

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 June 11, 2015 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 9:35 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, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski

3. Pledge of Allegiance

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

4. Public Comment

Teresa Rey gave a statement regarding her interaction with Oasis Moving. Chairman MacKay stated if she had any additional information she should provide it to Enforcement staff. Eddie Hadad offered a statement with regard to the recently passed legislation concerning transportation network companies (TNC).

5. Approval of Agenda

Administrative Attorney Day requested Item 11 be removed. Approved as modified 3-0

6. Approval of the Minutes of the May 6, 2015 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Assad thanked staff for their efforts in preparation of the Agenda. Commissioner Sakelhide echoed Commissioner Assad's comments. Chairman MacKay echoed both Commissioner's comments and thanked Deputy Commissioner Skibinski for her work on the recent Senate Bills.

8. Briefing from the Deputy Commissioner

None

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported the Marquez matter has been resolved, and that the litigation between ARF Corporation and NTA was dismissed.

DISCUSSION / ACTION ITEM

10. The Authority will discuss appropriate actions in response to recent legislative changes, including but not limited to: 1) changes to NRS 706.391 and NRS 706.151; 2) new statutory authority for permitting and regulation of Transportation Network Companies and their drivers; and 3) new requirements related to towing of vehicles to designated storage lots.

Chairman MacKay summarized the changes indicating Number 1 is moot as the bill was vetoed by the Governor.

Chairman MacKay summarized Number 2. He stated the 3% excise tax applies to gross revenue and the Department of Taxation will be responsible for the collection of the tax. Emergency regulations for the suggested framework for TNC applications will be voted upon and submitted to the Governor before July 1, 2015, noticing to be the same as an Agenda. Senior Deputy Attorney Newton stated permanent rulemaking cannot begin until after July 1, 2015 and detailed the rulemaking process. The Governor ultimately decides if an emergency exists.

James Kent, Esquire offered a statement with regard to the emergency status to rush regulations for TNC's. John Moran, Jr. Esquire, for Western Cab offered a statement with regard to the emergency regulations and requested the Authority take the regulation process slowly in the interest of public safety. Tony Clark, 24/7 Limousines offered a statement with regard to funding for the additional requirements put upon the Authority, concerns about current applications being put behind the TNC applications and possible TNC kellying issues and enforcement. Lou Castro, Nevada Bus and Limousine Association, questioned the workshop process. Danielle Fawcett, Personal Sedan Services questioned the driver permitting for the TNC's in the interest of a level playing field. Alan Waxler, AWG offered concerns with regard to the public safety, driver hours and requested the Authority act conservatively. Steve Thompson, UBER, and Timothy Burr, Lyft, stated their commitment to public safety is a high priority. Commissioner Sakelhide voiced the concern with hours of service. A brief discussion ensued with regard to public safety, transportation service to the public and the emergency requirements. Mike Hillerby, representing Lyft, stated the application process would necessitate the emergency regulations. A discussion ensued with regard to insurance coverage. John Griffin, Esquire, representing UBER, appeared in Reno. Kimberly Maxson-Rushton, Esquire appearing on behalf of the Livery Operators Association and SuperShuttle, offered the statement that the Authority is obligated to accept applications after July 1, 2015 but not necessarily issue a certificate and that the Authority is obligated to insure the safety of the traveling public. Kellie McKinley, Platinum Transportation offered a statement with regard to surge pricing, advertising for EDC and drivers applying to the TNC's that are currently driving with current carriers. James Kent, Esquire readdressed the emergency request. Chairman MacKay stated the legislative intent is clear, the Authority must accept applications within 30 days and that the Authority intends to propose emergency regulations to produce a framework to accept those applications. Commissioner Assad offered the statement that applications be submitted and regulations follow.

Motion to request emergency regulations approved 2-1 Commissioner Assad opposed

Number 3: Effective October 1, 2015 the changes to the designated storage lot bill are as follows: prohibits the tow operator from solicitation of the owner of the vehicle to take the vehicle to another location, the penalties are: the first offense \$5000, second is \$10,000, third \$15,000, and the fourth offense \$20,000 (in a 24 month period.) The tow operator is to make a good faith effort to determine who the insured is and the registered owner can direct vehicle to be sent to another location as long as the prescribed form is utilized. This applies to operators in Clark County. Chairman MacKay is to be the hearing officer.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 11 through 58 were considered collectively, with the exception of Item 11. Approved 3-0

