

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 December 15, 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 Lidia Aronova, Chief of Enforcement Michael Bradford, Deputy Attorney General Louis Csoka. Present in Reno: Deputy Commissioner Christopher A. Schneider

3. Pledge of Allegiance

Enforcement Officer Christopher Yambor led a recital of the pledge.

4. Public Comment

None

5. Approval of Agenda

Applications Manager Liz Babcock requested Item 81 be removed, Commissioner Sakelhide requested Item 15 be held out of the Citation approvals. Approved as modified 3-0

6. Approval of the Minutes of the November 2, 2016 Special Agenda Meeting

Approved 3-0

7. Approval of the Minutes of the, November 10, 2016 Agenda Meeting

Approved 3-0

8. Briefings from the Commissioners

Commissioner Assad congratulated Commissioner Sakelhide on his upcoming retirement and wished him well. Chairman Burtenshaw echoed Commissioner Assad's comments. Commissioner Sakelhide thanked Authority Staff and the regulated community for the retirement wishes and commended staff for the tremendous work they do to protect the traveling public.

9. Briefing from the Deputy Commissioner

Deputy Commissioner Schneider echoed the comments made by Commissioner Assad and Chairman Burtenshaw.

10. Report of Legal Counsel

Deputy Attorney General Louis Csoka thanked Commissioner Sakelhide for his expertise and wished him well.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 11 through 65, with the exception of Item 15 were approved collectively. Approved 3-0

- 11. Citation 18425** issued to Robert Cohen for a violation of NRS 706.462. (GA)
- 12. Citations 18457, 18458, 18459, 18474 and 18475** issued to MVP Towing for violations of NAC 706.418 (31 counts), NAC 706.432 (31 counts), NAC 706.4273 (31 counts), NRS 706.4477 (31 counts), NRS 706.4479 (31 counts), NRS 706.398, NAC 706.420, NAC 706.427, NAC 706.4275, NRS 706.432. (GA)
- 13. Citations 18636 and 18639** issued to Jerry Keys for violations of NAC 706.329 (2 counts). (GA)
- 14. Citations 18567 and 18568** issued to Golden Wheels Towing, Inc. for violations of NAC 706.203 and NAC 706.247/49 CFR 391.51 (7 counts). (KAS)
- 15. Citation 18571** issued to Essayas Mesfin for violations of NAC 706.228. (KAS)
Essayas Mesfin appeared in Las Vegas and offered a statement of explanation. Commissioner Sakelhide recommended the abeyance from the previous citation remain suspended and the fine on the current citation be reduced from \$800.00 to \$250.00. Approved 3-0
- 16. Citation 18573** issued to Jeffrey Scott J. Morillo for violations of NRS 706.386 and NRS 706.758. (KAS)
- 17. Citation 18569** issued to John Crumley for violations of NRS 706.386 and NRS 706.758. (KAS)
- 18. Citation 18876** issued to Michael Chow for violations of NRS 706.386 and NRS 706.758. (KAS)
- 19. Impound I-2647 and Citation 17601** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 17601 issued to Sunset Limousine, LLC/Edward Loudenclos for violations of NRS 706.386 and NRS 706.758. (KAS)
- 20. Impound I- 2761** The impoundment pursuant to NRS 706.476 of a vehicle registered to Tahoe Checker Taxi/Elevated Transportation/Edward Cote. (KAS)
- 21. Impound I- 2762 and Citation 18230** Impoundment pursuant to NRS 706.476 of a vehicle registered to to and Citation 18230 issued to Reno Movers/Maurice Underwood alleging violations of NRS 706.386 and NRS 706.758. (KAS)
- 22. Impound I-2763** Impoundment pursuant to NRS 706.476 of a vehicle registered to Budget Truck Rental. (KAS)
- 23. Impound I-2919** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ediberto S. Marin. (KAS)

