

STATE OF NEVADA



VAUGHN HARTUNG
Chairman

DAWN GIBBONS
Commissioner

R. DAVID GROOVER
Commissioner

DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE October 12, 2023 GENERAL SESSION

WEBEX LINK: <https://businessnv2.webex.com>

DIAL IN NUMBER: 1-844-621-3956

MEETING ACCESS CODE: 2486 916 9572

MEETING PASSWORD: wHi4PMPMm93

AGENDA

1. Call to Order

Chairman Vaughn Hartung called the meeting to order at 9:30 a.m.

2. Roll Call

Present: Chairman Vaughn Hartung, Commissioner Dawn Gibbons, Commissioner R. David Groover, Deputy Commissioner David Rickert, Administrative Attorney Patricia Erickson, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Paul Servello, Deputy Attorney General Radhika Kunnel

3. Pledge of Allegiance

Interim Chief of Enforcement Adam Teti led a recital of the pledge.

4. Public Comment

none

5. Approval of Agenda

Applications Manager Liz Babcock requested Items 37, 47, 54, 61 and 73 be removed from consideration. Approved as modified 3-0

6. Approval of the Minutes of the September 7, 2023 Agenda Meeting

Approved 3-0

7. Briefings from the Commissioners

Chairman Hartung thanked Chief of Enforcement, Todd Park for his service to the Authority and extended congratulations on his new position with the Taxicab Authority. He also gave a brief overview of the IATR conference he attended in Arizona. Commissioner Gibbons recognized staff for all of their hard work. Commissioner Groover echoed the comments made by Commissioners Gibbons and Hartung.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Rickert echoed the comments made by the Commissioners and indicated that the Authority continues to review policies and procedures in an effort to streamline, that they are moving forward with filling staff positions, that the search continues for a driver permit database as well as additional budget concerns. He also mentioned the F1Event letter that was mailed out to all passenger carriers and asked Interim Chief of Enforcement Teti to detail the information received during meetings with various enforcement agencies and committees.

9. Report of Legal Counsel

Deputy Attorney General Kunnel reported in the Sierra West matter, oral arguments were presented and they are awaiting a decision, in the Marji matter, the Court of Appeals affirmed the District Court decision and no further action has been taken, in the Highroller matter, they are awaiting the Notice of Oral Arguments, in the WMT matter, they are awaiting the Courts ruling and in the Western Trails matter, the Court granted the parties' stipulation to stay the proceedings until December 15, 2023.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

*Items 10 through 41, with the exception of Items 26, 27, 37 and 41, were considered collectively.
Approved 3-0*

- 10. Citation 22400** issued to Experience Transport Agency, LLC for violation of NAC 706.191 (DG)
- 11. Citations 22997 and 22998** issued to Michael Mengistu for violations of NRS 706A.280 and NRS 706.386 (DG)
- 12. Citation 23872 and 23874 and Impound I-4783** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 23872 and 23874 issued to Ressie Clemen for violations of NRS 706.386 and NRS 706A.280 (DG)
- 13. Citation 23875 and Impound I-4790** The impoundment pursuant to NRS 706.476 of a trailer registered to and Citation 23875 issued to Kenneth Coley for violations of NRS 706.386 and NRS 706.758 (DG)
- 14. Citations 24007 and 24008** issued to Million Gebreyohannes for violations Of NRS 706.386 and NAC 706a.280 (DG)
- 15. Citation 24080 and Impound I-4918** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 24080 issued to Jose Cazares-Soto for violations of NRS 706.386 and NRS 706.758 (DG)
- 16. Citation 24881** issued to Andrew Johnson/Making Moves Matter for violations of NRS 706.386 and NRS 706.758 (DG)
- 17. Citation 24994 and 24995 and Impound I-4766** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 24994 and 24995 issued to Yuniel Ruiz-Cruz for violations of NRS 706.386 and NRS 706A.280 (DG)
- 18. Citation 25001** issued to 24/7 Limousine, Ltd. for violation of NAC 706.191 (DG)
- 19. Impound I-4335** The impoundment pursuant to NRS 706.476 of a vehicle registered to PV Holding Corporation d/b/a Avis/Budget (DG)

