BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

REPORTER'S TRANSCRIPT OF

BOARD MEETING AND PUBLIC HEARING

At the Taxicab Authority
1785 East Sahara Avenue, Suite 200
Las Vegas, Nevada

On Tuesday, October 8, 2013
At 9:36 a.m.

Reported by: Jane V. Efaw, CCR #601, RPR
Board Members Present:

ILEANA DROBKI N, Chairman
DENNIS NOLAN, Member
JOE HARDY, Member
DEAN COLLINS, Member

Board Member Not Present:

JOSH MILLER, Member

Others Present:

RYAN SUNGA, Legal Counsel
KIMBERLY ARGUELLO, Legal Counsel
CHARLES D. HARVEY, Administrator
RUBEN AQUINO, Chief Investigator
KELLY KUZIK, Management Analyst
BARBARA WEBB, Legal Secretary

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Tuesday, October 8, 2013; Las Vegas, Nevada

PROCEDINGS

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CHAIR DROBKN: Good morning, everyone. I'm calling this meeting to order at 9:38. Member Hardy, would you like to do the pledge.

(Pledge.)

CHAIR DROBKN: Administrator Harvey, are we in compliance with the open meeting law?

ADMINISTRATOR HARVEY: Yes, Madam Chairman, we are in compliance.

CHAIR DROBKN: Public comment. Anyone like to speak? Please come up. Three minutes.

MS. WEBB: Sign your name on the sheet.

MR. YOUNG: Hello. I'm a cab driver, obviously. I work for Yellow.

MS. WEBB: I need your name.

MR. YOUNG: Charles Young. And I work for Yellow. This is for new medallions. Right?

CHAIR DROBKN: It's an annual review.

MR. YOUNG: Well, the new medallion law is really what I'm worried about. It said at the bottom of the little announcement that it has to do only with customer service.
It doesn't matter where you go. There's 25 cabs in line. Some places have maybe 200 people in line. But the only reason they're there is the doormen are idiots. You never go anywhere on the weekend or a weekday where there's not 20 cabs. You can't even get in line because there's so many cabs.

My year-to-date paycheck is $14,000. I don't ever low book, and I make $80 a shift. There's no reason to have more medallions out there. There's 25 cabs out there on every cab stand all the time.

If there's three cabs or 50 cabs in line, what's the difference? If there's always a cab there, that's all that should make any difference. Thank you.

CHAIR DROBKIN: Thank you, sir. Anyone else who would like to speak? Please remember to state your name for the record.

MR. SARDENAS: Do you want me to write it as well?

MS. WEBB: Yes.

MR. SARDENAS: Alfredo Sardenas. It's regarding the petition that Desert Cab requests more medallions for the weekend. Unless airport management say we're not servicing the airport properly, they cannot request more medallions. They only service the airport. Even their blue
medallions, they tape their banners on the side and service the airport because of the pressure the company puts on their drivers. Thank you.

CHAIR DROBKin: Anybody else who would like to come up?

Okay. Thank you. I'm going to take a couple items out of order. Mr. Gordon, would you like to come up and take 12 and 13 together? I'm sorry. Mr. Silver. I apologize.

Item Number 12. Discussion and possible decision regarding the application of Larry E. Bell, Jr. for authority to transfer voting shares of Henderson Taxi, a Nevada corporation, to The Larry E. Bell, Jr. Trust, dated June 24, 2013.

Item Number 13. Discussion and possible decision regarding the application of Larry E. Bell, Jr. for authority to transfer voting shares of Whittlesea-Bell, a Nevada corporation, to The Larry E. Bell, Jr. Trust, dated June 24th, 2013.

MR. SILVER: Madam Chairman and Members of the Authority, my name is Jeff Silver from the Gordon Silver law firm. And I'm called Gordon Silver every day. I represent the applicant in these two applications.

This is simply a transfer from the
individual Larry E. Bell to his own personal trust. These shares came from his dad to him personally. And now the estate planning lawyers want to move it from him personally into his trust, which he is the sole trustee. Essentially there is no control changes. It is just in another vehicle.

CHAIR DROBKIN: Okay. And like always, there's no change in structure? There's no change in operation?

MR. SILVER: No, none whatsoever.

MEMBER NOLAN: I move to approve.

CHAIR DROBKIN: Do you want to make a motion?

MEMBER NOLAN: I move that we approve the request.

CHAIR DROBKIN: Of Items 12 and 13?

MEMBER NOLAN: Of Items 12 and 13.

MEMBER HARDY: Second.

CHAIR DROBKIN: Any discussion? All in favor? Motion passes.

MR. SILVER: Thank you. And thank you for taking me out of order.

CHAIR DROBKIN: No problem. Item Number 5. Approval of the August board meeting minutes. Do I have a motion for approval?
MEMBER COLLINS: I make a motion.

MEMBER NOLAN: Second.

CHAIR DROBarkin: All in favor? Motion passes.

Item Number 6. Discussion with Maria Soto, Traffic Manager for LVCVA, regarding recent taxicab service.

MS. SOTO: Good morning. The last two major events that we held at the convention center on day one, which was Monday, the wait time was in excess of 30 to 40 minutes.

MEMBER HARDY: What event was this?

MS. SOTO: Pack Expo. We had 26 attendees on property, and there was an approximate hour wait to get transportation. 9/27 and 9/28 we had 9,000 attendees, and we experienced steady cab service all day every day and had no issues with that.

Upcoming events that we do have of note would be Lowrider Magazine Event, Cashman Center, with 10,000 people coming in this weekend on Sunday. ABC Kids Expo coming in from 10/15 to 10/18, about 14,000 attendees for that at the center.

And then 32,000 people coming in on October 22nd through the 24th with the Business Aviation Association. And we expect to have heavy
Chair Drobin: Can I ask a question?

Ms. Soto: Yes, ma'am.

Chair Drobin: These smaller conventions that we don't allocate for, is there communication with the company that you have a convention going?

Ms. Soto: We fax them out. Right now we're working on instituting a texting program. We're having a cab field supervisor meeting coming up in November, and we had a cab driver meeting a few months ago.

We're going to hold one in December and ask them if they want to be involved in this cab texting program so we can send out to the field supervisors in advance that these are the events and these are the working hours.

And if they provide us with the cell phone number for the field supervisors, we'd be happy to put them in this new program we're working on.

Chair Drobin: For all the operators out there, they'll buy in.

Ms. Soto: So we're hoping that that will assist us in getting the information out to them and update it as needed.

Chair Drobin: The Taxi Authority, do we
get notified?

MS. SOTO: We can add you to that texting program as well. We're working on it right now. We have to collect all the phone numbers.

CHAIR DROBKIN: That would be great. The more people know, the more they can reach out and help.

MS. SOTO: Absolutely.

CHAIR DROBKIN: Okay. Thank you.

MS. SOTO: Then the only other thing I have is the letter that was addressed to the Board from CES's Vice President, Laurie Lutz. She could not be here today but requested that her letter be read on her behalf.

"Dear Ms. Drobkin,

"The 2014 International CES will return to Las Vegas with official show dates Tuesday, January 7 through Friday, January 10, 2014. Last Year, CES welcomed 152,759 industry professionals from more than 150 countries to the city of Las Vegas. This year, numbers are tracking on par with last year, and we expect to once again welcome over 150,000 people.

"CES exhibitor move-in begins at the Las Vegas Convention Center on Friday, December 27th and continues through January 13. Exhibitor activity at
the Venetian will begin on January 3 through January
11. Show hours at the LVCC, LVH and Venetian are as
follows each day:

"Tuesday, January 7, 10:00 a.m. through 8:00
p.m.; Wednesday, January 8, 9:00 a.m. to 6:00 p.m.;
Thursday, January 9, 9:00 a.m. to 6:00 p.m.; Friday,
January 10, 9:00 a.m. to 4:00 p.m.

"New last year, CES also hosts an array of
press events at the Mandalay Bay Convention Center.
On Sunday, January 5, we will host CES Unveiled from
4:00 through 7:00 p.m. for 2000 members of the press
with heavy outbound traffic expected at the break.
On Monday, January 6, CES exhibitors will host press
conferences from 8:00 a.m. to 5:00 p.m. with up to
5,000 members of the press expected throughout the
day.

"Thank you to the Nevada Taxicab Authority
for your continued support of the International CES
and all of your past efforts to provide the best
service possible to CES participants. As always, we
would like your helping in ensuring there are as many
taxis on the road as possible during our show,
especially at peak hours as specific herein.