24. **Impound I-2920** The impoundment pursuant to NRS 706.476 of a vehicle registered to Shane Mackley. (KAS)
25. **Citations 17573, 17574 and 18826** issued to Vegas Strip Transportation for violations of NAC 706.247/49 CFR 396.21, NAC 706.191 and NAC 706.203.
26. **Citation 17604** issued to Raymond Emmitt for a violation of NAC 706.234.
27. **Citation 17607** issued to Anjum Masud for violation of NAC 706.329 and NRS 706.758.
28. **Citation 17610** issued to Mohammed Uddin for a violation of NAC 706.365.
29. **Citation 17819** issued to Minden Taxi for a violation of NAC 706.206.
30. **Citation 17969** issued to Cash Welding Service and Towing for violation of NAC 706.191.
31. **Citation 18003** issued to Sunset Limousine/Ed Loudenclos III for violation of NRS 706.386 and NRS 706.758.
32. **Citation 18226** issued to Joseph Groot for a violation of NAC 706.234.
33. **Citation 18227** issued to Michael Maienschein for a violation of NAC 706.234.
34. **Citation 18462** issued to Gershwin Soberants-Hernandez for a violation of NRS 706A.280.
35. **Citation 18463** issued to Troy Shaw for violation of NAC 706.228 and NAC 706.329.
36. **Citation 18465** issued to C and J Development d/b/a Custom Towing for a violation of NAC 706.247/49 CFR 391.51, 7(i).
37. **Citation 18494** issued to Donald Wesley Gibson for violation of NRS 706.386 and NRS 706.758.
38. **Citation 18495** issued to Jasmin Cadavid for a violation of NRS 706.758.
39. **Citation 18506** issued to 1st Class Towing for violation of NAC 706.247/49 CFR 391.25 (2 counts) and NAC 706.247/49 CFR 382.305.
40. **Citation 18509** issued to Kirubel Beyene for violation of NAC 706.234 and NAC 706.228.
41. **Citation 18510** issued to Albert Nosaren for a violation of NAC 706.228.
42. **Citations 18526, 18527, 18529, 18530 and 18531** issued to Entourage Transportation for violations of NAC 706.203 (3 counts), NAC 706.170 (2 counts), NAC 706.279, NRS 706.462, NAC 706.381 (2 counts), NAC 706.247/49 CFR 391.51, NAC 706.194 and NRS 706.398.
43. **Citation 18532** issued to Y Travel, LLC for a violation of NAC 706.206.
44. **Citation 18535** issued to Alexander Sarkisov for a violation of NAC 706A.240.
45. **Citation 18536** issued to Mehari Berhe for a violation of NAC 706A.240.

46. **Citation 18537** issued to Michael V. Hicks for violation of NRS 706.386 and NRS 706.758.
47. **Citation 18538** issued to Mark Dean for a violation of NAC 706A.350.
48. **Citation 18539** issued to Norberto Gomez for a violation of NAC 706A.240.
49. **Citation 18540** issued to Jamil Youssef for a violation of NAC 706A.240.
50. **Citation 18543** issued to Jose Aguilar-Cifuentes for a violation of NAC 706A.240.
51. **Citation 18570** issued to Yohannes H. Woldu for a violation of NAC 706.228.
52. **Citation 18572** issued to Kenneth Delgado for a violation of NAC 706.234.
53. **Citations 18601 and 18602** issued to Sunshine Travel, Inc. for violations of NAC 706.247/49 CFR 382.301(a) (2 counts), NAC 706.462 (2 counts) and NRS 706.463 (4).
54. **Citation 18603** issued to Thriftee Tow, Inc. for violation of NAC 706.247/49 CFR 391.51.
55. **Citation 18604** issued to Move 4 Less, LLC for violation of NAC 706.247/49 CFR 382.305 (a),(b),(1),(6),(2) (22 counts).
56. **Citation 18640** issued to Randall Willford for a violation of NAC 706.234.
57. **Citation 18641** issued to Randolph Gebhard for a violation of NAC 706.234.
58. **Citation 18645** issued to Richard Jackson for violation of NAC 706.234 and NAC 706.194.
59. **Citation 18649** issued to Myongeha Park for a violation of NAC 706.234.
60. **Citation 18702** issued to Alpine Towing for a violation of NAC 706.206.
61. **Citation 18703** issued to Stephen Rovetti for violation of NRS 706.758 and NAC 706.329.
62. **Citation 18807** issued to 24/7 Entertainment for a violation of NAC 706.360.
63. **Citation 18811** issued to Nabil Mezher for a violation of NAC 706.228.
64. **Citations 18827, 18828 and 18829** issued to 1-800-Pack-Rat for violations of NAC 706.194, NAC 706.203, NAC 706.247/49 CFR 382.301 (3 counts), NAC 706.247/49 CFR 391.23 (3 counts), NAC 706.247/49 CFR 396.11 and NAC 706.311.
65. **Impound I-2918** The impoundment pursuant to NRS 706.476 of a vehicle registered to Nanlee Andersen for a violation of NRS 706.476.

