



BURLINGTON VEHICLE FOR HIRE LICENSING BOARD
SHARON BUSHOR CONFERENCE ROOM, CITY HALL, 149 CHURCH ST.
MINUTES OF MEETING - DRAFT

July 9, 2025

Members present: Paul Hines (Chair)

Dave Hartnett

Stephen Hamlin

Also present: Emmett Wood (Attorney) Remotely

Tenzin Chokden

Nicolas Longo

Romeo Hermann

Meeting start time: 5:35PM

1. Agenda

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1.1. Motion to amend/adopt agenda

Motion to approve was made by Stephen Hamlin and seconded by Dave Hartnett. The motion passed unanimously.

2. Introductions

All members introduced themselves and Dave Hartnett joined as newest member serving on the board.

3. Public Forum

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Katie Franger, Public Affairs Manager for Rasier, LLC (Uber), stated that as of July 1, 2025, a significant change in Vermont law (Title 23, Section 754, Subsection B) repealed Burlington's authority to regulate transportation network companies like Uber. This change means state law now preempts the city's ability to regulate rideshare services.

Regarding the proposed fee increase from 25 cents per ride, Uber argues that the current fee already covers administrative and enforcement costs of the vehicle-for-hire ordinance. They believe the proposed increase is not about covering these direct costs but is intended to address a city budget shortfall, essentially acting as a general revenue tax rather than a regulatory fee.

For airport pickup and drop-off fees, Uber states that any changes would require an amendment to their existing operating agreement with the city, and they are open to discussing these terms, especially since the agreement is nine years old.

Finally, Uber emphasizes the negative impact any fee increase would have on Burlington residents, consumers, and drivers. They argue that rising transportation costs add an unnecessary burden, potentially reducing accessibility for riders and diminishing income opportunities for drivers. Uber states their commitment to providing affordable transportation and flexible income opportunities while complying with all Vermont state laws. They are eager to maintain open dialogue and collaborate with the city and legislature to find a path forward.

4. Appeals

4.1. Luxury Cab (Mohamed Gharib) – Denial of Taxi Business License

Mohamed Gharib, owner of Luxury Cab, was sworn in by Tenzin Chokden. He was accompanied by his wife and advocate, Dr. Leyha Callendar Gharib.

Paul Hines then requested the taxi administrator explain the denial for the appeal before hearing from Mr. Gharib.

Tenzin Chokden stated that during the background check for Mr. Mohamed Gharib's business license renewal application, a 2024 conviction for simple assault was identified. This conviction prevents the issuance of a taxi business license, as Section 30-11, Subsection 5(b) of the vehicle for hire ordinance prohibits licenses for applicants with offense involving threats, physical violence, or weapon use within the last seven years. This is the basis for the business license denial.

Mohamed Gharib expressed shock and frustration that his past record, specifically a simple assault conviction, is impacting his business license renewal, stating this has never happened to him before. He explained that he moved from Washington D.C. five years ago to Burlington, believing it was a good opportunity for his career, which includes a background in a "Denmark championship" and receiving a "big raise."

He believes a customer complaint unfairly affected his career and reputation, despite his good behavior and skills. He stated that his lawyer and wife advised him not to go to trial due to concerns about his background and religion as an outsider, leading him to accept two years of probation. This simple assault is the only "issue" he's ever had.

Because of this incident, he changed his career path a year ago, starting his own taxi business. He emphasized that this issue is now affecting his life and his ability to make an income, especially since

he recently bought a house and needs to support his family. He reiterated that the simple assault conviction is the reason for his current license renewal struggles.

Dr. Leyha Callendar Gharib, Mohamed Gharib's wife, explained that she is appearing to advocate for her husband. She highlighted their family's significant commitment to Vermont, despite the cold, due to her husband's passion for his work.

She strongly argued that the simple assault conviction that is denying her husband's taxi license was a result of profiling and a fabricated allegation. She stated that she and their lawyer advised her husband to accept a plea of no contest rather than go to trial, due to concerns about diversity and inclusion in the legal system, especially given his background as a Muslim Arab man. She noted that even the State attorney found the allegations illogical, leading to the plea offer.

