

BRIAN SANDOVAL
Governor

STATE OF NEVADA



BRUCE BRESLOW
Director B&I

ALAINA BURTENSHAW
Chairman

GEORGE ASSAD
Commissioner

KEITH SAKELHIDE
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE November 10, 2016 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Alaina Burtenshaw called the meeting to order at 9:30 a.m.

2. Roll Call

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

3. Pledge of Allegiance

Chief of Enforcement Michael Bradford led a recital of the pledge.

4. Public Comment

None

Chairman Burtenshaw presented certificates to Investigator Teti and Investigator Hardin for ten years of service.

5. Approval of Agenda

Administrative Attorney Newton requested Items 27 and 30 be removed, Applications Manager Liz Babcock requested Item #84 be removed per Applicant request. Approved 3-0

6. Approval of the Minutes of the October 5, 2016 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Commissioner Sakelhide thanked staff for the preparation work on the Agenda. Commissioner Assad echoed Commissioner Sakelhide's comments.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider thanked Commissioner Sakelhide for his expertise.

9. Report of Legal Counsel

Deputy Attorney General Louis Csoka had no report.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 65, with the exception of Items 27 and 30, were considered collectively.

Approved 3-0

- 10. Citations 17962, 17963, and 17964**, issued to Sierra West Limousines for violations of NAC 706.311 (5 counts), NAC 706.194; NAC 706.3612; NAC 706.247 ref. 49 CFR 396.11 & .13 (6counts) and NAC 706.380 (9 counts) (GA).
- 11. Citation 18020** issued to Blake Price for a violation of NAC 706.234. (GA)
- 12. Citation 18079** issued to Medhanie Petros for violations of NAC 706.228 and NAC 706.324. (GA)
- 13. Citation 18086** issued to Tewdros Desalegne for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (GA)
- 14. Citation 18417** issued to Anthony Chavarria for violations of NRS 706.386 and NRS 706.758. (GA)
- 15. Citation 18451** issued to Victor Nares for violations of NRS 706.386 and NRS 706.758. (GA)
- 16. Impound I-2904 and Citation 18498** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18498 issued to Kevin J. Matter for violations of NRS 706.386 and NRS 706.758. (GA)
- 17. Citations 18503 and 18504** issued to Halston T. Williams for violations of NRS 706.386, NRS 706.758 and NRS 706A.280. (GA)
- 18. Citation 18505** issued to Paul Nyaruba for violations of NAC 706.228 and NAC 706.234. (GA)
- 19. Impound I-2909 and Citation 18508** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18508 issued to Rami Kabota for violations of NRS 706.386 and NRS 706.758. (GA)
- 20. Citation 18558** issued to Faye Zarka for violations of NAC 706.228 and NA 706.247 ref. 49 CFR 391.41. (GA)
- 21. Citation 18562** issued to Clonda Britzman for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41. (GA)
- 22. Impound I-2894 and Citation 18809** The impoundment pursuant to NRS 706.476 of vehicles registered to and Citation 18809 issued to Joshua Ricci for violations of NRS 706.386 and NRS 706.758. (GA)