- 11. Citation 17262** issued to Jason Miles for a violation of NAC 706.3762. (AJM)
Removed from Agenda, prior to consideration. Hearing reset per Respondent's request.
- 12. Impound 2561 and Citation 17433.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17433 issued to Jim Dobyns for violations of NRS 706.386 and NRS 706.758. (AJM)
- 13. Citation 17268** issued to City Auto Towing for a violation of NAC 706.203. (AJM)
- 14. Impound 2456 and Citation 17291.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17291 issued to Christopher McNemar for violations of NRS 706.386 and NRS 706.758. (AJM)
- 15. Impound 2565 and Citation 17468.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17468 issued to Sean Townsend for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. Impound 2567 and Citation 17469.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17469 issued to Calvin Closson II for violations of NRS 706.386 and NRS 706.758. (AJM)
- 17. Impound 2455.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Patrick Davis. (AJM)
- 18. Impound 2562 and Citation 17466.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17466 issued to Daniel Javinsky for violations of NRS 706.386 and NRS 706.758. (AJM)
- 19. Citation 16646** issued to Danny Armstrong for violation of NAC 706.228 and NAC 706.247/49CFR 391.41. (GA)
- 20. Impound 2467 and Citation 17389.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17389 issued to Donald Rubenstein for violations of NRS 706.386 and NRS 706.758. (GA)
- 21. Citation 16922** issued to Big Box Storage Nevada, Inc. for a violation of NAC 706.191. (GA)
- 22. Citation 17490** issued to Anthony Lale for violation of NAC 706.228 and NAC 706.329. (GA)

23. **Impound 2497 and Citation 17533.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17533 issued to Leslie Mayes for violations of NRS 706.386 and NRS 706.758. (GA)
24. **Impound I-2507.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Scott Livingston. (GA)
25. **Citation 17632** issued to MacAnthony Osuagwu for violations of NRS 706.386 and NRS 706.758. (GA)
26. **Citation 14699** issued to Marque Motor Coach Inc. d/b/a Marque Motor Coach for violation of NAC 706.381.1 (3 counts). (KAS)
27. **Citations 17094 and 17095** issued to Titan Towing for violations of NAC 706.420 (3 counts) and NAC 706.4275 (3 counts). (KAS)
28. **Citation 17529** issued to Pablo Barroso for a violation of NAC 706.228. (KAS)
29. **Impound 2113 and Citation 17527.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17527 issued to Alexander Xenakis for violations of NRS 706.386 and NRS 706.758. (KAS)
30. **Citations 17530 and 17531** issued to Tesfay Samuel for violations of NAC 706.228, NAC 706.329 and NAC 706.247/49 CFR 391.41. (KAS)
31. **Impound 2112.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Melissa Robinson. (KAS)
32. **Citation 16546** issued to Sierra West Limousine for violations of NAC 706.203 and NAC 706.206.
33. **Citation 16780** issued to Sierra West Limousine for violations of NAC 706.360 and NAC 706.247/49 CFR 391.51.
34. **Citation 16648** issued to Rebe Hussen for violation of NAC 706.228 and NAC 706.234.
35. **Citation 16961** issued to Reno Tahoe Charters for a violation of NAC 706.203 (2 counts).
36. **Citation 16964 and 17269** issued to All Resort Coach, Inc. for violation of NAC 706.203 (2 counts).
37. **Citation 17463** issued to Align Franchising Consultants d/b/a Silver Eagle Relocation for a violation of NAC 706.203.
38. **Citation 17067** issued to Robert Blechmen for violations of NRS 706.386 and NRS 706.758.
39. **Citation 16971** issued to AA Action Towing for a violation of NAC 706.203.
40. **Citation 17100** issued to King of the Road, Inc. for violations of NAC 706.203 and NRS 706.462.
41. **Citation 17259** issued to Alpine Towing for violation of NRS 706.4463 (3 counts).
42. **Citation 17438** issued to Alpine Towing for violation of NAC 706.420 and NAC 706.311.

43. **Citation 17328** issued to Sierra West Limousine for violations of NAC 706.381 and NAC 706.247/49 CFR 391.51.
44. **Citation 17302** issued to Sierra West Limousine for a violation of NAC 706.381.
45. **Citation 17287** issued to Tanveer Kawsar for a violation of NAC 706.376.
46. **Citation 17464** issued to Timothy McEwen for a violation of NAC 706.234.
47. **Citation 17467** issued to Mohammed Rahman for a violation of NAC 706.234.
48. **Citation 17528** issued to Daniel Belete for a violation of NAC 706.228.
49. **Citation 17577** issued to Elko Taxi for a violation of NAC 706.203.
50. **Citation 17532** issued to Fassile Tefer for a violation of NAC 706.228.
51. **Citation 17638** issued to Addison Killinger for a violation of NAC 706.228.
52. **Citation 17637** issued to Belay Garba for a violation of NAC 706.228.
53. **Citation 17580** issued to California Colors for a violation of NAC 706.203.
54. **Citation 17558** issued to Platinum LV Transportation for violations of NAC 706.247/49 CFR 396.21 and NAC 706.194.
55. **Citation 17630** issued to Clendon Snipes for violation of NAC 706.228 and NAC 706.329.
56. **Citation 17499** issued to Fekreyesus Sugamo for a violation of NAC 706.228.
57. **Citation 17631** issued to Addis Tedla for violation of NAC 706.228 and NAC 706.329.
58. **Citation 17633** issued to Igor Levin for violation of NAC 706.329 and NAC 706.354.

