



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
TAXICAB AUTHORITY

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DENNIS NOLAN  
DEAN COLLINS

BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY  
BOARD MEETING AND PUBLIC HEARING MINUTES

January 28, 2013

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, January 28<sup>th</sup>, 2014. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 9:30 A.M.

Present were: Chairman Ileana Drobkin, Member Josh Miller, Member Joseph Hardy, Member Dennis Nolan and Member Dean Collins. Others present: Charles D. Harvey, Administrator; Legal Counsel, Ryan Sunga, Deputy Attorney General; Ruben Aquino, Chief Investigator; Christine Guerri-Nyhus, Senior Deputy Attorney General and Recording Secretary, Barbara A. Webb.

1. Call to Order –

Chair Drobkin called the meeting to order at 9:30 AM.

2. Pledge of Allegiance to the Flag

Pledge of Allegiance to the Flag was led by Member Dennis Nolan.

3. Compliance with Open Meeting Law

Administrator Charles Harvey stated that we are in compliance with the Open Meeting Law.

4. Public Comment

A presentation of a Certificate of Appreciation was made by Administrator Harvey and the Board to Yellow/Checker/Star cabdriver Gerardo Gamboa for his professionalism, honesty and outstanding customer service for returning a bag he found in his cab that he thought was a bag of chocolates. After he returned it to his company, he found out it was a bag that contained stacks of \$100 bills totaling \$300,000.00. The rightful owner was contacted, proved it was his money, and the bag of money was returned to him. Mr. Gamboa received a generous reward and recognition from his company and the media all over the world.

Corky Gowans from TaxiPass stated that he had met with Administrator Harvey to explain a new meter and has approval for a pilot program for a new cab meter – DT-5. He stated he would like to come back in February to make a full presentation to the Board and the companies. He stated that Desert Cab is willing to put 5 units in their cabs if the Board approves.

Steve Lanett, Whittlesea driver, commented that the signage at the airport is a step in the right direction. Tourists need to notice the signage and let the cabdriver know that they have read it and know how much the fare should be. He said that being placed in the right area is extremely important.

Sam Moffitt, Yellow cabdriver, thanked the Board for putting the fuel surcharge on the agenda for discussion. He stated that fuel surcharge is determined when the cost of fuel is more than \$3.25 per gallon. He stated that 2 of the largest cab companies run on alternative fuel. He commented that if the Board does not know what these companies are paying for their fuel, how can they determine if they qualify for the fuel surcharge.

Lisa Blair, Vegas-Western driver, commented that she feels the meter should be kept and raised and does not want any more cabs on the road. She said that she worked during CES and that it took forever to get from place to place; at the SHOT Show it took 20 minutes to pick up someone. She said a plan is needed, not more cabs. She said because of the difficulty in getting to and from the conventions because of traffic, the cabs will stage at the hotels instead. She thinks a system for cabs only should be thought about. She also commented about the \$3.00 Service Fee on the credit card machines stating that a lot of passengers think it's the driver's tip.

Chair Drobkin told Ms. Blair that she would like to speak with her regarding the infrastructure that the Board is trying very hard to change.

Bill Shranko, COO, YCS, commented how the articles regarding Mr. Gamboa in the RJ by Tim O'Reilly and the Sun by Rick Velotta went worldwide. He feels it is one of the warmest things that have happened all over the world. He said that it was something very positive and put "good" on the map.

Jay Nady, A Cab owner, stated that he had gotten calls from LVCVA to pick up people but they are not allowed to pick up there.

Public comment was closed.

\* 5. Approval of the November 15, 2013 Board Meeting Minutes

Motion:	Approve the November 15 <sup>th</sup> , 2013 Board Meeting Minutes
By:	Member Hardy
Seconded:	Member Collins
Vote:	Passed unanimously

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

Ms. Soto stated that they had good service during Cowboy Christmas. They had their first meeting with company supervisors and received a lot of feedback for better service. She stated 2 northbound lanes in front of the Wynn were restricted due to work in the median area during the opening day of CES which created a lot of delays leaving 300+ people waiting 25-30 minutes for a cab. World of Concrete – there was a steady flow of cabs thanks to the supervisors at YCS and Frias who kept the traffic flowing. International Builders' Show and the Kitchen & Bath Industry Show are in this week. ConExpo is coming in March. She also handed out a list of upcoming events.

She thanked Chair Drobkin for her help during CES with her contact with Clark County and the water company. Chair Drobkin commented that when she contacted the water company they said it wasn't them. She said that thanks to Commissioner Ross who helped shut down the construction.





7. Discussion with Chris Anderson, Transportation Manager, McCarran International Airport.

Chris Anderson did not attend.

Harry Waters, Deputy Director at McCarran, stated that he has changed positions and wanted to introduce his replacement who is Freddy Kirtley. He also stated that the taxi service for 2013, in December, was up 4%. He said that overall, they loaded 3.5 million cabs in 2013 which was 6-1/2% over 2012. So far 2014 is up due to CES.

8. Discussion with Larry Montoya, Security Manager, Sands Expo, regarding recent taxicab service.

Larry Montoya did not attend.

\* 9. Discussion and Possible Decision regarding Fuel Prices and the Fuel Surcharge regarding the removal of California from the Index.

Kelly Kuzik made his presentation. The surcharge using what is currently the pad 5 which includes California, it also has Alaska, Hawaii and other southern states in it. What we're requesting is that the standard be moved from pad 5 to pad 5B, pad 5 bravo, which is all the same states except it removes California. I've created a bunch of charts and graphs that I included in your packet. The reason we're bringing this up again is that for a benchmark, standard trigger point for it, to have legitimacy, it's got to be an accurate representation of what it is you're using it to measure or measure against. At this point, none of the operators are paying that pad 5 price. The pad 5 bravo's closer, but the pad 5 price is just within 30 to as much as 60 cents difference from what we're paying in Las Vegas. And that's why we've asked to have the matter put back on the agenda so that we can at least get a little closer and add a little more legitimacy to the standard for using the current benchmark.

Member Miller: Someone, during public comment, someone asked whether the price of propane or natural gas was ever considered. I remember when we put this into place, but this has been a long (inaudible) of how the price of propane or natural gas comes into play because we do have (inaudible). Have we ever considered that? I would think that would be rather complex too, and it would be a significant capital investment up front.

Kelly Kuzik: We have. I've done some of that research. One of the things that a lot of people forget, or may not know, is when you're using propane, natural gas, even alcohol, you have to use one and a half to sometimes twice as much as you would gasoline because of its volume metric inefficiency. So even if they're getting a huge break on it, they have to use twice as much in the summer because of the way that gas expands and -- I'll spare you all the science. But when we did the research a while back, it winds up being pretty close to what the people are paying for gasoline considering you have to use twice as much of it. So we have looked at that.

Chair Drobkin allowed interventions.

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.





George Balaban, Desert Cab Company. We oppose changing the system right now. When we set the benchmark we knew what the benchmark was. We knew that included California. And, again, we've known that all along and I don't understand how far away it is from what we pay, how that's relevant. It was that far away when we set the benchmark. It's that far away now. The other thing that concerns me is that at the NTA, they are using the regulation as the exact same benchmark. So we have that benchmark over there (inaudible) what we use here for setting our tariffs (inaudible) now we're going change it? The fact is companies are under the NTA and the TA. It just seems to me that we know what that gap is, we can take that into account, as we're deciding to take off the fuel surcharge or leave the fuel surcharge on. So I would be opposed to changing it. We've been using it this long, we budgeted using it. I mean this is the way we've been doing our business. It is correct to say that that is not close to what we pay. And as far as the propane, the natural gas and all that, that's completely (inaudible). We would like it to stay just the way it is because that's how we've been operating. That's how we've been budgeting.

Member Hardy: I guess the issue to me really is that we're using a benchmark that everyone, the staff, the companies, etcetera, admits doesn't really apply to what you all are actually paying here. And so I guess do you have -- other than the TA uses what we're currently using -- is there any other argument that we should keep using what to me seems to be a number that isn't the reality of what's happening here in Nevada?

George Balaban: Well, I don't. The only explanation I would have is that, again, when we adopted this benchmark, it had a spread in it as well. So when we picked it we were below it, knowing that. So if we picked the benchmark of \$3.50, with what the fuel price was, we were probably paying gasoline at \$2.80 in Las Vegas. The benchmark was at \$3.40. So in essence, to reverse it now basically doesn't make any sense. I guess where I'm -- if the spread was 60 cents now and there was no spread back when we adopted it then I'd understand your logic. But the spread has been the spread and California has always been higher than us and this is where the spread had been set and we took that into account when we were picking the benchmark price.

Member Hardy: Do you recall why it was determined to use the pad 5 at all?

George Balaban: I don't remember if the NTA had already adopted it. I believe a couple of the companies have a little bit more of the research.

Marilyn Moran, Western Cab, supports Desert.

Jay Nady, A Cab: In my response I said that I agreed that we should change it, but I misread the way it was presented, which was kind of uncommon for me to misread things. But George put together a good point. When we first did this, we realized that California was in it and that California had paid more taxes and their fuel was more expensive. And because of that we set our trigger point substantially below it. I really don't care if you pull California out. But then you have to address the trigger point also, as to where it's (inaudible). As long as you do that, which is much work, it doesn't make any difference because the trigger point is already marginally higher (inaudible). As long as you address both of them, it doesn't make any difference to anybody really.

