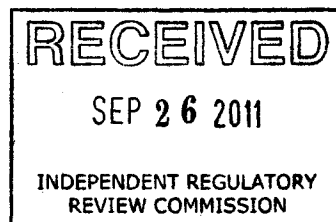


**Germantown Cab Co.**  
800 Chestnut St. Ste. 103  
Philadelphia, PA 19107  
P: (215) 733-0461 F: (215) 733-0464



September 23, 2011

Silvan B. Lutkewitte, III  
Chairman  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor  
333 Market Street  
Harrisburg, PA 17101

Dear Chairman Lutkewitte,

We are presenting the following public comments to illustrate the ways that the Philadelphia Parking Authority's proposed regulations are harmful to our business. We have detailed ways in which the vague and misleading wording of some of their regulations can leave space for discrimination, abuse, and unequal enforcement. We have also included references to the PUC regulations that overlap with and/or contradict those proposed by the PPA. Finally, you will find information pertaining to the burdensome costs of the proposed regulations.

We are proud to serve this community and we ask that you take our concerns on the following areas into consideration as you rule on the proposed regulations.

### **Field Inspections**

Prior to being impounded or placed out of service a vehicle most often undergoes a routine field inspection. These can be intrusive, can harm customer perception of our company, and have discouraged drivers from working for Germantown Cab Company as they feel we are being particularly targeted. The PPA claims that "the Authority's Inspectors are routinely trained and re-trained in terms of the appropriate manner in which to conduct a field inspection of taxicabs, in the least intrusive manner possible, both for the benefit of the taxicab driver and potential passengers" (141). The experiences of our drivers contradict this statement by the PPA. We have submitted the story of Chester Robinson (**see Exhibit 1**) to illustrate an example of inspectors harassing our drivers and behaving in a less than "appropriate manner." This is but one example of times our drivers have been targeted, there have been multiple incidents and their stories confirm that PPA inspectors do not act appropriately or avoid stopping vehicles that are carrying a passenger. Chester Robinson's and other's incidents related to field inspections also shed light on the need for the PPA to adopt the PUC's policy of issuing a receipt of findings.

Germantown Cab Company is also subject to routine field inspections by the PUC. We have receipts (**see Exhibit 2**) that confirm that these inspections are performed on trips that have taken

place point to point within the City of Philadelphia. This represents a double-regulation that exceeds anything a medallion cab faces. The PUC has full authority to place our vehicles out of service even within the City of Philadelphia.

## **Out of Service**

As mentioned above, the PUC has the authority to do field inspections on our vehicles and place them out of service under PA Code §29.406. These inspections can and do occur during trips that are point to point within Philadelphia borders. We are being regulated by two agencies within the same area, creating instances where we could be cited for the same violation, on the same vehicle, in the same location. We have included a first hand account of an instance where both agencies targeted the same vehicle for enforcement (see **Exhibit 3**).

The PUC clearly delineates the offenses for which their inspectors can place a vehicle out of service in PA Code §29.402 and §29.403. We request that IRRC require the PPA to clearly list their out of service designations in a similar manner. Like the impoundable offenses, the PPA has created its out of service regulations through board orders. Not only are these board orders not sufficiently reviewable by the public and industry, but they exclude important information about the ability of an inspector to impound a vehicle that he/she has placed out of service.

## **Impoundments of Vehicles and Penalty Schedule**

In the transportation industry, impoundment of vehicles is one of the largest punitive tools wielded by a regulating agency. Due to the seriousness of this penalty, and its possible effects on cab companies, it is important that the regulations that govern the use of this punitive tool be clearly stated and provided to the governed in detail. If used improperly, impoundment can be used as a bullying tactic through targeted enforcement (see **Exhibit 4**). Clear guidelines must be provided to keep this authority from being abused.

In the current TLD Regulations, which the Authority claims have “been in effect since 2005,” Section 4 (TAXICABS AND LIMOUSINES ALLOWED TO PROVIDE SERVICE IN PHILADELPHIA) contains a clearly delineated list of criteria that must be met, and (ix) clearly states that failing to comply can result in impoundment:

- i. In order to operate or appear to operate a Limousine or Taxicab within the City, the carrier must hold a Certificate of Public Convenience issued by the Authority.
- ii. The vehicle must be operated by a driver who is certified by the PPA. The driver will have his Driver’s Certificate on display or on his/her person as required by the Authority.
- iii. Currently inspected vehicle. The vehicle must have passed a PPA inspection covering the period when service is being rendered.
- iv. Medallion and/or sticker issued by PPA. The vehicle will be displaying the stickers and/or Medallion required by the PPA.
- v. Current insurance. Proof of current insurance shall be kept within the vehicle.
- vi. Paid current assessment to Authority. The Certificate Holder shall have paid all fees due to the Authority.

- vii. Vehicle Certification Card that matches vehicle. Each vehicle shall have within it while operating, or appearing to operate, a Vehicle Certification Card that is consistent with the vehicle.
- viii. The vehicle or the driver or the Certificate Holder shall not be subject to a cease and desist Order issued by Authority.
- ix. Any vehicle failing to comply with any of the above shall be subject to penalties including but not limited to arrest, fine and/or the impoundment of the vehicle and/or equipment.

The penalty guidelines are expanded in the PPA's original Board Order Penalty Schedule (see **Exhibit 5**) revised on February 2, 2006 to include: "Counterfeited inspection sticker, Markings/colors- incorrect intentionally, Medallion illegally transferred to another vehicle not inspected by PPA, Operating vehicles without reporting or temporary rights, Operating vehicle while out of service, Vehicle operating w/ expired or suspended registration."

In the Board Order that is currently in effect, under the heading "Limousine and Medallion Owner Violations," the list of penalties no longer includes "impoundment" for Class A violations as it formerly did. The breakdown of what a Class A violation is appears in the Order itself, making it more confusing to the parties it affects. These violations are the same as those listed above. While their new penalty schedule does not refer to impoundment, this is still a tool that is being used to enforce regulations.

Without clear regulations the drivers and owners are left vulnerable to inspectors who can threaten impoundment of vehicles outside the scope of their authority. The Authority is able to impound vehicles without proving guilt. Although there is a hearing process to return a vehicle, it is laborious and time consuming for the owner of the vehicle and thus can be used to punish us even in an instance where we have broken no laws. The hearing provided does not take into account the merits of the case; it is simply a bail hearing. Beyond the costs to the owner, the driver is forced out of his or her vehicle and left outside in the elements in whatever neighborhood he or she was stopped in (see **Exhibit 6**).

We request that you pay special attention to this issue because the process of impoundment and the reclamation of impounded vehicles are particularly onerous and can seriously cripple the operation of our company. Once impounded, we are responsible for retrieving a release form from the Manager of Enforcement as most employees at the TLD do not have the power to release a vehicle. Finding someone with authority is time consuming and can delay the return of a car as the Manager of Enforcement does not work on Mondays. This creates a situation where any vehicle that is impounded over the weekend cannot be recovered until the following Tuesday, at the earliest. Losing the income for the vehicle for this period of time is an additional financial hardship.

Once we obtain a release from the TLD, we must travel to the PPA's impoundment lot at a cost of time and aggravation. Furthermore, we incur the cost of tow (\$150) and storage of the vehicle beyond any fines we may have to pay for the return of the vehicle. I have included a document entitled "Procedure Upon Impoundment of Vehicle and/or Medallion" that outlines the requirements that must be met to have a vehicle returned to its owner. We have reproduced

requirements one through four below to demonstrate the high cost of having a vehicle returned from impoundment:

1. payment of all fine(s) assessed at the time of impoundment; and
2. payment of all Tow and Impoundment Storage fees; and
3. payment of all other outstanding and unappealed TLD fines, fees, and assessments; and
4. presentation of a letter or order of the Philadelphia Traffic Court or other issuing authority evidencing payment of resolution of any outstanding and unappealed violations of Pennsylvania's Motor Vehicle Code

The "fines" mentioned above have been issued to Germantown Cab Company in amounts up to \$5,000, in violation of Act 94 Section 5725a which stipulates that a civil penalty cannot be in excess of \$1000. Through insufficiently reviewed board orders the Authority has been able to raise their fines indiscriminately. Germantown Cab was issued 14 such tickets over the course of three days at a total cost of \$70,000, nearly putting us out of business. Even when issuing tickets within the limits of Act 94, the PPA charges astronomically more than the PUC and State Police. For instance, a light being out is subject to a \$750 fine under the PPA, whereas this same offense constitutes a \$50 fine. As per "3a order" above, we have had to pay these fines even if the appeal period has not expired or pay 20% of the tickets plus an administrative fee.

A car that is impounded by the PPA is automatically placed out of service. Contrary to their claim that Final Order Section 1003.31 Out of Service Definitions does not apply to impoundment of vehicles, the two are inseparable. Once all conditions have been met to recover a vehicle, the owner of the vehicle must return to TLD headquarters, locate the inspector who placed the vehicle out of service, and have him/her inspect the vehicle whether or not it was originally impounded for a safety violation. Returning the vehicle to service currently carries an additional fee of \$20 (see Exhibit 7).

We have demonstrated that there are significant and potentially devastating costs relating to the impoundment of vehicles. We request that the regulations that govern impoundments be more clearly stated than they are in the current version of the Final Order. If not clearly stated, rules regarding impoundments may be made by the issuing of an Order by the Authority. This has proven problematic in the past and has been recognized as such by the Commonwealth Court of Pennsylvania (see Exhibit 8): "The Authority cannot circumvent the rulemaking procedures in the Commonwealth Documents Law by promulgating a quasi-legislative regulation affecting the entire taxicab industry simply by labeling that regulation an "order." The Authority is statutorily authorized to issue orders, but such orders are meant to apply to a specific entity or individual, not to the industry as a whole."

## **Penalty Schedule**

The PPA's Board Order for violations after August 8, 2008 details a grading system that separates offenses into classes. The most severe are categorized as "Class A." These offenses are dealt with uniquely in that they "remain calculable for purposes of multiple offenses the longest, [and] provide for lengthy mandatory suspensions or even revocations. The date of issuance of the final order finding liability for any give offense of the date the respondent pleaded liable through

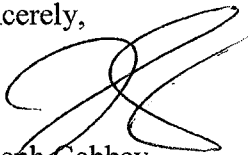
uncontested payment of the cited penalty or otherwise shall begin the period from which an offense shall be considered for purposes of calculating the appropriate Penalty level. A Class A offense shall have a 3 year Calculable Period” (5). For a medallion operation these penalties for multiple violations are dealt with individually for each medallion vehicle accompanies its own Certificate of Public Convenience to operate one vehicle with city wide authority.

The Authority enforces this Order very differently for Germantown Cab Company. Each Class A violation becomes a strike against our certificate and as stated above, each strike remains for a period of three years (**see Exhibit 9**). Because our entire fleet is treated as equivalent to one medallion vehicle, we would always receive the highest penalty level if two other violations had been charged to any of our vehicles in the three years prior. Not only is this obviously an abuse of the penalty schedule and the ticketing system, but one violation each on three different cars could be used to revoke our license to operate. This could not happen to a medallion operation unless every single vehicle under their license had three Class A violations. Using the example PPA references in their Final Comments, “One partial-rights taxicab company operates approximately 100 taxicabs in Philadelphia” (74). That partial-rights company could have its license revoked and all of its vehicles banned from the road after **three** Class A violations. A medallion operation with the same amount of vehicles would have to accumulate **300** Class A violations to incur the same penalty. Such stringent penalties are discriminatory towards partial-rights carriers and would make it impossible for us to continue operation.

The lopsided enforcement of the three-offense rule also factors into the fees Germantown Cab Company pays for Class C offenses. For a medallion company these offenses can be reduced if the problem is remediated within 48 hours and the vehicle does not have two prior Class C offenses in the past year. As detailed above, any two Class C violations against any vehicle in our fleet are counted against our license, not against the individual vehicle, making us ineligible for the fee reduction. Therefore, we must pay the maximum fine every time we are charged with a Class C offense.

We are submitting these examples to show the way the Authority has used Board Orders to unequally burden partial-rights carriers. We urge you to reject these regulations unless the Authority clearly delineates their impoundment policies and fee schedule within the body of the regulation, rather than relying on unreviewable board orders. We want the TLD Proposed Penalty Schedule of July 30, 2011 to be subject to IRRC review. For many of the reasons mentioned in the statements above, this proposed penalty schedule is harmful to our ability to conduct business. The Authority has once again left off the list of impoundable offenses as they seek to hide that authority through board orders that are not sufficiently subject to review by the public or industry.

Sincerely,



Joseph Gabbay  
Germantown Cab Company

## **Exhibit 1: Chester Robinson Account**

Driver: Chester Robinson

Date of Incident: September 1, 2001 at approximately 7:15pm

I had just completed a paratransit trip that picked up in Northeast Philadelphia and ended on Front Street in South Philadelphia. I then parked my cab in a Wawa parking lot and went inside to purchase food. My girlfriend met me in the parking lot and we both leaned on the car as we ate and smoked cigarettes. In the parking spot next to my cab was a PPA vehicle with two officers inside. One officer points toward my girlfriend and asks, "Is that a passenger?"

I explain to him that she is my girlfriend who met me for some food, not a passenger.

The PPA officers then pull out of their parking space and drive around to the other side of my vehicle. One officer gets out of the vehicle and approaches me; at this point I explain very clearly that I am off-duty.

The PPA officer replies, "Well that is a cab (pointing towards my car), and I am not off-duty."

In an attempt to prove to the officer that I am in the area because I had just completed a paratransit trip, I held out my log sheet to show the officer. The officer would not take the book, waved it off, and indicated that he did not want to see it. Again, I attempt to explain that my last trip was a paratransit trip and I even point out the person's house where I had dropped off the medical passenger.

The officer does not reply, but he takes out a camera and takes a picture of the interior of the cab. I ask him why he is taking the picture, but the officer tells me it is nothing as he gets back in his car and drives away. At this point I notify the manager on duty at Germantown Cab Company of what had just happened. The manager tells me to fill out a detailed report, and I write down the details of the incident. After the officers have left, my girlfriend and I get into the car and finish our food.

Approximately five minutes later, another PPA officer (who later identified himself as Deputy Enforcement Manager Bob Black) pulls up next to my cab in the parking lot.

Officer Black says, "I got a report that you are over here picking up passengers."

I replied, "I am off duty, and this is my girlfriend. I tried to show the officers my manifest, but they weren't interested. They just took a picture and left."

Officer Black then indicates that I cannot be "down here." At this, I get out of my car and show Officer Black the page in my voucher book with a signed receipt for a paratransit trip that dropped off in the area. Officer Black asks for a copy and reaches out of his car to try to grab the book. I inform him that I do not have an extra copy and I need the signed receipt in order to get paid. In response to this, Officer Black tells me to come with him to a shop that has a photocopier so he can get a copy of the document. I say to the officer that I am feeling harassed at this point.

Officer Black, visibly irritated, threatens, "Harassed? I can impound this cab!"

I reply, "I am not doing anything wrong. I had a paratransit trip down here."

Black, mentioning the General Manager of Germantown Cab by name, says, "So Joey is taking paratransit patients from the Northeast now?" At this point I didn't say anything, but simply showed Officer Black the voucher again to prove that I am telling the truth.

More agitated now, Black says, "That's what Joey tells all the drivers to say, that they're on a paratransit run." I reiterate that I am telling the truth and then I ask the officer for his name. The officer gives his name as "Bob Black" and drives away..

