

TRANSCRIPT OF HEARING BEFORE  
TRANSPORTATION AND PUBLIC SAFETY COMMISSION  
July 13, 2000

Chair - Is that recorder ready?

Man - Yes.

Chair - I will explain this evening's procedures for, um, the guidelines of, ah, this is the, a quasi-judicial proceeding and the panel here, the commission here is, our role here is similar to that of a \_\_\_\_\_. We must be impartially consider all the evidence presented to us and render a decision accordingly. We will be receiving documentary and oral evidence and must make our decision based upon relevance, truth and credibility of that evidence alone. And the transportation inspector has the burden of proof to convince us that a preponderance of the evidence supported revocation. He must demonstrate that the facts which support this case for revocation are more likely true than not true. And our decision should be in writing and each finding should make reference to the allegation that evidence in record that supports the finding which is, I presume, \_\_\_\_\_. And if we, any of us have a personal knowledge, that we, may be relevant, that might influence us or our decision, that evidence should be stated by the commission members before the hearing begins. And after the hearing, after the hearing will be taped, and after the hearing we will have a deliberation in a closed session, in the executive session, so that no one but the commission members will be present. And if we have any problem understanding in English, we need, we need a translator, who can, if English is not their primary language. And we must all treat each other with respect and courtesy and I'll explain how the red line below is procedures for tonight.

Mr. Berger- Madam Chair.

Chair - Yes.

Mr. Berger - ( indiscernible) in terms of who's here.

Chair - Can you explain that Mr. Berger?

Mr. Berger- Yes, my understanding is we are hearing the Jenny Jun permit and there has been an agreement to follow . . .

Chair - No, Mr. Berger, we are hearing Mr. Terry Miller.

Mr. Berger - Oh, okay, well, I have it wrong.

Chair - Yeah. Okay, I'll, I'll proceed with the procedures for the hearing.

Mr. Berger - Oh, yeah, okay, sorry.

Chair - We will have brief opening statement by the Transportation Inspector followed by brief opening statement by the Permit Holder after which we will have a presentation of evidence by the Transportation Inspector and also, another one, presentation of evidence by Permit Holder and we will the presentations of evidence by Transportation Inspector in rebuttal to Permit Holder's evidence if necessary. And also a presentation of evidence by Permit Holder in response to Transportation Inspector's rebuttal evidence only if possible. After which there will be a brief closing argument by transportation inspector and also a brief closing argument by permit holder. And after that the hearing record is closed. That means the tape recorder will be turned off and then at which, which time we are going to a closed session to deliberate and then afterwards, in the written, we will issue a written decision. And I, this is just for commission members, evidence must be presented

in the form of oral testimony or documentary evidence. Ah, before giving oral testimony or presenting documentary evidence, each person should be sworn in by the chair so that they know that they are giving testimony under oath.

And also, the Transportation Inspector and the Permit Holder may each testify under oath and may call witnesses to testify. Documentary evidence should be clearly marked as the Transportation Inspector's exhibit number and Permit Holder's exhibit number. When individuals refer to the exhibits as they testify, we will try to get them to refer them to us exhibit number one or two in that order so that the record will be clear.

And did you read the, this part already? I think. Better read you the rest of this.

Okay, I will now out the revocation hearing for Mr., the permit revocation hearing for Mr. Terryl Miller. Before each of you start uh, start your talking, I would like to give you the oath. If you would raise your right hand, and I'll ask you. Do you solemnly swear to tell the truth in your testimony?

Chief Yes, I do.

Chair Now we will have an opening statement by the transportation inspector.

Chief Madam chair, members of the transportation commission, um, a brief history before we begin, ah, on the transportation ordinance, just to bring everybody up to the same sheet of music here.

In 1996, the Transportation Commission and the City Council endeavored to control the number of taxi cabs in the community, wherein they enacted Ordinance 98-48-S, which was actually enacted January 28, 1997. In that ordinance, there were several

modifications made to the transportation ordinance, one of which was that taxi cab permits could not be transferred. But that's not the reason we are here tonight. Tonight we are here because of the revocation hearing regarding the, ah, use of taxi cab permits, and whether or not that individual operates that taxi cab permit in accordance with the ordinance either within 45 consecutive days or within 90 days in a 12 consecutive month period. The position of the transportation inspector will be to show you through document, documentary evidence and testimony that Mr. Miller violated the ordinance, and has not operated his taxicab permit in accordance with this ordinance. Thank you.

Chair Thank you, Transportation Inspector. Uh,

3 \_\_\_\_\_ permitted to question him.

Chair Um.

4 \_\_\_\_\_ If I can just advise for a second here. The members of the commission are certainly welcome to ask questions, however, it is best to wait until you have heard all of the testimony first before you ask any questions.

Chair Okay. Daka. We will have a brief opening statement by the Permit Holder.

Mr. Miller Thank you, ladies and gentlemen. Um, first I'd like to say that I wasn't aware that these were, ah, that this meeting would be conducted with formal procedure. So I ask some patience and guidance in, ah, guide me through this as I kind of restructure my, ah, format, so to speak. I will, ah, seek to prove, contrary to Chief Pettitt's accusations, that I have operated illegally by, ah, by providing evidence, um, to the contrary and, ah, furthermore will cite, ah, my position with the transportation

industry as being one of outstanding and in accordance with all laws. And have done so for the last three years or, or so. Um, three years ago, or 1996, if that was the correct date, the Transportation Commission and the City voted to reduce the number of cabs within the City and it was also agreed that one cannot sell taxicab permits or dispatch permits. It was accepted that an individual permit holder could, in fact, lease his or her permit.

Also, I wanted to say briefly, um, to bring the body up to date. I have been in touch with my attorney, who was in touch with the City's attorney, just hours ago, I tried to get a continuance of this meeting so that my attorney could be here to accurately represent me in a more professional legal manner. Um, and again I say I wasn't aware this was formal meeting so I'll do the best I can. But, in any case, um, she said no, because, um, Luann Cutler, the City's attorney, said no, um, that is not agreeable, unless Mr., Mr. Miller agrees to not seek restitution, with a civil suit, namely sue the City. And I refused to do that. I am asking why would she, um, try to make that deal. Um, I want to stand up for my principles, I believe I have not done anything wrong. That operating in good standing, there's been no problems for 3 or 4 years. The other offer was made that if I get my chauffeur's license my permit would be reinstated. Again, these are principles, if I choose to drive or not drive, that's my business and I will cite later in evidence, there's nothing that says I must drive my own cab with my own permit. Um, so here we are today. I wish we could continue this to the 27th. Um, by the way I think that both attorneys agree that the terminology of this, the taxi ordinance is a big mess and in the future they both will

be negotiating with themselves and the, the taxi industry to resolve this problem.

