



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

January 9, 2023

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement v.
Best Taxi LLC; Good Cab LLC
Docket No. C-2022-3029070; C-2022-3029079
Joint Stipulation of Facts

Dear Secretary Chiavetta:

Enclosed for electronic filing is a Joint Stipulation of Facts on behalf of the Bureau of Investigation and Enforcement, and Best Taxi LLC and Good Cab Taxi LLC in the above referenced proceeding. The parties agree to stipulate to the facts contained herein.

Copies have been served on the parties in accordance with the Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads 'Alphonso Arnold III'. The signature is written in a cursive, slightly slanted style.

Alphonso Arnold III
Prosecutor
Bureau of Investigation and
Enforcement
PA Attorney ID No. 318487
(717) 787-3836
alphonarno@pa.gov

AA/jfm
Enclosures

cc: Administrative Law Judge Dennis Buckley (debuckley@pa.gov)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3029070
	:	
Best Taxi LLC,	:	
Respondent	:	

Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2022-3029079
	:	
Good Cab LLC,	:	
Respondent	:	

JOINT STIPULATION OF FACTS

Pursuant to 52 Pa. Code § 5.234, the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”) and Best Taxi LLC (“Best Taxi”) and Good Cab LLC (“Good Cab”), by their undersigned attorneys, agree and stipulate to the following facts in the above-captioned matter.

PROCEDURAL HISTORY

I&E filed a Formal Complaint against Best Taxi on February 9, 2022, at Docket No. C-2022-3029070. In its Complaint, I&E alleged (1) that Best Taxi violated 52 Pa. Code § 29.505(b)(1)(i)(D) by permitting a driver to act as a taxi driver who should have otherwise been disqualified from acting as a taxi driver due to their criminal background history, and (2) that Best Taxi violated 52 Pa. Code § 29.313(c) by failing to have their drivers maintain log sheets for each shift they operate. I&E requested that the Commission order Best Taxi pay a civil penalty in the amount of \$1,050 for the alleged violations and order such other remedy as the Commission may deem to be appropriate.

I&E filed a Formal Complaint against Good Cab on February 14, 2022, at Docket No. C-2022-3029079. I&E alleged (1) that Good Cab committed three violations of 52 Pa. Code § 29.505(b)(1) by not conducting a local and National criminal background check on three of its drivers prior to permitting them to act as taxi drivers, (2) that Good Cab violated 52 Pa. Code § 29.505(b)(1)(iii)(B) and 52 Pa. Code § 29.505(b)(1)(i)(D) by permitting a driver to act as a taxi driver who should have otherwise been disqualified from acting as a taxi driver due to their criminal background history, and (3) that Good Cab violated 52 Pa. Code § 29.313(c) by failing to have their drivers maintain log sheets for each shift they operate. I&E requested that the Commission order Good Cab pay a civil penalty in the amount of \$1,800 for the alleged violations and order such other remedy as the Commission may deem to be appropriate.

An evidentiary hearing was held in the Good Cab matter on June 21, 2022. Evidence was produced and admitted into the record at this hearing, including six (6) I&E exhibits.

An evidentiary hearing was held in the Best Taxi matter on July 19, 2022. No evidence was produced for the record at this hearing. During this hearing, the parties agreed to consolidation of the Best Taxi and Good Cab matters.

The Best Taxi and Good Cab matters were consolidated by Order issued on September 23, 2022.

A further prehearing conference was held November 22, 2022. During this conference, the parties agreed to submit a Joint Stipulation of Facts concerning the Best Taxi matter.

STIPULATION OF FACTS

1. Complainant is the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities.
2. Respondent is Best Taxi LLC, a public utility engaged in the transportation of persons for compensation within this Commonwealth, that has a principal place of business at 2304 Walnut Street, Harrisburg, Pennsylvania 17103.
3. On March 24, 2017, the Commission issued Best Taxi LLC a Certificate of Public Convenience for taxi authority at Docket No. A-2016-2529890.
4. Best Taxi LLC is owned by Maher Saber Ahmed.
5. Maher Saber Ahmed has 20 years of experience in the taxicab industry and is the owner of several taxicab companies organized in the central Pennsylvania area.
6. Mr. Ahmed is the primary individual in charge of hiring drivers on behalf of Best Taxi LLC and several other taxicab companies in the central Pennsylvania area.
7. On October 6, 2021, Commission enforcement officers conducted an annual inspection of Best Taxi LLC at the Company's place of business.
8. Best Taxi LLC had two taxicab drivers employed at the time of the October 6, 2021, inspection: Ricky Roberts and Harvell Johnson.
9. During the October 6, 2021, annual inspection of Best Taxi LLC, the enforcement officers inspected the vehicle and driver records maintained by the Company.
10. The Best Taxi LLC taxicab drivers maintained log sheets for some but not all shifts they operated.

