

CITY OF MINNEAPOLIS
CITY COUNCIL
REGULATORY, ENERGY AND ENVIRONMENT COMMITTEE

In the Matter of the Taxi Service Company License	FINDINGS OF FACT,
Held by Checker Cab.	CONCLUSIONS OF LAW
2501 – 2 nd Street North	AND RECOMMENDATION FOR
Minneapolis, MN 55411	ADVERSE LICENSE ACTION

Minneapolis Taxi Service Company License: L256 50011

This matter came before the Department at a License Settlement Conference on Tuesday, July 31, 2012 at 10:30 a.m. in Room 1-C, Minneapolis City Hall. Appearing on behalf of licensee was Barialai Niaz, Owner of Checker Cab, and Peter Nickitas, attorney for Checker Cab. Appearing for the City was: Ronald Martin, License Inspector; Richard Tuffs, License Inspector; Jose Velez, License Inspector; Patrick Hilden, Licensing Supervisor; 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) On February 5, 2009, Checker Cab #452 was issued a violation order and placed out of service for being in violation with the minimum vehicle condition standards specified in Minneapolis Code of Ordinance 341.590.
- 2) On May 7, 2009, Checker Cab #2022 was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590(q). The taxi was found operating with no required Braille or rate card installed in the vehicle. This citation has been paid.

- 3) On September 9, 2009, Checker Cab 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. Checker Cab was previously given 45 days to complete this work, and then given an additional 7 day extension. This citation has been paid.
- 4) On October 16, 2009, Checker Cab #2040 was issued an administrative citation in the amount of \$400 for violation of Minneapolis Code of Ordinance 341.590. The taxi was found operating with no required fire extinguisher or Braille card installed in the vehicle. This citation has been paid.
- 5) On April 21, 2010, Checker Cab 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 2nd Street North, which was in violation of Minneapolis Code of Ordinances 341.960 and 259.95. Skybird Taxi began operating from this new location without first notifying Licenses and submitting a new taxi service company application.
- 6) On April 29, 2010, Checker Cab #2030 was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590. The taxi was found operating with no required fire extinguisher or Braille card installed in the vehicle. This citation has been paid.
- 7) On September 24, 2010, Checker Cab was issued an administrative citation in the amount of \$200 for failure to comply with the terms of the Conditional Use Permit issued to them to operate at 2501 2nd Street North, in violation of Minneapolis Code or Ordinance 259.95.
- 8) On April 7, 2011, Checker Cab #943 was issued a corrective order to repair damage to the rear bumper and passenger-side door of the vehicle, which was a violation of Minneapolis Code of Ordinance 341.590.
- 9) On December 12, 2011, Bari Niaz was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590(k). Mr. Niaz was previously issued a corrective order to repair significant bumper damage to cab #949. This cab was then observed operating with no repairs made to the bumper approximately 3 weeks later. This citation has been paid.

- 10) On January 31, 2012, Checker Cab #934 was issued a corrective order to repair paint damage to the rear bumper of the vehicle, which was a violation of Minneapolis Code of Ordinance 341.590.
- 11) On February 6, 2012, Checker Cab #952 was issued a corrective order to repair damage to the rear bumper of the vehicle, which was a violation of Minneapolis Code of Ordinance 341.590.
- 12) On February 6, 2012, Checker Cab #933 was issued a corrective order to repair paint damage to the rear bumper of the vehicle, which was a violation of Minneapolis Code of Ordinance 341.590.
- 13) On May 14, 2012, Checker Cab #593 was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590(a). This taxi, which is licensed as a “wheelchair-accessible” vehicle, was found operating without a loading ramp or securement devices installed. This citation is outstanding.
- 14) On May 14, 2012, Checker Cab #949 was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590(a). This taxi, which is licensed as a “wheelchair-accessible” vehicle, was found operating without a loading ramp or securement devices installed. This citation is outstanding.
- 15) On May 29, 2012, Checker Cab #934 was issued a corrective order to repair paint damage to driver’s door of the vehicle, which was a violation of Minneapolis Code of Ordinance 341.590.
- 16) On June 1, 2012, it was determined that Checker Cab was in violation of Minneapolis Code of Ordinance 341.180, which requires electronic credit card processing capability in all Minneapolis licensed taxicabs. Checker Cab was given an extension to complete this requirement until June 22, 2012.
- 17) On June 25, 2012, Checker Cab #611 was issued an administrative citation in the amount of \$200 for violation of Minneapolis Code of Ordinance 341.590(a). This taxi, which is licensed as a “wheelchair-accessible” vehicle, was found operating without a loading ramp or securement devices installed. This citation is outstanding.

18) On June 27, 2012, (5) Checker Cab 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.

19) In the Spring of 2011, Checker Cab's vehicle inspection results showed that approximately 54% of its fleet was put "out of service" upon the first inspection, which is required under the provisions of Minneapolis Code of Ordinance 341.590 and 341.620. Also, only 4% 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 12% of Checker Cab's fleet required more than 2 inspections to pass. The average for the entire Minneapolis taxi fleet was 10%.

20) In the Fall of 2011, Checker Cab's vehicle inspection results showed that approximately 63% of its fleet was put "out of service" upon the first inspection, which is required under the provisions of Minneapolis Code of Ordinance 341.590 and 341.620. Also, only 6% 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 38% "out of service" and 20% "pass." It was also determined that 22% of Checker Cab's fleet required more than 2 inspections to pass. The average for the entire Minneapolis taxi fleet was 12%.

21) In the Spring of 2012, Checker Cab's vehicle inspection results showed that approximately 72% of its fleet was put "out of service" upon the first inspection, which is required under the provisions of Minneapolis Code of Ordinance 341.590 and 341.620. Also, no taxis in the Checker 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 34% of Checker Cab'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, Checker Cab Company 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 Checker Cab 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 Checker Cab's fleet upon the signing of this agreement. This requirement shall be in effect until October 1, 2013.
- 2) From October 1, 2012 to November 1, 2012, all Checker Cab 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 Checker Cab vehicles starting on November 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) Checker Cab Company 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**.
- 4) Checker Cab has requested administrative appeal hearings on all aforementioned outstanding citations. Checker Cab will pay all due fines after exhausting all appeals.
- 5) Effective upon the date of the signing of this agreement, Checker Cab agrees to submit State of Minnesota inspection reports on all taxicab vehicles currently designated as “wheelchair-accessible”, to insure that these vehicles are capable of transporting wheelchair passengers.

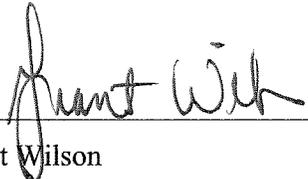
I have read and understand the above findings of fact, conclusions, and recommendations. I agree with their contents and I agree with the above noted Recommendations. I understand that the failure of my business to adhere to this agreement may be cause for further suspension, revocation, or denial of 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: 
Barialai Niaz, Licensee

For the City of Minneapolis:

By: 
Grant Wilson
Manager of Business Licensing

Dated: 10,31, 2012.

Dated: 11-1, 2012.


PETER J. NICKITAS, ATTORNEY