NEW YORK CITY

TAXI AND LIMOUSINE COMMISSION

APRIL 18, 2013

COMMISSION MEETING AND PUBLIC HEARING

AND

OPPORTUNITY TO COMMENT ON PROPOSED RULES

TRANSCRIPT OF PROCEEDINGS

Held on April 18, 2013

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SPEAKERS:

CHRIS TORMEY, Director of Applicant Licensing, TLC
CINDI DAVIDSON, Director of Policy and Governmental Affairs, TLC
RICHARD THALER, OMN Gateway LLC
ETHAN GERBER, Greater New York Taxi Association
OSMAN CHOWDHURY, United Taxi Driver Association
DAVID POLLACK, Executive Director of the Committee for Taxi Safety
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TAIFOUR DISHABY
SPEAKERS: (Continued)

LIAQAT KHAN
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ASIM AKHTAR
BIJU MATHEW, NYTWA
CHAIRMAN YASSKY: Good morning. It is now instructively 10 o'clock a.m. It's now 9:59 a.m., let's be honest, and I call this public meeting of the New York City Taxi & Limousine Commission to order. Present are Commissioners Gonzales, Weinshall, Arout, and Carone and myself, and here we are.

A few notes before we undertake our business for the day. First of all, as we discussed in January, we have done a great deal over the last few years and continue to do a great deal to strengthen our enforcement capacity both to protect the customers against unlicensed and unscrupulous operators and to honestly protect our licensees against competition from those who do not play by the rules.

And I am pleased to say that
once again our enforcement folks
have outdone themselves. The TLC's
enforcement officers, also known as
New York's Proudest, followed a
record setting 849 seizures in
January, with 617 hustlers taken
off the street in February and an
extraordinary 724 in March.

Allan, I think the word
"extraordinary" is no longer, is
not really appropriate since that
is now the norm, but I'll just say,
an impressive 724 in March. Once
again, well done, Deputy
Commissioner Scanlon and Assistant
Commissioner Hunt and Chief Ron
Sobers, and all of your team.

Speaking of enforcement, I
am pleased to report that we began
working with Mike's Towing.
Commissioners, we have mentioned
this often over the last couple of
years that one of the constraints
on our enforcement capacity was, we
could not seize cars that we'd have
no room to store. And we filled
our parking lot at Woodside, which
we turned into a makeshift tow
pound, that is, Deputy Commissioner
Scanlon creatively made it into a
makehift tow pound. We then got a
property owner in Queens to lend us
for free for the last year and some
a parking lot. We filled that up.

Chief Operating Officer
Conan Freud arranged with some of
our sister agencies to get scraps
of space here and there. I kid you
not, I mean, 10 spaces here, 15
spaces there, and we filled those
up. But finally, we now have an
agreement with Mike's Towing
Company, obviously we had an RFP
and selected a partner, and they
will take as many cars as we seize.
So now that constraint is gone.

Just this week we finally
had the first of our auction of
cars that have been hanging around
unclaimed in our storage for a
while. 69 vehicles were sold
returning a tidy sum to the general
fund, the City of New York.

So at this time, I would
like to ask Deputy Commissioner
Scanlon and our Assistant
Commissioner Jeff Hunt -- and
Commissioners, I know you've met
Ray in the past, I don't know if
you've met Jeff Hunt. He came to
us a year and a little bit ago from
NYPD to be our assistant
commissioner for Enforcement, and
the astounding productivity of our
folks in that time, in that year's
time is due in no small measure to
Jeff's energy and calm yet firm
management style.

So at this time, I would
like to ask Deputy Commissioner
Scanlon and Assistant Commissioner
Hunt to accept this plaque.
We have hanging in Woodside, Commissioners, I'm sure you've noticed it last time you were there, a plaque commemorating the record month of seizures.

Ray, when was that plaque for?

MR. SCANLON: It was January 1998.

CHAIRMAN YASSKY: In January 1998 the TLC Commission gave the enforcement folks a plaque because they did such a bang-up job on the Enforcement. We have now broken that record for the most seizures in a month, and there will be a new plaque hanging in Woodside.

You know, this is not built for me to walk down there, so can you guys come over here, and I will give you this plaque? Or maybe it's not built for that either -- oh, all right.

Thank you very much.
MR. SCANLON: Thank you, sir.

CHAIRMAN YASSKY: Thank you, Assistant Commissioner.

MR. HUNT: Thank you.

CHAIRMAN YASSKY: Please ensure that that is hung up solidly on the wall so it doesn't fall.

MR. SCANLON: We will, thank you. (Applause.)

CHAIRMAN YASSKY: That will be Instagramed out promptly.

Truly, I think it is having an impact. You know, like any kind of -- like a lot of other Enforcement things, you don't eradicate the bad behavior overnight and you don't eradicate it at all completely, but I do believe that we are having an impact.

Okay. Last, but not least, -- I think we're really ready to start business, honestly. I don't
need to take up your time with a whole series of litigation updates, but I can summarize by saying, all our litigation -- as Abraham Lincoln said, The progress of our attorneys upon which all else chiefly depends, I'm sure the progress is as satisfactory to you as it is to me.

That's a slight paraphrase, but that's basically what he said.

Shall we begin our business now? The adoption of minutes. Commissioners, before you are the minutes of the February 21st, 2013 Commission meeting. I move that we adopt those meetings as printed.

All in favor, say, aye.

(Chorus of ayes.)

CHAIRMAN YASSKY: Opposed, no.

(No response.)

CHAIRMAN YASSKY: The February 21st meeting minutes are
We have a series of base applications, and we have Director Tormey.

MR. TORMEY: Hi, good morning. My name is Chris Tormey, director of Applicant Licensing at the Taxi & Limousine Commission.

This month we have five new bases for approval and 27 renewals.

CHAIRMAN YASSKY: I move that the bases listed here on the documents be approved and the new base be approved and renewal applications also be approved.

All in favor, say, aye.

(Chorus of ayes.)

CHAIRMAN YASSKY: Opposed, no.

(No response.)

CHAIRMAN YASSKY: Thank you, Chris. Your recommendations are adopted.

MR. TORMEY: Thank you.
CHAIRMAN YASSKY: We now have a brief -- before we get to the rules before us, Commissioners, it's been six months since we began service with our Accessible Dispatch Program, a program that enables wheelchair users to call 311 and have one of the wheelchair-accessible taxis sent to get them. I asked the staff to report back to us on the six-month period on the progress of that, and you will now hear that report.

MS. DAVIDSON: Good morning, Commissioners. My name is Cindi Davidson, and I am the director of Policy and Governmental Affairs for the TLC.

I'm excited to update you on the Accessible Dispatch Program, a city-sponsored service that enables wheelchair using passengers to request an accessible taxicab to pick them up anywhere in Manhattan.
This presentation is an update for you, and there is no vote associated with the presentation.

As you can see from the map on the screen, this is a map of all the pickup locations that Accessible Dispatch performs service. From the map, you can see that Accessible Dispatch provides service in parts of Manhattan where even nonaccessible taxicabs are scarce.

The program has been up and running for six months, and I have a lot to share with you about the program's performance.

CHAIRMAN YASSKY: And I'm sorry, Cindi, just if I can interrupt to remind the Commissioners, of course we debated this and voted, as you recall. This is a program that we initiated by a vote of the Commission, not six months ago, but sometime before
that. I don't recall exactly when, but it has been in operation now for six months just so -- if you were thinking back.

Cindi, please.

MS. DAVIDSON: Thank you, Commissioner.

Before I get started, though, I would like to introduce the team that makes this program possible. First, I'd like to introduce Bill Scalzi and Isabelle Scalzi from Metro Taxi, the selected vendor who operates and administers the Accessible Dispatch Program.

Thank you, Bill and Isabelle.

MR. SCALZI: You're welcome.

MS. SCALZI: You're welcome.

MS. DAVIDSON: I would also like to thank the team of the TLC, Deputy Commissioner Ashwini Chhabra, Deputy Commissioner Allan
Fromberg, Cheryl Aleo (phonetic),
Adrian Gonzalez, Patrick Schway
(phonetic), Seth Melnick, Jake
Nussbaum. We wouldn't be where we
are today without this team. So I
want to thank them as well.

CHAIRMAN YASSKY: This is my
last interruption. I will add to
that that we should also thank and
acknowledge our industry partners.
As you recall, this initiative is
funded entirely by the medallion
owners. Each medallion owner was
assessed a fee, and I think Cindi
will give you the numbers, so there
are no tax dollars going into this.
This is paid for by the medallion
industry.

MS. DAVIDSON: So there's a
lot of stats to share on the
report, but first let's just go
over the program and the milestones
that we've reached.

As Commissioner Yassky
mentioned, we first tested Accessible Dispatch as a demonstration project over the course of two years, from 2008 to 2010. From the demonstration project, we learned that there needs to be more advertising and outreach to let the public know about the program.

In addition, driver participation should be mandatory and drivers should receive compensation or payment for the distance traveled to the pickup location. Both of these elements were incorporated into the program and, you will see in later slides, have made the program much more successful than the demonstration project.

Back in December of 2011, the Commission approved rules for Accessible Dispatch. The program is financed through a
taxi-accessibility fee that is paid
by each medallion owner. The fee
for year 1 is $98 per medallion and
the fee for year 2 is $54 per
medallion, and we are on track.
Letters for the year-2 fee are
being sent to medallion owners now.

This past September, the
program officially launched with
the participation of successful
medallion owners, fleets and
drivers. And in just six short
months, the program surpassed the
number of trips provided during the
entire two years of the
demonstration project. The
demonstration project completed
5,828 trips in two years.

Accessible Dispatch reached that
very same number on March 12th.

So what is Accessible
Dispatch and how does it work?

Accessible Dispatch matches
wheelchair users to accessible
taxicabs, and customers may request a pickup anywhere in Manhattan. Metro Taxi operates the on-demand service which is available to customers any time of the day, every day, year-round. Because we know some passengers like to plan ahead, advanced reservations are also an option, but not necessary. What's important to know is that this service makes wheelchair-accessible cabs available to the customer at no extra charge. Passengers pay the standard meter fare, and the meter does not start until after the passenger is secured safely in the taxicab. Once secured in the vehicle, the passenger may request a destination anywhere yellow cabs operate. Now I'm going to go through the steps that passengers take and that Metro Taxi takes when
dispatching a trip.

The first step, customers can request a taxi to pick them up anywhere in Manhattan five different ways. Since Accessible Dispatch is a safety-sponsored program, customers can also call 311 and be directed to Accessible Dispatch. However, the most popular methods are to call Accessible Dispatch directly or use the Wheels on Wheels smartphone app, pictured here in this slide. In recent weeks, 82 customers called Accessible Dispatch directly and about 17 percent of customers booked through the app.

After the customer submits his or her request, Metro Taxi assigns the trip to the closest available taxi using GPS technology and dispatch equipment that is installed in all 233 accessible taxicabs. The driver in the
closest available taxi then accepts the trip request and proceeds directly to the pickup location. Drivers may not pick up fairs along the way. Depending on the distance traveled, drivers receive $6, $10 or $15 for each dispatch trip in addition to the meter fare.

After the driver accepts the trip request, the customer receives confirmation that a taxi was identified and is on its way. It is then the passenger's responsibility to be on the curb ready to ride. All the drivers are required to wait for the passenger for up to 10 minutes. Once the customer arrives, the driver assists and secures the passenger safely in the taxi. After that, the passenger is ready to ride and the meter is engaged to start the trip.

Now that we've reviewed how
the program operates, I will discuss trip statistics for the first six months of the program.

In this chart, you can see how the program compares to the demonstration project. The three columns include statistics for March of this year, then the first six months of the program, September to March, and the two-year demonstration project, which took place between 2008 and 2010.

Average weekly completed trips has increased significantly. In March, we completed 392 trips each week on average, which is much higher than the six-month stat, and does not even compare to the two-year demonstration statistics. I'm also happy to report that Accessible Dispatch completes more than 50 trips per day compared to just eight trips per day during the
demonstration project. These numbers are higher because we advertised the program, but more importantly, the program works and is changing the way wheelchair-using passengers can experience the city. On its busiest day, which happened to be March 12th, Accessible Dispatch provided 96 trips.

In recent weeks, the program has been averaging a passenger wait time of 13 or 14 minutes. We are still not satisfied with the time it takes to get a taxi and we will continue to find a solution to decrease the wait time. We are very aware, wait times could go up as customer demand grows, and the answer is simple: We need more accessible taxicabs. Once we have more, the wait time should be less than five minutes.

Now let's talk about how
many customers have used the program. In the first six months there were a total of 1,432 unique users. Over half of these are repeat customers, and about 20 percent have already used the service more than five times, suggesting that customers are finding this to be a useful and quality service. However, you will also note, there are more than a thousand customers who have tried the old program, but have not tried the new service. Therefore, we have not reached peak usage.

This chart shows customer demand in blue with average completed trips per day. On the left, you can see that when the program first started, we averaged 16 trips per day. Now six months into the program, we are averaging over 50 trips per day and as many as 96 trips in just one day.
Now let's see how that compares to wait time. The line in red is average wait time. The scale on the right shows wait time minutes. On the left, you can see that when the program first started, passengers waited more than 20 minutes, especially in the first month. Now that drivers are more familiar with the program and understand how it works, passengers are waiting less and wait time has decreased, and now takes 13 to 14 minutes for a taxi to arrive at the passenger's pickup location.

Now we're going to look at those two charts together and see how average completed trips compares to average wait time. Remember the scale on the left in blue represents the number of trips, and the scale on the right in red represents wait time in minutes. Wait time continues to go
down as passenger demand goes up.

Now I'd like to provide more context because there were some major events that took place during the first six months of the program. The first would be Hurricane Sandy, October 28th. The program continued to provide service during the days before and after Hurricane Sandy. While there were fewer requests for trips each day, the taxis that were on the road responded to trips quickly. Passengers were picked up within 20 minutes of calling a taxi, and we think this is pretty good considering the weather conditions and the limited transportation options available during that time.

