

BRIAN SANDOVAL
Governor

STATE OF NEVADA



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Director B&I

ANN WILKINSON
Chairman

GEORGE ASSAD
Commissioner

KEITH SAKELHIDE
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE April 28, 2016 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Ann Wilkinson called the meeting to order at 9:37 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 Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton. Present in Reno: Chairman Ann Wilkinson, Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Enforcement Officer Stan Hardin led a recital of the Pledge.

4. Public Comment

none

5. Approval of Agenda

Administrative Attorney Day requested Item 43 be removed as the applicant withdrew, and requested several items be taken out of order to accommodate legal counsel. Approved as modified 3-0

6. Approval of the Minutes of the March 24, 2016 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Assad welcomed Stanley Hardin and John Foster to the Enforcement Staff, and thanked staff for the preparation work on the Agenda. Commissioner Sakelhide echoed Commissioner Assad's comments. Chairman Wilkinson stated the last Enforcement Investigator will begin May 9, 2016, making our swing shift fully staffed and operational and she mentioned that next week is State Employee Recognition Week.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider stated additional hiring for the Compliance Auditor and Enforcement Officer positions would be posted soon.

9. Report of Legal Counsel

Senior Deputy Attorney General Newton reported that in the Proper Transportation Petition for Judicial Review, a stipulation to dismiss has been agreed upon and that the first calendar date for the swing shift will be May 24, 2016 with the settlement conferences moving to 9:00 a.m. to 11:00 a.m.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10 through 35, with the exception of Items 10 and 25, were considered collectively.
Approved 3-0*

10. Citation 14481 issued to Gregory James Black for violation of NRS 706.386 and NRS 706.758. Amended Order.

Mr. Black appeared in Reno and indicated he had made a payment yesterday and he intends to proceed as outlined in the order. Approved 3-0

11. Citation 18179 issued to Day and Night Towing for violation of NAC 706.4273 and NAC 706.420. (GA)

12. Citation 18302 issued to Bitew Alemu for violations of NAC 706.228 and NAC 706.329. (GA)

13. Impound 2704 and Citation 18304. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18304 issued to Sharawe Wyatt for violations of NRS 706.386 and NRS 706.758. (GA)

14. Impound 2705 and Citation 18305. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18305 issued to Efrain DelaFuente for violations of NRS 706.386 and NRS 706.758. (GA)

15. Impound 2673. The impoundment pursuant to NRS 706.476 of a vehicle registered to Yuren Planell-Ferrer. (GA)

16. Citations 17681, 17682, 17683, 17684, 17685 and 17504 issued to Raine Family Towing for violations of NAC 706. (GA)

17. Impound 2528 and Citation 17778. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17778 issued to Jonathan Taylor for violations of NRS 706.386 and NRS 706.758. (GA)

18. Impound 2641 and Citation 17782. The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 17782 issued to Siavesh Shamshirpourian for violations of NRS 706.386 and NRS 706.758. (GA)

19. **Citation 18120** issued to Yuren Planell-Ferrerr/Planell Towing Corporation for violations of NRS 706.386 and NRS 706.758. (GA)
20. **Citation 18080** issued to Roger Lugo for a violation of NRS 706.386. (KAS)
21. **Impound 2676 and Citation 18087.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18087 issued to Suk Jin Yoon for violations of NRS 706.386 and NRS 706.758. (KAS)
22. **Impound 2527.** The impoundment pursuant to NRS 706.476 of a vehicle registered to Avis Budget Group, Inc. d/b/a Budget Rent a Car and Sales. (KAS)
23. **Citations 17587, 17588 and 17589** issued to Sierra West Limousine for violations of NAC 706.247/49 CFR 391.23 (3 counts), NAC 706.229, NAC 706.247/49 CFR 391.31(a)(1) (3 counts), NRS 706.462, NAC 706.247/49 CFR 382.301 (2 counts) and NAC 706.247/49 CFR 391.43.
24. **Citation 17717** issued to Bruno Selmi for a violation of NAC 706.203.
25. **Citation 17718** issued to Arkidian Towing for a violation of NRS 706.758.
Martha Nava appeared on behalf of the Respondent and confirmed the settlement agreement terms. Approved 3-0
26. **Citation 18117** issued to Raymond L. Kolnes for violation of NRS 706.386 and NRS 706.758.
27. **Citation 18118** issued to Luis Alberto Diaz for a violation of NAC 706.329.
28. **Citations 18127, 18128, 18129, 18130, 18131, 18132, 18133 and 18134** issued to DDS Transportation Las Vegas, LLC for violations of NAC 706.203, NRS 706.463, NAC 706.247/49 CFR 391.11, NAC 706.247/49 CFR 391.51 (2 counts), NRS 706.462, NAC 706.247/49 CFR 382.413 (2 counts), NAC 706.247/49 CFR 391.23(a)(1) & (b) (3 counts), NAC 706.247/49 CFR 391.23(a)(2)(c) (2 counts), NAC 706.247/49 CFR 382.301(a), NAC 706.247/49 CFR 382.305, NRS 706.398 (47 counts), NAC 706.247/49 CFR 395.5, NAC 706.247/49 CFR 396.19, NAC 706.247/49 CFR 396.25, NAC 706.279 and NAC 706.247/49 CFR 396.11(b) (39 counts).
29. **Citation 18135** issued to Top Limo Las Vegas for a violation of NAC 706.247/49 CFR 391.51.
30. **Citation 18137** issued to Charles Anthony Lima for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).
31. **Citation 18138** issued to Charles Singer for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).
32. **Citation 18143** issued to Rush In Towing for a violation of NRS 706.285.
33. **Citation 18145** issued to Mohamed Ahmed Abdel-Ghany for a violation of AB 176, Sec. 38 (78th Nevada Legislative Session 2015).