Thank you.

Chair Thank you, Mr. Miller. We will now, ah, hear the presentation of evidence by the Transportation Inspector.

Chief Petitt Yes, I would like to call Andrew Steele to the witness stand. I want you to go over here.

McCorley Mr. Petitt, may I ask you a question.?’

5 I think that Mr. McCorley is trying to determine, are we considering Permit No. 75?

Chief Petitt 73

5 Okay, that’s what we wanted to know.

Chief Okay

5 Thank you.

Chief Mr. Steele, could you state for the record, your name and your position with the City of Bethel?

Mr. Steele My name is Andrew Steele, I am an Evidence Technician, Evidence Custodian at the Police Department. I also am a Taxi Technician. I work under the Taxi Transportation Inspector of the Police Department.

Chief And in early January of this year did you have an opportunity to conduct an audit of the taxi cab permits in preparation for the issuance of the year 2000 permits.

Steele Yes, yes I did.

Chief As a part of that audit did you discover some inconsistencies?

Steele Yes, I did.

Chief In reference to those inconsistencies, did one of those inconsistencies show up to be Quyana Cab No. 23?

Steele Yes it did.

Chief Madam Chair, members of the Commission, I have a document here I'd like to have marked as Transportation Exhibit No. 1. I have another copy of that I will be giving to Mr. Steele for his, ah, use. Mr. Steele on Quyana Cab Permit #23, could you tell us what name is indicated on that permit.

Steele On the first permit, which was issued in '98, it says Terryl Miller, on the second permit which was issued in '99 it says Terryl Miller/Jenny Jun.

Chief Did you have a subsequent conversation with Mrs. Jun regarding Permit 23.

Steele Yes, I did.

Chief Could you tell us here, ah, essentially what that conversation was?

Steele I wanted to know who the owner of the vehicle was and how it was her name was on the cab if it indeed belong to Mr. Miller or vica versa.

Chief And what was her response?

Steele Um, as I remember it, her response was that, ah, her response was that the, she believed that car #23 was her cab, but she could not bring any documents to our attention that qualified that in her favor.

Chief Are you familiar with Bethel Municipal Code that deals with the Transportation Ordinance?

Steele Yes

Chief Directing your attention to a copy of the Bethel Municipal Code which each member of the Transportation Commission has, could you read the underlined section please?

Steele 5.30.05 Permit Transfers. No person may transfer any interest in a taxicab permit.

Chief Thank you. It is, is it your believe then that by entering into a contract with an individual essentially is a transfer of an interest in taxicab permit?

Steele That's my belief.

Chief Thank you.

Chief Essentially by transferring the interest of a permit, is it your belief then that the permit holder is therefore not operating that permit . . .

Steele Correct.

Chief . . . in accordance with the ordinance.

Steele Correct.

Chief Would read then Section 5.20.060 regarding revocation of a license or permit?

Steele After hearing, the Commission shall revoke a transportation permit upon a finding that (1) a permittee has not operated pursuant to its permit for 45 consecutive days or 90 days in any 12 month period, provided that such failure to operate is not caused by strike, public catastrophe or other act beyond the control of the permittee but not including insolvency.

Chief Thank you. As a result of this information that we discovered regarding Taxicab Permit #23, did we have a subsequent meeting with Mr. Miller?

Steele Yes, we did.

Chief            Could you tell us what was the outcome of that meeting or the substance of that meeting?

Steele           Ah, we queried Mr. Miller as to what his position was with regards to Qu yana 23 and he said that as far as he was concerned he had no interest in that vehicle at all. Under those circumstances, we then moved on to Taxicab 73.

Chief            Okay and how did Taxicab 73 come to our attention?

Steele           Again, with a problem of somebody driving who wasn't a permit holder for the vehicle and the permit holder for the vehicle was not driving and wasn't registered with us. We didn't find anything in our records that indicated Mr. Miller should have a permit for that vehicle.

Chief            Madam Chair, I have Transportation Inspector's Exhibit No. 2. I'd like to have marked as No. 2 here. This is a copy of Bethel Police Department Taxi Questionnaire, including supporting documents. And if you will give me a minute, I need to find my copy.

Well, may I use that exhibit at this point. I don't have my copy with me. Mr. Steele, could you explain the Bethel Police Department Taxi Questionnaire.

Steele           Yes, when I came on board in, well, when I was introduced to the taxi industry as the Taxi Technician, I decided that the only way to get a handle on the problem was to send this out to every driver, every owner, so that when I got the information back I could form a data base that I could trust. And I included in the questionnaire the cab company, the cab number of the cab, the cab owners, the cab drivers, the make,

model and license of the cab and the VIN number, hoping this would give me a better idea of exactly who was out there and who they drove for.

Chief Could you tell us what information is indicated on that particular form at this time?

Steele Yes, Taxicab 76 came back with cab owners, Young K Cho/Terryl Miller with a different driver and the vehicle information.

Chief Now there are some supporting documents there, could you explain what those additional documents might be.

Steele The vehicle registration done through the DMV is listed as having two owners Oksun Taylor, who was in fact the driver/chauffeur and Terryl Miller although it is phrased Oksun Taylor or Terryl E. Miller. I have insurance here in the name of Terryl Eddie Miller, the car will be used as a cab and it is the same, it is the same vehicle as the registration and underneath that I have another registration with a different vehicle with Young K Cho or Terryl E. Miller. Insurance documentation to that effect. Title and registration to that effect and yet another registration with Ji S. Lee or Terryl E. Miller on a third vehicle. I can only assume that as at least two of these pertain to Taxi 76, that the vehicle was changed although the ownership is really difficult to fathom and a third registration seems to pertain to Taxi 73.

Chief An subsequent to this, for No. 76, we ended up with Taxi 73. How did you get, how do we get to Taxi 73?

