

**BOARD OF TRANSPORTATION
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**CITY OF LOS ANGELES
CALIFORNIA**



KAREN BASS
MAYOR

DEPARTMENT OF TRANSPORTATION

100 S. MAIN STREET, 10th FLOOR
LOS ANGELES, CA 90012

LAURA RUBIO-CORNEJO
GENERAL MANAGER

3

**MINUTES
August 8, 2024
10:00 AM**

CONVENED

The Board of Transportation Commissioners convened a regular meeting on Thursday, August 8, 2024 at 10:00 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 Douglas Tohom, Cris Liban, 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 Selika Talbott
Absent: Commissioner Vigen Davidian

ITEM NO. 3 - MINUTES

Commissioner Pak moved, seconded by Commissioner Tohom to approve the Minutes of July 11, 2024. Unanimously APPROVED.

ITEM NO. 4 – COMMISSION BUSINESS

No Commission business reported.

ITEM NO. 5 – COMMUNICATIONS

No communication reported.

ITEM NO. 6 – GENERAL MANAGER’S REPORT

AGM Jay Kim, provided the report.

- LADOT delegation participated in the Paris Olympics Observer Program during the Olympics to learn and experience how it manages transportation travels in preparation for the LA28 Olympics.

Questions and answers were provided.

- Commissioner Liban asked if there will be a report back to the Commission from the delegation.
- AGM Kim acknowledged the request and will arrange for a report back to provide a preview on what was learned.
- Commissioner Liban followed up on the budget report back previously requested from staff.
- AGM Kim reported that the budget report back will be scheduled in September due to the staff currently in family leave.

NEIGHBORHOOD COUNCIL

There were no comments.

PUBLIC FORUM

There were no public comments.

CONSENT ITEM

ITEM NO. 7 – Recommend Approval of the Application of M. Trans, Inc. for Three Unrestricted Non-Ambulatory Passenger Vehicle Permits

ITEM NO. 8 – Recommend Approval of the Application of R2 Marketing & Consulting, LLD dba R2 Transportation Services for Two Unrestricted Non-Ambulatory Passenger Vehicle Permits and One Public Transportation Vehicle

Commissioner Tohom moved, seconded by Commissioner Regalado to approve Items No. 7 and 8. Unanimously APPROVED.

ACTION ITEM

ITEM NO. 9 – Conversion of Temporary Preferential Parking District No. 101 in the Los Feliz Area of Council District 4 to Preferential Parking District No. 101 and Expansion of its Boundaries

Public comments were taken.

Felix Valde, Management Analyst, presented the report.

Questions and answers were provided.

- Commissioner Regalado asked if there has been any communication with the medical center regarding the parking problem.
- Mr. Valde explained how the council office works with LADOT staff as done in the past and how it is not up to the center to relax parking.
- Commissioner Tohom asked what the consideration was in setting the boundaries.
- Mr. Valde reported how the Councilmember was adamant about where they want the boundaries at and was not comfortable in expanding further.
- Commissioner Liban asked what, if any, are the impacts to the businesses with parking currently on the streets and what the restrictions were.
- Mr. Valde explained why the council office would be the one to better define the impacts and stated the restrictions.
- Commissioner Liban asked what the next steps are after the Board takes action.
- Mr. Valde described the process and next steps after approval by the Board.
- Commissioner Liban asked how long it will be before enforcement period.
- Mr. Valde stated that they allow one to two weeks when signs are up before enforcement action begins.
- Commissioner Tohom asked if there are meters on Hillhurst or Vermont and what the occupancy were.
- Mr. Valde explained how they only count the occupancy on the residential areas and not required to count the Hillhurst side with meters as it is a commercial corridor.
- Commissioner Liban announced that Commissioner Talbott's has joined the meeting.

Commissioner Tohom moved, seconded by Commissioner Regalado to approve Item No. 9. Unanimously APPROVED.

ITEM NO. 10 - Rehearing Regarding the Board's June 8, 2023 Recommended Denial of the Appeal of Smooth Ride Services, Company ID #2662, Regarding the Company's Pending Revocation

Eric Cavarlez, Sr. Transportation Investigator, presented the report.