# **Exhibit 2**



**DRIVER/VEHICLE COMPLIANCE REPORT**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division**  
**P. O. Box 3265, Harrisburg, PA 17105-3265**

**PART A**

<b>BP8#</b>	01 DATE 5/18/11	02 START TIME 10:40	03 STREET/ROUTE NO. Windrim Ave	04 BORO, CITY, TWP. Philadelphia	05 COUNTY Philadelphia
06 RESPONSIBLE CARRIER NAME Germantown Cab Co-					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT A110733
08 ADDRESS 800 Chestnut St Philadelphia, Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB Randy A Stewart 9/10/62				11 OLN/STATE 20540689/PA	
12 ADDRESS 1940 W Sparks St Phila Pa 19141				13 CDL OR LIC, CLASS, END. A	
14 YR, MAKE/TYPER OF POWER UNIT 2003 Ford Taxi		15 REGISTRATION NO. TX45391	16 STATE PA	17 V.IN. 2FAFP71W03X105523	18 CO. NO. G2
19 YR, MAKE OF TRAILER/TYPER ST		20 REGISTRATION NO.	21 STATE	22 V.IN.	23 CO. NO.
24 YR, MAKE OF TRAILER/TYPER ST		25 REGISTRATION NO.	26 STATE	27 V.IN.	28 CO. NO.
29 NAME MARKINGS ON VEHICLE <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 264774	
31 POWER UNIT LEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	32 LEASE ON BOARD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	33. OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? <u>Owner</u> b. WHO PAYS SOCIAL SECURITY? <u>Driver</u> c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? <u>Owner</u> d. WHO PAYS OPERATING COST OF VEHICLE? <u>Driver</u>					
36 SHIPPING DOCUMENT NO.	37 WHOSE DOCUMENT?	38 DATE		39 CHARACTER OF SHIPMENT	
40 SHIPPER'S NAME AND ADDRESS Random inspection 129 Pamona St					
41 ORIGIN OF TRIP (CITY, TWP, CO) Random inspection		42 INTENDED USE		43 WEIGHT	
44 CONSIGNEE'S NAME & ADDRESS Random inspection					
45 DESTINATION OF TRIP (CITY, TWP, CO) Random inspection Chel & Washington Ln		46 COMPENSATION \$9.00		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO	
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE Pulsar 2030	50 SERIAL NO. 100787		51 SEAL NO.
52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input checked="" type="checkbox"/> MCSAP		53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input checked="" type="checkbox"/> NO VIOLATIONS <input type="checkbox"/> VIOLATIONS SHOWN ON PART B		54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT PREPARED BY: <i>Calder</i>		56 MCSAP RPT #	57 TIME ENDED		58 COPY RECEIVED BY

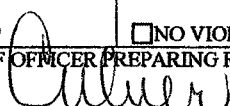
**DRIVER/VEHICLE COMPLIANCE REPORT**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
 Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division  
 P. O. Box 3265, Harrisburg, PA 17105-3265

**PART A**

<b>BP8#</b>	01 DATE 6/23/11	02 START TIME 9:15	03 STREET/ROUTE NO. Windrim Station	04 BORO, CITY, TWP. Philadelphia	05 COUNTY Philadelphia
06 RESPONSIBLE CARRIER NAME Germantown Cab Co 215-438-8888					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT A110733
08 ADDRESS 800 Chestnut St Philadelphia, Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB Paul A Griddle 9/17/70				11 OLN/STATE 24141586/PA	
12 ADDRESS 661 E Wishart St Philadelphia, Pa 19134				13 CDL OR LIC, CLASS, END. C	
14 YR, MAKE/TYPER OF POWER UNIT 2003 Ford Taxi		15 REGISTRATION NO. TX43127	16 STATE PA	17 V.I.N. 2FAHP71W13X148163	18 CO. NO. G32
19. YR, MAKE OF TRAILER/TYPER ST		20 REGISTRATION NO.	21 STATE	22 V.I.N.	23 CO. NO.
24 YR, MAKE OF TRAILER/TYPER ST		25 REGISTRATION NO.	26 STATE	27 V.I.N.	28 CO. NO.
29 NAME MARKINGS ON VEHICLE <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 264407	
31 POWER UNIT LEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		32 LEASE ON BOARD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		33. OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? <u>Owner</u> b. WHO PAYS SOCIAL SECURITY? <u>Driver</u> c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? <u>Owner</u> d. WHO PAYS OPERATING COST OF VEHICLE? <u>Direct</u>					
36 SHIPPING DOCUMENT NO. Random inspection		37 WHOSE DOCUMENT?		38 DATE	
39 CHARACTER OF SHIPMENT					
40 SHIPPER'S NAME AND ADDRESS Random inspection					
41 ORIGIN OF TRIP (CITY, TWP, CO) Annual inspection 7100 Cedar Park Ave			42 INTENDED USE Taxi		43 WEIGHT
44 CONSIGNEE'S NAME & ADDRESS Random inspection					
45 DESTINATION OF TRIP (CITY, TWP, CO) Random inspection 5000 Umbria St			46 COMPENSATION Voucher		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE Pulsar		50 SERIAL NO. 42203	
51 SEAL NO.		52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input type="checkbox"/> MCSAP			
53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input checked="" type="checkbox"/> NO VIOLATIONS <input type="checkbox"/> VIOLATIONS SHOWN ON PART B				54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5	
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT PULSAR <i>Culver</i>		56 MCSAP RPT #		57 TIME ENDED	
58 COPY RECEIVED BY					

**DRIVER/VEHICLE COMPLIANCE REPORT**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division**  
**P. O. Box 3265, Harrisburg, PA 17105-3265**

**PART A**

<b>BP#</b>	01 DATE 7/27/11	02 START TIME 1:55	03 STREET/ROUTE NO. Windrim Station	04 BORO, CITY, TWP. Philadelphia	05 COUNTY Philadelphia
06 RESPONSIBLE CARRIER NAME Germantown Cab Co 215-438-8888					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT A110733
08 ADDRESS 800 Chestnut st Philadelphia, Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB Phillip Langford 11/28/51				11 OLN/STATE 19894292/PQA	
12 ADDRESS 3627 W. Melon St Phila. Pa 19104				13 CDL OR LIC, CLASS, END. C	
14 YR, MAKE/TYPER OF POWER UNIT 2003 Ford Taxi		15 REGISTRATION NO. TX45306	16 STATE PA	17 V.I.N. 2FAHP71W23X181706	18 CO. NO. G16
19. YR, MAKE OF TRAILER/TYPER ST		20 REGISTRATION NO.	21 STATE	22 V.I.N.	23 CO. NO.
24 YR, MAKE OF TRAILER/TYPER ST		25 REGISTRATION NO.	26 STATE	27 V.I.N.	28 CO. NO.
29 NAME MARKINGS ON VEHICLE <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 225305	
31 POWER UNIT LEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		32 LEASE ON BOARD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		33. OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? <u>Owner</u> b. WHO PAYS SOCIAL SECURITY? <u>Driver</u> c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? <u>Owner</u> d. WHO PAYS OPERATING COST OF VEHICLE? <u>Driver</u>					
36 SHIPPING DOCUMENT NO. Random inspection Taxi Log		37 WHOSE DOCUMENT? Carrier		38 DATE 7/27/11	
39 CHARACTER OF SHIPMENT Passengers					
40 SHIPPER'S NAME AND ADDRESS Random inspection					
41 ORIGIN OF TRIP (CITY, TWP, CO) Random inspection 200 Ashmead St			42 INTENDED USE Taxi		43 WEIGHT
44 CONSIGNEE'S NAME & ADDRESS					
45 DESTINATION OF TRIP (CITY, TWP, CO) Random inspection Temple Hospital			46 COMPENSATION		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE Pulsar 2030		50 SERIAL NO. 138487	
51 SEAL NO.		52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input type="checkbox"/> MCSAP			
53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input type="checkbox"/> NO VIOLATIONS <input checked="" type="checkbox"/> VIOLATIONS SHOWN ON PART B		54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5			
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT FREDA CULVER BADGE 51		56 MCSAP RPT #		57 TIME ENDED	
58 COPY RECEIVED BY 					

**DRIVER/VEHICLE COMPLIANCE REPORT**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division**  
**P. O. Box 3265, Harrisburg, PA 17105-3265**

**PART A**

<b>BP#</b>	01 DATE 08/03/11	02 START TIME 11:50	03 STREET/ROUTE NO. Windrim Station	04 BORO, CITY, TWP. Philadelphia	05 COUNTY Philadelphia
06 RESPONSIBLE CARRIER NAME Germantown Cab Co 215-438-8888					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT A110733
08 ADDRESS 800 chestnut St Philadelphia, Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB Terrance Jackson 9/11/71				11 OLN/STATE 25736216/PA	
12 ADDRESS 5925 McCallum St Philadelphia, Pa 19144					13 CDL OR LIC, CLASS, END. C
14 YR, MAKE/TYPE OF POWER UNIT 2004 Ford Taxi			15 REGISTRATION NO. TX45066	16 STATE PA	17 V.I.N. 2FmZA576X4BA25211
19. YR, MAKE OF TRAILER/TYPE ST			20 REGISTRATION NO.	21 STATE	22 V.I.N.
24 YR, MAKE OF TRAILER/TYPE ST			25 REGISTRATION NO.	26 STATE	27 V.I.N.
29 NAME MARKINGS ON VEHICLE <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 086465	
31 POWER UNIT LEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		32 LEASE ON BOARD <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		33. OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? <u>Owner</u> b. WHO PAYS SOCIAL SECURITY? <u>Driver</u> c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? <u>Owner</u> d. WHO PAYS OPERATING COST OF VEHICLE? <u>Driver</u>					
36 SHIPPING DOCUMENT NO. Random inspection Taxi log		37 WHOSE DOCUMENT? Carrier		38 DATE 8/03/11	
39 CHARACTER OF SHIPMENT Passengers					
40 SHIPPER'S NAME AND ADDRESS 5800 american					
41 ORIGIN OF TRIP (CITY, TWP, CO) Random inspection			42 INTENDED USE Taxi		43 WEIGHT
44 CONSIGNEE'S NAME & ADDRESS Random inspection					
45 DESTINATION OF TRIP (CITY, TWP, CO) Random inspection 800 walnut			46 COMPENSATION Voucher		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE Pulsar		50 SERIAL NO. 27737	
51 SEAL NO. Lead					
52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input type="checkbox"/> MCSAP		53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input checked="" type="checkbox"/> NO VIOLATIONS <input type="checkbox"/> VIOLATIONS SHOWN ON PART B			54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT FREDA CULVER BADGE 31			56 MCSAP RPT #	57 TIME ENDED	58 COPY RECEIVED BY

## **Exhibit 3: G34 Dual Inspection**

Joseph Gabbay  
General Manager of Germantown Cab Company

At 11:03am on July 20, 2011 at the intersection of 15th St. and Locust St. in Philadelphia, my driver, in vehicle G34, was stopped by Inspector Rotan of the Philadelphia Parking Authority for a routine field inspection. This is an example of the manner in which we are being unduly double-regulated as the vehicle had passed an annual inspection by the Public Utility Commission (PUC) less than a month earlier, on June 14, 2011.

Our driver was not loaded with a passenger and was not providing call or demand service. After the inspector conducted his investigation, he determined that a tire had low tread and there was a tear in the partition. He then placed two yellow "out of service" stickers on the outside of the vehicle, indicating that the vehicle was placed out of service by the PPA for violation of its regulations. At this time he issued us two fines, one for \$750 and another for \$100. After the inspector concluded his investigation, he sent the driver back to the Germantown Cab Company garage at 5350 Belfield Ave. to make the necessary corrections, and gave him a carbon copy of the report. Once the vehicle returned to our property, I parked the vehicle in my secured and fenced-in lot until I had the opportunity to address the complaint and fix the problems.

Two days later, on Friday, July 22 around 10am, a PUC officer showed up on my property and requested to see G-34 (the cab in question). I was not in the office at the time, but received a phone call from the manager on duty who put me on the phone with the inspector. I then asked the inspector if she was there in response to the PPA live-stop. She confirmed that she was there in response to the PPA live-stop, and she went on to explain that she was there for the tire and the rip in the partition that had prompted the PPA to put the vehicle out of service. I explained to her that the vehicle had been taken out of service, described where it was parked, and had my manager escort her to where it was located on our lot. She was able to view the PPA yellow out of service stickers on the car. I explained to her that I was going to fix the car immediately and if she was able to wait I would make the correction on the spot. She said that she was unable to inspect an out of service vehicle and I would have to place it back into service before she could inspect it. I asked if she could come back later in the day, and she informed me that someone would come out another time.

Due to the dual nature of these inspections, I had to comply with the PPA's requirements that I send my vehicle to their facility for an inspection to be performed. It is worth nothing that the PUC has a different procedure in which a mechanic simply must confirm that the repairs have been done before the vehicle can be returned to service. Upon making the necessary repairs, I sent the vehicle approximately 15 miles to the PPA inspection facility at 2415 S. Swanson St. on July 22. The vehicle was inspected by Inspector Lauer (badge 15) and given a clean bill of health. As a result of this double-regulation I was forced to send a driver 45 minutes to the facility and it took approximately three hours before the vehicle was inspected and returned to service. This is an expenditure of time, gas, and money that represents the problematic nature of this double-regulation under the PPA and PUC.

On August 3, 2011 at 8:40am PUC inspector Freeda Culver (badge 51) came back to our location to do a "verification inspection" on G34 for her own agency and found no violations.

# PPA TAXICAB AND LIMOUSINE DIVISION

OUT OF SERVICE: YES  NO  OVERALL CONDITION: E P F

**VEHICLE INSPECTION REPORT**

DATE: 7-20-11 TIME: 10:55

LOCATION: 154 Locust DISPATCH: Garrett

OUT OF SERVICE DATE: 7-20-11 TIME: 11:03 RET. TO SERV.: 7-22-11

Semi-Annual  Field Ch of Tag New Vehicle Med. Re-Iss. Transfer New Meter 230PM

OWNER: Garrett RADIO: \_\_\_\_\_ METER: Pulsa-11025P

TLD# \_\_\_\_\_ P# 6-34 VIN# 2FAP71W03X135453

Yr: 03 Make: Ford TAG# 7A-43090 Mileage: 245668

Driver Name: Bruce W. Batts OLN# 21102577

INSURANCE INFO: Pine Lands BA. 3710-0351-5

COLOR / MARKINGS COMPLY	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	900 N. 63 <sup>rd</sup> St. Phila. Pa. 19151	SEALED	<input type="checkbox"/> Y <input type="checkbox"/> N
VEHICLE IDENT. CARD	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		ACCURATE	<input type="checkbox"/> Y <input type="checkbox"/> N
NO SMOKING NOTICE	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		PRINTER	<input type="checkbox"/> Y <input type="checkbox"/> N
PASSENGER BILL OF RIGHTS	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N			
RATE CARD	<input type="checkbox"/> Y <input type="checkbox"/> N		NOTES: <u>Left F. Tire Bald</u>	
DRIVERS BILL OF RIGHTS	<input type="checkbox"/> Y <input type="checkbox"/> N		<u>Must Replace</u>	
COMPLAINT INSTRUCTIONS	<input type="checkbox"/> Y <input type="checkbox"/> N		<u>Rear wheel well</u>	
SHIELD	<input type="checkbox"/> Y <input type="checkbox"/> N		<u>HAS Large Rips</u>	
PHILA. MAP PRESENT	<input type="checkbox"/> Y <input type="checkbox"/> N		<u>Must Fix/Replace</u>	
ALL SEAT BELTS WORKING	<input type="checkbox"/> Y <input type="checkbox"/> N		<u>Rear Seat Rip in it</u>	
PANIC BUTTON OPERATIONAL	<input type="checkbox"/> Y <input type="checkbox"/> N			

**VEHICLE CONDITION: STANDARDS & COMPLIANCE INSPECTION**

EXTERIOR	E	P	F	COMFORT	E	P	F
CLEAN EXTERIOR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLEAN INTERIOR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BODY CONDITION	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UPHOLSTERY	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
CLEAN TRUNK	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	HVAC OPERATIONAL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MEDALLION DISPLAYED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	WINDOWS OPERATE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOME LIGHTS FUNCTIONAL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	PASSENGER HANDGRIPS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GRAFFITI	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MINIMAL LEG ROOM	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPARE TIRE COVERED	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	4 DOORS ALIGNED	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WHEEL COVERS MATCH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				

TIRES APPROPRIATE AT TIME OF YR:  Y  N, WHEEL SIZE MATCH:  Y  N

CITATION ISSUED:  Y  N, INSPECTOR: Rotan # 4

NOTES: \_\_\_\_\_

THIS FORM MUST BE COMPLETELY FILLED OUT AND SIGNED BY THE INSPECTOR. ORIGINAL COPY FILED IN SUPERVISOR'S OFFICE. THE REVERSE SIDE IS TO BE COMPLETED WHEN REINSPECTION HAS BEEN ORDERED.

Driver/Owner Signature: Bruce Batts

PPA METER SEAL # \_\_\_\_\_  
 PPA INSP. STICKER # TL-050867  
 INSPECTION INFORMATION: MEDALLION YEAR \_\_\_\_\_  
 THE CURRENT INSPECTION STICKERS THAT ARE ON THE VEHICLE ARE: \_\_\_\_\_  
 YEAR OF EXP: 11 MONTH OF EXP: \_\_\_\_\_

PPA TAXICAB AND LIMOUSINE DIVISION

**REINSPECTION REPORT**

DATE: 7-22-11 TIME: 2300h

THIS IS TO BE COMPLETED WHEN REINSPECTION HAS BEEN ORDERED.

RETURNED TO SERVICE: YES  NO

DRIVER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

TLD# \_\_\_\_\_ P# G-34 TAG# \_\_\_\_\_

Yr: \_\_\_\_\_ Make: \_\_\_\_\_ Mileage: \_\_\_\_\_

INSURANCE CORRECT: YES  NO

Meter Sealed  Accurate  Printer  GPS

NOTES ON CORRECTIONS MADE

*Corrections made*

INSPECTOR: *Lam* # 15

THIS FORM MUST BE COMPLETELY FILLED OUT AND SIGNED BY THE INSPECTOR. COPY IS TO BE FILED IN SUPERVISOR'S OFFICE.