APPLICATIONS FOR DRIVER PERMITS

59. **Docket 15-05013.** The Authority will consider the Petition of Adam Schwartz for reconsideration of the Authority's denial of his driver permit application (No. 1813) at the May 2015 general session. (KAS)
Set Aside and Request for new hearing granted. Approved 3-0
60. **Docket 15-05020.** The Authority will consider the Petition of Ramadan Nwokedi aka Wadeah Nwokedi Ramadan for reconsideration of the Authority's denial of her driver permit application (No. 1631) at the December 2014 general session. (AJM)
Administrative Attorney Day summarized the procedural history and indicated Ms. Ramadan could reapply for a driver permit. No reconsideration.

- 61. Permit 1912** The Authority will determine whether to grant the application of Alice Tankersley for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Robert Langford, Esquire requested the item be moved to the end of the meeting to facilitate a possible closed hearing. Request for closed hearing was abandoned. Commissioner Sakelhide indicated he would recommend denial. Mr. Langford gave a statement in support of approval of the permit and requested the item be tabled to afford her employer the opportunity to appear before the Authority. Mr. Langford then requested the temporary permit be suspended and the Applicant no longer be allowed to drive until the next subsequent Agenda. Request approved 3-0
- 62. Permit 1919** The Authority will determine whether to grant the application of Dennis Campbell for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Commissioner Sakelhide requested the item be removed from the Agenda. Dennis Campbell appeared.
- 63. Permit 1913** The Authority will determine whether to grant the application of Jason Heywood for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Commissioner Sakelhide requested the item be removed from the Agenda. Jason Heywood appeared.
- 64. Permit 1986** The Authority will determine whether to grant the application of Greg Barragan for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Permit denied 3-0
- 65. Permit 1987** The Authority will determine whether to grant the application of Michael Boldon for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Commissioner Assad recommended denial. Michael Boldon appeared. Permit denied 3-0
- 66. Permit 1985** The Authority will determine whether to grant the application of Luke Jones for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Permit denied 3-0
- 67. Permit 1995** The Authority will determine whether to grant the application of Constantino Duhart for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Commissioner Assad recommended denial. Constantino Duhart appeared and made a statement. Permit denied 3-0
- 68. Permit 1996** The Authority will determine whether to grant the application of Kevin Nash for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Commissioner Assad recommended denial. Kevin Nash appeared and made a statement. Permit denied 3-0
- 69. Permit 1997** The Authority will determine whether to grant the application of Keith Lyons for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Permit denied 3-0
- 70. Permit 1640** The Authority will determine whether to grant the application of Anthony Perriatt for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (AJM)
Chairman MacKay requested item be tabled to the next subsequent Agenda. Michelle Baumgarner, Esquire appeared in Reno. Chairman MacKay stated the documentation to be received by the Authority by July 6, 2015.
- 71. Public Comment**
1:00pm - none

1:15 PM AFTERNOON SESSION

72. Public Comment

2:00pm - none

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

- 73. Docket 14-11024** The joint Application of David and Sandra Esteban for authority to sell and transfer and Jessica Rajkovacz to purchase and acquire 75% of the corporate stock of Esteban's Corporation d/b/a The Shop Towing, a carrier authorized to provide consent and non-consent tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7107, Sub 3. Staff investigation concluded. (KAS)

Commissioner Sakelhide summarized the application and recommended approval. Approved 3-0

- 74. Docket 14-11039** The Application of MDK Holdings, LLC d/b/a Orion Towing for a certificate of public convenience and necessity to provide consent only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)

Commissioner Assad summarized the application and recommended approval. Approved 3-0

- 75. Docket 15-01022** The Application of Paise Towing, LLC d/b/a Paise Towing for a certificate of public convenience and necessity to provide consent only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (KAS)

Commissioner Sakelhide summarized the application and recommended approval. Juan Reyna appeared on behalf of the Applicant. Approved 3-0

- 76. Docket 15-02002** The Application of Anytime Towing, LLC for a certificate of public convenience and necessity to provide consent and non-consent tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (GA)

Commissioner Assad summarized the application and recommended approval. Seth Satterfield appeared on behalf of the Applicant. Approved 3-0

- 77. Docket 15-05025** The temporary discontinuance from May 14, 2015 through November 13, 2015 of consent and non-consent tow car services provided by Towing Jamison, Inc. d/b/a State Wide Towing under CPCN 7210, Sub 1. Staff investigation concluded.