"If we can provide any further information
or schedules, I can be reached at 703-907-7984 or
llutz@CE.org, or you can visit www.CESweb.org for the latest news about the show. Please let me know if you or any of your colleagues would like to visit the show, and I will be happy to provide badges.  

"Best regards. Laurie Lutz, Vice President, CES Operations, Consumer Electronics Association."

And that's it.

CHAIR DROBKN: Thank you. Item Number 7. Discussion with Chris Anderson, Transportation Manager, McCarran International Airport. No Mr. Anderson.

Item Number 8. Discussion with Larry Montoya, Security Manager, Sands Expo, regarding recent taxicab service. Welcome, Mr. Montoya.

MR. MONTOYA: I kind of have the same comments she did from the Las Vegas Convention Center.

During September 25th through the 27th, Global Gaming was here. I had absolutely no cabs. And I can bring video footage of what was happening for two hours at a time.

200 to 300 people in the line waiting for cabs and nobody would show up. And it's on video because I focused my camera, instead of on the parking lot, on the actual taxicab lane. Nobody in
line. I had to call in limos, which I would rather
not call because they're a little bit more expensive.

CHAIR DROBKEN: Did you call the taxicab
companies?

MR. MONTOYA: I did. They said they had a
20-minute wait time. Nobody showed up. We still
need cabs after the show ends because guests are
staying in the hotels and they want to go from the
hotel to other facilities. So we're having kind of a
problem with that right now for Global Gaming.

The next show right after that, Vision,
which is a large show also, we had plenty of cabs. I
don't know what the difference was between the two,
especially with Global Gaming dealing with all the
people from all the casinos having to go to the show.
They just weren't there. So it's kind of a hit or
miss with us right now.

What I've reached out to Barbara is getting
an e-mail to them. We came together and created a
task committee where we're getting together and
trying to figure out where we can have the cabs come
to our facilities a little bit better.

So we created a flyer that has the
questionnaire for all the cab owners and cab drivers
to fill out. We really don't want to go to the
drivers because they're parked. But if they get a push notification, they'll know we need them.

We want this letter to go out to the cab drivers and the cab owners so they can fill it out so we can figure out what we need to do to help them to service our properties.

We have two large things coming up right now. IMEX is coming up the 11th through the 18th. There will be a lot of people here. Hopefully the government is still not on strike because it will create an issue here because this is all international people coming for the convention. And then Apex is coming.

I was listening to one of the cab drivers speak earlier saying there's enough medallions. I agree. You can go to the Hard Rock and other casinos, and there's 25 cabs in line. But when you go to the convention center, there are no cabs.

I am also going to e-mail the questionnaire to all the cab owners so they can pass it out to all their drivers and see if we can get any kind of response from that.

MEMBER NOLAN: When we have an event that's happening, like was mentioned with the PACK Conference and on the early days, the 23rd and 24th,
we had no service. But for them to contact the
companies, "Hey, listen. We have this event. And
then on the third day, we have no problem getting
cabs."

It sounds like we have the availability.
But, one, it's a communication issue, as you've
identified, and they're trying to flag cabs down.

Another thing is, sometimes we get a report
of what shows are available and coming up in Vegas.
With some rare exception with the real large events,
like Daisy Carnival, we don't get a report from Metro
Events Division or Las Vegas Events because you look
at these dates, and it defies logic that the cab
drivers won't be where there's a demand.

At the time, you know, there's a demand, the
cab drivers are notifying cab drivers, and we just
don't have the available cabs. Maybe we can reach
out to Metro's Special Events Division and try to get
a little bit more communication on when they're
expecting large events.

This might have been a situation where we
have multiple things going on at the same time. We
just didn't realize there was going to be a demand
for cabs.

MR. MONTOYA: When the PACK show was going
on, so was Global Gaming. They weren't getting cabs, nor were we getting cabs. I don't understand why there weren't cabs arriving at either venue. The reason why is, we thought they were probably going to the PACK show. Like I said, I have video footage of it from the whole day.

I think one of the biggest things is when the shows break is when they're doing a shift change. And when it breaks, you've got 200 people in line. And they do see cabs drive by on the street. But they don't realize the cab lights are off and they have a fare. So we take a little bit of a beating for that from the customers.

And sometimes the show manager wants to think, Well, maybe this isn't the best place to have the show. Maybe we'll go to another city. We do get cabs some days where there's a line, a long queue. And that's usually in the mornings when they're dropping off. And it's like taxis galore. But when the show ends, it's the opposite. They don't have any at all at the end of the show.

MEMBER COLLINS: Sir, you mentioned earlier that you contacted some of the operators. What type of feedback were you getting?

MR. MONTOYA: They said they would pass it
on. If I'm in need of a handicap taxi, that's like an hour, hour-and-a-half wait just to get a handicapped taxi for somebody that's in a wheelchair. We had one in a scooter. So the handicapped vehicle showed up, and the scooter wouldn't fit in there. So she had to wait another hour and a half to get one, unfortunately.

But once I start making contact with people after Barbara gives me the e-mail addresses and phone numbers, I personally will be forwarding our list of events and when we need you. I'm forwarding that in an e-mail and making phone contact so they know this is coming up and we're going to need your guys's assistance.

CHAIR DROBKIN: When you make the calls, you're making it to dispatch?

MR. MONTOYA: When we call the cab, I'm making it to the dispatcher.

CHAIR DROBKIN: When you're in a crisis?

MR. MONTOYA: It's the dispatchers.

CHAIR DROBKIN: So maybe we can get you together with these nice folks who are really effective with their jobs. Again, it goes back to the communication issue.

MR. MONTOYA: If you can get me your
information, that would be awesome. Because when you call the dispatcher and ask them, Can you pass me on to the next person," they don't know who to pass me on to.

CHAIR DROBGIN: The e-mails were great for preparing up to that. But when you're in a crisis, you need to get ahold of these people. They will help you.

MR. MONTOYA: I know there's some issues between some of the cab drivers and our security officers that are at the facilities. We're working on them to be more customer-service oriented.

Unfortunately, sometimes the security that they're dealing with isn't our security. It's show security that's hired for the event.

CHAIR DROBGIN: I can honestly tell you we're working on that. The Board is working on that. So we have some things we're working on with the top-level folks. So that is a work in progress. But with your immediate needs we can help in setting you up with the right people.

Anyone else have anything? Okay. Thank you so much. Just hang out after the meeting. Okay?

MR. MONTOYA: I will.

CHAIR DROBGIN: Okay. We're on Item Number
9. Discussion of possible decision regarding the annual review of medallions. Mr. Kuzik, are you ready?

MR. KUZIK: Good morning, Madam Chair, Members of the Board. Kelly Kuzik, Nevada Taxicab Authority. Annual review of medallions.

In the interventions, I did see the one from Desert, and I spoke to Mr. Balaban. I won't speak for him, but we had a discussion about it. He was going to request a new type of medallion just for Fridays and Saturdays. And I'll let him speak to that more when he gets up for his intervention.

But just generally based on the information that we have and the data that we've analyzed, 12 out of the last 13 months, trips have been down for the same month the previous year. And that is on page 2 of your medallion evidence packet that I put together. And blown shifts are still problematic. That's page 3.

And obviously March and April we're not really reviewing because of the labor dispute. We know there are going to be a lot of blown shifts there, but the rest of the numbers remain relatively high.

So the argument is, they're not utilizing
everything that they have at this point. And, again, with Desert's request, I only saw data from Desert Cab and not for the entire industry. So it would be difficult to make a determination without information from all of the companies for that time.

And at this point the trips per shift are at about 18.8, which is about what it was the year before. It's about even. So at this point, it doesn't appear that the data supports any additional permanent allocations. And I can field any requests that anyone may have.

CHAIR DROBKN: Anybody have any questions? You did a great job in compiling all the information, and we appreciate your efforts very much.

MR. KUZIK: Are the evidence packets to your liking? Is that what you were looking for?

MEMBER NOLAN: Yes.

MEMBER COLLINS: Yes.

MR. KUZIK: Do you want me to clear out?

CHAIR DROBKN: Yes. We're going to accept the interventions. And if anyone has any questions, you can come back up.

MR. NADY: Of course, I have a better solution, and I would like you to consider it when you hear the person before me.
MS. WEBB: Identify yourself.

MR. NADY: My name is Jay Nady, and I'm the owner of A-Cab Company.

