

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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OFFICE OF THE D.C. TAXICAB COMMISSION

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GENERAL COMMISSION MEETING

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WEDNESDAY
FEBRUARY 10, 2016

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The Commission met in the DCTC Hearing Room,
Suite 2032, 2235 Shannon Place, S.E., Washington,
D.C. 20020 at 10:00 a.m., Ernest Chrappah,
Chairperson, presiding.

COMMISSIONERS PRESENT:

ERNEST CHRAPPAH, Chairperson
ELLIOTT FERGUSON, II, Commissioner
LINWOOD C. JOLLY, Commissioner
BETTY L. SMALLS, Commissioner
STANLEY W. TAPSCOTT, Commissioner
DOTTI LOVE WADE, Commissioner

STAFF PRESENT

JUANITA MIXON, Secretary to the Commission
JACQUES P. LERNER, ESQ., General Counsel
MONIQUE BOCOCK, ESQ., Assistant General
Counsel

A-G-E-N-D-A

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P-R-O-C-E-E-D-I-N-G-S

(10:25 a.m.)

CHAIRPERSON CHRAPPAH: Good morning.

Welcome to the General Commission meeting. We are located in 2235 Shannon Place, S.E., Hearing Room 2032. Today is Wednesday, February 10, 2016, and the time is 10:25.

We'll kick off by taking a moment of silence for those who are departed.

(Moment of silence.)

CHAIRPERSON CHRAPPAH: Madam Secretary, could you determine if we have a quorum?

MS. MIXON: Commissioner Ferguson.

COMMISSIONER FERGUSON: Here.

MS. MIXON: Commissioner Jolly.

COMMISSIONER JOLLY: Here.

MS. MIXON: Commissioner Muhammad.

(No response.)

MS. MIXON: Commissioner Smalls.

COMMISSIONER SMALLS: Here.

MS. MIXON: Commissioner Tapscott.

COMMISSIONER TAPSCOTT: Here.

1 MS. MIXON: Commissioner Wade.

2 COMMISSIONER WADE: Here.

3 MS. MIXON: Commissioner Chrappah.

4 CHAIRPERSON CHRAPPAH: Present.

5 MS. MIXON: Chairman, we have a quorum.

6 CHAIRPERSON CHRAPPAH: Thank you.

7 We'll move to the second item on our
8 amended agenda, and that talks about Commission
9 Communication. Today, we have a diverse set of
10 topics or issues to take up. One will be the
11 appeal -- a couple of appeals, actually, that is
12 before the Commission, that Commissioners will
13 make a decision on.

14 And second, we will also take up the
15 emergency rules, and also proposed rulemaking.
16 And then when we get to the Government
17 Communication and Staff Reports, we'll have
18 expert testimony around some of the new
19 initiatives that the agency is considering, and
20 also additional information with regard to how
21 the industry is performing, some of the market
22 dynamics that we are seeing, and to seed the

1 process for us to have a very robust conversation
2 about the next couple of months to shape the
3 industry, and the future of the vehicle-for-
4 hire, in general.

5 With that said, we're going to move
6 quickly to the third section that talks about
7 Commission Action Items.

8 The first Commission Action Item
9 encompasses Chapters 8 and 99, and this is second
10 emergency rules requiring proper securement of
11 wheelchairs.

12 Counsel Lerner, do you want to provide
13 some context.

14 MR. LERNER: Yes. This is a second
15 emergency to continue the existing emergency for
16 securement of wheelchairs in vehicles. The final
17 emergency was voted in January, and this is
18 simply to continue the emergency, pending the
19 publication of that final emergency -- excuse me,
20 of the final rulemaking, which has already been
21 approved. It's simply pending publication.

22 And so we make sure that the rule

1 which is in place now, and which will be in place
2 permanently upon publication does not have a gap.
3 That is actually the only thing that this would
4 do if it's approved by the Commission.

5 CHAIRPERSON CHRAPPAH: So in effect,
6 this is not a new one, it's just closing a gap
7 between what is now the final and where we find
8 ourselves today.

9 MR. LERNER: Exactly.

10 CHAIRPERSON CHRAPPAH: Okay. Can I get
11 a motion?

12 COMMISSIONER WADE: I move that we
13 accept it.

14 COMMISSIONER FERGUSON: Second.

15 CHAIRPERSON CHRAPPAH: Madam Secretary,
16 could you call the vote.

17 MS. MIXON: Yes. This is the vote for
18 Chapters 8 and 99.

19 Commissioner Ferguson.

20 COMMISSIONER FERGUSON: Yes.

21 MS. MIXON: Commissioner Jolly.

22 COMMISSIONER JOLLY: Yes.

1 MS. MIXON: Commissioner Muhammad.

2 (No response.)

3 MS. MIXON: Commissioner Smalls.

4 COMMISSIONER SMALLS: Yes.

5 MS. MIXON: Commissioner Tapscott.

6 COMMISSIONER TAPSCOTT: Yes.

7 MS. MIXON: Commissioner Wade.

8 COMMISSIONER WADE: Yes.

9 MS. MIXON: Commissioner Chrappah.

10 CHAIRPERSON CHRAPPAH: Yes.

11 MS. MIXON: The vote is six yes.

12 CHAIRPERSON CHRAPPAH: The second
13 Commission Action Item is Chapter 7 proposed rule
14 to allow serving of Notices of Infraction
15 anywhere in the District.

16 General Counsel Lerner, could you give
17 a brief synopsis of what it's about?

18 MR. LERNER: Yes. This is a proposed
19 rulemaking to expand the options for the office
20 in serving notices of infractions. Currently,
21 notices can only be served in particular places,
22 for example at the plaintiff's -- excuse me, at

1 the respondent's place of residence, or agent's
2 place of residence, place of business, and so
3 forth.

4 But there are specific places which
5 limit the ability of the Office to serve notices.
6 Generally speaking, for example, if --- and this
7 hampers the ability of the Office to actually
8 serve notices, because frequently the respondent
9 cannot be located at those places based on the
10 information that has been provided.

11 So it delays proceedings and it puts
12 a substantial additional burden on the office,
13 where we don't have accurate information. And
14 this simply makes it possible for the office to
15 serve wherever the respondent may be found in the
16 District, which is not unlike service of a
17 lawsuit or some other kind of proceeding.

18 So it creates efficiencies and it
19 speeds up proceedings, which is in everyone's
20 interest, including the respondent's and the
21 public, and that's the change that's proposed.

22 CHAIRPERSON CHRAPPAH: So, in effect,

1 we will be following the same set of guidelines
2 that the general industry, I mean like the legal
3 profession and the courts follow?

4 MR. LERNER: Yes.

5 CHAIRPERSON CHRAPPAH: Okay. Yes?

6 Commissioner Wade has --

7 COMMISSIONER WADE: Yes. So this is
8 allows us to exercise our judiciary
9 responsibility as far as process serving. Just
10 like if we could serve a subpoena or a notice by
11 any other process server.

12 MR. LERNER: Exactly.

13 COMMISSIONER WADE: Right now, we can't
14 do that?

15 MR. LERNER: Correct. In other words,
16 right now our rules are written more narrowly,
17 for some reason, I don't even know why, and this
18 just says no, these kinds of notices, they're the
19 same as anything else.

20 COMMISSIONER WADE: But under our
21 judiciary authority we can do this?

22 MR. LERNER: Yes. Or we wouldn't

1 propose it to you otherwise, wouldn't offer it to
2 you, if we didn't think it had legal sufficiency.

3 Yes.

4 CHAIRPERSON CHRAPPAH: Thank you.

5 MR. LERNER: Thank you. I think you
6 have another question down here.

7 CHAIRPERSON CHRAPPAH: Yes?

8 COMMISSIONER TAPSCOTT: Just one quick
9 question. Being as there's not a driver that
10 owns his own cab, and they're just affiliated
11 with some company, they still own the cab, will
12 the companies have to get involved in finding the
13 man, finding the driver, anything like --

14 CHAIRPERSON CHRAPPAH: No, not at all,
15 not at all. This basically actually streamlines
16 the actions. You know, there's no need to go to a
17 company, for a company to look for a driver, when
18 we have several pieces of information on record,
19 and we can find the driver out there. So, in
20 fact, it actually not only makes our process more
21 efficient but also relieves companies of having
22 to look for drivers when they are not employees

1 for them.

2 COMMISSIONER TAPSCOTT: Well, how about
3 the Hack Inspector? Are we going to use them to
4 go out and look for people?

5 CHAIRPERSON CHRAPPAH: I'm not sure if
6 we will limit the options we have in making sure
7 people know things they have to be aware of. As
8 an agency, we will have to evaluate our
9 resources, and look for opportunities where we
10 can communicate effectively. So if that means
11 that a Hack Inspector sees a driver, and there's
12 a notice that needs to be given to a driver, yes,
13 that's one option for them to consider.

14 COMMISSIONER TAPSCOTT: He won't be
15 riding around with this will he, or he just
16 happened to run into the driver?

17 CHAIRPERSON CHRAPPAH: No, I don't know
18 about that. We have to manage the workload. There
19 are a number of things that Hack Inspectors do
20 with respect to safety, so it's not like we are
21 suggesting that, all of a sudden, Hack Inspectors
22 put aside everything that they are doing, and,

1 you know, be carrying around notices.

2 Do I have a motion?

3 COMMISSIONER SMALLS: So moved.

4 COMMISSIONER JOLLY: Second.

5 CHAIRPERSON CHRAPPAH: Madam Secretary.

6 MS. MIXON: This is for Chapter 7,
7 proposed rule.

8 Commissioner Ferguson.

9 COMMISSIONER FERGUSON: Yes.

10 MS. MIXON: Commissioner Jolly.

11 COMMISSIONER JOLLY: Yes.

12 MS. MIXON: Commissioner Muhammad.

13 (No response.)

14 MS. MIXON: Commissioner Smalls.

15 COMMISSIONER SMALLS: Yes.

16 MS. MIXON: Commissioner Tapscott.

17 COMMISSIONER TAPSCOTT: Yes.

18 MS. MIXON: Commissioner Wade.

19 COMMISSIONER WADE: Yes.

20 MS. MIXON: Commissioner Chrappah.

21 CHAIRPERSON CHRAPPAH: Yes.

22 MS. MIXON: The vote is six yes.

1 CHAIRPERSON CHRAPPAH: The third
2 Commission action item is about requiring each
3 Digital Dispatch Service to provide a bond to
4 secure its quarterly payments to the District. It
5 covers Chapters 7, 16, and what we have is an
6 imbalance in the District's financial exposure.
7 Currently, Payment Service Providers, PSPs, are
8 required to have a bond, and that is not the case
9 for Digital Dispatch Service providers.

10 So what this rulemaking would in
11 effect do is level the playing field in that
12 regard, but more importantly, reduce the
13 District's financial exposure.

14 We've had cases where a PSP has gone
15 out of business. We've also had a case, multiple
16 cases, where DDS have gone out of business.
17 You've been in the industry for a while, you know
18 the fate of MyTaxi, Halo, and most recently
19 SideCar.

20 So rather than have DDS owe the
21 District money, and there's no recourse, or DDS
22 owe drivers and there's no recourse, we are

1 putting in place a bond requirement, so that if a
2 DDS decides to sell their operations or skip
3 town, we can liquidate a bond and make sure
4 drivers get paid.

5 Is there anything else you want to
6 add?

7 MR. LERNER: No, I wouldn't add
8 anything to that. That's correct.

9 CHAIRPERSON CHRAPPAH: Any questions
10 from Commissioners about this matter?

11 Yes, Mr. Tapscott?

12 COMMISSIONER TAPSCOTT: Yes. I
13 understand what we're trying to do and I'm
14 impressed, but how about the -- say a company
15 that has been in this business, and he's got a
16 good clean record and everything and he paid off
17 all his debts and everything on time.

18 Is he going to have to increase his
19 bond, or this is just for new PSPs coming into
20 the system?

21 CHAIRPERSON CHRAPPAH: This is not for
22 PSPs. This is for DDSs.

1 COMMISSIONER TAPSCOTT: Yes, that's
2 what I meant. I'm sorry.

3 CHAIRPERSON CHRAPPAH: It's for
4 existing DDSs as well. Basically, if you are
5 collecting money that needs to go to drivers, we
6 want to make sure the money goes to drivers. If
7 you're collecting money that needs to go to the
8 District, we want to make sure there's a
9 safeguard against that. So it applies to existing
10 and new DDSs.

11 COMMISSIONER TAPSCOTT: So the ones
12 that are in existence, if they've got a good rep,
13 they've still got to up their bond.

14 CHAIRPERSON CHRAPPAH: Absolutely. They
15 don't care if they have any bond requirements. So
16 there's no upping. This is establishing the bond
17 requirement.

18 COMMISSIONER FERGUSON: So it's not
19 upping the bond, it's establishing.

20 CHAIRPERSON CHRAPPAH: That's correct.

21 COMMISSIONER WADE: And so this really
22 protects the drivers as well because they're

1 going out of businesses owing drivers their
2 money?

3 CHAIRPERSON CHRAPPAH: Yes.

4 COMMISSIONER WADE: And the District
5 government their money?

6 CHAIRPERSON CHRAPPAH: That's correct.

7 COMMISSIONER WADE: And us our money.

8 CHAIRPERSON CHRAPPAH: Absolutely. Yes.

9 COMMISSIONER WADE: Because don't we
10 get a percentage of the gross receipts to operate
11 this agency?

12 CHAIRPERSON CHRAPPAH: That's correct.

13 COMMISSIONER WADE: So this is to take
14 care of the shirkers.

15 CHAIRPERSON CHRAPPAH: Yes.

16 (Laughter.)

17 CHAIRPERSON CHRAPPAH: All right. Any
18 further questions?

19 (No response.)

20 CHAIRPERSON CHRAPPAH: Do I have --

21 COMMISSIONER WADE: I move that we
22 accept this proposed emergency rulemaking.

1 CHAIRPERSON CHRAPPAH: Okay.

2 COMMISSIONER SMALLS: Second.

3 CHAIRPERSON CHRAPPAH: Madam Secretary.

4 MS. MIXON: Yes. This is for Chapters

5 7 and 16, emergency and proposed rules.

6 Commissioner Ferguson.

7 COMMISSIONER FERGUSON: Yes.

8 MS. MIXON: Commissioner Jolly.

9 COMMISSIONER JOLLY: Yes.

10 MS. MIXON: Commissioner Muhammad.

11 (No response.)

12 MS. MIXON: Commissioner Smalls.

13 COMMISSIONER SMALLS: Yes.

14 MS. MIXON: Commissioner Tapscott.

15 COMMISSIONER TAPSCOTT: Yes.

16 MS. MIXON: Commissioner Wade.

17 COMMISSIONER WADE: Yes.

18 MS. MIXON: Commissioner Chrappah.

19 CHAIRPERSON CHRAPPAH: Yes.

20 MS. MIXON: The vote is six yes.

21 CHAIRPERSON CHRAPPAH: Thank you. The

22 fourth and fifth item will be first in nature,

1 because this year, or the last --

2 MR. LERNER: Three years at least.

3 CHAIRPERSON CHRAPPAH: --- couple of
4 years, and this is an item that will be taken up
5 because it lies within the Commission's authority
6 to hear certain cases where a decision has been
7 made by the Office of Taxicabs.

