



CITY OF  
**PORTLAND, OREGON**

HEARINGS OFFICE

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**HEARINGS OFFICER'S ORDER**

APPEAL OF BURHAN (BRANDO) AHMAD

CASE NO. 3080399  
[Bureau Case No. 08-DR-003]

DATE OF HEARING: November 26, 2008

APPEARANCES:

Mr. Burhan Ahmad, Appellant

Mr. Shane Abma, for the City

HEARINGS OFFICER: Mr. Gregory J. Frank

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

Mr. Ahmad, Appellant, appeared and testified on his own behalf. Mr. Shane Abma, Deputy City of Portland Attorney, appeared and represented the City. Mr. Frank Dufay appeared and testified on behalf of the City. The Hearings Officer admits on his own motion Exhibits 1, 2, 8 and 9. The Hearings Officer admitted Exhibits 4 and 5 at the request of Mr. Abma; Appellant did not object to their admission. The Hearings Officer makes this decision based upon the testimony of Appellant and Mr. Dufay and the admitted exhibits.

This case presents no real disputes related to which City regulations apply or how such sections should be interpreted. This case, however, does present highly disparate testimony related to the underlying applicable facts. In summary, Appellant's testimony is that he did not transport a passenger (Meazell) in a burgundy/maroon towncar from the Hotel Vintage Plaza to the Portland International Airport at between 4:50 pm and 5:35 p.m. on July 24, 2008. Appellant's testimony was that he was driving a customer, in a SUV vehicle, to Government Camp/Timberline Oregon, at that time. The City testimony is that a City employee, acting as a "secret shopper", contacted a doorman at the Vintage Plaza hotel and almost immediately the employee was walked to a towncar, whose driver was Appellant, placed in the towncar and driven to the Portland International Airport. The City asserts that towncar drivers are required to have a minimum of 1-hour advance reservation prior to picking up a customer from a downtown Portland hotel and transfer that customer to the airport.

The Hearings Officer notes that the decision in this case is based primarily upon the assessment of credibility of the witnesses (Appellant and Dufay). In that light, the Hearings Officer reviews the testimony of the witnesses.

Mr. Dufay testified that he is an employee of the City of Portland and his job title is Regulatory Program Administrator for the Private for Hire Transportation section of the Revenue Bureau. Mr. Dufay stated that prior to July 24, 2008 a City email was sent to employees of the Revenue Bureau seeking volunteers to act as "secret shoppers" during a Private for Hire towncar "sting" operation. Mr. Dufay stated that Mr. Dewey Meazell, an accountant in the Revenue Bureau, volunteered. Mr. Dufay described the actions of Mr. Meazell on July 24, 2008. Mr. Dufay said that Mr. Meazell was dropped off on SW Broadway where Mr. Meazell walked to the Vintage Plaza Hotel and informed the valet/doorman that he was looking for a ride, right away, to the Portland International Airport. Mr. Meazell informed Mr. Dufay that the doorman walked over to a towncar, the driver opened the car door and Mr. Meazell got in. The towncar delivered Mr. Meazell to the airport. Mr. Meazell got out of the towncar, asked for how much he owed, and was told \$50.00.

Mr. Dufay stated that after he dropped off Mr. Meazell he personally drove to the Portland International Airport, got out of his vehicle and walked over to where passengers are dropped off. Mr. Dufay stated that he observed a burgundy towncar pull up and Mr. Meazell get out. Mr. Dufay identified the vehicle as being burgundy, an unusual color for a towncar, and Mr. Dufay stated that he believed the driver to be the Appellant. Mr. Dufay stated that immediately after the towncar pulled away, Mr. Meazell and Mr. Dufay got into Dufay's vehicle where Mr. Meazell drafted his report (Exhibit 5). Mr. Dufay stated that the business card (Around Town Towncar – Brando) and receipt were obtained by Mr. Meazell from the driver of the towncar that delivered Mr. Meazell to the airport on July 24, 2008. Mr. Dufay stated that Mr. Meazell, to the best of his recollection, only conducted one "secret shopper" ride on July 24, 2008. Mr. Dufay stated that "secret shoppers" never call a hotel for advance reservations.