Mr. Montoya came in and said that A-Cab can help. You may not have heard the same thing, but A-Cab is your answer. We are restricted from doing what he asked us to do.

Do we need more taxicabs on the Strip? Yes. Over on the west side and Las Vegas, no. I'd like to refer to my man who was in the seat just a minute ago.

We blow shifts intentionally. Every Tuesday afternoon, Wednesday both shifts, and Thursday morning. We don't even book them. We don't even try to line them up. We have taken them out of service because there isn't enough business out there. At least on the west side. I can't speak to the rest of it.

So when you say that we blow shifts, it's a pure choice of nomenclature. We don't blow the shifts. We don't schedule them. I'm trying to make money. I'm not trying to lose money as a cab company.

Do we want more cabs out? No, we don't want any more cabs out. We would like to take the ones
that are restricted on the west side and put them on
the east side.

CHAIR DROBKIN: Desert?

MR. BALABAN: Good morning. George Balaban,
Desert Cab Company.

In our intervention Desert Cab Company asked
about weekend medallions just for Fridays and
Saturday nights. The compilation of statistics you
get from the staff is just statistics we give them,
which is just monthly statistics. So in order to
look at specific days, that's lumping slow Tuesdays
or Monday mornings.

Again, those monthly statistics, the monthly
trips per shift, the monthly revenue per shift,
that's just that. It's an average for the whole
month. It's not just about Friday and Saturday
nights.

Right now I don't have any support on this,
and we're going to basically leave it at that. But I
want to tell you what I was thinking. The fact is on
Friday and Saturday nights, while the industry is
still blowing shifts, they're not blowing 12:00 to
12:00 shifts. And if they are blowing 12:00 to 12:00
shifts, they're not blowing Friday and Saturday 12:00
to 12:00 shifts. So on Friday and Saturday night,
all the cabs are on the street.

So to talk about we're blowing shifts,
they're right. Tuesday and Wednesday and Thursday
we're not putting them out. On Fridays and
Saturdays, the companies want them out, and we have a
full complement of cars on Friday and Saturday
nights. The averages are very high.

So if we were going to allocate taxicabs,
that would be a pinpoint way to do it. Most of the
companies don't really want a medallion that can only
work two shifts. But the reality is, again, we have
drivers. We have the cars. They're spare cars.

So to get them out for 12 hours on a Friday
night and 12 hours on Saturday night, when I look at
my averages for those Fridays and Saturdays for 2013,
every Friday 12:00 to 12:00 and every Saturday 12:00
to 12:00 for the whole year up until -- I didn't do
it this last weekend. But up until last weekend
there were only three shifts for that entire time
that the average was under $400.

The average number of trips that we're doing
on Fridays and Saturday nights on 12:00 to 12:00
shifts is in the mid 30s. We have people doing 40
trips on Fridays and Saturday nights. It's that busy
out there. Not every Friday and Saturday, but on
average it is. On average for the entire year, the
average number of trips is over 30 on Friday and
Saturdays, while it's 18 when you look at the monthly
statistics. That's the difference. It's that big of
a difference.

So, again, there's no other companies that
are asking for anything. So at this point right now,
I'm not either. I just want to inform you that we as
an industry need to get you much more detailed and
specific statistics rather than monthly statistics in
order to present a case. But I just kind of wanted
to --

CHAIR DROBKIN: The breakdown on the blown
shifts would be nice to see. So for us to see when
the blown shifts were actually being blown would be
helpful when we look to possibly restructure later
on.

MR. BALABAN: Kelly doesn't say which day of
the week, but it does say what type of medallion is
blown. And if you look at those, very few are 12:00
to 12:00's. But you're right. We're making a
presentation to say of those 12:00 to 12:00's, it's
not Friday or Saturday night.

CHAIR DROBKIN: Whittlesea?

MS. KNAPP: Good morning. Cheryl Knapp,
General Manager, Whittlesea Blue Cab and Henderson Taxi.

While I agree with George that the weekends are also a busier time even at our companies, we're going to make more revenue on Friday and Saturday nights than any other point during the week.

At this point in time, however, I don't believe my numbers would be sufficient to ask for any allocation. So at this point in time, I'm going to agree with staff in asking that there be no additional allocation at this point.

However, I would like to reserve the right to bring in information and stats before this board if we see that things change, and we would like to get some medallions at that point. Thank you.

CHAIR DROBKIN: Thank you. Frias?

MR. HICKMAN: Good morning. John Hickman, Chief Operating Officer for the Frias Companies.

Frias as well at this particular time is not requesting any additional permanent allocation. However, we would reserve the right, as mentioned by Cheryl, to come back in a short period of time if necessary with detailed information with regard to possible allocation of specific-type medallions.

CHAIR DROBKIN: Okay. Thank you. Nellis?
MR. PINO: Jamie Pino with Nellis Cab. I don't want to be repetitive. So I will support Whittlesea.

CHAIR DROBKIN: Thank you. I appreciate that. ITPE?

MR. MOFFITT: Sam Moffitt. I'm filling in for Ruthie Jones. She's out of town this week. The ITPE agrees with staff. We feel there should be no more allocations.

A couple things I would like to talk in detail about is that the month of August was the first month that we actually had an increase from the previous year in trips. At the same time, since May, the shifts blown over the course of May was 5300; June, 4600; July, 4400; and August, 1900.

Until all these cabs are on the street, we feel there's absolutely no need for allocation for a permit or temporary medallions. That's our position. Thank you.

CHAIR DROBKIN: Thank you, Sam. Lucky?

MS. DANTE: Hi. Desiree Dante from Lucky Cab. We too at this time are not asking for any permanent medallions.

However, we also have numbers that could possibly support a 12:00 to 12:00, Friday and
Saturday medallion, which I think should be revisited in the next few months.

CHAIR DROBKIN: Thank you. Western?

MS. MORAN: Marilyn Moran. At this time we're not asking for any permanent medallions as well.

CHAIR DROBKIN: Thank you. Let's start the discussion or make a motion.

MEMBER NOLAN: Do we need a motion?

MEMBER COLLINS: I'll make a motion to accept no additional allocations of medallions.

CHAIR DROBKIN: Any discussion on the floor? I'm sorry. YCS?

MR. SHRANKO: Bill Shranko, Chief Operating Officer, Yellow Checker Star. I'll absolutely support staff's figures and representations. But let me just speak for a second on the Sands Expo. That's very important. And we have supplied them with our field operations people where they could get them the telephone numbers directly to our field supervisors. It will definitely be taken care of.

Another thing is, there's an access problem with Sands. And a lot of times with that Spring Mountain corridor, there's difficulty getting in.
And I think we can iron out those problems because we
were able to iron them out after that. Thank you.

CHAIR DROBKIN: And I apologize for skipping
you.

We have a motion. Do you want to repeat the
motion?

MEMBER COLLINS: Motion to approve no
additional allocations of medallions supported by
staff.

CHAIR DROBKIN: We have a second from Member
Nolan. Any discussion on the motion? All in favor?
Motion passes. Thank you.

Item Number 10. Discussion and possible
decision regarding the annual review of rates.

Charges and fares. Mr. Kuzik?

MR. KUZIK: Madam Chairman, Members of the
Board. Kelly Kuzik, Nevada Taxicab Authority.

As it relates to the annual review of rates,
at this point for any general rate increases or fare
increases, we don't have any data that would support
an increase in the rates at this point.

The average fare right now is about $14.68.
And that's from January to August of 2013, which is
almost identical to what it was for the same period
last year. I think it was $14.61 then. So it's
about the same as what it was.

The only part of the fare that we would like
to address briefly is the fuel surcharge. Since it's
a review of rates and that's part of the rate, we'd
like to address some of that.

The one thing that we had been asked to do a
while back -- and it was Member Nolan that asked us
to review which part of the EIA, which is Energy
Information Agency, which is part of DOE, Department
of Energy. And currently what we're using is, it's
called Petroleum Administration Defense District,
PADD, which is an old cold-water acronym. But
currently we're using PADD 5, which is Alaska,
Arizona, California, Hawaii, Nevada, Oregon and
Washington.

And what we had been asked to do -- and
unfortunately when we did bring it up a while back,
the members that requested it weren't at the meeting.
So it was tabled.

What we're requesting is that we shift
from -- and I provided you with the e-mails that I
got just yesterday. It's the yellow and blue that I
got from them.

