

**BOARD OF TRANSPORTATION
COMMISSIONERS**

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**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

DEPARTMENT OF TRANSPORTATION

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LOS ANGELES, CA 90012

LAURA RUBIO-CORNEJO
GENERAL MANAGER

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**MINUTES
JULY 11, 2024
10:00 AM**

CONVENED

The Board of Transportation Commissioners convened a regular meeting on Thursday, July 11, 2024 at 10:07 AM in Los Angeles, CA.

ADMINISTRATIVE ITEMS

ITEM NO. 1 – WELCOME

President Liban called the meeting to order and welcomed all those present noting that those wishing to testify before the Board must fill out a speaker's form. He informed the audience that if anyone is a registered lobbyist, City ordinance requires that it should be indicated on the speaker's form.

ITEM NO. 2 – ROLL CALL

Present: Commissioners Cris Liban, Selika Talbott, Vigen Davidian, Erin Pak, and Raymond Regalado; Jay Kim, Assistant General Manager (AGM); and Michael Nagle, Deputy City Attorney (DCA) and Kevin Dufner, Deputy City Attorney (DCA)

Arrived after roll call: Commissioner Douglas Tohom

ITEM NO. 3 - MINUTES

Commissioner Pak moved, seconded by Commissioner Talbott to approve the Minutes of June 13, 2024. Commissioner Liban abstained due to his absence at the meeting. Minutes APPROVED.

ITEM NO. 4 – COMMISSION BUSINESS

- a. Election of President
Commissioner Talbott nominated Commissioner Liban, seconded by Commissioner Davidian.
Commissioner Liban accepted the nomination.
Commissioner Liban was unanimously re-elected as President for another year.
- b. Election of Vice President

Commissioner Davidian nominated Commissioner Talbott, seconded by Commissioner Pak.
Commissioner Talbott accepted the nomination.
Commissioner Talbott was unanimously re-elected as Vice President for another year.

TEM NO. 5 – COMMUNICATIONS

No communication reported.

ITEM NO. 6 – GENERAL MANAGER'S REPORT

AGM Jay Kim, provided the report.

- Additional measures to further enhance public transit safety for drivers and the public by investing and upgrading technology on the following: 1) a complete protected barriers for drivers; 2) upgrade tablets (data transmission device) to connect directly to dispatch center; and 3) upgrade driver handheld radios with compatible model that Department traffic officers use. Also, on going discussions with LAPD to dedicate certain resources for visible deterrent, and looking into a potential third party security company to provide additional patrols on the buses.

Questions, answers, and comments were provided.

- Commissioner asked to confirm if a dedicated security service is being considered and if all measures mentioned pertains to DASH and Commuter Express buses.
- AGM Kim explained how the consideration of a third party security is still an ongoing discussion with LAPD and that all measures will pertain to DASH and Commuter Express buses.
- Commissioner Talbott asked about the community engagement and how the relationship building will take place.
- AGM Kim shared how there has been a lot of internal discussions about it and do not want to create an ongoing animosity situation in certain communities and routes; and discussing the Department's expectations and engagement protocols with LAPD.
- Commissioner Liban asked if there are some milestones in terms of barriers that can be shared.
- AGM Kim discussed the following milestones: Department is trying to accelerate purchase of the barrier device and once procured, it is expected to take a matter of months; expected work on the tablets to conclude approximately three months; and once funding source is determined for handheld radios, it is expected to be implemented in three months.
- Commissioner Liban asked why the Department can not use the existing police and traffic officers.
- AGM Kim discussed the role of police officers in LAPD; LAPD short staffed; work overtime; potential use of a private security; and shared how the Executive team is trying to finish discussions with LAPD.
- In terms of prioritizing the Lines that have problems, Commissioner Liban asked if the Department knows which ones are problematic areas.

- AGM Kim responded that the Lines mostly in Downtown have had historically more incidents, and shared what the Department is doing right now as a stop gap measure.
- Commissioner Tohom asked if the barriers will be installed before the fare collection resumes in January.
- AGM Kim shared the Department's intent and if the timing gets too close, may delay charging until barriers are installed.
- Commissioner Tohom asked when the notification to the public will go out if the fare charges will begin in January 2025.
- AGM Kim discussed Title 6 requirement, which the Department needs follow when there is a fare change; outreach efforts; City process to hire a marketing team; and outreach campaign expected to start sometime in September.
- Commissioner Tohom asked if a grace period has been considered once fare collection begins in January and barriers are in place to minimize number of conflicts.
- AGM Kim confirmed that there will be a grace period.
- Commissioner Regalado asked if the Department had thought about when to start gaining community input while in the planning stages.
- AGM Kim explained how it is still an ongoing discussion with LAPD; LAPD's role; and costs before sharing with the community and get feedback.
- Commissioner Liban commented on securing community input and assuring the community that the steps are aligned with the sequence of mitigations for the safety of bus operators, community, and the general public.
- Commissioner Davidian asked if the DASH ridership is back up to pre-pandemic levels.
- AGM Kim responded that ridership is down even with the free fares, maybe at 60%, and significant number of people are telecommuting.
- Commissioner Liban asked if the low ridership is of concern at this point.
- AGM Kim discussed how the Department is able to use other funding to cover; long-term funding challenges; work through some structural deficit; and the important element to be able to charge and recoup the fares for fiscal stability.

