

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,
AUGUST 12, 2015

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The Commission met in the Hearing Room, Suite 2023, 2235 Shannon Place, S.E., Washington, D.C. 20020 at 10:00 a.m., pursuant to notice, Ernest Chrappah, Acting Chairman, presiding.

COMMISSIONERS PRESENT:

ERNEST CHRAPPAH, Acting Chairman
ANTHONY MUHAMMAD, Commissioner
BETTY SMALLS, Commissioner
STANLEY W. TAPSCOTT, Commissioner

STAFF PRESENT:

JUANDA MIXON, Secretary to the Commission
MONIQUE BOCOCK, ESQ., Assistant General
Counsel
DENNIS J. STARKS, Chief Enforcement
Officer

C-O-N-T-E-N-T-S

	Page
I. Call to Order	3
Moment of Silence	
Determination of Quorum	
II. Commission Communications	4
Commissioner Remarks	
III. Commission Action Items 1 - 7	4
IV. Government Communication and Staff Reports:	
1. General Counsel List of Appeals from June 30, 2015	25
2. Report from Dennis Starks, Chief Enforcement Officer	25
3. Correction of errors/inaccuracies	30
V. Public Comment Period	32
Registered Speakers:	
Abdelwahab Hassan	
Ron Bethea	
Royale Simms	
Kolawole Akinadewo	
Massoud Medghalchi	
VI. Adjournment	55

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

2 (10:10 a.m.)

3 ACTING CHAIRMAN CHRAPPAH: Good

4 morning. Welcome to the General Commission
5 Meeting. My name is Ernest Chrappah, I am the
6 Acting Chairman of the D.C. Taxicab Commission.
7 We are located in Public Hearing Room 2023 at
8 2235 Shannon Place, S.E., Washington, D.C. Today
9 is Wednesday, August 12th and the time is 10:10.

10 We have seven items for today. But
11 first I would like us to observe a moment of
12 silence for those who have departed.

13 [MOMENT OF SILENCE]

14 At this time I will turn this over to
15 our Secretary, Juanda Mixon, for determination of
16 a quorum.

17 MS. MIXON: Okay. Commissioner
18 Ferguson?

19 MS. MIXON: Commissioner Muhammad?

20 COMMISSIONER MUHAMMAD: Present.

21 MS. NIXON: Commissioner Smalls?

22 COMMISSIONER SMALLS: Here.

1 MS. NIXON: Commissioner Tapscott?

2 COMMISSIONER TAPSCOTT: Here.

3 MS. MIXON: Commissioner Chrappah?

4 ACTING CHAIRMAN CHRAPPAH: Present.

5 MS. MIXON: Chairman, a quorum is
6 established.

7 ACTING CHAIRMAN CHRAPPAH: Thank you.

8 We have seven agenda items that will show the
9 administration's commitment to reducing the
10 burden of regulations on drivers; making the
11 industry more competitive and improving ridership
12 experiences.

13 The first agenda item is a vote to
14 approve publication of Proposed Rulemaking for
15 the Revision of Fine Amounts in Title 31.
16 Highlights of the proposed revisions include the
17 following. One, there will be more opportunities
18 for enforcement personnel to issue warnings to
19 first-time violators instead of fines.

20 Another benefit is that no fines for
21 a driver is going to exceed \$500 dollars.
22 Currently, we are fined up to \$5,000 dollars.

1 Yet another benefit is that fines for
2 example for having a dirty cab will no longer be
3 a \$100 dollar fine. A driver can get a warning or
4 a \$25 dollar fine. All fines are also being
5 relocated to Chapter 20 for transparency so
6 people who participate in the industry can
7 clearly go to a single place, understand the fine
8 structure, understand that it is incentives for
9 behavior for the industry that are set forth.

10 Additionally, the proposed rulemaking
11 recognizes that technology give us an opportunity
12 to do things that we used to do with paper,
13 specifically the electronic manifest. This goes
14 to help reduce the cost of doing business and
15 also to streamline budgets from the driver
16 taxicab experience but also from enforcement.

17 Assistant General Counsel Monica Boccock, is there
18 any other item that could help people understand
19 what this proposed regulation encompasses?

20 MS. BOCKOCK: No Chairman. I believe
21 you've covered everything.

22 ACTING CHAIRMAN CHRAPPAH: Do any of

1 the commissioners have any questions or comments
2 regarding the first agenda item?

3 COMMISSIONER TAPSCOTT: Yes. I have
4 one comment. The one that is for cabdrivers
5 that's doing the transportation of the
6 handicapped people. We're not getting our full
7 pay and I question that. For instance, if I
8 take a job downtown Washington to Southwest, I
9 can only collect \$20 dollars. And how is it
10 going to affect the manifest?

11 ACTING CHAIRMAN CHRAPPAH: I'm
12 hearing two things. One, not receiving payment
13 and, second, how that plays a role in the
14 manifest.

15 COMMISSIONER TAPSCOTT: Right.

16 ACTING CHAIRMAN CHRAPPAH: I'll
17 address the second one. The role of the manifest
18 is to record the trip, whether it's for a special
19 program or general population, so technology will
20 take care of that.

21 As it relates to payment, that's
22 something that we can address with the payments

1 that is provided but that is not something
2 specifically that the proposed regulation should
3 address. We have processes in place where the
4 result is (inaudible) to me. Do I have a motion
5 to call item 1 for a vote?

6 COMMISSIONER SMALLS: So moved.

7 COMMISSIONER TAPSCOTT: I second it.

8 ACTING CHAIRMAN CHRAPPAH: Secretary?

9 MS. MIXON: Okay.

10 COMMISSIONER MUHAMMAD: So we're
11 voting on all the Chapter 4-10, 12, 14, 16, 18?

12 ACTING CHAIRMAN CHRAPPAH: We are
13 going to publish proposed rulemaking as it
14 relates to the fines. And the fines have
15 provisions in other areas so the idea of this is
16 to put all the fines relocated to Chapter 20 so
17 that it is transparent and people understand. So
18 the answer to your question is yes.

19 MS. MIXON: Commissioner Ferguson?
20 Commissioner Muhammad?

21 COMMISSIONER MUHAMMAD: Yes.

22 MS. MIXON: Commissioner Smalls?

1 COMMISSIONER SMALLS: Yes.

2 MS. MIXON: Commissioner Tapscott?

3 COMMISSIONER TAPSCOTT: Yes.

4 MS. MIXON: Commissioner Chrappah?

5 ACTING CHAIRMAN CHRAPPAH: Yes.

6 MS. MIXON: The vote is 4-zip.

7 ACTING CHAIRMAN CHRAPPAH: Thank you.

8 The second agenda item is a Second Emergency
9 Rulemaking to Chapter 18 and this contains
10 revisions to the Transport DC program. Assistant
11 general counsel, Ms. Bocock, can you tell us a
12 little bit more about what this entails?

13 MS. BOCOCK: This Second Emergency
14 and proposed Rulemaking amends Chapters 10 and 18
15 to allow taxicab companies required by the
16 establishment act to have 50 percent of their
17 vehicles, of their fleet vehicles, wheelchair-
18 accessible by December 31, 2014. It allows these
19 companies in order to meet that requirement to
20 obtain new DCTC taxicab vehicle licenses from the
21 Offices of Taxicabs on the condition that those
22 new vehicles be actively used in what had

1 previously been known as Taxi DC and is now known
2 as Transport DC so to be used in that program for
3 a period of not less than three years.

4 These amendments would require these
5 new wheelchair-accessible vehicles to operate in
6 accordance with the operating requirements of the
7 Transport DC program and this rulemaking, the
8 emergency rulemaking extends the previous
9 emergency rulemaking that was adopted by the
10 Commission at its April 8th meeting.

11 ACTING CHAIRMAN CHRAPPAH: Thank you.
12 Do any of the commissioners have questions or
13 comments on the second agenda item? Do I have a
14 motion to call the second agenda item for a vote?

15 COMMISSIONER SMALLS: Second.

16 MS. MIXON: Commissioner Ferguson?
17 Commissioner Muhammad?

18 COMMISSIONER MUHAMMAD: No.

19
20 MS. MIXON: Commissioner Smalls?

21 COMMISSIONER SMALLS: Yes.

22 MS. MIXON: Commissioner Tapscott?

1 COMMISSIONER TAPSCOTT: Yes.

2 MS. SMALLS: Commissioner Chrappah?

3 ACTING CHAIRMAN CHRAPPAH: Yes.

4 MS. SMALLS: The vote is 3 yes, one
5 no.

6 ACTING CHAIRMAN CHRAPPAH: The third
7 agenda item is proposed rulemaking on Chapter 10,
8 repealing transferable taxicab vehicle licenses.
9 Repealing the vehicle license allows our rules to
10 be more consistent with the incentive programs we
11 have for wheelchair-accessible program and as you
12 may be aware, the incentives available to drivers
13 and companies to not only make wheelchair-
14 accessible vehicles available in D.C. but to keep
15 them in service.

16 There is a program that allows the
17 D.C. residents of all companies with current H-
18 tags to avail themselves of the opportunity. More
19 specifically you can get \$12,500 towards the
20 purchase of a wheelchair-accessible vehicle, MV1,
21 or you can get \$7,500 dollars towards the
22 purchase of any wheelchair-accessible vehicle or

1 you can get \$2,500 offset towards the rental cost
2 for a wheelchair-accessible vehicle for a year
3 and, more importantly, drivers can get free
4 disability sensitivity training and wheelchair-
5 accessible training and that's an opportunity I'd
6 like others to take advantage of.

7 Assistant general counsel is there
8 anything else that you'd like to add to this?

9 MS. BOCOCK: No, Chairman.

10 ACTING CHAIRMAN CHRAPPAH: Do any of
11 the commissioners have any questions or comments
12 regarding this item? Do I have a motion to call
13 this item for a vote?

14 COMMISSIONER SMALLS: So moved.

15 COMMISSIONER MUHAMMAD: Second.

16 ACTING CHAIRMAN CHRAPPAH: Secretary?

17 MS. MIXON: All right. Commissioner
18 Ferguson? Commissioner Muhammad?

19 COMMISSIONER MUHAMMAD: No.

20 MS. MIXON: Commissioner Smalls?

21 COMMISSIONER SMALLS: Yes.

22 MS. MIXON: Commissioner Tapscott?

1 COMMISSIONER TAPSCOTT: Question.

2 [off microphone] No.

3 MS. MIXON: Commissioner Chrappah?

4 ACTING CHAIRMAN CHRAPPAH: Yes.

5 MS. MIXON: The vote is 2 yes, 2 no.

6 ACTING CHAIRMAN CHRAPPAH: The fourth
7 agenda item is Expand Designation of the
8 Commission to Hear Appeals.

9 Over the last several weeks that I've
10 been in my seat I've had a chance to talk to a
11 number of different people, drivers, companies,
12 and customers who participate in our industry.
13 And I see an opportunity for us to resolve issues
14 that come up quicker and, at the same time, give
15 our drivers or companies that are affected by
16 complaints, due process and also multiple
17 pathways for the issue or the complaint or the
18 dispute to be resolved.

19 This agenda item allows us to do that.
20 Assistant general counsel is there anything you
21 would like to add to this?

22 MS. BOCOCK: No, Chairman. I think

1 you've covered everything.

2 ACTING CHAIRMAN CHRAPPAH: Okay. Do
3 any of the commissioners have any questions or
4 comments regarding this agenda item? Do I have a
5 motion to call the item?