Steele Taxi 76 was owned by a Korean gentlemen who no longer is a resident in Bethel, I don't believe he is even resident in Alaska anymore and was driven by a driver called Oksun Taylor. Um, during the course of our finding the legalities of the

permits that we already had before we rolled them over to 2000. We called in driver Oksun Taylor and explained the situation. We also called the gentlemen who was the owner of 76 permit, I think his name was Kim and explained exactly what the situation, having ascertained from him that he was not going to come back here. Oksun Taylor was told that if she wished to be a chauffeur that was perfectly fine, as that's all she had was a chauffeur's permit, she could go and chauffeur for anybody who had a vacancy and was prepared to let her chauffeur for them. However, Taxi 76 Permit was not reissued for 2000 and the permit was effectively closed. Oksun Taylor then produced, because she has to come to the Police Department and tell us who she is driving for and it became Taxi 73 with Terryl Miller. That's how 73 came to our notice.

Chief And to your knowledge who owns taxicab?

Steele 73

Chief No, taxicab.

Steele Taxicab. Legally or as we stand today.

Chief Well, as we stand today.

Steele Young K Cho.

Chief So Terryl Miller is not a taxicab company owner?

Steele Not as far as I know.

Chief Based on this information, is it your belief that Mr. Miller was subleasing his permit to either of these individuals.

Steele That is my idea, yes.

Chief And as your, based on your previous testimony you indicated that sublease of a permit is essentially a transfer of interest in that permit. Is that correct.?

Steele Also, correct.

Chief And this definition of the essential, ah, transfer of interest in a permit, did you get that definition from an attorney?

Steele Yes.

Chief And who was that attorney?

Steele Luann Cutler

Chief Thank you. Subsequent to the January meetings we had, was there another meeting held, ah, in April of this year with Mr. Miller.

Steele Yes, there was.

Chief And could you tell us again what essentially that conversation.

Steele Essentially we went over Taxicab 73 and Mr. Miller stated what he thought his position was and we stated what our position was. We also reiterated the situation that if he cared to chauffeur his own vehicle it would be perfectly acceptable with us. All he needed to do was come in and get a chauffeur's license. He thought that he needed time to mull that decision over and as I recall he was just about to go on vacation or whatever it was he was going to leave Bethel for 2 maybe 3 weeks. We arranged at that time that he would come back to us on his return but no later than the end of the month. I believe that this meeting took place at the beginning of April so we were looking forward to seeing him in the first of May. He didn't turn up.

Chief During your tenure as the transportation inspector, have you ever had an occasion to issue Mr. Miller a chauffeur's license?

Steele No.

Chief Do any of your records indicate that Mr. Miller has ever had a chauffeur's license?

Steele No, they don't

Chief Was there a subsequent meeting on May 22, with Mr. Miller?

Steele Um, yes, meeting isn't actually the true name of the thing I think. He turned up in the lobby of the Police Department and told me loudly, that if we needed to see him again the Police Department would have to issue a subpoena, that he thought that the Police Department were using illegal means to keep him from having a permit and he left in a rather angry state.

Chief Thank you. I have no further questions of this witness.

Steele Would you like me to stay here or shall I go back?

Chair Thank you, Transportation Inspector. Now we will have the presentation of evidence by the Permit Holder.

Chief Excuse me, Madam Chair, the Permit Holder has now the opportunity to . . .

Chair I'm sorry.

Chief cross examine this witness. I still have more. . .

Chair I stand corrected

Chief . . . evidence to present.

Miller Um, Mr. Steele, may I ask how long you have been in Bethel.

Steele Three years.

Miller Three years.

Steele Yes

Miller And how long have been associated with the taxi industry and um, under the employ of the Police Department?

Steele I joined the Police Department last June. I think I started on the taxis somewhere between August and September.

Miller August or September of 1999.

Steele Correct.

Miller So less than a year.

Steele Absolutely.

Miller And, let me ask, are you an attorney or have you had, um, professional training in the, particularly in the area of legal terminology.

Steele No.

Miller Can you identify this copy of a receipt and I'd like to enter this as item 1. Defense Exhibit 1. Is this not a receipt signed by you for a payment of taxi fees and cab change which if you may remember was for the Quyana Taxicab.

Steele It says cab change. I truly don't remember that it was Quyana 23, but I won't argue with you. But it does say 4 months payment, permit and cab change. I remember you coming in but I do not not remember what the cab was changed from. That's an honest answer.

Chief Mr. Miller, may I see that please?

Miller At that time, do you recall that meeting, when I was there?

Steele Where you did that, that deal?

Miller July 16, of 1999, I and Mr. Young Cho were there to, with this payment, and transfer.

Steele July the 16th, is that when it was?

Miller I believe that's what it was, yeah.

Steele Well, if that's what it is, that's definitely my signature.

Miller Do you recall. . .

Steele I recall you coming in, yes.

Miller Do you recall upon my leaving ever having said, um, having paid the fees, initiated it, having completed the taxi transfer application, and do you recall saying to me and Young Cho, um, ah, concurring that saying, everything is, everything is in order now as we left?

Steele I may well have done. I don't remember it, but I may well have done. Because I recall and you will recall that in Ju, if that was dated July I had just started, not just started in the Police Department, I had just started in taxis so that my understanding of the taxi data base wasn't there and I was asking somebody who had been looking after taxis prior to my coming what the situation was. As I recall you owed some money and that presumably is what that receipt is for. April, May, June, July payments.

Miller Okay, thank you. Um, since then have all the, has all the paper work. Since then have all the monthly fees been paid, as far as you know, on time and, ah, on a monthly timely basis?

Steele Yes.

Miller So the City has accepted my monthly fee of \$100 a month, um, it has not been late, and um, it would appear that taxicab permit #76 was in operation and in good standing.

Steele It would appear that way.

Miller Is there any reason that you can think of, you know first of all, are you aware of whether or not a new 1999 Taxicab Permit #76 was ever issued?

Steele No.

Miller Despite the change fee, an application being made and everything being in order, a 1999 permit was never issued.

Steele It should be explained as you may or may not know, that when I came on board, essentially August/September I said that with just 3 to 4 months going before the end of the year when new permits would definitely be given that the receipt was given monthly would act as the permit. That I wasn't going to go and start heading to the '99 permits when I didn't even have an understandable data base. I said that to anybody who came in and asked.

Miller Okay, so the receipts, Exhibit No. 1, is actually Taxicab Permit No. 76 for 1999.

Steele Don't get confused, if you are thinking that a taxicab has the same number as the permit that's not necessarily correct. But the broader sense of your question, do I regard that as the permit, yes, I do.

