NEW YORK CITY TAXI & LIMOUSINE COMMISSION

PUBLIC HEARING

Held on Thursday, September 16, 2010

40 Rector Street
New York, New York
Time: 10 a.m.

FIVE STAR REPORTING INC.,
90 JOHN STREET, SUITE 411
NEW YORK, NEW YORK 10038
APPEARANCES:

DAVID YASKY, Chairman
HARRY GIANNOULIS, Commissioner
LAUVIENSKA POLANCO, Commissioner
ED GONZALES, Commissioner
IRIS WEINSHALL, Commissioner
ELIAS AROUT, Commissioner
CHARLES FRASER, General Counsel

* * *
MR. YANSKY: Good morning. We can we get started? I think we have a relatively brief agenda today. So we'll shoot for an efficient meeting. Let me start out with a report on some of the issues we have underway here.

First, a few of the pilot programs that have just started or just completed. The group ride vehicle pilot that the commissioner approved in July, thanks to really extraordinary work by Deputy Commissioners Gary Weiss and Ponsey Mines (phonetic), the policy staff headed by Emily Garrow (phonetic) and couldn't a deputy commissioner for administration, all of them worked super hard to get this up and running really fast to get this up and running. We started on Monday this week with one service in one area, three more will start this coming Monday, the 20th, and the fifth will start the following Monday, the 27th. We have early reports of low usage in the first couple of days
unsurprisingly it will take some time for passengers to know that the service is there and choose whether to use it or not so we figure it will be a period of months to figure out whether it's taken hold or not. But we are very optimistic and we are also very pleased with the operation of the provider today and the other providers seem poised to go. As you know, we have a lawsuit challenging our ability to authorize this type of service filed on behalf of the Transit Workers Union, the Law Department did an excellent job and commissioners, I want to publicly commend them, they paid close attention to their work and it was superb and they did a terrific job in defending us and one of the initial decision and now we expect that there will be an appeal, but we feel pretty confident about the posture.

The livery stand pilot program that the commissioner approved in May 2009, that is to pilot, you know, on
demand service by livery operators at places where there appear to be a high demand for walk-in service with a dispatcher, you approved that in May of 2009. So far, we have selected two sites for this type of stand, the first is the ferry terminal in Staten Island, opened last week. We officially opened it yesterday but there has been a dispatcher there and signs are up and it has been in operation since last Tuesday, over the first eight days, I guess, Tuesday through Wednesday, so it's nine days, I suppose. Some 2000 people have already taken advantage of that, people getting off the Staten Island Ferry and looking for a cab and undoubtedly many, maybe most of those, would have gotten into a car that was illegally cruising for street hail in this case ferry terminal hail type service prior to this. So I think this is just a huge success and bodes well for this type of pilot elsewhere.
The other location is Jamaica terminal. Jamaica station in Queens and at the Long Island Railroad terminal there, that we expect, by that we expect to be by thanksgiving in operation. The operator there is putting some investment into it, not just a booth, but they are building out a somewhat larger facility, so that should be up and running by Thanksgiving.

The third pilot program, the Rosco pilot program authorized the use of video recorders and data recorders in taxicabs. The idea was to see if those kind of recorders could improve safety by giving more information after an accident, I suppose. Now, the commissioner approved this pilot program in December 2008 but ultimately only one vendor participated in the pilot program, that's Rosco, Inc. they installed video recorders in a total of one taxicab over the life program. So, with all our pilot programs, they have
submitted a report on the results of the pilot program and our staff has evaluated those results, our conclusion, is that the pilot program did not produce evidence that installation of video recorders in taxicabs will produce accidents or insurances premiums or otherwise achieved tangible benefits to drivers, owners or the public. Now, for that reason and for this industry interest has been low, again, a total of one taxicab decided to participate. I am not recommending any further action by the commission and so the pilot will expire in a few weeks, October 14th is the last date. Those are the three pilot programs underway.