And what we're requesting is to go from
PADD 5, which is West Coast, to PADD 5 Bravo, or 5B,
which is West Coast less California. It's not ideal, but it's certainly a little more in keeping with the fuel prices that are in Southern Nevada.

Again, it still includes Hawaii and Alaska. It slightly inflates it a bit, but it's certainly closer to what we're paying in town than what it is with California added to it.

We would request that the matter be -- that we shift from 5 to 5 Bravo, which takes out California.

And then the other part of the fuel surcharge we have been asked about, currently it's 20 cents per metered mile. And this is just the gasoline fleet. This is not YCS's propane. I have to segregate those out. And I have those charts in your packets also.

At 20 cents a mile, the fleet is currently averaging 14.74 miles per gallon, which comes up to $2.95 per gallon of gasoline that is being paid for by the fuel charge. So 90 percent of the gas is being paid for by the current fuel charge.

And making any amendments and changes to it is certainly up to the Board, but I just wanted to bring up that point, and I can field any questions you might have.
MEMBER COLLINS: So going from PADD 5 to PADD 5B and excluding California, is that because of -- will that help us for any volatility that may occur down the road since California is --

MR. KUZIK: Well, at this point, sir, having California in there artificially inflates it. So we would almost never get to the $3.25 trigger for 30 days.

By the time that number, with California, PADD 5, would get to that $3.25 for more than 30 days, gas in Las Vegas will probably be $2.75 or less.

So that's why we were asking to go to 5 Bravo, which brings it down a little closer. And that way when we get to those triggers, we're going to get to it in a way that's going to be closer to what we're doing in the current local market.

MEMBER COLLINS: That makes sense. Okay.

CHAIR DROBINKIN: Thank you for being brief and thorough and not adding commentary. I appreciate that.

Do you want to lead the discussion?

MEMBER NOLAN: I think he answered my questions with regards to what the net effect of making that shift is. It makes sense to me.
So if there is discussion to be had, we can do it. Otherwise, I'll make a motion.

CHAIR DROBKIN: We have to make two motions on this. We have to address no additional rates and then address the fuel. Right?

MEMBER NOLAN: I'm reading the staff's summary of the various operations' positions with regards to rates. And I don't know, Madam Chair, if it's your intention to call them all up to make a formal statement.

CHAIR DROBKIN: Yeah. I apologize jumping in on that.

MEMBER NOLAN: So I'll hold my comments.

CHAIR DROBKIN: A-Cab?

MR. NADY: My first question is, if I look at the motion for discussion, which I can't because I'm not wearing my glasses because I forgot. But did the Board notice us that they may change the method in which they calculate fuel surcharge? I don't believe so. Or did they simply notify us that they may change the rates?

As I read it, because I can't see it now, I think there's a huge difference. I don't know what effect that would have, and I certainly didn't consider it.
So before you vote on it, I think you might want to think about whether or not that was actually agendized to change the method in which they do it.

CHAIR DROBKIN: Can I respond to that? And then I'll allow counsel to respond to that.

The fuel surcharge is part of the rates. So technically it is agendized because it is a part of the rate process. So when we do an annual review of rates, everything is thrown into that as far as the fuel surcharge and whatever is on the meter.

MR. SUNGA: The question is whether people will be on adequate notice of what will be discussed here. And based on the comments, you felt that it was. And that's reasonable.

MR. NADY: Being of average intelligence, I didn't even consider you would change the method in which you are calculating it. So I think the average person would not have considered that. And thus I don't think it was agendized properly. With that being said, I give up.

MEMBER HARDY: Does that mean you're done?

MR. NADY: Basically, yeah. I don't have any idea how that would affect us. Also, would it take into consideration the history that we've already had? Would Kelly have to go back, then, and
interpolate the current method so we go back and look at the history what it meant before or show us how this would have been if he had been using those numbers in the past?

CHAIR DROBKIN: No, I don't think so. It would just be as we move forward.

MR. SUNGA: After.

CHAIR DROBKIN: It would just be moving forward from this point on.

MR. NADY: Okay. So to me that's kind of like expanding the strike zone. And when batters averages go down, they're being measured against something measured in the past when the strike zone was different. So I think we have a bit of a conflict. So, again, I'll stop there.

CHAIR DROBKIN: Thank you. YCS?

MR. SHRANKO: I'm delighted that you got me first. I promise not to be as passionate as Mark will be. I love that tie, and I'm going to use that tie, Chief, next time so I get recognized properly.

CHAIR DROBKIN: He's not going to live this one down.

MR. SHRANKO: This is kind of clear as a crystal ball in our minds at Yellow Checker Star. There should be no discussion on fuel surcharge.
When the fuel goes up, then we have our hearings. We
go through the procedures, but it has nothing to do
with the annual review of rates in our mind. And
we'll want you to take that into consideration.

And while we're at the annual review of
rates, we will again support our intervention that we
don't feel there's any reason for an increase in
rates at this time. I think I'll yield to Mark
James' passion, and thank you very much.

MEMBER HARDY: Hold on.

MR. SHRANKO: Joe, you haven't done that
with me for a long time. You like to get rid of me.

MEMBER HARDY: So you have the same issues
as Mr. Nady?

MR. SHRANKO: I think he was terrific.

That's it. Any other questions?

CHAIR DROBKIN: No.

Frias? Sorry. Mr. Balaban with Desert?

MR. BALABAN: We support the first two
intervenors and are not asking for a rate increase
but concerned about the agendizing of the fuel
surcharge.

CHAIR DROBKIN: I got glasses for the first
time, and my eyes have still not adjusted. So I
really can't see.
MS. KNAPP: Cheryl Knapp again, Whittlesea Cab and Henderson.

I agree with everyone who has already come up here and spoken, that we have never addressed the fuel charge at the annual discussion of rates. It has always been a separate item when fuel has become an issue.

That order is right now in effect and addresses the actual method in which we determine the price of fuel. And that method is the one we are currently using, which includes the state of California.

I am not prepared to make any allegations -- we are also not supporting any change to the rate structure at this time.

CHAIR DROBKN: So, Mr. James, if you would like to come up. I apologize for the confusion.

MR. JAMES: I would like to come up.

Mr. James, CEO of Frias.

I think this has already been well stated.

But there is a qualitative difference between a review of whether rates should be raised, even if you're talking about the fuel surcharge, and a discussion of changing the methodology by which we calculate the rates.
And the reason we have this West Coast PADD 5 is because by previous order of this Board, it adopted that standard, which is the one that's codified by regulation of the NTA. So it's a pretty major thing to depart from this standard that we've had and that the other state agency that regulates for-hire vehicle transportation uses.

And so I think that should be something that's separately agendized and allow the industry to prepare and to do its own research and submit that to you.

And even if we were going to have this discussion today, we would have wanted to have whatever information that staff is relying on in making this recommendation to you so we can make a thorough analysis of it and respond to it.

And this is really the kind of thing I would suggest that would be the subject maybe of at least one workshop so that the people who are involved can work through this process.

And perhaps if this agency wants to adopt a regulation along these lines at some point, then that would give us more certainty that it wouldn't be changed unless there was a regulatory process. As to the rates, we at Frias are in agreement with
everybody else. We're not asking for a change in the
taxi fares.

I would remind the Board that the Nevada
legislature has approved two legislative sessions ago
a new kind of taxi meter that allows for remote
updating of the taxi meter and does not require the
taxi meter to be unsealed and allows the change to be
done on a computer.

This last session, you know that they passed
another bill that is going to make an even easier
type of a taxi meter. And that taxi meter, which is
manufactured by FTI, is under consideration by the
California Department of Agriculture, Division of
Weights and Measurements for approval. And that's
one of the leaders of the NTEP standards in the
country.

So we'll report back to you. But we hope at
that point in the future when you do your adoption of
technology, that there will be a new methodology for
setting meters and having meters available in cabs.

CHAIR DROBKIN: Thank you. Nellis?

MR. PINO: Jamie Pino with Nellis Cab. We
are not asking for any rate increase. So I won't be
repetitive. Again, I'll support all the other
intervenors.
CHAIR DROBKIN: Thank you. ITPE?

MR. MOFFITT: Apparently, ITPE is the only one that wasn't surprised by this being a review on rates, charges and fees. I don't know if everybody else got the word. We did.

Our feelings are this. One of the main rules of the Taxicab Authority is for the welfare and convenience of the riding public. My question is this. Would it be to the best interest of the riding public if the rates were taken out of California and taken off this agenda for the simple reason that it would make them lower?