The second milestone I would like to highlight is the date Metro Taxi started running ads on the popular commercial radio stations, 1010 WINS and WCBS-AM 880. The ad
campaign ran from January 14th to February 25th, and I've marked where it starts on this chart. The third event that took place was the school bus strike. The program was used to help transport children to and from school.

The fourth event is when we started the on-street advertising campaign, which I will get to in a few slides, and this began on February 11th. And the fifth event, I've already mentioned today, March 12th. This is the day Accessible Dispatch matched the total number of trips completed by the year-2 demonstration process, and that was 5,828 trips.

The previous charts showed average wait time. Let's dig a little deeper to see how long it takes for a taxi to arrive at a pickup location.

In recent weeks, 80 percent
of customers are waiting less than
20 minutes for a taxi to arrive at
their pickup location. More
importantly, 45 percent of
customers are getting a taxi in
less than ten minutes after they
make the request.

However, there are instances
of customers who wait more than
30 minutes for a taxi or don't get
service at all, and this is a
problem. We are continuing to work
with Metro Taxi to decrease wait
time and provide excellent services
to all customers.

Now that we have reviewed
the latest trip statistics, I
wanted to share our outreach
efforts to-date. We learned from
the demonstration project that we
need dedicated resources for
outreach and advertising. As part
of the contract with Metro Taxi,
$320,000 of the budget for year 1
and $196,000 of the budget for year 2 is dedicated to outreach advertising.

Since the launch, some 50 original media stories have been published about Accessible Dispatch, and these are shown here. The program is also featured in the following news publications and disability magazines such as Paraplegic News and New Mobility.

Earlier this year, we advertised the Accessible Dispatch Program on 60 kiosks and bus shelters throughout Manhattan. The poster-size ads were located on sidewalks across Manhattan where the program operates. I have seen several myself. I saw one on the Lower East Side, one on the Upper East Side, and one right outside of Mount Sinai Hospital.

We will also be working with Metro Taxi to distribute palm or
postcards at strategic locations to help get the word out about the program. Here is a picture of the palm card or postcard that Metro Taxi is currently designing. The card will be in English on one side and Spanish on the other.

I hope you agree that Accessible Dispatch is providing a much-needed service to wheelchair-using passengers. But we are not done yet, not even close.

Anecdotal evidence suggests that many wheelchair users are still unaware of this program. Outreach is crucial and we plan to let more people know about this program through paid advertising including advertising at airports, major transfer hubs, and palm card distribution via hotel concierges, senior centers, hospitals and major transit hubs. We will continue
working with Metro Taxi, fleets, drivers and passengers to increase driver participation as well.

Since this is a new program, there are definitely kinks that we need to work out and we cannot do this alone. In the last six months, we have held four training sessions for drivers to bring them up to speed on how the program works. At these sessions, we also listen to drivers to tell us what is working and what isn't working about the program in order to get timely constructive feedback.

In January, we set up a driver hotline so they could reach the TLC dispatch team to provide feedback or bring up issues. We are also working with Metro Taxi to hold drivers accountable and monitor driver participation. When necessary, we will also summons drivers for refusing service for
Accessible Dispatch trips as these trips are mandatory and not optional.

CHAIRMAN YASSKY: All right. I think we've pretty much covered the whole content here. Is there anything else you want to add?

MS. DAVIDSON: There are two more points to add.

CHAIRMAN YASSKY: Go for it. Very briefly.

MS. DAVIDSON: The other factors that affect passenger wait time -- and we are also going to work on decreasing passenger wait time. We think the level of service with 233 accessible cabs is not feasible as customer demand grows.

In closing, in order to provide excellent service, and we are not there yet, we need more accessible cabs on the road. We are hopeful and optimistic that the
five boroughs' tax legislation will be of help, which will add 2,000 accessible cabs and provide 3,600 wheelchair-accessible borough taxis to service areas where yellow taxis are scarce.

Thank you for your attention on this matter. I am happy to answer any questions that you may have.

CHAIRMAN YASSKY: Thank you.

MR. AROUT: I just want to thank you for an excellent job. As you know, I'm a Staten Island Commissioner. We have no cabs on Staten Island. Maybe we can work something out with the companies on Staten Island to hire vehicles to maybe insert something like that in one particular cab service that we can use.

As of now, I'm sure no one is going to come from New York or Brooklyn, a cab, to take care of an
accessible person on Staten Island. So maybe you can do something on that end. Thank you.

CHAIRMAN YASSKY: I'm glad you raised that, Commissioner. I was going to address that myself. And Commissioner Weinshall, during the presentation, asked me a similar question. She said, wait, this is only in Manhattan.

One of the problems that we saw with the demonstration project on this that is remedied here, and I think is one of the keys to the success, the demonstration project purported to offer service throughout the city. And the day it started, I think, it was evident that that was not going to work. The yellow cabs were simply not going to go to Mill Basin, to Staten Island to pick people up if they're in Midtown Manhattan. And so trying to fight that reality
killed the demonstration, and in my view, the single biggest problem.

We wanted to set up something that would work and would deliver service so that people in wheelchairs would get the same yellow taxi service that someone else can, and that means, within, really, Manhattan, because that's where the yellow cab service is available.

Now, saying that -- and I think that we have not fully succeeded yet, but not just turn a corner, but really, night and day. I mean, six months ago, a wheelchair user had no access to the system, effectively. Today, 13-1/2 minutes, not good enough, but in terms of, if this is where it started and this is the goal (indicating), I'd say, a lot more than halfway. But that's Manhattan.
And I want to underscore, most wheelchair users in New York City, like most people in New York City, live outside of Manhattan and still have absolutely no access to wheelchair-accessible services.

I really urge you, and I will send around a link, Commissioners, it's six minutes maybe, a video document that was made and produced by The New York Times, and it's on their website, and I'll send you a link to it, just illustrating the painful impossibility of somebody in a wheelchair in Brooklyn to get to where they're going. And that is, you know, that's an ongoing disgrace.

You recall that we -- when we put forward the proposal for this service, we originally had a proposal for both yellows and for the FHV sector. We were able to
consensus and we move forward on
the proposals for the yellows, and
your work here is really hard.

FHV was, first of all, we do
not have consensus, and second of
all, we were also, at that time,
starting to get some traction on
the broader borough plan, which
does solve this problem. The
borough plan, which, as you know,
20 percent of the borough taxis all
of which have to be affiliated to
bases have to be wheelchair
accessible.

So when that finally goes
forward, and that will be resolved
by the Court of Appeals in the next
six weeks, eight weeks, when that
goes forward, there will be 3600 --
fully deployed 3600
wheelchair-accessible cars serving
the boroughs all affiliated with
bases, which means that 311 can
direct you to one of those bases or
people in wheelchairs will know
which bases have those cars
affiliated. That is how we will
solve the borough problem.

Anyway, so that's the
history there. Thank you and good luck.

MR. AROUT: Thank you.

MR. GONZALES: I'd like to say thank you very much for the
presentation and the effort overall for the program to-date. I look
forward to the service standards and improvement and taking a look
at the wait time decreasing over time. I'm confident that you guys are able to -- are going to pull that off.

CHAIRMAN YASSKY: So, 231 cabs. I think what we can conclude now, definitively, is, we are not going to get the wait times we want with 231, period. We can get maybe a little further with Metro Taxi
folks and the industry folks, you know, we've been working and we still have -- they still sometimes have to go through three or four. So they ping somebody, driver doesn't respond, so they ping the next, ping the next. We didn't want to be overly heavy-handed at first. We are now summoning drivers who get pinged and do not respond, because that's a service refusal. And I think we've seen that have an impact already. But even if we do that, the reality is, the demand is going to keep growing, right?

So the progress we've made on wait time, there's probably not a lot of room to go. We may even backslide once that demand goes up, so we've got to get those 2,000 cabs on the street. That's the only way we are going to get the wait time that we need.
MR. GONZALES: Yes, I agree, because I remember the discussions around just trying to gauge what the demand is. It was pretty taxing on the demonstration program. But given the results of this program, it does suggest that demand is there and demand is increasing.

CHAIRMAN YASSKY: All right, Cindi. Thanks so much.

MS. DAVIDSON: Thank you.

CHAIRMAN YASSKY: Okay. We have two pieces of rule business. First is a proposed rule on retirement extension.

Meera, are you going to describe this?

MS. JOSHI: Before the Commission are proposed amendments to the TLC retirement rules, which were given an automatic one-year extension to any taxicab whose fixed retirement date is between
April 1st, 2013 and the launch of the Taxi of Tomorrow. The rules were published in the city record on March 15th and the comment deadline was April 17th. Two comments in support of the rules were received.

Today we will hold the CAPA public hearing, after which Commission members will vote on the proposed rules as it appeared in the city record.

I don't currently have anyone listed to speak on the retirement extension rules.

CHAIRMAN YASSKY: I'm not surprised by that. Commissioners, just very briefly, we agreed in a litigation settlement, but it was a good idea, with the Metropolitan Taxicab Board of Trade over a year ago to promulgate this rule. The idea was that owners who wish to -- who were said to retire in the
months before the Taxi of Tomorrow
goes into production can defer
their retirement if they wish to
wait until the Taxi of Tomorrow is
there. I think it's a good idea
and over and above the litigation
settlement.

So I recommend that we adopt
it. I'm not surprised that there's
no one speaking, because it has not
been controversial.

MS. JOSHI: Okay. If there
are no public speakers, we'll go
straight to the vote.

CHAIRMAN YASSKY: Are there
are questions?

(No response.)

CHAIRMAN YASSKY: Okay.

MS. JOSHI: All those in
favor, please raise your hand.

(Show of hands.)

MS. JOSHI: So with a vote
of five in favor and none opposed,
the rule is passed.
CHAIRMAN YASSKY: Okay. We now have a second package of rules. Meera, will you describe these as well.

MS. JOSHI: Before the Commissioner are proposed rules to amend the TLC fare and lease cap rules as they affect fleet leases, DOV leases and all leases.

Amendments affecting fleet leases are as follows: Clarifying that fleets are not required to offer a weekly rate to drivers who actually lease on a daily basis; clarifying that fleet lessors and drivers leasing fleet vehicles on a weekly basis can agree that the driver will be liable for damage to the vehicle caused by the diver's negligence and that the lessor will refund to the driver any insurance proceeds received; clarify that fleet drivers can be charged a $25 per hour late return fee.
Amendments affecting DOV leases are as follows: Amend provisions on collision coverage for DOVs to allow agents and lessors to impose a $250 per week deductible; amend provisions on permissible additional charges to provide that drivers leasing only medallions or drivers leasing in a DOV model can be charged a late fee of $50 per each weekly payment paid late; amend provisions requiring that the lease payments be prorated when a vehicle is unavailable to clarify that they do not include when the vehicle is being inspected or must be repaired because the leasee failed to properly maintain it; clarify that the driver and the lessor can enter into a medallion-only lease instead of the medallion-and-vehicle lease, the all-in lease, when the driver has a separate arrangement for purchase
of the vehicle as long as the
lessor does not have a 2 percent or
more interest in the entity selling
or financing the vehicle.

And proposed amendments that
would affect all leases are as
follows: Lease cap rule making
effective in the fall of 2012,
lease caps were increased by $10
per shift and to cover the cost of
credit card processing. Those
costs were shifted from the driver
to the lessor. The proposed
amendment converts this increase to
a $10 per shift credit card
surcharge that is reevaluated twice
a year. Allow lease agreements to
hold drivers liable for owner
summons for unlicensed
drivers and missed inspections.
These summonses are generally
issued to both the owner and the
driver. Reduce penalties for
retaliation from $10,000 to $1,000
plus restitution for the first
offense and a fine of $10,000 plus
restitution to the driver for the
second offense within five years.

Some additional changes to
the rules are to replace a
provision requiring reports every
two years on the fare and lease cap
issues with a requirement that a
public hearing be held every two
years. Update marking requirements
to fully reflect previously passed
fare and lease cap rules and a
technical amendment to the agent
rules relating to credit card
surcharges to conform them to
changes in the related lease cap
rules relating to the credit card
surcharge.

The fare and lease -- the
proposed rules were published in
the city record on March 7th and
the comment deadline was April 8th,
but the TLC continues to accept and
review comments. Today, pursuant to CAPA, we will take public testimony on the proposed rules, and the Commission action is scheduled at the following Commission meeting held in May, tentatively May 16.

CHAIRMAN YASSKY: Thank you.

I know there are a number of speakers, so let's begin that. But before we do that, let me just frame it how I see these rules.

First of all, I support this package of amendments. I'm going to give you a frame for why we're dealing with these now.

You will remember that we adopted a package of fare and lease cap changes some time ago, in September of 2012. And to be honest, while we did engage a fair bit with stakeholders, I think the engagement with the medallion owner side wasn't as productive as I
would like, as it could have been, and I would like for it to have been. I think there were a number of the medallion owners who felt that the whole package -- who just opposed that package at the time. We did not, therefore, get in -- and opposed it in kind of a threshold manner. So we did not really get into many of the details of what we adopted with the medallion owners.

Subsequent to adoptional rules, we were able to have productive discussions with some of the medallion-owner community, and they made a number of arguments about some of the details of what we passed then that I think are persuasive. And had we kind of been exposed to those arguments at that time, I would have put them forward as part of the original package. So here we are revisiting
this now some six months later.

Those productive discussions were occasioned by litigation, and we entered into a litigation settlement with the Metropolitan Taxicab Board of Trade in which we committed to promulgate these rules. And I promulgate them pursuant to that, but believing that they're a good idea and recommending their passage.

So with that frame -- and further, I want to note, I know that there are a number of speakers signed up from the New York Taxi Workers Alliance, and I know that beyond the ones who are signed up, there are several dozen who are still outside the building, correct me if I'm wrong. Apparently building security felt that there were just too much -- you know, not "felt," but the building, our room here is at its limit and building
security has held a number of additional people who, I gather, would wish to testify downstairs outside the building.

