

Appendix D

MTC Title VI Complaints

November 2020 – October 2023

MTC Title VI Tracking Form 2020 - 20223

	Date Submitted:	Submitted By:	Basis for Complaint:	Review Officer:	Findings:	Date Response Issued:
1.	January 30, 2022	Brent V. Lett	Disability and Race (see "J:\PROJECT\Title VI Report\Complaints\2018 to 2022 Complaints\B Lett 01.22\B Lett Information\B Lett_ClipperMTCComplaint2022.docx")	Michael Brinton/Ky-Nam Miller	"J:\PROJECT\Title VI Report\Complaints\2018 to 2022 Complaints\B Lett 01.22\Internal\Final Docs\B Lett_Title VI Complaint Response Letter.pdf"	March 31, 2022



METROPOLITAN
TRANSPORTATION
COMMISSION

Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
415.778.6700
www.mtc.ca.gov

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Napa County and Cities

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Deputy Executive Director, Operations

Brad Paul
Deputy Executive Director, Local
Government Services

March 31, 2022

Mr. Brent Lett

RE: Title VI Complaint

Dear Mr. Lett:


Attached is a copy of the Title VI Complaint Review Officers' evaluation of your Title VI Complaint regarding an alleged refusal to provide service to you and contacting of the BART Police on January 4, 2022 at the Clipper In Person Customer Service Center located at the Embarcadero BART Station in San Francisco, CA. I concur with the finding in the evaluation that there is insufficient evidence to conclude that you were denied service, or discriminated against, on the basis of your race, color, or national origin.

If you disagree with the response, you may request reconsideration by submitting the request, in writing, to the MTC Executive Director within 10 calendar days after receipt of this letter. The request for reconsideration shall be sufficiently detailed to contain any items you feel were not fully understood by the Deputy Executive Director, Operations. The Executive Director will notify you of her decision either to accept or reject the request for reconsideration within 10 calendar days. In cases where the Executive Director agrees to reconsider, the matter shall be returned to the staff review officer(s) to re-evaluate.

If the request for reconsideration is denied, you may appeal the Executive Director's response to the Complaint by submitting a written appeal to an MTC Committee no later than 10 calendar days after receipt of the Executive Director's written decision rejecting reconsideration. Such appeal can be sent to MTC's Title VI Coordinator, Michael Brinton, at mbrinton@bayareametro.gov or at the above address.

You may also file a complaint directly with the Federal Transit Administration at FTA Office of Civil Rights, 1200 New Jersey Ave. SE, Washington, DC 20590.

Sincerely,

DocuSigned by:

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Andrew B. Fremier
Deputy Executive Director, Operations

Attachments:

B. Lett Title VI Complaint Evaluation Report

CC:

Andrew B. Fremier (Deputy Executive Director – Operations)
Michael Brinton (Review Officer)
Ky-Nam Miller (Review Officer)

Attachment A

B. Lett Title VI Complaint Evaluation Report



ASSOCIATION OF BAY AREA GOVERNMENTS
METROPOLITAN TRANSPORTATION COMMISSION

Memorandum

TO: Andrew Fremier, Deputy Executive Director –
Operations

DATE: March 31, 2022

FR: Michael Brinton, Assistant Director – Contracts &
Compliance Manager

Ky-Nam Miller, Assistant Director – Public Engagement

RE: Brent Lett Complaint – MTC Clipper In Person Service Center: Title VI Complaint Report

This memorandum reports the results of an investigation of a Title VI complaint regarding MTC's Clipper In Person Customer Service Center at the Embarcadero BART Station (IPCSC) submitted by Mr. Brent Lett on January 30th, 2022 (See Attachments A-1 & A-2).

