had mailed him a reminder notice. **Vice Chair McGray** repeated the question. Mr. Gillespie answered that it was his own responsibility.

Mr. Thompson stated that he was just getting involved as counsel to Mr. Gillespie. He stated that in preparation he had spoken with Kelvin Jones, a previous director at the Transportation Licensing Commission, and had concluded that Mr. Gillespie had held a license for many years, and was the only minority to have a company license. Mr. Thompson stated that he had been involved in the business community for many years, and that one of the greatest problems he had found with minority participation in business was compliance. He stated that he believed Mr. Gillespie had the capital requirements to do the job, but was not sure that his client had the management abilities to do so. He proposed that Mr. Gillespie participate in the TSU minority economic development program that focused on helping minorities. He asked the Commission to give him an opportunity to get that training, so that he could manage his business properly, including getting on the proper schedule for payment. He concluded that he was not denying that his client had failed to comply; but was asking for another opportunity for him to improve.

**Chair Rogers** stated that the Commission had heard enough testimony to understand that Mr. Gillespie was unable to do the job. She stated that if one could not manage his business, it was still his responsibility to hire someone who could. She cited his failures to provide radios, receive mail and faxes, or receive telephone calls. She expressed concern that Mr. Gillespie simply did not care.

**Vice Chair McGray** stated that he had come to the conclusion that Mr. Gillespie had a record of non-compliance, and that he needed a good manager. He expressed concern that Mr. Gillespie expected the Commission staff to do his work for him, by reminding him when he should meet a requirement. He added that he would support the earlier motion to accept his payment and offer another chance, if he had reason to believe that Mr. Gillespie would do something substantive to guarantee that Diamond Taxi would be managed and operated in full compliance with requirements.

**Chair Rogers** asked what the Commission would do if there was another failure to comply.

Mr. Thompson expressed a willingness to work with Mr. Gillespie himself. He stated that the Commission should expect to see immediate improvement.

**Vice Chair McGray** asked Mr. Gillespie what he would do to improve. Mr. Gillespie responded that he would seek help in managing his schedule. **Vice Chair McGray** stated that he was also asking about radios and the other issues that had come before the Commission. Mr. Gillespie stated that he had had to move his office three times during August, but that the commission staff had not inspected. He stated that the radios had been operational for about four weeks, but that the staff had refused to inspect because he

was two or three days late. Inspector Bowling stated that he had personally checked the radios by stopping a Diamond Taxi driver and checking whether the radio in the vehicle could communicate with the dispatch office. He stated that a letter had been sent to Mr. Gillespie, requiring him to contact Inspector Lawhorn or Inspector Bowling to arrange for the inspection. Director McQuiston stated that this issue had been addressed by the Commission already and that Mr. Gillespie's appeal was still pending in Chancery Court, so it would not be helpful or necessary to discuss it further. **Chair Rogers** clarified that it was not necessary to review the past history, but that it was important to know the current status of Diamond Taxi's compliance with the requirements for radios.

Director McQuiston asked to respond to statements by Mr. Gillespie and Mr. Thompson. He provided a copy of a memorandum mailed out to taxicab company owners on September 12, 2005, which provided the due dates of all quarterly and annual fee payments. He noted that this memorandum had been sent so that it would not be necessary to mail a notice out to the companies every time a payment would come due; therefore, if Mr. Gillespie was receiving mail in 2005 he already had this schedule. Director McQuiston also informed Mr. Thompson that Mr. Gillespie owned Diamond Taxi, but that his was not the only minority-owned company. He noted that Checker Cab was owned by naturalized American citizens born in Africa; American Music City Taxi was co-owned by a woman; and United Cab was owned by a family of naturalized citizens from India. Mr. Thompson stated that he meant American-born African-American.

**Vice Chair McGray** stated that he had asked Mr. Gillespie what he would do to improve; and that when he had commented about the radios he was not expecting excuses about the latest incident. He asked Mr. Gillespie what he would do to ensure that there were no more noncompliance issues in the future. Mr. Thompson asked Mr. Gillespie to respond to some specific questions. Mr. Gillespie responded that he would get professional help he needed for management. He responded that he had access to sufficient money to operate his business and to comply with all the requirements of the Commission. He responded that he was willing to get management assistance. He responded that he would immediately review all the requirements of the Commission to ensure that he complied on time. He agreed to allow Mr. Thompson to assist him in obtaining help.

**Vice Chair McGray** moved to issue Diamond Taxi a Certificate of Public Convenience and Necessity, contingent upon Mr. Gillespie's compliance as stated; and also contingent upon his submission of monthly reports to the Commission for each of the next six months on what he has done during the previous month to seek management assistance and to ensure that there would be no more problems with non-compliance. **Commissioner Whitmore** seconded, and the motion passed (3-1, with one abstention).

