

STATE OF NEVADA



ALAINA BURTENSHAW
Chairman
GEORGE ASSAD
Commissioner
DAWN GIBBONS
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE December 14, 2017 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 Dawn Gibbons, Deputy Commissioner Jennifer De Rose, Administrative Attorney David Newton, Applications Manager Liz Babcock, Financial Analyst Lidia Aronova, Chief of Enforcement Jeremy Jones, Deputy Attorney General Louis Csoka.

3. Pledge of Allegiance

Chairman Burtenshaw led a recital of the pledge.

4. Public Comment

none

5. Approval of Agenda

Applications Manager Liz Babcock requested Items 58, 62, 66 and 67 be removed from consideration. She also requested Items 56 and 57 be considered collectively and Items 64 and 65 be considered collectively. Administrative Attorney Newton requested Items 78, 80, 81, 82, 83, 84, 85, 87, 89, 94 and 95 be removed from consideration. Approved as modified 3-0

6. Approval of the Minutes of the October 24, 2017 Agenda Meeting

Approved 3-0

7. Approval of the Minutes of the October 26, 2017 AB69 Autonomous Vehicle Workshop

Approved 3-0

8. Approval of the Minutes of the November 4, 2017 Agenda Meeting

Approved 3-0

9. Approval of the Minutes of the November 20, 2017 TNC Regulation Adoption Hearing

Approved 3-0

10. Briefings from the Commissioners

Commissioner Assad thanked staff for the work done for the Agenda preparation. Chairman Burtenshaw thanked staff and welcomed new staff to the Agency.

11. Briefing from the Deputy Commissioner

None

12. Report of Legal Counsel

Deputy Attorney General Csoka offered a statement of support for Enforcement Staff.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 13 through 42 were considered collectively. Approved 3-0

- 13. Citation 19603** issued to All About Service Limousine for violation of NAC 706.360 (15 counts) and NAC 706.354 (15 counts)
- 14. Impound 3173 and Citations 19714 and 19715** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 19714 and 19715 issued to Omar Abdullahi Hassan for violations of NRS 706.386 and NRS 706A.280
- 15. Citation 19876** issued to Brian Kitzmiller for a violation of NAC 706.376 (10)
- 16. Impound 3352 and Citations 20008 and 20009** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 20008 and 20009 issued to Milen N. Dimitrov for violations of NRS 706.386 and NRS 706A.280
- 17. Citations 20226 and 20228** issued to Isabelle Zayas for violations of NRS 706.386, NRS 706.758 and NRS 706A.280
- 18. Citation 20227** issued to Pull Up N’Go for violations of NRS 706.386 and NRS 706.758
- 19. Impound 3285** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hector Sanchez-Vazquez
- 20. Impound 3350** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ann Marie Zayas
- 21. Citation 19709** issued to Ameer Muhammad for a violation of NRS 706.386
- 22. Impound 3144 and Citations 19625 and 20108** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 19625 and 20108 issued to Cesar Aguinaga-Vargas for violations of NRS 706.386 and NRS 706A.280
- 23. Citation 19842** issued to Jeffrey Hubbs for a violation of NRS 706.386
Mr. Hubbs appeared and offered a statement. Previous approval was rescinded and approval to reset hearing to January 10, 2018 1:30 p.m. Approved 3-0
- 24. Citation 20156** issued to Josh Ricci/Aspen Moving for a violation of NRS 706.758
- 25. Impound 3271** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ida Schaeffer