Mr. Lett's complaint asserts that on January 4, 2022 at approximately 3:00 PM, he was refused service at the IPCSC after waiting in line and that BART Police were called solely based on his race. Per Mr. Lett, when he arrived at the IPCSC, there was one person being serviced at the customer service window. When the IPCSC staff person asked Mr. Lett and those behind him to line up along the wall, Mr. Lett states that he did not move and he stayed in plain view of the service window as there was minimal foot traffic in the station. When it was his turn, he approached the window for assistance. The customer service representative closed the service window and informed Mr. Lett that if he did not leave, the BART police would be called. Mr. Lett states that he stepped aside and awaited the arrival of BART Police. Upon arrival at the IPCSC, a BART police officer stated that the customer service representative informed BART Police that Mr. Lett attempted to cut in line. While Mr. Lett was waiting for the BART Police, he observed the customer service representative, Christopher Bone, re-open the service window and proceed to assist other Clipper customers who he perceived to be Caucasian (Mr. Lett identifies himself as Black).

In investigating this complaint, we reviewed the following information:

- 1) Mr. Lett's complaint spanning January 29th, 2022 thru March 30, 2022
- 2) Written summary of the event prepared by Mr. Christopher Bone, Operation Manager at the Clipper IPCSC.
- 3) Interview with Mr. Bone
- 4) Interviews with management from the contractor operating the IPCSC under contract with MTC, Faneuil, Inc.
- 5) MTC / Faneuil, Inc. contract
- 6) Interview/discussion with MTC staff responsible for managing the IPCSC project.
- 7) Body-cam video from the BART Police officers who responded to the incident.



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BACKGROUND:

As a recipient of federal dollars, MTC is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a non-discriminatory basis. MTC has in place a Title VI Complaint Procedure, which outlines a process for local disposition of Title VI complaints and is consistent with guidelines found in the Federal Transit Administration Circular 4702.1B, dated October 1, 2012.

The IPCSC at the Embarcadero BART Station (see Attachment B) originally opened in 2011 and is currently managed by a consultant (Faneuil, Inc.) which was awarded the contract with MTC through a formal Request for Proposal (RFP) process in 2017. The IPCSC staff are to provide a wide array of customer service to Clipper customers.

The Contract requires two employees during open business hours to operate the two installed Clipper Ticket Office Terminal (TOT) devices and answer transportation-related questions. Except when an employee is away from the IPCSC on legally mandated breaks which do not exceed fifteen (15) minutes (not including lunch breaks), or there are unanticipated employee absences for which no coverage is available, two persons shall always be present in the IPCSC to perform their responsibilities.

At the time of this incident, one of the required two staff was on a legally mandated break and the Operations Manager, Christopher Bone, was servicing customers at the service window. Per instruction from BART and San Francisco Municipal Transit Agency (Muni) staff, the IPCSC is expected to direct Clipper customers to queue in line along the wall either to the left or to the right of the service window to ensure that BART and Muni passengers moving through the station are not obstructed from free movement by the IPCSC line. Signage is posted along with a queue divided line in front of the IPCSC that includes instructions to line up along the wall.

INVESTIGATION:

The initial starting point of the investigation included an in-depth review of the formal complaint by Mr. Lett (Attachment A-1) and of the summary of the event from the perspective of the Faneuil, Inc. Operations Manager Christopher Bone. Additionally, the Review Officers interviewed MTC Staff, Faneuil, Inc. management and Mr. Bone. An attempt was made to interview Mr. Lett, however, he decided that he would prefer to pass on the interview and only speak with MTC directly once this investigation was completed.

Mr. Lett and Mr. Bone are in alignment that after initially entering a line in front of the IPCSC, Mr. Bone asked Mr. Lett to shift from queuing directly in front of the IPCSC to along the wall. According to Mr. Bone, when he noticed that more people were queuing behind Mr. Lett, he requested that they all shift the location of the line. When Mr. Lett did not move with the others in line, Mr. Bone was not sure that Mr. Lett was actually a customer in line. Furthermore, Mr. Bone stated that Mr. Lett was visibly agitated and was being verbally aggressive towards Mr. Bone, to the point that Mr. Bone was uncomfortable. As Mr. Bone



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concluded with his current customer, he made the decision that he was not comfortable interacting with Mr. Lett, closed the service window, requested that Mr. Lett leave the IPCSC and ultimately contacted the BART Police.

