

BRIAN SANDOVAL  
*Governor*

STATE OF NEVADA



BRUCE BRESLOW  
*Director B&I*

ANDREW J. MACKAY  
*Chairman*

GEORGE ASSAD  
*Commissioner*

KEITH SAKELHIDE  
*Commissioner*

DEPARTMENT OF BUSINESS AND INDUSTRY  
**NEVADA TRANSPORTATION AUTHORITY**

**MINUTES OF THE August 19, 2014 GENERAL SESSION**

**AGENDA**

**1. Call to Order**

*Chairman Andrew J. MacKay called the meeting to order at 9:30 a.m.*

**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 Yvonne Shelton, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski*

**3. Pledge of Allegiance**

*Financial Analyst Yvonne Shelton led a recital of the Pledge.*

**4. Public Comment**

*Thomas Waymark, Menlo Ventures, gave a statement regarding the ehail application proposed in the Las Vegas market. Jack Bond, Fare Motion, gave a statement regarding ehail technology and the costs involved.*

**5. Approval of Agenda**

*Administrative Attorney Jim Day requested Items 31 and 64 be removed and that the docket number in Item 79 should read 14-08004, not 14-08008. Senior Deputy Attorney General Newton requested Items 17, 20, 26 and 27 be removed as Respondent has retained counsel. Approved as modified 3-0*

**6. Approval of the Minutes of the July 18, 2014 Agenda Meeting**

*Approved 3-0*

**7. Briefings from the Commissioners**

*Commissioner Assad thanked staff for their work the past month. Commissioner Sakelhide echoed Commissioner Assad's comments, thanked Administrative Attorney Jim Day for the additional work preparing the agenda and welcomed the new administrative assistant, DeAnna Kirk. Chairman MacKay thanked carriers for accommodating the Agenda Meeting date changes.*

**8. Briefing from the Deputy Commissioner**

*Deputy Commissioner Skibinski welcomed DeAnna Kirk and recognized and thanked Karen Rayson for extra coverage and responsibility taken on over the past several weeks.*

## **9. Report of Legal Counsel**

*Senior Deputy Attorney General Newton reported service in the Martinez matter from an incident at the airport, that several motions have been filed in the O'Connor matter, that A Cab has filed the opening brief in their PJR and that in the challenge to the licensing procedure filed by Reno-Sparks Cab, the Motion For Summary Judgment is due the 29<sup>th</sup> of August.*

## **ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS**

*Items 10 through 60, with the exception of Items 16, 17, 20, 26, 27, 29 and 31 were considered collectively. Approved 3-0*

- 10. Citation 16849** issued to Austin Russell for violations of NRS 706.386 and NRS 706.758. (AJM)
- 11. Citation 16941** issued to Safe Taxi and Juan Ramos for violations of NRS 706.386 and NRS 706.758. (AJM)
- 12. Citation 17304** issued to Reno VIP Limo and Global VIP Limo and Alex Sandler for violations of NRS 706.386 and NRS 706.758. (AJM)
- 13. Impound 2125.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Carlos Ubias Marquez. (AJM)
- 14. Impound 2339.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Penske Truck Rentals. (AJM)
- 15. Impound 2127 and Citation 16939.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16939 issued to Kenan Jeter for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. 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)  
*Mr. Burton appeared in Reno and requested a reduction in fines, stating he is facing financial hardship. Chairman MacKay indicated he would amend the order to place all the fines in abeyance for two years. Approved as modified 3-0*
- 17. Citation 17069** issued to Juan Blanco and S & L Investments for violation of NRS 706.386. (GA)  
*This item was removed from the Agenda prior to consideration.*
- 18. Citation 17071** issued to Tedros Menghis for a violation of NAC 706.228. (GA)
- 19. Citation 17106** issued to Brooks Slater for violations of NRS 706.386 and NRS 706.758. (GA)
- 20. Citation 17111** issued to Juan Blanco for violation of NRS 706.758. (GA)  
*This item was removed from the Agenda prior to consideration.*
- 21. Impound 2351.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Randall J. Lewis. (GA)