Bill Shranko, YCS, said he'll refer comments to Whittlesea Blue, but retain our right.





Cheryl Knapp, general manager, Whittlesea Blue Cab and Henderson Taxi: I am actually going to have to agree with Jay Nady. And I really want to make sure that's on the record. Because it is a valid point that needs to be stressed again, that if you are going to change the index that we're using, then you also need to change the trigger in accordance with that. So frankly, I think that if you're doing that it's six of one and half a dozen of the other. Having it consistent with the same formula that is used by the NTA, a sister agency of yours, I think just makes sense. This is the same formula that we've used since the very first fuel surcharge in 2005. I just don't see any reason to change something that isn't broken. With regards to a few of the comments that were made with regards to alternative fuels, compressed natural gas is a huge expense on the part of the operator. Our initial expense was a minimum \$12,000 to convert the vehicle. And Kelly Kuzik was very apt in his research with the efficiency of those fuels in comparison to gasoline. So to assert an opinion that operators that are using alternative fuels, for the sake of the environment, are doing so at a profit is foolhardy and uninformed. So I'll be happy to address any comments or questions from the Board.

Chair Drobkin: Anybody have anything to ask? There were no questions.

Desiree Dante, Lucky Cab: We support the argument as presented by A-Cab and Whittlesea.

Neal Tomlinson on behalf of Frias: We support the existing fuel index for several reasons. And we also agree with Jay Nady. Back in 2011 when this Board had several hearings about the index there was a lot of discussion about pad 5 and different variations of pad 5, as Kelly mentioned. And we had lots of discussions about how to adjust the floor and the ceiling, based on that. And there was substantial discussion and testimony about it. And if I remember right, Member Miller was the one that suggested that we adjust the floor and ceiling. And that's what the Board ended up doing. So we do support the existing index. And part of this too is that Frias has relied upon this index for many years. Like Cheryl says, it's been in place at least since 2005. I think it was actually in effect before that. But we relied on this for our business planning, for our budget bargaining, negotiations. I mean this was the index that's been set for many years. And so the companies relied on that for all their business planning, budgets, so we support keeping the index the same. With respect to the NTA regulation, the NTA held regulation workshops back in 2010. And they adopted regulation LCB file number R111-10 on December 16, 2010, which sets forth the same pad 5 (inaudible) index (inaudible). And in that regulation (inaudible) modified NAC 706.3555. That specifically was one of the discussions that we had back in 2011 with this Board, was to maintain some level of consistency with regard to the index. But as a result of those discussions, that's why the floor and ceiling was adjusted because the floor and ceiling is not the same as NTA, but the index is the same. And it's the same for good reason. So we would support keeping it the same.

Richard Segerblom for ITPE: We support staff, but more importantly I think it's important to go back and look at 2011 and what was the gap between Las Vegas and California and has that significantly changed since then. It's one thing to say we want to keep that range, but if it's 10 cents or 20 cents a few years ago and now it's 40 or 50 cents then that does (inaudible) out of line. And in fact we'd like to see (inaudible) go back and revisit the whole price adjustment and then start again, use the current level or base (inaudible) benefit from the (inaudible). So to go back to the basic question, we support the staff's recommendation.

Marc Gordon, general counsel for Yellow/Checker/Star, also Bill Shranko, Chief Operating Officer: I would just like to say first of all, Yellow/Checker/Star supports the industry position today. There's a lot of collective knowledge and experience in this room with fuel surcharges. I was not in the industry when the last one was passed, but from what I heard and read and researched there were a lot of compelling arguments for why California is in that index and why that index was chosen. So we would like to align





ourselves with the rest of the industry. And I'd like Mr. Shranko to make some points that he knows about from his history with this issue.

Bill Shranko: Of course, I'm agreeing with Whittlesea's presentation. Sometimes there are people that are concerned with the environment -- and we have been for over 30 years, and even Milton Schwartz's company in Cleveland was given a national recognition by the president many years ago for environmentally safe. It wasn't tricks and gimmicks that we did this for. With respect to the founders of our company, they absolutely, legitimately felt that the environment needed to be addressed and they decided to take monumental steps. And I appreciate Mr. Moffitt's comments because he has been through tough negotiations with us and he realizes that the cost of propane exceeds the regular unleaded gas concept. And as Cheryl mentioned her astronomical costs for the conversions initially and with propane it's even larger because the initial building of the pumps and then the conversions that we have. But in exchange for paying an awful lot of money, we have taken millions of tons of particle matter out of the air to make Las Vegas what it needs the most, a much cleaner city. We also want to let you know that not only that the NTA are keeping that rate, there could be different adjustments. You'll recall when you originally passed for the fuel increase it was Yellow/Checker/Star that reminded everyone that you're going to have to have at least a 30-day -- you adopted that proposal standard to even consider taking it off. So we do support Whittlesea and the rest of the industry.

Member Miller: I distinctly remember this discussion in April 2011. At the time, our average was -- I think we were looking at this new index that was below the threshold that we set. So we were looking at a particular index and we selected the \$3.25 index so that the fuel surcharge would go into effect immediately. So going back and revisiting which index (inaudible) should certainly include (inaudible) the threshold or just leaving it where it is. As far as the spread, obviously (inaudible) I mean it's a little hard to tell with these graphs, but it looks like it might have been around 40-cent spread (inaudible) the largest time frame -- I mean there was like a spike in one month of maybe 50 cents. It got higher than that, but 50 cents and now it looks like it's about 35 cents. So it doesn't look like the spread has changed too significantly. I'm open to looking at a new index. We just need to change the thresholds, which seems like a fair amount of analysis that needs to be done. We should do more than just eyeball a spread. We should probably do some deeper analysis. So I would not support a change of the index at this time.

Brent Bell, Whittlesea: I just want to remind everybody the spread just got (inaudible) California.

Member Collins: Just for me, I agree wholeheartedly with Member Miller and his synopsis. I don't think we should actually do anything at this point.

Member Nolan: We know what the consequences of making a change at this point (inaudible) disrupt business for the different providers at a minimum. And if nothing else the quagmire for NTA is going to have an agendized discussion on this. And we don't know what some of the unintended consequences of making the change at this point in time. And so I would support Mr. Miller's suggestion of not doing anything at this time, but also I believe that he's correct in (inaudible) price adjustment (inaudible) index again (inaudible) analysis (inaudible) agendize that and (inaudible).

Member Hardy: My concern was addressed by the comments from the industry and also Member Miller, in terms of we based the fuel surcharge, floor and ceiling, if you will, on the index that's currently in place. So I agree that nothing needs to be done right now. If the index is changed then the floor should be changed as well.





Chair Drobkin: Agrees with the Board. So there are two different things – does the Board want to look at it in the future with regard to adjusting the trigger or we can just go on and make the one motion and revisit it at a later time or do you want to do some action now?

Member Hardy: I would say if someone wants it to be changed, then they can put that on the agenda.

Chair Drobkin: Anyone want to make a motion?

Motion made as follows:

Motion:	Not to take any action at this time and keep the fuel surcharge as is
By:	Member Miller
Seconded:	Member Nolan
Vote:	Passed unanimously

- \*10. Discussion and Possible Decision regarding the Application for Modification of the Language of the Geographic Scope of the Certificate of Public Convenience and Necessity of Boulder Cab d/b/a Deluxe Cab to reflect the authority to transport passengers and their luggage between points and places within Clark County, Nevada. Initial appearances of Applicant and Intervenors. Discussion and possible decision regarding setting a date for the pre-hearing conference, pursuant to NAC 706.933.

Robert Winner, Attorney for Rick Flaven, Deluxe Taxi: Rick initially got certificated with (inaudible) first application just to be a cab company, started in the mid '90s. Finally got certificate, I think, '97, with the help of Ray Chenoweth, the grandfather of Nellis Cab. He had had a sunset clause that he had to wait five years before he could expand similar to A-Cab. And we have made our application to remove those restrictions. We've talked to some of the other parties (inaudible) but nothing's been resolved yet.

Chair Drobkin: Does anybody have any questions (inaudible)?

Member Hardy: I have a question. In your application petition you quote the language of the current certificate and you attach a map of the proposed area to be served. I guess I wasn't clear on your proposed map. Are you proposing to serve Clark County in its entirety? Is that the proposal?

Atty. Winner: Yes. It's countywide. We have talked about carving out some limitations, which is (inaudible) work out for example (inaudible) which is similar to the other certificate holders. I think (inaudible) to them, as well. The language of this application was patterned after, I believe, Henderson's application I want to say in early 2000s, when they went countywide, because of (inaudible) Airport.

Chair Drobkin: So for clarification you're trying to operate just like the rest of the companies.

Atty. Winner: That's what the application says, yes. Although, Rick is mindful of his certificated area, and (inaudible) industry.

Member Miller: (Inaudible) correct geography that it would serve and how that might impact the area you are serving?

Atty. Winner: Well, without details it's just commonsense and some history here. Every cab is like a little business. And the reason the strip is served so well, because that's where the business is. The reason you have geo medallions is it's hard to make a guy go somewhere where there isn't work. So if all cabs were immediately allowed to go anywhere, the natural inclination of any cabdriver is to go where



the business is. So if the owner or the Taxicab Authority doesn't enforce some limitation on at least some of the cabs, then you have a decrease in service and then you have a guy like Rick Flaven showing up, saying (inaudible) Valley isn't being served now or Jay Nady saying, boy, the west (inaudible). This is just my opinion, but that's how (inaudible).