I guess, I would just assure the members of the Taxi Workers Alliance who are here that Commissioners understand that the people who are speaking speak not just on behalf of themselves, but on behalf of many, many other drivers who would also participate.

So with that, the first person who signed up is Richard Thaler, and the second speaker signed up is Ethan Gerber.

And given that there are many speakers signed up, we will limit each speaker to two or three minutes.

MR. THALER: Richard Thaler, OMN Gateway LLC.

"While it was stated that the proposed rules, quote, 'change
how credit card charges are paid
and implement a surcharge payable
by a driver coupled with a lower
lease cap,' the Commission's TPEP
rules are in violation of Visa and
MasterCard rules for merchants as
applied to taxi lease driver
independent contractors.

"The current TPEP rules for
merchants would have been valid
only until 1979 when the horse
hiring switched to independent
contracting leasing. Under the
Commission's definition of
"merchant" in Chapter 51, and the
Taxi Services Rules, Chapter 58,
the TPEP rules prevent lease
drivers from becoming merchants for
credit and debit card fare payment.

"However, Visa and
MasterCard rules referenced below
require that it's the, quote, 'bona
fide' business of the person or
entity that is the seller of
products and services to a cardholder customer that must be the merchant. Under a drivers' lease, the cardholder passenger is a customer of the driver. The one exception referred to as a sub-merchant in these rules, in the Visa/MasterCard rules, does not apply to lease drivers since the driver revenue exceeds the limit for a sub-merchant under Visa/MasterCard rules.

"Then, under Visa/MasterCard rules, a lease driver merchant has the right to select their Payment Gateway and an Acquirer Processor in good standing as a member service provider, MSP, of MasterCard and Visa for transacting credit and debit card fare payment. Therefore, all fare payment transaction data and payment card track data presented by passengers to the TPEP vendors' installed card
reader hardware must be securely routed by the TPEP vendor at the lease drivers' request to the drivers' Payment Gateway for authorization and settlement by the drivers' MSP. This is standard card payment card industry practice.

"Therefore, each TPEP vendor must be required under the TPEP rules to install the lease drivers' Payment Gateway API for transaction routing based on the drivers' login ID and TLC license number. In meeting their responsibilities under MasterCard/Visa rules to the fullest extent possible under TPEP rules, lease drivers have already begun becoming first data merchants under the appropriate merchant category codes, MCC.

"Until this TPEP rule violation of MasterCard/Visa rules for merchants is corrected, it is
estimated that under the current 5 percent rule, lease drivers are forced to pay an estimated, additional surcharge of $100 million annually. It should not come as a surprise that if the TPEP rule for lease driver merchants is not corrected, lease drivers could be seeking compensation."

The next comments pertain to a proposal replacement. I'm not going to recite them because you have the text, but I should say that they propose a replacement to the lease cap. And the purpose of this replacement is so that you have an explicit delineation of the compensation due all parties to the lease, which the lease cap payment cannot achieve. And it's explained in the text, so I don't have to repeat that.

Thank you for your time.
CHAIRMAN YASSKY: Thank you.

Mr. Gerber, followed by

Osman Chowdhury.

MR. GERBER: Good morning, Commissioners. I'm Ethan Gerber from the Greater New York Taxi Association.

As the preamble to this rule states, it was brought about because of a stipulation resulting from a lawsuit against the Commission, one of many, that have become necessary in recent years to get a good-faith hearing. It's a shame that it takes court activity to get our concerns addressed.

These proposed rules call for periodic public hearings to review these lease caps, the rate affair and the newly proposed credit card processing charge. The concept encouraged -- but the proposed rules should be amended right now to require that a public
hearing be a real public hearing by
the actual decision-makers.

The idea of a public hearing
is that the decision-maker has as
much information as possible. A
staff report is not a substitute
for that. That is, a public
hearing must be before a quorum of
the Commissioners to be actually
present for the entire proceeding.

There has been too many
instances where a public hearing
takes place where no member of the
Commission is present, or only one
member is present, sometimes only
an agency staff person is present.
Sometimes the hearing is scheduled
late on a Friday afternoon, and
junior-level staff are present. I
have been at such hearings where
the staff didn't even take notes.
It's pure and simple a sham, as
effective as a lawyer summing up
while the jury's on a recess.
Although the Commissioners received staff reports, it is prepared by someone who probably wrote it and is advocating for or against the proposal. It is often heard from Commissioners that some of the point was not brought to their attention. It is impossible when they're not present. Instead, voluminous documents have been delivered to each of you a few days before vote.

Many of you have conceded both privately and publically that you do not have time to wade through all the materials. Even if the materials offer key facts, staff did not tell you, for example, that the Taxi of Tomorrow violates administrative code section 19-533, which was sponsored by the Chairman and passed by the City Council on December 6th, 2006 and signed by Mayor Bloomberg on
December 18th, 2006. The letter by Speaker Quinn and Transportation Chairman Babka against it were delivered a month after it was sent and buried in an avalanche of papers literally delivered hours before the vote.

As presented, public hearings are only window dressings. They should be full Commission. I believe also there's a drafting flaw in the proposed rule 58-21(c)(1). This, I will just sum up this rule. This rule basically says that while drivers may be responsible in certain conditions for the damage to the vehicle and they may have to pay for it, any insurance money recovered would have to be paid back. That's fine in concept, it's not how deductibles work.

As anyone with insurance knows, the deductible is usually
last to come back or prorated to
come back. So in other words, if
there's a, let's say, one-third
recovery, and the court finds that
the driver was two-thirds
responsible, under these rules, all
proceeds would have to go back to
the driver even though the owner
ate most of damages. It should be
prorated the same way any other
deductible is prorated or it should
be returned on a last-serve basis
the same way every other deductible
is served. That, Mr. Chair, is
under rule 58-21(c)(1). I
understand the intent, the intent
is good, but it needs to be fixed.

These proposals are a step
in the right direction. The fact
that there are so many people,
drivers, who are lined up
downstairs is a testament that they
agree with us that the revenue
generated from credit card is going
up, or they wouldn't be concerned 
at all.

THE PEOPLE: Liar. Liar.

MR. GERBER: The credit card 
use has gone up, it continues to go 
up, and that is why you're against 
it, otherwise they wouldn't be.

THE PEOPLE: Liar. Liar.

MR. GERBER: Okay. They'll 
tell you. The point of the matter 
is --

CHAIRMAN YASSKY: Points for 
creativity.

MR. GERBER: The point of 
the matter is --

FEMALE VOICE: You don't 
speak for drivers.

MR. GERBER: Okay.

The point of the matter is 
that credit card use continues to 
go up. All this does is put online 
what the TLC said it was trying to 
do when it passed the rules the 
first time, which was to create a
parity and create a situation that
will stay the same and lock in a
certain rate. If credit cards are
continued to be used the way it's
going up, it will not have that
parity. That's what it is intended
to create.

My only suggestion on the
rules so far is that, first, it's a
real public hearing held before
actual Commissioners, like this
one, and not one of the Friday
afternoons -- you, Mr. Chairman,
haven't done this as much as your
predecessor did --

CHAIR YASSKY: I was going
to say.

MR. GERBER: -- but we've
literally had public hearings on
summer Fridays in August at 4:30
designed not have anyone show up.
The Commissioners don't know
because they weren't there. Only
us, only a person from the TLC
would be there, usually not even
taking notes. We have to have full
Commission hearings.

The other thing is, the
deductible has to be fixed to
reflect an actual deductible as
normal insurance practices.

Thank you.

MALE VOICE: Pathetic.

MR. CARONE: Mr. Chairman,
just a quick comment.

CHAIR YASSKY: Yes, please.

MR. CARONE: Mr. Gerber, I
just ask, first of all, full
disclosure, Fridays in August, I
will not be there, so --

CHAIRMAN YASSKY: He's
already beginning to lay the ground
work for not being here on a Friday
in the middle of August.

MR. CARONE: I ask for a
follow-up letter regarding your
comment on the deductible on how
you envision it working on a
pro-rata basis so I have more information on that. We don't have the time here now, but a follow-up would be helpful.

MR. GERBER: Absolutely.

Thank you.

CHAIRMAN YASSKY: The next speaker is Osman Chowdhury followed by David Pollack.

MR. CHOWDHURY: Good morning. My name is Osman Chowdhury and I am a member of --

MR. FROMBERG: You have to go slow.

MR. CHOWDHURY: Okay.

-- United Taxi Driver Association.

I'm very --

CHAIR YASSKY: I'm sorry. Do you have the written or do you not?

MR. CHOWDHURY: No.

CHAIR YASSKY: Okay. I would just say, again, I appreciate your diligence and attention to our
issues. The last hearing, or the one before, when you had a written statement, I found it awfully useful.

MR. CHOWDHURY: Last morning, I wake up and didn't --

CHAIR YASSKY: Okay.

Understood. Please continue.

MR. CHOWDHURY: (Inaudible)

After the hearing, Commissioner, what I just said.

When I got in an accident, I had to pay the insurance because the rental -- the rental cars -- last 15 years, we driving the car, we never have seen that. (Inaudible) because how -- like, after 8 years, there was a decent living. All the newspapers broadcasting publicly, but now this isn't (inaudible) all the (inaudible) making money, and millions after million dollar damage don't get any money enough,
the business making money. The 12-hour shift we are working, why? They making a million -- a $2 million, why do we work the 12-hour shift?

And also, the car is (inaudible) it's hybrid -- three years to determine, but they do a hybrid (inaudible) car. The car, lots of drivers, but we can't drive. (Inaudible) broken car. Too dangerous. This is no good. (Inaudible) my car got into accident. This car is having problems, the driver working 12-hour shift, road not good, car is no good (inaudible). 2001, my car is (inaudible) who is liable for that kind of things? The driver is not going to pay the insurance. And this is the situation.

And also, our government, president talking, our mayor, our
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governor, our president, how many
people going to fight? But who we
can see, who is on our side who
don't want to pay anything
(inaudible). Even garages,
(inaudible) increase our leases,
1,000, what is --

MR. FROMBERG: Slow down
please.

MR. CHOWDHURY: That
happened intentionally. They can
do -- the president -- how many
medallion they took the driver?
They don't -- even the retaliation,
that's what they wanted, but
(inaudible) please don't do that
then. What happens with the
(inaudible)? Otherwise, working in
the street. Please. Thank you.

CHAIRMAN YASSKY: Thank you,
Mr. Chowdhury.

David Pollock followed by
Steven Bulatowicz.

MR. POLLOCK: Good morning,
Mr. Chairman, Commissioners.

On behalf of the Committee for Taxi Safety, we believe the proposed regulations regarding lease caps and fare increases both need to be modified to ensure that they are fair for all segments of our industry and to ensure that all stakeholders are protected.

We have also submitted written comments that fully address our concerns. It appears that the Commission continues to sanction income disparity between the shift segment of the industry and the rest of the industry. As examples of proposed regulations, one, deduct $10 from all shifts or $120 per week for weeklies and DOVs, but deduct only $9 per shift, the Thursday, Friday and Saturday night shifts, giving the shift segment a dollar per shift increase for each of those three shifts.
Two, allowance for late charge of $25 per hour for late payments for a shift segment to the industry, but only a one-time late charge of $25 for the weekly, the DOV segments in our industry no matter how late the payment is made.

The disparity in late charges to the different segments of the industry has exacerbated as the proposed regulations give the shift segment of the industry the right to charge approximately 18 to 22 percent late charge per hour depending upon which shift in comparison, and less than 2 percent one-time charge for a late payment of a DOV vehicle and medallion.

Four, the credit card charges for the weeklies and DOV segments of our industry are $120 per week in comparison to the shift segment of our industry, which is
$10 per shift, or $140 per week, giving the shift segment of our industry yet another increase of $20 per week more than the rest of the industry.

The Commission's proposed regulations that credit card usage for shifts under seven hours should not be counted is arbitrary and will result in an inaccurate review. All driver shifts should be counted, regardless if they're less than nine hours or not.

The proposed regulation also for the drivers' agreement to pay for damages to the vehicle will remain in effect for only so long as a driver is leasing a medallion from the owner or agent. That regulation needs to be changed to survive termination of the lease if the damage occurred while the driver was leasing the vehicle.

Additionally, TLC
regulations limit agents to charging for the vehicle for a maximum of three years. Given a choice between purchasing a new car or a used car with perhaps 100,000 miles or more, and that car may have been involved in an accident, what driver would not select a new car if the driver has to pay the same amount of money for both cars?

We also believed that TLC is imposing its vision of how the industry should operate by capping weekly charge on the deductible for collision contracts. Because repair contracts are optional, the TLC should not regulate repair costs especially if the driver does not believe that the value of the services provided are worth the cost. Let the marketplace decide.

And finally, the Commission has proposed increasing fines for retaliation against drivers.
However, definition of what conduct the violation is in this regulation is unclear and should be better defined, whether drivers or agents. In summary, we believe these rules need to be modified so that all segments of the industry and all stakeholders are protected and protected equally. Thank you.

MR. GONZALES: I have one quick question. You mentioned about the late fee difference. In your experience, what percent of the DOV drivers do you see is this an issue?

MR. POLLACK: It's an issue with times and there's --

MR. GONZALES: What percentage, though?

MR. POLLACK: I don't have a statistic as far as a percentage, but I know that if you have a bill to pay, you need some type of incentive to pay it on time.
MR. GONZALES: I'm just trying to find out whether this is significant or not.

MR. POLLACK: I think the point is, it's unfair. We're saying that -- it's two sets of rules here, and it should be the same.

MR. GONZALES: Okay.

CHAIRMAN YASSKY: I understand your point, Commissioner, I would add to that that it's also really a different phenomenon in that if the fleet driver brings back the car late, that's a problem. If they bring back the car late, then the next driver isn't going to be able to go out.

In the DOV situation, what we're talking about is late payment of their charge. So it's not the same type of harm.

I'm sorry, okay. Steven
Bulatowicz followed by Bhairavi Desai. Perhaps we'll proceed directly to Ms. Desai, Mr. Bulatowicz is not here.

(Applause.)

