

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 September 23, 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: Commissioner George Assad, Commissioner Keith A. Sakelhide, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay*

**3. Pledge of Allegiance**

*Senior Deputy Attorney General David Newton led a recital of the Pledge.*

**4. Public Comment**

*Neal Tomlinson and Zev Kaplan, Esquires appeared on behalf of Proper Transportation and CLS Nevada, requested items 78 and 81 be postponed until September 30 or thereafter.*

**5. Approval of Agenda**

*Administrative Attorney Jim Day requested Items 17 and 20 be removed prior to consideration. Chairman MacKay stated Items 78 and 81 be removed and reset at a later date. Applications Manager Liz Babcock requested Item 66 be trailed to follow Item 71. Approved as amended 3-0*

**6. Approval of the Minutes of the August 19, 2014 Agenda Meeting**

*Approved 3-0*

**7. Briefings from the Commissioners**

*Commissioner Assad thanked staff for preparation of Agenda, Commissioner Sakelhide introduced Desiree Main, Compliance Audit Investigator. Chairman MacKay thanked Applications staff for their efforts to accommodate carrier's requests.*

**8. Briefing from the Deputy Commissioner**

*On behalf of Deputy Commissioner Skibinski, Chairman MacKay recognized newly certificated carriers, Custom Cycle Rescue, Towing Jamison and Columbian Enterprises. He also welcomed Desiree Main to the Authority and indicated an acceptance for the enforcement position in Reno. He further stated Enforcement Investigator White has retired, and that Authority staff wish him well. Lastly the driver's permitting is to commence in Las Vegas next week.*

## 9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported answer in the Marquez matter has been filed and in the A Cab Petition for Judicial Review, he filed a motion to dismiss based on standing, joinder to Taxicab Authority.

### ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 52, with the exception of Items 17, 20, 24, 25, 27 and 28. Approved 3-0

10. **Citation 16453** issued to Oscar Barajas-Gonzalez for violations of NRS 706.386 and NRS 706.758. (AJM)
  11. **Citation 16825** issued to Soren Beach for violations of NRS 706.386 and NRS 706.758. (AJM)
  12. **Citation 16936** issued to William Berg and North Tahoe Checker Taxi for violations of NRS 706.386 and NRS 706.758. (AJM)
  13. **Citation 17151** issued to Alvin Ayers for violations of NRS 706.386 and NRS 706.758. (AJM)
  14. **Citation 17308** issued to Pacific Crest Transportation, LLC d/b/a North Tahoe Checker and Edward Cote for violations of NRS 706.386 and NRS 706.758. (AJM)
  15. **Citation 17314** issued to Donald Foster and Melissa Marinaccio for violations of NRS 706.386 and NRS 706.758. (AJM)
  16. **Impound 2128.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Soren Beach. (AJM)
  17. **Impound 2316.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Carmine Marinaccio. (AJM)
- Item removed from Agenda prior to consideration.*
18. **Impound 2123 and Citation 17312.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17312 issued to Jose Delamora for violations of NRS 706.386 and NRS 706.758. (AJM)
  19. **Impound 2311 and Citation 16949.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16949 issued to Rich's Hauling Services and Richard Col for violations of NRS 706.386 and NRS 706.758. (AJM)
  20. **Citations 16350, 17076, 17077, 17078 and 17079** issued to CPO Enterprises, LLC d/b/a Christopher Moving for violations of NAC 706.247/49CFR 391.21 (b)(2) (2 counts), NAC 706.247/49CFR 391.21 (B)(3) (2 counts), NAC 706.247/49CFR 382.405 (2 counts), NAC 706.247/49CFR 391.21 (10), NAC 706.247/49CFR 391.23 (a)(1)(b) (3 counts), NAC 706.247/49CFR 391.23 (a)(2)(c) (3 counts), NAC 706.247/49CFR 391.27 (a)(d), NAC 706.247/49CFR 396.36 and NAC 706.247/49CFR 391.11 (B)(3) (2 counts). (GA)

