



Vehicle for Hire Licensing Board 11/29/2018

BURLINGTON VEHICLE FOR HIRE LICENSING BOARD

HEARING

CITY HALL, Room 12

BURLINGTON, VERMONT

MINUTES

November 29, 2018

DRAFT

MEMBERS PRESENT: Jeff Munger (Chairman)

Bill Keogh (Vice Chair)

Adam Roof, City Councilor

ADMINISTRATION: Christine Dunbar, Vehicle for Hire Administrator

STAFF ATTORNEY: Nicholas Lopez, Assistant City Attorney

OTHERS PRESENT: Gene Richards, Burlington Airport

Shelby Losier, Burlington Airport

Nicholas Shieldrop, Shelburne resident

Aziz Bakkali, Star Cab

Harriet Reiff, witness to give testimony via telephone

Barbara Rachelson, witness to give testimony

APPELLANTS: Youness Jamil. Star Cab

Ricky Handy, Blazer Transportation



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[Note: Minutes reflect the order of the published agenda.]

1.0 CALL TO ORDER and AGENDA

Chairman Jeff Munger called the meeting to order at 3:01 PM on November 29, 2018.

1.01 Agenda

Action: The Board voted unanimously on a motion by Bill Keogh, seconded by Adam Roof, to approve the agenda as presented.

2.0 PUBLIC COMMENTS

Nicholas Shieldrop, Shelburne, Vermont, made the following comments:

- Thank you for letting me have the opportunity to talk with you on a few matters.
- One issue is Youness Jamil is coming on a price discrepancy, customer complaint that originated in New York. I did check with Middlebury Transit and I was horrified with what they told me. The same distances they would charge \$450. That is twice the amount that Youness Jamil charged. I think the amount was \$218.
- I do question the legitimacy of these hearings for a number of reasons which I won't go into at this point.
- We are slowly moving toward a state regulation. The state regulations for vehicle for hire which also push out what you do issuing licenses. That is coming slowly from Montpelier. We are working on it.
- The other issue is I came before the Board several years ago. I mentioned I had a state license, actually I have two state licenses for different areas for vehicle for hire. One was taxi meters. There is a taxi meter license. I am the only one who has had one since 1990 so for 29 years or thereabouts you folks have been issuing regulations on taxi meters, but not requiring a meter license issued by the State of Vermont. It's a weights measure. Customer complaints on prices go to the Agency of Transportation where the Consumer Protection Division is located. I mention this because you guys have been in violation of these taxi meter licenses for a long time, however, somebody in the city mentioned to the state to please revoke Nicolas Shieldrop's taxi meter license so we no longer issue them at the state level. If you guys don't want them issued, to regulate the meter becomes questionable, becomes hypocritical. It's a point you should consider when looking at any issue relevant to taxi meters and taxi meter pricing. I really believe the complaints that come through on taxi meters should really go to the Department of Consumer Affairs and the Department of Agriculture. You may want to talk with them on prices, etcetera, etcetera.
- Taxi meters are legal in the State of New York so if Youness Jamil is running a meter in the State of New York he is within his rights. Here we have a contract between Vermont and the New York State that was clearly formed in, I believe, South Burlington where you guys don't really have jurisdiction anymore.
- These are the points you may want to consider. You may also want to consider the fairness of the amount that he charged. That would be fair and reasonable for you guys to consider. Was the rate fair between these two points relative to what Middlebury Transit charges?
- I hope you will support the statewide regulation when it comes forward.

3.0 HEARING(S)





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3.01 Star Cab - Youness Jamil

Youness Jamil, owner of Star Cab, and Aziz Bakkali, partner and employee with Star Cab, appeared on behalf of the hearing.

Assistant City Attorney Nick Lopez, representing the VFH Licensing Board and the City of Burlington, explained the hearing before the VFH Licensing Board pertains to a complaint received against Star Cab. Attorney Lopez said he will facilitate the hearing on behalf of the Board with his role being to ensure the hearing runs smoothly and moves forward in an orderly fashion, and will advise the Board on applicable legal issues.

The procedure to be followed was reviewed and individuals to provide testimony were sworn in. Christine Dunbar with the VFH Administrative Office presented the complaint and supporting evidence. The VFH Licensing Board introduced themselves.

