

## How Bureaucrats Let Political Connections Hurt the Elderly and the Public in General

By John Hoffmann

In 2000 when I became the first taxicab inspector in the history of Montgomery County it did not take long for me to realize what was causing the third-world level of taxicab service. In a word...it was Lee Barnes, owner of the Barwood Cab Company. Five years later I became convinced that while Barwood had a huge monopoly on the taxicab business as well as the complaints the real culprit and the County itself.

While controlling 74-percent of the cabs in the County through a combination of ownership and affiliation by independent owners, Barwood was generating close to 90-percent of the complaints, was involved in 86-percent of the cab related traffic accidents and received 90-percent of the citations issued to holders of taxicab licenses, the County was continuing to allow Barwood to violate the laws governing the taxicab business.

Taxicab service began to deteriorate in 1996 when Barwood bought out the last remaining down county competitor with the purchase of Silver Spring Taxi. The only remaining competition was serving Rockville, Gaithersburg and Germantown, leaving Barwood for all practical purposes as the lone cab company for all the of down county along with the east and west sides of the County.

There was sense of pending problems by allowing one company to take control of the taxi industry. Why should there have been any concern? Barnes, a member of the Democratic Central Committee, had more than a passing acquaintance with County Executive Doug Duncan and the all the Democratic members of the Council.

In a four-year period Barnes, through himself, Barwood and shell corporations donated \$12,000 in campaign money to County Executive Doug Duncan. Council members also received donations from Barnes, including Republican Howard Denis. Duncan illegally reappointed Barnes to five terms on the County's Taxi Service Advisory Committee, despite Barnes being prohibited by County Law from serving more than two consecutive terms.

The complaints about poor taxi service began to rise, including the condition of cabs and the spotty service by Barwood. The County did not react to the complaints or the known violations being committed by Barwood. For four years the Executive's Office turned down requests to hire a Taxi Inspector to do routine inspections of the cabs and enforce the laws governing drivers and companies.

When I was hired in 2000 the County's Taxi Unit expanded from a manager and a processing specialist who handled the renewal of 580 cab licenses and cabdriver ID-Cards to three persons.

I immediately found that the cab fleet in the county was in disrepair and the adherence of the cabs laws by companies and drivers was casual at best. In my first year of inspecting the 580 cabs I found that a number of Barwood licenses were to a ghost fleet of cabs that either didn't exist or were disabled parked on almost every space on Barwood's property behind White Flint Mall. Of the Cabs that I was able to inspect 45-percent failed our cosmetic and safety inspection while 23.5-percent of the taximeters were inaccurate.

At the time we were receiving a flood of complaints concerning Barwood not picking up passengers, especially the elderly at medical facilities, but including businessmen in

Chevy Chase needing to go to the airport. Barwood blamed the problems on their communications system. However drivers complained that Barwood had 1/3 of their fleet unused. County law required that the licenses be forfeited for non-use. I went about proving the non-use by having the pilot of a traffic airplane take aerial photos of Barwood's property every morning and evening for two weeks. The count of the Cabs parked not being used averaged out to 110 vehicles out of the 360 vehicles that Barwood had solely owned licenses to operate.

I began to write memos to the Taxi Unit manager, Nancy Kutz, requesting that the licenses to operate Barwood cabs that had not been on the road for several years, be revoked and re-issued to another company. My memos were met with responses that the County did not have enough staff to handle the resulting lawsuits that would be filed by Barwood's lawyers. I continued to file the memos month after month until I was ordered to stop.

County Law required that all cab companies file a mechanical inspection report on each cab every six months. Barwood was grossly behind in filing these reports. I began preparing a daily report of the cabs operating without the required inspections filed with the County and would then go out and hunt for the cabs. This brought a demand from Barwood that they be given a two-week grace period because the County had never enforced this law before. Ms. Kutz agreed and told me to close my eyes to cabs operating without the inspection reports until they were two weeks expired. I refused to ignore the cabs, citing the liability to me and the County if I knowingly allowed one of these cabs to operate and then have the cab involved in an accident. I was told I could affix an out of service sticker on the cab but could not cite Barwood for the violation. To get around this edict I began to publish a Taxicab "Hot Sheet" that I issued to a six County police officers on a daily basis and the cops would cite Barwood and take the cabs out of service.