*Item removed from Agenda prior to consideration.*

21. **Citation 16868** issued to Elias Kebede Mersha for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (GA)
22. **Citation 16910** issued to Vegas Strip Transportation for a violation of NAC 706.191. (GA)
23. **Citation 17060** issued to Ameer Muhammad for violation of NRS 706.386. (GA)
24. **Citation 17069** issued to Juan Blanco and S & L Investments for a violation of NRS 706.386. (GA)  
*Item removed from Agenda prior to consideration.*
25. **Citation 17111** issued to Juan Blanco for violation of NRS 706.758. (GA)  
*Item removed from Agenda prior to consideration.*
26. **Citation 17112** issued to Adrian Guastavino for a violation of NAC 706.228. (GA)
27. **Citation TA 8-00047941** issued to Juan Blanco for violation of NRS 706.386. (GA)  
*Item removed from Agenda prior to consideration.*
28. **Impound TA-140710-046.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Blanco/SEBLS Holdings. (GA) – **FOR POSSIBLE ACTION**  
*Item removed from Agenda prior to consideration.*
29. **Citation 16010** issued to Berhane Petros for a violation of NAC 706.234. (KAS)
30. **Citation 16013** issued to Kevin Waxler for violations of NRS 706.386 and NRS 706.758. (KAS)
31. **Citation 16020** issued to Tony Sovidaray for violations of NAC 706.234 and NAC 706.247/49 CFR 391.41. (KAS)
32. **Citation 16022** issued to Osaretin Uwaifo for a violation of NAC 706.234. (KAS)
33. **Citation 17050** issued to Henok Yohannes for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41. (KAS)
34. **Citation 17075** issued to Naomi Martinez and Whitney Velasquez for violations of NRS 706.386 and NRS 706.758. (KAS)
35. **Citation 17115** issued to Ethan Erhardt for violations of NRS 706.386 and NRS 706.758. (KAS)
36. **Citation 17119** issued to Mario Lapp for violations of NRS 706.386 and NRS 706.758. (KAS)
37. **Impound 2378.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Mikayla Delapaz. (KAS)
38. **Impound 2380 and Citation 17120.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17120 issued to Marcus Kuryliw for violations of NRS 706.386 and NRS 706.758. (KAS)
39. **Citation 16736** issued to Action Towing for violation of NRS 706.4477 and NAC 706.427.
40. **Citation 16739** issued to Carevans Medical Transport Services, LLC for a violation of NRS 706.167.

41. **Citation 16796** issued to Alpine Towing for a violation of NRS 706.171.
42. **Citations 16907 and 16908** issued to Lucky Limousine and Lucky Cab Company d/b/a Lucky Trans for violations of NAC 706.311(1)(a) (98 counts), NAC 706.3612 (14 counts) and NRS 706.463(4).
43. **Citation 16947** issued to Jesse Dhaliwal for a violation of NAC 706.376.
44. **Citation 17045** issued to Blue Ribbon Relocation, LLC for a violation of NAC 706.335.
45. **Citation 17073** issued to William Rivera for a violation of NAC 706.228.
46. **Citation 17107** issued to Ryan Smith for violation of NRS 706.386 and NRS 706.758.
47. **Citation 17121** issued to Facundo Battilana for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41.
48. **Citation 17152** issued to Silver Eagle Relocation for a violation of NRS 706.167.
49. **Citation 17153** issued to Elko Taxi for a violation of NRS 706.167.
50. **Citation 17156** issued to A Better Moving.com for violation of NRS 706.386 and NRS 706.758.
51. **Citation 17306** issued to California Colors for a violation of NRS 706.285.
52. **Citation 17307** issued to Jeff Richter/G Street Shop for violations of NRS 706.386 and NRS 706.758.

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

53. **Docket 12-11032** The Application of Sebastian Perez d/b/a SS Towing for a certificate of public convenience and necessity to provide tow car service by tow car vehicle within the State of Nevada. Application to be denied due to Applicant's failure to appear at hearing. Staff investigation concluded. (KAS)

*Commissioner Sakelhide briefly summarized the procedural history and indicated staff request to deny application. Application denied 3-0*

54. **Docket 14-06004** Towing Solutions of Las Vegas, LLC d/b/a Towing Solutions of Las Vegas seeks to extend the previously granted temporary discontinuance of services provided under CPCN 7310 from September 3, 2014 through December 3, 2014. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0*

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

55. **Docket 14-08018** The temporary discontinuance from August 28, 2014 through December 28, 2014 of services provided by Khan Transportation, Inc. d/b/a Vegas Mobile VIP under CPCN 2174. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0*

**56. Docket 14-08023** The temporary discontinuance from August 28, 2014 through February 27, 2015 of services provided by Global Access, LLC d/b/a Global Transportation under CPCN 2131. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0*

### **EXEMPTION REQUESTS**

**57. Docket 14-05023** The Authority will consider the request of Shift by Project 100 for a letter confirming its exemption from the requirement to obtain a CPCN for certain passenger transportation services. (AJM)

*Chairman MacKay summarized the request by Project 100 d/b/a Shift. J.J. Todd, Esquire was present on behalf of Shift. Commissioners Sakelhide and Assad questioned the difference between the exemption request and common carriers requiring a CPCN. A discussion ensued. Item to be tabled for further research and consideration to be heard at a subsequent Agenda. Approved 3-0*

