

Transcript of the Meeting of the  
NYC TAXI AND LIMOUSINE COMMISSION  
Held on Monday, January 24, 2005  
40 Rector Street - 5th Floor  
Borough of Manhattan

TANKOOS REPORTING COMPANY, INC.  
305 Madison Avenue      142 Willis Avenue  
Suite 405                  P.O. BOX 347  
New York, N.Y. 10017      Mineola, N.Y. 11501  
(212)349-9692              (516)741-5235

Meeting convened at 10:25 a.m.

P R E S E N T

MATTHEW W. DAUS,  
Chairman

HARRY GIANNOULIS  
Commissioner

ELLIOT SANDER  
Commissioner

NOACH DEAR  
Commissioner

IRIS WEINSHALL  
Commissioner

ELIAS AROUT  
Commissioner

CHARLES TORTORICI  
General Counsel

P R O C E E D I N G S

CHAIRMAN DAUS: I apologize for the delay, we're just waiting for one more Commissioner. He'll be here in a minute.

Okay, we're going to get started. First of all, I want to thank everybody for coming, a larger crowd than I thought. I want to thank the Commissioners some, including myself, who are not feeling well, who made it through the snow to get here, so thank you.

Before we start the official agenda, I'd like to first take a moment of silence to recognize the memory of somebody who was very close to me and a lot of the people in this room, as well as the Board of Commissioners. Barbara Fogel, who was my assistant for many years in the counsel's office and remained there and was really the glue who held the legal department together, passed away a month or so ago of a heart attack. Just unbeknownst to anyone, she had a condition

and wasn't sick and it was quite a shock for all of us.

She really was the person who would get the Commission meetings running, would do all the work behind the scenes and was one of the hardest workers I've ever met.

She's an incredible loss, not just to us personally as part of the TLC family, but as part of the counsel's office, and I just want to have a moment of silence I

would ask for in her memory, in memory of Barbara Fogel.

(Moment of silence.)

CHAIRMAN DAUS: Thank you.

Next, I'm actually going to come up to the podium, if I could ask the Brunetti family, Joanne, to join me.

For those of you who didn't know Steve Brunetti, he was a member of our management team, and he was with the TLC for over seventeen years. He had a long and debilitating illness where we all basically watched him and were with him the entire time, and he was really, really just a great guy. I can't tell you how much of a loss your husband, Joanne, has been to this agency, I'm sure, as well, to your family, and he meant a lot to us. He was always a cheerful gentleman,

he always did his work very well, he was promoted through the ranks. He handled some very difficult responsibilities in the agency and he was always one of these people who you get a smile on your face when you would deal with him, and it's been a tremendously sad year for us and that's due in part to losing Steve.

He'll always be with us in our hearts. He is really, really, somebody who touched all of us here at the TLC and we'll never forget him.

I just wanted to officially recognize his

memory here today with you, by giving you his badge.

"In memory of Inspector Steve Brunetti, for your friendship, which warmed our hearts, your courage, which inspired us all, and your caring, which was legend. From the New York City Taxi and Limousine Commission."

MRS. BRUNETTI: Thank you so much. Thank you.

I just want to say I understand why Steve enjoyed his job so much. There are so many familiar faces that were with me to the end. Steve always had a great story to bring home and a good joke, you know that

as well as I do, he always made somebody laugh. But I just want to say that TLC is like an extended family to me and my family. You were so gracious to come spend time with me when Steve was so sick and I really, really appreciate it. All the fellows here from TLC, Alan and Matt, please keep in touch, because I never want to lose touch with any of you.

Thank you. Thank you, I appreciate it.

(Applause.)

CHAIRMAN DAUS: We also have had another departure from the Commission, bringing our numbers down. Alberto Torres, our Commissioner from the Bronx, has resigned, for good reason, he's running for City Council in the Bronx, so now we have two former

Commissioners running for office, Stanley Michels, our Manhattan representative has left and entered the race for Manhattan Borough President, so we wish them well and that brings the number down to I believe seven at this time.

Now I'd like to go through my report. The first thing I'd like to touch on is the bus strike that has been taking place in parts of Queens and Brooklyn.

It's been several days now since Mayor Bloomberg and the Office of Labor Relations, Commissioner Hanley, successfully brought this private bus strike to a close.

First, I'd like to publicly thank those members of our staff who worked very closely with the Mayor's Office of Emergency Management and Commissioner Weinshall's staff at the Department of Transportation. I think they did an outstanding job in helping to coordinate the City's efforts in helping the 70,000 people who were stranded from these lines get to where they needed to go, under very, very inclement weather, to say the least.

I'd also like to publicly thank the commuter van industry and its effective leadership. While this is an industry that moves tens of thousands of people each day, they are the quiet, less visible, transportation heroes of this industry, as compared to the yellow cabs that get so much attention from the

public and the media. During the past several weeks the commuter van industry, once again, had the opportunity to be less quiet and more visible, thanks to their role in the City's contingency plan and once again they

stepped up to the plate and provided needed assistance.

Thank you, and the City is grateful for your efforts.