Questions, answers, and comments were provided.

- Commissioner Liban asked to clarify if the item before the Board was for the assessment of the \$1000 penalty and the revocation of the permit.
- Mr. Cavarlez explained why the company refuted the Board's June 8, 2023 decision. He added that in June 8, 2023, there was no representation from the company for the appeal and therefore, the Commissioners moved forward with the recommendation to penalize the penalty fee of \$1000 and to put the one-year probationary for any violations to suspend.
- Commissioner Liban asked the City Attorney what the next steps would be.
- DCA Dufner stated to confirm that the company requested a hearing because they were not present at the previous meeting date and asked why they were not present.
- Mr. Cavarlez confirmed DCA Dufner's statement was correct but did not know why the company was not present at the previous meeting date.

- Marina Daglian, representative of Smooth Rides Services, was present to address the Board and explained in detail why they were unable to attend the previous meeting.
- Commissioner Talbott asked the City Attorney if the Commission has the authority to reopen a case from last year where a decision was made.
- DCA Nagle confirmed that a rehearing is allowed.
- Commissioner Talbott asked how the notice was made of the decision from June 8, 2023 hearing when there was a probationary period suspension.
- Mr. Cavarlez described how the notification was made through the Department's portal and via email by the Commission Executive Assistant.
- Commissioner Liban asked Ms. Daglian if the company received the notification.
- Ms. Daglian stated that they received it via email. She discussed the reason she came before the Board (to request to uplift the revocation), and that they paid the \$1000 fine but did not understand why they were hit with a one-year probationary period.
- Commissioner Liban stated to clarify that the Board made a decision on June 8, 2023 on the penalty and one year probationary period; the company received notification of the one-year probationary period and the \$1000 notice and paid it; and that the company did not understand the one-year probationary period.
- Ms. Daglian confirmed Commissioner Liban's statement was correct.
- Commissioner Talbott asked Ms. Daglian if she paid the \$1000 before the June 8th hearing.
- Ms. Daglian stated that she did.
- Commissioner Talbott asked Ms. Daglian why she did not request for a hearing at the time when a violation occurred during the probationary period after she received notification of the probationary period and the remedy that would occur.
- Ms. Daglian explained how they were not aware of the process and owned their mistake.
- Commissioner Liban asked staff how many violations the company had in the past.
- Mr. Cavarlez stated that since September 16m, 2021, a total of five.
- Ms. Daglian stated that they were used to just paying the fines and move forward.
- Ms. Daglian discussed how the driver that was caught in May, a week prior to the probationary period completion, was already in the system and with the new technology and system changing, it takes weeks to get an LADOT representative to look over a simple renewal of a driver which caused the delay.
- Commissioner Pak asked Investigator Cavarlez how far in advance they are allowed to start their renewal application process.
- Mr. Cavarlez stated that one month prior to.
- Commissioner Pak asked how long it takes, on average, for the Department to go through the paperwork and issue the renewal for a driver permit.
- Mr. Cavarlez discussed how he was not privy to the process and would have to defer to an administrative staff.
- Commissioner Pak commented on the intention to change behavior and not allow people to take things lightly.
- Ms. Daglian spoke about paying their fines for every single violation they received and made changes; it is a learning process because no one has taught