### **VOLUNTARY CANCELLATIONS**

**58. Docket 14-08015** The voluntary cancellation of Yunior Lopez Reyes d/b/a Yunior's Towing, CPCN 7290. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0*

### **PETITIONS FOR RECONSIDERATION**

**59. Docket 12-09001** Petition for Reconsideration of the Authority's August 25, 2014 Order in the matter of docket 12-09001, denying the Application of Ronald M. Perlman d/b/a Reno Tahoe Limousine for expansion of its Certificate of Public Convenience and Necessity to provide charter limousine services. (AJM)

*Chairman MacKay briefly summarized the procedural history. Stephen Bus, Esquire appeared on behalf of the Petitioner and offered a lengthy statement with regard to pro forma market performance/support requirements. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Intervenor and made a statement with regard to market requirements. Chairman MacKay stated his reasoning for the original denial. Petition denied 3-0*

**60. 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)

*Commissioner Sakelhide briefly summarized the procedural history. Petition denied 3-0*

**61. Docket 14-08010** Petition for Reconsideration of the Authority's February 27, 2014 and December 19, 2013 Orders in the matter of docket 11-04019, denying the Application of Rizan Enterprises, LLC d/b/a GIS Limousines for a certificate of public convenience and necessity to provide charter limousine service within Clark and Nye Counties, Nevada. (MBM)

*Lawrence and Felicia Rizan appeared and Lawrence offered a statement of explanation and requested the Authority reconsider their decision to deny the Application. Administrative Attorney Day gave an explanation for the event and reasoning behind former Commissioner Metz' decision making. Petition denied 2-0 Commissioner Sakelhide abstaining.*

## FINANCIAL RATES AND TARIFFS

**62. Docket 12-01018-G** The Application of A.A. Action Towing, Inc. d/b/a Action Towing, filed at the request of Authority Staff, for approval of a tariff rate modification for tow car services conducted under CPCN 3336, Sub 1. Staff investigation concluded.

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

**63. Docket 12-01018-H** The Application of Michael A. Mandichak d/b/a Mike's Auto & Truck Repair, filed at the request of Authority Staff, for approval of a tariff rate modification for tow car services conducted under CPCN 7082, Sub 1. Staff investigation concluded.

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

**64. Docket 14-08011** The Application of Omni Limousine, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 1084, Sub 4. Staff investigation concluded.

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

**65. Docket 14-08013** The Application of Nevada Coaches, LLC d/b/a Showtime Tours for approval of a tariff rate modification for airport transfer services conducted under CPCN 2044, Sub 1. Staff investigation concluded.

*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0*

**66. Dockets 14-08017 and 14-09008** The Applications of Seiji, LLC d/b/a Seiji Limousine for approval of tariff rate modifications for charter limousine services conducted under CPCN 1111, Sub 1. Staff investigation concluded.

*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Laurie Jones, General Manager for Seiji Limousine appeared on behalf of the Applicant. Approved 3-0*

**67. Docket 14-09002** The Application of City Wide Enterprises, Inc. d/b/a City Wide Towing for approval of a tariff rate modification for tow car services conducted under CPCN 3211. Staff investigation concluded.

*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0*

**68. Dockets 14-09003 and 14-09004** The Applications of SuperShuttle Las Vegas, LLC for approval of tariff rate modifications for airport transfer services conducted under CPCNs 1089, Sub 3 and 2055, Sub 3. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the request, stating there are no similar rates and that residential rates are higher. Staff supports the application. Kimberly Maxson-Rushton, Esquire appeared on behalf of SuperShuttle and offered an overview of the rates. Also in attendance were Mark Friedman, Trevor Halleran and Jim Gleich of SuperShuttle. Approved as amended save and except the non-stop, exclusive use rates. Approved 3-0*

**69. Docket 14-09005** The Application of Fast Towing, Inc. for approval of a tariff rate modification for tow car services conducted under CPCN 7161. Staff investigation concluded.

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

**70. Docket 14-09006** 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 request and indicated staff support. Lou Castro appeared on behalf of Earth Limos. Commissioner Sakelhide questioned whether the ehail application can accommodate the various rates. Applications Manager Liz Babcock stated the application cannot be tested without the approved tariffs. Terry Flink, Las Vegas Limousines, questioned the different rates between ehail applications. A brief discussion ensued. Approved 3-0*

**71. Docket 14-09007** The Application of Mammoth Transportation Services, LLC d/b/a Mammoth Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1105. Staff investigation concluded.

*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Tiffany Cutolo appeared on behalf of Mammoth Transportation. Approved 3-0*

**72. Docket 14-09009** The Application of Airline Limousine Corporation d/b/a Airline Shuttle Company for approval of a tariff rate modification for charter limousine services conducted under CPCN 2050, Sub 4. Staff investigation concluded.