Many of you have probably been hearing about what's called OBD 2. It's an acronym for On-Board Diagnostics, which is an emissions testing system that after April will be affecting all of us for our personal automobiles, but as of January 1st, it has been implemented at our inspection facility in Woodside, Queens, and we have successfully transitioned to this new system for medallion taxis coming in for inspection. We're still in the early cycle of inspection, so it's difficult to say categorically and statistically how this is working, but I'm pleased to say that the taxicab industry responded with great energy and enthusiasm to our aggressive outreach efforts to help the industry gear up for this important change.

The turnout at the multiple sessions that we hosted, along with the DMV, Department of Environmental Conservation and Ford Motor Company on November 20th and December 4th were truly a testament of our ability to work together and accomplish ambitious tasks, so here's

an example of the TLC staff and the industry being ahead

of the curve. Rather than letting the problems occur, we had symposia and seminars where we were able to gear up the taxicab industry to understand what they needed to do to pass inspection with the new requirements. These OBD monitors are geared towards not just finding problems that exist, but diagnosing problems or conditions which may lead to a failure or condition, so you fix it.

So we have a concern as Government to make sure that administratively the system is working and we don't spend extra taxpayer dollars by having people come back for reinspection. So it's in our interests as well as the industry's interests, because time is money for the industry, to not have to come back several times. We're pleased those initial sections went well. We're going to keep an eye on this new process and we'll probably have further statistics to report in the coming Commission meetings.

Since we last met, there's been a lot of work on the yellow taxicab medallion sale that was held in fiscal 2005. The sales that were held in October of 2004, much of the work has been completed. We closed up on 262 medallions and hacked up 251 yellow cabs that are now on the street. We do not have a date for our

next medallion sale, but it will be slated for sometime in fiscal 2006, which falls between July 6, 2005 and June 30, 2006 and we'll keep you posted on that.

On the customer service improvements, the TLC will be issuing a request for proposals for its customer service improvements in the near future. The project monitoring quality assurance contract that the City has, conducted driver and passenger focus groups since our last meeting to get feedback on their improvements. We've distributed copies of those reports from our consultant to the Commissioners for their review, and we will be reporting more on this endeavor in the future.

Right now, we have a task force or steering committee of several different City agencies that are working on this RFP. If you have any questions, feel free to call our First Deputy Andy Salkin, our Chief of Staff, Ira Geldstein, and they'll be happy to fill you in on some of the details.

I'd like to talk a little bit about the Javitz Center. I'd like to acknowledge the work of the Javitz Center in welcoming cabs and drivers to their facility during the National Retail Federation conference last week. Their Taxi Appreciation Day, which they recently had offered drivers many things such

as food and drinks, show tickets, gifts, a chance to win hundreds of dollars, but most importantly -- and people who drive taxicabs know this -- a parking spot and a warm rest room. So this is really a great pit stop for cab drivers and it's great for the Javitz Center as they enter into their convention season with many important conventions, including the Toy Show, coming up. It's a great business opportunity for yellow cabs. We encourage yellow cab drivers in the industry to encourage people to go to the Center and make use of its amenities.

The good news, moving forward, this Taxi Appreciation Day is not a once-in-a-lifetime deal. There will also be an ongoing program during the American Toy Fair, which will take place from February 20th to February 23rd and we'll be keeping the industry apprised of such events by way of industry notice.

And in terms of the media, I think some of you probably have read in the papers some more about the effects of the fare increase, and I believe that the

reports for the most part this time were accurate, about the statistics. We have preliminary data that we reviewed that show that there's been a 20 percent increase in revenue per cab per day. Now, while we

don't have items such as tips calculated in there or the rush hour surcharge, that's a conservative estimate, so I think that clearly, at least our safety emissions data that comes from the meter into our computer system shows there's been an increase in revenue since the fare increase. We don't have definitive earnings data at this time because different drivers, depending on what situation they have, earn different amounts of money, but I'm sure as the year progresses we'll be able to get more data and we'll share that with our Commissioners.

I guess the good news is that drivers clearly as a result of the actions, the bold actions of this Commission, are now earning a liveable wage, I believe, across the board and are doing better than they did before. I think that's a testament to the leadership and the people on this Commission, so I thank the Commission for that.

That concludes my report. Any questions?

Okay. Let's proceed to the adoption of the minutes. Have the Commissioners had an opportunity to review the October 25, 2004 minutes? Are there any questions?

COMM. AROUT: Make a motion to accept them, Mr. Chairman.

CHAIRMAN DAUS: Motion from Commissioner

AROUT. A second? Commissioner Weinshall. All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: It's unanimous, the minutes are approved.

Item three on the agenda. Staff presentations. Do you want to do sticker first? Okay. I think we have a representative from the Mayor's Office here, Joe Chan. Would you care to join us at the podium? There's a proposal from the staff and according to our rules, to approve a sticker that will go on the cab. If you could tell us a little bit about it.

Good morning, Joe.