Miller Yes, that is provided. . .

Steele For one monthly payment.

Miller But is essentially Taxicab Permit No. 76 Terryl Miller 1999.

Steele For the month of . . .

Miller Um, in January of 2000, um, first of all, I would like to enter these documents as Exhibit No. 2, monthly payment fees for Taxicab Permit No. 76, Terryl Miller, Taxicab, 1999, for um, 1999 and actually 2000. 2000. \_\_\_\_\_ Can you identify these documents as being receipts that you issued to Cab Drivers or Cab Permittee holders that pay there monthly fees.

Steele Well, I can't say anything about that because that's not my handwriting so I truly don't know.

Steele Taxi 76, December Permit, 2000 application in the name of Johnny Sickly, correct, I don't know what the one at the bottom is, that's not me. This top one is not me, January Taxi 76 examination, that's correct. The bottom two are mine but the top one isn't. You seem to have lots of other things on here as well as mine. Taxi 76, that's correct, the bottom one, but the other two aren't and those two are correct.

Miller But these, some do look familiar, some don't.

Steele The ones that I sign look familiar.

Miller They do like they came from the Police Department. . .

Steele No, those top don't. There's nothing on there that's Police Department.

Miller That's insurance.

Steele That's not the Police Department. That is.

Miller I'll have to fire my legal secretary.

Steele Um, yeah, I guess that is.

Miller Okay, well, some of these are and some are receipts to accommodate the Bethel Taxicab Ordinance of payment of fees, insurance fees, etc. So this is item, Exhibit No. 2, please.

Um, regarding documents, does the, ah, Transportation Department or the Police Department have a file on Terry Miller and/or Taxicab 76 or Quyana Cab, is there a file or files?

Steele Every cab has a file and every driver has a file.

Miller And these files contain . . .

Steele A history.

Miller . . . all the documents and transactions and receipts pertaining to that individual's activity?

Steele I would imagine.

Miller Um.

Steele I say that because I can only speak for the time since I have been with the department.

Miller I see. Do you have in any of these files a copy of the transfer that took place in July 16, 1999, from Quyana Taxicab to Taxicab.

Steele No.

Miller On the Exhibit A, paid fees, made the transfer, with witness who will be heard, you do not have a document.

Steele No.

Miller Do you know where it might be?

Steele No.

Miller Um, okay, um, do you have any, ah, let's see, you've given some documents as exhibits, are there any documents, ah, with my name on it, Terryl Miller, Cab No. 76?

Steele To be honest I have only been looking in 73 Cab and Quyana 23. I wasn't aware of you having anything to do with 76.

Miller So theoretically there are missing documents.

Steele Well, I am telling you the other two files, that both of these might pertain to Quyana No. 23 and Taxi 73.

Miller Excuse me, I am kind of having hearing problems.

Steele Oh, you want me to say it louder?

Miller Um, I basically got that.

Steele Okay.

Miller Ah, is it not true that, um, you have a copy of the Municipal Code?

Steele I do.

Miller Bethel Municipal Code 5, ah, .20.030(a). Is it not true that the Department, it is the Department's responsibility, ah, and/or the Transportation Inspector's responsibility to keep all documentation, accurate documentation on the activities of driver's, chauffeurs, taxis. . .

Steele Absolutely.

Miller Do you concur with that?

Steele I do.

Miller And you concur that a document is missing about this transfer?

Steele No, I concur that I brought two files with me and taxicab 76 file is back in my office.

Chief Madam Chair, I have to object at this time to this line of questioning as to the relevancy. It's not relevant to the questions that were originally asked under cross examine, under direct examination.

Miller I would like to respond to that by saying that the Chief just did the same thing by giving a brief history of my, my situation, with the, with the industry, going way back to 1996 with Qu yana Cab. I'm talking about this last year and this year and um, and, and attempting, and am proving that the department itself is in violation of various separate municipal codes. Namely one, loss of documentation, that's the first one. And it's relevant, since we are being inconsistently, inconsistencies as the Chief just also \_\_\_\_\_.

Chief If it is a question regarding documents, then my objection still stands. Taxi 76 is not the issue, although we did talk about it, it brought us to Cab 73. On the table before you is the issue of Cab 73 and we need to do some historical background in order to bring you to Taxi 73. If Mr. Miller has any questions regarding Taxi 73 lets move on to questions regarding Taxi 73. If he would like to postpone this hearing to another date so that we can bring in documents regarding Taxi 76 we would be happy to produce those documents at that time.

Miller Well, I may have messed things up a little bit. Um, my number was 76, it changed to 73. I am referring to the permit number at that time. Which is the same permit, a different cab number.

Chief Is there a question here?

Miller May I continue?

Chair Ah, I have some advice that this is going to a 15 minute break? Then you can produce some documents.

Chief 15 minute break?

Chair How, what does it take? 15 minute break, 10 to 15 minute break so that we can hear.

. . . Is that recorder still on?

?? (Indiscernible)

Chair Huh?

?? (Indiscernible)

Chair 8:00 we start again.

?? (Indiscernible)

?? . . . a lot of confusion there.

Chair Why?

?? Well, we were talking about permit numbers and the cab numbers.

Chair (Indiscernible)

6 They are intermixing them.

7 Well, if Miller is trying to demonstrate a trail of how they and when they were switched.

6 And why, which is fine, I have no objection to that. But the talk about permit numbers but the next thing you know he's talking about cab numbers again and that gets a little confusing, so.

7 It does confuse, even for me.

6 This is definitely going make for some great discussion at the end of all this.

7 That's true.

6 For example, we only have, out of all of this, we only have Luann Cutler's definition of transfer.

7 Un huh.

6 It's not in here, I don't know where it is, no one else seems to know what it is.

7 Oh, yeah.

6 So, there's just a lot of. . .

8 A lot of things to kick around that's for sure.

6 A lot of things to kick around.

?? Sure glad this isn't a murder trial.

Tape turned off.

SIDE 2

Miller Mr. Steele, do you recall Exhibit No.2 that I gave you. One of those receipts being ah, fees for the 2000 taxi permit.

Steele Yes.

Miller So the taxi permit fee for the year 2000 was paid?

Steele No.

Miller And...

Steele No, that's not what I said.

Miller I'm sorry.

Steele You had just paid for the month, that's not the yearly permit. The permit lasts for the year but you make permit fees monthly. The receipt takes the place of the permit for the month until the permit is actually in your hand.

