

**MINUTES FOR  
AGENDA**

**PUBLIC TRANSPORTATION COMMISSION**

**WEDNESDAY, FEBRUARY 12, 2008**

**COUNTY COMMISSIONERS' BOARD ROOM**

**601 E. KENNEDY BLVD., 2<sup>ND</sup> FLOOR**

**9:00 A.M.**

**I CALL TO ORDER**

*The meeting of the Public Transportation Commission was called to order by Chairman Kevin White at 9:16 a.m. The following Commission members were present:*

*Chairman Kevin White,  
Commissioner Brian Blair  
Commissioner Ken Hagan  
Commissioner Ken Raulerson  
Councilman Thomas Scott  
Councilman Joseph Caetano*

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

*Commissioner Councilman Frank Chillura was not in attendance*

**II INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**III SWEARING IN OF WITNESSES**

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

**IV AUDIENCE PARTICIPATION**

*Dave Shaw of Paradise limousine addressed the PTC regarding the amount of permits that are being applied for this month. He stated that the hearing officer is supposed to have the applicant prove that there is a need for more limo services in Hillsborough County. He stated that there are currently 158 companies and 829 permits and questioned the need for more. He gave his personal testimony that business is down. He stated that it is his belief that additional limousines would cut down on business in the market and companies will cut back and the industry will suffer. He stated that he had discussed the matter with Julie's Limousines & Coachworks, Inc. and it is their belief that the industry will suffer. He asked the PTC to please listen to the facts and figures.*

*Rocky Shirey appeared before the PTC in place of Julie Herring (Julie's Limousines & Coachworks, Inc.) since Julie was unable to attend. He said his goal was to convey Julie's thoughts and bring to the table 22 years of experience in the business. Mr. Shirey presented material to the PTC. He said that he felt that the PTC is being asked to do something that will have a long-standing effect on the industry and that the market is too flooded. He directed the Commission's attention to page 4 of his*

*presentation to talk about today's situation, there are 639 taxis that are certified with 829 limousine vehicles. Limousines are 48 percent of the market and taxis are 37 percent. His research showed that the four inspectors were required to inspect 859 vehicles last month which is 1 ½ vehicles every ½ hour. The local association, of which none of the applicants are a part, is reporting losses of 50% due to the downturn in the market.*

*George Werner was next and introduced himself to be the attorney for Kings Executive Limo, a company that has an application on today's agenda. He asked if he should speak about their application during audience participation. Chairman White said that since he would be speaking about that petition, he should approach the PTC at the time it is scheduled to be heard, however, Mr. Werner did have a few general comments. He wanted to point out that it is a free market and it wouldn't be government's job to determine whether or not there are enough businesses. He feels that it is contrary to the free enterprise system. He said that the PTC should regulate the effect on the public's welfare, health, and safety, quality in the position of the individual applicants and the way the vehicles are operated. He discounted the arguments in restraint of trade because we live in a free enterprises system.*

*Charles Smalling spoke next and said that he thought that the PTC was going to pass a law to limit the number of Town Cars and limos in Hillsborough County. He stated that he agrees with Dave Shaw that there is an overcrowding of the market. He said that the taxi business is reduced 60 percent and again stated that he wants the PTC to limit Town Cars and limos in Hillsborough County. He asked that need and necessity to be examined a little more and said that he wants a cap on limo permits to give the taxis a little breathing room. He asked the PTC to take a good look at the matter and hold back until it goes to court to find out if the limos can be limited.*

*After Mr. Smalling spoke, Chairman White informed everyone that some Commissioners would have to leave and majority vote would be lost. As a result, the Chairman directed that item IX.A.3, zone taxi applications, be heard first (see minutes of the Cab Addis petition under Item IX.A.3).*

V. REPORTS – For receipt and filing.

A Inspector's Report – January, 2008

B Fiscal Year Status Report

*Motion to receive and file the reports was made by Commissioner Raulerson, seconded by Commissioner Blair and carried unanimously.*

VI. CONSENT ITEMS

A. December 12, 2007 Public Transportation Commission meeting minutes

B. Approval of Public Vehicle Driver's Licenses – December, 2007 and January, 2008

C. Administrative Change Application from MMG Transportation d/b/a Checker Cab for change in shape and design of company logo.

D. Administrative Change from Paradise Limousines of Tampa Bay for Ownership Change by addition of new shareholders.

E. Administrative Change from North Tampa Express, Inc. for a name change to Tampa Express Shuttle, Inc.

*Motion to approve the consent agenda was made by Commissioner Raulerson, seconded by Commissioner Blair and carried unanimously.*

*Chairman White directed the PTC to go back to item "C," American Victory Cabs.*

VII. ATTORNEY'S REPORT

VIII. OLD BUSINESS

A. Rule Changes for Wreckers

B. Taxi Permit Discussion

*Director Padilla addressed the PTC, requesting that they review item VIII.B. This item was from the December 12, 2007 meeting, wherein, American Victory Cab was granted a standard taxi permit due to a clerical error. This permit had to be revoked and reissued to one of the certificate holders previously approved to receive a standard taxi permit for this fiscal year.*

