

**MINUTES**

**PUBLIC TRANSPORTATION COMMISSION**

**WEDNESDAY, OCTOBER 14, 2009**

**COUNTY COMMISSIONERS' BOARD ROOM**

**601 E. KENNEDY BLVD., SECOND FLOOR**

**I. CALL TO ORDER**

*The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:12 a.m. The following Commission members were present:*

*Chairman Kevin White  
Commissioner Rose Ferlita  
Commissioner Ken Hagan  
Commissioner Dan Raulerson  
Councilman Joseph Caetano  
Councilman John Dingfelder  
Councilmen Mark A. Knapp*

*Board of County Commissioners  
Board of County Commissioners  
Board of County Commissioners  
City of Plant City  
City of Tampa  
City of Tampa  
City of Temple Terrace*

*Commissioner Rose Ferlita and Councilman Mark A. Knapp were not present.*

**II. INVOCATION AND PLEDGE OF ALLEGIANCE**

*Commissioner Raulerson led the Commission in the invocation and pledge of allegiance.*

**III. SWEARING IN OF WITNESSES**

*Chairman White performed a mass swearing in of the witnesses wishing to speak before the Commission.*

**IV. AUDIENCE PARTICIPATION**

*None*

**V. REPORTS – For receipt and filing.**

A. Inspector's Report – September, 2009

B. Fiscal Year Status Report

C. Year-to-Date Report

*Motion to receive and file all reports was made by Commissioner Raulerson seconded by Councilman Dingfelder and carried unanimously.*

## VI. CONSENT ITEMS

- A. September 9, 2009 Public Transportation Commission meeting minutes
- B. Approval of Public Vehicle Driver's Licenses – September, 2009
- C. Administrative Change application from A & M Towing, Inc. for an address/location change
- D. Administrative Change application from Ameri Limo Services, LLC for an address change
- E. Administrative Change application from Kings Realty & Property Mgmt., Inc. d/b/a Kings Executive Limo and Service for an ownership change from LaClair Limousines, Inc. to Kings Realty & Property Mgmt., Inc. d/b/a Kings Executive Limo and Service

***Motion to approve the consent items was made by, Councilman Dingfelder seconded by Commissioner Raulerson and carried unanimously.***

## VII. ATTORNEY'S REPORT

***Chairman White asked if Attorney Perez had anything to report.***

***Attorney Perez said that he wanted to bring the Board up to speed regarding some actions of the PTC involving NEVs. The County Attorney's office was directed to get an advisory opinion from the Attorney General's office. The County Attorney's office went through that process and prepared and submitted the request for opinion to the Attorney General. The Attorney General's office responded back and said that they would not be issue an opinion regarding the matter because a lawsuit has been filed. Red Top Cab Company has filed a lawsuit seeking declaratory relief with regard to the issue of "for-hire" compensation and how that is to be construed in relation to the PTC's jurisdiction over it's "Green Fleet". As a result the Attorney General's office will not be issuing an opinion. Therefore, the County Attorney's office is defending that action and will be filing the appropriate pleadings in defense of that action. Attorney Perez said that he purpose in bringing up this matter was to offer a warning the board that this matter is in litigation.***

## VIII. OLD BUSINESS

## IX. NEW BUSINESS

### A. Public Hearings

#### 1. Limousine Service Applications

- a. Executive Limousine of Tampa Bay, LLC (Wesley Chapel, FL) – application for a limousine certificate and five (5) unrestricted limousine permits

***Director Padilla gave a summary of the Hearing Officer's recommendation for approval of the application for a certificate and three (3) of the five (5) unrestricted limousine permit requested by Executive Limousine of Tampa Bay, LLC. Chairman White asked if anyone wanted to speak regarding the application. The owner was present, but he had no questions.***

