



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE February 18, 2016 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Ann Wilkinson called the meeting to order at 9:31am.

2. Roll Call

Present in Las Vegas: Commissioner George Assad, Commissioner Keith A. Sakelhide, Deputy Commissioner Christopher A. Schneider, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Ann Wilkinson

3. Pledge of Allegiance

Deputy Commissioner Schneider led a recital of the Pledge.

4. Public Comment

None.

5. Approval of Agenda

Administrative Attorney Day requested that Item 43 be removed from the Agenda and the Items 63, 66, and 68 be considered between Items 9 and 10. Approved 3-0 as amended.

6. Approval of the Minutes of the January 12, 2016 Agenda Meeting

Approved 3-0.

7. Briefings from the Commissioners

Commissioner Assad thanked Applications Staff for their usual hard work and extraordinary dedication.

Commissioner Sakelhide echoed Commissioner Assad's sentiments and congratulated Rene Revens on her recent promotion, and commended Chairman Wilkinson for her recent appearances before Legislative committees.

Chairman Wilkinson thanked Staff and her fellow Commissioners, and detailed her appearance before the Legislative Sunset Subcommittee.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider updated personnel matters, and thanked Staff for their efforts.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton noted that the Nevada Supreme Court denied a writ from Quality Towing.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 37 were considered collectively and approved 3-0.

- 10. Citation 17195** issued to Gabriel Azzam for a violation of NAC 706.234. (AW)
- 11. Impound 2523 and Citation 17299.** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 17299 issued to Petros Towing/Petronilo Caloca-Leon for violations of NRS 706.386 and NRS 706.758. (AW)
- 12. Citations 17735 and 17736** issued to Alejandro Rodriguez for violations of NAC 706.354, NAC 706.329 and NAC 706.247/49 CFR 391.41. (GA)
- 13. Impound 2637.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Rafael Pineda. (GA)
- 14. Citation 17115** issued to Ethan Erhardt for violations of NRS 706.386 and NRS 706.758. (KAS)
- 15. Citation 17734** issued to Asfaw Taglo for a violation of NRS 706.386. (KAS)
- 16. Citation 17826** issued to Charles Grijalva and All Access VIP for violations of NRS 706.386 and NRS 706.758. (KAS)
- 17. Citation 17850** issued to Aynealem Gebrelasie for a violation of NAC 706.234. (KAS)
- 18. Citation 18107** issued to David Tavdi for a violation of NRS 706.386. (KAS)
- 19. Impound 2632.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Malco Enterprises of Nevada. (KAS)
- 20. Impound 2671.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Minna Ae Kim. (KAS)
- 21. Impound 2672.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Michelle Tehrani-Tavdi. (KAS)
- 22. Impound 2633 and Citation 18065.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18065 issued to Julio Cruz for violations of NRS 706.386 and NRS 706.758. (KAS)
- 23. Citation 17677** issued to Reno Tahoe Limousine for a violation of NAC 706.247/49 CFR 396.17.
- 24. Citation 17897 and 17898** issued to Seiji, LLC for violations of NAC 706.381, NRS 706.465 and NAC 706.247/49 CFR 396.17.

25. **Citation 17568** issued to Max Towing for a violation of NAC 706.247/49 CFR 382.301(a).
26. **Citation 17923** issued to Slater Transfer and Storage for violations of NAC 706.311 (3 counts) and NAC 706.194.
27. **Citation 17925** issued to 777 Towing for a violation of NAC 706.247/49 CFR 396.11 (a).
28. **Citation 17944 and 17945** issued to H.I.S. Tours USA, Inc. for violations of NAC 706.247/49 CFR 391.21 (a) (2 counts), NAC 706.247/49 CFR 391.23 (a)(2)(c) (5 counts) and NAC 706.247 referencing CFR 40.25 and 382.405.
29. **Citation 18078** issued to Michael Jackson for violations of NAC 706.228 and NAC 706.234.
30. **Citation 18077** issued to Mahteme Zewdie for a violation of NAC 706.228.
31. **Citation 18049** issued to Richard James Procissi for violations of NAC 706.228 and NAC 706.329.
32. **Citation 18061** issued to Joel Majeski for a violation of NRS 706.386.
33. **Citation 18126** issued to Fast Towing, Inc. for a violation of NRS 706.4468.
34. **Citation 18063** issued to Golden Wheels Towing for violations of NAC 706.203 and NAC 706.381.
35. **Citation 17196** issued to Robert Hiorns for a violation of NAC 706.234.
36. **Citation 17197** issued to Jesus Faz for a violation of NAC 706.234.
37. **Citation 17198** issued to Juan Castro for a violation of NAC 706.234.

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

38. **Docket 14-12021** Gold Standard Recovery, LLC seeks to extend the previously granted temporary discontinuance of services provided under CPCN 7325 from December 31, 2015 through June 30, 2016. The request includes retroactive approval. Staff investigation concluded.
Applications Manager Babcock summarized the Item. Approved 3-0.
39. **Docket 15-11010** The Application of SOS Towing, LLC 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)
Applications Manager Babcock summarized the Item. Approved 3-0.
40. **Docket 16-01014** The temporary discontinuance from January 15, 2016 through July 15, 2016 of consent only tow car services provided by Wheeler Freightways under CPCN 7021, Sub 1. Staff investigation concluded.
Applications Manager Babcock summarized the Item. Approved 3-0.

