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Governor



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY

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

February 25, 2013

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, February 25, 2014. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 9:40 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 Guerici-Nyhus, Deputy Attorney General and Recording Secretary, Barbara A. Webb.

1. Call to Order –

Chair Drobkin called the meeting to order at 9:40 AM.

2. Pledge of Allegiance to the Flag

Pledge of Allegiance to the Flag was led by Member Josh Miller.

3. Compliance with Open Meeting Law

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

Before the meeting started, Member Dean Collins wanted to make a comment about all the negative press about the Taxicab Authority, Administrator Harvey and Chief Aquino. He and the Board gave Administrator Harvey and Chief Aquino all their support with their gracious comments. Member Miller mentioned that, regarding long hauling, there still is a long way to go. When the Board was through speaking in support of Administrator Harvey and Chief Aquino, all present in the hearing room applauded their remarks.

4. Public Comment

Steve Lanett, Whittlesea driver, stated the biggest issue over the years has been long hauling and he is pleased with the enforcement occurring at Mandalay Bay. He commented that one of his fares from the airport to Mandalay Bay was \$14 not \$20 as stated on the sign at the airport.

NOTE: What he did not realize, is that \$20 was the highway route.

Neal Tomlinson, attorney for Frias, commented that in the 10 years he has been speaking before the Taxicab Authority Board, he has never signed up for Public Comment until today. He commented that

over the 10 years he has never seen the progress as he has in the past 2 years. He stated that examples of improvement are the expansion of downtown cabstands, taxi summits that are held, communication from summit where now certificate holders are talking to resorts, the long hauling database and signage are in the right direction, and the allocation process a convention superior service are what he has witnessed over the past 2 years.

Brent Bell, Whittlesea, stated that he has seen tremendous operational progress; officers regularly assist cab drivers, and vehicle inspectors are doing what they need to as exemplified by his company's safety record. With regard to his company and YCS, when a driver is found long hauling, the driver has to get a money order, provide it to the company, who then refunds the customer, and progressive discipline is in practice to include termination.

Bill Shranko, YCS, feels they are in a no win situation. He commented that the taxi industry has been awarded prestigious awards twice over the years over all of the other big cities, but you never hear about what a good job the Administrator and Chief are doing and how hard they are working. He said that less tickets are being written and feels that maybe what they are doing is working, but he agrees there still is a long way to go. He commented that he is full support of what Administrator Harvey and Chief Aquino have been doing.

- * 5. Approval of the January 28, 2014 Board Meeting Minutes will be available for approval at the March Meeting.
- 6. Discussion with Maria Soto, Traffic Manager for LVCVA, regarding recent taxicab service.

Maria Soto talked about service at the National Association of Home Builders with Kitchen and Bath that was here February 4 through February 6 with the shows closing each day at 5:00 PM. She said on opening day service was not good and the line was not cleared until 7:35 PM. Day 2 they cleared the line at 7:00 PM, the rest of the time went well. She said they had their own Ride Share lane available with most activity at show close and last day going to the airport. MAGIC – February 18 through February 20 – show closed at 6:00 PM and the cab lines were clear by 7:30 PM. She thanked the drivers and road supervisors for getting cabs back to the Convention Center to service attendees attending late events. She spoke about the upcoming CONEXPO – March 4 through March 8 from 9:00 AM to 5:00 PM with an anticipated attendance of 130,000 which is 14,000 more than the last time they were here in 2011. This event has large equipment outside therefore Paradise at Renaissance and Paradise at Convention Center Drive into the property are closed to through traffic. They have moved the taxi stands to Door #9 off of Joe Brown Drive. Then on Sunday, March 2nd, there will be 2 additional cabstands at The Beach lot and at the back of S-2 South Halls off Swenson behind Metro's substation. These will be manned by convention center staff. Maps have been sent to the companies.

- 7. Discussion with Freddie Kirtley, Assistant Director, Landside Operations, McCarran International Airport.

Again, I want to thank everyone. The taxi operation is working very well at McCarran. We have an increase month-to-date to 1.3%, year-to-date to 1.7% and year-over-year we have a 4%. So, no complaint. We are pleased with the services, so thank you very much.

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

Good morning, Madam Chair, Board members. Lawrence Montoya, Sands Expo Security. Since CES, we've had numerous conventions at our--at the Sands, and all I can say is give praise. I want to go ahead and read this to you. "The service has been extremely good thanks to the supervisors from Whittlesea, Yellow Cab and Frias being on site making sure that the cabs show up and are there and



they stay there until the end, until every--until the last person is clear." I do realize that there are some cab drivers that are disgruntled by the security that I have up in the front. It's not my security. It's a hired security, so I've been out there and I've been getting rid of those people that are giving them a hard time because we are trying to make relationship with the cab drivers and the cab owners. And ever since we had our little summit at the Venetian, it's changed on our side, on the Sands' side. So we have a really good relationship with all of the cab drivers and I hope to see it keep going on.