- 20. Impound I-4789** The impoundment pursuant to NRS 706.476 of a vehicle registered to Patricia Ann O'Donnell (DG)
- 21. Impound I-4819** The impoundment pursuant to NRS 706.476 of a vehicle registered to Menbere Shimeliss DeMissie (DG)
- 22. Impound I-4913** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul Company of Arizona (DG)
- 23. Citations 23377 and 23378** issued to Whittlesea Checker Taxi for the violation of NAC 706.3743 and NAC 706.3975 (RDG)
- 24. Citation 23464 and Impound I-4716** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 23464 issued to Darcy Trevino for violations of NRS 706.386 and NRS 706.758 (RDG)
- 25. Citation 24068** issued to Julyesky Pedroso-Capote for violations of NRS 706.386 (RDG)
- 26. Citation 24176, 24177, 24178 and 24179** issued to Mesquite Towing Company, LLC d/b/a Mesquite Towing Company for violation of NAC 706.2473 ref. 49 CFR 391.11 (2 counts), NAC 706.420 (10 counts), NAC 706.2473 ref. 49 CFR 391.21, NAC 706.311, NAC 706.2473 ref. 49 CFR 391.23, NAC 706.2473 ref. 49 CFR 382.301 and NRS 706.398 (RDG)
Daniel Price, Esq. appeared on behalf of the carrier and provided detailed information regarding changes the carrier has made and offered written documentation. After a brief discussion, it was agreed to dismiss 3 of the NAC 706.420 counts on Citation 24176 and to reduce the fine amount to \$35,000.00 with \$31,500.00 held in abeyance for 2 years, making the amount owed \$3,500.00. Approved as modified 3-0
- 27. Citation 24234 and Impound I-3820** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 24234 issued to Anthony Bostick for violation of NRS 706.386 (RDG)
Kimberly Maxson-Rushton, Esq. appeared on behalf of the Livery Operators Association and detailed the written Protest that was filed. She requested the Authority increase the fine amounts to deter the illegal operators. Approved 3-0
- 28. Citation 24634** issued to Liang Zhao for violations of NRS 706.386 and NRS 706.758 (RDG)
- 29. Citation 24781** issued to Adam Morris for violations of NRS 706.386 (RDG)
- 30. Citation 24987 and 24988 and Impound I-4771** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citations 24987 and 24988 issued to Henry Samuel for violations of NRS 706.386 and NRS 706A.280 (RDG)
- 31. Impound I-3670** The impoundment pursuant to NRS 706.476 of a vehicle registered to Hertz Vehicles, LLC (RDG)

- 32. Impound I-4780** The impoundment pursuant to NRS 706.476 of a vehicle registered to Yunying Zhao (RDG)
- 33. Impound I-4781** The impoundment pursuant to NRS 706.476 of a vehicle registered to Ruimin Zhang (RDG)
- 34. Impound I-4814** The impoundment pursuant to NRS 706.476 of a vehicle registered to Julyesky Pedroso Capote (RDG)
- 35. Impound I-4849** The impoundment pursuant to NRS 706.476 of a vehicle registered to Gregory Masilungan and Pauline Gatdula (RDG)
- 36. Citations 22318, 22319 & 22320** issued to 1st Response Towing Inc for the violations of NAC 706.4277(2 counts), NAC 706.427 and NAC 706.430 (GA)
- 37. Citation 23658** issued to Georlin Tamayo-Velazquez for the violation of NRS 706.386 (GA)
Item removed from Agenda prior to consideration.
- 38. Citation 23899** issued to Yohannes Habte for violation of NAC 706.228
- 39. Citation 24233** issued to Francisco Ferrer-Suarez/Quick Towing Company for violation of NRS 706.758
- 40. Citation 24254** issued to Hassan Omar for violation of NAC 706.228
- 41. Citation 24909** issued to Shah Syed for violation of NAC 706.228 and NAC 706.360
Kimberly Maxson-Rushton, Esq. appeared on behalf of the Livery Operators Association and detailed the written Protest that was filed. She requested the Authority increase the fine amounts to deter repeat offenders. Commissioner Groover recommended a review of the settlement fine schedule. Approved 3-0

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

Items 42 through 48, with the exception of Item 47, were considered collectively. Approved 3-0

- 42. Docket 23-03026** The Application of Working Man Tow, LLC 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. (RDG)
- 43. Docket 23-05021** The Application of R & Y, LLC d/b/a R & Y 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. (DG)
- 44. Docket 23-06007** The Application of Supreme Towing, LLC 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. (DG)
- 45. Docket 23-06026** The Application of A-1 Towing Services, LLC d/b/a A-1 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. (RDG)