MR. CHAN: Good morning, Chair Daus, and

Commissioners. Thank you for taking the time to consider this request. As all of you know, New York City's bid for the 2012 Olympic games is amongst the Bloomberg's administration's highest economic development priorities. Should New York City be awarded the 2012 games we will witness an investment in Parks and Recreational facilities not seen since the days of FDR and Mayor LaGuardia. Over 800 acres of new and significantly improved parkland will be constructed. New publicly accessible recreational facilities will be created in all five boroughs, from a multi sports center

in the Mott Haven section of the Bronx to a national level equestrian facility in Staten Island. Hosting the 2012 games will also bring an unprecedented impact on the City's economy, generating over \$13 billion in economic activity and creating approximately 135,000 jobs.

New York faces a tough challenge in making this great opportunity a reality. We are currently in the midst of what experts have termed the most competitive bid in Olympic history. Our competition is Paris, London, Madrid and Moscow. Each of these cities

is very qualified to host the 2012 games. New York's Olympic fate will be determined in Singapore on July 6th, 163 days from today. At that time, the members of the International Olympic Committee will cast their votes on which city is best prepared to host the 2012 games.

The IOC will judge New York's bid on a number of factors, including the feasibility of our venue plan, our ability to execute and New York's potential to advance the ideals and interests of the Olympic movement.

One additional criteria in which we will be judged is New York's level of public support, both within the five boroughs and throughout the world. In

order to make New York a convincing case for the IOC, we must demonstrate that we worked aggressively to build a broad international constituency and we have done everything possible to generate excitement about New York's bid. Simply put, we must use every opportunity available to promote our bid to New Yorkers and the world.

To that end, one of the greatest in-city assets is our taxi fleet, which provides a unique and valuable opportunity to reach a captive audience of millions between now and July 6th and to turn thousands of drivers from every country in the world into ambassadors for the City's cause. The proposed sticker is a critical component of an aggressive and comprehensive marketing campaign aimed towards building public awareness and support for New York's bid.

Joining me today is Chad Blankenship of the marketing department of New York City 2012, the not-for-profit organization that's responsible for the City's bid for the Olympics. Chad is part of a team charged with creating and implementing New York City's 2012 marketing campaign and many of you have seen the fruits of his labor on the 2012 advertising present on almost every MTA kiosk throughout the City.

I'd like to ask Chad to give a quick update

on the marketing campaign and how the sticker fits within the context of the campaign.

MR. BLANKENSHIP: Good morning, Commissioners. Thank you for the opportunity to meet

with you this morning.

As Joe mentioned, we have an overall public awareness campaign rolling out in the last couple of weeks. We've had an incredible amount of participation both in the private sector, in terms of media companies, outdoor companies, television and radio companies, as well as government agencies, MTA is one such example, where we're rolling out a similar decal program to what we're requesting of the TLC throughout their bus and subway fleet.

This is a program that's also similar in some respects to what some of our competitors are doing. I have a couple of pictures, just to show you kind of for fun, that London with their famous black cabs have done full wraps on about a hundred of them to help garner public support in the area there as well. And in addition to the full wraps that they're doing, they have a back of the bid program, which they call, which is a decal they've placed on their entire fleet of black cabs throughout London. We would like to do something similar on the decal front, not the wrap front. This is

an example of the sticker we worked with the TLC a little bit on. It's a transparent sticker that's both a combination of public support message for NYC2012 as well a support mission.

The tag line also says, "Please exit curbside and watch for cyclists," which we understand is an important message.

The recommendation is we would roll these transparent decals out on either side of the passenger, in the back throughout the entire fleet, ideally. We would through our funding efforts be able to fund the stickers and would love to work with the TLC on the installation of the stickers. This decal is very similar to that which we'll do with the MTA. As you can see on the City bus we have here, it's a little bit small, it's a similar sticker we'll be putting in front of the driver side window on all the MTA buses as well as on the subway cars.

CHAIRMAN DAUS: Any questions?

COMM. GIANNOULIS: If we support this, nobody will get fined if they don't have it, is that correct?

CHAIRMAN DAUS: My understanding it's a voluntary proposal. We're going to do outreach and give it to the drivers who want to put it on their cabs.

MR. CHAN: Absolutely, we want this to be voluntary, we want as much participation as possible but we want the drivers and fleet operators to be enthusiastic.

CHAIRMAN DAUS: The rules say even for a voluntary sticker, anything that goes on a cab we should be voting on it and approving it.

COMM. DEAR: I understand it. It's not -- what's the proposal that's going to be before us? Where is it?

MR. TORTORICI: I'll read you the rule Commissioner. This is Medallion Owners Rule 135C: "An owner shall not display inside of a taxicab any advertising or notice not specifically authorized by these rules or the Commission's marking specifications for taxi, unless approved by the Commission."

So you may vote on the sticker.

COMM. DEAR: There's no penalties, like Commissioner Giannoulis asked?

CHAIRMAN DAUS: By virtue of the rules, the whole point of doing this is nobody can get fined.

COMM. DEAR: The question I think the Commissioner asked, if he does not have the sticker, does he get fined?

MR. TORTORICI: The sticker is not being

mandated, so he will not be fined.

CHAIRMAN DAUS: I did have a question. The "Please exit curbside and watch for cyclists," that's going to be on the inside of the cab, you're going to be able to see it from the inside?