The taxi driver protection act, I want to give you a quick update on that. As most of you know, state legislature passed the taxi driver protection act in June. This bill, both houses passed it. The bill will increase criminal penalties for violent crimes committed
against drivers in course of for-hire operation. I don't need to tell anyone in this room, the commissioners or any of the industry people that are here that driving a for-hire vehicle, a taxicab or another for-hire vehicle is a dangerous profession, you are letting the public into a small space with you many times, maybe dozens of times in the day and despite our best efforts with partitions in vehicle, camera systems, trouble lights and other safety measures it remains a profession where there is risk to drivers personal safety as well as underscored by the horrendous stabbing that you all know about in August. Driver safety is always a paramount concern to us at the commission. The bill has been forwarded to the governor, it was forwarded to the governor on September 7th, it is pending before the governor. I certainly hope that he will choose to sign it.

Couple of other items about, in
the world out there that affects the industry. Brooklyn Bridge closure, you may have noticed that there is now reconstruction work underway at the Brooklyn Bridge, on the Brooklyn Bridge that the Brooklyn bound traffic on the bridge has been closed overnight -- I am sorry, Manhattan bound traffic on the bridge has been closed overnight and we have had reports that there is an upswing in passenger refusals; in other words, drivers in Manhattan refusing to take passengers to Brooklyn, presumably, due to their concern that it would be difficult to get back into Manhattan after they take a trip there to Brooklyn. So, the bridge work will be going on, scheduled to continue for four years, so this is not going away tomorrow. I just want to make sure that the public knows and/or everyone in this room knows that we have no tolerance for passenger refusals. We, the commission, I think has been done a good job and we
continue to focus, we'll talk about this in future meetings, we are talking about continuing to focus on what we can do to make it even easier for passengers to register complaints and to improve our processing of those complaints. But certainly today, when anyone is refused service, if that person calls 311, we will issue a summons and we will pursue it and make sure that the driver who did refuse service, that that driver is fined and the message is clearly sent that we do not tolerate that behavior. So, I just want to remind people that when anyone is refused service, they need to call 311, that's the best we have a secret rider program, but there's a fairly small number of people compared to the hundred thousand passengers every day. We need some self enforcement. I got a call the other day from somebody in Park Slope who was refused service three times in one evening, and I said, Did you get the medallion number? And
she said No. And I said, Well, this is what we need you to do is when somebody says no, you have to take down the medallion number and call 311. And I hope everyone will help us in the commission in getting the word out that people need to do that.

E-ZPass enforcement. We discussed this a few months back, one discovery that we made from the T-PEP data is that there appears to be a fairly high number of taxi drivers who are not using the E-ZPass lanes, presumably they don't have E-ZPass release, an E-ZPass with money in it, perhaps they do, but they are choosing to use the cash lane anyway when they go through the Midtown Tunnel or the Triborough Bridge. As you know, our rules require that taxis use E-ZPass lanes at those crossings so the passengers can have the benefit of the E-ZPass discounts since the tolls are paid by the passenger. We have found
from the T-PEP data a pretty high number of people who are using cash lanes routinely. We have sent summonses out to a hundred drivers, the hundred with the largest number of cash lane transactions. This is not the purpose as with our enforcement, this is not about bringing in revenues, it's not ticketing the purpose of generating money back, this is to make sure that our rules are obeyed. So we have sent a hundred summons out, my hope is that that will send a message and we are going to be monitoring behavior pretty carefully and I just want the industry to know that this is underway.

One last business item and then to pleasure items. The licensing and standards division under Gary Weiss together with the MIS staff under Jeff Bronfeld have implemented a significant service improvement for the industry. We as you know every day post a list on a website of current licensees to that
industry medallion owners and brokers and lessors, I guess, ensure that the drivers that are taking the car for the day or for the shift are duly licensed and are in good standing with us. In the past there has been a day lag on that so people did not catch the most recent activity and it went on the website at a somewhat inconvenient time for the industry. Now, starting last week, this information is posted daily and updated every day at 3 p.m. on the website; it was done in conjunction with industry folks who worked with us, but, again, the licensing staff, the MIS staff have accomplished this and it's a significant improvement and I just want to commend them for doing it.