- 46. Docket 23-06036** The Application of Amador Towing, LLC 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. (DG)
- 47. Docket 23-06042** The Application of Care Towing, LLC d/b/a Care 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. (DG)
Item removed from Agenda prior to consideration.
- 48. Docket 23-06045** The Application of Golden Buck Transportation, LLC d/b/a GBT 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. (DG)

NAME CHANGES

- 49. Docket 23-08027** The Petition of Cal-Nevada Road Services, LLC d/b/a Cal-Nevada Towing & Transport, Cal-Nevada Towing, Cal-Nevada Road Services, Cal-Nevada Towing & Repair to change their fictitious names to do business as Cal-Nevada Towing, Big Valley Towing, Century Towing, provided under CPCN 7129, Sub 2. Staff investigation concluded.
Tom Baumbach appeared in Reno on behalf of the carrier. Approved 3-0

PETITION TO DEVIATE FROM REGULATION

- 50. Docket 23-08042** The Petition to deviate from Regulation NAC 706.022 for services conducted by American Transportation System, Inc. granted under CPCN 2265, Sub 1. Staff investigation concluded.
Applications Manager Liz Babcock summarized the request and indicated staff support. Kimberly Maxson-Rushton, Esq. thanked staff for their diligence in accommodating the request. Approved 3-0

PETITIONS FOR RECONSIDERATION

- 51. Docket 23-08011** Petition for Reconsideration from Starlight Limousine, Inc. for reconsideration of fines on Citation 23612 and 23980 – Citation 23612 tabled from prior general session.
Management Analyst II, Hope DiBartolomeo, detailed the procedural history of the citations and fines imposed. Mike Tewelde, Starlight Limousine, appeared via Webex and stated that they have corrected the issues and requested the fines be reduced. After a brief discussion it was agreed to reduce the fine amounts. For Citation 23612, the fine would be \$2500.00 with \$1800.00 held in abeyance for 2 years pending no further violations and timely payment of the fine amount and for Citation 23980, a fine in the amount of \$1000.00 with \$500.00 held in abeyance for 2 years pending no further violations and timely payment of the fine amount - Approved as modified 3-0
- 52. Docket 23-08039** Petition for Reconsideration from Henok Gebremedhin for reconsideration of fines on Citation 24062.
Management Analyst II, Hope DiBartolomeo, detailed the procedural history of the citation and fines imposed. Mr. Gebremedhin did not appear. Petition denied 2-1 Gibbons opposed
- 53. Docket 23-08046** Petition for Reconsideration from Adam Leyva for reconsideration of denial of driver permit.
Interim Chief of Compliance Desiree Main requested the Petition be granted, stating that she had spoken with Mr. Leyva and he wishes to clear this up. Approved 3-0

FINANCIAL RATES AND TARIFFS

- 54. Docket 23-08008- B** The Application of Reno Medical Transport, LLC d/b/a GMT CARE for approval of a tariff rate modification for services conducted under CPCN 1143. Staff investigation concluded. *Item removed from Agenda prior to consideration.*
- 55. Docket 23-08038** The Application of All My Sons Moving and Storage of Las Vegas, LLC for final approval of a tariff rate modification for services conducted under CPCN 3256, Sub 3. Staff investigation concluded. *Applications Manager Liz Babcock detailed the request and indicated staff support. Approved 3-0*
- 56. Docket 23-08048** The Application of 1st Response Towing, Inc. d/b/a The Tow Truck Company for final approval of a tariff rate modification for services conducted under CPCN 7136, Sub 4. Staff investigation concluded. *Applications Manager Liz Babcock detailed the request and indicated staff support. Approved 3-0*
- 57. Docket 23-09007** The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine, AWG Ambassador, AWG Charter Services for final approval of a tariff rate modification for services conducted under CPCN 1041, Sub 7. Staff investigation concluded. *Applications Manager Liz Babcock detailed the request and indicated staff support. Approved 3-0*

REQUEST FOR TEMPORARY DISCONTINUANCE

Items 58 through 62, with the exception of item 61, were considered collectively. Approved 3-0

