

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

**Minutes of  
August 24, 2010**

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, Vice Chair Mary Griffin, and Commissioners Jennifer Brundige, Ed Whitmore, and Brian Winfrey (5). Also attending were Metro Legal advisor Corey Harkey; 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 July 27, 2010 meeting were approved.

**PUBLIC HEARING: PROPOSED FEE FOR APPLICATIONS FOR NEW CERTIFICATES/OTHER PASSENGER VEHICLES FOR HIRE:**

Director McQuiston stated that this public hearing was to recommend the amount of the nonrefundable application fee to be charged for a new application for a Certificate of Public Convenience and Necessity to operate a livery, shuttle, or special purpose passenger vehicle for hire service. He stated that the bill approving the ordinance included an amendment stipulating that the Commission may establish the fee, which must then be approved by the Metropolitan Council by resolution. The director stated that in preparing the operating budget for the fiscal year he had assumed the fee would be \$250; and he recommended that the Commission approve that amount.

**Chair Helen Rogers** invited public comment.

Steven Boaz stated that he was opposed to any regulation, and stated that the proposed \$250 fee was too high.

Doug Ollis stated that he was opposed to the regulation and any fees.

Matthew Yorke stated that he understood the purpose of the fee. He recommended a lower fee, especially for small companies.

William Faeth stated that he was concerned about the impact of the May flood on businesses. He recommended a lower fee for existing companies, and possibly increasing the fee for new companies to be licensed after January. He noted that most companies were very small.

Aubrey Haley stated that he would like to see a lower fee, noting that the costs would

have to be passed on to consumers.

Shondell Howe recommended a lower fee.

Allen VanPliet stated that opposed regulation and fees. When asked for a recommended amount, he suggested \$25.

There were on other members of the public who desired to speak, and **Chair Rogers** closed the hearing for public comment.

**Commissioner Jennifer Brundige** asked how the staff had arrived at the \$250 fee amount. Director McQuiston stated that he had based initial calculations on an assumption of the number of companies to be licensed under the ordinance, and the resources required to implement it. He noted that the resulting amount had been much higher than \$250, and would have adversely affected the aim of encouraging voluntary participation in the licensing process. He stated that as a result he had considered the fees charged for general wrecker company licenses as a base line, and then included an appropriate amount to offset the additional resources that would be required to process the more complex applications for Other Passenger Vehicles For Hire certificates. He explained that renewal fees were in the ordinance, and were based on the size of the company. **Commissioner Brundige** asked when the renewal fee would be charged; the director responded that the initial licenses would be effective through March of 2012, and would be subject to annual renewal every March thereafter.

Discussion followed on whether a two-tiered fee structure – reducing the fee to \$200 for smaller companies – would be possible. Legal advisor Harkey stated that such a structure would have to be justified. Director McQuiston stated that the time required to process an application for a company with a larger number of vehicles and employees would justify a higher fee. In answer to questions about the potential impact on the operating budget, the director stated that the budget had been prepared in early 2010, and revenue estimates from fees necessarily had been conservative; he concluded that a two-tiered structure for initial application fees would not have significant budget impact.

**Vice Chair Mary Griffin** moved to establish the nonrefundable fee to accompany an initial application for a Certificate of Public Convenience and Necessity at \$250 for companies with six or more vehicles, and \$200 for companies with five vehicles or less. **Commissioner Brian Winfrey** seconded, and the motion passed (4-0).

### **PUBLIC HEARING: NEW ADMINISTRATIVE RULE – DISQUALIFICATION OF DRIVER PERMIT APPLICATIONS FOR NONDISCLOSURE**

Director McQuiston stated that taxicab and carriage driver permit applications were generally disqualified if applicants did not fully disclose their arrest histories, but due to lack of specificity in the wrecker ordinance and rules the Commission frequently had to hear applications for wrecker driver permits in which the applicant had not fully disclosed. He stated that the Commission had been consistent in disapproving these applications for failure to disclose. He stated that after disapproval applicants were able

to submit a second application, with full disclosure; but because of the Commission's earlier action the second applications also had to be subjected to a Commission hearing. He noted that as a result the applicant was delayed at least a month in receiving a permit, and the Commission was considering the same applicants at two separate meetings. He recommended the establishment of a new Administrative Rule 13 to allow the disqualification of the initial application in such cases for nondisclosure, noting that it would benefit both the applicants and the Commission by reducing the time required to process a second application.

## **ADMINISTRATION**

### **13. APPLICANT DISQUALIFICATION**

**When an applicant for a driver's permit does not answer all questions on the application and particularly the question relating to convictions, or when the answer to this question is "none" and a background check reveals otherwise, then the application is disqualified and shall not be placed on the agenda for a hearing.**

**Chair Helen Rogers** stated that this appeared to be a housekeeping measure. She invited public comment. There was none, and the public hearing was closed.