MS. DESAI: Good morning. I am the executive director of the New York Taxi Workers Alliance, and Commissioners, I would like to inform you that in the overflow room there are over 50 drivers that are watching this hearing on the big screen. You can actually hear many of them clapping when you're in the hallway. (Applause.)

There are over 50 drivers that are standing outside, we were not able to get everybody up in here. I do just want to say, for the record, we saw many people in suits that were able to get up here, but it seemed to be the drivers that got stomped and were asked to wait.
MALE VOICE: They are in Brooklyn, they cannot come. They are in Queens, they're (inaudible) by the critical driver problem.

MS. DESAI: So we -- it's really, it is unbelievable to imagine, it took us eight years to get a raise. It has taken the fleets less than eight months to come back here and plead poverty to you all.

Please do not believe these lies. These rules are absolutely horrendous. If they are passed, they will be economically disastrous for thousands and thousands of drivers. (Applause.)

MALE VOICE: That is the truth.

MS. DESAI: This is a really hefty rules package. There's 12 different points. I've already presented to you in writing a detailed response to each one, so I
will really try to make this brief, especially so drivers can come up here and testify themselves.

First of all, the rule that says that the repair should be passed on to the drivers, I mean, this is absolutely absurd. You're paying for -- when you lease from a garage, in the 40 years of leasing, garage leases always took care of repairs and maintenance. Drivers who leased from a garage pay at a higher lease than any other drivers in the industry. And the value of that lease has always included not just maintenance and service, but also the repair cost.

And just to give you an idea, if a nightshift driver on a hybrid is paying $141 on the lease, plus $4.77 sales tax, that's $145.77 they're paying in total, plus they're paying for fuel.

Now, the amount of money the
garages are already paying, they have to cover for liability. I mean, there are state insurance requirements here that go beyond the TLC. What they're trying to do is say, in cases where they can hold the driver responsible, that they can make the driver pay for those damages directly.

In other words, in any accident, drivers will have to pay up front for their repairs. It could be that the side-view mirror is broken, which is maybe a couple hundred dollars. We have examples of drivers that are facing bills of up to $11,000. We have a member who got a bill for $16,000. These cars are in short, but the garages don't want the insurance to pay for it when instead they can force the drivers to pay that money out-of-pocket. This is insane. They've already crushed our rights
as workers, now they're seeking to crush our rights, basic rights as consumers.

I mean, this is -- the insurance is already there. We don't get to choose the insurance policy. Many of the garages are self-insured, many of them have their own repair shops. Imagine, if your boss said to you, yeah, I have insurance, but on certain accidents, you're going to pay up front, and you're going to pay me so my mechanic can work on these repairs. I mean, this just reeks of fraud and real economic abuse.

It will cost them, maybe, $2 a shift to have full coverage on these vehicles. Instead of paying $2 out of the 145 that they're collecting from the driver, they would rather put the driver at economic risk and harm and pay up to $16,000 out-of-pocket. That's
completely unconscionable, and we beg of you to not pass this regulation. (Applause.)

For 40 years we have not had to pay for repairs. That should not change. Weekly drivers would -- imagine, you work 12-hour shifts. Imagine when you're a weekly driver, you're working on average six shifts a week. As a result, you'll be charged a weekly rate, which adds up to the six busiest shifts of the week. So one shift, you're supposed to be quote/unquote "credited," and financially, that's how the numbers work out, right? Well, if this rule's passed, what it will mean is that the weekly driver will either have to pay for that seventh shift out-of-pocket, which is an extra $20 per shift for the six days they worked, which, I assure you, members of the Commission is not
small change for a working taxi
driver even with the new fare
rates, or they're going to have to
work a seventh shift.

Would you tell someone you
employ to work seven days of a
12-hour shift? Because that's
basically (inaudible). (Applause.)
Those are the choices. You either
pay out-of-pocket, you lose that
extra income, or you work yourself
to the bone working an extra shift.

I thank you, Commissioner
Yassky, for giving me the extra
time.

The other rules, you know,
on the credit cards, I mean, again,
you just passed regulation where
the market will finally get opened
up. We already know Square has
said for processing, they would
charge 2.75. There are going to be
other vendors coming in that are
going to be charging less in
processing fees. On one hand, the processing rates for the owners are coming down, but on the other hand, with these rules, drivers are expected to pay more. It's completely unfair.

Why would we have to pay more when the owners are getting to pay less? And just because credit card usage -- so the number or percentage of passengers that might be paying the fare using a credit card, you know, just because that percentage might be going up does not mean that drivers are getting some fare increase. It doesn't mean that their overall income is going up, it doesn't mean that their revenue is going up.

Yet, what the fleets basically want is the right of every six months, based on this review of an overall average for that amount, of that lease amount,
to go up automatically. You're rules state that it would be an automatic adjustment. It doesn't even say that there'd be another public hearing to review the impact of raising the lease in relation to the credit card fairs.

What should be done is, if the fleets are not satisfied with the current scenario, then, fine, give up their right to be our merchant account holder. Let drivers choose their own merchant account holder.

CHAIRMAN YASSKY: I recognize that these are serious rules and there are a lot of them and they're intricate, and so there's lots to talk about here. I didn't want to limit you to the three-minute time --

MS. DESAI: Thank you.

CHAIRMAN YASSKY: -- given that you represent the parties in
interest here and there's a lot to
discuss, but at the same time, I'd
ask you to take just a couple more
minutes and cover the most
important points.

MS. DESAI: Absolutely, yes.

$10,000 penalty right now
for retaliation. I mean, the TLC
has a Lease Cap Enforcement Unit.
I'm sure there are prosecutors can
tell you how difficult it is for
drivers to come forward and file a
complaint of an overcharge. We
know firsthand. We've had so many
drivers come to us.

I will be submitting this to
the Commission. It's too bad that
Mr. Gerber left, because one of the
garages in his trade association --
look at this, and I'll pass it
around to you, this is a receipt
that says that the driver is being
charged for the "Health and
Disability Fund." The TLC has not
even authorized that yet. This individual was charged, you know, for that fund. In addition, they were charged $49 for something called the "shift excess fee." This has been going on for years now.

And the late charge that Chairman Yassky was talking about, if the driver returns late to the charge, you're right, Commissioner Yassky, it's the next shift driver that gets penalized. But guess what? The late penalty doesn't go to that next shift driver, it goes to the garage. (Applause.)

And what this particular garage has been doing is charging every driver something called in "shift excess fee." The GPS record will show you, these were drivers who returned to the garage on time at the end of their 12-hour shift. There are already so many rampant overcharges, members of the
Commission, and to reduce the penalty for retaliation from $10,000 to $1,000 makes it even more likely that garages will keep that upper hand and make it more difficult for drivers to come forward and file complaints. And in all my 17 years in this industry, I have never heard of a time where a penalty against a driver was lowered, by the way.

You have another rule, where the owners can pass along certain owners' summonses on to the driver. I mean, if you really want to be charitable, fine, get rid of those rules, but why allow the owners to pass the cost on to the drivers when those rules and those penalties were promulgated? I'm sure that TLC took into consideration the owners' revenue because these were penalties on the owners. So for you to allow the
owners to pass those costs on to
the drivers, it's completely
absurd. It's not fair, and it's
not -- you know, it's not in
principle of when those rules were
first passed and those penalties
were first established.

Lastly, I will speak on the
fact that, you know, the fleets
would like the requirement of the
evaluation of the amount of revenue
necessary to generate a fair and
reasonable rate of return to a
medallion owner. I mean, I don't
even know where to begin. We don't
even understand the legality of
this, certainly not the morality of
it.

I mean, drivers should be
guaranteed a livable income. That
should be within your policy.
(Appause.) That should be the
priority. It is their blood and
their sweat and their labor that
generates that revenue. I'm not saying, therefore, that the fleets and agents are not necessary. I mean, that would be a -- we don't take that position. That would be preposterous. They're in the industry. We all co-exist within this industry, but what you are doing, members of the Commission, if you pass these rules and regulations, you're sending a glaring message to every single driver to every single member of this industry that the fare raise was only meant for us to have a liveable income for basically a couple of months.

And the big fleets with their money and their lawyers can go to court or can go lobbying and they can come in and take that rate right from under our feet. I don't know of any fleet owner that has filed for bankruptcy, but I know
many drivers that live on the edge
of poverty. (Applause.) Please,
think of them.

If these rules pass, it will
be economically disastrous for
thousands and thousands of taxi
drivers, and we ask you to take
pause and reject these rules.

Thank you. (Applause.)

THE PEOPLE: Thank you.

MS. DeARCY: Can I see that
receipt?

MS. DESAI: Absolutely.

CHAIRMAN YASSKY: Is
Mr. Gerber still here?

MS. DESAI: No, he left the
room.

CHAIRMAN YASSKY: All right.
I have some follow-up questions for
him. I ask the staff to look for
him. I would ask that he could be
available.

MR. CARONE: Mr. Chairman,
just a quick question, please.
CHAIRMAN YASSKY: Yes.

MR. CARONE: Ms. Desai, good morning.

MS. DESAI: Good morning.

MR. CARONE: I have a question, and I may have it wrong but a few times this morning, you referenced the drivers that you represent as employees and the fleets as employers.

Are you talking about the traditional employee/employer relationship, whether there's a W-2, or are you really referring to independent contractors?

MS. DESAI: Oh, no, Commissioner Carone. Thank you for the clarification, because I'm very clear that the drivers are indeed independent contractors because they get no employee benefits like paychecks and Social Security contribution and the right to health care and retirement and paid
time off. So we're very clear that the fleets know that drivers are not employees because we have none of the benefits of an employee.

The point that I actually was making, sir, was that for you all to imagine, because I imagine that some of you who have businesses, you do have employees. And so in that relationship where you as a boss control the livelihoods of the workers, in that scenario, it is comparable because the actions of the fleets combined with the regulations of the TLC, that does control the livelihoods of the drivers. And so that's the comparison that I was making.

MALE VOICE: Or you can call us yellow slaves.

MALE VOICE: Slaves.

CHAIRMAN YASSKY: All right.

I'm going to ask, please, people in the audience to let the witness
speak and question and answer go forward, and please do not shout out like that.

MS. DESAI: Commissioner Yassky, if I may just say, I know that in the written comments I have noted that, for an example, we have a member who was given a bill for $11,000, and another member has recently gotten a bill for $16,000 for repairs. And also, I should say that this was immediately when the accidents first took place.

So even your rules say that if another party compensates the fleet, they have to give that money back to the driver. But I hope you understand that means basically the working driver is now acting as like a lender, putting the money up front to the fleet.

And Commissioners, we do have copies of those receipts as well as other receipts that clearly
evidence overcharges, and I will be following up and submitting those copies to you.

MR. CARONE: Just one follow-up question. Thank you for your answer on the employee question.

Do you have with you, you mentioned before this is from a particular garage. I don't see that on here. Do you have that as well?

MS. DESAI: I mean, I will submit that to the Chairperson's office because I did not want to reveal the name of the individual for the purposes of this public hearing. That's why. Because, see, retaliation is a tremendous concern for drivers even at a $10,000 penalty, so you can imagine if you reduce it to $1,000.

CHAIRMAN YASSKY: I will assure you, Commissioner Carone, I
haven't looked at that particular one, but you know, in the year in sum that we have had now a Lease Cap Enforcement Unit, a small unit, one person, but nonetheless a unit, we've assessed and collected, I guess, some $110,000 in fines for overcharges and secured about $50,000 in restitution to drivers who have been overcharged.

And I guess what my -- I have two points I'm trying to make. One is, is there overcharge activity out there? Absolutely. And we are addressing it, but I am sure there's more to do. In fact, I know there is.

We have had a couple driver complaints from, I believe, the same medallion owner that I'm guessing this is for, because it is the same two types of charges. That's an active investigation. And we have maybe 100 at the moment
active investigations.

So that is absolutely part of our day-to-day business here.

MS. WEINSHALL: May I ask a question?

CHAIRMAN YASSKY: Yes, please.

MS. WEINSHALL: So I have the receipt in front of me. Can I ask you a question?

MS. DESAI: Sure.

MS. WEINSHALL: I see that there is a surcharge for a hybrid. Is that customary in garages to charge a surcharge?

MS. DESAI: Yes, I mean --

MS. WEINSHALL: They can, legally?

MS. DESAI: It's within your rules. They just -- I mean, in your regulations. So for example, if it's a day shift, nonhybrid is 115 and then hybrid is 118. So the garage may have listed like $3 as
the hybrid surcharge separately.

MS. WEINSHALL: This is $42.

MS. DESAI: Right, so --

CHAIRMAN YASSKY: For the
weekly.

MS. WEINSHALL: Weekly,
okay.

I'm also struck by the
enormous number of credit card
transactions on this one shift. I
guess, credit cards have become the
preferred way to pay for cabs now?

MS. DESAI: Exactly. And
that's part of why, Commissioner
Weinshall, it's really concerning
to us. So usage is going up,
right, but at the same time, you've
opened up rules where now the
owners will have --

MS. WEINSHALL: Charge more.

MS. DESAI: They're going to
have more vendors to choose from
and their processing costs are
actually going to come down. Yet,
they want you to pass a rule where based on usage going up, not on cost of processing going up, but on usage going up, that we would have to pay more on the lease. That is fundamentally unfair.

We don't choose what form the passenger will use to make that payment, right? And by us accepting a credit card payment, which, in fact, means, the driver's cash flow gets affected because you have to wait longer to get your money back, on top of that, we're now going to get penalized by the garages who want to basically charge us more on the lease.

And really, I would really say to you, if they think the current version of the rules is not a solution and we're too much of a burden to process for, set us free. Let us choose our own processor.

(Appplause.) Let the drivers choose
their own merchant account holder.

Drivers -- I mean, I could give you an example, Commissioners.

You know, the Taxi Workers Alliance, we are a 501(c)3 nonprofit organization. We've recently became a merchant account holder, and we have drivers who can be authorized under our master agreement to be sub-merchants.