- 58. Docket 23-08040** The temporary discontinuance from August 23, 2023, through February 23, 2024 and the extended date of August 23, 2024, of service provided by FC Transport, LLC, under CPCN 7481, and if denied, Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. This requires retroactive approval. Staff investigation concluded.
- 59. Docket 23-09005** The temporary discontinuance from September 7, 2023, through March 7, 2024 and the extended date of September 7, 2024, of service provided by Charter Nevada, LLC, under CPCN 2286, and if denied, Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.
- 60. Docket 23-09012** The temporary discontinuance from September 11, 2023, through March 11, 2024 and the extended date of September 11, 2024, of service provided by Discount Movers, Inc., under CPCN 3338, and if denied, Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. This requires retroactive approval. Staff investigation concluded.
- 61. Docket 23-09014** The temporary discontinuance from September 16, 2023, through February 23, 2024 and the extended date of September 16, 2024, of service provided by Olympic Express, LLC d/b/a Party Lounge, under CPCN 2272, and if denied, 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.*
- 62. Docket 23-09015** The temporary discontinuance from September 17, 2023, through March 17, 2024 and the extended date of September 17, 2024, of service provided by Andrade's Towing, LLC d/b/a Andrade's Towing, under CPCN 7340, Sub 1, and if denied, Staff's recommendation to issue an Order to Show Cause as to why the CPCN should not be revoked. Staff investigation concluded.

EXPIRED TEMPORARY DISCONTINUANCE

- 63. Docket 21-01007** The expired temporary discontinuance granted from January 1, 2023, through August 1, 2023, of services provided by Desert Cab, Inc. d/a Odyssey Limousine, under CPCN 1075, Sub 2, 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 and indicated staff had spoken with the Owner and has received several documents in an attempt to resume service. Kimberly Maxson-Rushton, Esq. appeared on behalf of the carrier and stated that the carrier is moving forward to resume operations and indicated the carrier intends to resume prior to the next Agenda. Motion to Table item to next subsequent Agenda. Approved 3-0

APPLICATIONS FOR FULLY REGULATED CARRIERS

- 64. Docket 22-04010** The Joint Application of Eagle Limo, LLC d/b/a Eagle Limo to sell and transfer and S & W Royal, LLC d/b/a Light Limo to purchase and acquire the authority to provide charter service by limousine and airport transfer service within Clark County, Nevada granted under CPCN 1110, Sub 1. Staff investigation concluded. (DG)

Items 64 and 65 were considered collectively.

Applications Manager Liz Babcock summarized the dockets and indicated staff's request for up to 2 additional operational inspections each year for the next 2 years. Brent Carson, Esq. appeared on behalf of the Applicants. A brief discussion ensued. Approved 3-0

- 65. Docket 22-12006** The Joint Application of Bour Enterprises, LLC d/b/a Stardust Transportation to sell and transfer and S & W Royal, LLC d/b/a Light Limo to purchase and acquire the authority to provide charter service by limousine service within Clark and Nye Counties, Nevada granted under CPCN 1017, Sub 5. Staff investigation concluded. (DG)

Items 64 and 65 were considered collectively.

Applications Manager Liz Babcock summarized the dockets and indicated staff's request for up to 2 additional operational inspections each year for the next 2 years. Brent Carson, Esq. appeared on behalf of the Applicants. A brief discussion ensued. Approved 3-0

- 66. Docket 23-04034** The Application of 911 Movers, Inc. for a certificate of public convenience and necessity to operate as a household goods mover within the State of Nevada. Staff investigation concluded. (RDG)

Applications Manager Liz Babcock summarized the Application and indicated staff support. Approved 3-0

ORDERS TO SHOW CAUSE

- 67. Docket 22-09011** Order to Show Cause issued American Transport, LLC d/b/a Royal Towing as to why Certificate of Public Convenience and Necessity 7424 should not be revoked.

Applications Manager Liz Babcock summarized the procedural history. Kimberly Maxson-Rushton, Esq. stated the Applicant requested to voluntarily cancel her certificate. Item tabled to the next general session to facilitate the surrender of the certificate. Approved 3-0

- 68. Docket 23-08012** Order to Show Cause issued to Ace's Charter Transportation, Inc. as to why Certificate of Public Convenience and Necessity 2246 should not be revoked.

