

Gavin Newsom | Mayor

Tom Nolan | Chairman

Rev. Dr. James McCray Jr. | Vice-Chairman

Cameron Beach | Director

Shirley Breyer Black | Director

Malcolm Heinicke | Director

Jerry Lee | Director

Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

ORDER TO APPEAR DISCIPLINARY HEARING

TO MARTHA BARAKAHBUSINESS ROYAL TAXILOCATION: San Francisco Municipal Transportation Agency, 1 S. Van Ness Avenue, 7th Floor, San Francisco, CA 94103

You are hereby notified that the annexed complaint has been filed with the Municipal Transportation Agency, Hearing Section, of the City and County of San Francisco, and you are hereby cited to appear in person before the Hearing Officer for the Division of Taxis and Accessible Services on

Friday, August 7, 2009 AT 10:00 A.M

in Room 416, City Hall, #1 Dr. Carlton B. Goodlett Place, San Francisco, CA, 94102. to show cause why your permit:

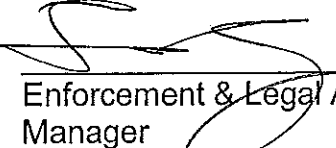
Taxicab Permit, P-16 # 1068, P-44 Permit # 50347

heretofore granted to you, should not be subject to the administrative action and for the reasons set forth in said complaint.

BY ORDER OF THE SFMTA,

SAN FRANCISCO, CA

DATE: July 6, 2009


Enforcement & Legal Affairs
Manager

1
2
3 **SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY**
4 **CITY AND COUNTY OF SAN FRANCISCO**

5 **COMPLAINT**

6
7 1. Complaint is hereby made against Martha Barakah, Medallion Holder # 1068, A-card Permit
8 Holder # P-44 # 50347, that said permit holder has conducted herself in a disorderly manner and
9 violated provisions of the Trans. Code as described below.

10
11 2. **Obtaining a Medallion With False Documentation:** Ms. Barakah first obtained her A-card
12 on September 16, 1998 and later received her medallion on February 18, 1999. See Exhibit A, P-44
13 Application and Permit. At the time Ms. Barakah applied for her medallion, she would have needed
14 to have been driving for at least one year and provided proof of such driving at the time she
15 submitted her medallion application. Because she had not obtained her A-card one year prior to
16 obtaining her medallion, and therefore could not have been driving for one year, she obtained her
17 medallion by fraud. See Exhibit B, January 22, 1999 P-16 Application. Ms. Barakah obtained her
18 medallion permit on February 18, 1999. See Exhibit C, Police Commission Resolution No. 22-99.
19 Her medallion was first affiliated with Town Taxi, and then with Royal, where it is currently
20 affiliated.

21
22 3. **Ms. Barakah's Prior Admonishments:** Ms. Barakah received an admonishment for
23 failing the full time driving requirement for Calendar Year 1999. The worksheet completed by the
24 San Francisco Police Department indicates that she may have falsified sets of waybills by
25 completing them "in groups." See Exhibit D, Calendar Year 1999 Admonishment and Worksheet.
26 On March 1, 2000, Ms. Barakah signed a document from the Taxi Detail indicating she would be a
27 full-time driver. See Exhibit E, March 1, 2000 Letter. Ms. Barakah received a formal admonishment
28 for technical issues with her Calendar Year 2005 waybills on July 16, 2007. See Exhibit F, Calendar

1 Year 2005 Admonishment.

2
3 4. **Ms. Barakah's Lucrative Full-Time Employment as a Legal Secretary at an**
4 **International Law Firm:** Staff of the former Taxi Commission began an investigation into the
5 veracity of Ms. Barakah's driving record in 2008 after receiving several anonymous complaints
6 about her failure to drive. Investigation revealed that Ms. Barakah was a legal secretary at Morrison
7 & Foerster law firm. Ms. Barakah started full-time work at Morrison Foerster less than two months
8 after she received her medallion and declared her intent to comply with the Proposition K Driving
9 Requirement. The Declaration of Janice Miller, along with a confirmation of Ms. Barakah's hours
10 and an Employment is attached as Exhibit G.

11 5. **Ms. Barakah's Additional False Statements and Admissions of Fraud:** Ms. Barakah was
12 interviewed by Investigator Scott Leon on August 15, 2008. During the interview she admitted to
13 falsifying waybills and making false statements in violation of Trans. Code Div. II §1105(a)(8). Mr.
14 Leon's Declaration is attached as Exhibit H, and a transcript of the interview is attached as Exhibit
15 I.

16
17 6. Ms. Barakah attempted to qualify under the "key personnel" exception for the driving
18 requirement, which allows an individual who works at least 1,500 hours of as a manager at a
19 taxi company to reduce the driving requirement. The SFMTA conducted an investigation into the
20 veracity of this claim by interviewing Ms. Barakah and her alleged supervisors at Royal Cab, and
21 attempted to obtain supporting documentation. The SFMTA did not find any evidence that Ms.
22 Barakah qualified for the "key personnel" exception, and did not find Royal Cab's management's
23 statements about her work credible since there was no supporting documentation of work allegedly
24 performed by Ms. Barakah. Additionally, no SFMTA personnel ever saw Ms. Barakah at the Royal
25 Cab premises or encountered her in the course of conducting work. See Exhibit J, Declaration of
26 Jordanna Thigpen; Exhibit G, Declaration of Scott Leon; Exhibit K, Declaration of Danelle Carey;
27 Exhibit L, Declaration of Vicky Siu.
28

1 7. Following the 2008 interview with Scott Leon, Ms. Barakah attempted to "cover" her
2 failure to meet the driving requirement. First, she submitted a letter from a doctor indicating she
3 could not work for specified days in August and September 2008. See Exhibit M, August 20, 2008
4 Letter, and Exhibit N, September 3, 2008 "Prescription." However, as the employment verification
5 records from Janice Miller demonstrate, Ms. Barakah was working at the law firm throughout those
6 days. Ms. Barakah also claims to drive weekends, since she is aware that the SFMTA knows about
7 her job at the law firm.

8 **8. Ms. Barakah's Failure to Meet the Driving Requirement for At Least Four Years:**

9 Based on investigations, including evidence of Ms. Barakah's full-time employment as a
10 legal secretary at a major law firm since April 5, 1999, and her admission that she committed
11 fraud, the SFMTA believes that Ms. Barakah has fabricated waybills each and every year that she
12 has held her medallion, or at least ten years. Waybills going back to Calendar Year 2005, or four
13 years, were analyzed during a recent investigation. Ms. Barakah submitted waybills only through
14 July 20, 2008, and has not submitted any waybills since that time. The Declaration of Scott Leon,
15 attached as Exhibit G, describes the results of that investigation and it is believed that each and
16 every waybill submitted for Calendar Years 2005, 2006, 2007, and 2008 is fabricated and
17 constitutes a false statement. This means that Ms. Barakah has made at least 342 separate false
18 statements in violation of Trans. Code § 1105(a)(8), and it also means she has failed the Proposition
19 K Driving Requirement on at least four separate occasions.