- * 9. Discussion and Possible Decision regarding the Joint Application of Frias Holding Company and Phyllis M. Frias for Approval to Transfer Stock.

Madam Chair, I'll just summarize very quickly. It's a--it's a very straightforward application. Back in May of 2009, we received approval from the Taxicab Authority to transfer corporate stock to the then CEO, Mr. Mark James. This transfer that we're seeking today is to essentially unwind that transaction. Mr. James has stepped down from all official capacities at Frias in order to devote his full-time and attention to Frias Transportation Infrastructure, which is a technology company that has been recently renamed Integrity Vehicle Solutions Company. This is going to be a seamless transition. The management, other than Mr. James leaving, will remain the same. Mrs. Frias will step into the role of President. So what we're asking here today is that the stock, based on the exhibits that we've attached which is an assignment of stock, we're asking for approval of the stock of Mr. James to be transferred to Frias Holding Company and then the remainder--the issuance of all authorized and unissued Frias stock to Mrs. Frias which, in the end, result is that Mrs. Frias will again own 100% of the Frias Holding Company stock. So that's what the request is here today.

Chair Drobkin asked for any comments from the intervenors Yellow/Checker/Star Cab Companies, Frias Management, and A Cab, LLC and there was no opposition to this transfer.

Motion:	To approve the transfer of 100% of Frias Stock back to Phyllis Frias
By:	Member Hardy
Seconded:	Member Collins
Vote:	Passed unanimously

- *13. Motion to Amend A Cab's Application for Modification of Certificate of Public Convenience and Necessity.

Chair Drobkin stated that she is going to move up Item No. 13 and then we'll deal with 10, 11 and 12.

Thank you. Good morning. Esther Rodriguez and Jay Nady for A Cab. This is our motion to amend the previous application for modification and certificate pursuant to the statutes. I've cited them in my brief, the Authority is within its authority to allow any pleading to be amended. That's what we discussed at the last meeting. That's what this Board ordered. I went ahead and filed a motion to amend. We filed an amended application not changing anything from our prior application. The only thing we did was to delete the prior reference pursuant to the Board's guidance that we should be filing under .8827 instead of .391. We're not changing anything in our request. There was one opposition filed to our motion to amend, which was by the Frias Companies, arguing for due process and that we should start all over again.

When I went back and I looked at the provisions that the Board decided that we should be filing under .8827 and its accompany administrative code, interestingly enough there's nothing in that code or that statute that says that in our application we even have to reference what statute we would be filing under. I think Member Hardy brought that up last meeting as to where it is in the application that says that.



Under .391, which we did file, you have to lay out what authority you're filing under, but now that the Board has said we should file under .8827, we basically went back and just scratched that out. So had we filed as the interveners have indicated that we should've, we never even would have put the reference in there. So to argue that they didn't have adequate notice or they're having lack of due process is really without merit, because we weren't required to put anything in there--in the first place. We actually gave a lot more information than we're required to do under the .391. .391 lists like A through L subdivisions of everything you have to do for an application, and we did all that. We gave extra information. If we filed under the other one there's basically just like five different ones that we're supposed to name in there, like a \$200 fee and the legislative intent and things like that. So we actually gave more information than necessary.

We're asking the Board to go ahead and reinstate the Scheduling Order where we were at before. The only thing left for us to do is to file our--for all the companies and us to file our Pre-filed Testimony and set a hearing date so that we can have a hearing on the amended application.

Member Hardy: ...would you have any issue pleading the Discovery that commenced previously? I mean, maybe that's a poor question. But, you know, one of the issues we dismissed last time was amending your application does arguably change the dynamics of speed. And to me, I don't see an issue with the amendment, but I think you would--in the end this was a preview, I guess. But I think you would need to be (inaudible) to--in the opening of extradited discovery what you had before, just in a short.

Jay Nady stated that was fair.

Esther Rodriguez: In all fairness, I think the only people that served us with Discovery was Frias. Our argument at the time was that they served us too late. I think in fairness I'd be willing to go ahead and answer that written Discovery quite quickly, unless Mr. Tomlinson sees some huge change in what he would be posing. He was already asking questions about .8827, so I don't have a problem answering that Discovery. Mr. Nady has already been deposed. I guess we can hear from the companies as to whether they think they need to re-depose him again. I don't think it's necessary because they already asked him questions as well. But if they feel they need to ask him additional questions, if the Board would just limit that. And as you indicated, as long as we can move it along and not delay it another six months or a year that would be greatly appreciated.

