

Agenda Item# 27

**Revised draft order provided
after initial posting of
supporting material but prior to
meeting.**

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

Citation issued to Yellow Cab for violations of)
NAC 706.3761.5 (197 counts); and NAC 706.360) Citation Nos. 23109
(52 counts))
_____)

Citations issued to Reno Sparks Cab for)
violations of NAC 706.2473 re CFR 382.305(i)(3))
(81 counts) ; NAC 706.2473 re CFR 382.305(d)(1)) Citation Nos. 23111 and 23112
(1 count); NAC 706.2473 re CFR)
382.305(g) & (h)(1 count); and NRS 706.398)
_____)

Citations issued to Yellow Cab of Reno for)
violations of NAC 706.2473 re CFR 382.305(i)(3))
(26 counts); NAC 706.2473 re CFR 382.305(d)(1),) Citation Nos. 23113 and 23114
(1 count); NAC 706.2473 re CFR 382.305 (g) & (h))
(1 count); and NRS 706.398)
_____)

Citations issued to Executive Limousine for)
violations of NAC 706.2473 re CFR 382.305(i)(3))
(4 counts); NAC 706.2473 re CFR 382.305(d)(1),) Citation Nos. 23115 and 23116
(1 count); NAC 706.2473 re CFR 382.305 (g) & (h))
(1 count); and NRS 706.398)
_____)

Citations issued to Capitol Cab for violations of)
NAC 706.2473 re CFR 382.305(i)(3)(11 counts);)
NAC 706.2473 re CFR 382.305(d)(1)(1 count);) Citation Nos. 23146 and 23147
NAC 706.2473 re CFR 382.305 (g) & (h)(1 count);)
and NRS 706.398)
_____)

At a general session of the Nevada Transportation
Authority held on March 24, 2022.

PRESENT: Chairman Dawn Gibbons
Commissioner George Assad
Commissioner David Groover
Deputy Commissioner Jennifer De Rose

AMENDED ORDER TO SHOW CAUSE

The Nevada Transportation Authority (“Authority”) makes the following findings of fact and conclusions of law:

PROCEDURAL HISTORY

Citations

On August 9, 2021, the Enforcement Staff of the Nevada Transportation Authority (“Staff”) issued Citation No. 23109 to Yellow Cab alleging one hundred ninety-seven (197) violations of Nevada Administrative Code (“NAC”) section 706.3761.5 and fifty-two (52) violations of NAC section 706.360.

NAC section 706.3761.5 requires a certificate holder to provide “an appropriate, accurate and operable time clock” which must be approved by the Authority before its use; “and the certificate holder shall require its drivers to time stamp their trip sheets at the beginning and end of each of their shifts.”

NAC section 706.360 establishes that “the vehicles of an authorized carrier must not be used for transportation services beyond the scope of the authority of that carrier, even if services are resold by a broker.”

On August 25, 2021, Staff issued Citation No. 23111 to Reno Sparks Cab alleging eighty-one (81) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3) and one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).

NAC 706.2473 incorporating CFR section 382.305(i)(3) mandates that the random annual minimum controlled substance testing of drivers is 50% and the random annual minimum alcohol testing of drivers is 10% for 2021.

NAC section 706.2473 incorporating CFR section 382.305(d)(1) implements the calculation of the random alcohol testing of drivers.

On August 25, 2021, Staff issued Citation No. 23112 to Reno Sparks Cab alleging one violation of NAC 706.2473 incorporating CFR 382.305(g) & (h) and one (1) violation of NRS 706.398.

NAC 706.2473 incorporating CFR 382.305(g) & (h) implements the calculation of the random controlled substance testing of drivers.

NRS 706.398 establishes that the Authority “may revoke or suspend the certificate of public convenience and necessity of a common motor carrier which has failed to comply with any provision of this chapter or any regulation of the Authority adopted pursuant thereto.”

On August 25, 2021, Staff issued Citation No. 23113 to Yellow Cab of Reno alleging twenty-six (26) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3) and one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).

On August 25, 2021, Staff issued Citation No. 23114 to Yellow Cab of Reno alleging one (1) violation of NAC 706.2473 incorporating CFR 382.305(g) & (h) and one (1) violation of NRS 706.398.

On August 25, 2021, Staff issued Citation No. 23115 to Executive Limousine alleging four (4) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3) and one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).