MR. BLANKENSHIP: The message on the top will be printed in reverse, so it will be seen by people outside the taxi and "Please exit curbside" will appear so it's readable on the inside.

CHAIRMAN DAUS: Are you requesting a particular location on the cab you'd like us to approve it for?

MR. CHAN: It actually would be on both side windows in the rear of the cab and we'll work with TLC to kind of optimize positioning. We actually have copies of the sticker that we'd like to install that I believe are mocked up to real size that we can actually pass around.

COMM. GIANNOULIS: Do these things come off easily? If we lose this, I don't want people to scratch their windows up.

MR. CHAN: That's an absolute priority. The decision, again, is going to be made on July 6th and we've made sure that the stickers are easily removable and will not leave marks.

COMM. GIANNOULIS: I think, Commissioner, if the marketing folks are going to be out trying to get people to do this, there should be some kind of letter from you that goes out when they distribute it, explaining to fleet owners and others what actually they're allowed to do.

CHAIRMAN DAUS: Okay, that's a good suggestion and we will do that. And my understanding is that Transportation Alternatives is supporting this proposal as well?

MR. CHAN: That's what we understand. They actually provided a letter of support that actually came to our office on Friday, but we've been working very closely with them and I know that the dooring awareness campaign has been a big priority of theirs. That's something we at the Mayor's Office are able to do.

CHAIRMAN DAUS: Joe, it's a great safety

message, no doubt about it. We did in response to Transportation Alternatives put information on our passenger information sticker. But this will be more prominent, a last reminder for someone exiting, so I think that's a great safety message.

Number two, the taxicab industry is clearly going to benefit if we get 2012 here and everyone is rooting for all of you, Deputy Mayor Doctoroff and the

Mayor, everyone who is working on this. I am incredibly supportive of this effort. What better way to when the IOC comes here to greet them when they step off the plane, to get into a yellow cab with the message on there?

I would like to make a motion to adopt the sticker and to voluntarily use it as we have described.

COMM. GIANNOULIS: I'll second that, as long as we're adopting a motion to accept this sticker here and not other versions that may pop up later.

CHAIRMAN DAUS: Yes.

COMM. GIANNOULIS: I second it, then.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Okay, it's approved.

MR. CHAN: Thank you for your support.

(Applause.)

CHAIRMAN DAUS: We'll work with your office, Joe, I'd like to thank Andy Salkin, who worked on this as well and we'll get the word out to the owners and the industry as soon as we can. Thank you.

The next staff presentation is a proposal for preliminary discussion by the Commissioners to have a uniform pilot program submission process which may lead to rule making down the line, but staff wanted to

share some of their ideas with you, so we're pleased to welcome Sarah Meyers as a new addition to our staff. Thank you. Sarah.

MS. MEYERS: Good morning. Due to the increased interest in pilots with TLC license vehicles, we have decided we would like to expand and standardize the pilot program process. Pilots do exist within the TLC now, but we've had increased interest from outside parties and we've determined through the First Deputy Commissioners office that a standardized program for

accepting and standardizing piloting programs would be the best way to go.

We have been told that it's most likely going to be a rule-making process, therefore, and will follow the open meeting process. Based on that, however, today, we thought we'd take the time to walk you through the steps as we see them, and this is for your input and I'm happy to answer any questions that you may have at this point.

The way that we see it is that any interest for having a pilot will first come through the First Deputy Commissioner's office. The interest could be in the form of a letter with certain information, that will determine -- will fall within the legal and safety and emissions department, and what we see as the biggest

addition to the pilot process is sending it in front of the Commissioners for their input and their review.

So at a Commission meeting, we would have the person who is proposing the pilot come and speak in front of you, and you as a Commission would vote upon the concept. So the concept would be approved by the Commissioners and then the First Deputy Commissioner's

office would put out an RFI seeking input from all parties who would like to implement the same pilot.

We would then administer an MOU to all the pilot participants, once they've been selected through the RFI, and the pilot participants would also have to go through a pretty extensive safety and emissions evaluation, and then the pilot program would commence. It would take anywhere from eight to twelve months, depending on how it was specified in the MOU and upon the conclusion of the pilot program we would have a written report from the FDC office, which would be submitted to the Commissioners and they would vote on the final concept. And then once, if it was approved upon, they would engage in rule making and then the S&E, the safety and emissions department would approve the vendors that could initiate the pilot.

So that's in brief how we see it, so I'd like to welcome any questions.

COMM. GIANNOULIS: I would just suggest, I know we're in the discussion stage, but I would suggest that the second step, that the Deputy Commissioner or

his staff make a presentation to the Commission, not the person who is proposing the pilot. I just think it will take too long and we're going to want to ask questions of opinion and I think it makes more sense somebody from the agency to give us an analysis of what the pilot is, what the request is.

CHAIRMAN DAUS: Okay.

COMM. GIANNOULIS: And I think that it would be at that point that we would vote to begin the pilot program, and there should be a vote.

CHAIRMAN DAUS: Are you in favor of having the concept vetted first before we do anything?

COMM. GIANNOULIS: Excuse me?