Chair Drobkin: Okay. Thank you. I'll allow interventions at this time.

Intervenors are: Yellow/Checker/Star Cab Companies, Frias Transportation, Lucky Cab Company, Whittlesea Blue/Henderson Taxi, Desert Cab Company, Western Cab Company, A Cab, LLC and ITPE Union.

Marc Gordon, Attorney for YCS: I'll pass to Mr. Tomlinson.

Chair Drobkin: Okay. Thank you, sir. Mr. Tomlinson.

Neal Tomlinson, on behalf of Frias. We did file an opposition to their Motion to Amend. And the basis is this, the entire legal basis of the application has now changed, because this Board made a determination that the statute that they filed under was not the proper statute. So the deposition questioning was all focused towards what they had filed under, not what they now are amending to. The one that they filed under, NRS 706.391, has an accompanying NAC provision, which is 706.1375(2) A through U, which is a laundry list of supporting exhibits that need to be filed in support. That's what they filed. Now what they're asking for is to actually file under the correct statute, which is 706.8827. And we



do agree that that's the correct statute, but in my opinion this is the wholesale change of the entire legal basis. Therefore, I believe the best method would be to make them file the correct application, re-notice it and start over. However, I'm cognizant of the efforts that have been spent. I'm cognizant of the comments of the Board previously. I do believe that the prejudice that we feel that we would be under could be cured if there was discovery that would be allowable under the now .8827 which they have filed under. So if that is the pleasure of the Board, certainly I believe that that would be a curing proposition. However, you know, we certainly should be able to ask questions about the new filing. And, in fact, you know, in my opinion Mr. Nady admitted not only, I believe, last meeting here in front of you but also in his deposition that he didn't feel he could satisfy 706.8827 and that's why he filed under the other one. So, I think that that's fair game and we should be able to ask him about that and be able to vet why he's now filing under this new one, and how he believes he can satisfy it. Thank you. I'm happy to answer any questions.

Chair Drobkin: Thank you. Does anyone have any questions? No? Okay. Thank you.

Desiree Dante, Lucky Cab: I have nothing to add.

Good morning, Madam Chair, members of the Board. Marc Trafton on behalf of Whittlesea Blue Cab Company and Henderson Taxi. Agenda Item No. 10 was my Motion to Dismiss or any Alternative Judgment Motion for Summary Judgment. And I bring that up now because that motion I had filed previously was discussed at the last Board meeting but was not voted upon. I asked for it to be on the agenda today and I think it's relevant to be--I think it should be, respectfully, voted upon before we address Motion to Amend, because if the Motion to Dismiss, while I understand what the discussions were at the last Board meeting, if the Motion to Dismiss is granted then the Motion to Amend is moot. And I believe there are good grounds for the Motion to Dismiss to be granted. However, you know, I won't belabor the point there. I can just wait and hear from you how you'd like to proceed and then I'll make my comments on the Motion to Amend.

Chair Drobkin: I'd like to keep it as we have it, because the alternative is also (inaudible). So I'd like to keep--or we proceed with Item No. 13 and then we'll go back and dispense of your motion as well as 11 and 12.

Mark Trafton: Okay. I just...

Chair Drobkin: I understand your objection to it.

Mark Trafton: Okay. My objection is...

Chair Drobkin: It's been noted.

Mark Trafton: Okay.

Chair Drobkin: I get it.

Mark Trafton: All right. That it was noted to be heard last...

Chair Drobkin: Right.

Mark Trafton: ...last hearing and it wasn't voted.



Chair Drobkin: Right. And it'll be heard. It'll just be heard in opposite (inaudible).

Mark Trafton: Okay. The Motion to Amend, if it's granted, it--we need to have more discovery. So as long as there is consideration to that, because we're now dealing with a whole separate area of the law in which the prior discovery period we didn't address that. We did a little bit, because we all knew that, we all felt on the intervenor side that they had applied under the wrong statute. But we--the questions were designed as are you sure you're not proceeding under this statute over here, meaning the correct one. And Mr. Nady repeatedly said we are not proceeding under that. So that was sort of the limit of the Discovery there. At this point, if the Motion to Amend is granted, our position is that discovery should be opened back up so that we can make sure that we understand all of the evidence that he intends to produce in support of that argument. Thank you.

Chair Drobkin: So noted. Thank you.

Mark Trafton: Okay.