20
21 **9. Ms. Barakah's Additional False Statements to the SFMTA:** Each and every year that
22 Ms. Barakah held her medallion, she annually declared her compliance with all laws on a "Form
23 1095" which is signed by medallion holders. Each year when Ms. Barakah submitted a Form 1095,
24 she signed these forms with the knowledge that she was falsifying her waybills and was not in
25 compliance with the Proposition K Driving Requirement, and therefore she made further false
26 statements in violation of Trans. Code § 1105(a)(8) for at least Calendar Years 2005, 2006, 2007,
27 2008, and 2009. See Exhibit O, Form 1095s for Calendar Years 2005-2009.
28

1 10. Trans. Code § 1105(a)(8) provides as follows:

2 Every Permit Holder shall at all times, fully cooperate with a Parking Control
3 Officer, peace officer or the Director, or his or her designee, on all matters relating to
4 regulatory compliance at all times, including but not limited to compliance with
5 requests for the inspection of records. Permit Holders shall not hinder, delay or
6 knowingly make false or misleading statements to a peace officer or to the SFMTA
7 or withhold information on any matter relating to regulatory compliance.

8 Trans. Code § 1105(a)(8) carries a penalty of \$250 for the first violation, \$500 for
9 the second, and \$1000 for subsequent violations. For her five false Form 1095 filings, therefore,
10 Ms. Barakah may be fined a total of \$3,750. These additional five false statements therefore
11 carry a penalty of \$3,750. For her 342 false waybills, Ms. Barakah could be fined a total of
12 up to \$340,750.

13 11. Trans. Code § 1109(c)(1) provides as follows: "every Medallion Holder subject to
14 the provisions of this section 1109(c) shall be a Full-Time Driver." A Full-Time Driver is defined
15 in Trans. Code § 1102(l) as "any Driver actually engaged in, or the activity comprised of
16 (respectively) the mechanical operation and physical charge and custody of a Taxi or Ramp Taxi
17 which is available for hire or actually hired for at least 156 four-hour shifts or 800 hours, whichever
18 shall come first." Trans. Code § 1109(c)(1) carries penalties of at least \$140/day for every day or
19 \$30 for every hour that the "permit holder fails to drive short of the applicable standard for
20 compliance." Ms. Barakah has failed the driving requirement on four separate occasions, from
21 2004-2008. Therefore, she may be fined a total of up to \$96,000 ($\$24,000 \times \text{four years} = \$96,000$).

22 12. Trans. Code § 1120(a) and (b) provide as follows:

23 (a) Any permit issued under this Article may be suspended or revoked by the
24 SFMTA for good cause after a noticed hearing. "Good cause" hereunder shall
25 include, but shall not be limited to, the following:

26 (1) A Medallion Holder ceased to be a Full-Time Driver...

27 (4) A Permit Holder or an agent of a Permit Holder knowingly made false
28 statements to or concealed information from the SFMTA or the Chief of
Police...

(b) The SFMTA shall have discretion to suspend or revoke a permit as set forth above,
except that a suspension and/or revocation shall be mandatory in the circumstances
described in Subsections (1) through (6) above.

1 13. Ms. Barakah is an egregious violator of the Proposition K Driving Requirement. She has
2 failed the Proposition K Driving Requirement four out of the past four years and at least five times.
3 She has made repeated false statements to SFMTA. While she has enjoyed a lucrative income from
4 her professional employment, she has failed to drive her medallion full-time as a working taxi
5 driver, as Proposition K requires. Pursuant to Trans. Code §§ 1120(a)(1) and (4), her permit must be
6 revoked. The SFMTA may also impose fines of up to \$96,000 for the minimum four years she has
7 completely failed the Proposition K Driving Requirement, while reaping the benefits of leasing her
8 permit to hard-working drivers who paid gates and lease charges so that Ms. Barakah could realize a
9 profit. The SFMTA may also impose fines for repeated false statements made by Ms. Barakah. In
10 the alternative, Ms. Barakah can pay a portion of the fine, and/or surrender her permit.
11

12 14. This Complaint shall be heard before the SFMTA's Hearing Section on August 7, 2009,
13 in Room 416 of City Hall, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

14 **Exhibits:**

- 15
16 **Exhibit A:** P-44 Application and Permit
17 **Exhibit B:** January 22, 1999 P-16 Application
18 **Exhibit C:** Police Commission Resolution No. 22-99
19 **Exhibit D:** Calendar Year 1999 Admonishment and Worksheet
20 **Exhibit E:** March 1, 2000 Letter
21 **Exhibit F:** Calendar Year 2005 Admonishment.
22 **Exhibit G:** Declaration of Janice Miller
23 **Exhibit H:** Declaration of Scott Leon
24 **Exhibit I:** Transcript of Interview of Martha Barakah
25 **Exhibit J:** Declaration of Jordanna Thigpen
26 **Exhibit K:** Declaration of Danelle Carey
27 **Exhibit L:** Declaration of Vicky Siu
28 **Exhibit M:** August 20, 2008 Letter
Exhibit N: September 3, 2008 "Prescription"
Exhibit O: Form 1095s for Calendar Years 2005-2009

EXHIBIT A

San Francisco Police Department

PERMIT APPLICATION

DRIVER PUBLIC VEHICLE

Type of Permit: _____
 Date: AUG 04 1998
 Receipt No.: 34907

New Application Renewal: Old # _____
 Amendment
 Adding Partners to Existing Permit # _____

Part 1: Please Print Clearly - Complete Entire Front Side

Applicant's Name Last: <u>BARAKAH</u> First: <u>MARTHA</u> Middle: <u>HELEN</u>			Residence Address <u>1745 China Grade Rd., Boulder Creek, Ca.</u>	Residence Phone <u>415-755-1170</u>
--	--	--	--	--

Race (optional)	Sex <u>F</u>	Height <u>5'5"</u>	Weight <u>170</u>	Eye Color <u>HAZEL</u>	Hair Color <u>BRN</u>	Date of Birth <u>1 7</u>	Place of Birth <u>SAN FRANCISCO</u>
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Driver's License Number and State

Social Security Number _____ *Social Security Numbers are required as identification for applicants for Public Bath House Employee Permits (2606 MPC), Masseur, Masseuse, or Massage Trainee Permits (2707, 2715 MPC).*

Any other name(s) used	Mailing Address (if different than residence) Number Street Apt# City State Zip
------------------------	--

Business Name / Employed By / Name of Organization <u>TOWN TAXI</u>	Business Address Number Street Apt# City State Zip <u>333 Illinois St. SF</u>
--	---

If Corporation, give name	Date and Place of Incorporation	Business Phone
---------------------------	---------------------------------	----------------

List your residences for the last five years. (Use additional form, if necessary)

From Date	To Date	Address Resided At (Number, Street Name, City)
<u>JAN 93</u>	<u>- PRESENT</u>	<u>1745 China Grade Rd., Boulder Creek, Ca.</u>

List your employment for the last five years. (Use additional form, if necessary)

From Date	To Date	Company Name	Company Address	Type of Work
<u>JAN 93</u>	<u>- PRESENT</u>	<u>Self-employed</u>	<u>SF</u>	<u>Care giver</u>

Have you ever been convicted of, or plead guilty or No Contest to any crime? Yes No

If yes, provide the information required below. Use additional forms if necessary. Failure to provide full information relative to prior convictions, guilty pleas or no contest pleas may be considered cause to deny the permit.