The Review Officers attempted to contact the BART Police through their Police Records Department and ultimately made contact with the Records and Evidence Supervisor. The Review Officers were instructed to submit a PRA request which was done on March, 2, 2022 (Request # Request #22-67). The only footage that captures this event is from the body cameras of the responding BART police. The PRA request was fulfilled on March 28, 2022 and includes audio and video of the interaction between Mr. Lett and the BART Police, as well as audio and video of a discussion with Mr. Bone to obtain his explanation for why they were called. The interactions with Bart Police are consistent with the written/verbal summaries from both Mr. Lett's and Mr. Bone's perspective.

Mr. Lett and Mr. Bone give conflicting accounts of their interactions. Given the lack of audio/video recordings and the lack of third-party witnesses, the descriptions of the event from either Mr. Lett's or Mr. Bone's perspective cannot be independently proven or disproven.

FINDINGS:

Based on the information available to the review officers, there is insufficient evidence that Mr. Lett was denied the benefits of service, or discriminated against, on the basis of race, color, or national origin.

DocuSigned by:

Ky-Nam Miller

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Ky-Nam Miller,
Assistant Director, Public Engagement

DocuSigned by:

Michael Brinton

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Michael Brinton,
Assistant Director, Contract & Compliance



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Attachments:

A-1: Brent Lett Complaint Letter submitted January 29, 2022

A-2: Brent Lett Title VI Complaint

B: Photos of IPCSC at Embarcadero Bart Station



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Attachment A-1 Brent Lett Complaint Letter

Brent Lett (an elderly person and disabled)



Brent Lett (An elderly person and disabled)



Case/Claim No.

CLAIM

Claimant

Vs.

Metropolitan Transportation Commission, Faneuil, Inc.
Regional Transit Connection et al; Does 1-20
375 Beale Street Suite 800
San Francisco, CA 94105
Telephone: 415-778-6727
Attn: Matthew Lavrinets

Senior Attorney
mlavrinets@bayareametro.gov

Michael Brinton
Assistant Director,
Contract Compliance Manager
mbrinton@bayareametro.gov
Risk Management/ENO-DNO
Insurance Carrier

Defendants/Respondents'



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Re: Defamation/Slander
Violation of Civil Rights
Title 42 Section 1983

Violation of the California
Bane Act

Violation of Title VI:
Civil Rights Act

Violation of the Unruh
Civil Rights Act of California

Violation of the Rehabilitation
Act of 1973 and its Applicable
Amendments

Violation of Other Applicable Law

Date of Injury: January 3rd, 2022



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General Allegations

- I. On Monday January 3rd, 2022 at approximately 3:07pm I exited the Embarcadero Bart station and made my way to the Clipper customer service counter to make an inquiry regarding my clipper card.
- II. Upon arriving at the counter there was one gentleman being waited on and there was not an excessive amount of people within the station to warrant waiting along side the wall to prevent congestion within the transit station at the Embarcadero station.
- III. I decided to wait in plain view of the attendant whose name I found out to be Chris Bone, servicing the clipper customer service counter so that I would not sustain unnecessary delay in receiving services. Upon arriving at the counter I was disrespectfully told by Chris Bone to wait along side the wall to receive services. I informed Chris that I was going to wait where I was standing.



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IV. After the customer left that was ahead of me I moved forward to receive services. Mr. Bone proceeded to close his station and deny me services at the counter. Chris then proceeded to inform me that he was calling the police if I didn't leave. I encouraged Chris to call the police and that I would wait for them to arrive.

Meanwhile Chris proceeded to reopen his counter and serve other patrons who were Caucasian in decent it appeared to me.