Opening Statements

- Attorney Lopez said the hearing is to consider the complaint received by the Board alleged against Star Cab. The Board has the authority to issue a fine up to \$800 for each violation, suspend licenses, or take no action at all. The licensee has the right to be represented by legal counsel, summon witnesses on their behalf, cross-examine any witness presented by Ms. Dunbar, and present evidence. Each side will have approximately 20 minutes to present their argument as they choose. Cross-examination will be limited to topics relative to the complaint. The Board may ask questions of the licensee or Ms. Dunbar. At the conclusion of the hearing the Board will deliberate and issue a written decision to include all findings and any action to be taken. The written decision is a final decision. A Motion to Reconsider can be filed and the Board can consider this, but the Board is under no obligation to do so because a final decision was rendered. If the licensee disagrees with the decision issued by the Board the licensee has the right to appeal the decision to Chittenden Superior Court. The Rules of Procedure provide the menu for doing that.

Christine Dunbar, Vehicle for Hire Administrator, stated:

- An email sent September 12, 2018 by Harriet Reiff was received.
- Communications with Ms. Reiff have been via email because Ms. Reiff is currently on the west coast.
- Notice of Hearing was sent to Youness Jamil.

Documents presented to the Board include:

- Copy of complaint received 9/12/18.
- Copy of letter from Christine Dunbar to Star Cab, dated 11/19/18.

Witness Testimony

Harriet Reiff, complainant, testified via telephone and stated:





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- Due to circumstances I had to go back to California so I had to take a plane from Burlington to New York and New York to Los Angeles.
- I called many cabs and called Star Cab because they had picked me up when I first got to Burlington to get to my house in New York. I spoke to a gentleman on the phone (cannot recall his name but believe he is the person who picked me up) and explained I had to go back to New York and wanted to know what he would charge. The man said he did not know because he did not know how far it was from North Creek which is where I live to Burlington. I said I would call him right back after going to GPS so he will know the distance. I did MapQuest and found out it was 97 miles. I called the gentleman at Star Cab back and he said \$180 which I said was exactly what I paid before coming to North Creek from Burlington.
- I asked if Star Cab can take my credit card over the phone because I have a dog and it is a hassle and I just like to get things over with. The gentleman said to me that they trust me because I was with them before so there is no reason to take the card over the phone. I said fine because I believed him.
- The day the gentleman arrived he was in a car with a meter. I figured I was already in trouble, but had to get home so I got in the car and the meter was on. We drove and the driver does not know where he is going. He goes this way, that way, backs up, goes around other streets, gets on one road then gets off. The driver even made a U-turn on the highway. There was a place to go around and the driver said he missed the stop, the exit, and he went around and came back. Of course, the meter is running.
- When we got to a place that to me looked like a bunch of cornfields I had no idea where I was. The driver said I better pay cash. I said no to that and said I was going to pay by credit card, but the driver said he did not have his machine.
- The driver kept driving these crazy ways and the trip ended up costing \$251. The driver said I had to pay, but I did not have \$251 in my pocket so we tried to go to a bank. It was too early and the bank was closed. The driver told me to go to a gas station ATM, but I said I would not do that. It may not have been a gas station, but more like a 7-11 store, one of those places where you put your card in the machine, but I said I would not do that. Finally we found a TD Bank or something like that and went in. The bank was right outside the airport. I actually complained to the bank and told them never to use Star Taxi.
- We got to the airport and I said something to the driver as I gave him the money and he basically called me a liar because I said that his brother had taken me for \$180. The driver said don't use me again, and that was the end of it.
- I just couldn't let it all go because it was, you know, I was just angry. I was cheated and that's all I can say. That's what happened.

Bill Keogh: Did you ever drive between North Creek and Burlington yourself?

Harriet Reiff: Oh, yes.

Bill Keogh: So you know the route.

Harriet Reiff: I don't know the route well. I did it once. I have a problem with going over bridges so I had to find a very roundabout way which is why I usually hire a car. I knew it didn't matter anymore because I was in his car and I have a dog, suitcases, and where am I going to go. I was stuck.

Bill Keogh: I just wanted to know if you knew the route you expected the driver to drive, that's all.

Harriet Reiff: Yes, more or less.

Youness Jamil to Harriet Reiff: How old are you?



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Harriet Reiff: I am 78 years old.

Witness Testimony

Youness Jamil, licensee and owner of Star Cab, stated:

- On September 4 (2018) I got a call from Harriet Reiff. I was driving. She told me she needs a ride from North Creek to Burlington. I told her I am driving. I cannot tell her exactly how much, but if she can find out the mileage I can give her an estimate, but we go with the meter. I stated it very clearly that we go with the meter.

