



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE July 18, 2014 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at approximately 9:33am.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner George Assad, Commissioner Keith A. Sakelhide, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Lidia Aronova, Compliance Audit Investigator John Datian, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

Compliance Audit Investigator John Datian led a recital of the Pledge.

4. Public Comment

Paul Sprada, owner of AA Buffalo One Towing, stated that it is difficult to be profitable because Las Vegas is at the saturation point for tow carriers, plus there are many unlawful operators marked "not for hire."

5. Approval of Agenda

Administrative Attorney Jim Day requested that Item 16 be removed from the Agenda. Agenda approved as amended by a vote of 3-0.

6. Approval of the Minutes of the June 13, 2014 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman MacKay, Commissioner Sakelhide and Commissioner Assad thanked Authority Staff and expressed gratitude to John Datian for his service as he enters retirement.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Skibinski wished John Datian well in his retirement and reported on the Authority's performance measures for the fiscal year ended June 30, 2014.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton updated the status of pending cases and reported a new civil suit regarding an incident at the airport about two years ago.

DISCUSSION ITEM

- 10. Docket 14-05015** The Authority at its June 2014 general session opened an investigative docket and assigned Commissioner Keith Sakelhide as Presiding Officer for purposes of gathering information regarding electronic hailing applications. Commissioner Sakelhide will report his findings and recommendations for consideration of the Authority. (KAS)

Applications Manager Liz Babcock reported that within the past two days LVL, Presidential and Bell Trans have filed tariff modifications to accommodate electronic hailing. Neal Tomlinson, legal counsel for Integrity Vehicle Solutions Company offered a statement regarding his company's Ride Genie product.

PETITION TO DEVIATE FROM REGULATION

- 11. Docket 14-07004** Petitioner Integrity Vehicle Solutions Company seeks Authority approval to deviate pursuant to NAC 706.1305 from NAC 706.311 to allow the Petitioner to collect a fee from the user of an electronic ride hailing application. If approved, the Petitioner would collect from the user this fee, the tariff rate of the providing carrier, and any gratuity. The Petitioner would retain the full amount of such fee, and remit to the carrier the total tariff rate (including any approved surcharges) less a commission or referral fee (not to exceed 10%) as authorized by NAC 706.311(2), and the full amount of the gratuity, if any. (KAS)

Neal Tomlinson, legal counsel for Integrity Vehicle Solution Company summarized the Petition, and answered questions regarding the "good cause" underlying the request. Chairman MacKay emphasized that the deviation would be an interim solution conditional upon the filing of language to add to the ongoing rulemaking document. Temporary deviation approved by a vote of 3-0, for the duration of the current rulemaking docket.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 12 through 72, with the exception of Items 16, 26 and 32 were considered collectively and Approved by a vote of 3-0.

- 12. Citation 16797** issued to A & A Towing for violations of NAC 706.311 and NAC 706.420 (2 counts). (AJM)
- 13. Citation 16832** issued to Robert Bereman for a violation of NAC 706.376. (AJM)
- 14. Citation 16842** issued to Jose Aguilar for a violation of NAC 706.234. (AJM)
- 15. Citation 16848** issued to Joe Santalla/Shuttle Around Tahoe for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. Impound 2129.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (AJM)

This item was removed from the Agenda prior to consideration.

- 17. Impound 2130.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Joe Santalla. (AJM)
- 18. Impound 2306.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Dennis Hof. (AJM)

19. Impound 2308. The impoundment pursuant to NRS 706.476 of a vehicle registered to Charles McLaughlin. (AJM)

20. Impound 2397. The impoundment pursuant to NRS 706.476 of a vehicle registered to PV Holdings. (AJM)

21. Impound 2309 and Citation 16846. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16846 issued to Brian Burton for violations of NRS 706.386 and NRS 706.758. (AJM)

22. Citation 16216 issued to Saul Osman Ortega for violations of NAC 706.247/49 CFR 391.41 and NAC 706 as amended by LCB File No. R127-07(1). (GA)

23. Citation 16545 issued to Luxe Limo Services, LLC for a violation of NRS 706.398. (GA)

24. Citation 16772 issued to Henoke Gerbi for a violation of NAC 706.228. (GA)

25. Citation 17028 issued to Vegas Valley Towing for a violation of NAC 706.311. (GA)

26. Citation 17035 issued to Ivonne Santisteban for a violation of NRS 706.386. (GA)

Draft Order approved as proposed by a vote of 3-0.