Chair Drobkin: (Inaudible) because our mandates to serve the riding public and we are well aware of what the mandate is. What we want to make sure is that, Mr. Flaven, with all your locals -- I hear you're a good operator and so all your locals who use you for that side aren't going to be left high and dry.

Rick Flaven: Oh, no.

Chair Drobkin: Okay. I think that was -- did that help clarify (inaudible)? Okay. So anybody else have anything? No? Okay. Thank you. All interventions at this time. For the record, for procedural sake, we're going to do exactly what we did the last time with the A-Cab application. And if you can just, for the record, say your intentions to oppose or whether you're in favor of the application.

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.

George Balaban, Desert Cab Company. We would like to participate in the intervenor process. Until we actually hear the answers to the questions (inaudible) from the Board as to how they're going to handle the service in the area that they are certificated for, we don't know where we stand. I would say we'd generally be opposed to them allowing all their cabs to come to the strip because we believe that would basically just create another breeding ground for someone to say there's no service in that area where they were certificated. Until we see the whole plan we would oppose.

Member Miller: Mr. Balaban, you have cabs in Laughlin?

George Balaban: We do.

Member Miller: And how does that work? Are those geo-restricted cabs? Or is that something (inaudible) internal procedures that you guys have to just keep them there?

George Balaban: I have 5 medallions in Laughlin that are restricted to Laughlin.

Marilyn Moran, Western Cab supports this application, but I think we need to know more about how many medallions, where. I don't know a lot about it. I just know that I would definitely support this, and with Ray Chenoweth, my father supported them when they got the first application. So of course I would be supporting them.

Chair Drobkin: Thank you for that. A lot of history there.

Jay Nady, A-Cab: It's an interesting opposition, because I'm on the same side of this thing. George Balaban just came up and said generally that two companies have a monopoly in Laughlin. Now that may not be a big deal because the companies are small. But I'm restricted from going to Laughlin, and yet he's not restricted from going into the west side or where Ricky is. So what you've created here is another inequity, but what is created is that I can't -- nobody can do business in Laughlin except George and Lucky. Well, if I had the same liberty or the same ability to stay in West Las Vegas, where the other





companies didn't service, I'd be happy as a clam. I wouldn't be asking for it. But in question to what's here is that, of course, I think anybody should be able to compete in any market. So I would have to support it.

Marc Gordon, general counsel for Yellow/Checker/Star. At this time Yellow/Checker/Star is in opposition to the application.

Mark Trafton on behalf of Whittlesea Blue Cab Company and Henderson Taxi. At this point Whittlesea and Henderson are opposing this application. It's also my understanding from the agenda item that we were to set the date for the pre-hearing conference. Is that happening today or not?

Chair Drobkin: We're getting to it.

Mark Trafton: Oh, okay.

Jason Awad, Lucky Cab: We sympathize with this application as we were in their shoes at one time. However, we would like to participate in the discussion of modifying their application. We're also concerned about the service and demand of the Henderson area. So as long as you address all these issues, we are not in opposition to this application. I'd like to, just for the record, Mr. Nady, with respect to his statement that Lucky Cab and Desert Cab are the only cab companies serving Laughlin. That is not true. A lot of certificate holders have countywide certificates. They can serve, but unfortunately, they refuse to. So nobody is prohibited, as far as I know, from going to Laughlin and serving Laughlin. Thank you.

Neal Tomlinson on behalf of Frias. At this time we want to participate in the setting of the pre-hearing conference. It was our understanding that that's what this agenda item was for. At this time we don't have enough information to take a position one way or the other, but we're interested in participating in the process and looking at all the issues with the Board.

Chair Drobkin: Okay. Fair enough. Like, I said, it is a process. Okay. At this time -- and we can certainly discuss this on the motion, but I'd like to make a motion that this Board directs the administrator to work with the industry in setting up a pre-hearing conference. Oh, did I forget ITPE?

Richard Segerblom, ITPE: We oppose this.

Motion:	This Board directs the administrator to work with the industry in setting up a pre-hearing conference and report back to the Board by the March meeting.
By:	Chair Drobkin
Second:	Member Collins
Vote:	Passed unanimously

- \*11. Discussion and Possible Decision regarding the possible issue of a temporary allocation of medallions for the 2014 Super Bowl scheduled for Sunday, February 2nd, 2014.

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Nellis Cab Company, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.

Please see Kelly Kuzik's presentation regarding Agenda Items 11 and 12 under Agenda Item 12.



George Balaban, Desert Cab, made the presentation on behalf of all the companies that intervened. This is what all companies agreed upon for Super Bowl :

*Friday, January 31<sup>st</sup> – 4 medallions – 12 PM – 2 AM – any 12 hours*

*Saturday, February 1<sup>st</sup> – 4 medallions – 7 AM – 7 PM and 4 medallions 12 PM – 2 AM – any 12 hours.*

All intervenors supported George Balaban's presentation and except ITPE Union who opposed stating that in looking at the stats, all numbers are down.

Motion: To approve what industry requested

By: Member Collins

Member Miller requested the addition of temporary medallions through Sunday

Seconded: Member Miller

Vote: Passed unanimously

- \*12. Discussion and Possible Decision regarding the possible issue of a temporary allocation of medallions for the 2014 NAHB's International Builders' Show and the Kitchen & Bath Industry Show will run simultaneously at the LVCVA from February 4<sup>th</sup> through February 6<sup>th</sup>, 2014 with an expected attendance of 75,000.

Chair Drobkin wants this taken first before Super Bowl.

Kelly Kuzik stated that this is an anomaly because the Super Bowl medallion requests from the companies starts on Friday at noon and back on Sunday at 6:00 AM. With no one at the TA to take the medallions back on Sunday and medallions for NAHB to go out 24 hours later and with the same number of medallions requested, he thought it would make more sense for the companies to hang on to the medallions from Super Bowl and put them out at the requested times for NAHB. If for some reason, a supervisor puts them out inadvertently, he feels the drivers shouldn't be cited when investigators see special allocation medallions on the road. All the supervisors would have to do is sign off on two separate sheets for the temporary allocation for Super Bowl and NAHB and work the medallions accordingly. He also commented that this is the first time that the International Builders Show and the Kitchen & Bath Show came in at the same time.

Chair Drobkin thanked him for a great and brief presentation. She allowed interventions to be heard.

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Nellis Cab Company, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.

George Balaban, Desert Cab, made the presentation on behalf of all the companies that intervened. This is what all companies agreed upon for NAHB:

*Monday, February 3<sup>rd</sup> – 4 medallions – 12 PM – 2 AM – any 12 hours; Tuesday, February 4<sup>th</sup> and Wednesday, February 5<sup>th</sup> – 4 medallions – 7 AM – 7 PM and 4 medallions 12 PM – 2 AM – any 12 hours; and Thursday, February 6<sup>th</sup> – 4 medallions – 7 AM – 7 PM.*

All intervenors supported George Balaban's presentation and except ITPE Union who opposed stating that in looking at the stats, all numbers are down.





Motion: Request made by industry due to 2 conventions at the same time  
By: Member Hardy  
Seconded: Member Nolan  
Vote: Passed unanimously

- \*13. Discussion and Possible Decision regarding the possible issue of a temporary allocation of medallions for the 2014 M.A.G.I.C. Convention to be held at the Mandalay Bay Convention Center from Tuesday, February 18, 2014 through Thursday, February 20, 2014 with an expected attendance of 80,000.

George Balaban, Desert Cab, made the presentation on behalf of all the companies that intervened. This is what all companies agreed upon for M.A.G.I.C.

*Monday, February 17<sup>th</sup> – 6 medallions – 12 PM – 2 AM – any 12 hours; Tuesday, February 18<sup>th</sup> and Wednesday, February 19<sup>th</sup> – 6 medallions – 7 AM – 7 PM and 6 medallions 12 PM – 2 AM – any 12 hours; and Thursday, February 20<sup>th</sup> – 6 medallions – 7 AM – 7 PM.*

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Nellis Cab Company, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.

All intervenors supported George Balaban's presentation and except ITPE Union who opposed stating that in looking at the stats, all numbers are down.

Motion: Supports additional allocation of cabs for M.A.G.I.C.  
By: Member Miller  
Seconded: Member Collins  
Vote: Passed unanimously

- \*16. Discussion and Possible Decision regarding A-Cab's Motion for Declaratory Order. A-Cab's Application for Modification of Certificate of Public Convenience and Necessity.

Chair Drobkin: Back to Item No. 16. A-Cab? (Inaudible) come up and -- I'm going to allow everyone to speak on it.

Esther Rodriguez, for A-Cab. I guess I'm just a little confused as to where we are on the procedure. I did receive a copy of the proposed Declaratory Order. So I can speak to that, if that's appropriate at this time.

Chair Drobkin: Yes.

Esther Rodriguez: Okay. And I'll be brief on this because the Board is familiar with what we've briefed in the past on this particular issue. But it is our position, respectfully, that this proposed order is incorrect and is a misinterpretation of the statutory reading. And specifically, if you'll look on the very first page – and the Board has been provided with a copy of the Declaratory Order, correct?

Chair Drobkin: Correct.