On August 25, 2021, Staff issued Citation No. 23116 to Executive Limousine alleging one (1) violation of NAC 706.2473 incorporating CFR 382.305(g) & (h) and one (1) violation of NRS 706.398.

On August 25, 2021, Staff issued Citation No. 23146 to Capitol Cab alleging eleven (11) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3) and one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).

On August 25, 2021, Staff issued Citation No. 23147 to Capitol Cab alleging one (1) violation of NAC 706.2473 incorporating CFR 382.305(g) & (h) and one (1) violation of NRS 706.398.

Proceedings

1. On October 20, 2021 the Authority convened a hearing on all of the noted citations before Commissioner George Assad as Presiding Officer.
2. Louis V. Csoka, Deputy Attorney General, appeared as counsel on behalf of Staff. Brian R. Hardy, Esq. appeared on behalf of Yellow Cab, Reno Sparks Cab, Yellow Cab of Reno, Executive Limousine and Capitol Cab. Also present, with Mr. Hardy, was Roy Street, owner of all of the four named/cited entities.
3. At the beginning of the hearing, based on the common ownership of the entities, Mr. Hardy consented to the consolidation of the above noted citations/violations so they could be heard together pursuant to NAC 706.3996.
4. Staff offered into evidence:

The investigative citation report prepared by NTA Investigator William Schilling on September 16, 2021 regarding citation 23109 issued the Yellow Cab which alleged 197 counts of violating NAC 706.3761.5 and 52 counts of violating NAC 706.360 as State's Exhibit 1A;

A letter addressed to Ashwin Joshi dated 07.26.2016 as State's Exhibit 1B;

The NTA Final Order regarding multiple citations issued to Ledesma, Barnes, Joshi and Whittlesea Taxi dated 07/26/2019 as State's Exhibit 1C;

The investigative citation report prepared by NTA Investigators William Schilling and Adam Truitt on August 30, 2021 regarding citations 23111, 23112, 23113, 23114, 23115, 23116, 23146 and 23147 as part of the consolidated State's Exhibit 1D;

The Supplemental Report prepared by NTA Investigator William Schilling on September 20, 2021 regarding citations 23111, 23112, 23113, 23114, 23115, 23116, 23146 and 23147 as State's Exhibit 1E;

A single Waiver of the Findings of Fact and Conclusions of Law for all citations except 23109 as State's Exhibit 2;

5. All exhibits were admitted into evidence.
6. Counsel for the four cited entities did not offer any documentary evidence for admission.

FINDINGS OF FACT

William Schilling

7. William Schilling, Compliance Enforcement Officer for the Authority was sworn and testified on behalf of Staff; he was subject to cross examination.
8. Officer Schilling first testified regarding Citation No. 23109 which was issued for one hundred ninety-seven (197) violations of NAC 706.3761.5 and was based on the requirement that a driver physically time stamp a trip sheet at the beginning and at the end of the shift.
9. Upon investigation of Yellow Cab's driver records, Investigator Schilling found "trip sheets" for transportation provided by Stephen Barnes, a driver associated with Yellow Cab,

which allegedly violated Yellow Cab's duty to require drivers to time stamp their trip sheets at the beginning and end of each of the shifts during the following months:

- a. June of 2020 – eighteen (18) trip sheet violations by failing to time stamp at the end of his shifts;
- b. July of 2020 – twenty-seven (27) trip sheet violations by failing to time stamp at the end of his shifts;
- c. August of 2020 – thirty (30) trip sheet violations by failing to time stamp at the end of his shifts;
- d. September of 2020 – twenty-eight (28) trip sheet violations by failing to time stamp at the end of his shifts;
- e. October of 2020 – twenty-eight (28) trip sheet violations by failing to time stamp at the end of his shifts;
- f. November of 2020 – twenty-four (24) trip sheet violations by failing to time stamp at the end of his shifts;
- g. December of 2020 – thirty (30) trip sheet violations by failing to time stamp at the end of his shifts; and,
- h. January of 2021 – thirty (30) trip sheet violations by failing to time stamp at the end of his shifts. See State's Exhibit 1A and attached exhibits D, F, H, J, L, N, P, and, R.

10. The State requested admission of a letter dated 07/26/2019 addressed to Ashwin Joshi as State's Exhibit 1B and also requested admission of the NTA final order regarding multiple citations issued to Ledesma, Barnes, Joshi and Whittlesea Taxi dated 07/26/2019 as State's Exhibit 1C. These items were admitted without objection.