6 COMMISSIONER TAPSCOTT: So moved.

7 COMMISSIONER SMALLS: Second.

8 ACTING CHAIRMAN CHRAPPAH: Secretary?

9 MS. MIXON: Commissioner Ferguson?

10 Commissioner Muhammad?

11 COMMISSIONER MUHAMMAD: No.

12 MS. MIXON: Commissioner Smalls?

13 COMMISSIONER SMALLS: Yes.

14 MS. MIXON: Commissioner Tapscott?

15 COMMISSIONER TAPSCOTT: Yes.

16 MS. MIXON: Commissioner Chrappah?

17 ACTING CHAIRMAN CHRAPPAH: Yes.

18 MS. MIXON: The vote is 3 yes, 1 no.

19 ACTING CHAIRMAN CHRAPPAH: The fifth
20 agenda item is to Modify the Vehicle Retirement
21 Rules to Phase Out Waivers.

22 This is an opportunity to improve

1 ridership experience and improve our industry
2 competitiveness by the end of 2016. Assistant
3 general counsel, is there anything to add to
4 this?

5 MS. BOCOCK: Just to add, so this
6 proposed rulemaking would have meant Chapter 6 to
7 phase out the grandfathering of older vehicles
8 under Section 609.2 by requiring all vehicles to
9 be retired by January 1, 2017. And it also would
10 end the acceptance of new applications for
11 extensions of vehicles as of October 30th of this
12 year for vehicles otherwise to be required at the
13 end of 2016.

14 So yes, this rulemaking will
15 essentially result in no further vehicles out
16 there past 2017 as a result of a waiver.

17 ACTING CHAIRMAN CHRAPPAH: Okay.
18 Thank you. Do any of the commissioners have
19 questions?

20 COMMISSIONER TAPSCOTT: Yes. This
21 would not affect the vehicles that already have
22 an extension, right?

1 ACTING CHAIRMAN CHRAPPAH: No.

2 COMMISSIONER TAPSCOTT: Thank you.

3 ACTING CHAIRMAN CHRAPPAH: Do I have
4 a motion?

5 COMMISSIONER MUHAMMAD: Well we do
6 have constant harassment by inspectors when they
7 see an older car on the road.

8 ACTING CHAIRMAN CHRAPPAH: I take
9 exception to the notion of constant harassment.

10 COMMISSIONER MUHAMMAD: How much--

11 ACTING CHAIRMAN CHRAPPAH: What this
12 is about is improving the competitiveness of the
13 industry and to phase out waivers. If you have
14 some concerns about enforcement, that's something
15 that would have a channel to address that.

16 COMMISSIONER MUHAMMAD: No, I'm
17 asking about will you be stopped because you have
18 an older vehicle on the road because this is
19 about the waiver. I have a waiver, I have an
20 older vehicle on the road that's not up to date
21 because I have a waiver. Will I be questioned
22 constantly because I have a waiver?

1 ACTING CHAIRMAN CHRAPPAH: I think
2 the answer given to Commissioner Tapscott
3 resolves your concern. People who have waivers
4 are free to (inaudible) after the expiration of
5 their term. Thank you.

6 COMMISSIONER TAPSCOTT: One other
7 question. Once we get a waiver and we get ready
8 to get our tags, the motor vehicle department is
9 requiring a copy of our waiver, the original
10 waiver. And that leaves us with nothing in the
11 car for proof.

12 ACTING CHAIRMAN CHRAPPAH: So what's
13 the question?

14 COMMISSIONER TAPSCOTT: The question
15 is I got my waiver and in April I went to
16 purchase my tag and the motor vehicle department
17 would not let me purchase my tag unless I submit
18 the original copy of the waiver.

19 ACTING CHAIRMAN CHRAPPAH: No
20 problem. If you don't have a copy of the waiver
21 you can always make a request through Driver
22 Services and we'll produce that. There are

1 several initiatives underway that would also
2 digitize records so that should make it very easy
3 to give you those copies if you don't have the
4 original copy that you presented.

5 COMMISSIONER TAPSCOTT: What would
6 happen if the D.C. inspector pulls me over in an
7 older car on the street and I have no proof of my
8 waiver?

9 ACTING CHAIRMAN CHRAPPAH: You are
10 required to carry a waiver and if it is a concern
11 that people are not current they are absolutely,
12 you know, we can use technology to give our
13 enforcement personnel access to that information.
14 But that does not absolve the individual of
15 meeting their responsibility and the terms of the
16 waiver which requires them to carry a copy of it.

17 COMMISSIONER TAPSCOTT: Well, that's
18 what I'm saying. The motor vehicle when you
19 renew your tag is requiring that copy that has
20 been approved by the Commission.

21 ACTING CHAIRMAN CHRAPPAH: Why don't
22 you have it?

1 COMMISSIONER TAPSCOTT: Because I had
2 to turn it into motor vehicles before they would
3 issue me a tag.

4 ACTING CHAIRMAN CHRAPPAH: Okay. I'm
5 not quite sure this is the appropriate venue for
6 this. The bottom line is simple: if motor
7 vehicle is requiring you to have something that
8 you don't have that the Office of Taxicabs could
9 help you with a copy, Driver Services personnel
10 would be more than happy to assist you. Yes?

11 COMMISSIONER SMALLS: If you're going
12 to submit the waiver and continue to drive and
13 you're pulled over because you don't have that
14 waiver, how are you going to contact the Taxicab
15 Commission at that time that you are pulled over
16 and you don't have the waiver? What process do
17 you go through to contact them?

18 ACTING CHAIRMAN CHRAPPAH: It's
19 simple. What I'm hearing here it's individuals
20 or owners not taking responsibility for something
21 that they agreed to. If you submit documents for
22 approval of a waiver and you don't keep a copy of

1 it and you need a copy, contact Driver Services
2 for a copy. We have to be preventive. We have
3 to carry our documents before we get pulled over.
4 And those copies will be mailed at no cost to the
5 owner. That is a commitment that the office will
6 make to make things easier for our drivers. Or
7 somebody may lose their copies, and they can
8 always contact Driver Services to get a copy that
9 we have on file. I hope that helps.

10 COMMISSIONER SMALLS: Thank you.

11 ACTING CHAIRMAN CHRAPPAH: Thank you.

12 Any further questions? Madam Secretary?

13 Motion?

14 COMMISSIONER SMALLS: So moved.

15 ACTING CHAIRMAN CHRAPPAH: Second?

16 COMMISSIONER TAPSCOTT: Second.

17 MS. MIXON: Commissioner Ferguson?

18 Commissioner Muhammad?

19 COMMISSIONER MUHAMMAD: No.

20 MS. MIXON: Commissioner Smalls?

21 COMMISSIONER SMALLS: Yes.

22 MS. MIXON: Commissioner Tapscott?

1 COMMISSIONER TAPSCOTT: Yes.

2 MS. MIXON: Commissioner Chrappah?

3 ACTING CHAIRMAN CHRAPPAH: Yes.

4 MS. MIXON: The vote is 3 yes, 1 no.

5 ACTING CHAIRMAN CHRAPPAH: The sixth

6 agenda item is Clarification of Company

7 Responsibility. Assistant general counsel, can

8 you elaborate a bit on what this involves?

9 MS. BOCOCK: Yes. This proposed

10 rulemaking clarifies the existing rule in Section

11 517 to make it clear that it was not intended by

12 the Commission to be used to provide a basis for

13 civil liability of a taxicab company or

14 association to any person.

15 No substantive change is intended by

16 this clarification. That's all I have.

17 ACTING CHAIRMAN CHRAPPAH: Thank you.

18 Any questions or comments?

19 COMMISSIONER TAPSCOTT: Yes. This

20 rule takes my rights away from me as an

21 individual owner and makes me responsible, the

22 way I understand, to the owner of the companies.

1 How do you take my responsibility as a private
2 owner that puts me under the company's demand?

3 ACTING CHAIRMAN CHRAPPAH: No. It
4 never does anything of that sort. Quite frankly,
5 the status quo is that the actions of a driver,
6 and we have an example from San Francisco where a
7 company was held liable, I'm not sure of the
8 exact legal term, for up to about \$8 million
9 dollars for the actions of a driver. And we know
10 in this industry that drivers are independent
11 contractors.

12 So the idea of this regulation is to
13 make it unambiguously clear that drivers are not
14 employees of the companies. That it in no way
15 takes away the rights of the drivers or takes
16 away the responsibility for the driver to the
17 company. They just simply make sure that anybody
18 who looks at it is clear that a relationship
19 between the driver and a company is only that of
20 an independent contractor. Do I have a motion?

21 COMMISSIONER TAPSCOTT: So moved.

22 ACTING CHAIRMAN CHRAPPAH: Second.

1 All right. Secretary, can you call for a vote.

2 MS. MIXON: Commissioner Ferguson?

3 Commissioner Muhammad?

4 COMMISSIONER MUHAMMAD: No.

5 MS. MIXON: Commissioner Smalls?

6 COMMISSIONER SMALLS: Abstain.

7 MS. MIXON: Commissioner Tapscott?

8 COMMISSIONER TAPSCOTT: Yes.

9 ACTING CHAIRMAN CHRAPPAH:

10 Commissioner Chrappah?

11 ACTING CHAIRMAN CHRAPPAH: Yes.

12 MS. MIXON: You have 2 yes, 1 no, 1

13 abstain.

14 ACTING CHAIRMAN CHRAPPAH: The
15 seventh item is Emergency Rulemaking Chapter 5.
16 And that pertains to companies and associations
17 adding safety devices.

18 Way too often we hear about drivers
19 facing distress and some don't have the
20 opportunity to summon help. Passengers have also
21 been put in the same predicament. This emergency
22 rulemaking takes a strong stance on the safety of

1 our drivers and passengers in our transportation
2 and vehicle for hire ecosystem.

3 Assistant general counsel, is there
4 something you want to add to this?

5 MS. BOCOCK: No, Chairman.

6 ACTING CHAIRMAN CHRAPPAH: Any
7 questions from the Commissioners?

8 COMMISSIONER MUHAMMAD: Will it be
9 put in free? Will it be done free?

10 ACTING CHAIRMAN CHRAPPAH: The
11 marketplace determines the--

12 COMMISSIONER MUHAMMAD: Okay. I got it.

13 ACTING CHAIRMAN CHRAPPAH: --rate
14 structure associated with this. Any other
15 questions?

16 COMMISSIONER TAPSCOTT: Yes. I'm
17 concerned about putting signaling devices in your
18 front and back. When kids get in the car is it
19 going to be in view for them to maybe push
20 things in the car and that's going to create a
21 problem me taking my passenger to the destination
22 because it's going to signal that I need help.

1 ACTING CHAIRMAN CHRAPPAH: I don't
2 anticipate that. From our research there are a
3 couple of things that I want to put in
4 perspective. As of today, there are rules for
5 requiring these safety devices to be put in the
6 vehicles. It's not been done. We cannot sit and
7 not take action and put our passengers and our
8 drivers in a position where if they face distress
9 they cannot summon help.

10 As it relates to kids, what we've seen
11 from other jurisdictions and technologies
12 available today indicate that there are ways to
13 foolproof the system and ways to childproof the
14 system by rather than having the Commission they
15 take specifically have each safety device should
16 work, what it looks like. We are setting
17 guidelines for the marketplace to respond to make
18 it safer for passengers and drivers. Any other
19 questions? Do I have a motion?

20 COMMISSIONER SMALLS: So moved.

21 ACTING CHAIRMAN CHRAPPAH: Second.

22 Madam Secretary?

1 MS. MIXON: Commissioner Ferguson?
2 Commissioner Muhammad?

3 COMMISSIONER MUHAMAD: No.

4 MS. MIXON: Commissioner Smalls?

5 COMMISSIONER SMALLS: Yes.

6 MS. MIXON: Commissioner Tapscott?

7 COMMISSIONER TAPSCOTT: No.

8 MS. MIXON: Commissioner Chrappah?

9 ACTING CHAIRMAN CHRAPPAH: Yes.

10 MS. MIXON: The vote is 2 yes, 2 no.

11 ACTING CHAIRMAN CHRAPPAH: Thank you.

12 We're going to move to the Government
13 Communications and Staff Reports section.

14 MS. BOCOCK: The Commission has 19
15 appeals before it. These appeals were filed by
16 taxicab companies who have been denied renewal of
17 their operating authority by the Office of
18 Taxicabs for failing to meet the requirement that
19 6 percent of their fleet be wheelchair-
20 accessible.

