Nevada Taxicab Authority
State of Nevada - Business and Industry

2090 E. Flamingo Road Suite 200
Las Vegas Nevada 89119
Telephone (702) 668-4029 • Fax (702) 668-4001
http://taxi.nv.gov

NOTICE OF HEARING

DATE OF FILING 02-21-2017

NAME Teshome Balcban

PERMIT # 25687

PHONE

ADDRESS

DATE OF HEARING BY HEARING OFFICER: 02-21-17

DATE OF HEARING WITH THE T.A. BOARD MEMBERS: 4.20.17

ZIP CODE:

IF YOU HAVE A CHANGE IN ADDRESS, NOTIFY THE NEVADA TAXICAB AUTHORITY OFFICE IMMEDIATELY

NAME OF ATTORNEY

ADDRESS OF ATTONEY

ATTORNEY PHONE #, do hereby request an appeal of the:

- [X] Administrative Hearing Decision
- [ ] Denial of Application for Driver Permit
- [ ] Other

OFFICE USE ONLY

You will need to notify the Administrative Investigator if you wish to go forward with your appeal.

FINAL DECISION

BOARD DECISION 4.20.17 DATE OF DECISION ✓ UPHELD DENIED MODIFIED

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APPEAL TO TAXICAB AUTHORITY BOARD
APPELLANT'S CONTACT INFORMATION
(Form 1)

Name: BALCHA, TESHOME

Address: _____

_____

_____ _____

_____ _____

Telephone Numbe _____

Email Address: _____

Attorney Name (If applicable): _____

Attorney Address: _____

_____

Attorney Telephone Number: _____

Attorney Email Address: _____

*****NOTE*****

It remains the Appellant's responsibility to update his or her information with the Taxicab Authority. Failure to provide updates may delay the appeal process.

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RESPONDENT'S APPEAL TO THE TAXICAB AUTHORITY BOARD PURSUANT TO NAC 706.975
(Form 2)

I, 25687, permit number, BALCHA, do hereby appeal the final decision made by the Hearing Officer pursuant to NRS 706.8822 in the following case:

Citation No.: 8-00056622

Event No.: 161126-010

List Statutory Violations: CCO 15-04-290

Fine(s) imposed/Decision(s) Made: 2-21-17

My reason for my appeal is as follows: To appeal the Court dission. I dissagree the Court ruled:

I understand filing an appeal means submitting ***both the appeal paperwork and a non-refundable certified transcript fee of $2.50 per audio minute***. Both the paperwork and fee must be submitted to the Taxicab Authority Office within 30 calendar days following the Hearing Officer's decision. The Taxicab Authority Office is located at 2090 East Flamingo Road, Suite 200, Las Vegas, Nevada 89119, and open Monday through Friday during regular business hours. Failure to timely submit my appeal paperwork along with transcript fee may result in the Board denying my appeal.

I further understand that this appeal may be denied if I fail to provide sufficient reason(s) to support how the final decision made by the Hearing Officer was unreasonable, unlawful, erroneous, or not in conformity with the law.

Lastly, it is my responsibility to comply with **all** requirements as further stated in NAC 706.975.

Teshome Balcha
Respondent

Nevada Taxicab Authority
State of Nevada - Business and Industry

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Las Vegas Nevada 89119
Telephone (702) 668-4029 • Fax (702) 668-4001
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APPEAL TO TAXICAB AUTHORITY
BOARD – WAIVER
(Form 3)

I, Teshome Bolcho having been heard before the Taxicab Authority Hearing Officer on 2-21-17 hereby authorize the State of Nevada Taxicab Authority Board Members to hear testimony regarding my criminal history including but not limited to, F.B.I. Records, Nevada Criminal History Records and Las Vegas Metro SCOPE in order to facilitate my appeal to the Board.

Teshome
Respondent

NV Driver's License No.