CHAIRMAN DAUS: You're in favor of having the concept vetted through the Commission, much as we did with the hubcap advertising proposal?

COMM. GIANNOULIS: It's all within reason. If somebody approaches the First Deputy Commissioner with a ridiculous idea, we don't need our time to be wasted to hear about it, but if it's a reasonable proposal -- inevitably somebody could send us a letter and skip the First Deputy Commissioner, we're going to

ask the First Deputy Commissioner, we have this proposal we want to pilot, what do you think of it.

I think the First Deputy Commissioner should come in and say people are proposing this, this is my opinion, there should be a process to begin authorizing a pilot program. That's how I look at it. That seems to be most consistent with what the Charter which says -- you know what it says.

CHAIRMAN DAUS: I want to commend the staff for their work on this. I think this new process, if we vote on this and make it formal at some point, in the future I think could only lead to better ideas and more ideas in the marketplace. By putting it out to the world, even if a good samaritan comes to us with idea first, by putting it out to the world, let the best of the best compete and the best product or products will come out of it. So I think that's a great idea, great concept.

I think there needs to be an enhancement to the formalization of this process. Right now the way it exists if people submit proposals, we basically would run with it. The Commissioners have given excellent advice in the past on various pilots, even if they were initiated at the staff level, but in order to make sure that we're not wasting our resources either and doing

something the Commissioners don't agree with, it's great, as Sarah suggested, we get it up front, discuss it as a policy matter in an open meeting and proceed so we don't not only waste our time, but waste the time of the industry who may be gearing up to do something, which after they spend all their money the Commissioners say, well, we don't like it.

I commend you for that effort. This is a good time to ask any questions if you have it. If not, we can always --

COMM. SANDER: Sounds like an appropriate process.

CHAIRMAN DAUS: Well, thank you, Sarah. What we'll do next is write it up and proceed to some rule making.

That concludes Item 3 on the agenda.

Item 4, I'd like to call Deputy Commissioner for Licensing and Adjudication Joe Eckstein to the podium and anyone he would like to bring with him.

This is a new process. I would like to thank the Deputy Commissioners for playing a greater role in base licensing. Certainly, I think the Commissioners are well suited to make policy decisions on license applications for car services. They're in

the communities we all live in; these are significant

business interests that these licensees have and they affect the quality of life of the citizens of the City and we do have five City Council Commissioners that are appointed; one from the delegation of each borough and those Commissioners, such as Commissioners Dear, Giannoulis and Arout, all represent a particular borough's interest to some extent. Clearly they live there, they have an understanding of what's going on there.

I want to thank you for agreeing to take on this additional task which was previously performed and delegated to staff, and we have a new process that we're going to go through. Joe is going to describe it a little bit and go through the calendar for our first applicants. But before we do that I'd like to personally thank a lot of people that worked on this project, including not just Joe and Andy Salkin and their staffs, but also all the lawyers that were involved, plenty of them: The Law Department, Jeff Friedlander; Corporation Counsel's First Deputy, Carlos

Cruz-Abrams; Legal Counsel Steve Lewis, Steve Goulden;

Joe Heimrich from DOT, thank for your advice and, of course, last, but not least, Charles and his staff.

Thank you for all your help and guidance in legal advice throughout this new process.

Okay, Joe, welcome.

DEP. COMM. ECKSTEIN: Good morning

Mr. Chairman. Good morning Commissioners, Charles. Let me introduce two members of our staff, Bill Carter sitting to my right, Executive Director for Business Licensing. Sitting behind him is Lisa Strax, an attorney who works in our Base Licensing Unit.

Before I begin with the nine base applications, let me just explain to you what you see in front of you, which is an executive summary of each of the nine base applications, which is broken down into two sections. The first section has numbered items, then a second section has lettered items. The numbered items are those things which you're required to submit that are fairly objective; either you have them or you don't, and I will start by saying that in all nine applications, the applications indicate that all those

items are present.

The lettered items are the more subjective items, they require a little bit of an analysis and that's for the most part what I'm here to present to you.

So the first renewal application is for Denise Car Service, Inc., base license No. B00034, which is located at 513 39th Street in Brooklyn.

I would note that the Base Licensing Unit has not received any letters of objection from either the police precinct, Community Board or the Council Member and there being no objection from the Base Licensing Unit, we are recommending approval of this base license application.

COMM. GIANNOULIS: Motion to approve.

COMM. AROUT: Joe, if I may ask one question. When you state that no response has been received from the NYPD precinct, Community Board or Council, in other words, not responding to a letter from you or if you don't receive anything automatically you approve it?

DEP. COMM. ECKSTEIN: The current process is

the base licensing committee has sent a letter to all these three entities. Normally we don't receive any response. Sometimes we receive a response from the entity, which will say something very simple as "we object" or "we don't object" and if we get a simple "we object," we reach out to them. In this case we received no response at all and our assumption is if there were something objectionable about this base, one of these three entities would reach out to us.

We also do check with our consumer unit which receives complaints about the base and we did not

have any on record for this base.

COMM. AROUT: Thank you.

COMM. GIANNOULIS: Joe, if I could say, are they required to notify those three entities?