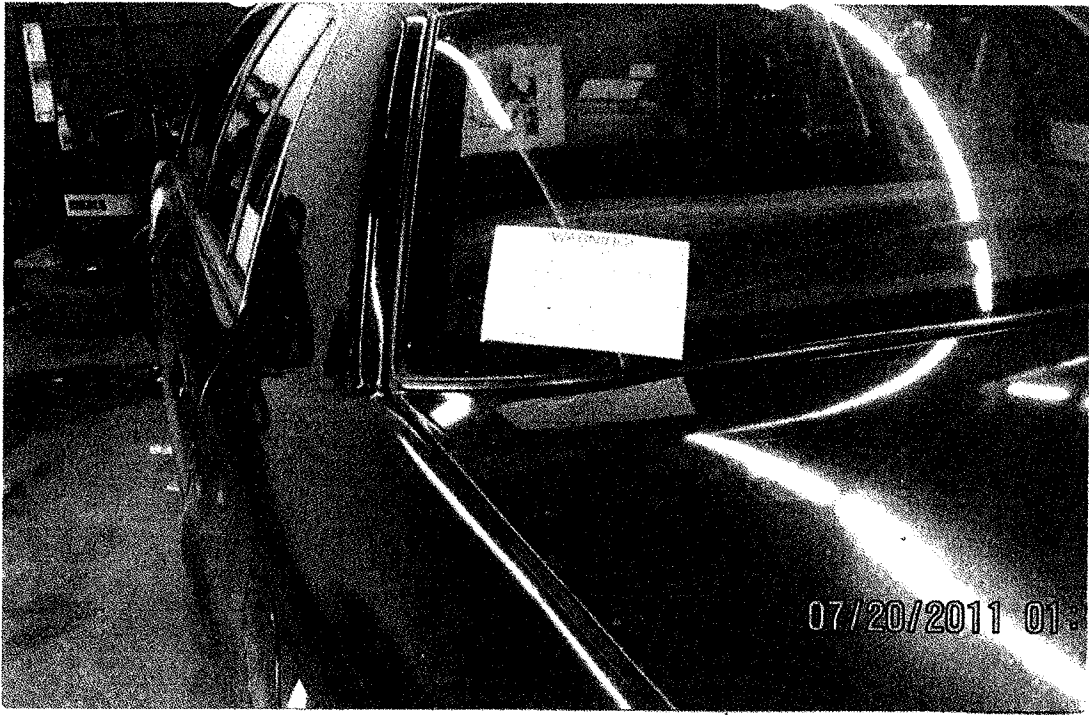


# 34

**DRIVER/VEHICLE COMPLIANCE REPORT**  
**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division**  
**P. O. Box 3265, Harrisburg, PA 17105-3265**

**PART A**

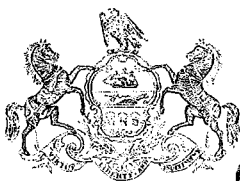
<b>BP8#</b>	01 DATE 8/03/11	02 START TIME 8:40	03 STREET/ROUTE NO. 5300 Belfield Ave	04 BORO, CITY, TWP. Philadelphia	05 COUNTY Philadelphia
06 RESPONSIBLE CARRIER NAME Germantown Cab Co 215-438-8888					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT A110733
08 ADDRESS 800 Chestnut St Philadelphia, Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB Terminal Inspection				11 OLN/STATE	
12 ADDRESS				13 CDL OR LIC, CLASS, END.	
14 YR, MAKE/TYPE OF POWER UNIT 2003 Ford Taxi		15 REGISTRATION NO. TX43096	16 STATE PA	17 V.I.N. 2FAFP71W03X135458	18 CO. NO. G34
19. YR, MAKE OF TRAILER/TYPE ST		20 REGISTRATION NO.	21 STATE	22 V.I.N.	23 CO. NO.
24 YR, MAKE OF TRAILER/TYPE ST		25 REGISTRATION NO.	26 STATE	27 V.I.N.	28 CO. NO.
29 NAME MARKINGS ON VEHICLE <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 247350	
31 POWER UNIT LEASED <input type="checkbox"/> YES <input type="checkbox"/> NO		32 LEASE ON BOARD <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		33. OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	
34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A					
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? _____ b. WHO PAYS SOCIAL SECURITY? _____ c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? _____ d. WHO PAYS OPERATING COST OF VEHICLE? _____					
36 SHIPPING DOCUMENT NO.		37 WHOSE DOCUMENT?		38 DATE	
39 CHARACTER OF SHIPMENT					
40 SHIPPER'S NAME AND ADDRESS Verification inspection					
41 ORIGIN OF TRIP (CITY, TWP, CO) Verification inspection			42 INTENDED USE		43 WEIGHT
44 CONSIGNEE'S NAME & ADDRESS Verification inspection					
45 DESTINATION OF TRIP (CITY, TWP, CO) Verification inspection			46 COMPENSATION		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE Pulsar 2030		50 SERIAL NO. 110258	
51 SEAL NO. Lead					
52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input type="checkbox"/> MCSAP		53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input checked="" type="checkbox"/> NO VIOLATIONS <input type="checkbox"/> VIOLATIONS SHOWN ON PART B			54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT FREDA CULVER BADGE 51		56 MCSAP RPT #	57 TIME ENDED		58 COPY RECEIVED BY



WARRANTY BOOK  
DATE: 07/20/2011  
TIME: 01:30

07/20/2011 01:3

# **Exhibit 4**



TAXI  
DOWNTOWN  
GTN CAB



**Philadelphia  
Parking  
Authority**

Taxicab and Limousine Division  
700 Packer Avenue  
Philadelphia, PA 19148-5320  
(215) 683-9785

August 19, 2005

Judy Gabbay, President  
Germantown Cab, Inc.  
800 Chestnut Street  
Philadelphia, PA 19107

Dear Ms. Gabbay:

The PPA understands that Germantown Cab, Inc. (referred to herein as the Cab Company) is currently providing service as a Partial Rights cab company that falls under the jurisdiction of the Philadelphia Parking Authority (PPA). The Cab Company has had since September 2004 to comply with these regulations. No formal petitions from your company for waivers or exceptions are outstanding.

The Cab Company has filed part of the information required to provide this service. To continue to provide Partial Rights Cab service, the Cab Company must perfect its application by providing the following information and/or documentation within two weeks of the date of this letter. Additionally, the Cab Company's service shall be limited to the service listed below, unless it takes the appropriate to change these limitations.

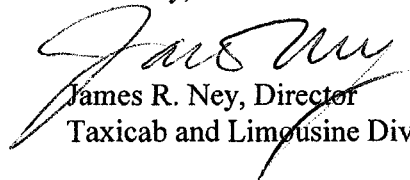
2005  
SICIK  
/SP

- ① The Cab Company has nominated the vehicles listed on the attachment to provide service. The Cab Company must keep this list current with the PPA. Please note that although this vehicle has met age and mileage standards based upon the information you provided, it still must meet all other vehicle and equipment requirements (e.g., shields) established in the PPA's regulations or be subject to fines and penalties. No other vehicle in the Cab Company's fleet other than those listed on the attachment may provide point-to-point service in Philadelphia.
2. Please present the number the Cab Company has assigned to each vehicle. The numbering must comply with PPA regulations unless a waiver has been granted. (see §13.g.ii) The make is also needed for this vehicle.

3. Please provide the expiration date for each vehicle's state inspection. The PPA will inform you of your schedule for your bi-annual inspections. ✓
4. Service must be provided under the Medallion Taxi rates and maximum leases approved by the PPA. The Cab Company may petition the PPA for a waiver to use the PUC rates as discussed in our regulations (see §8.b.x).
5. Please provide a copy of your complete PUC approved tariff for the Cab Company.
6. Please provide an affidavit from the entity providing the Cab Company's dispatch service indicating that it meets the standards for dispatchers set forth in our regulations (see 8.b.vi). The dispatcher does not need to be certified by the PPA.
7. Please pay \$250 for each vehicle nominated immediately. Installments of \$250 for this fiscal year are due September 15, 2005, December 15, 2005 and February 15, 2006.
8. Please pay the outstanding fines listed on the attachment.
9. Please have the Cab Company's insurer provide the PPA with a Form E for the Cab Company's PPA jurisdictional service. Refer back to the regulations.
10. Please take the appropriate steps to make certain that all the vehicles in the Company's fleet, not just those listed in the attachment, have paid or are current on a payment agreement for all parking tickets. This item does not need to be met until you present your first vehicle for inspection with the PPA (see PPA's regulations at §8.b.iv).

All of the above, with the exception of number 10, must be complied with within the time period noted above or the Cab Company must cease providing service under PPA jurisdiction. Those who continue to operate without complying will be subject to fines, penalties and impoundment. Omission in this notice of any standard otherwise required by rule, regulation or statute does not waive those provisions. Please direct any questions to Christine Kirlin at 215-683-9653.

Sincerely,

  
James R. Ney, Director  
Taxicab and Limousine Division

/mr

**Note: Vehicles 46, 53 and 67 exceed our mileage and age requirements. These vehicles need to be replaced. There are 79 vehicles at \$250 each.**

**The Philadelphia Parking Authority**  
**Taxicab and Limousine Division**

**In re: Response to Petition for a Fee Waiver**  
**By Germantown Cab Co.**  
**Petition Number \_\_\_\_\_**  
**Recommendation for Board Action**

In a petition filed by Germantown Cab Co. (Petitioner) dated August 22, 2005 and received by The Philadelphia Parking Authority ("Authority") on August 25, 2005 the Petitioner requests that the Authority waive its duly approved and advertised fee of \$1,000.00 per taxicab per annum, and reduce that fee to \$190.00 per vehicle under §1g. of the Authority's Regulations.

This petition is denied because the Authority is not empowered with the ability to waive the annual filing fee for taxicabs in Philadelphia. Certain of the Authority's fees are required to be submitted in advance of the fiscal year to the Pennsylvania Legislature for approval. 55 Pa.C.S. §5707. The fee suggested by Petitioner for waiver was approved by the Legislature for Fiscal Year 2006 and is not subject to the waiver provision of the §1g.

Although not necessary to reach a conclusion in this matter, the Authority believes it is necessary to address certain related issues raised by Petitioner:

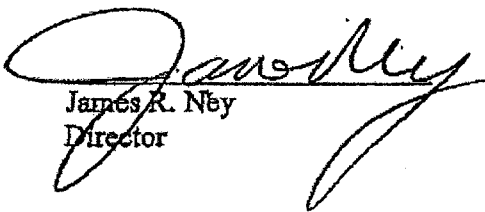
1. The Authority believes the Petitioner's request that its annual fee per taxicab should be based in some way on the percentage of the City covered by its rights is an argument without merit. The Authority set the subject fee based on its judgment of what revenue was necessary to duly regulate the taxicab industry as mandated by the Commonwealth of Pennsylvania. Just as with a Medallion Taxicab, the Authority needs to inspect the Petitioner's taxicabs twice per year, track its insurance, train its drivers, staff an administrative, adjudicative and enforcement department, etc. To date the Authority's experience has revealed that a disproportionate percentage of its regulatory time as been spent addressing issues associated with the Petitioner's taxicabs, including issues related to illegal operations.
2. In continuing defiance of the Authority's Regulations and Pennsylvania statute, the Petitioner has failed to file information (other than cursory comments) about its finances, nor has it paid the required annual filing fee. The Authority's Board has been sensitive to the transitional needs of all regulated parties, including Partial Rights Taxicab companies, by providing special waivers related the age of vehicles and the certification of drivers. The Authority notes that the Petitioner has an open-ended certificate of public convenience and may adjust the number of vehicles it places in service in Philadelphia for reasons including supply and demand.
3. The Petitioner has not provided any evidence that its rates are inadequate (see Petition at para. 29) nor did it file a single comment during the public review process conducted prior to the inception of the recently granted rate increase. The rates approved

by the Authority's Board anticipated compliance with the law and the Authority's Regulations, including the subject \$1,000.00 filing fee. It is worth noting that the recent rate increase provided Petitioner \$.20 cents per trip more than Medallion Cabs, despite the fact that the Petitioner is not required to purchase a Medallion to operate in Philadelphia (a savings of no less than \$90,000.00 per vehicle).

4. As to some of the other issues raised by the Petitioner:
  - a. The Authority has no open challenge or expressed limitation as to the rights of Petitioner to provide its granted service. (See, Petition at para. 3, 4, and 5).
  - b. The Petitioner may not shield itself from the requirements of the law nor the Authority's Regulations through an alleged ignorance of the requirements set forth therein. (See, Petition at para 8). The Regulations were subject to significant public notice and media coverage, public hearings and prolonged discussion with representatives of all sectors of the taxicab industry. The Petitioner was specifically invited to participate in that process but chose to participate very little. It should be noted that other Partial Rights Taxicab companies vigorously participated in the development of the Authority's Regulations.
  - c. Fees related to the limousine industry are irrelevant to this Petition.
  - d. Revenues and costs associated with regulating taxicabs and limousines will be publically reviewed again for FY 2006-2007.
  - e. The Petitioner's revenues covered by the Authority's jurisdiction which is everything other than point-to-point service offered in the suburbs are exempt from PUC assessment; therefore, a double assessment is not possible.

5. Finally, it should be noted the Petitioner's first installment of \$250/cab was due on June 15, 2005 the Authority will begin to impose all forms of enforcement necessary to cause Petitioner to come into compliance with the Regulations immediately.

The Philadelphia Parking Authority  
Taxicab and Limousine Division

  
James R. Nby  
Director

Date: Sept. 29, 2005

810-664-1507



**Philadelphia  
Parking  
Authority**

Taxicab and Limousine Division  
700 Packer Avenue  
Philadelphia, PA 19148-5320  
(215) 683-9785



October 7, 2005

Judy Gabbay, President  
Germantown Cab, Inc.  
800 Chestnut Street  
Philadelphia, PA 19107

Re: Registration of Germantown Cab

Dear Ms. Gabbay:

Your application for partial taxi rights in the City of Philadelphia is still open. We have sent you several letters stating what must be done to complete your application, only to be answered with more questions, petitions to wave our regulations and additional meetings. We have accommodated all your requests thus far.

You must comply with our regulations to complete your registration by October 14, 2005. As you know all taxicabs regulated by the PPA's TLD are assessed \$1000 annually. If you want to register all the cars you have listed as being in your service (about 80), you must forward us a check for \$40,000 which represents payment of the first two installments already past due. You may choose to register fewer vehicles.

In order to secure PPA rights there will be no further discussions until we receive the past due amount. Upon payment we can begin scheduling inspections of your cabs. They will have to comply with all our regulations. If you fail to make payment by the deadline, your cabs will be considered illegal service providers, subject to impoundment and fines.

Sincerely,

Charles Milstein, Manager  
Administration & Adjudication

cc: David Temple, Esq.  
James R. Ney, Director





**Philadelphia  
Parking  
Authority**

Taxicab and Limousine Division  
700 Packer Avenue  
Philadelphia, PA 19148-5320  
(215) 683-9785

April 7, 2006

Judy Gabbay, President  
Germantown Cab Co.  
800 Chestnut Street  
Philadelphia, PA 19107

**HAND DELIVERED**  
On April 13, 2006

Re: Assessment Overdue and Incomplete Application

Dear Ms. Gabbay:

Your taxicab application for partial rights in the City of Philadelphia remains incomplete. This information was due in February 2005. It was requested again on October 7, 2005. We have sent you several letters stating what must be done to complete your application, only to be answered with more questions, petitions to waive our regulations and additional meetings.

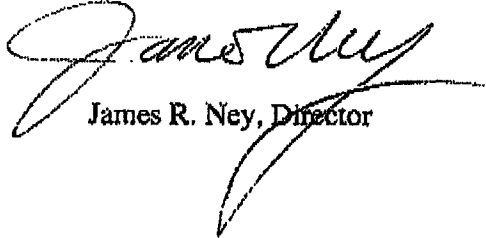
You have until close of business on **Wednesday April 19, 2006** to finish the registration and pay all outstanding fees and fines including outstanding parking violations. If you fail to do everything outlined in this letter, the necessary steps will be taken on April 20, 2006 to revoke your certificate of public convenience. Any Germantown Cab Company vehicle found to be attempting to offer service on that day or any day thereafter shall be impounded. A copy of this letter is being forwarded to the Public Utility Commission.

You must provide us with the following:

1. Criminal record checks for all owners and corporate officers from Pennsylvania if any parties lived in Pennsylvania during the past five years.
2. Update of your corporate officers.
3. Affidavit attesting to your dispatch complying with our regulations.
4. The Affirmation must be completed or supply a written explanation of why you are objecting to certain statements.
5. Updated list of all cabs you are registering
6. All fines and fees must be paid. Only \$20,000.00 has been received towards your assessment. There is an outstanding balance of approximately \$60,000.00 depending on the exact number of cabs you choose to register. All fines must be paid unless they have been appealed. You have been notified of all outstanding citations. If you need an updated list, contact Christine Kirlin at (215) 683-9653.

7. All parking tickets must be paid or arrangements made with the Bureau of Administration and Adjudication (BAA). In February, your amount due was \$35,245.00. BAA will provide you with the current amount owed.

Sincerely,



James R. Ney, Director

cc: Vincent J. Fenerty, Jr., Executive Director  
Dennis Weldon, Esq. General Counsel  
Charles Milstein, Manager  
Michael E. Hoffman, Director (PUC)  
David Temple, Esq.

LAW OFFICES OF

**MICHAEL S. HENRY, LLC**

2336 SOUTH BROAD STREET • PHILADELPHIA, PA 19145  
TELEPHONE: 215 218-9800 • FACSIMILE: 215 218-9249

www.southphiladelphialawyer.com

**MICHAEL S. HENRY**

E-mail address:  
mshenry@ix.netcom.com

**STEPHEN E. NIKSA**

E-mail address:  
sniksa@ix.netcom.com

May 2, 2006

Alan C. Kohler, Esquire  
Wolf, Block, Schorr and Solis-Cohen, LLP  
213 Market Street, 9<sup>th</sup> Floor  
Harrisburg, Pennsylvania 17101

VIA FACSIMILE

Re: Germantown Cab Co. v. Philadelphia Parking Authority

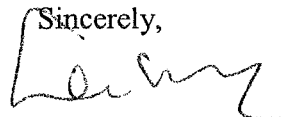
Dear Mr. Kohler:

It has come to my attention that the Taxicab and Limousine has impounded a taxicab owned by Germantown Cab Co. (G-16) and is insisting that Germantown pay all outstanding fines and tickets as a condition of the vehicle's release. As you are aware, the Commonwealth Court issued a stay to enjoin further collection efforts by the PPA pending further order from the Court. Germantown has posted \$50,000 in security, with an additional \$10,000 to be paid in the near future. Conditioning release of G-16 upon the payment of outstanding amounts owned to PPA constitutes a violation of the stay and may subject PPA to sanctions for contempt.