11. Investigator Schilling testified that he relied on State's Exhibit 1C in preparing the one hundred ninety-seven (197) violations of NAC 706.3761.5 because the NTA final order established that the carrier – Yellow Cab – was allowing Barnes' to fail to time stamp his trip sheet at both the beginning and end of each shift.
12. During cross examination of Investigator Schilling, it was established that at the time relevant to the finalization of State's Exhibit 1C, Whittlesea Taxi was not owned by the present owner - Yellow Cab.
13. During cross examination, it was established that Investigator Schilling did not find any violations of NAC 706.3761.5 by any other Yellow Cab driver than Stephen Barnes.
14. Investigator Schilling also reported that Yellow Cab's operating authority is limited to the Reno Sparks area. Consequently, all transportation was required to begin and end in the Reno Sparks area of Nevada.
15. Investigator Schilling's review of the six months of records provided by Yellow Cab also established that Stephen Barnes operated a vehicle provided by Yellow Cab outside the area of authority during the following months and in the following manner:
 - a. On June 12, 2020, Barnes had one trip that began and ended in Edgewood, Nevada;
 - b. On June 14, 2020, Barnes had one trip at 3:20 p.m. which began outside the authorized area and ended at the airport at 4:10 pm;
 - c. On June 20, 2020, Barnes had one trip which began in Edgewood and ended in Lakeside, South Lake Town; one trip which began at 11:30 in South Lake Tahoe and ended at 11:55; one trip which began at 12:10 in South Lake Tahoe

and ended at 12:40; and one trip which began at 4:30 and ended at 5:10 pm (see State's Exhibit 1A attached exhibit E)

- d. On July 2, 2020, Barnes had one trip which began at 5:55 and ended in Edgewood at 6:05;
- e. On July 8, 2020, Barnes had one trip which began at 12:45 and ended at 2:10 at the South Lake Tahoe Airport;
- f. On July 9, 2020, Barnes had one trip which began in Edgewood at 7:00 and ended at 9:25;
- g. On July 11, 2020, Barnes had one trip which began at 5:25 in Edgewood and ended in Edgewood at 5:35;
- h. On July 12, 2020, Barnes had one trip which began at 2:45 and ended in Edgewood at 3:05 and a second trip which began in Edgewood at 3:15 and ended at the South Lake Tahoe airport;
- i. On July 13, 2020, Barnes began a trip at 10:45 in Edgewood which ended in South Lake Tahoe at 11:30 and had a second trip which began at 5:45 and ended at 6:20 in Tahoe Keys;
- j. On July 14, 2020, Barnes began a trip in Edgewood at 10:50 which ended at the South Lake Tahoe airport at 11:30;
- k. On July 17, 2020, Barnes began a trip at Raleys at 9:30 which ended at 9:40 not in the Reno Sparks area;
- l. On July 23, 2020, Barnes began a trip in Edgewood at 12:10 which ended at 12:20 also in Edgewood;

- m. On July 26, 2020, Barnes began a trip in Edgewood which ended in Edgewood at 12:15; and,
- n. On July 27, 2020, Barnes began a trip in Edgewood at 5:15 which ended at 6:10 not in the Reno Sparks area; (see State's Exhibit 1A attached exhibit G);
- o. On August 9, 2020, Barnes began a trip at Safeway at 12:15 and ended in Edgewood at 12:30;
- p. On August 13, 2020, Barnes began a trip at Safeway at 2:5 which ended in South Lake Tahoe at 3:20;
- q. On August 17, Barnes began a trip in Edgewood and finished that trip in Edgewood at 12:45;
- r. On August 17, 2020, Barnes began a trip at 12:30 which ended at the Carson Airport at 2:20;
- s. On August 19, 2020, Barnes began a trip in Zephyr Cove and ended in Edgewood at 8:55;
- t. On August 20, 2020, Barnes began a trip in Edgewood at 2:10 which ended at 5:35 not in the area of Reno Sparks;
- u. On August 21, 2020, Barnes began one trip in Edgewood at 12:30 which ended at Incline Village at 5:00;
- v. On August 28, 2020, Barnes began a trip in Zephyr Cove at 3:30 which ended at 8:45 not in an area of Reno Sparks (see State's Exhibit 1A exhibit I);
- w. On September 4, 2020, Barnes began a trip at 5:15 which ended at 5:40 not in an area of Reno Sparks;