26. **Citation 19613** issued to Osaretin Uwaifo for violation of NAC 706.234 and NAC 706.360
27. **Citation 19622** issued to Awot Albechew for a violation of NAC 706.1045
28. **Citation 19623** issued to Big Valley Towing for violations of NRS 706.758 and NAC 706.167
29. **Citation 19679** issued to Erik McKissick d/b/a Active Movers for a violation of NAC 706.203
30. **Citation 19840** issued to Zerihun Banjaw for violation of NAC 706.234 and NAC 706.247/49 CFR 391.41
31. **Citations 20004 and 20006** issued to All Team Towing for violations of NAC 706.1045, NRS 706.398, NAC 706.247/49 CFR 391.11 and NAC 706.203
32. **Citation 20074** issued to Erish Viltres-Espronedca for violation of NRS 706.386 and NRS 706.758
33. **Citation 20081** issued to Dagge Negash for violation of NAC 706.329
34. **Citation 20082** issued to William Rivera for violation of NAC 706.360
35. **Citation 20106** issued to Abraham Limo for a violation of NAC 706.218
36. **Citation 20142 and 20143** issued to Quality Towing for violation of NAC 706.4275, NRS 706.4477 and NAC 706.420
37. **Citation 20144** issued to Igor Pansovoi for violation of NAC 706.228 and NAC 706.247/49 CFR 391.41
38. **Citation 20150** issued to Kenneth Amtman for violation of NAC 706.228
39. **Citations 20158 and 20159** issued to Western Limousine Service for violations of NAC 706.206, NAC 706.203, NAC 706.1045 and NAC 706.194
40. **Citation 20251 and 20252** issued to Fernando Sastoque-Lopez for violation of NAC 706.360, NAC 706.354 and NAC 706.234
41. **Citation 20253** issued to Yalem Asefa Gedion for violation of NAC 706.228

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

42. **Docket 17-09013** The Application of Flourishing Enterprises, LLC d/b/a Blue Angels 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. (AB)
Chairman Burtenshaw summarized the application and indicated staff support. Approved 3-0
43. **Docket 17-10024** The Joint Application of Pacific Auto Care, Inc. d/b/a Pacific Towing Service for authority to sell and transfer and Pacific Towing Service, LLC d/b/a Pacific Towing Service to purchase and acquire the authority to provide consent- only tow car service within the State of Nevada granted under CPCN 7237. Staff investigation concluded. (DG)
Commissioner Gibbons summarized the application and indicated staff support. Approved 3-0

- 44. Docket 17-10030** The temporary discontinuance from October 30, 2017 through April 29, 2018 of consent only tow car services provided by MDK Holdings, LLC d/b/a Orion Towing under CPCN 7334. Staff investigation concluded.

Applications Manager Liz Babcock summarized the request and indicated staff support.

Approved 3-0

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

- 45. Docket 16-10034** The expired temporary discontinuance granted from October 25, 2016 through October 27, 2017 of services provided by VLS, LLC d/b/a Vegas Limousine Service, Vegas Royalty Limos under CPCN 2149, Sub 4, and Staff's 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. Brent Carson, Esquire appeared on behalf of the carrier and indicated the delay was in obtaining insurance coverage, and requested an additional 90 day extension. Item tabled.

- 46. Docket 17-08006** The Application of Luxury Limousine of Las Vegas, 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 and indicated staff support. Zev Kaplan, Esquire and Shaun Habibian appeared on behalf of the applicant. Approved 3-0

VOLUNTARY CANCELLATIONS

- 47. Docket 17-11016** The voluntary cancellation of Underground Promotions, LLC d/b/a Infinity Premier Transport CPCN 2198. Staff investigation concluded.

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

PETITIONS FOR RECONSIDERATION

- 48. 17-10023** Petition for Reconsideration – Keith Lawson, requesting reconsideration of fines assessed pursuant to Citation 18515.

Mr. Lawson appeared and requested reconsideration of fines. Petition granted 3-0

- 49. 17-11001** Petition for Reconsideration – Thomas Gallant, requesting reconsideration of failure to appear and fines assessed pursuant to Citation 20052.

*Mr. Gallant appeared telephonically and offered a statement of explanation. Petition granted 3-0
Hearing to be reset to January 10, 2018 at 9:30 a.m.*

- 50. 17-11004** Petition for Reconsideration – Asfaw Taglo requesting reconsideration of fines assessed pursuant to Citation 19796.