Offense	Date	Place of Arrest	Disposition

GRANTED SEP 16 1998 # 87368. AV

TAXICAB

Part 2: Driver of Public Vehicle

Is your eyesight impaired?
 Yes No

Do not include ordinary nearsightedness or farsightedness corrected by eyeglasses.

Is your hearing impaired Yes No

Have you ever had: Epilepsy Yes No

Vertigo Yes No

Heart Trouble Yes No

Do you have any physical impairments? Yes No If yes, describe the impairment:

Are you now, or have you ever been, addicted to the use of intoxicating liquor? Yes No

Any Narcotic Drug? Yes No

Were you previously licensed as a taxi driver or chauffeur? Yes No

If yes, has the license been revoked? Yes No

If yes, for what cause? Explain:

Part 3: Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center
These permits do not include jukeboxes

Office Use Only

Total number of devices, subject to permit, to be placed, maintained, or operated: _____

Warrants

What type of business, if any, is now operated at the place where said devices are to be placed, maintained, or operated?

Give a complete description of each device to be operated: No. of Pinball Machines: _____ No. of Video Games: _____ No. of Pooltables: _____
 No. of other devices (describe): _____

Give the name of the company, corporation, or individual from whom the machines are being rented. If self-owned, state so:

Part 4: Additional Mechanical Amusement Device, Billiard Parlor, or Family Recreation Center
These permits do not include jukeboxes

How many devices do you have on the premises now: No. of Pinball Machines: _____ No. of Video Games: _____ No. of Pooltables: _____
 No. of other devices (describe): _____

How many devices are to be added by this application? No. of Pinball Machines: _____ No. of Video Games: _____ No. of Pooltables: _____
 No. of other devices (describe): _____

Part 5: Acknowledgement and Declaration

I, MARTHA BARAKAH, understand that there may be sections of the San Francisco Municipal Code that are applicable to my business and/or permit. There are copies of the San Francisco Municipal Code available at City Hall, The Public Library, and legal bookstores. If a Letter of Intent is required, I acknowledge that the Letter of Intent is part of the application, and I declare under penalty of perjury that the foregoing is true and correct. Executed at San Francisco, California. I understand that any false or incomplete information provided by me, relative to this application, may be considered cause to either deny the requested permit or revoke the permit that is granted.

Date: SEP 11 1998

Signature of Applicant: MARTHA BARAKAH

Office Use Only

Hearing Date

Received by

Temp. Issued By

Advertised By

Class Date

9/16/98

[Signature]

8-13-98

POLICE DEPARTMENT PERMIT

City and County of San Francisco
State of California

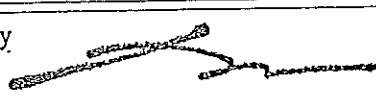
Permit number	87368	Date granted	09/16/98
TYPE OF PERMIT DRIVER PUBLIC VEHICLE			
Permission is hereby granted to NAME(S) <p style="text-align: center;">Martha H. Barakah</p>			
LOCATION <p style="text-align: center;">STATE RD., BOULDER CREEK 95007</p>			
BUSINESS NAME <p style="text-align: center;">"Town Taxi"</p>			
This permit is valid for the person, activity, and location herein designated for the <p style="text-align: center;"><input type="checkbox"/> DAY <input type="checkbox"/> QUARTER <input type="checkbox"/> YEAR</p>			
Unless revoked or suspended by the Chief of Police during a current year/quarter or unless the permit is valid for only a specified time, it shall be deemed that application for a renewal has been made at the end of each year/quarter and the application granted under the same conditions, limitations and obligations as originally imposed.			
INSTRUCTIONS TO PERMITTEES: (References on reverse side) You are required to allow any police officer to inspect your premises (Municipal Code, Sec. 81). You may not transfer this permit to another person or allow that person to conduct a separate business at a different location than that described on this permit (Municipal Code, Sec. 77).			
ANY CHANGE IN OWNERSHIP OR THE ADDRESS OF THE PERMIT HOLDER REQUIRES THAT A NEW APPLICATION BE FILED WITHIN 10 DAYS OF THE DATE OF CHANGE. THIS PERMIT IS SUBJECT TO APPEAL BEFORE THE BOARD OF PERMIT APPEALS WITHIN 15 DAYS OF ISSUANCE. IF A PERMIT IS GRANTED BY THE POLICE DEPARTMENT, AND AN APPEAL IS FILED, THE PERMIT IS NOT VALID UNTIL THE APPEALS PROCESS IS CONCLUDED, AND A FINAL DECISION IS RENDERED.			
<i>FAILURE TO CONDUCT YOUR BUSINESS IN CONFORMITY WITH THESE REGULATIONS MAY SUBJECT YOU TO A CRIMINAL CITATION AND REVOCATION OF YOUR PERMIT.</i>			
Pertinent information regarding this permit: 			
This permit is accepted subject to all legal obligations and requirements, and to the conditions set forth above.		Issued by 	
Signature of Permittee: <i>Martha Barakah</i>		CHIEF OF POLICE <i>BC #1031</i>	

EXHIBIT B

APPLICATION FOR CONVENIENCE AND NECESSITY FOR MOTOR VEHICLE FOR HIRE PERMIT
 SAN FRANCISCO POLICE DEPARTMENT

NAME OF APPLICANT MARTHA H. BARAKAH		TYPE OF PERMIT REQUESTED TAXI CAB PERMIT	DATE APPL. FILED
RESIDENCE ADDRESS			HOME PHONE NO.
BUSINESS ADDRESS			BUSINESS PHONE NO.
CALIFORNIA DRIVER'S LICENSE NUMBER	TYPE OF EQUIPMENT TO BE USED		NUMBER OF VEHICLES
SOCIAL SECURITY NUMBER	U.S. CITIZENSHIP IF NO, "A" CARD NUMBER <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

FACTS WHICH SHOW WHY THE PUBLIC WILL NOT BE ADEQUATELY SERVED UNLESS THIS APPLICATION IS GRANTED (ATTACH ADDITIONAL PAGES IF NEEDED)

The demand for taxicabs is high and we need more cabs on the street.

DO YOU WISH TO ORALLY TESTIFY AT THE HEARING ON PUBLIC CONVENIENCE AND NECESSITY IN ADDITION TO THE WRITTEN INFORMATION SUBMITTED? YES NO

I have driven a taxicab or other motor vehicle for hire in the City and County of San Francisco for at least one consecutive twelve (12) month period during any of the three (3) calendar years immediately prior to filing this application. YES NO

I will actively and personally engage as a permittee-driver under any permit issued to me for at least four (4) hours during any twenty-four (24) hour period at least seventy-five (75%) of the business days during the calendar year and that the information submitted on my application and financial statement is true and correct. I understand that any false or incomplete information provided by me relative to this application, may be considered cause to either deny the requested permit or revoke the permit if granted.

I have read all of the above statements and declare under penalty of perjury that they are correct.
 Executed at San Francisco, California.