I would appreciate it if you would discuss this matter with Messrs. Ney and Schmidt so that G-16 may be released upon the posting of the ordinary and customary security posted in these matters. I wish to avoid the filing of a Motion for Contempt and communicating with you as a courtesy before taking any further action.

I look forward to an amicable resolution of this matter.

Sincerely,



Michael S. Henry

213 Market Street, 9th Floor, P.O. Box 865, Harrisburg, PA 17108-0865  
Tel: (717) 237-7160 ■ Fax: (717) 237-7161 ■ www.WolfBlock.com

Alan C. Kohler  
Direct Dial: (717) 237-7172  
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E-mail: akohler@wolfblock.com

May 5, 2006

**VIA FACSIMILE AND  
FIRST CLASS MAIL**

Michael S. Henry, Esq.  
Law Offices of Michael S. Henry, LLC  
2336 South Broad Street  
Philadelphia, PA 19145

Re: Germantown Cab Co. v. Philadelphia Parking Authority  
No. 388 C.D. 2006

Dear Mr. Henry:

I am in receipt of your letter dated May 2, 2006 regarding Philadelphia Parking Authority's ("PPA") impoundment of a taxicab owned by Germantown Cab Co. for failure to pay outstanding fines and tickets. You allege in the letter that the impoundment of the taxicab is in violation of the Order entered by the Commonwealth Court on April 20, 2006 (the "Order"). This is not true.

Pursuant to the Order, the stay was granted pending the Court's disposition of Germantown's Petition for Review in the above-referenced matter and conditioned upon the payment into escrow of \$40,000 due on the annual \$1,000 assessment imposed by PPA on each of Germantown's cabs. The subject of the Petition for Review is Germantown's contention that PPA's annual \$1,000 assessment/vehicle is improper, not the numerous fines and parking tickets imposed on Germantown. Accordingly, the stay only applies to actions emanating from Germantown's failure to pay the \$1,000 assessment fee, not to its failure to pay fines and parking tickets. The fines and parking tickets are completely separate issues and, in many cases, are subject to separate proceedings in the Philadelphia Court of Common Pleas. Significantly, at the hearing on the stay request held on April 20, 2006, the Court explicitly recognized that the fines and parking tickets were not the subject of the hearing and were therefore not relevant to the proceedings. This is further supported by the fact that the stay was granted conditioned upon escrowing the appropriate amount of the \$1,000 annual assessment, not the amount of the fines and parking tickets.

HAR:65631.1/PHI114-234952

Michael S. Henry, Esq.  
May 5, 2006  
Page 2

Therefore, based on the foregoing, PPA respectfully disagrees with your assertion that its impoundment of the Germantown taxicab was in violation of the Order. Rather, PPA, because of Germantown's failure to pay numerous fines and parking tickets, and pursuant to paragraph 28(f) of the Taxicab and Limousine Regulations, is empowered to confiscate and impound the taxicab.

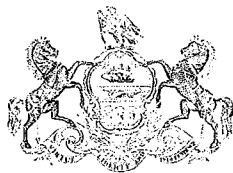
Sincerely,



Alan C. Kohler

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

ACK/dsc



**Philadelphia  
Parking  
Authority**

3101 Market Street  
Philadelphia, PA 19104-2895  
(215) 683-9600

**Dennis G. Weldon, Jr.**  
**General Counsel**  
The Philadelphia Parking Authority  
3101 Market Street  
Second Floor, West Wing  
Philadelphia, PA 19104-2895  
Direct Line: 215.683.9630  
Facsimile: 215.683.9619  
**E-Mail: [dweldon@philapark.org](mailto:dweldon@philapark.org)**

June 23, 2006

**VIA REGULAR MAIL, FACSIMILE (215) 218-9249  
AND E-MAIL: [MSHENRY@IX.NETCOM.COM](mailto:MSHENRY@IX.NETCOM.COM)**

Michael S. Henry, Esquire  
2336 South Broad Street  
Philadelphia, PA 19145

**Re: The Philadelphia Parking Authority  
Your Client: Germantown Cab Co.  
Payment of Overdue Fines**

Dear Mr. Henry:

I write in furtherance of my letter to you yesterday regarding your client's interest in resolving its overdue Philadelphia parking ticket fines and Taxicab and Limousine Division ("TLD") fines.

During our conversation today you indicated that your client's vehicles were being "put out of service" as they appeared at the Authority for necessary annual review because these fines remain unpaid. I understand that there are a variety of reasons that your client's taxicabs are being put out of service as they appear, the unpaid status of these fines being one. Apparently the age, milage, and condition of the vehicles plays prominently in that analysis as well.

As I indicated in my letter to you yesterday, I have obtained current overdue figures for both TLD and parking tickets relative to your client. Please understand that this number is a moving target because your client's cabs are on the street everyday potentially receiving more of each type of citation, and some currently issued citations are outstanding but not yet overdue. The attached list of parking violation figures is current as of 5:00pm June 22, 2006 and the TLD fine list is current as of 5:00pm June 23, 2006.

The overdue TLD fines equal \$6,825.00 as of today. You understand that late fees, among others may apply to even that figure, so it is important that your client pay them immediately. Because your client simply owes these fines and no negotiated resolution relates to them, I suggest your client simply appear at the TLD's Headquarters at 7<sup>th</sup> Street and Packer Avenue and pay them.

Michael S. Henry, Esquire  
June 23, 2006

Page....Two

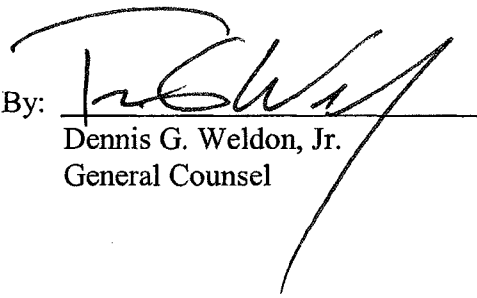
The overdue parking fines equal \$41,434.50. You can see that that number has increased since we last attempted settlement of these fines, and I presume has increased significantly since your client last appeared at the Philadelphia Bureau of Administrative Adjudication ("BAA") to negotiate a settlement during the "amnesty period" that was extended to all taxicab owners in Philadelphia in the Spring of 2005. As I indicated in my letter to you yesterday, the Authority has no discretion to lower or eliminate parking fines or late fees, that is solely within the purview of the BAA. I have contacted the BAA and been informed that your point of contact for settling these overdue violations is Joanne Schofield, who may be contacted at 215-683-9587. I understand that she may be in the office tomorrow (Saturday) and will be in the office on Monday. She should be able to quickly resolve this issue for you. The Authority will accept whatever resolution is approved by the BAA.

I have also reviewed your assertion that there was an agreement to allow your client's vehicles to operate without the required safety shields until December of 2006. I understand there is no agreement on that subject. Apparently verbal negotiations were attempted in that regard, but failed when the Authority requested that your client submit at least three (3) vehicles per month for inspection by the Authority and that all overdue parking violations be paid, in exchange for any such consideration.

Unfortunately, those negotiations were unsuccessful, but hopefully we can quickly resolve the overdue fines now so that one of the reasons that your client's taxicabs are "put out of service" as they appear will be eliminated. The remaining issues seem to be entirely related to safety (both for the public and your drivers) and can not be deferred any longer.

If you have any questions or concerns, please feel free to contact me.

Sincerely,  
The Philadelphia Parking Authority

By:   
Dennis G. Weldon, Jr.  
General Counsel

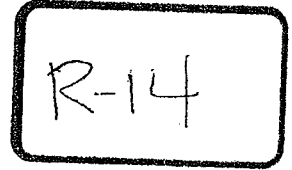
DGW/ob

cc: James Ney,  
Director of Taxicab & Limousine Division  
William Schmid,  
Manager of Taxicab & Limousine Division  
Clorise Wynn,  
Executive Director of BAA

# **Exhibit 5**



THE PHILADELPHIA PARKING AUTHORITY  
TAXICAB AND LIMOUSINE DIVISION



Procedure Upon Impoundment of Vehicle and/or Medallion

I) Procedure to Reclaim Impounded Vehicle

Any vehicle and industry related equipment (hereinafter "vehicle") impounded by The Philadelphia Parking Authority ("Authority") pursuant to the Act of July 16, 2004, No. 94 and/or the Authority's Taxicab and Limousine Division ("TLD") Regulations may be reclaimed by the owner through compliance with one of the following lettered subsections:

- A. Payment of all Fines, Fees, and Costs: The vehicle will be released to the registered owner or registered lienholder (meaning owner or lienholder then of record with the Pennsylvania Department of Transportation) as their interests appear prior to the scheduled Auction Date, upon appropriate proof of such status and through:
1. payment of all fine(s) assessed at the time of impoundment; and
  2. payment of all Tow and Impoundment Storage Fees; and
  3. payment of all other outstanding and unappealed TLD fines, fees, and assessments; and
  4. presentation of a letter or order of the Philadelphia Traffic Court or other issuing authority evidencing payment or resolution of any outstanding and unappealed violations of Pennsylvania's Motor Vehicle Code; and
  5. presentation of a letter or order of the Philadelphia Bureau of Adjudication evidencing payment or resolution of any outstanding and unappealed Parking Violations; and
  6. presentation evidence that the vehicle is duly insured and duly registered with PennDot, or if registered outside of Pennsylvania certification of registration with that state, and with the TLD if necessary.

\*A party with standing that has complied with this Section shall not be prohibited from duly filing a timely request for a hearing on the merits of the underlying violation(s)

- B. Posting of Bail: The vehicle will be released to the registered owner or registered lienholder as their interests appear prior to the scheduled Auction Date, upon appropriate proof of such status and following either paragraph 1. or 2. below:

1. If no TLD objection to bail is raised, by:
  - a) posting bail in the amount of twenty (20%) percent of the aggregate value of the violation(s); however not less than \$150, issued at the time of impoundment;
  - b) payment of all Tow and Impoundment Storage Fees;
  - c) payment of all other outstanding and unappealed TLD fines, fees, and assessments;
  - d) presentation of a letter or order of the Philadelphia Traffic Court or other issuing authority evidencing payment or resolution of any outstanding and unappealed violations of Pennsylvania's Motor Vehicle Code;
  - e) presentation of a letter or order of the Philadelphia Bureau of Adjudication evidencing payment or resolution of any outstanding and unappealed Parking Violations; and
  - f) filing a Request for Hearing as to the TLD violation(s) related to the impoundment and payment of the applicable Hearing Filing Fee.

2. In the event an objection is raised by the TLD pursuant to Section B. 1., or in the event the party is unwilling to meet the requirements of Section B. 1. or Section A., a party with standing may seek release of the property at issue by:
    - a) filing a request for a Bail Hearing with the TLD along with payment of a non-refundable \$25.00 Bail Hearing filing fee; and
    - b) filing a Request for Hearing as to the TLD violation(s) related to the impoundment and payment of the applicable Hearing Filing Fee; and
    - c) attending the Bail hearing and complying with Section C. as necessary.
  3. No vehicle impounded for operating as a taxicab without necessary certification of either the Authority or the PUC (e.g. a "hack cab") may be released on bail prior to a hearing and determination on the merits, which shall be heard within ten (10) business days of impoundment when practicable. No vehicle may be released on bail to an owner or lienholder who has in a prior matter failed to appear at a hearing subsequent to release of a related impounded vehicle.
  4. Bail Hearings shall be scheduled by the TLD when necessary each Tuesday and Friday, during regular business hours.
- C. Order for Release: The vehicle will be released to the registered owner or registered lienholder as their interests appear prior to the scheduled Auction Date, upon appropriate proof of such status and:
1. upon presentation of and compliance with an Order for Release of Impounded Vehicle issued by an Authority Hearing Officer; and
  2. payment of any other outstanding fine, fee, and cost then owing the Authority; and
  3. presentation of a letter or order of the Philadelphia Traffic Court or other issuing authority evidencing payment or resolution of any outstanding and unappealed violations of Pennsylvania's Motor Vehicle Code; and
  4. presentation of a letter or order of the Philadelphia Bureau of Adjudication evidencing payment or resolution of any outstanding and unappealed Parking Violations; and
  5. presentation of evidence that the vehicle is duly insured and duly registered with PennDot, or if registered outside of Pennsylvania certification of registration with that state, and with the TLD if necessary.

## II. Return of Medallion

Generally, upon impoundment of a medallion taxicab the medallion shall be removed and separated from the vehicle. The medallion shall be securely maintained by the TLD. The owner of the medallion may after the impounded vehicle is reclaimed, pursuant to the procedures set forth above, contact the TLD's Enforcement Department to schedule an appointment to have the medallion re-attached to the taxicab. No medallion shall be re-attached to a taxicab unless that taxicab shall have first passed an inspection by a TLD Inspector. No fee may be charged for such inspections.

In the event that a Medallion remains unclaimed by its owner or lienholder for more than 90 days after the subject vehicle has been duly reclaimed, such medallion shall revert in ownership to the Authority; however, only upon 30 days notice to the owner and lienholder by U.S. Mail. Proof of Mailing, of the date of such reversion.

## OWNER VIOLATIONS

CODE	CLASS	FINE	VIOLATION	SUSPENSION
Sect.15	A	\$1500	Carriers premises- Inspector denied access	Hearing required
Sect.16	A	\$5000	Counterfeited inspection sticker (PA DOT)	Impound/Hearing
	A	\$1500	Failure to have identifiable markings removed before selling vehicle	Hearing
Sect.11	A		Felony conviction while holding certificate	Revocation
Sect.29	A	\$5000	Illegal Service Provider (no registration with the PPA)	Impoundment
Sect.13	A	\$1500	Markings/colors- incorrect intentionally	Impoundment
Sect.29	A	\$1500	Medallion cabs not operating- 50% over 3 consecutive months	Revocation
Sect.29	A	\$5000	Medallion counterfeit	Impound/Hearing
Sect.13	A	\$1500	Medallion not on vehicle	Impoundment
Sect.12	A	\$1500	Medallion illegally transferred to another vehicle not inspected by PPA	Impoundment
Sect.12	A	\$1500	Operating additional vehicles without reporting or temporary rights	Impoundment
Sect.15	A	\$1500	Operating w/out current PPA inspection	Impoundment
Sect.29	A	\$5000	Operating outside of rights	Impoundment
Sect.15	A	\$1500	Operating vehicle while out of service	Impoundment
Sect.tbd	A	\$1500	Using unlicensed driver (PA MVC)	Impoundment
Sect.5	A	\$1500	Using non-certified driver (PPA)	Impoundment
Sect.31	A	\$1500	Vehicle operating w/ no insurance	Impoundment
Sect.31	A	\$1500	Vehicle operating w/ expired or suspended registration	Impoundment
Sect.15/p.52	B	\$750	Change of tag w/out PPA inspection	Out of Service
Sect.5/p.17	B	\$750	Failure to provide service w/in 30 days of certificate	Out of Service
Sect.13/p.45	B	\$750	Fast meter	Out of Service
Sect15/p.52	B	\$750	Failure to report an accident &/or have vehicle re-inspected post-accident	Out of Service
Sect.5/p.17	B	\$750	Failure to use Certified Dispatch Assoc.	Out of Service
Sect.18	B	\$750	Incomplete communication system	Out of Service
Sect.13	B	\$750	Inspection /emission stickers (PA DOT) missing or expired	Out of Service
Sect.13	B	\$750	Meter not sealed	Out of Service
Sect.13	B	\$750	Meter inoperative	Out of Service
Sect.13	B	\$750	Meter cannot be remotely deactivated by Authority	Out of Service
Sect.13	B	\$750	Any violation of the PENNDOT MV code for safety	Out of Service
Sect.13	B	\$750	Panic button- failure to have device	Out of Service
Sect.tbd	B	\$750	Using non-registered FSP	Hearing
Sect.4	B	\$750	Using non-registered Operator	Out of Service
Sect.13	B	\$750	Shield- no protective shield or fail to meet requirements	Out of Service
Sect.13	C	\$350	Advertising not in secure or authorized area	\$100/48 hours
Sect.13	C	\$350	Dome light- none or not working	\$100/48 hours
Sect.13	C	\$350	Electronic device card readers, missing or not working	\$100/48 hours
Sect.27	C	\$350	Failure to respond to a complaint	per occurrence