- them about the LADOT process; and it takes over one month to get someone to review the renewal of any driver permitting after logging into the LADOT portal.
- Commissioner Talbott pointed out two of the violations, which should not have triggered a revocation and it did not; acknowledged there is a processing issue with onboarding new employees and having a backlog, which appeared to have triggered the violation and in this case a revocation. She asked Ms. Daglian if she knew the timing when she applied for the driver's permit to be renewed.
 - Ms. Daglian passed around the paperwork to share with the Commissioners and stated that it was on May 23rd and the expiration is May 30th. She described the processing time prior to and the current time since the new LADOT system changed.
 - Commissioner Liban asked Ms. Daglian why she waited a week before the expiration date knowing that it will take a while to process.
 - Ms. Daglian explained how a week used to be an ample time to get a permit renewed.
 - DCA Dufner clarified that the documents indicate the permit expired on May 1st and if it expired on May 30th, there would not have been a violation.
 - Commissioner Pak asked what it meant by the Department having to look over the paperwork.
 - Ms. Daglian explained what she meant by the Department looking over the paperwork.
 - Commissioner Liban asked staff how soon the company could apply if the Board upholds the revocation.
 - Mr. Cavarlez believed the request was for an additional year but he is sure the Department will be more than willing to accept whatever the Commission decides.
 - Irene Sae Koo, Sr. Management Analyst, addressed the Board and discussed the renewal process.
 - Commissioner Liban asked to clarify what the recommendation was for the item.
 - Mr. Cavarlez responded that the recommendation was to uphold the June 8, 2023 to revoke full revocation.
 - Commissioner Talbott asked if Christopher Duenas was permitted now.
 - Ms. Daglian stated that the company is currently on hold and he is not permitted but he is in the system and was permitted ones before.
 - Commissioner Liban stated for clarification that the vehicles were not operating because the license has been revoked.
 - Ms. Daglian confirmed Commissioner Liban's statement was correct that her license has been revoked in the City of LA.
 - Commissioner Liban asked the City Attorney if the motion to reinstate the probationary period and the first violation, a permanent revocation would be appropriate.
 - DCA Dufner confirmed it would be an appropriate motion.
 - Commissioner Liban moved to reinstate the probationary period and the first violation, a permanent revocation of the permit of Smooth Ride Services.
 - Commissioner Tohom asked to clarify if the effective date would be the date of the violation or today's date.
 - DCA Dufner confirmed either date would be fine.
 - Commissioner Liban stated that it would begin today since she has a revoked permit.

- Ms. Daglian asked to clarify if their license was being revoked for one more year.
- Commissioner Liban clarified that the Board was reinstating the probationary period beginning today and for any violation committed will revoke permanently.
- DCA Dufner asked if the probationary period would be for a new term of one year.
- Commissioner Liban confirmed it would be effective today and for another year.
- Mr. Cavarlez asked to clarify if the company would be placed on an additional one year probation from today's date and any further violations, we will revoke their permit once again.
- Commissioner Liban confirmed Mr. Cavarlez's statement was correct.
- Commissioner Talbott restated the motion as she understood it to be that from August 8th going forward, the company would be reinstated but with a one year probationary period and at the first violation, they would be revoked.
- Commissioner Liban confirmed Commissioner Talbott's statement was correct.
- Commission Tohom clarified that it is not an additional one year but a one new fresh year.
- Commissioner Liban restated that the company has a revoked permit right now and the Commission will vote on reinstating it and with the reinstatement, there is a one year probation, first violation, a permanent revocation of the permit that was reinstated.

Commissioner Liban moved, seconded by Commissioner Talbott to reinstate a one year probation, first violation, a permanent revocation of the permit that was reinstated. Unanimously APPROVED.

ITEM NO. 11 – Recommended Penalty Assessment of \$18,750 Against Cuore Inc. dba Heart Transportation for Multiple Violations of Los Angeles Municipal Code

Eric Cavarlez, Sr. Transportation Investigator, presented the report.

Questions, answers, and comments were provided.

- Commissioner Liban asked to clarify if this item was continued from the last time wherein two companies were owned by one individual and it was not clear which company was imposed the violation.
- Mr. Cavarlez confirmed Commissioner Liban's statement was correct.
- Commissioner Talbott asked if the Department has made any assessment as to whether they should move off of the two-year revocation of them being able to do business now that the number of violations and size of the fine have been reduced.
- Mr. Cavarlez responded that the Department is willing to move forward with what the Commissioners would like to impose and could bring down the amount or remove it from the table.
- Commissioner Liban asked what the severity of the remaining violations was compared to the ones removed.
- Mr. Cavarlez discussed how all violations are severe.
- Commissioner Tohom discussed page 2 of the report which states "24 of the 39 violations" and asked if there were other potential violations that staff was not able to sort out during this process.

