NEW YORK CITY
TAXI AND LIMOUSINE COMMISSION
SEPTEMBER 12, 2013

COMMISSION MEETING
and
PUBLIC HEARING

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ELIAS AROUT, Commissioner
FRANK CARONE, Commissioner

SPEAKERS:

RAY SCANLON, Deputy Commissioner for Enforcement, TLC
SHERRY COHEN, Assistant Commissioner for Enforcement, TLC
CHRISTOPHER TORMEY, Director of Applicant Licensing, TLC
OSMAN CHOWDHURY, United Taxi Driver Association
BILL LINDAUER, NYCTA
PETER MAZER, General Counsel, MTBOT
GARY WEISS, Deputy Commissioner for Licensing
CHAIRMAN YASSKY: All right, good morning. Thank you very much for joining us this morning, September 12, 2013. I call this meeting -- I think that mic might be on -- I call the meeting to order at 9:40 a.m. Present with us today, Commissioners Marino, Polanco, Weinshall, myself, Yassky, Arout and Carone.

We have a modest agenda for today, so, and I know Commissioners who got to be out before too long. I just have a couple of announcements to begin with to just update you on. We haven't been together as a group, I guess, for a few months.

First of all, our Street Hail Livery Program, I am happy to report, is actively underway. Approximately 2400, 2,400 Street Hail Livery permits have been issued. Meaning, those are folks
that have come in and gotten the
permit to operate as Street Hail
Liveries.

I'm especially pleased to
tell you that of those, about
750 -- let's see, that's more than
25 percent, yes -- more than
25 percent somehow are for
accessible vehicles. And as you
know, there's a lot of concern
about whether we'd be able to make
sure that 20 percent of the Street
Hail Liveries would be wheelchair
accessible. I will admit to being
maybe overly concerned about it.
As some of you Commissioners
assured me, don't worry, it will
work out just fine, you were
absolutely right. So that's good
news, and you will probably start
to see these.

The next step for everybody
that gets a permit is to paint the
car, put in the required equipment,
the meter, the credit card reader, and then to begin legal operation. That part then takes a while. So of the 2400, about 120 have so far done all those steps and are out on the street operating. The other 2300 or so are in process. And so let me point out, I know we sent an industry notice to this effect, but let me remind people in the industry. We've heard reports from some folks in the industry that livery cars that have not got the license have been painting themselves green as a way to be counterfeit, if you will, borough taxis. We have published, I think we've already published -- I'm sorry. Meera, have we already published the green rule? Have we published the color rule for SHLs? MS. JOSHI: I believe so,
yes.

CHAIRMAN YASSKY: We have published and we will vote on next month a rule that restricts that green color only to legitimate licensed Street Hail Livery vehicles, just the way our licensees cannot be taxi yellow because we don't want people counterfeiting as yellow taxis, we don't want people counterfeiting as borough taxis.

So for people in the industry who might have had the clever idea of just painting yourself green, if you did, I recommend you very quickly go and change back, and if you haven't, don't, because that will be against our rules next month when we vote on that.

Now that the program is underway, I also want to remind people in the industry, there's
been a 40- or 50-year kind of period of benign neglect toward illegal street hails in the boroughs when there was no alternative for legal service. Now that there is a legal alternative, we expect everybody in the industry to follow it and to play by the rules. And what that means is we will now start issuing tickets to people who are doing illegal street hails in the boroughs. If you are a driver who makes your living that way, it is very simple: Come into Long Island City, get a license, and do it legally.

And we recognize, you know, to be clear, we recognize that there's still a bit of a wait. Our licensing facility has been inundated with these applications, so we're currently running it maybe six weeks, seven weeks from when you request a license to when you
actually get it. So we have made provisions for people who, if you get a street hail ticket, when you come in, when you come in to get your license, that ticket will be dismissed if you are actually coming in to get a license. So we don't want to penalize people who are in the process of getting legal, but if you're not in the process of getting legal, you will now start to face enforcement. So I want to just make sure everybody's clear on that.

On our other big issue, the Taxi of Tomorrow, I report that we have now, kind of, our last official step was taken. We notified -- under our contract with Nissan, we had to formally approve the vehicle. I went down to Nashville to inspect it and, Commissioners, I could not be more pleased with the product and how it
has turned out. I think that when passengers get into that car on the street for the first time, they will say, wow, this is much nicer than the last taxi I was in. And that's our job here, to continue to improve the passenger experience. I couldn't be more enthused for October 28th.

Internally, Commissioners, I just want to share with you that we are having an Employee Recognition Day this coming Monday. You are all welcome. We are recognizing 145 of our TLC employees who have served the city for 15 years or more. We have a tremendous workforce. I say this frequently that when I started at the TLC, I honestly didn't know what to expect. And what I found was an unbelievably professional, competent and dedicated workforce at every single level in our
Licensing Division, the inspection garage, the Enforcement folks, the administrative support here at 33 Beaver. Throughout the agency, it's a daily pleasure for me to be able to work with the folks here. And so we're having a recognition day and everyone is welcome.

Lastly, a formal note, since we met, the Commission has denied two petitions for rule-making, which I want to put on the record.

One from the Greater New York Taxi Association for a rule requiring an interior sign warning passengers that if they pay by credit card using anything other than the TPEP swipe, the driver is liable for any overcharges. This was denied because it conflicts with our E-Hail pilot, which is kind of like passengers being able to pay through their smartphone.

The second petition was from
the New York Taxi Workers Alliance

for a specific rule to allow a
driver whose TLC suspension is
lifted to have immediate access to
TPEP once they show a TPEP vendor a
DMV abstract or a TLC printout
showing that the suspension has
been lifted. We denied this
specific rule because we are not
comfortable with the TPEP vendors
having that crucial role in
reviewing documents and changing,
in essence, driver status within
our own system.

Now before we do the agenda,
we're going to have just a brief
presentation from Ray Scanlon and
his team, Enforcement.

Ray, please just come up.

Commissioners, probably each
of you have at one time or another
in the last few months asked me
questions about our Enforcement,
what are we doing to enforce this,
to enforce that. I want to just get a presentation from Ray. I think that in the last few years we have traveled just miles and miles and miles from a point where many of our rules really were -- it was kind of the honor system. And now we have an enforcement capacity to back up what you decide here.

When you change the rules, that needs to mean something. And it means something if Ray and his extraordinary group of assistant commissioners on the Enforcement side, Jeff Hunt and Sherry Cohen, it means something if their teams are able to go out and issue a summons when the rule is broken.

Candidly, we did not really have that capacity a few years ago; we do now. And I just want Ray to walk you through a little bit of what we've done.

MR. SCANLON: Sure.
CHAIRMAN YASSKY: And it's a particularly appropriate time because they just set a record. You were probably going to mention this, but last month, for the first time ever, seized more than a thousand illegal taxis in a single month. One thousand illegal taxis in a single month. Ray.

MR. SCANLON: Thank you for that, Commissioner. And just before I go forward, I'd like to say that I can't say that I was out there seizing the thousand, it's the uniforms to my left and behind me and their associates that are the boots on the ground that are making this happen. Myself and Commissioner Hunter were up there steering it, steering the operations, but they're the folks that deserve the praise. And we'll continue to produce going forward because we're very excited.
Now let me see if I can operate this without being -- oh, excellent.

