

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 24, 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: Chairman Andrew J. MacKay, Commissioner Keith A. Sakelhide, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Christopher A. Schneider*

**3. Pledge of Allegiance**

*Chairman Andrew J. MacKay led a recital of the Pledge.*

**4. Public Comment**

*None*

**5. Approval of Agenda**

*Administrative Attorney Day requested Items 31, 53, 56, 57 and 58 be removed from consideration. Commissioner Sakelhide requested Item 46 be removed from consideration. Approved as modified 2-0*

**6. Approval of the Minutes of the August 20, 2015 Agenda Meeting**

*Approved 2-0*

**7. Briefings from the Commissioners**

*Commissioner Sakelhide thanked Chairman MacKay for his ten years of service to the Authority and commended him on leaving the Agency better than he found it. Chairman MacKay acknowledged staff for the work accomplished on the General Session, and briefly summarized the adoption of regulations, and the approval of the applications of Uber and Lyft. The Chairman offered a statement of thanks to staff and the regulated community.*

**8. Briefing from the Deputy Commissioner**

*None*

**9. Report of Legal Counsel**

*Senior Deputy Attorney General Newton thanked the Chairman and wished him luck in his new venture.*

## ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10 through 31 were considered collectively, with the exception of Item 31. Approved 2-0*

10. **Citation 17472** issued to OBD Moving/Oscar Garcia/Brandon Sanders for violations of NRS 706.386 and NRS 706.758. (AJM)
11. **Citation 17292** issued to Sheryl Stearns for violations of NAC 706.234 and NAC 706.247/49 CFR 391.41. (AJM)
12. **Citation 17360** issued to Anjum (Jimmy) Masud for violation of NAC 706.529 and NRS 706.758. (AJM)
13. **Impound 2594**. The impoundment pursuant to NRS 706.476 of a vehicle registered to Sharold Cheney. (AJM)
14. **Impound 2595**. The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Luis Garcia. (AJM)
15. **Impound 2602 and Citation 17366**. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17366 issued to William Holmes Scott IV for violations of NRS 706.386 and NRS 706.758. (AJM)
16. **Citation 17547** issued to Kevin Wingrove for violations of NRS 706.386 and NRS 706.758. (GA)
17. **Citation 17643** issued to Malik Alamudeen for a violation of NAC 706.228. (GA)
18. **Citation 17664 and 17665** issued to Abraham Woldetensae for violation of NAC 706.228, NAC 706.360 and NAC 706.234. (GA)
19. **Citation 17673** issued to Jorge Tambito Meza for violations of NRS 706.386 and NRS 706.758. (GA)
20. **Impound 2581**. The impoundment pursuant to NRS 706.476 of a vehicle registered to Maria Guadalupe Barajas. (GA)
21. **Impound 2580 and 2558 and Citation 17549**. The impoundment pursuant to NRS 706.476 of vehicles registered to and Citation 17549 issued to Francisco Acosta for violations of NRS 706.386 and NRS 706.758. (GA)
22. **Impound 2466**. The impoundment pursuant to NRS 706.476 of a vehicle registered to Colin Chapman. (KAS)
23. **Citation 17356** issued to Colonial Van and Storage for a violation of NAC 706.218.
24. **Citation 17358** issued to Atlas Towing for a violation of NRS 706.285.
25. **Citation 17362** issued to Commerce Auto Body for a violation of NAC 706.203 (2 counts).
26. **Citation 17634** issued to Dejen Yfter for a violation of NAC 706.228.
27. **Citation 17662** issued to Ashley's Towing for a violation of NAC 706.420.

28. **Citation 17675** issued to Pink Jeep Tours for a violation of NAC 706.203.
29. **Citation 17443** issued to Amador Stage Lines, LLC for a violation of NAC 706.218.
30. **Citation 17676** issued to All The Right Moves, LLP for violation of NAC 706.247/49 CFR 382.301(a) (4 counts).
31. **Citation 17829** issued to 24/7 Entertainment Limousines for violation of NAC 706.311 and NAC 706.360.
- Item removed from Agenda prior to consideration.*