- Mr. Cavarlez stated that the 24 were the only confirmed from discussions with Sr. Investigator Barker and Mr. Silva.
- Kim Zeldin, Attorney with Carlton Fields, addressed the Board, passed out exhibits to the Commissioners, and gave a presentation. In closing, she requested that the Department inspect the seven additional vehicles in time to avoid having to redo/reapply and put another \$4K down, and asked that the Board direct DOT staff to move forward with the inspection of these vehicles to get them operational.
- Commissioner Liban commented that the seven vehicles have been waiting inspection for over a year.
- Mr. Cavarlez reported the timeframe when the paperwork was submitted for the request (indicated in the system) and explained how it was cancelled due to the 120-day timeframe to get the vehicles into service.
- Commissioner Liban followed up and stated for clarity that it was not put in service within the 120-day period because the Department was not able to inspect it within the 120-day period.
- Since Mr. Cavarlez did not have the comps readily available at the meeting, he stated that he was not sure whether it was placed on suspension at the time where it did not allow them to move forward or if it did just not get completed
- Ms. Zeldin shared how they finally received the records or emails from Ms. Barker in connection with this matter and what Ms. Barker had instructed her staff to say or do.
- Commissioner Talbott asked Cuore if their position was that none of the violations occurred. (referring to the fines that is before the Board at the time)
- Ms. Zeldin acknowledged the violations occurred and was not contesting the violations but asking for leniency under the various circumstances laid out.
- Commissioner Talbott shared her thoughts about separate facts, separate issues, repercussions when violations are committed, shared in detailed why she was unhappy, troubled, and aggrieved as a Commissioner on this particular instance (having to parse through what is and was is not factual and have been at this for months), company's behavior as it should be, and displaying better conduct as a government entity.
- Commissioner Liban asked Mr. Silva to describe the disruption in his operation.
- Mr. Silva described how they constantly have to deny requests daily.
- Commissioner Regalado asked to clarify what the amount was for the inspection.
- Ms. Zeldin reported that the amount of the check cashed September of last year was \$3,969 for the inspection of seven vehicles.
- Commissioner Talbott moved that we find Cuore Inc dba Heart Transportation to have committed the nine violations that are found in the report from August 8, 2024, resulting in \$18,750 in fines; do not move forward with a period of two-year revocation; and that the \$18,750 in fines be minus the \$3,969 that Cuore will need to permit their additional ambulances as evidenced in Exhibit B of the documents presented to the Commission today.
- Commissioner Liban rearticulated the motion: fine and assess them \$18,750 due to the violations, assess them \$18,750 minus the application fee, and no revocation and no probation. He seconded the motion.
- Commissioner Talbott withdrew her motion and asked the City Attorney if they have the ability as a Commission to direct the Department to process those applications without additional fees.

- DCA Dufner responded that he did not think so but the solution of lessening the fee from the fine made sense.
- Commissioner Talbott further asked if they could direct the Department to process those applications within a 7 – 10 day period.
- DCA Dufner wanted to know from the Department if that was feasible.
- Irene Sae Koo, Sr. Management Analyst, explained the process for the request of seven additional vehicle slots.
- Jeannie Park, Sr. Management Analyst, confirmed that they have the documents, original applications, cashed the check, and can proceed.
- Commissioner Talbott asked for clarification that the company do not need to send a new check.
- Ms. Park confirmed that they have cashed the check and could apply it as credit.
- Commissioner Pak asked to confirm that no other documents are needed or the repeat of the application process.
- Ms. Park confirmed Commissioner Pak's stated was correct.
- Commissioner Tohom asked to explain why item D, the revocation, was being removed instead of putting a probation or keeping it in place.
- Commissioner Talbott discussed her perspective on the series of events that took place (the scenario created by the Department), and explained why she was not going to support putting the company on any kind of suspension, revocation, or probation.
- Commissioner Talbott restated her motion: move to fine Cuore Inc, dba Heart Transportation \$18,750 for the 21 violations noted in #A of the recommendation; withdraw the recommendation to revoke Heart Transportation and to not allow them any future application; direct the Department to process their applications forthwith utilizing their current credit of \$3,969 which they provided for their vehicles to be permitted.
- Commissioner Liban seconded the motion.
- Commissioner Regalado asked if there was a date in reference to the "forthwith" to make sure this item does not come back in the future.
- Commissioner Liban asked the City Attorney if they can direct the Department to complete in a number of days.
- DCA Dufner responded that he did not think the Commission could direct the Department to behave within a certain time frame and did not think that it is explicitly within the Commission's authority.
- AGM Kim acknowledged the Commission's request and will work with staff to make sure that it is processed in an expeditious manner.