Now, it is my pleasure to announce that we have a personnel item and then a past personnel item. I want to announce that the Taxi & Limousine Commission is promoting Georgia Steele-Rodway with whom you are familiar
to the position of assistant commissioner in the licensing and compliance division.

(Whereupon there was applause.)

Georgia if you can start to make your way up here.

That's real testament because you are in the direct customer service part of the business and applause from the customers speaks volumes.

This is a critical position for the agency, licensing, of course, is one of our most important functions and our first point of contact for the 400,000 plus licensees. Georgia is well known to commission meeting attendees as the voice of licensing division. She presents staff recommendations on base license application each month. She has an outstanding record as director of the base licensing unit.

We look forward to more great things from George in her new position and I would now like to present Georgia
with her badge as assistant commissioner.

(Whereupon, badge was presented.)

Also, I do think it speaks well of the director of the deputy commissioner licensing division, Gary Weiss, who I think does a terrific job in nurturing the talent in that unit.

We have one other past personnel item but before that I will just give you a quick preview of the agenda items that we are working on for the October meeting. Again, this will be, I believe a pretty brief meeting for me. October will be a little busier. We have some phase two and a half rules coming down the pike. I think the first few are pretty straightforward, we are requiring that the camera systems in vehicles have to be functioning properly. The rules do not specify that now so we are just clarifying that.

Second, that the drivers will be required by our rules to give insurance
information to other motorists and passengers in case of accidents, this gives TLC independent enforcement. We do get complaints about this from time to time. We want our drivers, they are accountable not just to the DMV but also for us to make sure that they give insurance information when there is an accident. We are making some revisions for critical driver rules, again, these should not be controversial. We are deleting the provision that allows TLC summons based on DMV violations and eliminates requirement for a separate directive to take the distracted driver course. What this means, we can just streamline our process and when there is enough DMV violations, we can simply notify people that they are now required to take the course and not have separate summons for that. We have other rules pending from the law department.

Charles any news from them?

MR. FRASER: We have one more.
MR. YASKY: If so, I will do a dance of joy because I am very eager to get those rules passed. These are rules that will allow us to tighten up against some of the abuse where people seek four and five adjournments of the same summons. And I think in truth, that whether the rule is strictly needed or not, it certainly is a good idea to remind our administrative law judges that an adjournment needs to have a good reason for it and it should not simply be quickly granted as a matter of course. That's the main one among that group of rules. I hope it would be approved this week, if it is, it would be in time to go before you at the October meeting.

Now, before we turn to our business, I want to recognize and ask to join us up here Lou Tazzi who, as you know, served the commission with extraordinary distinction. He served the entire city with distinction for 37
years culminating in six years as the
Taxi & Limousine commissioner for
finance and administration. Lou brought
to the TLC a wealth of knowledge and
experience and judgement and common
sense at heart from, it says here, From
the Department of Environmental
Protection and the Department of
Transportation. I personally think that
those qualities were really unique
rather than things that he necessarily
acquired at DEP and DOT, but he
certainly brought them here. He oversaw
procurement here at a time when the TLC
embarked on and completed some ground
breaking procurement actions starting
with the T-PEP project. He successfully
maneuvered our upcoming move to new
offices at 60 Broad Street which
continues to astonish me as the
smoothest not just moving day, but has
gone just remarkably smoothly so far and
he left us with a truly healthy physical
situation. Not -- as the city continues
to experience difficulties. In November we'll see what we are told what bigger problems we have to address and, you know, we'll figure out how to do them. But for a city agency, we have enjoyed genuine physical health and that's really thanks to Lou's efforts. And in recognition of all that we have, it's traditional here at the agency for people who served with Lou's level of distention his badge has been transformed as a permanent keepsake item and I would just like to present that to him.