Enforcement of County Law so irritated Barnes, that his lawyers filed 21 written complaints against me in my first 18 months on the job. In the first five years as the Taxi Inspector I filed 485 court cases against Barwood and the police added an additional 50. The three top offenses were "Operating a Taxicab Without a Required semi-annual Mechanical Inspection", "Failure Provide a Taxicab for a Required Inspection and Meter Test" and "Operating a Taxicab with Suspended License Plates."

While County Law allowed for the revocation of taxi licenses held by companies that repeatedly violated the taxicab regulations, no action was taken against Barwood. I was told to simply keep writing citations and the County would collect 50-percent payments of the fines. Howard Benn, a senior manager within the County's Transit Division would say it was better to get at Barnes by forcing him to pay more lawyer fees than the time consuming practice of revoking his cab licenses.

Complaints continued to flood our offices. Ms. Kutz tried to reduce the number of complaints by counting only the ones made in writing, thus eliminating most of the complaints filed by the elderly and disabled. Many of the complaints of cabs not showing up were almost exclusively against Barwood. Through the use of a non-voice dispatch system dispatched calls were received on a computer screen in the cabs, Barwood drivers could fool the system and not answer calls. By hitting buttons accepting the call and then seeing the call involved an elderly person needing a short trip home from a supermarket or a hospital drivers would instead of responding sit at a Metro or hotel cabstand and

once they had a passenger enter the cab and the meter was turned on, a signal was sent to the computer at Barwood that cleared the call as being answered.

Instead of cracking down on the poor quality of drivers Ms. Kutz allowed temporary 90-day cabdriver licenses to be issued to drivers who had not passed the County's cabdriver test nor had a criminal background check conducted by the FBI. Barnes had requested the 90-day temp licenses and without any authority allowing such license granted in the County Code, the licenses became a reality.

After almost four years of my internal complaints and recommendations to enforce the taxi laws against Barwood, no action was taken until Washington Post reporter Matthew Mosk wrote a series of articles in late 2003. Duncan responded by introducing legislation to change the County cab laws.

While the legislation was before the County Council Barwood had licenses to 32 cabs expire when the cabs were forced to be retired due to age. The licenses were subject to forfeiture for non-use. Instead of taking action a deal was negotiated between Barnes and a senior advisor to Duncan which gave Barnes a four month grace period to find replacement cabs.

Even after the new law passed, Barnes was given a three-month waiver period by Kutz before he had to comply with parts of the new law.

At my five-year anniversary date as the County's Taxi Inspector I received an official letter of reprimand. Ms. Carolyn Biggins, the Transit Services Division Chief charged that I contacted the County Council without permission to learn where a piece of the new Taxicab Code legislation was on their agenda, that I reported without permission to the State of Maryland Attorney Grievance Commission how Barwood's lawyers tried to bilk the family of a dead cabdriver out of \$60,000 involving a cab license the driver owned and how I testified for an elderly citizen in a small claims case against Barwood without permission.

My resignation came in May of 2005 after I was assigned to investigate a Barwood driver who reportedly sexually assaulted a mentally disabled female passenger, but was ordered not to report my findings to the police without permission. By the end of the month Ms. Kutz was promising addition disciplinary action after I investigated a complaint of a Barwood driver dealing marijuana from his cab on the parking lot of Barwood to employees on their lunch break, this time without notifying the police. This brought about my immediate resignation. I came to believe that every fraud investigation that I started and turned over to a Federal law enforcement agency and the large number of drivers who I investigated resulting in revoked Taxi Driver Licenses left Ms. Kutz feeling threatened. In one meeting in June of 2004 she vowed to never hire another person with a law enforcement background.

Meanwhile complaints of citizens not getting picked up continued at a steady rate. The County had a new avenue to reduce complaints with the new code in place and approval to issue 70 new licenses to persons and companies other than Barnes and Barwood. However, Ms. Kutz was not prepared to lessen the monopoly hold of Barwood when the law went into effect on February 28, 90 days after being signed. She first said the new licenses would be issued in July and then has moved the date to New Years. Meanwhile in Montgomery County you run a chance of calling for a cab to take you to the airport two days in advance and never being picked up. [30]