



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE May 18, 2017 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Alaina Burtenshaw called the meeting to order at 9:35 a.m.

2. Roll Call

Present in Las Vegas: Chairman Alaina Burtenshaw, Commissioner George Assad, Administrative Attorney David Newton, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Deputy Commissioner Jennifer DeRose, Deputy Attorney General Louis Csoka. Present in Reno: Commissioner Dawn Gibbons

3. Pledge of Allegiance

Deputy Commissioner Jennifer DeRose led a recital of the pledge.

4. Public Comment

none

5. Approval of Agenda

Chairman Burtenshaw requested Items 55, 62, 75, 77, 79 and 81 be removed, Administrative Attorney Newton requested Item 67 be heard at approximately 9:45 a.m. to facilitate a conference call and that Items 57 and 59 be trailed to accommodate Protestants counsel. Approved as modified 3-0

6. Approval of the Minutes of the April 13, 2017 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman Burtenshaw welcomed the new Deputy Commissioner, Jennifer DeRose. Commissioner Assad thanked staff for preparation of today's Agenda and welcomed Deputy Commissioner Jennifer DeRose. Commissioner Gibbons echoed Commissioner Assad's comments.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Jennifer DeRose thanked staff for the warm welcome.

9. Report of Legal Counsel

Deputy Attorney General Csoka also welcomed Deputy Commissioner DeRose.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 51, with the exception of Item 15, were considered collectively. Approved 3-0

10. **Citation 18929** issued to David Arthur William Hoover for violations of NRS 706.386 and NRS 706.758. (AB)
11. **Impound 3044** The Impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (AB)
12. **Impound 2846 and Citations 18246 and 18247** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 18246 and 18247 issued to Brent McIntosh for violations of NRS 706.386, NRS 706.758 and NRS 706A.280. (GA)
13. **Citation 18937** issued to Danny Armstrong for a violation of NAC 706.228. (GA)
14. **Citation 19013** issued to Adrian Jason Garcia for violations of NRS 706.386 and NRS 706.758. (GA)
15. **Citation 19026** issued to Samuale Belay Ameha for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (GA)
Mr. Ameha appeared and requested a hearing be rescheduled. Order set aside and hearing to be reset to May 24, 8:30 a.m. Approved 3-0
16. **Citations 19526 and 19529** issued to Kwang Soo Lee for violations of NRS 706.386 (2 counts). (GA)
17. **Impound 3039 and Citations 19528** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 19528 issued to Andrew Perez for violations of NRS 706.386 and NRS 706.758. (GA)
18. **Impound 3042 and Citations 19530** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 19530 issued to Eddie Powers for violations of NRS 706.386 and NRS 706.758. (GA)
19. **Impound 3041 and Citations 19532** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 19532 issued to Austin M. Jarrell for violations of NRS 706.386 and NRS 706.758. (GA)
20. **Impound 3043 and Citations 19552** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 19552 issued to Albert Conton for violations of NRS 706.386 and NRS 706.758. (GA)
21. **Citations 19757 and 19758** issued to Frederick Jackson for violations of NRS 706.386 and NRS 706A.280. (GA)
22. **Impound 2778** The impoundment pursuant to NRS 706.476 of a vehicle registered to Rod Storm. (GA)
23. **Impound 2963** the impoundment pursuant to NRS 706.476 of a vehicle registered to Monica Schrudder. (GA)
24. **Impound 3025** The impoundment pursuant to NRS 706.476 of a vehicle registered to Yong Sub Choi. (GA)
25. **Citation 18608** issued to National Transportation Services for a violation of NAC 706.206.