Petition denied 3-0

*Mr. Taglo appeared during the afternoon session, and offered a statement regarding his citation hearing. A discussion ensued. Motion to rescind previous denial of Petition for Reconsideration and the \$3500 abeyance from previous citation will not be triggered, as payments have been made on time, leaving the \$300 balance in addition to fines on Citation 19796. Approved as modified – 2-1
Commissioner Assad opposed*

51. **17-11013** Petition for Reconsideration of Driver Permit #5017 Abynur Alene – failure to appear.
Petition denied 3-0
52. **17-11026** Petition for Reconsideration of Driver Permit #4754 Worku Turnuneh – failure to appear.
Petition granted 3-0 Permit meeting reset for Thursday December 21, 2017 9:45a.m.
53. **17-11029** Petition for Reconsideration of Driver Permit 4991. The Authority will determine reconsider whether to grant the application of High, Raymond for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded (10/10/17 FTA).
Petition granted 3-0 Permit meeting reset for Thursday December 21, 2017 10:00 a.m.
54. **17-11031** Petition for Reconsideration of Driver Permit #2595 Kenny Barela – failure to appear.
Petition granted 3-0 Permit meeting reset for Thursday December 21, 2017 10:15 a.m.

FINANCIAL RATES AND TARIFFS

55. **Docket 17-07006** The Application of Bentley Transportation Services, LLC d/b/a Executive Coach and Carriage, Executive Limousine, Executive, www.ExecutiveLimo.com for approval of a tariff rate modification for services conducted under CPCN 1072, Sub 2. Staff investigation concluded.
Items 55 and 56 were considered collectively.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
56. **Docket 17-07007** The Application of Jacob Transportation Services, LLC d/b/a Executive Las Vegas for approval of a tariff rate modification for services conducted under CPCN 1062, Sub 8. Staff investigation concluded.
Items 55 and 56 were considered collectively.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
57. **Docket 17-11003** The Application of Executive Limousine Service, Inc. for approval of a tariff rate modification for services conducted under 1026. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request. Approved 3-0
58. **Docket 17-11018** The Application of LV Quik Tow, LLC d/b/a LV Quik Tow for approval of a tariff rate modification for services conducted under CPCN 7202, Sub2. Staff investigation concluded.
Item removed from Agenda prior to consideration.
59. **Docket 17-11027** The Application of A&A Towing, Inc. for approval of a tariff rate modification for services conducted under CPCN 7209, Sub 1. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Drew Rihbar appeared in Reno. Approved 3-0
60. **Docket 17-11030** The Application of Carson City Towing, Inc. for approval of a tariff rate modification for services conducted under CPCN 7036, Sub 1. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0
61. **Docket 17-11036** The Application of Capital Towing, Inc. for approval of a tariff rate modification for services conducted under CPCN 7056, Sub 1. Staff investigation concluded.
Financial Analyst Lidia Aronova summarized the request and indicated staff support. Approved 3-0

- 62. Docket 17-12005** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for services conducted under CPCN 1108. Staff investigation concluded.
Item removed from Agenda prior to consideration.