11. Inspection of the driver records maintained by Best Taxi LLC during the October 6, 2021, annual inspection included review of the criminal background histories maintained by the Company of its drivers.

12. Best Taxi LLC's records included the required criminal background histories for all drivers.

13. Review of the criminal background histories of Best Taxi LLC's taxicab drivers revealed that driver Harvell Johnson, date of birth March 16, 1967, was convicted of a felony violation of The Controlled Substance, Drug, Device, and Cosmetic Act (35 P.S. §§ 780-101--780-144)¹ on August 11, 2015, in the Dauphin County Court of Common Pleas.

14. Best Taxi LLC, via its owner Mr. Ahmed, was aware of Harvell Johnson's criminal conviction prior to his hire.

15. Mr. Ahmed interviewed Harvell Johnson prior to his hire and, based upon Mr. Ahmed's experience in the industry, determined that Harvell Johnson's prior felony conviction would not prevent him from performing the duties required of a taxi driver.

16. Mr. Ahmed, using his experience and judgment, determined that Harvell Johnson's criminal history was not relevant to the position of taxi driver and thus should not disqualify him from the position.

17. Despite the felony conviction, Mr. Ahmed decided to hire Harvell Johnson as a taxi driver for Best Taxi LLC.

¹ Specifically, Harvell Johnson was convicted of the following act: (30) Except as authorized by this act, the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance by a person not registered under this act, or a practitioner not registered or licensed by the appropriate State board, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance. 35 P.S. § 780-113(a)(30).

18. The Commission's Bureau of Investigation and Enforcement filed a Formal Complaint against Best Taxi LLC, served on February 9, 2022, alleging that Best Taxi violated 52 Pa. Code § 29.505(b)(1)(i)(D) by permitting a driver to act as a taxi driver who should have otherwise been disqualified from acting as a taxi driver due to their criminal background history, and that Best Taxi violated 52 Pa. Code § 29.313(c) by failing to have their drivers maintain log sheets for each shift they operate.

19. The Commission's Bureau of Investigation and Enforcement's formal complaint does not allege any violations by or attributable to Harvell Johnson other than he was acting as a taxi driver where he should have been disqualified from doing so due to his criminal history pursuant to 52 Pa. Code § 29.505(b)(1)(i)(D).

20. For relief, I&E requested in the February 9, 2022, Complaint that the Commission order Best Taxi pay a civil penalty in the amount of \$1,050 for the alleged violations and order such other remedy as the Commission may deem to be appropriate.

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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v.	:	Docket No. C-2022-3029079
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Good Cab LLC,	:	
Respondent	:	

AGREEMENT

On behalf of the Bureau of the Investigation and Enforcement of the Pennsylvania Public Utility Commission, the undersigned Prosecutor, Alphonso Arnold III, agrees to the Joint Stipulation of Facts as set forth in the pages that are attached hereto.



Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
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(717) 787-3836
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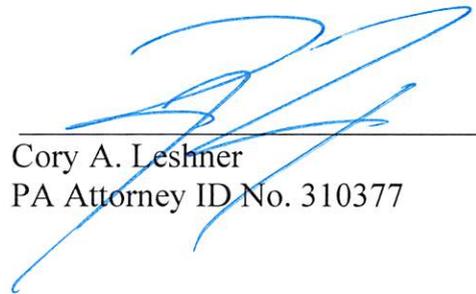
Dated: January 6, 2023

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Respondent	:	

AGREEMENT

On behalf of Best Taxi LLC, and Good Cab LLC, Cory A. Leshner, Esquire, agrees to the Joint Stipulation of Facts as set forth in the pages that are attached hereto.



Cory A. Leshner
PA Attorney ID No. 310377

Law Offices of Cory A. Leshner LLC
100 N. 10th Street
3rd Floor
Harrisburg, PA 17104
717.909.9999
cal@coryleshner.com

Dated: January 6, 2023

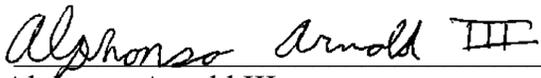
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Joint Stipulation of Facts, in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Electronic Mail
Law Offices of Cory A. Leshner LLC
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Dated: January 9, 2023