8 As most of you know, there is the
9 Office of Taxicabs which is basically the agency,
10 the administrative arm, and then there is the
11 Commission.

12 So what we are going to take up are
13 two cases where the Office of Taxicabs has made a
14 decision with respect to a license, and the
15 Commissioners will be taking a position on
16 whether to --- and I'm sure General Counsel will
17 give you the appropriate legal term -- whether to
18 uphold the decision, reserve the decision, or ask
19 the Office of Taxicabs to go back and do some
20 more work. That being said, I'll have General
21 Counsel Lerner explain the process to everyone,
22 and secondly, I'll talk a little bit about the

1 case that we have in front of us, and how
2 decisions can be made.

3 MR. LERNER: I'm just going to give you
4 an overview of what you're about to see. The
5 cases have not been called yet. Just to explain,
6 as the Chairman said, under our rules, in
7 addition to the rulemaking and other matters that
8 you usually see at our meetings, the Commission
9 also has the ability to sit, essentially, as
10 judges. So we have --- there are two matters that
11 are pending before the Commission today, which
12 are appeals from decisions by the Office of
13 Taxicabs.

14 They were appeals that were taken by
15 folks who challenged decisions by the Office
16 denying them certain licenses. One is a denial of
17 a hack license. The other one's a denial of a
18 face card. Excuse me. One is a vehicle license
19 and one is a face card.

20 And so you understand, there's --- so
21 what's happened is the person is unhappy with the
22 decision, is challenging it, and is asking the

1 Commission to review it and reverse it.

2 There is an existing administrative
3 record. What that is is everything that happened
4 at the Office of Taxicabs that's part of the
5 public record, including the decision. And then
6 in addition to that, the parties have been given
7 an opportunity to file additional information
8 which was also added, and then the Office of
9 Taxicabs, I think in both cases, provided a
10 response, and so what you have is a complete
11 administrative record.

12 That's what forms the record that is
13 before the Commissioners today. That is what it
14 is that they're looking at in order to make their
15 decision.

16 And what you're going to hear today is
17 the Commissioners will have an opportunity to ask
18 questions, if they want to, of the Appellant, the
19 Appellant is the person who is taking the appeal,
20 and of a representative of the Office of
21 Taxicabs. I believe I see one of my lawyers back
22 there, Mr. Mingal, and he'll be here to answer

1 questions, if they have questions for the Office.

2 So either way. But that's all you're
3 going to see. This is not a trial. You're not
4 going to see witnesses. There's no more evidence
5 that's going to be given, and there's not going
6 to be any oral argument.

7 The Office of Taxicabs will not be
8 arguing, and the Appellant will not be arguing.
9 That's all that's going to happen is questions,
10 if the Commissioners want to ask them. And they
11 can all do that, if they want to.

12 At the end of that, if there is a
13 motion -- we call for a vote, and if there's a
14 motion to vote, the vote will be as the Chairman
15 explained, one of three things. To affirm. And
16 what affirming means is that the Commissioner
17 agrees with the decision, is voting to uphold it,
18 and says yes, that's the right decision, that the
19 Office made the right choice.

20 Reverse means the Commissioner
21 believes no, the Office made the wrong choice,
22 and I'm turning around the other way.

1 And remand means more work needs to be
2 done. And there are a number of reasons for that.
3 Maybe the record doesn't have enough information
4 in the Commissioner's opinion. I just don't see
5 what I'm looking for. Or I think they made some
6 kind of mistake, but I'm not ready to decide
7 today. For some reason, I just can't decide. And
8 they're allowed to say that. But it must be one
9 of those three. As judges, you have to pick from
10 the three lawful options, and the options here
11 today are affirm, reverse, or remand.

12 So that's what you're going to see,
13 and the cases will now be called when the
14 Chairman begins with Gebremarium v. DCTC, and
15 just call that case.

16 CHAIRPERSON CHRAPPAH: Okay. Calling up
17 Gebremarium v. DCTC.

18 MR. LERNER: And then they can ask
19 questions, if they have questions of either of
20 the parties.

21 CHAIRPERSON CHRAPPAH: There's a bit of
22 a --

1 MR. LERNER: Oh, there we go. He can
2 identify himself for the record if they're coming
3 up.

4 CHAIRPERSON CHRAPPAH: All right. I
5 have Adam Mingal.

6 MR. MINGAL: Yes.

7 CHAIRPERSON CHRAPPAH: All right. So
8 we're getting three individuals seated at a
9 table. I'll have them introduce themselves, and
10 then the Commissioners, if they have any
11 questions, can proceed. Starting with Adam
12 Mingal. Well, I pretty much called your name. But
13 starting with the gentleman to my right, state
14 your name and your role in this matter.

15 MR. MINGAL: Good morning. Adam Mingal,
16 attorney-advisor for the Office of Taxicabs. I
17 prepared the Office's response to the file, the
18 administrative record for both cases.

19 CHAIRPERSON CHRAPPAH: Next.

20 MR. GEBREMARIUM: Manasse Gebremarium.
21 I am the Plaintiff here.

22 MR. LERNER: Appellant.

1 CHAIRPERSON CHRAPPAH: Appellant.

2 MR. SIMMS: Royale Simms, his
3 representative.

4 CHAIRPERSON CHRAPPAH: Okay. And
5 Commissioners, do you have questions?

6 COMMISSIONER FERGUSON: None.

7 CHAIRPERSON CHRAPPAH: Okay. No
8 questions?

9 MR. LERNER: We don't have any
10 questions. Do you have any questions?

11 COMMISSIONER WADE: Could he say, in
12 his own words, why he's appealing the decision?

13 CHAIRPERSON CHRAPPAH: That's a
14 question. Absolutely.

15 MR. LERNER: That's a question.

16 COMMISSIONER WADE: Could you tell us
17 why you're appealing the decision of the Taxicab
18 Commission?

19 MR. LERNER: Who is that directed to?
20 To the Appellant himself?

21 COMMISSIONER WADE: To the Appellant.
22 Yes.

1 MR. GEBREMARIUM: Yes. I am here to
2 appeal the decision of the Office. The decision
3 wasn't clear, I don't know what the decision was,
4 but I am still challenging the decision of denial
5 of my hack --- my hack license plate for my cab,
6 I used to own for 30 years. Suddenly, when I
7 returned back from my trip to Ethiopia, I was
8 told that I cannot have my tags back, which --
9 this practice was normal, it was done as a, you
10 know, normal basis, that we used to return our
11 tags. When we're ready, we come back and get our
12 tags.

13 But without any notice, when I
14 returned my tags, I wasn't informed, aware of
15 that I would be denied when I returned back.

16 The late Mr. Linton, Chairperson that
17 I know, told me that -- I came here, and appeal
18 it with Mr. -- my attorney here, to have my tags
19 back. He upright, out loud, told me that he's not
20 going to give me back my tags, with no reason.

21 Again, we got up to this point, still
22 keep on challenging it. But it doesn't make

1 sense, to me, when Northern Virginia taxicabs, to
2 name --- Red Top, White Top, Yellow, Yellow Cabs,
3 all are begging their cab drivers to come back
4 and get their numbers, as long as they provide a
5 new car.

6 All over the United States, the cab
7 industry doesn't have any value at all, in terms
8 of medallion. Only in Washington, D.C., we are
9 subjected to go and rent a cab from cab
10 companies, and these cab companies are the
11 beneficiary for this point, that all these
12 thousands of cab drivers went out and cough up
13 two, three hundred dollars per week.

14 Right now, I'm paying \$800 per month.
15 I'm raising three children. That \$800 would have
16 gone to my kids. For no reason at all. Look at
17 it. Washington, D.C., thousands of -- thousands
18 of Uber cars are roaming around with no, you
19 know, deterrence. Nobody's, you know, care about.
20 They're working. They go home.

21 I am renting cab for \$800 per month,
22 which is not fair, and I believe which is not

1 legal either. I am asking my tags. I have been
2 asking procedural hearing since last year and a
3 half, and today is the day that I was told it's
4 going to be decided on my case.

5 And I've been paying already,
6 thousands of dollars to cab companies, which
7 shouldn't be out of my pocket. You know, I am
8 subjected for exploitation, somebody's exploiting
9 me for no reason at all, and D.C. Taxicab
10 Commission needs to look my case, and make a
11 decision in favor of me, because this is my
12 grievances. I'm --- this is my grievance.

13 I am --- as you know, since Uber came
14 here in the city, our income is slashed by half.
15 On top of that, this office, you know, put me on
16 --- subjected me to be more exploited,
17 unnecessarily, by two of the cab companies. I
18 don't understand why we are subjected to rent as
19 a matter of fact. Tags must be free for anybody
20 who wants to do business in the city as a cab
21 driver. It shouldn't be restricted. It must be
22 given to everybody, not only me. Why is it ---

1 why is it restricted? It doesn't make sense.
2 Northern Virginia --- they give out tags. They
3 give out cars. They give out everything.

4 I am subjected here, you know, for
5 double jeopardy. The business slashed 50 percent.
6 This office restricting me to have my own
7 business to run, and that's why I'm appealing
8 this case. Thank you.

9 (Applause.)

10 COMMISSIONER WADE: Mr. Gebremarium,
11 were you informed that there was a moratorium on
12 the issuance of new H tags to anyone during the
13 period that you surrendered your license, your
14 tags? So that it wasn't directed at you as an
15 individual, but it was a necessity of the
16 industry. You had not heard of the moratorium?

17 MR. GEBREMARIUM: No. Ma'am, this is
18 the explanation. Let me explain it further.

19 MR. SIMMS: So there's also a second
20 piece to that. The way the moratorium was issued,
21 it wasn't clearly issued as a moratorium. There
22 was no ruling in process. There was no public

1 hearings. There was no input from the industry
2 wanting to deal with --

3 COMMISSIONER WADE: But that's a
4 different issue, sir.

5 MR. SIMMS: Secondly --

6 COMMISSIONER WADE: We're not
7 deliberating that issue. We're only deliberating
8 the fact that there was in effect at the time he
9 reapplied for his H tag, a moratorium in effect.

10 So I'm saying this because he said it
11 was against him, personally, and there's no
12 animosity towards him personally, and the
13 decision's made by this body, and not done
14 personally. We try to do it within the confines
15 of the law, and if there was a legal issue with a
16 moratorium, that was dated November 23rd, 2010,
17 an indefinite moratorium, then he was not within
18 the ability of the law to issue him those tickets
19 -- those tags.

20 MR. SIMMS: So the --

21 COMMISSIONER WADE: Those tags. Sorry.
22 So I'm not trying to make a determination. I just

1 wanted to make it clear that there's no personal
2 animus in any of our proceedings here, and I ask
3 because I do want to know what occurred, in his
4 own words. But I don't want anyone to feel that
5 we, as a body, are doing anything to harm him, or
6 his ability to make a living to protect and
7 support his family. That's not the intent, and
8 that was not the intent with the tag, the H tag -
9 -

10 MR. SIMMS: And I will say, personally,
11 Mr. Gebremariam was just told that there was a
12 moratorium, but there was nothing in the law that
13 said there was a moratorium. Mr. Manasse was
14 issued a statement from the Commission, that said
15 there was a moratorium on independent vehicle
16 numbers, but at no point did he ask to be an
17 independent driver. Mr. Manasse wants to be a
18 owner/operator of a vehicle. He wants to
19 associate with a company. He should have that
20 right. It's in the Commission's purpose to
21 ensure that taxicab owner --- taxicab operators
22 have access to ownership, and that's what he's

1 been denied. It's not a moratorium on vehicle
2 licenses. There's a moratorium on the number of
3 independent owners.

4 COMMISSIONER WADE: Right.

5 MR. SIMMS: But that's not --

6 COMMISSIONER WADE: So he fell outside
7 of that --

8 (Simultaneous speaking.)

9 MR. SIMMS: But that's not what he
10 asked for. That's not what he asked for.

11 CHAIRPERSON CHRAPPAH: Mr. Simms or
12 Gebremarium, help me understand something. Are
13 you looking to get an H tag? Is that what you're
14 looking for?

15 MR. GEBREMARIUM: Yes, sir.

16 CHAIRPERSON CHRAPPAH: Are you aware
17 of the current options available to get an H tag?

18 MR. GEBREMARIUM: No.

19 CHAIRPERSON CHRAPPAH: Okay. Many of
20 you sitting here today, and those who read the
21 newsletters, follow the regulations, know that we
22 create a clear pathway for people to get H tags.

1 So if anybody's looking for an H tag today, can
2 get an H tag. There's a process that has been
3 established, that is going to public comment, and
4 there's complete transparency around that.

5 So hopefully through this conversation
6 you've learned something new, or realize there is
7 a pathway, which I think concludes any of our
8 comments or questions that I have.

9 COMMISSIONER FERGUSON: I have one
10 question. Could you quickly summarize what those
11 processes are, so that it's clear.

12 CHAIRPERSON CHRAPPAH: If an individual
13 wants an H tag, they will join Transport DC and
14 then they'll be issued a license, and they'll
15 participate in the program, and actually get
16 additional revenue streams. That's one.

17 We also have grant opportunities that
18 we've made available on our website for people to
19 participate through the electric vehicle program
20 or the neighborhood van service to get an option
21 in getting H tags. So as of today, if I want an
22 H tag, I simply have to follow one of those

1 paths, so that we can not only give people the
2 options for legal licenses, but we can also
3 address transportation inequities that exist
4 today.

5 I see some of our friends from the
6 disability community here today, and they'll be
7 the first to testify that Transport DC Program
8 has changed their lives. It's solved a program
9 that exists in the industry, where people with
10 disabilities cannot move around the same way
11 people without disabilities can. So our position
12 is that we want to support transportation access
13 for all. We want to make sure that individuals
14 have a pathway to the middle class, individuals
15 can own vehicles, they can be entrepreneurs, but
16 there are rules that need to be followed. Yes?

17 COMMISSIONER TAPSCOTT: You know, I'm
18 really confused, somewhat, in reading what we're
19 trying to do today. I thought that --- and I was
20 surprised to read that the number was involved in
21 this. I know that there's a moratorium on
22 numbers. But I thought we were really going to --

1 - trying to reconcile what was done, that when he
2 turned his tags in, it was under the
3 understanding, to him, that he would get his tags
4 back when he returned.