27. Citation 17036 issued to Javier Gonzalez-Cava for a violation of NAC 706.228. (GA)

28. Citation 17038 issued to Alexander Maglaperidze and President's Travel for a violation of NRS 706.386. (GA)

29. Citation 17042 issued to Bruce Schmier for violations of NRS 706.386 and NRS 706.758. (GA)

30. Citation 17052 issued to Henoke Gerbi for violation of NAC 706.228 and NAC 706.194. (GA)

31. Citation 17058 issued to Matthew Struckhoff for a violation of NAC 706.228. (GA)

32. Impound 2084. The impoundment pursuant to NRS 706.476 of a vehicle registered to Viva Las Vegas Tours & Travel. (GA)

Draft Order approved as proposed by a vote of 3-0.

33. Impound 2355 and Citation 17105. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17105 issued to Edgar Negreros for violations of NRS 706.386 and NRS 706.758. (GA)

34. Impound 2399 and Citation 17108. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17108 issued to Ajit Michael Nayaran for violations of NRS 706.386 and NRS 706.758. (GA)

35. Citation 16012 issued to Aldo Martinez for violations of NRS 706.386 and NRS 706.758. (KAS)

36. Citation 16014 issued to Valeria Small for violations of NRS 706.386 and NRS 706.758. (KAS)

37. Citation 16015 issued to Cesar Vigil for violations of NRS 706.386 and NRS 706.758. (KAS)

38. **Impound 2352.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Teresa Leach. (KAS)
39. **Impound 2359.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Little Darlings. (KAS)
40. **Impound 2400.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Luis R. Torres. (KAS)
41. **Citation 16518** issued to Tevita Helu for violation of NAC 706.234 and NAC 706.247/49 CFR 391.41.
42. **Citation 16541** issued to All My Sons Moving and Storage of Las Vegas for a violation of NRS 712.050.
43. **Citation 16599** issued to Yared Tegegne for a violation of NAC 706.228.
44. **Citation 16731** issued to Tow Pros for a violation of NAC 706.420.
45. **Citation 16792** issued to Reno Tahoe Charters, LLC/Lake Tahoe Party Bus/Reno Party Bus for a violation of NRS 706.285.
46. **Citation 16812** issued to Anthony Perriatt for violation of NAC 706.234 and NAC 706.247/49 CFR 391.41.
47. **Citation 16815** issued to Richard Wetmore for a violation of NAC 706.234.
48. **Citation 16823** issued to Laura Cosgrove for a violation of NAC 706.247/49 CFR 391.41.
49. **Citation 16824** issued to Antonio Corleone for a violation of NAC 706.247/49 CFR 391.41.
50. **Citation 16835** issued to Hermes Choy for a violation of NAC 706.376.
51. **Citation 16836** issued to David Baer for violation of NRS 706.758 and NAC 706.376.
52. **Citation 16837** issued to James Gordon for a violation of NAC 706.234.
53. **Citation 16838** issued to Helal Sarker for a violation of NAC 706.376.
54. **Citation 16847** issued to Stephen Johnson for a violation of NAC 706.234.
55. **Citation 16929** issued to Erik Dahman for a violation of NRS 706.285.
56. **Citation 17017** issued to Aquarius Towing for a violation of NAC 706.203.
57. **Citation 17023** issued to Nicole Evans for a violation of NAC 706.228.
58. **Citations 17025 and 17059** issued to Molaye Woldeyesus for violations of NAC 706.228 (2 counts) and NAC 706.329.
59. **Citation 17029** issued to Gregory Carter for a violation of NAC 706.234.