(Whereupon, badge was presented.)

Thank you Commissioner for indulging me here. We move to the adoption of minutes as we have a motion for adoption of minutes.

MR. ELIAS: I move for the adoption.

MR. YASKY: So moved. All in favor say I.

(Whereupon, the panel voted
affirmatively.)

MR. YASKY: Opposed, no.

By unanimous vote the minutes of the July 15, 2010 commission meeting are adopted.

We now have base applications.

Assistant commissioner Steele-Radway is you presenting these. You remain the presenter. Now we can embark on a month-long process to find someone to take your old position.

MS. STEELE-RADWAY: Before I present the listing today, there is one base that I am requesting to be removed. Before I present the bases today I am requesting that B02344 be removed from consideration. We may possibly present it next month but for this meeting I am requesting that it be removed.

Licensing would like to present 54 bases with a recommendation for approval.

MR. YASKY: Yes, let's do the approval.
MR. ELIAS: Good morning.

MS. STEELE-RADWAY: Good morning.

MR. ELIAS: Congratulations.

MS. STEELE-RADWAY: Thank you.

MR. ELIAS: I just have one comment. I am very concerned about this particular car service on Staten Island. Since January 1st, they have been finding $6,650. I went through the thing, very concerned about everything, how can we approve something like that?

MS. STEELE-RADWAY: It's my understanding that -- I believe you are talking about My Car Service, correct?

MR. ELIAS: That's correct.

MS. STEELE-RADWAY: I believe they have hearings coming up in October and November. They are issued the summonses, but it's not, I really wouldn't like to put a base for it saying they are guilty until --

MR. ELIAS: I feel we should really come down on this car service.

If we take their license away for
10 days, 30 days. I mean, they are just walking right over us. That's not right. I don't care how much money we bring into the system, they are just violating all the rules and regulations.

MR. YASKY: First, thank you, Commissioner, for bringing that to our attention. It will be my position as the assistant commissioner says, we have issued summonses of course we have summonses we think that they are accurate, but we have a process and I don't think that we can, you know, we can act on them until there is an adjudication.

MR. ELIAS: Thank you.

MR. YASKY: I can assure you that we'll do whatever we can within our rules to make sure that a base that's a problem is being, is living by the rules. I appreciate you doing that. And I also want to note that the base that was on the list that was pulled, Commissioner Polanco very helpfully
brought to the commission's attention
just over the last few days some
concerns about that base, that their
application, on the face of it is valid
and, you know, have come forward with
the processing and not revealed any
issue, but she directed some special
attention to it and revealed that there
was an issue that needs to be addressed
in a hearing. So that's why we pulled
it from the list for approval today and
they are going to go for a fitness
hearing. There are some factual
questions that have been raised and we
will see what factual questions can be
answered satisfactorily. So I just draw
your attention to that and I think it's
a great use of the commission when the
commissioners can bring those things
forward to us. And I want you to know
the staff followed up very promptly and
affectively, so thank you, Commissioner.

MR. ELIAS: Thank you,
Commissioner.
MR. YASKY: I do have a motion to approve that.

MR. ELIAS: Motion approved.

MR. YASKY: All in favor, say I.

(Whereupon, the panel voted affirmatively).

MR. YASKY: Opposed, no.

By unanimous vote, the bases. Are approved and you are now covering the two that are recommend for tomorrow.

MS. STEELE-RADWAY: Yes, with a request that the Commission grants an additional 30 days so they could submit their items.

MR. YASKY: Motion to approve.

MR. ELIAS: Motion approved.

MR. YASKY: All in favor say I.

(Whereupon, the panel voted affirmatively).

MR. YASKY: Opposed, no.

By unanimous vote, those are recommended for denial unless TLC requirements are met within 30 days.

MS. STEELE-RADWAY: Thank you.
MR. YASKY: Thank you.