Commissioner Sakelhide summarized the request. Approved 3-0

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

- 78. Docket 14-05024** The Application of Happy Hour Entertainment, LLC d/b/a Happy Hour Entertainment Transportation. Staff requests that the prior final order be set aside and the matter assigned to a presiding officer for further investigation.

Applications Manager Liz Babcock stated the request is predicated upon an expired compliance period. Frank Qheh and Judy Doung(sp) appeared on behalf of the Applicant. Application remanded back to Staff for a hearing officer to be assigned and hearing to be scheduled. Approved 3-0

79. Docket 15-04007 The joint Application of Marque Motor Coach, Inc. d/b/a Marque Motor Coach for authority to sell and transfer and Marque Motor Coach, LLC d/b/a Marque Motor Coach to purchase and acquire the authority to provide charter bus service within the State of Nevada, granted under CPCN 2176. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and recommended approval. Approved 3-0

80. Docket 15-04044 The temporary discontinuance April 25, 2015 through August 25, 2015 of services provided by Monica Miranda d/b/a Star Transportation under CPCN 2181. Staff investigation concluded.

Chairman MacKay summarized the request and recommended approval. Approved 3-0

EXEMPTION REQUESTS

81. Docket 15-04034 Rock Rat Adventures, LLC seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/tours in Nevada.

Item tabled to the next subsequent Agenda meeting. Approved to be tabled 3-0

82. Docket 15-05023 Eldercare Connections seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation in Nevada.

Request denied 3-0

83. Docket 15-05027 Tahoe Rim Trail Association seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation/tours in Nevada.

Mary Bennington appeared in Reno on behalf of Tahoe Rim Trail Association. Request approved 3-0

VOLUNTARY CANCELLATIONS

84. Docket 15-06001 The voluntary cancellation of Safe Wings Company, LLC, MV 6145. Staff investigation concluded.

Chairman MacKay summarized the request. Approved 3-0

PETITION TO DEVIATE FROM REGULATION

85. Docket 15-05019 Petitioner H.I.S. International Tours (NY), Inc. d/b/a H.I.S. (MV 6131, Sub 1) seeks deviation pursuant to NAC 706.1305 from the definition of “regular business hours” set forth in NAC 706.1045.

Chairman MacKay summarized the request. Brian Holthus, Esquire, Hiroyuki Terui and Aki Stewart appeared on behalf of the Applicant. Approved 3-0

FINANCIAL RATES AND TARIFFS

86. Docket 15-05002 The Application of Black Wolf Moving Nevada, LLC d/b/a Two Men and a Truck for approval of a tariff rate modification for services conducted under CPCN 3343, Sub 1. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Jordan Smith appeared on behalf of the Applicant. Approved 3-0

87. Docket 15-05032 The deletion of tariff rates for storage containers that are considered exempt from Nevada regulation for Sierra Moving Systems, a carrier authorized to provide transportation of household goods under CPCN 3238, Sub 1. Staff investigation concluded.
Chairman MacKay summarized the request and indicated staff support. Allen Puliz appeared on behalf of the Applicant. Approved 3-0

88. Docket 15-05033 The Application of VLS, LLC for approval of a tariff rate modification for services conducted under CPCN 1059, Sub 8. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Kimberly Maxson-Rushton, Esquire and Danielle Fawcett appeared on behalf of the Applicant. Jim Jimmerson, Esquire entered a verbal protest. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

89. Docket 14-03003 The Application of Medical Transport Co., LLC for an expansion of operating authority granted under CPCN 1112, Sub 1. Staff investigation concluded. (AJM)
Chairman MacKay briefly summarized the Application. Matthew Dushoff, Esquire, Kolesar and Leatham and Travis Drancy appeared on behalf of the Applicant. Approved 3-0

ORDERS TO SHOW CAUSE

90. Docket 15-04012. The Authority will consider the recommendations of the Presiding Officer in the matter of the Order to Show Cause issued to B & E, Inc. dba Snap Towing as to why Certificate of Public Convenience and Necessity 7042 should not be revoked. (KAS)
Administrative Attorney Day stated the proposed towing suspension dates would be June 14, 21 and 28, 2015. Commissioner Sakelhide summarized and indicated agreement with Administrative Attorney Day's suspension dates. Jim Gibson, Esquire and Don Ellis appeared on behalf of the carrier. Order approved as amended 3-0

91. Public Comment

Kimberly Maxson-Rushton, Esquire made a statement with regard to the recent legislative session and commended the Authority.

92. Adjournment

Meeting adjourned at 4:00 p.m.