

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY**  
**SFMTA HEARING SECTION**

**SAN FRANCISCO MUNICIPAL  
TRANSPORTATION AGENCY,**

**vs.**

**STATEMENT OF DECISION**

**GARY MAUPIN,**  
Respondent

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**I. INTRODUCTION**

On May 4, 2021, this case came on for administrative hearing in accordance with the provisions of Article 1100 of the Transportation Code, and TC §1120, based upon a Complaint issued by the San Francisco Municipal Transportation Agency (SFMTA) after a Notice of Nonrenewal of Permit was sent to the Respondent, Gary Maupin, on or about September 28, 2020.

The SFMTA’s Complaint was issued to Mr. Maupin by the SFMTA’s Department of Taxi and Accessible Services (“DTAS” or “Taxi Services”). The Notice of Nonrenewal from Taxi Services alleges that Medallion permit #487, held by Mr. Maupin, should be deemed nonrenewed (i.e. administratively revoked) due to Mr. Maupin’s apparent failure to execute an annual sworn statement [cf. TC §1105(a)(5)(B)], in conjunction with his failure to renew his A-Card, as required by the provisions of TC §1105(a)(1) and §1109(c)(3).

**II. APPLICABLE LAW**

Under the provisions of Article 1100 of the Transportation Code, the following statutory authority forms the relevant basis for this decision, including the Transportation Code’s definitions of “A-Card,” “Medallion Holder,” “Notice of Nonrenewal,” and “Permit Holder.”

Also relevant to this case are these provisions:

- TC §1103(c)(3), regarding the lapse of active permit status;
- TC §1105(a)(1), regarding permits required;
- TC §1105(a)(5)(A), regarding the duration of permits;
- TC §1105(a)(6), involving compliance with laws and regulations;
- TC §1109(a)(1), re required affiliation with Color Scheme;
- TC §1109(c)(1), regarding the full-time driving requirement;
- TC §1109(e)(1)(A), involving various aspects of medallion operation;

- TC §1116, covering surrender of medallions for consideration.

### **III. FACTUAL ALLEGATIONS OF THE PARTIES**

**SFMTA:** The SFMTA Taxi Services alleges that the respondent's A-Card expired on or about August 1, 2020, which is supported by its Exhibit A. Taxi Services also alleged that the Respondent has not executed an annual sworn statement in accordance with the requirements of TC §1105(a)(5)(B); that his medallion is not affiliated with any authorized Color Scheme as required by TC §1109(a)(1); and that he has not paid the necessary Renewal Fee to renew his permit to drive.

The SFMTA Taxi Services has also alleged that as late as the date of the issuance of the Taxi Services Complaint in September, the Respondent had the opportunity to cure the deficiency related to a sworn statement by signing a sworn statement, and that he could have cured his A-Card deficiency by renewing his A-Card, and by affiliating his medallion with a Color Scheme.

**Respondent Gary Maupin:** Mr. Maupin alleges that since May of 2020 he has been temporarily disabled, and is currently physically unable to drive a taxi due to an ischemic stroke which occurred at that time, and which affected his control over various brain functions and the use of his limbs. He testified at the hearing that he had at that time in 2020 intended to continue driving a taxi as a Post-K medallion holder, but that he was temporarily sidelined from driving in any capacity due to the debilitating effects of the stroke.

In terms of his permit, he testified that he had thought that he had renewed his A-Card sometime in September 2020, and he maintained that he has a current California driver's license which will be valid until July, 2023.

The Respondent testified that as his physical condition improves, he will return to driving on a part-time basis under the entitlement of his own medallion, and that when he is capable of returning to driving a taxi, he will continue his efforts to affiliate with a local Color Scheme, in accordance with TC §1109(a)(1).

### **EVIDENCE OFFERED:**

**By SFMTA:** Taxi Services offered a redacted taxi operator profile for Respondent Maupin that listed the date of expiration of his A-Card, which profile was authenticated by SFMTA analyst Danny Yeung. Also offered into evidence is a Salesforce document that states that Mr. Maupin is "inactive" on an "involuntary" basis.

**By Respondent:** The Respondent provided copies of a written letter (email) document between SFTaxi and the Respondent regarding his out of service medallion status and a Medical Marijuana Program Patient Medical Records document that addressed his medical condition and his medical approved use of marijuana.

## **HEARING OFFICER ANALYSIS:**

Based upon the allegations and testimony of the parties, the apparently temporary disability of Mr. Maupin does not qualify him as a current candidate for medallion revocation. He has presented evidence of a current California driver's license, and has indicated his current intention to renew his A-Card, and that he intends to execute a sworn statement as required by the provisions of TC §1105(a)(5)(B). The provisions of TC §1103(c)(3) appear to authorize permit applications for taxi-related operations that are submitted after formal deadlines, and it would seem that this section, in conjunction with certain policy considerations related to temporary and involuntary driver incapacity, contemplates the waiver of certain permit requirements in response to the kind of temporary and involuntary inability to drive that Mr. Maupin has experienced.

Based upon the provisions of TC §1116, which continue to authorize the payment of monetary "consideration" for the surrender of one's medallion if a driver has developed a permanent physical condition that prevents full-time driving or is over the age of 60, the hearing officer also concludes that the revocation of this permit may well be premature, and that under the present circumstances, nonrenewal actions may need to await the resumption of conditions in San Francisco that restore some level of monetary value to Post-K medallions in general, and more specifically to medallion # 487.

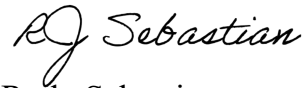
## **FINDINGS**

1. Exhibits A through D, offered by Taxi Services are admitted into evidence. The Exhibits offered by Respondent Maupin, received in this office on May 19, 2021 and provided to Taxi Services and Philip Cranna, are also admitted.
2. This case was heard by the undersigned on May 4, 2021. While a decision under the provisions of TC §1120(e)(1) ordinarily is given 30 days to be issued, where additional evidence is submitted on the case following the hearing, the 30-day provisions of TC §1120(e)(1) are restarted. On May 12, 2021, a brief from Taxi Services was submitted on another nonrenewal case which involved issues relevant to the Maupin case. On that basis a decision on Maupin is due to be filed and published on or before June 12, 2021.
3. Based upon the testimony adduced at the hearing and upon the evidence of record, I find that while the Respondent does not have a current A-Card, he intends to have it renewed, and in addition, he intends to resume taxi driving following his recuperation from his temporary physical condition. The Respondent's present intention to return to taxi driving and his current physical condition temporarily exempts him from being a current candidate for revocation.
4. On the basis of the foregoing, I find that the SFMTA has not established by a preponderance of the evidence that the nonrenewal or revocation of the respondent's medallion #487 is justified at the present time.

**ORDER**

The SFMTA's Notice of Nonrenewal is hereby denied as to Respondent Maupin's medallion #487.

Dated this June 10, 2021



Rudy Sebastian  
Neutral Hearing Officer  
Supervisor, SFMTA Hearing Section

**RIGHT OF REVIEW**

Under the provisions of the San Francisco Transportation Code, a decision of a hearing officer is a final administrative decision. Any party or entity adversely affected by this decision may seek review of the decision by filing an Appeal in accordance with the provisions and the 15-day timeline set forth in the rules provided by the San Francisco Board of Appeals.