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

32. **Docket 15-03004** The Application of Preventive Measures Security Firm, LLC d/b/a Slip-N-Grip Tag-N-Tow 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/KAS)  
*Commissioner Sakelhide summarized the application and Applications Manager Liz Babcock indicated staff support. Elijah Muhammed and Bryant Johnson appeared on behalf of the applicant. Approved 2-0*
33. **Docket 15-04001** The Application of Cinthia Andrade d/b/a Andrade's 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 Applications Manager Liz Babcock indicated staff support. Cinthia Andrade appeared on behalf of the Applicant. Approved 2-0*
34. **Docket 15-07028** The Joint Application of Thomas and Tana Baumbach for authority to sell and transfer and Michael J. Baumbach to purchase and acquire Baumbach Enterprises, LLC d/b/a Milne 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 8003, Sub 5. Staff investigation concluded. (GA/AJM)  
*Chairman MacKay summarized the application and Applications Manager Liz Babcock indicated staff support. Tom, Tana and Michael Baumbach appeared in Reno on behalf of the Applicant.*
35. **Docket 15-08004** The Joint Application of John H. King d/b/a Cal-Nevada Towing for authority to sell and transfer and of Cal-Nevada Towing and Transport, Inc. to purchase and acquire the authority to provide service by tow car within the State of Nevada granted under CPCN 7129. Staff investigation concluded. (AJM)  
*Chairman MacKay summarized the application and Applications Manager Liz Babcock indicated staff support. Approved 2-0*
36. **Docket 15-08018** The temporary discontinuance from August 17, 2015 through January 15, 2016 of consent and non-consent tow car services provided by Vegas Valley Towing, Inc. under CPCN 7192, Sub 4 The request includes retroactive approval. Staff investigation concluded.  
*Applications Manager Liz Babcock summarized and indicated staff support. Approved 2-0*
37. **Docket 15-08020** The temporary discontinuance from August 30, 2015 through December 30, 2015 of consent and non-consent tow car services provided by Gilbert A. Solis Lopez d/b/a Best's Towing under CPCN 7200, Sub 1. Staff investigation concluded.  
*Applications Manager Liz Babcock summarized and indicated staff support. Approved 2-0*

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

- 38. Docket 15-01023** The Application of Joyride, LLC d/b/a Joyride for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA/KAS)  
*Alicia Ashcraft, Esquire appeared on behalf of the Applicant. Commissioner Sakelhide summarized and Applications Manager Liz Babcock indicated staff support. Approved 2-0*
- 39. Docket 15-03034** The Application of Limo, Inc. d/b/a Legend Transportation Service dba LTS for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA/KAS)  
*James Kent, Esquire appeared on behalf of the Applicant and requested the provision regarding the staging language be removed from the order. Commissioner Sakelhide stated the Application would have to be removed and considered at a subsequent agenda. Mr. Kent stated his agreement with the order as written. Applications Manager Liz Babcock indicated staff support. Approved 2-0*
- 40. Docket 15-04015** The Application of Nahoom, LLC d/b/a Anytime Party Bus for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)  
*James Kent, Esquire and Luel Woldermariam appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Approved 2-0*
- 41. Docket 15-04044** Monica Miranda d/b/a Star Transportation seeks to extend the previously granted temporary discontinuance of services provided by under CPCN 2181 from August 25, 2015 through October 25, 2015. The request includes retroactive approval. Staff investigation concluded.  
*Approved 2-0*
- 42. Docket 15-05015** The Joint Application of Cash, Inc. d/b/a Tijuana Trolley Company for authority to sell and transfer and of HPMF, Inc. d/b/a Tijuana Trolley Charters to purchase and acquire the authority to provide service by charter bus within the State of Nevada granted under CPCN 2162. Staff investigation concluded. (AJM)  
*Hugo Palacios and Michael Fitzpatrick appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support and questioned the addition of restrictive language to the CPCN. A brief discussion ensued. Approved with the language modification 2-0*

**NAME CHANGES**

- 43. Docket 15-07023** The Petition of Starlight Limousine, Inc. d/b/a Starlight Transportation, Vegas VIP Transportation, to remove the fictitious name Vegas VIP Transportation for services provided under CPCN 2158, Sub 1. Staff investigation concluded. (KAS)  
*Applications Manager Liz Babcock summarized the Application and indicated staff support. Approved 2-0*

**APPLICATIONS FOR DRIVER PERMITS**

- 44. Docket 15-08014** Petitioner Kevin Maslow seeks reconsideration of the Authority's denial of his driver permit application (Number 1952) at the May 2015 General Session. Staff investigation concluded. (AJM)  
*Administrative Attorney Day summarized the procedural history and indicated Mr. Maslow had complied with the conditions and that his employer failed to provide the Authority the results. Reconsideration granted and permit granted. Approved 2-0*

### PETITIONS FOR RECONSIDERATION

- 45. Docket 15-09022.** Petitioner John Crumley seeks reconsideration of the Authority's August 2015 final Order in the matter of Citation 17245. (KAS)  
*Petitioner failed to appear. Item removed from Agenda prior to consideration 2-0*
- 46. Docket 15-06001.** Petitioner Safe Wings Company, LLC, seeks reconsideration of the Authority's June 2015 final Order in the matter of the voluntary cancellation of MV 6145. (AJM)  
*Item removed from Agenda prior to consideration.*

