

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director B&I

ANN WILKINSON
Chairman

GEORGE ASSAD
Commissioner

KEITH SAKELHIDE
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE March 24, 2016 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Ann Wilkinson called the meeting to order at 9:40 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. Present telephonically: Senior Deputy Attorney General David Newton. Present in Reno: Chairman Ann Wilkinson, Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Enforcement Officer Erin Bell led a recital of the Pledge.

4. Public Comment

none

5. Approval of Agenda

*Chairman Wilkinson requested Item 51 be removed from the Agenda.
Approved as modified 3-0*

6. Approval of the Minutes of the February 18, 2016 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman Wilkinson reported the recent new hires, promotions and changes in staff. Commissioner Assad extended his congratulations to new staff and thanked staff for the preparation of the Agenda. Commissioner Sakelhide echoed Commissioner Assad and Chairman Wilkinson's comments regarding staff and work accomplished in the past month.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider extended his congratulations to staff as well.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton stated the Reno Sparks Cab matter has officially closed. He also stated on Monday, March 28, 2016 Uber and Lyft have a hearing regarding the requirement for their drivers to obtain a business license and indicated his intention to attend.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 30 were considered collectively. Approved 3-0

10. **Citations 16921 and 18058** issued to SW Stretch Limited/Exclusive VIP Trans for violations of NAC 706.191 and NAC 706.167. (GA)
11. **Citation 17203** issued to Jason Shandi for violations of NRS 706.386 and NRS 706.758. (GA)
12. **Impound 2505 and Citation 17737**. In re the impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17737 issued to Daniel Santisteban for violations of NRS 706.386 and NRS 706.758. (GA)
13. **Citation 18106** issued to Skoti Matsui Lim for violations of NRS 706.386 and NRS 706.758. (KAS)
14. **Impound 2679 and Citation 18115**. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18115 issued to Brian Jackson/Class A Moving for violations of NRS 706.386 and NRS 706.758. (KAS)
15. **Impound 2680**. The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (KAS)
16. **Impound 2684**. The impoundment pursuant to NRS 706.476 of a vehicle registered to Blanca Hurston. (KAS)
17. **Impound TA 160218-034 and Citation TA 8-00044300**. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation TA 8-00044300 issued to Workku Yallow Berhanu for a violation of NRS 706.386. (KAS)
18. **Citation 17300** issued to Juan Castro for a violation of NAC 706.234. (KAS)
19. **Citation 17710** issued to Align Franchising for violations of NRS 712.050 and NAC 706.175. (KAS)
20. **Citation 18085** issued to Travis Trusty for violations of NRS 706.386 and NRS 706.758. (KAS)
21. **Citations 17494 and 17495** issued to C.H. Destinations, Inc. d/b/a Canyon Coachlines for violations of NRS 706.203 (9 counts) and NAC 706.381.
22. **Citation 17856** issued to Personal Sedan Services, LLC for a violation of NAC 706.311(a) (9 counts).
23. **Citation 18062** issued to David Wasihun for a violation of NAC 706.228.
24. **Citations 18081, 18082 and 18083** issued to Oasis Moving for violations of NAC 706.247/49 CFR 396.11(a) (3 counts), NAC 706.247/49 CFR 396.11(b) (3 counts), NAC 706.247/49 CFR 391.23(a)(1) (4 counts), NAC 706.247/49 CFR 391.25 (4 counts) and NAC 706.247/49 CFR 391.27(a) (4 counts).

25. **Citation 18136** issued to Do Hyung Kim for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).
26. **Citation 18141** issued to Abraham Dinku Wende for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).
27. **Citation 18140** issued to Esteban Torres-Camacho for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).
28. **Impound I-2608.** The impoundment of a vehicle registered to James Sucha for a violation of NRS 706.476.
29. **Citation 18114** issued to Titan Towing for a violation of NAC 706.329.
30. **Citation 18084** issued to Saad Shetayh for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41.