21 The 19 companies who have filed an
22 appeal with the Commission are Ambassador Cab

1 Company; Black Pearl Company; Classic Cab
2 Association; Columbia Cab Company; Constitution
3 Cab Company; Dow Cab Company; Dynasty Cab
4 Company; Essence Cab Company; Fairway Cab
5 Association; Hilltop Cab Company; Luxury Cab
6 Company; Maine Cab Company; Merritt Cab
7 Association; Patriot Cab Company; President Cab
8 Association; Rock Creek Cab Company; Silver Cab
9 Association; Time Cab Company and VIP Cab
10 Company.

11 The Commission will be deciding each
12 of these cases in its judicial capacity and each
13 of these companies are permitted to continue to
14 operate pending the outcome of their appeal.

15 We anticipate that all of these
16 appeals will be decided by the end of September
17 and I am the point of contact if there's any non-
18 legal questions that the companies may have
19 regarding the process.

20 ACTING CHAIRMAN CHRAPPAH: Thank you.

21 The second item on the General (sic)
22 Communication and Staff report is from our chief

1 enforcement officer Dennis Starks.

2 MR. STARKS: Good morning Chairman
3 Chrappah, Commissioner Muhammad, Commissioner
4 Tapscott, Commissioner Smalls.

5 As you all know, in response to the
6 public concern about whether drivers are
7 fulfilling their common carrier obligations, we
8 have over the last year and half embarked upon a
9 well publicized Anonymous Rider Program. And I
10 wanted to take a moment today just to bring you
11 up to speed on the latest stats and the results
12 of that Anonymous Rider Program.

13 It's a program that's well publicized
14 and that the community is fully cognizant of.
15 They know our riders are out there and I have
16 some interesting numbers for you.

17 Year to date from January through the
18 end of July, 387 attempted hails of which 337
19 were successful. That's a gap of 50 hails that
20 weren't served so that's a total of 50 refusals
21 to haul from January 1 through the end of July.
22 That's 12.9 percent so we still have some issues

1 out there with drivers not fulfilling their basic
2 common carry obligation.

3 The good news we're talking 88 percent
4 of drivers who are and I think our drivers should
5 be commended for that. You're doing a good job.
6 You're out there and you're serving the public
7 and we're taking notice of that so you're to be
8 commended for that.

9 But there's still a problem. One
10 refusal to haul is one refusal to haul too many
11 so we'll continue those efforts throughout the
12 course of the year. Any questions?

13 ACTING CHAIRMAN CHRAPPAH: Thank you
14 very much. Do you have a question?

15 COMMISSIONER SMALLS: Yes, I'd like to
16 ask a question.

17 MR. STARKS: Yes, ma'am?

18 COMMISSIONER SMALLS: I would like
19 to know what are some of the reasons for refusal?

20 MR. STARKS: Our riders are from all
21 races and physical abilities and it's a very good
22 question. For example, out of 155 total cab

1 rides that were hailed by black potential riders,
2 17 were refused so race was an issue.

3 COMMISSIONER MUHAMMAD: A refusal to
4 haul or a refusal to stop?

5 MR. STARKS: If you don't stop,
6 that's a refusal to haul, Commissioner. If you
7 are in plain view of a hail and you refuse to
8 stop, that in and of itself is a refusal to haul.
9 That's Title 31.

10 COMMISSIONER MUHAMMAD: Even if your
11 sign is not on?

12 MR. STARKS: Well, certainly if
13 you're not out for hire and your sign is off
14 that's a different story but if your sign is on
15 and you're in your cab--

16 COMMISSIONER MUHAMMAD: But you
17 didn't say it was on or off.

18 MR. STARKS: You're just asking me
19 that further qualification, Commissioner. I think
20 you know the answer to that question. If the sign
21 is on and you're otherwise available for hire and
22 you don't pick up a hail, that's a refusal to

1 hault.

2 Commissioner Smalls, by contrast with
3 respect to riders who have disabilities, there
4 were 86 attempted hails and 26 were refused. So
5 it's all races and physical abilities. We've got
6 all kinds of anonymous riders out there. Thank
7 you.

8 ACTING CHAIRMAN CHRAPPAH: Thank you.
9 Nice job. I'm encouraged by the recent
10 statistics of the refusal to haul because way too
11 often it's easy for all drivers who potentially
12 ignore passengers but as the Anonymous Rider
13 Program is showing (1) there's a segment of
14 drivers who are doing the right thing.

15 But more importantly we have to get to
16 100 percent. Every passenger who wishes to go
17 from Point A to Point B when they choose to take
18 taxis it's an opportunity for us to win back a
19 customer that we lost. So this is something that
20 we are paying close attention to. And looking to
21 improve statistics over time.

22 There's a third segment of the

1 government communications and staff reports that
2 we will be for the first time. This forum
3 presents an opportunity for us to educate each
4 other and also spread accurate information. In
5 the last Commission meetings a number of
6 incorrect statements were made and we view this
7 opportunity to right those statements so that
8 people leave with a better impression of what can
9 be done.

10 For one thing, the idea that the
11 private vehicles for hire charge 8 cents is not
12 accurate. That is one percent of their gross
13 receipts and that is something that is in the
14 legislation.

15 There was another gentleman who also
16 said he's part of the Teamsters Union but that is
17 not correct. So what we will be doing on an
18 ongoing basis is review the transcripts and if
19 errors or inaccuracies were made we will correct
20 them in a subsequent meeting.

21 Now shall we go the open commentary
22 period? We'll move to the public commentary

1 period. Madam Secretary, could you call the
2 attendees.

3 MS. MIXON: Yes. The first name is,
4 and forgive me if I don't have it right, Mr.
5 Abdelwahab Hassan. And just for the record and
6 to make sure we have it right, would you spell
7 your name for the record and sign in and then the
8 time starts. Thank you for your statement.

9 MR. HASSAN: Mr. Commissioner and
10 respected members of the panel, the industry you
11 are presiding over is at the threat of being
12 rapidly extinct. Uber and all sharing rides
13 company are very dynamic, intelligent and
14 equipped with money and have managed to put this
15 industry in many other cities to the graveyard.

16 If you drive at night in D.C. you can
17 see that these companies have already taken more
18 than 60 percent of the business and are still
19 dangerously growing. I wonder who amongst you
20 does not have an Uber account. We cannot trust a
21 private and unregulated company to manipulate
22 such important city transportation.

1 There is still a chance for the
2 drivers of D.C. to fairly compete with those new
3 moguls but only with the help of a cooperating
4 Commission and cab companies. It would be
5 extremely difficult for the drivers to do it
6 while we are struggling with wrong or static
7 policies of the Commission or greedy companies.

8 The greedy companies are putting in
9 the streets the dirtiest and very cheap cars and
10 increasingly reluctant to put any money into
11 maintaining their cars in order to save money and
12 get richer.

13 The purpose of having companies is to
14 provide very good and well maintained cars to the
15 drivers, not just rent a piece of metal you
16 granted them to become millionaires and thus
17 defeating the purpose of their existence.

18 It is the common sense that an
19 individual owner of a car is morally liable to
20 provide cleaner and well maintained cars. On the
21 other hand, the Commission while being busy
22 modernizing the industry and disciplining the

1 drivers, did not give enough attention to the
2 increasing burdens put on them, making them poor
3 and defeated.

4 The H-tag issue has to be resolved and
5 need revolutionary acts to reverse the long
6 revered Commission policies and to gradually
7 return to the balance between drivers and cars
8 and the old open entry system. And provide a
9 policy for those who want to return their tags
10 for any reason for a 2-year chance to get their
11 tags back, to let those who want to get out of
12 this to get out freely without restraints.

13 Also, Uber have managed to obtain
14 their clients' satisfaction with older cars than
15 the proposed rules, probably ten years old, and
16 clean and much less regulated cars and operators.

17 Mr. Commissioner, we need to be one
18 hand together before it is too late and we need
19 your help with courageous decisions before they
20 promote you or leave us to restart all over again
21 with a new commissioner. Thank you so much.

22 ACTING CHAIRMAN CHRAPPAH: Thank you

1 for taking the time to share your thoughts with
2 us.

3 MR. HASSAN: Thank you.

4 ACTING CHAIRMAN CHRAPPAH: Next
5 speaker please.

6 MS. MIXON: Mr. Ronald Bethea and
7 before you start if you would just spell your
8 name for the record please and sign in.

9 MR. BETHEA: My name is Ronald Bethea
10 spelled R-o-n-a-l-d B-e-t-h-e-a. I'm with the
11 Positive Change Purchasing Cooperative LLC.

12 I'm here today to speak on three
13 issues very pointedly. On July 27th I filed with
14 the D.C. Taxicab Commission a request to have an
15 issue for clarity put on the agenda, which you
16 may have a copy of. I'm questioning why wasn't
17 the item put on the agenda being that it was
18 filed 14 days prior to the meeting pursuant to
19 municipal regulations Title 31 received by the
20 office and it was clocked in.

21 I have been working very, very
22 diligently with this Commission. On August 5th I

1 had a meeting with your chief general counsel and
2 Attorney Bocock. I felt that we had come to a
3 meeting of the minds concerning the fact that the
4 present rule which is written that applies to
5 lease contracts pertain to those vehicles that
6 were registered and already in the industry and
7 not to vehicles that are not on the street as of
8 yet or have not been put into the industry as a
9 taxicab or a limousine by a company or individual
10 driver.

11 We came to clarity and understanding
12 that there was no written regulation and that the
13 Commission did not have in fact any regulations
14 that would prohibit a company driver, whether it
15 be taxi or limousine, from entering into a lease
16 agreement and putting that vehicle on the street.

17 I was supposed to receive from Mr.
18 Jacques Lerner an email to that effect. Being
19 that I did not receive any correspondence to that
20 effect, I am requesting that the Taxicab
21 Commission would put something on their web site
22 notifying those taxicab companies, drivers and

1 limousine companies and drivers that have been
2 affected by the wheelchair taxicab amendment act
3 of 2012 requiring the different percentage of
4 vehicles being wheelchair-accessible.

5 I have been working very diligently
6 with several manufacturers and lending companies,
7 which are commercial leasing companies, and they
8 all have different criteria. Some will write A
9 paper, some will write B paper, some will write C
10 paper.

11 For the sake of time I would like to
12 go on and talk about the issue that I see clearly
13 with Transport DC. Myself, I clearly see an
14 issue as well as the fact that Commissioner
15 Tapscott has brought up this fact about the \$13
16 dollar dispatch fee.

17 I came to the orientation on July 28th
18 and I got the information. I read the
19 documentation and it clearly states that anyone
20 applying for the \$7,500 dollar grant if they
21 would put on a vehicle that that vehicle must do
22 2,400 trips in that first year. If I'm looking

1 at \$13 dollars times 2,400 that's \$31,200 dollars
2 that's being paid out in dispatch fees. If the
3 driver is receiving \$15 dollars payment and \$5
4 dollars from the passengers for a total of \$20
5 dollars, that's \$48,000 dollars a year to a total
6 of \$79,200 dollars.

7 Why does that driver of that company
8 who may not be able to clear a profit, have to
9 give up one-third of what they're earning to
10 participate in the program when we're talking
11 about there is a request in that proposal stating
12 that you must sign a contract to take the
13 dispatch service from either TransCo or Yellow
14 Cab when you're requiring that these companies
15 have the apps sender vehicles and there are
16 different other ways that they can receive this
17 dispatch?

18 The other issue that I would like to
19 address very briefly with the time I have
20 allotted, is the fact that I've spoken with a
21 number of the owners. The owners have to try to
22 make a return on the investment in renting these

1 wheel-chair accessible vehicles out.

2 I have been one of the biggest
3 advocates for wheelchair-accessible vehicles but
4 when I get a copy of the organizational
5 operational chart for the D.C. Taxicab
6 Commission, which you can find online, you will
7 find on page 23 of that report that from July
8 which has the data for fiscal year 2013 and 2014,
9 that the total amount of money collected from the
10 25 cents was \$1,275,148 dollars.