So the first slide we have here speaks for itself. It has to do with Field Enforcement Inspectors. So before you can even seize a thousand cars or 500 cars, you need to have boots on the ground.

The baseline we used a little over two years ago was back in May of 2011 where we had roughly 60 inspectors. Now, these are just inspectors, these are not lieutenants, captains, chiefs, the bosses, we call them. These are the boots on the ground; these are the inspectors that are out there doing the work just like the folks in this room.

Since then, we've had a series of, a progressive of graduations of hiring where we're
now at the point that when we graduate this class October 19th, I believe it is, we'll be up to 140 inspectors, plus the bosses, giving us close to a head-count of close to 200 enforcements. But 140 folks out there come October to really continue the mission, so to speak, of enforcements. And even more classes planned after that, I might add.

So again, Field Enf -- the Poaching Summons. Before I go forward, let me explain. By "poaching," we mean a couple things. Poaching can be illegal street hails, like the Commissioner mentioned before, done by licensees who are taking the street hails illegally, and it could also entail what we call the straight-plate activity. By straight plates, we mean regular passenger vehicles that you and I drive, a family
vehicle, where people will take and
start to play taxi. That was where
the majority of our poaching, of
our -- when the Commissioner
mentioned a thousand seizures,
that's what we're after, the
straight plates; people out there
that are totally illegal, just
really sabotaging the industry,
sabotaging the legal players who
take the time and expense to
legitimatize themselves.

So beginning somewhere
around, it was, I'd say, around
July 2011, we focused our poaching
primarily in what we would call the
Core Business District of
Manhattan, or it's also called the
Hail Exclusionary Zone. It has to
do with Manhattan up to, I believe
it was 110th Street on the West
Side and 96th Street on the East
Side. This number in yellow would
reflect the summonses that were
issued in that zone, whereas the number above that in green would reflect the summonses that were issued in the outer boroughs.

It was very intense, as you see, in 2011-2012. 2013, calendar-year-to-date, we're still there. We have sort of -- our poaching activity has been more focused on, again, the illegals, which we're finding in the outer boroughs as well as the airports. So that's where we're going right now. We're still in the Core Business District. We'll be there even more especially now that the SHLs are on the street. We've had units out last night and overnight and this morning cruising in the Upper West and Upper East Side in the 70s, 80s and 90s looking for any encroachments with the SHLs. I'm happy to report we haven't seen that yet. I mean, I've heard
anecdotally that it has happened.

If it happens and we catch it,
they'll be dealt with accordingly.

And one last thing.
Pursuant to this initiative, we've
been able to -- 300 driver's
licenses have been revoked for
poaching. That means they've been
cought three or more times in a
36-month period. This would be the
FHV drivers, licensed FHV drivers
we caught at least three times
leading to their license
revocation.

So again, next slide is sort
of an overview here of the Field of
Enforcement Seizures. Fiscal Year
2011, we ended with 1500; 2012,
3493; and Fiscal Year 2013, a
whopping 7,830. A real credit to
the folks in this room who are
doing this. I would just say
anecdotally that, it's not on this
slide, calendar-year-to-date being
July 1st to date this year, 2013, we seized over 2,100 cars already, which far exceeds what we did all of Fiscal Year 2011. And we continue to see that rise.

So before I go further, this 7,830 is a great benchmark. We aim to increase that, but I'm reminded of the, sort of an old investment disclaimer where past performance is no guarantee of future results, but we'll do our best to do that.

What's been aiding us in this endeavor is, one, the tow pound that we just brought on. March 29th, we signed a contract with Knights Towing in Brooklyn. We began in April in earnest with our seizure efforts with Knights who has basically almost limitless capacity.

We have not been impinged in any way in our seizure program by any incapacity issues like we were
in the past. If you recall in the past, we were putting cars at Woodside at our inspection facility. We were lucky enough to get a lot donated to us by a gentleman in Queens on Cooper Avenue. We quickly filled that up, we kept it at capacity. We no longer have that issue anymore. Knights Towing, they're there at our side. They're taking -- whatever car we seize, they take.

CHAIRMAN YASSKY: In the interim period, we squatted on the Parks Department.

MR. SCANLON: Yeah, we squatted on the parks -- at Randall's Island, that's true. I forgot about that one.

CHAIRMAN YASSKY: I hope they didn't notice, but thank goodness.

MR. SCANLON: Yeah. So, but that's all behind us now with
Knights Towing. And we've been parking with them and we've had great results. We continue to do that.

Also, we have the Handheld Program. All inspectors now have been instructed on the handhelds. If you've ever seen somebody writing a parking ticket where they had the hand contraption, it's sort of analogous to that. All inspectors are trained on that. It makes issuance of the summonses much quicker; it increases the efficiencies of the inspector. They no longer have to come back to Woodside to handwritten the summonses, they can write and issue them right in the field. So we continue to do that.

Before I go further, just a couple other areas we're going to talk about, the added data-generated summonses, there's
the police cap initiatives and
there's the whole consumer process,
which I'm going to turn over to
Assistant Commissioner Cohen who is
responsible for basically
engineering that whole process,
taking a system that was, what I
call, broken and fixing it. But AC
Cohen will explain. Thank you.

CHAIRMAN YASSKY: Are you
going to cover the data generator
or just allude to it?

MS. COHEN: I'm going to
cover it.

CHAIRMAN YASSKY: Oh, Sherry
is. Okay, go ahead.

MS. COHEN: Thank you, Ray.

So in addition to having
inspectors' boots on the ground, as
Ray described, we also utilize data
in order to generate summonses.
Obviously we're not in every cab,
we can't be on every street, and
using business records both from
TLC and from DMV we're able to issue summonses without having to actually observe violations physically. We're able to determine that violations have occurred or that drivers or owners are no longer meeting licensing requirements.

This is a list of just some of the data-generated summonses that we issue. DMV Critical Driver. If the driver has ten or more points on his DMV license and continues to drive a taxicab, we're going to revoke his license. If he has six or more points, we're going to suspend his license.

MS. MARINO: For how long?

MS. COHEN: The suspension is for 30 days.

If a driver, if his license is suspended for any reason, if his TLC license is suspended and he continues to drive a taxi, when he
logs into TPEP, we know. And we're able then to compare our TLC records, which shows the license is suspended, with the TPEP data and we're able to then hold drivers accountable for driving while their license is suspended.

If a driver is overcharging passengers by using the wrong rate, if they're using the out-of-town rate instead of rate one, which would be the regular rate, we can see that in TPEP. We do get passenger complaints regarding that, but we're able to monitor all trips to see if the correct rate is being charged. And the same for E-ZPass. If a driver goes through a toll and does not charge the discounted rate, we can see that in the TPEP.

Any driver who is logged in to be wheelchair accessible, the medallion taxicab must have taken
the appropriate training. So we, again, we monitor and analyze to see if drivers have the appropriate training and then issue summonses if they don't have the appropriate training. If a medallion is suspended and continues to be operated, again, TPEP gives us that data and we issue summonses accordingly.

Licensing along with DMV monitors whether vehicles are properly insured. If they're not properly insured, we'll issue summonses. And again, if a vehicle is not inspected when it's scheduled to be inspected, the Safety Admissions Database will let us know that they failed to be inspected and we will issue summonses.

