

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 July 12, 2016 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Wilkinson 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 David Newton, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Deputy Attorney General Louis Csoka. Present in Reno: Chairman Ann Wilkinson, Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Deputy Attorney General Louis Csoka led a recital of the pledge.

4. Public Comment

None

5. Approval of Agenda

Administrative Attorney Newton requested Items 12, 61, 88 and 90 be removed from consideration. Applications Manager Liz Babcock requested Item 76 be removed by the applicants request. Approved as modified 3-0

6. Approval of the Minutes of the June 2, 2016 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman Wilkinson welcomed David Newton as the Authority's new Administrative Attorney and Louis Csoka as the Deputy Attorney General. Commissioner Assad echoed Chairman Wilkinson's comments welcoming new staff and thanked staff for the preparations for the Agenda. Commissioner Sakelhide echoed the comments made by both the Chairman and Commissioner Assad welcoming new staff. Additionally he thanked staff for the Agenda preparation.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider echoed the previous comments.

9. Report of Legal Counsel

Administrative Attorney Newton stated he had given the signed Stipulation to Dismiss on the Petition for Judicial Review in the Proper matter to Deputy Attorney General Csoka to be filed.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10, 11 and 13 through 37, were considered collectively. Approved 3-0

10. **Citation 17719** issued to All Around Lake Tahoe/Wesley Goetz for violations of NRS 706.386 and NRS 706.758. (GA)
11. **Citation 18068** issued to Ayele Kassa for violations of NAC 706.234 and NAC 706.360. (GA)
12. **Citation 18124** issued to 24/7 Limousines for violations of NAC 706.228 and NRS 706.398. (GA)
Item removed from Agenda prior to consideration.
13. **Citation 18315** issued to Petros Berhane for violations of NAC 706.228 and NAC 706.329. (GA)
14. **Citation 18321** issued to Earth Limousines for a violation of NAC 706.247 referencing 49 CFR 391.11. (GA)
15. **Impound 2789 and Citation 18323.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18323 issued to Troy Box for violations of NRS 706.386 and NRS 706.758. (GA)
16. **Impound 2790 and Citation 18333.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18333 issued to John Thomas Duignan, Jr., for violations of NRS 706.386 and NRS 706.758. (GA)
17. **Impound 2791 and Citation 18334 and 18335.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18335 issued to Brain Corey Ellison for violations of NRS 706.386, NRS 706.758, and AB 176, Sec.38 (78th Nevada Legislative Session 2015). (GA)
18. **Impound 2792 and Citation 18378.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18378 issued to Matthew Wright for violations of NRS 706.386 and NRS 706.758. (GA)
19. **Citation 17512** issued to Mohammad Rahman for violations of NAC 706.311 and NAC 706.329. (KAS)
20. **Citation 17513** issued to Ashwin Joshi for violations of NRS 706.758 and NAC 706.329. (KAS)
21. **Citation 17517** issued to Milo Reese for violations of NAC 706.234 and NAC 706.247 referencing 49 CFR 391.41. (KAS)
22. **Citation 18281** issued to Tuihalangie Finau for a violation of NAC 706.234. (KAS)
23. **Citation 18308** issued to Magdalena Anderson for a violation of NAC 706.228. (KAS)

24. **Citation 18313** issued to Brian Jackson for violations of NRS 706.386 and NRS 706.758. (KAS)
25. **Impound 2783 and Citation 18322.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18322 issued to Jensen Samuelson-Perry for violations of NRS 706.386 and NRS 706.758. (KAS)
26. **Impound 2787 and Citation 18331.** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18331 issued to Jonathon Reyes for violations of NRS 706.386 and NRS 706.758. (KAS)
27. **Citation 18377** issued to Aweke Melesse for a violation of NAC 706.228. (KAS)
28. **Impound 2739** The Impoundment pursuant to NRS 706.476 of a vehicle registered to Brain Jackson. (KAS)
29. **Citation 16886** issued to Darrin Boyd for violations of NRS 706.386 and NRS 706.758. (MBM)
30. **Citation 17294** issued to Jordan Shaw for violations of NRS 706.386 and NRS 706.758. (AJM)
31. **Citations 16323 and 16324** issued to Life Trans, Inc., for violations of NRS 706.462, NAC 706.203, and NAC 706.474.
32. **Citation 17482** issued to Earth Buses for violations of NAC 706.354 and NAC 706.355.
33. **Citations 17891, 17892, 18142, 18144 and 18066** issued to 911 Towing for violations of NAC 706.3975, NRS 706.4467, NRS 706.44793, NAC 706.4275, NAC 706.420, NAC 706.432, NAC 706.247/49CFR 391.51(7) and NAC 706.247/49CFR 396.3(c).
34. **Citation 17924** issued to LD Tours for violations of NAC 706.463.
35. **Citation 18090 and 18091** issued to Oasis Moving and Storage for violations of NAC 706.355, NAC 706.311, and NAC 706.282.
36. **Citation 18093 and 18316** issued to Dirrar Negusse for violations of NAC 706.228 and NAC 706.329.
37. **Citation 18318** issued to Belay Tafesework for violations of NAC 706.228 and NAC 706.247 referencing 49 CFR 391.41.