Following discussion on the wording of the rule, **Commissioner Jennifer Brundige** recommended approval of Administration Rule 13, as follows:

## **ADMINISTRATION**

### **13. APPLICANT DISQUALIFICATION**

**When an applicant for a driver's permit does not answer all questions truthfully and fully on the application and particularly the question relating to arrests, violations of laws or convictions, or when the answer to this question is "none" and a background check reveals otherwise, then the application is disqualified and shall not be placed on the agenda for a hearing.**

**Vice Chair Mary Griffin** seconded, and the motion passed (4-0).

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

**Clifford Dodson:** Mr. Dodson, who had applied to drive a wrecker for Express Towing, appeared. **Chair Helen Rogers** noted that Mr. Dodson had not disclosed a 2007 assault charge in Rutherford County. Mr. Dodson stated that he had thought the charges had been dropped, but found out later that they were not. He admitted to serving six months on probation. He stated that he had once worked for A.B. Collier Wrecker Service. **Vice Chair Mary Griffin** asked if a representative from Express Towing was present. April Carrigan, office manager for the company, responded. **Commissioner Jennifer Brundige** asked Mr. Dodson if he was aware of restrictions on nonconsent towing. **Vice Chair Griffin** moved to disapprove the application, without prejudice. **Commissioner Brian Winfrey** seconded, and the motion passed (4-0).

**Marquette Weaver:** Mr. Weaver failed to appear. **Vice Chair Griffin** moved to disapprove the application. **Commissioner Ed Whitmore** seconded, and the motion passed (4-0).

### **APPLICATIONS FOR TAXICAB DRIVER PERMITS:**

**Nicholas Kirkpatrick:** Mr. Kirkpatrick appeared with Marvin Sutton of Yellow Cab. **Chair Helen Rogers** asked him about alcohol-related offenses that he had disclosed in his application. Mr. Kirkpatrick admitted to the offenses. He noted that the most recent offense was public intoxication on New Years Eve in January 2007, and stated that he now had a family and was more responsible. Following questions, **Commissioner Jennifer Brundige** moved to approve a permit, restricted to Yellow Cab until September 30, 2011, and to require periodic drug screening as directed by the Director McQuiston. **Vice Chair Mary Griffin** seconded, and the motion passed (4-0).

**Cody Dowlen:** Mr. Dowlen appeared. **Chair Helen Rogers** noted that the signatures of the four references on his application were all in his handwriting. Mr. Dowlen stated that they had all been present with him when he completed the application. He stated that he had made a full disclosure, and that his careless driving conviction in August 2007 was no longer on his Motor Vehicle Report. **Commissioner Jennifer Brundige** asked him what company he intended to affiliate with; Mr. Dowlen responded that three years earlier he had a permit with United Cab, and that he thought Rod Brown would appear at this hearing. **Commissioner Brundige** asked if he had any family members working at United Cab. Mr. Dowlen responded that a cousin had worked there three years before. **Commissioner Brundige** asked about his history of harassing phone calls. Mr. Dowlen stated that the same cousin frequently had been a problem; and that whenever he got upset he would go to Clarksville, where his father was a police officer, and swear out a complaint against him.

**Commissioner Brundige** expressed concern about the signatures of the references, and moved to disapprove the application. **Commissioner Ed Whitmore** seconded, and the motion passed (3-1).

### **OTHER BUSINESS:**

Director McQuiston noted that the Commission had deferred a booting service application at the May meeting, because it was not clear if the booting ordinance would allow booting at apartment complexes. He stated that the Metro Council was to consider a bill at its August 24 evening meeting that would clarify that such booting was prohibited. He added that he had informed the booting service owner about the bill.

Director McQuiston reported that to date the transfer of the Cotton's Towing zone license had not been effected. He stated that he had been informed by Mr. Dean that the business deal had fallen through, but added that he was still attempting to get confirmation from Mr. Miller and Mr. Phomthisene.

Director McQuiston reported on a resolution introduced in the Metro Council

recommending an amendment to the Metro Charter which would require all department heads to be residents of Davidson County. The director stated that the policy change, if approved and passed by referendum in the November elections, would affect him and necessitate his departure.

Director McQuiston reported that he was conducting interviews for the new office staff position approved in the new budget, and was impressed with the number of highly qualified applicants.

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

ATTEST:

APPROVED:

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Brian E. McQuiston  
Director-Executive Secretary

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Helen S. Rogers  
Chair