Esther Rodriguez: Okay. The very first page says that the plain language of NRS 706.881 forbids the application of 706.391. And that's the basis of this order. And it quotes that provision on the very first page and the reasoning behind this order, which says that 706.881 to





.885 inclusive, apply to any population that's -- whose population is over 700,000. I just want to be clear. We do not dispute that. There's no question. A-Cab is not arguing that .881 to .885 apply here in Clark County. That's not disputed. The problem is that for some reason this has been interpreted to be reciprocal and to go the other way around. What the statute means is that .881 to .885 applies here. It does not apply in other counties where there is not a Taxicab Authority, such as Washoe, Reno, that area. So 706.881 to .885 applies here, but not elsewhere. The statute doesn't go the other way around, saying, well, therefore that means that everything else that's out there, applicable to motor carriers, is out the door and no longer applies in Clark County. Nowhere in that statute does it say that. And in fact, between .881 and .885 there's .8818 that specifically says otherwise. It says, "Where this Taxicab Authority has not specifically modified or rescinded and provisioned or it's not in conflict, then the NTA rules and regulations still apply." So that is the evaluation that you must look at, is first, have you ever rescinded or modified NRS 706.391? And I would represent to you that no, you have not. There is no rescinding or modification of that statute. So it's still in play. And secondly, you look at, is there a conflict within .881 to .885? And no, nowhere is there any address of the word modification. There's nowhere between .881 to .885 that addresses modification. So then you're back to the default. The default is the regular NTA regulations, which is the .391 and which is what A-Cab filed under, 706.391. So this Declaratory Order is incorrect. We would ask that the Board relook at this particular -- and this is detailed statutory interpretation that you have to look at and it gets down to the actual words that the legislature included in this, but the assumptions made in the Declaratory Order are simply incorrect. And A-Cab is requesting that you look at that and not adopt this Declaratory Order as written. I'll entertain any questions. Thank you.

Chair Drobkin: Does anyone have anything for Ms. Rodriguez?

Member Hardy: One of your arguments, at least, if not your main argument, is that 706.8818 is the statute that we should be focused on, and that would, within your argument, cause the whole, I guess, Chapter 706 applied (inaudible).

Esther Rodriguez: Well, it's actually the opposite. That's how the Declaratory Order is written. They have written it, I believe the administrator has written this to say that .881 forbids you from going anywhere outside of .881 to .885. And what I'm saying is, .8818 is contained within .881 to .885 -- .8818 falls right in the middle of that. And there is a specific provision that says, no, unless there's an inconsistency and unless you have rescinded or modified, then Taxicab Authority regulations still apply. Does that answer your question, sir?

Member Hardy: Yeah.

Esther Rodriguez: The other problem with .881, I think there's a misreading here because -- and I believe this is one that Whittlesea -- and we'll get into Whittlesea's arguments later under Summary Judgment, but they're basically arguing this same provision. So that's where I think Mr. Trafton's argument was back to .881, which says the word inclusive. I think Whittlesea's arguing that between -- because the word is used between .881 to .885 inclusive, that that somehow means exclusively or limited to. And it does not. Inclusive means .881, .882, .883, .884, in between those two points. The statute absolutely does not say you exclusively only are limited to these particular provisions. It says, yes, these apply to you, and only you, not





Washoe, not the rural counties, only Clark County or only populations over 700,000. But it does not say inclusively and limited to only these provisions. And that's why it's important to then look at .8818 that says absolutely you have to, you have the duty to enforce the remainder of the NTA provisions.

Member Hardy: Not right now, I don't.

Chair Drobkin: Oh, anybody else? Okay. Yes, sir.

Member Nolan: What aspect of this do we need to look at, review the legislative intent by the legislators and what was said by them? Ultimately, it is the interpretation.

Esther Rodriguez: The legislative intent. The words are so specific in the statute, the chapter for motor carriers which are specific to the Taxicab Authority and Clark County. The words do not say what applies, there is nothing specific on modification, therefore, it defaults to .391. And, again, it's my argument that this statute is very specific, that it's only applicable to -- if you look at the chapter for motor carriers, it's like a funnel. There's the general provisions that apply to all motor carriers and then there's the ones that are more specific to taxicabs. And there's the ones that are even more specific to Clark County and populations that are 700,000. And that's where these statutes fall (inaudible) specific area of .881 to .885, but if you read these statutes -- and I've read them several times and keep looking at these words, inclusive or exclusive or limited to, that's what I'm trying to point out is that the funnel is not reciprocal. The words do not say that what applies in Clark County does not mean that we do not have the duty to enforce the remainder of the statutes, the other statutes that pertain to taxicabs and that pertain to motor carriers. And I cited some examples, such as limitations on driver hours, clients with ADA, even the involvement of the attorney general. All those things fall outside of .881 to .885. So those are things that you've been enforcing for years and historically. So it doesn't make sense that the larger cities, the larger populations are only going to be limited to 20 pages of statutes and regulations, .881 to .885 and everybody else has -- I think it's like 120 pages of regulations that they're subject to. No. You absolutely have to enforce everything else. But where there is something that is even more specific, like I think what falls within .881 to .885 is of course things that are descriptive of the administrator, their appointments, the insignia that is necessary in Clark County, some of the more detailed items that come before the Board, like surcharges and rates and things like that. There are specifics to larger populations. Those don't apply elsewhere. They only apply here in Clark County. But still there's not -- if there's not a specific, then the defaults fall back in. And the defaults in this instance is for modifications, because there is nothing specific to Clark County about modifications. It only talks about brand new certificate holders, which A-Cab is not. This is a modification. And since there is nothing on modification between .881 to .885, default kicks back in, which is .391.

Jay Nady: I can't help myself. Just with the Board's application, what we're looking at here is the level of or the burden of proof that A-Cab is required by (inaudible) that we need to expand. There's basically two laws. There's 706.8827, which is the original one that we had to get through. And then we're looking now at 706.391. .391 is almost identical to .8827 with one extra deal. And that -- I'll read to you, and it's just one line. It says here that "granting the certificate will not unreasonably and adversely affect other carriers." No, that's not it. "Holders of the," here it is. "The holders of existing certificates will not meet the needs of the territory for which the certificate is signed if the certificate is granted." That's the only difference. There's some (inaudible) but only material difference between .8827 and .391. But the burden of proof is significantly heavier. And I would venture saying impossible for anybody to prove that -- they're gonna stick this up my bazoo, I'm sure -- to prove that they will not -- doesn't they won't or can't -- but they will not. They're going to argue that we haven't done that. And probably successfully. But the only portion in the NRS codes (inaudible) statutes that mention a modification of a license is .391.





Everything else -- this .8827 specifically is to grant a license, which I've had since 2001. So just so you know what we're arguing here. I suppose you already did, but...

Chair Drobkin: This is what I'd like to do, but only with the -- of course the industry's okay on this, is that in the interest of time, I'd like each company to come up and just clearly and concisely state your position, if that's possible, in the interest of time. And then we'll allow Ms. Rodriguez and A-Cab to rebut as is, you know, I'd like to make sure that you guys have (inaudible) before we go ahead. Since we already have the Declaratory Order, we just kind of (inaudible) anyways. If that's okay with you. If you could just be really concise in your interventions. Is that okay with everyone? Okay. Because I don't like to cut anyone off. Okay.

Intervenors are George Balaban, Desert Cab, Marilyn Moran, Western Cab, Jamie Pino, Nellis Cab, Marc Gordon, Yellow/Checker/Star Cab Companies, Mark Trafton, Whittlesea Blue/Henderson Taxi, Neal Tomlinson, Frias Management, ITPE Union.

George Balaban, Desert Cab Company. We believe their request was for a Declaratory Order. They received it and opposed it. Their request was under the wrong statute.

Marilyn Moran: Western would like to reserve the right to speak at the end of the interventions.

Jamie Pino, Nellis Cab. We don't have an opinion at this time.

Marc Gordon, again, for YCS. Madam Chair, I just had an opportunity to read the Declaratory Order and we're in agreement with it.

Mark Trafton: If it's okay, this -- the motion for Declaratory Order was opposed by Frias Companies. And so I joined in that. Would it be okay if I followed Frias Companies?

Chair Drobkin: Sure.

Neal Tomlinson, again, on behalf of the Frias Companies. I just had a chance just sitting here to read the proposed order. I believe that it's exactly on point. Our opposition paper set forth all the reasons why we believe .391 doesn't apply. I think it's quite clear in the authority, .391 means the Transportation Authority. It does not mean the Taxicab Authority. With respect to splitting hairs about modification, word modification, what A-Cab is essentially seeking to do is to modify the terms and conditions of its certificate. They can call it modification, they can call it whatever they want, but they have terms and conditions that they want to modify in their certificate. If you look at their actual certificate issued by this agency, it references 706.8827. That's what gave you the authority to issue that certificate in the first place. I have a copy of the certificate here. I know it's in your files, but it was issued after they met the requirements of 706.8827. If you look at .8827 -- this is in our intervention papers -- .8827, Section 5, quite clearly and specifically provides that "the Taxicab Authority may attach to the exercise of the rights granted by the certificate any terms and conditions, which in its judgment the public interest may require." So for them to say that that doesn't provide them relief for what they want is simply incorrect. They want to modify the terms and conditions on their certificate. In order to do so they have to file under that statute. The statute that you have jurisdiction over, not the statute that the Transportation Authority has jurisdiction over. I'd be happy to answer any questions.