26. **Citation 18864** issued to Umbrella Enterprises for a violation of NAC 706.247/49 CFR 391.25.
27. **Citation 18870** issued to Erin Broo for a violation of NAC 706A.240.
28. **Citation 18882** issued to Daniel Abraham, LLC d/b/a LV Luxury Party Bus for a violation of NAC 706.203.
29. **Citation 18887** issued to Solomon Birara for a violation of NAC 706.228.
30. **Citation 18931** issued to Toni Lewallen for a violation of NRS 706.386.
31. **Citation 18935** issued to Anthony Rodriguez for violation of NRS 706.386 and NRS 706.758.
32. **Citation 18936** issued to Ibrahima Samb for violation of NAC 706.228 and NAC 706.360.
33. **Citation 18938** issued to Hugo Lainez for a violation of NAC 706.329.
34. **Citation 18939** issued to Emilio Saida for a violation of NAC 706.329.
35. **Citation 18940** issued to Seiji, LLC d/b/a Winner Limousine for a violation of NAC 706.329.
36. **Citation 18946** issued to Melaku Mengistu for a violation of NAC 706.228.
37. **Citation 18981** issued to Mulubrhan Dagnev for violation of NAC 706.228 and NAC 706.311.
38. **Citation 18982** issued to Reynaldo Alvarez Jr. for a violation of NAC 706.228.
39. **Citation 19007** issued to Christopher Berry for a violation of NRS 706A.180.
40. **Citation 19021** issued to Robel Begashaw for violation of NAC 706.228 and NAC 706.311.
41. **Citation 19033** issued to Taurean Medina for a violation of NAC 706.228.
42. **Citation 19038** issued to Osaretin Uwaifo for violation of NAC 706.354 and NAC 706.360.
43. **Citation 19041** issued to James A. Taylor for violation of NAC 706.228 and NAC 706.311.
44. **Citation 19043** issued to Abayneh Gashe for a violation of NAC 706.228.
45. **Citation 19044** issued to Daniel Marriott for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41.
46. **Citation 19046** issued to Joshua Gonzalez for a violation of NAC 706A.240.
47. **Citation 19527** issued to Findlay Credit Acceptance, LLC d/b/a 911 Towing for a violation of NRS 706.4479.
48. **Citation 19551** issued to Abdigani Ali for a violation of NAC 706.228.
49. **Citation 19554** issued to SOS Towing for a violation of NAC 706.247/49 CFR 391.51.
50. **Citation 19751** issued to Solomon Gebregiorgis for a violation of NAC 706.228.

51. **Citation 19752** issued to Ze Xin Li for a violation of NAC 706A.240.

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

52. **Docket 16-01014** The Request of Wheeler Freightways seeking to extend the previously granted temporary discontinuance of services provided under CPCN 7021 from January 15, 2017 through July 15, 2017, and address the Order to Show Cause, **Docket 17-03004** ordered at the March 2, 2017 General Session. Tabled from the April 2017 General Session. Staff investigation concluded.
Applications Manager Liz Babcock summarized the procedural history of the docket and detailed the reasoning behind Staff's request. Motion to issue an Order to Show Cause to be heard at the next general session. Approved 3-0
53. **Docket 16-08026** The Application of Phenomenal Towing, LLC d/b/a Phenomenal 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. (GA)
Commissioner Assad summarized the application; Applications Manager Babcock indicated staff support. Approved 3-0
54. **Docket 17-01010** The Application of Omega Auto Repair, Inc. d/b/a E.R.J. Towing Services 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; Applications Manager Babcock indicated staff support. Approved 3-0
55. **Docket 17-01017** The Application of Juan V. Cardenas Perez d/b/a Cardenas Towing City 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)
Item removed from agenda prior to consideration.

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

56. **Docket 16-09001** The Application of Western Trails Charters & Tours, LLC d/b/a Salt Lake Express, St. George Express for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (GA)
Chairman Burtenshaw summarized the Application. Kathy Pope appeared on behalf of the Applicant. Approved 3-0
57. **Docket 16-10022** The Application of Juliseb Holdings, LLC d/b/a Epic Transportation for a certificate of public convenience and necessity to provide charter bus service within the State of Nevada. Staff investigation concluded. (AB)
Chairman Burtenshaw summarized the procedural history of the docket and the Application. James Kent, Esquire and Juan Blanco appeared on behalf of the Applicant. Kimberly Maxson-Rushton, Esquire appeared on behalf of the Livery Operators Association (LOA) and offered a statement supporting the denial of the application. A lengthy discussion ensued. Approved 2-1 Commissioner Assad opposed
58. **Docket 16-10034** The request of VLS, LLC to extend the temporary discontinuance of services provided under CPCN 2149, Sub 4, from April 27, 2017 through July 27, 2017. Staff investigation concluded.
Brent Carson, Esquire appeared on behalf of the Applicant. Applications Manager Babcock summarized the request. Approved 3-0

