

From: "Martha Guzman" <guzmanCRLAF@aol.com>
To: <rhughes@co.kings.ca.us>
Date: Wed, Oct 27, 2004 4:54 PM
Subject: FW: Update on AITS Driver Criminal Citation

Great news!

California Rural Legal Assistance Foundation
2210 K Street, Suite 210
Sacramento, CA 95816

-----Original Message-----

From: Jeff Ponting [mailto:jponting@crla.org]
Sent: Wednesday, October 27, 2004 2:18 PM
To: ALEGRIA DE LA CRUZ; MARTHA GUZMAN; MICHAEL MEUTER; JACK DANIEL
Subject: FW: Update on AITS Driver Criminal Citation

fyi

Jeffrey T. Ponting
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-----Original Message-----

From: Anne Hipshman [mailto:AHipshman@dir.ca.gov]
Sent: Wednesday, October 27, 2004 2:19 PM
To: 'Millan, Jose@Labor'; 'Mark Schacht'
Cc: 'Jeff Ponting'
Subject: RE: Update on AITS Driver Criminal Citation

I reviewed the contract. In Section 14, it states that the driver shall forward sums of money collected from riders. It also states that "[d]rivers may not collect any monies or fares in excess of the above fees established by KCAPTA and may not accept any monies from any other source (including any company or employer) from transporting workers in the vehicle covered by this Agreement."

Based on this contractual requirement, as I told Mark yesterday, the driver is not receiving a fee for transporting, but rather collecting a fare for a county transportation operation. He therefore, should not be required to be licensed as an FLC, day hauler. The only remaining question is how to communicate this information to the Kings County DA and court.

Anne Hipshman

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-----Original Message-----

From: Millan, Jose@Labor [mailto:Jose.Millan@labor.ca.gov]

Sent: Wednesday, October 27, 2004 1:51 PM

To: 'Mark Schacht'

Cc: 'Jeff Ponting'; Anne Hipshman

Subject: RE: Update on AITS Driver Criminal Citation

I'll ask Anne to get in touch with Jeff as soon as she's completed her review of the file.

-----Original Message-----

From: Mark Schacht [mailto:email@markschacht.com]

Sent: Wednesday, October 27, 2004 1:50 PM

To: 'Millan, Jose@Labor'

Cc: 'Jeff Ponting'

Subject: Update on AITS Driver Criminal Citation

Jose,

I'm told by counsel for Mr. Cervantes (the driver in the Kings County Area Public Transit Agency matter), that the matter WAS NOT on calendar today, but is now set for December 8th.

I spoke with Anne Hipschman yesterday, who indicated that if the driver was keeping the \$\$ he collected for driving --which he ISN'T-- then she'd find him to be a day hauler; otherwise, she believed he shouldn't have been cited. (Jeff Ponting sent her a copy of the KCAPTA contract yesterday afternoon, which should have resolved the matter, since it is clear that the driver merely collects the riders' payments and then forwards them to KCAPTA.) Hopefully, the DA will be notified of this decision as soon as it is made, so that Mr. Cervantes can be told at the earliest opportunity that he is in no legal jeopardy.

I am going on vacation tomorrow until the 15th. In the interim, could you possibly email Jeff with the results of Anne's evaluation? (He'll forward them on to Mr. Cervantes' counsel, and well as to the little group here at CRLA/F working on this issue.)

Thanks for your help on this. I'll call you when you get back (on the 22nd) and we can set something up for a meeting with us on meal/rest period issues.

Mark

Mark S. Schacht
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