And we pay -- so when members pay their dues to us by a credit card, it would now be 1.8 percent. It would -- our small volume compared to the volume in taxis, where you can imagine how much of a lower rate they could bargain for. And so, if the fleets don't want to do that, fine, give it up. Let us choose our own merchant account holder. Let us pay those rates. Drivers can easily become authorized to be merchant account holders.
themselves, or they can certainly identify others who are willing to be the master of merchant account holders for them.

CHAIRMAN YASSKY: Can I just add to this, because this is something I've tried to grapple in my own head.

How, mechanically, could we make that work given that a fleet vehicle is used by, you know, three or more drivers over the course of -- I mean, a minimum of three over the course of a year, probably in any given vehicle, five or eight, if not many, many more. That would be the minimum, really.

So literally, how could we mechanically implement what you're talking about?

MS. DESAI: Well, you know, Commissioner Yassky, in other parts of the country, they are doing that. I mean, one --
CHAIRMAN YASSKY: It's probably more of an owner/driver -- I don't mean to interrupt, but it's probably more of an owner/driver model. I'm just guessing.

MS. DESAI: That's interesting. The city's I'm thinking about are where the drivers are still leased drivers, you know.

I mean, a couple of ways. One would be, one, there is the actual technology, right? You don't have to have the reader in the back. People could have even -- you know, like with the smart payments, there could be an application on your phone with a smart payment application, and that would be linked to a drivers' direct account and that money could be processed through there.

THE PEOPLE: Yes.

MS. DESAI: And remember
that when drivers log in to the
system, they do have to log in
using their hack number. So
already in a way, that system is
individualized. And we're talking
about, these are wireless
transactions, right? We're just
talking about some computer coding.
Mr. Thaler really is the expert in
the room who could share with you,
I'm sure, the technological means.
But this is being done in
other parts of the country, and we
would be happy to share more
details with you both in terms of
the technology as well as the
different wireless methods.

CHAIRMAN YASSKY: I do want
to think that the reality is that
the TPEP system that gets the
credit cards into the cars also
generates all this data for us.
And the credit card revenue, in
some sense, subsidizes some of the
other functions that TPEP provides.

And I don't -- I say it not to say that what you're suggesting is impossible, but it does need to be thought through, at least by me. So I don't want to delay you here.

MS. DESAI: But there is advertising revenue. I mean, there are other ways that the fleets recover that money, so it's not just in the credit cards.

CHAIRMAN YASSKY: Right.

MS. DESAI: There's other extremes they have.

CHAIRMAN YASSKY: Thank you.

MS. DeARCY: I don't want to belabor the point, but I do have a question.

When you were talking about retaliation, forgive my ignorance, but what form does retaliation take? I just have no concept of what that would look like.

MS. DESAI: Sure. A couple
of different ways. One would be
where you're removed from the car,
right, and so you can no longer --
you know, I mean, if you are a DOV
driver and you've entered into a
contract with the agent, you made a
lot of payments toward that
vehicle, right? And if you're
retaliated against, so they could
remove that medallion off that car,
which makes your car completely
useless and you're out of your
investment and you're out of a job.
And in that case, it will be more
than one driver usually that will
be out of work as a result of that.

It could be -- we have a
member in the audience right now,
Emmanuel Kahn (phonetic). I've
informed Commissioner Yassky and
his staff about this, I believe, on
Monday where he was at an agent's
office and he was assaulted. I
mean, they went to remove the
medallion early before the contract had expired and he just paid for inspection for that vehicle, over $2,000. So, well, give me back my car or give me the cost of paying for the maintenance for the inspection preparation.

And anyway, an argument broke out -- and this I heard from his partner who was in the room -- and basically two of the owners went toward him. He said, don't touch me, and they said, we're not touching you. They went behind him and pulled out the chair. He fell to the ground. We were in the hospital with him. He was in the hospital till about midnight that night. And I'm not trying to sensationalize it, but I do want to say to you in all sincerity, and I know there are other drivers in this room who've witnessed it, there are -- often times these
things get so heated that we've even seen physical altercations take place at these offices between drivers and the management or dispatchers.

I know, Osman was leasing from the garage at one point where a dispatcher had assaulted the driver. The driver didn't even want to press charges because he was too scared that they were going to take the car away from him, you know, wouldn't give him a car. It was the nearest garage to his home, and he would have been out of work.

People are really desperate to keep their jobs. Any threat that they're going to lose the car, which means they're going to lose their job, that's the main form of retaliation.

MS. DeARCY: Thank you.

MS. DESAI: Sure. And you know, the main concern with the
regulations isn't -- I mean, you can make a statement --

CHAIRMAN YASSKY: Okay. I'm going to say, I think --

MS. DESAI: I'm just going to be really quick. I just want to respond to that.

CHAIRMAN YASSKY: All right. We did question and answer and the question's been answered. I appreciate it.

MS. DESAI: I mean, you can say that you can have more enforcement and that's absolutely necessary, but our fundamental concern is that the way these regulations are written, they will allow for loopholes that were once considered overcharges will now get legalized. And that will lead to economic harm to thousands of drivers.

Thank you very much for the time.
THE PEOPLE: That's right.

(Applause.)

CHAIRMAN YASSKY: There are several speakers, there's another 15 or 20 that are signed up. I'm going to ask folks, if it's implicative your point has already been made, please do not make it again.

Haron Ur Rashid has signed up and also Waheed Malik. Kazi Karim. I'll read names until somebody shows up. Noor Mengle, or Men-glai, maybe. Pasang Sherpa.

MR. DISHABY: Yes.

CHAIRMAN YASSKY: Yes, sir.

So that you can be ready, Liaqat Khan, is next.

MR. DISHABY: Good morning, Commissioner.

CHAIRMAN YASSKY: Good morning.

MR. DISHABY: I am Taifour
Dishaby. I have been working for (inaudible) Yellow since 2007. I'm just hear to testify as she said.

I got charged for vehicle repair. I did an accident on January 3rd, and I called the garage, that was around, like, 9:00 p.m., I called the garage, they ask me if there was nobody injured, and I said no. And then asked me if I can do the police report, I said, yes, which I did. And then after that, they ask me if I can drive the car back to the garage. I said, okay, I can do it.

I took the car by myself to the garage, but when I got down there, what the dispatcher told me, he said, this is my responsibility. I said, okay, I know -- I know my right and my responsibility in this country. But the thing, there is no guarantee when you take a car, you're not going to get any
I'm here because I want to work, so I'm not going to take a car because I want to work and make some money. I've got family, I have to go and I have to make some money for my family.

So he said, okay, so, now you got to go home and the next day you're going to come and bring the police report. I said, no problem. And then I wait like, two, three days, I went back to the precinct and they give me the police report, which I took back to the garage, and then, when they check the paper, they said, everything okay, so if you want to walk back, because you've got to give the car back. I said, okay, no problem, I live around here, I can walk. And (inaudible) this garage.

Since 2007, I'm here, and I don't take any break even leave the
country. The only, like, vacation I took was like a week. I went to Montreal and they charged me. I called them, I said, I'm not here. I go to spend one week with my family, and they charge me. It's Sunday night, they said, they didn't get no one to take the car. How come you are not even in the country? And you already told them and they going to charge you for the lease. I don't know how.

And also, they give me the car, so I start driving like a week later, and I show on my, like, for a receipt, vehicle repair $2,709.27, and they charge me for that vehicle repair. And I ask them, how come you got to charge me? Does the car have, like, insurance or not? I got my private car, I pay for insurance, so when someone hit me or I hit someone, that's why I'm paying that
insurance. So I don't know how you're going to charge me here, I'm paying the lease.

So I call the Taxi Alliance Union. I told them that the garage charged me for vehicle repair. They said, okay, it's something (inaudible.) So what happened, we going to try to -- we ask you if you want to open a complaint, and I said, yes. And they ask me why, because a lot of drivers are scared to do it. As they said here, because when you, like, open a complaint against the garage, they're going to, like, tell you -- they're not going to give you no more the cab.

So that's why a lot of drivers, like (inaudible), we are scared, so we don't want to take them to the court. So I call David Ross like two time, and then, he said, okay, if you're not going to
open a complaint against them, we're going to do it. And then he asked me also why you want to do it. I told him, I have been working seven years in this garage.

And before, if (inaudible) hear you or hear someone, there's no -- they're not going to ask you for anything, even the vehicle repair. So now they charge me almost $3,000. But I'm not going to pay. And every night, they take $10 from my lease.

So we had a meeting on May 8th, and the attorney postponed the case. And now they give me another date, which it is on the 22nd, I think that's on Monday. So we going to go there, I don't know what's going to happen.

Now, it says here, they want to like reduce a penalty from 10,000 --

CHAIRMAN YASSKY: I'm sorry,
sir. I'm going to ask you to sum up. Just, we a lot of people.

MR. DISHABY: Just one more second. Please.

CHAIRMAN YASSKY: Go ahead.

MR. DISHABY: I would like to ask you, please to increase this penalty from $10,000 to $50,000 for the car. (Applause.) Please. We work hard to make our life. We have families. We have to take care of them. We have kids. Since I left work last night by two. I went home, I take (inaudible) the kids and I took them to school, I didn't sleep yet, I'm here to testify today. We need your help. Please. (Applause.) Thank you.

CHAIRMAN YASSKY: Thank you, sir. The next person is Liaqat Khan. Mamadou Bah?

MR. KHAN: I want to speak about --

CHAIRMAN YASSKY: Can you
give your name, sir.

MR. KHAN: My name is Liaqat Khan. Sorry, I don't speak very well English, but I try to explain you.

Every driver in big trouble, they are afraid about the garages. They are millionaire people and we are very poor people. And they try to get more and more money from our pocket.

Like, I work at Andy Garage, West 44th Street. My son is 22 years old. He's supposed to go to school, but he drives a cab. He drives night, I drive daytime. He charge the lease before, he charge $1700. After when they change the rule, he charge $1865 for both driver. (Inaudible.)

And when I heard that some drivers the rule is changed, the lease is actually, he cannot charge more than $738 for the daytime, and
they also, night driver for the rule and regulation.

And I tell him, after two, three months, and this is -- he charge me a lot of money.

CHAIRMAN YASSKY: Have you brought a complaint to us?

MR. KHAN: Yes, I did.

CHAIRMAN YASSKY: Is that still pending or has that been acted upon? I don't want to get into the details of your case here with you, but the numbers you quote sound like that would be a violation. So I'm wondering if that was a complaint that we've acted on.

MR. KHAN: I filed the complaint against him and in process, and David Ross call me two time. He said, Mr. Khan, don't come, you come the next meeting after that. They try to lower the fine $10,000 to $1,000.
CHAIRMAN YASSKY: Okay, thank you.

MR. KHAN: He says you have to make -- I said, no, I employed before. Supposed they have to pay the $10,000 fine, because it's a big crime. And he charge $1800, $1865. I have all proof. And (inaudible) pay the lease, he takes out all end-shift papers, end shift -- I work seven days. I work seven days, my friend.

CHAIRMAN YASSKY: I assure you I will consult with our Lease Cap Unit and make sure that the complaint has been handled and if there's, you know, if the facts do warrant a violation, we will act on that.

MR. KHAN: Thank you very much. When I say, you charge too much, the lease is actually $738 for me, and for my son, he charge 350, around $400 extra every week.
Plus, I use his E-ZPass. E-ZPass show only Triborough, Midtown Tunnel, you have to pay 480, whatever, total.

So when I get the printed end shift, I see okay for it. Then I go to the Holland Tunnel, New Jersey -- my son go over there, he didn't show anything of it. And it goes in their computer. They know how much is this. And every week, Mr. Chairman, they charge us $40, $30, $50 extra E-ZPass because we have no record, we have no nothing.

And end shift --

CHAIRMAN YASSKY: Okay, Mr. Khan, I'm going to ask you to --

MR. KHAN: Give the end shift, because we cannot calculate --

CHAIRMAN YASSKY: Your time is up.

MR. KHAN: They want to --

CHAIRMAN YASSKY: Sir, sir.
Please. Your time is up. I will ensure that your case is investigated fully. And if there's a violation, I assure you, we will act upon that.

Thank you, sir.

MR. KHAN: Thank you very much.

CHAIRMAN YASSKY: Mamadou Bah? Okay.

Give your name, sir.

MR. RASHID: Good morning.

My name is Haron Ur Rashid. Thank you for your time here, Chairman Yassky and Commissioners, today. My name is Haron Ur Rashid.

I have been driving yellow cab since 2005. Most of that time, I driving Auto Cab, Auto Leasing Company. I lease medallion number 8k28, on December 24, 2010. I was involved in an accident on 95 North. While -- but another car was good, my car was, my cab was a
little bit damaged. I called police, I filled out and I sent in a report and brought it to the garage.

In my experience, it was about a 600 to 700 for the repairs, estimated. About two weeks later, I notice an extra $150 charge on my receipt, and I ask them, why they charge this? They say to me, it was for accident, and I pay $150 each week until April 18, 2011 for total of $2,050.

I file complaint with the TLC in 2011, but I receive no response. In about one and half years, in August 2012, I filed a complaint with David Ross of the Lease Cap Enforcement Unit. Auto Cab agreed to pay back money, full amount of $2050. But March 2013, I didn't get check. But, two years after my final payment, the receipt from the (inaudible) I get back my
money. I pay the insurance when I paid the lease. I paid that insurance. So, I think new rule is completely injustice and immoral for us to work as taxi drivers. This is finished.

CHAIRMAN YASSKY: Thank you, sir.

MR. MENGLE: Noor Mengle.

CHAIRMAN YASSKY: Okay.

MR. MENGLE: I've been called before.

CHAIRMAN YASSKY: Yes, you were. Okay.

MR. MENGLE: Well, three (inaudible) is not sufficient for the drivers, so the three days that we taken, these corruptions are there. We cannot finish it day and night. It happens.

I've been driving a cab for the past 15, 16 years now. My son, he recently started driving a cab. He wanted to go to school, he did a
GED because he couldn't go to regular school; I couldn't afford it.