- x. On September 6, 2020, Barnes began a trip in Edgewood which ended in Edgewood at 2:15;
- y. On September 7, 2020, Barnes began a trip at 3:05 which ended at 4:10 not in an area of Reno Sparks;
- z. On September 8, 2020, Barnes began at trip in Edgewood which ended in Emerald Bay and also began a trip at 10:00 in Emerald Bay which ended in Edgewood at 12:10;
- aa. On September 10, 2020, Barnes began a trip in Crystal Bay at 9:05 which ended in Napa at 3:05;
- bb. On September 11, 2020, Barnes began a trip at the Napa Airport which ended at the Crystal Bay Hotel at 5:35;
- cc. On September 13, 2020, Barnes began a trip in Edgewood which ended at 3:10 not in the Reno Sparks area;
- dd. On September 23, 2020, Barnes began a trip at 12:10 which ended at 7:30 in Zephyr Cove;
- ee. On September 24, 2020, Barnes began a trip in Edgewood at 12:30 which ended at 1:20 at the Minden Tahoe airport (see Exhibit 1A exhibit K);
- ff. On October 1, 2020, Barnes began a trip in Edgewood at 9:00 which ended in Edgewood at 9:40;
- gg. On October 6, 2020, Barnes began a trip in Edgewood at 2:08 which ended in Edgewood at 2:15;

- hh. On October 14, 2020, Barnes began a trip at 1:45 in Edgewood which ended in Edgewood at 2:10 and he also began another trip in Edgewood at 6:10 which also ended in Edgewood;
- ii. On October 16, 2020, Barnes began a trip at 2:05 which ended at 2:40 not in an area of Reno Sparks (see State's Exhibit 1A exhibit M);
- jj. On November 5, 2020, Barnes began a trip in Edgewood at 1:05 which ended in Edgewood at 1:20;
- kk. On November 7, 2020, Barnes began a trip in Edgewood at 12:20 which ended in Edgewood at 12:35;
- ll. On November 16, 2020, Barnes began a trip in Edgewood at 3:15 which ended in Edgewood at 3:35;
- mm. On November 21, 2020, Barnes began at trip in Edgewood which ended in Edgewood at 12:15;
- nn. On November 24, 2020, Barnes began a trip in Edgewood which ended in Edgewood at 1:30 (see State's Exhibit 1A exhibit O);
- oo. On December 10, 2020, Barnes began a trip at 1:50 which ended at 2:55 not in the area of Reno Sparks;
- pp. On December 15, 2020, Barnes began a trip at 6:15 which ended at 8:50 not in an area of Reno Sparks;
- qq. On December 19, 2020, Barnes began a trip in Edgewood which ended in Edgewood at 12:20;
- rr. On December 25, 2020 Barnes began a trip at 1:45 in Edgewood which was finalized in Edgewood at 2:00 (see State's Exhibit 1A exhibit Q);

ss. On January 22, 2021, Barnes began a trip at 3:11 that ended at 4:30 which ended in an area not in Reno Sparks;

tt. On January 26, 2021, Barnes began a trip at 6:45 which ended at 7:10 not in an area of Reno Sparks (see State's Exhibit 1A exhibit S).

16. Counsel for the Staff and counsel for Yellow Cab stipulated that the above noted facts and conduct had occurred in violation of NAC 706.360 which prohibits use of a vehicle beyond the scope of the carrier's authority.

17. The Hearing Officer found Investigator Schilling's testimony to be credible.

Frank Street

18. Frank Street testified on behalf of Yellow Cab. He testified that he is employed at Yellow Cab as the general manager.

19. Frank Street testified that Yellow Cab requires the driver to come into the office and time stamp the time sheet.

20. Frank Street established that Steven Barnes was not presently employed at Yellow Cab and had not worked with Yellow Cab since May 2021. Further, it was Mr. Street's understanding that Barnes appeared at the citation hearing which resulted in the NTA final order (State's Exhibit 1C) without a Whittlesea representative.

21. Frank Street testified that at the time relevant to citation 23109, Yellow Cab had its own policy and procedures regarding time/trip sheets and that Barnes was acting on his own in a manner that he – Barnes personally - thought was in compliance with State's Exhibit 1C.