If it would be lower and the rates went down in the state of Nevada, that would mean that there wouldn't be a fuel surcharge, which would be for the welfare and convenience of the riding public.

CHAIR DROBKIN: I just want to make a comment back to that. The way fuel is right now, it wouldn't be low enough to take off the surcharge. But I do understand your point. Lucky?

MS. DANTE: We agree with all the other cab owners.

MS. MORAN: Marilyn Moran, Western Cab Company. At this time we're not asking for a rate increase.
CHAIR DROBKIN: I would kind of like to lead this off. Because there was so much confusion, I would like to put the fuel surcharge issue on the next agenda, whatever future agenda it is, to give everyone adequate notice on all sides. I would like to make that the first part of -- does there have to be a motion or no?

MR. SUNGA: No, I don't think there would have to be.

CHAIR DROBKIN: So we don't need to deal with that. Is everyone okay with that up here?

MEMBER COLLINS: Yes.

MEMBER NOLAN: So up to the easy part because no one is asking for anything.

Madam Chair, if we could make some of the information that Kelly had compiled available to the companies for their review before we have that meeting.

And then also, the only thing I didn't hear -- and maybe the information is in here somewhere. I wanted to see what the net effect is. I think that's what everybody wants to know.

Changing from 5 to 5B.

CHAIR DROBKIN: It wouldn't be low enough to trigger that floor yet.
MEMBER NOLAN: At this time.

CHAIR DROBKIN: So who knows if it will or when it will. But it wouldn't change anything as of right now. It would just be more reflective what we're actually paying for gas in Las Vegas.

MEMBER NOLAN: At the point we are going to have that discussion that we kind of know what that net effect is.

CHAIR DROBKIN: The information that we get, is that available to our intervenors?

ADMINISTRATOR HARVEY: Absolutely.

CHAIR DROBKIN: Thank you. Someone want to make a motion?

MEMBER NOLAN: Madam Chair, I would move that we accept the recommendations of the industry. And that under Agenda Item Number 10 with regards to the annual review of rates, charges and fares, that there is no increase.

CHAIR DROBKIN: Okay.

MEMBER NOLAN: Is that all you need for that motion?

CHAIR DROBKIN: Yes. Second?

MEMBER COLLINS: Second.

CHAIR DROBKIN: Any discussion on the motion? All in favor? Motion passes. Thank you.
UNIDENTIFIED SPEAKER: Can I make a comment on the rates?

CHAIR DROBKI: Not right now. We're going to have public comment on a few items, and you can speak then.

Item Number 11. Discussion and possible decision regarding the issue of possible temporary allocation of medallions for the Automotive Aftermarket Industry Week being held at the Las Vegas Convention and Visitors Authority and the Sands Expo from Tuesday, November 5th, 2013 through Friday November 8th, 2013.

MR. KUZIK: Thank you, Madam Chair. Kelly Kuzik, Taxicab Authority.

And we did prepare a worksheet for SEMA last year. The Board allocated three and three for Tuesday, Wednesday and Thursday. This show was Tuesday through Friday. It's always Tuesday through Friday. And last year they gave them three and three. This year they're asking for four and four.

Based on the productivity reporting, we're neutral on this one. It didn't appear there was an over-allocation, but not allocating would likely have not had a tremendous negative effect either way. So we're open to whatever the Board decides based on the
testimony of the intervenors.

CHAIR DROBKin: Thank you. Does anyone have any questions?

MEMBER NOLAN: Madam Chair, I kind of go back to my question earlier today that may contribute to the problem that we had. And that is, do we know what else is happening in town that weekend?

So I don't think we want to get caught like we did last month on any of these events.

MR. KUZIK: I have the entire calendar through 2015, and I did look. There's Apex and then SEMA, which is the aftermarket hot rod stuff. That's a hundred thousand.

But I looked to make sure there wasn't anything else that would contribute, and those are the largest events during that time.

And I do review the calendar all the time to make sure there are no overlaps or anything that would catch us by surprise.

MEMBER NOLAN: Would you contact Las Vegas Events and get their calendar as well? Sometimes they toss up things in there that you may not know about and doesn't end up on that calendar.

MR. KUZIK: Surprisingly, a lot of it does. But I'd be happy to reach out to them and get their
calendar and make sure I'm on their mailing list also.

MEMBER COLLINS: Kelly, do we have an accurate number? Because the convention center is showing 130,000 to the Automotive Aftermarket.

MR. KUZIK: Right. But they're showing zero at the Sands. It's 130 total. That was the same issue last year. It showed zero at one venue and then 130 at the other.

CHAIR DROBVIN: Thank you. I'll allow interventions at this time. A-Cab?

MR. NADY: Jay Nady with A-Cab Company. My question is with Kelly.

Kelly stated specifically that these were not the only two events going on during that period but the two largest ones. We know that. But, in fact, are there any others which are below 30,000 people here, which we have not addressed, which I don't know? I'm just listening to his comments there.

And do I think we need more cabs? I told you earlier A-Cab holds back five cabs during the exact same times as these. Do we need them? I don't think so. Could I probably put them out? Yeah, because it's a really big deal. To us it would be
like adding ten cabs for our company, which would not
pick up the convention centers.

MEMBER HARDY: Why is that?
MR. NADY: Because we are restricted. But I
think we support three or four cabs.

CHAIR DROBGIN: YCS?
UNIDENTIFIED SPEAKER: He had to leave.
CHAIR DROBGIN: Desert?
MR. BALABAN: Good morning again. George
Balaban, Desert Cab Company.

As stated in our intervention, Desert Cab is
asking to have an allocation of extra cabs for this
convention. The convention, as Kelly stated, runs
midweek. And we've asked for the medallions to go
out on Tuesday morning.

And that is because in the past we've
expanded those weekend medallions so that we have
cabs running into Monday afternoon. But they don't
go back out on Tuesday morning. So the industry
loses all those weekend cabs to service.

So on Tuesday morning when this show starts,
last year we decided and presented to you and you
agreed that we were going to be short cabs during
that time. So we put overlapping cabs out on
Monday -- I mean on Tuesday, on Wednesday, and we
didn't overlap them on Thursday because Thursday afternoon the weekend extra allocation starts. So we just put them out on Thursday morning. And that's what we requested.

So we're talking about five shifts: a Tuesday shift, a Wednesday night, a Wednesday day, a Wednesday night, and just a Thursday day shift.

In my intervention for the statistics for my cab company, I don't have them for the rest of the industry, but I think Kelly had them for his presentation.

Those extra shifts show in the high twenties, 30 trips per shift. When we have conventions in town, having those extra cabs for five shifts allows drivers to work on busy days. And it provides service. We're not risking putting a permanent medallion out when it's going to be slow.

I think even if you over-allocate it -- and I don't believe four or five is over-allocating. But if you did over-allocate, it's only for two or three days.

We anticipate that this show and just in Las Vegas in general is getting better every weekend and every month. So we would support four and four rather than three and three in overlap.
And the overlap, which again we've explained and argued to you and the representatives of the convention centers, have been up here. A lot of the cars don't stay out 24 hours. So we have the maximum number out there. Not as many in the morning. Not as many at night. But during the show break, we've got the concentration of them. So that's why we intentionally asked for them to be overlapping.

CHAIR DROBKIN: Whittlesea?

MS. KNAPP: I couldn't say it any better than George did. So I will concur.

CHAIR DROBKIN: Frias?

MR. HICKMAN: John Hickman, Chief Operating Officer for Frias.

I would concur with everything George said and to add testimony with regard to statistics for the special shifts that we put out last year for this event.

The averages as far as trips are concerned were from the mid to high thirties, and book averages were higher than -- were healthy as well.

So we would request the four and four overlapping on Tuesday and Wednesday and four in the morning on Thursday.

CHAIR DROBKIN: Thank you. Nellis?
MR. PINO: I support George. Jamie Pino with Nellis.

CHAIR DROBKIN: Thank you. ITPE?

MR. MOFFITT: I know you're going to be shocked by this. Mr. Moffitt. We don't support any cabs, any extra medallions, until all the medallions are on the street and there's no more blown shifts. We don't know where they're going to get these drivers from. They're going to fill the shifts that you put extra medallions in. If they have enough drivers to do it, then why do they not have enough drivers to cover the shifts they already have? That's our position.

CHAIR DROBKIN: Thank you, Mr. Moffitt.

Lucky?