5 So is that what we are working on here
6 today --

7 CHAIRPERSON CHRAPPAH: No, no. No,
8 Commissioner Tapscott. From the materials that
9 have been presented to you, what we are here
10 today for is to vote on whether to affirm the
11 Office of Taxicabs' decision, or remand, or
12 reverse, and the decision of the Office of
13 Taxicabs, so everybody's clear, is that there is
14 a pathway for an individual to get an H tag.

15 So we are --- we denied his case.

16 COMMISSIONER WADE: Well, is the person
17 --

18 CHAIRPERSON CHRAPPAH: And we're
19 wanting to just follow that process.

20 COMMISSIONER WADE: I understand the
21 process, but I'm thinking if I had applied and
22 did not know the process, would there be any

1 adjustments, or consideration given to the fact
2 that I did not know the process?

3 CHAIRPERSON CHRAPPAH: That will create
4 disparities, and I'll have Legal weigh in on
5 this. We just cannot take those positions where
6 people are not following the rules, or they're
7 not paying attention to things that have been
8 made publicly available. Not knowing when
9 information has been circulated through
10 newsletters, public hearings, public commentary
11 period, our website, the DC Register. It's not
12 something that we should condone.

13 MR. MINGAL: To also address your point

14 --

15 CHAIRPERSON CHRAPPAH: Can you wait for
16 a second. Commissioner Wade.

17 COMMISSIONER WADE: So my question is
18 while stating that he was unaware when he turned
19 his tags in, that he would not be able to get
20 them back --- was there any provision at the time
21 he turned his tags in, that would automatically
22 allow him to get his tags back? Was that anywhere

1 written, that --

2 CHAIRPERSON CHRAPPAH: No.

3 COMMISSIONER WADE: That when you
4 turned your tags in, when you wanted them back,
5 you could just get them back? Because that's what
6 it sounds like. It was two years between the
7 time he surrendered his tags and he reapplied.
8 Two years. Not two months. Not a year. Not six --
9 - two years. That's a lot of time. There were a
10 lot of changes made, and my position is I'm
11 always on the side of the driver. But ignorance
12 of the law cannot be a basis for us making a
13 judiciary decision.

14 MR. SIMMS: I would say that --

15 CHAIRPERSON CHRAPPAH: Well, will you
16 please --- can we follow the process? It's very
17 important. You will get an opportunity, just like
18 everybody. We have to conduct ourselves in a
19 streamlined and civilized manner, please.

20 MR. LERNER: There's no rule entitling
21 someone to have a tag back, so to speak. This was
22 an application for new tags. It was over two ---

1 in fact it was pushing two and a half years
2 later. I believe the tags were turned in
3 voluntarily April 13th, 2012, and then the,
4 quote, return, which I imagine was not considered
5 a return but a request for new tags, was in
6 October of 2014. So it's more than two years
7 later, by which time there was a moratorium
8 clearly in effect, and so although the Appellant
9 uses the term return, in fact it was treated, I
10 believe, expressly as a request for new tags.
11 Yes, it was treated as a request for new tags,
12 and there was a moratorium in effect, and that's
13 the decision that is being put to you today for
14 review.

15 CHAIRPERSON CHRAPPAH: Okay. Royale
16 Simms.

17 MR. GEBREMARIUM: Can I respond about
18 that quickly?

19 Gentlemen, this is what happened,
20 exactly. I returned my tags in 2012. When I did
21 that, I paid. My tag is renewed for the whole
22 year, for 2013, hoping that I'll return back and

1 get my tags back. It was renewed for 2013. It is
2 documented, and I have it. Then I never got any
3 refund for that 2013 tag renewal. I never got
4 any, you know, money, my money, that I paid \$500
5 to renew my tags. And I never returned it back,
6 you know, haven't got it back.

7 So technically, when that tag is
8 renewed for 2013, that should be --- that should
9 make me --- even though the car is not physically
10 there, but it was paid, my tags was paid, and
11 surrendered to DMV, which is -- we are required
12 to return our tags back then to DMV, if the car
13 physically is not working.

14 I followed the law. I followed the
15 rules. I returned it back. And that is for ---
16 gentleman say that it was wrong, and it's not
17 right, and you can see the document there. I paid
18 it, 2013. The whole year is paid for, and I
19 haven't returned --- I get back my refund, if
20 they deny me.

21 CHAIRPERSON CHRAPPAH: All right.

22 Royale, we'll come back to you. You afforded the

1 microphone opportunity to your client. So let's
2 address what he's said, and then you'll have the
3 opportunity again.

4 The issue about refund is not with
5 DCTC. It's with DMV. So --

6 MR. MINGAL: Just for the record.

7 CHAIRPERSON CHRAPPAH: Just for the
8 record. We have to be clear about that.

9 MR. MINGAL: Yes.

10 CHAIRPERSON CHRAPPAH: Now Adam, is
11 there any context you want to add, and if so,
12 let's have Royale provide some comment, and then
13 we can go there. Okay. So Royale.

14 MR. SIMMS: So the point of the process
15 is, under the law Mr. Gebremariam was required to
16 turn his tag in. When he turned in his tag, he
17 had the impression, because there was no legal
18 moratorium in place, that he would be able to get
19 that tag back.

20 When he returned, he asked for that
21 tag, and there was still no legal moratorium in
22 place to deny him. The DCTC now has to decide,

1 despite the process that exists now, whether or
2 not he was wrongfully denied at the time he
3 asked, because the DCTC did not give him the
4 opportunity to get his tags back at the time when
5 there was no process and no legal moratorium in
6 place.

7 COMMISSIONER WADE: You can say no
8 legal moratorium, so you're challenging the
9 moratorium. Again, this is not the body that you
10 would challenge that moratorium. Our decision, I
11 believe, is with the Office of the Taxicab
12 Commission, which they based on their ruling of a
13 legal moratorium.

14 So your challenge is not with us. So
15 you keep saying no legal moratorium, where we
16 clearly believe we were within our rights about
17 declaring a moratorium, that there was therefore
18 a moratorium.

19 Your issue of legal -- legality,
20 cannot be addressed by the Commission. You should
21 really address the issue of the existing
22 moratorium and the impact that had on your

1 client.

2 MR. SIMMS: I will say --

3 COMMISSIONER WADE: Not on the legality
4 of something that's outside of this body's
5 jurisdiction.

6 MR. SIMMS: I will say, based on the
7 documents provided to Mr. Gebremarium, inside the
8 record that you have before you, you will see
9 nothing referring to a denial of the vehicle
10 license. You will see nothing that refers to a
11 hold on a vehicle license. You will see nothing
12 that says we cannot issue you an H tag.

13 And that's why we appealed the
14 decision. Because the DCTC --- I'm sorry the
15 Office of Taxicabs at no point told Mr.
16 Gebremarium that we cannot issue you an H Tag.
17 All the documents, all the memos, everything they
18 gave him to explain why they were denying him a
19 vehicle license referred to something else.

20 COMMISSIONER WADE: But you --

21 CHAIRPERSON CHRAPPAH: Mr. Mingal, if
22 I may, does the record --- and counsel, you have

1 an opportunity but let me address something to
2 the attorney who was on the case.

3 Mr. Mingal, does the record reflect
4 that Gebremarium was told he would be given
5 back, as late as --- he would be given back his
6 tags as late as October 2014?

7 MR. MINGAL: Chairman, there's nothing
8 in the rulemakings that were in place at the
9 time, or now, or in any correspondence with Mr.
10 Gebremarium, that indicated, or even suggested
11 that he would get his tags back after he
12 voluntarily surrendered them. He surrendered them
13 in 2012, for what I believe was a overseas
14 extended travel, returned in 2013, and waited,
15 from my understanding, almost a year before
16 requesting new tags.

17 And just so we're clear, this is a
18 request for new tags. When someone turns in their
19 tags, they're destroyed, and there's no way to
20 get those tags back. So we treated this as a
21 request for new tags, and at the time that Mr.
22 Gebremarium made the request, there was a

1 moratorium in place, which is why his request was
2 denied.

3 CHAIRPERSON CHRAPPAH: All right. Thank
4 you

5 MR. MINGAL: Again, just to emphasize,
6 he waited close to a year before requesting new
7 tags, upon his return to the United States.

8 CHAIRPERSON CHRAPPAH: Okay. Thank you,
9 Counsel Lerner, is there --

10 COMMISSIONER WADE: Was the moratorium
11 in place before he --

12 COMMISSIONER FERGUSON: Surrendered?

13 COMMISSIONER WADE: No, not
14 surrendered. Was the moratorium in place when he
15 returned to get his tags?

16 CHAIRPERSON CHRAPPAH: Yes, looking at
17 one of the documents here, I believe you have a
18 copy as well, it's dated November 7, 2014,
19 Exhibit 1. The first paragraph reads:

20 "DCTC staff reviewed your file,
21 including documents submitted on October 21st,
22 2014. During our meeting, which included Royale

1 Simms from the Teamsters Union, and DCTC Chairman
2 at that time, the late Ron Linton, as part of the
3 discussion you were advised of the current
4 policies in effect since at least 2010, in which
5 it was clearly stated that no additional H tags
6 will be issued to individuals or companies until
7 the taxicab-related studies can be completed."

8 So it looks like you were advised, in
9 person, of the conditions at that time, and that
10 no new H tags will be issued. So it can be a bit
11 troubling to state a different position. But
12 again, I would like to think we have afforded
13 ample opportunities to discuss these issues, and
14 after your response, we'll see if there's a
15 motion to take it up for vote.

16 But Commissioner Tapscott had a
17 question. So let me give him that opportunity and
18 then we'll come back to you, Mr. Simms.

19 COMMISSIONER TAPSCOTT: Yes. In reading
20 this case last night, or the day before yesterday
21 also, it seemed more that we was talking about in
22 this case a number for an independent cab. I

1 really did not see where we was talking about the
2 H tag, as much as we was talking about a number.
3 There's no more numbers to be issued for a
4 private-owned cab. It don't really -- to me, the
5 way I understood it, it don't really take up that
6 much of the H tag, it's talking about the number.

7 CHAIRPERSON CHRAPPAH: It does both.
8 The letter from November 14 that I just read
9 specifically talks about the H tag.

10 COMMISSIONER TAPSCOTT: Are we taking
11 into consideration a driver with 30 years'
12 service in D.C., with a good record, and
13 everything, went home, in good faith that he
14 could come back, return his tags, and he paid for
15 them while he was gone --

16 CHAIRPERSON CHRAPPAH: Commissioner
17 Tapscott, you can ask that, but let's have Royale
18 speak, because I think he's been waiting for a
19 while, and has some things that he's been anxious
20 to get across.

21 MR. SIMMS: I was going to pick up on
22 Mr. Tapscott's point. This is Mr. Gebremarium,

1 30 years of service to the city. A good record.
2 Did not voluntarily turn in his record --- turn
3 in his H tag. Was compelled to do so under the
4 rules of the DCTC.

5 He returned home to care for his sick
6 father, and when he returned, in good faith, he
7 was denied for being a owner/operator.

8 The conversation on the 14th, there
9 was a discussion about we will not give any H
10 tags to companies, or individual drivers. We did
11 a FOIA request after that conversation and found
12 out that the DCTC had, indeed, issued H tags to
13 companies, issued H tags to individuals, without,
14 you know, and despite of the alleged moratorium.
15 This entire period, the Office of Taxicabs has
16 issued H tags to select people. There has been
17 no real moratorium. They would not have been able
18 to do that.

19 This is about Mr. Gebremarium being
20 denied, and we want this Commission to give Mr.
21 Gebremarium some justice.

22 (Applause.)

1 CHAIRPERSON CHRAPPAH: Thank you. Mr.
2 Gebremariam, you are now aware that today there
3 are options to get an H tag. So there's no
4 disenfranchisement. That said, are there any --

5 COMMISSIONER WADE: I have one last
6 question.

7 CHAIRPERSON CHRAPPAH: Yes?

8 COMMISSIONER WADE: If we were to
9 reverse the decision of the Taxicab Commission,
10 would that expose us then, to say, a precedent,
11 so that anyone who aggrieved a decision made
12 about a H tag during the moratorium will be
13 subject to coming back to us, using the same
14 argument?

15 It just seems like a lot of
16 exposure, to me. Or what --- or is there any
17 leeway to --- if we reverse it. What would that
18 do to our process? I mean, especially since we
19 just recently voted on the pathway to H tags, and
20 it didn't have an exception.

21 CHAIRPERSON CHRAPPAH: That's an
22 excellent question, and I'm not a lawyer, so I

1 can't talk about legal exposures. But reversing
2 it fundamentally undermines the pathway that has
3 been provided for individuals and drivers, and
4 owner/operators to get tags.

5 So the hard work that has been done by
6 the Panel on Industry, the hard work that has
7 been done by Commissioners, the robust
8 conversations, and the comments we've heard from
9 the public, which informed the pathways we've
10 created will fundamentally be sabotaged, and it
11 would not be good for the industry.

12 COMMISSIONER JOLLY: I do have one
13 question as well.

14 COMMISSIONER SMALLS: I would just like
15 to know, are you interested --- would you, at
16 this point, since you've heard all the process
17 and everything --- would you be interested in
18 just going through the process?

19 MR. GEBREMARIUM: I don't understand.
20 What do you mean? Process means which one?

21 COMMISSIONER SMALLS: To get your H
22 tag.

1 MR. GEBREMARIUM: Yes, ma'am. I want
2 justice. All I want is --- thank you, by the
3 way, to go through my case like this. I didn't --
4 - you know, for decision to come out, to come and
5 decide. This is the end of it. But my point is I
6 wasn't aware of these things.

7 First of all, my father was sick, I
8 went there, and he wanted me to be with him, and
9 stay longer than I expected. I paid for 2013, tag
10 renewal, with a receipt, and I have it. But
11 wouldn't you want to --- if you were in my shoes,
12 wouldn't you go to your loved ones and be with
13 them?

14 COMMISSIONER SMALLS: Sure.

15 MR. GEBREMARIUM: And that's what it
16 is, you know.

17 MR. MINGAL: But I think the question
18 is, with the current processes in place that the
19 Chairman referenced, did you go through that
20 process, or were you still denied? And if the
21 answer is no, you didn't go through that process,
22 why not go through that process to get your H

1 tag, if that is an option. Or do you have an
2 aversion to the process that's in place?

3 Because I think the Chairman
4 referenced a program that's in place to secure an
5 H tag, and clearly we're all very sympathetic in
6 terms of everything that you've gone through, as
7 well as understanding your 30 years, which we're
8 not going to dismiss.

9 However, when you look at the
10 processes that are in place now to secure an H
11 tag, was that an option? Did you do that? Were
12 you still denied then? And if not, why not go
13 through that process versus going through this.

14 MR. SIMMS: So I think it's important
15 to note that Mr. Gebremarium has been working
16 with the DCTC. We've had his appeal before the
17 processes were put in place, right. This isn't
18 about what's available now. This is about what
19 the Office of Taxicabs decided back then, right.
20 If that decision was wrong, you have a duty to
21 say we have to reverse it. We cannot allow wrong
22 decisions to stand. That's not justice. We came

1 and we appealed for justice, and we want you to
2 uphold that.