- 22. Impound 2353.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Budget Rent-a-Car/PV Holdings. (GA)
- 23. Impound 2354.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Budget Rent-a-Car/PV Holdings. (GA)
- 24. Impound 2356.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Lesley Pohl. (GA)
- 25. Impound 2340 and Citation 17101.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17101 issued to Deborah Bradbury for violations of NRS 706.386 and NRS 706.758. (GA)
- 26. Citation TA 8-00047941** issued to Juan Blanco for violation of NRS 706.386. (GA)  
*This item was removed from the Agenda prior to consideration.*
- 27. Impound TA-140710-046.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Blanco/SEBLS Holdings. (GA)  
*This item was removed from the Agenda prior to consideration.*
- 28. Citation 14688** issued to Shaul Marketing, Inc. dba Triple 7 Movers for violations of NAC 706.149 and NRS 706.398. (KAS)
- 29. Citation 16013** issued to Kevin Waxler for violations of NRS 706.386 and NRS 706.758. (KAS)  
*This item was removed from the Agenda prior to consideration. Order to be set aside and a new hearing date set per Respondent's request. Approved 3-0*
- 30. Citation 16016** issued to Manuel Chavez for violations of NRS 706.386 and NRS 706.758. (KAS)
- 31. Citations 16350, 17076, 17077, 17078, and 17079** issued to CPO Enterprises, LLC dba Christopher Moving for violations of NAC 706.247 (17 counts). (KAS)  
*This item was removed from the Agenda prior to consideration.*
- 32. Citation 17070** issued to JetSet VIP and Jonthan Mullen for violations of NRS 706.386 and NRS 706.758. (KAS)
- 33. Citation 17074** issued to Jessica Scoggins for violations of NRS 706.386 and NRS 706.758. (KAS)
- 34. Citation 17102** issued to Gustavo Chavez for violations of NRS 706.386 and NRS 706.758. (KAS)
- 35. Citation 17103** issued to Angelica Goodman for violations of NRS 706.386 and NRS 706.758. (KAS)
- 36. Impound 2373.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Chavada Moving. (KAS)
- 37. Impound 2374.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Malco Enterprises of Nevada, Inc. (KAS)
- 38. Impound 2375.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (KAS)

39. **Impound 2394.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Aldara Martinez. (KAS)
40. **Impound 2396.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Brandon K. Pereyda. (KAS)
41. **Impound 2299 and Citation 17104.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17104 issued to Thaddieus Coberly for violations of NRS 706.386 and NRS 706.758. (KAS)
42. **Impound 2376 and Citation 17114.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17114 issued to Silvestre Gonzalez-Tepetzi for violations of NRS 706.386 and NRS 706.758. (KAS)
43. **Citations 14692 and 14693** issued to Fast Towing for violations of NAC 706.247/49 CFR 382.405 (11 counts), NAC 706.247/49 CFR 391.31 (8 counts), and NAC 706.247/49 CFR 391.23 (11 counts).
44. **Citation 16006** issued to Pro Action Limousine and Concierge Service for violations of NRS 706.167 and NRS 706.398.
45. **Citation 16008** issued to Lawrence Sontag for a violation of NAC 706.228.
46. **Citation 16011** issued to Lonnie Crosby for a violation of NAC 706.228.
47. **Citation 16018** issued to Michelle Avila and Finest Moving & Storage for violations of NRS 706.386 and NRS 706.758.
48. **Citation 16549** issued to National Tow & Road Service, Inc. for a violation of NAC 706.206.
49. **Citation 16550** issued to Carson Valley Movers for a violation of NAC 706.203 (2 counts).
50. **Citation 16937** issued to Maciej Rybokowski for a violation of NAC 706.376.
51. **Citation 17081** issued to City Towing Inc. d/b/a Quality Towing for a violation of NAC 706.4275.
52. **Citation 16845** issued to Welcome's Towing for a violation of NRS 706.285.
53. **Citation 17109** issued to Fikralem Mamo for a violation of NAC 706.228.
54. **Citation 17113** issued to Dereje Buka for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41.
55. **Citation 16844** issued to Dennis Hof for a violation of NRS 706.386.
56. **Citation 16909** issued to Las Vegas Limousines for two violations of NAC 706.3612.
57. **Citation 17072** issued to Troy Shaw for a violation of NAC 706.228.
58. **Citation 17110** issued to Abdul Alnaif for a violation of NAC 706.228.

**59. Citation 17146** issued to Michael Merryman for a violation of NAC 706.228.

**60. Impound 2087.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Michael Martinez and Naomi Martinez.

### **VOLUNTARY CANCELLATIONS**

**61. Docket 14-07008** The voluntary cancellation of The Sun & Sons, Inc., CPCN 2123. Staff investigation concluded.

*Chairman MacKay summarized the request, and Senior Deputy Attorney General Newton requested approval be conditional upon verification of no outstanding citations. Approved 3-0*

### **APPLICATIONS FOR WAREHOUSE PERMITS**

**62. 14-04012** The request of PODS Enterprises, Inc. for an exemption to the requirement to acquire a warehouse permit pursuant to ~~NAC~~ NRS 712.040.