*Terry Kurmay, the owner of Executive Limousine and Chauffeur Service said that he had sent a letter to the owner of this company and saying that he cannot use the Executive name since he has been using it for five years. He said that he also sent a letter to Director Padilla and asked him to cease and desist using the Executive name with a deadline of today's date. He said he received no response. Mr. Kurmay said that at this time, his attorney will file a suit for the use of the Executive Limousine name that he has been using in good faith. He said the fact that this petitioner is using his name is confusing his customers. Therefore, he asked the Board not to grant the permits requested by Executive Limousine of Tampa Bay, LLC since in his opinion, they are the same name.*

*Chairman White asked what his company name is. Mr. Kurmay said, "Executive Limousine and Chauffeur Service, Inc." He said almost everyone has an incorporation, but they use Executive Limousine and have been using that name for five years.*

*Councilman Caetano asked if the applicant was registered with state as Executive as well and Mr. Kurmay said they were registered ad Executive. Councilman Caetano then said that if this has happened, then the State must have approved their request and registration for their business name because there was some wording in there that gave them the right to use that name. He said that Mr. Kurmay's company name was actually Executive Limousine and Chauffeur Service.*

*Mr. Kurmay said that there are Executive Limousines all over the United States just like there are Yellow Cab companies all over the United States. However, if someone came to Florida and said that they were going to use the Yellow Cab name in Tampa Bay as a d/b/a, that is the business that they would use as a corporation. His problem was with the fictitious name and it would be the operational name. Therefore, if someone called the other company and said that they wanted Executive Limousine, and one of those clients gets that company, and that company does not perform well, they might think it would be Mr. Kurmay's company and it would be confusing.*

*Chairman White said that the Board understood the point.*

*Councilman Dingfelder asked Attorney Perez of the application was approved and Chairman White said no because there was no vote yet. Councilman Dingfelder said that there was a motion to approve Executive Limousine of Tampa Bay and then he pointed out that the other company was under the name of Executive Limousine and Chauffeur. He said that there was a problem with the overlap of the names and he asked if the PTC had jurisdiction to address that matter.*

*Attorney Perez that it did not appear that the PTC did, but he would look into if the Board wanted. He said that generally, when someone incorporates, there are restrictions on corporate names that someone can take if the name already exists. They can not register under the same name.*

*Councilman Dingfelder said that the applicant has already gone to Tallahassee and dealt with that issue so, the names were not close enough where it was a problem. Although the Board sympathized with Mr. Kurmay, they do not have the ability to judge that and Mr. Kurmay might have to take it to a judge to deal with the matter.*

*Chairman White said that one of the main issues is that Mr. Kurmay's company is incorporated and the applicant is an LLC, so they are considered separate entities. Therefore, even though the names are close, one is an incorporation and the other is an LLC and they are two different things and that may be the reason that the State approved the applicant.*

*Mr. Kurmay asked the PTC to delay their approve and let him file his suit.*

*Chairman White said that if the PTC does not have jurisdiction, then there is not reason for them to delay approval. If another agency has jurisdiction, then they would have to make that decisions. The Chairman asked Attorney Perez if that was correct.*

*Attorney Perez said that the has not see this before and so he cannot opine on the matter at this time.*

*Chairman White asked Director Padilla if he had any thoughts.*

*Director Padilla said that when the application is received, it is noticed in the newspaper and all the certificate holders are notified of the public hearings. The Hearing Master will hear the applicant and render will offer a recommendation to the Board. Therefore, because the PTC has no jurisdiction as far as the name is concerned since the State handles that, in his opinion the Board really had no way to delay the approval of the applicant.*

*Motion to approve the application submitted by Executive Limousine of Tampa Bay, LLC was made by Councilman Caetano, seconded by Commissioner Raulerson and passed unanimously.*

*Councilman Dingfelder asked about the hearing officer's recommendation and if three (3) or five (5) permits were granted. Director Padilla Cesar answered that the two (2) other permits can be issued throughout the fiscal year so the recommendation was for three (3) and the other two (2) would be issued at later time and that should be included as part of the motion.*

- b. Gregory Executive Services, LLC (Sarasota, FL) – application for a limousine certificate and two (2) unrestricted limousine permits.