3 COMMISSIONER FERGUSON: So the answer
4 is no, you didn't go through that process. And
5 again, I totally understand what you're saying.

6 MR. SIMMS: The process wasn't --- the
7 process has just become available. We --

8 COMMISSIONER FERGUSON: When did the
9 process become available?

10 MR. SIMMS: The process hasn't even
11 been finalized. The process is still open for
12 public comment. It hasn't even been posted for
13 public comment.

14 CHAIRPERSON CHRAPPAH: There are
15 factual inaccuracies here, and as most of you
16 know by now, inaccuracies, I don't let it go. As
17 of today, if you want an H tag, you can file an
18 application, and if you are approved, and
19 everything meets the standards established,
20 you'll get a H tag. So it is available today.

21 MR. MINGAL: But how long has it been
22 available?

1 CHAIRPERSON CHRAPPAH: Since last
2 month.

3 MR. MINGAL: Okay. Not any of the
4 emotional issues. I'm just asking a simple
5 question. I think it's been answered, so --

6 CHAIRPERSON CHRAPPAH: Okay. Any
7 further comments from our fellow Commissioners
8 before we call this up?

9 COMMISSIONER JOLLY: I would just say
10 that based on everything that I've seen here, and
11 read, I mean, one, we need more drivers like this
12 to keep on working in the city, and I certainly
13 don't want to sit here and punish anybody for
14 being a good driver over 30 years.

15 I've heard a few things that were
16 uncomfortable. I heard Mr. Gebremarium's lawyer
17 speak about FOIA requests, in which he thinks
18 some licenses may have been issued after the
19 moratorium.

20 So as a Commissioner, personally, my
21 feeling is that I advise a little more time on
22 this particular case. I'm not ready to say yes or

1 no, but I do respect the process, and I think
2 it's incumbent on all of us, all of us here, to
3 understand the processes that are in place, to
4 understand they have to be followed.

5 But I think this was very beneficial
6 for me, and I am clearly at a point where I think
7 I need a little more time on this, as a committee
8 of Commissioners here, because I'd like to be
9 able to respond to his lawyer's comment about
10 licenses being issued after that point, because I
11 think that's a credibility issue that we, as
12 Commissioners, need to undertake.

13 COMMISSIONER WADE: Need to understand.

14 COMMISSIONER FERGUSON: My question is,
15 in terms of reversing it, what does reversing it
16 do in terms of him getting an H tag? It then
17 issues him an H tag from that point, if we
18 reverse the decision? Or tell us what the --

19 CHAIRPERSON CHRAPPAH: That's correct.

20 COMMISSIONER FERGUSON: So if we
21 reverse it, he then gets an H tag, based on him
22 meeting the requirements.

1 COMMISSIONER WADE: Based on what?

2 CHAIRPERSON CHRAPPAH: Based on him
3 meeting the current requirements. So if the
4 decision by the panel is to reverse the Office of
5 Taxicabs' decision, then he will have to meet the
6 current requirements.

7 If the decision of the panel is to
8 remand, it means the Office will have to do some
9 more work.

10 If the decision of the panel is to
11 uphold, then it means he will have to go through
12 the current process to get an H tag.

13 So let's -- he can still get his H
14 Tag. You have to meet the current requirements.

15 COMMISSIONER WADE: So he has two
16 options which requires him to get the H tag.

17 CHAIRPERSON CHRAPPAH: And meet the
18 current conditions.

19 COMMISSIONER WADE: And the third
20 option is that we do --- we'll work on it.

21 CHAIRPERSON CHRAPPAH: That's correct.

22 COMMISSIONER WADE: And we have more

1 answers ourselves. So that leads to my question,
2 which his attorney referred several times to the
3 illegality of the moratorium. I'd like a -- if we
4 remand, that would be --- my reason for remand
5 would be to get a legal --

6 CHAIRPERSON CHRAPPAH: Opinion?

7 COMMISSIONER WADE: --- opinion for
8 that allegation. I confess, I don't like those
9 kind of allegations floating around that
10 indicates that we may be operating outside of our
11 legal capacity. That's very important, and I want
12 everybody in the audience to realize how serious
13 all of this is to us, and how we don't just look
14 at it solely on a personal basis, but we have to
15 look at the impact on every other driver. The
16 decisions we make is not just for one, but it's
17 for the whole community of drivers and
18 passengers.

19 So that is the kind of follow through
20 I would be seeking.

21 CHAIRPERSON CHRAPPAH: Okay.

22 COMMISSIONER WADE: For our own clarity

1 and for that of the drivers, and we can publish
2 it on our website, and it'll be out there for
3 everyone.

4 CHAIRPERSON CHRAPPAH: Wonderful. Mr.
5 Tapscott, go ahead.

6 COMMISSIONER TAPSCOTT: You know what's
7 been bothering me all along here? I have a
8 document, and I was on the Commission at the
9 time, I think, when Mr. Swain, who was the
10 chairman at this time, did not go through the
11 process to put a moratorium on. He just put a
12 memorandum out himself. There was never no vote.
13 It never came before the Commission at all.

14 Mr. Swain took it upon himself. Now
15 whether that's legal or not, I don't think it is.

16 CHAIRPERSON CHRAPPAH: Thanks for your
17 comment. I cannot address that. I wasn't born at
18 that time, actually, so --

19 (Laughter.)

20 CHAIRPERSON CHRAPPAH: At this point I
21 do have a motion to move this matter.

22 COMMISSIONER WADE: Yes. I move that we

1 move this for remand.

2 CHAIRPERSON CHRAPPAH: Okay. So we'll
3 call it for a vote.

4 COMMISSIONER WADE: Call for a vote.
5 Okay. Call the vote.

6 CHAIRPERSON CHRAPPAH: Okay. So we're
7 going to call it. Do I have a motion
8 to call it up for a vote on the appeal?

9 COMMISSIONER TAPSCOTT: Yes, sir.

10 COMMISSIONER WADE: Second.

11 CHAIRPERSON CHRAPPAH: Okay. Madam
12 Secretary, can you do the call.

13 MS. MIXON: Yes. I am calling for a
14 vote. I'll ask three different questions. So the
15 first one, I'm calling for a vote to affirm the
16 decision of the Office of Taxicabs. So by a voice
17 --- all right. Let me start over. It's been a
18 long day. Thank you, Mr. Lerner, Counselor
19 Lerner.

20 I'm going to call your name, and I
21 need you to say one of three answers. Affirm the
22 decision of the Office of Taxicabs, reverse the

1 decision of the Office of Taxicabs, or remand the
2 decision of the Office of Taxicabs.

3 So again, it is affirm, reverse, or
4 remand.

5 Commissioner Ferguson.

6 COMMISSIONER FERGUSON: I have a slight
7 question associated with my decision. If I decide
8 to remand, can I --- can we expedite the process
9 so that this does not --- can we have a time line
10 as to -- if we decide to remand, that we will
11 move this along, so that this gentleman is not
12 waiting?

13 CHAIRPERSON CHRAPPAH: Let me ask
14 Counsel. Theoretically, let's say we have a
15 special meeting next week, or a work session next
16 week, to address, or reconfirm the Commission's
17 position. Is that allowed, or this has to come
18 through the next Commission meeting?

19 MR. LERNER: The voting has to be
20 consistent with what is stated on the record
21 today. Today's the vote. We will then write
22 decisions as fast as possible.

1 COMMISSIONER WADE: Would that be
2 sufficient time to answer the concerns of this
3 particular body? And would that give enough time
4 for like notice? All those specific things.

5 CHAIRPERSON CHRAPPAH: All right. I'll
6 have Counsel explain. There are certain
7 procedures that we have to follow, and simply
8 taking a remand position now gives us some
9 timeframe, that we can only shrink so much. I am
10 practically --

11 COMMISSIONER FERGUSON: I'm only
12 interested in the timeframe because if this is a
13 90 day, or a longer extension, then we need to
14 consider this from the standpoint of the hardship
15 that this puts on the drivers. So that's why I'm
16 asking the questions.

17 MR. LERNER: Yes. It's a fair question.
18 If it gets remanded, first of all, regardless of
19 what the outcome is, we will be writing --- based
20 on the votes that are taken and put on the record
21 today, we will be writing draft decisions for
22 your approval and signature, which we'll then

1 issue. Once those are done, whatever the judgment
2 is, it will be carried out.

3 If it's a remand, it will go back to
4 the Office for further proceedings, and then the
5 Office will need to --- so first we do that. Then
6 you approve it, you sign it, and then it goes
7 back to the Office for their procedures after
8 that.

9 So --

10 CHAIRPERSON CHRAPPAH: So we're talking
11 about 60 days?

12 MR. LERNER: It would be unfair for me
13 to say, for one simple reason. That is, each one
14 of you is voting separately. So if you have like,
15 for example three different votes, we would have
16 to write three different opinions. We could
17 theoretically have one opinion for each of you.
18 We have to write opinions based on what each of
19 you feels.

20 COMMISSIONER FERGUSON: On average, how
21 long would this take?

22 MR. LERNER: On average? This is brand

1 new, so I couldn't say. We will work as hard as
2 we can to get it done faster.

3 CHAIRPERSON CHRAPPAH: But not 30 days?

4 MR. LERNER: No, it doesn't have to be
5 30 days at all. We could do it faster than that.

6 COMMISSIONER WADE: Call the roll.

7 COMMISSIONER FERGUSON: You called my
8 name. I vote to remand with the ---

9 MR. LERNER: No, there's no --

10 COMMISSIONER FERGUSON: I understand,
11 but I'm just going to say it anyway. I vote to
12 remand, with an expedited process, that we review
13 this, whether it's legal or not. That's my
14 personal opinion. It needs to be expedited. So I
15 vote to remand.

16 MS. MIXON: Okay. Commissioner Jolly.

17 COMMISSIONER JOLLY: Remand.

18 MS. MIXON: Commissioner Muhammad.

19 (No response.)

20 MS. MIXON: Commissioner Smalls.

21 COMMISSIONER SMALLS: Reverse.

22 MS. MIXON: Commissioner Tapscott.

1 COMMISSIONER TAPSCOTT: Reverse.

2 MS. MIXON: Commissioner Wade.

3 COMMISSIONER WADE: Remand.

4 MS. MIXON: Commissioner Chrappah.

5 CHAIRPERSON CHRAPPAH: Remand.

6 MS. MIXON: Okay. So the vote is two
7 reverse, four remand.

8 CHAIRPERSON CHRAPPAH: Thank you, Madam
9 Secretary. We're going to move to the fifth
10 Commission item, and it's a similar situation, in
11 that this is a case that is going to be in front
12 of the Commissioners to remand, uphold, or
13 reverse a decision that has been taken by the
14 Office of Taxicabs.

15 Thank you, Royale, Mr. Mingal, and Mr.
16 Gebremariam for your time.

17 Do we have --- the next case up is an
18 appeal in the case of DCTC v. Tememe Teferra. Is
19 he here? Mr. Simms, are you representing him?

20 MR. SIMMS: Yes.

21 CHAIRPERSON CHRAPPAH: And Adam, you're
22 representing the Office?

1 MR. MINGAL: Yes.

2 CHAIRPERSON CHRAPPAH: Okay. I'm going
3 to have General Counsel just give everyone a
4 quick synopsis of what this case is about.
5 Please.

6 MR. LERNER: In October 2015, Mr.
7 Teferra applied to renew his operator's license,
8 his face card, and on November 2nd of this year -
9 -- of last year, the Office denied the renewal as
10 a result of three complaints, alleging that he
11 had physically and verbally abused his
12 passengers.

13 The details are in the administrative
14 record, and this is an opportunity for, again,
15 for the Commissioners to ask questions of both
16 his representative and the representative for the
17 Office, if you do have any questions. It's the
18 same process.

19 But this is not --- just so you
20 understand, this is not a vehicle license. This
21 is an operator's license.

22 CHAIRPERSON CHRAPPAH: I have a few and

1 I'll direct it to Mr. Simms.

2 Was your client involved in the
3 alleged incidents?

4 MR. SIMMS: The complaint --- I would
5 say that the Office of Administrative Hearings
6 did find him liable for all of the alleged NOIs.
7 They are currently on appeal before the D.C.
8 Court of Appeals.

9 CHAIRPERSON CHRAPPAH: I'm not sure I
10 understand that. Was Mr. Teferra involved in
11 complaints around the idea that he verbally and
12 physically abused multiple passengers?

13 MR. SIMMS: Like I said, all the
14 complaints have been adjudicated. Mr. Teferra was
15 found liable on all of the complaints, and they
16 are currently pending before the D.C. Court of
17 Appeals.

18 CHAIRPERSON CHRAPPAH: He was found
19 liable by the Office of Administrative Hearings?

20 MR. SIMMS: Yes.

21 CHAIRPERSON CHRAPPAH: Okay. So what we
22 have here is a driver who was found liable by a

1 independent body, Office of Administrative
2 Hearings, for conduct and activities that is not
3 befitting for the industry --- abusing
4 passengers.

5 So the matter before everyone today is
6 whether to uphold the Office's decision to deny
7 his license, or to remand, which means the Office
8 has to do more work. Or to reverse.

9 If anyone has business, please, you
10 can go ahead with that.

11 COMMISSIONER SMALLS: Hearing no
12 discussion, can we call the vote?

13 CHAIRPERSON CHRAPPAH: Yes. Do I have
14 a motion?

15 COMMISSIONER TAPSCOTT: Make a motion.

16 COMMISSIONER WADE: Second.

17 CHAIRPERSON CHRAPPAH: Madam Secretary,
18 can you call the vote.

19 MS. MIXON: Yes. Calling for the vote.
20 So you will either say affirm, reverse or remand.

21 Commissioner Ferguson.

22 COMMISSIONER FERGUSON: Affirm.

1 MS. MIXON: Commissioner Jolly.

2 COMMISSIONER JOLLY: Affirm.

3 MS. MIXON: Commissioner Muhammad.

4 (No response.)

5 MS. MIXON: Commissioner Smalls.

6 COMMISSIONER SMALLS: Affirm.

7 MS. MIXON: Commissioner Tapscott.

8 COMMISSIONER TAPSCOTT: Affirm.

9 MS. MIXON: Commissioner Wade.

10 COMMISSIONER WADE: Affirm.

11 MS. MIXON: Commissioner Chrappah.

12 CHAIRPERSON CHRAPPAH: Affirm.

13 MS. MIXON: The vote is six affirm.

14 CHAIRPERSON CHRAPPAH: Thank you, Madam

15 Secretary. Thank you, Mr. Simms. Thank you, Mr.

16 Adam Mingal.

17 I think we can now move to the fourth

18 section of our agenda. This is the section where

19 we have Government Communications and Staff

20 Reports.

21 For today's session, we have an expert

22 who will be talking a little bit about his

1 observations of the industry, and how that
2 dovetails into the Xclass of vehicles that the
3 Commission is currently studying. So Madam
4 Secretary, if you could please introduce our
5 expert by reading his bio and have him go through
6 his presentation, that'll be great.