*Chairman White asked for a motion. Commissioner Blair made a motion to move staff recommendation to revoke and reissue the permit. The motion was seconded by Councilman Caetano and carried unanimously. Discussion ensued about how the permit would be issued and Director Padilla confirmed that it would be by lottery that would be publicly noticed and is open to the public and that the results would be available at the next PTC meeting.*

C. Fuel Charges for Wreckers (added at this meeting)

*Director Padilla asked the PTC if it wanted to allow the wrecker companies to charge \$5.00 fuel charge for wreckers good through the March 12, 2008 PTC meeting. Motion was made to approve \$5.00 fuel charge for wreckers by Commissioner Blair, seconded by Commissioner Hagan, and carried unanimously.*

IX. NEW BUSINESS

*Chairman White asked either Director Padilla or Senior Assistant County Attorney, Orlando Perez to confirm that there is no cap on limousine permits in Hillsborough County and Director Padilla confirmed that he was correct.*

*Chairman White said that a limousine permit cap was a topic of discussion at this meeting which needed to be reviewed. Since there is no cap at this time, and there are no rules in place regarding a limousine cap, the PTC cannot restrict or does not have the ability to limit the number of limousine permits. As a result, there is one part of the industry that claims the market is flooded and is affecting both the limousine and taxi industries and others who say it is not affecting the limousine industry. Therefore, unless there is a significant reason, Chairman White's understanding is that applications for limousine permits cannot be denied. The Special Act may have to be changed to cap limousine permits. He asked Attorney Perez to opine regarding the matter.*

*Attorney Perez stated that with taxis, there is a specific limit on the number of permits in the Special Act. However, regarding limo permits, there is not limit on the number of permits. If the PTC wanted the authority to restrict limousine permits, the Special Act would have to be amended to specifically provide for a limit like there is with taxi permits. Regarding all applications, whether they are taxi or limo, the hearing officers are supposed to consider the adequacy of the existing service. If a market is flooded with providers, and the need is sufficiently being met, then the hearing officer should say that that factor has not been met, and the applicant has the burden on each occasion of showing the adequacy of the existing service.*

*Chairman White agreed with Attorney Perez's summation. Chairman White said that financially, when a person applies to provide these services, it would make no sense if they were not financially sound. Chairman White felt that the competition should be welcomed. In any case, he felt that most owner/operators would invest capital into a business in which they expected not to succeed.*

*Commissioner Blair said that he felt Chairman White made the correct assessment, but he asked if the hearing officer's review included a needs and necessity evaluation. Director Padilla agreed that the hearing officer did include a needs and necessity assessment. Commissioner Blair felt that the hearing officer needed to expound on the need and necessity criterion. He wanted the hearing officers to establish the criteria with the Super Bowl coming up in 2009 and the need of more people and possibly, temporary permits.*

*Chairman White offered one more comment. Speakers at the meeting, like Mr. Smalling, bring up their perception that the PTC appears to continually rubber stamp limos permit applications which he feels impacts him and his industry and his ability to make a living on a daily basis as a Yellow Cab driver. Chairman White said that although he sympathizes with that feeling, the PTC is working within the confines of its rules and doesn't want to be legally challenged on something that it doesn't have the ability to regulate.*

*Chairman White asked Attorney Perez if it would be feasible to alert the listening public and the transportation industry, if it is the will of the PTC, that if an application is not in the pipeline now, they are going to hold off hearing any further limousine applications for Hillsborough County until a needs and necessity assessment is received since the PTC feels that there is a disproportionate number of limo versus taxi permits*

*Attorney Perez answered that the PTC doesn't have specific authority to take that action. Each individual application gets judged on its own merits, and it's up to the applicant to prove that there's an inadequacy of the service. The Special Act or the rules don't provide detail to allow the hearing officers to make that decision based on mathematical formula. These are matters of judgment. Therefore, the hearing officer hears both sides and the evidence, and if persuaded, they recommend approval. Attorney Perez suggests that if the standards were better defined, the hearing officer wouldn't have to make a judgment because there would be statistical data and making it quantifiable, not subjective.*

*Chairman White, in the spirit of fairness, didn't want to impact anyone whose application is already submitted who might say that the requirements weren't in the rules when they applied. He suggested that maybe the PTC could go to a special workshop, that the hearing would be suspended, or that the PTC will suspend hearing any further limo applications until a workshop is held and they have been able to further define their rules and to come up with tighter rules for needs and necessity. At that point, the PTC could go forward with those new applications based off of the new rules.*

*Attorney Perez expressed concern that there might be time constraints pursuant to the hearings and making recommendations and the PTC's granting or denial of those applications. He didn't recall whether it was in the Special Act, but this is similar to a moratorium. He suggested that the PTC needs specific authority in the Special Act before doing that or they could be subjecting themselves to liability from an applicant if they simply decline to consider his application in an individual case-by-case basis.*