- 23. Impound I-2900** The impoundment pursuant to NRS 706.476 of a vehicle registered to VIP Lifestyle Luxury One. (GA)
- 24. Impound I-2913** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC. (GA)
- 25. Impound I-2917 and Citations 18511 and 18512** The impoundment pursuant to NRS 706.476 vehicles registered to and Citation 18809 issued to Earl Halbert for violations of NRS 706.386 and NRS 706.758. (GA)
- 26. Citation 18021** issued to Daniel Goldman for a violation of NAC 706.234. (KAS)
- 27. Citation 18313** issued to Brian Jackson for violations of NRS 706.386 and NRS 706.758. (KAS)
Item removed from Agenda.
- 28. Citation 18399** issued to Lealon Johnson for violations of NRS 706.386 and NRS 706.758. (KAS)
- 29. Impound I-2906 and Citation 18418** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18418 issued to Tacy Joy Woodhams for violations of NRS 706.386 and NRS 706.758. (KAS)
- 30. Citation 18431** issued to Paul-Michael Burgess for violations of NRS 706.386 and NRS 706.758. (KAS)
Item removed from Agenda.
- 31. Citation 18464** issued to Danny Armstrong for a violation of NAC 706.228. (KAS)
- 32. Citation 18466** issued to Thomas Franco for violations of NRS 706.386. (KAS)
- 33. Impound 2683 and Citation 18467** The Impoundment of a vehicle registered to and Citation 18467 issued to Brian Jackson for violations of NRS 706.476, NRS 706.386 and NRS 706.758. (KAS)
- 34. Citations 18501 and 18502** issued to Juan Perez for violations of NRS 706.386, NRS 706.758 and NRS 706A.280. (KAS)
- 35. Impound I2912 and Citation 18566** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18566 issued to Juan Flores-Ortez for violations of NRS 706.386 and NRS 706.758. (KAS)
- 36. Citation 18630** issued to Graham Cook for violations of NRS 706.386 and NRS 706.758. (KAS)
- 37. Citation 18632** issued to Kevin Dalling for violations of NRS 706.386 and NRS 706.758. (KAS)
- 38. Citation 18637** issued to Anthony Longo for violations of NRS 706.386 and NRS 706.758. (KAS)
- 39. Impound I-2760 and Citation 18638** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18638 issued to Jesus Jimenes Olvera for violations of NRS 706.386 and NRS 706.758. (KAS)

40. **Impound I-2893 and Citation 18806** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 18806 issued to Elbert Taylor for violations of NRS 706.386 and NRS 706.758. (KAS)
41. **Citation 18808** issued to Brett Gall for a violation of NAC 706.354. (KAS)
42. **Impound I-2910** The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Perez Sr. (KAS)
43. **Citation 16955 and 16966** issued to Sierra West Limo for violation of NAC 706.206 (2 counts).
44. **Citation 18019** issued to Raymond Gulley for a violation of NAC 706.311.
45. **Citation 18022** issued to James Deach for a violation of NAC 706A.240.
46. **Citation 18416** issued to Anas Sbay for a violation of NAC 706A.240.
47. **Citation 18421** issued to Abdalla Kabeto for a violation of NAC 706A.240.
48. **Citation 18423** issued to Pascal Antoine for a violation of NAC 706A.240.
49. **Citation 18424** issued to Vargha Amini for a violation of NAC 706A.240.
50. **Citation 18433** issued to Douglas A. Hume for violation of NRS 706.386 and NRS 706.758.
51. **Citation 18461** issued to Dagnew Mulubrhan for violation of NAC 706.228 and NAC 706.329.
52. **Citation 18499** issued to Las Vegas Transportation/24/7 Limousines for a violation of NRS 706.167.
53. **Citation 18533** issued to Victor Jones for a violation of NAC 706A.240.
54. **Citation 18534** issued to Yonathan Tibede for a violation of NAC 706A.280.
55. **Citation 18559** issued to Antonio Sarmiento-Castro for a violation of NAC 706.228.
56. **Citation 18561** issued to Around The Clock for a violation of NAC 706.247/49 CFR 391.51.
57. **Citation 18563** issued to Adventure Photo Tours for a violation of NAC 706.247/49 CFR 391.11.
58. **Citation 18564** issued to Rodney G. Ford for a violation of NAC 706.228.
59. **Citation 18565** issued to Paolo Ricardo Sarte for a violation of NAC 706A.240.
60. **Citation 18626** issued to John Blair for a violation of NAC 706.234.
61. **Citation 18627** issued to Jeffrey Cable for a violation of NAC 706.234.
62. **Citation 18634 and 18635** issued to Mohammed Damia for violation of NRS 706.386, NRS 706.758 and NAC 706A.280.

- 63. Citation 18701** issued to Alpine Towing for violation of NAC 706.206.
- 64. Citation 18804** issued to Tefera Damtew for a violation of NAC 706.228.
- 65. Citation 18814** issued to Silverstate Limo for violations of NRS 706.398 and NAC 706.354.