- 59. Docket 16-11012** The Application of Golden Transportation, LLC d/b/a Golden Transportation 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 he did not support approval of the application. James Kent, Esquire and Awot Alebachew appeared on behalf of the Applicant. A discussion ensued.
Application approved – 2-1 Commissioner Assad opposed
Certificate modified to include restrictive kellying language Approved 2-1 Chairman Burtenshaw opposed

VOLUNTARY CANCELLATIONS

- 60. Docket 17-04012** The voluntary cancellation of El Camino Charter Lines, Inc. d/b/a El Camino Trailways CPCN 2048, Sub 1. Staff investigation concluded.
Applications Manager Babcock summarized the request. Approved 3-0
- 61. Docket 17-04015** The voluntary cancellation of Good Luck Towing, LLC CPCN 7358. Staff investigation concluded.
Applications Manager Babcock summarized the request. Approved 3-0
- 62. Docket 17-04016** The voluntary cancellation of Above & Beyond Care, LLC CPCN 1123. Staff investigation concluded.
Item removed from agenda prior to consideration.
- 63. Docket 17-04023** The voluntary cancellation of RubiTours, Inc. CPCN 1127. Staff investigation concluded.
Applications Manager Babcock summarized the request. Approved 3-0

FINANCIAL RATES AND TARIFFS

- 64. Docket 16-03022** The Application of Yellow Cab of Reno, Inc. d/b/a Star Taxi, Deluxe Taxi and Yellow Cab for approval of a tariff rate modification for services conducted under CPCN 1014, Sub 2. Staff investigation concluded.
Craig Smedman and Terry Coffing, Platinum LV Transportation appeared on behalf of the Applicant. Applications Manager Babcock detailed staff's analysis and indicated staff does not support the fee. A discussion ensued. Approved 2-1 Chairman Burtenshaw opposed
- 65. Docket 16-03023** The Application of Roy L. Street d/b/a Capitol Cab Company for approval of a tariff rate modification for services conducted under CPCN 2445, Sub 4. Staff investigation concluded.
Craig Smedman and Terry Coffing, Platinum LV Transportation appeared on behalf of the Applicant. Applications Manager Babcock detailed staff's analysis and indicated staff does not support the fee. A discussion ensued. Approved 2-1 Chairman Burtenshaw opposed
- 66. Docket 16-03024** The Application of Reno Cab Company, Inc. d/b/a Reno – Sparks Cab Company for approval of a tariff rate modification for services conducted under CPCN 1025, Sub 1. Staff investigation concluded.
Craig Smedman and Terry Coffing, Platinum LV Transportation appeared on behalf of the Applicant. Applications Manager Babcock detailed staff's analysis and indicated staff does not support the fee. A discussion ensued. Approved 2-1 Chairman Burtenshaw opposed

- 67. Docket 16-08012** The Application of Platinum LV Transportation, LLC d/b/a Whittlesea Checker Taxi for approval of a tariff rate modification for services conducted under CPCN 2118, Sub 4. Staff investigation concluded.
Craig Smedman and Terry Coffing, Platinum LV Transportation appeared on behalf of the Applicant. Brian Hardy, Esquire appeared telephonically. Applications Manager Babcock detailed staff's analysis and indicated staff does not support the fee. A discussion ensued. Approved 2-1 Chairman Burtenshaw opposed
- 68. Docket 17-01005** The Application of Nevada Towing, Inc. for approval of a tariff rate modification for services conducted under CPCN 7204. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
- 69. Docket 17-04003** The Application of All My Sons Moving & Storage of Las Vegas, Inc. for approval of a tariff rate modification for services conducted under CPCN 3256, Sub 2. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
- 70. Docket 17-04008** The Application of AWG Ambassador, LLC d/b/a AWG Charter Services for approval of a tariff rate modification for services conducted under CPCN 1068, Sub 4. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Brent Carson, Esquire appeared on behalf of the Applicant. Approved 3-0
- 71. Docket 17-04021** The Application of Umbrella Enterprises, LLC d/b/a Umbrella Movers for approval of a tariff rate modification for services conducted under CPCN 3364. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
- 72. Public Comment**
none

1:15 PM AFTERNOON SESSION

- 73. Public Comment**
John Marushok, Frias Transportation, offered his support for the information to be presented by Kimberly Maxson-Rushton, Esquire (on behalf of the LOA) on Item 82.