2-21-17
Date

Barbara D. Wahl
Taxicab Authority Witness Signature

02-21-17
Date

In the Justice/Municipal Court of

Court Case # TA ADMIN

State of Nevada

Taxicab Authority
Revision Date: March 2015

Citation Number:
Accident Number:
Event Number: 161126-016

☐ Juvenile ☒ Evidence Logged ☐ Arrest

Traffic/Misdemeanor/Citation Complaint

☒ Traffic ☐ Accident
☐ Non-Traffic ☐ Warning
☐ Parking Meter #____

☐ School Zone ☐ Hazmat
☐ Construction Zone ☐ S.T.E.P.
☒ Urban ☐ Rural

☐ Aircraft Clock Number:____
☐ Radar ☐ Other
☐ Explain:____

Travel Direction: North: ☒ South: ☐ East: ☐ West: ☐ Beat/Area:____ Mile Marker:____

At Location: N LV BLVD / POLO TOWER DRIVEWAY

Weather Conditions: CLEAR Road Conditions: DRY Traffic: LIGHT

Violation Date: 11-26-16 Day Code: Violation Time 0346

Issue Date: 11-26-16 Issue Time: 0357

Defendant Type:
Driver: ☒ Passenger: ☐ Pedestrian ☐ Other: ☐
Explain Other:

Had Been Drinking: Yes: ☐ No: ☐ Unk: ☒
Test Type: PBT: ☐ Blood: ☐ Breath: ☐ UA: ☐
Drugs Suspected: ☐ Results: %

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA, CITY/COUNTY

Name (Last, First, Middle): BALCHA, TESHOME A. SSN: TA: 025687

Ve[illegible]e has current proof of Insurance? ☐ Yes ☐ No Expiration Date of Insurance Card:

DID OPERATE THE FOLLOWING VEHICLE/ MOTOR VEHICLE AT THE ABOVE LISTED LOCATION

Commercial Vehicle: ☐ US DOT #: VIN#: WESTERN 216

Vehicle Plate: 15D605 Lic [illegible] Expiration: [illegible] Year: 16 Make: CHEV Model: IMPALA Type: PAD Color:

Registered Owner: ☐ Same WESTERN Address: 801 S. MAIN ST. 89101

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S)

1. Violation 706.8845-NDC ☒ NRS ☐ CFR ☐ County Code ☐ Municipal Code
Description: OBEY ALL LAWS Posted Speed: Actual Speed: Cited Speed:
To Wit: ~~CFR~~ 16.04.290, SEEK FARE

NO BAIL: ☐ Bail Amount: Admin Assessment: Facility Assessment: Total:

2. Violation 706.8845-NDC ☐ NRS ☐ CFR ☐ County Code ☐ Municipal Code
Description: INTERFERE W/TRAFFIC WHILE LOADING
To Wit:

NO BAIL: ☐	Bail Amount:	Admin Assessment:	Facility Assessment:	Total:
[illegible]as V[illegible] us[illegible]urt 0[illegible]s nd Floor as Vegas, v. 89101 02-671-3116 [ ]	Las Vegas Municipal Court 200 Lewis 2nd Floor Las Vegas, Nv. 89101 702-229-6509 [ ]	North Las Vegas Municipal Court 2332 NLV Blvd. North Las Vegas, Nv. 89030 702-633-1130 [ ]	Henderson Municipal Court 243 S. Water St. Henderson, Nv. 89015 702-565-2075 [ ]	Taxicab Authority Administrative Hearing 2080 E. Flamingo Rd. #114 Las Vegas, Nv. 89119 702-668-4000 [ ]

[illegible] certify (or Declare) that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above infraction(s) and/or offense(s) contrary to law.