Then we find a garage, we look for the garages. We find a garage, and they give us work, me and my son. He worked nighttime and I work the daytime, and he quit his two-year college because he wanted to help me. I'm a kidney patient, and that's why the problem, sitting and driving a cab 12 hours.

So this company, this is LIC Taxi, which is in -- I have all the receipts, and I even filed a complaint with Mr. David Ross. My name is Noor Mengle, and me and my son are famous for father and son. All the garages know that.

The guy before here, he made a speech, I have his receipt up here, and me and my son were looking for a job and we had
nothing at home to feed my family
because we couldn't get the job.

Finally, we (inaudible) but this
guy was charging us $1797 for me
and for my son. He's supposed to
charge us, me, 690 for the regular
car, and my son, 797 for the
regular car, the night shift, but
he was charging us 833, me, night
shift, 964, my son, night shift.

Bringing these fines from
$10,000 to $1,000, only you guys
are going to encourage these
garages to commit these kind of
crimes all the time. (Applause.)
(Inaudible.)

When I came to this country,
I remember I was paying in New
Jersey $25 a ticket, a parking
ticket. The tickets are now going
up to $65. The fines go up, don't
go down. (Applause.)

MALE SPEAKER: That's right.

MR. MENGLE: When you have a
punishment, high, crimes go down.
Punishment, low, crimes go up.
This is normal. (Applause.)

Now, I request,
Mr. Chairman, to you, especially,
as you have kids, maybe your
brothers -- we struggle to come to
this country, it's not an easy job.
It's really not an easy job to work
in a taxi. I have a master's
degree. Why I prefer to work as a
taxi? Because it's an honest job.
Nobody's on my shoulders. I work
hard and bring money and feed my
family.

I have an 8-year-old
daughter. I'm responsible for my
daughter. Now these people, I have
all these receipts. I have this
guy who before made a speech. I
don't know his name. He's from the
garage, fat guy, big guy. He
called me and my son, he going to
give us a job. When we get there,
he said, you bring the third driver. This is the receipt I have. I paid him money. But he didn't give us a job. He said, you don't bring a third driver, we don't give a job.

The reason of the third driver -- when you have two drivers, responsible drivers in one house, why you need a third driver when we are responsible? Me and my son are working six days and seven days, that's our problem. But you get your pay. No, third driver, because this way, the daily basis, they can charge you. This is -- they go around the law.

Please don't let them go around the law. Don't pass that law. Please.

(Applause.)

(Inaudible.) I'm coming here, I'm limping here because I have a pain in my knee. The reason is, I'm driving hard to make a
buck, go home and feed my family.

Please, I thank you very much, Chairman and Commissioners.

Thank you.

CHAIRMAN YASSKY: Thank you, sir.

MR. CARONE: Commissioner, just a quick question on one of the examples that the speaker just gave. 1700, the excess charge. If a complaint like that is made, is that considered one complaint, or is each day, each week, separate complaints which would then add the fines, 1,000 or 10,000, whatever the number is? How is that treated?

CHAIRMAN YASSKY: Each shift is an overcharge if it's rented by the shift. Or if it's rented by the week, each week is an overcharge. Just to be clear, the 10,000 and 1,000 numbers that are being discussed are the penalty for
retaliation against a driver. So the rule we passed in September established a $10,000 penalty for retaliation. This rule, proposal, proposes to change it to, reduce that 10,000 to 1,000 fine for retaliation. That's separate from the overcharge times themselves.

MS. DeARCY: For the first offense.

CHAIRMAN YASSKY: For the first offense for the retaliation against a driver for making a complaint to the TLC. So just to be clear, that's what that is.

But the penalty for an overcharge starts at, I'm going to say, $200, and becomes $500. I don't have that in my head, but each instance is that.

MS. DeARCY: And that's remained unchanged?

CHAIRMAN YASSKY: And that, we have not proposed to change.
I'm seeing Peter Mazer telling me --

MR. MAZER: $500.

CHAIRMAN YASSKY: It's $500, period?

MR. MAZER: It's 500 for the first 1,000 thereafter.

CHAIRMAN YASSKY: 500 for the first 1,000 thereafter. And each shift or week would be a separate overcharge.

MS. DeARCY: Forgive me, but when you say, "500 for the first 1,000 thereafter," is this, again, per driver, or if you assume that the fleet has multiple drivers, if he does it once with guy A and then does it again with guy B, does that guy B constitute a second offense because it's the same owner whose conduct is wrongful or does he have the opportunity to commit a second offense across, I don't know, 100 drivers?
CHAIRMAN YASSKY: So each charge to each driver in excess of lease cap amount is a violation. So if a fleet operates 100 cars and they overcharge 100 drivers every day or every shift in a given week, that would be 1400 overcharges, 100 drivers times 14 shifts in a week.

And, to be clear, I think it would be worth having the staff to brief you, Commissioners, on the enforcement efforts here. When I talked about the fines that have been assessed and collected, those have, I believe, Meera, correct me if I'm wrong, all been settlements that were for fines well under, I will be clear about this, well under the maximum amount that could be charged.

We've been pursuing a policy of seeking settlements so as to ensure -- so as to fix the problem,
be charged many thousands of dollars, will pay a lowered -- a settlement of a lower amount than could be charged for each individual one added together, plus a promise to obey the law from going forward, of course, which they're obligated to do anyway, but with the understanding that if we find a subsequent violation, that we will come down with the full weight of our penalties.

That's the enforcement policy that I think you should be briefed on and understand fully and you may have feedback on that.

MS. DeARCY: Can I ask a question?

CHAIRMAN YASSKY: Yes.

MS. DeARCY: Assuming that that's the policy that we've used, has it been effective and have we gone back for those fleets who we have settled with for an amount
that is less than they would have been exposed to, have we gone back and done any kind of examination or some determination that, in fact, they have, you know, taken the straight and narrow, and therefore, the policy is effective and it's one that should be continued, versus, we go back and find out that they've just taken advantage of the system, and perhaps we should rethink the policy? I just --

CHAIRMAN YASSKY: I think that's an important question to cover at the briefing.

MS. DeARCY: Okay.

CHAIRMAN YASSKY: I will arrange for that briefing at the next meeting.

Okay. Thank you, sir.

MR. OBAN: Good morning.

Yeah, my name is Mohammed, Mohammed Ali Oban (phonetic). I just want
to point out that all the drivers

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CHAIRMAN YASSKY: Let me just say, I want to advise the speakers, because I know some of the Commissioners have commitments and are going to have to be leaving now or very shortly, so I'm going to ask each speaker to be very, very brief.

MR. OBAN: Within three minutes. I just want to explain one point, and one and only one point.

CHAIRMAN YASSKY: Okay. Go ahead, sir.

MR. OBAN: We the drivers, we working 12-hour shifts. The first six juicy or like more productive hours, the six hours we work for the fleet and the gas, and that is our money. And that's just like, we don't know how much we're going to make per night, so putting
the extra burden in passing these
laws, like the repairs and extra
credit card.

And most of the time, it's
not clear yet in the Commission, if
the credit card machine don't work,
what should the driver do? Like,
take the burden? You're also
taking the burden of non-paying
credit cards. So all this thing
happened in your mind. This thing
happened. The fleet is not paying
for that, this credit card. Like
passengers already left. We cannot
keep them like unlawfully
imprisoned. So that's all.

Also to the point, we have
to point out, if you pass these
laws, it's going to put the extra
burden. And if you require a nice
courteous and English speaking
driver, it's right in front of you.
What you're expecting from us, so
if you want to --
CHAIRMAN YASSKY: I see.

MR. OBAN: So if you want us to give us -- to continue the good service to the citizens of New York --

CHAIRMAN YASSKY: I understand. I'll look for your medallion number. I'll see that you're an excellent driver.

MR. OBAN: So please do not put the extra burden on the driver, and do not pass this serious law. And passing like from 10,000 to 1,000 is nothing for these fleet owners. Most of these fleet owners are mobs. (Applause.)

THE PEOPLE: Mobs.

MALE SPEAKER: Good morning.

CHAIRMAN YASSKY: Good morning.

MALE SPEAKER: I ask everybody to stand up in solidarity with what happened in Boston. Nine Commissioners -- it's
first time that we get the chance
to speak the truth. Commissioner,
nine commissioner, how do you want
the broker/owner of the car to
respect us? At the same time, they
see you treating us like the dogs
--

MR. AROUT: You're out of
order. You're out of order.

MALE SPEAKER: (Inaudible.)

MR. FROMBERG: Sir, I'm
going to have to ask you to leave.

MALE SPEAKER: Commissioner,
one second.

THE PEOPLE: This is a
democracy.

CHAIRMAN YASSKY: Sir, I'll
let you finish. Inspector --

MALE SPEAKER: Honorable
David Yassky --

CHAIRMAN YASSKY: Yes?

MALE SPEAKER: The hope
was -- when you come to this
institution, has a lot of problem.
You cannot fix anything. I am a (inaudible) writer, law-educated as you. If you treat the cab driver with no respect, how you want the medallion to treat us?

You know that the driver, how many family are destroyed, killed in their home. I have a wife and four kids. When I get out of here, I will buy a weapon and I will kill them.

CHAIRMAN YASSKY: Oh, sir, okay. I'm asking you to settle down --

MALE SPEAKER: I'm a licensed driver. I have no --

CHAIRMAN YASSKY: You're going to be removed from the room. And Inspector, I'm going to ask you to get the identifying information from this -- sir, I'm going to ask you to get identifying information. We're going to have to get a referral. Thank you.
Okay, next. I'll just read
the next names that are up here.
Mohammad Karim. Ryan Richardson.
Bill Lindauer. I know that at
least one of those are here.

MR. M. KARIM: Good morning,
Commissioners.

CHAIRMAN YASSKY: Good
morning.

MR. M. KARIM: Thank you for
this opportunity. I commend the
admission of the (inaudible)
claims, the increased tourism
industry. And let's not forget,
cabbies are part of that industry.
We contribute. Even though at the
airport.

Secondly, regarding treating
medallion owner as one entity. So
one complaint from one driver,
second complaint should be given a
second, and each time should
increase too. After certain amount
of fines, should be suspended after
a certain amount time, whichever
you decide. (Inaudible.) To the
vendors, when we do, we pay fine
and then we are given suspension
also.

And this honest statement
I'd like to make, drivers really
don't make money. They work
84 hours, it doesn't come to even
state minimum. You can verify,
your offices can do that. And in
the end, I'd like to say that
drivers are like cantaloupe and
owners are like knives. You fall,
and as the cantaloupe falls on the
knife, he gets the cut, or if the
knife falls on cantaloupe, again,
cantaloupe will get the cut.

But I believe in the honest
office chaired by you, you will
(inaudible) for the cabbies.

CHAIRMAN YASSKY: Thank you,
sir.

MR. M. KARIM: Thank you.
CHAIRMAN YASSKY: I'm sorry, sir. There's a question.

MS. DeARCY: It's not really necessarily a question, but more of a comment. I just want to thank you for the portion of your statement that offered a practical suggestion. That's helpful for us.

I would suggest that for those of you, the rest of you that are standing up, if you have something practical that you would like to offer to us, please spend your time doing that because we can do something with that. Not that I want to diminish your opportunity to speak, but I can't help if I don't have practical solutions. I just think that the time is better spent if you proceed that way.

That's all. Thank you.

MR. M. KARIM: Ma'am, you know, these drivers they're compulsively driving. You know,
many of them don't know how to come here. You know very well.

CHAIRMAN YASSKY: That's a fair point, sir. Thank you.

MR. M. KARIM: So this point, I have put it through e-mail or something.

MS. DeARCY: I appreciate it. Thank you.

MR. OBAN: Sorry to interrupt. But Mr. Chairman, to like suggest something, something we should do about like the credit card situation when they are not working, what should we do? Let the passengers go with the $50 or $70 or $40 fare?

CHAIRMAN YASSKY: Well, that's not quite the understanding of a suggestion, but you're saying there's a problem that needs to be addressed and I understand that.

Thank you.

MR. OBAN: Yes, thank you.
CHAIRMAN YASSKY: Okay, so we have Mr. Lindauer. Victor Salazar. Luis Molina.

MR. LINDAUER: Good morning.

CHAIRMAN YASSKY: Good morning.

MR. LINDAUER: Obviously, in this industry, there are more horrors than in a horror film anthology, and if these give away rules --

CHAIRMAN YASSKY: I think I like the cantaloupe one better.

MR. LINDAUER: I'm trying to work with movies --

CHAIRMAN YASSKY: Yeah, sorry. Go ahead, sir.

MR. LINDAUER: And I shutter to think of the countless horrors that would be unleashed by adoption of these giveaway rules. When it comes to greed, the word "enough" is not in garages' and brokers' vocabulary. They are simply
scrupulously unscrupulous. 50,000 drivers be damned to grand virtual carte blanche to this appalling cabal of malicious millionaires is to aid and abet criminality. Already they overcharge with virtual impunity. Don't be bamboozled or flummoxed by their lies or dazzled by their big exploitation-earned big bucks. To acquiesce in their diabolical onerous shenanigans would be an abomination.

As I said to Allan Fromberg when he had his spleen removed, it's better to be spleenless than spineless.

And may I point out, the garages are not the only ones who can file a lawsuit.

MR. FROMBERG: Thank you for that, Bill.

MR. LINDAUER: You're welcome.
In fact, if they turned over new lease and were truly honest, think of the scores of army of lawyers, lobbies and PR flacks. They could take millions, not cause drivers to live in abject poverty and cause a possible driver shortage because of these onerous rules.

These are extricable, unconscionable proposals. Stop this outrage. Don't make this a day of infamy.

CHAIRMAN YASSKY: That witness was Bill Lindauer.

MR. LINDAUER: Correct.


Yes, sir. Please.

MR. SALAZAR: Good morning, good morning, Commissioners. I
want to be very brief and to the point.

MR. FROMBERG: Mic, please.