11 Why are drivers being told and
12 companies being told somebody's doing them a
13 favor with a \$7,500 dollar grant and \$2,500
14 dollars to offset if you've collected \$1,275,148
15 dollars and that does not include the fee that's
16 charged to a driver that he pays to process the
17 25 cents? That is not being shown.

18 I think it's a travesty that the
19 Commissioners have to come to these meetings and
20 you're not paying them but \$25 dollars to show
21 up. When I looked at the line item in this
22 operational budget for fiscal year 2013 to '18,

1 the budget stipend for Commissioners to come to
2 these meetings was \$800 dollars out of an \$8
3 million dollar budget.

4 Thank you for my time.

5 ACTING CHAIRMAN CHRAPPAH: Thank you.
6 Next speaker.

7 MS. MIXON: Yes. Mr. Thomas Cambron.
8 Mr. Thomas Cambron?

9 [NO RESPONSE]

10 Next, Mr. Royale Simms. And if you
11 would spell your name and then I will start your
12 time.

13 MR. SIMMS: All right. Royale Sims.
14 R-o-y-a-l-e S-i-m-m-s, representative of the
15 Teamsters Local 922 Washington, D.C. Taxi
16 Operators Association.

17 Thanks for having me Commission. I
18 just wanted to comment on today's rules that have
19 been passed and proposed. The proposed
20 rulemaking on fines, we appreciate the
21 Commission's approach to reduce the burden on
22 taxi drivers by limiting the fines and we find it

1 very timely.

2 Fines are currently out of line with
3 the amount of income that drivers make. For
4 example, the average trip is \$10 dollars or less
5 and a fine for a dirty taxi was \$100 dollars.
6 That's an entire day's work. Likewise, the fine
7 for failure to provide a manifest to a hack
8 inspector was \$100 dollars.

9 We are excited to see these fines
10 reduced and in the case of the manifest the fine
11 is now zero. The reduction in the manifest
12 violation fine will remove stress from the
13 workplace and we really appreciate that.

14 We will continue to educate drivers on
15 the importance of keeping records but we really
16 welcome this new approach permitting warnings.
17 We want the DCTC to fully train the vehicle
18 inspection officers and make sure that they
19 implement this policy fully.

20 Safety device. We welcome the DCTC's
21 proposed approach to safety. We agree with the
22 notice that there's an immediate need to promote

1 the safety and welfare of everyone inside the
2 taxi but especially the drivers. I hear
3 Commissioner Muhammad's concerns that there will
4 be a cost passed to drivers. We think that the
5 Commission should take a further step and
6 emphasize what type of equipment is appropriate
7 and limit costs to drivers.

8 My final point would be the section on
9 compliance with deadlines. Just a few months
10 ago the DCTC had an unacceptable backlog of
11 customer complaints. This backlog was a problem
12 for customers and drivers. It helped diminish
13 the reputation of the industry. We recognize the
14 steps that the DCTC has taken to improve their
15 processes and be more responsive.

16 However, the language of the proposed
17 700.6 gives the DCTC open-ended discretion in
18 deciding when to pursue actions. It also
19 undermines basically the principles of fairness
20 by placing the burden on the respondent to prove
21 an interference with their rights.

22 When the agency misses a deadline, the

1 agency has the responsibility to show that that
2 delay did not interfere with the rights of a
3 driver or a company or anyone else who
4 participates in the industry.

5 We want the DCTC to continue to raise
6 the bar as an agency, hold itself accountable and
7 continue to meet deadlines without creating an
8 incentive for delays.

9 Thank you for your time today. We
10 will submit more comments on proposals and we
11 look forward to working with the Commission.

12 Thank you.

13 ACTING CHAIRMAN CHRAPPAH: Thank you,
14 Royale.

15 MS. MIXON: Next is Mr. Wale
16 Aboderin. Mr. Wale Aboderin?

17 [NO RESPONSE]

18 Next, Ms. Kolawole Akinadewo. And if
19 you would say your name for me again and sign in
20 please.

21 MR. AKINADEWO: Okay. My name is
22 Kolawole Akinadewo. Good morning, Mr. Chairman

1 and good morning Commissioners.

2 As I stated earlier my name and I've
3 been a District cab driver for 37 years in the
4 District with the same company, Yellow.

5 First of all, I want to refer again to
6 earn a living there. The contract that Yellow
7 and Mr. Schaefer signed with the District
8 government is not fair to the drivers. One,
9 according to the auditors the contract called for
10 \$35 dollars per passenger and the passenger will
11 pay \$5 dollars. Why does the company pay the
12 driver only \$15 dollars? So the company kept
13 \$15 dollars for themselves.

14 Then you can transport somebody from
15 here to Western Avenue. I tried it once and on
16 your meter it will rate about \$32 dollars. So I
17 appeal to the Commission to see to that, attend
18 the federal law. I work with the company for
19 years before I started full-time. If by a
20 contract the federal law says that they should
21 pay their employee 75 percent but now the cab
22 companies are not paying those 20 percent of the

1 contract with the D.C. government or Taxicab
2 Commission and I want the Commission to see to
3 this because traveling from east to west every
4 day during the rush hour doesn't pay.

5 My second point is this is a question
6 to the Commissioners. If you cannot answer it
7 today maybe at another meeting. I would like to
8 know your responsibilities to D.C. cab companies
9 but all the (inaudible) go with the drivers. I
10 have never read anything that the company should
11 be penalized for something or what it did not do
12 right to their drivers. They deliver so many
13 things, there are so many complaints about this
14 company but no action was taken against them.

15 Let me give you an example. When the
16 meters were introduced to us, Yellow used to have
17 a system where they have their own credit card.
18 They reduced it to 5 percent, on 5 percent they
19 make \$15 dollars a week to use their credit card.
20 When the Taxicab Commission approved another
21 credit card, I had mine for two years before I
22 stopped using it.

1 We are still paying that \$15 dollars
2 to them. And then they are still taking their 3
3 percent. They have us paying two ways. And
4 when the Commission fails to take action, that's
5 another thing they do that drivers don't get
6 anything from them. It's just to drain our
7 pockets. There's too much action law against the
8 drivers and not a single law against these cab
9 owners.

10 Another one, when this started they
11 were putting our money into our account, direct
12 deposit, I came over here, I talked to somebody
13 in the office. I went to six agencies in the
14 D.C. government and asked them did they have the
15 right to charge me by depositing my money and
16 kept it in an account for seven days before they
17 put it into my bank?

18 I can't get no answer. Now they are
19 taking \$4 dollars from my money (inaudible),
20 taking 3 percent from me and this 3 percent
21 cannot be charged to any passenger.

22 I would like the Commission to see to

1 all these points. The driver pay too much. We
2 don't make money. When I'm paying Yellow about
3 \$135 dollars a week, with their insurance, with
4 radio--

5 We have all these laws against
6 drivers, failure to pick up. I want this
7 Commission or the D.C. police to count how many
8 people have been brought to justice for robbing a
9 cab driver, failure to pay cab driver, giving a
10 credit card that is not working, getting away
11 from your car, giving a bounced check. In
12 Virginia it's a criminal offense. If you do that
13 in Virginia it's six months imprisonment and \$500
14 dollars.

15 There's nothing this Commission has
16 done to help the drivers. We need your help.
17 When you say drivers refuse to pick up, I've been
18 robbed twice when I've been driving. Okay? I
19 went to their lineup, I showed the people and to
20 this present time I didn't hear anything from
21 them.

22 So when I leave home I pray to God

1 that I will come back home. When there's no law
2 posted in public that if you hit any driver, if
3 you fail to pay any driver, then they will
4 (inaudible).

5 And the fourth one, I'm not going to
6 waste your time, just a minute. When you have a
7 new driver, this driver don't know anything about
8 the city. In many states like Virginia, Maryland
9 and Montgomery County, the owner they are
10 responsible to train their drivers for 48 hours,
11 giving that driver to an experienced driver to
12 train them.

13 But we don't have that. Isn't it a
14 federal law that if you hire an employee there's
15 a training period. You have to train them.
16 That is why they were blaming the driver, they
17 don't know where they are going. They came over
18 here and take the exam and passed the exam but
19 they don't know the city. It is for the cab
20 industry to train that new driver, to know what
21 to do. Thank you.

22 COMMISSIONER SMALLS: Sir, you've

1 raised some very important information. I would
2 appreciate if you could get back to the
3 Commission in writing things that you said so
4 that when many in our industry meet again these
5 points can be brought to their attention.

6 MR. AKINADEWO: Okay. Thank you.

7 ACTING CHAIRMAN CHRAPPAH: Okay.

8 Thank you Mr. Akanadewo. Next speaker.

9 MS. MIXON: Yes. Mr. Peter Harmon?

10 Mr. Peter Harmon? Next, Mr. Nathan Price.

11 Nathan Price? Next, Mr. Cyrus Aryavand?

12 [NO RESPONSE]

13 Next, Mr. Massoud Medghalchi.

14 MR. MEDGHALCHI: Good morning

15 Commissioners and Mr. Chairman. I'd like clarity
16 on something and that's the procedure for you to
17 vote. Is that in a tie or do you get to vote on
18 every item?

19 ACTING CHAIRMAN CHRAPPAH: That is
20 something that we'll have our general counsel
21 look into.

22 MR. MEDGHALCHI: I would appreciate

1 that because we're all confused about that.

2 As far as the manifest goes, the city
3 has debacled this situation too many times. Mr.
4 Linton had promised us when we were getting the
5 fancy equipment that we would have an electronic
6 manifest and drivers would not be harassed or
7 create danger to the public by trying to write
8 manifests.

9 Not only that promise was not
10 fulfilled until now, and there has been confusion
11 on how they want to enforce it and it's usually
12 used basically to get revenue for the city.
13 That's how it's perceived by all the drivers.

14 We should have the choice of written
15 or electronic manifests now. It should be the
16 driver's choice to provide it either way. That
17 was one of the items you were voting on.

18 It's on the laws as far as I know
19 right now, that the companies that have been
20 warned about the handicapped, the fulfillment of
21 their handicapped quotas, that they would be
22 issued a 180-day notice after they come up for an

1 operating permit. Operating permit comes up in
2 December. They should not be strong-armed. The
3 government should go by its own rules.

4 And I have a suggestion for you to
5 have those quotas fulfilled much sooner. Allow
6 the drivers that wanted H-tags so bad to buy the
7 cars, because I've heard from numerous drivers
8 who are willing to buy the handicapped vehicles
9 and use it towards the quota of the company that
10 they will associate with. Just allow the
11 companies to do that. We will get the
12 handicapped vehicles on the road and they will be
13 regularly driven. Just a suggestion.

14 As far as refusal to haul that Mr.
15 Stark brought up, there was a great procedure
16 employed by the D.C. government. It's amazing,
17 it's one of the million, several years ago under
18 the chairmanship of Mr. Swain. They would put a
19 person to flag a cab down between 25th and 24th
20 Street on L. The cab driver at that point will
21 have full view of a person flagging him down.

22 If he refused, I would even recommend

1 revocation of license, but make sure the driver--
2 people have become so hostile towards drivers, if
3 you're in a third lane they will put in a
4 complaint that you refused to haul them.

5 If there are two people and you have
6 responded to one, you have shaken your head and
7 they're at the corner, someone walks out the door
8 of a restaurant and tries to flag you down
9 without even noticing that you've already made
10 the eye contact with the other person, could turn
11 around hostilely and put in a report that you
12 refused them. This happens regularly.

13 It's so dynamic on the streets, so
14 many things can happen that you need to have a
15 concrete refusal to haul. And, like I said, that
16 25th to 24th Street on a one-way, when a person
17 flags the cab down, if he didn't see him then he
18 must have been either sleeping behind the wheel
19 or he's blind. At that point I would say revoke
20 his license.