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

- 66. Docket 16-02001** The request for a compliance period extension for 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, Owner, appeared on behalf of the Applicant and detailed his request. Approved 3-0
- 67. Docket 16-04022** The Application of Planell 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. (KAS)
Yuren Planell appeared on behalf of the Applicant. Approved 3-0
- 68. Docket 16-07033** The Joint Application of the Don C. Zinser Living Trust for authority to sell and transfer and of Susan L. Zinser to purchase and acquire 50% of the corporate stock of D & S Tow, Inc. a carrier authorized to provide consent and non-consent tow car service within the State of Nevada granted under CPCN 7045, Sub 2. Staff investigation concluded. (GA)
Cari Walters appeared in Reno on behalf of the Applicant. Approved 3-0
- 69. Docket 16-08022** The Joint Application of Benjamin Villafuerte-Avila d/b/a Avila's Towing for authority to sell and transfer and of Avila's Towing, LLC d/b/a Avila's Towing to purchase and acquire the authority to provide consent only tow car service within the State of Nevada granted under CPCN 7297. Staff investigation concluded. (KAS)
Approved 3-0

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

- 70. Docket 16-07002** The Application of Alpha Transportations, LLC for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (KAS)
Approved 3-0
- 71. Docket 16-08020** The Joint Application of Mammoth Transportation Services, LLC d/b/a Mammoth Transportation for authority to sell and transfer and Platinum Transportation LV, LLC d/b/a Mammoth Transportation to purchase and acquire the authority to provide charter bus service within the State of Nevada granted under CPCN 2072, Sub 1. Staff investigation concluded. (GA)
Brian Hardy, Esquire appeared on behalf of the Applicant. Approved 3-0
- 72. Docket 16-09015** The Joint Application of Todd Harrington for authority to sell and transfer and Barry Andrews to purchase and acquire 50% of Las Vegas Event Planners, LLC d/b/a A List Trans, a carrier authorized to provide charter bus service within the State of Nevada granted under CPCN 2186. Staff investigation concluded. (GA)
James Kent, Esquire appeared on behalf of the Applicant. Barry Andrews and Todd Harrington appeared. Approved 3-0

VOLUNTARY CANCELLATIONS

- 73. Docket 16-10028** The voluntary cancellation of 1-800-Pack-Rat, LLC CPCN 3348, Sub 1. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request. Approved 3-0
- 74. Docket 16-10029** The voluntary cancellation of Bricko Management, LLC d/b/a Moving by Keystone Enterprises CPCN 3357. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request. Approved 3-0
- 75. Docket 16-11006** The voluntary cancellation of John Baker Enterprises, Inc. d/b/a Emerald Bay Towing CPCN 7081, Sub 2. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request. Approved 3-0
- 76. Docket 16-12003** The voluntary cancellation of Ed's Place Towing & Recovery, LLC d/b/a American Towing CPCN 7203, Sub 4. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request. Approved 3-0

PETITION TO DEVIATE FROM REGULATION

- 77. Docket 16-11021** Petitioner On Demand Sedan Services, Inc. (CPCN 1040, Sub 3) seeks deviation pursuant to NAC 706.1305 from the "general requirements" set forth in NAC 706.1375.
Applications Manager Liz Babcock summarized the request and indicated staff is opposed. Robert Winner, Esquire appeared on behalf of the Petitioner. Commissioner Sakelhide detailed the history of the certificate and offered a possible solution for this Applicant as well as other carriers with similar requests. A discussion ensued. Petition withdrawn. No action taken.
- 78. Docket 16-11030** Applicant Strip Limousine Services, LLC d/b/a Strip Limo, d/b/a SLS seeks deviation pursuant to NAC 706.1305 from the "including the vehicles to be leased by the carrier under the lease, not more than one half of the vehicles of the carrier will be leased" as set forth in NAC 706.210(3)(c)(1).
Brent Carson, Esquire appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the request. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association (LOA) and detailed several concerns. A discussion ensued. Approved 2-0 Commissioner Sakelhide abstained.

PETITIONS FOR RECONSIDERATION

- 79. Docket 16-09018** Kyle Schaefer's Petition for Reconsideration of findings regarding Citation 18427.
Kyle Schaefer appeared in Las Vegas and offered a brief explanation. Tony Clark, Owner, 24/7 Limousines offered an additional statement. Petition granted 3-0
- 80. Docket 16-07003** Request for Reconsideration from Greg Miller for fines assessed for violations of NRS 706.386, NRS 706.476, and NRS 706.758 in April, 2016, and other fines assessed for similar violations prior to April, 2016.
Mr. Miller did not appear. No action taken.