Chair Drobkin: Anybody have questions?

Member Miller: Historically, how have taxicab companies changed their restrictions in the past?





Neal Tomlinson: This was raised before. I have not been personally involved, I mean, other than the A-Cab one, which has come up several times. If you recall, I think at least two prior occasions when A-Cab came before this Board they did file under .8827. So that's why it's confusing to me why they would all of a sudden now come and file under .391 because they certainly didn't do that in the past. As to prior expenses before that, I don't know about those. But I do know that they did file under .8827 previously.

Member Hardy: Yeah, I had that same question before and it was (inaudible).

Senior DAG Guerci: When I was with the Board prior when we were given the applications it was under .8827. It was not under .391.

Member Hardy: To the applications or the (inaudible)?

Senior DAG Guerci: Changes were under 8827 not 391.

Neal Tomlinson: Thank you.

Mark Trafton on behalf of Whittlesea and Henderson Taxi. Yes, please. I just leaned back and asked Ms. Knapp her experience, any changes to the certificate, what law was used. And she said on at least 10 prior occasions that she was involved in, the law used to change conditions or restrictions on certificate was 706.8827. In fact, it's never been .391. I did the same thing. I won't belabor the point, but I did the same thing that Mr. Tomlinson did. I went back, I read the original certificate issued to A-Cab. And it says that it was subject to the following terms and conditions, lays out the geographic restrictions and it also says that the Board, the Taxicab Authority, will have the right to modify the certificate, pursuant to .8827. I think Ms. Rodriguez has done a great job at putting a lot of emphasis on the word "modify", but really it's removing the restrictions that were put on the certificate. That's really what they're looking for. So I wouldn't get too caught up on that word modify. The reason why, I think, that she keeps arguing that is because that gets you to .391. But the reality is, she has restrictions on the certificate here that .8827 allowed you to do and it also allows you to take them off. So that's the correct law. I agree with the Declaratory Order the way it's written. Thank you.

Jason Awad, Lucky Cab: Good afternoon. We were a subject of modification 18 years ago and addressed that issue. I believe the statute that was used at that time was 706.8827. Again, it's very, very important for the industry as a whole to get clear vision and picture. And when you articulate exactly what needs to be done -- because we are looking at the (inaudible) modification with respect (inaudible). So whatever direction you give us as to which specific statute we will proceed. We hope that you will give us the rationale behind it, reasons and the decisions will be clear (inaudible). Thank you.

Richard Segerblom, ITPE: They have no position.

Marilyn Moran, Western Cab Company. I wish I had brought my attorney because I don't quite understand half of the stuff that's been said about modification or change or whatever. So without mixing words, I've always thought that modification and change, any certificate holder should be allowed to come forward and ask for modification or a change without mixing words. And so I think that he should be allowed to come forward, modify a change or do something and that the industry should take a look at that. But in the end, if you're talking about legal, then that's your decisions, not the -- I don't think they (inaudible), but that's just my opinion. And I'll give it.

Chair Drobkin: Okay. Ms. Rodriguez, you want to come back up? If you can be brief.





Esther Rodriguez: Absolutely.

Chair Drobkin: Mr. Nady, if you could be brief, I'd really, really appreciate this.

Jay Nady: I think I've said this before, but I think every company behind me at one time had some type of geographic restriction. And if I'm wrong, I'm wrong, but I think that Nellis was up by Nellis and Desert I think was right downtown and Western was the north Las Vegas cab. Gosh, it just seems -- I know that Virgin Valley -- well, you know where they started off in -- I think it was 2000. They were restricted to Virgin Valley for I think a year or two, something like that. And now they have as many cabs here in Las Vegas as I do. Did they prove that the other companies would not service the area? Heck no. They didn't have to prove that. Did North Las Vegas Cab have to prove that the other companies wouldn't do that, wouldn't serve Las Vegas when they were no longer restricted to it? Did Henderson Cab Company have to prove that the other companies wouldn't serve the area which they were asking for when their license was modified? Did the NTA have to make that decision? All these are no. This Board has allowed every company sitting behind me, with the exception of Ricky Flaven, to expand or change the existing modification. This Board made that decision. And I will venture to say that nobody was able to prove that the other companies -- and they sure as heck wouldn't -- I wouldn't (inaudible) that they didn't. They just agreed on it. They agreed not to oppose it. Now, all of a sudden they aren't agreeing not to oppose me. They're being mean in spirit. Regardless of what you think, that's what it is. It's the competition they don't like. I run a good, honest, clean company. I'm very proud of it. My drivers make a bunch less money. This is only what the Board has an obligation to do. The same thing the Board has done for everybody behind me. Let them snicker.

Member Hardy: Can I cut you off? Jay Nady: Yeah, cut me off. I'm done.

Member Hardy: Yeah, I see what you're saying. What we're looking at right at this moment is whether to approve the Declaratory Order not to grant the decision to modify under and I he feels it is under 8827 applies. That doesn't mean to me, however, that you cannot show that these other companies are adequately serving the riding public. We're in here all the time on temporary allocations that may give you some (inaudible).

Esther Rodriguez: I just wanted to say that -- in response to a couple of comments real quickly because it appears that I'm being accused of this hanging on the modification. But it doesn't matter whether you use the word modification, change, lifting restrictions, changing terms and condition, any of those words that were brought up that the other companies want to use, none of that is used in .8827. .8827 specifically says "upon the filing of a brand new CPCN," and that is, yes, that is what A-Cab filed under in 2001, when they were a brand new company filing for a brand new CPCN. Anything else -- doesn't matter what you call it -- is not in .8827. It's under .391.

Member Collins: Could I just ask you a question then? We've heard comments from most of the operators. When they went through changes why did they use .8827?

Esther Rodriguez: Well, you know, that actually came up, like you said, in a couple of meetings ago. And at that time nobody had copies of anything historically of how other companies had done it. And so we tried to research that, as well, to actually find the copies. I wouldn't doubt if other people filed under .8827 because that's what everybody always does. It doesn't make it the correct statute. And Mr. Awad is correct. You know, there's future companies that are going to be filing for changes, modifications and we do need some specific guidance, but because companies have done it in the past under .8827 and nobody's bothered to really read those words, I believe. And, you know, if that statute ultimately needs to be changed to be clearer, like most of our statutes in Nevada, it just doesn't say it. So you have to go back to one that does say it.





Member Collins: Well, I think to Mr. Awad's comments, just to echo, I think to set precedence moving forward we do want to make sure that it's the right statute. And if companies operating are filing under the right one, to me that's more important. You know, we're here to look at certainly your motion, but I think moving forward we want to set some positive precedence on how to actually do it correctly.

Esther Rodriguez: Absolutely.

Jay Nady: Did we actually file this -- required of us to choose the law which we're trying to go after? We just asked the Board. And Ryan gave us an answer. We're asking the Board to determine which one. We didn't file under a specific law. We just asked them to tell us which burden of proof we had to bring to bear. And so it's not like we filed under it. We just wanted to know what the Board's (inaudible).

Chair Drobkin: Ryan, for clarification, respond to that, please.

DAG Sunga: If you're talking about your original applications to modify your certificate it was filed under 706.391. It says it on the face of it.

Jay Nady: .391?

DAG Sunga: Yes.

Jay Nady: We filed, okay. But then we asked to have it approved under that.

Chair Drobkin: All right. So can we get to that? Can you guys wrap it up...

Esther Rodriguez: Yeah, we're done.

Chair Drobkin: Okay. So for the record I would like to say, upon advice of counsel and a written order from Administrator Harvey, we cannot use NRS 706.391. We can only use 706.881 through 706.885 (inaudible) none of the steps (inaudible) governing by the TA (inaudible) but the NTA can (inaudible) by the TA Clark County. So this is .391 is for the (inaudible) statutes for the TA. However, let me caveat this with A-Cab. You can absolutely refile this under the proper statute. And we would love to consider that. So...

Esther Rodriguez: That's -- yeah, but when we get to his motion. Jay Nady: Okay.

Chair Drobkin: Right. No. I understand that, but I wanted to put that on because that is germane still to that issue.

Jay Nady: Is there any way we can continue and end this thing now? We've been doing this for a year.

Chair Drobkin: Can we rule on this first? And then we'll move forward. I understand this is frustrating, but this is a process and we have to go step by step. So let's do this now. Does anyone else want to pipe in, make a motion?





Motion: Move to approve the Declaratory Order as (inaudible) the industry.  
By: Member Hardy  
Seconded: Member Nolan

Chair Drobkin: Any discussion on the motion?

Member Nolan: Something that Jay had said (inaudible) I see this as a strictly business matter and (inaudible). I don't know that (inaudible) necessarily being mean-spirited, but here as competitors. I do also think that this is a point of law, strictly a point of law from our perspective and nothing more. It doesn't express our opinions with regards to A-Cab and their ability to expand in the county and I'm looking forward to that discussion (inaudible).

Chair Drobkin: Okay. Thank you for that. All in favor?

Vote on Motion: Passed unanimously

- \* 17. Discussion and Possible Decision regarding the Frias Motion in Limine to Exclude Any and All Undisclosed Documents and/or Witnesses from Evidence.

Mark Trafton on behalf of Whittlesea and Henderson Taxi. I just consulted with Mr. Tomlinson. Based upon the Board's ruling on Item No. 16, we think it might just respectfully make more sense to hear Item 19 first.