21 I still have a problem and I'm going
22 to read your own second page of Title 31. "All

1 traffic stops" this is according to DCMR 31-
2 800.3. "All traffic stops must be based on
3 reasonable suspicion of a violation of law or
4 regulation or public safety."

5 The way this is being implemented
6 today is actually violation of the 14th Amendment
7 because the cabs are constantly targeted whereas
8 the private cars that are picking up passengers
9 and have decimated the drivers that they cannot
10 make an income anymore, cannot even be pinpointed
11 who they are. They're not even displaying the
12 little sign, the "U" on the back of the windows
13 in the case of Uber.

14 As far as Lyft goes, I have maybe seen
15 three cars, Lyft cars that actually had the
16 moustache and they're constantly picking up
17 passengers. There is no enforcement on private
18 cars stealing our business. I keep hammering
19 this and nothing has taken place.

20 I brought my electronic manifest.
21 Yesterday, 11 and a half hours, if you want to
22 check it, eight rides. Our rides are being

1 stolen by private cars on the street because now
2 private cars can haul passengers.

3 Instead of stopping the cab drivers
4 you should be stopping the Uber cars. We're
5 being targeted because we can be pinpointed and
6 no private car can be pinpointed on the street.
7 So they get away with murder and we keep getting
8 fines, which is producing revenue for the city.
9 And everything is hunky-dory as long as everyone
10 gets paid -- except us. Thank you, I'm done.

11 ACTING CHAIRMAN CHRAPPAH: Thank you,
12 Mr. Massoud. Next speaker?

13 MS. MIXON: Mr. Lawrence Frankel.

14 MR. FRANKEL: I'm going to pass
15 today.

16 MS. MIXON: Okay. Ms. Lawrence
17 Frankel passes today. Shall I call the names
18 again? Okay. Mr. Thomas Cambron? Mr. Peter
19 Harmon? Mr. Nathan Price? Mr. Cyrus Aryavand?

20 [NO RESPONSE]

21 That's it for all registered speakers.

22 ACTING CHAIRMAN CHRAPPAH: Thank you,

1 Madam Secretary. The public commentary period
2 has ended. The next meeting is on September 9,
3 2015. Today's meeting is adjourned.

4 (Whereupon, the proceedings in the
5 above-entitled matter having been concluded, went
6 off the record at 11:19 a.m.)

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\$1,275,148 39:10,14
\$10 41:4
\$100 5:3 41:5,8
\$12,500 10:19
\$13 37:15 38:1
\$135 47:3
\$15 38:3 44:12,13 45:19 46:1
\$2,500 11:1 39:13
\$20 6:9 38:4
\$25 5:4 39:20
\$31,200 38:1
\$32 44:16
\$35 44:10
\$4 46:19
\$48,000 38:5
\$5 38:3 44:11
\$5,000 4:22
\$500 4:21 47:13
\$7,500 10:21 37:20 39:13
\$79,200 38:6
\$8 21:8 40:2
\$800 40:2
a.m 1:10 3:2 55:6
Abdelwahab 2:14 32:5
abilities 28:21 30:5
able 38:8
Aboderin 43:16,16
above-entitled 55:5
absolutely 17:11
absolve 17:14
abstain 22:6,13
acceptance 14:10
access 17:13
accessible 8:18 10:14 11:5 25:20 39:1
account 32:20 46:11,16
accountable 43:6
accurate 31:4,12
act 8:16 37:2
Acting 1:11,13 3:3,6 4:4 4:7 5:22 6:11,16 7:8 7:12 8:5,7 9:11 10:3,6 11:10,16 12:4,6 13:2 13:8,17,19 14:17 15:1 15:3,8,11 16:1,12,19 17:9,21 18:4,18 19:11 19:15 20:3,5,17 21:3 21:22 22:9,11,14 23:6 23:10,13 24:1,21 25:9 25:11 26:20 28:13 30:8 34:22 35:4 40:5 43:13 49:7,19 54:11 54:22
action 2:6 24:7 45:14 46:4,7

actions 21:5,9 42:18
actively 8:22
acts 34:5
add 11:8 12:21 14:3,5 23:4
adding 22:17
Additionally 5:10
address 6:17,22 7:3 15:15 38:19
adjourned 55:3
Adjournment 2:17
administration's 4:9
adopted 9:9
advantage 11:6
advocates 39:3
affect 6:10 14:21
agencies 46:13
agency 42:22 43:1,6
agenda 4:8,13 6:2 8:8 9:13,14 10:7 12:7,19 13:4,20 20:6 35:15,17
ago 42:10 51:17
agree 41:21
agreed 18:21
agreement 36:16
Akanadewo 49:8
Akinadewo 2:15 43:18 43:21,22 49:6
allotted 38:20
allow 8:15 51:5,10
allows 8:18 10:9,16 12:19
amazing 51:16
Ambassador 25:22
amendment 37:2 53:6
amendments 9:4
amends 8:14
amount 39:9 41:3
Amounts 4:15
anonymous 27:9,12 30:6,12
answer 7:18 16:2 29:20 45:6 46:18
ANTHONY 1:14
anticipate 24:2 26:15
anybody 21:17
anymore 53:10
appeal 25:22 26:14 44:17
appeals 2:9 12:8 25:15 25:15 26:16
applications 14:10
applies 36:4
applying 37:20
appreciate 40:20 41:13 49:2,22
approach 40:21 41:16 41:21
appropriate 18:5 42:6

approval 18:22
approve 4:14
approved 17:20 45:20
apps 38:15
April 9:10 16:15
areas 7:15
Aryavand 49:11 54:19
asked 46:14
asking 15:17 29:18
assist 18:10
Assistant 1:17 5:17 8:10 11:7 12:20 14:2 20:7 23:3
associate 51:10
associated 23:14
association 20:14 26:2 26:5,7,8,9 40:16
associations 22:16
attempted 27:18 30:4
attend 44:17
attendees 32:2
attention 30:20 34:1 49:5
Attorney 36:2
auditors 44:9
August 1:7 3:9 35:22
authority 25:17
avail 10:18
available 10:12,14 24:12 29:21
Avenue 44:15
average 41:4
aware 10:12

B

B 30:17 37:9
B-e-t-h-e-a 35:10
back 23:18 30:18 34:11 48:1 49:2 53:12
backlog 42:10,11
bad 51:6
balance 34:7
bank 46:17
bar 43:6
based 53:2
basic 28:1
basically 42:19 50:12
basis 20:12 31:18
behavior 5:9
believe 5:20
benefit 4:20 5:1
Betha 2:14 35:6,9,9
better 31:8
BETTY 1:14
biggest 39:2
bit 8:12 20:8
black 26:1 29:1
blaming 48:16

blind 52:19
Bocock 1:17 5:17,20 8:11,13 11:9 12:22 14:5 20:9 23:5 25:14 36:2
bottom 18:6
bounced 47:11
briefly 38:19
bring 27:10
brought 37:15 47:8 49:5 51:15 53:20
budget 39:22 40:1,3
budgets 5:15
burden 4:10 40:21 42:20
burdens 34:2
business 5:14 32:18 53:18
busy 33:21
buy 51:6,8

C

C 37:9
C-O-N-T-E-N-T-S 2:1
cab 5:2 25:22 26:1,2,3,3 26:3,4,4,5,5,6,6,7,7,8 26:8,9,9 28:22 29:15 33:4 38:14 44:3,21 45:8 46:8 47:9,9 48:19 51:19,20 52:17 54:3
cabdrivers 6:4
cabs 53:7
call 2:3 7:5 9:14 11:12 13:5 22:1 32:1 54:17
called 44:9
Cambron 40:7,8 54:18
capacity 26:12
car 15:7 16:11 17:7 23:18,20 33:19 47:11 54:6
card 45:17,19,21 47:10
care 6:20
carrier 27:7
carry 17:10,16 19:3 28:2
cars 33:9,11,14,20 34:7 34:14,16 51:7 53:8,15 53:15,18 54:1,2,4
case 41:10 53:13
cases 26:12
cents 31:11 39:10,17
certainly 29:12
Chairman 1:11,13 3:3,6 4:4,5,7 5:20,22 6:11 6:16 7:8,12 8:5,7 9:11 10:3,6 11:9,10,16 12:4,6,22 13:2,8,17 13:19 14:17 15:1,3,8

15:11 16:1,12,19 17:9
 17:21 18:4,18 19:11
 19:15 20:3,5,17 21:3
 21:22 22:9,11,14 23:5
 23:6,10,13 24:1,21
 25:9,11 26:20 27:2
 28:13 30:8 34:22 35:4
 40:5 43:13,22 49:7,15
 49:19 54:11,22
chairmanship 51:18
chance 12:10 33:1
 34:10
change 20:15 35:11
channel 15:15
Chapter 5:5 7:11,16 8:9
 10:7 14:6 22:15
Chapters 8:14
charge 31:11 46:15
charged 39:16 46:21
chart 39:5
cheap 33:9
check 47:11 53:22
chief 1:18 2:10 26:22
 36:1
childproof 24:13
choice 50:14,16
choose 30:17
Chrappah 1:11,13 3:3,5
 4:3,4,7 5:22 6:11,16
 7:8,12 8:4,5,7 9:11
 10:2,3,6 11:10,16
 12:3,4,6 13:2,8,16,17
 13:19 14:17 15:1,3,8
 15:11 16:1,12,19 17:9
 17:21 18:4,18 19:11
 19:15 20:2,3,5,17
 21:3,22 22:9,10,11,14
 23:6,10,13 24:1,21
 25:8,9,11 26:20 27:3
 28:13 30:8 34:22 35:4
 40:5 43:13 49:7,19
 54:11,22
cities 32:15
city 32:22 48:8,19 50:2
 50:12 54:8
civil 20:13
clarification 20:6,16
clarifies 20:10
clarity 35:15 36:11
 49:15
Classic 26:1
clean 34:16
cleaner 33:20
clear 20:11 21:13,18
 38:8
clearly 5:7 37:12,13,19
clients 34:14
clocked 35:20
close 30:20

cognizant 27:14
collect 6:9
collected 39:9,14
Columbia 1:1 26:2
come 12:14 36:2 39:19
 40:1 48:1 50:22
comes 51:1
commended 28:5,8
comment 2:13 6:4
 40:18
commentary 31:21,22
 55:1
comments 6:1 9:13
 11:11 13:4 20:18
 43:10
commercial 37:7
Commission 1:3,5,9,17
 2:5,6 3:4,6 9:10 12:8
 17:20 18:15 20:12
 24:14 25:14,22 26:11
 31:5 33:4,7,21 34:6
 35:14,22 36:13,21
 39:6 40:17 42:5 43:11
 44:17 45:2,2,20 46:4
 46:22 47:7,15 49:3
Commission's 40:21
commissioner 1:14,14
 1:15 2:5 3:17,19,20
 3:21,22 4:1,2,3 6:3,15
 7:6,7,10,19,20,21,22
 8:1,2,3,4 9:15,16,17
 9:18,20,21,22 10:1,2
 11:14,15,17,18,19,20
 11:21,22 12:1,3 13:6
 13:7,9,10,11,12,13,14
 13:15,16 14:20 15:2,5
 15:10,16 16:2,6,14
 17:5,17 18:1,11 19:10
 19:14,16,17,18,19,20
 19:21,22 20:1,2,19
 21:21 22:2,3,4,5,6,7,8
 22:10 23:8,12,16
 24:20 25:1,2,3,4,5,6,7
 25:8 27:3,3,4 28:15
 28:18 29:3,6,10,16,19
 30:2 32:9 34:17,21
 37:14 42:3 48:22
commissioners 1:12
 6:1 9:12 11:11 13:3
 14:18 23:7 39:19 40:1
 44:1 45:6 49:15
commitment 4:9 19:5
common 27:7 28:2
 33:18
Communication 2:7
 26:22
communications 2:5
 25:13 31:1
community 27:14
companies 8:15,19
 10:13,17 12:11,15
 20:22 21:14 22:16
 25:16,21 26:13,18
 32:17 33:4,7,8,13
 36:22 37:1,6,7 38:14
 39:12 44:22 45:8
 50:19 51:11
company 20:6,13 21:7
 21:17,19 26:1,1,2,3,3
 26:4,4,5,6,6,7,8,9,10
 32:13,21 36:9,14 38:7
 43:3 44:4,11,12,18
 45:10,14 51:9
company's 21:2
compete 33:2
competitive 4:11
competitiveness 14:2
 15:12
complaint 12:17 52:4
complaints 12:16 42:11
 45:13
compliance 42:9
concern 16:3 17:10
 27:6
concerned 23:17
concerning 36:3
concerns 15:14 42:3
concluded 55:5
concrete 52:15
condition 8:21
confused 50:1
confusion 50:10
consistent 10:10
constant 15:6,9
constantly 15:22 53:7
 53:16
Constitution 26:2
contact 18:14,17 19:1,8
 26:17 52:10
contains 8:9
continue 18:12 26:13
 28:11 41:14 43:5,7
contract 38:12 44:6,9
 44:20 45:1
contractor 21:20
contractors 21:11
contracts 36:5
contrast 30:2
cooperating 33:3
Cooperative 35:11
copies 17:3 19:4,7
copy 16:9,18,20 17:4,16
 17:19 18:9,22 19:1,2
 19:8 35:16 39:4
corner 52:7
correct 31:17,19
Correction 2:12
correspondence 36:19