NEIGHBORHOOD COUNCIL

There were no comments.

PUBLIC FORUM

There were no public comments.

CONSENT ITEM

ITEM NO. 7 – Recommend Approval of the Application of First Care Medical Transportation Inc. for One Unrestricted Non-Ambulatory Passenger Vehicle Permit

Commissioner Pak moved, seconded by Commissioner Talbott to approve Item No. 7. Unanimously APPROVED.

ACTION ITEM

ITEM NO. 8 – Rehearing of Recommended Permanent Revocation of Secure Med Tranz, Inc (ID #2676) Due to Multiple Violations of the Los Angeles Municipal Code Sections

Pat Barker, Senior Transportation Investigator, presented the report.

Mr. Tigran Arutunyan, Owner of Secure Med Tranz, Inc, was present and addressed the Board. He shared his medical documents with the Commissioners.

Questions, answers, and comments were provided.

- Commissioner Liban asked Ms. Barker to remind the Board that the decision was made without the owner present at the Commission meeting.
- Ms. Barker confirmed that the owner was not present at the Commission meeting.
- Commissioner Liban asked Ms. Barker to clarify what happened.
- Ms. Barker talked about her investigation and how the Department was not contacted that there might have been a change in management.
- Commissioner Liban reiterated his understanding that the person in charge caused the non-compliance when Mr. Arutunyan was in the hospital.
- Ms. Barker confirmed Commissioner Liban's statement was correct.
- Commissioner Davidian asked Mr. Arutunyan if the reason for his absence at the last meeting was miscommunication or illness.
- Mr. Arutunyan explained how he was not informed by the dispatcher who received the email about a meeting with DOT the day of.
- Commissioner Liban restated that this was a case where the violation occurred because the person in charge was not knowledgeable but needed to do.
- Ms. Barker stated that they did not know.
- Commissioner Liban asked if Mr. Arutunyan was disabled at that time with no control of the company.
- Ms. Barker described how the company was notified of the administrative hearing, the communication protocol, and how the Department did everything to advise the company.
- Commissioner Tohom asked to clarify that the original reason for the fines and revocation were for incidents that occurred prior to Mr. Arutunyan not being available, and that Mr. Arutunyan was still responsible for the company.
- Ms. Barker confirmed Commissioner Tohom's statement was correct.
- Mr. Arutunyan shared the time when he first found out there was a problem.
- Commissioner Liban asked Mr. Arutunyan what he has done to mitigate if the Board decides to give him another chance.
- Mr. Arutunyan stated that it is never going to happen because he is feeling much better, is now in control managing 100% of the company, paid all penalty fees, and asked to give him one last chance.
- DCA Nagle asked Mr. Arutunyan if the violations happened while he was still managing the company and before he was hospitalized.
- Mr. Arutunyan clarified that all violations happened while he was hospitalized.
- Commissioner Talbott asked Ms. Barker if there was a history of repeated violations from the company prior to the June 28, 2023 violation.

- Ms. Barker stated that the company was very new at that time and no prior violation.
- Commissioner Liban reiterated the new information: the company is relatively new; had minor violations; on probation and while on probation, Mr. Arutunyan was not in charge because of his hospitalization; and now he is appealing permanent revocation because he is in control of the company now.
- Ms. Barker stated that the Department does not know the time frame between when Mr. Arutunyan was ill and when he came back and shared the two serious violations since that time.
- With regards to the CA driver's license, Commissioner Pak asked if they were not in personal possession or were they not licensed.
- Ms. Barker responded that they have never been issued a CA driver's license, one had one from Washington and one had none at all.
- Commissioner Pak asked if the one without a driver's license was driving.
- Ms. Barker confirmed that the one without a driver's license was driving.
- Commissioner Liban asked Mr. Arutunyan again what mitigations he has put in place.
- Mr. Arutunyan shared how he agreed with Ms. Barker 100%, and stated that it was out of his control and how his doctor did not allow him to make any phone calls.
- Commissioner Liban asked Ms. Barker if the company is in temporary suspension and if they paid all the fines.
- Ms. Barker confirmed the company is in temporary suspension and fines are paid.
- Commissioner Pak asked Mr. Arutunyan if he has any drivers without CA driver's license; if there are vehicles not permitted fully by the City of LA; have all the paperwork he needs to be responsible and in compliance; and how much time he needs to make sure he is fully suitable and in compliance to restart the operation.
- Mr. Arutunyan responded that he does not need any time because he feels good and in control and shared the following: have two vehicles with LADOT permit; drivers - everything is done and do not have anyone right now, he is in control; no one working without driver license; and have four people because he can not work right now..
- Commissioner Liban asked Mr. Arutunyan if he is in full compliance right now.
- Mr. Arutunyan stated that yes, he is 100% full in control.
- Commissioner Davidian asked if Mr. Arutunyan's statement was verifiable that he is 100% in compliance.
- Ms. Barker confirmed that it is not verifiable and can only verify what is in the system.
- DCA Nagle added that for liability reasons, we would have to have confirmation that those vehicles are registered, in good condition, and drivers are licensed.
- Commissioner Liban suggested the following motion for consideration: "that we continue the probationary period of Mr. Arutunyan's company; verify 30 days from now that he is in full compliance; once verified in compliance, allow to operate but at first violation, an automatic revocation without any hearing".