Harriet Reiff: He's lying.

Attorney Lopez to Harriet Reiff: This is the licensee's opportunity to discuss. You can listen.

Harriet Reiff: I thought I was on mute.

Attorney Lopez: You have to mute on your end in order to be on mute.

Harriet Reiff: Oh, I'm sorry. I thought I was on mute.

Youness Jamil (continued):

- I told her very clearly if you tell me the mileage I can give you an estimate, but not definite final price. I told her we go with the meter because this is a long distance and we don't know how much it is going to cost. If I give her a flat rate maybe I hurt myself, maybe I hurt her. I will overcharge her if I say \$300 so that's why Nicholas says you have to use the meter to be fair to you, your customer, and to yourself because the meter does not lie to you, doesn't lie to me. It is always, you can see it and you can see the price right there.
- So I told her that and she said somebody drove her for \$180, my brother drove her for \$180. I told her I don't have a brother. The only person working for me is Aziz [Bakkali] and he said he never took her to North Creek for \$180.
- According to the meter [Youness Jamil showed a Google map] there are three different routes. There is one actually that says 125 miles. Ms. Reiff said 97 miles, but this is Route 22A. It is 125 miles. If you multiply 97 miles by \$2.50 it is \$242 so nobody, if she took a cab from the airport, from the queue line to this place, to North Creek, it will never be \$180. Never.
- I took the short route. When I got there, first she lied to me. I am allergic to dogs and she had a dog and she didn't mention the dog. That's an issue for me since it could threaten my health because I'm allergic to dogs. She never mentioned the dog, but I said ok, I woke up at 4 o'clock and drove two hours and a half so it is ok. Now I have no choice, I have to take her.

Aziz Bakkali, Star Cab employee and partner with Youness Jamil, stated:

- First, I never see this woman. I don't know. I never talk to her. I am new driver here and I don't have chance to drive from Burlington Airport to New York. I never drive into this area. I never talk to her by phone, the price. Any taxicab driver in Burlington from the airport to North Creek to the airport with the price of \$180, nobody take with this price.



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- Why all the cars have the meter? For what we put the meter inside? We have to use it, right? That is the law. That is the law.
- All the time some customers say please turn on the meter and some customers when turn on they start complaining. They say, oh, you start with \$6.50, too much. With modest experience, I have just five months here, this is what happens all the time, all the time.

Youness Jamil (continued):

- You can have a flat rate with the customer. I never have that chance with this lady. Never did we tell her it is \$180 final price. Never.
- So I said I am going to use the meter and I am going to use the GPS. We start driving and she said this is not the right road. Can you take the highway? I said ok if you know the road just show me and we can just drive. So we start driving on the highway and I said I think the highway is going to get us into...

Bill Keogh: What highway?

Youness Jamil: 87 in New York.

Youness Jamil (continued):

- I said Madam if we take the highway it is going to get us all the way to Plattsburgh and we have to get onto the ferry which is going to cost you a little bit more. Do you want to do it, and she said no, no, turn, turn. I said ok and I just made a U-turn. It is illegal, but it's the customer. I risked it.
- So we turned around and she asked me if I know the way and I said I was driving to the GPS and recalculations. Every once in a while she said this is the wrong way. I said I am just following the GPS. I am not from New York. I am from Vermont and I don't know the roads in New York. I am just going along with the GPS. She was complaining the whole way. We got close to Burlington Airport...

Bill Keogh: What route did you take? Describe the route from the beginning to the airport.

Youness Jamil: We took Route 9, Route 147, and then we got onto 22A. From 22A we got into Vergennes and then Route 7. So once we get into Burlington I told her I am sorry my machine is not working, is not with me today, can you pay cash. She said ok, is there a bank. We went to the first bank on Kennedy Drive, TD Bank, and it was not open until 9 o'clock. She complained about that. I said its ok, I'm going to take off the time spent in the bank. Then we get into the gas station that is close to TD Bank on Williston Road and Kennedy Drive. She said she is not going to use the gas station ATM. I said ok, that's fine, I know there is another bank, TD Bank on Williston Road. We got there and she got the cash and I told her again all this time I am going to take that off just to give her a break because we were wasting time. I should not charge her for this time we spent. So, she paid me this amount. I already logged it here.

Bill Keogh: How much was that?

Youness Jamil: It was \$218 so it was less actually than the amount that I quoted which was \$242.

Bill Keogh: Where did you get the figure of \$242?