### **DISCIPLINARY HEARING: FOREVER YOURS CARRIAGE SERVICE**

Complainants Amanda Price and Jon Niswander did not appear. Director McQuiston asked to present information, because it would serve as a lead-in to the next item on the agenda. The director stated that the staff received many complaints about carriage companies, but that almost all of them were complaints from other carriage companies. He stated that recent complaints had included customer complaints as well, related to solicitation for carriage business on the sidewalks downtown. He noted that the practice of solicitation away from the carriage stands had begun months before, primarily by carriage company owners; but that recently Sugar Creek Carriage and then Forever Yours Carriage had begun hiring street people to solicit for them. He stated that this had quickly resulted in complaints alleging that passers-by were being accosted on the sidewalks to try to get

them to take a carriage ride; and that this in turn increased the complaints by other carriage companies and drivers. He stated that the Police had contacted the staff, and requested that the Commission resolve the situation. Director McQuiston noted that it was imperative that carriage companies conduct themselves in a courteous and professional manner on Broadway, or else it would become necessary to recommend to the Traffic and Parking Commission that those carriage stands be closed. The director noted that, because the complainants had not appeared, it was not possible to apply sanctions against any specific carriage company.

Randall Cagle, owner of Forever Yours Carriage Service, appeared. He explained how the practice of sidewalk solicitation had initially been a simple effort to assist some people who were out of work, but he agreed that it had become unruly and unmanageable. He assured the Commission that the company no longer engaged in or supported such conduct, and requested that the Commission prohibit solicitation altogether.

**Chair Helen Rogers** asked Mr. Cagle to inform all of his employees that solicitation should cease. Mr. Cagle responded that he agreed. He added that it was important for the Commission to establish a rule to that effect.

### **PUBLIC HEARING: PROPOSED HORSE-DRAWN CARRIAGE RULE PROHIBITING SOLICITATION**

Director McQuiston stated that a proposed new Commission Rule concerning solicitation had been sent to carriage company owners. He stated that he had received feedback from several owners, and had amended the proposed new Rule to read as follows:

**The owner, driver or any other representative of a horse-drawn carriage company is prohibited from soliciting business in any manner inside the Interstate-40/Interstate-24/Interstate-65 loop, except that a driver may respond to questions from the public while parked at a carriage stand.**

**Chair Helen Rogers** opened the hearing for public comment.

- Johnny Smith, owner of Sugar Creek Carriage, stated that the problems with solicitation had been going on for six years. He stated that he thought that only the driver of the carriage should be allowed to solicit rides.
- Sam Roberts, owner of Hat Creek Carriage, stated that his company took photographs of customers, and provided coupons for vacations and gasoline refunds to prospective customers. He opposed sidewalk solicitation.
- Brenda Smith, driver at Sugar Creek Carriage, talked about problems with other carriage companies over the years. She opposed solicitation by anyone except the carriage driver.
- Sara Williams, owner of Cumberland Carriage Tours, supported the Rule, except that she recommended that the driver or the carriage company owner be allowed to solicit rides. She explained that she stood next to her carriage, between the horse and the wheel, when it was at the carriage stand. She stated that she believed it was her responsibility to talk to the prospective customers.
- Earl LeMoine, owner of Carriage Enterprises, stated that he had been operating carriages in Nashville since 1972, and had never solicited rides, employed anyone else to do so, or given coupons. He stated that he viewed these practices as unprofessional. He stated that all solicitation should be prohibited except in

- response to questions from the public while parked at the carriage stand.
- Randall Cagle, owner of Forever Yours Carriage Service, stated that he agreed with the proposed Rule. He opposed amending it to include anyone but the driver, because otherwise an owner could be soliciting customers while the carriage was gone.
  - Clint LeMoine, owner of Southern Elegance Carriage Service, stated that he agreed with the Rule, and opposed anyone other than the driver talking with prospective customers. He added that this should be a carriage business, not a promotional activity for vacation coupons or other offers. He also suggested that hospitality training include carriage drivers.
  - Paul Morrison, owner of Southern Comfort Carriage Service, noted that the practice by a couple of companies, in soliciting and “holding” customers while their carriages were away from the carriage stands, had hurt the summer business of other carriages that stood empty at the carriage stands. He supported the proposed Rule.
  - Melody Robinson, driver with Southern Comfort Carriage Service, supported the proposed Rule. She asked that the Commission consider whether it would be allowable for a driver of an empty carriage to talk to pedestrians if they were not at a carriage stand.

