

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 20, 2015 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, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Andrew J. MacKay, Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Deputy Commissioner Christopher A. Schneider led a recital of the Pledge.

4. Public Comment

None

5. Approval of Agenda

Administrative Attorney Day requested Items 91, 97, 113 and 114 be removed from consideration. Senior Deputy Attorney General Newton requested Items 116, 117 and 118 be removed from consideration. Approved as modified 3-0

6. Approval of the Minutes of the June 25, 2015 Special Agenda Meeting

Approved 3-0

7. Approval of the Minutes of the June 29, 2015 Special Agenda Meeting

Approved 3-0

8. Approval of the Minutes of the July 15, 2015 Agenda Meeting

Approved 3-0

9. Approval of the Minutes of the July 16, 2015 Special General Session and Workshop

Approved 3-0

10. Approval of the Minutes of the July 23, 2015 Special General Session and Workshop

Approved 3-0

11. Briefings from the Commissioners

Commissioner Assad commended Commissioner Sakelhide, Administrative Attorney Day and Senior Deputy Attorney General Newton for the work done on the new regulations for the TNC's. Commissioner Sakelhide welcomed the new Deputy Commissioner, Christopher A. Schneider and thanked staff for the work done on the Agenda. Chairman MacKay echoed Commissioner Assad and Sakelhide's comments and also welcomed Deputy Commissioner Schneider.

12. Briefing from the Deputy Commissioner

None

13. Report of Legal Counsel

Senior Deputy Attorney General Newton reported on personnel changes at the Attorney General's office.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 14 through 82 were considered collectively, with the exception of Items 36, 58 and 64. Approved 3-0

- 14. Citation 17290** issued to John St. Hilaire for violations of NRS 706.386 and NRS 706.758. (AJM)
- 15. Citation 17437** issued to Patrick Davis for violation of NRS 706.386 and NRS 706.758. (AJM)
- 16. Citation 17582** issued to Jack Herbaugh for violation of NAC 706.234 and NAC 706.376. (AJM)
- 17. Impound 2520.** The impoundment pursuant to NRS 706.476 of a vehicle registered to John St. Hilaire. (AJM)
- 18. Impound 2543 and Citation 17727.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17727 issued to Miguel Garcia for violations of NRS 706.386 and NRS 706.758. (AJM)
- 19. Impound 2570 and Citation 17470.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17470 issued to Thomas Petersen for violations of NRS 706.386 and NRS 706.758. (AJM)
- 20. Impound 2571 and Citation 17471.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17471 issued to Kevin Kleeb for violations of NRS 706.386 and NRS 706.758. (AJM)
- 21. Citation 17540** issued to Adib Eljaouhari for a violation of NAC 706.228. (GA)
- 22. Citation 17646** issued to Michael Hayele for a violation of NAC 706.228. (GA)
- 23. Citation 17657** issued to Vertito Cruz Bly for a violation of NAC 706.228. (GA)
- 24. Citation 17658** issued to Manuel Acosta for a violation of NAC 706.234. (GA)

25. **Citation 17659** issued to Million R. Gebreyohannes for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (GA)
26. **Citation 17667** issued to Jennifer Lynn Adams for violations of NRS 706.386 and NRS 706.758. (GA)
27. **Citation TA8-00040680** issued to Byron Ochoa for a violation of NRS 706.386. (GA)
28. **Impound 2554.** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings, LLC. (GA)
29. **Impound 150621-016 and Citation 8-00051351.** The impoundment pursuant to NRS 706.88395 of a vehicle registered to and Citation 8-00051351 issued to Miguel Delatorre for a violation of NRS 706.386. (GA)
30. **Impound 2502.** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings, LLC. (GA)
31. **Impound 2556.** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings, LLC. (GA)
32. **Impound 2559.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (GA)
33. **Impound 150701-026 and Citation 8-00051356.** The impoundment pursuant to NRS 706.88395 of a vehicle registered to and Citation 8-00051356 issued to Cory Doyle for violations of NRS 706.386 and NRS 706.758. (GA)
34. **Impound 2498.** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (GA)
35. **Impound 2512.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Jeremiah and Jennifer Adams. (GA)
36. **Impound 2540 and Citation 17660.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17660 issued to Justin Smith for violations of NRS 706.386 and NRS 706.758. (GA)
Justin Smith appeared and offered a statement of financial hardship and requested leniency. Commissioner Assad indicated he would recommend fines of \$5,000.00 with \$4,500.00 suspended. Approved as modified 2-1 Commissioner Sakelhide opposed
37. **Impound 2545.** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings, LLC. (GA)
38. **Impound 2547.** The impoundment pursuant to NRS 706.476 of a vehicle registered to EAN Holdings, LLC. (GA) –
39. **Impound 2548 and Citation 17650.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17650 issued to Evan Brull for violations of NRS 706.386 and NRS 706.758. (GA)