We recently implemented a dispatch program for wheelchair-accessible vehicles.
When a driver is assigned a dispatch for a wheelchair trip, they must, must pick up that passenger. If they don't pick up the passenger, then we issue a summons. And we're able to use data from the dispatch system to determine whether or not a passenger was picked up when they were supposed to be.

All of these data-generated summonses are -- the data analysis is really headed up by Surge Royter, who's here today, and his team of data miners. And they do a fantastic job.

CHAIRMAN YASSKY: Surge, could you just raise your hand for a second?

Commissioners, there's Surge over there, because we don't often get to see some of the superstars here at the TLC who make just unbelievable contributions.
Surge, and now his small team, when it started it was just him, has really created this capacity over the past few years so that now every week, week-in/week-out, we search the available databases, the TPEP database, the DMV data we get, our own lice (phonetic), our own, you know, tamus (phonetic) database, to scan for all these violations. Some of them are kind of more technical. Some, like the rate, the fair stuff speak very directly to the integrity of the system, and week-in/week-out he uses our data to identify violations.

And that has been, I think, just a 180-degree improvement in our enforcement capacity, you know, Surge, and of course, Sherry and Ray. Thank you.

MS. COHEN: And so you can see in 2009 we just started this
program of issuing data-generated summonses and issued about 359 summonses in Fiscal Year 2009. We are now in Fiscal Year 2013 and issued 21,902 summonses. You see there's a bit of a spike from 2011 to 2012. Some of that has to do with issuing different types of summonses. So as our capacities to mine the data increases, we're able to issue summonses for different types of violations. So, the increase is not necessarily because we have more summonses of a particular type. In fact, for summonses that we previously issued, often we see a decrease in the issuance of those summonses. And we see that there really is a deterrent effect to this type of enforcement.

These cases are based on business records and they're what I call slam dunks. And I think the
industry knows that and the drivers understand that they're going to be held accountable. They're going to walk into court and we're going to have business records that are, for the most part, irrefutable. And I think we have seen a decrease. E-ZPass is a perfect example. Every month TLC takes the data from TPEP and analyzes it to determine if E-ZPass rates are being charged on toll crossings.

And if a full --

MS. MARINO: Can I just get some clarification on that? What exactly is the discount for the tolls? How does that work? Anyone know?

CHAIRMAN YASSKY: Anybody?

MS. COHEN: So, I think it's like 4 --

MS. MARINO: I didn't know that. That's all.

MS. COHEN: It's about a
dollar's difference. I think it's, if it's a 5.80-crossing, then it goes down to 4 --

MR. ROYTER: Yeah, about 4.60.

MS. COHEN: -- 4.60.

MS. MARINO: But how does that work, like a taxi driver gets a special E-ZPass that --

MS. COHEN: No, everybody who has E-ZPass.

MS. MARINO: Oh, it's --

CHAIRMAN YASSKY: Everybody. E-ZPass on the cash rate.

MS. COHEN: E-ZPass is a dis --

MS. MARINO: It's the regular, okay. That's what I didn't understand.

and it costs less. Unfortunately, drivers don't necessarily always use E-ZPass and often even ask passengers to pay cash for the tolls. And we do get complaints from passengers that they're being charged the regular rate as opposed to E-ZPass.

And rather than having to rely on passengers coming forward, we're able to look at the TPEP data and see that there was a toll and how much was charged. And if the full rate is charged, then we can issue a summons for overcharging.

MS. MARINO: Okay, thank you.

MS. COHEN: When we first started, we started issuing these types of summonses in the Fiscal Year 2010, we started regular enforcement, we got to a high 591 drivers in 2012 who committed E-ZPass violations, and we saw a
big drop in 2013, down to 242.

CHAIRMAN YASSKY: And I
confirm it. I confirm it
anecdotally. I hear people, kind
of drivers got the idea that now
this is something you can get
captured and they're doing it a
lot less.

MS. COHEN: Right. So it's
a great case study. And we do see
this in other types of violations
as well. The true deterrent effect
in this type of enforcement.

The prosecution division
also oversees passenger complaints.
And just briefly, there's been an
evolution to the consumer complaint
process especially over the last
three years, and we've really
changed the way we do business.

In 2010, the process was
that when a passenger made a
complaint to 311, TLC would then
take that compliant, draw up a
letter, send a letter to the passenger, which summarized the complaint from the passenger, and then ask that passenger to snail mail, in the mail, the letter back to TLC.

Understandably, only about one-third of the passengers actually returned those letters.

CHAIRMAN YASSKY: I actually find it amazing that a third of passengers did return that. They got a letter saying, here's the complaint you sent in, confirm to me that you really believe that this was the complaint, and send it back to us in the mail. And shockingly, actually a third did.

MS. COHEN: And we didn't provide envelopes, so -- I think that's a big deal, actually. I get a bill and there's no envelope for me to pay, there's no way to automatically pay it, good luck to
my gardener.

In any event, so we decided, or, really, the Commissioner, under his leadership, thought that this was not a good way to decide which cases we should be investigating. And in fact, some of the most egregious complaints may very well have fallen by the wayside because the passengers simply didn't return the letter.

Of the cases we did pursue, the one-third of the cases that we did pursue, we would issue summonses. And 68 percent of those summonses were actually dismissed at the hearing. We only had a 32-percent conviction rate. And there's several reasons for that. One of them was that we didn't contact the passenger until the actual time of the hearing, if we contacted them at all. And by March of 2011, we had an 18-month
backlog, and that meant that passengers would have their first contact with a human being at TLC 18 months after they made their complaint. So obviously their memories and interest faded at that point, making them very difficult cases to win.

We didn't settle any cases. We went to a hearing on every single case. And overall, we didn't actively prosecute the cases, there was no one in the courtroom necessarily standing up on the case for the TLC. And approximately 18 to 20,000 complaints that TLC receives a year were being processed by exactly three staff members. So, all in all, this led to what Ray described as a broken system.

So what are we doing now? So passengers no longer have to return a confirmation letter; we
investigate all complaints. The passenger says I had a bad experience and I'm willing to participate in your process, we investigate the complaint.

We contact the witness by phone, typically a prosecutor will reach out by phone to the witness within two weeks of receiving the complaint. And in that contact with the witness, they are able to get details of the complaint that were not in the initial 311 report. They're able to shore up any holes in the case and even add charges that we would not have otherwise known about but for the conversation that we had with the passenger right up front at the beginning of the case.

Once we receive this, once we have this contact with the witness, we issue a settlement offer to the driver. The driver is
basically told a narrative of what's been complained about, the charges that the driver is facing, and then offered a guilty plea to an appropriate charge, a reduced fine.

More than 50 percent of the drivers accept the pre-summons offer by mail. We provide them with an envelope to send the settlement offer back. And as a result, we're able to process many, many more cases in a much shorter period of time.

For the cases that do go to a hearing, we are doing much better in the hearing room. But for the cases where we actually issue the settlement offer or issue a summons, our conviction rate is about 96 percent. We have 5,231 cases settled, 1,714 cases where it was guilty at a hearing. In the Fiscal Year 2013, only 295 cases
were actually dismissed after a hearing.

CHAIRMAN YASSKY: In the interest of time, I'm going to -- let's skip the internship part and move right to the chart, two slides from here.

It's sad that time is forcing us to do this because one of the amazing innovations that Sherry has done is create a clinic with New York Law School to supplement our staffing. That's what's enabled us to get that 96 percent conviction rate is now we have the staffing to do that.