SIGNATURE OF APPLICANT *Martha Barakah* DATE *1-22-99*

FOR DEPARTMENT USE ONLY

FINANCIAL STATEMENT ATTACHED <input type="checkbox"/> YES <input type="checkbox"/> NO	DRIVER PREFERENCE UNDER SEC. 2 (C) <input type="checkbox"/> YES <input type="checkbox"/> NO
AMOUNT OF FEE PAID	DATE PUBLISHING REQUIREMT. COMPLETED
	HEARING DATE
	DATE RECEIVED

Statement of Financial Responsibility
SAN FRANCISCO POLICE DEPARTMENT

Name: **MARTHA BARAKAH** Home Address: **333 ILLINOIS SF 94107** City: **SF**
 Occupation: **DRIVER** Name of Wife/Husband: **MOHSEN** Home Phone No.: Business Phone:
 Employer: **TOWN TAXI** Address: **333 ILLINOIS SF 94107**

FINANCIAL CONDITION AS OF _____, 19____

ASSETS		Amount	LIABILITIES		Amount
Cash	BANK NAME ACCOUNT NUMBER		Notes Payable to Banks	BANK NAME BRANCH	
	Savings	1,000.		Other (Itemize, Schedule 4)	
	Checking	3,500.			
	Other Banks	—	Other Notes and Accounts Payable	Real Estate Loans (Schedule 2)	80,000
Stocks and Bonds	Listed (Schedule 1)	—		Sales Contracts & Chattel Mtgs. (Sch. 4)	—
	Unlisted (Schedule 1)	—		Loans on Life Insurance Policies (Sch. 4)	—
Real Estate	Improved (Schedule 2)	80,000.	Taxes Payable	Current Year's Income Taxes Unpaid	—
	Unimproved (Schedule 2)			Prior Year(s) Income Taxes Unpaid	—
	Trust Deeds and Mortgages (Schedule 3)			Real Estate Taxes Unpaid	—
Life Insurance	Cash Surrender Value	100,000	Other Liabilities	Unpaid Interest	—
				Others (Itemize, Schedule 4)	—
Accounts and Notes Receivable	Relatives and Friends (Schedule 4)	—			
	Collectible (Schedule 4)	—			
	Doubtful (Schedule 4)	—			
Other Personal Property	Automobile	40,000		TOTAL LIABILITIES	80,000.
	Other (Itemize, Schedule 4)	100,000		NET WORTH	324,500
	TOTAL	324,500		TOTAL	244,500

ANNUAL INCOME (Refer to Federal Income Tax Returns for Previous Year)		ANNUAL EXPENDITURES (Refer to Federal Income Tax Returns for Previous Year)	
Salary or Wages	25,000	Property Taxes and Assessments	1,200
Dividends and Interest	—	Federal and State Income Taxes	8,520
Rentals (Gross)	—	Real Estate Loan Payments	—
Business or Professional Income (Net)	—	Payments on Contracts and Other Notes	—
Other Income (Describe)	—	Insurance Premiums	—
		Estimated Living Expenses	12,000
		Other	—
TOTAL INCOME	25,000	TOTAL EXPENDITURES	21,720.

Life Insurance: Face Amount **100,000** Beneficiary **Spouse** Company **Prudential**
 Give details of any contingent liability as endorser or guarantor, or on suits or judgements pending. (If necessary, use separate sheet.) **N/A**

Have you ever gone through bankruptcy? No Yes If yes, when? _____
 If you are married, are any of the assets described in this statement your wife's (husband's) separate property? No Yes If yes, state which: _____

Have your income tax returns ever been questioned by the Internal Revenue Service? No Yes If yes, most recent year: _____
 I hereby certify that this statement, including the reverse side, and is a complete, true, and correct statement to the best of my knowledge and belief.

SCHEDULE 1: LISTED AND UNLISTED STOCKS AND BONDS OWNED

Number of Shares or Par Value	DESCRIPTION	ISSUED IN NAME OF	JOINT TENANCY?	MARKET VALUE
None				
				TOTAL LISTED

UNLISTED

None

TOTAL UNLISTED

ARE ANY OF THE ABOVE SECURITIES PLEDGED TO SECURE A DEBT? *None*

SCHEDULE 2: REAL ESTATE OWNED (Designate I, Improved; or U, Unimproved)

Location or Description	Title in name of	Joint Tenancy?	Cost	Year Purch.	Present Value	Trust deeds, Mortgages or other Liens			Held By
						Unpaid Balance	Rate %	Monthly Pymt.	
641 S. 39 th Way, Phoenix	^{Mr & Mrs} M. Barakah	YES	\$120,000	1996	\$125,000	80,000	7.9	715 ⁰⁰	Country Wide
TOTAL									

SCHEDULE 3: TRUST DEEDS AND MORTGAGES OWNED

Name of Payer	Legal Own., Street Address, & Type of Improvement	Unpd. Balance	Joint Tenancy	Terms	1st or 2nd Lien	Value of Property
Country Wide	M. Barakah 13641 S. 39 th Way, Phoenix	80,000	Y	30yr.	(1st)	125,000
TOTAL						

SCHEDULE 4: DETAILS RELATIVE TO OTHER IMPORTANT ASSETS AND LIABILITIES

N/A

EXHIBIT C



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

February 18, 1999

PAT NORMAN
President

DENNIS J. HERRERA
Vice President

SIDNEY CHAN
Commissioner

EDWARD J. PETRILLO
Commissioner

CONNIE PERRY
Commissioner

LT. MANUEL BARRETTA
Secretary

Fred H. Lau,
Chief of Police

Dear Chief Lau:

At the meeting of the Police Commission on Wednesday, February 17, 1999, the following resolution was adopted:

RESOLUTION NO. 22-99

APPROVAL OF TAXICAB OWNER'S PERMITS

WHEREAS, the Police Commission, on September 4, 1996, as per Resolution 151-96, declared that Public Convenience & Necessity requires the issuance of 100 additional taxicab permits; therefore be it

RESOLVED, that the following individuals, based on their applications and the San Francisco Permit Bureau certifications, are qualified to hold a motor vehicle for hire permit, that said taxicab owner permit shall be granted and shall be revocable under criteria and standards published by the Commission in conjunction with applicable sections of the San Francisco Municipal Code, and shall be and are hereby granted to the following individuals, conditional upon the applicants completing the submission of all appropriate documentation and that actual operation of the permit begins with ninety (90) days from the date of approval:

Taxicab Permits:

Martha Barakah
Michael Burns
Steven Goldstein
Terance Murphy
Domingo Opulencia
Athahasious Sakellaroupoulous

Mohsen Barakah
Tommy Chang
Mark Gruberg
Antal Marjai
Gorodejsky Ovsey

Mohamed Bathal
Luis de Olazara
Stephen Kessler
James Newsome
Mohammed Shirazi

Jay Bouwman
Hee Dung
Taft Loo
James Lam
Viboon Vannakitkum

Ramped Taxicab Permits:

Daryoush Amirehsani
Michael Callahan
Norma Geer
Samuel Kaplowitz

Anatoly Belilovsky
Ralph Conforti
Robert Haroutunian
Dennis Korkos

Amrik Bhandal
James Cortesos
Thai Hong
Tommy Kwong

Seifu Daba
Francis Fox
Khalil Jaser
To Lam

Fred H. Lau
Chief of Police
February 18, 1999
Page 2

Howard Leeder
William Qutami
Peter Sword
Ron Wolter

Lonnie Pasquini
Michael Rothstein
Golam Syed

Majamal Qhursfred
Emad Shehadeh
Steven Szerennsi

Michael Sealy
Peter Shu
Fadel Zaru

AYES:

Commissioners Herrera, Chan, Norman, Perry, Friday

Very truly yours,



Lieutenant Manuel Barretta
Secretary
THE POLICE COMMISSION

cc: Taxi Detail

EXHIBIT D



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

January 25, 2000

Mr. Martha Barakah
Taxicab Permit Holder #1068
Town Taxi Company

Ms. Barakah,

On January 24, 2000, the Taxi Detail conducted an audit of your waybills to determine if you were in compliance with the "full time driver" requirement as specified in Section 1081 (b) of the San Francisco Municipal Police Code. Furthermore, the Taxicab Detail received a complaint, (Complaint# 99-987), which alleges that you were not fulfilling the full time driving requirement.