DEP. COMM. ECKSTEIN: The current process is that the base unit, base license unit, is reaching out to those three entities. I suppose it's subject to some future review as to whether or not the base itself would be required to reach out to them.

COMM. GIANNOULIS: We don't know if they did

do it.

DEP. COMM. ECKSTEIN: I know we did it. In this particular case I know the NYPD, the Community Board and the Council Member received a letter from us.

COMM. GIANNOULIS: Okay, so you're saying comment. Okay, fine.

CHAIRMAN DAUS: Actually we had a motion on the floor to approve this base license for Denise Car Service. Any second?

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

DEP. COMM. ECKSTEIN: The next renewal application is for Alexandria Limo and Car Service, TLC base number B00309, located at 486 Bay Ridge Avenue,

Brooklyn, New York. Similarly, the Base Unit did not receive any response from either the police precinct, Community Board or the Council Member and there being no other objection to the file, Base Licensing Unit recommended approval of this base.

There is a caveat that we put in the

approval, however, that this base did have several violations of Rule 604A, which is a violation of operating law and suspension.

Base Licensing Unit took review of those violations and determined that none of them were for what we considered to be a public safety issue, and, therefore, while we do recommend approval, we further recommend that the base be put on notice that we would like them over the next renewal period to monitor their activity and provide a report at the next renewal time explaining how they are going to insure that they don't have this perpetual violation.

CHAIRMAN DAUS: Joe, I just want to state, you know, I appreciate your recommendation. I understand the opinions that are being enunciated here about the reason why they're on suspension, and I will vote to approve and accept your recommendation. However, it's with a little bit of reluctance and I'll tell you why.

These bases need to be a little more responsible. They need to be managed better. I am very disturbed when I see a continuing pattern of somebody

operating while on their suspension in disregard of TLC rules, regs, it impedes our ability to conduct business and be an enforcement entity, as the TLC, as well as a licensing entity, when people disregard time and time again our notices and the convictions that they rack up. I think that's bad business and I would wholeheartedly support that we keep an eye on this base and possibly even explore as we go through this process making sure that we hold bases accountable as appropriate for not just that they're on suspension, because of accounts receivable, but also public safety issues, like dispatching of licensed drivers, which I know some bases have been convicted of doing that, that's a serious issue, not having their vehicles inspected.

But in particular I understand why they're on suspension and why you're recommending what you are, but going forward, I mean, it just undermines the whole credibility and authority of the TLC, even if it's for accounts receivable, and owing us money. What about the law abiding base that's paying us bills and when they get convictions, they pay them right away? What about those people?

So I move to approve with that caveat, that we keep an eye on this base and moving forward with this process that we take a hard look at these bases.

COMM. GIANNOULIS: It might be helpful, Deputy Commissioner, because it's going to be inevitable that you start thinking of a system that you're going to offer us, the base has done this wrong, we should give them one year or, you know, we're going to supervise them and if they violate this, Rule X is going to happen. You should start thinking along that line, because over the next series of meetings we're going to, quite honestly, start making up things, so it's better that you come to us and say this is what you can do; you can put these people under some kind of supervision, if they violate this rule we can pull their license, so I think it would be helpful if he starts thinking about that. Just like you did here.

DEP. COMM. ECKSTEIN: Certainly there is a fitness review process beyond this one every two year renewal look at the application sort of thing.

COMM. GIANNOULIS: There may be cases where we're going to want stricter supervision, so maybe if we ask you for your opinion, you can give us your opinion.

I second your motion, Mr. Chairman.

COMM. AROUT: Before we second, one more

question if I may ask. Joe, on this Alexandria, in a statement here it states that this violation is a very serious violation. However, in these instances the Base Licensing Unit determines none of the issues were for public safety, but rather for accounts receivable, okay, fine.

It also says at the bottom, "However, we are recommending that the base be allowed to continue, provided the base provide the Taxi and Limousine Commission with a base business plan that incorporates the procedures that they will adopt to avoid recurrence of such violation."

Have you received that?

DEP. COMM. ECKSTEIN: We just put this package together. The base has not been contacted as such. I wouldn't presume that you would necessarily adopt my recommendation.

COMM. AROUT: I'm not -- you're doing a great job, Joe, I'm not trying to pick on you, believe me. Then the Base Licensing Unit recommends approval of the base. I'm not saying you should disapprove, but a question about that.

DEP. COMM. ECKSTEIN: First of all, the

categorizations, that 604A is a serious violation, it is a serious violation, and it is unfortunate that at the

current time the TLC doesn't have categories of suspension. You get suspended for things that are very serious on public safety and you get suspended for things that may not be so serious, but in generally speaking when you're on suspension and then you continue operating, we have to lump it into one category or the other and we choose to say it's serious.

That's why I then did research on it to categorize them as not public safety issues. But as to reaching out to the base, obviously, if you adopt this executive summary today, we will reach out to the base and explain to them that they would need to submit to us some sort of an explanation as to how they're going to track their operation in the future, so that they don't go on suspension again, continue to operate and fail to remove their own suspension in a timely fashion.