MS. COHEN: We have some of the students here today.

CHAIRMAN YASSKY: This chart really tells the whole story.

MS. COHEN: And it does. And you can see that with the number of complaints that TLC receives, cutting to -- starting in
Fiscal Year 2009, you had 18,130 complaints and only 1,280 of those were processed to the point where a summons was issued.

CHAIRMAN YASSKY: And further, really, I'm just -- Commissioners, I'll just ask you to look at just the first column and the last column. 2009, 18,000 complaints yields 731 kind of sanctions against the driver. So 18,000 people called us with a complaint, through a combination of us throwing them in the circular file and then not really having the resources to deal with the ones that we didn't throw away, 730 out of 18,000. So effectively, there was no consumer complaint, no passenger-complaint process. Really, in effect, zero.

Today, out of 17,000 complaints, 7,000 result in a sanction, which is probably right.
Not everything -- you know, many people call in and they're just grouchy or they, what they described as maybe a rude driver, but not a violation of our rules, but out of 17,000, 7,000 result in a complaint. I think that's probably right about where it should be.

MS. COHEN: And we still lose 50 percent of the passengers, just lose interest.

CHAIRMAN YASSKY: And it's just a real testament I think of everything that's happened the last few years. This is, to me, as important as anything we've done in ensuring that the passenger is taken care of and feels taken care of both by the industry and by the TLC.

So I just want to give Sherry an enormous amount of credit for taking this unit from zero to
70 or 80 miles per hour.

Did you say there was some
of the students here?

MS. COHEN: Some of the
students are here, yeah.

CHAIRMAN YASSKY: All right.
Could you stand up? Because I want
to recognize them.

One thing you've done here
is a clinic with New York Law
School. So we used to not have
any -- when there was a hearing on
a passenger complaint, there was
nobody from TLC kind of
representing the interest of the
passenger. So that's why most of
the tickets got dismissed.

Now we have these student
prosecutors. For us, it's
staffing; for them, they're
actually arguing cases before a
real judge. I think they're
going to get a better experience than
any other law school clinic out
there. So it's a win-win, and I thank you, to the students, who have been through this. Thank you.

MS. MARINO: (Inaudible.)

CHAIRMAN YASSKY: Yeah, see?

You wish you had that in law school.

MS. MARINO: We had a clinic similar.

CHAIRMAN YASSKY: But this one's even better. No, I'm sure it was --

MS. COHEN: They're in week two and they've already done hearings. They've already presented their own hearings in front of judges up against seasoned attorneys, many of who are sitting here. And so it's an incredible experience. It is. And it energizes us --

CHAIRMAN YASSKY: Okay.

Lease caps, and we're finished. I know we got to --
MS. COHEN: Lease caps and we're done.

Okay. So in March of 1996 lease cap rules regulating the lease of medallions and taxicabs by owners and their agents to licensed drivers were promulgated, but not necessarily enforced. We had gotten numerous driver complaints at the end of 2011 regarding overcharges and illegal leasing practices.

In February of 2012 we created the Lease Cap Enforcement Unit. We had one staff member. We established a dedicated hotline for driver complaints. Together with the Attorney General's Office, we conducted two days of driver interviews at our Woodside facility to learn more about leasing practices and give drivers an opportunity to tell us what's going on.
As a result of our efforts, we have imposed, for violations of lease cap rules, $228,300 in fines, we've ordered restitution to drivers, over $91,000. And one of the ways that we're really able to do this type of enforcement is that when owners don't comply with our directives, then we're able to suspend the medallions until they do comply. And we have suspended 77 medallions for not following our directives.

We've recently added a second attorney, Gia Chang (phonetic), who's here today, who handles driver complaints. And that's it.

CHAIRMAN YASSKY: Thank you.
And this is the last slide, Commissioners. I know several of you have asked me, you know, again, as we've dealt with the fair stuff and the lease cap stuff and some of
our lease cap rule changes, people were, you know, uncomfortable with -- from very different angles. But a common thread, as you've said to me, well, what are we doing to actually enforce the rules that we have. I think this is an impressive record.

Just since we've started this unit, $228,000 in fines, $91,000 returned to drivers who were overcharged, actual drivers out on the street who got their money back. And that really was with one person working under Sherry. We now have two, so we've increased staffing by 100 percent. And believe me, more to come.

So I wanted to just say that, Commissioners. Jeff Hunt was --

MR. CARONE: Chairman?

CHAIRMAN YASSKY: Yes.

MR. CARONE: I just want to
concur with you. I think this is
tremendous work, both
professionally and innovatively.
Both Sherry, Ray and the entire
Enforcement Unit deserve real
recognition for this incredibly
impressive presentation.

I think for all the
stakeholders, as well as the
success of Street Hail, really
depend upon it. Hopefully we could
increase the "boots on the ground,"
if you will, beyond 140 in the
future. If that's something that
could be done, that probably also
could just be -- just give you more
tools to continue the impressive
work. You guys really deserve
recognition for that.

CHAIRMAN YASSKY: Thank you
for saying so.

On that last point, we
continue to have authority, budget
authority to keep adding classes at
a gradual pace, which I think is right. We've gone -- Ray showed 60, forget lieutenants/captains, 60 inspectors to 140 now, 20 more coming in a few months. And we have authority to continue to do that, really, kind of as long as we need to.

MS. POLANCO: What is it per year? I mean, I concur with everything Commissioner Carone said. I couldn't have said it better in terms of the work that you guys have been doing. And I also agree that Enforcement, the unit itself, the amount of people, that should be increased.

So I want to know, every year, like, how many classes will graduate? What's the issue in terms of -- is it the budget? I know that, I mean, everything's connected with the city. I mean, TLC generates a lot of revenue,
so -- and now with the Street Hail
and so forth, because I know they
mentioned that it will be, it
mostly concentrates on the
Exclusionary Zone, but I know that
there's going to be a lot of issues
now with the street hail in the
outer boroughs --

CHAIRMAN YASSKY: Absolutely.

MS. POLANCO: -- because
I've seen a lot of -- you mentioned
the cars painted green and illegal
street hail, so.

CHAIRMAN YASSKY: Yes.

Okay. I'm glad you asked a
question. Let me just, so I don't
forget, last on the kind of
self-congratulatory part is Ray's
team. Ray has three extraordinary
assistant commissioners, Sherry,
who you just heard from who does
the consumers and the prosecution
and the administrative, and Jeff
Hunt -- Jeff, just raise your hand -- Jeff Hunt, who runs the Field Enforcement part. And that's the part that Ray talked about at the beginning, where the productivity and the numbers have been astonishing.

And then Martin Grindley, who you really rarely get to see here, but who runs the inspection garage that 500 cars a day are going through. And they go through as speedily as you could ask for and does, you know, as professional a job as you could hope for. So it really is terrific, Assistant Commissioners.

Commissioner Polanco, in terms of hiring, we like to do classes of about 20 at a time. We set out a couple years ago to say, we need to double or triple the size of Enforcement. We didn't want to do that all at once because
how do you integrate that many
people and keep the culture and
keep the quality control. And we
all thought, you know, 20 at a time
was the right number of people to
integrate. And I think that's
worked out very well. In other
words, as new people have come in,
they get assigned to work with
existing people and they can get
integrated pretty fast.