- 41. Docket 16-02008** The temporary discontinuance from February 5, 2016 through February 17, 2016 of consent only tow car services provided by Rafael Godinez d/b/a R. G. Towing under CPCN 7174. Staff investigation concluded.

Applications Manager Babcock summarized the Item. Approved 3-0.

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

- 42. Docket 15-01026** The Application of Start Express Transportation, LLC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)

Two gentleman were present on behalf of the Applicant. Commissioner Sakelhide summarized the Application and noted the compliance item regarding contracting for random controlled substances testing.

- 43. Docket 15-06026** The Joint Application of Richard Bizzaro for authority to sell and transfer and of Wendy Bizzaro to purchase and acquire 33% of All Resort Coach, Inc. d/b/a Lewis Stages, a carrier authorized to provide charter bus service within the State of Nevada granted under CPCN 2147, Sub 1. Staff investigation concluded. (KAS)

This Item was removed from the Agenda prior to consideration.

- 44. Docket 15-08011** The Application of Las Vegas Fun Bus, LLC d/b/a Las Vegas Fun Bus for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

Owner Joel Wurster and Brent Carson, Esq. were present on behalf of the Applicant. Mr. Carson summarized the Application. Applications Manager Babcock noted a concern regarding the newly disclosed information regarding potential chartering of vehicles to a related entity for resale on a per capita basis. Commissioner Sakelhide emphasized those concerns. Commissioner Assad moved to remand the matter to Staff for hearing. Motion to remand for hearing approved 3-0.

- 45. Docket 15-08012** The Application of Red Carpet VIP Transportation, LLC d/b/a Red Carpet VIP Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

James S. Kent, Esq was present on behalf of the Applicant. Approved 3-0.

- 46. Docket 16-01015** The temporary discontinuance from January 13, 2016 through July 10, 2016 of charter bus services provided by Alltour of America, Inc. under CPCN 2172. Staff investigation concluded.

Chairman Wilkinson summarized the request. Commissioner Sakelhide noted that Staff will monitor any operational changes that may result from reorganization. Approved 3-0.

- 47. Docket 16-02003** The temporary discontinuance from February 3, 2016 through August 3, 2016 of charter bus services provided by Diamond Transportation, Inc. under CPCN 2111, Sub 1. Staff investigation concluded.

Chairman Wilkinson noted the obligation to carefully monitor carriers in this status. Approved 3-0.

VOLUNTARY CANCELLATIONS

Items 48 and 49 were considered jointly and both matters approved by a vote of 3-0.

48. **Docket 16-01005** The voluntary cancellation of Mike Phillips d/b/a A & B Service CPCN 7020, Sub 1. Staff investigation concluded.
49. **Docket 16-01018** The voluntary cancellation of Hog Hauling, LLC d/b/a Hog Hauling CPCN 7239. Staff investigation concluded.

NAME CHANGES

50. **Docket 15-12015** The Petition of SW Stretch Limited d/b/a Exclusive VIP Transportation, to change their fictitious name to do business as VIPnVegas for services provided under CPCN 2051, Sub 1. Staff investigation concluded.

Applications Manager Babcock noted the number of other carriers utilizing a variant of "VIP" in their dba names. Staff expressed support for the Petition, noted that the carrier's logo is sufficiently distinctive to avoid confusion with other carriers. Approved 3-0.

PETITION TO DEVIATE FROM REGULATION

51. **Docket 16-01032** – The Authority will consider the Petition of Umbrella Enterprises, LLC dba Umbrella Movers to deviate from NAC 706.208, with respect to the limitation on the proportion of leased versus owned vehicles in the carrier's fleet.

Brent Carson, Esq. and owner Kathryn Ridge were present on behalf of the Applicant. Commissioner Sakelhide voiced a concern about an open-ended approval. The Applicant described the business operation. Authority Staff expressed no concerns. Approved 3-0 for six months from the date of issuance of the Authority's final Order.

APPLICATIONS FOR DRIVER PERMITS

Items 52-56 were considered collectively and all applications denied 3-0.

52. **Permit 2359** The Authority will determine whether to grant the application of John P. Lee for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
53. **Permit 2361** The Authority will determine whether to grant the application of Hantz S. Jean for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
54. **Permit 2355** The Authority will determine whether to grant the application of B. Chowdhury for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
55. **Permit 2356** The Authority will determine whether to grant the application of Samiruddin Masud for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
56. **Permit 2357** The Authority will determine whether to grant the application of Ian R. Ellis for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

PETITION FOR RECONSIDERATION/REMOVAL FROM INELIGIBLE DRIVER LIST

57. **Docket 16-01019.** Petitioner Nabil Mezher seeks reconsideration of the fine amounts set forth in the final Order for Citation 16325 (August 2015 General Session). (KAS)
Mr. Mezher was present. Commissioner Sakelhide moved to reduce the fine to \$200.00, the amount already paid. Approved 3-0.