*Director Padilla gave a summary of the Hearing Officer's recommendation for approval of the application for a certificate and two (2) unrestricted limousine permits for Gregory Executive Services, LLC. Chairman White asked if anyone presented representing the applicant. The owner was present and introduced himself, but he had no questions or comments.*

*Motion to approve the application of Gregory Executive Limousine Services, LLC was made by Councilman Caetano seconded by Commissioner Raulerson and passed unanimously.*

#### B. Appeals of Public Vehicle Driver's License

1. Martea Calloway – Stepp's Towing (*Reconsideration - tie vote at the 9/9/09 PTC meeting*)

*Chairman White informed the Board that there was a tie vote at the September 9, 2009 PTC meeting and this case was put back on the agenda for this month*

*Director Padilla read staff's recommendation for denial the application for PVDL made by Martea Calloway.*

*Chairman White welcomed Mr. Calloway back and noted that Stepps Towing was still supporting the application. Mr. Calloway said he made some bad decisions in his youth and has made many changes since that and would appreciate getting a PVDL.*

*Councilman Dingfelder noted that the criminal history was old and that it appeared that Mr. Calloway's last arrest was at least 15 years ago or more and he wanted to know if Mr. Calloway had been in any trouble since then. Mr. Calloway said no.*

*Chairman White asked if anyone else wanted to speak and Steve Stickly came forth. He said that when Mr. Calloway told him in September, that the PTC checked his background and spoke he spoke to him about it. Stepps has reviews and call backs from customers regarding Mr. Calloway and they hired him. Mr. Stickly said that he wished he had more employees like Mr. Calloway and if he gets into trouble it could mean termination. Mr. Stickly said that Stepps is going to watch him and are asking for a temporary permit and they would like to give Mr. Calloway a second chance.*

*Councilman Dingfelder asked why Stepps Towing tries to help these people out.*

*Mr. Stickly said it is a tough process and that there are people with bad pasts and he feels that they can give them an opportunity if they have show evidence of changes in their lives and so Stepps does like to give a chance to these people.*

*Commissioner Raulerson asked what Mr. Calloway's primary duties would be and if he would still be towing vehicles.*

*Mr. Stickly said that Mr. Calloway will be put on a team of drivers for motor clubs and the general public and in his current status. Mr. Calloway cannot do local government calls. He can recover for dealerships, body shops, driver assistance.*

*Commissioner Raulerson asked if Mr. Calloway still works with vehicles and Mr. Stickly said yes.*

*Motion to approve Martea Calloway's application for a PVDL was made by Councilman Caetano, seconded by Councilman Raulerson with a one year conditional probation for drugs traffic infractions and anything related to PTC violations. Motion passed 4 to 1 with Chairman White dissenting.*

2. Anthony Bradford – American Medical Response

*Anthony Bradford was taken off the agenda and decided to appeal since he had no company to support him per a letter from AMR.*

3. Ralph Gurley – Paradise Worldwide

*Director Padilla read the recommendation regarding the denial of Mr. Gurley's PVDL application.*

*Mr. Gurley came forth and mentioned some letters that were attached to his appeal. He said that that the letters said that the offense was seven years old and since then he only had a speeding ticket in 2000 and that his is happily married to his wife, Dawn.*

*Mr. Gurley also had two letters from recommendation from fiends that he has known over twenty years and that working for Paradise Worldwide Transportation would be a wonderful opportunity for him. So, he wanted the to appeal the denial of his application.*

*Mr. La Roche, General Manager of Paradise came forth to speak on Mr. Gurley's behalf and said that he was a great person, who is well-dressed and well-spoken. He said that he did not feel that the old*

*charge should hold Mr. Gurley back from getting his license and that Mr. Gurley has changed and they wanted to hire him.*

*Chairman White asked if anyone else wanted to speak and Mrs. Dawn Gurley came forth to speak. She said that they used to work together and she was his friend and then helped him through a hard time. She said people make mistakes, but she felt that they had learned his lesson and she married him and now she is in the wedding business so his choice of professions would compliment his. If they do anything socially she said she is the designated driver, but they stay home most of the time because they are always working.*