In addition, yeah, we have
to get budget, you know, to agree
to that. And it's every -- it's
true that while that the agency
generates a fair amount of revenue
in fines and fees, still, you know,
things don't even pay for
themselves. Just the reality of
the world is -- and it shouldn't be
asked to.

The reason we do the
enforcement is to protect the
passengers and to protect the
industry against unfair competition. It's not to bring in revenue.

So we've had to fight to get, you know, that budget authority that we've had, in part because, probably in large part, because the borough initiative, City Hall and OMB, have understood that if we're going to be enforcing citywide, 60 isn't going to do it, even 140 isn't going to do it. And that's why we have the budget authority to keep building up.

I'm not going to say indefinitely, but certainly, you know, as long as we can continue to show a need out there, we can keep adding people. We do 20 at a time, one class, maybe every three months, because it goes through a three- or four-month training process.

Okay. Thank you, again, Ray
and Jeff, Sherry, Martin
and (inaudible).

MS. MARINO: I do want to
say --

CHAIRMAN YASSKY: Yes.

MS. MARINO: -- I agree with
Frank's comments very much. It is
an extraordinary job and an
extraordinary change in statistics.

CHAIRMAN YASSKY: Thank you.

All right, thank you,
Commissioners, for your patience.
I know that your time is valuable,
but I wanted you to hear that
material.

Okay. Moving to business.
We failed at the beginning of this
meeting to adopt the minutes, but I
move now that we adopt the minutes
from the June 28th meeting which
are before you.

Any objection?

(No response.)

CHAIRMAN YASSKY: All in
favor of adopting those June 28th
minutes, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY: Opposed,

no.

(No response.)

CHAIRMAN YASSKY: Those
minutes are adopted.

We have base applications.

Chris.

MR. TORMEY: Good morning,
Commissioners. My name's Chris
Tormey, Director of Applicant
Licensing with the Taxi & Limousine
Commission.

Today we have 54 bases for
your consideration, and there was a
revision made to the list since it
was posted on the website. We
removed one base.

MS. MARINO: Why was that?

MR. TORMEY: They had
penalty points and we need to
reconsider their application.
MS. MARINO: So they have to reapply?

MR. TORMEY: No. We're going to table it to the next Commission meeting.

Any questions?

CHAIRMAN YASSKY: All in favor of adopting Licensing's recommendations as to base renewals, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY: And base renewals and new applications, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY: All opposed, say no.

(No response.)

CHAIRMAN YASSKY: The vote is unanimous. Your recommendations are approved. Thank you, Chris.

MR. TORMEY: Thank you.

CHAIRMAN YASSKY: And Commissioner Marino, we don't have
to detour, but I know that you had raised the question about one of the bases that kind of hung over from the summertime, something that Commissioner Gonzales had also been interested in drawing it to our attention.

I want you to know that I've worked with Gary at Licensing to take a look at that our process works very smoothly so that nothing falls through the cracks. And I think that outcome, that base was a great outcome in particular, but it did give us good occasion to look at the base process, make sure that it was, you know, working up to par, and I'm confident that it is.

So, I thank you for bringing that to our attention.

MS. MARINO: You're welcome.

CHAIRMAN YASSKY: Okay. The next item is our Street Hail Livery Rules Cleanup Package for both the
hearing and for Commission action.

For the hearing, we have a few speakers. Well, the speakers are Peter Mazer from MTBOT -- whoops. I take it back. Wrong hearing.

The hearing is, the people signed up to speak, Bhairavi Desai, Bill Lindauer and Osman Chowdhury. Those are the only people signed up to speak.

Meera, do you want to describe this rule package while those speakers come up and prepare?

MR. FROMBERG: Bhairavi isn't here.

CHAIRMAN YASSKY: Okay.

MS. JOSHI: Today we'll take public testimony on proposed technical changes to TLC's rules governing Street Hail Livery Service. The rules were published in the City Record on June 14, 2013. Comment period ended on
July 15, 2013, and no comments were received.

The proposed technical changes to the rules reflect the passage of time between the Commission's approval of the rules in April of 2012 and successful resolution of the litigation challenging the rules in June 2013. Specifically, dates by which FHV drivers are grandfathered in to drive SHLs and the date on which all accessible SHL drivers must have wheelchair-assistance training were updated. Unnecessary definitions and phrases were eliminated and penalty amounts were updated to reflect recently enacted local laws.

CHAIRMAN YASSKY: So of the three people that signed up, Ms. Desai, Mr. Lindauer and Mr. Chowdhury, is anyone here to speak? Mr. Lindauer.
MR. LINDAUER: Ms. Desai just came back late last night from a meeting of the AFLCIO in LA, so she cannot be here today, but I am proud to announce that she has been elected to the executive counsel of the AFLCIO, which means she's in the inner circle. Feel free to tremble.

CHAIRMAN YASSKY: Please convey our congratulations to her.

MR. LINDAUER: Okay. I just want to comment that, why can't you give summonses now for cars that are painted green, that don't have their roof lights and all the other stuff?

CHAIRMAN YASSKY: Well --

MR. LINDAUER: Why do you have to wait to our vote next month?

CHAIRMAN YASSKY: Well, there's no rule that -- right now, a car is not breaking any of our
rules simply by being painted

green. To be clear, though, it is
breaking our rules if it is picking
up off the street illegally. So
really, that's the issue.

And now that the program is
up and running and our enforcement
is beginning, a car that is painted
green but doesn't have the proper
license will get ticketed for
picking up illegally.

Over and above that, we want
to prophylactically stop the green
thing.

MR. LINDAUER: Okay.

CHAIRMAN YASSKY: So I think
that that's really what you want.
If a car is not allowed to pick up
off the street, it gets a ticket.
And that enforcement is now ready
to begin.

MR. LINDAUER: And I want to
comment that the 96 percent
conviction rate makes me wonder if
it's truly due process. And of course, as lawyers, you should be very interested in due process and it should be the basis of your belief in the legal system.

CHAIRMAN YASSKY: Agreed.

MR. LINDAUER: But 96 percent, I mean, DAs don't have anything near that.

CHAIRMAN YASSKY: On the contrary. They do in cases that they bring to trial or that plead guilty, which most of ours do.

I think the relevant number to me is 17,000 complaints, 7,000 penalties assessed. And that, I think it says that we're doing a good job of weeding out the complaints that don't deserve to be pursued. Right?

Again, a passenger calls up and says the driver was rude to me. Well, that doesn't rise to the level of violation. Passenger
calls up and says, I want to go on the FDR Drive and instead they took me down through the Battery and up the West Side Highway and it cost me 10 bucks extra, that does need -- so we're pursuing the ones that should be, and not the ones that aren't.

MS. MARINO: Can I ask a question?

CHAIRMAN YASSKY: I think that's what results in 96.

MS. MARINO: That's an interesting point. What type of an appeals process do these people have? Suppose the driver really thinks that they're being wrongly accused or whatever, what's their remedy?

CHAIRMAN YASSKY: A driver who gets a ticket can contest it. That goes before an independent administrative law judge at OATH now, since they were transferred.
It used to be an independent law judge that worked for the TLC, but it's the same thing, really.

At any rate, it goes before an independent ALJ. They are typically represented, I think bill you too, not always, but generally, and they make a case. The passenger gives his or her side, and there's now a TLC representative, which helps, and the ALJ decides.