Bob Winner, at the moment, for Desert Cab. And later somebody else. Desert Cab officially supports position by Whittlesea and Frias. I think a Motion to Amend as long as we don't have the hearing on, as a lawyer, you allow that. If you've got a hearing and you're crowded you can't--you throw it out. But you guys, I think you vacated or stayed it last week--last month. Whatever word they gave you remove that prejudice. So that limit of basis, I think the only question now is do you have to re-notice. Is there a difference between modification under .391 and expansion? Those words are different. You have to force a re-noticing. I'll say this quickly. Years ago, there was a very smart chairman who wanted to remove medallions he called temporary from cab owners, which believe it or not was resisted by the cab owners. They noticed it and they had screwed up the notes. I was asking questions and the chairman objected to the question and then sustained his own objection. If you are in doubt, you should order a re-notice, I think. Now, is there going to be another party here? No. I don't know, probably not, honestly. But if the intervenors are saying give us adequate discovery, give us due process I think you should side on that side. If you don't make them re-notice, you ought to let them do some discovery. Otherwise, there's prejudice. Just my opinion.

Chair Drobkin: (Inaudible) right here. Re-notices to change the word modification to expansion?

Bob Winner: I'm sorry? Say that again.

Chair Drobkin: Your suggestion of re-noticing is to change--is to change the word from modify/modification to expansion? Is that...

Bob Winner: No, the .391--I may be off on the numbers here. It's been a while.

Chair Drobkin: Oh, changing...

Bob Winner: .391 talks about modification.

Chair Drobkin: Oh, because of (inaudible). Okay. Under .391.

Bob Winner: .8827 is expansion or new application.

Chair Drobkin: Okay.



Bob Winner: The words are different, I think. Maybe you guys disagree, but I believe Mr. Nady even agreed they're different...

Chair Drobkin: Okay.

Bob Winner: ...in his deposition.

Chair Drobkin: I understand.

Bob Winner: So if you want to be safe, you re-notice. If you want to force the intervenors to say we won't challenge that then you should let them do adequate discovery. Just my suggestion. Questions? Okay. Thank you.

Nice to see you, Mr. Harvey. John Moran, Jr., General Counsel for Western Cab. We don't have anything to add at this time, but it's nice to see everybody here.

Chair Drobkin: Thank you so much. Okay. A-Cab?

Esther Rodriguez: I just want to address this issue of notice and what we're talking about. The statutes that we keep referencing, .8827 versus .391, those don't say anything. We don't have to—

Chair Drobkin: I'm sorry. He has ITPE on his intervention, but I don't have it on mine. I'm sorry.

Esther Rodriguez: Oh, okay. That's fine.

Richard Segerblom for ITPE Union: We agree with Mr. Tomlinson and the other intervenors in opposing the Motion to Amend.

Chair Drobkin: Okay. Thank you so much. And I do apologize for missing you.

Chair Drobkin: You guys have agreed on a few things actually over the course of the years. I am so sorry, Ms. Rodriguez.

Esther Rodriguez: Oh no, that's fine. You know, I just wanted to address the issue of the notice and what we're actually talking about, this notice issue and the discovery issue. When the notice is given of an application, the parties have a right to intervene. We've already done that. Everybody's had a right to intervene. And just as Mr. Winner said, if there's somebody else that wants to intervene, speak now. I think everybody's intervened already and I don't think we're going to have anybody new intervening by a new notice, re-filing all over again. The second thing you have the right to do is to participate in a Pre-Hearing Conference, and we've already done that. Everybody showed up. Everybody participated in that and we have a Discovery Scheduling Order. So if we need to do it again, I think we have one tentatively planned for Deluxe on Tuesday of next week, I believe. If there's some further Discovery that the Board's going to order, all the parties are going to be present. We can go through it then and decide what other Discovery they need at that point, just to expedite this thing. And then the last issue is this right to conduct Discovery. And what we should bear in mind is that you have a right to do Discovery so that there's no surprises at the hearing or the trial. And I would emphasize that there are no surprises. Everybody knows what A Cab is asking for and we haven't changed that in the amended application. We didn't change any of the exhibits. We didn't change the arguments. The only thing we did was strike out the reference to .391, because it was an extra. And if you look at those statutes of what we filed under, .391 versus the .8827, there really is hardly any difference. In fact, as I mentioned, .391 requests that you prove a lot more things than .8827. So if they want to ask, I think the big difference is



that (2)(d) that's the one we all end up fighting about; "The holders of the existing certificates will not meet the needs of the territory." That's the big difference between those two big statutes. So if they want to ask questions about (d) again to Mr. Nady or if they want a written Discovery, we'll answer those questions, but we went through that the last time; that there was enough already with the certificate holders asking for additional allocations, the people that we have come in and talk about those things. Mr. Nady's deposition, he talked about those things. So, you know, and I know we're going to address that again in the Motion for Summary Judgment, but I think that we're kind of blowing--exaggerating, you know, for lack of a better term, about the amount of Discovery that needs to be done and, oh, we're being deprived of due process and notice when there really isn't a big difference these things.