We have public hearings on two items they will be put for you for the Commission's action. General Counsel, Charles Fraser.

MR. FRASER: The first one is black car retirement rules. These rules replaced existing rules on creating incentives for or creating a mandate for 25 miles per gallon for black cars and replace the existing rules on black car retirement with a different system that places a retirement limitation on black cars but a longer, a two-year bonus for level-one clean air vehicles and one-year bonus for level-two clean air vehicles which are defined in our proposed rules. They were published for comment, the comment period ended yesterday and no written comments were received and looks like no speakers have signed up to speak.

MR. YASKY: I will ask for a vote on these. We have talked about these in
the past, as you know, the Commission's rules regarding fuel efficiency of yellow taxis were challenged in court, the rules were enjoined by both the District Court and that junction has know now been affirmed by the Second Circuit Court of Appeals, I believe that the City will seek Supreme Court review of that, but for the time being, unless I am told that the Supreme Court changes that, we are living with the ruling that does restrict our ability to require fuel efficiency.

The rules that have been replaced for the black car industry had not been challenged and not subject to that, technically not subject to that ruling, but kind of reading it fairly, I think we really had little choice but to revise them to put in place the same type of retirement age incentives that we have in the yellows that are not prohibited by that opinion, so that's what's driving us so to speak here.
Do I have a motion to approve these rules?

MS. WEINSTALL: Yes.

MR. YANSKY: So moved and seconded, even though it's not necessary, we will get through that anyway.

All in favor say I.

(Whereupon, the panel voted affirmatively).

MR. YASKY: All opposed, no.

By unanimous votes black car retirement rules changes are adopted.

Mr. Fraser.

MR. FRASER: The next item is taxicab reinspection fees. Since, I believe, 1991 taxicab inspection fees have been $50 for the first inspection, if that inspection has failed, the second inspection is free, the third inspection is $35, the fourth inspection and thereafter are free. The City counsel recently revised the law that fixed those fees, changed the law up to
$50 for all inspections or for each inspection and therefore these rules propose that the initial inspection will remain at $50 and the second and all subsequent inspections would be $35 under this proposal.

Again, they were published for comment, the comment period ended yesterday, we received one written comment, copies of which should have been distributed to the commissioners and that commenter has signed up to speak today.

MR. YASKY: Mr. Taylor, you have signed up to speak.

MR. TAYLOR. Chair Yasky, Counsel Fraser, Commissioners, "The proposed rule amendment references the inspection requirements given in Commission Rules Section 1-10, 8-28 and 8-30. In order to protect passenger cardholder data from security breaches leading to theft of passenger cardholders magnetic stripe account data and the damaging fraud
resulting from these breaches, an explicit T-PEP system taxi inspection requirement must be added to Rule Sections 1-10 and 8-30. Taxi inspections must ensure that the inspected taxis' T-PEP fare payment system is not in violation and is in compliance with the PCI DSS and the PA DSS cardholder data security standards for the maintenance of secure payment systems and applications that has not been altered by tampering. The approved T-PEP systems may be vulnerable to tampering in various unpredictable ways, and I am not to suggesting that it would be the driver who would be the tamperer. Is now urgent that the T-PEP inspection fare payment systems be added to the inspection process. The approved T-PEP fare payment system are likely in violation of the 2010 more rigorous PCI DSS security standards due to improper installation and configuration and if that is the case, the cardholder account
data would therefore be at risk to
cardholder account data security
breach."

MR. YASKY: Thank you, Mr. Taylor
for your comment. First of all, this
rule deals with the inspection fees
rather than the substance of the
inspection, but --

MR. TAYLOR: Your point is well
taken. But in the rule, the text is
explicit, that's why I took the
opportunity.