### FINANCIAL RATES AND TARIFFS

- 47. Docket 15-08026** The Application of Toana Taxi, LLC for approval of a tariff rate modification for services conducted under CPCN 1082, Sub 2. Staff investigation concluded.  
*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 2-0*
- 48. Docket 15-08050** The Application of Bell Limo for final approval of a tariff rate modification for services conducted under CPCN 1217. Staff investigation concluded.  
*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 2-0*
- 49. Docket 15-08051** The Application of Whittlesea Checker Taxi, Inc. d/b/a Whittlesea Checker Taxi for final approval of a tariff rate modification for services conducted under CPCN 2118. Staff investigation concluded.  
*Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 2-0*
- 50. Docket 15-09018** The Application of 24/7 Limousines, LTD d/b/a 24/7 Limousines for approval of a tariff rate modification for services conducted under CPCN 1039, Sub 3. Staff investigation concluded.  
*Items 50, 51 and 52 were considered collectively. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Jenna Randall appeared on behalf of the Applicant. Approved 2-0*
- 51. Docket 15-09020** The Application of 24/7 Entertainment, LLC d/b/a 24/7 Entertainment Limousines for approval of a tariff rate modification for services conducted under CPCN 1102. Staff investigation concluded.  
*Items 50, 51 and 52 were considered collectively. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Jenna Randall appeared on behalf of the Applicant. Approved 2-0*
- 52. Docket 15-09021** The Application of Las Vegas Transportation, Inc. operated by 24/7 Limousines, LTD d/b/a 24/7 Las Vegas Transportation for approval of a tariff rate modification for services conducted under CPCN 1065, Sub 2. Staff investigation concluded.  
*Items 50, 51 and 52 were considered collectively. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Jenna Randall appeared on behalf of the Applicant. Approved 2-0*

### APPLICATIONS FOR FULLY REGULATED CARRIERS

- 53. Docket 15-03015** The Application of Umbrella Enterprises, LLC for a certificate of public convenience and necessity to operate as a household goods mover in the State of Nevada. Staff investigation concluded. (KAS)  
*Item removed from Agenda prior to consideration.*

**54. Docket 15-03036** The Application of Las Vegas Party Barge, LLC d/b/a Las Vegas Topless Tours for a certificate of public convenience and necessity to provide scenic tour services within the State of Nevada. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the application. James Walters appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Commissioner Sakelhide requested an additional compliance item that the vehicle type be approved by DMV. Approved as modified 2-0*

**55. Docket 15-04037** The Joint Application of Vartan Sarkissyan for authority to sell and transfer and of Janna Minassian to purchase and acquire Top Limo Las Vegas, LLC, a carrier authorized to provide charter limousine service granted under CPCN 1118. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the application. Applications Manager Liz Babcock indicated staff support. Approved 2-0*

### **MOTIONS TO DISMISS**

**56. 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.*

**57. 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.*

**58. 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 ITEMS**

**59.** At the request of Authority Staff, the Authority will discuss the tariff template used for the interim-approved 3% passenger recovery charge. Specifically, to address whether the tariff template will become permanent as is or require the carriers to remove the tariff template and modify their current tariff rates to offset the recovery charge and set an expiration date for such modifications. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the procedural history. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association (LOA) offered the statement that the LOA has been in conversation with the Department of Taxation for clarification whether the 3% tax is an add on to the passenger or if it should be considered a recovery fee, and made the suggestion the item be tabled until the Department of Taxation finalizes the regulation. A discussion ensued regarding the heading of the tariff template and revision to a more neutral heading. Heading to reflect "3% tax pursuant to AB175 Section 51" Approved 2-0*

**60.** Assembly Bill 385 (78<sup>th</sup> Nevada Legislature 2015) requires that exceptions to the obligation to tow a vehicle to a designated storage lot be confirmed on a form *prescribed by the Authority* if there is not a law enforcement officer on the scene to approve such diversion. (Section 16, amending NRS 706.4489). The Authority will discuss and consider adoption of such a form. (AJM)

*Chairman MacKay summarized the procedural history of the Bill, actions of the Authority and detailed the proposed form. David Walker, Walker Towing, suggested the form be reduced in size and that the form be carried by law enforcement so they can present it to the tow truck operator. A discussion ensued. Administrative Attorney Day presented a copy of the form reduced to a 4x6 size. Drew Ribar, A & A Towing asked where to find the list of designated storage lots and was informed it could be found on the Authority website. Sam McMullen, representing Copart, stated the tow companies are informed of the designated storage lots as a courtesy.*

*4 x 6 form Approved 2-0*

**61. Public Comment**

*Alan Waxler, AWG and Destination Management Services, suggested the Authority develop a method to source out of state vehicles to be inspected and approved for large conferences. Kimberly Maxson-Rushton, Esquire, offered thanks and commendation for Chairman MacKay's service to the Authority. Lou Castro, Earth Limo, offered Chairman MacKay his thanks and appreciation of his service to the state. Drew Ribar, A & A Towing thanked the Chairman for his service. In Reno, Deputy Commissioner Schneider congratulated the Chairman and thanked him for the opportunity to work with him.*

**62. Adjournment**

*Meeting adjourned at 12:25 p.m.*