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.

BURLINGTON TAXI LICENSING APPEALS PANEL
BURLINGTON INTERNATIONAL AIRPORT
MINUTES OF MEETING
September 15, 2014

APPROVED – 01/15/15

MEMBERS PRESENT: Bill Keogh (Vice Chairman)
Dennis Duffy
Rachel Siegel

MEMBERS NOT PRESENT: Jeff Munger
Norm Blais
Max Tracy
Tom Ayres

LICENSE REVIEW/APPEALS PANEL:
Bill Keogh, Airport Commission
Lt. Dennis Duffy, Burlington Police Dept.
Rachel Siegel, City Council

ADMINISTRATION: Isaac Trombley, Taxi Administration Office

STAFF ATTORNEY: Gregg Meyer, Assistant City Attorney

OTHERS PRESENT: David Hodges, Fox 44 News
Bethany Royal
Charlie Herrick, Green Cab
John Lucas (via teleconference)

Appellants:
- Loretta Guarino
- Thomas Cilley
- Dean Bouvier

1.0 CALL TO ORDER and AGENDA
The meeting was opened at 12:59 PM on September 15, 2014.

1.01 Agenda
Action: The Panel voted unanimously on a motion by Bill Keogh, seconded by Rachel Siegel, to approve the agenda with the amendment that Item 3.04 (appeal hearing for Jassim Jassim) is postponed.

2.0 CONSENT AGENDA
2.01 COMMUNICATIONS: Kristin Jones, Office Assistant, Burlington International Airport; Tsering Yeshi, Potalta Taxi, re: Complaint

2.02 COMMUNICATIONS: Kristin Jones, Office Assistant, Burlington International Airport; Arif Arif, Route 2 Cab, re: Complaint

2.03 COMMUNICATIONS: Kristin Jones, Office Assistant, Burlington International Airport, Ibrahim Aden, USA, re: Complaint

Action: Motion was made by Rachel Siegel, seconded by Dennis Duffy, to accept the consent agenda as presented, take the action indicated and place the item(s) on
file. The informal process for complaints was explained. The vote on the motion was unanimous.

3.0 TAXI DRIVER DENIAL/APPEAL HEARINGS

3.01 Loretta Guarino
Loretta Guarino, appellant, and Bethany Royal, co-worker with Ms. Guarino, appeared on behalf of the appeal. Gregg Meyer explained the procedure to be followed, swore in individuals to provide testimony, and introduced the Taxi Appeal Panel.

Background
The appellant is requesting the condition on her taxi license that denies permission to be in the queue at the airport be lifted.

Testimony
Loretta Guarino testified three years have passed since asking for the opportunity and privilege to work at the airport and during that time she has been driving for a taxi company in Stowe. Ms. Guarino admitted to having some issues in the past that she did not even realize were there, but now after counseling for anger management and going through the enlightening process she is removed from that mindset and way of life. Ms. Guarino said she was advised to put herself in the other person’s shoes which she could not do before because of outrageous feelings, but those feelings are now gone and she is a new person who is not argumentative or discriminatory and does not want to create a situation with anyone about the color of their skin. Ms. Guarino urged the Panel to review her file to see the transition and remedies. Ms. Guarino said other taxi companies have asked her to drive for them because she is well liked and a good taxi driver.

Isaac Trombley commented every time he sees Ms. Guarino now she has a friendly face and there have been no complaints about her. Mr. Trombley asked how long the appellant has been driving taxis. Ms. Guarino said she has been driving more than 10 years and before she was at the airport she had an independent taxi license in White River Jct. and used her earnings to pay for school.

There was no further testimony.

Deliberation/Decision
The Panel will discuss the appeal in deliberative session and issue a decision in writing.

3.02 Thomas Cilley
Thomas Cilley appeared on behalf of the appeal. Gregg Meyer explained the procedure to be followed, swore in individuals to provide testimony, and introduced the Taxi Appeal Panel.
Background
The appellant was denied a taxi license.

Testimony
Thomas Cilley testified he is a Vietnam veteran and served three years in the U.S. Army. After his service Mr. Cilley said he worked at a wholesale plumbing and heating store for five years and then at IBM for 27 years before retiring. For the past 11 years Mr. Cilley said he has driven limousines and town cars. The appellant testified he has no criminal record, has had a couple of speeding tickets, and attended CRASH, but did not need a counselor or AA because he demonstrated his actions were something he normally would not have done and was due to reaction to his father’s death.

Dennis Duffy asked for an explanation of the DUI charge. The appellant explained the civil charge held, but the criminal charge was dismissed. Lt. Duffy referred to the appellant’s record and asked why he refused to take the alcohol test. The appellant said he did not refuse to take the test. Rachel Siegel pointed out the letter appears to mention a choice of either conviction or refusal of the test. Gregg Meyer noted the ordinance does not make a distinction of civil or criminal conviction for DUI. The admission of driving under the influence is sufficient for denial of the license application. There have been incidences in the past where upon appeal the Panel has considered the situation and overturned a denial.