MR. YASKY: I am sure you will
sit down in a moment, but I just want to
give you the courtesy of responding to
your concern, that's point one. Point
two is on the security issue, needless
to say, we are deeply committed to
ensuring the security of passenger
credit card information. As you
probably know, our agreements with the
T-PEP vendors require them to protect
the security of that information and we
do deal with them day in day out and
make sure from our, retrospectively that
they have done that. We have no reason
to think that there have been any
breaches to date.

And far as the inspections go, it
would be nice if we could inspect for
every feature at Woodside, but I just
think that there, at least at present,
there is really no way for our
inspectors to check the internal
functioning of the onboard computers as
far as the securities goes in the way
that you suggest. So, while we share
your concern on security, incorporating
that in the Woodside inspection is not
something we can deal with at this
moment.

MR. GONZALES: Can you state just
briefly what we do check or how we
monitor?

MR. YASKY: We do check the
function of the meter, of course, we
check to see that the screen is working
the way it should, people can turn it
off, that in light of the, you know, the overcharge issue, that if the driver switches the fare code that the required alert shows up. We do check that the credit card swipe mechanism is functioning properly.

MR. FRASER: There are actually 255 point checklists that they check for. My recollection it's some 30-something are the DMV mandates, the standard vehicle inspection that any cars have to go through, so the rest are all non-DMV.

In addition, from time to time there might be special things we are looking for, so some new display or software we are looking for being displayed on the passenger information monitor, they will look at that until they are satisfied that's that been done, that sort of thing. The only reason that's referred to in this proposed rule is that the law that the counsel passed allows us to charge the
reinspection fee when the failure was for a DMV item but not otherwise, and so we had to delineate those two so we can distinguish. That happens to have been our practice anyway, but now it's law and had to be put down in the rule.

MR. YASKY: So I have a motion to approve this rule?

MS. WEINSTALL: So moved.

MR. YASKY: All in favor say I.

(Whereupon, the panel voted affirmatively).

MR. YASKY: Opposed, no.

By unanimous votes the rule on reinspection fees is approved.

We have one final item for vote today, this is the rule on our enforcement capability for the livery base Workers' Compensation fund. We discussed this, as you recall, at the July meeting, at that time, there were some concerns raised by some commissioners and by folks in the industry. We have continued to talk
with the industry and make sure that we explain why we believe these rules are necessary and appropriate. I, in truth, do not think this is a, I am surprised at the amount of time that the Commission has devoted to today. I don't think that these rules will be called into play very often, if at all. We have had, I think an excellent experience in backstopping, if you will, the black car workers' comp. fund and Gary Weiss who runs the license division really does a superb job when there is an issue, bring it to the attention of one of the black car base that is at issue and to the fund and just, you know, following up to see that it's resolved without having to use any kind of heavy-handed authority, but they are in the background, if need be. That's the point here with these black car rules as well. In most of them, we are explicitly limiting the enforcement authority to cases where the fund itself
requests enforcement, not in every case

where there is a base that misrepresents
facts, deceives the fund, anyone who
does that, we are retaining the
authority in that unlikely event to have
our own fine for that behavior because
we do have an independent interest in
the integrity of our licensees, not that
I think that that's likely to happen but
in the event that it does. We know a
number of people, I believe that some
people, at least, have requested to
testify on this, we had a public
hearing, first public hearing on the
rule before it came to the commission.
At the last commission meeting we had
discussion of this, I don't want to have
the precedence that when the public
hearing requirements have been met where
we, nonetheless, have public testimony
if requested. So, I am not going to
entertain any testimony on this item
today, rather, it's here for vote by the
commission.
MS. POLANCO: I have a question. Since the meeting regarding this rule was adjourned to today, so, is it that no change has been made to the rule so no public testimony is being taken? Because if there are additional comment.

MR. FRASER: No changes have been made to the rule and (inaudible) requires a public hearing which we had. I believe all of the people who asked again to testify today already testified. In any event, since we did not notice a public hearing, anyone else who might have wanted to testify, just for example in favor of the rules, was not on notice that they might have had that opportunity. So, I generally agree that I think it's not a good idea to allow eight speakers on one side of the question to come in when that has not been noticed.