34. Citation 18147 issued to Las Vegas Event Planners, LLC for a violation of NRS 706.462.

35. Citation 18178 issued to Y Travel d/b/a Grand Canyon West Express for violation of NAC 706.381 and NRS 706.463.

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

36. Docket 15-09043 The joint Application of James Shelton Dusty Raine for authority to sell and transfer and Kenny Roy Morse and Arthur LaVern Howay to each purchase and acquire 31.25% of Raine Family Towing- Roadrunner, Inc., d/b/a Raine Family Towing – Roadrunner, a carrier authorized to provide consent and non-consent tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7300. Staff investigation concluded. (KAS) *Commissioner Sakelhide noted the additional restriction prohibiting Lester Raines from any participation. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0*

37. Docket 15-12016 The Application of Northside Towing, LLC d/b/a Code Red 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 indicated staff support. Approved 3-0*

38. Docket 16-01016 The Application of Arkidian Towing Services, 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) *Robert Johnson-Palomares, Owner and Martha Nava, Operations Manager appeared in Reno. Commissioner Assad summarized the Application and indicated staff support. Approved 3-0*

39. Docket 16-01024 The joint Application of Commerce Auto Body & Sales, Inc. d/b/a Commerce Auto Towing for authority to sell and transfer and Commerce Auto Towing, Inc. to each 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 7293. Staff investigation concluded. (GA) *Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0*

40. Docket 16-02001 The Application of Arrowhead Services, 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. (KAS) *Roland Smith appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0*

41. Docket 16-03025 The temporary discontinuance from March 29, 2016 through April 30, 2016 of consent and non-consent tow car services provided by Paul M. Sprada d/b/a AA Buffalo One Towing under CPCN 7185, Sub 1. Staff investigation concluded. *Applications Manager Liz Babcock indicated we will see this item again on the June Agenda for an extension. Approved 3-0*

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

42. 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. Staff investigation concluded. (KAS)

James Kent, Esquire and Ermias Mekkonen appeared on behalf of the Applicant. Commissioner Sakelhide summarized the hearing and indicated his support. Applications Manager Liz Babcock noted the ninety day compliance period. Approved 3-0

43. Docket 14-05026 The Application of Limousine Dynamics of Las Vegas, LLC d/b/a Vegas Ultimate Charters for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Authority to consider vacating the Compliance Order. Staff investigation concluded. (KAS)

Item removed as Applicant has withdrawn application.

44. Docket 15-07017 The Application of IBS Transportation, LLC d/b/a IBS Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)

Brian Holthus, Esquire and Ibrahim Samb appeared on behalf of the Applicant. Commissioner Sakelhide summarized the application and indicated staff support. Approved 3-0

45. Docket 16-02009 The Application of Heaven Tia, LLC d/b/a Day and Night Party Bus 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 appeared on behalf of the Applicant. Commissioner Assad questioned Compliance Audit Investigator Desiree Main regarding prior citations. Ms. Main stated a tariff violation in 2013 posed no concern. Approved 3-0

EXEMPTION REQUESTS

46. Docket 16-03020 Activities Reno Tahoe, LLC d/b/a Sierra Adventures 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.