[illegible]fficer/Complainant PRINTED Name: [illegible]. DUNN Officer/Complainant's Signature I.D.# 599

[illegible]ourt: TA ADMIN Phone:

[illegible]ddress:

[illegible]u are hereby ordered to appear [illegible] to answer the above charge(s) Date: 12-14-16 Time: 1:00 am pm

Without admitting having committed each of the above offense(s), I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate (NRS 484.799 and NRS 484.803)

[illegible]efendant's [illegible]gnature X ☐ Interpreter Needed Language: ☐ Court Mandatory Total Bail: $ 0

[illegible]ure to comply with this complaint or future dates relating to this complaint will constitute a separate offense.

8-00056622

8005622A

DISCOVER RECEIVED
BY: Jessica Ballmer
DATE: 12-14-16

STATE'S EX. A

STATE OF NEVADA TAXICAB AUTHORITY
ADMINISTRATIVE CITATION NARRATIVE

Event # 161126-010

Citation # 8-00056622

Narrative

On 11-26-16, I was assigned as #577, Nevada Taxicab Authority Uniformed Patrol Division. At about 0345, I was traveling N/B on Las Vegas Boulevard, north of Park Avenue. I observed Western Cab #216 loading two passengers in the far right lane of the roadway. I was traveling in the lane, as I was going to turn E/B on Harmon. I was forced to stop directly behind the cab while I observed the two passengers load. Everything was observed through the clear and unobstructed windshield of my patrol vehicle.

After the passengers had loaded, I activated the blue and red emergency lights of my patrol vehicle. The cab pulled into the driveway south of the Hawaiian Marketplace.

Upon stop, I identified myself and advised the driver that he was being stopped for interfering with traffic while loading, and seeking a fare at other than a cab stand. He stated that he was just dropping off a cellular phone that was forgotten in the cab. The female in the left rear seat rolled her window down and stated that she did forget her phone in the cab, and was just getting it back.

I asked why she and her friend had to load the cab if they were just retrieving her phone. She had no response. I then asked the driver why he loaded the passengers if he, in fact, was just returning the phone. He stated that they just got in because his doors could not lock. The Chevy Impala that he was operating normally locks all doors when placed into drive, and unlocks them when placed into park. I instructed him to place the vehicle into drive. He hesitated. I advised him that I was giving him an opportunity to show me that his locks were in fact not working. He slowly placed the shifter into drive, at which point I observed all doors lock. I attempted to open the rear left door, and it was locked. I instructed him to place the shifter back to park. He did, and all doors unlocked. This meant that he had to manually unlock the doors, or place the vehicle in park for the passengers to load. Upon seeing this, the driver uttered, "I drive different vehicles so I am not familiar with all of them." He had no legal justification for the infractions.

Both passengers exited the cab as I was completing the citation.

Driver was cited, without incident, for CCO 15.04.290, Seek Fare at other than a cab stand and NRS 706.8845-9, Interfere with traffic while loading.

Driver stated that he would be going to court, because I did not understand his explanation for interfering with traffic while loading and seeking a fare at other than cab stand.

Reporting Officer Name and P#

Other

D. DUNG #577

Reporting Officer Signature

Date of signature 11/26/2016

Supervisor Approving Report Signature

Date of signature 11-26-16

RECEIVED
NOV 26 2016

TAXICAB AUTHORITY

STATE OF NEVADA

In the matter of: Nevada Taxicab Authority, Petitioner, vs. TESHOME BALCHA Respondent.	TRIAL: 161126-010

February 21, 2017

Transcribed By: Always On Time

1 I N D E X

2 WITNESSES PAGE

3 For State:

4 Officer Dung 4

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1 E X H I B I T S

	IDENTIFIED	RECEIVED
For Respondent		
None		
For State:		
Officer Dung's Report	6	6

JUDGE: Balcha. Permit No: 25687. Mr. Balcha, please have a seat. Event No: 161126-010. Violation date 11/26/2016. Citation No: 56622. Violation CCO 15.04.290, Seeking a Fare Other Than Cab Stand. Violation 2, NRS 706.8845, Interfere with Traffic When Loading. Mr. Balcha, are you ready for trial?

BALCHA: Yes.