Member Hardy: Well, let me ask you this; they did serve you with written Discovery before, correct?

Esther Rodriguez: Yes.

Member Hardy: And your argument against--responding to that was that it was served too late?

Esther Rodriguez: Correct. Correct.

Member Hardy: So those requests have yet to be answered (inaudible). Is that fair?

Esther Rodriguez: That's correct. The written Discovery from Frias only. They're the only ones that served it.

Member Hardy: Well I mean, with all due respect to your position, you are changing the statute and there are, differences between the two. So what I would think is fair is kind of what we talked about last time is to grant your Motion to Amend, but also to give the opposing intervenors the opportunity to fully explore the basis for your application. Yeah, I don't think they need another year or whatever it is, but something like 90 days from today to conduct Discovery would be my suggestion. And it sounded from what you said before, what Mr. Nady at least said before, you would not be opposed to that.

Jay Nady: No, I wouldn't be opposed to it. If they did intervene--they may not have intervened because they thought, well, that's a no-brainer. We don't need to intervene this because he's going to lose that. He's an idiot. That's what I would--I mean you could use that as an example. So I don't disagree with you. I think we should open the doors to it. Ninety days is a long time and that's--I mean I might need a haircut between now and then and they might give me a bigger one than I need. So...

Member Hardy: Well, along those lines...

Jay Nady: ...if we can cut it back--I mean they've already issued what they thought the arguments would be.

Member Hardy: Well, that was under the prior statute.

Jay Nady: Right. We need 90 days or 45 or something. As long as we're moving along. It's just taking forever.

Member Hardy: Yeah, and then the other point, I guess too, on your deposition my thought is that, you've already sat in a deposition. That's no fun. I know that now, because I've had to be deposed once, but at the same time, again, you know, now you would be, if it's approved, proceeding under a different statute. And, yeah, I would suggest that the questions not be repeated, but there may be new avenues that they want.



Jay Nady: I don't have a problem being deposed. I make everything a fun time.

Member Hardy: Those were my...

Chair Drobkin: Okay. Does anybody else have anything to add?

Christine Guerici: I don't mean to interrupt, but can--Mr. Winner, can you just cite what statute you're talking about, about what notice it is that you're thinking that there's a problem with, because I've looked through here and I'm not sure what--and before we make any...

Bob Winner: I'm sorry.

Christine Guerici: ...I want to make sure we're...

Bob Winner: I'm getting really old. I didn't hear all of that.

Guerici: I wanted to know what statute you're talking about (inaudible) notice and what notice you were asking or suggesting be re-noticed so that we can discuss that before the Board makes their final decision.

Bob Winner: In all candor, I can't cite that statute other than my experience. I've been doing this for a few years. When you make an application for something, in this case a certificate, and you tell the world this is what we want, Modification .391, and then you amend it. Usually, you need to re-notice if it's bigger. Now, their argument is it's the same thing, countywide. Well, the statute is different. I'm not saying you have to. I'm saying that's something you ought to address.

Christine Guerici: So you're thinking...

Bob Winner: If you don't want to make a mistake, you want to be safe. I say make them re-notice. Is there an intervener out there that's going to show up? I can promise you that there's a lot of legal minds here that know the statutes better than you in this room. And if you make a mistake, you might hear about it later. If you elicited an agreement in exchange for fair Discovery, what they think is fair--no, not a year. I'll grant you that, but adequate. We won't challenge that. Maybe you're there. I don't know. I'm telling you the safe thing to do is to re-notice it. I'm not saying you have to, but that's just the safe thing to do.

Esther Rodriguez: And if I may speak to that, because I just kind of rushed over that at the beginning of my argument. But I'll give you the NAC 706.900, which accompanies the NRS 706.8818, says that "The Authority may allow any pleading to be amended or corrected or any omission to be supplied." And so that's why I started off saying you were well within the authority to allow the amendment which we have done, which is basically just to strike the reference to .391. And, again, I guess I ran through this a little quickly as well. If we had filed, as this Board had directed and as the intervenors have asked under this .8827, the accompanying code which I indicated on Page 2, lists out exactly what we need to state in our original application, which is A through H. It doesn't say very much. But then we would be sitting here with the intervenors not knowing--if we had filed as they wanted, nowhere would we reference a statute or a code, period. So then they would be asking Mr. Nady in his deposition, well, what are you filing under. And, honestly, that's a legal question. So he wouldn't even have to answer that question. So, to now say, well, we want to go back and ask him, well, what are you filing under. He doesn't know that as a cab owner. That's a legal question and that's a legal question for attorneys. But the proper code is NAC 706.900.



