



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

May 9, 2014

NOTICE OF VIOLATION

Abageda Tahiro Yahya
1012 – 18th Avenue NE
Minneapolis, MN 55418

RE: Taxicab Driver license held by Abageda Tahiro Yahya for the City of Saint Paul
License ID #:20130004566

Dear Abageda Tahiro Yahya:

The Department of Safety and Inspections will recommend adverse action against the Taxicab Driver license held by Abageda Tahiro Yahya for the City of Saint Paul. The recommendation is based on the following information:

On April 25, 2014 at approximately 9:45 a.m., an officer from the MSP Airport Police was dispatched to the airport upper door 1 on a report of a fare dispute (ICR #14002504).

The passengers, one of whom appeared to be special needs, told the officer you picked them up at the St. Paul Amtrak Station in Saint Paul to bring them to the airport. They said they did not agree to pay two separate fares because they had decided to share a cab ride and split the fare. The fare that was showing on the meter when they arrived at the airport was \$25.00.

You asked them each of them to pay the \$25.00 full fare. They saw no sign stating “fare per person” inside the cab. You also wanted to charge them a \$4.00 airport access fee on top of the meter fare which only applies if the trip starts at the airport.

As the officer spoke with you, he observed that you kept the meter running even after arriving at the airport. You were argumentative with the officer and even after the \$25.00 was paid continued to argue that you were entitled to double charge because they agreed to pay it.

Saint Paul Legislative Code § 376.11 states regulations you are required to follow in order to operate a taxicab in Saint Paul. These include:

“(d) *Scheduled rates only.* No licensee, driver, employee or member of any such association may charge any rate for the carrying of passengers in any licensed taxicab in excess of that set forth in section 376.15, and any deviation from such schedule by the licensee or any employee or member of such association is a violation of this chapter.”

“(f) *Computation of charges.* When the charge is to be paid for on the meter basis, the charge must begin at the place where the passenger is received and will continue until he or she is delivered at his or her destination. When the charge is to be paid for on the hour basis, the time must begin when the automobile is ready at the time and place required by the passenger; provided, that when any person engages or hires a taxicab equipped with a taximeter, unless otherwise agreed at the time of hiring, the fare for such taxicab must be determined and fixed by the taximeter according to rates provided for in this chapter; and provided further, that no taxicab driver may charge more for the use of said taxicab than is shown to be due by said taximeter thereon.”

“(g) *Deceptive practices.* No person owning or driving any taxicab may deceive any passenger as to his or her destination or the price authorized to be charged for such person, or convey such passenger other than as directed.”

“(h) *Refusal of service; more than one (1) fare.* No taxicab driver may refuse or neglect to convey any orderly person or persons upon request anywhere in the city, unless previously engaged or unable to do so, provided such person or persons agrees or agree to pay the legal rate of fare. No taxicab driver may carry any other person than the person first employing the taxicab without the consent of said passenger.”

Based on this information, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office recommends a \$500.00 matrix penalty.

At this time, you have three (3) options to proceed:

1. You can pay the recommended \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, May 19, 2014**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter no later than **Monday, May 19, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you dispute the facts outlined above, or wish to present evidence that the conviction is not related to your license as a taxicab driver, or that you have been rehabilitated pursuant to Minn. Stat. §364.01 et seq, you may request a hearing before an Administrative Law Judge (ALJ). I will need to receive your letter no later than **Monday, May 19, 2014**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

Abageda Tahiro Yahya

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If you have not contacted me or DSI by Monday, May 19, 2014, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,

Handwritten signature of Geoffrey Karls in cursive script, including the initials 'gk' at the end.

Geoffrey Karls

Assistant City Attorney

cc: Dan Niziolek, DSI Deputy Director
Tom Ferrara, DSI

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 9th day of May she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Abageda Tahiro Yahya
1012-18th Avenue NE
Minneapolis, MN 55418

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Julie Kraus
Julie Kraus

Subscribed and sworn to before me
this 9th day of May, 2014

Rita M. Bossard
Notary Public