The result of our audit indicates that you have not complied with this regulation. In addition, the waybills that you submitted were found to be incomplete.

Section 1138 of the San Francisco Municipal Police Code requires that drivers of taxicabs keep an accurate and legible waybill which includes the date of operation, starting & ending times, vehicle license#, cab#, medallion#, starting and ending mileage & units, time of hire and discharge of passenger and the locations of fare pickup and drop off.

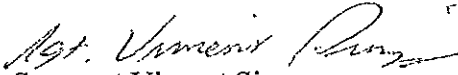
In addition, Section VI. C. 8. of the San Francisco Taxicab/Ramped Taxi Rules and regulations requires that waybills be completed in indelible ink and signed by the driver at the start of the shift.

This letter is to act as a FORMAL REPRIMAND for violation of the above regulations. You are required to drive at least 4 hours a day for 185 days in a calendar year. Furthermore, only completed waybills will be used in determining the total number of days /shifts worked. In addition, you must drive your own medallion number taxicab when complying with this full time driving requirement as per Section IV A. 10. of the San Francisco Taxicab/Ramped Taxi Rules & Regulations.

This is to act in lieu of any further disciplinary action on this matter.

Violations of any of the codes and/or rules regulating the taxicab industry is punishable by an admonishment, non-traffic infraction, misdemeanor, fine, administrative reprimand, suspension or revocation.

Respectfully,


Sergeant Vincent Simpson
Supervising Officer Taxicab Detail

Permit Holder:

Martha Barakah

Date

2/8/00

PROP K MEDALLION WORKSHEET

COMPANY: **Town Taxi**

MEDALLION #: **T1068**

MEDALLION HOLDERS NAME: **Barakah, Martha**

START DATE: 02/10/1999 00:00:00.00

PREVIOUS FORMAL ACTION: **No** PENDING COMPLAINTS: **Yes** 99-987

OFFICER'S NAME: F. Suslow #1671

DATE: 1/27/00

MONTH	TOTAL DAYS	COMMENTS
JAN	0	
FEB	0	
MAR	0	
APR	0	
MAY	5	1) Started with Town 5/18/99 per Town Records
JUN	13	2) NO MILEAGE, TIMES OR TRIP TIMES ON WAYBILLS
JUL	13	3) WAYBILLS HAVE GROUPS OF SIMILARITIES. POSSIBLY DENSE IN GROUPS.
AUG	13	
SEPT	9	
OCT	8	
NOV	9	
DEC	9	

TOTAL DAYS 79



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

March 1, 2000

To: All Prop K Medallion Holders

On 01/25/00, the Taxi Commission adopted Resolution #2000-05 defining "Business Day" and what constitutes the number of "Business Days" in the calendar year as per the driving requirement specified in Proposition K. The Commission approved the definition of "Business days" as days that are based upon four 10 hour days per week. Furthermore, the Commission set the required number of shifts needed to meet the Proposition K driving requirement as 156 shifts per calendar year.

The Taxicab Detail, when conducting future Prop K audits or when investigating complaints of Prop K violations will enforce this new resolution requiring that Medallion Holders drive at least 4 hours during any 24 hour period for at least 156 shifts per calendar year.

In addition, Medallion Holders must adhere to the below listed rules and regulations concerning waybills.

Section 1138 of the San Francisco Municipal Police Code requires that drivers of taxicabs keep an accurate and legible waybill which includes the date of operation, driver's name, vehicle license#, cab#, medallion#, starting & ending times, starting & ending mileage, starting & ending units, number of passengers, origin and destination of each trip, time of hire and discharge and the fare amount.

Section VI. C. 8. of the San Francisco Taxicab/Ramped Taxi Rules and regulations requires that waybills be completed in indelible ink, signed by the driver at the start of the shift and filed at the Color Scheme's place of business at the conclusion of each shift.

Section IV A. 10. of the San Francisco Taxicab/Ramped Taxi Rules & Regulations requires that unless their taxicab is out of service, all Medallion Holders must drive only their own medallion number taxicab when complying with the "Prop K" full time driving requirement.

Only the original waybills that are both accurate and complete will be counted when measuring the total number of shifts worked per calendar year.

Furthermore, requests for a either a 90 day suspension of the driving requirement or a modification of the driving requirement under the provisions of the Americans with Disabilities Act must be made in writing to the Taxi Commission.

Sincerely,

Sgt. Vincent Simpson
Supervising Officer of the Taxi Detail

KARLA BURAKAH

Medallion Holder

1068

050347

Medallion #

2/8/00

Date

EXHIBIT E



SAN FRANCISCO POLICE DEPARTMENT TAXICAB DETAIL

March 1, 2000

To: All Prop K Medallion Holders

On 01/25/00, the Taxi Commission adopted Resolution #2000-05 defining "Business Day" and what constitutes the number of "Business Days" in the calendar year as per the driving requirement specified in Proposition K. The Commission approved the definition of "Business days" as days that are based upon four 10 hour days per week. Furthermore, the Commission set the required number of shifts needed to meet the Proposition K driving requirement as 156 shifts per calendar year.

The Taxicab Detail, when conducting future Prop K audits or when investigating complaints of Prop K violations will enforce this new resolution requiring that Medallion Holders drive at least 4 hours during any 24 hour period for at least 156 shifts per calendar year.

In addition, Medallion Holders must adhere to the below listed rules and regulations concerning waybills.

Section 1138 of the San Francisco Municipal Police Code requires that drivers of taxicabs keep an accurate and legible waybill which includes the date of operation, driver's name, vehicle license#, cab#, medallion#, starting & ending times, starting & ending mileage, starting & ending units, number of passengers, origin and destination of each trip, time of hire and discharge and the fare amount.

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Section IV A. 10. of the San Francisco Taxicab/Ramped Taxi Rules & Regulations requires that unless their taxicab is out of service, all Medallion Holders must drive only their own medallion number taxicab when complying with the "Prop K" full time driving requirement.

Only the original waybills that are both accurate and complete will be counted when measuring the total number of shifts worked per calendar year.

Furthermore, requests for either a 90 day suspension of the driving requirement or a modification of the driving requirement under the provisions of the Americans with Disabilities Act must be made in writing to the Taxi Commission.