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

31. **Docket 15-07027** The joint Application of Vegas Valley Towing, Inc. for authority to sell and transfer and Vegas Valley Towing, LLC to purchase and acquire the authority to provide consent and non-consent tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7192, Sub 4. Staff investigation concluded. (KAS)
Catherine Shouler appeared on behalf of the Applicant. Approved 3-0
32. **Docket 16-01007** The Application of Master Towing, Inc. 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)
Jean Esquivel appeared on behalf of the Applicant. Approved 3-0

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

33. **Docket 13-07018** The Application of Las Vegas Party Coach, LLC d/b/a ELS for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Motion to vacate the final order and dismiss the application. Staff investigation concluded. (KAS)
Ermias Mckennen appeared on behalf of the Applicant. Compliance Audit Investigator Rene Revens offered a statement with regard to the length of time it has taken to acquire the necessary compliances and expressed concern with the applicants' knowledge of regulations. A brief discussion ensued. Commissioner Sakelhide recommended the December 2014 Order be vacated and the Application be remanded back to Staff for a hearing. Order vacated, hearing to be scheduled – Approved 3-0
34. **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)
Brent Carson, Esquire and Joel Wurster appeared on behalf of the Applicant. Mr. Carson detailed the changes that have been made. Commissioner Sakelhide requested a special notation in the Order referencing providing no charter bus service to any related entities, and that per capita services will continue to utilize appropriate carriers holding per capita authority. Approved as modified 3-0

- 35. Docket 15-09025** The Application of Hoover Transportation, LLC d/b/a H Trans 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 appeared on behalf of the Applicant. A brief discussion ensued with regard to the use of Sprinters. Approved 3-0

- 36. Docket 15-10006** The Application of Ben, LLC d/b/a Luxurious for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

James Kent, Esquire and Beyene Futsum appeared on behalf of the Applicant. Approved 3-0

- 37. Docket 15-10044** The Application of Annie Bananie Charters, Inc. for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

Commissioner Assad summarized the Application and indicated staff support. Approved 3-0

- 38. Docket 15-11003** The Application of Prestige Transportation, LLC d/b/a Prestige Transportation 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 Fernando Sastoque appeared on behalf of the Applicant. Approved 3-0

VOLUNTARY CANCELLATIONS

- 39. Docket 16-03001** The voluntary cancellation of Alpine Auto Recovery, LLC CPCN 7316. Staff investigation concluded.

Chairman Wilkinson summarized the request. Approved 3-0

- 40. Docket 16-03005** The voluntary cancellation of Tourcoach Las Vegas, Inc. d/b/a Tourcoach CPCN 2098. Staff investigation concluded.

Applications Manager Liz Babcock summarized the reasoning behind the request. Approved 3-0

PETITIONS FOR REMOVAL FROM INELIGIBLE DRIVER LIST

- 41. Docket 16-02014.** Petitioner Elias Gil seeks to be removed from the list of ineligible drivers pursuant to NAC 706.229 despite his untimely payment of fine amounts assessed in Citations 16312 and 16315.

Administrative Attorney Day indicated Mr. Gil is not current on his payments. He recommended the item be tabled until the next subsequent Agenda. Recommendation approved 3-0

APPLICATIONS FOR DRIVER PERMITS

- 42. Docket 16-02019.** Petitioner Taurean Medina seeks reconsideration of the denial of his driver permit application number 2331. The Authority denied the application at the October 2015 General Session based on Mr. Medina's failure to appear at an informal investigative meeting on October 5, 2015.

Tauren Medina appeared and requested an investigative proceeding. Permit be remanded back to staff, to be scheduled for April 13, 2016 at 9:00 a.m. Approved 3-0

- 43. Permit 2396** The Authority will determine whether to grant the application of M. Jackson for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)

James Kent, Esquire and Michael Jackson appeared. Commissioner Sakelhide recommended approval of the permit. Approved 3-0