Miller Was the permit, official permit ever issued?

Steele No.

Miller Ah, was there any reason not to issue the permit.

Steele Well, as I explained, when I took it over in August/September I decided not to release, re-release anything that I didn't understand in '99. And I insisted that it was all going to be taken care of in 2000. My idea was then that by January 1st, certainly no later than January the 10th, the whole situation would be cleared, everybody, and the permits would be in the chauffeur's/owner's hands. I was seriously wrong, it took us almost five months to sort his debacle out. Which is why only a few people have permits.

Miller So monthly fees have been received in a timely fashion for the Taxicab Permit Number 73, correct?

Steele Correct.

Miller And all of the documentation has been in, where?

Steele Yet, and am I right in thinking that that finished in May, that you haven't paid anything since May on the 73.

Miller June, we have been off the road since June.

Steele Okay.

Miller Um, we did have a meeting in April, uh, 7th I believe um, discussing various issues with regarding, well, first of all, I have to go back to our January meeting. We did meet in January, correct?

Steele We did.

Miller Um, asking the wrong person. Okay. And again, January we had a meeting, um, I trying to move along here. In the municipal code is there anywhere you can show me where it says that the permit holder has to drive his cab.

Steele No, I can't show you that.

Miller You can't?

Steele No.

Miller So there, so it's evidently not required that a permit holder drive his own cab.

Steele It's not in the ordinance.

Miller It is?

Steele It is not.

Miller It is not in there. So, in your view, why was this letter written to me, um, citing that I have not driven my own permit when that's what it accusing me of for revocation? Are you familiar with this letter, document?

Steele I'm not.

Miller Well, I'd like to sort of see, introduce as Exhibit 3.

Steele Ah, well this was written to you by the Chief and I don't really feel like I can make a comment on that.

Miller Okay. Well, I would, ah, since it's under discussion, I'd like to enter this as Document Number 3, Exhibit Number 3, which is notifying me in writing that, ah, that we are here today to consider, consider the revocation of Taxicab 73, um, in short, pursuant to this permit, the past 45 days or 90 days during the last 12 months, this is grounds for revocation. Um, so it does not say, in the municipal code that I have to drive my permit, yet I'm contending that this is the reason I'm being considered for revocation. Um, can you show me in the municipal code where it says an individual who is the taxi permit holder cannot lease his permit.

Steele Well, I think our contention is that a lease is a transfer and I can certainly show where it says you can't transfer your interest. Permit Transfers 5.30.050. No person may transfer any interest in a river taxi or bus permit or any interest in a corporation, joint venture association, partnership, or other group or entity which owns an interest in a taxicab, river cab or bus permit unless that person obtains the prior approval of the Transportation Inspector. No person may transfer any interest in a taxicab permit. Any involuntary transfer of a taxicab, river cab or bus permit is invalid and ineffective unless such transfer could have been lawfully made on a voluntary basis and the transfer has been approved by the Transportation Inspector.

Miller So the word lease is not contained in there or sublease there's. . .

Steele No.

Miller Thank you. Um, in approximately June 5th of this year did, ah, Mr. Churl and Son, Michael Churl go to the Bethel Police Department to pay my June permit fee?

Steele Possibly.

Miller I'm sorry.

Steele Possibly.

Miller Um, you don't recall that?

Steele Am, well, we see a lot of taxi permits.

Miller Did you deny them of the \$100 permit and state that my permit had been killed?

Steele Taxi 73?

Miller Yes.

Steele You know, I really don't remember.

Miller Really.

Steele But it would make sense to me.

Miller And did you recollect saying that it was killed due to lack of documentation.

Steele No.

Miller Okay. Um, are you aware that the Police Department is by laws, by Bethel Municipal Code supposed inform me in writing that my cab is being revoked. That my permit is being considered for revocation?

Steele Isn't that what that letter was, that you just gave me, before?

Miller I'm sorry.

Steele Isn't that what that letter was, that you just gave the Board?

Miller Yes. Are you aware that that is the policy?

Steele That is, yes.

Miller And you do not remember denying or anyone in the department denying us um, our payment, as we did in May, April and all the year, we referred in Exhibit 2 to receipts, um, in a timely fashion, being denied?

Steele I believe I said as I recall, that because we were in this situation we were not accepting any payment until this situation was resolved.

Miller So, in effect by not accepting that and giving the receipt which represents a monthly cab permit as you stated, we were unable to operate.

Steele True.

Miller Even though you are supposed to give me written notice.

Steele But you had received the letter.

Miller Yes, a month later.

Steele Oh, this is in June you are talking about?

Miller Yes, June 5, when, you know, prior to the deadline we paid before this due date. Um, I believe that's all I have for you now, Mr. Steele. Thank you, very much.

Chair Thank you, Mr. Miller.

Chief Redirect.

Chair Followed by Transportation Inspector.

Chief Mr. Steele, during your tenure as the Transportation Technician have you had an occasion to have fees remitted to you in the belief that all is in accordance with the Ordinance?

Steele Yes.

Chief And isn't it true that after an audit of records, that you have had an occasion to find out that there have been serious violations of the Ordinance.

Steele True.

Chief And once those violations have come to your attention, isn't it true that you have attempted to take some action to correct this, this deficiency?

Steele That is also true.

Chief So while Mr. Miller may have been paying his monthly fees and those fees have been accepted for a period of time, he has been making those fees in a timely fashion, all could not necessarily be in accordance to the Ordinance.

Steele No.

Chief Is that correct?

Steele That's correct.

Chief And isn't it true that the monthly fees that were paid in 199, for the year 2000, from January forward, were merely an extension of the 1999 permits.

Steele Correct.

Chief While we were not issuing 2000 permits until a lot of this, a lot of these discrepancies had been worked out.

Steele Correct.

Chief I ask you again, is it not your interpretation of a lease or a sublease of a permit is essentially a transfer of an interest in that permit.

Steele That is my understanding.

Chief And by that understanding, is that not been a violation of the Ordinance.

Steele That is also my understanding.

Chief Could there have possibly been some difficulty in writing to Mr. Miller in a timely fashion regarding the revocation of this permit?

Steele Not that I know.

Chief But if, if his permit fees were not accepted for the month of June. Is that correct?

Steele So he says.

Chief Because we were attempting to resolve the situation.

Steele That is correct.

Chief No further questions.