MS. DANTE: We support the recommendation set by Desert Cab, and we're not blowing any shifts.

CHAIR DROBKIN: Thank you. Western?

MS. MORAN: We support Desert Cab.

CHAIR DROBKIN: Thank you. Who wants to start the discussion?

MEMBER COLLINS: Where do we start?

CHAIR DROBKIN: Probably from the beginning.

MEMBER COLLINS: I'll just make a few comments. I think George really said it best. I
like the idea of having Tuesday, Tuesday night, Wednesday day, Wednesday night, and a Thursday morning shift. That makes a lot of sense to me. This is a peak period. This is a pretty big show involving everything else that's probably going on in Las Vegas.

So that makes sense to me. I would support that motion.

MEMBER NOLAN: I concur.

CHAIR DROBKIN: Being that the numbers were really steady last year, with the addition I agree. Would somebody like to make a motion?

MEMBER HARDY: I would move to approve the request from Desert Cab of four temporary medallions on Tuesday, November 5th and Wednesday, November 6th from 7:00 a.m. to 7:00 p.m. and four medallions from noon to 2:00 a.m. in the 12-hour period, as well as Thursday, November 7, four medallions from 7:00 a.m. to 7:00 p.m.

CHAIR DROBKIN: Do we have a second?

MEMBER NOLAN: Second.

CHAIR DROBKIN: Any discussion? All in favor? Motion passes. Thank you.

Okay. Public comment. Who would like to come up and speak? Please identify yourself for the
record.

MR. SARDENAS: Alfredo Sardenas. There's not much I can say. But it's just the show break, the last two hours, is where there's a need of cabs, not the 24 hours.

I don't know when the Taxicab Authority makes us be bill collectors at the airport. There's a fee of $2 that we have to collect from the drivers. It always goes on our tip.

Usually we take a ride from the airport to any destination on the Strip. Let's say it comes up to $16.90. There's $16.90 and $2 on the side. He sees the $2. Maybe he thinks it's the time of the day or the temperature, and he puts out $20. That's probably a good tip on $18. That guy doesn't reach out of his pocket and give it to us. So those two dollars is coming out of our tips.

Every day we make less and less money. More rides. More cabs. The companies are more into us. And that's something that should probably be taken into consideration. And this is probably the second time I requested it. And thank you very much.

CHAIR DROBGIN: Thank you for the information.

State your name for the record and three
MS. BLAIR: Lisa A. Blair. I have a comment on when I listened to Venetian, Palazzo and Sands. They do not have enough staging area, either one. They have security to stop us from coming in. They hold up the line for the left-hand turn for us to get in there. Two people can go in. Two cars. And then to get in there to stage is only 15, 20.

So I don't understand what they're complaining about because they need to make a better staging area for the taxis. And it's also very accident prone in both areas.

CHAIR DROBKIN: I usually don't comment on that. But we are working on that. We are working with them. And if you can give us a few months, things should start being fixed there.

MS. BLAIR: They wave them off to get out of there. And I just thought that was inappropriate that they don't have cabs. There's a reason they don't have cabs.

CHAIR DROBKIN: We're working on it.

MS. BLAIR: Thank you.

CHAIR DROBKIN: Thank you for participating.

I haven't seen you before.

Who else would like to come up?
MR. VILLALVA: Omar Villalva, O-m-a-r, V-i-l-l-a-l-v-a. I have a suggestion. Instead of putting the extra medallions, why don't you just help this man right here and make him pick up every else on other events.

CHAIR DROBKIN: Who else would like to come up and speak?

MR. GREMA: I am Achim Grema. For a while I'm in the industry, and I understand the process. Around the convention when it's breaking down the convention, it's very hard to go to the convention.

We go to pick up. We go to the Riviera. The Taxicab Authority, they are not over there to help us. The police is not over there to help us to make the order. They are over there to write the tickets for us.

Mr. Balaban wants to put more cabs. What are you doing for the driver who gets a ticket because they're not allowed to park? What are you doing for the driver when they get the tickets and pays that amount of money?

They make the money. The Taxicab Authority makes the money. Everybody makes the money. The driver, what are they? The modern slave. Why make so much cabs for so many people who come here to work
in a place where they are and a place like Nevada
that can't like where we live? The Authority and
everybody, they are not helping us. Everybody is
over us.

When there was the fight in MGM, there was
only limo drivers. We want to help with all our
heart, but for this we're out. Nobody give a damn
for us. What can we do? We have a family. We have
everything to support like everybody have between us.
But for us we don't have the support. What can we
do?

Many, many times, especially on Paradise
Road, I don't know what kind of problem is between
road working and the convention. Many people said
because there was some big fighting for a long time,
somebody can investigate about. It's only one line.

CHAIR DROBKEN: Your time is up. But I want
to respond to you. And I want to respond by saying
that this Board has been working on it. It's not
really well communicated for a reason. We've been
working on helping with staging and other ways to
make it easier for you guys to pick up passengers.

We've been working on it. It's a
complicated issue. It has a lot of problems. And
we're taking it step by step for you to be able to
pick up the passengers safely and additional stages.

I appreciate it.

MR. GREMA: And also restricted. We're not allowed on the south and the west.

CHAIR DROBKN: You were allotted three minutes. I let you go a little bit over. I appreciate your comments.

MR. GUTIERREZ: Allesandro Gutierrez, G-u-t-i-e-r-r-e-z, Jose. I just want to comment.

It looks like you guys are going to look at our life the way we live. Work, go home, slave. Think about us. We need some support. Somebody look at us. We are glad to work for the people. That's fine. But we've got a lot of problem with them.

There's a lot of issues about us and about the Venetian. I worked there two years already. They let us in. We've got to get out. There's going to be an accident. The security guard right there, they think they are the owners of the Venetian yelling to the people.

You guys need to take a look at it, how we live out there. Just watching our life. We need somebody to see we are like a slave. It's not a problem. We're working fine. We do these things for a long time just fine.
CHAIR DROBKIN: Anybody else would like to speak?

MR. MENGSHA: M-e-n-g-s-h-a. First name, E-y-o-b. I've been driving since '97. The way they come up, the average $400 on the weekend, I should be retired by now.

The convention time, especially on the Sands Expo and certain hotels, you don't see me at all. The airport I don't work. The reason is most of the time the doormans (sic), they love to have the limos in there. The doormans, they got a connection with the limo. So they block the whole street. And we can't go in, and we can't go out.

So we got in trouble. We're going to make an accident. We got really frustrated. So we're going to get a ticket for that. No one is going to give us an excuse. So please come and see the driver, what's the problem they have.

And my suggestion is, I don't know how it works, but give them a medallion for the convention itself and let them deal with it. Restricted cabs, they don't work in the city. They work on the Strip. Let us work in the city and let them work on the Strip.

CHAIR DROBKIN: Thank you, sir. Anyone else
would like to speak? Anybody else want to speak
during public comment? Okay. Thank you.

Item Number 15. Staff report. I understand
we're not doing the swearing-in ceremonies.

ADMINISTRATOR HARVEY: We are not. Madam
Chair and Board Members, I have a couple updates for
the Board and the industry. We're going to postpone
the swearing in for our next meeting.

But I do want to introduce our Management
Analyst, Annette Watson. She is here today. Welcome
her to the industry.

The Taxicab Authority has ordered
replacement medallions. We anticipate a release of
the medallions.

We are in the process of recruiting for the
seven new positions approved in the legislature.
Those positions include deputy administrator, two
administrative assistants, vehicle inspectors, a
dispatcher, and compliance enforcement investigator.

We have ordered replacement vehicles, which
we have also received funding. And we expect to have
those at the end of the year. How many did we order?

23?

CHIEF AQUINO: We ordered 12 inspector
vehicles and nine other vehicles as well.
ADMINISTRATOR HARVEY: We identified a site and are working with State Buildings and Grounds to finalize a lease. If we are successful in signing a lease, it will be three to four months before we move. So I will have more information at the next meeting.

MR. KUZIK: Kelly Kuzik, Nevada Taxicab Authority. I have stats.

The numbers for August were essentially flat for the same August of last year, which is better than a decline.

And the only other thing that we have is, I handed out a schedule of upcoming events, larger ones. And the reason we did that this time is through April, all these events in previous years have come together. Some of them are not anymore.

So what we did is put the events. And if they're the same color code with white or gray, that means they're coming together or separately.