58. Docket 16-01025. Petitioner Stephen Johnson seeks to be removed from the ineligible driver list.

Mr. Johnson was present. Staff confirmed that Mr. Johnson has now paid all fine amounts. Approved 3-0.

59. Docket 16-01034. Petitioner Jason Shandi seeks reconsideration of the Authority's October 2014 final Order in the matter of Citation 17203. (GA)

Mr. Shandi was present and described the circumstances of his case. Matter re-opened for limited rehearing on fine amounts by a vote of 3-0. Mr. sahnasi

SETTLEMENT OFFERS

60. The Authority will consider Respondent Byron Ochoa's offer in compromise of the outstanding fine amounts owed for Impound TA 150320-079 and Citations TA 8-00040143 TA 8-00040680.

Mr. Day summarized the request and SDAG Newton expressed support for the proposal. By a vote of 3-0, the Authority approved the agreement, with direction to notify Controller's Office that the Authority retains pursuant to NRS 706.772(2)(b)(2) the ability to seek suspension of the Respondent's driver's license if he fails to comply with terms of a payment agreement.

61. The Authority will consider Respondent A. Robert Fairman's offer in compromise of the outstanding fine amounts owed for Citation 14473.

The Respondent was not present. Commissioners Assad and Sakelhide expressed concern about any settlement for a mere 10 cents on the dollar. Commissioner Sakelhide also noted that the Respondent had made no payments toward the fine amount. Commissioner Sakelhide suggested a response to the Controller's Office that the Authority finds the offer of 10 cents on the dollar unacceptable. The Authority authorized Commissioner Sakelhide proposal by a vote of 3-0.

FINANCIAL RATES AND TARIFFS

62. Docket 15-12038 The Application of Lewis Carriages, Inc. d/b/a All Resort Limousine for approval of a tariff rate modification for services conducted under CPCN 1125. Staff investigation concluded.

John Harrick was present on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the Application, expressing support but for the logistic fee. Mr. Harrick fielded questions from the Commissioners, primarily focused on the logistics fee. Approved 3-0.

63. Docket 16-01021 The Application of Pink Jeep Tours of Las Vegas, Inc. d/b/a Pink Jeep Tours for approval of a tariff rate modification for services conducted under CPCN 1078, Sub 1. Staff investigation concluded.

Kimberly Maxson-Rushton, Esq. was present on behalf of the Applicant and responded to a question from Chairman Wilkinson regarding the impetus for the proposed changes. Approved 3-0.

64. Docket 16-01022 The Application of A. A. Action Towing, Inc. d/b/a Action Towing for approval of a tariff rate modification for services conducted under CPCN 3336, Sub 1. Staff investigation concluded.

Rosalee Dillon was present on behalf of the Applicant and explained the request. Approved 3-0.

65. Docket 16-02002 The Application of Umbrella Enterprises, LLC d/b/a Umbrella Movers for approval of a tariff rate modification for services conducted under CPCN 3364. Staff investigation concluded.

Brent Carson, Esq. and owner Kathryn Ridge were present on behalf of the Applicant. Commissioner Sakelhide voiced a concern about whether the proposed tariff would still support the Application, which was recently approved based upon different tariff rates.

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 66. Docket 14-08003** The Application of Silver State Limousine Service, LLC d/b/a Silver Limo for a certificate of public convenience and necessity to provide charter limousine service within the State of Nevada. Staff investigation concluded. (GA)

Owner Tamu Seman and James S. Kent, Esq. were present on behalf of the Applicant. Kimberly Maxson-Rushton was present on behalf of the Intervener. Mr. Kent requested elimination of the restrictions on expansion within two years and on accepting Kelly business. Ms. Rushton expressed support for the proposed restrictions. Approved 3-0 as proposed.

- 67. Docket 16-01010** The temporary discontinuance from January 12, 2016 through June 30, 2016 of household goods moving services provided by Big Box Storage Nevada, Inc. d/b/a Peoples Moving & Storage under CPCN 3342, Sub 2. Staff investigation concluded.

Approved 3-0.

APPLICATIONS FOR TRANSPORTATION NETWORK COMPANY PERMITS

- 68. Docket 16-01011** The final approval of the Application of LYFT, Inc. for an expansion of authority to utilize not more than 5,000 drivers within the first 24 months of operations granted under TNC 0001 within the State of Nevada. Staff investigation concluded. (KAS)

Ian Pourier and Mike Hillerby were present on behalf of the Applicant. Commissioner Sakelhide summarized the Application and commended the carrier on its record of compliance and that of its drivers. Approved 3-0.

ORDERS TO SHOW CAUSE

- 69. Docket 15-10039.** The Order to Show Cause issued to PDQ Towing, LLC as to why Certificate of Public Convenience and Necessity 7278 should not be revoked. (KAS)

Commissioner Sakelhide summarized the matter and recommended closure of the docket with no further proceedings. Approved 3-0.

- 70. Public Comment**

None.

- 71. Adjournment**

Adjourned at 1:03pm.