Chair Thank you, Transportation Inspector. You are now ready to hear presentation of evidence or, ah,

Chief No, I am still. I'm still doing my case.

Chair You are still there, I'm sorry. I thought you were done. Sorry.

Chief Mr. Steele, you can be excused.

Steele Thank you.

Chief I would like to call as a witness, Ms. Jenny Jun.

Chief But she needs to be sworn in. I don't think you swore Mr. Miller in either.

Chair I don't think I did.

Chief Do you swear?

Miller Everything that I said was true.

?? Go ahead and swear her in.

Chair Um, Jenny, raise your right hand. Do you solemnly swear to tell the truth in your testimony.

Jun Yes, I do.

Chief Ms. Jun, could you tell the Transportation Commission, the Public Safety Transportation Commission, your full name.

Jun My name is Jenny Jun. J-E-N-N-Y J-U-N

Chief And in 1999, what was your occupation.

Jun I was a truck driver, owner of a cab company, I should say.

Chief And what was the name of the cab company?

Jun Cab company was Quyana Cab.

Chief In about June of 1998, were you also the owner of Quyana Cab at that time?

Jun Yes, I was.

Chief Do you recall entering into a lease agreement or a contract with Mr. Miller . . .

Jun Yes.

Chief . . . regarding the taxicab permit?

Jun Yes, I sure did.

Chief I have a document here, a lease contract, Transportation Inspector Exhibit No. 3, I believe. Should be marked. Ms. Jun, is that essentially the contract that you entered into with Mr. Miller at that time.

Jun Yes, I did.

Chief Was this for Quyana Cab No. 23?

Jun It was, yes.

Chief Could you tell us the amount of that contract?

Jun One year contract.

Chief For how much money?

Jun Oh, monthly, this fee was \$300 and um, permit fee that I had to pay \$100, City of Bethel, insurance that I have to carry on my own and any damage his vehicle was mine, I was just using permit from him. So that's why I was paying for \$400 a month.

Chief Essentially the lease fees were about a sum of \$3,600, was that correct.

Jun Yes.

Chief No. 8 on this contract, would you read that to, into the record for us.

Jun I can't, (indiscernible) I'm sorry.

Chief I'll read it then. No. 8, Qu yana Cab, its owners, drivers agree to total and complete financial responsibility for any damages or injuries to anyone or anything which might occur from the operation of the above-mentioned automobile and/or permit. It is understood that Terryl Miller is in no way responsible for any problems, damages, injuries, death or acts of God to anyone or anything resulting from or relating to the operation of the above-mentioned automobile and/or permit. It is understood that should a legal action or situation occur associated with this condition that Qu yana Cab will pay for any and all legal fees required by Terryl Miller for legal counsel. No. 9 also Qu yana Cab in addition to the monthly lease fees agrees to provide Terryl Miller or his designate periodic complementary cab rides when available and Qu yana Cab will make these complementary cab rides available when

reasonably possible. Also then, No. 7, Terryl Miller reserves the right to revoke said taxi permit and terminate this lease should any late or non-payment fee and cost jeopardize the professional good standing and/or operating status or reputation of Terryl Miller and /or taxi permit No. 23 in addition to any other illegal activities. It seems to me that Mr. Miller is in the business of issuing taxicab permits. It also appears, by virtue of this contract, that he's in competition with the City of Bethel. It is my understanding the City of Bethel is the only entity who has the responsibility of issuing taxicab permits. Ms. Jun, what occurred with Taxi 23 as a result of this permit?

Jun I don't quite understand what you are saying?

Chief When did you terminate your relationship with Mr. Miller? Did Mr. Miller ever drive for you and flag down.

Jun No, he never did, he never did. I think it was, ah, date of the contract, last month of date of contract, that's when I quit with him. And he never did drive for Quyana Cab, yes.

Chief Okay, I have no further questions for this witness.

Miller Hi, Jenny.

Jun Hi.

Miller How long have you been driving a cab in Bethel.

Jun I drove in Bethel about 8 years by now.

Miller About 8 years

Jun Yes

Miller Do you recall, ah, 3 years ago, 4 years ago when the cab industry was re-regulated and there was a big issue about attrition and cabs being reduced in number, um, through a normal process?

Jun Yeah.

Miller And do you also, also about that time, um, ah, or somewhat later, but near that time, um, we engaged in a lease relationship?

Jun Yes, we did.

Miller Ah, um, we all have attended many Transportation Commission Hearings and gave our, voiced our opinions and oversaw what was taking place, um, is it your belief that leasing was legal.

Jun Well, that was the reason I leased from him. You know, leasing was legal. He, I do not know it was legal, illegal, but I thought it was legal, that is the reason I lease from him. There are so many things happen at that time. Nothing was straight.

Miller Do you, are you aware at that time it was discussed that you cannot sell a permit but you can lease a permit?

Jun Yes, that's what I heard from the Board here at that time also, too.

Miller And based on that we entered a lease, lease, ah, relationship. Did I issue, did I issue you a permit.

Jun No, you never did issue me a permit.

Miller Did, um, did, ah, did I portray to be in competition with the City of Bethel in leasing a permit.

Jun I don't know, sorry. No comment on that. I can't.

Miller Did I seem to be? And again, our relationship was merely lease, a lease relationship.

Jun I was just leasing from you, okay.

?? If I may, would either you answer the question yes or no.

Jun Sure.

?? Instead of no comment. And can you go back to your question, please?

Miller Um, on our, unlike an initial cab permit, on Quyana Cab Permit No. 23, do you remember my name appearing on it.

Jun It sure is your name.

Miller Do you recall this document which has your name added to it?

Jun This adding in the name was the matter with the insurance matter. Permit holder have to prove under his name, insurance. But later on time I have spoke with Norma she tell me I could put permit holder's name and who's going to be driving for the cab. I could put my name on a slash on it and be able to put under my name insurance. So I don't have to bother him with insurance. That's why the name is under here.

Miller So do you recall a permit that looked like this that had just my name on it.

Jun Yes, it sure.

Miller And you can identify this as also a permit but another, another year.

Jun Yes, I did.

Miller I'd like to enter this as, show this as being the Chief Petitt's signature.

Jun I don't know.

Miller Okay, I, this says Robert Petitt, which indicates to me, um, that the Chief is in violation of the same ordinance that he's accusing me of by adding his name and signing the permit, this one, that adds her name to my permit, that is a transfer of interest. This is exhibit No. 3

?? Is this the only one that you have?