MR. SALAZAR: But briefly, my name is Victor Salazar. I've been driving a cab since early 1991. And through all these years, I've seen garages and brokers enrich themselves. I remember when a broker had just a small office on Steinway Street in Astoria with six or seven desks. Now they have a big building in Astoria as well. And for instance, I see Mystic Garage open three or four gasoline stations across New York City area. They get richer and richer, taxi drivers getting poorer and poorer.

To make the story, like one of the Commissioners already left, but he was asking about, that we call ourselves independent contractors, but actually, we're very dependent. We depend very
much on all the garages and brokers
and on the regulations that you
actually write. And you
actually -- you know, (inaudible).

I strongly believe that
these rules and regulations will
empower garages and brokers with
the tools to find loopholes, to
construct loopholes and to continue
exploiting drivers as they've been
doing since early 1980's.

(Applause.)

I urge you, Commissioners,
and Taxi & Limousine Commission to
vote "no" on these particular
rules, to make rules, not
loopholes. That's basically it.

Thank you.

CHAIRMAN YASSKY: Thank you.

By the way, I'm reminded
that I should have noted quite some
time ago that we've been joined by
Commissioner DeArcy here as well.
And I apologize, Commissioner, for
not noting your arrival.

Luis Molina. Ghaore Likoud.
Varinder Singh. Chatoulz Allaona.

MR. MOLINA: Good afternoon. It is -- oh, okay, all right, good afternoon. I ask God to give me the words that I need to say so I can be able to speak succinctly and to the point.

I'm Luis Molina, 484870, since 1995, when I first entered into a very corruptible business. Corrupt indeed, because I have seen, in my lifetime, income theft that has happened to me personally. And recently, the past couple of years, I was a victim of two garages that stink like horse.

I lost close to $5,000 with Sufi Management in overcharges, and this Pakistani garage repair shop never refunded my $5,000. I asked the union to intervene on my behalf with regard to income theft. And I
had the same thing happen to me with SLS. Simon Garber took from me $9,500-something from overcharges, and he has yet to give me back my money.

And Sufi Management, I understand, was put out of business because they were found to be in TLC violation rules, doing some really gangster, illegal, bankster stuff.

As we speak, okay, when I was with Sufi Management a few years ago, I was in a homeless shelter and I had no health care. I needed Medicaid to sustain my health because I became mentally ill on the job. When I first joined the organizing committee eight years ago, the union organizers found that I was mentally ill and I had to step down to get some serious help.

CHAIRMAN YASSKY: Sir, your
time is almost up here. Let me just ask, have you brought these complaints to our complaint unit?

MR. MOLINA: Yes. This was before the new rules were passed to make it -- that you would have teeth to have the power to investigate the garages. Because up till now, they think that the TLC inspectors are jokes. They don't think that you're serious. And the Taxi Insider newspaper, they say, you are, like, opi.

CHAIRMAN YASSKY: We'll make sure your complaint is investigated and if the facts bear out a violation, then we will pursue it to the fullest. So, thank you.

MR. MOLINA: I want to get out of poverty as fast as possible because I have $2,460 of back rent that I owe to my landlord in my new place, my lovely place. I live in Bed Stuy. It's a lovely studio
apartment that I have. I want to keep my place to live. HRA has denied me two stamps and rental assistance. That's reality.

CHAIRMAN YASSKY: Thank you, sir.

I'm going to surely mispronounce it, but Ghaore Likoud. Varinder Sign. Chatoulz Allaona.

MR. LIKOUD: My name is Likoud. I've been driving cab since 1993, and have been working with Season. We are located on 6th Avenue and Canal and now they are in Brooklyn.

In 2009, I had an accident, and they fired me from that garage after 15 years. And I received a notice from the small claims court in Brooklyn for the same accident. The garage was suing me for the accident for $1200, and that fine was confirmed by the courts. I have to pay the garage $1200 while
I pay the lease of that car.

And I show them the lease I paid after that accident. On that lease, everything was included, so why this charging me $1200? They say, the garage make the rules. I say, no TLC make the rules (inaudible). They say, no, no. The garage make the rules. So (inaudible) support the garage.

So they forcing me to pay $1200 to the garage for accident. I didn't pay it. I didn't pay. But, they will sue me for that.

So if this rule is passed, I'm going to die because they already charging the driver for accident. If this rule passes, it's no good for us. So, please, vote "no." Vote "no." Thank you. (Applause.)

CHAIRMAN YASSKY: Ghaore Likoud. Varinder Sign.

I'm sorry, I didn't get your
name, sir.

MR. LIKOUD: Likoud.

L-I-K --

CHAIRMAN YASSKY: Oh, Likoud, okay. Got it. So that was you.

And then, Varinder Singh.
Chatoulz Allaona. Cheikh Mbaye.
Abdoulaye Mbou.

MR. MBAYE: You said, "Mbaye"?

CHAIRMAN YASSKY: Yes, sir. I apologize for my mis-
pronunciations.

MR. MBAYE: I'm going to be very brief. Hi, good morning and
good afternoon to everybody.

CHAIRMAN YASSKY: Can you give me your name, sir.


CHAIRMAN YASSKY: Got it.

MR. MBAYE: I've been a cab
driver since 1993. I do not work
for the garages, I work for a
leasing company, which is what you
call DOV driving model, which I
have no problems with the garage
myself, but I have friends who work
for garages. And friends, everyone
was not able to come here so I
defend them.

CHAIRMAN YASSKY: Okay.

MR. MBAYE: However, I know
that one of my friends work for a
Midtown Center. They overcharge
$144 per night -- per shift. And
the TLC center, like two months
ago, officials to ask them to place
a bill of rights, a drivers' bill
of rights to expose it through the
garage so everybody can see it, so
drivers know their rights.
(Inaudible), they put it in the
garbage. They don't care. Okay?

Overcharge is how they --

CHAIRMAN YASSKY: You say,
this was the Midtown Center?

MR. MBAYE: Midtown Center, located on West 38th Street, between 9 and 10 or 10 and 11 Avenues. Okay?

TLC office went there and place their bill of rights for drivers, they throw it in the garbage. Two of my friends work there. I don't think that is right.

The other thing is that asking for the drivers to pay for car repair for a vehicle that they don't own. Why that should be, why they should be guaranteed to pay (inaudible) by TLC at no risk at all? Okay? And all risks are put to the driver, who has literally nothing, but one shift, one income from a shift, that's all the driver has. They have the investments, they have millions of dollars, they make more money, but why shouldn't
they bear any risk of that investment? Like, why should the driver bear the responsibility of their business? Guaranteeing them an income without (inaudible), I don't think that's fair; I don't think that's just. (Applause.)

We are in business to make money, we have to be responsible and take some risks. And drivers who have nothing are paying for them, for their car, that's one. I pay for my car payment because I own my vehicle, but I think if I'm at fault of an accident, I have liability insurance that's supposed to cover my expenses.

But these drivers who don't own, even own the vehicle, you know, they just renting them and they are renting the cars to three drivers, different drivers a day, the cars are terrible, they're not good conditions at all, they don't
fix them until they break down,
drivers always lose half their
shift when they have a breakdown,
y they don't get refunded or credited
for the time they lose in an
accident, and they're not talking
about all of this.

They ask you to reduce the
fine they are supposed to pay in
case of a complaint, which is not
even happening. Drivers aren't
even coming forward. We have a lot
more drivers who are shy, who do
not show up, who do not come up for
a complaint for scare of
retaliation. That happens because
drivers have nothing. If they
don't go to work, they don't make
money, they don't have an income.
So they do not come for work to you
to file a complaint against their
bosses. That alone should be --
you know, I think, checked out.

Yet, the very little ones
who come, they ask you to reduce
their penalties to a lower grade,
like a thousand dollars.
(Inaudible.) You know, a rate,
like based now on the fact of the
driver is lower, you don't do it
for a driver. All I hear from TLC,
when they pass laws for providing
from drivers, it's making more
money, paying more money, paying
more money. Never down. So they
want you to give them a break.

$1,000 is like $100, I would
say, even less than $100, to me.
That's what it means to them. You
see? So, that's my point.

And if I don't forget, I
think asking a driver to repair a
car is wrong. They overcharge for
sure. They don't care about
(inaudible), they don't care for
the city or for the best interests
of the city, (inaudible) their own
pockets. And they don't want the
city to put more medallions. That will protect the drivers, because you can have more medallions, (inaudible) will go to the drivers, and you would not be (inaudible). Thank you.

CHAIRMAN YASSKY: I understand. All right, thank you, sir.


MR. MBOU: Abdoulaye Mbou.


MR. MBOU: Thank you, Commissioner. I'm very glad to be in front of you. I've been driving yellow cabs for 11 years. I have a two masters degree, one from here, one from back home. This is the toughest job I ever had in my life.
The day I took off, I got more pay then when I'm working. (Applause.) It's like, I'm dying every day. This job, every day, I'm dying. And I have now a health problem issue, and I have a sugar problem, I have high blood pressure because of this job.

THE PEOPLE: That's right, yes.

MR. MBOU: And in a normal society I wouldn't be in this industry because it's more corrupt than anything. People work every day, they spend all their money for these garages. One car make $100,000 profit every year, one medallion, and we do all the statistics at the end of the year, we don't have even $1,000 in your bank account. And that's not fair. That has to change.

You should be, you, Commissioners, should be on the
side of the people, not the side of
the few people who own the money.
Because if you defend poor people,
God will give you more power, you
know, to help poor people. Don't
think when you help poor people,
God would leave you alone. No.
Side with the poor people because
you did it before, you are the help
for us.

Last time you vote for us,
and God will help you for that.
(Applause.) (Inaudible) be with
poor people because (inaudible).
If you help us, God will raise you
up a level where you want to go.
Trust me. (Applause.)

CHAIRMAN YASSKY: All right,
sir.

MR. MBOU: The insurance
issue. That's, like the lady,
that's absurd. We're paying for
insurance every day. It shouldn't
think about paying from our pocket,
their insurance. Second, I want you to increase the retaliation to $100,000. (Applause.) Because you want them to stop doing bad things against drivers. $100,000, that's what we are asking for. Then, there would be no more problems.

You know, in the government, you have (inaudible). Whenever (inaudible), they say about it. Our driver won't get their things.

And lastly, I'm talking about the TLC Inspector. You know, currently, the system, like it is, somebody would see your medallion and just call TLC, this driver did that to me, and he never showed up. You know what I say? He filing a complaint against a driver. Maybe it's your friend in a neighborhood who doesn't like you, they just call TLC, this guy did that to me. If he doesn't show up, the TLC just
want to fine you or they want to
maintain the fine against you.

I think what you have to
think about in this hearing of the
people who file the complaint. If
the people cannot show up, they
have to dismiss the case.

(Applause.)

THE PEOPLE: Yes, that's
right.

MR. MBOU: Because that's
not fair, you know.

Thank you, Commissioner, and
God bless you.

CHAIRMAN YASSKY: Thank you.

Okay, Mohammed Iqbal.

Mohammed Barakka. Bouchaib Gaoul.

MR. IQBAL: My name is
Mohammed Iqbal.

CHAIRMAN YASSKY: Speak up.

MR. IQBAL: First off, we
are making money for our families,
that's okay. But we have no
savings that we can pay accidents.
And some students also come on Saturday and Sunday. But you can pay them, keep the $500, 5,000 (inaudible)? This is not possible.

And secondly is, nobody talk about the meters. There is a meter. When you start the meter, there is a fourth number is for the (inaudible), and the fifth one is for the stop the meter. By chance, if you start the meter -- stop the meter and push the button for the fourth number and then drive two blocks and it come to $1, and they give a fine from it, yes.

If we do it intentionally, that's okay, we should be fined. But by chance, if there's something wrong, should not pay the fined.

Thank you.

CHAIRMAN YASSKY: Your name, sir, was Mohammed Iqbal, I-Q-B-A-L, yes?

MR. IQBAL: Yes.
CHAIRMAN YASSKY: Thank you, sir.

Okay, Ahmed Hussen.

Mohammed Khan. Vincent Okyere.


Okay, your name sir?

MR. TAMBADOU: My name is Foday Tambadou. David called my name.

CHAIRMAN YASSKY: I did or did not?

MR. TAMBADOU: Yeah, you did. But when I sit down, this guy was up.

CHAIRMAN YASSKY: All right. Can you just spell it out so I can find it here?


CHAIRMAN YASSKY: I remember that name. Go ahead, I'll find it
MR. TAMBADOU: David Yassky, I have a problem with the work fare for New York State. I was sick and I had to take -- and this is my wife took me to court for the child support, and the first time, the judge say, this guy doesn't have a chance because he's sick. I spent two years in hospital. (Inaudible), and the judge said, he cannot have child support because he's sick. When you're okay, then we give you child support. But right now, no. Mr. Tambadou, go home and take care of yourself for three years.

After three years, it's okay. After three years, then they took me back to go to court again, and the judge asked me -- I said judge, this is simply happening to me because I was driving seven days a taxi. He said, how it happened?
I said, I eat in the night and I went to sleep. Next morning, I couldn't get up. (Inaudible.) I went to hospital, they say maybe problem with my heart or my kidney, whatever. I had surgery. I had four-hour surgery because of driving a taxi. (Inaudible.)

The judge called me to the court, and I went there and explained to the judge, and I said, this is my life. (Inaudible.) And then I am sick, judge. I am diabetic, (inaudible), and I cannot work no more. Two days, three days I work. I explain to the judge. And the judge said to the lady, why you still with your husband then --

CHAIRMAN YASSKY: Sir, I appreciate it, but we're --

MR. TAMBADOU: Okay. The problem is that TLC and (inaudible) work fare and state is taking my money from my garage. They told me
I'm back and my boss don't give me no car. And I have four receipts, and you can look at it.

CHAIRMAN YASSKY: I'm going to ask you to give the receipts to the inspector and we will take them, but I'm going to ask that your testimony be concluded now and we hear from the next witness. I very much appreciate your taking the time to be here. Thank you.

MR. TAMBADOU: Okay. Help me. I can work for four days, but now they tell me, they have to give me --

CHAIRMAN YASSKY: Sir, sir, I'm sorry. You're out of time for your testimony. Please give your material to the Inspector. Thank you, sir.