cost 5:14 11:1 19:4
 42:4
costs 42:7
counsel 1:18 2:9 5:17
 8:11 11:7 12:20 14:3
 20:7 23:3 36:1 49:20
count 47:7
County 48:9
couple 24:3
courageous 34:19
course 28:12
covered 5:21 13:1
create 23:20 50:7
creating 43:7
credit 45:17,19,21
 47:10
Creek 26:8
criminal 47:12
criteria 37:8
current 10:17 17:11
currently 4:22 41:2
customer 30:19 42:11
customers 12:12 42:12
Cyrus 49:11 54:19

D

D.C 1:3,10 3:6,8 10:14
 10:17 17:6 32:16 33:2
 35:14 39:5 40:15 45:1
 45:8 46:14 47:7 51:16
danger 50:7
dangerously 32:19
data 39:8
date 15:20 27:17
day 45:4
day's 41:6
days 35:18 46:16
DC 8:10 9:1,2,7 37:13
DCMR 53:1
DCTC 8:20 41:17 42:10
 42:14,17 43:5
DCTC's 41:20
deadline 42:22
deadlines 42:9 43:7
debacled 50:3
December 8:18 51:2
decided 26:16
deciding 26:11 42:18
decimated 53:9
decisions 34:19
defeated 34:3
defeating 33:17
delay 43:2
delays 43:8
deliver 45:12
demand 21:2
denied 25:16
Dennis 1:18 2:10 27:1

departed 3:12
department 16:8,16
deposit 46:12
depositing 46:15
Designation 12:7
destination 23:21
determination 2:4 3:15
determines 23:11
device 24:15 41:20
devices 22:17 23:17
 24:5
different 12:11 29:14
 37:3,8 38:16
difficult 33:5
digitize 17:2
diligently 35:22 37:5
diminish 42:12
direct 46:11
dirtyest 33:9
dirty 5:2 41:5
disabilities 30:3
disability 11:4
disciplining 33:22
discretion 42:17
dispatch 37:16 38:2,13
 38:17
displaying 53:11
dispute 12:18
distress 22:19 24:8
District 1:1 44:3,4,7
documentation 37:19
documents 18:21 19:3
doing 5:14 6:5 28:5
 30:14 31:17 39:12
dollar 5:3,4 37:16,20
 39:13 40:3
dollars 4:21,22 6:9
 10:21 21:9 38:1,1,3,4
 38:5,5,6 39:10,14,15
 39:20 40:2 41:4,5,8
 44:10,11,12,13,16
 45:19 46:1,19 47:3,14
door 52:7
Dow 26:3
downtown 6:8
drain 46:6
drive 18:12 32:16
driven 51:13
driver 4:21 5:3,15 16:21
 18:9 19:1,8 21:5,9,16
 21:19 36:10,14 38:3,7
 39:16 43:3 44:3,12
 47:1,9,9 48:2,3,7,7,11
 48:11,16,20 51:20
 52:1
driver's 50:16
drivers 4:10 10:12 11:3
 12:11,15 19:6 21:10
 21:13,15 22:18 23:1

24:8,18 27:6 28:1,4,4
 30:11,14 33:2,5,15
 34:1,7 36:22 37:1
 39:11 40:22 41:3,14
 42:2,4,7,12 44:8 45:9
 45:12 46:5,8 47:6,16
 47:17 48:10 50:6,13
 51:6,7 52:2 53:9 54:3
driving 47:18
due 12:16
dynamic 32:13 52:13
Dynasty 26:3

E

earlier 44:2
earn 44:6
earning 38:9
easier 19:6
east 45:3
easy 17:2 30:11
ecosystem 23:2
educate 31:3 41:14
effect 36:18,20
efforts 28:11
eight 53:22
either 38:13 50:16
 52:18
elaborate 20:8
electronic 5:13 50:5,15
 53:20
email 36:18
embarked 27:8
emergency 8:8,13 9:8,9
 22:15,21
emphasize 42:6
employed 51:16
employee 44:21 48:14
employees 21:14
encompasses 5:19
encouraged 30:9
ended 55:2
enforce 50:11
enforcement 1:18 2:11
 4:18 5:16 15:14 17:13
 27:1 53:17
entails 8:12
entering 36:15
entire 41:6
entry 34:8
equipment 42:6 50:5
equipped 32:14
Ernest 1:11,13 3:5
errors 31:19
errors/inaccuracies
 2:12
especially 42:2
ESQ 1:17
Essence 26:4

essentially 14:15
established 4:6
establishment 8:16
exact 21:8
exam 48:18,18
example 5:2 21:6 28:22
 41:4 45:15
exceed 4:21
exception 15:9
excited 41:9
existence 33:17
existing 20:10
Expand 12:7
experience 5:16 14:1
experienced 48:11
experiences 4:12
expiration 16:4
extends 9:8
extension 14:22
extensions 14:11
extinct 32:12
extremely 33:5
eye 52:10

F

face 24:8
facing 22:19
fact 36:3,13 37:14,15
 38:20
fail 48:3
failing 25:18
fails 46:4
failure 41:7 47:6,9
fair 44:8
fairly 33:2
fairness 42:19
Fairway 26:4
fang 50:5
far 50:2,18 51:14 53:14
favor 39:13
federal 44:18,20 48:14
fee 37:16 39:15
fees 38:2
felt 36:2
Ferguson 3:18 7:19
 9:16 11:18 13:9 19:17
 22:2 25:1
fifth 13:19
file 19:9
file 25:15,21 35:13,18
final 42:8
find 39:6,7 40:22
fine 4:15 5:3,4,7 41:5,6
 41:10,12
fined 4:22
fines 4:19,20 5:1,4 7:14
 7:14,16 40:20,22 41:2
 41:9 54:8

first 3:11 4:13 6:2 31:2
 32:3 37:22 44:5
first-time 4:19
fiscal 39:8,22
flag 51:19 52:8
flagging 51:21
flags 52:17
fleet 8:17 25:19
following 4:17
foolproof 24:13
forgive 32:4
forth 5:9
forum 31:2
forward 43:11
fourth 12:6 48:5
Francisco 21:6
Frankel 54:13,14,17
frankly 21:4
free 11:3 16:4 23:9,9
freely 34:12
front 23:18
fulfilled 50:10 51:5
fulfilling 27:7 28:1
fulfillment 50:20
full 6:6 51:21
full-time 44:19
fully 27:14 41:17,19
further 14:15 19:12
 29:19 42:5

G

gap 27:19
general 1:5,17 2:9 3:4
 5:17 6:19 8:11 11:7
 12:20 14:3 20:7 23:3
 26:21 36:1 49:20
gentleman 31:15
getting 6:6 47:10 50:4
 54:7
give 5:11 12:14 17:3,12
 34:1 38:9 45:15
given 16:2
gives 42:17
giving 47:9,11 48:11
go 5:7 18:17 30:16
 31:21 37:12 45:9 51:3
God 47:22
goes 5:13 50:2 53:14
going 4:21 6:10 7:13
 18:11,14 23:19,20,22
 25:12 48:5,17 52:21
 54:14
good 3:3 27:2 28:3,5,21
 33:14 43:22 44:1
 49:14
government 1:1 2:7
 25:12 31:1 44:8 45:1
 46:14 51:3,16

gradually 34:6
grandfathering 14:7
grant 37:20 39:13
granted 33:16
graveyard 32:15
great 51:15
greedy 33:7,8
gross 31:12
growing 32:19
guidelines 24:17

H

H 10:17
H-tag 34:4
H-tags 51:6
hack 41:7
hail 29:7,22
hailed 29:1
hails 27:18,19 30:4
half 27:8 53:21
hammering 53:18
hand 33:21 34:18
handicapped 6:6 50:20
 50:21 51:8,12
happen 17:6 52:14
happens 52:12
happy 18:10
harassed 50:6
harassment 15:6,9
Harmon 49:9,10 54:19
Hassan 2:14 32:5,9
 35:3
haul 27:21 28:10,10
 29:4,6,8 30:10 51:14
 52:4,15 54:2
halt 30:1
head 52:6
hear 12:8 22:18 42:2
 47:20
heard 51:7
hearing 1:9 3:7 6:12
 18:19
held 21:7
help 5:14,18 18:9 22:20
 23:22 24:9 33:3 34:19
 47:16,16
helped 42:12
helps 19:9
Highlights 4:16
Hilltop 26:5
hire 23:2 29:13,21
 31:11 48:14
hit 48:2
hold 43:6
home 47:22 48:1
hope 19:9
hostile 52:2
hostilely 52:11

hour 45:4
hours 48:10 53:21
hunky-dory 54:9

I

idea 7:15 21:12 31:10
ignore 30:12
II 2:5
III 2:6
immediate 41:22
implement 41:19
implemented 53:5
importance 41:15
important 32:22 49:1
importantly 11:3 30:15
impression 31:8
imprisonment 47:13
improve 13:22 14:1
 30:21 42:14
improving 4:11 15:12
inaccuracies 31:19
inaudible 7:4 16:4 45:9
 46:19 48:4
incentive 10:10 43:8
incentives 5:8 10:12
include 4:16 39:15
income 41:3 53:10
incorrect 31:6
increasing 34:2
increasingly 33:10
independent 21:10,20
indicate 24:12
individual 17:14 20:21
 33:19 36:9
individuals 18:19
industry 4:11 5:6,9
 12:12 14:1 15:13
 21:10 32:10,15 33:22
 36:6,8 42:13 43:4
 48:20 49:4
information 17:13 31:4
 37:18 49:1
initiatives 17:1
inside 42:1
inspection 41:18
inspector 17:6 41:8
inspectors 15:6
instance 6:7
insurance 47:3
intelligent 32:13
intended 20:11,15
interesting 27:16
interfere 43:2
interference 42:21
introduced 45:16
investment 38:22
involves 20:8
issue 4:18 12:17 18:3
 29:2 34:4 35:15 37:12

37:14 38:18
issued 50:22
issues 12:13 27:22
 35:13
item 4:13 5:18 6:2 7:5
 8:8 9:13,14 10:7
 11:12,13 12:7,19 13:4
 13:5,20 20:6 22:15
 26:21 35:17 39:21
 49:18
items 2:6 3:10 4:8
 50:17
IV 2:7

J

J 1:18
Jacques 36:18
January 14:9 27:17,21
job 6:8 28:5 30:9
Juanda 1:17 3:15
judicial 26:12
July 27:18,21 35:13
 37:17 39:7
June 2:9
jurisdictions 24:11
justice 47:8