Applications Manager Liz Babcock summarized the procedural history and requested the Certificate be revoked. Revocation Approved 3-0

APPLICATIONS TO DISMISS

Items 69 through 72 were considered collectively. Approved 3-0

- 69. Docket 20-09005** The Application of Night Time Entertainment, LLC for a CPCN to provide charter bus service within the State of Nevada. (DG) Interim Deputy Commissioner's Motion to Dismiss Application.
- 70. Docket 21-02005** The Application of Jbannes, LLC d/b/a Vegas Mob Weddings for a CPCN to provide charter limousine and scenic tour service within the State of Nevada. (DG) Interim Deputy Commissioner's Motion to Dismiss Application.
- 71. Docket 21-05021** The Application of Hargrett Enterprises, LLC d/b/a Out of the Mud Towing for a CPCN to provide consent-only tow car service within the State of Nevada. (RDG) Interim Deputy Commissioner's Motion to Dismiss Application.
- 72. Docket 21-06027** The Application of NV Towing & Transport, LLC for a CPCN to provide consent-only tow car service within the State of Nevada. (DG) Interim Deputy Commissioner's Motion to Dismiss Application.
- 73. Docket 21-09016** The Application of Silver Star Towing, LLC d/b/a Silver Star Towing for a CPCN to provide consent-only tow car service within the State of Nevada. (RDG) Interim Deputy Commissioner's Motion to Dismiss Application.
Item removed from the Agenda prior to consideration.

DISCUSSION ITEMS

- 74. Docket 23-02026** – additional discussion regarding the pricing arrangement and clarifying the overall program between Reno Ryde and UBER which was not resolved during the August 3, 2023 discussion regarding Flywheel's technology and UBER.
Kimberly Maxson-Rushton, Esq. and J.J. Bell appeared on behalf of Reno Ryde. Administrative Attorney Erickson detailed the reasoning behind the original Order for the Pilot Program. Ms. Maxson-Rushton stated she would be willing to work with Ms. Erickson to develop a comprehensive Order based on the discussions held today. Ms. Rushton requested the Order be ratified as soon as possible. Motion to direct staff to prepare a suitable Order to institute the pilot program – Approved 3-0
- 75. Docket 23-09019** – Petition for Approval to Use Curb Software – Reno Cab, Capitol Cab and Yellow Cab petition to use Curb Mobility's technology which – similar to Flywheel – has developed a relationship with UBER to simultaneously provide taxi and TNC services in Northern Nevada.
Robin Street and Brittany Street appeared on behalf of Reno Cab, Capitol Cab and Yellow Cab, Athan Rebelos, representing Curb Mobility. Mr. Rebelos offered a presentation about the Curb program in conjunction with Uber. Commissioner Groover questioned if the local taxis utilize "up front pricing" and Mr. Rebelos indicated they do not. Chairman Hartung questioned that there is no surge pricing and how Uber feels about it. Robin Street, Owner, offered that this is so new that they are working through it to determine profits and cost to the company. Chairman questioned if the ride in a taxi is hailed as an Uber and something happens, who becomes responsible? J.J. Bell appeared on behalf of Reno Ryde and offered that the responsibility falls upon the taxi carrier. The passenger is in the care of the taxi carrier therefore the taxi insurance covers the passenger. A discussion ensued regarding vehicle type and fares to be charged. Kimberly Maxson-Rushton, Esq. appeared on behalf of Reno Ryde and stated in her opinion, the only thing that would need to change is the need for a physical taximeter since the fare can be found on the app on the customers phone. It is a taxi trip facilitated by Flywheel/Curb but they want to be allowed to charge the TNC rates. A lengthy discussion ensued with regard to how to determine what type of ride, how the TNC, the taxi company and the driver are paid

and how the revenues are reported. Alex Larro, Esq. Uber, states that pricing is based on Uber rates but that it isn't considered a TNC trip so that they would not be including this revenue in their annual gross income. A discussion ensued regarding tariff fees and Uber fees and distribution of revenue. Motion to allow Reno Cab, Capitol Cab and Yellow Cab to use Curb software for a 12 month pilot program with Uber with a return in 60 days of operations Approved 3-0

APPLICATIONS FOR DRIVER PERMITS

(Closed session may be held for item 76 to consider character, alleged misconduct, professional competence, and physical or mental health pursuant to NRS 241.030.)

76. Permit 14639 The Authority will determine whether to grant the application of Nixon Altidor for issuance of a driver's permit pursuant to NRS 706.462.

Permit denied 3-0

77. Public Comment

none

78. Adjournment

Meeting adjourned at 3:30 p.m.