- 44. Permit 2397** The Authority will determine whether to grant the application of W.R. Ratchford for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
- 45. Permit 2405** The Authority will determine whether to grant the application of H. G. Nidaw for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
- 46. Permit 2403** The Authority will determine whether to grant the application of R. L. Malone for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
- 47. Permit 2408** The Authority will determine whether to grant the application of B. Daniel for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Charles Baker, advocate, and Basil Daniel appeared. Commissioner Assad summarized the criminal background for Mr. Daniel. Mr. Baker offered a statement of support, Tawni Salem, U.S. Probation Assistant, offered a statement of support and his employer, Dan Nunes, Vegas VIP Transportation, offered an additional statement of support. A discussion ensued. Motion for denial fails. Motion to allow temporary permit to continue for an additional 2 months and driver permit investigation to be revisited in May 2016. Temporary Permit remanded back to staff to be heard at the June Agenda Approved 2-1 Commissioner Assad opposed
- 48. Permit 2407** The Authority will determine whether to grant the application of R. Marcu for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
- 49. Permit 2416** The Authority will determine whether to grant the application of R. N. Courey for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Permit denied 3-0
- 50. Permit 1951** The Authority will determine whether to grant the application of A. Kashem for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Loren Graham, Esquire and Abul Kashem appeared. Commissioner Assad indicated his recommendation to approve the driver permit. Approved 3-0

FINANCIAL RATES AND TARIFFS

- 51. Docket 16-01023** The Application of Whittlesea Checker Taxi, Inc. d/b/a Whittlesea Checker Taxi for approval of a tariff rate modification for services conducted under CPCN 3246. Staff investigation concluded.
Item removed from Agenda prior to consideration.
- 52. Docket 16-02016** The Application of Ewing Bros., Inc. d/b/a Walker Towing for approval of a tariff rate modification for services conducted under CPCN 7023, Sub 2. Staff investigation concluded.
Items 52, 53 and 54 were considered collectively. Tom Wright and Jay Ewing appeared on behalf of the Applicants for Items 52 and 53. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0

- 53. Docket 16-02017** The Application of Ewing Bros. Inc. d/b/a Ewing Bros. Auto Body for approval of a tariff rate modification for services conducted under CPCN 3269. Staff investigation concluded.
Items 52, 53 and 54 were considered collectively. Tom Wright and Jay Ewing appeared on behalf of the Applicants for Items 52 and 53. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
- 54. Docket 16-02018** The Application of B & E, Inc. d/b/a SNAP Towing for approval of a tariff rate modification for services conducted under CPCN 7042, Sub 2. Staff investigation concluded.
Items 52, 53 and 54 were considered collectively. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 55. Docket 14-08019** The Application of St George Executive Shuttle, L.L.C. for a certificate of public convenience and necessity to provide airport transfer and special service within the State of Nevada. Staff investigation concluded. (KAS)
R. Daren Barney, Esquire and C.J. Wade, Owner appeared on behalf of the Applicant. Commissioner Sakelhide summarized the Application and indicated staff support. Approved 3-0
- 56. Docket 14-11041** The Authority will reconsider the Joint Petition of AWG Ambassador, LLC d/b/a AWG Charter Services (CPCN 1068, Sub 4) pursuant to NAC 706.359 requesting approval of the temporary transfer of CPCN 1068, Sub 4, to LV Car Service, LLC pending the application and approval of the final sale and transfer. (GA)
Applications Manager Liz Babcock summarized the Petition and indicated staff support. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association (LOA). Administrative Attorney Day read an email from Zev Kaplan, Esquire. Approved 3-0
- 57. Docket 15-12021** The Joint Application of Bell Limo for authority to sell and transfer and of Platinum LV Transportation, LLC to purchase and acquire the authority to provide charter limousine service within the State of Nevada, as granted under CPCN 1217. Staff investigation concluded. (AW)
Items 57, 58 and 59 were considered collectively. Brian Hardy, Esquire, Craig Smedman and Brent Bell appeared on behalf of the applicants. Applications Manager Liz Babcock summarized the applications. Staff remains neutral on the pro-forma income statement. Applications Manager Liz Babcock suggested financial statements be required quarterly. Mr. Hardy stated an end of year report would be a better solution. Jeanne O'Doan proposed an in house financial statement by September to verify the 20% equity. A brief discussion ensued. Determination was made to submit financials by the end of January 2017. Approved with the January 2017 financial statement requirement 3-0
- 58. Docket 15-12022** The Joint Application of Whittlesea Checker Taxi, Inc. for authority to sell and transfer and of Platinum LV Transportation, LLC to purchase and acquire the authority to provide taxicab service within the State of Nevada, as granted under CPCN 2118. Staff investigation concluded. (AW)
Items 57, 58 and 59 were considered collectively. Brian Hardy, Esquire, Craig Smedman and Brent Bell appeared on behalf of the applicants. Applications Manager Liz Babcock summarized the applications and indicated staff support. Staff remains neutral on the pro-forma income statement. Applications Manager Liz Babcock suggested financial statements be required quarterly. Mr. Hardy stated an end of year report would be a better solution. Jeanne O'Doan proposed an in house financial statement by September to verify the 20% equity. A brief discussion ensued. Determination was made to submit financials by the end of January 2017. Approved with the January 2017 financial statement requirement 3-0
- 59. Docket 15-12023** The Joint Application of Airport Mini Bus for authority to sell and transfer and of Platinum LV Transportation, LLC to purchase and acquire the authority to provide charter bus,