- Ms. Barker explained how the Department could not fulfill Commissioner Liban's request since there is no way she could legally or comprehensively verify and it is all based on what the company tells the Department.
- Commissioner Regalado asked Mr. Arutunyan to clarify what he does on a daily basis if he cannot work but have control over his company to make sure everything is in compliance.
- Mr. Arutunyan shared how his doctor changed his medication; allowed limited work; and described current duties that he performs at his home. (computer work and phone calls)
- Commissioner Regalado asked Mr. Arutunyan to clarify that he is able to administer the company from his home but cannot drive and pick up, and if that was something he does normally.
- Mr. Arutunyan confirmed Commissioner Regalado's statement was correct.
- Commissioner Liban asked Ms. Barker if any of Mr. Arutunyan's assets are tied for him to transfer/apply it to another company.
- Ms. Barker explained what she usually states on a Board report with regards to transferring and how she try to stop the revolving door issue.
- Commissioner Tohom expressed his concerns about being in compliance when the incident report shows two different incidents and two different vehicles, and asked if the two vehicles could be verified.
- Ms. Barker explained why the vehicles in question are still out of service and never placed back in service.
- Commissioner Liban shared his thoughts for the purpose of consideration of the motion: revocation of the permit because of multiple violations; Med Tranz can reapply and all compliance issues would have to be rechecked; and first instance of violation, automatic revocation without a hearing.
- DCA Dufner briefly stated that based on the rule book that the Board could preemptively waive the right to a hearing.
- Commissioner Liban asked how the motion could be amended.
- DCA Dufner suggested to strike out the portion of "without a hearing" and that Mr. Arutunyan would have the right to appeal.
- Based on what was heard and subject to discussion, Commissioner Liban proposed to move: "that we revoke the license of Med Tranz due to multiple violations but allow them to reapply, and at first instance of violation, automatic revocation".
- Commissioner Talbott commented that Commissioner Liban's proposal was a little open ended, and asked if there was a timeframe when they would be allowed to reapply, 30 days, 60 days.
- Commissioner Liban responded with 60 days.
- Commissioner Pak asked Ms. Barker how revocation versus continued suspension differ, in terms of workload.
- Ms. Barker explained how the workload would remain the same and what the true workload would be; and discussed how the chances of them missing a violation than finding a violation would be greater.
- Ms. Irene Sae Koo, Sr. Management Analyst, provided additional information about a company placed in temporary suspension and recommended that the Board consider giving the company another chance within a period of time.

- Commissioner Talbott asked, in terms of oversight, if there is greater oversight if a probationary period is continued than just doing an additional 30-day suspension.
- Ms. Barker reported that the Department's system does not flag companies that are on probation.
- Ms. Sae Koo suggested to add a comment in the TAVIS system on the Board's decision.
- Commissioner Pak commented on the pattern of egregious violation; sympathetic to small businesses and new operations; and supportive of these companies but have fiduciary responsibility towards the citizens to ensure vehicles on the street are safe and in compliance.
- Commissioner Talbott proposed the following friendly amendment: "that the Board accept the Department's recommendations as to the assessment of the monetary penalties; that the Board acknowledged that Mr. Arutunyan failed to notify the Department of a change in management; that the Department will keep Mr. Arutunyan in suspension for 30 additional days; and at that time, Mr. Arutunyan would be allowed to move forward with the process to operate".
- Ms. Sae Koo stated for clarity that if the Board approves the revocation it means that the company needs to be terminated and move the status from temporary suspension to termination.
- Commissioner Liban restated the motion: "continue the suspension and within 30 days, operate, and at first instance of violation, automatic permanent revocation".
- Ms. Sae Koo stated for clarification that the motion means they cannot operate in the City of Los Angeles for the next 30 days because under temporary suspension, everything is still out of service, and so after 30 days from today, the Department can move them back to active.
- Commissioner Liban confirmed Ms. Sae Koo's statement was correct and clarified the motion on the table: that on the 31st day they operate, and if they get a violation on the 31st day, it will be a permanent revocation.

Commissioner Liban moved, seconded by Commissioner Talbott to amend the motion. Unanimously APPROVED.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

With no further business to come before the Board, Commissioner Davidian moved, seconded by Commissioner Pak to adjourn the meeting. Unanimously APPROVED.

The meeting adjourned at 11:26 AM.