7 MS. MIXON: Okay. But first, Mr.
8 Chairman, I'll ask you, do you want me to do my
9 corrections or not?

10 CHAIRPERSON CHRAPPAH: Yes, please
11 proceed.

12 MS. MIXON: Okay. All right. I'll
13 quickly go through this. These are corrections
14 from the January 13th and January 20th meetings.
15 There were no items that we found we needed to
16 make corrections for for January 13th meeting.
17 For the January 20th meeting, four items. A
18 speaker asked, does Uber pay fines for drivers or
19 do drivers pay their own fines? That is a
20 function of OAH, the Office of Administrative
21 Hearings.

22 Second. The Chairman asked the

1 speaker, Cyrus, last name A-R-I-A-B-A-N-D, to
2 send in comments about ride sharing. We did not
3 receive any comments from him. So sir, if you
4 are present today, I'll remind you to send in
5 those comments.

6 Third. A speaker asked, are there any
7 new rules for any of the TNCs, Uber or Lyft? The
8 answer is yes. The rules about electronic
9 manifest, proof of insurance, and loitering apply
10 to TNCs as well as to taxicabs.

11 And then a speaker asked, what is the
12 difference between Uber and limousines? That
13 answer is a long answer. But two things. One. A
14 limo cannot be digitally dispatched, or accept --
15 - excuse me --- or accept street hails. They
16 operate exclusively through advance registration
17 or by contract fixed solely by the hour. They can
18 also have three doors, which also sets it apart
19 from other classes of service.

20 And then I'd also like to read this
21 statement.

22 "Under the Vehicle For Hire Innovation

1 Amendment Act of 2014, recently enacted by the
2 D.C. Council, public and private vehicle for hire
3 are distinct categories of vehicle for hire
4 service, and subject to different rules and
5 regulations. Uber operates several different
6 types of businesses in the District, including
7 both public and private vehicle-for-hire
8 services. Uber Black and Uber SUV are both black
9 car public vehicles for hire, regulated under
10 Chapters 12 and 14 of Title 31 of the D.C.
11 Municipal Code, DCMR. UberX is a private vehicle-
12 for-hire and is regulated under Chapter 19 as a
13 private sedan."

14 So I hope that clears up any
15 misunderstanding. I'm finished with that part,
16 so I would like to introduce Dr. James Cooper,
17 who will be on with us in just one moment. So I
18 will give you some background information on him.

19 Dr. James Cooper is an academic and
20 researcher with over 16 years of experience in
21 the taxi and for-hire vehicle market. He is a
22 visiting professor of urban transportation

1 regulation at the University of Missouri, St.
2 Louis, and serves on national and federal
3 transport committees, including as the past chair
4 of the Transportation Research Board Taxi Group,
5 and co-chair of the international Association of
6 Transportation Regulators Education Research
7 Committee.

8 Dr. Cooper has been engaged by the
9 D.C. Taxicab Commission, and has led over 50
10 research projects on three continents, including
11 work for Chicago, San Diego, Seattle, Boston, and
12 Toronto. He has also provided expert advice to
13 the federal government, the Canadian Competition
14 Authority, and the governments of the United
15 Kingdom, Scotland, Ireland, and Hong Kong. He
16 holds a doctorate in taxi regulation, and
17 advisory positions in the U.S., U.K., and the
18 United Arab Emirates.

19 So we are bringing up Dr. Cooper right
20 now with a presentation.

21 DR. COOPER: Okay. Well, good morning,
22 ladies and gentlemen, and Chairman, and thank you

1 for that introduction. I will now give a very
2 brief presentation on the revolution and
3 evolution of the taxi and the for-hire markets,
4 which I will attempt to bring up on to the screen
5 in front of you. Now I want to take just a very
6 few seconds, and if you can't see it by the
7 slides, maybe you could let me know.

8 Okay. So I'm going to talk very
9 briefly about some of the things that are
10 occurring in the for-hire vehicle industry, and
11 this is something that has changed significantly
12 over recent years. And I'm just going to give a
13 brief overview of what we are talking about.

14 Many of these things are subject to
15 the direction of the time, and we now have -- so
16 let's get an Uber, is strengthening that, but the
17 taxi -- and I will not hide the fact that the
18 market has changed, and there's been a
19 significant change in the way the members of the
20 public perceive the wider for-hire vehicle
21 market, and as Juanda has very kindly mentioned,
22 this includes public and private for-hire

1 vehicles, and I think that's essentially what we
2 need to touch on.

3 Let me touch on the evolution of the
4 taxi industry as a baseline, and it's important
5 to understand that we are seeing a difference in
6 the speed of revolution and evolution. The taxi
7 industry, in particular, did not keep pace with
8 emerging technologies, particularly those
9 associated with smartphone apps, and as some may
10 suggest, are still not up to speed with some of
11 their competitors.

12 I regret to say that it's through a
13 lot of the relationship between how the
14 smartphone itself has developed the applications
15 that we use for them, and the collaborations
16 within the for-hire vehicle industry. Taxis and
17 for-hire vehicles were linked at the application
18 office, and it took an outside company -- a
19 couple of outside companies to sort of to have a
20 revolutionary approach to create vehicles for-
21 hire, and to bring applications in to everyday
22 use in this market sector.

1 Let's touch on some of the elements of
2 that revolution; a revolution within the for-hire
3 vehicle industry, and as we've mentioned a bit
4 already, there is a significant difference
5 between some of the licensing aspects. So
6 without going into that in detail, limiting the
7 black car private for-hire vehicles.

8 Now I put in brackets, TNC there. TNC,
9 abbreviation of transportation network companies.
10 It's a bit of a misleading title. TNC covers many
11 different types of vehicles, which we will be
12 hearing more about shortly. At that end of that
13 is the taxicab licensed vehicle, publicly
14 licensed vehicle, of which we all are aware.

15 But to the consumer, many of these
16 categories don't match up and have become
17 blurred. The consumer is unlikely to really
18 either know or particularly be interested in the
19 licensing status of the vehicle they get in.
20 Theirs is a choice between service type and
21 that's now being led by those with lower prices
22 and maybe companies that have better services,

1 certain better services in some respects,
2 reflecting the significantly higher number of
3 vehicles that exists in that category.

4 Private for-hire vehicles using apps
5 have become very rapidly in the ascendance --
6 that replicates the ascendancy, and that reflects
7 the popularity of the smartphone itself, its
8 speed, its convenience, and its functionality,
9 including location services based on GPS. And
10 these things have not stopped evolving. We are
11 going to see these move forward at some pace with
12 impacts on the transportation market.

13 It's not only particularly ubiquitous,
14 and I remark as I say that a company -- maybe a
15 company who would in fact activate the
16 smartphone. But the majority of phones sold at
17 this place in time are smartphones, and the
18 ability to use them has become almost universal.

19 What's up also here are how for-hire
20 vehicles of private companies are developing
21 markets more rapidly than public for-hire
22 vehicles. These reflect the numbers of vehicles

1 that are out there and now there are thousands
2 within the D.C. Metro area, and that is an
3 estimate. But there are significantly higher
4 numbers of VFH -- private VFH vehicles than there
5 are of -- and that is reflected in section and
6 reality of service.

7 I will underline just here, that
8 doesn't apply to all types of service, and that's
9 something we must continue to figure out in terms
10 of things like accessibility.

11 Now let me also touch on some of the
12 things that they impact upon, some of the things
13 that the developments of private VFH
14 transportation have developed.

15 And it's important to see how they do
16 sidestep some of the more onerous or costly
17 regulatory requirements. We all know and accept,
18 vehicles and drivers have to be safe. I don't
19 see anybody with the public, or who I've talked
20 with walking around with the requirements of a
21 basic safety examination. But these will not
22 necessarily be the same as those to which the

1 traditional vehicle market has applied.

2 Only look around the United States,
3 and observe a large number of new regulations
4 being developed specifically for the purpose of
5 ensuring the safety, which do not exactly look
6 the same as the legacy models which preceded
7 them.

8 And the legacy market itself. Let's
9 talk about taxis, particularly, but other
10 limousine markets as well. The economics of that
11 industry have changed, and it will continue to
12 change. This is an area which is under severe
13 pressure and that is a direct result of changes
14 in the market. But we have a situation now where
15 the consumer has a wider area of choice, but also
16 where more trips are maybe being made because of
17 our increased number of vehicles available.

18 I'm going to wrap this up with a few
19 aspects of the market itself, and touch on a few
20 things as well directly, and also some risks. And
21 you might be able to recognize this yourself, but
22 the new technologies are extremely more popular

1 with certain user groups.

2 Now I think we would be foolish to
3 suggest that everybody has access to these
4 technologies, but it is also not true to say that
5 a minority of people who --- are using. These are
6 becoming and are mainstream services.

7 And these new technologies will
8 continue to reduce the market share that exists
9 in the limousine vehicle markets. They offer
10 higher levels of services, and direct from the
11 numbers of vehicles that exist in that particular
12 sector. And we understand that provides half-
13 priced vehicles for hire.

14 Now the limousine industry also needs
15 to recognize mainly relates to the interesting
16 regulatory structure itself, and that has been
17 and continues to be a challenge. We have seen
18 this in D.C. We've seen this in many other
19 cities.

20 And the traditional taxi business
21 model is also changing. That is really the most
22 significant danger of all of the areas, and we

1 see vehicles --- we're seeing them lose their
2 passengers. We see potentially the -- I wouldn't
3 say death. That's too strong. The taxi industry
4 will not die in this particular set of
5 circumstances, but they are significantly
6 impacted.

7 And that brings us to talk about some
8 of the opportunities, and I believe Xclass
9 vehicles are something which may be appropriate
10 as an opportunity. Now let me just take a few
11 steps to explain what I perceive that to mean. I
12 perceive that to mean that in the industry, a
13 number of services ending with the letter X -- of
14 which UberX is perhaps the most direct.

15 This is not a direct comparison, but
16 it is the development of a market sector within
17 the area of for-hire vehicles which may be a more
18 competitive response to which the traditional
19 taxi industry can participate.

20 And this requires and allows taxi
21 companies to move more from their traditional or
22 legacy models of taxi services and radio

1 dispatch, to a service commission model, where
2 companies themselves are able to develop, offer,
3 market and profit from some of the aspects of
4 operations that drivers of vehicles need. I'll
5 give you some examples. This is not expansive and
6 will continue to develop.

7 Many of the areas include booking
8 engines, the primary function of any application
9 being one that limousine services, like
10 traditional companies also have access to and may
11 develop. Areas around insurance. Areas around
12 maintenance of the vehicle. These are all
13 additional service areas which may be that taxi -
14 - traditional legacy taxi companies are able to
15 offer profitably to develop and expand their
16 business.

17 I'll also touch here on some of the
18 strengths. The market is not restricted, and
19 this is one of the areas of regulation which
20 gives some people the most difficulty to endure.

21 There are three primary areas of
22 regulation which the Taxicab Commission has

1 control of or can control: it relates to
2 quantity, quality, and economic regulation.

3 And a traditional area of control
4 relates to quantity and quality of vehicles. As
5 the market develops, as new vehicles and vehicle
6 types enter the market, and new service types are
7 available at a lower cost, those market,
8 traditional structures will -- and may no longer
9 be appropriate to use.

10 I'm applying that structure here,
11 we're not in a static market. The market has
12 developed with a new generation of applications,
13 approximately once every eight months. Taxi
14 regulation goes back to the 17th century, and
15 changes once every 80 years, on average. There
16 is an enormous difference in pace.

17 The industry itself must adapt,
18 anticipate, and develop to meet the next set of
19 innovations that next set of applications will
20 permit. That's a brief presentation.

21 (Applause.)

22 CHAIRPERSON CHRAPPAH: Thank you, Dr.

1 Cooper.

2 The second part of the Government
3 Communication will actually be an overview that
4 I'm going to deliver to the industry, and it
5 touches on some of the challenges that we
6 collectively heard it around June of last year,
7 what we've been able to accomplish, why we're
8 able to do certain things, and also the
9 challenges that lie ahead for 2016, and what that
10 means for us, collectively, as a group. So I'll
11 actually come downstairs to talk about that one.

12 (Pause.)

13 CHAIRPERSON CHRAPPAH: All right. Good
14 morning again. Actually, it's closer to the
15 afternoon. So if it's past 12:00, it's good
16 afternoon.

17 But I wanted to speak to you for a
18 number of reasons. One, to not only reflect on
19 the revolutionary, or the evolutionary approaches
20 organizing the industry that Dr. Cooper talked
21 about, but also to share with you some of the
22 things that we've had the privilege of seeing

1 from a data standpoint, and also conversations
2 with some of you as to this.

3 And what I want to leave you with for
4 this message is that when people say the taxi
5 industry is at a critical juncture, that's a
6 understatement, because the market forces that
7 are approaching the industry, that are within the
8 industry, that are changing the way it has to
9 think, that are changing the way drivers should
10 be thinking, and the business models for
11 companies. It's not something that a individual
12 can solve.

13 But there are numerous lessons we can
14 fall back on as a guide to where we have to go.
15 More importantly, we should encourage debate and
16 robust conversations. Beyond the traditional --
17 oh, this is something new, it's not good for the
18 industry. Is it good? We don't know.

19 I want to start by going over our
20 first Annual Report. You will receive copies of
21 this today, and it is designed to be an easy
22 read. It's designed to reflect upon the

1 challenges, I knew, very well, when I took this
2 job. It is designed to remind you of the changes
3 and improvements that we've been able to do in
4 just a short period of time, but that is simply
5 not going to be enough. There's a lot more work
6 that needs to be done. It will also remind you
7 of the initiatives that we have up and coming. So
8 that you are not going to get paid, but you are
9 informed and you can adapt.

10 I know there's a lot of hurt in the
11 room. I speak with drivers. I speak with
12 companies. Companies come talk to us, and talk
13 about how can they make money? And we've looked
14 at the annual operating authority that a number
15 of you have filed, when we see your net operating
16 income, it's very scary. I don't need to harp on
17 these points. You guys know it.

18 So the status quo is simply not going
19 to help. Complaining helps just a little bit,
20 but we have to take action. So when you take the
21 time to read this, walk away with the idea that
22 now you are aware of what is coming, and you just

1 have to adapt, because all of this will move very
2 fast.

3 In 2015, there are a number of things
4 that we did. One was we organized the agency
5 administratively, in terms of how we function.

6 Today, we have in place account managers
7 dedicated to individual operators, dedicated to a
8 specific group of companies. So that when you
9 meet with your account managers, they talk about
10 your challenges, they tell you about things that
11 are happening at the Commission, and you have a
12 mutual conversation about how there can be a win-
13 win. We don't have to agree on everything, but
14 when we have those conversations, we can make
15 informed decisions.