MR. LINDAUER: But don't you have the authority as Chairman to overrule any ALJ decision?

CHAIRMAN YASSKY: Yes. Although, I mean, I can't -- I don't think that we've -- if what you're suggesting is, you know, do then they rule in favor of the driver and we change that, I'm not sure I can remember that happening.

MR. LINDAUER: Well, under your despotic predecessor that had
to go all the time.

CHAIRMAN YASSKY: I'll let
that stand as your statement.

MR. LINDAUER: Another
question. You levying these fines
on these multi--

CHAIRMAN YASSKY: Yeah, I'm
sorry. Bill, actually, you have
two minutes, and let's keep the
testimony to the rules.

MR. LINDAUER: Okay. But
you're fining the multimillionaire
brokers and garage owners $228,000.
Chump change to them. Are you
referring any of these cases to the
DA for criminal prosecution? It's
like fining all these people on
Wall Street. They have money up
the wazoo. They don't care about
the money.

CHAIRMAN YASSKY: All right,
Mr. Lindauer. So, first of all,
thank you. Do you have anything to
say about the SHL rules? If not,
I'll ask you to sit down. But I'll answer your question.

MR. LINDAUER: Okay.

CHAIRMAN YASSKY: Thank you.

You should know, and frankly, we are currently working with two different other law enforcement agencies to whom we have referred cases. And I have every expectation that you'll see announcements from each of them that those referrals led to action.

So, absolutely, when appropriate, we do make referrals. I won't say more than that.

Okay. Is Mr. Chowdhury here?

MR. CHOWDHURY: Yes, I'm here.

CHAIRMAN YASSKY: Okay.

Just two minutes, and please limit it to those rules before you.

MR. CHOWDHURY: Two minutes?

That's fine.
CHAIRMAN YASSKY: Yes.

MR. CHOWDHURY: Okay. Good afternoon. My name's Osman Chowdhury.

First of all, I have two points here. TPEP system, they said that many times overcharge, but they can see TPEP system. But when they (inaudible) $120, they like to go New Jersey --

MR. FROMBERG: Got to go slow.

MR. CHOWDHURY: There's two-minute time. That's why I rush.

MR. FROMBERG: I know, but go slow.

MR. CHOWDHURY: Okay.

(Inaudible) they pay out like $120. When the yellow cab go the normal fair, like at $80 (inaudible) --

MR. FROMBERG: Slow down.

MR. CHOWDHURY: -- New Jersey, even 120. But when they
charge the 120, but the TPEP system said, the New Jersey fare, the yellow cab's $80, they charge 120. How give (inaudible) to the driver, how we prove? The TPEP system just said, automatically they're going to see the overcharge on the TPEP system. You pay a $80-fare --

CHAIRMAN YASSKY: Mr. Chowdhury, I don't think this is speaking to those rules, but I think that I follow the gist of your concern. Can I ask you just to kind of talk with Allan and explain the specific concern about how TPEP functions and see if we can address it or if it's, perhaps, not something that needs to be addressed? But can I ask, can you do that?

MR. CHOWDHURY: Okay. I don't do it. I give another one.

CHAIRMAN YASSKY: Okay, thank you.
MR. CHOWDHURY: (Inaudible)

seven, another proposal, number

eight, (inaudible) propose on

things last Monday what happened.

I went to JFK Airport at 2:30 p.m.

I went give (inaudible) fellow

driver. And the

telephone (inaudible) taking the

camera working on the rooftop. He

came down and asking me, he don't

know English, you nasty guy. He

don't know (inaudible) paper and

throw it and pushing like that. I

stop him, it's not his business. I
give him the --

MR. FROMBERG: Osman, this

isn't the place for this.

MR. CHOWDHURY: Okay.

MR. FROMBERG: This is about

the SHL rules.

CHAIRMAN YASSKY: Yes. I'm
going -- Mr. Chowdhury, I'm going
to ask you --

MR. FROMBERG: I'll talk to
you after.

CHAIRMAN YASSKY: Thank you very much for the testimony --

MR. CHOWDHURY: And then finally, we stop him. Don't hit the driver. He punched my eye. I call the 911. 911 said reporting they don't why they sent a taxi hurt. And then, they refuse, then I go to the dispatcher, the supervisor. Say, don't call 911. The authority department, the authority take care. And he called his boss, he said police not gonna come, have you got the police (inaudible).

MS. MARINO: Allan's going to help you.

CHAIRMAN YASSKY: Please, Mr. Chowdhury, please have a seat. I understand that you're raising an issue about an incident; it's not related to these rules. At any rate, this isn't the forum.
Please have a seat. Please.

Please, sir.

MR. FROMBERG: Let's go talk.

MR. CHOWDHURY: Okay. I'm leaving.

CHAIRMAN YASSKY: Thank you. So now vote on the SHL Rules Cleanup Package before you.

MS. POLANCO: Yeah, but I'm a little confused. You mentioned before about, there's no changes to the rules themselves dealing with the cars being painted green?

CHAIRPERSON YASSKY: No. That is not before us today; that's next month. We published that. It hasn't had its 30 days' notice-of-com period. This is changing dates in the original rules that were a year ago because of the intervening year of litigation. There's nothing substantive in these rules.
Okay. All in favor, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY:  Opposed, no.

(No response.)

Ms. JOSHI:  The SHL Cleanup Package is unanimously approved.

CHAIRMAN YASSKY:  All right.

The next set is the rules on the adjudication process.

Meera, will you describe these?

The speakers are Peter Mazer, Bhairavi Desai, Bill Lindauer, and again Mr. Chowdhury asked for the right to speak.

MS. JOSHI:  Today we'll take public testimony on proposed rules relating to the adjudication of summons and enforcement actions to reflect the July 2011 transfer of TLC's Administrative Tribunal to OATH, pursuant to Mayoral Executive
Order 148.

Since transfer, TLC and OATH have both operated under interim rules. The proposed rules replace these. OATH is simultaneously promulgating counterpart rules.

The rules were published in the City Record on August 8, 2013. The comment period ended September 9, 2013. No comments were received within the deadline. One set of written testimony was received in advance of today's hearing and was shared with Commissioners.

The proposed rules before the Commission, in general, update terms to reflect the transfer of the new tribunal; remove the adjudicatory tribunal and hearing procedure sections as a power and duty of the TLC; remove provisions governing jurisdiction over licensee's representatives; create a process by which the Chairperson
may review interpretations of TLC rules and regulations made by the Taxi and Limousine Tribunal at OATH; update sections for vehicle forfeitures to reflect current case law that requires opportunity for a preliminary hearing on the continued retention of the vehicle during the forfeiture process.

Based on staff recommendations -- oh, no. Sorry. So for today's hearing we have four speakers. The first is Peter Mazer.

MR. MAZER: Good morning, Commissioners. My name is Peter Mazer, general counsel, Metropolitan Taxicab Board of Trade.

You have in your packets some written materials that I have submitted prior to today's hearing, and I'd ask you to look at that. My comments address one very
specific issue that has come up in connection with our rules, which is the imposition of a summary suspension by an administrative law judge and the procedures to enable that person to continue to operate as a licensee while the appeal is pending.