*The chairman asked if anyone else wanted to speak and Mr. John Madiedo of Professional Insurance Center came forth. He said that the application would be approvable because of the time period associated with the blemish on Mr. Gurley's record. He said that it has been submitted to the underwriter for consideration and there was no hesitation to put him on the insurance policy. He said that he also believed in the management staff and owners of Paradise Worldwide and has spoken to those staff members and they would really like to allow Mr. Gurley to work for them. He said that Paradise has a rigorous pre-selection process and that getting the PVDL would be the final hurdle and he asked the PTC to consider giving Mr. Gurley a PVDL.*

*Chairman White asked if anyone else wanted to speak and no one did.*

*Motion to approve Mr. Gurley's application for a PVDL with one year conditional probation was made by Commissioner Rualerson, seconded by Councilman Dingfelder. Motion passed unanimously.*

4. Gebru G. Hambir – AAA Affordable Taxi, Inc.

*Chairman White asked if Mr. Hambir was present. Mr. Hambir came forth.*

*Director Padilla read staff's recommendation to deny Mr. Hambir's application for a PVDL and a history of the board's prior decisions regarding previous petitions made by Mr. Hambir for a PVDL were in the agenda backup binders.*

*Chairman White, in an effort to give the board members background regarding Mr. Hambir's previous appearances before other boards, asked them to review the materials in their binders. The Chairman pointed out that Mr. Hambir has been to his office and to the PTC office and was advised that these were not the proper venues regarding the review of his PVDL application, and that he had to appear before the board. The Chairman advised that Mr. Hambir's PVDL was initially revoked for fighting with other taxicab drivers and customers and that he once tried to pull a customer out of another taxicab, saying it was his fare. Also, there seemed to be an allegation that Mr. Hambir tried to run another cabdriver over with his vehicle. Director Padilla confirmed that this fact was true.*

*Chairman White said that he was not sure what happened, but he wanted to bring all of the board members up to date and then give Mr. Hambir to explain his side once again.*

*Director Padilla also offered as a point of interest and for the record, that on October 11, 2006, the motion was carried unanimously to permanently revoke Mr. Hambir's PVDL.*

*Chairman White asked Attorney Perez for his opinion since the Board had voted to permanently revoke Mr. Hambir's PVDL. He asked Attorney Perez if someone with this status could even apply again.*

*Attorney Perez said that the rules were revised so that an applicant, after being denied, could wait one year and then reapply to avoid applicants reapplying every month. Therefore, he thought that it would be appropriate, if one year has passed to consider the petition and that the Board could change how it voted in regards to that prior decision.*

*The Chairman said that was concerned about the word “permanently” as relates to a person being denied versus being permanently revoked. If the PVDL was permanently revoked, they should not have another chance to apply.*

*Director Padilla wondered if a past board can bind future boards and thought that the current board could overturn the prior decision that was made a couple of years ago as long as the appropriate time period has passed.*

*Chairman White gave Mr. Hambir three minutes to explain his side.*

*Mohammad Cheru, standing next to Mr. Hambir, said that Mr. Hambir was a good friend of his who works in the taxi business in Clearwater. He said that he wanted to give Mr. Hambir an opportunity and asked the board to reinstate his license so he could support his work. He said that Mr. Hambir is working in Pinellas County, but that he would like an opportunity to work in Hillsborough County.*

*Chairman White asked for Mr. Hambir to address some of the issues that occurred and why these incidents occurred, particularly concerning the violence. He also asked if Mr. Hambir had taken anger management courses.*

*Mr. Cheru said that Mr. Hambir did not do those types of things anymore.*

*Chairman White stated that he did not ask that questions. He said that he wanted to know if Mr. Hambir took any anger management courses and if he has taken steps to rectify the PTC’s records. Mr. Cheru said yes he had. Once again, the Chairman asked if Mr. Hambir had taken any anger management courses. Mr. Cheru said no.*

*Chairman White asked if Mr. Hambir had an employer in Hillsborough County that would be willing to employ him.*