Appellant stated that on July 24, 2008 at approximately 2:30 p.m. he was sitting in close proximity to Mr. Dufay in an eating area at the Hotel Lucia. Appellant stated that his vehicle is not burgundy, but rather maroon. Appellant admitted that the receipt on the top of Exhibit 5 is in his handwriting and that the business card shown on Exhibit 5 is his business card. Appellant, after looking at his manifest/log book, indicated that he received a phone call from Jason at the Vintage Plaza at approximately 11:30 a.m. on July 24, 2008 for a pickup at 1:30 p.m. for a Mr. Wilson. Appellant stated, after referencing his manifest/log book, that he had a reservation for 2:30 p.m. to transport a regular client (Mr. Romaine), the client's wife and son, to Mt. Hood where they would drop off the son for a camping trip. Appellant stated that he drove Mr. Romaine, his wife and son, to Mt. Hood in a SUV, and that his maroon towncar was at his residence. Appellant stated that Mr. Romaine lives in Houston, Texas. Appellant refused to allow copies of his manifest/log book to be made and refused to give contact information for Mr. Romaine. Appellant stated that Mr. Romaine informed Appellant that he would agree to provide testimony that he was transported by Appellant to Mt. Hood on July 24, 2008.

Appellant stated that he made no stops on the trip to/from Mt. Hood. Appellant testified that he returned one week later (after July 24, 2008) and picked up the son at Mt. Hood for a return trip to Portland. Appellant, after a review of his log book, could find not entry for Mr. Romaine's son's return trip from Mt. Hood to downtown Portland.

Appellant stated that Exhibit 5 contains a receipt given to a Mr. Wilson and not to Mr. Meazell. Appellant noted the receipt on Exhibit 5 is made out to Dewy Wilson and not Dewey Meazell. Appellant pointed out that Exhibit 5 failed to include a reference to a vehicle plate number or COP plate number.

Based upon the above-stated testimony the Hearings Officer finds that Mr. Dufay and the City's evidence is more credible than that presented by Appellant.

The Hearings Officer finds that Appellant did provide, on July 24, 2008, a receipt to a "Dewy." The Hearings Officer finds that Mr. Meazell gave to Mr. Dufay the receipt issued to Dewy Wilson as copied on Exhibit 5. The Hearings Officer finds that "Dewy" was given a business card; a copy which is displayed on Exhibit 5. The Hearings Officer finds that the business card is in the name of Brando; a name Appellant admitted in the hearing that he uses for business purposes. The Hearings Officer finds that Mr. Meazell gave to Mr. Dufay the business card displayed on Exhibit 5. The Hearings Officer finds that the failure of Appellant to find an entry for the return trip of Mr. Romaine's son in his manifest/log undermines Appellant's statement that his manifest/log is accurate and entries are made contemporaneously. The Hearings Officer finds that Appellant's testimony that at the time Mr. Meazell was being transported from the Hotel Vintage Plaza (4:50 p.m. on 7/24/08) to the Portland International Airport (arrival at 5:35 p.m. on 7/24/08), Appellant was driving to/from Portland to Mt. Hood, is not credible. The Hearings Officer finds the City's evidence that Appellant drove Mr. Meazell from the Hotel Vintage Plaza to the Portland International Airport on July 24, 2008, departing at 4:50 p.m. and arriving at 5:35 p.m. to be more credible.

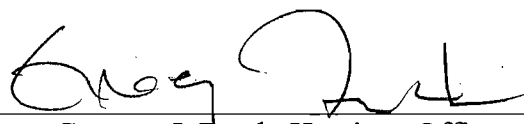
Because the Hearings Officer finds Appellant's testimony less credible than that of Mr. Dufay's testimony, the Hearings Officer finds that the events, as described in Mr. Dufay's testimony, reflect an accurate representation of the events involving Mr. Meazell and Appellant on July 24, 2008. The Hearings Officer finds that Appellant did not have a minimum 1-hour advance reservation to transport Mr. Meazell from the Hotel Vintage Plaza to the Portland International Airport on July 24, 2008. As such, the Hearings Officer finds that Appellant did violate Board Order 16.40.120-008 and the penalty of \$100.00 is justified.

The Hearings Officer finds that the letter of August 15, 2008 (Notice of Violations – Exhibit 4) is valid.

#### ORDER AND DETERMINATION:

1. The August 15, 2008 determination letter (Exhibit 4) is valid; Appellant's appeal is denied.
2. This order has been mailed to the parties on November 28, 2008.
3. This order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: November 28, 2008

  
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Gregory J. Frank, Hearings Officer

GJF:rs/cb

## Enclosure

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Appeal form page 1	Abma, Shane	Received
2	Appeal form page 2	Abma, Shane	Received
3	11/7/08 Staff Report	Abma, Shane	Not Offered
4	8/15/08 Notice of Violations	Abma, Shane	Received
5	Around Towncar LLC Receipt, Business Card, and Ride information	Abma, Shane	Received
6	Private for Hire Transportation Board of Review Rules for Town Cars	Abma, Shane	Not Offered
7	Private for Hire Transportation Board of Review Regulations amending 16.40.120-008-E	Abma, Shane	Not Offered
7a	Exhibit A	Abma, Shane	Not Offered
8	Mailing List	Hearings Office	Received
9	Hearing Notice	Hearings Office	Received