## DRIVER VIOLATIONS

<u>CODE</u>	<u>CLASS</u>	<u>FINE</u>	<u>VIOLATION</u>	<u>SUSPENSION</u>
Sect.19	A	\$350	Accident. Failure to stop/leave scene, or provide assistance	Rev/Impound
Sect.19	A	\$350	Conviction of a felony	Rev/Impound
Sect.19	A	\$350	Driving while driver's license suspended	Rev/Impound
Sect.19	A	\$350	Driving while driver's cert. suspended	Rev/Impound
Sect.19	A	\$350	Driver's certificate forged or false	Rev/Impound
Sect.19	A	\$350	Driving with suspended MV license	Rev/Impound
Sect.19	A	\$350	DUI while in service	Rev/Impound
Sect.29	A	\$350	Illegal service provider (no registration with the PPA)	Rev/Impound
Sect.19	A	\$350	Knowingly transport, possesses or use of controlled substance	Rev/Impound
Sect.18	A	\$350	Limousine providing service without advance reservation	Rev/Impound
Sect.15	A	\$350	Operating vehicle while out of service	Rev/Impound
Sect.29	A	\$350	Operating vehicle with no medallion	Rev/Impound
Sect.29	A	\$350	Operating/Soliciting while outside rights	Rev/Impound
	B	\$350	Aiding or abetting	TBD
Sect.19	B	\$350	Failure to report D.L. suspended	Out of Service
Sect.15	B	\$350	Failure to allow inspection	Out of Service
Sect.19	B	\$350	Failure to belong to Radio Association	Out of Service
Sect.13	B	\$350	Fast meter	Out of Service
Sect.13	B	\$350	PPA Inspection stickers expired/missing	Out of Service
Sect.13	B	\$350	PA DOT Inspection/emission stickers expired or missing	Out of Service
Sect.13	B	\$350	Meter Inoperative	Out of Service
Sect.19	B	\$350	Operating unsafe vehicle	Out of Service
Sect.19	B	\$350	Operating w/ expired driver's cert. (PPA)	Out of Service
Sect.13	B	\$350	Radio, failure to keep in operating setting	Out of Service
Sect.19	C	\$250	Appropriate route not used	
Sect.15	C	\$250	Driver's certificate, applying/possession of more than one	
Sect.19	C	\$250	Failure to respond to a hail	
Sect.19	C	\$250	Gratuity insisted upon	
Sect.19	C	\$250	Overcharge fare	
Sect.19	C	\$250	Refusal to refund excess paid by patron	
Sect.19	C	\$250	Refusal of service without good cause	
Sect.19	C	\$250	Rates charged, other than tariff	
Sect.13	C	\$250	Multiple meters in driver's compartment	
	D	\$150	Any violation of PA motor vehicle code	
Sect.19	D	\$150	Dirty Cab (interior, exterior, trunk)	
Sect.19	D	\$150	Driver using cell phone w/ passenger	
Sect.19	D	\$150	Driver using vulgar/obscene language or gestures in public	
Sect.19	D	\$150	Dress Code/Appearance	
Sect.19	D	\$150	Failure to display driver's certificate	
Sect.19	D	\$150	Failure to comply with any of the Passenger rights	
Sect.19	D	\$150	Failure to assist the elderly/disabled	
Sect.17	D	\$150	Failure to provide receipt upon request	
Sect.19	D	\$150	Failure to report personal information	

## DISPATCH VIOLATIONS

Code	Class	Fine	Violation	Suspension
Sec.4		TBD	Ad-hoc (must fill in description)	
Sec.10	A	1500	Discrimination against new applicants	Hearing required potential revocation
Sec.10	A	1500	Failure to allow inspection or Inspector access	Hearing required potential revocation
Sec.10	A	1000 a day	Failure to change disapproved colors/markings	Revocation after 10 days
Sec.11	A	5000	Falsifying Authority reports or applications intentionally	Revocation
Sec.11	A	5000	Felony conviction while holding certificate	Revocation
Sec.10	A	1500	Geographical redlining	Hearing required potential revocation
Sec.10	A	5000	Illegal Service Provider	Misd. 3rd degree
Sec.10	A	1000 a day	Minimum requirements of Dispatcher not maintained	Revocation after 10 days
Sec.10	A	1500	Operation, Not responding 24hr a day	Per instance potential revocation
Sec.10	A	1500	Operation, taxis not available 24hr a day	Per instance potential revocation
Sec.10	A	1500	Panic Alert failure to respond 24hr a day	Hearing required potential revocation

Code	Class	Fine	Violation	
Sec4		TBD	Ad-hoc (must fill in description)	
Sec.10	B	750	Dispatching to unauthorized service providers	Per instance potential revocation
Sec.10	B	600	Failure to notify Authority of enrollment changes	
Sec.10	B	600	Failure to notify PPA when a radio call is not responded to	
Sec.5 / Sec.10	B	750	Failure to respond to a Complaint	Per instance potential revocation
Sec.5	B	750	Failure to have a display advertisement in citywide phone book	Revocation after 2nd occurrence

Code	Class	Fine	Violation	Corrective Action
Sec.4		TBD	Ad-hoc (must fill in description)	
Sec.10	C	500	Credit Card Service charging over 10%	Reimburse Amt>10%
Sec.10/ Sec.26	C	350	Failure respond timely to a complaint	Class "B" second occurrence.class"A" third
Sec.10	C	350	Reporting, annual requirements not met	
Sec.10	C	500	Service poor to public or drivers	Refund Drivers Monthly Dues

Sect.10	C	\$350	Failure to report change in Dispatch Assn.	\$100/48 hours
Sect.22	C	\$350	Failure to provide/update e-mail address	\$100/48 hours
Sect.13	C	\$350	Handgrips- none in passenger compartment	\$100/48 hours
Sect.18	C	\$350	Insurance- proof not in vehicle	\$100/48 hours
Sect.13	C	\$350	Markings missing	\$100/48 hours
Sect.17	C	\$350	Meter does not print	\$100/48 hours
Sect.15	C	\$350	Missed & failed to reschedule inspection	
Sect.13	C	\$350	Postings not displayed in vehicle	\$100/48 hours
Sect.17	C	\$350	Receipts, owner fails to give lease to driver	
Sect.13	C	\$350	Tires- snow or all weather, failure to use between 10/1 and 4/1	
Sect.13	C	\$350	Vehicle's condition & Equipment substandard	

"A" Violations=3pts., "B" Violations =2pts., "C" Violations = 1pt., correctable W/1 48 HRS

Sec.31	C	100	2	Administrative fee for rescheduling Inspection	
Sec.13	C	250	2	Advertising, not in secure or authorized area	\$100/48hours
Sec.22	C	350	3	Failure to provide/update E-mail address	\$100/48hours
Sec.27	C	300	3	Failure to respond timely to a complaint	\$100/48hours
Sec.22	C	200	2	Failure to update E-mail information changes	\$100/48hours
Sec.13	C	300	2	Handgrips - none in passenger compartment	\$100/48hours
Sec.17	C	250	2 A/W	Receipts, owner fails to give lease receipt to driver	\$100/48hours
Sec.30	C	350	3	Reporting, failure to report revenue & expenses as required	\$100/48hours
Sec.13	C	300	2	Dirty Vehicle interior/exterior	\$100/48hours
Sec.13	C	300	2	Operating W/O PPA Inspection sticker	Out of service until corrected
Sec.4	C	200	2	Insurance - proof of insurance not in vehicle	\$100/48hours
Sec.13	C	300	2	Seatbelts - missing	\$100/48hours
Sec.13	C	300	2	Wheel covers or hubcaps don't match or missing	\$100/48hours

All "C" Violations are correctable within 48 hours

### LIMOUSINE OWNER VIOLATIONS

Vehicles and/or Medallions will be suspended from service for 2 weeks upon accumulation of 10 points

Code	Class	Fine	Points	Violation	Suspension
Sec.4	A	TBD	3	Ad-hoc (must fill in description)	Impoundment
Sec.15	A	1500	3	Carrier's premises - Inspector denied access	Hearing required after 1st occurrence (potential revocation)
Sec.16	A	5000	3	Counterfeited Vehicle Inspection Stickers	Impoundment, out of service, hearing required
Sec.11	A		3	Felony conviction while holding certificate	Revocation
Sec.29	A	5000	3	Illegal Operator	Impoundment
Sec.15	A	1500	3	Operating vehicle after being placed out-of-service	Impoundment & hearing required potential revocation
Sec.36	A	1500	3	Operating additional vehicles without reporting or temporary rights	Impoundment (revocation after 2nd occurrence)
Sec.11	A	1500	3	Vehicle(s) in operation with suspended insurance	Impoundment (hearing required potential revocation)
Sec.18	A	1500	3	Limousine providing service without advanced reservation	Impoundment (hearing required potential revocation)
Code	Class	Fine	Points	Violation	Suspension

Sec.4	B	TBD	TBD	Ad-hoc (must fill in description)	
Sec.27	B	750	3	Failure to respond to a complaint	Per occurrence
Sec.32	B	750	4	Insurance, failure to comply with fair claims settlement practices	
Sec.15	B	750	0	Missed and failed to reschedule inspection	\$100/48hours
Sec.4	B		0	Missed assesment payment	Suspension until payment received
Sec.4	B	750	4	Using Non-certified driver	Impoundment (hearing required after 1st occurrence)
Sec.5	B	750	3	Using Non PPA-Certified Driver	Impoundment
Sec.25	B	500	3	Using Non-registered FSP	Hearing required after 1st occurrence
Sec.13	B	500	3	Body Condition	Out of service until corrected

**For all Corrective Violations owner has 48 hours from the start of the following normal business hours of operation.**

Code	Class	Fine	Points	Violation	Corrective Fee
Sec.4	C	TBD		Ad-hoc (must fill in description)	TBD



Sect.14	E	\$100	Vehicle's condition & Equipment substandard
Sect.19	E	\$100	Failure to have lease in vehicle
Sect.18	E	\$100	Failure to have registration/insurance card
Sect.13	E	\$100	Failure to have required postings displayed
Sect.19	E	\$100	Refusal to transport parcel without good cause
Sect.16	E	\$100	Vehicle Inspection Certificate not in vehicle
Sect.13	E	\$100	Wheel covers/hubcaps missing or do not match

"A" and "B" Violations=3pts, "C" Violations =2pts, "D" Violations = 1pt, "E" violations = correctable W/I 48 HRS

051255



Commonwealth of Pennsylvania  
Philadelphia Parking Authority  
Taxicab & Limousine Division  
700 Packer Avenue  
Philadelphia, PA 19148

Citation Report

CITATION NO.  
T00468

Car # 6-27

H # N/A

Driver OLN 25900969 State PA D.O.B. MM DD YY 11/9/05 Sex M

Violator's First Name HARSHIM Middle H Last Name BURTON

Street Address 1812 S. VODGES ST City Phila. State PA Zip 19143

Vehicle Plate PA TX-43426 VIN # 2FAFP71W1WX156498

Insurance Company PINELANDS Insurance Policy # BA 37-05-0204-1

Make FORD Model CV Color Black Dispatch Company GERMANTOWN

Nature of Offense SECT. 29 Date of Offense MM DD YY 12/17/05 Meter # 106631 Type PULSAR

Violation Summary:

Description	Class	Points	Fine	Additional Rules
OPERATING OUTSIDE OF RIGHTS	A	3	500.00	IMPOUNDMENT

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense 3700 MAIN ST. Direction N S E W Time of Offense 7:18 PM

Vehicle Owner GERMANTOWN CAB CO.  Same as Operator

Owners Address 800 CHESTNUT ST. Zip Code Phila. PA 19107  Same as Operator

Citation to Driver  Citation to Dispatch  Citation to Owner

Remarks ABOVE VEHICLE TOOK HAIL FROM INSPECTOR 10 AND 17 AT LEVORINS AND MAIN AND STOPPED BY OTHER INSPECTORS AT THE 3700 BIK. OF MAIN.

Fine   
Impound   
Out of Service

Inspector's Signature [Signature] Badge Number #13 Issued  Date MM DD YY Filed  12/17/05

Docket No.  
05 12 59



Commonwealth of Pennsylvania Citation Report  
 Philadelphia Parking Authority  
 Taxicab & Limousine Division  
 700 Packer Avenue  
 Philadelphia, PA 19148

CITATION NO.  
**T00559**

Cab # **26**  
 H# **N/A**

Driver OLN <b>25977742</b>	State <input checked="" type="checkbox"/> PA	D.O.B. MM DD YY <b>9 18 63</b>	Sex <b>M</b>
Violator's First Name <b>SALIH</b>	Middle <b>-</b>	Last Name <b>MUHAMMAD</b>	
Street Address <b>4041 Ridge Ave Phila</b>	City <b>Phila</b>	State <input checked="" type="checkbox"/> PA	Zip <b>19129</b>
Vehicle Plate <input type="checkbox"/> PA <b>NO PLATE</b>	VIN # <b>2FALP73W2RX13526</b>		
Insurance Company <b>PINGAUND</b>	Insurance Policy # <b>BA-37-050204-</b>		
Make <b>Ford</b>	Model <b>Crown Vic</b>	Color <b>BLACK</b>	Dispatch Company <b>GERMANTOWN</b>
Nature of Offense <b>operating outside of rights</b>	Date of Offense MM DD YY <b>12 17 05</b>	Meter # <b>16322</b>	Type <b>PULSAR</b>

**Violation Summary:**

Description	Class	Points	Fine	Additional Rules
<b>operating outside of rights</b>	<b>A</b>	<b>3</b>	<b>5000<sup>00</sup></b>	<b>IMPOUND</b>

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense <b>Corner of Rockborough &amp; Main</b>	Direction <b>N S E W</b>	Time of Offense <b>8:07</b>
Vehicle Owner <input type="checkbox"/> Same as Operator	<b>GERMANTOWN CAB</b>	
Owners Address <input type="checkbox"/> Same as Operator	<b>800 Chestnut Phila PA</b>	
Citation to Driver <input type="checkbox"/>	Citation to Dispatch <input type="checkbox"/>	Citation to Owner <input checked="" type="checkbox"/>

Remarks **ABOVE DRIVER STOPPED ON THE CORNER OF ROCKBOROUGH & MAIN FOR STREET NAIL BY ONLOOKER INSPECTOR BOB BLACK THE VEH. WAS THEN STOPPED IN THE 3800 BLOCK OF MAIN & IMPOUNDED**

Fine   
 Impound   
 Out of Service

Inspector's Signature <b>J. Brogg</b>	Badge Number <b>11</b>	Issued <input type="checkbox"/> Date MM DD YY Filed <input checked="" type="checkbox"/> <b>12 17 05</b>
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051253



Commonwealth of Pennsylvania  
 Philadelphia Parking Authority  
 Taxicab & Limousine Division  
 700 Packer Avenue  
 Philadelphia, PA 19148

Citation Report

CITATION NO.  
**T 00469**

Cab # **G-63**

H # **N/A**

Driver OLN <b>15833531</b>	State <input checked="" type="checkbox"/> PA	D.O.B. MM DD YY <b>12/16/44</b>	Sex <b>M</b>
Violator's First Name <b>Samuel</b>	Middle <b>S.</b>	Last Name <b>MUSIA</b>	
Street Address <b>7321 Briar Rd.</b>	City <b>Phila.</b>	State <input checked="" type="checkbox"/> PA	Zip <b>19138</b>
Vehicle Plate <input checked="" type="checkbox"/> PA <b>TX-43547</b>	VIN # <b>2MELM75W2PX636355</b>		
Insurance Company <b>N/A</b>	Insurance Policy # <b>N/A</b>		
Make <b>MERCURY</b>	Model <b>G.M.</b>	Color <b>BLACK</b>	Dispatch Company <b>GERMANTOWN</b>
Nature of Offense <b>SECT. 29</b>	Date of Offense MM DD YY <b>12/17/05</b>	Meter # <b>27747</b>	Type <b>PULSK</b>

**Violation Summary:**

Description	Class	Points	Fine	Additional Rules
<del>OPERATING</del> <b>OUTSIDE OF RIGHT</b>	<b>A</b>	<b>3</b>	<b>\$500.00</b>	<b>Impoundment</b>

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense <b>3700 MAIN ST.</b>	Direction N S E W	Time of Offense <b>10:04 PM</b>
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Vehicle Owner **GERMANTOWN Cab Co.**  
 Same as Operator

Owners Address **800 Chestnut St.** Zip Code  
 Same as Operator **Phila., Pa.** **19107**

Citation to Driver  Citation to Dispatch  Citation to Owner

Remarks **ABOVE Vehicle TOOK HAIL FROM INSPECTORS 10 AND 17 AT LEVERING AND MAIN ST. AND STOPPED BY UNIFORM INSPECTORS AT THE 3700 BIK. 65 MAIN.**

Fine   
 Impound   
 Out of Service

Inspector's Signature

Badge Number **#13**

Issued  Date MM DD YY  
 Filed  **12/17/05**



Commonwealth of Pennsylvania  
 Philadelphia Parking Authority  
 Taxicab & Limousine Division  
 700 Packer Avenue  
 Philadelphia, PA 19148

Citation Report

CITATION NO.  
**T 00470**

Cab # **G-46**

H # **N/A**

051254

Driver OLN **20849739** State  PA D.O.B. MM DD YY **3/15/53** Sex **M**

Violator's First Name **William** Middle **O** Last Name **TANNER**

Street Address **2134 W. TORONTO ST.** City **Phila.** State  PA Zip **19132**

Vehicle Plate  PA **TX-43543** VIN # **8FAFP71W94K115135**

Insurance Company **PINGLANDS** Insurance Policy # **BA 37-05-0204-1**

Make **FORD** Model **CV** Color **BLACK** Dispatch Company **GERMANTOWN**

Nature of Offense **SECT. 29** Date of Offense MM DD YY **12/7/05** Meter # **102515** Type **PULSAR**

**Violation Summary:**

Description	Class	Points	Fine	Additional Rules
<b>OPERATING OUTSIDE OF RIGHTS</b>	<b>A</b>	<b>3</b>	<b>\$500.</b>	<b>Impoundment</b>

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense **3700 MAIN ST.** Direction **N S E W** Time of Offense **11:40 PM**

Vehicle Owner **GERMANTOWN CAB CO.**  
 Same as Operator

Owners Address **800 CHESTNUT ST.** Zip Code **19107**  
 Same as Operator **Phila., PA.**