*Mr. Cheru corrected his answer regarding the anger management courses and told the board that Mr. Hambir had taken anger management courses. The chairman asked if Mr. Hambir had a certificate. Mr. Cheru said that Mr. Hambir did.*

*Councilman Dingfelder said that when he read the record regarding the last time this issue came before the PTC, it said that Mr. Hambir had gone through a 12-hour or 24-hour program; that the PTC has a copy of the certificate; and, that it was in place the last time and the board, at that time, still decided not to approve the application. Councilman Dingfelder asked Attorney Perez regarding the rule change and whether or not there really was such a thing as a “permanent revocation”.*

*Attorney Perez said that the rules do not address a permanent denial of an applicant. Once an applicant is denied, it does not preclude him from returning before the Board as long as 12 months have passed since the last time the applicant applied. The just can not keep coming back month after month and the intent of the rule change was to prohibit the applicants from coming before the board every month.*

*Councilman Dingfelder said that it is just a function of due process, and if the board decided that they could reapply every two years, then that would be the rule.*

*Attorney Perez said that with the passage of time, things change. He used the example of criminal history and said that the Board has made decisions to approve certain application because some of the criminal history was dated and the board could consider that criteria on other issues. He said that Mr. Hambir's application was denied because he repeatedly violated motor vehicle laws and the board sometimes sees those issues differently. He said that although it did not seem to be an issue regarding this applicant, the special act allows the board, or does not obligate the board, to deny an applicant based on repeated violations of motor vehicle laws.*

*Chairman White asked if Mr. Hambir spoke English and Mr. Cheru said that Mr. Hambir spoke very little English.*

*Councilman Dingfelder said that Mr. Cheru could translate for Mr. Hambir since Mr. Hambir spoke very little English. Councilman Dingfelder said that the agenda backup shows that there were two incidents somewhere around September in Orange County in the Orlando, Florida area for failure to use due care and driving slower than the minimum speed. He said that that was of concern to him especially since Mr. Hambir pled guilty to all three charges. There was one administrative charge. However, it looked like there might have been an accident in September and he asked Mr. Cheru if Mr. Hambir was familiar with that incident.*

*Mr. Cheru confirmed that Mr. Hambir was familiar with it.*

*Councilman Dingfelder asked if that incident happened in a private vehicle or if Mr. Hambir had been driving a taxicab at that time. Mr. Cheru answered that Mr. Hambir had been driving a taxicab. Councilman Dingfelder noted that Mr. Hambir had been driving in Orlando and Clearwater. Then, he asked Mr. Cheru if he knew Mr. Hambir and if Mr. Hambir had anger issues now or in the past as indicated in the PTC's reports. Mr. Cheru said that he did know Mr. Hambir and that he is okay. Councilman Dingfelder asked how long Mr. Cheru had known Mr. Hambir and Mr. Cheru said 15 years. Councilman Dingfelder noted that in 2004, it appeared that there were some anger issues and asked if Mr. Hambir acknowledged those problems or if he denied them. Mr. Cheru said that Mr. Hambir had progressed. Councilman Dingfelder asked if Mr. Hambir was feeling better and Mr. Cheru said yes. Councilman Dingfelder asked why. Mr. Cheru said that he has changed and has responsibility with his family member and is apologetic for what he has done. It was Mr. Cheru's opinion that Mr. Hambir would be alright. Councilman Dingfelder asked what company Mr. Hambir had worked for in Tampa and the answer was that he had worked for Yellow Cab a long time ago. Councilman Dingfelder asked if anyone from Yellow Cab had an opinion and no one did.*

*Alwi Al-Saqaf of AAA Affordable Taxi came for to speak on behalf of Mr. Hambir. He said that he came to the meeting to see if Mr. Hambir would be able to get a permit to pick up in Hillsborough County. Mr. Al-Saqaf said that at that time, Mr. Hambir was working for him in Pinellas County. He said that Mr. Hambir has worked for Yellow Cab, United Cab and AAA Affordable Taxi in the past, but that he had lost his permit permanently. However, Mr. Al-Saqaf said that he was not sure what permanently meant.*