Chair Drobkin: I don't have a problem with that.

Esther Rodriguez: Well, I would like to be heard (inaudible).

Chair Drobkin: On moving the agenda item?

Esther Rodriguez: Well, respectively, what I was going -- we are admitting to appeal the Declaratory Order. And since everything else is dependent upon what law is applicable, whether it's .8827 or .391, the remainder of these motions, we would ask for everything to be stayed, including our hearing, which is set for next month because we can't possibly proceed either against the Summary Judgment or the motions in Limine or the motions to compel discovery, any of that, because it all is dependent upon the Declaratory Order. So I don't know how the intervenors feel about that, but I...

Member Hardy: Are you making an oral motion?

Esther Rodriguez: I'm making an oral motion to stay the rest of the proceedings pending the outcome of our appeal because otherwise, you know, they're all dependent upon each other and then we're just going to be right back here on motions for reconsideration.

Senior Deputy Attorney General Guerci: What you should actually do is go into executive session with the Board and counsel to discuss this. We're going to go, take the counsel, the Board members only with counsel, and we're going to discuss the potential location and the potential legal issues with the motions that are being raised. So we're going to have an attorney/client discussion.

Chair Drobkin: And we'll try to make it brief. I apologize, but I don't feel comfortable with where this is going without consulting her.

Board and Counsel went into Executive Session.





Chair Drobkin: Okay. We're going to go back in session. I apologize for that. You know, we're trying to do the right thing. So we're going to go ahead with another order and then we're going to go ahead and hear 19. And then we'll go back and visit 17 and 18.

Mark Trafton: Could I just respond to her request for a stay? And I would just like that to be considered in your discussions. That's all. We don't have a problem with a stay regarding the discovery issues. We actually think that's appropriate. But for this causative motion that I filed, I respectfully think that should be heard today. So that's that my position on that. I just ask that you consider that. Thank you.

Chair Drobkin: Okay.

Neal Tomlinson: And, Madam Chair, as a point, I happen to have two discovery motions that I filed and I have no problem with Ms. Rodriguez's request for a stay on those, too.

- \*19. Discussion and Possible Decision regarding Henderson Taxi and Whittlesea Blue Cab Company's Motion to Dismiss or in the Alternative, Motion for Summary Judgment.

Mark Trafton, I represent Whittlesea Blue Cab Company and Henderson Taxi. Based upon the prior order of the Board, I believe that my Motion for Summary Judgment speaks for itself. I'll answer any questions that the Board should have.

Chair Drobkin: Okay. But we'll allow interventions on this issue.

Intervenors were Desert Cab Company, Western Cab Company, A Cab, LLC, Yellow/Checker/Star Cab Companies, Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company and ITPE Union.

George Balaban, Desert Cab: We have no comment.

Marilyn Moran, Western: No comment.

Esther Rodriguez: I will change one paragraph and file the papers tomorrow.

Jay Nady: I'm not going to say a word.

Esther Rodriguez for A-Cab and Jay Nady. Again, I would reiterate my request to ask the Board to stay a decision on the Summary Judgment because it is the exact same issue as the Declaratory Order. Mr. Trafton asked for a Dismissal and Summary Judgment based on the fact that .8827 would apply, as opposed to .391, which is the exact same thing as the Declaratory Order. So since that is an issue that's already been decided upon, it would be duplicative for you to decide it again. And so we would just ask for you to reset this once we get a final decision as to however high up we're going to appeal this particular Declaratory Order. Do you have something to add?

Jay Nady: No. What if they pass it back to you? Then what will you do? Start from square one? It just, I mean, you never know.

Member Hardy: Can I ask you a question?

Esther Rodriguez: Absolutely.





Member Hardy: In the papers we saw that at least Mr. Nady was opposed and then we have other discovery type of motions, in addition to his deposition (inaudible) because it looked like -- and correct me if I'm wrong -- but the Scheduling Order had a date -- I forget what it is -- but to produce documents, identify witnesses, that type of thing.

Esther Rodriguez: That's this Friday. It hasn't come it fruition yet. So that was another area that I was asking for a stay since...

Member Hardy: Right. And those two I think you're unopposed. So in terms of what discovery, what evidence you've offered thus far, is Mr. Nady's deposition -- is there anything in the petition (inaudible)?

Esther Rodriguez: Well, we absolutely are going to put Mr. Nady on as a witness because he (inaudible)...

Member Hardy: I understand that. But in addition to him, for example, and I get that the deadline's Friday or (inaudible). Have you offered any other evidence so far?

Esther Rodriguez: Well, everything that's attached in the application, and where I was going with this is that we believe that he is a sufficient amount of a witness to testify regarding the need for cabs throughout the valley, the need for the lifting of the restriction. He is a witness to the fact that all of the temporary allocations that have been done during the time that he's been restricted -- he can testify to all of that evidence. Have we had to produce that in a document thus far? No. We have the statistics off of the TA websites. We have all of the minutes. We believe that that's sufficient enough in itself to (inaudible) a Motion for Summary Judgment because as you noted earlier, everything that has been before this Board already shows that we can meet the burden of .8827. We just did not believe that that was the appropriate area to file under, but if ultimately this appeal comes back -- and I'm hoping that the NTA will hear it in 30, 60 days and we'll be back before this Board quite quickly. And if they rule that .8827 is appropriate, then perhaps we can go ahead and go forward and amend our application to go under .8827 and I think that Mr. Nady as a witness will meet that burden. So either way I believe that this Summary Judgment is improper. It should be defeated, even at this stage, if the Board's going to go ahead and hear it.

Member Hardy: So under a Motion to Dismiss we have to accept your allegations in your application as true and correct.

Esther Rodriguez: Correct. Yes.

Member Hardy: Under a Motion for Summary Judgment we have to take whatever evidence that is before us (inaudible) Mr. Nady's deposition and if there's -- this is kind of embarrassing, but I forget what the exact language of the Summary Judgment standard is off the top of my head -- but we have to take your evidence and not weigh the evidence and we do have the deposition of Mr. Nady in evidence before us, which I think (inaudible). I also think -- and I may have said this at the last meeting -- that to me it doesn't make any sense to cause you to refile and affirmation that the only difference is you cite a different section in the Chapter 706. (Inaudible) I understand, you know, your desire of the client to appeal depending on (inaudible) a burden of proof statute. So what I would suggest -- my suggestion, I would -- we have the evidence in the deposition. I think that's sufficient to deny the Summary Judgment (inaudible). And proceed under .8827 with the complaint being amended just in that regard. So that's my thoughts on it.

Chair Drobkin: Anybody else or do you want to wrap it up?





Esther Rodriguez: Just for clarification, know that one of the reasons that all of the parties agree that all of the pre-trial testimony and evidence, documents, would all be due on Friday, was that we were all waiting to hear the burden of proof. So then we would know what evidence to file on Friday. So we have not filed everything. And so that's why I, again, I appreciate your thoughts on that. But either way, the Motion for Summary Judgment would be premature, since all the evidence is not due until Friday, other than the deposition, which has already been taken.

Chair Drobkin: Anybody else? Thank you. Lucky?

Jason Awad, I'm acting on behalf of Lucky. I do not represent A-Cab. I can see the dilemma that you are facing, Mr. Nady (inaudible) my opinion on the process. You already made a decision on a Debt Relief Action, which makes every other motion on this issue moot. Therefore, my recommendation is that A-Cab has two options. One, to appeal. The second is to ask you to come amend application. For the sake of justice, these guys have been going through this for years. And to go through the process again and allow them to incur additional costs and expenses, just to come back to deal with the same issue, whether or not the certificate will be modified or should be modified for them to really have countywide and service the strip. My recommendation to the Board -- I'm sure you received your opinion from legal counsel -- you cannot -- you should not proceed through any matter, subsequent your decision on the Debt Relief Action. It does not make any sense. Because your application right now -- the application before you, they rejected it. How can you come back to say, you know what, well, let's look at the issues of the merits. You cannot deal with the issues of the merits on a Motion for Summary Judgment because the application, according to the statutes that you have applied, has basically been filed under the wrong statute. Therefore, everything must be stayed. They have to make their intention clear whether they want to amend it, to come back, and you have the discretion to do that for them, to accept their amendment and proceed accordingly, instead of filing totally new action and new applications, which puts them, you know, back in line, discovery again, and the same process over again. That's my recommendation.

Chair Drobkin: Just for clarification, we haven't rejected it. We just (inaudible).

Jason Awad: I understand.

Chair Drobkin: Just for clarification so that when we (inaudible) application (inaudible) it is filed under the appropriate statute.

Jason Awad: Which is procedural matter. What has been happening is procedure, therefore, A-Cab needs to understand that they have the right to, you know, amend that application and move on. Or if they wish to appeal, they can go and appeal, but everything has to be stayed until that issue is resolved.

Chair Drobkin: Thank you for that. Frias?