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Youness Jamil: 97 miles multiplied by \$2.50. So I gave her a break of \$22 because of the time that we spent. My religion does not allow me to cheat or lie or do all those things she said. I was very upfront with her. I don't accept, I don't do flat rate. I do the meter because as I said before if I give you a flat rate maybe I overcharge you or if I give you less money I might hurt myself. So that is why I said I am going to go with the meter because the meter is there for you and me. As I said she lied to me because she didn't say that she had a dog and I'm allergic to dogs.

Bill Keogh: How important is that?

Youness Jamil: Because that's very important. That just let you see how this customer whether consistent or not. I have testimony from customers who have rides with me if you want to read them, about my honesty, my experience, my professionalism.

Jeff Munger: I just googled North Creek, New York, and from where I am sitting it is 86 miles, and it is less than 11 miles to the airport. Your passenger was under the impression she was getting a ride for \$180. Also, according to the ordinance you are supposed to have a credit card machine that works.

Harriet Reiff: My dog is a certified service dog.

Youness Jamil: If it is a certified dog I cannot refuse it.

Harriet Reiff: When I saw the driver, when he came I told him it was a certified service dog.

Youness Jamil: You cannot refuse a certified dog even if I am allergic, but she did not tell me that upfront.

Harriet Reiff: I never think to tell anyone because he is a part of my life.

Bill Keogh to Harriet Reiff: You were aware the driver was headed for the Northway, correct?

Harriet Reiff: Well when we got on it, yes.

Bill Keogh: You directed or advised him this is the long way and he told you, his testimony was he said if we go this way we have to go to Plattsburgh and take the ferry and it will cost you more. Was it at that point you said let's take another route?

Harriet Reiff: No, when I got in the car he said how do you want to go or something to that effect and I said any way, but I don't want to use the ferry because, well, it doesn't matter why, but I don't want to use the ferry so that was my statement. He is the taxi driver. I don't see why I had to tell him how to get to Burlington when he just came from there. And when he says I was complaining all the way I slept part of the way.

Bill Keogh to Youness Jamil: You have been before this taxi board a couple of times.

Youness Jamil: Yes, I have.

Bill Keogh: So you are familiar with the process. When you went from I-87 to Vermont you took what route?





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Youness Jamil: I made a U-turn to Route 9 and Route 9 took me all the way to 22A. If I am taking 87 all the way north it is going to cost her more. She has to pay for the ferry. I suggested this is going to cost you more and then you are going to blame it on me so I suggested the regular way that I came.

Bill Keogh: Did you come through the Champlain Bridge?

Youness Jamil: I went the Champlain Bridge through 17 then all the way to 22A to Vergennes then turned left. I said if she just lets me go the way I came from my house to her house we will be safe, but she keeps saying take this road, take this route. This is too long, go take the highway so she confused me. I just didn't know. She is the customer so I have to listen to her. I have to say ok if you want me to go this way, I go this way. So, she just confused me.

Bill Keogh to Harriet Reiff: Is that true?

Harriet Reiff: No.

Bill Keogh: You did not direct him to go left, right, or center.

Harriet Reiff: No. My belief for my whole life is when I get into a taxi or a hired car from then on there is no reason for me to have to say anything. It is their responsibility to take me to where I'm supposed to go. It's not for me to tell them how to go. That's the way I think of it. That's my experience.

Bill Keogh: I hear a contradiction in testimony.

Bill Keogh to Harriet Reiff: How many times have you taken the trip from North Creek to the airport in a year?

Harriet Reiff: I only take it normally every year once in each direction. So, if I go to New York for four or five months and if I go to New York City in between I usually drive to the airport and fly and pick up my car because it is only for a few days.

Youness Jamil to the Board: One observation, enlighten me about the process. In the past when a customer complained you read it then you sent an email to the driver then you listened to the story of the driver then you compared the versions and if you saw some kind of contradiction or conflict you set up a hearing. Why this time you got a complaint and automatically made a stereotype or prejudgment that I am guilty and to come for a hearing?

Attorney Lopez: I cannot speak to the past, just what the ordinance says. The ordinance says when complaints are received by the Board, the Board has the opportunity to take action on the complaints. The Board cannot take any action unless you are afforded the opportunity to tell your side of the story and do what we are doing here today. The ordinance requires the Board to provide a hearing to give you opportunity to discuss your story before taking any action.

Youness Jamil: Why didn't the Board send an email saying they got a complaint from this customer and what do you think about this complaint, can you tell us your version of the story. So, basically you are favoring the customer over the driver and you didn't even want to listen to my version of the story outside the hearing. This is like a violation of my rights.