Under the rules as they exist today, if an individual has his license suspended at a hearing -- and what I'm talking about is a discretionary suspension, which is a suspension that an ALJ imposes at his discretion, not one that is mandated by rules, like a refusal or an overcharge where there may be mandatory revocation or a suspension in so compliance. We're only talking about the situation where a judge chooses to impose a suspension because the judge has authority in the rules, but is not
required to do so. The respondent has 30 days to file an appeal. If the respondent files the appeal, the respondent has the right to petition the agency for the right to operate the medallion while the appeal is being decided. The problem exists that there is no procedure in place right now when a judge imposes a suspension at a hearing for a respondent to have the suspension stayed while he is preparing the appeal.

Respondent has the right to request the tape of the hearing, respondent has the right to adequately prepare his appeal documents, but a respondent under today's rules will be faced with a suspension and cannot operate. Now, if a license is revoked, if there's a discretionary license revocation, there's a
different procedure. In that case, the case goes before the Office of Administrative Trials and Hearings at 40 Rector Street. The judge can only issue a recommendation, so the respondent has an opportunity to address the issue. And we've heard that mentioned earlier, what happens if a respondent is found guilty at a hearing, is there a right of appeal. And there are very good of rights of appeals. We have rights of appeal, we have rights to petition to the Chairperson, which is in the rules and works wonderfully.

The problem is that there is this gap for respondents who face suspension of their license. There is no procedure in place now other than the discretion of the Chairperson or the discretion of the General Counsel for that person to continue to operate while the
appeal -- while that person is drafting the appeal.

And I urge you in my written comments, I suggested some language that could be adopted which would enable a licensee to have the opportunity to have the license remain in effect at every step while he is exhausting his administrative rights to appeal.

Thank you.

CHAIRMAN YASSKY: Thank you.

MR. MAZER: I'll accept any questions.

CHAIRMAN YASSKY: Mr. Lindauer.

MS. MARINO: I think that's a valid point.

CHAIRMAN YASSKY: Okay. Well, why don't we hear all the testimony and then we can have discussion.

MR. MAZER: Just for the reference, if you look, page 3 of
my comments is the proposed
language. In the middle of that
page. Thank you.

MR. LINDAUER: You may find
it shocking, but I agree with
Mr. Mazer. His arguments are fair
and reasonable and make good sense.
It doesn't involve anything
complicated or time-consuming. I
suggest that you take up this
matter and approve of what he said.
Okay? Thank you.

CHAIRMAN YASSKY: Thank you.
Okay, Commissioners, before
moving to a vote, if there are
comments to debate, I heard you,
Commissioner Marino, express some
interest in Mr. Mazer's suggestion.
I'm recommending that we adopt the
rules without the language that
Mr. Mazer suggested.

There is, as he explained,
already a process for appeal. And
when an appeal has been formally
initiated, any penalty imposed by
the administrative law judge is
automatically suspended.

So if a licensee is fined,
they can delay payment of that fine
by filing the appeal, as many do,
and we see this all the time. If a
licensee has been suspended, they
delay the imposition of suspension
by filing an appeal, which is fine
and appropriate.

What the suggestion is is
that there's an additional
procedural step between the ALJ
decision and filing of the appeal,
which is, ask the TLC to kind of
suspend the sentence to give time
to file the appeal. First of all,
that would create an entire new
administrative proceeding here at
the TLC that we'd have to have
standards for, when are you
entitled to it, when are you not
entitled to it, for an issue that
arises, I would say, extremely infrequently. It's been, maybe, a couple of times since we've been here that people have contacted us with a concern about this.

And when it's entirely within the licensee's ability to have his or her or its penalty suspended by filing the appeal, and I recognize that you want -- that they may want time to kind of prepare proper papers and whatnot, but nonetheless, if they want to go in and do that work and go and file that appeal, they can do it. And right then and there, their suspension is lifted until the -- you know, during the pendency the appeal.

And lastly I would say that in the couple of times it's come to our attention that there is a material impact on a business that a pending suspension might cause,
we've been able to work informally with that business to enable them to continue to operate until they can get their appeals papers filed without having to set up a formal administrative process to do that.

I just think given the volume of our business that if we now have in every single one of these, because so many people do appeal, a second step, a second pre-appeal step, it would be an enormous amount of process that is not justified by the value.

MS. MARINO: Maybe I'm not understanding something. It seemed that there is one situation where you do get that automatic stay and one where there's not? I'm not understanding this.

MR. MAZER: May I approach?

CHAIRMAN YASSKY: Go ahead, you can approach. But I will say, no, the stay is automatic in the
case of an appeal.

MR. MAZER: No. The rule is, there is a right -- there is no automatic stay of suspension.

There's an automatic right to not pay the fine if an appeal is pending. There is no automatic right to a lifting of the suspension.

There is a procedure in place where the deputy commissioner for Licensing can issue a temporary license --

MS. MARINO: But you get a stay if it's regarding a fine, but not if there's a suspension?

MR. MAZER: Right. If a driver or any respondent's found guilty at a hearing today, the fine is not due today; the fine is due in 30 days. If during that 30-day period the respondent files an appeal, the fine is stayed until the appeal is decided.
MS. MARINO: Okay. As far as that --

MR. MAZER: If the judge imposes a suspension today, the suspension goes into effect today. If an appeal is filed, at the time the appeal is filed, the respondent can petition to the deputy commissioner for Licensing for a temporary license pending the outcome of the appeal.

MS. MARINO: And how long does that take?

MR. MAZER: It's on the spot, but it's not automatic. The deputy commissioner for Licensing has the right to grant and has the right to deny it.

What I'm asking for is the right to have that process moved from the day I filed the appeal to the day I have my hearing. So that I'm covered, so that the licensee is covered for the period of time
until the appeal is filed.

Now the Chairman is absolutely right. Informally, every time I've requested such a temporary license pending the right to file an appeal, I have been given that right by the Chairperson, or by the General Counsel. It's rare, maybe three or four times a year, but it's discretionary --

MS. MARINO: It's not on the books.

MR. MAZER: It's not on the books and it can be denied. And when I've gone to Licensing to ask for temporary credentials, I'm told there's nothing in the rules that permits me to have that right, so I have to go either to the Chairperson directly and basically plead my case.

MS. POLANCO: And what is the process with revocation? You
mentioned something.

MR. MAZER: The process of a discretionary revocation is entirely different. The process -- the only way that the TLC can seek discretionary revocation is by going to the Office of Administrative Trials and Hearings at 40 Rector Street. The TLC Tribunal has no right to impose discretionary revocations.

When a discretionary revocation penalty is imposed at OATH, it's a recommendation to the Chair. The respondent then has an opportunity to address that recommendation and the Chairperson makes the final decision. And then there's the right of appeal. That's the appeal that you as Commissioners sit periodically when you hear appeals of revocation cases as an appellate panel. Those are appeals from the Chairperson --
MS. POLANCO: But at the DMV, what happens normally? If you go to a hearing and your license gets suspended, I mean, it's automatic. So in terms of -- I'm trying to figure out the fact that if within 30 days you have to appeal a decision, I don't think there's anything wrong with it. If at the hearing the judge found that based on the circumstances your license had to be suspended, you want, in the mean time, before you have the right to appeal, the license not get suspended and then you have someone who may, you know, have violated some law driving out there?

MR. MAZER: Why is that different from a rev -- if a revocation -- I wouldn't -- no one has imposed a discretionary revocation at a hearing, no one is forced to pay a fine at a hearing.
But a suspension, it's different.