I put the dates, where the primary location is going to be for the event, the approximate attendance, and then whether staff believes it should be placed on the agenda. Most of them were neutral. World and another event used to be together, and now they're separately.

So I wanted to present this to the Board to
give you the opportunity to decide which events you'd like to see agendized. And then we'll do the worksheets that I normally do for whichever events you feel should be put on the agenda. Any questions?


MR. SUNGA: For the first time, there's nothing to report. It's probably a good thing.

CHAIR DROBKIN: I'd like to take a five-minute recess before we do the driver appeal.

(A brief recess was taken.)

CHAIR DROBKIN: We're back from our extended recess, and I apologize. Item Number 17. Driver Appeal, Achim Grema. Mr. Sunga?

MR. SUNGA: Appellant first.

MR. GREMA: Good morning. I appreciate you taking the time over here this morning. Before I start, I would like to apologize for my English. Originally, I contest the citation. What the officer accused me of was false. I was pulled over by a TA officer who wrote me a citation. It was speculative. I was within my scope to pick up a passenger on the Mirage property.

As you can note by the case file, the judge that presided over my case unfairly considered three
charges that were not presented in the opening
statement for my hearing. Two charges actually. I
believe that was beyond the judge's rights to do so.

I ask that you take into consideration the
court manuscript and understand that although I may
not elaborate the English language, the officer
charged me on unjust grounds. If possible, I would
like to request that your board do an investigation
of the location. Thank you for looking over my case.

MR. SUNGA: Deputy Attorney General Ryan
Sunga for the case.

I was the prosecutor on this case. I
believe it was back in June.

And if I could just at the outset, I would
like to read the standard into the record. That
petitions for appeal must set forth the ground or
grounds on which the appellant considers the rule to
be unreasonable, unlawful, erroneous or not in
conformity with the law.

On the date in question, the investigator
wrote Mr. Grema two citations with two different
offenses on each citation, for a grand total of four
offenses.

The investigator testified that he was
traveling southbound. The investigator knew that he
was traveling southbound on Las Vegas Boulevard approaching the Mirage when he saw the appellant make a lane change from the Number 3 travel lane to the right to the Number 4 travel lane against the curb in order to load some passengers on Las Vegas Boulevard.

And so the investigator pulled over the driver at that point for a number of reasons. One, because cab drivers can't pick up on Las Vegas Boulevard. That's illegal. Two, for the unsafe lane change.

When the investigator made contact with the driver, he noticed one more thing. That is that his trip sheet wasn't filled out completely either. So there was another offense there.

So he had a grand total of four offenses that were written by the investigator. One was for loading on the Boulevard, which is illegal. Two, for jeopardizing the safety, comfort and convenience of passengers by loading them on the Boulevard because, as the investigator testified, there's a risk that you could get rear-ended because drivers aren't expecting a parked car to be right there on the Boulevard loading passengers into the car. And you run the risk of a rear-ender, jeopardizing the passengers that he's loading. As well as the trip
sheet, which is the third one. And then jetting over to pick up passengers on the Boulevard.

Now, at the time of the hearing, the investigator testified as to what he saw. And then Mr. Grema admitted that he bypassed the taxicab stand at the Mirage and loaded on the corner of Las Vegas Boulevard and Mirage Road. Now, that's in the transcript on page 29, line 15. That's where it starts.

And he goes on until page 30, line 12, admitting that he bypassed the taxicab stand all together and loaded there on the corner of Mirage Road and Las Vegas Boulevard.

What does that do? Well, that changes the facts a little bit because the charge was loading on the Boulevard, a violation of NRS 706.8845.9.

Now, since he admitted that he loaded albeit on Mirage Road, that's still a violation because if you are on a Strip property that has a taxicab stand, you have to go through the rotation of the stand and then pick up.

Well, he testified there on page 29 that he went into the Mirage, took a look at the stand. There was way too many cabs there. He said he didn't want to wait for it. Then he started exiting the
property and picked somebody up on his way out of the property.

I asked to amend the charge from a Boulevard pickup to an actual property rotation charge. And substantively what that did was, it changed the fine. It would have been a $350 fine. It changed it down to an $80 fine because it's a different subset of the fine schedule. So he admitted that he did that.

Now, it's still a roadway and, therefore, still an unsafe pickup. If anybody has been to the Mirage and you're leaving there to go to Las Vegas Boulevard, that Mirage Road is a busy roadway. And people aren't expecting people to suddenly stop to pick up passengers there.

Therefore, the safety, comfort and convenience statute still stood at that point. So I amended it, but it didn't change the facts too much. In fact, it changed them in his favor in terms of the fine.

Then with regard to the trip sheet, if you look at the transcript on page 30, lines 20 and 21, he admitted that his trip sheet wasn't filled out. You have to keep a complete and accurate trip sheet. And at this point, he had loaded these passengers and didn't notate it on his trip sheet.
And the investigator testified or he even testified -- they both testified that that's usually the case because when they're loading a roadway like that, they don't have time because you're blocking a roadway and you need to get out of there. So they usually don't fill out their trip sheets properly when they're making those illegal pickups.

So he admitted he did an illegal pickup and admitted that his trip sheet wasn't filled out. And then specifically on page 31, lines 12 through 20, he admits that he didn't fill out his trip sheet because he had loaded in the roadway. And like I said, based on his admissions, I amended the charge.

And then this hearing took a long time. It was probably the longest hearing that I've ever had at the Taxicab Authority and in my years of prosecuting these cases. There was some controversy at the hearing regarding some pictures -- and I believe they're in the transcript there -- that the driver brought to this hearing.

And if you'll notice, those pictures have some pen markings on them in the middle of one of the pictures. What the driver wanted to say at the hearing is that the officer fabricated this whole thing. "I wasn't even in that area. Here's a
picture of my car that night. I wasn't even in front
of the Mirage. I was several blocks down at the
MGM." I guess as a means to somehow implicate the
investigator wasn't credible or something. I don't
know why he did it.

But then as I looked at the pictures and as
the investigator looked at the pictures, we noticed
that these markings were actually made by this
investigator at a previous hearing for a separate
ticket. Now, this hearing took place months and
months before this hearing did. So, in other words,
the driver tried to take these pictures to implicate
the investigator somehow.

But those pictures weren't even taken at
this situation. These pictures were taken at a
different location where he was cited on a different
event that had already gone to hearing. And those
markings were made by that investigator at that
hearing. He was trying to pass them off at this
hearing for this event, which it wasn't because the
investigator's markings were on the old pictures, and
he recycled them for this hearing.

Then the driver got into some -- although I
didn't understand completely. He used the word
"revenge" a lot. That this investigator somehow
wrote this ticket to get revenge on him for a
previous citation, which he had been found to not
have a violation on. In other words, there was a
previous violation, and the hearing officer didn't
find enough for the charge and dismissed that one.
He was trying to say that was revenge for that one.

But then looking at the dates, I had the
investigator look at the dates of the citations. And
this citation was written before that other ticket
even went to hearing. So it couldn't have been
revenge for that hearing. It hadn't happened yet.
You can take a look at that whole exchange. It's on
page 40.

But in any event, it would be a real stretch
to say that a hearing officer's decision was
unreasonable, unlawful, erroneous or not in
conformity with the law when the driver came in and
admitted these offenses in the first place. You
can't say that she's wrong when he came in and
admitted that he did them.

He just for some reason felt that he
shouldn't have been ticketed for them. And I'm not
still all together sure what those reasons are. But
at the end of the day, she found that he had violated
NAC 706.543.3, rotation of the stand, which he
admitted that he did. He admitted that his trip
sheet wasn't properly filled out because he had
loaded in the roadway, a violation of 706.8844.3.
And then pursuant to the investigator's
testimony, by loading in the roadway and having
traffic stop, he endangered those passengers that he
was loading because of the risk of a rear-ender. She
found that he had violated NRS 706.8845.12, safety
comfort, and convenience.
And then also she found that he made an
unsafe lane change to get over to pick these
passengers up, a violation of NRS 484B.223, for a
grand total of four violations, the facts most of
which he had admitted to anyways.
Now, with regard to the fines, this
particular driver has an established pattern of
conduct to where there was four offenses here, all of
which were either his third or fourth offense within
the last 12 months.
So there was an $80 fine on the rotation
charge because, like I said, I had amended that one.
It was initially a 706.8845.9 charge that would have
been $350. And since I amended it, that went down to
$80. So she fined him for that.
For the safety, comfort and convenience
charge, the Taxicab Authority had recorded in their records that this was a fourth offense within the last 12 months for a $350 fine on that.