James Bell, Owner, appeared in Reno and offered a brief summary of the request and stated there had been a website update. Applications Manager Liz Babcock stated she was not in receipt of the email and requested the item trail. Item discussion resumed with the notation of changes to the website and that the tour description is not clear. Commissioner Sakelhide questioned the origination of the tours to clarify the free shuttle exemption request. Mr. Bell stated his USDOT 999469. Exemption request approved 3-0

VOLUNTARY CANCELLATIONS

47. Docket 16-04004 The voluntary cancellation of Enck's Import and Domestic Auto Repair, Inc. d/b/a Enck's Inc. Auto Repair & Towing CPCN 7182. Staff investigation concluded.
Items 47 and 48 were considered collectively. Approved 3-0

48. Docket 16-04013 The voluntary cancellation of Gilbert A. Solis-Lopez d/b/a Best's Towing CPCN 7200, Sub 1. Staff investigation concluded.
Items 47 and 48 were considered collectively. Approved 3-0

NAME CHANGES

49. Docket 16-03008 The Petition of Sunrise Plaza Transportation of Nevada for approval to change their name by adding a fictitious name for services provided under CPCN 2028, Sub 1. Staff investigation concluded.
Bob Terakawa appeared on behalf of the Applicant. Approved 3-0

PETITION TO DEVIATE FROM REGULATION

50. Docket 16-04009 The Petition of All My Sons Moving and Storage of Las Vegas, Inc. filed pursuant to NAC 706.1305 to deviate from NAC 706.247 for household goods moving services provided under CPCN 3256, Sub 2, specifically for the requirement for a "wet" signature for Driver Vehicle Inspection Reports. Staff investigation concluded. (KAS)
Commissioner Sakelhide expressed concerns with the request and Compliance Audit Investigator Main summarized the deficiencies found during her operational inspection. Request denied 3-0

PETITION FOR LOGO APPROVAL

51. Docket 16-04012 The Petition of Lewis Carriages, Inc. d/b/a All Resort Limousine for final approval of a logo for operations conducted under CPCN 1125 within the State of Nevada.
Jahn Herrick appeared on behalf of the Applicant and summarized the request. Approved 3-0

PETITIONS FOR REMOVAL FROM INELIGIBLE DRIVER LIST

52. 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 stated Mr. Gil is current on his payment plan, however he did not appear today. Item tabled to the next subsequent Agenda. Item tabled 3-0

APPLICATIONS FOR DRIVER PERMITS

53. Docket 16-03004. The Authority will consider the Petition of Robert Litheredge for reconsideration of the Authority's denial of his driver permit application (No. 2039) at the July 2015 general session. **(Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)**
Item tabled to next subsequent Agenda, Applicant's legal counsel unable to appear. Approved 3-0

54. Docket 16-03012. The Authority will consider the Petition of Banu Chowdhury for reconsideration of the Authority's denial of his driver permit application (No. 2355) at the

February 2016 general session. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Mr. Chowdhury appeared in Reno and requested a permit proceeding be re-scheduled. Approved 3-0

55. Docket 16-03013. The Authority will consider the Petition of Samiruddin Masud for reconsideration of the Authority's denial of his driver permit application (No. 2356) at the February 2016 general session. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Mr. Masud appeared in Reno and requested a permit proceeding be re-scheduled. Approved 3-0

56. Docket 16-04019. The Authority will consider the Petition of Robert Malone for reconsideration of the Authority's denial of his driver permit application (No. 2403) at the March 2016 general session. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Mr. Malone appeared and requested a permit proceeding be re-scheduled. Approved 3-0

57. Docket 16-04024. The Authority will consider the Petition of Michael Purdy for reconsideration of the Authority's denial of his driver permit application (No. 1633) at the March 2015 general session. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Mr. Purdy appeared in Reno and offered a lengthy statement of explanation. Motion to allow Michael Purdy to submit a new application with the addition of a drug test for a driver permit Approved 3-0

58. Permit 1934 The Authority will determine whether to grant the application of S. Williams for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Denied 3-0

59. Permit 2293 The Authority will determine whether to grant the application of W. Wilson for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. Six-month re-evaluation as ordered at the October 2015 General Session. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

James Kent, Esquire and William Wilson appeared and waived a closed session. Chief of Enforcement Bradford indicated six random drug tests were performed and all were negative. Original permit is not denied, updated permit is currently in process. No action required.

60. Permit 2295 The Authority will determine whether to grant the application of M. Brothers for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (**Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.**)

Malcolm Brothers appeared and waived closed session. Permit granted.