Miller No. That's Exhibit No. (indiscernible) It's a copy.

?? Has the Chief seen this yet?

Miller I'm sorry.

?? Have you provided a copy of this?

Miller No, no.

?? Do you have a copy?

(Indiscernible)

Miller So again I want you to be sure that in 96 or 97, you and I would like to believe, we believed from the Transportation Commission and the Police Department, the Inspector, two different chiefs at that time, that we were operating legally, by leasing, that leasing was legal.

Jun That's the way I understood at that time.

Miller And finally, um, okay, that's all Jenny.

Chief Rebuttal.

Chair All right.

Chief Ms. Jun, didn't we have some subsequent meetings early this year regarding several taxicab permits that are in or were in your possession for Quayana Cab?

Jun Yes, we sure did.

Chief And were about 5 of those permits in question during that period of time that we were, had some discussions?

Jun Yes, we did.

Chief And were, are those 5 permits owner/operator permits, i.e. as in Mr. Terryl Miller's case?

Jun Yes

Chief And as a result of those discussions, what happened to those permits?

Jun They died.

Chief They died. So essentially there was no transfer of interest in any permits to you in regards to those permits, including Mr. Miller No. 23, is that correct?

Jun That's correct.

Chief Thank you.

?? Any further questions for this witness?

Miller I'm finished.

Jun Thank you.

Chair Thank you, Ms. Jun.

Chief Okay, I'd like to call Mr. Jim Libby at this time.

Chair Raise your right hand.

L I swear that I am telling the truth.

Chair (Laughing) I'll swear you in.

L That's my right as a Quaker . . .

Chair Okay.

L . . .to affirm that I am telling the truth.

Chair Thank you, I will respect that.

Chief Jim, will you state your name and occupation for the record?

L My name is James Libby, I, drive for Alaska Cab and also substitute teach.

Chief And how long have you been driving for Alaska Cab?

L I believe 10 years.

Chief And during those 10 years have you been involved in some of the discussions regarding the change in the ordinance, especially the 96-48-S?

L (Laughing)

Chief Which was enacted January, 1997.

L Yes, I was in on some of the discussion, I wasn't in on all of it.

Chief But as a cab driver, do you have a permit that's in your name?

L Yes.

Chief Yes, so you drive for Alaska Cab but the permit says James Libby, is that correct?

L That's correct.

Chief If you, as James Libby decided that you didn't want to drive cab anymore what do you, what is your read on the ordinance in so far as what happens to that permit?

L I'd lose about 10 years of an investment, but it would, the way I understood, it would die, that there was no way to transfer it.

Chief Thank you, any questions.

Miller Well, Jim, again, do you recall these attrition meetings about 3 or 4 years ago when I lost my permit before, ah, during, do you recall those meetings where (indiscernible) re-regulated about 2 or 3 years ago?

L Yes.

Miller Do you recall having understanding, or was it your understanding that one could sell permits, taxi permits?

L No.

Miller What was your understanding about potentially leasing a permit? Was there anything in there, in the new language of the ordinance that stated you could not?

L Um, I hadn't thought of it, but I have in the past had other drivers in my car, but didn't have any contract with them. Just a verbal, that's in a sense a lease, and each cab company has, ah, drivers that aren't permit holders that lease the car, so they have it that way. But as far as a contract, contract lease, ah, I had never thought of it. I've felt that if you aren't driving anymore you lose your permit. The way I understood the law.

Miller That's interesting. Um, and, no further questions.

Chief At this time I'd like to call Mr. Hugh Short.

Chair Raise your right hand. Do you solemnly swear to tell the truth in your testimony?

Short Yeah.

Chief Mr. Short, will you state your name and your occupation for the record, please.

Short I'm Hugh Short, Alaska Cab owner, Checker Cab owner. Hugh Short, Alaska Cab, Checker Cab owner.

Chief Mr. Short, how, how long have you been involved in the cab industry in the City of Bethel?

Short Maybe about 28 years, maybe closer to 30 would be right.

Chief Yeah, and during that period of time, you were involved in some of the discussions regarding the regulation of the industry and the reduction of the number of cabs through attrition in 1996, is that correct?

Short Correct.

Chief And at that time, is it your, to your knowledge, did all of the Bethel cab owners make a (indiscernible) proposal to the Bethel Transportation Commission to voluntarily give up 50% of the permits?

Short Yeah, they did at that time, if everybody would have done it.

Chief And as a surrender goal set for 50% of those permits, was the, was the intent to have those permits assigned to individual cab owners?

Short Not really, not at that time, what happened Transportation gave them to the driver owners and we had a lawyer because we paid on those permits under deregulation for years, these driver-owner permits. And Feeley and I got a lawyer and tried to get those permits back in a company name because we paid on 'em for years under deregulation. We still paid our \$100 a month on all these permits that the drivers are claiming they own now. But if you, if, at that time we had a pretty good case to get 'em back, if we'd a fought it.

Chief Un-huh. But during that period of time, when, when the City Council enacted the Ordinance 96-48-S, which was enacted January 28, 1997, it was the intent, do you

believe it was the intent of the City at that time, through attrition, to reduce the number of cabs.

Short Correct. Ah, what happened the City Transportation people is the one that wanted to de-regulate. They wanted to regulate because they couldn't to AC to buy a pack of groceries. There would have been another hundred cabs in town, maybe two hundred. So they jumped in and the City Transportation people is the ones that wanted to regulate and to get rid of, can't even get in to turn around at AC store.

Chief Is it your understanding, Mr. Short, that, ah, if you have a, if you're an owner/operator and you have a taxicab permit, that if you, if you lease that permit, if you leave town, that you have essentially given up your interest in that permit?

Short Well, the intention at that time with all the cab owners, and he was there at all the meetings, it was to reduce permits, so when someone went out of business, the intention was not to wheel and deal on 'em, to let 'em go dead. Instead of what they're doing now, it's wheeling and dealing.

Chief So through the wheeling and dealing there would never be a reduction in permits through attrition, is that correct?

Short That's correct. We'd be sitting on 80 permits and they'd probably all be standing in front of the food stamp place.

Chief Okay, thank you, Mr. Short.

Short Yeah.

Miller Mr Short, (indiscernible) you have been in Bethel for a long time and driven cab for a long time here, as so stated.

Short Correct.