JUDGE: So, I'm going to say the same things that I usually say. You remember this, but I just want to make sure you understand what to expect today.

BALCHA: Yes.

JUDGE: The State has the burden of proving its case. It's going to present any witnesses and/or documents that it might have. You will have the chance to ask questions of their witness and also ask questions of their documents. When you ask a question, make sure it's one at a time. Let the witness answer and then you move on to your next question. When your witness answers, you may or may not agree with that answer, but it's not a time for you to make a statement. It's not a time for you to argue, do you understand?

BALCHA: Yes.

JUDGE: You have the right to an attorney today at your own expense. That means you can go out there, hire an attorney and bring that attorney with you. I do not see one

present. Does that mean you want trial without an attorney today?

BALCHA: Yes.

JUDGE: Last question is, there's something called the Exclusionary Rule. If you wish to exercise that rule, I will ask all witnesses to go outside, not talk about the case until it is over. Would you like to exercise that rule?

BALCHA: Yes.

JUDGE: He has invoked his exclusionary right Counsel. On behalf of the State?

STATE: Gary Matthews.

JUDGE: On behalf of the Respondent, Mr. Balcha, please say your first and last name, spelling your last name for the record.

BALCHA: BALCHA.

JUDGE: Okay, say your first and last name.

BALCHA: TESHOME.

JUDGE: Okay, now say your first and last name together.

BALCHA: Teshome Balcha.

JUDGE: Thank you sir. State?

STATE: Call Officer Dung.

JUDGE: Do you swear to tell the truth, the whole truth and nothing but the truth?

DUNG: Yes.

1 JUDGE: Have a seat.

2 STATE: Please state your full name, spell your

3 last name for the record.

4 DUNG: Dean, last name is Dung, DUNG.

5 STATE: What's your current employer?

6 DUNG: The Nevada Taxicab Authority.

7 STATE: How long have you been there?

8 DUNG: About 11 months.

9 STATE: What's your current job title?

10 DUNG: I'm a Compliance Enforcement Investigator.

11 STATE: What are your job duties?

12 DUNG: To enforce the Nevada Revised Statutes and

13 Nevada Administrative Code on the Taxicab Industry.

14 STATE: Okay. And, were you on duty on November

15 26, 2016 at 3:45 AM?

16 DUNG: Yes.

17 STATE: At that particular time, did you make

18 contact with Teshome Balcha?

19 DUNG: Yes.

20 STATE: You see him here today?

21 DUNG: Yes.

22 STATE: Can you point to him and tell me what he's

23 wearing?

24 DUNG: He's in front of me wearing a dark brown

25 suit or jacket.

1 JUDGE: Anything else?

2 DUNG: Glasses.

3 JUDGE: Respondent has been identified.

4 STATE: And as a result of that contact, did you

5 issue him Citation 56622?

6 DUNG: Yes.

7 STATE: Based on that, did you prepare a report?

8 DUNG: Yes.

9 STATE: This appear to be a fair and accurate copy

10 of the report as you prepared it?

11 DUNG: [pause] Yes.

12 STATE: Let the record reflect Mr. Balcha was given

13 a copy of that on December 14, 2016 at 1:00 PM.

14 JUDGE: Record will so reflect. Mr. Balcha?

15 BALCHA: Yes.

16 JUDGE: Any reason why I should not see these

17 documents?

18 BALCHA: This document?

19 JUDGE: Yes.

20 BALCHA: I think—I have this. [pause] This is all

21 I have.

22 STATE: She just wants to see them.

23 BALCHA: Oh, yes to see, okay.

24 JUDGE: Hearing no objection, it will be admitted

25 as State's Exhibit A.