EXEMPTION REQUESTS

- 74. Docket 17-02012** American Alpine Institute, Ltd. seeks a declaration of exemption pursuant to NAC 706.147 from the requirement to obtain a CPCN to provide intrastate commercial passenger transportation in Nevada. Carried over from the April 13, 2017 General Session
Doug Foust, American Alpine Institute, Ltd appeared. A discussion ensued. Approved 2-1 Commissioner Assad opposed

PETITION TO DEVIATE FROM REGULATION

- 75. Docket 17-01001** The final approval of the Petition to Deviate from Regulation NAC 706.3555 for services conducted by SuperShuttle Las Vegas, LLC granted under CPCN 2055, Sub 3. (GA) Staff investigation concluded.
Item removed from agenda prior to consideration.

PETITIONS FOR RECONSIDERATION

- 76. Docket 17-05004** The Authority will consider the Petition of James McRoberts for reconsideration of the Authority's denial of his driver permit application. (No 3872) at the April 2017 general session. *Mr. McRoberts appeared in Reno and stated his employer had written a letter of recommendation. Letter from employer was read into the record. Previous driver permit denial rescinded. Driver permit approved 3-0*

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 77. Docket 15-11025** The Application of Nevada Relocation Services, LLC for a certificate of public convenience and necessity to operate as a household goods mover in the State of Nevada. Staff investigation concluded. (GA)
Item removed from agenda prior to consideration.
- 78. Docket 16-08008** The Application of Safeco Parking & Transportation Services, LLC for a Permit to operate as a contract motor carrier in the State of Nevada. Staff investigation concluded. (GA)
Zev Kaplan, Esquire and Ross Omari appeared on behalf of the Applicant. Temporary operating authority was requested. Approved as modified to include temporary operating authority 3-0
- 79. Docket 16-09019** The expired 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, and Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.
Item removed from agenda prior to consideration.
- 80. Docket 16-12001** The final approval of a Management Agreement by Norbert Doerr d/b/a Treasure Tours of Nevada, authorized to conduct scenic tour service under CPCN 1066, Sub 1. Staff investigation concluded.
Applications Manager Babcock summarized the application and indicated staff support. Approved 3-0

ORDERS TO SHOW CAUSE

- 81. Docket 17-03005** The Order to Show Cause issued to Alltour America, Inc. as to why Certificate of Public Convenience and Necessity 2172 should not be revoked. Staff investigation concluded. (GA)
Item removed from agenda prior to consideration.

DISCUSSION ITEM

- 82. Docket 17-03011** Request for an advisory opinion regarding restrictions placed on charter bus certificates of public convenience and necessity regarding walk-up traffic and regarding the requirement for charter bus operators to file a tariff with the Authority.
James Kent, Esquire offered a procedural history of the language inclusion and the process for removal of such. Kimberly Maxson-Rushton, Esquire appeared on behalf of the LOA. A lengthy discussion ensued. Motion to schedule the matter for further proceedings with Chairman Burtenshaw as the assigned hearing officer. Approved 3-0

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 83 through 90 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 83. Permit 3389** The Authority will determine whether to grant the application of Daniel Duncan for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. (3-13-17)
Permit denied 3-0
- 84. 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. (3/14/17)
Permit denied 3-0
- 85. Temporary Permit T4** The Authority will determine whether to grant the application of Yobanis Bernal for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. —
FTA(4/28/17)
Permit denied 3-0
- 86. Temporary Permit T23** The Authority will determine whether to grant the application of Caren Cureton for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. —
FTA (5/1/17)
Caren Cureton appeared and offered a statement. Application approved 3-0
- 87. Temporary Permit T27** The Authority will determine whether to grant the application of Donald Jenkins for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. —
FTA(5/1/17)
Permit denied 3-0
- 88. Temporary Permit T32** The Authority will determine whether to grant the application of Tyler Stam for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. —FTA
(5/2/17)
Tyler Stam appeared and offered a statement. Hearing to be reset. Approved 3-0
- 89. Temporary Permit T40** The Authority will determine whether to grant the application of William Tsagnis for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. -
FTA (5/2/17)
Permit denied 3-0
- 90. Temporary permit T47** The Authority will determine whether to grant the application of Jerry Harvey for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded. -
FTA(5/2/17)
Permit denied 3-0
- 91. Public Comment**
None
- 92. Adjournment**
Meeting adjourned 3:40 p.m.