Attorney Lopez: I wouldn't say it is a violation of your rights.

Youness Jamil: Because you didn't, because you automatically had trusted the customer.

Attorney Lopez: No, that's not the whole purpose of the hearing. A complaint was received then you received a letter from Christine Dunbar indicating a complaint had been received and the Board was going to examine the complaint, but they





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needed to hear your side of the story. This is your opportunity to write your side of the story. The result of the hearing does not require suspension, revocation, or a fine. The Board after hearing your side of the story could decide to take no action at all because they do not view the complaint as credible. That is certainly a possibility and that is why we have this process and the Board requires the evidence.

Jeff Munger: I think you are referring to when the taxi administration was at the airport and not downtown, and when there was a queue line issue or something we would go to Kelly. Once the taxi administration went from the airport to downtown and the ordinance rewrite was done that is why we handle complaints like this instead of the old way.

Christine Dunbar: I follow the same protocol for every complaint I receive.

Closing Statement

Attorney Lopez: The testimonials from Youness Jamil will be submitted as part of the record along with received testimony from the complainant and licensee in this case. The Board will deliberate and Youness Jamil will receive a written decision within the next few weeks. Harriet Reiff can receive a copy of the written decision by the Board as well.

The hearing for Star Cab concluded at 3:49 PM.

MOTION by Adam Roof, SECOND by Bill Keogh, to recess the meeting until the arrival of the witness for the Blazer Transportation hearing. VOTING: unanimous; motion carried.

The meeting was recessed at 3:58 PM.

MOTION by Bill Keogh, SECOND by Adam Roof, to reconvene the meeting. VOTING: unanimous; motion carried.

The meeting reconvened at 4:06 PM.

3.02 Blazer Transportation – Ricky Handy

Ricky Handy, owner of Blazer Transportation, appeared on behalf of the hearing.

Assistant City Attorney Nick Lopez, representing the VFH Licensing Board and the City of Burlington, explained the hearing before the VFH Licensing Board pertains to a complaint received against Blazer Transportation. The procedure to be followed for the hearing was reviewed and individuals to provide testimony were sworn in.



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Opening Statements

Christine Dunbar said a complaint was received via email from Barbara Rachelson to Gene Richards, Airport Director. The email was circulated to the Airport Administration then sent to the VFH Administrative Office to be presented to the VFH Board. Barbara Rachelson agreed to testify.

Witness Testimony

Barbara Rachelson, complainant, stated:

- On the evening of September 8, 2018 I phoned for a taxi for September 9, 2018. I had an early flight and wanted to reserve a taxi ahead of time. I went to the airport website and called the first taxi company to come up which was Blazer. I ordered a taxi for 4:30 AM. There were no problems and my experience has been the taxis are usually pretty prompt.
- At 4:35 AM when the taxi did not show up I called because I was nervous that I may need to make another arrangement. I called the Blazer number and woke someone up who said to hold on and forwarded by call to someone else. That person said he would be here in two minutes.
- I was about to drive myself when a plain white sedan showed up at 4:42 AM.
- I was home alone. I was going to visit my husband in Sweden.

Bill Keogh: What time was your flight?

Barbara Rachelson: 6 AM for the first leg to Newark. The airport signs advise that two hours early is on time at the airport so that is why I was going to the airport at 4:30 AM plus I was checking a bag.

Barbara Rachelson (continued):

- There was nothing posted in the car. I'm home alone. My husband's in Sweden so there was no one aware I was getting into a cab at this time. My more rational self was saying do not get in the car.
- I asked the driver if he was my taxi and he said yes. I got in and there was no meter, no taxi light. I was a little, I consider Burlington a safe city, but it seemed a little odd to be getting into an unmarked car.
- I was driven to the airport and I was not saying anything because I was not so pleased about the whole situation. The driver took the back way to the airport and as we were turning into...

Bill Keogh: What do you mean by "the back way"?

Barbara Rachelson: The driver took White Street.

Barbara Rachelson (continued):

- When we were on the street by the airport the driver said he was instructed not to go into the airport and I have to drop you here. He stopped on the sidewalk on the other side of the parking garage and grabbed my suitcase and



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said he would help me. He carried my suitcase into the parking garage.