60. **Citation 17033** issued to Harold Linares for a violation of NAC 706.228.
61. **Citation 17039** issued to Samuel Tesfay for violation of NAC 706.228 and NAC 706.329.
62. **Citation 17041** issued to Eskender Mehadi for a violation of NAC 706.228.
63. **Citation 17053** issued to Michael Howard for a violation of NAC 706.228.
64. **Citation 17057** issued to Dawit Golla for a violation of NAC 706.228.
65. **Citation 17064** issued to Lawrence Sontag for a violation of NAC 706.329.
66. **Citation 17065** issued to Benny Schapero for violation of NAC 706.228 and NAC 706.234.
67. **Citation 17068** issued to Roosevelt Rebibes for violation of NAC 706.228 and NAC 706.329.
68. **Citation 17080** issued to All My Sons Moving & Storage for a violation of NAC 706.381.
69. **Citation 17144** issued to Dawit Golla for violations of NAC 706.228 and NAC 706.354.
70. **Citation 17148** issued to Berhane Petros for a violation of NAC 706.228.
71. **Citation 17149** issued to Andom Abraham Kahsay for violation of NAC 706.354 and NAC 706.247/49 CFR 391.41.
72. **Citation 17301** issued to Bosch Motors Towing for a violation of NAC 706.420.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

73. **Docket 13-11011** The Application of Danny J. Lopez d/b/a R.L.B. Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)
Applicant Danny J. Lopez was present. Commissioner Assad summarized the Application and recommended approval, citing Staff support. Applications Manager Liz Babcock noted that Applicant seeks to perform consent-only tows in Las Vegas. Approved 3-0.
74. **Docket 14-04013** The Application of Custom Cycle Rescue, LLC d/b/a Custom Cycle Rescue for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (KAS)
Owner Scott Harris was present on behalf of the Applicant. Commissioner Sakelhide summarized the Application and recommended approval, citing Staff support and that Applicant seeks to perform consent-only tows to stranded motorcycles in Las Vegas. Approved 3-0.
75. **Docket 14-05019** The Application of Hog Hauling, LLC d/b/a Hog Hauling for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (KAS)
Debra McElwan was present on behalf of the Applicant. Commissioner Sakelhide summarized the Application and recommended approval, citing Staff support and that Applicant seeks to perform consent-only tows for motorcycles in Las Vegas. Approved 3-0.

76. Docket 14-06004 The temporary discontinuance from June 4, 2014 through September 4, 2014 of services provided by Towing Solutions of Las Vegas, LLC d/b/a Towing Solutions of Las Vegas under CPCN 7310. Staff investigation concluded.

Applications Manager Liz Babcock reported that the request was timely filed. Approved 3-0.

77. Docket 14-06007 The Application of 777 Towing, Inc. d/b/a 777 Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and recommended approval, citing Staff support. Applications Manager Liz Babcock noted that the Applicant seeks to operate in Las Vegas and has been operating for many years performing exempt auto club tows. Approved 3-0.

78. Docket 14-06009 The joint Application of Zaroui Grigorian d/b/a Anthony's Towing for authority to sell and transfer and Anthony's Towing, LLC d/b/a Anthony's Towing to purchase and acquire the authority to provide tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7239. Staff investigation concluded. (KAS)

Commissioner Sakelhide summarized the Application and recommended approval, citing Staff support and that the Applicant will perform consent-only tows in Las Vegas. Approved 3-0.

APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO PROVIDE CHARTER BUS SERVICE

79. Docket 14-04001 The Application of Monica Miranda d/b/a Star Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

Applicant Monica Miranda was present. Commissioner Assad summarized the Application and recommended approval, citing Staff support and noting that the grant of authority would include a restriction barring "Kellying" or "walk-up" service. Approved 3-0.

VOLUNTARY CANCELLATIONS

80. Docket 14-06025 The voluntary cancellation of Kevin O'Kelley d/b/a Anytime Express Towing, CPCN 7262. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0.