Sincerely,

Sgt. Vincent Simpson

Sgt. Vincent Simpson
Supervising Officer of the Taxi Detail

Martha Barakou

Medallion Holder

1068
Medallion #

3/31/00
Date

EXHIBIT F



Formal Admonishment

Today's Date: July 05, 2007 Medallion Number: 1068
Name of Driver / Medallion Holder: Martha Barakah

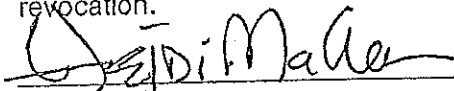
Please sign and return this form to the San Francisco Taxicab Commission, 25 Van Ness Ave. Room 420, San Francisco, CA, within 10 days of receiving it. Make a copy for your records.

Call (415)503-2180 in order to set an appointment to return the document. Drop ins will not be accepted. Bring your A-Card and California Driver's License to your scheduled appointment.

Date Violation Occurred:	Rule Violated:	Explanation/Description of Violation:
Calendar Year 2005	MPC Section 1138 (c)	Vehicle number and vehicle license number. This information was not recorded on waybills.
	MPC Section 1138 (g)	Starting meter units for the period covered by the waybill.
	MPC Section 1138 (j)	Ending meter units for the period covered by the waybill.
	Taxicab Rules & Regulations Section 6.C.8	Waybills shall include the total number of hours worked. This information was not recorded on waybills.

By signing below, you acknowledge this **FORMAL ADMONISHMENT** and henceforth agree to comply with all Taxi Commission rules and regulations, including the Proposition K driving requirement.

Violations of any of the codes and or rules regulating the taxicab industry are punishable by an admonishment, non-traffic infraction, misdemeanor, fine, administrative reprimand, suspension or revocation.


Heidi Machen
Executive Director

I, MARTHA BARAKAH have read and understand the violations.
print first and last name

Martha Barakah 7/16/07
Signature Date

EXHIBIT G

DECLARATION OF JANICE MILLER

1
2
3
4 1. I am over the age of 18 and not a party to this action, and I am a citizen of the United
5 States.

6
7 2. My name is Janice Miller. I employed as an Assistant in the Human Resources
8 department at the law firm of Morrison & Foerster. My business address is ⁵²⁵ Market Street,
9 San Francisco, California 94105-2482. In that capacity, I have responsibilities involving
10 employees, employment record keeping and employment verification.

11 3. I was contacted by the Taxi Commission for verification of employment on Martha
12 Barakah. I submitted the attached Employment Verification Form, which I completed on June
13 11, 2009. I certify in my capacity as Assistant ^{Dept.} Director of Human Resources that it is a true δ
14 and correct copy of the employment records of Morrison & Foerster regarding employee Martha
15 Barakah.

16 4. I declare under penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct.

18
19 Executed in San Francisco, California

20
21 Signed: Janice Miller

Date: 6/24/09

22 Janice Miller, Assistant
23 Human Resource Department
24 Morrison & Foerster,
25 425 Market Street
26 San Francisco, California 94105-2482

RECEIVED

JUN 26 2009

SFMTA Division of Taxicab & Accessible Services

May. 14. 2009 4:25PM SFMTA DTAS

No. 3476 P. 3

EMPLOYMENT VERIFICATION FORM

Employer: Morrison Forrester
Re: Martha Barakah

Department of Human Resources Please Circle One

- Has the above employee worked with your firm? YES / NO
 - Please provide exact dates of employment 4/5/99-Present
 - What is her title? Legal Secretary
 - What is her work address?
755 Page Mill Road, Palo Alto, CA 94304
 - Were there any occasions, such as vacations or other leave, when she was absent from work for over 2 continuous weeks? YES / NO
- If yes, please describe - please use additional sheets if necessary: SEE ATTACHED

- How many hours a week does she work? 37.5
- What is her schedule? Mon-Fri; 8:00am-4:30pm

Comments: _____

I hereby certify under penalty of perjury that the foregoing is true and correct.

Company Name: Morrison & Foerster LLP
 Signatory Name: Janice Miller Title: Human Resources Assistant
 Signature: [Signature] Date: 6/11/09

- Payroll Department
 - Does she receive a bi-monthly check? YES / NO
- Semi-monthly

Comments: _____

I hereby certify under penalty of perjury that the foregoing is true and correct.

Company Name: Morrison & Foerster LLP
 Signatory Name: Terry Cooper Title: Payroll & Partnership Manager
 Signature: [Signature] Date: 6/11/09

Absent Time Report

Morrison & Foerster
06/09/09 02:05 PM

Employee Name Barakat, Martha
Employee Number 06836
Period Covering 2006-05-15 - 2009-06-07
Codes included: * All

Date	Day of Week	No. of Hours	Description	Payperiod Timesheet Processed
06/05/2006	Monday	7.50	PTO Unsched	06/11/2006
07/05/2006	Wednesday	4.75	Jury Duty	07/23/2006
07/10/2006	Monday	7.50	PTO Unsched	07/23/2006
07/19/2006	Wednesday	7.50	PTO Sched	07/30/2006
07/20/2006	Thursday	7.50	PTO Sched	07/30/2006
07/21/2006	Friday	7.50	PTO Sched	07/30/2006
07/24/2006	Monday	7.50	PTO Sched	07/30/2006
07/25/2006	Tuesday	7.50	PTO Sched	07/30/2006
08/08/2006	Tuesday	1.50	PTO Sched	08/13/2006
08/14/2006	Monday	7.50	PTO Sched	08/20/2006
09/25/2006	Monday	7.50	PTO Unsched	10/01/2006
09/25/2006	Tuesday	7.50	PTO Unsched	10/01/2006
10/13/2006	Friday	3.00	PTO Sched	10/15/2006
10/20/2006	Friday	7.50	PTO Sched	10/22/2006
11/07/2006	Tuesday	7.50	PTO Sched	11/12/2006
11/08/2006	Wednesday	7.50	PTO Unsched	11/12/2006
11/22/2006	Wednesday	1.50	Offr Apprvd	12/03/2006
12/11/2006	Monday	7.50	PTO Sched	12/17/2006
12/26/2006	Tuesday	7.50	PTO Sched	12/31/2006
12/27/2006	Wednesday	7.50	PTO Sched	12/31/2006
01/19/2007	Friday	0.50	PTO Unsched	01/28/2007
01/22/2007	Monday	7.50	PTO Unsched	01/28/2007
02/02/2007	Friday	7.50	PTO Sched	02/04/2007