Commissioner Talbott moved, seconded by Commissioner Liban to fine Cuore Inc, dba Heart Transportation \$18,750 for the 21 violations noted in #A of the recommendation; withdraw the recommendation to revoke Heart Transportation and to not allow them any future application; direct the Department to process their applications forthwith utilizing their current credit of \$3,969 which they provided for their vehicles to be permitted. Unanimously APPROVED.

Commissioner Liban moved, seconded by Commissioner Pak to enter into Executive Session. Unanimously APPROVED.

EXECUTIVE SESSION

ITEM NO. 12 – Appeal of Eddie Baek Regarding the Department’s Multiple Denials of His Motor Bus Driver Permit Application Pursuant to Board Order 600, Rules D2 and D3

Eric Cavarlez, Sr. Transportation Investigator, presented the report.

Appellant Eddie Baek was present and addressed the Board.

Question, answers, and comments were provided.

- Commissioner Liban asked Appellant Baek to talk about what is in his record.
- Appellant Baek described his past convictions and the programs he signed up for while he was incarcerated to better his life for his family.
- Commissioner Liban asked Appellant Baek how many kids he has currently.
- Appellant Baek stated that he has two kids and shared their ages.
- Commissioner Liban stated for clarity that this was a case where the appellant disclosed his information.
- Mr. Cavarlez confirmed Commissioner Liban’s statement was correct and explained the cause of the denial.
- Co-worker Adela Hernandez was present, addressed the Board, talked about the appellant’s character (all positive), and shared letters written by co-workers about the appellant.
- Commissioner Liban asked about the random drug testing.
- Ms. Hernandez described how the random drug testing was performed.
- Commissioner Liban asked the appellant about his trainer of the month certificate - how his experience, what it means to be a trainer, and how long he has been with the company.
- Appellant Baek described what a behind the wheel trainer did and stated that he has been with the company since January 2022.
- Commissioner Liban asked if it was unusual for someone to become a trainer having been on the job for only two years.
- Ms. Hernandez confirmed that it was not unusual and that the appellant has been observed as a good and reliable driver.
- Commissioner Pak asked the appellant about the therapy or treatment that he mentioned earlier.
- Appellant Baek confirmed that he completed all the treatments and shared the documentation.
- Commissioner Talbott asked the appellant for the circumstance of the November 15, 2021 conviction.
- Appellant Baek explained the circumstances of the November 15, 2021 conviction.
- Commissioner Regalado asked the appellant if he was doing anything for himself to maintain his sobriety.
- Appellant Baek shared what he does to maintain his sobriety.
- Commissioner Pak expressed her thoughts about how the appellant was staying on track and how impressed she was with the colleagues’ testimonials.
- Commissioner Liban commented on how the appellant progressed and how his story could be an inspiration to others.

Commissioner Pak moved, seconded by Commissioner Liban to allow Appellant Eddie Baek to move forward with his application. Unanimously APPROVED.

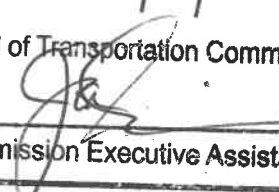
Commissioner Liban moved, seconded by Commissioner Tohom to return to Open Session. Unanimously APPROVED.

DCA Dufner reported that Item 12, the appeal was granted.

ADJOURNMENT – PURSUANT TO GOVERNMENT CODE SECTION 54956.7

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

The meeting adjourned at 11:45 AM.

Approved: 9/12/2024
Board of Transportation Commissioners

Commission Executive Assistant