Asim -- oh, my goodness, Mr. Simmons.

MR. SIMMONS: How are you doing?
CHAIRMAN YASSKY: I'm going great.

MR. SIMMONS: Good afternoon, everybody. My name is Beresford Simmons, and I'm a member of the Taxi Workers Alliance, and I'm going to be short and brief because everything that everybody says here today, you know, as a senior driver in the industry, I totally agree with most of them, those that you could understand, especially, Ms. Bhairavi Desai, okay, because we are the ones who bring the complaint to the Taxi Workers Alliance. So she explained everything to you.

So all I'm asking the Commissioners to do is, basically, before you make any decisions on voting on these rules, please go over them again because these drivers are suffering very bad. And we just got a raise, thank you
to you guys, thank you very much,
but you can't give it to us in one
hand and take it back. (Applause.)
Thank you very much.

CHAIRMAN YASSKY: Thank you,
Mr. Simmons.
Okay. Come forward, sir.

MR. K. KARIM: My name is
Karim, Kazi Karim. I believe my
name has been called on the list, I
think.

CHAIRMAN YASSKY: Mohammed
Karim?

MR. KARIM: "Kazi Karim."

CHAIRMAN YASSKY: Well, why
don't you go ahead. Kazi Karim, I
see it here.

MR. K. KARIM: Thank you
very much.

So, almost five months ago,
there was an accident involved,
just a side mirror broken, and
there is a (inaudible) and there is
a police report. (Inaudible) when
I handed the police report to my garage, my garage has taken signature in blank form. Then I told them, why have you taken my signature in blank form? They told me, okay, if you take the time to fill out this one, okay, you cannot come to work then get the form. (Inaudible.) The garage has taken the signature in blank form, and they have given me the form, they have made the report.

CHAIRMAN YASSKY: Sir, you know what? I'm thinking, have you spoken to our complaint person about this, about your case?

MR. K. KARIM: Yes.

CHAIRMAN YASSKY: Mr. Ross?

MR. K. KARIM: Yeah.

CHAIRMAN YASSKY: You have?

MR. K. KARIM: Yeah.

CHAIRMAN YASSKY: So he's familiar with the details?

MR. K. KARIM: Yes.
CHAIRMAN YASSKY: Are you sure? So, this is still an open case with us?

MR. K. KARIM: Yes.

CHAIRMAN YASSKY: Okay, thank you. Then, I guess, if you'd like to conclude, but what I would like is that we can, again, make -- I can consult with our investigations team and understand the details of your case and make sure it is handled. Okay?

MR. K. KARIM: Okay, thank you.

CHAIRMAN YASSKY: Thank you, sir.

So Asim Akhtar and Biju Matthew are the last two people signed here.

MR. RICHARDSON: I'm sorry, my name is Ryan Richardson. I was called, I think, before --

CHAIRMAN YASSKY: You were, I know.
MR. RICHARDSON: -- when I was downstairs and they weren't letting us in.

So my name's Ryan Richardson. I'm staff at the New York Taxi Workers Alliance, and my role there, one of the things that I do is when folks come to us with complaints about their garage or broker overcharging, I handle intakes with those and I work with Mr. Ross on getting those complaints moved forward.

I want to speak to today about the retaliation penalty because I know from talking to so many drivers that there is a real concern about the fear of retaliation and about the fear of losing people's incomes. You know, it's not easy to get a new car, and so when people are at very real risk of being taken off their car, having their medallion removed, all
these kinds of things that can happen, that keeps people from filing complaints.

And I think that the TLC has taken some great steps towards regulating both sides of the industry. And I have some really serious concerns about the proposal to reduce the fine from $10,000 to $1,000. I think that if the TLC is serious about making sure that the lease cap rules are enforced and making sure that drivers are actually willing to come forward and file those complaints, that retaliation, the fine or retaliation and the enforcement of that rule needs to be serious.

(Applause.)

MS. DeARCY: Can I ask you a question?

MR. RICHARDSON: Yes.

MS. DeARCY: If you were to interpret the rules such that the
way it's written, it's $1,000 for the -- as it's proposed, it's $1,000 for the first offense, $10,000 for the second offense.

If that rule were interpreted such as the second offense was not a second offense for the same driver, but the second offense by the owner, would that change your view of having the graduated penalty from 1,000 to 10,000 such that -- would that address your concerns at all?

MR. RICHARDSON: It would not because for the driver who's filing that first complaint, right, if there's not a strong penalty for the garage, that driver will have lost their job.

And I think I have some questions about the wording of the rule also. Is it a first penalty for a particular medallion, is it a first complaint by a particular
individual, is it an agent? I think there's a lot of --

MS. DeARCY: Right. I agree, yes.

MR. RICHARDSON: -- stuff that's not specified in there that needs to be cleared up, but I don't think that's a -- changing it to $1,000 for the first offense is going to mean, that driver -- that there will be no consequence for the owners who retaliate against drivers.

And I think, you know, I think that the penalty should be changed by a factor of 10, but I personally would like to see it changed by a factor of 10 in the other direction that one of the brothers here -- you know, maybe, first offense, $10,000, second offense, $100,000. (Applause.) Because it's the only thing that's going to keep these garages
and brokers from doing the
overcharges that they've been doing
consistently with the rules, with
the old rules, with the new rules.
This stuff has not changed.

There are still, many, many
overcharges going on, an epidemic
of overcharges. And real serious
enforcement is only going to be
possible if drivers are comfortable
and feel like they can come forward
and be protected. And I think
that's just, you know, a reality
(Appause.)

MS. DeARCY: Yes.

MR. OKYERE: Good afternoon.

My name is Vincent Okyere, and I've
been driving a cab since 2000. And
recently, (inaudible) car and
driving a yellow. And I had a
partner, who is no more working
there. I had summer vacation, and
I went out --

CHAIRMAN YASSKY: Sir, I'm
going to just interrupt for logistical purposes.

Is there anyone here in the room whose name's been -- I have called everybody who signed up. Is there anyone whose name I've called so I understand kind of where we are? Is there anyone whose name I've called who's not yet spoken? I've got one hand over there -- oh, we have two hands over. Okay.

We will hear you and the remaining two, and at that point we will conclude the hearing.

Yes. Thank you, sir.

MR. OKYERE: So what happened was that I was driving this car with my partner, six days a week, and I traveled, I went back home to Guiana. That's my home. And when I came back one afternoon, they told me that and incident happened with the windshield of this vehicle. It wasn't something
that involved in an accident or collision with another car. And I asked them, why, what happened? And they told me that on the 16th somebody reported to them that this windshield has cracked.

And honestly, I've been driving this car and I never hit anybody or anything that happens with right in front of me. So I parked the car and the guy moved the vehicle somewhere in January because I left on the 28 of January, and he told me that when he moved the car in the morning, he saw like a little crack on the windshield. Okay.

(Inaudible.) Just tell them when you come back. Okay.

And so I drove this car continuous (inaudible) 28th of January and they didn't ask me anything. As soon as a came back in February, they said that I was
involved in an accident. So I was wondering, what happened? And then they said, okay, finally, you're going to pay for it. And I knew that it didn't happen on my shift, and so they ended up taking $220 from me, as I'm speaking now. We are left with $19 to come out. Unfortunately, (inaudible) giving some permission to the Taxi Alliance that they should work it out for me.

And so, my question is, please don't pass this rule. Going to be heard, one thing most of us have been saying, most of drivers, they are afraid of coming forward, number 1. Most of the drivers have been overcrowded with (inaudible), and the cars that they have, the drivers at that point make no complaint or come forward and speak up. The next time you want to get in a cab and go out. That's one
side of it.

And secondly, I'm just giving the suggestion that if it can be possible TLC make a standard rule that all the cabs be equipped with cameras, because the drivers (inaudible) once in a while.

Some of the passengers, you are not allowed to lock their doors, but then they get and decide to get out without even paying. That happened two weeks ago. The lady get out of the car. (Inaudible), I don't need a receipt. And so -- no, no problem. Swipe your card. You don't need a -- I'll print it out or leave it after this. She is not swiping and the cab ended up calling the police. And finally the lady came back forced her to swipe the card. (Inaudible.)

So if possible, they should make a standard that all the cars
be equipped with cameras so if the person goes out, fine the person back. Thank you. (Applause.)

THE PEOPLE. That's right.

CHAIRMAN YASSKY: You, sir, were Vincent Okyere, O-K-Y-E-R-E, is that correct?

MR. OKYERE: Yes, sir.

CHAIRMAN YASSKY: Thank you, sir.

Okay, please.

MR. AKHTAR: Hi, Commissioner, my name is Asim Akhtar. I've been driving a cab for past eight years.

I just want to talk about two points about the weekly lease. We're on the receiving ends. It's the garages who decide that they want to give us a weekly car or they want to give us on a daily basis. I mean this is our occupa -- you know, we don't have the power to choose that, you know,
if we want to be weekly driver or
if we want to be a daily based. So
I think that by creating this
loophole, you're (inaudible) the
weekly lease. So I think, everyone
will end up paying some shift.

My second point is that if
drivers overcharge a passenger by
$10, our license gets revoked.
Your license is revoked. And on
the other hand, if a garage
retaliates against you, you're just
going to fine them $1,000?
(Appause.) And if I file a
complaint against a garage, they
will set example out of me.

You know, people -- other
drivers who will see that there was
overcharges and this driver made a
complaint, what happened to him?
And it's not that there are
different garages who have
different set of rules. Every
single garage across the board has
the same rule. The same. They will charge you the same. It's not that one garage will give you a weekly, another garage will give you a daily base, a lease is -- we can't choose which is the good garage, which is the bad garage. They are the same across the board, the same (inaudible.) (Applause.)

So the driver feels pressured if they come and file a complaint that, okay, they are going to file a complaint, but if they get fired, the other garages will go and be the same.

So I mean, you know, please vote "no." And the retaliation, I really -- $1,000 is really going to discourage drivers to coming forward. It should go up, it should not come down. (Applause.)

CHAIRMAN YASSKY: I'm sorry, sir, did you give your name? No, could you --
MR. AKHTAR: Asim Akhtar.


MR. AKHTAR: Yes.

CHAIRMAN YASSKY: Thank you, sir.

And your name, sir?

MR. MATHEW: Biju Mathew.

I'm one of the cofounders of the Taxi Workers Alliance and a member of the organizing committee. I've been working in the industry for over 17 years at this point.

All of these rule changes that are proposed are fundamentally connected to each other. One must understand these rules as a reaction to what was done with the fare increase and the rules passed then. This is an industry that is coming back, a backlash against a series of progressive steps that this Commission took just a few months -- less than a year ago.
(Applause.)

If we don't place this within that fundamental structure that this is a backlash, we are not doing justice. And the reason I'm insisting in placing it within that fundamental structure backlash is simply because of the fact that what happened with the last set of rule changes is that, for the first time, there was an attempt to produce a balance. Not that the balance has been finally produced, but be moved in the right direction. And already, we are seeing the kind of pressure that's coming back.

It's important for us, therefore, to understand, look at the whole set of rule changes proposed and understand the links between them. We -- the TLC says it wants to promote steady drivers that give excellent service to the
citizens of New York City and to
those who visit the city. Who
didn't give excellent service?
Those were steady drivers, those
were career drivers. And a career
driver is encouraged by the weekly
lease because that's the structure
by which she makes that little
penny that he can save and feed his
family. (Applause.)

THE PEOPLE: Yeah.

MR. MATHEW: What they're
attempting to do is take the weekly
lease away by this insistence on
the -- by taking away the seventh
day which was the last of the rule
changes available to the driver.

You should have all been
downstairs. All the drivers were
not allowed up here because of the
capacity problem. You should have
heard the stories. I spoke -- just
finished speaking to a driver who
said that he's forced to take the
seventh shift right now under the table. Right? He wants to complain, but he's asking me the question, will I be affected if I complain? I tell him, no, it's a $10,000 fine if the garage retaliates. He said, no, but it's going to be 1,000.

So the structure is that they are overcharging right now and we have to understand that the regular structure that the TLC attempted to bring in last year has still not done all of the job that it's meant do. (Applause.)

And the conditions (inaudible) from the owners for the last how many -- last several decades when we make one corrective step, even before the corrective step has the time to catch traction, we can't rule back. That's precisely what they're trying to do here.
So the lease overcharging that's going on right now rampantly is connected to the fact of the fine that will be levied on a garage if there's overcharging -- if there's retaliation. These two cannot be pulled apart.

And finally, if those two don't work as the third window that they're trying to open up through this whole idea that a driver must pay for the repair, where does it come in? I don't own the equipment. How would I pay -- why should I be the person paying for something that I don't own especially when the garages are all self-insured. Right?

I mean, we have to understand, this as a fundamental attempt to destroy what the TLC did last year. And unless we understand the (inaudible), we will never make it right. Thank you.
(Applause.)

CHAIRMAN YASSKY: Thank you.

I want to just thank, first of all, thank the Commissioners for your, as always, very diligent work. I want to thank all of the folks from the Taxi Workers Alliance and from the industry and the public, if they are here, who are not just in this room, but in the overflow room, and the folks who were downstairs and were not able to fit in to either this room or the overflow room.

I know for a taxi driver who does not earn a great deal of money to begin with, time is money.

(Applause.)

THE PEOPLE: That's right.

CHAIRMAN YASSKY: And if you're working six 12-hour shifts already, then you don't have a great deal of time to spare to come and participate in a hearing like
this. I just want to give you a
word of appreciation and gratitude
that you took your time to help us
do our work here today.

So thank you. This hearing
is adjourned.

(Applause.)

(At 12:39 p.m. the hearing
concludes.)
CERTIFICATION

STATE OF NEW YORK )
COUNTY OF NEW YORK ) ss.:  

I, MARGARET CRANE, a Notary Public within and for the State of New York, do hereby certify:

I reported the proceedings in the within-entitled matter, and that the within transcript is a true record of such proceedings.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April, 2013.

MARGARET CRANE
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