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

38. **Dockets 14-12021** The expired temporary discontinuance granted from January 1, 2015 through June 30, 2016 of services provided Gold Standard Recovery, LLC under CPCN 7325 and Staff recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket and requested an Order to Show Cause be issued. Approved 3-0

- 39. Docket 16-04002** The Application of Kings Towing, LLC d/b/a Kings Towing 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)
Commissioner Sakelhide summarized the application. Applications Manager Liz Babcock indicated staff support. Approved 3-0
- 40. Docket 16-04008** The joint Application of Dawn Bell d/b/a Bell Towing Service for authority to sell and transfer and Bradley Wedge d/b/a Bell Towing Service to purchase and acquire the authority to provide consent-only ~~and non-consent~~ tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7324. Staff investigation concluded. (GA)
Commissioner Assad summarized the application. Applications Manager Liz Babcock indicated staff support. Approved 3-0
- 41. Docket 16-04011** The Application of Metropolitan Towing Company, LLC d/b/a Western States 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. Elias Gil appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Approved 3-0
- 42. Docket 16-04021** The Application of 777 De La Fuente Towing Corporation 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. Mr. DeLaFuente appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Approved 3-0
- 43. Docket 16-04028** The Application of Adventure Towing Co, 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)
Commissioner Assad summarized the application. Mr. Fuentes appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Approved 3-0
- 44. Docket 16-04031** The Application of Cesar Escoffie Euan d/b/a High Speed 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. Mr. Escoffie appeared on behalf of the Applicant. Applications Manager Liz Babcock indicated staff support. Approved 3-0

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

- 45. Docket 15-02030** The Application of Michelangelo Leasing, Inc. d/b/a Ryan's Express, d/b/a Divine Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)
Jeffrey Silver, Esquire appeared on behalf of the Applicant and detailed the procedural history. Approved 3-0
- 46. Docket 16-01015** Alltour of America, Inc. seeks to extend the previously granted temporary discontinuance of services provided under CPCN 2172, from July 10, 2016 through January 13, 2017. Staff investigation concluded.
Applications Manager Liz Babcock summarized the procedural history of the docket. Approved 3-0

- 47. Docket 16-04025** The Application of Howard Stark, LLC d/b/a Sin City Party Buses 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. James Kent, Esquire appeared on behalf of the Applicant. Approved 3-0

- 48. Docket 16-06012** The temporary discontinuance from June 9, 2016 through December 6, 2016 of charter bus services provided by SW Stretch Limited d/b/a Exclusive VIP Transportation under CPCN 2051, Sub 1. Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket. Approved 3-0

PETITION FOR RECONSIDERATION

- 49. Docket 16-06033** Petitioner Tourcoach, Inc. d/b/a TourCoach seeks reconsideration of the cancellation of CPCN 2098 as set forth in the final Order for Docket 16-03005 (March 2016 General Session). Staff investigation concluded.

Applications Manager Liz Babcock summarized the procedural history of the docket. No one appeared on behalf of the carrier. Motion to table item to the next subsequent agenda to facilitate carrier's mandatory attendance. Approved 3-0

NAME CHANGE

- 50. Docket 16-05029** The Petition of Raine Family Towing – Roadrunner, Inc. for approval to change their corporate name to A & K Towing and Recovery, Inc. for services provided under CPCN 7300. Staff investigation concluded.