*Chairman White asked how many applications were in the office as of the February 13, 2008 PTC meeting that would be heard at the March meeting. Director Padilla responded that there were about three. Chairman White said that as far as he was concerned, he'd accept the way the PTC has been doing business regarding limousine permits for February and March. However, after March, because of the apparent disproportionate numbers, he would have Director Padilla and staff gather facts and figures to bring back to the PTC, so that the limousine applications would be more strictly scrutinized*

*starting in April than they have in the past. Applicants will need to truly be able to show and prove needs and necessities because limos are catching up to taxicabs.*

*Commissioner Blair agreed with Chairman White's statements. He felt that the PTC needs to make the needs and necessity criterion quantifiable as stated by Attorney Perez. Commissioner Blair wanted to make a motion, in a manner that is understandable so that the PTC knows what it is adopting, which is fair and defensible, that they have a quantifiable needs and necessity plan or scale for the hearing masters that puts the burden on the applicant to prove that there is a need and necessity.*

*Director Padilla mentioned that a rules workshop was held recently where the issues that came up in this discussion, i.e. raising the standards, raising the bar and eliminating "rubber-stamping" were to be brought to the PTC meeting next month.*

*Chairman White accepted Commissioner Blair's motion to have a quantifiable needs and necessity plan or scale for the hearing masters that puts the burden on the applicant to prove that there is a need and necessity, in a manner that is understandable so that the PTC knows what it is adopting, which is fair and defensible. The motion was seconded by Commissioner Hagan and carried unanimously.*

*Commissioner Blair felt it behooved them to move towards adjusting the Special Act, perhaps after the needs and necessity evaluation or to be brought to the next meeting. Attorney Perez informed the PTC that regarding amending the Special Act, the deadline for filing local bills has come and gone. Attorney Blair said it may be possible to include it for next year.*

*Commissioner Blair made a motion for the PTC to support a bill that would put a limit on limousine permits, and if that limit could be identified based on data from PTC staff, to amend the Special Act. Motion was seconded by Commissioner Raulerson and carried unanimously.*

*Lobbyist Victor DiMaio confirmed that the local bill could not be amended at this time due to a short time limit to submit and advertise those changes. He said that because Tampa Bay has experienced so much growth, the limousine industry has "outstripped" the permits of the taxi industry making it senseless to cap taxis and not limos. He said he and others have been working diligently on the PTC's local bills to make the needed changes.*

*Commissioner Blair said that he wanted to "start the ball rolling" for next year to start preparing something that our lobbyist could work on that would create a more equitable working environment.*

A. Public Hearings

1. Limousine Service Applications.

- a. Aventura Limousine, LLC of Tampa, FL – Certificate and two (2) permits

*Director Padilla gave his summary of the hearing officer's recommendation regarding the application of Aventura Limousines, LLC, of Tampa. The hearing officer, Mr Paul Marino, has recommended that the certificate and the permits not be granted. Chairman White asked if Mr. Marino gave specifics and Director Padilla said it was in his recommendation inside the agenda. Attorney Perez said that Mr. Marino was not satisfied that the public need was met and said that this application was an example of the hearing officer making a recommendation to deny when an application fails to meet the criteria.*

*Rocky Shirey with Julie's Limousine said that he strongly supported the hearing officer's recommendation for denial since he felt it did not meet the need of showing public need and necessity.*

*Chairman White asked if anyone else wanted to speak regarding this application.*

*Jake Piascik, owner of Dream Limousine, came forward. He introduced himself as the owner of Dream Limousine. He spoke about the number of permits and the Super Bowl season and many companies wanting to apply to get permits. His feeling is that the market would be flooded. It was his position that the PTC is charged with making sure that the existing certificate holders are not detrimentally affected. He voiced concern about new companies undercutting the set minimum prices and stated that nothing was done about that problem with the prior Executive Director. He stated that he disputed Kings Realty showing that there were no limousine companies in Brandon when he could think of six. His feeling is that the PTC is charged with making sure that the existing certificate holders are not negatively impacted.*

*Commissioner Blair wanted to know if there was something in place that will protect people like the owner of Dream Limousine to make sure that they are first served at the time of the Super Bowl.*

*Director Padilla said that the PTC is working with the Super Bowl Host Committee who has all the figures. They just attended the Super Bowl in Phoenix, Arizona, and they will have all those figures. Based on the past Super Bowls, we'll meet with them and we'll see the need based on what we have what is going to be added to the industry*

*Attorney George Werner was the next person who spoke. He introduced himself as an attorney representing Kings Executive Limo whose application appears on today's agenda. He stated that his first objection was that Kings Executive Limo's application was being discussed during this meeting. He also pointed out that the previous speaker is not in Brandon, but in Valrico and his business is being operated out of a deed restricted community. He said he had pictures and copies of the deed and deed restrictions. Chairman White said they would look at those later.*

*Charles Smalling, approached the Commission again and talked about the need for need and necessity to be addressed.*

*Motion to deny Aventura Limousine, LLC's application for Certificate and two (2) permits was made by Commission Blair, seconded by Commissioner Raulerson, and carried unanimously*

