

Agenda Items

52, 83 and 84

**Additional materials
introduced during the meeting**

Agenda Item#

52

1 **BEFORE THE NEVADA TRANSPORTATION AUTHORITY**

2
3 Re: Citation 22563 issues to Francisco Cubias/Taxi Ride)
4 Las Vegas for violation of NRS 706.386 and NRS 706.758)

5
6 **PROTEST OF HEARING OFFICERS PROPOSED RECOMMENDATION**

7 COMES NOW, the Livery Operators Association of Las Vegas (“LOA”), by and through its
8 counsel, Kimberly Maxson-Rushton, Esq. of the law firm Cooper Levenson, P.A., and submits the
9 following Protest of the Hearing Officer’s proposed recommendation relative to the disposition of
10 Nevada Transportation Authority (“NTA”) Citation 22563 issued to Francisco Cubias/Taxi Ride Las
11 Vegas (otherwise referred to as “Respondent”). This Protest is filed pursuant to Nevada
12 Administrative Code (“NAC”) 706.397.

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14 All notices, pleadings documents and correspondence pertaining to this proceeding should be
15 directed to the following individual:

16 Kimberly Maxson-Rushton
17 Cooper Levenson, Attorneys at Law
18 3016 West Charleston Boulevard, Ste. 195
19 Las Vegas, Nevada 89102
20 krushton@cooperlevenson.com

21 **I.**

22 **INTRODUCTION**

23 On June 18, 2021, a hearing was held in the above referenced citation matter wherein Mr.
24 Cubias was deemed to have violated Nevada law by holding himself out as a taxi service and
25 operating without a Certificate of Public Convenience and Necessity (“CPCN”). See, NRS 706.386
26 and NRS 706.758. Having made said findings the Hearing Officer recommended a fine in the
27 amount of \$6000.00 with \$5500.00 held in abeyance for a period of one year. Based on the clear
28 legal requirements set forth in NRS 706.756, 706.758 and 706.771, LOA submits this Protest to the
proposed recommendation.

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II.
ARGUMENT

Pursuant to NRS 706.758 it is unlawful for a person to advertise services for which a CPCN is required. Moreover, if after a hearing the NTA determines that a person has engaged in advertising in a matter that violates the law the Authority may order the person to cease and desist the unlawful advertising. See, NRS 706.758(1)(2). Accordingly, the LOA requests that the proposed Order be amended to mandate that the Respondent cease and desist any and all advertising (electronic and/or print) and that the phone number advertised and/or used by the Respondent be disconnected.

Additionally, and more important is the proposed fine amount of \$500 for unlawfully operating as a taxi without: a permitted driver, a vehicle inspected and maintained consistent with NRS and NAC and likely without the required commercial insurance coverage. Under Nevada law illegal operations such as this constitute a gross misdemeanor. NRS 706.756(3). Recognizing that Nevada’s Legislature has deemed acts such as this to be criminal in nature the LOA respectfully submits that a \$500 fine is inconsistent with the clear legislative intent – to deter and prohibit individuals from operating commercial passenger transportation. See, NRS 706.771(1). In fact, fine amounts such as this serve to incentivize people to operate illegally as a fine this low is a mere “cost of doing business.” However, by law *only Certificated Carriers* are authorized to participate in this business. The basis of which is to ensure the safety of the traveling public and protection of other carriers operating in the same geographic territory. NRS 706.151.

III.
CONCLUSION

Accordingly, the LOA submits this Protest and respectfully requests that the Hearing Officer’s recommendation be amended to include a Cease and Desist Order mandating that all advertising and phone services related to the provision of unlawful transportation services be

1 discontinued and disconnected in addition to a fine that serves to deter and prevent individuals from
2 providing commercial passenger transportation services in Nevada without a CPCN.

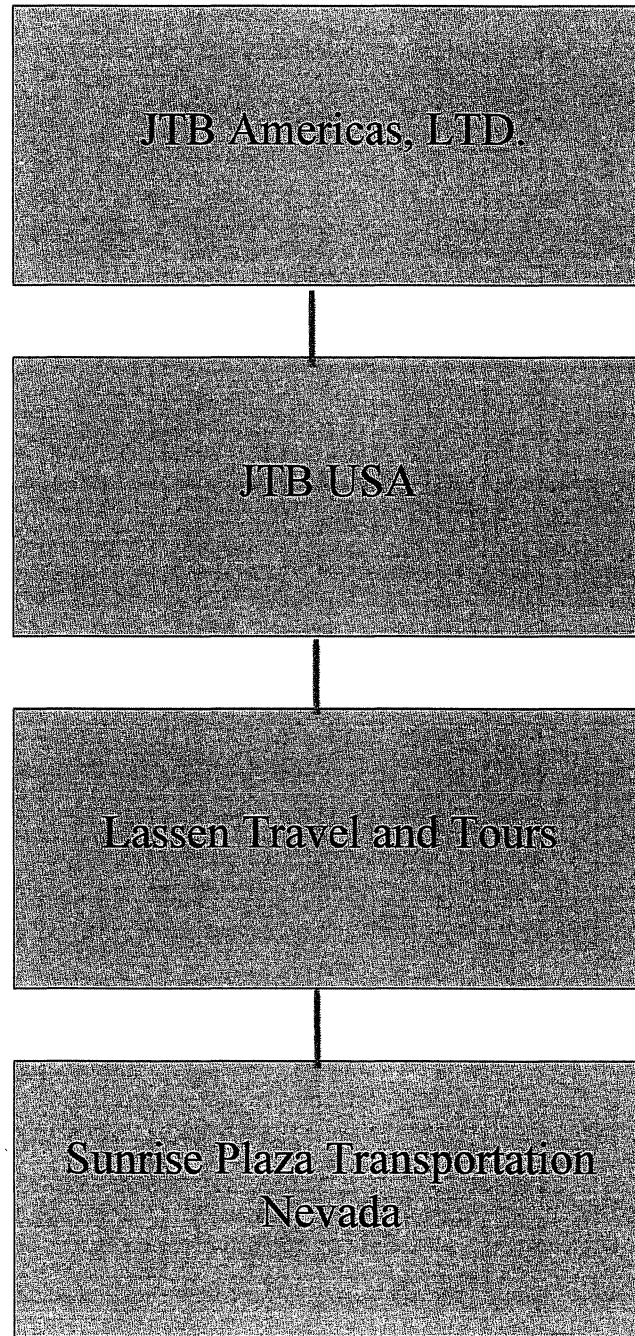
3 DATED this 25th day of August, 2021.

4 Respectfully submitted,

5
6 /s/ Kimberly Maxson-Rushton
7 KIMBERLY MAXSON-RUSHTON, ESQ.
8 Nevada Bar No. 5065
9 COOPER LEVENSON, ATTORNEYS AT LAW
10 3016 West Charleston Boulevard, Ste. 195
11 Las Vegas, Nevada 89102
12 *Counsel for LOA*
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Agenda Items 83 and 84

JTB Americas/Sunrise Plaza Transportation
Organizational Chart
(current)



JTB Americas, LTD.
Organizational Chart
(Post NTA Approval)