40. **Impound 2551 and Citation 17542.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17542 issued to Richard Laster for violations of NRS 706.386 and NRS 706.758. (GA)
41. **Impound 2550 and Citation 17541.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17541 issued to Logan Ye for violations of NRS 706.386 and NRS 706.758. (GA)
42. **Citation 17649** issued to Joshua Lawson for violations of NRS 706.386 and NRS 706.758. (KAS)
43. **Impound 2519 and Citation 17648.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17648 issued to Alberto Rios-Ramos for violations of NRS 706.386 and NRS 706.758. (KAS)
44. **Citation 17653** issued to Lonnie Crosby for a violation of NAC 706.228. (KAS)
45. **Citation 17655** issued to All My Sons Moving for violation of NAC 706.247/49 CFR 382.305 (3 counts) and NAC 706.247/49 CFR 396.11 (4 counts). (KAS)
46. **Citation 17669** issued to Sean Scott VanHorn for violations of NRS 706.386 and NRS 706.758. (KAS)
47. **Impound 2544 and Citation 17666.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17666 issued to Elizabeth Barajas for violations of NRS 706.386 and NRS 706.758. (KAS)
48. **Impound 2549 and Citation 17828.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17828 issued to Oscar Miranda for violations of NRS 706.386 and NRS 706.758. (KAS)
49. **Impound TA 150320-079 and Citation TA 8-00040143.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation TA 8-00040143 issued to Byron Ochoa for violation of NRS 706.386 and NRS 706.758. (KAS)
50. **Impound 2552 and Citation 17728.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17728 issued to Roby Dale Norquay for violations of NRS 706.386 and NRS 706.758. (KAS)
51. **Impound 2501.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Eric Yates. (KAS)
52. **Impound 2546.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Tuyet Nguyen. (KAS)
53. **Citation TA8-00040145** issued to David Oling for violations of NRS 706.386 and NRS 706.758. (KAS)
54. **Impound 2541 and Citation 17726.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17726 issued to Luis Rodriguez for violations of NRS 706.386 and NRS 706.758. (KAS)