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

**73. Docket 14-09010** The Application of Las Vegas Limousines, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 2258, Sub 5. Staff investigation concluded.

*Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Terry Flink appeared on behalf of Las Vegas Limousines. Approved 3-0*

**74. Docket 14-09011** 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, Sub 2. Staff investigation concluded.

*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0*

**75. Public Comment**

*None*

**1:15 PM AFTERNOON SESSION**

**76. Public Comment**

*None*

**APPLICATIONS FOR FULLY REGULATED CARRIERS**

**77. Dockets 14-03017 and 14-09016.** Sierra Chauffeurs Limited d/b/a London Limousines of Reno seeks to extend the previously granted temporary discontinuance of services provided under CPCN 1100 from September 23, 2014 through March 1, 2015. The request includes a Petition to Deviate pursuant to NAC 706.1305, in that the resulting discontinuance will exceed 180 days, in contravention of NAC 706.356. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the request and procedural history. Mr. Townes appeared in Reno. Approved 3-0*

**78. Dockets 13-04028, 13-04029 and 13-04030** CLS Nevada, LLC d/b/a CLS Transportation Las Vegas and Proper Transportation, LLC (“Applicants”) have filed a joint application, designated as Docket 13-04028 with the Authority for CLS Nevada, LLC to sell and Proper Transportation, LLC to purchase and acquire the authority to provide charter bus service within the State of Nevada granted under

CPCN 2066, Sub 2. The Applicants have filed a joint application, designated as Docket 13-04029 with the Authority for CLS Nevada, LLC to sell and Proper Transportation, LLC to purchase and acquire the authority to provide charter service by limousine and airport transfer service by limousines or buses between points and places within Clark County, Nevada granted under CPCN 1011, Sub 5. The Applicants have filed a joint petition, designated as Docket 13-04030 with the Authority seeking approval to temporarily transfer operating rights, pursuant to NAC 706.359, for charter bus, charter limousine and airport transfer services conducted under CPCN 2066, Sub 2 and 1011, Sub 5 from CLS Nevada, LLC to Proper Transportation, LLC for a period of two years or until the Authority's approval of the sale and transfer.

At its May 30, 2013 general session, the Authority ordered the transfers tabled, with the matters to remain tabled until the Authority received a written acknowledgment that the federal prosecutors in the Charles Horky criminal case had no objection to the transfers, particularly with respect to any impact on potential forfeiture. The matters remained tabled until the June 13, 2014 general session, where Mr. Horky's criminal counsel David Chesnoff read from—and provided for review—a plea agreement document. In reliance upon the plea agreement and the acknowledgments therein, the Authority reactivated the matters and assigned a Presiding Officer to conduct appropriate further proceedings. However, a pleading filed September 15, 2014 by attorneys for both co-Applicants states that the plea agreement is a "preliminary" non-binding document, subject to change, and not properly relied upon as an acknowledgment "for any purpose." Accordingly, the Authority will reconsider its June 13, 2014 actions reactivating the matters. The Authority may also consider final resolution of any or all of the matters. (AJM)

*Item removed from Agenda prior to consideration. To be rescheduled at a later date.*

**79. Docket 13-08017** The Application of Carevans Medical Transport Services, LLC for an expansion of operating authority granted under CPCN 1117, and the approval to do business under the fictitious name Carevans. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the application and indicated staff support. Ruth and Steve LaTulippe appeared on behalf of the Applicant. Approved 3-0*

**80. Docket 13-09011** The Application of 24/7 Limousines, LTD d/b/a 24/7 Limousines for an expansion of operating authority granted under CPCN 1039, Sub 2. Staff investigation concluded. (KAS)

*Applications Manager Liz Babcock summarized the Application and indicated staff support. Tony Clark appeared on behalf of the Applicant. Approved 3-0*

### **ORDERS TO SHOW CAUSE**

**81. Docket 14-07022** The Order to Show Cause issued to CLS Nevada, LLC dba United Car Service of Las Vegas as to why Certificates of Public Convenience and Necessity 1011.5 and 2066.2 should not be revoked.

*Item removed from Agenda prior to consideration. To be rescheduled at a later date.*

**82. Docket 14-07032** The Order to Show Cause issued to M&M Tow & Transport, LLC as to why CPCN 7149, Sub 1, should not be revoked. (AJM)

*Chairman MacKay summarized the procedural history and indicated the reasoning for revocation. Revocation approved 3-0*

### **83. Public Comment**

*none*

### **84. Adjournment**

*Meeting adjourned at 1:40 p.m.*