COMM. GIANNOULIS: Mr. Chairman, even though I know we do not want to have any public discussion, is it possible to ask if this base is represented here today?

CHAIRMAN DAUS: Counsel, what's the propriety of doing so?

COMM. GIANNOULIS: Just a yes/no, if they're here, stand up.

MR. TORTORICI: I don't believe so.

COMM. GIANNOULIS: Okay, fine. Well, if they are here, they should pay attention to the very detailed discussion that occurred and that we're paying attention to them.

CHAIRMAN DAUS: I would just ask that a communication be made to this base to make them understand the concerns that we have. The rules make clear that it's not just a public safety issue, it's a management issue, too, which could lead to other issues. The rules contemplate that you will have the ability to adequately manage your base, and this is clearly a management issue and I think it's a good suggestion to have a management plan. Let's make sure this becomes part of their file, their record and if they come up for renewal again or possibly if they do something wrong before that we take immediate action, whether

Transcript Commission Mtg tl012405.txt  
enforcement or fitness review.

COMM. GIANNOULIS: I think the counsel and the licensing division needs to go back and come back to the Commissioners with whether or not, what can actually be done; whether or not we can have suspensions, probations, and if it makes sense.

CHAIRMAN DAUS: I think it's a good concept. We do have a motion on the floor that was seconded. All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Any opposed? Okay, it passes.

Next item, Joe.

DEP. COMM. ECKSTEIN: This is base renewal application of 60th Street Car Service Inc., base license number B00314, at 18th Avenue in Brooklyn. This base application did not receive any responses from either PD, Community Board or Council Member. Base Licensing Unit had no objection to any other content in the application and we are recommending approval of 60th Street Car Service.

COMM. GIANNOULIS: Motion to approve.

COMM. AROUT: Second.

CHAIRMAN DAUS: In favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Passes.

DEP. COMM. ECKSTEIN: The next base is renewal application of Promenade Car Service Inc., base license No. B00859 at 102 Front Street, Brooklyn, New York. There were no responses from NYPD, Community Board or Council Member's office and the Base Licensing Unit had no other objection to the file and we recommend approval.

COMM. GIANNOULIS: Motion to approve.

COMM. AROUT: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Next application?

DEP. COMM. ECKSTEIN: Do each of you have an executive summary for this next base application?

CHAIRMAN DAUS: Yes. Do you want a copy?

DEP. COMM. ECKSTEIN: Thank you.

This is the renewal application of B&R Car

Service, currently located at 1403 East 59th Street in Brooklyn, base license No. B00993. They're requesting renewal with a move to the location 5206 Avenue U, Brooklyn, which if you don't know is Kings Plaza Mall.

The Base Licensing Unit received voluminous letters in response to this application, including many unsolicited responses. The Base Licensing Unit did an analysis of what was an underlying theme of many of the complaints, which had to do with the fact that B&R was described as a bad neighbor and further objection that the proposed location at Kings Plaza Mall would cause some congestion problems.

Now, as our followup in response to that we sent a TLC inspector at the site who spent several hours, I believe it was three and a half hours at Kings Plaza Mall and took very detailed notes of the comings

and goings of the traffic outside the proposed location.

I spent some time with my staff and we concluded that this location would not be suitable for a base. There was an enormous amount of foot traffic, a lot of illegal traffic activity going on, illegal double parking, triple parking, lots of U turns on a cul de sac that

ended on the entrance to the mall and the inspector described the situation as one that was unsafe for the pedestrians.

So based on that analysis, the Base Licensing Unit is recommending denial of this base license application.

COMM. GIANNOULIS: Mr. Chairman, I'd like to note that in reading this, we have the Community Board opposed to it, the local civic association opposed to it, the Council Member opposed to it, the Assembly member opposed to it and the State Senator opposed to it.

The elected officials who do support it don't actually represent this neighborhood, except for the Congressman, who as we all know generally Congressmen don't get complaints about traffic and things like that, so the people who actually represent the neighborhood, all oppose it.

Quite frankly, if I understand the process,

we we're only rejecting that particular site. There's no reason the company can't find a better site for the

base, is that correct?

So I put a motion to recommend denial of the application.

COMM. DEAR: Second.

COMM. AROUT: I second it.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Any opposed?

Okay, B&R's renewal is denied.

If there are any applications that are brought forward to us from this particular base, I do note with tremendous concern the convictions that took place with dispatching unlicensed vehicles from this base.

DEP. COMM. ECKSTEIN: Base renewal application of Lower East Side Car Service Corporation. Base license No. B01318, at 380 East 10th Street in New York, New York.

There was a letter received from the Community Board who stated no objection to the base renewal. There were no letters received from the police precinct or City Council's office and the Base Licensing Unit finds no other objections in the application. By

the way, when I say "no other objections" I'm stating that all the items are there, they submitted everything.

We, therefore, recommend approval of this base application.

COMM. DEAR: Make a motion we approve it.

CHAIRMAN DAUS: I second it. All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Approved.

DEP. COMM. ECKSTEIN: This is the base renewal application of Continental Car and Limousine Service, TLC base license No. B01327 at 313 Ninth Street, Brooklyn, New York.