Absent Time Report

Morrison & Foerster

03/15/2007	Thursday	7.50	PTO Sched	03/18/2007
04/20/2007	Friday	7.50	PTO Sched	04/22/2007
05/02/2007	Wednesday	7.50	PTO Sched	05/08/2007
05/11/2007	Friday	7.50	PTO Unsched	05/13/2007
07/12/2007	Thursday	7.50	PTO Sched	07/15/2007
07/13/2007	Friday	7.50	PTO Sched	07/15/2007
07/16/2007	Monday	7.50	PTO Sched	07/22/2007
08/14/2007	Tuesday	7.50	PTO Unsched	08/19/2007
08/15/2007	Wednesday	7.50	PTO Unsched	08/19/2007
08/22/2007	Wednesday	7.50	PTO Unsched	08/26/2007
10/09/2007	Tuesday	7.50	PTO Unsched	10/14/2007
10/26/2007	Friday	7.50	PTO Sched	11/04/2007
10/29/2007	Monday	7.50	PTO Sched	11/04/2007
11/09/2007	Friday	2.50	Offr Apprvd	11/11/2007
11/15/2007	Thursday	7.50	PTO Unsched	11/25/2007
11/21/2007	Wednesday	1.50	Offr Apprvd	11/25/2007
12/06/2007	Thursday	7.50		12/09/2007
12/07/2007	Friday	7.50	PTO Sched	12/09/2007
12/17/2007	Monday	7.50	PTO Sched	01/06/2008
12/18/2007	Tuesday	7.50	PTO Sched	01/06/2008
12/19/2007	Wednesday	7.50	PTO Sched	01/06/2008
12/20/2007	Thursday	7.50	PTO Sched	01/06/2008
12/21/2007	-Friday	7.50	PTO Sched	01/06/2008
12/26/2007	Wednesday	7.50	PTO Sched	01/06/2008
12/27/2007	Thursday	7.50	PTO Sched	01/06/2008
12/28/2007	Friday	7.50	PTO Sched	01/06/2008
01/02/2008	Wednesday	7.50	PTO Sched	01/06/2008
01/09/2008	Wednesday	7.50	PTO Sched	01/13/2008
01/10/2008	Thursday	7.50	PTO Sched	01/13/2008
01/31/2008	Thursday	7.50	PTO Unsched	02/03/2008

Absent Time Report

Morrison & Foerster

02/11/2008	Monday	7.50	PTO Unsched	02/11/2008
02/12/2008	Tuesday	7.50	PTO Unsched	02/17/2008
02/13/2008	Wednesday	7.50	PTO Unsched	02/17/2008
03/17/2008	Monday	7.50	PTO Sched	03/23/2008
03/20/2008	Thursday	7.50	PTO Unsched	03/23/2008
04/22/2008	Tuesday	7.50	PTO Unsched	04/27/2008
06/06/2008	Friday	7.50	PTO Sched	06/08/2008
06/16/2008	Monday	7.50	PTO Unsched	06/23/2008
07/03/2008	Thursday	7.50	PTO Unsched	07/03/2008
07/08/2008	Tuesday	7.50	PTO Unsched	07/13/2008
07/09/2008	Wednesday	7.50	PTO Unsched	07/13/2008
07/10/2008	Thursday	7.50	PTO Unsched	07/13/2008
07/11/2008	Friday	7.50	PTO Unsched	07/13/2008
07/14/2008	Monday	2.00	PTO Unsched	07/20/2008
08/15/2008	Friday	4.00	PTO Sched	08/17/2008
08/21/2008	Thursday	7.50		09/14/2008
08/22/2008	Friday	7.50		10/05/2008
08/25/2008	Monday	7.50		10/05/2008
08/26/2008	Tuesday	7.50		10/05/2008
08/27/2008	Wednesday	7.50		10/05/2008
08/28/2008	Thursday	7.50		10/05/2008
08/29/2008	Friday	7.50		10/05/2008
09/02/2008	Tuesday	7.50		10/05/2008
09/03/2008	Wednesday	7.50		10/05/2008
09/04/2008	Thursday	7.50	SIL	10/05/2008
09/05/2008	Friday	7.50		10/05/2008
09/08/2008	Monday	7.50		10/05/2008
09/09/2008	Tuesday	7.50		10/05/2008
09/10/2008	Wednesday	7.50		10/05/2008
09/11/2008	Thursday	7.50		10/05/2008

Created: 09/09/09 02:05 PM

Absent Time Report

Morrison & Foerster

09/12/2008	Friday	7.50		10/05/2008
10/09/2008	Thursday	7.50	PTO Unsched	10/12/2008
11/04/2008	Tuesday	7.50	PTO Sched	11/16/2008
11/05/2008	Wednesday	7.50	PTO Sched	11/16/2008
11/08/2008	Thursday	7.50	PTO Unsched	11/16/2008
11/07/2008	Friday	7.50	PTO Unsched	11/16/2008
11/10/2008	Monday	7.50	PTO Unsched	11/16/2008
11/26/2008	Wednesday	2.50	PTO Unsched	11/30/2008
12/12/2008	Friday	7.50		12/14/2008
12/24/2008	Wednesday	1.00	Office Closed	12/28/2008
12/24/2008	Wednesday	-1.00	Office Closed	01/04/2009
12/24/2008	Wednesday	1.00	Offr Apprvd	01/04/2009
01/23/2009	Friday	3.50	PTO Sched	02/01/2009
01/26/2009	Monday	7.50	PTO Unsched	02/01/2009
02/17/2009	Tuesday	7.50	PTO Sched	02/22/2009
02/18/2009	Wednesday	7.50	PTO Sched	02/22/2009
02/19/2009	Thursday	7.50	PTO Sched	02/22/2009
02/20/2009	Friday	7.50	PTO Sched	02/22/2009
02/23/2009	Monday	7.50	PTO Sched	03/01/2009
02/24/2009	Tuesday	7.50	PTO Sched	03/01/2009
02/25/2009	Wednesday	7.50	PTO Sched	03/01/2009
02/26/2009	Thursday	7.50	PTO Sched	03/01/2009
02/27/2009	Friday	7.50	PTO Sched	03/01/2009
03/02/2009	Monday	7.50	PTO Unsched	03/08/2009
03/30/2009	Monday	7.50	PTO Unsched	04/05/2009
05/07/2009	Thursday	7.50	PTO Unsched	05/10/2009
05/08/2009	Friday	7.50	PTO Unsched	05/10/2009
05/15/2009	Friday	2.00	PTO Unsched	05/24/2009
		<u>750.25</u>		

Absent Time Report

Morrison & Foerster

Summary Totals

No. of Hours	Description
22.50	Jury Duty
4.75	Office Closed
0.00	Other Apprvd
6.50	PTO Sched
342.00	PTO Unsched
254.50	
82.50	
37.50	
<u>750.25</u>	

EXHIBIT H

DECLARATION OF SCOTT LEON

1
2 1. I am over the age of 18, a citizen of the United States, and I am not a party to this action. If
3 called to testify to the facts below I could competently testify thereto.
4

5
6 2. I am the Investigations and Regulatory Affairs Manager for the SFMTA's Taxis and
7 Accessible Services. My duties involve investigating and regulating drivers, color schemes,
8 dispatch companies, and taxicab permit holders to ensure they comply with the Taxi/Ramped Taxi
9 Rules and Regulations. I conduct audits for inspections, detect violations and fraud in the industry,
10 and I also collect, maintain, and analyze evidence for disciplinary cases.
11

12
13 3. Ms. Barakah came under investigation originally as a result of an anonymous tip. On July
14 28, 2007 I was auditing her 2006 waybills for the annual Proposition K Driving Requirement Audit.
15 I began suspecting her 2006 waybills might not be authentic when I discovered her fares were
16 uniformly the same with her other waybills. Also, based on my experience regarding auditing of
17 waybills, the waybills appear to be fraudulent based on their look and feel. Many waybills are
18 actually photocopies.
19

20
21 4. Given her full-time work schedule at Morrison and Foerester and her claims that she worked
22 on evenings and weekends for Royal Taxi in the office, I find it difficult to believe Ms. Barakah
23 completed her annual full-time driving requirement. It is my conclusion that Ms. Barakah
24 fabricated her waybills for Calendar Years 2005, 2006, 2007, and 2008. Additionally, as other staff
25 have testified, I have never spoken to Ms. Barakah except as a result of my investigation, and I have
26 never seen or interacted with her in any official capacity, as would be expected from a manager of
27 Royal Taxi.
28

1
2 5. **2005 Waybills** – For Calendar Year 2005 Ms. Barakah claimed she worked 100% during
3 the evening shifts beginning everyday at 4:00 PM; however, she was working full-time at the law
4 firm from until 4:30 PM. I did not find one single waybill credible for Calendar Year 2005. The
5 2005 Waybills are attached to this Declaration as Exhibit 1.