charter limousine, airport transfer, and special services within the State of Nevada, as granted under CPCN 2350, Sub 6. Staff investigation concluded. (AW)

Items 57, 58 and 59 were considered collectively. Brian Hardy, Esquire, Craig Smedman and Brent Bell appeared on behalf of the applicants. Applications Manager Liz Babcock summarized the applications and indicated staff support. Staff remains neutral on the pro-forma income statement. Applications Manager Liz Babcock suggested financial statements be required quarterly. Mr. Hardy stated an end of year report would be a better solution. Jeanne O'Doan proposed an in house financial statement by September to verify the 20% equity. A brief discussion ensued. Determination was made to submit financials by the end of January 2017. Approved with the January 2017 financial statement requirement 3-0

APPLICATIONS FOR TRANSPORTATION NETWORK COMPANY PERMITS

- 60. Docket 16-03007** The Application of LYFT, Inc. for an expansion of authority to utilize more than 7,000 drivers within the first 24 months of operations granted under TNC 0001 within the State of Nevada. Staff investigation concluded. (KAS)

Ian Poirier, Yacob Girma, General Manager, Michael Hillerby and Timothy Burr appeared on behalf of the Applicant. Commissioner Sakelhide summarized the request. Approved 3-0

ORDERS TO SHOW CAUSE

- 61. Docket 15-10015.** The Order to Show Cause issued to Align Franchising Consultants, LLC dba Silver Eagle Relocation as to why Certificate of Public Convenience and Necessity 3361 should not be revoked. (GA)

Commissioner Assad summarized the procedural history of the docket and recommended the revocation of CPCN 3361. Certificate revoked 3-0

- 62. Docket 15-12011** The Order to Show Cause issued to 24/7 Towing, Inc. as to why Certificate of Public Convenience and Necessity 7119 should not be revoked. (KAS)

Commissioner Sakelhide summarized the procedural history of the docket and indicated the changes the carrier has made to bring the operation into compliance. Commissioner Sakelhide recommended the Order to Show Cause be revoked and a random operational inspection be scheduled within the next 12 months. Approved 3-0

DISCUSSION ITEMS

- 63.** Staff's request to discuss the NTA policy and procedures for random drug testing pursuant to NAC 706.247 and CFR 382.305

Compliance Audit Investigator Rene Revens summarized the need to change the Authority procedures with regard to the enrollment of non-CDL drivers in the Random DOT drug testing consortium. She stated, pursuant to a conversation with the Carson City Motor Carrier Safety Administration, non-CDL drivers should NOT be enrolled in the consortium as it distorts their statistics. She requested the Authority send a letter to all carriers to inform them of the change. Leslie Montoya, MCCA, appeared in Reno and offered additional information. Ms. Revens stated pre-employment drug testing will continue to be DOT testing, the only change will be to the random pools. Authority staff will conduct further research and summarize at a subsequent Agenda meeting.

- 64. Public Comment**

none

- 65. Adjournment**

Meeting adjourned at 1:10 p.m.