There were no letters received from either NYPD, Community Board or Council Member, and the Base Licensing Unit has no objection to the base application. We recommend approval. However, we do add a caveat similar to Alexandria, that the base did have several convictions of 612(k)(2), which are violations of dispatching either a vehicle or driver that is on suspension and we recommend similarly that this base be put on notice that we would expect a plan from them on how to insure that they are not going to continue doing such dispatching, and we recommend that that be part of the approval.

CHAIRMAN DAUS: I have a question. Did they

have a permit that it expired, is that what happened?

Or were they just without licenses at all when they were dispatched?

DEP. COMM. ECKSTEIN: The vehicles that were dispatched, Bill, do you know?

MR. CARTER: The base was suspended for non-compliance of filing documents with us at the time. That's all it was.

CHAIRMAN DAUS: A paperwork issue, a management issue.

For the record, that's Bill Carter.

I reiterate my same concerns as with Alexandria.

COMM. GIANNOULIS: I think we're beginning the process here, but I think it would be helpful like in the other cases, I don't know if it's too much if we receive a record of these violations as part of our --

DEP. COMM. ECKSTEIN: We do have with us a complete packet. I have with me the actual violation history and the application and certainly if on any particular case you want to review it, we would recommend that you get it in advance of this meeting now.

COMM. GIANNOULIS: That's what I'm trying to say. If you look at the process, as long as we can do

this, the process that we do on appeals where we have, there's a recommendation and there's a possible --

CHAIRMAN DAUS: You want to see the big picture.

COMM. GIANNOULIS: Correct. Otherwise I think we're being, maybe generous today, because we're doing this for the first time, but I think the second and third time we're not going to be, so you're just going to get into a situation where --

CHAIRMAN DAUS: Kind of like what we would do with the appeals cases.

COMM. GIANNOULIS: The same exact way.

CHAIRMAN DAUS: In a chart form that's easy to understand, not a printout from the computer.

COMM. GIANNOULIS: If we think the people have a certain amount of violations, the same way as probation, the same thing.

CHAIRMAN DAUS: I would agree with Commissioner Giannoulis on that.

DEP. COMM. ECKSTEIN: You would want the

violation history, but not the whole packet.

COMM. GIANNOULIS: I would want you to work  
it out with Matt. He'll know how to do it.

DEP. COMM. ECKSTEIN: Save some trees.

COMM. GIANNOULIS: We don't want more

information than we need.

CHAIRMAN DAUS: Okay, do we have a motion?

COMM. GIANNOULIS: Based on that I do a  
motion to renew with the caveat that the Deputy  
Commissioner made.

CHAIRMAN DAUS: I'll second that.

All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: It passes.

DEP. COMM. ECKSTEIN: Next one is base  
renewal application of Mega Car Service, TLC base  
license No. B01498 at 401 45th Street in Brooklyn, New  
York.

There were no responses received from NYPD,  
Community Board or Council Member, and all the items  
were present at this application and the Base Licensing

Unit recommends approval.

COMM. GIANNOULIS: Motion to approve?

CHAIRMAN DAUS: Second. All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Passes. Next case.

DEP. COMM. ECKSTEIN: This is base renewal application of W.K. Car & Limo Service, base license No. B01721 at 17 Allen Street in New York, New York.

There were no responses from PD, Community

Board or Council Member and all items were present in the application and we are recommending approval of the application.

COMM. AROUT: Make a motion we accept it.

COMM. DEAR: Second.

CHAIRMAN DAUS: All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: That concludes the calendar for today. We have a lot more to do in this regard, so we may be meeting more than once a month for the next several months, so I'd like to thank the Commissioners in advance for their understanding.

At the next Commission meeting, we'll also

be paying tribute to the work of not only Commissioner Michels, but Commissioner Torres, who has served a lot on the board and we'll be talking a little about. They may rejoin us for a day to say goodbye officially.

Hopefully, he'll have some good news to report, we'll see. In any event, whether he wins or loses the election, he will be back and we'll acknowledge him. He served for several years, one of the longest serving Commissioners we've had, took very kindly and very seriously what we did on the Commission, and whether he disagreed with us or agreed with us, he certainly put his all into it and put his all into what

he did. So we'll do that at next meeting.

That's all I have. Any parting comments?

COMM. AROUT: Just want to thank Joe and his staff for doing a fine job, Joe.

DEP. COMM. ECKSTEIN: Thank you.

COMM. AROUT: I really approve a lot of what you do, so don't get mad at me.

COMM. GIANNOULIS: Motion to close the meeting.

CHAIRMAN DAUS: Second.

All in favor?

(Chorus of "Ayes.")

CHAIRMAN DAUS: Meeting is closed. Thank  
you.

(Time noted: 11:26 a.m.)

CERTIFICATION

I, LINDA FISHER, a Registered Professional  
Reporter and a Notary Public, do hereby certify that the

Transcript Commission Mtg tl012405.txt  
foregoing is a true and accurate transcription of my  
stenographic notes.

I further certify that I am not employed by  
nor related to any party to this action.

LINDA FISHER,  
Shorthand Reporter