Neal Tomlinson on behalf of Frias. We've joined in to Whittlesea Blue and Henderson Taxi's Motion to Dismiss and Motion for Summary Judgment because we feel it's exactly on point, but the point of it is, is that Mr. Nady elected to file under 706.391. Now we have a decision by this Board on the advice of the counsel that .391 doesn't apply. In Mr. Nady's deposition he admitted that he didn't have the evidence required under .8827 because he didn't file under that section. He admitted it today, even when he came back up here. He's done it several times at the last few meetings where he's said -- I wrote it down. I quote, "Impossible to prove." He's talking about .8827 (inaudible). And he did the same thing in his deposition. Because of that he elected to choose to file under .391. I believe that you have to dismiss it because he's chosen the path that he's on and, unfortunately for him, he chose the incorrect path. He's got to choose the correct path. That was the order of the Board on the prior agenda item.





So because of that we do support Whittlesea Blue and Henderson Taxi's motion to dismiss or for Summary Judgment. And we respectfully ask that it be granted.

Chair Drobkin: Thank you. ITPE?

Thealta "Ruthie" Jones: We have no decision in the statute that he filed under, but we do oppose the application. Thank you.

Chair Drobkin: Thank you. Okay. Mr. Trafton, would you like to come up?

Mark Trafton on behalf of Whittlesea and Henderson. I filed a Motion to Dismiss for lack of subject matter jurisdiction or in alternative, a Motion for Summary Judgment. And the way presented it was that first I would ask the Board to consider the Motion to Dismiss. If the Board felt that Mr. Nady filed under the proper law, .391, then I would asked this Board to consider the Motion for Summary Judgment because in his deposition that -- when I asked him questions about whether he had any proof under .8827 -- I'm summarizing, but he said no. So that's why I moved for in the alternative a Motion for Summary Judgment. But since earlier today you ruled that he -- you declared that the application was filed under the wrong statute, it's my position that the Board now, at this point, does not have subject matter jurisdiction to hear anything else on this case. And it must dismiss the application because it's precisely how it was filed under the wrong statute that this Board just found doesn't apply to the Taxicab Authority. So the Taxicab Authority does not have jurisdiction to even consider discovery or anything else. That's my position and I'll answer any questions as to why this application must be dismissed at this point.

Member Hardy: I think I would respectfully disagree with -- I don't think it's a jurisdictional issue. The most common response -- at least in my practice -- whenever I file a Motion to Dismiss, the most common ruling or order that I get is that either it's denied or (inaudible). And I respectfully disagree. I don't think it's a jurisdictional issue. To me it's more of just a (inaudible) burden of proof is what it really boils down to. And I, having read through Mr. Nady's deposition, to quote some of the things he said, "I don't intend to do that." Or, "I think I've tried to do this." You know, I don't think he's put himself in a box, so to speak, that you all are trying to put him in. So I would -- that's (inaudible)...

Mark Trafton: If I may respond...

Member Hardy: Sure.

Mark Trafton: ...we've been at this for a year now or so. And at this meeting, under 706.391 -- because that's the way the application was filed, that's the way the discovery was tailored, under .391. And at his deposition we gave him the opportunity to tell us that you plan to operate at (inaudible) under .8827? No. So he made it crystal clear, even up until today that that was not his intention. .8827 is -- he doesn't believe he should have to meet that burden. So we've been progressing on this trail of .391 and we've always -- us intervenors have always felt that was the wrong trail. And ultimately today, the Board agreed with the intervenors, that it is the wrong trail. That is the trail that should be embarked upon by the Transportation Authority, the NTA, not the Taxicab Authority. And the rules of civil procedure say, "Whenever it appears by suggestion of the parties or otherwise, the court lacks jurisdiction in the subject matter the court shall dismiss the action." Shall. Now, I understand what you're saying, Mr. Hardy. And I get frustrated when the courts allow plaintiffs to just amend their complaint, but





that's usually -- in my experience -- at the very beginning of the case when they just -- when a defendant files a Motion to Dismiss for failure of stated claims, typically the way it's done in my practice. Then the court allows them to amend the claim. Here we have an application that was filed a year ago and there's been a lot of work on it, and we've given A-Cab many opportunities to say, look, say that you're going forward under both statutes. But no. We're going under .391, .391. And I think based upon today's ruling, the Declaratory Order, that divest jurisdiction from this Board, respectively. That's why I don't think the Summary Judgment should even be considered at this point. I think it's a Motion to Dismiss, plain on its face.

Chair Drobkin: I would like counsel, for clarification, really what we're talking about, which is the Summary Judgment (inaudible) clarification because otherwise we're going to go back and forth all afternoon. And get nowhere.

SDAG Guerri: Okay. So what we've got here is we've got Henderson/Whittlesea who filed a Motion to Dismiss or Motion for Summary Judgment. It was decided previously -- you decided, through Declaratory Order that the appropriate statute to be applied to a modification of (inaudible) was .8827. Now, you have jurisdiction over that (inaudible) so that when Mr. Nady brings his application to modify his certificate, that's something you have jurisdiction over. You are determining for Mr. Nady that .391 is inappropriate, goes to his burden. Now he has filed, I believe, under the wrong statute. And I don't know -- was it in the alternative or was it just .391 when he filed?

Chair Drobkin: Just .391.

SDAG Guerri: Just .391. So the decision comes to the Board, as to how you want to handle this now. You're not bound by the (inaudible) procedure. This is an administrative hearing. You are bound by reasonableness and fair play. And you can use those as a guidance, but those do not bind (inaudible). What you want to look at then is the parties have gone through this process for over a year. You've gone through the process. It's outlined in your regulations and in your statutes. So at a pre-hearing conference order that's been issued in accordance with your (inaudible) you've had a hearing (inaudible) by your administrator, you've had definitely set all the same things that you would have done under .8827. What you need to think about is to decide then is there real prejudice to the other cab owners for thinking that they were only going under .391 and not .8827, so that they carry their discovery differently. If you find there's no prejudice to the other cab owners, what you could do is deny the Motion to Dismiss because they have not been prejudiced. They've actually been going through the right process and allowing A-Cab to amend just that one section, from .391 to .8827 because that's the process you've been following all along. When you go through to the Summary Judgment, you need to look and see whether there's a question of fact. Summary Judgment (inaudible) on whether there's a question of fact. If there is a question of fact, then you need to deny the Summary Judgment. And the Summary Judgment says there's no question of fact. It's a (inaudible). So if you find that there's some evidence that there is a (inaudible) that needs to determine (inaudible) then you need to deny the Motion for Summary Judgment to allow the applicant to prove at a hearing that material fact that is (inaudible) has not been determined yet. So it's really -- you need to discuss amongst yourselves and decide for yourselves whether the process that's been followed so far is so akin to an .8827 process that there's no prejudice and you're going to deny the Motion to Dismiss, predicated on the filing of an amended application.





Or you can dismiss it outright and order them to refile. The Motion for Summary Judgment -- you should talk about the Motion to Dismiss first and then the Motion for Summary Judgment, so that if you're going to go through the process of allowing them just to amend their application, then you need to get to the Summary Judgment.

Chair Drobkin: And just for clarification, as far as this (inaudible) before you is concerned and as (inaudible) here is that the process is similar to (inaudible).

SDAG Guerri:(Inaudible). (Inaudible) and I think everybody's identified there's a burden of proof (inaudible)...

Chair Drobkin: (Inaudible) the process (inaudible).

SDAG Guerri:....8827, but you've been doing it under your own process. And I don't know what .391 process is because that's the NTA, but you've been following your own process.

Chair Drobkin: Our own process, right. Okay.

Member Nolan: Madam Chair? I'm just wondering with A-Cab, what their intention. (Inaudible) without (inaudible) to them whether or not it would be their intention to amend. And if it's not their intention then everybody (inaudible) then I think the Board would take a different direction (inaudible).

SDAG Guerri: And that's appropriate (inaudible).

Chair Drobkin: So you want us to go ahead and ask the question?

Esther Rodriguez: I'd like to speak to that, if that's okay. I appreciate the opportunity to address that because Mr. Trafton is right, that this has taken a year. We filed in 2013, March 1st, so we're almost at the year point. And a lot of this delay was because of the intervenors wanted to do discovery and have -- set pre-hearing conference. And at that point we felt that no discover was necessary because of our own witness. Am I answering your question, hopefully, Member Nolan. After all of that, the request for discovery, we weren't served with any written discovery by any of the intervenors, except for Frias. And that's later on the agenda. But our position was that even at that point, Frias' was late. So to hear them say that they would be prejudice if we were to amend now under .8827 -- because they didn't have time to ask us written discover -- they chose not to ask us any written discovery period. They did have an opportunity to depose Mr. Nady. And they went ahead and, as indicated in the deposition transcript, they already asked him questions about both statutes, .8827 and .391, everything. Everything was open. Everything (inaudible) they could have asked him anything they wanted. So we don't believe that there's going to be any prejudice (inaudible). And I was going to ask you a proper procedure, if I needed to do another oral motion or lead to amend, because based on the results of the Declaratory Order, that's the only thing that would change in the whole application, is one little paragraph where we do apply. And it just says under what authority, and instead of putting 706.391, we would change it to 706.8827.

Jay Nady: Which we'd like to do now.





Member Nolan: Thank you. That answered my question.

Chair Drobkin: Okay. Thank you. Can you give us a second on (inaudible)?

SDAG Guerri: She made an oral motion, but then (inaudible).

Chair Drobkin: Do you have a suggestion? Okay.