*Chairman White asked if the incidents of violence had occurred when he was working for AAA Affordable and Mr. Al-Saqaf said that it had happened when Mr. Hambir worked for one of the other companies. He said that he was not aware most of the issues. He said that he was aware that Mr. Hambir had attended anger management classes and got a certificate and was still denied by the*

*Hillsborough County Public Transportation Commission because Mr. Hambir has communication problems. Although Mr. Al-Saqaf agreed that there were some communication problems, he did not see him has having major anger management problems.*

*Chairman White asked if the people in Pinellas County have trouble understanding Mr. Hambir and if there was a communication barrier between the customers and other drivers and Mr. Hambir.*

*Mr. Al-Saqaf said “yeah”.*

*Councilman Dingfelder asked Mr. Al-Saqaf how long he had know Mr. Hambir and Mr. Al-Saqaf answere that it was round four years. Councilman Dingfelder asked how long Mr. Hambir worked for him and again he said around on and off for around four years. Councilman Dingfelder if Mr. Hambir had any issues while working at AAA Affordable and Hr. Al-Saqaf said there was one. Councilman Dingfelder asked when that happened and Mr. Al-Saqaf said it happened about three years ago in front of the Marriott in downtown Tampa. He said that Mr. Hambir said that another driver took his fare, but the problem was resolved. Councilman Dingfelder asked Mr. Al-Saqaf why he was speaking on Mr. Hambir’s behalf. Mr. Al-Saqaf said that he was there to ask for Mr. Hambir to get one more chance to drive in Hillsborough County with a two-year probationary period since Mr. Hambir lives in Hillsborough County, but drives to Pinellas to work. So it would be more convenient for Mr. Hambir to work in Hillsborough County. Also, it was to let the Board know that he would have a job if he was granted a PVDL.*

*Chairman White asked if anyone else wanted to speak about Mr. Hambir’s petition.*

*Councilman Caetano wanted to make a motion to grant Mr. Hambir a permit with three parts: a one year probationary period, an anger management class for six months, and even after he finishes the anger management class, to remain on probation. Councilman Dingfelder would second the motion, but he wanted clarification. He said that Mr. Hambir has already taken an anger management class and he wanted to clarify if Councilman Caetano wanted him to take another one. Councilman Caetano said he was evident that he may need another class. Councilman said that was a good idea and seconded the motion.*

*Chairman White wanted to put on the record that he would not be supporting the motion. He said that he did not believe in secondary chances in this case because he is employed by AAA Affordable in Pinellas. He said that when he looks at Mr. Hambir’s record he sees a history of failure to follow taxicab stand procedures, using profanity in front of customers, disturbance at the seaport, failure to follow procedures, and crashing into another taxicab where he actually reached in and grabbed a customer out of a taxicab.*

*Councilman Dingfelder asked for point of order. The Chairman asked to finish. Councilman Dingfelder said that point of order has preference over anything the Chairman has to say and the Chairman said that he had the floor. Councilman Dingfelder again asked for point of order, the Chairman again said that he has the floor. Councilman Dingfelder said that the Chairman could not testify and the asked if Attorney Perez wanted to opine. The Chairman said he would pass the gavel. Councilman Dingfelder again said that he wanted an opinion from Attorney Perez. Attorney Perez asked if it was with regard to procedural matter. Councilman Dingfelder said it was with regard to the Chairman testifying to things that he did not see on record. The Chairman said that he was reading from the record. Councilman Dingfelder said that he went further. The Chairman began reading the information on record and said that he would not support the motion. Councilman Dingfelder*

*apologized for being loud but said that he was concerned about due process. Chairman White also apologized.*

*Councilman Caetano said it might help decrease the unemployment lines.*

*Commissioner Raulerson said that he wanted to go on record to say that the pervasiveness of the behavior, the number of occurrences, and the recent dates of the behavior would dissuade him from supporting Mr. Hambir's application. He said that it seemed to be more than anger management because the behavior seemed to be the problem. He said that the PTC needed to be careful about allowing an element of violence into these industries in Hillsborough County and that he would vote against the granting of a license to Mr. Hambir.*