22. Frank Street testified that Yellow Cab presently has a more sophisticated system of time stamping the driver trip/time sheets.

23. Frank Street testified that he intends to comply with any orders and the applicable NACs.

24. Counsel for Staff then informed the Presiding Officer that he would be relying on the facts contained within State's Exhibit 1D - the Investigative Report prepared by Investigators Schilling and Truitt regarding citations 23111 and 23112 (issued to Reno Sparks Cab), citations 231113 and 23114 (issued to Yellow Cab of Reno), citations 23115 and 23116 (issued to Executive Limousine) and citations 23146 and 23147 (issued to Capitol Cab) and the facts documented in State's Exhibit 1E – the Supplemental Report prepared by Investigator Schilling as proof of the violations of NAC 706.2473 incorporating CFR section 382.305(i)(3), NAC section 706.2473 incorporating CFR section 382.305(d)(1), and NAC 706.2473 incorporating CFR 382.305(g) & (h).
25. Frank Street was recalled to testify on behalf of the four entities - Reno Sparks Cab, Yellow Cab of Reno, Executive Limousine and Capitol Cab.
26. Frank Street testify that he is the son of Roy Street, the owner of all four entities. He returned at the end of July beginning of August 2021 to work as the general manager of the four entities with the intent that the entities be run properly.
27. Frank Street recognized that the entities had not been run properly and that the person assigned to make sure that the required drug and alcohol testing was completed – Mercy Medina – was not fulfilling this task.
28. Frank Street hired Medina as the HR person for the entities approximately five (5) years earlier. He learned that Medina was going behind his back, urging his father to fire him and this ultimately happened.
29. Frank Street testified that the drug and alcohol testing is being completed as required and that the testing has been completed, at this time, up to the fourth quarter.

30. On cross examination, Frank Street agreed that the testing violations had occurred before he became the general manager.

31. The Hearing Officer found that Frank Street's testimony was not credible.

Mercy Medina

32. Testified on behalf of Staff in rebuttal to the testimony of Frank Street.

33. Medina testified that she had previously been employed by Reno Sparks Cab, Yellow Cab of Reno, Executive Limousine and Capitol Cab from 2013 until July 16, 2021.

34. Medina acknowledged that drug testing was not being completed as required but that this was not her decision rather Roy Street – owner of the entities – did not want the testing completed.

35. Medina also testified that Roy Street chose which drivers should be tested because he didn't want positive drug or alcohol usage to be reported as that would require those drivers to attend the required drug/alcohol programs.

36. Medina testified that Roy Street was motivated either by (1) the fact that he needed people available to drive the vehicles not in drug/alcohol programs which preclude them from driving, or, (2) the cost associated with the testing and that at one time he owed the testing entity \$9000 which she tried to get paid for the last several years.

37. Medina testified that there were very few accidents which resulted in positive drug tests. She testified that the NTA was not notified of the accidents with positive drug tests because Roy Street told her not to disclose these facts to the NTA.

38. On cross examination, Medina testified that she did provide some reports to the NTA but didn't disclose all of the information because if the NTA didn't ask then she didn't send the information.

39. Medina admitted that not all that was required was scheduled during the COVID pandemic but after COVID, again, it was Roy Street who didn't want the drivers tested.

40. Medina admitted that she had filed an EEOC claim against the entities.

Rene Revens

41. Was called as a witness by the Presiding Officer.

42. Ms. Revens testified that she had been chief of the compliance department at the Authority for two (2) years.

43. Ms. Revens testified that she learned, from Investigator Schilling, the alcohol and drug testing was not being completed. After learning this fact, Ms. Revens sent a letter identifying all of the drivers who needed to be tested by August 26, 2021 at 3:30 pm.

44. Ms. Revens extended the time frame for the completion of the testing another twenty-four (24) hours to noon on August 27, 2021.

45. It became apparent to Ms. Revens that the testing would not be completed within the set time frame.

46. Subsequently, Ms. Revens requested a current list of drivers who were on vacation. She received this list one (1) week later.

47. Ms. Revens testified that she dealt with Mercy Medina and Roy Street regarding the issues associated with the alcohol and drug testing issues.

