

# MARIN GENERAL SERVICES AUTHORITY

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## MEMORANDUM

**DATE:** February 9, 2010

**TO:** MGSA Board of Directors

**FROM:** Paul Berlant, Executive Officer

**SUBJECT:** AGENDA ITEM C: TAXICAB REGULATION PROGRAM PROTEST HEARING – NOTICE OF INTENT TO TERMINATE TELEPHONE SERVICE – NOVATO TAXI COMPANY AND COMPLIANCE ORDER 2009-02, NOVATO TAXI COMPANY

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Recommendation: Conduct a Protest hearing regarding December 31, 2009 Notice of Intent to Terminate Taxicab Service – Novato Taxi Company and consider Compliance Order 2009-02, Novato Taxi Company. Provide direction to staff.

### Background:

On December 31, 2009, pursuant to Section 14 of the MGSA Taxi Regulations and State law, a Notice of Intent to Terminate Taxi Service was issued to Novato Taxi Company. A copy of the notice is attached. This notice is one of the measures available to local government to obtain compliance with local taxicab regulatory ordinances. Since the inception of the MGSA taxicab regulation program, MGSA staff and contractors have been working to obtain compliance with MGSA regulations through the issuance of permits to taxicab companies, drivers and vehicles. All known taxi companies in Marin County have obtained such permits for themselves and their vehicles and all drivers that we are aware of have obtained permits with the exception of Novato Taxi Company. Dan Carlson, owner of Novato Taxi, has refused to complete the requisite applications, arguing that our regulations do not follow state law. MGSA administrative and legal staff do not agree with that position.

A variety of enforcement actions have been taken against Novato Taxi, including numerous citations issued by the Novato Police Department to drivers for driving a taxi without a valid permit as well as a Compliance Order, issued on December 18, 2009, which instructed Mr. Carlson to submit complete applications for his taxi business by January 8, 2010. The traffic citations are being contested by Mr. Carlson and are pending in Marin County Traffic Court. Mr. Carlson has not responded to the Compliance Order as instructed.

The Notice of Intent included instructions to Mr. Carlson, pursuant to Section 14(d) of the regulations, that he was entitled to file a protest to contest the allegations in the notice. Mr. Carlson has filed such a protest, received on January 11, 2010, which the Board must now hear.

The burden of proof lies with the MGSA that Novato Taxi is using the telephone number 415-898-8484 to offer taxicab services in Marin County and that the use of this telephone number assists, directly or indirectly, in the violation of MGSA Taxi Regulations. To that end, staff has found numerous ads offering taxi service, including Yellowpages.com, free 411 telephone information and [de.lirio.us.com](http://de.lirio.us.com), identifying the phone number listed above.

Mr. Carlson continues to operate Novato Taxi. The Compliance Order 2009-02 (attached), to which no response has been made, provides the evidence of violation of the regulations. Specifically, Mr. Carlson has twice in written communications claimed to be exempt from the Regulations and refused to submit completed applications as required by the regulations. Mr. Carlson and Novato Taxi are not exempt from the regulations. By operating a taxi company, employing drivers to drive taxicabs, and not obtaining permits for vehicles, which are operated as taxicabs, Mr. Carlson and Novato Taxi Company have and continue to be in violation of the regulations.

#### Attachments

- Notice of Intent to Terminate Taxi Service – Novato Taxi Company
- Notice of Intent to Seek Termination of Telephone Service to Novato Taxi – Protest of Novato Taxi