*Councilman Caetano wanted to make a motion to grant Mr. Hambir a permit with three parts: a one year probationary period, an anger management class for six months, and even after he finishes the anger management class, to remain on probation. Councilman Dingfelder seconded the motion. The motion failed 3 to 2 with Chairman White, Commissioner Raulerson and Commissioner Hagan dissenting.*

#### C. Limousine Permit Limits (CAP) Staff Report

*Councilman Dingfelder had a question about the limousine cap. He said that he was reading and that there were two issues to talk to the Board about. One of them was the limousine issue and the options and recommendations and then the legislative update. It was Councilman Dingfelder's opinion that since he had just received the two reports, the Oppaga report and the CUTR report, that the Board should have more time to read them. So he wanted to defer the issue from the October meeting so that they can all read them and be better educated on this very important topic.*

*Chairman White asked Councilman Dingfelder if he wanted to make a motion and he said he would.*

*Motion to defer the OPPAGA and CUTR reports to a later meeting was made by Councilman Dingfelder, seconded by Councilman Dingfelder and carried unanimously.*

*Commissioner Raulerson confirmed with Director Padilla that the reports were dated 1999. He said that he understood that the Board would want to study the reports, but he wanted to know if the date is still relevant. He noted that one of the reports indicated that there was not enough money in contingency funds and that there is \$250,000 sitting in the PTC's contingency fund today. So he wanted the board that if the Board is going to do the study, it should be studied with caution as to how much of the date is still relevant and that the conclusions of the reports are basically that everything is going well and there is no reason to change the way the PTC does business.*

*Director Padilla said that the intent of putting those two reports in the backup was to let the Board know that a study was done in the past and what the process for the study was and that they were, in fact, outdated. Therefore, the conclusion is basically for the PTC to have an educated guidance. Therefore, the recommendation is to have an independent study done based on those criteria.*

*Commissioner Raulerson asked for Councilman Dingfelder's opinion.*

*Councilman Dingfelder said that if the date is ten years old, then the question is if there is a compelling reason or an outcry for an updated study. He said that he read the reports and got nothing out of them and felt that there was no substance to them that educated him or compelled him to do*

*anything different as a commissioner on the PTC. He felt it was fairly useless and still felt there was no reason to do another study.*

*Director Padilla said that the only answer he had for that is that the need was because some individuals asked for a limousine cap. Therefore, what they were trying to find out is if there is a need to have a cap on the limousine industry.*

*Commissioner Raulerson said that under our statute, the PTC cannot cap them and Director Padilla agreed. Commissioner Raulerson then said that the PTC does, however, have the ability to raise the application fee to \$5,000 and that is the process the Board is going through now and Director Padilla agreed.*

#### D. Legislative Update

*Victor DiMaio addressed the issue of the legislative update. Chairman White said that before the update, he wanted to make a comment. He said that an article in the Tampa Tribune said that Mr. DiMaio, the PTC's lobbyist, received special favor to be hired for the position with the PTC. He said that the article was absolutely untrue. He said that when Mr. DiMaio was applying for the position, he mentioned his prior dealings and relationships with Mr. DiMaio and asked Attorney Perez's opinion because he wanted to abstain. The Chairman said that Attorney Perez asked if he still had an ongoing business, personal, or financial relationship with Mr. DiMaio at that time, and the Chairman said no and Attorney Perez said that it would be inappropriate for the Chairman not to vote.*

*Attorney Perez said that the Chairman would have to have a special private gain to his benefit in order to have a conflict. The record reflects that there was a conversation about the matter between him and the Chairman, the Chairman said that there would be no special private gain and based on that assumption, the advise was that there was no basis to abstain.*

*Chairman White said that the entire Board voted on that and no exchange happened between them outside of the board room regarding the matter. The Chairman said that he talked to the Director because the Director did not want to renew the contract due to the economy and Mr. DiMaio, took it upon himself to lobby each commissioner individually and brought it before the Board's attention and a motion was passed to keep him. The Chairman just wanted it on record that he did not give preferential treatment to Mr. DiMaio and everything was done aboveboard and without prejudice whatsoever.*