Approved 3-0

FINANCIAL RATES AND TARIFFS

- 51. Docket 16-01006** The Application of Warren Ardoin d/b/a Warren's Homework for approval of a tariff rate modification for services conducted under CPCN 3246. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

- 52. Docket 16-05005** The Application of Ed's Place Towing & Recovery, LLC d/b/a American Towing for approval of a tariff rate modification for services conducted under CPCN 7203, Sub 4. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

- 53. Docket 16-05019** 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 Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

- 54. Docket 16-06007** The Application of A & K Towing and Recovery, Inc. (formerly Raine Family Towing-Roadrunner, Inc.) for approval of a tariff rate modification for services conducted under CPCN 7300. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

- 55. Docket 16-06018** The Application of Smitty Movers, LLC for approval of a tariff rate modification for services conducted under CPCN 3354. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0
- 56. Docket 16-06028** The Application of Omni Limousine, Inc. for approval of a tariff rate modification for services conducted under CPCN 1084, Sub 4. Staff investigation concluded.
Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 57. Docket 14-10019** The Application of Omni Limousine, Inc. for an expansion of operating authority granted under CPCN 1084, Sub 4. Staff investigation concluded. (KAS)
Approved 3-0
- 58. Docket 15-04028** The Application of C.H. Destinations, Inc. d/b/a Canyon Coach Lines for an expansion of operating authority granted under CPCN 2122. Staff investigation concluded. (GA)
Approved 3-0
- 59. Docket 15-06014** The Application of Strip Limousine Services, LLC d/b/a Strip Limo, SLS for a certificate of public convenience and necessity to provide charter limousine service within the State of Nevada. Staff investigation concluded. (KAS)
Approved 3-0
- 60. Dockets 16-01010** The expired temporary discontinuance granted from January 12, 2016 through June 30, 2016 of services provided by Big Box Storage Nevada, Inc. d/b/a People's Moving & Storage under CPCN 3342, Sub 2, and Staff recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded. (KAS)
Applications Manager Liz Babcock summarized the procedural history and requested an Order to Show Cause for the next subsequent Agenda. Approved 3-0
- 61. Docket 16-05020** In the matter of the Petition for Interim Approval of the Joint Petition of Ignacio Garijo d/b/a Winnemucca Cab Company (CPCN 1009) pursuant to NAC 706.359 requesting interim approval of the temporary transfer of CPCN 1009 to Rory Upshaw pending the application and approval of the final sale and transfer. Staff investigation concluded. (GA)
Item removed from Agenda prior to consideration.

DISCUSSION ITEM

- 62.** The Authority will discuss regulations enacted by the Nevada Tax Commission on May 16, 2016, LCB file number R068-15, regarding the 3% Excise Tax on transportation of passengers, and review and its impact, if any, on the inclusion of that tax in carrier's tariffs as a separate line item.
Administrative Attorney Newton summarized the procedural history of the discussion item. Kimberly Maxson-Rushton, Esquire offered some clarification and an update with regard to the ongoing work being done on the regulations. She requested the industry be allowed to choose whether to pass the tax on at the end of the tariff or incorporate it into the tariff as long as the carrier is properly collecting and remitting the tax. Commissioner Sakelhide stated his reluctance to charge the traveling public with an additional add-on charge and does not think the 3% is eligible to be a standalone fee but should be built into the tariff as it applies to all passengers rather than a specific subset. A discussion ensued. Kimberly Maxson-Rushton, Esquire offered to reach out to the Legislative Counsel Bureau (LCB) to request an opinion regarding the ability to pass through the tax. Commissioner Sakelhide expressed

concerns about how the request for an opinion is phrased as to whether the intent of the legislature was to be a pass through, not whether it is or is not permissive to be a pass through. Commissioner Sakelhide and Chairman Wilkinson both expressed concerns with the ongoing use of the single page tariff add on. Lou Castro, Nevada Bus and Limo Association and Jahn Herrick, General Manager, Lewis Stages both made statements. Motion to table the discussion item to the October Agenda to allow industry to make a request to LCB and Taxation regarding the mandatory nature of the tax as a pass through.
Approved 3-0

63. Public Comment

None

1:15 PM AFTERNOON SESSION

64. Public Comment

None

VOLUNTARY CANCELLATIONS

65. Docket 16-05021 The voluntary cancellation of Las Vegas Party Barge, LLC d/b/a Las Vegas Topless Tours, CPCN 1128. Staff investigation concluded.