16 We've also improved the customer
17 experience. I remember several years ago the
18 long lines to get services. Now you guys tell me;
19 things have improved. It's because we recognized
20 the problem, and we decided to do something about
21 it.

22 We implemented a backlog of

1 complaints. Now drivers have a fair process. When
2 there's a bogus complaint, we throw it out. We
3 have some people on Twitter. I call them trolls
4 because they think they can just make any
5 allegation against a driver, and it means the
6 driver will get into trouble. There's due
7 process. We do the research and we establish the
8 facts. If the driver is liable, ah-ha --- well,
9 there's a price to pay for it. If the driver is
10 not liable, the case is thrown out.

11 Today, we are now getting complaints,
12 not just about taxi drivers. We get complaints
13 about Uber and Lyft drivers. That is a testament
14 to the fact that the public has faith in the
15 adjudication process we have here.

16 We also addressed a problem that
17 nobody cared about outside of the public vehicle-
18 for-hire industry, and that is passengers with
19 disabilities. Through legislation, commitments
20 that individuals and companies have made, the
21 District's look today reflects one of the
22 highest ratios of accessible vehicles to

1 passengers. You see Heidi sitting there, she has
2 testified about the benefits of the Transport DC
3 Program.

4 It was through a collaborative effort.
5 Yes, there was some screaming, there were some
6 complaints. But at the end of the day, we not
7 only got to the 6 percent, we exceeded the mark
8 established by the City Council.

9 So you should also understand that
10 DCTC doesn't make unilateral decisions. City
11 Council members pass laws, and we have to
12 implement them. But when we are implementing
13 them, we wear the hat of an entrepreneur, and say
14 what can we do within the bounds that we have to
15 ease the thing or create incentives, or give
16 companies more than a fighting chance to succeed.

17 We've expanded economic opportunities.
18 For years, there was no money to go down from the
19 government to the people. In less than six
20 months, we spent over \$600,000, directly to
21 individuals and companies, to help them
22 modernize, and also increase accessibility.

1 Today, you have free disability sensitivity
2 training at no cost to you. A course of that
3 nature would cost you \$400 at a minimum, but this
4 is designed to help you succeed. We cannot
5 ignore these facts, we simply cannot because they
6 are there, and can be proven and customers are
7 paying notice.

8 Title 31 is a monster, but we're are
9 taking it on and we are completely revamping it,
10 because there are provisions in there that makes
11 you wonder, how did they even end up there?

12 But we are beyond looking at a problem
13 and complaining about it, we've initiated a
14 process that will completely redirect them to the
15 way we are going and give drivers a handy guide
16 that they can relate to.

17 That all happened in six or seven
18 months, because we talked. We're listening to
19 you. We care what you're thinking and we move
20 fast. It is that same pace that we need to move
21 in 2016, but with a stronger sense of urgency,
22 because what is working will only work for so

1 long, if you don't enhance it.

2 So as we sit here today, there are
3 certain things that I want to point out, so that
4 becomes your model markets in terms of what is
5 coming in 2016, so there are no surprises.

6 One is that we're completely reframing
7 the agency and the industry, because to the
8 average person, the Taxicab Commission is just a
9 big lobbying organization for taxi drivers. If
10 that was the case, then we shouldn't be hearing
11 any complaints from you guys. That is not the
12 case.

13 We have to serve not only taxis,
14 limousines, private sedans, black cars, but also
15 passengers who pay out of their pockets. Most
16 passengers don't get involved in this process.
17 They don't come to these hearings, but their
18 voice is certainly heard at the City Council when
19 they are making decisions.

20 We're also expanding service options
21 to the underserved areas in different
22 communities. We've put hundreds of thousands of

1 dollars in grant funds. That has been made
2 publicly available. There is nothing stopping
3 anybody from applying.

4 We're also taking a closer look at our
5 customer service function here. We'll be
6 implementing a queuing system, so that you know
7 how long the wait time will be and you know what
8 kind of service you can get. And more
9 importantly, those who choose not to come here in
10 person can go online and get our services,
11 whether it has to relate to a license application
12 or a renewal, giving you convenient options so
13 that you can't be in a position where you have an
14 opportunity cost.

15 In my mind, if a driver or a company
16 representative comes to our office, and spends an
17 hour, that is about 10 or \$15 that they're cost
18 potentially.

19 So we'd rather see drivers and
20 companies running their businesses, making
21 money, in compliance with our rules and
22 regulations that are coming out of here. Of

1 course our doors will always be open, if you have
2 any -- or prefer that in-person interaction, that
3 will always be available to you.

4 That is where we are going. It will
5 mean a number of different projects, a number of
6 different initiatives. By the end of the day,
7 what we're trying to do is not only establish a
8 brand identity that reflects what we do, and what
9 the industry's about, but also revitalize service
10 options, improve customer experiences, taking
11 advantage of the same technologies that have
12 disrupted the industry, increase accessibility,
13 expand economic opportunities.

14 People came into the taxi industry
15 because it was a way to make money. There are
16 still ways to make money. We're focusing you on
17 the ways you can do that.

18 And finally, make sure our ways and
19 our rules are understood. You know what it is.
20 So that if you get caught in the dragnets, you
21 know the price you have to pay.

22 Some of you may know Thomas Frey. He's

1 a futurist leader. He is the number one grant by
2 Google. Companies pay him several thousands of
3 dollars to speak on the future and what that
4 means for them today.

5 As I thought about how to address the
6 complex challenges facing us, one thing came to
7 mind. I've also read some of his posts. In the
8 1700s, over 90 percent of the people were
9 involved in agriculture one way or another.

10 Today, that number is 1.4 percent, but
11 we produce far more fruit. And because it's an
12 industry that has gone through several iterations
13 of unemployment, hitting 50 percent.

14 So what that means is, yes, we have a
15 situation on our hand. We are not going to be
16 the first industry to go through it. You can see
17 difficulties, or you can see opportunities. The
18 choice is yours.

19 This is what worries me. What you're
20 seeing is a typical good curve, a fancy way
21 economists and smarter people than me show where
22 an industry is. You have time and profits. There

1 are some markets, or some industries in the
2 emerging phase. For the vehicle-for-hire
3 industry -- new services like Car2Go, small
4 vehicles that can only fit two people, those
5 services are growing but it's only at the
6 emerging phase.

7 The growth phase is about a mobile
8 app, mobile technologies. That is driving the
9 change. What has matured is what I will call the
10 limousine market, because there are some nuances
11 about it. If foreign dignitaries are coming to
12 town, or Eddie Murphy, he doesn't want to be
13 pressing a button to get a ride. He wants to know
14 if he can get an convoy of like six or seven
15 cars, all organized by an agent. He doesn't have
16 to worry about his entourage.

17 So with that market, it's matured, but
18 is fairly stable. What is declining, though, is
19 the T-A-X-I market, and it's declining faster
20 when you think of it.

21 Yes. Drivers are reporting new trips,
22 they're only going to be 5, 6, 7. There are a

1 couple of things that happened over the last
2 couple of years, which is driving that declined,
3 and also much faster.

4 What you're seeing, just FY15 trip
5 audit, which is just a proxy for what is
6 happening in the market here --- FY15, total
7 fares was about 234 million with about 16.2
8 million trips. FY16, yeah, it's growing, but I
9 don't know where we will going to end up.

10 D.C. --- the street hail is king, and
11 you guys know that because of the convenience of
12 taxis. There are some dispatch trips in there,
13 and Transport DC is also helping. But if you look
14 at the trip audit between last year and the
15 previous year, it only grew by 3 percent. The
16 economy grew, I think, about 5 percent. So the
17 economy grew faster than trips in taxis. So maybe
18 D.C. Taxi is in recession, but I don't make that
19 call. Economists will do that.

20 What also happened is that the number
21 of drivers who were active also grew. So we went
22 from about 5,500 to over 6,500 drivers, all

1 fighting for a 3 percent growth. That is why
2 we've seen 5, 6 trips.

3 So you have an industry that grew 3
4 percent -- not an industry, you have a market.
5 The taxi is the market, e-hail is also a market,
6 and collecting in the form of industry. And you
7 have a different market that grew 350 percent.

8 So if you have to make an investment,
9 where would you put your money in? I mean, I'm
10 not a stock trader, but would you want to put
11 your money in a market that is growing 350
12 percent, or in a market that is growing 3
13 percent? You would have to make that decision;
14 not me. I'm just sharing with you what we are
15 seeing.

16 Just measuring from the surcharge that
17 is collected, and the gross revenue for
18 companies. The imbalance is out of this world
19 and you need to know that. You've been feeling
20 it. Well, now this is the number behind it. 350
21 percent.

22 Competition will intensify. It's more

1 than guaranteed. Now we have auto manufacturers
2 also getting into the mobile e-hail game. GM
3 bought Sidecar. Ford is now providing an app for
4 ride-sharing services. You have Google. You have
5 Nissan Leaf. And if you don't even have a car
6 and you want to make money, go talk to Breeze.
7 He'll get you into Sidecar, Lyft, or Uber. Yes,
8 you can get around. And then there's FlightCar. I
9 checked FlightCar's rates. They're renting cars
10 for \$15 a day.

11 This is the reality, ladies and
12 gentlemen. This is the world we are living in.
13 So if for once think what you are doing is going
14 to get you out from behind this line, I'm
15 terribly sorry. That is not going to happen. I
16 spoke to some of you. You have families. You have
17 nephews and uncles and kids around my age. You
18 want to leave them something. You have to change
19 what you're doing now, because the current status
20 quo is not going to get you far.

21 Given that context, and the fact that
22 agriculture was at one point at 50 percent

1 unemployment, and it's better today. It doesn't
2 mean there's no hope. There is hope. There is
3 opportunity if you follow the right strategies.

4 One is investment in customer service.
5 Today, we look at a case where a driver assaulted
6 multiple passengers -- we spared you the details,
7 he even spit on them multiple times. That is not
8 the kind of behavior I would want. There are
9 numerous drivers who provide excellent service.
10 In fact, during the snowstorm, there were some
11 pictures of our drivers helping seniors get out
12 of the snow. Those stories, those investments in
13 customer service, calling back a passenger who
14 has a lost-and-found item --- helping is what is
15 going to make customers in their mind and
16 remember it for the value of the taxi service.

17 You will have to invest into e-hail
18 market, because that is where the growth
19 opportunity is. And you have to look at your
20 size of your organizations and see maybe, oh,
21 let's consolidate. Let's merge. Let's partner
22 with others. Let's figure a way to have economies

1 of scale.

2 You also look at these markets that
3 most people ignore, whether they are senior
4 markets or passengers with disabilities. And
5 lastly, the grant opportunities that was put out
6 there. Take advantage of those. It's not going
7 to be there forever.

8 Last year, we did send out grants.
9 We'll continue to do more. We're providing
10 opportunities designed to stimulate the market.
11 So pay attention to those things.

12 We think if the taxi market is able to
13 adapt to the realities that it faces in a quick
14 manner, the benefits not only accrue to the
15 regulator, but also drivers, companies, and
16 passengers. For drivers, they'll have new
17 constraints, transferrable skills that's now
18 applied to other markets. And they will have to
19 be working for different brands. You have to work
20 for the person that will be giving you the jobs.

21 For the company. They can look into
22 renting cars to non-commercial drivers. You have

1 to disrupt the market in the way they have
2 disrupted you. That is what is competition.

3 If I can go to Enterprise and get a
4 rent-a-car, why can't companies rent their
5 vehicles to non-commercial drivers. But you have
6 to make that decision. I'm just telling you what
7 strategies, as a subset, works. Driver training
8 programs will have to change, some because of
9 cultural bias, or some because it is the way
10 they've been doing things for a while.

11 Having a call center. When customers
12 know if I get into a taxicab, whatever the issue
13 is, I can call some place where I can get
14 assistance. It brings a level of assurance that
15 doesn't exist today.

16 There are a few companies that have
17 call centers, but it's something that other
18 companies have been thinking about.

19 Pool insurance. If you get a house and
20 reduce your risk, and invest in marketing, you
21 cannot expect the government to be marketing
22 taxis over Ubers or Lyft or limousine. No. We're

1 here for everybody. So our market dollars will go
2 the industry. But you should put your marketing
3 dollars in your taxi markets. Invest in lobbying.
4 Invest in those activities that get your message
5 heard.

6 A lot of people have also asked where
7 are we with the app? The app is a big part of
8 the future but it's not going to solve all the
9 industry woes, and I'll be very clear about that.
10 But today, I want to give you additional
11 information on where we are with the app, so that
12 as you leave here, you dispel the notion that the
13 app is not working. You go to the app store, you
14 download it. We didn't solve much, it isn't
15 making a lot of noise, when we have to get our
16 stuff together.

17 So from a timing standpoint, between
18 now and April, these are some things you can look
19 to absolutely.

20 First is we'll continue working with
21 the industry to enhance the role of prerogative
22 to ensure that there's participation in the app,

1 across the board.

2 And second is we're releasing new
3 features. In fact, today, another release was
4 done to the app store. So the enhancements are
5 something you should expect.

6 We are also looking at ways to enhance
7 the payment process, so that the revenue that a
8 driver gets on a trip gets to his pocket quicker,
9 and not have to go through several middlemen.

10 That is important, because you work,
11 you have got to get paid. We are not making any
12 profit. We're not interested in that. But we
13 want to make sure that the time it takes from
14 when you collect the money, to the time it gets
15 in to your pocket, is collapsed.

16 Phase one, integration. We've been
17 talking to different payment service providers
18 who maintain the capacity for Phase I is that to
19 the extent possible, the app should be
20 accessible. So then the driver doesn't need to
21 have a separate deduct line or value just to get
22 those requests. It is all designed to improve the

1 customer experience from the driver's point of
2 view, and also to reduce the cost.

3 We'll be rolling out training between
4 February and April. Drivers will have to go to
5 companies or associations, or come here. I want
6 to make sure people understand how things are
7 working in the app market. Don't turn it on and
8 put it in your pocket. You wouldn't get those
9 requests, or when you get them, you wouldn't even
10 be aware. So there are a few things that will
11 have to be emphasized. Also if a passenger with a
12 disability hails, you will need help to
13 understand who the customer is. So that if the
14 passenger has a concern, maybe with their arm,
15 they can't open the door, you don't park outside
16 and say "Get in, get in, get in, get in." How
17 they going to open the door? These are things
18 that we are hearing, and want to translate that
19 into training, so that we are very customer-
20 focused.

21 And then obviously we're working on a
22 marketing campaign, which is a campaign for the

1 industry. And to promote where we think the
2 benefits of taxis are. But I want to be clear
3 that a industry should not expect the government
4 to be promoting taxis over another mode of
5 transportation. We will be promoting the industry
6 and pointing out the comparative advantages of
7 the taxi service in the context of every other
8 option that a customer has.