V. The Bart police arrived within 5 minutes of Chris's phone call to them. I had a conversation with them and after speaking with the officers regarding the probable cause of their dispatch, I was informed that they stated that Chris Bone reported I had cut the line in front of another patron. Video evidence will prove otherwise.

VI. The intent of your organization's actions were egregious, done with malice, inept, and maladroit to say the least. The damage that you have done is permanent and cannot be undone. As a black man I could have been shot



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dead for the reporting of a lie to law enforcement.

VII. Chris Bone in essence has committed a violation of law by falsely reporting a crime and should be cited and charged with the crime of reporting a criminal act when there was not one being committed. His actions have caused me a great deal of emotional distress, PTSD, and serious emotional distress.

CONCLUSION

- IX. In closing, normally I would suggest retraining, a revision of your standard operating procedures, and best practices when it comes to these types of matters. I will forego that recommendation for I know there is an underlying culture that exists in your group's ideology which is one of racism.
- X. You will have two calendar days (close of business Tuesday February 1st, 2022 to respond to my complaint. I will allow you 30 days to offer a reasonable remedy to this situation via a compromise settlement and release or consent decree to deal with



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this matter to make an attempt to make me whole again if that in fact is possible. Your response may be in the form of telephone call or electronic mail if you believe in good faith this matter is worth a proper remedy.

XII. I am open and willing to hear what you may feel is fair and just. I believe that we can remedy this situation without engaging the services of those who are more proficient in these matters. That option is now on the table officially along with the consideration of a complaint being filed with the San Francisco District Attorneys office.

XIII. If those options do become necessary, I can assure you that the collateral damage will be more than what it is at the present time. I am not a vexatious litigant, nor do I have litigious endeavors. I do however believe in accountability and adherence to my rights, to not be defamed and have my character and reputation tarnished in a malicious way.

XIV. I look forward to hearing from you soon.

By the way Mr. Brinton has ignored my two voicemail calls I have left for him.

Not good.

Brent Lett

Date: January 29,

2022



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IN PROPRIA PERSONA

cc: others



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Attachment A-2 Brent Lett Title VI Complaint

Explain as clearly as possible what happened and why you believe you were discriminated against. Describe all persons who were involved. Include the name and contact information of the person(s) who discriminated against you (if known) as well as the names and contact information of any witnesses.			
On January 3rd, 2022 I was denied and refused services at the clipper customer counter at the Embarcadero Bart Station in San Francisco in between the hour of 3:07pm and 3:30pm			
Section IV			
Have you previously filed a Title VI complaint with this agency?	Yes	No	
		<input checked="" type="checkbox"/>	
Section V			
Have you filed a complaint with any other Federal, State or local agency, or with any Federal or State Court?	Yes	No	
		<input checked="" type="checkbox"/>	
If yes, check all that apply?	Federal Agency	State Agency	
	Federal Court	Local Agency	
	State Court		
Reserving all rights within the Uniform Commercial Code Sections 1-307, 31-308 and all other applicable law.			
You may attach any written materials or other information that you think is relevant to your complaint.			

Please sign here: Brent Lett

Date: January 30th, 2022

Note - MTC cannot accept your complaint without a signature.

Please mail your completed form to:
Metropolitan Transportation Commission
Deputy Executive Director, Operations
Bay Area Metro Center
375 Beale Street, Suite 800
San Francisco, CA 94105
Fax (415) 536-9800
Email afremier@bayareametro.gov

If information is needed in another language, contact (415) 778.6757 or (415) 778.6769 for TDD/TTY.

如需要透過其他語言查詢資訊請致電 (415)778.6757 或TDD/TTY電話 (415)778.6769。

Si necesita información en otro idioma, llame al (415) 778.6757 o al (415) 778.6769 para servicio de TDD/TTY.



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Attachment B

Clipper IPCSC at the Embarcadero Bart Station