Dr. Gharib emphasized her husband's unblemished 17-year record as a top massage therapist and his love for Vermont despite the alleged injustice. She mentioned that her own similar, but more severe, legal situation was successfully won due to her uncle, a Boston attorney, and the fabricated nature of the allegations.

She is advocating for the reinstatement of her husband's business license, arguing that he did not assault or harm anyone and that the current appeal process is a way to ensure fairness. She cited support letters from the owner of Burlington, civil rights organizations, the ministry, and numerous customer reviews praising his professionalism and trustworthiness. She concluded by stating that this "unjust" and "defrauding" situation, which has significantly impacted their family and finances (including 18 months of expensive living in Vermont), needs to be resolved. She hopes his license will be reinstated so he can continue his passion for service as a business owner, equipped with cameras for safety and transparency.

Mohamed Gharib stated that he carries commercial insurance for his vehicle and recently purchased a new van capable of accommodating up to seven passengers.

Stephen Hamlin asked if the simple assault conviction was also preventing Mohamed Gharib from pursuing his massage career, and then inquired about the details of what happened.

Mohamed Gharib explained that a customer received a massage, paid, and left. However, she later called the owner to complain and demand a refund, subsequently escalating the situation by contacting the police. He was particularly confused by her actions, questioning why she would pay for the service if she intended to complain afterwards.

Dr. Leyha Callendar Gharib recounted the customer's accusation of sexual assault against Mohamed Gharib, alleging anal contact. She found the claim impossible, as Mohamed was seated in front while the customer was lying on the massage chair.

Dave Hartnett clarified that the Board's role is not to retry the specifics of Mohamed Gharib's case, acknowledging that such matters are "above our pay grade." He stated that he respects this limitation. Instead, he wants the city to clarify the Board's jurisdiction and authority in the matter.

Dr. Leyha Callendar Gharib clarified that they are not seeking expungement of her husband's record, as that is a separate legal process. Their purpose for the appeal is solely to have Mohamed Gharib's business license reinstated because the conviction appeared in his background check, and an appeal is the appropriate process for addressing such licensing issues.

Paul Hines sought clarification on the Board's specific role in determining the appeal. He asked whether their task was to assess if the city adhered to the ordinance, or if Mohamed Gharib's case warranted a deviation from it, essentially questioning what exactly they needed to decide.

Emmett Wood clarified that the Board's role is to determine if the ordinance was followed in rejecting the license application.

Dr. Leyha Callendar Gharib contended that Mohamed's 2024 conviction was a misdemeanor, not a felony.

Tenzin Chokden countered that even as a misdemeanor, the simple assault conviction still disqualifies him from obtaining his license under VFH ordinance Section 30-11, Subsection 5(d).

Paul Hines asked for clarification on how a "no contest" plea is treated under the "any offense" clause in this context?

Emmett responded that a "no contest" plea is indeed a conviction, carrying the same weight as any other.

5. Deliberative Agenda

Deliberative session entered at 06:20PM and ended at 06:24PM

6. VFH Memo - TNC Rates

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Nic Longo, the director of Burlington Airport spoke on behalf of both the Burlington Airport and the City of Burlington, the presenter outlined proposed fee increases for transportation network companies, Uber and Lyft.

City of Burlington Fee Increase

- **Current Fee: 25 cents per ride, charged** if a trip starts or ends within city limits. This generates about \$100,000 annually for the city's general fund.
 - **Rationale:** Existing fees haven't changed since 2016-2017 (almost a decade), while administrative and service provision costs have increased.
 - **Proposal:** Double the city fee to **50 cents per drop-off**, which would double the current revenue stream.
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Airport Fee Increase

- **Current Fee:** \$2 per pick-up/drop-off, unchanged since a 2006 Memorandum of Understanding (MOU).
 - **Proposal:** Double the airport fee to **\$4 per pick-up/drop-off**.
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Justification and Next Steps

Both proposed rates are considered "market factor rates" and are even lower than those in comparable cities like Portland, Maine (currently raising rates from 65 cents to over a dollar) and Boston (discussing substantial, double-digit increases). The goal is to align with market values and account for a decade of inflation (CPI adjustment) to increase revenue for both the city and the airport. These proposed increases are specific to TNC operators. If approved by the Board and City Council, new MOUs would be negotiated with Uber and Lyft.