55. **Citation 17729** issued to Zusqueohnna Lazhzie Phillips for violations of NRS 706.386 and NRS 706.758. (KAS)
56. **Citation 17642** issued to Genrri Gonzalez-Rivera for violations of NAC 706.228 and NAC 706.329. (KAS)
57. **Citation 17498** issued to Essayas Mesfin for a violation of NAC 706.228. (KAS)
58. **Citation 17245** issued to John Crumley for violations of NRS 706.386 and NRS 706.758. (KAS)
Mr. Crumley and James McCarty appeared in Las Vegas, both were placed under oath. Commissioner Sakelhide questioned how the arrangements were made for the move. While Mr. McCarty acknowledged ownership of the vehicle used in the illegal move, he denied any personal knowledge of the move itself. Mr. Crumley stated the moves are operated by Mr. McCarty and that he does not currently operate a moving company. Approved as written 3-0
59. **Citation 16325** issued to Nabil Mezher for a violation of NAC 706.228. (KAS)
60. **Citation 16418** issued to Capitol Cab for a violation of NRS 706.285.
61. **Citation 17500** issued to Ayele Kassa for a violation of NAC 706.228.
62. **Citation 17544** issued to California Sun Lines for a violation of NAC 706.381.
63. **Citation 17583** issued to 24/7 Towing for violations of NAC 706.203 and NAC 706.247/49 CFR 396.17.
64. **Citation 17590** issued to The Bay Party Bus Company for violations of NRS 706.386 and NRS 706.758.
Chairman MacKay recommended the settlement agreement be rejected and indicated that no violations occurred. Citation withdrawn by Senior Deputy Attorney General Newton.
65. **Citation 17754** issued to Sunshine Movers, LLC for a violation of NRS 706.167.
66. **Citation 17663** issued to Ashley's Towing for a violation of NAC 706.420.
67. **Citation 17636** issued to Mulugeta Bour for a violation of NAC 706.329.
68. **Citation 17762** issued to All About Service Limousine for a violation of NRS 706.167.
69. **Citation 17672** issued to Fast Towing for violation of NAC 706.420 and NAC 706.311 (2 counts).
70. **Citation 17763** issued to American Investment Enterprises, Inc. for a violation of NRS 706.167.
71. **Citation 17761** issued to National Transportation Services, Inc. for violation of NRS 706.167 and NRS 706.398.
72. **Citation 17766** issued to Douglas Parking, LLC for violation of NRS 706.167 and NRS 706.398.
73. **Citation 17774** issued to Stardust Limousine, Inc. for a violation of NRS 706.167.

74. **Citation 17769** issued to Five Star Limo, LLC for a violation of NRS 706.167.
75. **Citation 17635** issued to Ayele Kassa for a violation of NAC 706.228.
76. **Citation 17770** issued to Oasis Moving for violation of NRS 706.167 and NRS 706.398.
77. **Citation 17773** issued to Discount Movers for a violation of NRS 706.167.
78. **Citation 17771** issued to Pro-Action Limousine for violation of NRS 706.167 and NRS 706.398.
79. **Citation 17765** issued to CPO Enterprises, LLC for violation of NRS 706.167 and NRS 706.398.
80. **Citation 17772** issued to AA Action Movers for a violation of NRS 706.167.
81. **Citation 17764** issued to C.H. Destinations, Inc. for violation of NRS 706.167 and NRS 706.398.
82. **Citation 17546** issued to Malcolm Brothers for a violation of NAC 706.228.

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

83. **Docket 15-02008** The Application of Luz Marquez d/b/a Marquez Towing for a CPCN to provide consent only tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (KAS)
Commissioner Sakelhide briefly summarized and indicated staff support. Approved 3-0

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

84. **Docket 15-02029** The Application of Holiday Motor Coach, LLC for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Commissioner Assad briefly summarized and indicated staff support. Brian Lott appeared on behalf of the Applicant. Approved 3-0

EXEMPTION REQUESTS

85. **Docket 15-07020** Shoot Las Vegas 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.
Eric Brasheer, Shoot Las Vegas, appeared and gave a brief statement as to their operations. Exemption approved 3-0

VOLUNTARY CANCELLATIONS

86. **Docket 15-07008** The voluntary cancellation of Michael Nguyen d/b/a Regulate Towing, CPCN 7280. Staff investigation concluded.
Approved 3-0
87. **Docket 15-08002** The voluntary cancellation of Tow Guys, Inc. d/b/a Tow Guys, CPCN 7108, Sub 3. Staff investigation concluded.
Approved 3-0

88. Docket 15-08005 The voluntary cancellation of Juan A. Wong d/b/a J.A.W. Towing, CPCN 7321. Staff investigation concluded.
Approved 3-0

89. Docket 15-08013 The voluntary cancellation of Viva Las Vegas Tour & Travel, Inc., Contract Carrier Permit MV 6149. Staff investigation concluded.
Approved 3-0

APPLICATIONS FOR VAN POOL

90. Docket 15-06031 The Application of Barrick Goldstrike Mines, Inc. for approval of an employer van pool. Staff investigation concluded.
Chairman MacKay briefly summarized the request and procedural history. Approved 3-0

NAME CHANGES

91. Docket 15-07023 The Petition of Vegas VIP Transportation, LLC d/b/a Vegas VIP Transportation, d/b/a Starlight Transportation to remove the fictitious name Vegas VIP Transportation for services provided under CPCN 2158.1. Staff investigation concluded.
Item removed from Agenda prior to consideration.