Citation to Driver  Citation to Dispatch  Citation to Owner

Remarks **ABOVE VEHICLE TOOK HAIL FROM INSPECTORS 10 AND 17 AT COTTON AND MAIN STS. AND STOPPED BY UNIFORM INSPECTORS AT THE 3700 BIK. OF MAIN**

Fine   
 Impound   
 Out of Service

Inspector's Signature Badge Number **#13** Issued  Date MM DD YY **12/17/05**  
 Filed



Commonwealth of Pennsylvania  
 Philadelphia Parking Authority  
 Taxicab & Limousine Division  
 700 Packer Avenue  
 Philadelphia, PA 19148

Citation Report

CITATION NO.  
**T 00535**

Cab P# **G-10**

H# **N/A**

Driver OLN <b>07448328</b>	State <b>PA</b>	D.O.B. MM DD YY <b>6/11/80</b>	Sex <b>M</b>
Violator's First Name <b>DWAINE</b>	Middle <b>N/A</b>	Last Name <b>ABNEY</b>	
Street Address <b>3938 N. FRANKLIN ST PHILA. PA</b>		City <b>PHILA. PA</b>	Zip <b>19107</b>
Vehicle Plate <input checked="" type="checkbox"/> PA TX <b>44000</b>	VIN # <b>2FALP73W8N6102467</b>		
Insurance Company <b>PINE LANDS</b>	Insurance Policy # <b>BA-37050204</b>		
Make <b>FORD</b>	Model <b>CHRONIC BIK</b>	Color <b>BERMANTOWN</b>	Dispatch Company <b>BERMANTOWN</b>
Nature of Offense <b>sect. 29</b>	Date of Offense MM DD YY <b>12/1/05</b>	Meter # <b>N/A</b>	Type <b>PURCH</b>

051256

**Violation Summary:**

Description	Class	Points	Fine	Additional Rules
<b>OPERATING VEH. W/OUT SEATS</b>	<b>A</b>	<b>3</b>	<b>5000<sup>00</sup></b>	<b>IMPOUND</b>

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense <b>3800 BIK. MAIN ST</b>	Direction <b>N S @ W</b>	Time of Offense <b>7:58 PM</b>
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Vehicle Owner <input type="checkbox"/> Same as Operator <b>BERMANTOWN CAB</b>
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Owners Address <input type="checkbox"/> Same as Operator <b>800 CHESTNUT ST PHILA. PA</b>	Zip Code <b>19107</b>
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Citation to Driver <input type="checkbox"/>	Citation to Dispatch <input type="checkbox"/>	Citation to Owner <input checked="" type="checkbox"/>
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Remarks <b>INSPECTOR'S #10 + #17 HALLED. G-10 AT LEVERING TOW + MAIN. AND WENT TO 3800 BIK OF MAIN.</b>	<input checked="" type="checkbox"/> Fine <input checked="" type="checkbox"/> Impound <input type="checkbox"/> Out of Service
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Inspector's Signature <b>Steve Sh</b>	Badge Number <b>16</b>	Issued <input type="checkbox"/> Date MM DD YY Filed <input checked="" type="checkbox"/> <b>12/1/05</b>
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Commonwealth of Pennsylvania  
 Philadelphia Parking Authority  
 Taxicab & Limousine Division  
 700 Packer Avenue  
 Philadelphia, PA 19148

Citation Report

CITATION NO.  
**T 00556**

Cab # **G 81**

H # **N/A**

051258

Driver OLN <b>22304662</b>	State <input checked="" type="checkbox"/> PA	D.O.B. MM DD YY <b>4 / 12 / 52</b>	Sex <b>M</b>
Violator's First Name <b>TERRY</b>	Middle <b>L</b>	Last Name <b>BROWN</b>	
Street Address <b>5336 CARLISLE</b>	City <b>Phila</b>	State <input checked="" type="checkbox"/> PA	Zip <b>19107</b>
Vehicle Plate <input checked="" type="checkbox"/> PA <b>TX 44260</b>	VIN # <b>1LNEM82W1WY734358</b>		

Insurance Company <b>Not Available</b>	Insurance Policy # <b>Not Available</b>
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Make <b>LINCOLN</b>	Model <b>TOWNCAR</b>	Color <b>BLACK</b>	Dispatch Company <b>GERMANTOWN</b>
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Nature of Offense <b>Operator's OUTSIDE OF RIGHT</b>	Date of Offense MM DD YY <b>12 / 17 / 05</b>	Meter # <b>106 709</b>	Type <b>PULSAR</b>
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**Violation Summary:**

Description	Class	Points	Fine	Additional Rules
<b>Operator's OUTSIDE OF RIGHTS</b>	<b>A</b>	<b>3</b>	<b>500<sup>00</sup></b>	<b>IMPOUND</b>

*A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than:*

Location of Offense <b>Levering &amp; MAIN</b>	Direction <b>N S E W</b>	Time of Offense <b>7:45 PM</b>
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Vehicle Owner  
 Same as Operator **GERMANTOWN CAB COMPANY**

Owners Address  
 Same as Operator **800 Chestnut Phila PA**

Citation to Driver  Citation to Dispatch  Citation to Owner

Remarks **ABOVE DRIVER STOPPED ON THE CORNER OF LEVERING & MAIN FOR STREET HAIL BY UNDERCOVER INSPECTORS 10 & 17 THE VEH. WAS STOPPED & IMPOUNDED IN THE 3000 BLOCK OF MAIN ST**

Fine	<input checked="" type="checkbox"/>
Impound	<input checked="" type="checkbox"/>
Out of Service	<input type="checkbox"/>

Inspector's Signature <b>J BRAGG</b>	Badge Number <b>11</b>	Issued <input type="checkbox"/> Date MM DD YY Filed <input checked="" type="checkbox"/> <b>12/17/05</b>
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Commonwealth of Pennsylvania  
Philadelphia Parking Authority  
Taxicab & Limousine Division  
700 Packer Avenue  
Philadelphia, PA 19148

Citation Report

CITATION NO.  
T00555

Cab # G 50

H # N/A

Driver OLN 25527404 State PA D.O.B. MM DD YY 04/03/75 Sex M

Victor's First Name ROONEY Middle F Last Name GRIFFIN

Street Address 2219 E Cumberland City Phila State PA Zip 19125

Vehicle Plate TX 43545 VIN # 2RALP71W75X177613

Insurance Company Not Available Insurance Policy # Not Available

Make FORD Model Crown Color Black Dispatch Company Germantown

Nature of Offense Operate Date of Offense MM DD YY 12/17/05 Meter # 58856 Type PULSAR

Violation Summary:

Description	Class	Points	Fine	Additional Rules
SECT 29 OPERATE OUTSIDE OF RIGHTS	A	3	5000*	IMPOUND

A violation marked with an asterisk (\*) is reducible. To earn the reduction, you must correct the problem causing the citation, and appear at 700 Packer Avenue to demonstrate the correction no later than: \_\_\_\_\_

Location of Offense 3800 MAIN ST Direction N S (E) W Time of Offense 8:30 PM

Vehicle Owner Same as Operator GERMTOWN CAB

Owners Address Same as Operator 800 CHESTNUT ST Zip Code 19107

Citation to Driver  Citation to Dispatch  Citation to Owner

Remarks ABOVE VEH. STOPPED FOR STREET HAIL IN THE 3800 BLOCK OF MAIN ST HE PICKED UP PPA INSPECTOR 17.

Fine   
Impound   
Out of Service

Inspector's Signature J Broggi Badge Number 11 Issued  Date MM DD YY Filed  12/17/05

Docket  
051257



Automatic Security Logout in: 34:57

## Violations

New Action :

Violation Description of ID : 1066 Operating Outside of Rights  
Issued On : 12/19/2005 8:38:10 AM Issued By : sslobodrian : 16  
Location: 3800 Block Main Street  
T-Ticket #:  
Comments: ROUTINE INSPECTION;  
Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1066	A	Operating Outside of Rights	\$5,025.00	25.00	01/03/2006

## Connections

Type	Name	ID Number	Due Date
VEH	TX-44000 WAS G-10	( TX-44000 WAS G-10 )1696	01/03/2006
TSP	GERMANTOWN CAB CO.	1011748-02	01/03/2006

## Payments Made

Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal Reduced	\$4000.00	06/22/2006	ckirlin
Admin. Fee Guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

Over Paid Amount : \$0.00      Last Refund Date:      NIL      Original Amount: \$5,025.00

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:57

## Violations

New Action :

Violation Description of ID : 1067 Operating Outside of Rights

Issued On : 12/19/2005 2:50:37 PM Issued By : dcurry : 13

Location: 3700 Main Street

T-Ticket #:

Comments: ROUTINE FIELD INSPECTION;

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1067	A	Operating Outside of Rights	\$5,025.00	25.00	01/03/2006

## Connections

Type	Name	ID Number	Due Date
VEH	TX-43543 WAS G-46	( TX-43543 WAS G-46 )1140	01/03/2006
TSP	GERMANTOWN CAB CO.	1011748-02	01/03/2006

## Payments Made

Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal reduced	\$4000.00	06/22/2006	ckirlin
Admin. Fee Guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

Over Paid Amount : \$0.00      Last Refund Date:      NIL      Original Amount: \$5,025.00

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:57

## Violations

New Action :

Violation Description of ID : 1068 Operating Outside of Rights

Issued On : 12/19/2005 3:02:51 PM Issued By : dcurry : 13

Location: 3700 Main Street

T-Ticket #:

Comments:

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1068	A	Operating Outside of Rights	\$5,025.00	25.00	01/03/2006

## Connections

Type	Name	ID Number	Due Date
VEH	TX43547 WAS G-63	( TX43547 WAS G-63 )1816	01/03/2006
TSP	GERMANTOWN CAB CO.	1011748-02	01/03/2006

## Payments Made

Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal reduced	\$4000.00	06/22/2006	ckirlin
Admin. Fee Guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

Over Paid Amount : \$0.00      Last Refund Date:      NIL      Original Amount: \$5,025.00

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:55

## Violations

New Action :

Violation Description of ID : 1070 Operating Outside of Rights

Issued On : 12/20/2005 11:41:39 AM Issued By : dcurry : 13

Location: 3700 Main Street

T-Ticket #:

Comments:

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1070	A	Operating Outside of Rights	\$5,025.00	25.00	01/04/2006

## Connections

Type	Name	ID Number	Due Date
VEH	TX-43426 WAS G-27	( TX-43426 WAS G-27 )1876	01/04/2006
TSP	GERMANTOWN CAB CO.	1011748-02	01/04/2006

## Payments Made

Check Number	Amount	Date	User
Over Paid Amount : \$0.00	Last Refund Date:	NIL	Original Amount: \$5,025.00
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal reduced	\$4000.00	06/22/2006	ckirlin
Admin Fee guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:58

## Violations

New Action :

Violation Description of ID : 1071 Operating Outside of Rights

Issued On : 12/20/2005 1:23:31 PM Issued By : jbroggi : 11

Location: 3800 Main Street

T-Ticket #:

Comments:

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1071	A	Operating Outside of Rights	\$5,025.00	25.00	01/04/2006

## Connections

Type	Name	ID Number	Due Date
VEH	TX43545 WAS G-50	( TX43545 WAS G-50 )1866	01/04/2006
TSP	GERMANTOWN CAB CO.	1011748-02	01/04/2006

## Payments Made

Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal Reduced	\$4000.00	06/22/2006	ckirlin
Admin Fee guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

Over Paid Amount : \$0.00      Last Refund Date:      NIL      Original Amount: \$5,025.00

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:57

## Violations

New Action :

Violation Description of ID : 1072 Operating Outside of Rights

Issued On : 12/20/2005 1:56:26 PM Issued By : jbroggi : 11

Location: Leverington & Main

T-Ticket #:

Comments:

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1072	A	Operating Outside of Rights	\$5,025.00	25.00	01/04/2006

## Connections

Type	Name	ID Number	Due Date
TSP	GERMANTOWN CAB CO.	1011748-02	01/04/2006

## Payments Made

Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal reduced	\$4000.00	06/22/2006	ckirlin
Admin Fee guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

Over Paid Amount : \$0.00      Last Refund Date:      NIL      Original Amount: \$5,025.00

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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Automatic Security Logout in: 34:57

## Violations

New Action :

Violation Description of ID : 1073 Operating Outside of Rights

Issued On : 12/20/2005 2:03:20 PM Issued By : jbroggi : 11

Location: Roxborough & Main

T-Ticket #:

Comments:

Violation Status: Closed

ID	Class	Description	Amount	Late Fee	Due Date
1073	A	Operating Outside of Rights	\$5,025.00	25.00	01/04/2006

## Connections

Type	Name	ID Number	Due Date
TSP	GERMANTOWN CAB CO.	1011748-02	01/04/2006

## Payments Made

Over Paid Amount : \$0.00	Last Refund Date:	NIL	Original Amount: \$5,025.00
Check Number	Amount	Date	User
Appeal 1/24/05	\$25.00	01/09/2006	ckirlin
Appeal Reduced	\$4000.00	06/22/2006	ckirlin
Admin. Fee Guilty	\$100.00	06/22/2006	ckirlin
Release payment	\$100.00	06/22/2006	ckirlin
1294 CK	\$800.00	07/12/2007	ckirlin

## Adjudication Outcome

Violator	Status	Docket #	Appeal Date
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## Comments

Process	Time Stamp	Entered By	Comments
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# **Exhibit 6**



## AFFIDAVIT OF MICHAEL J. KIRK

I, Michael J. Kirk, being duly sworn according to law, hereby depose and say:

I am an adult citizen of the United States. I was born in Philadelphia on June 21, 1954, and I have lived in Philadelphia my entire life. I currently reside at 1435 S. 53<sup>rd</sup> Street, Philadelphia, Pennsylvania.

I am gainfully employed as a taxicab driver for Germantown Cab Company. I lease a taxicab on a 24 hour basis from Germantown at the rate of \$620 per week.

On January 21, 2011, I was on duty and driving a Germantown Taxicab. I came on duty that morning at approximately 7:00 a.m. At approximately 9:00 p.m., I was sitting at the taxicab stand at Wayne and Cheltenham Avenue, which is within Germantown's authorized territory, when the radio dispatcher called out "Roxborough, do I have a cab in Roxborough?" Roxborough is also within Germantown authorized territory. I "bid" for the job by broadcasting my location and I won the job because I was the closest taxicab to the fare pick-up. The address was 4226 Main Street in Manyunk, which is next to Roxborough. Germantown is authorized to pick up fares in Manyunk if the job is called into the dispatch.

I went to pick up the fare and when I got there the store appeared to be a Sweet Shop that sold strawberries and candy, but no one appeared to be waiting for a taxicab. I asked the dispatcher to call the fare out to the street for pick-up. The dispatcher tried to call the fare and told me that it was a bad phone number. He told me to see if I could find the people who called for the cab. I got out of the cab and went up to the store and I didn't see anyone in the shop, not even workers.

I went back to the cab and called the dispatcher and told him it was a "9" meaning a blank (i.e. no-show). He told me he would try the number again and told me to sit there. He failed on his second attempt and called me and told me to get out of there.

Before I left, I noticed that there was a pizza shop across the street, so I decided to get something to eat. I got a slice of pizza and went back to my cab. When I returned there was an older gentleman standing on the steps of the Sweet Shop looking at my cab. I thought it was my fare, so I asked him if he called a cab. He made a gesture with his thumb pointing in the same direction the cab was facing and I took that to mean that he had called the cab and wanted to go. Sometimes, when we are called to a location in Manyunk, the patron has been drinking and they don't always communicate too well. I didn't think anything of the fact that he didn't say that he had called the cab.

We got into the cab and he asked to be taken to the Manyunk Diner, which was about 2 miles away. As I understood it, I was authorized to take him wherever he wanted to go as long as he called our dispatch.

As I turned into the diner parking lot, the fare told me to stop right here. I turned to collect the fare and instead of paying me he got out of the cab. I assumed that he was going to come around the cab to pay me. While I was looking at him, my driver's door swung open and it startled me because I hadn't seen anyone. When I turned, I saw a uniformed officer. He was a white man, about 6 feet tall, with dark hair and glasses. He told me to get out of the cab. At first, I thought he was a police officer, but I quickly realized he was a parking authority enforcement officer. He did not identify himself and showed me no identification. He told me to get out of the cab. I say "What are you talking about?" He told me to "Get the fuck out of the cab, I'm taking it." I told him that I was going to call the owner. He said, "We know Joey, that

asshole.” He told me to give him my driver’s license. At that point, I went along with him and gave him my license. He looked at it and then told me to get all my stuff out of the cab. At the time, I was still sitting in the cab. I said “What are you talking about, it cold out here.” It was 22 degrees out and it was windy. He said, “Just get out of the cab.”

I complied because I was worried that he had my license and I make my living with my driver’s license and I didn’t want to jeopardize that. When I got out of the cab, I noticed that a parking authority patrol car had pulled up behind me to block the cab’s exit from the parking lot and another pulled in front of me. I never saw them pull in because I had been looking at my fare. I asked the officer how I was going to get home. He said, “I don’t care, you’re going to walk.”

From that point, he took my license and the keys to the cab and put it under a silver clipboard and he started walking to his car. I said, “Where are you going with my license, it’s cold out here.” He told me that he was going to write me up. He told me I could sit in the back of the cab, but not the front. I asked why I couldn’t sit in the front where there was more room. He said, “You might have an extra set of keys and try to pull off.” At this point, I was fed up with the officer and I told him I wasn’t going to sit in the cab, I’ll just stand right here.”