Paul Hines brought up concerns that were shared by Uber representative letter, whether the rate increase was state jurisdiction or city jurisdiction.

Nic Longo said during city discussions involving Tenzin, Sarah, Emma, and the City Attorney's office, no concerns were raised regarding the proposed rate increases. The conversations focused solely on City Ordinance Schedule 1, which provides the justification for these rates.

Emmett Wood stated that Vehicle for Hire Ordinance Section 30-6, Schedule I, outlines the Board's authority to determine these rates. They clarified that the state statute, as they recalled, specifically allows large municipalities like Burlington to establish their own rates for Transportation Network Companies (TNCs).

Diego Diaz from the Uber team clarified that the statute in 23 V.S.A. Section 754, Subsection B, which was set to be repealed or "sunset" on July 1, 2025. He highlighted that the law specifically stated that municipal regulations inconsistent with the state chapter are preempted, *except* for municipalities with a population over 35,000 (like Burlington). However, the key language explicitly stated, "This subsection shall be repealed on July 1, 2025." This repeal, as mentioned by his colleague Katie Franger, was the reason Uber brought their letter to the Vehicle for Hire Board.

Nic Longo stated the presentation's purpose was to secure approval for the rate increase memo, allowing it to proceed to the City Council for passage. Nic Longo, Emmett Wood, and Tenzin Chokden were unaware of the letter sent by Rasier, LLC.

Dave Hartnett said he's comfortable moving this forward to the Council, hoping that the City Attorney's office, with due preparation (and no fault of theirs tonight), will provide a clearer opinion before going to the city council.

Dave Hartnett proposed a motion to advance the VFH memo to the City Council, contingent upon further research to determine whether it falls under city or state jurisdiction. The motion was seconded by Stephen Hamlin and unanimously approved.

7. Discussion

7.1. Signage and Enforcement of Meter Rates at the Airport Queue Line

Paul Hines suggested improving taxi signage at the airport, specifically at the customer exit leading to the taxi queue. He noted incidents where drivers attempted to negotiate fares instead of using meters for trips under 50 miles. He requested the airport include information about meter requirements for trips under 50 miles and provide an email or QR code for customer complaints.

Nic Longo appreciated the feedback and committed to following up on Hines' requests for improved signage. He added that enforcing meter use at the airport taxi queue will become easier once the vehicle-for-hire transition occurs, as the airport will resume responsibility for issuing licenses.

Paul Hines noted a significant decrease in complaints.

8. New Business

Tenzin Chokden explained that a vehicle for hire transition is underway. Under this new structure, the airport will become responsible for the entire licensing process, including accepting applications and issuing both vehicle for hire and individual taxi driver licenses. The C/T office, however, will retain administrative duties such as receiving complaints, managing meeting agendas and minutes, scheduling hearings, and sending out hearing notifications.

Nic Longo shared information tweaking the queue permits, because the airport commission recently raised the number of queue permits from 50 to 90 and they have only 60 permits. He was thinking about splitting airport queue permit for ride-share services by time of day rather than selling single, full-day licenses.

The primary problem this aims to solve is the shortage of drivers during late-night and early-morning hours (e.g., 11 PM - 1 AM), which generates significant complaints. The idea is to incentivize more drivers during these peak demand times. For example, they suggested selling 30 licenses for daytime hours (e.g., 7 AM to noon) and another 30 for evening/night hours (e.g., noon to midnight), ensuring a

guaranteed number of drivers during specific shifts and preventing them from operating outside their licensed hours. He proposed revisiting the Board later this year to present a formal outline or mock-up of their concept for discussion.

Paul Hines stated that raising fees for drivers without also increasing their rates could be unfair. He recommended monitoring this issue for future discussion.

Nic Longo inquired whether the new fee adjustment is an annual adjustment or if it requires board approval.

Paul Hines replied that there isn't an annual review trigger for the fee adjustment, and it's been about a year since the last change. Therefore, it's likely time to re-evaluate it.

9. Adjournment

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Stephen Hamlin moved to adjourn the meeting, and Dave Hartnett seconded the motion. The motion passed unanimously.

Meeting ended at 07:02PM