- I had not yet paid him at this point. I was planning to use a credit card, but there was no credit card machine and I didn't want to be exploring how much longer it would take to get a machine. I asked how much the fare is and he said \$18.50. I had a \$20 bill which again was not planned. I was going to keep the \$20 in case I needed something along the route. It was pretty clear I was not going to be paying with a credit card. I was thinking how fortunate it was that I actually did bring cash with me because sometimes I just go to the ATM at the airport.
- I was sitting and fuming about what happened. The fact that I was left off on the street and taken halfway into the garage felt like a very bazaar arrangement so as I was sitting in the airport I thought I would write my neighbor across the street who is Gene Richards an email while the matter was fresh in my mind. Gene Richards answered right away.
- It was just a scary and unsettling way to start my trip. Gene Richards said this is really a matter for the taxi commission and I agreed to come forward. I apologize for being late. I was at work. It seemed important enough to share this experience because even if I had chosen to take an Uber which I did not, I chose to take a cab that was on the website, an Uber would have identified itself as an Uber and probably dropped me off at the airport and not on the street.

Ricky Handy to Barbara Rachelson: Is it possible that being a white car that it had a white taxi light on top not lit up?

Barbara Rachelson: It is not possible. I examined the car because I was concerned no one was around. I should have taken a picture. There was no license, no nothing.

Witness Testimony

Ricky Handy, owner/operator Blazer Transportation, stated:

- The letter I got from Christine Dunbar is the first I heard of this. I have a reputation with the Board and I promised you I wouldn't come before you again, and I am just as shocked that I am sitting here as you. I recently got my privilege to drive taxi back myself personally after a three year suspension. I got it back October 17, 2018. It was suspended October 17, 2015. My company got a three month suspension. I got a three year suspension myself for much the similar situation, and there was another situation where I was helping a family in distress out of the Radisson and I gave them a free ride to the airport in my personal car because there was no taxi available. I came in with my lawyer that day and we explained it to you and somehow that went away as I'm hoping this is going to go away as well.
- When I read the letter from Christine Dunbar, paranoid as I am, I said they're out for me. I can't win. Thinking I would never dispatch an unlicensed cab to go to the airport and if I did dispatch an unlicensed cab to go to the airport I do instruct per Isaac's orders to drop them off at the store because it is in South Burlington and you can't do anything if we drop off at the store. Don't have them come into the airport or we are going to write you a ticket and you'll be in the same boat. So, Isaac explained how he is working with me to just take the lesser of two evils and drop people at the store and if you have to comp their ride or give them a free ride however you want to explain it to them to make them happy so they don't complain.
- So I am unaware of any of this situation. I'm perfectly aware of it once I read the email. The email came in and it was perfectly clear. I'm the guy who answered in his sleep. I'm the guy you talked to the previous night. It was a Saturday night. I dispatched the call to one of my drivers. He lives on Handy Court which is my street. I rent to him. Handy Court and Summit is maybe two minutes away. So, I know who had the call. That's how I knew who to forward the call to in the morning at 4:35 AM. Much to my surprise the guy is usually prompt and on time.
- Pat Parks drove the night before and he parked his car about 10:45 PM (this is after I did a lot of investigating I



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figured this whole thing out). He parked his Blazer Taxi van and left his bubble light on unbeknownst to him and went to sleep to prepare to get up for his 4 o'clock, 4:30 call. His car would not start and in order to not make the customer wait or be late for her call which she ended up late anyways he took the next vehicle available to him which is my white Lincoln town car that I use in Stowe. I use it for weddings, graduations, funerals, what have you, bar mitzvahs. The car was right there next to his van that wouldn't start. He didn't want me to know. He was more embarrassed that he killed his battery in his car and he just jumped in the Lincoln and went to pick up. That's when the call came in and he said he is two minutes away. He didn't want to tell me what car he was in. I had no knowledge what car he was in. I would have no way of knowing. He wasn't sure he could drop off at the airport and he didn't want to call me back because he was embarrassed about his car, killing the battery and not starting, so he called up another driver, another Stowe driver who was familiar with the process of where he could drop off with that car and she instructed him to drop off at the store. The lesser of two evils would be to drop off at the store versus having a licensed driver pull in and for some reason getting spotted dropping off in an unlicensed car, at least that is not licensed in Burlington, but we use it in Stowe.