He went to his car and wrote me up. He asked me for a PPA driver certificate, which I don’t have, and my social security number. I stood there for about 20 minutes. He did allow me to get my jacket out of the trunk. After he was finished, he gave my license back and told me I could leave. He gave me a pink paper which I believe was a towing report. There were two tow trucks sitting in the parking lot and one of them pulled up and towed the cab away.

At that point, I called Joey Gabbay, the General Manager of Germantown Cab Company. He was at home. He answered the phone and I explained what happened. He told me wait there and he and his father would come and pick me up. I went into the vestibule of the movie theater and waited for Joey and his father to arrive. It took them about 40 minutes to arrive. In the meantime, I observed the parking authority impound another vehicle. I did not know the driver and I did not speak to him. The parking authority cleared out before Joey and his dad arrived.

When Joey arrived, he asked me what happened and I told him that the parking authority had just left. We got in Joey’s car and we drove around trying to find the parking authority. We didn’t find them so he took me back to the Germantown garage and he gave me a car to drive home.

When we got back to the garage, Joey immediately went into the dispatch office and asked the dispatcher whether I was on a wire for the job in Manyunk. The dispatcher picked up the slip off of my hook and gave it to Joey. He told me not to worry about the ticket, he would take care of it. I got my car and went home.

IN WITNESS WHEREOF, I have set my hand this 3<sup>rd</sup> day of February, 2011.

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Michael J. Kirk

# **Exhibit 7**



**PHILADELPHIA PARKING AUTHORITY  
TAXICAB AND LIMOUSINE DIVISION  
EFFECTIVE 7/01/11**

**T.L.D. SHOP FEE'S**

<b>STATE SAFETY &amp; EMISSION</b>	<b>\$75.00</b>
<b>PPA SAFETY SEMI-ANNUAL</b>	<b>\$75.00</b>
<b>INSPECTION AFTER 2<sup>ND</sup> FAILURE</b>	<b>\$100.00</b>
<b>EMISSION WAIVER</b>	<b>\$100.00</b>
<b>MEDALLION / RETURN AFTER SHERIFF LEVY</b>	<b>\$100.00</b>
<b>RETURN TO SERVICE</b>	<b>\$20.00</b>
INSPECT & REMOVE OUT OF SERVICE STICKERS AFTER CORRECTIONS	
<b>TAXI REPLACEMENT POSTINGS</b>	<b>\$10.00</b>
EACH POSTING	
<b>REPLACEMENT STICKER</b>	<b>\$30.00</b>
PPA / TLD RIGHTS, REGISTRATION, INSPECTION OR LIMO	
<b>BOUNCED CHECK FEE</b>	<b>\$200.00</b>

INSPECTION OFFICE : 215-683-9447

TLD :215-683-9400 OR 9401

ENFORCEMENT: 215-683-9471, AFTER HOURS: 215-783-0199 OR 267-784-7871

FOR FISCAL YEAR 2012. (NO CHANCE IN FEE SCHEDULE FROM FY 2011).

# **Exhibit 8**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Adewale Sule, :  
                  Petitioner :  
                                  : :  
                  v. : No. 1832 C.D. 2010  
                                  : Argued: May 10, 2011  
Philadelphia Parking Authority, :  
                  Respondent :

BEFORE: HONORABLE MARY HANNAH LEAVITT, Judge  
          HONORABLE JOHNNY J. BUTLER, Judge  
          HONORABLE JAMES R. KELLEY, Senior Judge

OPINION  
BY JUDGE LEAVITT

FILED: August 11, 2011

Adewale A. Sule petitions for review of an adjudication of the Philadelphia Parking Authority<sup>1</sup> imposing a \$500 fine for his alleged violation of an executive order of the Authority, which provides that a taxicab driver may not prevent a passenger from using a credit card. Because the Hearing Officer's factual findings were based solely on uncorroborated hearsay and, therefore, not supported by substantial evidence, we reverse the Authority's order.

On September 15, 2009, Sule, a certified taxicab driver, was driving Medallion taxicab number P-1096 in the City of Philadelphia. At approximately 12:30 p.m., Sule picked up Lori Hedrick and took her to the Hilton Hotel on City Avenue. Hedrick paid her fare using a credit card. Later that afternoon, Hedrick

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<sup>1</sup> The Authority is a unique agency that functions as a local agency with respect to parking matters, but as a Commonwealth agency in matters involving taxicabs. *Blount v. Philadelphia Parking Authority*, 600 Pa. 277, 289, 965 A.2d 226, 234 (2009).

called the Authority and complained that Sule had attempted to dissuade her from using a credit card. Hedrick's complaint was assigned to Inspector David Rotan for further investigation.

Rotan spoke to both Hedrick and Sule on the day of the incident. After speaking with Hedrick over the phone, Rotan asked her to provide a written statement regarding her allegations, which she did one week later. Rotan met with Sule and obtained his account of the incident. Based upon his investigation, Rotan determined that Sule had attempted to prevent Hedrick from using a credit card to pay her fare. On September 16, 2009, the Authority issued a citation charging Sule with inhibiting a passenger's use of a credit card in violation of the Authority's Executive Order 07-0002.<sup>2</sup>

Sule appealed the citation and a hearing was held on December 10, 2009. Sule appeared *pro se*. Rotan, the Authority's only witness, testified about his investigation. He spoke first with Hedrick who told him that when she tried to pay for her ride with a credit card, Sule tried to get her to pay with cash and only allowed her to use a credit card when she said she had no cash. Rotan then read into evidence a written statement submitted by Hedrick by e-mail on September 22, 2009. In that statement, Hedrick recounted that when she told Sule she was going to pay with a credit card, he asked her to pay in cash. When she refused, he

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<sup>2</sup> Executive Order 07-0002 states, in relevant part:

No Medallion Taxicab Driver . . . may in any way inhibit, prevent, or refuse the use of a Credit Card by any passenger . . . in a Medallion taxicab (including, but not limited to, through means of damaging or altering the equipment and the posting of signs refusing or discouraging Credit Card acceptance).

Reproduced Record at 33. (R.R. \_\_\_).

claimed that his credit card machine did not work and she would have to pay in cash. She again refused, at which point Sule told her if she paid with a credit card he would not actually receive the funds for a week. Only after Hedrick told Sule she had no cash did he activate the credit card machine. Sule did not object to Rotan reading Hedrick's statement into evidence.

Rotan then testified about his conversation with Sule on the day of the incident. Sule informed Rotan that there was never any dispute regarding how Hedrick would pay her fare. Rotan recalled Sule telling him that he believed Hedrick was going to pay in cash, prompting Sule to shut off his meter.

Rotan also testified regarding Executive Order 07-0002 and Authority Board Order 08-0005; copies of both orders were introduced into evidence. First, Rotan noted that Executive Order 07-0002 requires drivers not to "inhibit, prevent, or refuse the use of a credit card." He then explained that Authority Board Order 08-0005 re-designated that violation to be a Class A violation, establishing a \$500 fine for a first offense.<sup>3</sup> Rotan explained that even though Sule eventually accepted

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<sup>3</sup> Authority Board Order 08-0005 states, in relevant part, that

despite protracted and repeated training and education . . . wide spread refusals to accept payment by credit card persist.

Almost half of the 202 citizen complaints . . . this year have related to the refusal of taxicab drivers to accept credit card payments. . . . The existing penalties applicable to these violations have proven insufficient: therefore, the Board orders that the three violations in the Penalty Order titled:

1. Inhibit, prevent, refuse use of Credit Card;
2. Use of unauthorized Credit Card processing system; and
3. Refuse service based on intended Credit Card use

be re-designated "Class A" violations and that the penalty applicable to each violation be \$500.00 for a first offense . . . .



Hedrick's credit card, he cited Sule because he had initially inhibited the use of a credit card.

Sule testified on his own behalf. His primary defense to the citation was, simply, that he accepted Hedrick's credit card payment. Sule explained that he asked Hedrick how she was going to pay because it affected how he operated the meter. Sule opined that Hedrick did not understand him because of his accent.

On cross-examination, Sule acknowledged that at one point Hedrick tried to give him her credit card and he told her "no." He explained that he said "no" because he could not use her card; the card reader was not located in the front of the cab, where the meter is located, but in the passenger compartment of the cab. Accordingly, Hedrick had to swipe the card. Sule recalled that when Hedrick first tried to use her card the transaction did not process, so he reset the machine. On her second attempt, the transaction processed successfully.

The Hearing Officer reviewed the evidence and concluded that Sule had violated Executive Order 07-0002. The Hearing Officer credited Rotan's testimony and Hedrick's e-mailed written statement to find that Sule had inhibited Hedrick's use of a credit card to pay her fare. Recognizing a potential hearsay issue with Hedrick's written out-of-court statement, the Hearing Officer explained:

Inspector Rotan's testimony and his conclusions from the investigation he conducted are credible, logical and certainly establish that the Authority has met its burden of proof by the clear precise statement [of Hedrick], which, by strict application of legal [principles] might be considered hearsay, but even introduced by letter, bears a ring of truth that is plausible and far more convincing than [Sule's] long diatribe offered to convince the fact finder that the occurrence never took place.

Hearing Officer Adjudication at 3-4. The Hearing Officer imposed a \$500 fine pursuant to Authority Board Order 08-0005. Sule now petitions for this Court's review.<sup>4</sup>

On appeal, Sule raises two issues for our review. First, he contends that the Hearing Officer erred by relying solely on hearsay evidence. Second, he argues that the Authority's Executive Order, 07-0002, under which he was cited, is an invalid and unenforceable regulation.

Sule first argues that the Hearing Officer erred by upholding the citation based solely on hearsay evidence. Specifically, he contends the Authority's only evidence was Hedrick's uncorroborated, out-of-court written statement regarding the alleged dispute. Hedrick neither appeared at the hearing nor testified by telephone to corroborate her e-mail statement. Sule argues that Rotan's testimony about Hedrick's hearsay statements to him after the incident is also hearsay. Sule asks this Court to vacate the Board's order and, additionally, enter an order prohibiting the Authority's hearing officers from treating (1) hearsay testimony of Authority inspectors and (2) unsworn out-of-court statements by complaining passengers as probative evidence in future hearings.

As a general rule, the Pennsylvania Rules of Evidence are not applicable to hearings conducted before Commonwealth agencies. 2 Pa. C.S.

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<sup>4</sup> Under the appellate standard of review pertaining to administrative agency adjudications, we must affirm the adjudication unless it violates the constitutional rights of the appellant, or is not in accordance with law, or the statutory provisions controlling practice and procedure of Commonwealth agencies have been violated in the proceedings before the agency, or any finding of fact made by the agency and necessary to support its adjudication is not supported by substantial evidence. Section 704 of the Administrative Agency Law, 2 Pa. C.S. §704.

§505.<sup>5</sup> Nevertheless, it is well-settled that hearsay evidence, properly objected to, is not competent evidence to support a determination of an agency. *Chapman v. Unemployment Compensation Board of Review*, 20 A.3d 603, 610, n.8 (Pa. Cmwlth. 2011). Under the so-called *Walker* rule, however, if hearsay evidence is admitted without objection, it will be given its natural probative effect and may support a finding by the agency, *if it is corroborated by any competent evidence in the record*. *Walker v. Unemployment Compensation Board of Review*, 367 A.2d 366, 370 (Pa. Cmwlth. 1976) (emphasis added). One example of “competent evidence” that would corroborate hearsay evidence are admissions of a party. *Chapman*, 20 A.3d at 610, n.8; *see also* PA. R.E. 803(25).<sup>6</sup>

Sule contends that Hedrick’s out-of-court written statement and Rotan’s testimony about what Hedrick said to him are hearsay. We agree that these items of evidence are classic examples of hearsay. However, both were admitted into the record without objection and, consequently, could support the Hearing Officer’s findings *if they were corroborated by any competent evidence in*

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<sup>5</sup> It states, in relevant part, as follows:

Commonwealth agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonably probative value may be received.

2 Pa. C.S. §505.

<sup>6</sup> It states, in relevant part, as follows:

The following statements . . . are not excluded by the hearsay rule, even though the declarant is available as a witness:

\* \* \*

- (25) Admission by party-opponent. The statement is offered against a party and is . . . the party’s own statement in either an individual or a representative capacity . . .

PA. R.E. 803(25) (emphasis in original).

*the record. Walker*, 367 A.2d at 370 (emphasis added). Therefore, we must determine whether the Authority's hearsay evidence is corroborated by other competent evidence of record.

A review of Sule's testimony reveals that he admitted only that a dispute arose after Hedrick misunderstood his inquiry regarding how she was going to pay. First, she tried to have Sule swipe her credit card, which he could not do because the machine was in the passenger compartment. This was followed by the credit card machine's failure to process the first transaction. Sule made no admissions that corroborate Hedrick's claim that he either refused or inhibited her use of a credit card. Furthermore, the Authority could not use Rotan's hearsay testimony about what Hedrick said to him to corroborate Hedrick's written statement. Hearsay cannot corroborate hearsay. *See J.K. v. Department of Public Welfare*, 721 A.2d 1127, 1133 (Pa. Cmwlth. 1998)(noting substantial evidence did not exist because there was no non-hearsay evidence to corroborate hearsay testimony); *Walker*, 367 A.2d at 370 (requiring hearsay to be corroborated by competent evidence in the record). If the Authority wished to base its case solely upon Hedrick's written statement and her account of the incident, then it should have either arranged for her to be present at the hearing or to testify by phone. In short, the Hearing Officer erred by basing his factual findings solely upon Hedrick's uncorroborated, out-of-court statement.

In his second issue, Sule argues that the Authority's Executive Order 07-0002 and Board Order 08-0005 are invalid and unenforceable. We decline to reach the merits of this issue in light of our holding on Sule's first issue. However,

we note our doubt that the orders, under which the Authority proceeded against Sule, are enforceable.

In *Germantown Cab Co. v. Philadelphia Parking Authority*, 993 A.2d 933 (Pa. Cmwlth. 2010), *petition for allowance of appeal granted*, \_\_\_ Pa. \_\_\_, 14 A.3d 821 (2011), this Court reiterated that the Authority must comply with the Commonwealth Documents Law<sup>7</sup> and that any of its regulations not promulgated in accordance with the Law are invalid. The Authority cannot circumvent the rulemaking procedures in the Commonwealth Documents Law by promulgating a quasi-legislative regulation affecting the entire taxicab industry simply by labeling that regulation an “order.” The Authority is statutorily authorized to issue orders,<sup>8</sup> but such orders are meant to apply to a specific entity or individual, not to the industry as a whole. *See Commonwealth ex rel. Tarner v. Bitner*, 294 Pa. 549, 555, 144 A. 733, 735 (1929)(noting an order provides for the disposition of a particular piece of business). *Cf.* Section 102 of the Commonwealth Documents Law, Act of July 31, 1968, P.L. 769, *as amended*, 45 P.S. §1102 (defining “regulation” as any rule or regulation promulgated under statutory authority in the administration of a statute administered by the agency).

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<sup>7</sup> Act of July 31, 1968, P.L. 769, *as amended*, 45 P.S. §§ 1102-1602, and 45 Pa. C.S. §§ 501-907, which, collectively, are known as the “Commonwealth Documents Law.” This was the official short title of the 1968 enactment. *See* Section 101 of the Act of July 31, 1968, P.L. 769.

<sup>8</sup> For example, the Authority is authorized to

establish orders or regulations which designate additional requirements governing the certification of drivers and the operation of taxicabs or limousines by drivers, including, but not limited to, dress codes for drivers.

53 Pa. C.S. §5706. A cab driver that later violates an order issued to him may be sanctioned. *See* 53 Pa. C.S. §5725 (regarding civil penalties for violation of Authority orders).

For the reasons set forth above, we reverse the Authority's order.<sup>9</sup>

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MARY HANNAH LEAVITT, Judge

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<sup>9</sup> Sule also asks this Court to enter an order prohibiting the Authority's hearing officers from accepting as substantive evidence (1) hearsay testimony of Authority inspectors and (2) unsworn out-of-court statements by complaining passengers. Sule effectively requests an injunction, which has not been requested and is unnecessary. This opinion and order constitute binding precedent on the use of hearsay in Authority proceedings.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Adewale Sule,	:	
Petitioner	:	
	:	
v.	:	No. 1832 C.D. 2010
	:	
Philadelphia Parking Authority,	:	
Respondent	:	

**ORDER**

AND NOW, this 11<sup>th</sup> day of August, 2011, the order of the Philadelphia Parking Authority, dated February 22, 2010, in the above-captioned matter is hereby REVERSED.

MARY HANNAH LEAVITT, Judge

# **Exhibit 9**



# THE PHILADELPHIA PARKING AUTHORITY

In re: The Philadelphia Parking Authority :  
Taxicab and Limousine Division : Authority Board Order No. 08-0004  
Penalty Schedule :  
:  
:  
:

## ORDER

AND NOW, this 29<sup>th</sup> day of July 2008, this Order of The Philadelphia Parking Authority's Board is issued and made effective for all violations occurring after August 4, 2008:

### Section 1. **Background and Intent.**

This Board resolves pursuant to its duty to regulate the Taxicab and Limousine industries in the City of Philadelphia (the "Industry") in the best interest of both the public and all Industry members, to create a revised Schedule of Penalties associated with Act 94 of 2004 ("Act 94"), the Authority's Taxicab and Limousine Regulations and such other rules and orders duly issued (collectively the "Regulations").