- b. All Gulf Coast Limousines of St. Petersburg, FL – Certificate and five (5) limousine permits

*Director Padilla gave a summary of the hearing officer, A. J. Comparetto's recommendation for approval of All Gulf Coast Limousines' application for certificate and two limousine permits.*

*At this point, Chairman White announced that the quorum would be lost so he called a two minute break. Director Padilla amended his report due to a clerical error wherein All Gulf Coast Limousine applied for a certificate and five (5) permits.*

*Gerard Chavez, owner of All Gulf Coast Limousines addressed the PTC regarding his application. He gave a brief description of what his business was about and that his company had researched, found and purchased a good training program. He'd applied for permits because they wanted to pick people up that they drop off at the airport. Chairman White confirmed with Mr. Chavez that the majority of his business was return pickups and referrals. Mr. Chavez stated that he is trying to get into the hotel business, but he cannot get into the hotel business until he can pick up at TIA.*

*Rocky Shirey with Julie's Limousines approached the PTC to petition against All Gulf Coast Limousines' application. He stated that the "commission itself, and not its delegates are or not who it delegates the power to, is responsible for determining whether the public need, convenience, and necessity require the operation of these vehicles." He felt that All Gulf Coast may have proven that*

*the need and necessity may exist in St. Petersburg, but has not been clear in showing that that need and necessity, which is the responsibility of this commission, exists in Hillsborough County.*

*Marty Terrio, General Manager, All Gulf Coast Limousine spoke next. He disputed earlier claims about how people have come up with the information they had presented against All Gulf Coast Limousine's application.*

*John Madiedo, of Professional Insurance Center in Tampa stated that he was concerned about the definition of "need and necessity" stating that the definition was ambiguous. He felt that one applicant can prove need and necessity and then the same hearing master would judge that another didn't. He said that need and necessity should be a benchmark. He also said that businesses in surrounding communities that use TIA as a drop-off point. They want to do business in their local communities and can't give return rides back.*

*Commissioner Blair said that he thought the motion that was made and passed unanimously earlier in the meeting that the PTC wouldn't approve anything until the next meeting once the needs and necessities are defined. Chairman White clarified that that was for zone taxis.*

*Brook Negusei of Cab Plus spoke next and stated that maybe the permits should be granted*

*Chairman White spoke to the comments he made earlier in the meeting wherein his feeling was that no one would invest the money in these businesses if there was an expectation of failure.*

*Commissioner Blair moved to deny All Gulf Coast Limousines' application and said that he would deny everyone until a needs and necessity study was done. He stated that he considered the PTC's approval of this application to be just a rubber stamp.*

*Chairman White addressed Commissioner Blair's comment. He'd said he'd made the earlier motion because it was something that the PTC had authority over. The hearing master recommended approval of this application. Chairman White wanted to put on record at the April PTC meeting that everyone should know at that time the direction of the board to impact or negatively impacted a petitioner knowing how they had been conducting business. He was putting everyone on notice that the commission will be doing business a little differently, but in the spirit of fairness, he didn't want to blind-side anyone with the commission doing a complete 360 in how they conduct business. An individual at this time, he thinks anything we can do to stimulate the economy for people who can afford to use the service is a good thing. He felt that it wasn't fair that everyone was used to the PTC doing business one way and then, if they do it another without putting anyone on notice would be wrong.*

*Motion to approve All Gulf Coast Limousines' application for Certificate and five permits was made by Commissioner Hagan, seconded by Commissioner Raulerson, and carried 3 -1 with Commissioner Blair dissenting (simple majority).*

- c. Black Pearl Limousine, LLC of Tampa, FL – Certificate and five (5) limousine permits

*Director Padilla gave a summary of the hearing officer, A. J. Comparetto's recommendation for approval of Black Pearl Limousine's application for a certificate and five (5) limousine permits with the condition that the applicant would provide proof of the lease hold agreements or a statement certifying that the agreements exist. PTC staff was given three of the five agreements.*

*Thomas Halsnik of Black Pearl Limousine approached the PTC regarding his application. He stated that he'd been in the limo business for a combined total of 17 years. He said that he didn't see the relationship between the need and necessity criterion for taxis versus limousines because limousine*

*service is a discretionary spend. It isn't based on the population because it is a different client base. He felt that the PTC's job was to protect the public safety and not enable the existing companies to operate without competition. Chairman White asked Mr. Halsnick to elaborate on what his company's service and Mr. Halsnick explained that his company is based on private limousines being used 40 to 80 times a year to a small segment of the population. It would be used by the friends and acquaintances of the company.*

*Rocky Shirey of Julie's Limousines addressed the PTC again. He stated that Julie's Limousines opposes the approval of Black Pearl's application. Rocky feels that the responsibility to determine whether public convenience and necessity has been met is the responsibility of the commissioners and not the hearing master. His standing is that even the little segment that Black Pearl would serve is competition with "actual owners". He disputed the "novel way" in which Black Pearl would service the public and said that it is not in the best interest of the public to "try novel ideas on a piece of vital public infrastructure." Mr. Shirey called for a cooling-off period of 60 to 90 days where experts can come together with the commission, clarify the rules and set the standards.*