K

keep 10:14 18:22 53:18
 54:7
keeping 41:15
kept 44:12 46:16
kids 23:18 24:10
kinds 30:6
know 17:12 21:9 27:5
 27:15 28:19 29:20
 45:8 48:7,17,19,20
 50:18
known 9:1,1
Kolawole 2:15 43:18,22

L

L 51:20
lane 52:3
language 42:16
late 34:18
latest 27:11
law 44:18,20 46:7,8
 48:1,14 53:3
Lawrence 54:13,16
laws 47:5 50:18
lease 36:5,15
leasing 37:7
leave 31:8 34:20 47:22
leaves 16:10
legal 21:8 26:18
legislation 31:14
lending 37:6

Lerner 36:18
liability 20:13
liable 21:7 33:19
license 10:9 52:1,20
licenses 8:20 10:8
Likewise 41:6
limit 42:7
limiting 40:22
limousine 36:9,15 37:1
line 18:6 39:21 41:2
lineup 47:19
Linton 50:4
List 2:9
little 8:12 53:12
living 44:6
LLC 35:11
Local 40:15
located 3:7
long 34:5 54:9
longer 5:2
look 43:11 49:21
looked 39:21
looking 30:20 37:22
looks 21:18 24:16
lose 19:7
lost 30:19
Luxury 26:5
Lyft 53:14,15

M

ma'am 28:17
Madam 19:12 24:22
 32:1 55:1
mailed 19:4
Maine 26:6
maintained 33:14,20
maintaining 33:11
making 4:10 34:2
managed 32:14 34:13
manifest 5:13 6:10,14
 6:17 41:7,10,11 50:2
 50:6 53:20
manifests 50:8,15
manipulate 32:21
manufacturers 37:6
marketplace 23:11
 24:17
Maryland 48:8
Massoud 2:16 49:13
 54:12
matter 55:5
meant 14:6
Medghalchi 2:16 49:13
 49:14,22
meet 8:19 25:18 43:7
 49:4
meeting 1:5 3:5 9:10
 17:15 31:20 35:18
 36:1,3 45:7 55:2,3

meetings 31:5 39:19
40:2
members 32:10
Merritt 26:6
met 1:9
metal 33:15
meter 44:16
meters 45:16
microphone 12:2
million 21:8 40:3 51:17
millionaires 33:16
minds 36:3
mine 45:21
minute 48:6
misses 42:22
Mixon 1:17 3:15,17,19
4:3,5 7:9,19,22 8:2,4
8:6 9:16,20,22 11:17
11:20,22 12:3,5 13:9
13:12,14,16,18 19:17
19:20,22 20:2,4 22:2
22:5,7,12 25:1,4,6,8
25:10 32:3 35:6 40:7
43:15 49:9 54:13,16
modernizing 33:22
Modify 13:20
moguls 33:3
moment 2:3 3:11,13
27:10
money 32:14 33:10,11
39:9 46:11,15,19 47:2
Monica 5:17
MONIQUE 1:17
Montgomery 48:9
months 42:9 47:13
morally 33:19
morning 3:4 27:2 43:22
44:1 49:14
motion 7:4 9:14 11:12
13:5 15:4 19:13 21:20
24:19
motor 16:8,16 17:18
18:2,6
moustache 53:16
move 25:12 31:22
moved 7:6 11:14 13:6
19:14 21:21 24:20
MUHAMAD 25:3
Muhammad 1:14 3:19
3:20 7:10,20,21 9:17
9:18 11:15,18,19
13:10,11 15:5,10,16
19:18,19 22:3,4 23:8
23:12 25:2 27:3 29:3
29:10,16
Muhammad's 42:3
multiple 12:16
municipal 35:19
murder 54:7

MV1 10:20

N

name 3:5 32:3,7 35:8,9
40:11 43:19,21 44:2
names 54:17
Nathan 49:10,11 54:19
need 19:1 23:22 34:5
34:17,18 41:22 47:16
52:14
never 21:4 45:10
new 8:20,22 9:5 14:10
33:2 34:21 41:16 48:7
48:20
news 28:3
Nice 30:9
night 32:16
NIXON 3:21 4:1
non 26:17
notice 1:11 28:7 41:22
50:22
noticing 52:9
notifying 36:22
notion 15:9
number 12:11 31:5
38:21
numbers 27:16
numerous 51:7

O

obligation 28:2
obligations 27:7
observe 3:11
obtain 8:20 34:13
October 14:11
offense 47:12
office 1:3 18:8 19:5
25:17 35:20 46:13
officer 1:19 2:11 27:1
officers 41:18
Offices 8:21
offset 11:1 39:14
Okay 3:17 7:9 13:2
14:17 18:4 23:12
43:21 47:18 49:6,7
54:16,18
old 34:8,15
older 14:7 15:7,18,20
17:7 34:14
once 16:7 44:15
one-third 38:9
one-way 52:16
ongoing 31:18
online 39:6
open 31:21 34:8
open-ended 42:17
operate 9:5 26:14
operating 9:6 25:17

51:1,1
operational 39:5,22
operators 34:16 40:16
opportunities 4:17
opportunity 5:11 10:18
11:5 12:13 13:22
22:20 30:18 31:3,7
order 2:3 8:19 33:11
organizational 39:4
orientation 37:17
original 16:9,18 17:4
outcome 26:14
owner 19:5 20:21,22
21:2 33:19 48:9
owners 18:20 38:21,21
46:9

P

P-R-O-C-E-E-D-I-N-G-S
3:1
page 2:2 39:7 52:22
paid 38:2 54:10
panel 32:10
paper 5:12 37:9,9,10
part 31:16
participate 5:6 12:12
38:10
participates 43:4
pass 54:14
passed 40:19 42:4
48:18
passenger 23:21 30:16
44:10,10 46:21
passengers 22:20 23:1
24:7,18 30:12 38:4
53:8,17 54:2
passes 54:17
pathways 12:17
Patriot 26:7
pay 6:7 44:11,11,21
45:4 47:1,9 48:3
paying 30:20 39:20
44:22 46:1,3 47:2
payment 6:12,21 38:3
payments 6:22
pays 39:16
Pearl 26:1
penalized 45:11
pending 26:14
people 5:6,18 6:6 7:17
12:11 16:3 17:11 31:8
47:8,19 52:2,5
perceived 50:13
percent 8:16 25:19
27:22 28:3 30:16
31:12 32:18 44:21,22
45:18,18 46:3,20,20
percentage 37:3

period 2:13 9:3 31:22
32:1 48:15 55:1
permit 51:1,1
permitted 26:13
permitting 41:16
person 20:14 51:19,21
52:10,16
personnel 4:18 17:13
18:9
perspective 24:4
pertain 36:5
pertains 22:16
Peter 49:9,10 54:18
phase 13:21 14:7 15:13
physical 28:21 30:5
pick 29:22 47:6,17
picking 53:8,16
piece 33:15
pinpointed 53:10 54:5
54:6
place 1:10 3:8 5:7 7:3
53:19
placing 42:20
plain 29:7
plays 6:13
please 35:5,8 43:20
pockets 46:7
point 26:17 30:17,17
42:8 45:5 51:20 52:19
pointedly 35:13
points 47:1 49:5
police 47:7
policies 33:7 34:6
policy 34:9 41:19
poor 34:2
population 6:19
position 24:8
Positive 35:11
posted 48:2
potential 29:1
potentially 30:11
pray 47:22
predicament 22:21
present 1:12,16 3:20
4:4 36:4 47:20
presented 17:4
presents 31:3
President 26:7
presiding 1:11 32:11
preventive 19:2
previous 9:8
previously 9:1
Price 49:10,11 54:19
principles 42:19
prior 35:18
private 21:1 31:11
32:21 53:8,17 54:1,2
54:6
probably 34:15

problem 16:20 23:21
28:9 42:11 52:21
procedure 49:16 51:15
proceedings 55:4
process 12:16 18:16
26:19 39:16
processes 7:3 42:15
produce 16:22
producing 54:8
profit 38:8
program 6:19 8:10 9:2
9:7 10:11,16 27:9,12
27:13 30:13 38:10
programs 10:10
prohibit 36:14
promise 50:9
promised 50:4
promote 34:20 41:22
proof 16:11 17:7
proposal 38:11
proposals 43:10
proposed 4:14,16 5:10
5:19 7:2,13 8:14 10:7
14:6 20:9 34:15 40:19
40:19 41:21 42:16
prove 42:20
provide 20:12 33:14,20
34:8 41:7 50:16
provided 7:1
provisions 7:15
public 2:13 3:7 27:6
28:6 31:22 48:2 50:7
53:4 55:1
publication 4:14
publicized 27:9,13
publish 7:13
pulled 18:13,15 19:3
pulls 17:6
purchase 10:20,22
16:16,17
Purchasing 35:11
purpose 33:13,17
pursuant 1:10 35:18
pursue 42:18
push 23:19
put 7:16 22:21 23:9
24:3,5,7 32:14 33:10
34:2 35:15,17 36:8,21
37:21 46:17 51:18
52:3,11
puts 21:2
putting 23:17 33:8
36:16 46:11

Q

qualification 29:19
question 6:7 7:18 12:1
16:7,13,14 28:14,16
28:22 29:20 45:5

questioned 15:21
questioning 35:16
questions 6:1 9:12
11:11 13:3 14:19
19:12 20:18 23:7,15
24:19 26:18 28:12
quicker 12:14
quite 18:5 21:4
quo 21:5
quorum 2:4 3:16 4:5
quota 51:9
quotas 50:21 51:5

R

R-o-n-a-l-d 35:10
R-o-y-a-l-e 40:14
race 29:2
races 28:21 30:5
radio 47:4
raise 43:5
raised 49:1
rapidly 32:12
rate 23:13 44:16
read 37:18 45:10 52:22
ready 16:7
really 41:13,15
reason 34:10
reasonable 53:3
reasons 28:19
receipts 31:13
receive 36:17,19 38:16
received 35:19
receiving 6:12 38:3
recognize 42:13
recognizes 5:11
recommend 51:22
record 6:18 32:5,7 35:8
55:6
records 17:2 41:15
reduce 5:14 40:21
reduced 41:10 45:18
reducing 4:9
reduction 41:11
refer 44:5
refusal 28:10,10,19
29:3,4,6,8,22 30:10
51:14 52:15
refusals 27:20
refuse 29:7 47:17
refused 29:2 30:4 51:22
52:4,12
regarding 6:2 11:12
13:4 26:19
registered 2:13 36:6
54:21
regularly 51:13 52:12
regulated 34:16
regulation 5:19 7:2
21:12 36:12 53:4

regulations 4:10 35:19
36:13
relates 6:21 7:14 24:10
relationship 21:18
relocated 5:5 7:16
reluctant 33:10
Remarks 2:5
remove 41:12
renew 17:19
renewal 25:16
rent 33:15
rental 11:1
renting 38:22
repealing 10:8,9
report 2:10 26:22 39:7
52:11
reports 2:8 25:13 31:1
representative 40:14
reputation 42:13
request 16:21 35:14
38:11
requesting 36:20
require 9:4
required 8:15 14:12
17:10
requirement 8:19 25:18
requirements 9:6
requires 17:16
requiring 14:8 16:9
17:19 18:7 24:5 37:3
38:14
research 24:2
residents 10:17
resolve 12:13
resolved 12:18 34:4
resolves 16:3
respect 30:3
respected 32:10
respond 24:17
responded 52:6
respondent 42:20
response 27:5 40:9
43:17 49:12 54:20
responsibilities 45:8
responsibility 17:15
18:20 20:7 21:1,16
43:1
responsible 20:21
48:10
responsive 42:15
restart 34:20
restaurant 52:8
restraints 34:12
result 7:4 14:15,16
results 27:11
retired 14:9
Retirement 13:20
return 34:7,9 38:22
revenue 50:12 54:8

revered 34:6
reverse 34:5
review 31:18
Revision 4:15
revisions 4:16 8:10
revocation 52:1
revoke 52:19
revolutionary 34:5
richer 33:12
Rider 27:9,12 30:12
riders 27:15 28:20 29:1
30:3,6
ridership 4:11 14:1
rides 29:1 32:12 53:22
53:22
right 6:15 11:17 14:22
22:1 30:14 31:7 32:4
32:6 40:13 45:12
46:15 50:19
rights 20:20 21:15
42:21 43:2
road 15:7,18,20 51:12
robbed 47:8
robbing 47:8
Rock 26:8
role 6:13,17
Ron 2:14
Ronald 35:6,9
Room 1:10 3:7
Royale 2:15 40:10,13
43:14
rule 20:10,20 36:4
rulemaking 4:14 5:10
7:13 8:9,14 9:7,8,9
10:7 14:6,14 20:10
22:15,22 40:20
rules 10:9 13:21 24:4
34:15 40:18 51:3
rush 45:4