Miller You must anger, you attended these meetings just mentioned, um, and you must be very familiar with the legal language that the . . .

Short Well, I'll be quite honest, I'm not a lawyer, if I was to represent the Council, I would have a lawyer.

Miller Well, to the best of your recollection, sir, does, is there anywhere in this, the Bethel Municipal Code that states a person must drive his own car?

Short I . . .

Miller For example, if you don't want to drive your car. . .

Short I'll answer that in my own way. I can't drive 11 cars and I got 11 permits. So . . .

Miller If you had a, if you had a cab permit in your name, which you do and chose not to drive that cab, um, you don't have to.

Short Correct, I don't have to.

Miller There's nothing that you know that says you must drive your own cab, right?

Short Like I said I'm not an attorney. I don't want to get into legalities, because I don't want to put my foot into something I know nothing about.

Miller I understand, still I must ask this final question. Is there anything of legal language that says specifically that leasing is not allowed?

Short Oo, really, really I don't know. I'd have to go home and study that and get my lawyer to. . .

Miller To lease or not lease.

Short I'd have to get my lawyer to look at it.

Miller And, ah, you've known me a long time, we've been (indiscernible), would you say that, you know, my general behavior, as a cab driver, has been honest or forthright and . . . .

Short I have nothing bad to say about you, I didn't get up here to ridicule you. I'm just, that's all I got to say.

Miller Thank you, Mr. Short.

Chief The Transportation Inspector rests his case.

Chair At this time I will ask the Transportation Commissioner to give us a brief closing.

Chief Well, Mr., Permit Holder has an opportunity to present his case now.

Chair (indiscernible)

Miller Well, I would summarize.

?? No.

?? No.

?? Well, he's been arguing Mr. Petitt's case.

Chief He needs to present his evidence and to call his witnesses.

Chair Oh, I'm sorry. Your turn to, ah.

Miller I'd like to call Mr. Young Cho to the stand.

?? (Indiscernible) translating.

Chair Does anybody here speak Mr. Cho's language?

?? Where did witness Jenny Jun go?

?? (Indiscernible)

Miller He can try, if you don't understand, he can say, I don't understand.

?? (Indiscernible)

Chair Diane, can you ask him to raise his hand and repeat after me?

Chair Do you solemnly swear to tell the truth in your testimony? Does he understand?

?? Yeah, he understand?

?? (Indiscernible)

Chair Can you ask him his name and spell it.

Cho My name is Young Cho. Y-O-U-N-G

Chair Y-O-U-N-G

Cho Last name C-H-O.

Chair C-H-O. Thank you, Mr. Cho.

?? (Indiscernible)

Miller Young, about 1 year ago did you begin to lease, did you begin to lease my cab permit, taxi permit?

Cho Yes.

Miller On July the 16th, this receipt, about July 16th, did you go with me to the Police Station to meet with Andrew to pay cab fees, cab transfer fee and complete transfer application?

Cho Yes.

Miller Was everything completed and good? Do you remember Mr. Steele saying to me, to us, everything is in good order or something like that?

Cho Yes.

Miller            So you believe, you believe that I believed, that we believed that we were legal, operating legally and in good standing within the law.

(Translator speaking)

Cho                (Translator speaking) He believe that because Quyana No. 23, translated to Taxicab No. 73. There was a \_\_\_\_\_ so he didn't think anything about it in legal at all. So everything in legally paid it and Mr. Steele or Officer Steele say that everything okay, so he thinking everything legally right.

(Indiscernible)

Miller            Do you think that the Police Department knew that we were, I was leasing my permit to you?

Chief             I have to object to that question, because how could he know what the Police Department is thinking.

Miller            Because they take our money and say everything is in good order and (indiscernible)

Chief             Then I think you need to rephrase your question, he cannot answer as to how we think.

Cho                (Translator) He believe the Policeman or Police Department or government. He says he live here in Bethel City from the 1976, 1996, so 4 years been here, he believing what ever Police Department require to do it, he provide the paper and he do it whatever they tell him, so he thought he filed the procedure, he do the legally following, so he thought he doing everything okay and time comes today, he's getting very disappointed.

He is worried because a second (indiscernible) and he take with it, whoever go with it to the Police Station to do so, he following paper provided and he take it with them and he believe it's the way he, everything is all right.

Miller Finally, we, you, me, Michael or our driver has paid monthly for our permits and that has been accepted which is a temporary permit, that has been accepted by the Police Department until June.

Cho (Translator) So he go personally himself, went to pay the money and permit, he thought everything okay and then he don't even thought about it until this things happening since September last year. 9th September. September '99 starting taking this work, whose wrong and what.

Miller Are you aware or do you know about any new cab permits that Police Chief has issued, any permit, recently in the last, last year.

Cho (Translator) So, he did not have any knowledge, he have, one issued a new permit at all. He say, he did not know anything.

?? And also his testimony is (indiscernible) conflict of interest.

Miller Okay, Young, thank you very much.

Chief Mr. Lee, are you the owner of the taxicab company?

Cho I'm not Mr. Lee.

Chief Mr. Cho.

Cho Yes.

Chief You are the owner of Taxicab company?

Cho I am \_\_\_\_\_

Chief And you bought Taxicab Company from \_\_\_\_\_ Lee?

Cho Yes.

Chief And \_\_\_\_\_ Lee does not live in Bethel?

Cho Correct.

Chief He lives here?

Cho (Translator) No, he left here.

Chief Isn't it true that Mr. Lee, \_\_\_\_\_ Lee is actually in Los Angeles.

Cho I'm not sure. (Translator) He do not for sure, Los Angeles or Korea.

Chief When you purchased the company from \_\_\_\_\_ Lee, did you come to the Transportation Inspector and tell the Transportation Inspector of that transaction?  
(Translator)

Miller Now, Young, I have to object, um, this is not specifically related to Taxi No. 73, and also, Mr. Cho has been advised by his attorney not to discuss, ah, any situations about his company except for my permit only. I think there is a translation problem.

Chief Madam Chair, Members of the Commission, Mr. Miller chose to call this man as a witness. Once that he has been called as a witness, any questions regarding the ownership of his company and those transactions become relevant. Also, ah,

Miller I disagree.

Chief Well, okay, I withdraw then, request and at this point I have no further questions. I'll address these issues in my closing. Thank you.

Chair Thank you, Mr. Cho.

Miller I'd like to, if I may, call Chief Pettitt to the stand.