The designation of consistent and fair penalties for violations of the Regulations is a crucial tool necessary to advance the overall public interest of demanding superior service by the Industry, and is required by Section 19(b) of the Regulations. Act 94 sets a high bar for Industry service in Philadelphia and this Order is issued to advance that goal.

This Board has heard from Industry members, the media, and people who rely on Industry service, regarding the need to adjust the Authority's existing Fine Schedule. Some comments have requested more strenuous enforcement with more substantial penalties; others have sought a reduction. This Board is charged with the duty to constantly monitor the Industry and promptly adjust its regulatory posture as necessary to address the continuously changing environment confronting both Industry members and the public. Indeed, Act 94 specifically transferred this regulatory function focused exclusively on the City of Philadelphia from the Pennsylvania Public Utility Commission to the Authority, as a local agency, to permit that level of responsiveness.

The development of this Order incorporated both the regulatory experience of the Authority, the continuing public comment of many people interested in the vitality of the Industry, and changes to the economy most affecting the Industry. The Authority also requested the participation of the Public and Industry in the development of this Order as follows:

- (a) The planned alteration of the prior Fine Schedule was brought before the City of the First Class Taxicab and Limousine Advisory Committee ("Advisory Committee") at its meeting on June 11, 2008, at which time written comments and suggestions as to alteration of the prior Fine Schedule were encouraged;

(b) On June 27, 2008 notice and a copy of the initial version of this proposed Order along with the date it would be reviewed by the Taxicab and Limousine Committee of the Authority's Board ("TLC") was:

- 1) forwarded to all Advisory Committee Members;
- 2) forwarded to all Industry participants maintaining an email address with the TLD (being 1,041 persons);
- 3) posted and made available (without cost) in the main lobby of TLD Headquarters;
- 4) forwarded to the two (2) prominent taxicab workers interest organizations by Regular U.S. Mail, Proof of Mailing;
- 5) forwarded to the Philadelphia Regional Limousine Association by Regular U.S. Mail, Proof of Mailing; and
- 6) forwarded to the Consumer Advocate for the Mayor of Philadelphia by Regular U.S. Mail, Proof of Mailing; and

(c) On July 9, 2008 this proposed Order and the attached Penalty Schedule were considered by the TLC at a meeting conducted pursuant to Pennsylvania's Open Meetings Law (Sunshine Act). After public comment was received and notice of the instant scheduled Meeting of the full Board on this issue was provided the TLC resolved to recommend this Order to the Authority's Board.

The Industry has changed over the past three (3) years. While gas prices have drastically impinged profit margins, the resurgent tourist industry in the City, the expansion of the Pennsylvania Convention Center, and the imminent construction of gambling facilities will continue to drive more people to taxicab and limousine service. The public has become accustomed to cleaner and safer vehicles, more responsive and meaningful enforcement of laws and Regulations, and the increased convenience of alternate payment methods, each combining to increase use of taxicab and limousine service. The Authority's continuing and vigilant program targeting "hack" limousines and taxicabs has similarly directed more users to responsible Industry participants for service.

This Board believes that this Order establishing a new Penalty Schedule will assist in the continuing advancement of the Industry by, among other things, relaxing fines for first time and infrequent offenders, while hastening the suspension or revocation process for egregious violations and those who continually refuse to follow regulatory requirements.

## **Section 2. Penalty Schedule.**

(a) This Board hereby incorporates into this Order the Penalty Schedule attached hereto as Exhibit "A". The Penalty Schedule is not intended to list every potential violation of the Regulations. Additional offenses and penalties are permitted by Act 94 and the Regulations. However, the most frequent violations and corresponding fines are address. This Board believes that the Fine Schedule is fair, reasonable and rationally related to the goals of Act 94.

(b) All prior Board or other Orders of the Authority imposing penalties related to Industry activity are also incorporated into this Order, and specifically Executive Orders:

- 1) No. 06-0001 (Procedure Upon Impoundment of Vehicles and/or Medallions);
- 2) No. 06-0002 (Taxicab Technology System Terms of Use);
- 3) No. 06-0008 (Inability of Hearing Officer to Proceed);
- 4) No. 06-0010 (Return of Hearing Filing Fee Upon Determination of Non-Liability);
- 5) No. 06-0011 (Late Penalties);
- 6) No. 07-0002 (Hospitality Initiative Terms and Penalties); and
- 7) No. 08-0003 (Amending Executive Order No. 06-0002).

(c) For purposes of interpretation conflicts between this Order and any prior Orders of the Authority or its designees, including those incorporated herein shall be resolved in favor of the terms expressed in this Order and the Penalty Schedule attached hereto as Exhibit "A".

(d) Executive Order 05-0001 is repealed.

(e) Each and every day's continuance in violation of any of the Regulations as defined by this Order shall be a separate and distinct offense.

(f) The fourth and subsequent offense committed within the Calculable Period (as defined in Section 4, (a) below) shall, upon finding of liability, be not less than that set forth as the applicable "Penalty 3". In each such case the Hearing Office shall have no discretion to depart below the penalty set forth as the applicable "Penalty 3".

(g) In cases involving a penalty which includes a suspension or revocation, a Respondent's failure to timely request a hearing or a Respondent's payment of the cited monetary fine shall be considered an admission of liability and the revocation or minimum period of suspension provided for on the Penalty Schedule shall be imposed on the day following the last date to request a hearing.

### **Section 3, Departure from Penalty Schedule.**

(a) Increase of Established Penalty.

- 1) Upon request of the Enforcement Department of the Taxicab and Limousine Division ("TLD") and proof by a preponderance of the evidence of aggravating conditions related to the offense, a Hearing Officer may depart from the established relevant penalty and increase the monetary penalty and/or impose a period of suspension or revocation warranted by the circumstances.
- 2) The request for penalties in excess of the established corresponding fine may be made through a hearing scheduled at respondent's request in response to the issuance of a citation or other TLD action (collectively "citation"), designated as an intended action by TLD Enforcement at the time of issuance of the underlying citation, or initiated through standard procedures of Chapter 27 of the Regulations.

- 3) A respondent shall be provided 10 days notice of the intention of TLD Enforcement to assert an aggravating condition and a description of the condition; such notice shall be issued by mail, or email if respondent is required to maintain an email address with the TLD, such notice shall be considered served on the second business day following mailing or emailing and a hearing as to the citation and the aggravating conditions shall be scheduled automatically and without need of a request by Respondent.

(b) Aggravated conditions. The ability of a Hearing Officer to issue a penalty in excess of that established herein is created to permit a penalty befitting the violation in the event such violations are committed in a particularly egregious manner. The Hearing Officer shall have the discretion to make such determinations, however, the following, upon proof by a preponderance of the evidence, shall be considered aggravating conditions, which shall not require the advanced notice from TLD Enforcement provide in subsection (a) above:

- 1) The fourth and subsequent offense of a Class of violation committed within the relevant Calculable Period;
- 2) The accompanying of any violation of any Class with an act of violence, threat of violence, or unlawful restraint by the respondent shall be considered an aggravated offense;
- 3) The commission of an offense, or a series of offenses, in a manner evidencing a reckless disregard for public safety or security; and
- 4) The commission of 3 or more acts which constitute violations of the Regulations in 1 episode.

(c) Reduction of Established Penalty. Except as expressly limited by this Order, the ability of a Hearing Officer to issue a lesser penalty than that established herein is created to permit a penalty befitting the offense in the event the circumstances surrounding the offense warrant. In the event respondent asserts a mitigating condition purported to permit a reduction in the established penalty, the existence of such circumstances shall be proven by respondent by a preponderance of the evidence at a hearing before a Hearing Officer and may only be implemented in the best interest of the public and in furtherance of the intent of the Regulations. In matters related to a Class A offense, and in all matters in which respondent is represented by legal counsel, a respondent shall provide 5 days notice to TLD Trial Counsel of an intention to assert a mitigating condition and a description of the condition.

(d) Hearing Officer Findings. Circumstances determined by a Hearing Officer to permit either an increase or a reduction to the relevant established penalty shall be specifically set forth in the findings for each case.

#### Section 4. Grading of Violations.

For purposes of this Schedule, violations of the Regulations are graded at one of three levels, as follows:

(a) Class A. Class A offenses are those deemed by this Board to be the most offensive to the public interest and the purpose of the Regulations. For that reason the penalties associated

with Class A offenses are the most severe, remain calculable for purposes of multiple offenses the longest, and provide for lengthy mandatory suspensions or even revocations. The date of issuance of the final order finding liability for any given offense or the date the respondent pleaded liable through uncontested payment of the cited penalty or otherwise shall begin the period from which an offense shall be considered for purposes of calculating the appropriate Penalty level. ("Calculable Period") A Class A offense shall have a 3 year Calculable Period.

(b) Class B. Class B offenses are those deemed by this Board to be less severe than Class A offenses, but too harmful to include the reducibility element of a Class C violation. A Class B offense shall have a 2 year Calculable Period. For purposes of calculating the Offense level for a given Class B offense, a Class A Offense within its Calculable Period as of the date of the underlying offense shall be considered by the Hearing Officer when determining the appropriate Penalty.

(c) Class C. Class C offenses are those deemed by this Board to merit a progressive amplification of applicable fines and to potentially merit suspension or revocation of applicable rights, although of a less serious nature than Class A or B offenses and often meriting an option on the part of the respondent to significantly reduce the established penalty through remediation evidenced within 48 hours. A Class C offense shall have a 1 year Calculable Period. A Third Class C offense shall not be reducible though 48 hour remediation.

#### **Section 5. Sale of Suspended or Revoked Rights.**

Any right, including but not limited to Driver's Certificates, Certificates of Public Convenience ("CPC"), certifications, and registrations issued through the TLD are subject to suspension or revocation as provided in this Order and the Regulations. The Authority may permit the otherwise compliant sale of a medallion or other transferable right, then in a suspended or revoked status, provided the TLD determines that the then current owners will have no participation in the subsequent ownership or operation of those rights and derive no economic benefits from such continuing operation.

#### **Section 6. Additional Provisions.**

(a) Restitution. In addition to other applicable penalties, a Hearing Officer may require restitution for funds improperly retained or other monetary losses directly related to the underlying offense. The TLD shall develop a payment satisfaction form that may be used by the Respondent and the party to whom restitution is owed, through which satisfaction of the restitution debt shall be affirmed by each party, filed with the TLD Court Administrator and marked satisfied. Absent the timely filing of such payment confirmation, Respondent's rights with the Authority may not be renewed or continued beyond the immediately following renewal or other standard assessment or payment date.

(b) Booting. The Authority may continue to follow established "booting" procedures as a means of additional enforcement of any violation of law, ordinance, or Regulation resolved before the Authority but outstanding for 30 or more days.

(c) Owner Liability – Driver Unlicensed. The Authority believes it is in the best interests of the Industry and the public to place a weighty burden upon “Owners” (CPC Holders, Medallion Owners, etc.) as to the manner in which the Owner’s property is operated and maintained because the Owner is almost always the more established, experienced, capable, and motivated person to train and demand compliant behavior from drivers. However, in order to assure equity in that process it shall be an affirmative defense to a citation to the Owner offense of “Using unlicensed driver (PA MVC)” that:

- 1) the Owner confirmed the valid status of the relevant driver’s license through the appropriate state system (in Pennsylvania the “Pennsylvania Department of Transportation Driver Record”) (“Status Check”) at the time the driver initiated his driving status with the Owner (“Anniversary Date”), unless the driver was certified or renewed by the TLD within the preceding 30 days of the Anniversary Date;
- 2) The owner conducted a Status Check for the relevant driver not less than once every 45 days from the Anniversary Date; and
- 3) In the event the relevant driver-owner relationship was discontinued for a period in excess of 45 days, the date the driver-owner relationship is re-initiated shall become the new Anniversary date and require a new initial Status Check consistent with subparagraph 1) above.

This affirmative defense shall become effective immediately for offenses awaiting a hearing before the TLD or which remain within the time period to request a hearing related to an applicable citation and must be proven by a preponderance of the evidence.

(d) Invalid Sign-On –Taxicab Meter System. In order for any medallion taxicab driver to provide service pursuant to the Regulations the taxicab meter system (the “System”) must be properly activated. The System may be activated only when the driver has “signed on” to the System through contact with his valid TLD Drivers’ Certificate. That procedure permits the TLD, and the public, to be aware of which driver is in service at any given time. It permits an additional level of safety to the public by assuring that drivers are not operating beyond time limits established by the Regulations, and security to drivers duly concerned about safety. Therefore, the use by any person of a TLD Drivers’ Certificate assigned to any other person, for any reason, shall be considered a Class A offense.

(e) Colors and Markings. Because the public is generally less aware of particular Industry requirements associated with the colors and markings of certified taxicabs, and vehicles that inaccurately appear to be certified taxicabs represent a significant public safety problem and potential source of undue criticism of the Industry, the Board resolves that:

- 1) the owner of a medallion associated with a vehicle removed from taxicab service shall within 24 hours cause the vehicle from which the medallion is disassociated to be stripped of all colors and markings associated with the former dispatcher and which may otherwise reasonably result in the conclusion by a member of the public that the vehicle is a certified (active and available for service) taxicab; and

- 2) no person may operate a vehicle in Philadelphia while it is in violation of subparagraph 1) above, except for purposes of delivering such vehicle to a location at which it will be made to comply with subparagraph 1).

(f) Body Condition. No vehicle may provide or appear to provide Industry service with a substandard body condition, including, but not limited to, visible rusting, misaligned door, hood or trunk or other condition which creates an unprofessional appearance. An offense related to this subsection shall be a Class C offense and is intended to capture unacceptable body conditions not otherwise governed by the Pennsylvania Department of Transportation inspection code, which is a Class B offense.

(g) Repair of Cashless Payment Device. In addition to reporting requirements related to malfunctioning cashless payment devices in taxicabs it shall be a violation of the Regulations to continue to operate a taxicab with a malfunctioning cashless payment device for a period beyond the time appointed by the Authority or its agent for final repair. A violation of this subsection shall be a Class C offense.

(h) Remedial Planning Option ("RPO"). In certain circumstances, the public interest may be best protected from subsequent violations of the Regulations by proactive planning by the violating Industry member focused on the prevention of future offenses, in lieu of the payment of the monetary penalty proscribed by this Order. Therefore, with the understanding that time is of the essence as to the remediation of violations of the Regulations, the Authority creates the RPO program as follows:

- 1) In the sole discretion of the Enforcement Department of the TLD, a person subject to issuance of a citation as to a first offense (the "Respondent"), for which only a monetary penalty is proscribed by this Order, may be presented the option to prepare and present a written remedial plan of action ("Plan") in lieu of the options to either pay the "Penalty 1" amount or request a hearing on/file an answer to the underlying citation ("Standard Option");
- 2) The Enforcement Department shall provide notice of a Respondent's RPO eligibility simultaneous with service of the citation;
- 3) Respondent must confirm its selection of RPO in writing to TLD Trial Counsel and the Director of the TLD, within the Standard Option timeframe;
- 4) Respondent shall submit the Plan to the Director of the TLD or his designee, which shall in no event be a member of the Enforcement Department or this Board (the "RPO Officer"), within 15 days of the last day to select a Standard Option;
- 5) The date the Plan is due may not be extended for any reason and if a Respondent fails to file the Plan on that date it shall select a Standard Option within 10 days of the date the Plan was due;
- 6) Respondent shall appear before the RPO Officer and explain the manner in which the Plan will prevent subsequent violations of the Regulations and discuss appropriate alterations to the Plan, if necessary (the "Presentation"), legal counsel may also be present at the time of the presentation, but the unavailability of counsel shall not be a basis for continuing the Presentation date;

- 7) The Presentation shall be scheduled by the RPO Officer and occur within 15 days of the date the Plan is due with the intent of the Respondent and the RPO Officer reaching agreement as to details of an appropriate Plan;
- 8) The Respondent must appear at the Presentation and in the event the Respondent is not an individual, each owner of Respondent shall appear at the Presentation;
- 9) If for any reason Respondent is unable to appear at the Presentation as provided herein, RPO shall be considered waived and Respondent shall select a Standard Option within 10 days of the scheduled Presentation;
- 10) The Respondent and the RPO Officer shall confirm their agreed Plan at the time of the Presentation, if a Plan is not agreed upon, Respondent shall select a Standard Option within 10 days of the Presentation;
- 11) The failure to timely select a Standard Option when required by this Section shall be treated as though Respondent failed to respond to the initial citation;
- 12) In the event Respondent is issued another citation for a substantially similar offense between the date of the initial citation and the date of the Presentation, RPO shall be considered waived and Respondent shall select a Standard Option as to the first citation within 10 days of notice of the second citation; and
- 13) The existence of a mutually agreed to Plan shall be considered an offense if within the Calculable period, for purposes of determining a penalty and if the Hearing Officer determines that the then current offense is of the nature intended to be addressed by the Plan.

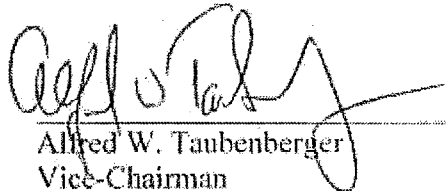
**Section 7. Notice.**

The Taxicab and Limousine Division is hereby ORDERED to provide all due and required notice of the issuance of this Order.

**THE PHILADELPHIA PARKING  
AUTHORITY**

**ATTEST:**

  
Joseph T. Ashdale  
Chairman

  
Alfred W. Taubenberger  
Vice-Chairman