Approved 3-0

66. Docket 16-06011 The voluntary cancellation of Paisa Towing, LLC d/b/a Paisa Towing CPCN 7335. Staff investigation concluded.

Approved 3-0

APPLICATION FOR WAREHOUSE PERMIT

67. Docket 16-04026 The Application of CPO Enterprises, d/b/a Christopher Moving for a Warehouse Permit. Staff investigation concluded.

Approved 3-0

ORDERS TO SHOW CAUSE

68. Docket 16-05010 The Order to Show Cause issued to Las Vegas Parking Enforcement, Inc. dba Red Rock Towing as to why the Certificate of Public Convenience and Necessity should not be revoked as abandoned. Red Rock Towing failed to appear at a hearing on on May 25, 2016. (KAS)

Certificate revoked 3-0

69. Docket 16-06017 The Order to Show Cause issued to Las Vegas Tow, LLC d/b/a National Towing as to why Certificate of Public Convenience and Necessity 7299 should not be revoked. Staff Investigation concluded. (KAS)

Certificate revoked 3-0

MOTIONS TO DISMISS

- 70. 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.
Application dismissed 3-0
- 71. 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.
Application dismissed 3-0
- 72. 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.
Application dismissed 3-0
- 73. Docket 14-10001** The Application of United Royal Coach, LLC for a CPCN to provide charter limousine, airport transfer, and special services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.
Application withdrawn.
- 74. Docket 15-02041** The Application of Centurion Limousine of Las Vegas, LLC for a contract carrier permit to provide transportation services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.
Application dismissed 3-0
- 75. Docket 15-04014** The Application of Lee's Tour & Travel, Inc. for a CPCN to provide charter limousine, airport transfer, and special services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.
Application dismissed 3-0
- 76. Docket 15-05021** The Application of US Corrections, LLC for a contract carrier permit to provide transportation services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.
Item removed from Agenda prior to consideration.

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 77 through 90 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 77. Docket 16-06005** The Authority will consider the Petition of Carlos E. Alvarado for reconsideration of the Authority's denial of his driver permit application (No. 2413) at the June 2016 general session.
Reconsideration denied 3-0

- 78. Docket 16-06022** The Authority will consider the Petition of Shannon Williams Petition for reconsideration of the Authority's denial of his driver permit application (No. 1934) at the April general session.
Reconsideration denied 2-1 Commissioner Sakelhide opposed
- 79. Docket 16-06023** The Authority will consider the Petition of Jesus Murillo, Jr. for reconsideration of the Authority's denial of his driver permit application (No. 2352) at the June 2016 general session.
Reconsideration granted 3-0
- 80. Docket 16-06030** The Authority will consider the Petition of Malik Alamudeen for reconsideration of the Authority's denial of his driver permit application (No. 2457) at the June 2016 general session.
Reconsideration granted 3-0
- 81. Docket 16-06031** The Authority will consider the Petition of David Wasihun for reconsideration of the Authority's denial of his driver permit application (No. 1930) at the June 2016 general session.
Reconsideration granted 3-0
- 82. Docket 16-07001** The Authority will consider the Petition of Dawit Zeru for reconsideration of the Authority's denial of his driver permit application (No. 2450) at the June 2016 general session.
Reconsideration granted 3-0
- 83. Permit 2331** The Authority will determine whether to grant the application of Taureen Medina for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA).
Remanded back to hearing officer for proceeding 3-0
- 84. Permit 2441** The Authority will determine whether to grant the application of Manuel Mazorra-Cuesta for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS).
Permit denied 3-0
- 85. Permit 2355** The Authority will determine whether to grant the application of Banu Chowdhury for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA).
Granted
- 86. Permit 2442** The Authority will determine whether to grant the application of Hector Garcia for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Motion to table to the next Agenda 3-0
- 87. Permit 2410** The Authority will determine whether to grant the application of Derek Lowery for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (GA)
Motion to table to the next Agenda 3-0
- 88. Permit 2114** The Authority will determine whether to grant the application of Frank Canocico for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Item removed from Agenda prior to consideration.

89. Permit 2341 The Authority will determine whether to grant the application of Nathan Hamm for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Permit denied 3-0

90. Permit 2408 The Authority will determine whether to grant the application of Basil Daniel for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (KAS)
Item removed from Agenda prior to consideration.

91. Public Comment
None

92. Adjournment
Meeting adjourned at 4:50 p.m.