*Chairman MacKay summarized the request and recommended denial. Request denied – 3-0*

### **PETITION TO DEVIATE FROM REGULATION**

**63. Docket 14-07005 and 14-07006** The Petitions to Deviate from Regulations pursuant to NAC 706.1305 filed by On Demand Sedan Services, Inc. d/b/a AAA ODS Limousine, ODS Limousine, ODS Chauffeured Transportation, On Demand Sedan & Limo, and Desert Cab, Inc. d/b/a Odyssey Limousine seeking Authority approval to deviate from NAC 706.228(3) (4), and (5). Specifically, the Petitioners seek relief from obligations regarding displaying signs and staging vehicles within fifty (50) feet of the designated taxicab stand at the SLS Las Vegas Hotel & Casino. (AJM)

*Rich Frakes appeared on behalf of the Applicants. Petition approved 3-0*

### **PETITIONS FOR RECONSIDERATION**

**64. Docket 14-07011** Petition for Reconsideration of the Authority's June 13, 2014 Order in the matter of docket 13-08028, denying the Application of The Party Bus Company, LLC dba PBC for a Certificate of Public Convenience and Necessity to provide charter bus services within the State of Nevada. (KAS)

*This item was removed from the Agenda prior to consideration.*

**65. Docket 14-05006** Petition for Reconsideration of the Authority's April 3, 2014 Order in the matter of Impound 2237 and Citation 16801, the impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16801 issued to Gregory A. Marks for violations of NRS 706.386 and NRS 706.758. (AJM)

*Chairman MacKay summarized the request. Mr. Marks did not appear in Reno. Petition denied 3-0*

### **FINANCIAL RATES AND TARIFFS**

**66. Docket 12-01018-F** At the request of Authority Staff, the Authority will consider, pursuant to NAC 706.305 and NRS 706.331, whether to order modifications to the tariff of JMR & CLS, Inc. d/b/a Tri-

State Towing & Recovery (CPCN 7141) including but not limited to rates for hook-up, lot visits and tire chains.

*Financial Analyst Yvonne Shelton summarized the request. James Rubbico appeared on behalf of Tri-State Towing. A discussion ensued with regard to the outlying rates. Motion was made to assign a hearing officer and set matter for hearing. Approved 3-0*

**67. Docket 14-07013** The Application of Las Vegas Limousine, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 2258. Staff investigation concluded.

*Items 67, 68, 69, 70, 71 and 75 were considered collectively.*

*John Marushok appeared on behalf of the Applicant. Approved 3-0*

**68. Docket 14-07014** The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 1007. Staff investigation concluded.

*Items 67, 68, 69, 70, 71 and 75 were considered collectively. Approved 3-0*

**69. Docket 14-07015** The Application of Bell Trans, Inc. d/b/a Bell Trans, Bell Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1023. Staff investigation concluded.

*Items 67, 68, 69, 70, 71 and 75 were considered collectively. Approved 3-0*

**70. Docket 14-07016** The Application of On Demand Sedan Services, Inc. d/b/a AAA ODS Limousine, ODS Limousine, ODS Chauffeured Transportation, On Demand Sedan & Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1040. Staff investigation concluded.

*Items 67, 68, 69, 70, 71 and 75 were considered collectively. Approved 3-0*

**71. Docket 14-07017** The Application of Desert Cab, Inc. d/b/a Odyssey Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 11075. Staff investigation concluded.

*Items 67, 68, 69, 70, 71 and 75 were considered collectively. Approved 3-0*

**72. Docket 14-07018** The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1041. Staff investigation concluded.

*Items 72 and 73 were considered collectively. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**73. Docket 14-07019** The Application of AWG Ambassador, LLC d/b/a AWG Charter Services for approval of a tariff rate modification for charter limousine services conducted under CPCN 1068. Staff investigation concluded.

*Items 72 and 73 were considered collectively. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**74. Docket 14-07020** The Application of Annie Bananies Wild West Tour, LLC for approval of a tariff rate modification for scenic tour services conducted under CPCN 20831. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**75. Docket 14-07027** The Application of Western Limousine Service, LLC d/b/a Western Limousine Service for approval of a tariff rate modification for charter limousine services conducted under CPCN 1054. Staff investigation concluded.

*John T. Moran, Jr., Western Limousine, appeared on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**76. Docket 14-07034** The Application of Las Vegas Limousine, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 2258. Staff investigation concluded.

*Items 76 and 77 were considered collectively. Terry Flink and John Marushok appeared on behalf of the Applicants. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**77. Docket 14-07035** The Application of Airline Limousine Corporation, d/b/a Airline Shuttle Corp for approval of a tariff rate modification for airport transfer and special services conducted under CPCN 2050. Staff investigation concluded.

*Items 76 and 77 were considered collectively. Terry Flink and John Marushok appeared on behalf of the Applicants. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**78. Docket 14-08001** The Application of Pink Jeep Tours of Las Vegas, Inc. d/b/a Pink Jeep Tours for approval of a tariff rate modification for scenic tour services conducted under CPCN 1078. Staff investigation concluded.

