

City of San Leandro  
Business License Revocation Appeal

Pearle Cab

Hearing Date: March 23, 2017

**Appearing for Appellant:**

- Ahmad Meher, Owner

**Appearing for City:**

- David Baum, Finance Director
- Robert McManus, Police Lieutenant
- Mary Ann Perini, Budget & Compliance Manager

The appeal came for hearing after written notice in accord with San Leandro Municipal Code Section 2-2-450 before Eric Engelbart, Deputy City Manager. Testimony was provided by Ahmad Meher, David Baum, and Lieutenant Robert McManus.

**Background**

On or about August 5, 2016, Mr. Meher applied for a taxicab driver's permit to operate a taxicab within the City.

On or about August 8, 2016, Mr. Meher applied for a business license and taxicab business permit to operate a taxicab business, identified as Pearle Cab. The application was assigned business license application # 48002.

On October 4, 2016, the San Leandro Police Department denied the taxicab driver's permit. This denial was based on San Leandro Municipal Code Section 6-6-315(h), which states that the Police Department may deny an application for such a permit if the applicant has been convicted within a ten-year period of any offense involving the use of force or violence upon another person. A background investigation of Mr. Meher, which is required for all taxicab permit applicants, revealed that on December 23, 2008, Mr. Meher was convicted of a felony for a violation of California Penal Code Section 245(a)(1) (Assault with a deadly weapon), and also revealed that on October 16, 2012, the appellant had his probation revoked for a violation of California Penal Code Section 242 (Battery). Mr. Meher never appealed the determination of the San Leandro Police Department to deny the taxicab driver's permit.

On March 8, 2017, the applicant's business license application and taxicab business permit that was associated with the above-referenced taxicab driver's permit was also denied by the City's Finance Director. This denial of the taxicab business permit was based on San Leandro Municipal Code Section 6-6-225(j), which provides that if the applicant, within ten years prior to the date of application has committed "an act involving violence, dishonesty or fraud with the intent to injure another person", the

Finance Director may deny the taxicab business permit. Thus, pursuant to San Leandro Municipal Code Section 2-2-420, the Finance Director concurrently denied the business license application for Pearle Cab as the proposed business could no longer operate in compliance with the City's municipal code because Mr. Meher did not have a taxicab driver's permit and the taxicab business permit was denied.

Consistent with San Leandro Municipal Code Section 2-2-450, the applicant timely filed an appeal to the City of the rejection of the business license and taxicab business permit. In his letter of appeal, the appellant asserted that he had spent a lot of money on his taxi vehicle in order for it to pass the inspections that are required by the City for taxicab permits. In addition, the appellant stated that his background "is clean" and that he has "a clean driving record".

Per San Leandro Municipal Code Section 2-2-450, the applicant was provided notification by the City that a hearing date to consider the merits of his appeal was scheduled for March 23, 2017.

### **Testimony**

At the hearing, Police Lieutenant McManus testified to the history of arrests and convictions that was revealed in the applicant's criminal background check.

David Baum, Finance Director also provided testimony explaining the basis for denying the applicant's business license and taxicab business permit. Mr. Meher provided testimony in which he concurred that the convictions outlined in the Police Lieutenant's testimony were an accurate reflection of his criminal record. However, he stated that that convictions happened "a long time ago" and were the result of him being with the "wrong people", who provided him with alcohol.

### **Findings**

1. On August 8, 2016, Mr. Meher applied for a business license and taxicab business to operate Pearle Cab. On both applications Mr. Meher identified a prior conviction for a violation of California Penal Code Section 245(a)(1) (Assault with a deadly weapon).
2. Mr. Meher applied for a taxicab driver's permit on or about August 5, 2016.
3. A background investigation revealed that on December 23, 2008, the applicant was convicted of a felony for a violation of California Penal Code Section 245(a)(1) (Assault with a deadly weapon) and that the applicant had his probation revoked for violating California Penal Code Section 242 (Battery) in 2012.
4. The San Leandro Police Department denied the taxicab driver's permit on October 4, 2016, pursuant to San Leandro Municipal Code Section 6-6-315(h), based upon the above conviction. San Leandro Municipal Code Section 6-6-315(h) provides that the Police Department may deny an application for a taxicab driver's permit if the applicant has been convicted within a ten-year period of any offense involving the use of force or violence upon another person.

5. The Finance Director denied the business license application and taxicab business permit on March 8, 2017. San Leandro Municipal Code Section 6-6-225(j) permits the Finance Director to deny a taxicab business permit where an applicant, within ten years prior to the date of application has committed “an act involving violence, dishonesty or fraud with the intent to injure another person”. San Leandro Municipal Code Section 2-2-420 permits the Finance Director to deny a business license permit when a proposed business will not comply with any applicable laws.

6. The criminal violations committed by Mr. Meher clearly qualify as grounds for the Finance Director to deny a taxicab business permit. Because Mr. Meher cannot obtain a taxicab business permit, granting him a business license to operate a taxicab business in the City would be inconsistent with the City’s municipal code. Mr. Meher did not present testimony refuting the criminal violations that have occurred within the past ten years.

### **Conclusion**

The applicant failed to show cause why the action or determination of the Finance Director should not be approved. Based upon the evidence submitted and the findings set forth, the business license denial and taxicab business permit denial are upheld and the appeal is denied.