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

- 66. Docket 16-05025** The Application of Thomas Staugard d/b/a Executive Towing & Recovery for expansion of authority to provide non-consent tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7346. Staff investigation concluded. (KAS)

Items 66 and 67 were considered collectively. Approved 3-0

- 67. Docket 16-05026** The joint Application of Thomas Staugard d/b/a Executive Towing & Recovery for authority to sell and transfer and Executive Towing & Recovery, LLC d/b/a Executive Towing & Recovery to purchase and acquire the authority to provide tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7346. Staff investigation concluded. (KAS)

Items 66 and 67 were considered collectively. Approved 3-0

- 68. Docket 16-08018** The joint Application of Cinthia Andrade d/b/a Andrade's Towing for authority to sell and transfer and Andrade's Towing, LLC to purchase and acquire the authority to provide tow car service by tow car vehicle within the State of Nevada, granted under CPCN 7340. Staff investigation concluded. (KAS)

Cinthia Andrade appeared on behalf of the Applicant. Approved 3-0

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

- 69. Docket 16-03019** The Application of D.J. Service, LLC d/b/a Vegas First Class 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. Approved 3-0

- 70. Docket 16-05013** Vision Airlines, Inc. seeks to extend the previously granted temporary discontinuance of services provided under CPCN 2059, Sub 1, from October 31, 2016 through April 30, 2017. Staff investigation concluded.

Applications Manager Liz Babcock detailed the request. Approved 3-0

- 71. Docket 16-06013** The Application of MNM, LLC d/b/a Fabulous 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 appeared on behalf of the Applicant. Approved 3-0

- 72. Docket 16-06034** The Application of Double D Transportation, LLC d/b/a Double D 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 appeared on behalf of the Applicant. Approved 3-0

73. Docket 16-06039 The Application of Touba Transportation, LLC d/b/a Touba Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)

Brian Holthus, Esquire appeared on behalf of the Applicant. Approved 3-0

74. Docket 16-07015 The Application of VBNZ Limo, LLC 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. Approved 3-0

75. Docket 16-07032 The Application of Experience Transportation Agency, LLC d/b/a ETA DMC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)

Jeff Silver, Esquire appeared on behalf of the Applicant. A brief discussion ensued with regard to the addition of a dba. Approved 3-0

76. Docket 16-07039 The Application of Adam's Transportation, LLC d/b/a Lucky 7's 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. Approved 3-0

NAME CHANGES

77. Docket 16-08028 The Petition of Starlight Limousine, Inc. d/b/a Entourage Transportation, for approval to add a second fictitious name, Entourage, for services provided under CPCN 2158, Sub 3. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support. James Kent, Esquire appeared on behalf of the Applicant. Approved 3-0

78. Docket 16-10001 The Petition of Discount Towing, Inc. for approval to change their corporate name to PCCU, Inc. for services provided under CPCN 7292. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support. Review of stock books added as a compliance item. Approved as modified 3-0

PETITIONS FOR REMOVAL FROM INELIGIBLE DRIVER LIST

79. Docket 16-10027 Petitioner William Morgan seeks to be removed from the list of ineligible drivers pursuant to NAC 706.229.

Commissioner Sakelhide briefly summarized. Approved 3-0

PETITIONS FOR RECONSIDERATION

80. 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. **Tabled from August meeting for operational inspection.**

Commissioner Sakelhide briefly detailed the history of the docket. Shoeleh Sapir appeared on behalf of the Applicant. Compliance Audit Investigator Revens detailed the communications history. A brief discussion ensued with regard to the requirements that have not been met. Petition denied 3-0

81. Docket 16-09018 – Kyle Schaefer’s Petition for Reconsideration of findings regarding Citation 18427

Item tabled to the next subsequent Agenda. Approved 3-0

FINANCIAL RATES AND TARIFFS

82. Docket 16-09002 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.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Applicant. Approved 3-0

83. Docket 16-10006 The Application of Nevada Coaches, LLC d/b/a Showtime Tours for approval of a tariff rate modification for services conducted under CPCN 2044, Sub 1. Staff investigation concluded.