The public hearing was closed.

Inspector Bowling stated that companies that encouraged solicitation by street people had been the source of the problem. He stated that the presence of company owners at the carriage stands was a benefit to the public, and recommended allowing both drivers and company owners to talk to prospective customers from their carriages. Director McQuiston stated that owners should not be allowed to solicit passengers while their carriages were not at the carriage stands.

**Chair Rogers** noted that the proposed Rule would not preclude companies from internet advertising.

**Commissioner Tom Turner** moved to approve a new Commission Rule for horse-drawn carriages, as follows:

**Any representative of a horse-drawn carriage company is prohibited from soliciting business in any manner inside the Interstate-40/Interstate-24/Interstate-65 loop, except that a driver or carriage company owner may respond to questions from the public while parked at a carriage stand.**

**Commissioner Mary Griffin** seconded. **Vice Chair Duane McGray** offered an amendment for clarification, inserting the words “the carriage is” before the word “parked,” so that the new wording would be:

**Any representative of a horse-drawn carriage company is prohibited from soliciting business in any manner inside the Interstate-40/Interstate-24/Interstate-65 loop, except that a driver or carriage company owner may respond to questions from the public while the carriage is parked at a carriage stand.**

**Commissioner Turner** accepted the wording change. **Commissioner Griffin** seconded the motion as amended. There was no further discussion, and the motion passed (5-0).

**Commissioner Turner** departed.

## **WRECKER COMPANY SHOW-CAUSE HEARING: NASHVILLE TOWING & RECOVERY**

Director McQuiston noted that Nashville Towing & Recovery (NTR) was an emergency wrecker company, owned by Darrell Greer. He stated that Mr. Greer was well-regarded in the industry, especially for his clearance of major incidents; but it had become apparent to staff that in 2007 Mr. Greer had transferred responsibility for light vehicle towing in his zone to “Anchor NTR”, a new and unlicensed wrecker company owned by John Stancil, a respected businessman – but who had no prior experience in the towing and recovery business. The director stated that problems related to nonconsent towing from private property in late 2007 had resulted in disciplinary action against Nashville Towing & Recovery; but that the violations had actually involved “Anchor NTR”. He stated that, although it was assumed initially that Mr. Greer was in control of “Anchor NTR” as part of his company, it eventually became clear that Mr. Stancil and his employees were operating independently of the licensee; and this lack of experience and supervision had led to serious problems. He recounted the Commission action and later Environmental Court citations against the company related to nonconsent towing from private property; a complaint from the Goodlettsville Police related to emergency towing; and a recent incident involving the failure to tow a Metro Police-impounded vehicle to the Impound Lot. He stated that the last problem had been so serious that it effectively destroyed evidence in a felony investigation. He added that the recent appearance of a crusher at the “Anchor NTR” lot was a serious concern. The director produced copies of documents from the Secretary of State’s web site, which demonstrated that “Nashville Towing & Recovery, Inc.” and “Anchor NTR LLC” were separate corporations.

The director summarized that Mr. Greer was not exercising control over “Anchor NTR”, but that they were doing emergency towing in his zone; and that this lack of control had resulted in increased risk to public safety. He stated that the conclusion reached by staff was that Mr. Greer had not followed the procedures required by the ordinance for transferring or assigning the right to service the emergency wrecker service zone for which he was licensed. He stated that this was a show-cause hearing to allow Mr. Greer to respond.

Mr. Greer appeared with counsel Michael McGovern. Mr. McGovern stated that Mr. Stancil was in Texas, working with FEMA on disaster relief, and could not be present. Commissioners reviewed a written statement provided by Mr. Greer.

September 23, 2008

To Metro Transportation Licensing Commission:

I am here today to answer the show cause letter that I received.

First, I want to give you a brief history on me and my company. I have been in the towing business in Nashville for almost 40 years and have worked Metro emergency zones for West Nashville Wrecker, A.B. Collier and currently Nashville Towing & Recovery. I have worked 24/7 and have devoted half of my life to working Metro accidents. I put forth 100% effort into every accident to clean up and clear up and open up the streets of Nashville. I currently operate four C Class wreckers, a 60-ton Rotator wrecker, 3 trailers, 1 tandem axle Rollback, and air bag recovery unit.

The Metro zone that I currently operate in the northern part of the county has been a financial drain on my company for years now. Despite insurance rates and fuel cost almost doubling in the past few years, the Metro light-duty tow rates are not adjusted to keep up. Servicing Metro this last year-and-a-half has almost bankrupted me. In order to keep from going bankrupt, or simply surrendering my zone, about a year ago I made a deal with my good friend John Stanstill to run the light-duty side of my company and see if he could make it turn around and bring it into making a profit. He owns several successful businesses I thought with his

business knowledge he would find a way to make the light-duty towing profitable even with the low rates.