92. Docket 15-08003 The Petition of Mai Niv Enterprises, Inc. d/b/a ABC Towing, Southwest Auto Towing to add a fictitious name, to do business as Tow Guys for services provided under CPCN 7242, Sub1. Staff investigation concluded.
Applications Manager Liz Babcock detailed the reasoning behind the additional fictitious name. Approved 3-0

PETITION FOR TIME KEEPING METHOD APPROVAL

93. Docket 15-07024 The Petition of Smitty Movers, LLC for modification of their previously approved time keeping method. Staff investigation concluded.
Item tabled until next subsequent agenda meeting. Approved 3-0
Table withdrawn - Item considered at the end of the Agenda meeting. Steven and Jane Smith appeared on behalf of the Applicant and offered an explanation for the change to their timekeeping method. Approved 3-0

PETITION FOR RECONSIDERATION/REMOVAL FROM INELIGIBLE DRIVER LIST

94. Docket 15-07013 Petitioner Samson Pryor seeks deviation from NAC 706.229 in that he wishes to be deemed eligible to be hired as a limousine driver despite his failure to appear at the hearing for Citation 16664 (final Order from December 2013 General Session). Mr. Pryor did timely pay the fine assessed in the matter, which was enhanced based upon his failure to appear.
Chairman MacKay summarized the request. Approved for removal from ineligible driver list 3-0

APPLICATIONS FOR DRIVER PERMITS

95. Docket 15-07019. The Authority will consider the Petition of Anthony Corleone for reconsideration of the Authority's denial of his driver permit application (No. 1651) at the May 2015 general session. (~~KAS~~) (AJM)

Chairman MacKay summarized the information Mr. Corleone provided and indicated he would grant the reconsideration and grant the permanent permit. Approved 3-0

- 96. Docket 15-08001.** The Authority will consider the Petition of James Richards for reconsideration of the Authority's denial of his driver permit application (No. 1992) at the May 2015 general session. (KAS)

Mr. James Richards appeared. Reconsideration granted and new hearing set for September 14, 2015 9:30a.m. Approved 3-0

- 97. Permit 1813** The Authority will determine whether to grant the application of Adam Schwartz for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Item removed from Agenda prior to consideration, to be heard at a subsequent Agenda.

- 98. Permit 2032** The Authority will determine whether to grant the application of Michael K. Howard for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 99. Permit 1844** The Authority will determine whether to grant the application of Tekle Ghebrezghi for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 100. Permit 1859** The Authority will determine whether to grant the application of Aynealem Gebreslasie for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 101. Permit 1835** The Authority will determine whether to grant the application of Casey Wideen for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 102. Permit 2109** The Authority will determine whether to grant the application of Jeremy Watson for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 103. Permit 2112** The Authority will determine whether to grant the application of Michael Price Merryman for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)

Denied 3-0

- 104. Public Comment**

None

1:15 PM AFTERNOON SESSION

- 105. Public Comment**

None

FINANCIAL RATES AND TARIFFS

- 106. Docket 15-07009** The Application of Sunshine Movers, LLC d/b/a Sunshine Movers for approval of a tariff rate modification for services conducted under CPCN 3353, Sub 1. Staff investigation concluded.

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

107. Docket 15-08006 The Application of Las Vegas Limousines, LLC d/b/a Las Vegas Limousines for approval of a tariff rate modification for services conducted under CPCN 2258, Sub 8. Staff investigation concluded.

Items 107 and 108 were considered collectively.

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

108. Docket 15-08007 The Application of Airline Shuttle, LLC d/b/a Airline Shuttle for approval of a tariff rate modification for services conducted under CPCN 2050, Sub 7. Staff investigation concluded.

Items 107 and 108 were considered collectively.

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

109. Docket 15-08008 The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for services conducted under CPCN 1062, Sub 8. Staff investigation concluded.