Neal Tomlinson: Can I object?
here?

May I be heard just on the notice issue that's just been raised

Chair Drobkin: Sure.

Neal Tomlinson on behalf of Frias: With respect to the notice, I think any of the intervenors here today would go forward with some abbreviated discovery. Of course, we would be hard pressed to say, well, we didn't have notice. Yeah, we would have notice at that point, because we would be participating. What the problem is the notice statutes are public noticing statutes. That's the problem that I see, not the for anybody here in this room, but notice for anyone else who may not have had proper notice back when this was first noticed. That's the only concern. And I think NRS .233(b) also is implicated in that. That would be my comment.

Esther Rodriguez: But to argue that--okay. The notice is that A Cab is filing for a modification of its certificate; that it's asking for 18, 18 and 18. That has not changed. That notice has been out there from day one. It's been there since February of last year, for over a year; so adequate notice has been given to anybody in the public that wants to participate in this. For A Cab to just change and say, okay, we're filing under that instead of that that does not change the notice requirement that's already been given to the public. We're not saying, okay, now we want 50 cabs instead of 18. It's exactly the same and proper notice has been given to the public.

Christine Guerri: Here's kind of where I'm at. The Board actually recommended this with counsel present and approving last time, on the record, that A Cab actually go back and amend. So I--since we're the ones who actually did that last time, I'm in full support of this. And I also am in full support of opening up discovery for a limited period of time. I think that's absolutely fair. But in all fairness to the process, the fact that this Board was the one who directed that--to do that I don't see how we can go back on that all of a sudden. The BBR (inaudible) agree just enough for me to--or large enough I guess is not the right word--large enough for me to go back on what we initially asked them to do. So that's where I'm at. I don't know if anyone wants to pipe in or (inaudible).

Member Hardy: I had one question. On the notice issue, you know, if you don't want to do that, which it sounds like you don't want to; is that correct...

Jay Nady: Yes.

Member Hardy:...you don't want--okay.

Esther Rodriguez: To re-file all over again? I don't think it's necessary, no. I mean I think that's what we're talking about by saying the notice is--re-file a brand new application.

Christine Guerri: That what we were talking about, no, that's (inaudible).

Male: Okay. I could make a motion that if anybody has any comments before the (inaudible).

Christine Guerri: I've moved back this. When you're filing this notice, the notice that Mr. Winner is talking about, is this the notice that's published in the newspaper or is this the notice that you send out to the certificate holders?

Ryan Sunga, DAG: It was just placed on the agenda about a year ago. She's correct. They filed and then we had--just like we do with A Cab last meeting, where the chairperson called up the intervenors



one by one and asked them, you know, if they have a position on the matter and to set the Pre-Hearing Conference. It's...

Christine Guerici: So it's not a specific newspaper notice that we're talking about? We're just talking about a notice that goes on the agenda?

Chair Drobkin: Right.

Christine Guerici: Okay.

Ryan Sunga: Yeah. It's also posted though.

Bob Winner: That's what I (inaudible).

Christine Guerici: Well, it's posted and it's posted--I mean it was posted today there's a Motion to Amend the application, so anybody in the public who was interested in an application for modification would have been on notice of today's agenda.

Ryan Sunga: Right.

Christine Guerici: I just wanted to clarify it because I know there's some instances, Barbara, where you have to put things in the newspaper, but that's not--this is not what they're talking about, right?

Barbara A. Webb: Right.

Member Nolan: Madam Chair? I think I possibly could speak for the Board, if not then (inaudible) any other members. But I think the spirit of what the Board would like is to add some brevity to this process and get really into the substance of the request by A Cab and probably would not look very favorably on a challenge to this particular issue for the purpose solely of stalling this process. So I think I'd just like to punctuate the discussion with that.

Esther Rodriguez: Thank you.

Chair Drobkin: Now would you like to make a motion?

Motion: I would move to grant the Motion to Amend A Cab's application with the additional--I don't know what you would call it--Discovery period. Yeah, thank you. With an expedited Discovery period, I would say 90 days from today to complete Discovery. That meaning if you want to propound new or additional Discovery requests, you meaning the intervenors, make sure you send those out in a timely manner, not two weeks before the discovery would close. Then I would also include that Mr. Nady maybe re-deposed as part of that Discovery process subject to re-asking frivolous--well, frivolous isn't the right word--re-asking questions that have already been asked and answered. However, I do understand that there may have been questions that were asked that need to be re-answered under the statute that they're proceeding under now. And as part of that, I would ask that the Administrator set the--what's it called, the...Pre-hearing Conference as soon as possible.