Jason Awad: I do believe that we're trying to do the right thing. I think the appropriate thing, although they have moved to amend it orally, is you need to give A-Cab time to amend. You need to give the other intervenors time to object to the amendment and to hear that matter when (inaudible). After that is done and after the -- give them 30 days. And then if you approve that, you know, the amendment of the application, then you must look at the (inaudible) additional time for discovery (inaudible) because the issue of prejudice that they have raised is real. If they have operated under the wrong statute, they're entitled to come back and say, well, all our discovery was based on that, therefore you have changed the rules in front of us. We need more time. But they are not going to take another year. You can limit it to 60 days, to 90 days to come in and then we will hear this matter on the merits. That's my recommendation.

Member Hardy: I completely agree with that. I think his points are...

Chair Drobkin: Valid?

Member Hardy: ...valid and very well taken because I do see the potential of prejudice to the intervenors (inaudible). So the way I was thinking was right along those lines. We could deny the Motion to Dismiss and the alternative Motion for Summary Judgment grant the oral motion to amend, they would file or submit the amended application. The opposing intervenors would get that and look at it and be able to respond to it. And discovery -- 60 days is exactly what I was thinking, too, because they did presumably tailor their discovery requests to the application that had been submitted. And with the change in the statute (inaudible) they may have different or additional discovery. One other thing that was I thinking, too, along those lines if they didn't depose Mr. Nady, and generally, you don't get to depose someone twice. Right? But, you know, he was deposed under the current application that we have said needs to be -- oh, we haven't said this, but my thought, it needs to be amended. And so, if they wanted to re-depose Mr. Nady, avoiding any duplicative questions, I would not have a problem with that. If they, have additional, different discovery I wouldn't have a problem with that either. But again, like he said (inaudible) do not (inaudible) everybody (inaudible). Thank you very much.

Chair Drobkin: Yes. Thank you. (Inaudible)...

SDAG Guerri: Let me make a suggestion. I think the (inaudible) motions (inaudible) but it is kind of unfair then for the other intervenors, Frias and anyone else to have to respond on the spot. So my suggestion is that we continue these three motions to the next meeting and direct A-Cab (inaudible) to file immediately her Motion to Amend, have a shortened time for Frias and Whittlesea to respond, and then at the next meeting they'll have the opportunity to give their arguments and address all the motions, and then you'll have a nice clean record. Because whoever appeals it will have the same 30 days or 20 days to get that all appealed and it'll all be





in one block. So otherwise I think you're going to end up with sequential appeals and this way you'll have (inaudible) clean up their (inaudible).

Chair Drobkin: (Inaudible).

Male: That makes sense.

Chair Drobkin: You guys okay with that? Male: Yes. Chair Drobkin: Okay.

Male: I have a question on (inaudible).

SDAG Guerici: So someone needs to make a motion to continue 17, 18, 19 to the next meeting. (inaudible) motion and then (inaudible) have to follow (inaudible). If that's what you're...

Chair Drobkin: So we're talking about (inaudible) next agenda to allow A-Cab to file the amended -- and to build a clean record at that time. That way everyone that comes in with...

Member Collins: So part of that motion will be approving the amended application.

SDAG Guerici: What you would be doing next time is giving them leave to amend, so that -- they're going to come and ask you (inaudible) and then the application will be changed, .391 to .8827. But in fairness, you want to (inaudible) give Frias and the others the opportunity to (inaudible) argument as to how they've been prejudiced. If you believe that there has been some prejudice. You had this proceeding on for a year. And this is what -- the decision to (inaudible). The alternative that I've just tossed out there, is you continue (inaudible) discovery and this Motion to Dismiss (inaudible) file this motion, direct the others -- whoever's going to intervene or oppose it, to file those quickly and deal with them altogether at the next meeting. You could, at this point, rule on the Motion to Dismiss and the Motion for Summary Judgment. You could deny the oral motion and ask her to file that in writing. It's just a matter that once you start making decisions your time clock is going to start ticking on appeals and you'll end up with a number of different appeal tracks going because you'll have a Declaratory Order, then we'll have the Motion to Dismiss (inaudible) Summary Judgment, that'll be on one timeframe. And then (inaudible). So it's really how it comes back to your determination of whether you'd like to allow Frias and those in kind to make their argument against (inaudible) application.

Member Collins: Well, I don't want to speak for the rest of the Board, but I think we're kind of all in agreement. We want to give the applicant an opportunity to amend the application. However, we do want to give the other operators the chance to be able to review that process, of course. So under that scenario the best is what you're suggesting.

SDAG Guerici: Right. Continuing these three and then directing her to file her motion. And if she doesn't file her motion within -- you can give her a set time, five days, seven days, then she's out of luck.

DAG Sunga: Okay. Briefly, counsel, if you do that then the date for the actual hearing would have to be changed.





Chair Drobkin: Right. And the discovery (inaudible).

DAG Sunga: And (inaudible) discovery would be...

SDAG Guerici: Right. Yes. (Inaudible) stay all of those things (inaudible).

Member Hardy: I'd like to hear any comments on that suggestion from A-Cab.

Esther Rodriguez: (Inaudible)...

Chair Drobkin: (Inaudible) what's the (inaudible) what's an adequate (inaudible)?

Esther Rodriguez: You know, I can't imagine that we're expecting anything -- unless I'm missing something. I mean my Motion to Amend, like I said, is changing one paragraph. So I mean I can do that tomorrow morning, you know. I can get this on file within 24 hours. And then if there's -- I'm trying to see how to expedite this process, as well, because I understand the comments, that if they're saying they're they need more discovery, I mean, we can stipulate to that right now. I mean if they need another 60 days and they want to re-depose Mr. Nady on .8827 or something, I don't know why we need motions and opposition and all that. We can agree to that.

Chair Drobkin: Okay. Just for further clarification, they're just asking for an opinion, for the Board's opinion, okay, so they're not coming and asking us to modify under that. So I just want to be clear that it's just this Board's opinion, and that's why everyone's going to go on record. And Administrator Harvey, later on we'll get to that process, is going to basically compile it for us and bring it back to us. It's just an opinion that they're asking for. Member Hardy, you can't wait.

Member Hardy: Well, I think they may want to go back and figure out their plan -- yeah, their next move. You know, they probably don't want to be bound by (inaudible) by something right here, right now if they haven't (inaudible). I don't want to put words in anyone's mouth.

Jay Nady: Would we want to couple this with Ricky's company? I know (inaudible) it would be longer, but...

Member Hardy: I don't know if your attorney wants to do that.

Chair Drobkin: Well, we're being told that we can't do that because (inaudible). We can't.

Jay Nady: Thank you.

Chair Drobkin: We can't couple the 2 companies' request. Doe that make sense?

Jay Nady: I don't want you guys (inaudible) more than I want to be here, but they're going to do the same thing we did.





Chair Drobkin: (Inaudible) continue (inaudible).

SDAG Guerri: (inaudible) stay the discovery order (inaudible).

Chair Drobkin: Okay. And is everyone okay with that?

DAG Sunga: No, I understand...

Chair Drobkin: Do you -- okay.

Two unidentified males agreed.

Chair Drobkin: Can you make one?

The following motion was made by Member Nolan, but clarified by DAG Sunga as follows:

Motion Part 1:	Agenda Items 17, 18, 19 stayed until the February Meeting
Part 2:	A Cab amend their application within 3 days
Part 3:	Any oppositions due within 10 days of A Cab's filed motion
Part 4:	A Cab's reply due 3 days after oppositions
Part 5:	Date on Scheduling Order to be stayed
By:	Member Nolan
Seconded:	Member Miller
Vote:	Passed unanimously

Chair Drobkin: Motion passes. Okay.

\* 14. Staff Report.

Administrator Harvey: Madam Chair, given the lateness of the day, I will just make one announcement, and that is the TA's pending relocation. We have selected a facility and signed a lease to relocate this agency approximately three months from now, to a facility at 2080 East Flamingo -- about two miles down the street. The benefits are numerous to customers and the employees. The benefit to this group here is that we will have a much larger boardroom that will seat approximately 120 people. So we will be providing more information as we get closer to that date.

Chair Drobkin: And I just want to take a moment to say how hard Administrator Harvey has worked just tirelessly for the past six months or more. Pretty much since he came in. We've been trying to relocate, so congratulations to you for the all work you've done at really difficult times.

Kelly Kuzik, Nevada Taxicab Authority. I included all the stats, all of the companies in your packets. If there's any questions I'll be happy to answer them. Also, the other thing is, we will have Con Expo on February's agenda with 150,000 people expected and also broadcasters,





NAB. We're also going to ask to have EDC on there. And again, we'll do the worksheets and submit everything. And then that should take us up through the summer.

Chair Drobkin: Okay. Thank you. Thank you for making that brief.

15. Report of Legal Counsel

DAG Ryan Sunga has nothing to report.

20. Public Comment

There was no further Public Comment.

\*21. Adjournment

Motion:	To adjourn
By:	Member Hardy
Seconded:	Member Nolan
Vote:	Passed unanimously

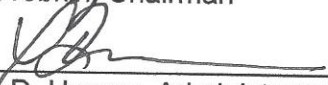
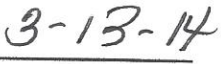
Respectfully submitted by:

\*\*See note below

	
Barbara A. Webb, Recording Secretary	Date

Approved by:

	
Ileana Drobkin, Chairman	Date

	
Charles D. Harvey, Administrator	Date

**\*\* NOTE:**

The Minutes were transcribed by Aegis RapidText and by Barbara A. Webb.