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

110. Docket 15-08009 The Application of Ace Worldwide Moving and Storage, Inc. for approval of a tariff rate modification for services conducted under CPCN 3251, Sub 2. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the request and indicated staff support. Josh McSchooler, General Manager, appeared on behalf of the Applicant. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

111. Docket 13-11025 The Joint Application of Starving Students, Inc. for authority to sell and transfer and of Starving Students of Nevada, LLC. to purchase and acquire the authority to provide transportation of household goods granted under CPCN 3241. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and indicated staff support. Chris Carlsson and Brian VanDuren appeared on behalf of the Applicant. Approved 3-0

112. Docket 15-02008 The Joint Application of D. Dale Slater for authority to sell and transfer and of Craig E. Slater to purchase and acquire 432 shares of common stock (39.27%) of Slater Transfer & Storage, Inc., a carrier authorized to provide transportation of household goods granted under CPCN 3255, Sub 1. Staff investigation concluded. (KAS)

Applications Manager Liz Babcock summarized the Application and indicated staff support. Approved 3-0

113. Docket 15-03001 The Application of Lucky Limousine, LLC for an expansion of operating authority granted under CPCN 1057, Sub 3. Staff investigation concluded. (KAS)

Item removed from Agenda prior to consideration.

114. Docket 15-03002 The Application of Lucky Trans, LLC for an expansion of operating authority granted under CPCN 2078, Sub 3. Staff investigation concluded. (KAS)

Item removed from Agenda prior to consideration.

115. Docket 15-05001 The Application of RubiTours, LLC for a CPCN to provide scenic services within the State of Nevada. (AJM)

Chairman MacKay summarized the Application and indicated staff support. Phillip Bemmer appeared on behalf of the Applicant. Approved 3-0

MOTIONS TO DISMISS

116. Docket 14-06014 The Application of Medtrans EMS, Inc. for a CPCN to provide non-emergency medical transportation service within Clark and Nye Counties, Nevada. Deputy Commissioner's Motion to Dismiss Application.

Item removed from Agenda prior to consideration.

117. Docket 14-07009 The Application of High Altitude Tours, LLC d/b/a High Altitude Tours for a CPCN to provide scenic tour and special services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.

Item removed from Agenda prior to consideration.

118. Docket 14-09019 The Application of Las Vegas Dynamic Towing, LLC for a CPCN to provide tow car services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.

Item removed from Agenda prior to consideration.

DISCUSSION/ACTION ITEMS

119. At the request of Authority Staff, the Authority will discuss Assembly Bill No. 175 and Assembly Bill No. 176 of the 78th (2015) Nevada Legislative Session and the possibility of applications for tariff modifications for the 3% excise tax on transportation, whether to treat the tax as a pass through expense, whether noticing is required, and if all carriers who submit by a specified date can share in the cost of noticing, if applicable. Staff investigation concluded.

Senior Deputy Attorney General Newton read the verbiage the Department of Taxation submitted to Legislative Counsel Bureau. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association and offered a statement with regard to the 3% tax. A lengthy discussion ensued with regard to how to treat the 3% tax and submission of tariff modifications. Commissioner Sakelhide made the suggestion this be remanded back to staff for an interim proposal. It was determined language from Section 36 (or Section 37 if a taxicab) of SB 175 to be used for interim tariff modifications. Applications Manager Liz Babcock requested that any interim modifications be submitted on a single page. Approved 3-0

120. The Authority will discuss the inquiry from Ashley's Towing regarding the interpretation and application of the requirement that a specific request to tow a vehicle must be signed, pursuant to NRS 706.4477(1)(a) and NAC 706.4275. Specifically, the Authority will discuss whether a particular form of electronic signature satisfies the requirements set forth therein.

Brett Miller, Office Manager, appeared on behalf of Ashley's Towing, summarized the request and provided an example of the electronic request/signature. David Walker, Walker Towing, offered a statement in support of wet signatures. Approved 3-0

121. Public Comment

None

122. Adjournment

Meeting adjourned at 3:10 p.m.