*Victor DiMaio spoke next. He said that there was a bill that was put together and that it was very short and to the point and it addresses the issue that was brought up last year regarding the nonconsensual towing problem in Hillsborough County. He wanted the Board's approval to move forward with that bill. There are numerous news stories regarding the problem with tow companies removing vehicles off of lots. He said this is the third session trying to get this piece of legislation passed and he wanted the Board to consider doing that.*

*Councilman Dinfelder said that he looked at the two pages and it appears to be a bill and he asked if it was last year's bill. Mr. DiMaio said was not sure which item Councilman Dinfelder was looking at. Attorney Perez said that the two pages before the Board are not last year's bill. They were revised from last year's bill. But, last year's bill was used as a base to develop this current bill, but it is not the same that was approved before.*

*Commissioner Raulerson and Councilman Dinfelder asked what the bill would do.*

*Attorney Perez said that the substantive term “wrecker” is redefined and the intent is to capture government tows upon which the PTC currently has jurisdiction, but also to expand the jurisdiction to include nonconsensual private towing.*

*Councilman Dingfelder said that the bill would address that matter with language that would say any towing operation would be included regarding of whether it was consensual or nonconsensual.*

*Attorney Perez said that no, the reference is to Florida statute 715.07. That part is what is covering nonconsensual towing. That statute outlines the conditions under which a private, nonconsensual tow could happen and identifies those conditions which are appropriate or required before that kind of towing can happen.*

*Victor DiMaio said that, for the record, he had worked closely with members of the towing industry to try to get everyone onboard. He asked if Mr. Michelini wanted to speak and he did.*

*Steve Michelini said that he was there representing the Hillsborough County Towing Association and he mentioned the wrecker workshop to be held October 16, 2009. He said the industry also has some rule changes they would like to the Board to consider. The HCTA has been advocates of controlling nonconsensual towing because they have been some of the greatest offenders of the public trust. The PWF does not represent the Hillsborough County Towing Association as it is a statewide organization. Therefore, he strongly encouraged the Board to be looking at the Hillsborough County towing companies as opposed to the State.*

*Victor DiMaio said that to finish up for the record, AAA would be excluded from this and exempt from the bill. This would be strictly for nonconsensual tows where companies tow cars without consent. He said there is also another part in the statute for repossessions. That would not be in the PTC jurisdiction either.*

*Director Padilla said that the 2010 calendar is being revised for next year’s meetings. There was a conflict with the July and November meetings and calendar for the PTC meeting and other meetings. Therefore, the Director asked if the meetings can be rescheduled for a different Wednesday or canceled for those two months.*

*The Chairman said that he did not see any reason why the Board could not have a meeting in July or November. The Chairman said that the Board could take action to delete the one in July.*

*Motion to cancel the July 2010 PTC meeting and reschedule the November PTC meeting was made by Commissioner Raulerson, and seconded by Councilman Caetano, motion passed unanimously.*

*Attorney Perez said that regarding the legislative update, there is a deadline coming up pertaining to the submission of local bills on November 20, 2009, especially in regard to the rescheduling of the PTC meeting. He said it would be appropriate to receive direction from the PTC as to whether they would like the bill processed and submitted and go forward with the matter or have any other changes to any other legislative proposals.*

*Chairman White said that the rescheduling was for the November 2010 PTC meeting and Director Padilla confirmed that it was for next year.*

*Councilman Dingfelder made a motion to direct staff to formalize and move forward with the bill, it was seconded by Councilman Caetano, motion passed unanimously.*

X. ADJOURNMENT

*There being no further business, the meeting of the Public Transportation Commission adjourned at 10:48 a.m.*

*\*\*\*This is not an official, verbatim transcript of the October 14, 2009 PTC meeting. It should be used for informational purposes only\*\*\**

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*Jacqueline E. Calleja, Administrative Specialist*

**NEXT COMMISSION MEETING – November 18, 2009**