By: Member Hardy
Seconded: Member Nolan
Vote: Passed unanimously



Esther Rodriguez: Thank you.

Chair Drobkin stated that Agenda Items 10, 11 and 12 will be voted on together.

- *10. Discussion and Possible Decision regarding Henderson Taxi and Whittlesea Blue Cab Company's Motion to Dismiss or in the Alternative, Motion for Summary Judgment.
- *11. Discussion and Possible Decision regarding the Frias Motion in Limine to Exclude Any and All Undisclosed Documents and/or Witnesses from Evidence.
- *12. Discussion and Possible Decision regarding the Frias Motion to Compel A Cab's Responses to Discovery Requests.

Motion: With motion passing on Agenda Item 13, Items 10-11-12 become moot.
Deny without prejudice.
By: Chair Drobkin
Seconded: Member Hardy
Vote: Passed unanimously

Chair Drobkin stated she is taking Agenda Items 15 and 17 together.

Member Hardy left at this time before the convention items.

- *15. Discussion and Possible Decision regarding the temporary allocation of medallions for NASCAR from Thursday, March 6th through Sunday, March 9th, 2014 at the Las Vegas Motor Speedway.
- *17. Discussion and Possible Decision regarding the temporary allocation of medallions for the 2014 CONEXPO-CON/AGG to be held at LVCVA from Tuesday, March 4th through Saturday, March 8th with an anticipated attendance of 130,000.

Intervenors for both agenda items were Sun Cab Inc. d/b/a Nellis Cab Company, Yellow/Checker/Star Cab Companies, Frias Transportation, Lucky Cab Company, Whittlesea Blue/Henderson Taxi, Desert Cab Company, A Cab, LLC, Boulder Cab, d/b/a Deluxe Taxicab Service, Western Cab Company, ITPE Union.

For Agenda Item 15 – NASCAR – ITPE Union – Richard Segerblom does not support an allocation.

For Agenda Item 17 – CONEXPO/CONAGG – ITPE Union – Richard Segerblom asked for –
Tuesday, March 4th and Wednesday, March 5th – 5 medallions 7 AM – 7 PM
5 medallions 12 PM – 2 AM – any 12 hours

George Balaban, Desert Cab, spoke on behalf of the industry when stating what the allocation of temporary medallions that the industry is requesting. He explained how this is the first time that NASCAR and CONEXPO are here the same week with CONEXPO in on March 4th and out on March 8th and NASCAR starting on March 6th through March 9th. Their request is –



Monday, March 3rd – 10 medallions – 12 PM – 2 AM – any 12 hours

*Tuesday, March 4th and Wednesday, March 5th – 10 medallions - 7 AM – 7 PM
10 medallions – 12 PM – 2 AM*

Thursday, March 6th – 10 medallions – 7 AM – 7 PM

5 medallions – 12 PM – 2 AM – any 12 hours

Friday, March 7th and Saturday, March 8th – 5 medallions – 7 AM – 7 PM

5 medallions – 12 PM – 2 AM – any 12 hours

Saturday, March 8th – 5 medallions – 7 AM – 7 PM

Motion for ConExpo:

Motion: Approve requested allocation of temporary medallions
By: Member Miller
Seconded: Member Nolan
Vote: Passed unanimously

Motion for NASCAR:

Motion: Approve requested allocation of temporary medallions
By: Member Miller
Seconded: Member Colliins
Vote: Passed unanimously

- *14. Discussion and Possible Decision regarding the allocation of temporary medallions for the 2014 March Madness scheduled for several dates at several locations.

Intervenors for both agenda items were Sun Cab Inc. d/b/a Nellis Cab Company, Yellow/Checker/Star Cab Companies, Frias Transportation, Lucky Cab Company, Whittlesea Blue/Henderson Taxi, Desert Cab Company, A Cab, LLC, Boulder Cab, d/b/a Deluxe Taxicab Service, Western Cab Company, ITPE Union.

ITPE Union, Richard Segerblom – does not support an allocation.

George Balaban spoke on behalf of the industry. Their request is –

Wednesday, March 19th – 5 medallions - 12 PM – 2 AM – any 12 hours

Thursday, March 20th – 5 medallions – 7 AM – 7 PM

Motion: Approve requested allocation of temporary medallions
By: Member Collins
Seconded: Member Miller
Vote: Passed unanimously

- *16. Discussion and Possible Decision regarding the temporary allocation of medallions for the 2014 National Association of Broadcasters (NAB) from Monday, April 7th through Thursday, April 10th at the LVCVA with an anticipated attendance of 96,000.