S

S-i-m-m-s 40:14
S.E 1:10 3:8
safer 24:18
safety 22:17,22 24:5,15
41:20,21 42:1 53:4
sake 37:11
San 21:6
satisfaction 34:14
save 33:11
saying 17:18
says 44:20
Schaefer 44:7
seat 12:10
second 6:13,17 7:7 8:8
8:8,13 9:13,14,15
11:15 13:7 19:15,16
21:22 24:21 26:21
45:5 52:22

Secretary 1:17 3:15 7:8
11:16 13:8 19:12 22:1
24:22 32:1 55:1
section 14:8 20:10
25:13 42:8
see 12:13 15:7 32:17
37:12,13 41:9 44:17
45:2 46:22 52:17
seen 24:10 53:14
segment 30:13,22
sender 38:15
sense 33:18
sensitivity 11:4
September 26:16 55:2
served 27:20
service 10:15 38:13
Services 16:22 18:9
19:1,8
serving 28:6
set 5:9
setting 24:16
seven 3:10 4:8 46:16
seventh 22:15
shaken 52:6
Shannon 1:10 3:8
share 35:1
sharing 32:12
show 4:8 39:20 43:1
showed 47:19
showing 30:13
shown 39:17
sic 26:21
sign 29:11,13,14,20
32:7 35:8 38:12 43:19
53:12
signal 23:22
signaling 23:17
signed 44:7
silence 2:3 3:12,13
Silver 26:8
Simms 2:15 40:10,13
simple 18:6,19
simply 21:17
Sims 40:13
single 5:7 46:8
Sir 48:22
sit 24:6
site 36:21
situation 50:3
six 46:13 47:13
sixth 20:5
sleeping 52:18
Smalls 1:14 3:21,22 7:6
7:22 8:1 9:15,20,21
10:2,4 11:14,20,21
13:7,12,13 18:11
19:10,14,20,21 22:5,6
24:20 25:4,5 27:4
28:15,18 30:2 48:22

somebody 19:7 44:14
46:12
somebody's 39:12
sooner 51:5
sort 21:4
Southwest 6:8
speak 35:12
speaker 35:5 40:6 49:8
54:12
speakers 2:13 54:21
special 6:18
specifically 5:13 7:2
10:19 24:15
speed 27:11
spell 32:6 35:7 40:11
spelled 35:10
spoken 38:20
spread 31:4
staff 1:16 2:7 25:13
26:22 31:1
stance 22:22
STANLEY 1:15
Stark 51:15
Sharks 1:18 2:10 27:1,2
28:17,20 29:5,12,18
start 35:7 40:11
started 44:19 46:10
starts 32:8
stated 44:2
statement 32:8
statements 31:6,7
states 37:19 48:8
static 33:6
stating 38:11
statistics 30:10,21
stats 27:11
status 21:5
stealing 53:18
step 42:5
steps 42:14
stipend 40:1
stolen 54:1
stop 29:4,5,8
stopped 15:17 45:22
stopping 54:3,4
stops 53:1,2
story 29:14
streamline 5:15
street 17:7 36:7,16
51:20 52:16 54:1,6
streets 33:9 52:13
stress 41:12
strong 22:22
strong-armed 51:2
structure 5:8 23:14
struggling 33:6
submit 16:17 18:12,21
43:10
subsequent 31:20

substantive 20:15
successful 27:19
suggestion 51:4,13
Suite 1:10
summon 22:20 24:9
supposed 36:17
sure 18:5 21:7,17 32:6
41:18 52:1
suspicion 53:3
Swain 51:18
system 24:13,14 34:8
45:17

T

tag 16:16,17 17:19 18:3
tags 10:18 16:8 34:9,11
take 6:8,20 11:6 15:8
21:1 24:7,15 27:10
30:17 38:12 42:5 46:4
48:18
taken 32:17 42:14
45:14 53:19
takes 20:20 21:15,15
22:22
talk 12:10 37:12
talked 46:12
talking 28:3 38:10
Tapscott 1:15 4:1,2 6:3
6:15 7:7 8:2,3 9:22
10:1 11:22 12:1 13:6
13:14,15 14:20 15:2
16:2,6,14 17:5,17
18:1 19:16,22 20:1,19
21:21 22:7,8 23:16
25:6,7 27:4 37:15
targeted 53:7 54:5
taxi 9:1 36:15 40:15,22
41:5 42:2
taxicab 1:3 3:6 5:16
8:15,20 10:8 18:14
20:13 25:16 35:14
36:9,20,22 37:2 39:5
45:1,20
Taxicabs 8:21 18:8
25:18
taxis 30:18
Teamsters 31:16 40:15
technologies 24:11
technology 5:11 6:19
17:12
tell 8:11
ten 34:15
term 16:5 21:8
terms 17:15
Thank 4:7 8:7 9:11
14:18 15:2 16:5 19:10
19:11 20:17 25:11
26:20 28:13 30:6,8
32:8 34:21,22 35:3

40:4,5 43:9,12,13
48:21 49:6,8 54:10,11
54:22
Thanks 40:17
thing 30:14 31:10 46:5
things 5:12 6:12 19:6
23:20 24:3 45:13 49:3
52:14
think 12:22 16:1 28:4
29:19 39:18 42:4
third 10:6 30:22 52:3
Thomas 40:7,8 54:18
thoughts 35:1
threat 32:11
three 9:3 35:12 53:15
tie 49:17
time 3:9,14 12:14 18:15
26:9 30:21 31:2 32:8
35:1 37:11 38:19 40:4
40:12 43:9 47:20 48:6
timely 41:1
times 38:1 50:3
Title 4:15 29:9 35:19
52:22
today 3:8,10 24:4,12
27:10 35:12 43:9 45:7
53:6 54:15,17
today's 40:18 55:3
told 39:11,12
total 27:20 28:22 38:4,5
39:9
traffic 53:1,2
train 41:17 48:10,12,15
48:20
training 11:4,5 48:15
TransCo 38:13
transcripts 31:18
transferable 10:8
transparency 5:5
transparent 7:17
transport 8:10 9:2,7
37:13 44:14
transportation 6:5 23:1
32:22
traveling 45:3
travesty 39:18
tried 44:15
tries 52:8
trip 6:18 41:4
trips 37:22
trust 32:20
try 38:21
trying 50:7
turn 3:14 18:2 52:10
twice 47:18
two 6:12 45:21 46:3
52:5
type 42:6

U

U 53:12
Uber 32:12,20 34:13
 53:13 54:4
unacceptable 42:10
unambiguously 21:13
undermines 42:19
understand 5:7,8,18
 7:17 20:22
understanding 36:11
underway 17:1
Union 31:16
unregulated 32:21
use 17:12 45:19 51:9
usually 50:11

V

V 2:13
vehicle 8:20 10:8,9,20
 10:22 11:2 13:20
 15:18,20 16:8,16
 17:18 18:7 23:2 36:16
 37:21,21 41:17
vehicles 8:17,17,22 9:5
 10:14 14:7,8,11,12,15
 14:21 18:2 24:6 31:11
 36:5,7 37:4 38:15
 39:1,3 51:8,12
venue 18:5
VI 2:17
view 23:19 29:7 31:6
 51:21
violation 41:12 53:3,6
violators 4:19
VIP 26:9
Virginia 47:12,13 48:8
vote 4:13 7:5 8:6 9:14
 10:4 11:13 12:5 13:18
 20:4 22:1 25:10 49:17
 49:17
voting 7:11 50:17

W

W 1:15
waiver 14:16 15:19,19
 15:21,22 16:7,9,10,15
 16:18,20 17:8,10,16
 18:12,14,16,22
waivers 13:21 15:13
 16:3
Wale 43:15,16
walks 52:7
want 23:4 24:3 34:9,11
 41:17 43:5 44:5 45:2
 47:6 50:11 53:21
wanted 27:10 40:18
 51:6
warned 50:20

warning 5:3
warnings 4:18 41:16
Washington 1:10 3:8
 6:8 40:15
wasn't 35:16
waste 48:6
way 20:22 21:14 22:18
 30:10 50:16 53:5
ways 24:12,13 38:16
 46:3
we'll 16:22 28:11 31:22
 49:20
we're 6:6 7:10 25:12
 28:3,7 38:10 50:1
 54:4
we've 24:10 30:5
web 36:21
Wednesday 1:7 3:9
week 45:19 47:3
weeks 12:9
welcome 3:4 41:16,20
welfare 42:1
went 16:15 46:13 47:19
 55:5
weren't 27:20
west 45:3
Western 44:15
wheel 52:18
wheel-chair 39:1
wheelchair 8:17 10:13
 11:4 25:19 37:2
wheelchair-accessible
 9:5 10:11,20,22 11:2
 37:4 39:3
willing 51:8
win 30:18
windows 53:12
wishes 30:16
wonder 32:19
work 24:16 41:6 44:18
working 35:21 37:5
 43:11 47:10
workplace 41:13
write 37:8,9,9 50:7
writing 49:3
written 36:4,12 50:14
wrong 33:6

X**Y**

year 11:2 14:12 27:8,17
 28:12 37:22 38:5 39:8
 39:22
years 9:3 34:15 44:3,19
 45:21 51:17
Yellow 38:13 44:4,6
 45:16 47:2

Yesterday 53:21

Z

zero 41:11

0**1**

1 2:6,9 7:5 13:18 14:9
 20:4 22:12,12 27:21
 30:13
10 8:14 10:7
10:00 1:10
10:10 3:2,9
100 30:16
11 53:21
11:19 55:6
12 1:7 7:11
12.9 27:22
12th 3:9
14 7:11 35:18
14th 53:6
155 28:22
16 7:11
17 29:2
18 7:11 8:9,14 39:22
180-day 50:22
19 25:14,21

2

2 2:10 12:5,5 22:12
 25:10,10
2-year 34:10
2,400 37:22 38:1
20 5:5 7:16 44:22
20020 1:10
2012 37:3
2013 39:8,22
2014 8:18 39:8
2015 1:7 2:9 55:3
2016 14:2,13
2017 14:9,16
2023 1:10 3:7
2235 1:10 3:8
23 39:7
24th 51:19 52:16
25 2:9,10 39:10,17
25th 51:19 52:16
26 30:4
27th 35:13
28th 37:17

3

3 2:3,12 10:4 13:18 20:4
 46:2,20,20
30 2:9,12
30th 14:11
31 4:15 8:18 29:9 35:19

52:22 53:1
32 2:13
337 27:18
37 44:3
387 27:18

4

4 2:5,6
4-10 7:11
4-zip 8:6
48 48:10

5

5 22:15 45:18,18
50 8:16 27:19,20
517 20:11
55 2:17
5th 35:22

6

6 14:6 25:19
60 32:18
609.2 14:8

7

7 2:6
700.6 42:17
75 44:21

8

8 31:11
800.3 53:2
86 30:4
88 28:3
8th 9:10

9

9 55:2
922 40:15

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Before: DCTC

Date: 08-12-2015

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