9 Which leads to the Xclass. The app
10 was a fundamental approach to moving in to the
11 digital industry. When people heard about the
12 Xclass, their reaction was, yes, this is the
13 "last straw that is going to break the camel's
14 back." If that was the case, I'll tell you the
15 camel's had surgery, and have a new back, because
16 if your back can be broken that easily, you would
17 have been done a long time ago.

18 Drivers and companies are resilient.
19 They are proud people. But to capitalize on the
20 growth market, we have to do something
21 revolutionary. It cannot be revolutionary.
22 Revolution takes so long. So what is the Xclass?

1 Just to make sure people understand what it is.
2 It's a class that we are studying, and with
3 input, and passengers who think, who end up
4 creating a class of service. That only reflects
5 where everything is headed, but also makes sure
6 there's fair and true competition.

7 A few things. One. It will be a 100
8 percent mobile platform. The rules will be based
9 on service, not legacy definitions. As you saw in
10 Dr. Cooper's presentation, the legislation
11 describes private vehicles for hire, public
12 vehicles for hire. These are terms. By the end
13 of the day, when somebody wants to move around
14 from point A to point B, they want different
15 options. They really don't care. Like I said ---
16 limousine or a taxi or a private sedan.

17 We've done consumer research. Over 70
18 percent just don't care about those labels. So as
19 taxi operators, try to tap into that. How do you
20 tap into the minds of people, that they want a
21 service guarantee. How do you tap into the minds
22 of people that they want low-priced price

1 options? If you call it a taxi, you evoke
2 connotations and stereotypes of the whole age.
3 So it's important for you guys to understand how
4 and why this is being branded as the Xclass,
5 because it is the future, and it must resonate to
6 what customers are asking for.

7 There are a few things around that.
8 One is if there is a need for equipment, there
9 will be absolutely no cost. You spoke a lot
10 about a cost practice when it comes to payment
11 service providers. So why ignore that? We will
12 take that issue, head on. There'll be zero
13 upfront fees. Who doesn't like that? We can
14 change that to another piece, up front. It will
15 be all digital. So if you're concerned about your
16 retail market, that concern is misplaced, because
17 street hail is only three percent and we're
18 looking at a 350 percent market. And it's going
19 to be open to all drivers. There are lots of
20 details to be worked out.

21 And that's okay. But it starts with
22 putting a kernel, a shell of an idea, so that I

1 can provide feedback. That is the purpose, and I
2 see Martin here. Yes. He's providing his
3 perspective. There's an economist who's also
4 commented on it. This is not done. But just
5 remember --- the idea behind the Xclass is to
6 position the industry to take advantage of
7 growth.

8 You can choose to see this as an
9 opportunity, or you can choose to see this as a
10 difficulty. If you are a company, you are
11 wishing to make money. If you are a driver, you
12 are wishing to make money.

13 Put your thinking cap on and send us
14 your comments. We'll consider them, and we'll go
15 through the process. Thank you.

16 (Applause.)

17 CHAIRPERSON CHRAPPAH: Madam Secretary,
18 do we have copies for the attendees of the Annual
19 Reports?

20 MS. MIXON: Yes, we do. May not be
21 copies for everybody, but we do have copies.

22 CHAIRPERSON CHRAPPAH: All right. We'll

1 move to the session for people who are registered
2 to speak, and do we have the list of registered
3 speakers?

4 MS. MIXON: Yes. There are four.

5 CHAIRPERSON CHRAPPAH: Okay. Mr. Royale
6 Simms. If he's still here. And after we go
7 through the speaker comments, we will save a few
8 minutes for my fellow Commissioners to provide
9 some commentary on the presentations that we've
10 seen today.

11 MS. MIXON: Okay. So yes. So now we are
12 starting with the public witnesses. We do have a
13 few registered speakers. If you would say your
14 name and spell it. Hold the microphone as close
15 to you as you can, so everyone can hear. You are
16 to have the registered speakers. We do ask you in
17 advance for ten copies of your testimony.

18 So if you do have those, as we have
19 instructed, please give them to me. You will have
20 five minutes to speak. When your five minutes is
21 up, I will let you know, and I ask that you abide
22 by that, please.

1 MR. SIMMS: My name is Royale Simms. I
2 work on behalf of the Washington, D.C. Taxi
3 Operators Association, associated with Teamsters
4 Local 922. Commission, thank you for the ability
5 to make comments today, opportunity to make
6 comments today. I'm amending my written comments
7 for the record, so I will be submitting them
8 after the meeting today.

9 I briefly want to touch on the
10 frustration that you reached on in your
11 presentation today.

12 Some of the frustration I hear is
13 related to the competition that's on the street
14 today, you know, and that the decrease of trips
15 per hour, the decrease of income, decrease the
16 revenue.

17 But there's not enough responsiveness
18 from the Commission. For one example, there was a
19 broad industry consensus that DCTC should stop
20 issuing face IDs until there are standards that
21 ensure the entry of qualified professionals in to
22 the market.

1 Going back to October 2014, there was
2 a time when the District of Columbia was uniquely
3 positioned to create a model for how a thriving
4 taxi industry could exist alongside services like
5 Uber and Lyft. Unlike most taxi markets, the
6 majority of drivers here were independent owner-
7 operators, and both the number of vehicles and
8 number of operators were limited. This was the
9 moment for deliberate policy. Unfortunately, the
10 DCTC decided to unleash a subpar licensing system
11 that flooded the vehicle rental market with
12 untrained operators and created pressures from
13 both sides.

14 So those are the drivers that you
15 refer to in increasing and decreasing the street
16 hail market to three percent. That was DCTC
17 policy. The time is now to support owner-
18 operators, and reduce the pressure, and stop
19 licensing until you can implement a professional
20 licensing exam.

21 This is not a race to the bottom.
22 Drivers want to secure their incomes, and have

1 less competition at taxi stands.

2 I'll talk of one more point about the
3 frustrations I hear. It's very common. Drivers
4 are complaining about the one-stop fee. One of
5 the first things you said to us, Mr. Chairman,
6 was that if you cannot justify the fee for ---
7 you cannot justify the fee for the service, or
8 add value to the service, then you'll remove the
9 fee. The one-stop fee is a simple administrative
10 step. Thirty six dollars is the approximate value
11 of one hour of a program manager's time for DCTC
12 Drivers Services. The \$50 stop is worth one hour
13 and 24 minutes of the program manager's time.

14 We haven't seen any value added.
15 There's two iPads in the lobby now where drivers
16 still have trouble using them, they still create
17 lines, and you're still relying on a number
18 system on scrap pieces of paper. You know, I
19 still see drivers struggling and not getting
20 assisted.

21 The process is very frustrating, and
22 so since there hasn't been any value added, and

1 since we don't see the justification for the
2 fine, we'll ask again to remove the \$50 one-stop
3 fee.

4 Those are my comments for today. Thank
5 you.

6 CHAIRPERSON CHRAPPAH: Thank you.

7 Mr. Massoud.

8 MR. MEDGHALCHI: Massoud Medghalchi.

9 Board member, Dominion of DCPTDA, and also
10 affiliated with Local 922. Some of the stuff that
11 you talked about today, Mr. Chairman, is the
12 actual point of frustration for the entire
13 industry. We need to not forget the legislators
14 have put something in place that is awfully
15 unfair to the industry, and they're constantly,
16 through your regulations, asking us to react.
17 It's like someone getting a chess match, getting
18 into a chess match, and getting three moves for
19 every move that we have to react to. It's
20 impossible to do that.

21 The regulations coming out of this
22 body have been wrong-headed, deficient, at times,

1 and again, you keep asking us to react. There
2 has to be a level playing field before we can do
3 anything. It's not that we're adverse to
4 technology. We brought in Halo. We brought in
5 Taxi.com. They approached our organization
6 first, to come in to the city.

7 When there are cabs driving on the
8 street, and people are looking at their phones,
9 they're looking for a cheaper way to get home.
10 There are plenty of cabs out there. And they
11 only run to the cabs when the prices go up on
12 their apps. So we've become a bumper in case of
13 an accident. That's what this regulated business
14 is, and you are a key to the lie, because you
15 need that bumper whenever people get ticked off
16 on the street at Uber.

17 (Applause.)

18 MR. MEDGHALCHI: You see those pictures
19 I put in front of you. That is a line of cabs
20 stretched from the cab stand at State Department
21 all the way to Constitution Avenue. That's not a
22 cab stand. You know why they're there? Because

1 they don't have jobs.

2 They're sitting there, hoping, in two
3 hours they will at least get one fare. You're
4 asking us to react to that?

5 (Applause.)

6 MR. MEDGHALCHI: Do I look like a clown
7 to you? Now you come up with this X. I don't know
8 how you thought about it, and I don't know the
9 details. I don't want to accuse you of anything
10 because I was more fired up about this. But I'm
11 going to tell you --- if you got to put six
12 bullets in the chamber and play Russian roulette
13 with me, you got to have the action coming. I'm
14 not going to sit down and take it. Now you're
15 going to come up with a new class of private cars
16 because the public likes the looks of them? Or
17 they want a cheap ride. Now I'm supposed to react
18 to that?

19 First, I had to put all this stuff,
20 equipment on my car, to be brought up to date.
21 Now all of a sudden, you're asking me to go to
22 something else.

1 If you can give me a good guideline on
2 what I'm going to be reacting to, what you're
3 putting in place, I will be glad to sit down and
4 look at it, and make the appropriate decision.

5 People in the free market, believe me, are pretty
6 smart. They know how to adjust, and they will
7 adjust because they need to make money, which is
8 the ultimate incentive.

9 The problem is when you tie their
10 hands behind your backs, and you leave one group
11 to --- that basically threw the whole industry
12 into a tizzy, by saying we're not playing by
13 rules. So I'm supposed to react every day to
14 people that don't want to play by rules. Drive
15 around for an hour and a half, and I have a
16 private car go and solicit business on the
17 street, which is supposed to be illegal. But why?
18 Because now private cars have become a means of
19 transit for the public. Therefore, sometimes they
20 bargain with them on the street. We have warned
21 Ms. Cheh about this, over and over again. You
22 need to be truthful to her when you go to report

1 to her, to tell her what she's put in place, what
2 it's done to the people in this industry, instead
3 of giving her kind of stats and appeasement that
4 she needs, so she can turn a blind eye, and one
5 day, when noticing an inquiry by a higher
6 authority, she can say I didn't hear anything
7 wrong about this. Yes, there were little
8 complaints, here and there.

9 She's been provided cover. You need to
10 be truthful to her. The new Commissioners. Mr.
11 Jolly, you remember we talked about that digital
12 app? Do you know why I was against it? For the
13 same reason. There are a million people out there
14 who want to do one, two, three rides a day, which
15 is the gypsy of yesteryear.

16 This new business has opened up the
17 floodgates to all the people that want to do
18 business on the street and be basically gypsies.
19 That digital app is going to give a perfect ploy
20 for someone that wants to break the rules, and
21 say, hey, I have the same meter as the D.C.
22 taxicab.

1 MS. MIXON: Okay. Your time is up.

2 MR. MEDGHALCHI: Thank you.

3 MS. MIXON: Okay. Thank you.

4 CHAIRPERSON CHRAPPAH: Thank you,
5 Massoud.

6 (Applause.)

7 CHAIRPERSON CHRAPPAH: Mr. Frankel.

8 MR. FRANKEL: Good morning, or
9 afternoon, what we've turned in to. My name is
10 Larry Frankel. I am more a public citizen now
11 than I am a taxicab driver. I turned in my cab
12 and I won't be renewing my face in June, when it
13 comes to renewal. But I would like my \$50 that
14 this Commission usurped from me when I got a
15 license that wasn't a full two years.

16 I am so sorry for everyone here. I
17 have come to pity all of you. The industry that
18 sits behind me is delusional that they have an
19 opportunity to do anything. They've lost their
20 entire commitments, and finances, and every sweat
21 and tear that I and they put into it are not
22 retrievable. They're not a future in this. You

1 are a joke. I have gone and left here. I'm on my
2 way to Montreal, where the industry in Canada is
3 still solid, and I am acting as an individual,
4 helping them, to make sure that the same things
5 that the politics of this city did to this
6 industry doesn't happen to the Canadians.

7 What happened to America is a
8 microcosm, right here, and in the city. If
9 someone was to have a heart attack, they would
10 die on the way to the hospital because the
11 ambulances don't run in the city. What does that
12 tell you? You have 1,200 children locked up in
13 almost a concentration camp, that are in homeless
14 families. They have no idea what they're doing
15 too.

16 I do, because I have a family at home,
17 so --- so what you've heard basically --- let's
18 hear the real words. And pardon my French.
19 You're [expletive], and this is
20 bulls**t[expletive], and it's done. You're done.
21 It's a joke. Give up your businesses, sell them
22 out, and either work for Uber or don't. The

1 politicians are paid for here. And that is what's
2 represented in Canada. That's how you're looked
3 upon. You lost. And if Uber uses that loss as a
4 win for them, you have to abandon your
5 businesses, not just change them. When the
6 jurisdictions were destroyed by Uber and Lyft,
7 and Sidecar, and all the rest, you lost any
8 credibility in making any legislation whatsoever.

9 All the points, all the way down,
10 killed you, and you did nothing. We had apps. We
11 had lobbyists. I know, because I was there to
12 spend the hundreds of thousands of dollars we
13 collected from you guys. It didn't work because
14 you weren't totally behind it. And these people -
15 -- I'm sorry, they weren't really all there, and
16 I admit to the chairman, he was probably a child
17 when all this began.

18 That's what's insulting to me most of
19 all, is that we had children telling me how to
20 run a successful business, and they destroyed it,
21 because I was willing to listen to one, to anyone
22 thinking that they might have a better idea. They

1 didn't. You lost.

2 And I'm going to be gone. So I'll be
3 out of your hair soon enough. But understand ---
4 this is a waste of time. And I will come back
5 here because it's entertaining. But that's all it
6 is. Thank you.

7 (Applause.)

8 CHAIRPERSON CHRAPPAH: Thank you, Mr.
9 Frankel.

10 Mr. Spooner.

11 MR. SPOONER: Let me bring this
12 microphone

13 a little bit closer to me because I
14 want to be heard.

15 I think it's afternoon now. Good
16 afternoon, Mr. Chairman and Commission members.

17 MS. MIXON: Name.

18 MR. SPOONER: My name -- Roy David
19 Spooner, Yellow Cab Company in D.C. Good
20 afternoon, Mr. Chairman and Commission members.
21 Thanks for the opportunity to appear this
22 afternoon on behalf of the Taxicab Company Owners

1 Group. Mr. Chairman, the announcement of a
2 possible new taxi X service, as you may expect,
3 raised significant alarms in every corner of the
4 industry.

5 The idea, as initially introduced, is
6 radical, disruptive, but also thought-provoking.
7 If you intended to wake up the industry, I can
8 assure you that you have succeeded.