PETITIONS FOR RECONSIDERATION

81. Docket 14-06019 Petition for Reconsideration of the Authority's February 27, 2014 Order in the matter of Citation 16453 issued to Oscar Barajas-Gonzalez for violations of NRS 706.386 and NRS 706.758. Respondent requests that the final Order based upon his failure to appear be set aside. (AJM)

Petitioner Oscar Barajas-Gonzalez was present and explained the basis for his failure to appear, and noted that there was some confusion at the Post Office regarding his change of address. Deputy Commissioner Skibinski summarized the Petitioner's interaction with the Authority, including a prior attempt to file for reconsideration of the matter. Administrative Attorney James Allen Day confirmed the Deputy Commissioner's account. The Petitioner provided a new address of 6415 Cachua Ct., Sun Valley, 89433. Petition granted 3-0, with hearing reset for August 7, 2014 at 9:30am.

82. Docket 14-07002 Petition for Reconsideration of the Authority's June 13, 2014 Order in the matter of Citation 17146 issued to Michael Merryman for a violation of NAC 706.228. Respondent requests that the final Order based upon his failure to appear be set aside. (GA) *Petitioner Elvis Michael Merryman was present and explained the basis for his failure to appear. Petition granted 3-0, with hearing reset for August 6, 2014 at 1:30pm.*

FINANCIAL RATES AND TARIFFS

83. Docket 14-06015 The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1108. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application and expressed Staff support. Owner Lou Castro was present on behalf of the Applicant and reported that the credit card fee was unpopular with customers. In response to a question from Commissioner Sakelhide, Mr. Castro and Applications Manager Liz Babcock clarified the proposed discount to other carriers. Approved 3-0.

84. Docket 14-06018 The Application of Seiji, LLC d/b/a Seiji Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1111, Sub 1. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application and expressed Staff support. Approved 3-0.

85. Public Comment

Greg Hannah of AAA Insurance asked if his company should be filing complaints if cars are not towed to the designated storage lots. Chairman MacKay confirmed that the company has a right to file complaints if they wish, and reported on the status of Las Vegas Metropolitan Police Department preparedness to fully implement the program.

1:15 PM AFTERNOON SESSION

86. Public Comment

None

APPLICATIONS FOR FULLY REGULATED CARRIERS

87. Docket 12-10009 The ex post facto joint application of Ron and Sue Waagmeester for authority to transfer and of the Loodle Living Trust to acquire Badly Scattered Land and Cattle Company d/b/a Medic Coach Service, a carrier authorized to provide non-emergency medical transportation services granted under CPCN 2413, Sub 2. Staff investigation concluded. (KAS)

Items 87 and 89 were considered jointly. Legal counsel Theodore Kurtz was present on behalf of the Applicants. Commissioner Sakelhide and Applications Manager Liz Babcock summarized the Applications and recommended approval. Both Items approved by a vote of 3-0.

88. Docket 13-02009 The Joint Application of Tom and Itay Dadon for authority to sell and transfer and of Shaul Dadon to purchase and acquire 33.34% of Shaul Marketing, Inc. d/b/a Triple 7 Movers, a carrier authorized to provide transportation of household goods granted under CPCN 3350, Sub 1. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and recommended approval, noting Staff support. Approved by a vote of 3-0.

89. Docket 13-05012 The Joint application of the Loodle Living Trust for authority to transfer and of Robert K., John O., Rachael L., and Renee A. Templeton to acquire Badly Scattered Land and

Cattle Company d/b/a Medic Coach Service, a carrier authorized to provide non-emergency medical transportation services granted under CPCN 2413, Sub 2. Staff investigation concluded. (KAS)

See Item 87.

- 90. Docket 13-08003** The Joint application of LIFETRANS, Inc., a non-profit corporation, for authority to sell and transfer and of LIFETRANS, Inc., a for profit corporation, to purchase and acquire the authority to provide non-emergency medical transportation services granted under CPCN 1114. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and recommended approval, noting Staff support. Applications Manager Liz Babcock confirmed Staff support and reported that the transfer would result in no operational changes. Approved by a vote of 3-0.

