

**CITY OF MINNEAPOLIS  
CITY COUNCIL  
REGULATORY, ENERGY AND ENVIRONMENT COMMITTEE**

In the Matter of the Taxi Service Company License  
Held by Skybird Taxi.  
2501 – 2<sup>nd</sup> Street North  
Minneapolis, MN 55411

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND RECOMMENDATION FOR  
ADVERSE LICENSE ACTION**

**Minneapolis Taxi Service Company License: L256 50006**

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This matter came before the Department at a License Settlement Conference on Tuesday, July 31, 2012 at 1:30 p.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of licensee was Fred Niaz, Owner of Skybird Taxi and Peter Nikitas, Attorney for Skybird Taxi. Appearing for the City was: Ronald Martin, License Inspector; and Grant Wilson, Licensing Manager. Based on the information presented, the Department makes the following findings of fact, conclusions and recommendations.

**FINDINGS OF FACT**

- 1) Skybird Taxi has been a licensed City of Minneapolis Taxi Service Company since February of 2004.
- 2) On May 7, 2009, Skybird Taxi #2309 was issued an administrative citation in the amount of \$200 for failure to have a Braille card installed in the taxi, which is required under Minneapolis Code or Ordinance 341.590(q).
- 3) On September 9, 2009, Skybird Taxi was issued an administrative citation in the amount of \$200 for failing to submit inspection reports for all taxis using surveillance cameras, required under Minneapolis Code of Ordinance 341.597. Skybird Taxi was previously given 45 days to complete this work, and then given an additional 7 day extension. This citation has been paid.

- 4) On January 14, 2010, Skybird #2307 was issued a corrective order to repair damage to the headlight assembly and rear bumper.
- 5) On April 21, 2010, Skybird Taxi was issued a corrective order after it was determined that they had moved their central dispatch office from 2010 East Hennepin Avenue to their present location at 2501 2<sup>nd</sup> Street North. Skybird Taxi began operating from this new location without first notifying Licenses and submitting a new taxi service company application.
- 6) On September 24, 2010, Skybird Taxi was issued a corrective order for failure to comply with the terms of the Conditional Use Permit issued to them to operate at 2501 2<sup>nd</sup> Street North.
- 7) On December 23, 2011, Fred Niaz was issued an administrative citation in the amount of \$200 after Skybird #350, which is owned by Niaz, was found being operated by an unlicensed driver. This citation has been paid.
- 8) On February 6, 2012, Skybird #359 was issued a corrective order to repair damage to the rear bumper.
- 9) On May 29, 2012, Skybird #366 was issued a corrective order to repair damage to the rear bumper, which included chipped and cracked paint.
- 10) On June 1, 2012, it was determined that Skybird Taxi was in violation of Minneapolis Code of Ordinance 341.180, which requires electronic credit card processing capability in all Minneapolis licensed taxicabs. Skybird Taxi was given an extension to complete this requirement until June 22, 2012.
- 11) On June 27, 2012, (4) Skybird Taxi vehicles were each issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.180, after they were found operating with no electronic credit card processing capability. These citations are outstanding.
- 12) On July 11, 2012, Fred Niaz, the owner of Skybird #368, was issued an administrative citation in the amount of \$200 for allowing unlicensed driver to operate a licensed taxi vehicle, in violation of Minneapolis Code of Ordinance 341.660(b). This citation is outstanding.

- 13) In the Spring of 2011, Skybird Taxi's vehicle inspection results showed that approximately 52% of its fleet was put "out of service" upon the first inspection. Also, only 3% of its fleet "passed" inspection on the first time. It should be noted that the average for the entire Minneapolis licensed taxi fleet during this time period was 33% "out of service" and 19% "pass." It was also determined that 34% of Skybird Taxi's fleet required more than 2 inspections to pass. The average for the entire Minneapolis taxi fleet was 10%.
- 14) In the Fall of 2011, Skybird Taxi's vehicle inspection results showed that approximately 67% of its fleet was put "out of service" upon the first inspection. Also, no taxis in the Skybird fleet "passed" inspection on the first time. It should be noted that the average for the entire Minneapolis licensed taxi fleet during this time period was 38% "out of service" and 20% "pass." It was also determined that 26% of Skybird Taxi's fleet required more than 2 inspections to pass. The average for the entire Minneapolis taxi fleet was 12%.
- 15) In the Spring of 2012, Skybird Taxi's vehicle inspection results showed that approximately 57% of its fleet was put "out of service" upon the first inspection. Also, only 3% of its fleet "passed" inspection on the first time. It should be noted that the average for the entire Minneapolis licensed taxi fleet during this time period was 40% "out of service" and 11% "pass." It was also determined that 33% of Skybird Taxi's fleet required more than 2 inspections to pass. The average for the entire Minneapolis taxi fleet was 11%.

### **CONCLUSIONS**

1. The licensee has violated numerous sections of the Minneapolis Code of Ordinances related to the safe and legal operation of a licensed taxicab.
2. The licensee's fleet of taxicabs has the one of the lowest passing rates for vehicle inspections in the City of Minneapolis, and a high percentage of these vehicles are found to be unfit for public use.

## RECOMMENDATIONS

The Department acknowledges the licensee's interest in resolving the issues with its licensed business. Due to the expressed willingness of all parties to bring the business into compliance with all applicable ordinances, statutes, and regulations, the Department makes the following recommendations:

- 1) Effective upon the date of the signing of this agreement, Skybird Taxi shall not add any new taxicab vehicles to its fleet which are over 6 model years in age. This shall include any vehicles classified as "fuel-efficient" by the City. All taxi vehicles added by Skybird Taxi classified as "wheelchair-accessible" by the City shall be not be more than 8 model years old. This provision shall not apply to any taxi vehicles currently in service under Skybird Taxi's fleet upon the signing of this agreement.
- 2) From September 1, 2012 to October 1, 2012, all Skybird Taxi vehicles inspected by the City of Minneapolis Public Works department shall have an aggregate percentage "out of service" rate of no higher than 33% on the first inspection. If this rate is higher than 33%, all subsequent re-inspections performed by the City of Minneapolis Public Works department on all licensed Skybird Taxi vehicles starting on October 2, 2012, shall be charged a fee of \$50.00 per re-inspection. This fee shall apply only to vehicles that receive an "out of service" designation upon the completion of their initial full inspection. This requirement shall be in effect until October 1, 2013.
- 3) Skybird Taxi agrees to be in full compliance with Minneapolis Code of Ordinance 341.185, by installing and maintaining electronic credit card processing capability in all of the taxicabs operating under its fleet. This work shall be completed no later than **November 15, 2012**.

I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of my license. I understand that this report must be accepted and approved by the Minneapolis City Council and Mayor.

Based upon the foregoing, this agreement is FREELY & VOLUNTARILY ENTERED INTO IN GOOD FAITH:

For the Licensee:

By: Fred Niaz  
Fred Niaz, Licensee

For the City of Minneapolis:

By: Grant Wilson  
Grant Wilson  
Manager of Business Licensing

Dated: 10/31, 2012.

Peter V. Nickitas  
PETER V. NICKITAS, ATTY

Dated: 11-1, 2012.