Both John and I know that a Metro zone cannot be transferred or sold under Metro laws. Because of that, there has been no transfer of the right to service the Metro zone, only transfer of the duties for light-duty towing. I am still responsible for all aspects of the Metro wrecker zone and am still the contact for the Metro Police Department. The light-duty towing is operated under a different name for insurance purposes.

John is very successful businessman and I thought he was a good choice to run the light-duty towing due to his financial stability. In one year he has doubled the size of the light-duty fleet and reworked the storage lot and building. He is learning more about the towing business everyday.

He is still having some operation problems due to dispatcher and driver problems and is currently working towards getting rid of the problem employees. His average calls for Metro equal about two vehicles per day and this past year showed an operating profit in only one month. If John decides that he doesn't want to continue operating the light-duty towing operations, I will take it back and try once again to improve it to make a profit.

Because I was not selling, transferring or giving up the right to service all of my Metro zone, I did not think it was necessary to get approval from the

Commission. In hindsight, maybe it would have been better to tell the Commission of my business plan, but being in the financial shape at the time we had to move quickly and go with what was best at the time.

I am still handling the Metro C Class calls. They average one or two a month, maybe. I am a good heavy-duty towing operator and enjoy working with Metro and T-DOT on accidents. I hope to continue on for years to come.

Sincerely,

*Darrell Greer*

Darrell Greer  
Nashville Towing & Recovery

**Chair Helen Rogers** asked Mr. Greer to clarify a sentence stating that “The light-duty towing is operated under a different name for insurance purposes.” Mr. Greer responded that, because Anchor NTR was running the light-duty business, this would allow Mr. Stancil to assume liability for that part of the business. Mr. Greer emphasized that he had not been able to make the light-duty towing business profitable; and had hoped that Mr. Stancil could turn it around. **Chair Rogers** asked if he could not have hired someone else to manage that, instead of setting up a separate business; Mr. Greer responded that he had believed Mr. Stancil was more capable, and could invest in that business. **Commissioner Jennifer Brundige** asked Mr. Greer to describe the relationship between NTR and “Anchor NTR”; she asked if Mr. Greer was a partner in “Anchor NTR” or involved in that business. Mr. Greer responded that it was more on a friendship basis.

**Commissioner Mary Griffin** noted that Mr. Greer’s written statement included a sentence that “there has been no transfer of the right to service the Metro zone, only transfer of the duties for light-duty towing.” She asked Mr. Greer how these were different. Mr. Greer stated that he never intended to sell the company; he only intended that Mr. Stancil handle the light-duty towing. **Commissioner Griffin** asked if Mr. Stancil was handling all the towing of small vehicles for the Metro zone; Mr. Greer responded that this was correct.

**Vice Chair Duane McGray** asked Director McQuiston if both companies were listed with the Commission. The director responded that they were not; only NTR had a license. **Vice Chair McGray** asked Mr. Greer if the two businesses were operated at different locations. Mr. Greer responded that this was correct. He added that Mr. Stancil owned the original property, but that he (Mr. Greer) had relocated to another location. Director McQuiston confirmed that Mr. Greer had listed both locations in his license application.

**Chair Rogers** stated that there were two separate corporations, with separate insurance. She noted that Mr. Greer had acknowledged that Mr. Stancil had invested in the light-duty business, and that they were not partners. She asked Mr. McGovern if he had a proposal to remedy this situation. After some discussion, Mr. McGovern stated that, if necessary, Mr. Greer would assume light-duty towing responsibilities in his zone.

Inspector Bowling expressed concern about the immediate need to service the emergency zone, because Mr. Greer had no current light-duty towing capability. **Commissioner Ed Whitmore** noted that “Anchor NTR” was operating without a license, and should cease operations immediately. Inspector Lawhorn stated that a potential short-term solution would be to allow an adjacent emergency wrecker zone licensee to provide service for the zone until a long-term solution was possible.

**Chair Rogers** asked Commissioners to read Section 6.80.545(D) of the Metro Code, related to the transfer of zone assignments.

Following discussion, Mr. McGovern stated that Mr. Greer was prepared to re-assume light-duty towing in his zone immediately, without “Anchor NTR”.

**Commissioner Brundige** moved that Mr. Greer had sold, assigned, mortgaged, or otherwise transferred the right to service the zone, and that he must resume light-duty towing within three days; if he failed to do so, then the Commission would schedule a hearing for transfer of the zone in accordance with Section 6.80.545(D) of the Metro Code.