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

84. Docket 16-10011 The Application of Carrel Lavern West & Rose Marie West d/b/a Sierra West Limousine Service for approval of a tariff rate modification for services conducted under CPCN 1015. Staff investigation concluded.

Item removed from Agenda prior to consideration.

85. Docket 16-10024 The Application of Astillita Productions, Inc. d/b/a Acme Moving Co. for approval of a tariff rate modification for services conducted under CPCN 3362. Staff investigation concluded.

Financial Analyst Yvonne Shelton summarized the request and indicated staff support.

Approved 3-0

86. Public Comment

None

1:15 PM AFTERNOON SESSION

87. Public Comment

None

APPLICATIONS FOR FULLY REGULATED CARRIERS

88. Docket 16-02021 The Post Facto Joint Application of Wendy Bizzaro, deceased, for authority to sell and transfer and of Richard Bizzaro to purchase and acquire 3,300 shares of common stock of Lewis Carriages, Inc. d/b/a All Resort Limousine, a carrier authorized to provide charter limousine, airport transfer, and special services within Clark County, Nevada, granted under CPCN 1125. Staff investigation concluded. (KAS)

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

89. Docket 16-09019 The temporary discontinuance from September 20, 2016 through March 20, 2017 of household goods moving services provided by Starving Students of Nevada, LLC d/b/a Starving Students, Inc. under CPCN 3241, Sub 1. This includes retroactive approval. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support. Approved 3-0

ORDERS TO SHOW CAUSE

90. Docket 16-02004 The Order to Show Cause issued to Diamond Transportation Inc., as to why Certificate of Public Convenience and Necessity 3084 should not be revoked.

Robert Winner, Esquire appeared on behalf of the Applicant. Commissioner Assad briefly summarized the procedural history. Approved 3-0

DISCUSSION ITEMS

91. 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.

Kimberly Maxson-Rushton, Esquire appeared on behalf of Livery Operators Association, and offered a procedural history of the excise tax. A brief discussion ensued. Item to be tabled to the next subsequent Agenda. Approved 3-0

92. 16-11001 The Authority will discuss the interpretation of "nonconsensual tow" pursuant to NAC 706.4022 and "tow at the request of law enforcement agency" pursuant to NAC 706.4026 as applied in correspondence from the Nevada Transportation Authority dated July 22, 2015.

Scott Stuenkel, Nevada Highway Patrol, and Gary Foster, Nevada Highway Patrol appeared and offered a statement and requested additional clarification. A discussion ensued. Clark Whitney, Ewing Bros. Towing, offered a statement.

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 93 through 107 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

93. Docket 16-10026 The Petition for Reconsideration of Francis Eugene Auffert regarding application of NAC 706.229.

No action taken.

94. Permit 2770 The Authority will determine whether to grant the application of Kevin Woods for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

95. Permit 2784 The Authority will determine whether to grant the application of Harold Pagni for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

96. Permit 2783 The Authority will determine whether to grant the application of Daniel Ellis for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

97. Permit 2799 The Authority will determine whether to grant the application of Wacyne Jackson for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

98. Permit 2420 The Authority will determine whether to grant the application of Wayne Burroughs for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

99. Permit 2686 The Authority will determine whether to grant the application of Larry Olson for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

100. Permit 2687 The Authority will determine whether to grant the application of Matthew Dewitt for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

101. Permit 2689 The Authority will determine whether to grant the application of Brent Taylor for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

102. Permit 2788 The Authority will determine whether to grant the application of Steven Gutierrez for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

103. Permit 2749 The Authority will determine whether to grant the application of Aaron Araiza for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Aaron Araiza appeared. Item removed from consideration and remanded back to staff for further documentation and proceeding. Approved 3-0

104. Permit 2751 The Authority will determine whether to grant the application of Roemon Turner for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

105. Permit 2797 The Authority will determine whether to grant the application of Kelley Mays for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

106. Permit 2798 The Authority will determine whether to grant the application of Tangatae Tuamoheloa for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

107. Permit 2804 The Authority will determine whether to grant the application of Edward Ramirez for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Denied 3-0

108. Public Comment

None

109. Adjournment

Meeting adjourned at 2:20 p.m.