MR. ELIAS: They make rules that we accept.

MR. YASKY: Motion to approve the
rules, all in favor say I.

MS. POLANCO: I have questions on the qualifications, on the rule.

MR. YASKY: Yes?

MS. POLANCO: I just want to make sure that when the livery fund notifies TLC that a base is no longer a member, what is it that TLC does? Is it they send notification to the base saying that they need to comply or a hearing is held? And I comparing it to when a base it has private, or has workers' comp. insurance to a private company.

MR. FRASER: The answer to that part of the question is the same thing; in other words, you are either covered or not covered. And if you're not covered by either one, then what we do is, we seek your suspension until compliance. We hold, we schedule a hearing, hold a hearing and if you are found not to have coverage, you are fined, I believe, it's $25 a day that you were not covered up to a maximum, I
believe it's five or 10,000, is the maximum. And then you are also suspended until you get coverage. The whole point being you can't operate while you are not covered.

MS. POLANCO: So there is no initial opportunity even if you have private insurance or the livery fund there is no initial opportunity for those people to show compliance; there is an automatic hearing or suspension?

MR. YASKY: Mr. Fraser, his answer is accurate as far as the rules go in practice with the black car fund. For what it's worth, the licensing division notifies, and Deputy Weiss can take you through this, the practice we have done with black car fund will deal with this as well, is that the licensing division notifies the base of this problem, gives them an opportunity to cure it before there is a hearing.

MR. WEISS: That is correct what the Commissioner just said. When we are
notified by the black car fund that
someone has dropped out of the fund, we
send them a directive, if they haven't
already notified us that they now have
private insurance, we send them a
directive we have been notified by the
black car fund that they are no longer a
member and we request they provide us
with a copy of their current workers' comp insurance policy. We generally
give them a time period usually 15 to
20 days to comply. At that point, if
they don't, we will then issue summonses
to noncompliance with the directive it
reached the point of -- and as
Mr. Fraser said, we would then proceed
with a summons and a hearing and then
you could end up with your license
suspended and fines would be assessed.

MS. POLANCO: So, is that a
written directive or just a practical
thing that is done?

MR. WEISS: It's a general
standard directive. It's normal
business practice.

MR. YASKY: It's a written directive to answer your question. It's not required in our rules and people would say Well, you know, that's a good practice where we require -- everything require rules, then if you are a day late or a day short, we are bound by our rules.

MS. POLANCO: It's just clarification, then, the same practice would be applied when it goes to the independent livery fund?

MR. YASKY: I can represent to you that that is going to be our practice, folks in the fund say, Well, that's true now, but everything is context over the commission and then you stop doing that now, it's a caricature, but it's a fair point, maybe, everything should be written out in the rules. But I do think the process in the rules is a perfectly fair process because we are not looking to fine unless it's
absolutely necessary. It's been Gary's practice, the commission's practice to first notify and give people opportunity to cure, and I can assure you that that's certainly our intention to continue that way. I don't think that needs to be written into the rules.

MR. GIANNIOULIS: That would be my position. In this context, I vote that Commissioner Weinshall stays in that seat.

MR. YASKY: I am certainly betting on Commissioner Weinshall in that measure. So, there is a motion on the table, I appreciate Ms Polanco, thank for airing the issues rather than not. Again, I will ask for Is and then nays. All favor say I.

(Whereupon, the panel voted affirmatively).

MR. YASKY: All opposed, nay.

By unanimous vote, the rule is adopted. Commissioners thank you so much for your attendance this morning, I
will see you in October, if not before.

With that, the meeting is adjourned.

(Whereupon, at 11:10 a.m., the above matter concluded.)

I, KAREN D. WILLIAMS, a Notary Public for and within the State of New York, do hereby certify that the above is a correct transcription of my stenographic notes.

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KAREN D. WILLIAMS