6
7
8 6. **2006 Waybills** – Ms. Barakah’s waybills for Calendar Year 2006 had the same pattern and
9 look as the fraudulent Calendar Year 2005 waybills. In addition, Ms. Barakah actually admitted she
10 falsified her waybills in 2006, The particular manner in which she copied her waybills with specific
11 ink and specific types of paper makes it questionable that any of her waybills are authentic.
12 Additionally, waybills are riddled with the same fares such as “California/Drumm to Pier 39” or
13 “California/Drumm to Union/Stockton.” A prime example of problematic fares occurs on July 9,
14 2006, when she claims to have had a steady stream of customers in the Financial District at 6:15
15 AM on a Saturday morning. Such a pattern continues throughout the year. The 2006 Waybills are
16 attached to this Declaration as Exhibit 2.

17
18 7. The times are often nonsensical and physically impossible with regards to fares. For
19 example the waybill of June 24, 2006 indicates continual pickups mere minutes apart, but not
20 allowing for driving time between destinations. Occasionally she would make mistakes with the
21 dates.

22
23 8. On August 8, 2008, Royal provided schedules for Calendar Years 2006 and 2007 in
24 response to a Taxi Commission request. The management at Royal provided schedules for these
25 years. Ms. Barakah later admitted that she herself created the schedules. The schedules contain
26 typographical errors for some of the calendar months for both years. This can be determined by
27 viewing the first column in which the date and day of the week are listed. For example, January 1,
28 2007 was a Monday, and the 2007 lists the date with year and day of week. March 2007 began on a

1 Thursday, but the erroneous schedule lists a Wednesday. The fact that Ms. Barakah created the
2 schedules herself - with her own name on the schedules - is easily discernable when viewing her
3 waybills for 2007. Her waybills match the erroneous dates on the schedules. Creating false
4 schedules after the fact constitutes a separate false statement. The 2006 and 2007 Schedules
5 provided by Ms. Barakah are attached as Exhibit 3 to this Declaration.
6

7 9. June 2006 presents another problem. In that case, the schedule indicates that June 2006
8 began on a Sunday. However, June 1, 2006 was a Thursday. Ms. Barakah "appears" on the night
9 schedule for several weeknights during the schedule submitted for June 2006. She submitted
10 waybills for each weekend day in June.
11

12 10. As a result of the discrepancies between the schedules and Ms. Barakah's waybills, and
13 statements from Royal's management and Ms. Barakah's concession, it is clear that Ms. Barakah
14 falsified the schedules to deceive the SFMTA into believing that she was meeting the qualifications
15 for her permit. It is not clear whether she acted alone to commit this fraud. Nonetheless, as result of
16 her admissions, I conclude that each waybill she submitted for 2006 is a false document.
17

18 11. **2007 Waybills** - Ms. Barakah submitted 32 waybills for 2007, from January 1, 2007
19 through May 6, 2007. January 29, 2007 and March 5, 12, 19, 26, 2007 were Mondays, and yet Ms.
20 Barakah claimed to have worked those days. The dates are written in a different ink than the
21 waybills themselves for the vast majority of these waybills. It appears that Ms. Barakah filled in the
22 dates after the fact, and it also appears that she had the wrong calendar year on her desk when she
23 filled them out.
24

25 12. Ms. Barakah submitted 43 waybills for July 21, 2007 through December 16, 2007. I noticed
26 discrepancies between the waybills compared to Ms. Barakah's Smart Card account report for the
27 following dates: July 21, July 22, July 28, August 12, August 16 (no waybill submitted), August 17
28 (no waybill submitted), August 24 (no waybill submitted), September 10 (physically impossible

1 fares listed re: driving time), September 16, September 22, September 30, October 6 (physically
2 impossible fares listed re: driving time), October 13, November 4, December 22 (no waybill
3 submitted), December 23 (no waybill submitted), December 29 (no waybill submitted, December
4 30 (no waybill submitted). The 2007 Waybills are attached as Exhibit 4 to this Declaration, and the
5 Smart Card Report is attached as Exhibit 5, with a foundational declaration to be provided at or
6 before the hearing.

7
8 **13. 2008 Waybills** – In Calendar Year 2008, Ms. Barakah’s waybills appear to match her smart
9 card records, with several discrepancies as to time. It is unclear whether Ms. Barakah was actually
10 driving these shifts or simply copied the fares from a driver’s waybills and provided him with her
11 own smart card to use for her “shifts.” Because of the conceded fraud and falsification of documents
12 for past years, I am unable to believe that any waybills that Ms. Barakah has provided actually
13 belong to her and that she has actually driven a taxicab in San Francisco at any time in the past ten
14 years.

15
16 **14.** In addition, Ms. Barakah only submitted 48 waybills for Calendar Year 2008, and did not
17 submit any waybills after July 20, 2008. Therefore, even if the waybills are not considered to be
18 fraudulent, Ms. Barakah has failed the driving requirement for Calendar Year 2008. The 2008
19 waybills are attached as Exhibit 6 to this Declaration

20
21 **15.** On August 15, 2008, a former employee, Nancy McMackin, and myself interviewed Ms.
22 Barakah. A transcript of the interview has been attached to the Complaint as Exhibit H. In the
23 interview, Ms. Barakah admitted to falsifying the schedules and the waybills that she had provided
24 to Royal Taxi, with the intent that they be provided to the SFMTA. She first told Ms. McMackin
25 and myself that she really was working full time and driving full time as well, but later admitted that
26 she had falsified the waybills and schedules to deceive the City authorities.
27
28

1
2 16. Ms. McMackin also spoke extensively with Janice Miller, Assistant to the Human Resources
3 Director at Morrison & Foerster, LLP, and Janice Miller signed a declaration and provided
4 additional documents regarding Ms. Barakah's work schedule. I have reviewed the Employment
5 Verification submitted by Ms. Barakah's employer, Morrison & Foerster, LLP. I compared this
6 document and its attached evidence to her waybills and to her schedules. It is clear to me based on
7 my experience as an investigator that Ms. Barakah fabricated multiple waybills. I do not believe it is
8 possible for Ms. Barakah to have worked as many hours as she claims she did on her waybills
9 considering her demanding full-time job.
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12 17. I declare under penalty of perjury under the laws of the state of California that the foregoing
13 is true and correct.
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15 Executed in San Francisco, California.

16 Date: July 6, 2009

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19 **Scott Leon**
20 **Investigations and Regulatory Affairs Manager**
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