- 91. Docket 13-10007** The Application of Limousines of LV Parking, LLC d/b/a Nevada Limousine Service for an expansion of operating authority granted under Contract Carrier Permit MV 6148. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and recommended denial. Commissioner Sakelhide reported that he had listened to the hearing and reviewed the transcripts and expressed support for Commissioner Assad's proposed Order. Chairman MacKay reported that he had listened to the hearing and reviewed transcripts and that he also concurred with the proposed Order. Co-owner Melody Malone was present on behalf of the Applicant along with legal counsel William Heaton, Esq. The Motion for Partial Summary Judgment was denied by a vote of 3-0. The proposed Order denying the Application was approved as drafted by a vote of 3-0.

STORAGE LOT DESIGNATION REQUESTS

- 92. Dockets 13-06007-V through 13-06007-BB** Pursuant to NRS 706.4489(7), the Authority will consider requests from Assurance America; Century-National Ins. Co.; Travelers Insurance; Ameriprise Auto & Home Insurance; Bristol West Insurance Company/Coast National Insurance; Bristol West Insurance Company/Foremost Insurance; and Bristol West Insurance Company/Bristol West Insurance for designation of the vehicle storage lot operated by Copart, Inc. dba 57 Storage. The Authority will consider ratification of interim approval of storage lot designations with respect to jurisdictions for which an executed indemnification agreement has been provided in conformity with NRS 706.4489(7)(a) and NRS 706.4489(4). (AJM)

Chairman MacKay summarized the requests and recommended that the full Authority ratify his interim approvals. Approved 3-0.

- 93. Dockets 13-06007-CC through 13-06007-JJ** Pursuant to NRS 706.4489(7), the Authority will consider request(s) from Mercury Insurance Services, LLC; Farmers Insurance Exchange & Affiliates; Allstate Insurance Company; and CSA AIG Insurance Group dba AAA Nevada; each for designation of two vehicle storage lots operated by E&E Vehicle Solutions. The Authority will consider ratification of interim approval of storage lot designations with respect to jurisdictions for which an executed indemnification agreement has been provided in conformity with NRS 706.4489(7)(a) and NRS 706.4489(4). (AJM)

Chairman MacKay summarized the requests and recommended that the full Authority ratify his interim approval. Approved 3-0.

DISCUSSION ITEMS

94. Docket 14-06001 Model Tow Tariff modifications regarding non-consent tows for cash discounts pursuant to NRS 706.44797. Staff investigation concluded.

Applications Manager Liz Babcock summarized the modifications and requested two sets, one with the discount and one without. It was determined the 3% discount rate would be used and the original docket to remain open for 12 months to obtain additional historical data. Jeff Sawin, Drew Ribar (Reno), David Walker and Thomas Turner discussed the math formula for the 3% increase.

Approved 3-0

95. Docket 14-07001 The Authority will discuss the propriety of a tow carrier requiring a customer/vehicle owner to enter into an “Agreement for Vehicle Lien” as a condition of acceptance of credit cards as required by NRS 706.44793. (KAS)

Thomas Turner, Legal Counsel and Co-Owner of Tow Pros summarized the discussion item. Commissioner Sakelhide indicated the agreement for lien was not lawful. Commissioner Sakelhide’s position was adopted by the full Authority by a vote of 3-0

96. At the request of Authority Staff, the Authority will discuss the interpretation and application of NAC 706.3612, including but not limited to the circumstances under which a driver may exceed 12 hours of service pursuant to the exception set forth in NAC 706.3612(1). Staff investigation concluded.

Senior Deputy Attorney General Newton summarized the circumstances that initiated the discussion item. Commissioner Sakelhide detailed the requirements of the regulation. A lengthy discussion ensued. Terry Flink, Las Vegas Limousines posed several scenarios with regard to charters and hours of service. Kimberly Maxson-Rushton, Esquire suggested requesting a deviation during peak conventions. Jahn Herrick, Lucky Limousines expressed concerns about Nevada hours of service being more stringent than comparable Federal standards.

97. Public Comment

Dwight Kazee, Citywide Towing, questioned Items 92 and 93 and the storage lot provisions. David Walker, Walker Towing made a statement regarding his last appearance before the Authority.

98. Adjournment

Meeting adjourned at approximately 3:45 p.m.