MINUTES SUBJECT TO CORRECTION BY THE BURLINGTON TAXI LICENSING APPEALS PANEL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE TAXI LICENSING APPEALS PANEL.

BURLENTON TAXI LICENSING APPEALS PANEL
BURLINGTON INTERNATIONAL AIRPORT
MINUTES OF MEETING
April 4, 2014

APPROVED – 4/30/14

MEMBERS PRESENT: Jeff Munger (Chairman)
Bill Keogh (Vice Chairman)
Richard Weinisch
Bailey Emilo

MEMBERS NOT PRESENT: Norm Blais
Max Tracy
Tom Ayres

LICENSE REVIEW/APPEALS PANEL:
Jeff Munger, Airport Commission
Bill Keogh, Airport Commission
Officer Richard Weinisch, Burlington Police Dept.
Officer Bailey Emilo, Burlington Police Dept.

ADMINISTRATION: Isaac Trombley, Taxi Administration Office
STAFF ATTORNEY: Gregg Meyer, Assistant City Attorney

OTHERS PRESENT:
• Dean Dennis
• Baine Camley
• Richard Viens
• Donald Corbett
Sheila Edwards, Airport Ambassador
Marianne Riordan, Recording Secretary

1.0 CALL TO ORDER and AGENDA
The meeting was opened at 9:08 AM on April 4, 2014.

1.01 Agenda
Action: The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, to approve the agenda with the addition of Item 2.03 – Richard Viens.

2.0 TAXI DRIVER DENIAL HEARING(S)
2.01 Dean Dennis
Dean Dennis appeared on behalf of the hearing. Gregg Meyer explained the procedure to be followed and swore in individuals to give testimony. Introductions were made.

Background
The record for Dean Dennis shows misdemeanor charges in the late 1970s including disorderly conduct, unlawful mischief, simple assault. The last charge occurred in 1993. Mr. Dennis’ DMV record shows no violations.

Testimony
Dean Dennis testified that the offenses are over 20 years old and his intent was not nondisclosure or to hide the past. For the last 13 years Mr. Dennis said he has worked with senior citizens as the maintenance director at Pillsbury Manor. Mr. Dennis said he is between jobs right now and pursuing a taxi license for income.

There was no further testimony. The Panel will issue a decision in writing.

**Deliberation**

**Action:** The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, to grant a license to Dean Dennis.

2.02 Baine Camley

Baine Camley appeared on behalf of the hearing. Gregg Meyer explained the procedure to be followed and swore in individuals to give testimony. Introductions were made.

**Background**

The record for Baine Camley shows charges for bad checks, disorderly conduct, prohibited sexual act, driving while license suspended due to lack of insurance, and 19 moving violations. There have been no offenses since 2006 and the DMV record for Mr. Camley shows no violations. Mr. Camley is seeking a taxi license to drive for Peg’s Pick Up in Morrisville.

**Testimony**

Baine Camley testified that he is 49 years old, from Morrisville, Vermont, and has been driving for Peg’s Pick Up for the past four and a half months ago and loves the job. His taxi license application was denied due to the results of the background check. Mr. Camley admitted when he was younger (in his 20s and 30s) he did things that were not right and he has paid for his actions. Mr. Camley said he got into drug activities while living in Burlington for 16 years doing masonry and other work and he found himself at a crossroad and got involved with a man who was arrested for crack cocaine. Mr. Camley said he entered a faith based residential facility in Johnson called “Teen Challenge” and after completing the program to help individuals get over additive and life controlling issues became a staffer after 21 months with the program. Mr. Camley said he stayed at the facility for six years and eight months. Mr. Camley testified he is a born again Christian, is married, and attends church every Sunday. Due to a knee replacement he can no longer do masonry work. Sharon Rowle (Peg’s Pick Up) gave him the opportunity to drive taxi. Mr. Camley submitted a letter from Richard Welch with Teen Challenge Vermont, dated 4/1/14, on his behalf.

Bill Keog asked the appellant if he has a family and why he likes driving a taxi. Mr. Camley said has a wife and stepson and likes driving taxi because he meets new people and gets out to drive and view the scenery.
Officer Weinisch asked for an explanation of the prohibited sexual act charge. The appellant said he was with a 17 year old girl when he was 30 years old.

Gregg Meyer asked the appellant if he operated a vehicle without a license in 2006. Mr. Camley said he was driving without a license because he owed fines, but once he paid the fines the license was reinstated in 2010. Mr. Camley said he has an enhanced license today and no issues or warnings since getting his license reinstated. From 2006 through 2010 Mr. Camley said he did not drive because he was with the Teen Challenge program.

Officer Weinisch asked about the other charges on Mr. Camley’s record. Mr. Camley said when he was younger he thought his drugs and actions were more important than paying fines so he drove without a license. The other charges on his record are the result of his drug problem. Mr. Camley said the last time any illegal drugs were used by him was December 14, 2001 and he has been clean and sober for the past seven years and two months. Mr. Camley said he is a changed person and has done his rehabilitation and admitted his wrongs. Mr. Camley said he now wants a fairly good life to support his wife and stepson and he hopes to get the chance to have a taxi license.