- From there, I don't know if that makes anything clearer to anybody, if that situation becomes clearer to anybody. I couldn't believe when I read the letter and it all became clear when I read the email. When I read the email I felt so bad for the lady and I apologize. It may have made things better if he would have explained how his battery died. He just wanted to get the lady to the airport. Had he called me I would have told him to comp the ride and not charge. I would have told him to drop off at the store as well, but I would have told him to comp you a ride and not charge you.
- When he called the driver in Stowe, again he thought this whole thing would wash under the table, he never thought I would hear about it. He is just picking up a guest and dropping them off for their plane and without picking her up I would have had more phone calls back from the client and it would have made him look bad. So, in order to get through this particular call that's what he did and that's what happened.

Jeff Munger: You are saying your company's benefit first and then the customer. If someone calls you up and wants a ride to the airport they don't want to get dropped off on the street when its dark out and they have to walk through the garage. You're saying that you don't have any customer service that's worth two bits. You were afraid you would get a ticket if your driver took this person to the airport when it clearly says that's what you are supposed to do. You broke so many rules I don't know where to start with you sometimes. All you did was you came in here and instead of admitting it you tried to make excuses like there was an unlit taxi light on top of the car. You knew darn well there wasn't. I drive by your house three days a week so I know what cars are there, when they are there. I just don't appreciate you coming in here and doing this again. I really don't.

Bill Keogh: Was the person who picked up a licensed driver?

Ricky Handy: Yes, sir.

Bill Keogh: How many employees do you have?

Ricky Handy: About 10.

Bill Keogh: So there are other drivers you could have called to do the same chore.

Ricky Handy: I could have called at least three different drivers to do a 4:30 AM call.

Bill Keogh: You understand Ms. Rachelson's concern about an unmarked car coming up at 4:45 AM saying they are her taxi.



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There is a risk. The reason we have lights on cars and all the rules is so the passenger knows this is a licensed driver and is confident to use that vehicle.

Ricky Handy: I totally sympathize with her feelings. He claims the light was on the top. I fully believe it wasn't, but it's a white light on a white car. Maybe she missed it, but I kind of believe it was not on there. Whether it was on there or not that was the taxi that was sent to pick her up.

Jeff Munger: But it wasn't a taxi. That's the point.

Ricky Handy: It's a taxi that we use in Stowe.

Jeff Munger: This is Burlington.

Ricky Handy: No, it's not a Burlington taxi, but it was the only vehicle he had at his accessibility at that point.

Adam Roof: I am not surprised to see you again. For some reason we see one or two people over and over. Sometimes you come in and we issue discipline or the story dictated to be more lenient, but at some point when someone shows you who they are you should start believing them. Seems your driver knew there was an issue which is why he didn't go up to the airport and dropped Ms. Rachelson outside the area. The fact he was too embarrassed to call you does not dictate that policy should not be enforced. That's an issue you have as owner of business practices. If your employee is too embarrassed to give you a call because he made an honest mistake that rests on you and what needs to happen is you communicate better with your employee in these circumstances so that you as the owner can find a solution that's not going to get you in this seat again. This keeps happening over and over.

Ricky Handy: I hear you.

Adam Roof: As far as there being a light on the car or not, Ms. Rachelson is one of the most honest and forthright people in the city in my opinion. There was no light on top of the car. We should not be considering that and I will not when making a decision. I understand the situation and appreciate you sharing the circumstances, but from where I sit the circumstances do not mean the policy should not be adhered to. A mistake was made, it may even be a genuine, honest mistake, but it does not mean we look past problems with violations of the ordinance.

Jeff Munger: I would like to hear the philosophy of the Airport Administration.

Gene Richards, Director of Aviation, Burlington Airport, and Shelby Losier, Director of Ground Transportation, Burlington Airport, stated the following:

- It is the Airport Administration's responsibility to make sure each customer at the airport has a safe entry and the people we are dealing with are following the rules. We have worked hard to make sure the taxi system works in a tenable, safe manner.
- When the text from Barbara Rachelson was received, Gene Richards said he was thankful to get the call and then put himself in her spot and all the other people who get dropped off on a dark street that is extremely busy that time of day, and potentially walked into a dark garage and left there. That is not the entry the Airport Administration works at the airport. Those are not the rules. Also, the airport owns the store so you can't divert your fine by going to the store.