MS. MARINO: That's why I'm not liking it. It's inconsistent. It's inconsistent. It seems that if we're having that middle step for these other two situations, why not have the middle step for all three so everything's consistent?

MR. MAZER: And frankly, a suspension of a license for 30 days is as bad as a revocation.

MS. MARINO: I mean, that's a financial hardship.

MR. CARONE: I happen to agree with Commissioner Polanco. Admittedly, Mr. Mazer, the two or three times a year that it's happened, so we're talking about a small universe here to begin with, to set up a whole unit to such a small universe, especially when that small universe is being dealt with equitably by the Commission to begin with. So it's not a real
problem that's not being addressed. To put a whole unit together for this window and create another step seems cumbersome for not a real problem.

MR. MAZER: It's not a unit. It's just that the deputy commissioner for Licensing would look at the same standards that he applies now when an appeal is filed as he looks at when a decision is --

MS. MARINO: I don't understand the second -- what this new step is. I mean, if we're already doing it in these other two situations, we're already doing it. So why not just do it in all three. I don't see what this new step or new unit is. I'm not seeing the need for that unless I'm missing something.

CHAIRMAN YASSKY: Gary, do you want to give your view as to
the appropriateness here?

MS. MARINO: And this is?

CHAIRMAN YASSKY: I'm sorry.

Gary Weiss is, of course, our
deputy commissioner for Licensing.

He runs the Licensing Center.

MR. WEISS: With respect to
the process, I'm going to actually
agree. I'm actually going to agree
with Commissioner Polanco.

If you're found guilty by an
ALJ and they impose a suspension,
the suspension is imposed at the
hearing and your license is
suspended. If you want to appeal
that decision, and request a
temporary license, you have
timeframes where you have an option
to do that or not do that.

I don't have an issue with
it. I just don't think the
licensure, the licensee should be
given the option to say, I'm going
to allow my license to stay current
until I decide to file an appeal.

If you want to file an appeal after the suspension is imposed, then do so. You can come down to my office, it's a single-page document, as Mr. Mazer has indicated, it's on-the-spot. We review your record very quickly. If we don't see any major issues on your record, we remove the suspension, we issue a temporary license while you're standing there. We remove the temporary suspension and issue you a temporary 30-day license while you're at the counter. You don't walk away without one.

MS. MARINO: And Mr. Mazer, you concur with that?

MR. MAZER: Absolutely.

MR. WEISS: It's a very quick process. It's not a major issue. And in my opinion, if an ALJ has made a decision based upon
the facts that he or she has seen put before them that your license should be suspended, then you should be suspended.

MS. MARINO: Well, judges aren't flawless. They are humans, you know.

MR. WEISS: I'm not going to disagree with that.

CHAIRMAN YASSKY: And yet, as you said, in suspension cases, once the appeal is filed, they come to you, they come to Licensing, fill out one page, and if my understanding is correct, most of the time the suspension is lifted in those cases.

MR. WEISS: That is correct, it is.

CHAIRMAN YASSKY: But, occasionally not because there's something on the record that indicates otherwise.

MR. WEISS: It's very rare
that somebody's denied.

MS. MARINO: And you concur with that as well, Mr. Mazer, it's very rare that somebody's denied?

MR. MAZER: I would say that I personally have no knowledge of any instances where I have requested a temporary license pending appeal that it was denied by the deputy commissioner for Licensing.

Again, my comments refer to that period of time from the imposition of the judge's suspension determination until the appeal is filed. That's all I'm talking about.

MS. MARINO: Right. But once -- if you get that suspension, from what I'm understanding, you can literally leave one room and walk down --

MR. MAZER: Well, you still have to file the appeal. And if
you want to listen to the tape,
you're not going to get the tape
for 30 days.

MS. MARINO: Oh, you have
to -- oh, I see.

MS. POLANCO: (Inaudible.)

I mean, I don't get it.

MS. MARINO: Because you may
have to order minutes, you may --
that's the issue.

MR. MAZER: Or you may want
to prepare an appeal.

MS. MARINO: And you can't
make that request until the appeal
is filed?

MR. MAZER: That's correct.

I cannot make that request until
the appeal is filed.

MS. MARINO: I see.

CHAIRMAN YASSKY: Com-
missioners, just in the interest of
time, I'm going to call the
question on the rule change before
us. This issue that Mr. Mazer has
raised can be addressed at any time
if upon -- it was brought to us, in
all fairness, you know, in comments
yesterday.

If Commissioners feel like
there's something that we do need
to address, I commit, we'll kind of
work, and if there's a majority
that want to go back and revisit
it, we can do that then. But I'm
going to call the question on the
rule before us.

All in favor of the
adjudication rule changes, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY: Opposed,
no.

MS. MARINO: I'm just going
to say aye, but with a reservation.
I would like to re-address this
issue.

CHAIRMAN YASSKY: Under-
stood.

Okay. Please, go ahead.
MS. JOSHI: For the record, the rules before you differ from those that were published in the City Record in two ways. Certain terminology and certain process provisions were revised to align TLC's rules with OATH's proposed rules. And at City Council's request, an explicit provision is added to make clear to licensees that they have an affirmative right to have their suspension lifted once they have met all TLC requirements.

CHAIRMAN YASSKY: Okay.

Thank you.

The last item of business is a pilot program proposed by VeriFone to allow rear-facing advertising on certain taxicabs. I know someone from VeriFone here presented. Commissioners, our rules do not require and it is not our practice to have a public
hearing on pilot programs. It has been our practice to have a presentation from someone on it.

In the interest of time -- and I know that something was distributed and talked about. If any one of you feel that the presentation is necessary, we'll go forward with it. We talked about it earlier this morning. But otherwise, I'm going to recommend that we dispense with the presentation.

Does anybody feel the need?

MS. WEINSHALL: How long is the pilot program?

CHAIRMAN YASSKY: It's a one-year pilot program.

MS. WEINSHALL: Okay.

CHAIRMAN YASSKY: And VeriFone is requesting, to be clear, anybody who wishes to, could do an ad structure that's permitted under this pilot.
MS. MARINO: And that's the rear?

CHAIRMAN YASSKY: Yes. It would be a triangular structure with advertising on three sides, kind of on two sides facing out and forward, and one side facing backwards.

MS. POLANCO: Where will, in terms of the rooftop panel in the new vehicle --

MS. WEINSHALL: There's a new picture here.

CHAIRMAN YASSKY: It will sit behind the rooftop window. That's where the impetus for this was, the rooftop window. Existing rooftop ad structures would cover up the window. So we worked with VeriFone and they were, you know, extremely cooperative and worked together with us to design a structure that would not obscure the rooftop window.
MS. MARINO: It's going to go on the roof, but in the rear of the roof.

CHAIRMAN YASSKY: On the roof, in the rear. And it has enough square inches of ad space that the revenue -- that there's no revenue impact to the industry.

Okay. So that pilot program is before you. I would call a vote on moving that pilot. All in favor, say aye.

(Chorus of Ayes.)

CHAIRMAN YASSKY: Opposed, no.

(No response.)

CHAIRMAN YASSKY: The program is adopted.

That concludes our business for today. With that, the meeting is adjourned.

(Time noted: 11:42 a.m.)
CERTIFICATION

STATE OF NEW YORK
COUNTY OF NEW YORK

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 14th day of September 2013.

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MARGARET CRANE
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