Intervenors for both agenda items were Sun Cab Inc. d/b/a Nellis Cab Company, Yellow/Checker/Star Cab Companies, Frias Transportation, Lucky Cab Company, Whittlesea Blue/Henderson Taxi, Desert Cab Company, A Cab, LLC, Boulder Cab, d/b/a Deluxe Taxicab Service, Western Cab Company, ITPE Union.



ITPE Union, Richard Segerblom – does not support an allocation.

George Balaban spoke on behalf of the industry. Their request is –

Monday, April 7th – 5 medallions - 12 PM – 2 AM – any 12 hours

Tuesday, April 8th and Wednesday, April 9th – 5 medallions – 7 AM – 7 PM

5 medallions – 12 PM – 2 AM – any 12 hours

Thursday, April 10th – 5 medallions – 7 AM – 7 PM

Motion:	Approve requested allocation of temporary medallions
By:	Member Nolan
Seconded:	Member Miller
Vote:	Passed unanimously

18. Staff Report

Staff member Kelly Kuzik had been out; therefore, monthly stats were not available.

Administrator Harvey spoke about his goal of being a model regulatory agency. He stated that mediocrity is easy, becoming great is difficult. As he has implemented processes and policies to move the agency forward, he has met with some resistance - internally. That is why we are in this situation today. He commented that when he was hired, it was clear to everyone what this Agency was, its capabilities, and what it had been in the past. The Agency was never designed and funded to do what it was now expected to do. We were not set up to be a 24/7 agency. He has less than 30 Investigators to handle 27 million taxi rides per year. He said he is never satisfied and is continuously looking for ways to improve operations and move forward. He understands that it is difficult but he feels, with the help of Chief Aquino and the cooperation of staff, it will continue to improve. He and Chief Aquino have put together a team to make this Agency work better. He commented that when he appointed Ruben Aquino as Chief, he did not want a subordinate, he wanted a partner to help address the long standing problems the Agency and Industry faced, and Chief Aquino took on that role. Mr. Harvey said that Chief Aquino has done an admirable job. He stated it is repulsive what the press had written. He thanked the Board for their support and asked Chief Aquino to speak about some of the Agency's efforts regarding Long Haul enforcement.

Chief Aquino stated that he and the Administrator have a zero tolerance for long hauling and no matter what they and staff do, it'll never stop. They have taken an approach to make it better and help the tourist. In a conversation with George Balaban, George had said that he heard a rumor that some long haul citations were going to be sent to Justice Court and some to Admin Court. Chief said they are trying new ways – the \$100 fines come to the Admin Court and the \$700 fines go to Justice Court but this is not a permanent part of their program. He commented that they are moving forward not staying where they are now, trying to better the system. He said that there are no deals cut with the drivers for long hauling. He said that first offense is a \$100 fine, 2nd \$500 with suspension and/or revocation of permit. Then you have the passengers that do not want to prosecute the driver and he encourages the investigators to write the tickets anyway if there is probable cause. He said the agency has no tolerance for long hauling and with the help of DAG Ryan Sunga, hopefully, it will decrease slowly. He went on to say that Mr. Harvey is one of the greatest human beings he's ever met – ethical, intelligent. Long hauling is on the top of their list, but it is not the only issue they have to deal with. There is a lot of difficulty trying to retrain the old investigators and training the new investigators.



19. Report of Legal Counsel

DAG Ryan Sunga said there is nothing to report.

20. Public Comment

George Balaban wanted to respond to Chief with regard to long haul fines. He asked him to communicate with the companies as to what the TA wants to do. He wants to post long haul issues and what is going to happen. He said the zero tolerance is not enough. He said the meter shows if there was a long haul issue. He wants the TA to communicate with them to make it a deterrent, needs to spread the word. He applauds what the TA is doing and said it's great that Chief has meetings with the company trainers.

Public Comment was closed.

*21. Adjournment

Motion:	To adjourn
By:	Member Miller
Seconded:	Member Collins
Vote:	Passed unanimously

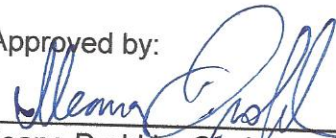
Meeting was adjourned at 11:24.

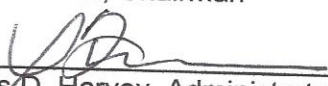
Respectfully submitted by:

See note below

	<u>03-13-14</u>
Barbara A. Webb, Recording Secretary	Date

Approved by:

	<u>03-25-14</u>
Ileana Drobkin, Chairman	Date

	<u>3-17-14</u>
Charles D. Harvey, Administrator	Date

**** NOTE:**

Portions of the Minutes were transcribed by Aegis RapidText and portions by Barbara A. Webb.