48. Ms. Revens acknowledged that Frank Street was coordinating the testing of the drivers.

49. The Hearing Officer found Rene Reven's testimony to be credible.

William Schilling

50. Investigator Schilling was recalled to testify on behalf of the Staff.

51. Schilling testified that he served a subpoena on DAT Nevada and learned that the company was owned money.

Roy Street

52. Was called to testify on behalf of the four cited entities.

53. Roy Street testified that he hired Mercy Medina after she was released from prison.

54. Roy Street testified that it was not his intent to not follow the regulations.

55. Roy Street testified that he relied on Mercy Medina to follow the regulations.

56. Roy Street testified that eighty (80) drivers had been sent over to complete testing on one day.

57. On cross examination, Roy Street testified that it was Mercy Medina's job to make sure that all accidents were reported and if a driver had an accident, Medina was to send the driver for testing.

58. The Hearing Officer found that Roy Street's testimony was not credible.

CONCLUSIONS OF LAW

The following Conclusions of Law are based on the Findings of Fact outlined above. If any of the Conclusions of Law are better deemed Findings of Fact, or visa versa, they are so deemed and construed. This order analyzes each citation and violation according to subject matter and not in order of the citation.

Yellow Cab

59. Citation No. 23109 involves one hundred ninety-seven (197) alleged violations of NAC 706.3761.5. These violations were based solely upon the trip sheets for one driver – Stephen Barnes.

60. State's Exhibit 1C establishes that drivers are required to either begin OR end the work day by clocking in AND out at the physical office of the carrier. The use of the language begin OR end the work day conflicts with the use of in AND out at the physical office of the carrier.
61. Based on this conflict, insufficient evidence was adduced to establish that Yellow Cab engaged in actions that violated NAC 706.3761.5.
62. Citation No. 23109 also involved fifty-two (52) alleged violations of NAC 706.360.
63. State's Exhibit 1A and attached exhibits E, G, I, K, M, O and Q establish that driver Stephen Barnes engaged in travel that was outside the authorized area of Reno Sparks. These exhibits also establish that Barnes' trip sheets (E, G, I, K, M, O and Q) were in the custody of Yellow Cab and establish that Barnes was engaged in travel that was outside the authorized area of Reno Sparks. Additionally, counsel for Yellow Cab stipulated that the facts and conduct enunciated in Barnes' trip sheets occurred.

Reno Sparks Cab

64. Citation No. 23111 involves eighty-one (81) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3). Citation No. 23111 also involves one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).
65. State's Exhibit 1D exhibit E established that seventy-seven (77) drivers were selected, from the total two hundred forty-three (243) permitted drivers, for random drug screening and only twelve (12) drivers conducted those required screenings accounting for 4.9% of the permitted drivers.

66. State's Exhibit 1D exhibit E established that eighteen (18) drivers were selected, from the total two hundred forty-three (243) permitted drivers, for random alcohol screening and only four (4) of those drivers conducted the screening accounting for 1.6% of their drivers.
67. During the year of 2021, this carrier was required to submit 50% of their drivers for random drug testing and 10% of their drivers for random alcohol testing.

Yellow Cab of Reno

68. Citation 23113 involves twenty-six (26) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3). Citation No. 23113 also involves one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).
69. State's Exhibit 1D exhibit F established that that thirteen (13) drivers were selected, from the total two hundred forty-two (242) permitted drivers, for random drug screening and only two (2) drivers conducted those required screenings accounting for 0.8% of the permitted drivers.
70. State's Exhibit 1D exhibit F established that five (5) drivers were selected, from the total two hundred forty-two (242) permitted drivers, for random alcohol screening and none of those drivers conducted the screening accounting for 0% of their drivers.
71. During the year of 2021, this carrier was required to submit 50% of their drivers for random drug testing and 10% of their drivers for random alcohol testing.

Executive Limousine

72. Citation 23115 involves four (4) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3). Citation No. 23115 also involves one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).

73. State's Exhibit 1D exhibit H established that that two (2) drivers were selected, from the total two hundred forty-six (246) permitted drivers, for random drug screening and none of the drivers conducted those required screenings accounting for 0% of the permitted drivers.
74. State's Exhibit 1D exhibit H established that two (2) drivers were selected, from the total two hundred forty-six (246) permitted drivers, for random alcohol screening and none of those drivers conducted the screening accounting for 0% of their drivers.
75. During the year of 2021, this carrier was required to submit 50% of their drivers for random drug testing and 10% of their drivers for random alcohol testing.