With regard to the trip sheet, that was another fourth offense under the 8848 penalty phase for another $350 fine.

And with regard to the unsafe lane change, this was another fourth offense for another $350 fine under the 8848 penalty phase.

The Administrator has a fine schedule where he has the fines that he wishes meted out on first, second, third, fourth and fifth offenses. And that fine schedule is sort of loosely based on NRS 706.8848, which sets forth the maximums which the Administrator can give on first, second, third, and fourth offenses. And this is the NRS 706.8848.

For the first offense, you can give either a warning notice or a fine of not more than a hundred dollars or both, a warning and a fine.

For a second offense, you can give one to three days suspension of a driver's permit or a fine of not more than $200 or both suspension and fine.

On third offenses, four to six days suspension of a driver's permit or a fine of not more than $300 or both a suspension and a fine.
And this is operative here because these were fourth offenses. Fourth offense, ten days suspension of a driver's permit or a fine of not more than $500 or both suspension and fine.

And fifth offense is revocation.

So the fine schedule that the Administrator put out falls significantly below the maximums set forth in 706.8848. And these being fourth offenses, the Administrator could give in its discretion a ten-day suspension or a fine of $500.

And the Administrator chooses in these cases to forgo the suspensions. He feels that would be too punitive, taking him off the street and taking away their abilities to make a living for ten days, and imposes a flat fine of $350, which is $1850 below the maximum he can give out for these kinds of offenses.

So there was four finable offenses here. Three of the four were fourth offenses, which were $350, which could have been fines and suspensions. And the other one I amended down for him from a $350 fine down to an $80 fine at the hearing.

So it would be a stretch to say it was an error of the law when he admitted them. And as to these fines, they are proper. Given the latitude and the ability to give him suspension and a fine, the
judge chooses only to give a $350 fine.

Like I said, the reason why these are fourth offenses is because this particular driver has an established pattern of conduct. He habitually avoids the cab stands. He doesn't like to wait in line in the cab stands and ends up picking up passengers away from the cab stands. Like in one, loading on Las Vegas Boulevard and blowing the cab stand all together by his own admission and blowing the cab stand rotation and looks for ways to do that. And that's where it's his fourth offense, and that's why the fines are what they are.

MEMBER HARDY: Before you go before the hearing judge, do you submit a brief? Or how does that work where you set forth, these are his first, second, third, or fourth offenses?

MR. SUNGA: In terms of the offenses, those are contained in the driver's file by the Taxicab Authority. And, yes, they're part of his driver's record.

MEMBER HARDY: Because we only did get the transcript.

MS. ARGUELLO: And the hearing officer doesn't know about his driving history until the hearing, whether he's guilty or not. So that doesn't
affect her ability to render a fair decision, if that makes sense.

MEMBER COLLINS: Yes, it does. Thank you.
MEMBER HARDY: That was it.
MR. SUNGA: That's all I have.
CHAIR DROBKN: Sir, would you like to respond?

MR. GREMA: I find the only way I know to understand because I'm so guilty, ready to be killed for something that I'm exactly not doing. All the time I'm a member for the old people. I'm a member for the school. This nice young lawyer tries to put me so down to not believe what exactly is the truth.

The fabrication was by the officer. I give the picture. We'll start with this one. The officer was in this car and write me a ticket in this car. This picture I marked myself, which is the first time I made the contact with the officer. And down is where the officer asked me if I picked up on the Mirage property.

With the rotation of the stand, I do not rotate the stand. I want to go out from Mirage. I want to go out from Mirage property. It was 1:00 o'clock in the morning or 1:00 something in the morning at night. It was nighttime. Not daytime.
It was nighttime. I want to go out from Mirage.

Three people came out from the door of Mirage facing Las Vegas Boulevard facing Harrah's. And they see me because another few cars in front of me was asking me if I can pick them up. I wasn't at the stand. At the end of my day, I said yes, and I pick up the passenger who was asking me if I want to give service to them. I said yes. I was by myself.

There was two cars in front of me or three cars in front of me, not cab. The officer maybe stays somewhere in the dark hunting us across the street. He made a U-turn.

Because I'm asking him for evidence for everything, and he can't offer to me the evidence. And I get a citation for everything that he's writing so nicely. And it's not even. The trip sheet, I don't even have time to write Mirage for customers.

Please. He's asking for a trip sheet. He's not asking for the trip sheet. My trip sheet was signed Mirage, three passenger, the time.

On my statement I give the receipt, how much it was, and the time that I pick up. The trip sheet it's not. Violation on the road it's not. If you want to consider it a violation on the private property on the Mirage and a safe place, not the
stage, because I go out from the stage. I'm not cheating nobody. I just pick up like everybody can do that. This is our job. This is what I said before.

Because if the people are working for a while, they know exactly what to do to go out if there's so many cabs staying in line. Because the people working for them know what they're doing. They go not to be involved on the traffic. We're working for the company, and the company gets the advantage. And on top of everything, the TA gets the advantage.

CHAIR DROBKin: Mr. Grema, I'm going to interrupt you and remind everybody, and especially you, that we have a very narrow parameter for this appeal. We're not here to relitigate. Do you understand?

MR. GREMA: Yes, I understand. But everything is the fabrication of the officer.

CHAIR DROBKin: I understand. But we have to look at what you presented and what was presented on the State's side as well. We have a very narrow scope right now, what we're tasked to do. Does that make sense?

MR. GREMA: Okay.
CHAIR DROBKIN: Do you have anything else to add that's on topic, related to your defense?

MR. GREMA: No. I picked up on the property of Mirage in a safe place.

CHAIR DROBKIN: Does anybody have any questions?

MEMBER COLLINS: I would just say a couple comments here, Mr. Grema. The Board here is a very compassionate board. We like to be able to make the right decisions.

The issue that I have is, we're looking at fourth offenses here. So to me there's a pattern. And it looks like in some of the State's argument, these fourth offenses kind of sets precedence that some of this activity has been done over and over again.

So from a credibility standpoint, I have a hard time believing the overall story. I think in that respect, if it was a first offense, I think it would be a different issue. But we're talking about multiple offenses here on most of these charges.

MR. GREMA: Because the officer is the one who stays outside and terrorizes us.

CHAIR DROBKIN: The officers are doing their
job. I am sympathetic to the lack of infrastructure
for you guys to do your job, but the officers are
tasked with a very difficult job of having you guys
follow statutes. They're understaffed, and I commend
their efforts.

But I do understand your plight on how
difficult it is to get passengers to be able to pick
up, and we are working on that right now. We do have
laws, and they have to be adhered to.

MEMBER HARDY: I would just note, I read
through the entire transcript before the hearing
judge, and we've heard your opening argument, the
State's, and your other comments.

And to me, going back to our standard of
review, as our Chair pointed out and as the State
pointed out, our review is pretty limited. And
nothing I've seen in the record indicates that the
order below was unreasonable, not in conformity with
the law, unlawful or erroneous. So I would move to
uphold the hearing judge's decision in its entirety.

CHAIR DROBKN: I'll second. Any discussion
on the motion? All in favor? Thank you, sir, for
participating. I appreciate it.

There's really no public to be left, but
keeping with our agenda, public comments? Motion for
adjournment?

MEMBER HARDY: So moved.

MEMBER COLLINS: Second.

CHAIR DROBKN: All those in favor? So moved.

(Thereupon the proceedings were concluded at 11:51 a.m.)

* * * * *
CERTIFICATE OF REPORTER

STATE OF NEVADA )

SS:

COUNTY OF CLARK. )

I, Jane V. Efaw, certified shorthand reporter, do hereby certify that I took down in shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated; and that thereafter said shorthand notes were transcribed into typewriting at and under my direction and supervision and the foregoing transcript constitutes a full, true and accurate record of the proceedings had.

IN WITNESS WHEREOF, I have hereunto affixed my hand this _____ day of ____________, 2013.

___________________________

Jane V. Efaw, CCR #601
Board Meeting Minutes
October 8th, 2013

** NOTE:

The Minutes from October 8, 2013 Board Meeting were recorded and transcribed by Jane V. Efaw, CCR #601.

Respectfully submitted by:

Barbara A. Webb, Recording Secretary  11-13-2013

Approved by:

Iliana Drobkin, Chairman  11-15-13

Charles D. Harvey, Administrator  11/3/13