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 63. 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)
Applications Manager Liz Babcock summarized the procedural history of the application and indicated staff support. Tony Clark appeared on behalf of the Applicant. Approval for an extension of eight months to August 2018 – Approved 3-0
- 64. Docket 17-09037** Applicants’ request for interim authority for the Joint Application of All My Sons Moving and Storage of Las Vegas, Inc. for authority to sell and transfer and All My Sons Moving and Storage of Las Vegas, LLC to purchase and acquire the authority to provide household goods moving service within the State of Nevada granted under CPCN 3256, Sub 2. Staff investigation concluded. (AB)
Items 64 and 65 were considered collectively. Applications Manager Liz Babcock summarized the application and indicated staff support. Kristina Kleist, Esquire appeared on behalf of the Applicants. Approved 3-0
- 65. Docket 17-09038** Applicants’ request for interim authority for the Joint Application of RNVB Holdings, Inc. for authority to sell and transfer and RVVB Holdings, LLC to purchase and acquire All My Sons Moving and Storage of Las Vegas, LLC, a carrier authorized to provide household goods moving service within the State of Nevada granted under CPCN 3256, Sub 2. Staff investigation concluded. (AB)
Items 64 and 65 were considered collectively. Applications Manager Liz Babcock summarized the application and indicated staff support. Kristina Kleist, Esquire appeared on behalf of the Applicants. Approved 3-0
- 66. Docket 17-11014** The temporary discontinuance from January 14, 2018 through July 14, 2018 of airport transfer, charter limousine, and special services provided by Airline Shuttle, LLC d/b/a Airline Shuttle under CPCN 2050, Sub 7. Staff investigation concluded.
Item removed from Agenda prior to consideration.
- 67. Docket 17-11015** The temporary discontinuance from January 14, 2018 through July 14, 2018 of airport transfer, and charter limousine services provided by Las Vegas Limousines, LLC d/b/a Las Vegas Limousines under CPCN 2258, Sub 8. Staff investigation concluded.
Item removed from Agenda prior to consideration.
- 68. Docket 17-11033** The temporary discontinuance from November 27, 2017 through March 27, 2018 of charter limousine services provided by Western Limousine Service, Inc. under CPCN 1054, Sub 3. Staff investigation concluded.
Applications Manager Liz Babcock summarized the application and indicated staff support. J.T. Moran, Esquire appeared on behalf of the Applicant and requested the temporary discontinuance be tabled until the next subsequent Agenda. A brief discussion ensued. Temporary discontinuance Approved 3-0

69. Public Comment

Tony Clark, 24-7 Limousines stated the need for a workshop or informational meeting on “kellying”.

1:15 PM AFTERNOON SESSION

70. Public Comment

Asfaw Taglo appeared and offered a statement. (See item 50)

ADVISORY OPINION

- 71. Docket 17-11011**—Advisory opinion requested by Nevada State Apartment Association with respect to the application of the new provisions of NRS 706.4477. 1.) May the owner or authorized agent of the owner of a residential complex have a vehicle towed without attaching a 48 hour notice in the event that the owner or operator of a vehicle parks in a parking stall in violation of the complex’s parking rules? 2.) May the owner or authorized agent of the owner of a residential complex have a vehicle towed after attaching a 48 hour notice in the event that the owner or operator of a vehicle violates the complex’s parking rules even if the owner or operator of the vehicle removes the vehicle from the residential complex before the 48 hours has run but then returns later and again commits a violation of the residential complex’s parking rules?

Lucas Foletta, Esquire appeared on behalf of the Nevada State Apartment Association and offered a statement. A discussion ensued with regard to where the responsibility lies within the new provisions, whether with the tow industry or the apartment association. Suggestion was made to include language within the current regulation workshop with proposals to be submitted to Legislative Commission Bureau. Item tabled to next subsequent Agenda – Approved 3-0

APPLICATIONS FOR DRIVER PERMITS

(Closed sessions may be held for items 72 through 99 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

- 72. Permit 4994** The Authority will determine whether to grant the application of King, Kenneth for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded (10/10/17).

Item removed from Agenda prior to consideration.

- 73. Permit 4739** The Authority will determine whether to grant the application of Stam, Tyer for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded (6/23/17).

Permit denied 3-0

- 74. Permit 4952** The Authority will determine whether to grant the application of Zeratsion, Tesfalem for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded (10/5/17).

Tesfalem Zeratsion appeared. Item tabled to next subsequent Agenda 3-0

- 75. Permit 4987** The Authority will determine whether to grant the application of Reda, James for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded.