Bill Keogh asked about the speeding ticket received by the appellant. Mr. Cilley said he was going downhill on Airport Parkway in the rain and could not see his dash clearly and did not realize his speed before he was stopped. Mr. Keogh asked the appellant if he has other employment. Mr. Cilley said he does not and has been driving limos and town cars for the past 11 years.

There was no further testimony.

Deliberation/Decision
The Panel will discuss the appeal in deliberative session and issue a decision in writing.

3.03 Dean Bouvier
Dean Bouvier, appellant, and Charlie Herrick, Green Cab, appeared on behalf of the appeal. John Lucas, complainant, provided testimony via teleconference. Gregg Meyer explained the procedure to be followed, swore in individuals to provide testimony, and introduced the Taxi Appeal Panel.

Background
A complaint by John Lucas was made against the appellant on September 2, 2014 for service received and the fare charged.
Testimony

John Lucas, complainant, testified as follows:

- Mr. Lucas called for a taxi on July 14, 2014 and Dean Bouvier arrived about 7 PM and loaded Mr. Lucas’ bicycle and gear into the hybrid SUV with a license plate reading “CHAMP”.
- The driver, Dean Bouvier, was asked to go to 76 South Park to a hotel located there. Mr. Bouvier said there is no such street or motel and started driving.
- The driver was asked to stop at the drugstore and liquor store which he did, and while Mr. Lucas went into the store Mr. Bouvier was in the car using a handheld device to try to find the address of the motel.
- After return from the store Mr. Lucas suggested Mr. Bouvier stop at an area hotel/motel to ask directions, but Mr. Bouvier kept driving.
- Mr. Lucas told Mr. Bouvier he wanted a place that was less than $200 per week and Mr. Bouvier said that would be on Shelburne Road. Mr. Lucas told Mr. Bouvier he wanted to be on the other side of town, not on Shelburne Road.
- After more driving around the area Mr. Bouvier finally stopped at Anchorage Inn and asked directions and the staff at Anchorage Inn was very quickly able to provide directions to Motel 6.
- Mr. Bouvier said he must unload because he had another fare, but he did drive to Motel 6.
- Mr. Bouvier was paid a $40 fare plus $7 tip.
- Mr. Lucas was short $10 to pay for the motel and felt that the extra amount of the fare was due to the circuitous route.
- Mr. Lucas walked with his bike and gear back to Fort Ethan Allen.
- Mr. Lucas filed a complaint with the owner of the taxi company twice with no response and then filed a complaint with the Taxi Administration.

Bill Keogh asked what time of night the call for a taxi was made. Mr. Lucas said 7:10 PM. Mr. Keogh asked why a $7 tip was given if the service was not satisfactory. Mr. Lucas said he thought he had enough money and the driver did get him to the motel. Mr. Lucas said he was tired, homeless, and just wanted to get inside to have a good night’s sleep.

Dennis Duffy asked Mr. Lucas if he had a reservation at the motel. Mr. Lucas said he did. Mr. Duffy asked why Mr. Lucas did not know the name of the motel if he had a reservation. Mr. Lucas was he was tired after having worked all day. Mr. Lucas reiterated staff at Anchorage Inn was able to identify 76 South Park Drive in 20 seconds and this information could have been known earlier if the taxi driver had been willing to stop and ask.

Rachel Siegel asked Mr. Lucas if he had been consuming alcohol that night. Mr. Lucas said he did not have any alcohol until after he was dropped off. Ms. Siegel asked Mr. Lucas what his part in the situation might be. Mr. Lucas said he did not know the exact address of the motel, but if the driver was right in saying he
knows the area then the location should have been easily found. Ms. Siegel asked Mr. Lucas when he decided to file a complaint. Mr. Lucas said when his calls to the taxi company were not answered and when he was $10 short on the motel room which was likely the extra fare from riding around the area.

Dean Bouvier, taxi driver, testified as follows:
- Mr. Lucas was picked up at Fort Ethan Allen. The bike and gear were loaded into the car and a stop was made at Kinney Drugs and the liquor store per Mr. Lucas’ request.
- Mr. Lucas was asked where he wanted to go and he kept saying “South Road, a hotel on South Road”.
- Attempts to jog Mr. Lucas’ memory about the road name or hotel were not successful.
- South Road was found, but there was no hotel so the drive continued toward Williston which has a road named ‘South Road’ and while on Industrial Avenue Mr. Lucas was asked if anything looked familiar. Mr. Lucas said nothing was familiar so the drive continued down Williston Road to try to jog his memory.
- Mr. Lucas suggested stopping somewhere and looking on the internet for the location. Mr. Lucas was informed the internet can be accessed in the car.
- Mr. Lucas appeared confused and smelled of alcohol. The smell of alcohol was prevalent in the car.
- The drive proceeded down Williston Road. Mr. Lucas was looking for a place for $200 per week so Mr. Bouvier brought Mr. Lucas to the Anchorage Inn.
- Mr. Bouvier said he sat in the car at the Anchorage Inn and did not unload the car. The manager at Anchorage Inn came out and said there is a Motel 6 and Quality Inn on South Park Drive.
- Mr. Lucas was driven to Motel 6 on South Park Drive and his belongings unloaded from the vehicle.
- Mr. Lucas paid the fare plus a tip.