61. 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. Six-month re-evaluation as ordered at the October 2015 General Session. **(Closed session may be held to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)**

Adam Schwartz appeared and waived a closed session and offered a statement with regard to the remedial actions he has taken. Tony Clark, 24/7 appeared on behalf of the driver. A lengthy discussion ensued. Del Stamper, Executive and Ermias Mekkenon, ELS each offered a verbal statement of support for Mr. Schwartz. Motion to deny – no second. Commissioner Sakelhide moved to continue with the temporary permit for six additional months with the enrollment and completion of a diversity awareness course. Approved 2-1 Commissioner Assad opposed

FINANCIAL RATES AND TARIFFS

62. Docket 16-01031 The Application of Nevada North American d/b/a Capital North American, d/b/a AAFORDABLE MOVERS for approval of a tariff rate modification for services conducted under CPCN 3250. Staff investigation concluded.

John Dlouhy appeared on behalf of the Applicant and indicated the deletion of the d/b/a AAFORDABLE MOVERS. Financial Analyst Lidia Aronova summarized the revised request and indicated staff support. Approved as modified 3-0

63. Docket 16-03010 The Application of Seiji Limousine, LLC d/b/a Seiji Limousine for approval of a tariff rate modification for services conducted under CPCN 1111, Sub 2. Staff investigation concluded.

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

64. Docket 16-03014 The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for approval of a tariff rate modification for services conducted under CPCN 1041, Sub 5. Staff investigation concluded.

Brent Carson, Esquire appeared on behalf of the Applicant and gave a brief explanation of the rates. Financial Analyst Lidia Aronova and Applications Manager Liz Babcock summarized the request and indicated staff does not support the requested changes. Commissioner Sakelhide expressed his concerns with the modification. A discussion ensued. Motion was made to remand the item back to staff and schedule a hearing to fully investigate the requested change. Approved to be returned to staff 3-0

65. Docket 16-03016 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.

Jordan Smith, General Manger appeared on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0

66. Docket 16-04001 The Application of Annie Bananies Wild West Tours, LLC for approval of a tariff rate modification for services conducted under CPCN 2083, Sub 2. Staff investigation concluded.

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

67. Docket 16-04014 The Application of Presidential Limousine, Inc. for approval of a tariff rate modification for services conducted under CPCN 1007, Sub 6. Staff investigation concluded. *Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0*

68. Docket 16-04015 The Application of Las Vegas Limousines, LLC for approval of a tariff rate modification for services conducted under CPCN 2258, Sub 8. Staff investigation concluded. *Jim Laughlin, General Manager, and John Mowbray, Esquire appeared on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0*

69. Docket 16-04016 The Application of Red Carpet Moving, Inc for approval of a tariff rate modification for services conducted under CPCN 3339. Staff investigation concluded. *Financial Analyst Lidia Aronova summarized the application and indicated staff support. Approved 3-0*

APPLICATIONS FOR FULLY REGULATED CARRIERS

70. Docket 15-03037 The Joint Application of Pro Action Limousine & Concierge Services, Inc. for authority to sell and transfer and of Abraham Limo Service, Inc. d/b/a ALV to purchase and acquire the authority to provide charter limousine service between Clark and Nye Counties, Nevada, granted under CPCN 1090, Sub 1. Staff investigation concluded. (KAS)

Brent Carson, Esquire appeared on behalf of Abraham Limo Service, James Kent, Esquire appeared on behalf of Pro Action Limousine. Chairman Wilkinson questioned the CPCN markings. Applications Manager Liz Babcock summarized the application and indicated staff support. Approved 3-0

71. Docket 15-04025 The Application of First Choice Movers, LLC d/b/a First Choice Movers for a certificate of public convenience and necessity to operate as a household goods mover in the State of Nevada. Staff investigation concluded. (KAS)

Greg Oliver appeared on behalf of the Applicant and summarized the unique aspect of their business model. Applications Manager Liz Babcock summarized the application, stated the removal of one compliance item and indicated staff support. Approved 3-0

ORDERS TO SHOW CAUSE

72. Docket 16-02013 The Order to Show Cause issued to Towing Jamison, Inc. d/b/a State Wide Towing as to why Certificate of Public Convenience and Necessity 7210 should not be revoked. (KAS)

Commissioner Sakelhide summarized the procedural history of the docket and indicated his recommendation to revoke the certificate. Certificate revoked 3-0

73. Public Comment

Frank Ybarra, Lucky Limousine commended the Authority on the Agenda process.

74. Adjournment

Meeting adjourned at 1:35p.m.