*Chairman White addressed Mr. Shirey's comments by pointing out Mr. Perez's earlier admonition where a warning regarding due process issued. He said that the PTC could be JEOPARDY if they put a moratorium on limo applications.*

*Charles Smalling spoke to Chairman White and question how the PTC could be violating antitrust laws. He wanted them to hold back application until the new rules are in place*

*Chairman White said that he would work with Mr. Perez and see what could be done. Maybe a limit could be instituted on the number of limo applications that would be heard per meeting. However, the rules would have to be changed and actions could not be taken arbitrarily to do that.*

*Motion to approve Black Pearl Limousine's application for certificate and three of the five permits in the absence of the other two agreements that were requested from Thomas Halsnick, was made by Commissioner Hagan, seconded by Commissioner Raulerson, and carried 3-1 with Commissioner Blair dissenting (simple majority).*

- d. Escalade Limousine Company, LLC of St. Petersburg, FL – Certificate and three (3) permits

*Director Padilla gave a summary of the hearing officer, A. J. Comparetto's recommendation for approval of Escalade Limousine Company, LLC's application for a certificate and three (3) limousine permits.*

*Chairman White called for someone from Escalade Limousine Company, LLC to speak regarding the application. The petitioner was not present.*

*Motion to deny Escalade Limousine Company's application and three permits was made by Commissioner Blair, seconded by Commissioner Hagan, and carried unanimously*

- e. Five Star Limousine and Transportation, LLC of Pinellas Park, FL – Certificate and two (2) permits

*Director Padilla gave a summary of the hearing officer, A. J. Comparetto's recommendation for approval of Five Star Limousine and Transportation, LLC's application for a certificate and two (2) limousine permits.*

*Kristijan Jankovic', an owner of Five Star Limousine, LLC, addressed the PTC regarding his application. He explained that his business would be providing chauffeuring services to businesses*

*and providing them with Mercedes Benz "S" class vehicles. He felt that his company would be providing a service that no one else is currently providing. The "S" class is the largest class of Mercedes.*

*Rocky Shirey of Julie's Limousines addressed the PTC yet again opposing the granting of another application and stating that the market is saturated. It was his feeling that Five Star Limousine will not survive because it doesn't meet the requirements of the probable permanence criterion.*

*Commissioner Raulerson had a question regarding an earlier statement that Mr. Shirey made when he said that the PTC's job is to protect the current certificate holders. It was his understanding that the PTC's job was to protect the traveling public. Mr. Shirey agreed, but his logic was that in order to protect the traveling public, the PTC needs to protect the current certificate holders.*

*Commissioner Raulerson's thought was that in order to maintain the interests of the public, assessments and qualifications needs to be established. However, his position is that we have a hearing officer that makes recommendations to the PTC. Although he understood Mr. Shirey's position, his evidence is to accept the hearing officer's recommendation. Commissioner Raulerson was not sure that the PTC can just deny applications because it will have a negative impact on the current certificate holders. Therefore, he felt that if the applicant has passed the criteria of the hearing officer, his position would be to rely on that unless it has been clearly established to the contrary.*

*George Werner spoke next. He said he was an attorney who practices law in Hillsborough and Pinellas Counties. He wanted to state for the record that it is the PTC's job to take care of the public, not protect the financial interests of the existing permit holders.*

*Chairman White thanked Mr. Werner for his comments and stated that it is the PTC's vision to protect the public.*

*He will not be able to support the petition because it is a basic sedan and not a specialty vehicle. He sees the category as a luxury taxicab. He voted to deny the petition of a Toyota Prius. In the spirit of fairness, when people say limo, people expect a limo, not a four door sedan.*

*Motion to deny Five Star Limousine and Transportation's application and two permits was made by Commissioner Blair, seconded by Commissioner Hagan, and carried 3 -1 with Commissioner Raulerson dissenting (simple majority).*

- f. Grand Dames Car Service, Inc. of Tampa, FL – Certificate and four (4) permits

*Director Padilla gave a summary of the hearing officer, Paul Marino's, recommendation for approval of Grand Dames Car Service's application for a certificate and four (4) limousine permits.*

*Ms. Floyd needed to be sworn in to testify and so Chairman White swore her in. She stated that she owns a marketing firm. Ninety percent of her business is planned events. When she has had to pick up an entertainer, speaker, dignitary, or other person, she said her business has had horrible service from limousine companies. This caused her to purchase three Lincoln Town Cars. She expressed that she needed to bring her customers to their destinations on time. She is not going to do weddings, proms, bar mitzvahs or other such events. This business will be an extension of her current business and she felt sure she would succeed.*

*Chairman White verified that her vehicles were Lincoln Town Cars which Ms. Floyd confirmed.*

*Mr. Shirey approached the PTC again and stated that regarding Grand Dames' application the hearing officer recommended approval, but brought up that Grand Dames closes is at midnight. He*