FINANCIAL RATES AND TARIFFS

- 81. Docket 16-11017** The Application of Executive Limousine Service, Inc. for approval of a tariff rate modification for services conducted under CPCN 1026. Staff investigation concluded.
Item removed from Agenda prior to consideration.
- 82. Docket 16-11022** 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 request and indicated staff support. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 83. Docket 14-11018** In the matter of the Joint Petition of 24/7 Limousines, LTD and Las Vegas Transportation, Inc.(CPCN 1065, Sub 1) pursuant to NAC 706.359 requesting an extension of the approval of the previously granted temporary transfer of CPCN 1065, Sub 1, to 24/7 Limousines, LTD pending the application and approval of the final sale and transfer. (GA).
Tony Clark, Owner, summarized the request. Approved 3-0
- 84. Docket 16-01026** The Application of All the Right Moves, LLP for an expansion of operating authority granted under CPCN 3340, Sub 1. Staff investigation concluded. (KAS)
Commissioner Sakelhide summarized the request. Applications Manager Liz Babcock summarized the Application and indicated staff support. Approved 3-0
- 85. Docket 16-10034** The temporary discontinuance from October 25, 2016 through April 25, 2017 of services provided by VLS, LLC d/b/a Vegas Limousine Service, Vegas Royalty Limos under CPCNs 1059, Sub 9, and 2149, Sub 4. This request requires retroactive approval. Staff investigation concluded.
Brent Carson, Esquire appeared on behalf of the Applicant. Applications Manager Babcock summarized the request. Approved 3-0
- 86. Docket 16-11018** In the matter of the Joint Petition of Celebrity Coaches of America, Inc. (CPCN 2105) pursuant to NAC 706.359 requesting approval of the temporary transfer of CPCN 2015 to Platinum LV Transportation, LLC pending the approval of the final sale and transfer. (KAS)
Brian Hardy, Esquire and Paulina Salen appeared on behalf of the Applicant. Approved 3-0
- 87. Public Comment**
Former Chairman Andrew MacKay offered his congratulations to Commissioner Sakelhide on his retirement and thanked him for his service to the State of Nevada.

1:15 PM AFTERNOON SESSION

- 88. Public Comment**
none

REQUEST TO RESCIND TEMPORARY TRANSFER

- 89. Docket 14-11041** The Authority will consider whether to grant AWG'S Request to Rescind Temporary Transfer of Operating Authority Las Vegas Car Service, LLC, pursuant to CPCN 1068.
Applications Manager Liz Babcock summarized the request. Brent Carson, Esquire and Alan Waxler, Owner, appeared on behalf of AWG, Zev Kaplan, Esquire appeared on behalf of Las Vegas Car Service, LLC. Each attorney presented information to support their position. A discussion ensued. Item tabled. Hearing to be set for January 3, 2017, 2:00 p.m.

DISCUSSION ITEM

- 90.** 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 updated the discussion held with the Department of Taxation, stating the workshop request will be delayed and clarification shall be pursued during the 2017 Legislative session. John Leleu, Nevada Bus and Limousine Association (NBLA), also made comments with regard to the tax. Motion to allow the 3% Excise Tax to continue to be included in the tariff as a pass through, provided it contains the statement that the Authority is NOT taking any position regarding the pass through. No second. Motion failed.

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 91 through 94 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 91. Permit 2744** - The Authority will determine whether to grant the application of Christopher Baker for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Permit denied 3-0

- 92. Permit 2747** - The Authority will determine whether to grant the application of John Chaleye for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Mr. Chaleye appeared with James Kent, Esquire, Fabian Chaleye, spouse/owner of the company he currently drives for and Robert Purdy, Esquire appeared as previous legal counsel. A lengthy discussion ensued.

- 93. Permit 2743** - The Authority will determine whether to grant the application of Allen Adams for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Allen Adams appeared with James Kent, Esquire, Miguel Carrillo, Fleet Manager, Abraham Limo and Bianca Brown. A lengthy discussion ensued.

- 94. Permit 2740** - The Authority will determine whether to grant the application of Ortez Winfrey for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.

Item removed from Agenda prior to consideration. To be heard at a subsequent Agenda.

- 95. Public Comment**

James Kent, Esquire offered his congratulations to Commissioner Sakelhide.

- 96. Adjournment**

Meeting adjourned at 3:55 p.m.