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- What someone did here is they took money first over someone's safety. The airport cannot stand for that. It is unacceptable. The rules are very clear. We worked hard to get those rules, to enforce those rules. Ricky Handy has worked on those rules and understands them, but again his company does this at the airport endangering one of the airport's clients. There are others, too, and it is unacceptable.
- The Airport Administration is asking on behalf of the airport and the people, the 1.2 million people who use it and depend on taxis and safe ground transportation, to please enforce this to the fullest to let the people know you care about them in the night when you are giving up everything you have to have a safe ride to the airport and entry into the airport. It is a meager fee that we charge. For someone to not want to pay that little fee that they pass onto customer, that is not acceptable and to put that person at risk is unacceptable.
- Gene Richards said he can't express how angry he gets when we put for a dollar bill a person's life at risk. We can't accept that.
- Shelby Losier said at the airport there are umpteen more drivers and vehicles than Blazer yet it seems to be that Blazer is unable to understand or comprehend the rules that apply to them. Time and time again. Blazer understands how the queue line works, how a contract vehicle works, and truly understands the difference between a taxi, so do their drivers. That driver being licensed at the airport knows the differences of the check-in process and how it operates.
- Gene Richards said the airport has had to take action because of the games people play. People are driving into the garage, dropping someone off, and not paying the fee because they are under two minutes. They come in with marked cars. This is just the beginning. It's a game to scam someone out of a dollar. It is wrong. There are cameras now in the garage so the airport will be picking up on the game and monitoring activity in the garage.

Bill Keogh: What would the Airport Administration do if this white vehicle dropped off the passenger at the airport?

Shelby Losier: The police would be called. If there is not a display permit on the car, the vehicle is not allowed to operate at the airport. The driver's license would also be checked if they are caught.

Gene Richards: A Lincoln Continental at 4:30 AM likely will not be caught.

Ricky Handy: If the car got caught there would have been a fine for the company and/or the driver. The airport employees are instructing us to drop people off at the store.

Ricky Handy to Gene Richards: Do you know Isaac is still telling us to drop off at the store?

Gene Richards: I would disagree with that statement.

Attorney Lopez to Ricky Handy: The Board heard in the testimony from you that you are admitting to the allegations raised in the complaint, but are trying to present some mitigating circumstances to that.

Ricky Handy: Yes.

Attorney Lopez: Is the driver still employed by you after this violation?

Ricky Handy: Yes.



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Closing Statement

Ricky Handy: I would crawl over broken glass not to break any rules of the city and to follow every ordinance and policy. I don't have control over human beings. Human beings tend to sometimes make a mistake. In this case he even made a phone call to try not to make a mistake. As it turned out it was the biggest mistake he made to call that girl and her to tell him not to drop off at the airport. With your decision 10 people's livelihood, income, jobs are at stake. Am I going to beg you not for a fine? No. The lesser of two evils right now would be go ahead and give me a fine. Give me the maximum fine. I'll gladly accept it versus putting 10 people out of work and potentially putting a suspension on my company again for being able to service the hotels and airport and clientele we've been serving. We can take 100 people and you are never going to hear about 100 good stories, only this one horror story. Yes, maybe there are other horror stories and if I hear about it I'm going to find a way to do it legal and if I can't do it legal I'm going to say sorry, ma'am, we can't show up so please find some other way to the airport. All she can do is write a complaint that we didn't show up and that would have been the lesser of two evils at that point, or offer her a comp ride. Please have mercy on your decision.

Deliberation/Decision

Action: The Board voted unanimously on a motion by Adam Roof, seconded by Bill Keogh, to go into Executive Session to contemplate Items 3.01 (Star Cab) and 3.02 (Blazer Transportation). The Board will deliberative in Executive Session and issue a decision in writing.

The Board entered deliberative session at 4:44 PM and adjourned at 4:54 PM.

4.0 COMMUNICATION

4.01 Monthly Fees

Jeff Munger commented positively on the fees being included in the report to City Council, and asked when the VFH budget will be done. Christine Dunbar said the CAO produced a budget and will not do another one unless there are significant changes such as an increase in hours or salary for a full time Compliance Officer.

MOTION by Bill Keogh, SECOND by Adam Roof, to accept the communication and place the information on file.
VOTING: unanimous; motion carried.

4.02 Commissioners Items

Christine Dunbar reported the Compliance Officer position as part-time was posted, but no responses were received so having the position be full time is being discussed. Having a Police Department employee fill the position was also discussed, but it was not workable. The Compliance Officer will enforce the Vehicle for Hire rules.

5.0 MINUTES





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5.01 September 6, 2018

MOTION by Bill Keogh, SECOND by Adam Roof, to approve the minutes of 9/6/18 as written. VOTING: unanimous; motion carried.

Bill Keogh requested the minutes be sent out sooner if possible.

6.0 ADJOURNMENT

With no further business and without objection the meeting was adjourned at 4:54 PM.

RScty: MERiordan