*refuted her experience and said that she proposed rates to areas that are well below the regulated taxi rates. In Mr. Shirey's opinion, the service would infringe and cannibalize the industry.*

*Motion to deny Grand Dames Car Service's application and four permits was made by Commissioner Blair, but died for lack of a second.*

*Motion to Approve Grand Dames Car Service's application and four permits was made by Commissioner Hagan, seconded by Commissioner Raulerson, and carried unanimously.*

- g. Kings Realty and Property Management, Inc. d/b/a Kings Executive Limo and Car Service of Brandon, FL – Certificate and four (4) limousine permits

*George Werner, an attorney representing Kings Executive Limo and Car Service, addressed the PTC again. He said that the need and necessity criterion should be a benchmark and it should be done on demographics that are done on Federal or County statistics that are equally applied to all applicants. He said that the city of Brandon (unincorporated) is key. He said that the testimony at the hearing was that there are already five companies in Brandon. Kings Executive Limo and Car service asked for all applications in Brandon and only one other company had an address in Brandon. There were eight companies and they were not in Brandon and six did not have actual commercial addresses. He stated that Kings Realty is a commercial location and their limos would be on display. He said that Kings Realty was denied access into two of the communities. It is his belief that the commission should make certificate holders allow the public to see the vehicles. He stated that for the entire zone there are only eight certificate holders and for the city of Brandon, Kings Realty would only be the second one.*

*Commissioner Blair told Mr. Werner that Brandon wasn't to be a zone and it was not the intention. He also said that, regarding protecting the public, it is the PTC's job to help protect those companies that are having no problems in serving and protecting the public in serving their areas. Commissioner Blair agreed with Commissioner Raulerson that the PTC does rely heavily on the hearing officers and staff, but at the end of the day, the decisions are made at PTC meetings. Commissioner Blair said that if they didn't, it would be rubber-stamping. Commissioner Blair said that his denials were a statement to say that the PTC does not have criteria that they are following. Commissioner Blair wanted every one of the questions in Julie's Limousine presentation to be answered. Commissioner Blair stated that he did not deny what Mr. Werner said, but the PTC needs quantifiable criteria.*

*Commissioner White clarified with Attorney Perez that the zones were for taxis not limos and Attorney Perez confirmed that he was right.*

*Jake Piascik, of Dream Limousine, was the next speaker. He emphasized what Chairman White stated that there are no zones with limo permits. He also said that Brandon is considered the Greater Brandon area which includes numerous locations like Valrico, Seffner, and Dover. He felt the service that was in the Greater Brandon Area was adequate.*

*Commissioner Blair said that at a Brandon Chamber of Commerce function, Mr. Piascik's business was named small business of the year and he wanted to congratulate Mr. Piascik on this big accomplishment.*

*Chris Jordan, of Kings Realty spoke next. He said that he has bulletins, which he'd handed out, of what he'd found in Brandon. He said that there are over 90,000 residents, so he feels like eight permits is not a tremendous amount. The main reason for Kings Realty mentioning Brandon was that Kings Realty was going to concentrate in Brandon. Mr. Jordan said that at that hearing, he was advised by Director Padilla that there were only five in companies in Brandon. Mr. Jordan said that he was provided with all of these outside companies when he requested copies. He felt that he was not offered time to provide information. He said that in his case, he has examples of letters and he feels*

*like he wasn't receiving due process. He stated that Kings Realty is very profitable and last year they did over 6.6 million dollars between their two companies. He said that he didn't see other companies affording opportunities for people to see and have better quality vehicles. He had hired a manager with 22 years of logistical experience from the U.S. Air Force.*

*Thomas Williams from Kings Limo spoke on their behalf. He stated that he had 22 Years of experience in the Air Force for the sake of free trade. He spoke of his experience at length and felt that Kings Realty would provide quality service.*

*Michael Jordan of Kings Realty and Property Management said that he realized that the economy is down, but people cannot be told that they can't do business and new companies should be denied. He said that Kings Realty has been doing business in Brandon for years and they want to continue to provide more good services.*

*Motion to deny Kings Realty and Property Management, Inc. d/b/a Kings Executive Limo and Car Service's application and four permits was made by Commissioner Blair, seconded by Commissioner Raulerson, and carried unanimously.*

- h. Paradigm Limousines, LLC of Tampa, FL – Certificate and two (2) permits

*Paradigm Limousines, LLC's application for Certificate and two permits was deferred to the March 12, 2008 PTC meeting.*

2. Handicab Service Applications

- a. MMG Transportation, Inc. of Tampa, FL – four (4) additional handicab permits

*Chairman White directed the PTC to MMG Transportation's application for four additional permits.*

*Motion to approve MMG Transportation's application for four additional permits was made by Commissioner Blair, seconded by Commissioner Raulerson, and carried unanimously.*

3. Zone Taxi Service Applications

- a. Addis Car Service, Inc. d/b/a Cab Addis of Tampa, FL -Certificate and four (4) permits

*Chairman White asked Mr. Padilla to begin with Addis Car Service doing business as Cab Addis of Tampa. Mr. Padilla read the hearing officer's recommendation.*