Bill Keogh asked Mr. Bouvier if Mr. Lucas smelled of alcohol when he was picked up. Mr. Bouvier said there was a strong odor of alcohol when Mr. Lucas got into the car. Mr. Keogh asked if the car had a GPS system. Mr. Bouvier said he was born and raised in Burlington and has been driving taxi for 25 years so he knows the area and knows where Motel 6 is located because he lives in Winooski. Drivers have smartphones to access information on locations. Mr. Keogh asked if Mr. Lucas was cordial or antagonistic during the ride. Mr. Bouvier said he was about 50/50 cordial and antagonistic.

Dennis Duffy asked Mr. Bouvier what the license plate is of the vehicle he was driving. Mr. Bouvier said “CHAMP”.
Rachel Siegel asked Mr. Bouvier if he has any past complaints or been before the Taxi Panel. Mr. Bouvier said he has had no complaints and was before the Panel five or six years ago, but cannot recall the reason. Mr. Siegel asked Mr. Bouvier if he would describe his encounter with Mr. Lucas as hostile. Mr. Bouvier said Mr. Lucas was not hostile, but seemed confused and intoxicated. Ms. Siegel asked Mr. Bouvier if he expected to hear from Mr. Lucas again. Mr. Bouvier said he would have thought Mr. Lucas would have said something about the service at the time and would not have given him a tip if he was not happy about the ride.

Charlie Herrick, owner of Green Cab, testified he was working the phones at the company on the night Mr. Bouvier gave Mr. Lucas a ride and was checking on the status of the ride for Mr. Lucas, but did not recognize the drop off address. Mr. Herrick said because the customer did not know the address the ride was categorized as not knowing when it would end and the driver was advised to suggest to the passenger to get out of the cab and find out the exact address and then call for a ride and go. Mr. Herrick recalled the night was busy and the company wanted to help out the passenger, but did not want the driver to drive all over town.

Dennis Duffy asked Mr. Herrick if it is customary to drive around trying to find a location. Mr. Herrick said typically drivers will get the destination before starting the ride, but some passengers say to drive and they will recognize the place or they know the way there.

Bill Keogh asked Mr. Herrick if the driver indicated there was any hostility with the passenger. Mr. Herrick said there was frustration because there were more calls for the driver and the ride for Mr. Lucas was not going well even though it was a simple hotel drop off.

Gregg Meyer asked Mr. Herrick if he was aware of any complaints or receiving any calls from Mr. Lucas. Mr. Herrick confirmed dispatch did their job and the calls were received, but the complaint was buried in the paperwork on his desk. Mr. Herrick said he usually does the follow up with customers.

Mr. Lucas asked Mr. Bouvier if he gave the address of 76 South Park to dispatch. Mr. Bouvier clarified Mr. Lucas said “South Road” as the destination and that was what was told to dispatch. Mr. Lucas asked Mr. Bouvier if he knows the difference between the smell of alcohol and the smell of acetone. Mr. Bouvier said he does. Rachel Siegel asked about the mention of acetone. Mr. Lucas said he works as a professional bike mechanic and uses acetone to clean parts so the smell was likely in his clothing.

Bill Keogh asked Mr. Lucas about any odors. Mr. Lucas said he also collect deposit bottles so there could have been odors from that. Mr. Lucas reiterated he did not have anything to drink until after he got out of the taxi.
There was no further testimony.

**Deliberation/Decision**
The Panel will discuss the appeal in deliberative session and issue a decision in writing.

**Action:** The Panel voted unanimously on a motion by Bill Keogh, seconded by Rachel Siegel, to go into deliberative session. Deliberative session convened at 2 PM and adjourned at 2:14 PM. The regular meeting was resumed.

**Actions following deliberative session:**
- **Loretta Guarino**
  **Action:** The Panel voted unanimously on a motion by Dennis Duffy, seconded by Rachel Siegel, to grant a license to Loretta Guarino without conditions.

- **Thomas Cilley**
  **Action:** The Panel voted 2 ayes, one nay (Dennis Duffy) on a motion by Bill Keogh, seconded by Rachel Siegel, to grant a license to Thomas Cilley without conditions.

- **Dean Bouvier**
  **Action:** The Panel voted unanimously on a motion by Dennis Duffy, seconded by Bill Keogh, that the evidence does not support a finding of misconduct by the taxi driver, Dean Bouvier. A statement will be included in the written decision that states the Taxi Panel does not have any authority to require reimbursement of the fare and tip.

4.0 **MINUTES**
4.01 Taxi Licensing Appeal Panel 7/30/14
**Action:** The Panel voted unanimously on a motion by Dennis Duffy, seconded by Bill Keogh, to approve the minutes of July 30, 2014 as presented.

5.0 **ADJOURNMENT**
With no further business before the Taxi Appeals Panel the meeting was adjourned at 2:15 PM.

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