**Commissioner Griffin** seconded, and the motion passed (4-0).

Director McQuiston asked who would service the zone for light-duty towing in the interim. Following discussion, **Commissioner Brundige** moved to authorize Gary’s Garage and Wrecker and Brown’s Wrecker Service to temporarily assume light-duty emergency towing in the zone until it could be resumed by Nashville Towing & Recovery. **Commissioner Griffin** seconded, and the motion passed (4-0).

Discussion followed on the practicality of the three-day time limit. **Vice Chair McGray**

raised concerns about Mr. Greer's ability to get light-duty tow trucks so quickly. Inspector Bowling stated that it would not be appropriate to use the "Anchor NTR" storage lot. **Chair Rogers** suggested that the staff should make the determination about when Mr. Greer and NTR were ready and able to resume responsibility for light-duty towing. **Commissioner Brundige** agreed that the Commission should reconsider the time limit in the motion. **Vice Chair McGray** added that getting the necessary insurance changes could also take some time. Director McQuiston suggested that the Commission consider an appropriate deadline that would meet requirements for inclusion on the next meeting's agenda. **Commissioner Griffin** moved a substitute motion: in lieu of the three-day limit, to make the resumption of light-duty towing by Nashville Towing & Recovery contingent upon verification by the commission staff that the company was in compliance with requirements for operating the zone; that if this was not done by October 13, then the Commission would hold a public hearing for the transfer of the zone. **Commissioner Whitmore** seconded, and the motion passed (4-0).

#### **APPLICATION FOR TAXICAB DRIVER PERMIT: ABDIRIZAK WARSAME**

Mr. Warsame appeared before the Commission with Johnny White, owner of American Music City Taxi. Director McQuiston stated that Mr. Warsame's taxicab driver permit had been revoked by the Commission in March 2008 after failing to assist Brenda Dillon, who was blind, and then pulling her by her white cane across the parking lot to his taxicab. Mr. White stated that Mr. Warsame had been unclear about the requirements, but that he had been counseled and was now well aware that he should offer sighted guide assistance to passengers with disabilities, as necessary. **Vice Chair Duane McGray** noted that Mr. Warsame had not only failed to offer assistance to Mrs. Dillon, whom he had transported before, but had been rude to her as well.

Inspector Lawhorn asked if Mrs. Dillon had been notified that Mr. Warsame was re-applying for a permit. Director McQuiston stated that she had been.

**Vice Chair Duane McGray** moved to approve a permit, contingent upon Mr. Warsame's completion of hospitality training in October, 2008 and to place him on probation for six months. **Commissioner Jennifer Brundige** seconded, and the motion passed (4-0).

#### **APPLICATIONS FOR WRECKER DRIVER PERMITS:**

**Steven Beal:** Mr. Beal appeared with Darrell Greer, owner of Nashville Towing & Recovery. **Chair Helen Rogers** asked him about his arrest history. Mr. Beal explained the incidents that had led to the charges, and stated that none of the charges listed had resulted in convictions. Mr. Greer agreed to hire Mr. Beal if his permit was approved.

**Vice Chair Duane McGray** moved to approve a temporary permit for two months, restricted to Nashville Towing & Recovery, and to place Mr. Beal on probation for the two months period. **Commissioner Ed Whitmore** seconded, and the motion passed (4-0).

**Shannon Middleton:** Mr. Middleton appeared with Franklin Flair, owner of Rescue Professionals. Mr. Middleton explained his arrest history. **Vice Chair Duane McGray** noted that there were charges on his record which had not been disclosed on his application. Mr. Middleton stated that he had not known that he had to disclose charges that had not gone to court. He explained that two of the charges were related to a case which was still pending. Mr. Flair stated that citations issued to Mr. Middleton related to his

wrecker company and wrecker vehicles had since been satisfied, and that the company and its wreckers were all correctly licensed and permitted by the commission. He stated that he believed Mr. Middleton would prevail in the pending court cases.

**Vice Chair McGray** expressed concern that all charges had not been disclosed. He moved to disapprove the application. **Commissioner Jennifer Brundige** seconded, and the motion passed (4-0).

### **OTHER BUSINESS**

Director McQuiston reported that an application had been received for the transfer of the emergency wrecker zone license assigned to Brenda Vanderpool d/b/a Custom Towing. The director announced that a public hearing on all applications for the zone license would be held at the next meeting.

**Chair Rogers** announced that the October meeting would also include the election of officers.

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Brian E. McQuiston  
Director-Executive Secretary

\_\_\_\_\_  
Helen S. Rogers  
Chair