9 The D.C. Taxicab industry is badly
10 hammer-driven with no relief in sight. For too
11 long, we have been dictated to, forced to react
12 to changes outside of our control, and have no
13 voice in the future direction of the industry.

14 So it is understandable that the
15 initial reaction to your idea will be met with
16 confusion and mistrust. The taxicab industry has
17 been stuck in the same place for too long. If we
18 are to become great again --- this is my steal
19 from Donald Trump --- we must open ourselves to
20 explore new ideas, and not rely on the same
21 thinking of the past. If you are willing to spend
22 some political capital in putting forth such a

1 radical idea, then the least we can do is listen
2 and hope we have an opportunity to share our
3 ideas and concerns.

4 We hope that collaboration on Taxi X
5 could be expanded to examine it, and work on
6 practical solutions, or the other challenges
7 facing the industry, and bring to an end the
8 usual adversarial relationship. There is too much
9 at stake for the continued rancor, and no one
10 benefits from it.

11 The drivers and companies are both
12 experiencing the same pain as the ground has
13 given way. At some point we have to start working
14 together, and focus on retaining customers and
15 growing our business lines. We assure you that
16 if we are invited to the table, that we will
17 vigorously participate and give our fullest
18 cooperation.

19 We should understand the consumer
20 drives this business. They now have multiple
21 transportation choices, different pricing
22 options, and diverse services. The ideas of the

1 past no longer work, and it is time for fresh
2 ones. It is understandable that we would be
3 concerned that Taxi X --- but instead of worrying
4 about it, we should choose to be part of defining
5 it, developing it, and using it to better serve
6 our customers before there are no more of them to
7 serve.

8 To survive and rise, we must be open
9 to change. If Uber can deliver food, parcels,
10 and medicines, so can we. If they can share
11 rides, so must we. The only box that exists is
12 the one that we create for ourselves. It is time
13 to recalibrate. Thank you.

14 (Applause.)

15 CHAIRPERSON CHRAPPAH: Thank you, Mr.
16 Spooner. With that said, I will have my fellow
17 Commissioners add a few words on today's meeting,
18 in general, and any thoughts that they may have.

19 COMMISSIONER FERGUSON: So first, I
20 want to thank the chairman for his leadership on
21 the past few months on the research that resulted
22 in what you've seen today. I think one of the

1 quotes in the presentation earlier that we saw
2 was that the economics of the legacy taxi model
3 are under pressure. And I don't think anybody
4 disagrees with that. I think we all can find a
5 consensus to that statement.

6 And then Mr. Spooner, in your
7 testimony, you said you intended to wake up the
8 industry, I can assure that you succeeded. So Mr.
9 Chairman, you succeeded in waking up the
10 industry. But here's my part of this, and I
11 believe that this is a critical time for us to
12 come together, and have these conversations. You
13 know, we need to propose a working group where we
14 have more dialogue. The context of these
15 Commission meetings don't give us the dialogue
16 that we need. The five to two minute presentation
17 --- that's not what we need. So we do need a
18 working committee comprised primarily of the
19 industry, and some of us here, to meet outside
20 the context of this meeting, where we can have
21 that discussion, where we can talk about it. And
22 by the way, this is the other point I wanted to

1 make.

2 That what the chairman proposed is
3 basically an idea. So the idea does need
4 discussion from the industry, and it possibly
5 could provide ways for collaboration between the
6 taxi industry and the new designation of the
7 Xclass. I don't know. I don't think all of us
8 know, but the conversations that should come out
9 of this should help us get to at least a common
10 area where we agree on some areas where this
11 would work, and we should be able to identify
12 what we believe won't work.

13 I think also that the working
14 committee should have a time line, maybe 30 to 45
15 days to come up with a report, and then we
16 deliver it back. But that report would be the
17 result of all of the input, so that when we do
18 have another meeting on that report, the
19 discussion would then be focused on what the next
20 steps would be.

21 And finally, I'll just say that I do
22 believe that this industry is changing. You know,

1 I'm probably one of the few folks that has a
2 landline at home. You know, I like your analogy
3 of the agribusiness industry, but not --- I have
4 a landline but we don't even answer it any more.

5 And I remember that company called
6 Chesapeake & Potomac that thought they'd be
7 around forever, and selling landlines, and
8 everybody wanted to deliver services to the
9 landlines, and something called the cell phone
10 industry came in, and took them out. And we all
11 have cell phones. I don't wish that on the taxi
12 industry, but what I do believe we need to do is
13 take advantage of this opportunity, now, to have
14 these discussions, so that we can be in the
15 forefront of the changes that are happening in
16 this industry, regardless of legislation that is
17 good or bad. Those are my comments. Thank you.

18 COMMISSIONER WADE: Good afternoon.
19 First, I'd like to thank all of you for coming
20 out and for your commitment. I realize that all
21 the time you spend here with us is time you could
22 be working your craft. So we do appreciate you

1 coming out. We truly appreciate your comments. I
2 especially like the comments that I give before
3 and after meetings, and it gives us an
4 opportunity to speak one on one, and understand
5 the personal aspects.

6 But I want to also always remind you
7 that our purpose here is to regulate according to
8 the laws that have passed down to us, and to make
9 them as palatable to you, the drivers, and to our
10 customers, the passengers, and visitors to our
11 city.

12 So most of the things that we do, try
13 to do, so that it benefits everyone. If we make a
14 decision based on just one person, then that
15 means everybody else out, and that's not fair, or
16 it opens the flood gates for everyone to run in,
17 which also isn't fair. So we have to weigh
18 decisions that we make. They may not always be
19 the most palatable decisions. As a life-long
20 Commissioner, and administrator, my position has
21 always been you may not like the answer that I
22 give you, but I promise you I will give you my

1 answer, which will always try to be fair and
2 accurate, and I think I've tried to do the same
3 thing, which is to try to help you navigate this
4 very awesome industry that we've been a part of,
5 and the devastating effect of this unchecked
6 competition, is how I see it. It is unfair
7 competition, in my personal estimation, not as
8 the Commission, but my personal estimation is
9 it's an unfair competition. And we've been
10 racking our brains, and researching, and looking
11 at other jurisdictions, and we're trying to
12 address the situations as they come to us.

13 So all of our decisions are actually
14 made with your benefit in mind, even though it
15 may not appear that. But I just want to thank you
16 all for coming out and investing this time in us,
17 and in your industry. And keep the pressure on,
18 not just to us, not just to the Council, not just
19 to the mayor, but Congress has its hands in this
20 as well.

21 So we have to make sure that we
22 address those publics who impact us. Thank you.

1 (Applause.)

2 COMMISSIONER FERGUSON: In the
3 interests of time, I'll just say, you know, our
4 goal is to be objective, and to listen to you
5 all. I think there are certain things that you
6 have to absorb, such as the changes that are
7 existing around you. We have no control over
8 those changes. We all have to deal with them on a
9 regular basis, and I think overall, I appreciate
10 where the Commission is going, because we are
11 very much so thinking about you all as drivers,
12 as individuals, who live in or around Washington,
13 D.C., and the service you provide. So just keep
14 those things in mind. I applaud the chairman,
15 because it's a thankless job to really position
16 and share with you things that are important,
17 such as the changes that were displayed in that
18 presentation.

19 And before you condemn, I appreciate
20 Mr. Spooner's perspective, because you do need to
21 spend more time understanding where we're going,
22 and keep in mind that we think about things from

1 the standpoint of how it affects you all as well.
2 So thank you.

3 CHAIRPERSON CHRAPPAH: All right. Madam
4 Secretary, any unregistered speakers?

5 MS. MIXON: Okay. We probably just have
6 time for two or three unregistered speakers. May
7 I see a show of hands now.

8 CHAIRPERSON CHRAPPAH: We can do two.

9 MS. MIXON: Okay. We're going to do
10 two. I'm going to do some people I have not seen.
11 Sir, in the camel-colored coat. I have not seen
12 you. And then let me see. The other hands that
13 were up --- I know you've spoken. We're going to
14 go --- I'm sorry, I'm just going to make a
15 decision. Sir. He's standing up. So that's all
16 we're going to do. It will be two minutes. So I
17 need you to come. You need to hold the mike, do
18 that before you start, say and spell your name.

19 MR. FLIPPIN:: Ameer Flippin. That's A-
20 M-E-E-R. Last name Flippin, F-L-I-P-P-I-N. I'm
21 new to the D.C. area. I've been here for about
22 nine months. My background's on the financial

1 services side at Financial Industry, a software
2 advisor, and I'm taking a look at the industry
3 here. I started a company with the Jobs Act, I'm
4 in the process now. The Jobs Act a new program
5 that was just recently passed across the road by
6 Congress, where it allows a small company to
7 raise money with individual investors or the
8 general public. That's an option for the taxi
9 drivers, and it's sort of taking a look at the
10 paradigm shift that's happening with Uber versus
11 the taxi drivers. A one year option to look in
12 to --- take a look at raising cash on the private
13 side to address the app issue. The industry are
14 not being driven on the congressional side, but
15 from the technology side. It's strictly the
16 mobile app, and so because of the mobile app,
17 groups sort of got together and sort of address
18 their issues with vehicles and not being able to
19 afford to have a vehicle in a large city like
20 this, and then they started to pool assets and
21 share. That's all I have to say. I just started
22 with a company. We would like to -- at the start

1 we're going to raise some money and put together
2 a company, that we'd like to be sort of a hybrid
3 between the taxi industry and the e industry, and
4 sort of watch what happens, and we'd like to sell
5 shares in the company. That's going forward.

6 Title III of the Jobs Act, you can check it out
7 on your cell phone.

8 It doesn't go into effect until May
9 16. That's a great option for taxi drivers who
10 are looking to address the income situation. You
11 know, if you're taxi dependent. I'd love to meet
12 everybody and sort of talk about it, or be a part
13 of your user group as you mentioned. I'm just
14 starting from zero. We'd love to be friends.

15 Keep in mind that Uber went from, in about a five
16 year period, they went from zero, having nothing,
17 --

18 MS. MIXON: Okay. Five seconds.

19 MR. FIPPIN: To having \$51 billion.

20 CHAIRPERSON CHRAPPAH: All right. Thank
21 you.

22 MS. MIXON: Okay. Now our second and

1 last gentleman, please.

2 MR. BLACK: Jesse Black. B-L-A-C-K.

3 First name J-E-S-S-E. Two minutes is quick, so I
4 want to touch on a couple things. From 1970 to
5 1976, I served in the United States Navy. After I
6 was discharged, honorably, nobody else said thank
7 you for your service. But now it's politically
8 correct and everybody says that. So I'm saying
9 that to say that all the years I've been in the
10 taxicab industry, nobody's ever thanked me for my
11 service. If this is the thanks I'm getting now, I
12 don't want that.

13 The NBA, the NFL, Major League
14 Baseball, they play by the same rules. It's
15 competition. It's a competitive sport. They play
16 by the same rules. Same thing again. It doesn't
17 work here. We're playing by different rules. I
18 want to get on to the website. Just yesterday I
19 was on the website because someone called me and
20 asked me about the new way to get tags.

21 Well, the only thing I saw on the
22 website about tags was companies, was nothing on

1 there for individual drivers, and if it is on the
2 website now, today, since I haven't looked, or
3 you're going to put it on the website, I want to
4 know does it apply to everybody. Does it apply to
5 D.C., Maryland, or Virginia residents who drive
6 cabs in the District of Columbia?

7 The ID face change. My face used to
8 expire June the 30th, every year. Last renewal I
9 did, I left the office with my face, and it was
10 maybe a month later when I realized now my face
11 is April the 24th, which is my birthday. What
12 happened to my money? I paid \$250 from June to
13 June. It went from June the 8th. Where's my
14 money? Who's the person to ask?

15 The one-stop fee for \$50. I remember,
16 I did a renewal, and there was no notice. I just
17 showed up one day, ready to do it, like I have
18 been doing for years. Somebody said \$50. The
19 other thing I want to get to here real quick. Oh.
20 They say they want to do the NOIs. Well, we were
21 talking about --

22 MS. MIXON: Sir, your time.

1 CHAIRPERSON CHRAPPAH: Thank you for
2 your comments, Mr. Black. I'm sure there are a
3 number of people who are probably starving. We'll
4 do just one more, and then we'll wrap up.
5 Abraham.

6 MR. ABRAHAM DEMISSE: Thank you for the
7 opportunity. I just want to comment in regards to
8 the --- oh, my name. My name is Abraham
9 Demisse. A-B --- A-B-R-A-H-A-M. Last name
10 Demisse. D-E-M-I-S-S-E.

11 I want to comment in regards to the H
12 tag return the H tag, and they are asking for a
13 replacement H tag. Under the Title 31, Chapter 5,
14 Section 506.2, up to today, up to today, it
15 requires drivers to return their tag to DMV when
16 their car is out of service -- when their car is
17 out of service. That means if a driver gets into
18 accident, and his car is not out of service --- I
19 mean his car is out of service, and he's in
20 process of buying another car, he immediately
21 have to return his tag to DMV.

22 And after buying his new car, then he

1 won't get back --- that's what it is showing, the
2 way it's explained by DCTC. There is no section
3 that explains that drivers cannot keep their tag
4 -- but if they return the tag they won't. But
5 recently, in Chapter 5, there is the new section
6 added in Chapter 5, 504 point --- 504.14, that
7 says if driver, his ID's expired --- if driver's,
8 his ID's revoked, they ask to return his vehicle
9 license and to DMV.

10 That particular surrender, because of
11 his face ID is revoked, he cannot claim it back.
12 That's what it says. It says time required to be
13 surrender pursuant to 504.14, which is the one I
14 just explained, shall not be reissued -- reissued
15 --- reclaimed, restored or returned to driver.

16 Thank you. But --

17 MS. MIXON: Okay. That's your two
18 minutes.

19 CHAIRPERSON CHRAPPAH: Thank you,
20 Abraham, and again, I want to encourage everybody
21 for future meetings --- if you have testimony, we
22 certainly want to hear about it --- but if you

1 have questions, you don't really have to wait
2 until the monthly meeting. We have a customer
3 support line. We have account representatives. It
4 is faster. If I have a question, all right, I get
5 an answer right away. I'm not going to wait until
6 the monthly meeting. So that's something I want
7 you all to take note of.

8 Barring any other further comments
9 from here, I really want to thank you all for
10 attending, sharing your thoughts. This is an
11 important juncture for the industry, and I'm
12 actually very encouraged, I know you were honest
13 with how you feel, so on that note the meeting's
14 adjourned.

15 The next meeting will be at the same
16 place on March 9th at 10:00 a.m. Have a good day.

17 (Whereupon, above-entitled matter went
18 off the record at 1:01 p.m.)

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22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: General Commission Meeting

Before: DC Taxicab Commission

Date: 02-10-16

Place: Washington, DC

was duly recorded and accurately transcribed under
my direction; further, that said transcript is a
true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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