James Kent, Esquire and James Reda appeared. Item tabled to next subsequent Agenda 3-0

- 76. Permit 4984** The Authority will determine whether to grant the application of Garcia Ortiz, Luz for issuance of a driver’s permit pursuant to NRS 706.462. Staff investigation concluded (11/14/17 FTA).

Permit denied 3-0

- 77. Permit 1384** The Authority will determine whether to grant the application of de Los Santos, Reginaldo for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Mr. de Los Santos appeared in Reno. Item tabled to next subsequent Agenda 3-0
- 78. Permit 4969** The Authority will determine whether to grant the application of Gutierrez, Francisco for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 79. Permit 2386** The Authority will determine whether to grant the application of Anderson, Richard for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Mr. Anderson appeared in Reno. Permit proceeding reset to 10:30 a.m. December 21, 2017.
- 80. Permit 4970** The Authority will determine whether to grant the application of Billingsley, Dillon for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 81. Permit 4837** The Authority will determine whether to grant the application of Johnson, Damaris for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 82. Permit 5362** The Authority will determine whether to grant the application of DeHart, Bryan for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 83. Permit 5226** The Authority will determine whether to grant the application of Dobson, Darren for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 84. Permit 4968** The Authority will determine whether to grant the application of Drew, Anthony for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 85. Permit 5483** The Authority will determine whether to grant the application of Pocock, Christopher for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 86. Permit 4474** The Authority will determine whether to grant the application of Reber, Byron for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17).
Mr. Reber appeared in Reno. Item tabled to next subsequent Agenda 3-0

- 87. Permit 4966** The Authority will determine whether to grant the application of Rogers, Erick for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 88. Permit 1385** The Authority will determine whether to grant the application of Hart, Kristel for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded.
Michelle Bumgarner, Esquire and Kristel Hart appeared in Reno. Permit denied 3-0
- 89. Permit 4967** The Authority will determine whether to grant the application of Walton, Michael for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Item removed from Agenda prior to consideration.
- 90. Permit 4746** The Authority will determine whether to grant the application of Gebremedhin, Henok for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (11/28/17 FTA).
Mr. Gebremedhin appeared. Permit proceeding reset to Thursday, December 21, 2017 at 10:45 a.m.
- 91. Permit 4856** The Authority will determine whether to grant the application of Whitney, Christopher for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).
Permit denied 3-0
- 92. Permit 4927** The Authority will determine whether to grant the application of Vogelaar, Dale for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17).
Mr. Vogelaar appeared in Reno. Permit denied 3-0
- 93. Permit 5299** The Authority will determine whether to grant the application of Vanden Brink, James for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).
Mr. Vandenbrink appeared in Reno. Permit proceeding reset to Thursday, December 21, 2017 at 11:00 a.m.
- 94. Permit 5295** The Authority will determine whether to grant the application of Talumi, Finau for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).
Item removed from Agenda prior to consideration.
- 95. Permit 4833** The Authority will determine whether to grant the application of Tascon, Patricia for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).
Item removed from Agenda prior to consideration.
- 96. Permit 4877** The Authority will determine whether to grant the application of Sturner, Jon for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).
Permit denied 3-0

97. Permit 1633 The Authority will determine whether to grant the application of Purdy, Michael for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).

Mr. Purdy appeared in Reno. Permit proceeding reset to Thursday, December 21, 2017 at 11:15 a.m.

98. Permit 5304 The Authority will determine whether to grant the application of Marshall, Andrew for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).

Mr. Marshall appeared in Reno. Permit proceeding reset to Thursday, December 21, 2017 at 11:30 a.m.

99. Permit 5897 The Authority will determine whether to grant the application of Blue, Richard for issuance of a driver's permit pursuant to NRS 706.462. Staff investigation concluded (12/1/17 FTA).

Permit denied 3-0

100. Public Comment

Compliance Auditor, Rene Revens stated the federal regulations regarding Electronic Logging Device (ELD) would be going into effect and requested the same be included in the current rule making.

101. Adjournment

Meeting adjourned at 4:45 p.m.