*Nancy Castellano spoke regarding the Cab Addis petition. She handed out the maps that she needed to show the North West zone and stated that she was an intervenor in the application. She shared her reasons why the application should not be granted. She said there were no complaints of inadequate service in the zone to her company, and gave statistics of why it was good business. She said that the zone cabs are sitting downtown, at the bus station, and at the ports. Plant City and Sun City were circled on her map to show that they are in extreme outlying areas and are not in close proximity to the downtown area. The United Cab zone map was the next document Ms. Castellano addressed. She stated that United Cab serves that area in a timely manner. Her final comment was that the airport is only eight miles from the North West zone and if those permits are granted it would fragment the industry.*

*Charles Smalling said that he agreed with Ms. Castellano. He said that he saw the restricted cabs*

*sitting at the cab stands at the Hyatt and at International Mall and wanted to know why zone cabs are downtown if they serve outlying areas of Tampa.*

*Tesfashet Desta president of Cab Addis was the next person to address the PTC. He stated that there was a lot of discussion regarding his hearing and the hearing officer's question was whether Mr. Desta's business was on noncommercial property. Mr. Desta said that has twelve standard cabs and he does the same thing as other companies have done picking up at cab stands. He bought the property last year and before he bought it he had permission from the former director, Greg Cox. The property is close to his residence and it is a good location. The Hearing Officer told him that he has to have commercial property and he is currently running a business from this address. He proved that in the hearing. He said that he is running his business from that location and he has a contract that he drew up with that listing.*

*Chairman White asked Mr. Desta if he has a lease on commercial property and Mr. Desta said that he did. Chairman White asked Mr. Desta to rebut or confirm the statements that Ms. Castellano made earlier about whether or not he was "testing the waters" for that zone. Mr. Desta said that he couldn't charge the same way as he charged a standard cab driver and that the hearing master recommended to allow four permits because those issues were brought up at the hearing and they'd spent four hours discussing it. Chairman White said that he was just wanted clarification of the need and necessity issue.*

*Councilman Caetano asked, based on the evidence he'd heard in regards to zones, if Cab Addis is at the cab stands, what's happening to the people in those zones? Mr. Desta answered by saying that they stay in the North West area and drop them off and that he already has a certificate.*

*Councilman Scott had some questions so Chairman White asked if there was there anyone else in the audience that was going to speak regarding this petition. Since there wasn't, he called for the PTC's deliberation and discussion. Councilman Scott said that he felt the issue was proving need and necessity. He asked Director Padilla if there were any complaint calls from that zone. Director Padilla said there wasn't. There was discussion about the zones and how the North West zone came about since the original intent of the Commission was for the South East zone to be established. Mr. Padilla said he would have to go back over the minutes because he was not sure how that was established, but that he understood that the intention was to serve all of the South East area. Commissioner Blair agreed that that was the intention.*

*Based on the dialogue that there was a question as to how the other zones were established, Councilman Scott moved to deny the granting of Cab Addis' application for Certificate of Public Convenience and Necessity and Commissioner Blair seconded the motion.*

*At that point, Senior Assistant County Attorney, Orlando Perez spoke regarding the zones. He said that the Commission made and adopted a rule for all of the zones and they all have the same status.*

*Commissioner Hagan agreed with Councilman Scott, but took exception with what Director Padilla regarding zones. He said that there are no complaints from the North West area. And, this would dilute the industry.*

*Commissioner Blair gave a breakdown of what the zone cabs should have been. His goal was to make sure that the outlying areas, where there would be no cab companies, would be served. Commissioner Blair referenced the pie chart that was handed out by Rocky Shirey of Julie's Limousine and Chauffeur Service and stated that although we live in a capitalistic society, we need to protect those that have provided good, quality service to keep their businesses going and regulate the industry. He felt that since the economy is down, we should not flood the market.*

*Director Padilla said that if he recalled correctly, the agreement to establish the South East zone,*

*included finding out how it was going to affect the industry and the zone. So, it was going to be limited and be on a trial basis. Regarding the limousine portion of the question, the PTC doesn't have the ability or the charge to limit the limo industry in its Special Act, but his belief is that the proof of need and necessity should be enough. Also, by establishing the need and necessity and having all these figures on the table, that information should be strong enough to establish need and necessity--which would be an issue for the hearing officer. Director Padilla said that he will meet with the hearing officers after the meeting and let them know exactly all these figures and what the intent of the commission is.*

*Chairman White reminded the Commission of the motion on the floor--Councilman Scott moved to deny the granting the certificate and four vehicle permits to Cab Addis' Commissioner Blair seconded the motion. Motion passed and carried unanimously*

*Commissioner Blair made a motion that we do a need and necessities analysis to be brought back to the Commission the next meeting before taking anymore action. Councilman Caetano seconded the motion. Motion passed and carried unanimously.*

- b. Trinity Enterprises of Tampa, Inc. of Tampa, FL – Certificate and eight (8) permits