*Kimberly Maxson-Rushton, Esquire, appeared on behalf of the Applicant. Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0*

**79. Dockets 14-08002 and ~~14-08008~~ 14-08004** The Applications of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of tariff rate modifications for charter limousine services conducted under CPCN 1063, Sub 8. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Claire Poblner, appeared on behalf of Executive Las Vegas. Approved 3-0*

#### **80. Public Comment**

*none*

### **1:15 PM AFTERNOON SESSION**

#### **81. Public Comment**

*none*

### **APPLICATIONS FOR FULLY REGULATED CARRIERS**

**82. Docket 12-09001** The Application of Ron Perlman d/b/a Reno Tahoe Limousine for an expansion of operating authority granted under CPCN 1101, Sub 1. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the procedural history and indicated he did not support the request for expansion. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Intervenor, Bell Limo. Application denied 3-0*

**83. Docket 13-12022** The Application of Black Wolf Moving Nevada, LLC d/b/a ~~Two~~ Two Men and a Truck for an expansion of operating authority granted under CPCN 3343. Staff investigation concluded. (KAS)

*Commissioner Sakelhide summarized the application and indicated staff support. Cameron Schiver appeared on behalf of the Applicant. Approved 3-0*

### **STORAGE LOT DESIGNATION REQUESTS**

**84. Dockets 13-06007-E and 13-06007-G** Pursuant to NRS 706.4489(7), the Authority will consider requests from Shelter Insurance Co.; National General Insurance; National General Assurance; MIC Insurance; Integon Indemnity; Integon Preferred; Integon General; Clearside Insurance; Stonewood Insurance; GMAS Insurance Online, Inc.; and New South 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 request and indicated staff support. Approved 3-0*

### **ORDER TO SHOW CAUSE**

**85. Docket 14-07022** Chairman Andrew J. MacKay requests pursuant to NRS 706.2885 that the Authority, on its own motion, assign a Presiding Officer to initiate investigation and conduct a hearing to determine whether there is good cause to suspend or revoke the authority granted to CLS Nevada, LLC dba United Car Service of Las Vegas pursuant to Certificates of Public Convenience and Necessity 1011.5 and 2066.2.

*Chairman MacKay summarized the motion and reasoning for the request. Mr. Chesnoff, Esquire and Richard Schonfeld, Esquire appeared on behalf of CLS Nevada, LLC as representation in the criminal matter. Neal Tomlinson, Esquire appeared on behalf of Proper Transportation, in the matter of the sale and transfer under Docket 13-04030. All parties appeared as a courtesy. A discussion ensued. Chairman MacKay assigned as hearing officer. Order to Show Cause approved 3-0*

### **REQUEST FOR ADVISORY OPINION/PETITION**

**86. Docket 14-06022** Airline Limousine Corporation d/b/a Airline Shuttle Corp and Las Vegas Limousine, Inc. request an advisory opinion on the following question regarding the regulation of the Authority: A third party reservation service is requesting that an additional fee, in excess to the 10% referral fee authorized by NAC 706.311(2), (“additional fee”), be charged to the transportation provider when the third party incurs a credit card transaction fee. The question is if or where the additional fee falls under the regulation of the Authority.

*Chairman MacKay summarized the request. John Marushok, appeared on behalf of Las Vegas Limousine and Airline Shuttle Corp. Motion for the advisory opinion that the additional fee charged is not an acceptable practice. Approved 3-0*

### **APPEAL FROM TAXICAB AUTHORITY DECISION**

**87. Docket 14-04014** The Appeal pursuant to NAC 706.9914 by A Cab, LLC from the Declaratory Order of the Taxicab Authority captioned “In the Matter of: A Cab Application for Modification of Certificate of Public Convenience and Necessity. Discussion and Possible Decision Regarding A Cab’s Application for Declaratory Order.” The Declaratory Order was dated March 2, 2014, with a “certificate of service by email” dated April 3, 2014. (AJM)

*Chairman MacKay summarized the procedural history of the docket. Deputy Attorney General Ryan Sunga appeared on behalf of the Taxicab Authority, Esther Rodriguez, Esquire, appeared on behalf of A Cab. Mr. John Nady also appeared on behalf of A Cab. Neal Tomlinson, Esquire appeared on behalf of*



*Frias Transportation. Robert Winner, Esquire appeared on behalf of Desert Cab. A discussion ensued. Appeal denied, Taxicab decision upheld 3-0*

**88. Public Comment**

*Kimberly Maxson-Rushton, Esquire on behalf of Livery Operators Association extended their condolences to Chief of Enforcement, Michael Bradford. David Walker, Walker Towing stated Commissioner Metz indicated all outlying rates would be brought back into line with the model tow tariff.*

**89. Adjournment**

*Meeting adjourned at 3:15 p.m.*