Capitol Cab

76. Citation 23146 involves eleven (11) violations of NAC 706.2473 incorporating CFR section 382.305(i)(3). Citation No. 23146 also involves one (1) violation of NAC section 706.2473 incorporating CFR section 382.305(d)(1).
77. State's Exhibit 1D exhibit G established that sixteen (16) drivers were selected, from the total two hundred forty-one (241) permitted drivers, for random drug screening and two of the drivers conducted those required screenings accounting for 0.4% of the permitted drivers.
78. State's Exhibit 1D exhibit G established that five (5) drivers were selected, from the total two hundred forty-one (241) permitted drivers, for random alcohol screening and none of those drivers conducted the screening accounting for 0% of their drivers.
79. During the year of 2021, this carrier was required to submit 50% of their drivers for random drug testing and 10% of their drivers for random alcohol testing.

Order to Show Cause

80. The State's Exhibits 1A, 1B, 1D and 1E establish that significant safety violations have been committed by Yellow Cab, Yellow Cab of Reno, Reno Sparks Cab, Executive Limousine and Capitol Cab.
81. The Authority concludes that it is in the public interest to withhold decision on the imposition of fines for the violations herein and to order Yellow Cab, Yellow Cab of Reno, Reno Sparks Cab, Executive Limousine and Capitol Cab, pursuant to NRS 706.2885 and NRS 706.398, to show cause why:
- a. Yellow Cab and Yellow Cab of Reno's CPCN no. 1014,
 - b. Reno Sparks Cab's CPCN no. 1025;
 - c. Executive Limousine's CPCN no. 1026, and,
 - d. Capitol Cab's CPCN no. 2445

should not be revoked or suspended or in the alternative fines imposed.

BASED ON THE FOREGOING, it is ORDERED that:

1. Regarding Citation 23109, the one hundred ninety-seven (197) alleged violations of NAC 706.3761 are DISMISSED;
2. Regarding Citation No. 23109, Yellow Cab violated NAC 706.360 fifty-two (52) times between June of 2020 and January of 2021, and the Authority reserves decision on the fines and remedies;
3. Regarding Citation No. 23111, Reno Sparks Cab violated NAC 706.2473 incorporating CFR section 382.305(i)(3) eighty-one (81) times and also violated NAC section 706.2473 incorporating CFR section 382.305(d)(1) one (1) time and the Authority reserves decision on fines and remedies.

4. Regarding Citation No. 23112, Reno Sparks Cab violated NAC 706.2473 incorporating CFR 382.305(g) & (h) once and the Authority reserves decision on the fines and remedies;.
5. Regarding Citation No. 23113, Yellow Cab of Reno violated NAC 706.2473 incorporating CFR section 382.305(i)(3) twenty-six (26) times and also violated NAC section 706.2473 incorporating CFR section 382.305(d)(1) one (1) time and the Authority reserves decision on the fines and remedies;
6. Regarding Citation No. 23114, Yellow Cab of Reno violated NAC 706.2473 incorporating CFR 382.305(g) & (h) once and the Authority reserves decision on the fines and remedies;
7. Regarding Citation No. 23115, Executive Limousine violated NAC 706.2473 incorporating CFR section 382.305(i)(3) four (4) times and also violated NAC section 706.2473 incorporating CFR section 382.305(d)(1) one (1) time and the Authority reserves decision on the fines and remedies;
8. Regarding Citation No. 23116, Executive Limousine violated NAC 706.2473 incorporating CFR 382.305(g) & (h) one (1) time and the Authority reserves decision on the fines and remedies;
9. Regarding Citation No. 23146, Capitol Cab violated NAC 706.2473 incorporating CFR section 382.305(i)(3) eleven (11) times and also violated NAC section 706.2473 incorporating CFR section 382.305(d)(1) one (1) time and the Authority reserves decision on the fines and remedies;

10. Regarding Citation No. 23147, Capitol Cab violated NAC 706.2473 incorporating CFR 382.305(g) & (h) one (1) time and the Authority reserves decision on the fines and remedies.

11. The Authority retains jurisdiction for correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,

Dawn Gibbons, Chairman

George Assad, Commissioner

R. David Groover, Commissioner

Attest:

Jennifer De Rose, Deputy Commissioner

Dated:

Las Vegas, Nevada