*Lance Morton spoke in support of Trinity Enterprises of Tampa, Inc. He is a business owner in southern Hillsborough County. He said that Trinity Enterprises would like to offer services to southern Hillsborough County and it is his belief that the company can serve the area that it seems nobody else wants to serve.*

*After Mr. Morton spoke, Director Padilla read a summary of the Hearing Officer's recommendation that a restricted certificate and four restricted zone taxi permits would be recommended to be granted instead of eight.*

*Jake Piascik of Anytime Taxi spoke regarding the Trinity Enterprises application. Any Time Taxi is in the South East zone. Any Time asked for four permits last year and had to show need and necessity. They had to drop down two permits this year. In his opinion, for a new applicant to go for eight permits, they would need to show the need and necessity and inadequacy of service already established. He felt that allowing Trinity to have eight permits would cause an overflow and could put existing services out of business. He said the area is being serviced by several companies. He stated that he hasn't had complaints from anyone in that area that the additional service would be required or needed.*

*Louis Minardi of Yellow Cab spoke regarding the Trinity Enterprises application. He said that he agrees that there is no need and necessity in that area. He said that the original idea was to give new applicants a limited number to get started, but that was never done. He said that there are only eight permits in the South East area now, and this new applicant would double it. He stated that United Cab and Yellow Cab are serving the area and these new permits will make it harder. He feels that putting more restricted permits in the South East zone is not the answer and he is against it.*

*Brook Neguesi of Cab Plus, Inc. spoke about the South East area. He said that about 60% of Hillsborough County lives in the South East area and there are only nine restricted cab companies serving that zone. He agreed with Commissioner Blair that we need service in that area. He said that business is different from one person to another and where one might succeed, another might not. He felt that the hearing officer couldn't find any reason to grant only four permits and it was his position that Cab Addis should be granted eight.*

*Tedessa Kassa owner of Trinity Enterprises of Tampa, Inc. stated that he has lived in South East County for 18 years and has been doing business in the area. He said that 62% of the population lives*

*there and he asked for eight permits and was satisfied with the application with no comments or remarks. He is asking the PTC to grant eight permits because he can professionally and financially manage the business. Commissioner White asked Mr. Kassa if he wanted to serve the area from Sun City to the Manatee County line and Mr. Kassa confirmed.*

*Commissioner Blair felt that there was a need to revisit the zone rule because, in his opinion, that it was being taken advantage of and that the original intent was not being followed. He felt that there was no intention for a North West zone to exist. His stand is that needs and necessity needs to be established. He supported bringing the matter back to the next meeting because the PTC needs some hard established need and necessity guidelines and zone guidelines.*

*Councilman Scott agreed that the PTC probably needs to look at need and necessity and pointed out that Commissioner Blair had spearheaded the zone taxi rule. He said that the percentage that Mr. Negusei gave, if it is accurate, is large and asked Director Padilla about the number of permits in the area. Director Padilla said that there were ten with American Victory holding six, Anytime Taxi holding two and Dial-A-Ride holding two. Councilman Scott said he could support granting four of the eight permits*

*Commissioner Hagan asked about why the hearing officer recommended half of the requested permits for Trinity Enterprises. Director Padilla said that the reason was probably so to see how the company is going to operate, and based on their performance, two additional permits could be granted*

*Councilman Scott made a motion to grant four permits with a caveat that the PTC grant the four and not grant anymore zone certificates until a needs and necessities analysis regarding the zone issue to be brought back to the Commission. Commissioner Hagan seconded the motion. Motion passed with Commissioner Blair dissenting.*

*Councilmen Scott and Caetano informed the Chair that they had a meeting to attend at 9:30 a.m.*

*Director Padilla informed Chairman White that the PTC needed to address item "B" on section 8 of old business and discussion was directed to review that item.*

- c. American Victory Cabs of Tampa, FL – two (2) additional zone taxicab permits.

*Director Padilla read staff recommendation for American Victory Cab's application for two additional zone taxi permits (South East zone).*

*Director White asked for a motion to move item "C" to the March 12, 2008 PTC meeting. Motion was made by Commissioner Blair to move American Victory Cab's application for two additional permits to the March 12, 2008 PTC meeting. Motion was seconded by Commissioner Hagan and carried unanimously.*

- D. Appeal of Public Vehicle Driver's License Denial

*All Driver Appeals were deferred to the March 12, 2008 PTC meeting. Motion to defer was made by Commissioner Blair, seconded by Commissioner Raulerson and carried unanimously.*

- 1. Donevski Dimce – Advantage Limousine
- 2. Kevin Bernard Guthrie – United Cab
- 3. Kristian Klotz – Transcare
- 4. Simean Abraham – Yellow Cab of Tampa

X. ADJOURNMENT

*There being no further business, the meeting of the Public Transportation Commission adjourned at 11:10 a.m.*

*\*\*\*This is not an official, verbatim transcript of the 2/13/08 PTC meeting. It should be used for informational purposes only\*\*\**

---

**Jacqueline E. Calleja, Administrative Specialist**

**NEXT COMMISSION MEETING – March 12, 2008**