There was no further testimony. The Panel will issue a decision in writing.

Deliberation
Action: The Panel voted two in support and one against (Officer Weinisch) on a motion by Bill Keoght, seconded by Jeff Munger, to grant a license without conditions to Baine Camley.

2.03 Richard Viens
Richard Viens appeared on behalf of the hearing. Gregg Meyer explained the procedure to be followed and swore in individuals to give testimony. Introductions were made.

Background
The record for Richard Viens shows a DUI in 1989 and a disorderly conduct in 1981. Mr. Viens is seeking a taxi license to drive for Middlebury Transit.

Testimony
Richard Viens testified:
- When he was 21 years old he was involved in a bar brawl while a student at UVM and incurred a disorderly conduct charge. When he was 28 years old he incurred a DUI charge. No one was injured or killed as a result of the DUI.
- Now at 53 years old he is a Middlebury resident for the past 20 years, married with two children and a coach and president of the Amateur Hockey Association in Middlebury.
• The taxi job is to supplement income to help pay for his daughter’s college expenses.

There was no further testimony. The Panel will issue a decision in writing.

Deliberation
Action: The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, to grant a license to Richard Viens.

3.0 TAXI DRIVER VIOLATION HEARING(S)
3.01 Donald Corbett
Donald Corbett appeared on behalf of the hearing and requested permission to audio record the proceedings. Airport Ambassador, Sheila Edwards was also in attendance to provide testimony at the hearing. Gregg Meyer explained the procedure to be followed and swore in individuals to give testimony. Introductions were made.

Submittals:
- Memo from Kristin Jones, dated 3/19/14
- Notice of Complaint issued 3/12/14
- Response from Donald Corbett to Taxi Panel, dated 3/17/14

Testimony
Donald Corbett stated the hearing notice was mailed to him on March 26th, but received April 3rd which did not allow time to respond or retain legal counsel. Mr. Corbett requested in the future that a two week notice be given. Gregg Meyer confirmed the notice was mailed certified mail receipt requested and the airport did not receive a return receipt. Mr. Corbett said to contact the post office to confirm the date he signed for the mail.

Bill Keogh asked Mr. Corbett if he feels his rights are being abridged or compromised if the hearing moves forward. Mr. Corbett confirmed this.

Action: The Panel recessed at 9:58 AM to deliberate the matter and reconvened at 10:01 AM. Gregg Meyer advised in light of the appellant saying he did not receive the hearing notice and that he feels his rights are being abridged the Panel has decided to terminate the hearing and reschedule another hearing on another date. Mr. Corbett was asked if he agrees to accept a handwritten notice of the next meeting. Mr. Corbett agreed. Staff will schedule a new hearing date and issue the notice in person and by mail.

3.02 Mohamed Mohamed
No one appeared on behalf of the hearing. Gregg Meyer noted Mr. Mohamed’s license was suspended upon hearing of his arrest. Isaac Trombley said he spoke with Mr. Mohamed’s father about the hearing date and the father indicated Mohamed Mohamed would be released from jail on March 31, 2014. The notice was sent to the known address and the father told his son of the hearing so Mr.
Mohamed received two notices of the hearing. Mr. Mohamed’s failure to show is a default and the suspension remains.

**Action:** The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, on the matter of Mohamed Mohamed that the license suspension is continued based on failure to show to a scheduled hearing.

Isaac Trombley will send a letter to Mr. Mohamed advising him that his suspended license must be returned to the Taxi Administration.

**4.0 COMPLAINT**

4.01 Customer Complaint, Nicole Roy
Complaint was received against Yellow Cab/Benways for not using the meter and taking a roundabout route to Burlington resulting in an overcharge to the passenger.

**Action:** The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, to forward the complaint letter to Yellow Cab and request that the company owner attend the next meeting of the Taxi Appeals Panel to explain the matter.

**5.0 APPROVAL OF MINUTES**

5.01 February 20, 2014
**Action:** The Panel voted unanimously on a motion by Bill Keogh, seconded by Jeff Munger, to approve the minutes of 2/20/14 as presented.

Bill Keogh mentioned the agenda heading for action on the minutes should just read: “Minutes”.

**6.0 ADJOURNMENT**

There was no further business before the Taxi Appeals Panel and the meeting was adjourned at 10:16 AM.

RScty: MERiordan
“To Do” from 4/4/14 Taxi Panel meeting:
1. Amend the heading on the agenda item for action on the minutes to read “Minutes”.
2. Staff will schedule a new hearing date and issue the notice in person and by mail to Donald Corbett.
3. Isaac Trombley will send a letter to Mohamed Mohamed advising him that his suspended license must be returned to the Taxi Administration.
4. Staff will forward a copy of the complaint letter to Yellow Cab and request that the company owner attend the next meeting of the Taxi Appeals Panel to explain the matter.