1 STATE: So, Officer Dung, what drew your attention
2 to the respondent?
3 DUNG: I observed the—I was actually traveling—
4 BALCHA: Can you, louder please?
5 DUNG: I was traveling northbound on the
6 Boulevard. I observed the cab in the far-right lane next to the
7 curb, appeared to be loading passengers. So, I stopped behind
8 it. After the passengers got in, I activated the emergency
9 lights of the vehicle to conduct a traffic stop. The vehicle
10 pulled, turned right into the alley near the Hawaiian
11 Marketplace. That's where I conducted business.
12 STATE: Okay. So, you saw a cab, was it Western
13 Cab 216?
14 DUNG: Yes.
15 STATE: He was northbound on Las Vegas Boulevard,
16 just north of Park Avenue?
17 DUNG: Yes.
18 STATE: And, how many lanes of travel on the
19 northbound Las Vegas Boulevard?
20 DUNG: About four, five.
21 STATE: And what lane was he in?
22 DUNG: The far-right, closest to the curb.
23 STATE: Closest to the curb?
24 DUNG: Yes.
25

STATE: And he was stationary, he was parked—stopped?

DUNG: Stopped, yes.

STATE: Was that a travel lane?

DUNG: Yes.

STATE: And, where was your vehicle?

DUNG: I pulled up right behind him. I had to stop because he stopped in front of me.

STATE: Okay. So, you were traveling behind him in the same lane?

DUNG: Yes.

STATE: Northbound Las Vegas Boulevard?

DUNG: Yes.

STATE: North of Park Avenue?

DUNG: Yes.

STATE: And you stopped—was anybody between you and him?

DUNG: No.

STATE: So, he stopped in the roadway, which forced you to stop?

DUNG: Yes.

STATE: And then what did you observe? Him load two passengers?

DUNG: Yes.

STATE: And did he engage his meter?

1 DUNG: Uh, I don't recall. I'm pretty sure the
2 meter was activated.
3 STATE: You had a clear and unobstructed view
4 through your windshield?
5 DUNG: Oh, yes.
6 STATE: Did you see the passengers walk up to the
7 vehicle, or when did you first see the passengers?
8 DUNG: I observe the cab stop, the passengers
9 walked up to the vehicle. It looked like they were talking for a
10 while and then they opened the doors and entered.
11 STATE: How long were you stopped there for?
12 DUNG: Um. It wasn't too long. Maybe, under a
13 minute.
14 STATE: You were stopped for right around a minute
15 in the travel lane on Las Vegas Boulevard?
16 DUNG: Yes.
17 STATE: And, did you notice what the passengers did
18 to have the cab stop?
19 DUNG: I just noticed them walking over and kind
20 of motioning towards it.
21 STATE: How fast were you going on Las Vegas
22 Boulevard?
23 DUNG: Uh. Uh, I don't know, I mean, I was just
24 going with the flow of traffic. There wasn't much but—yeah,
25

1 which it actually drew my attention when he stopped in front of
2 me.
3 STATE: Then how far did the cab travel after you
4 activated your lights?
5 DUNG: Maybe 5-10 feet and it turned into the
6 alley off of the Boulevard.
7 STATE: That's where the Hawaiian Marketplace is?
8 DUNG: Yes.
9 STATE: You approached the driver, identified
10 yourself, told him why you stopped him?
11 DUNG: Yes.
12 STATE: Did he tell you anything at that point?
13 DUNG: I asked him why he was loading in the
14 roadway. He stated he was returning a cellular phone to the
15 passengers. So, I asked him why was it necessary for them to
16 enter the cab if he was returning something. He said that they
17 just jumped in. Then I asked him why weren't his doors locked.
18 He said the door locks didn't work. So, that cab, that in
19 particular, because Western utilizes a lot of them, when I have
20 to inspect them for defects or things like that, to put them on a
21 service for accidents or whatnot, you know, there are things that
22 I do in the process. One of them is activating the gear shifter
23 for the transmission. So, for that particular vehicle, when the
24 vehicle is started initially and you—it's in park, when you
25 depress the brake and you place it into drive, the doors are all

1 automatically locked. At the same time, when you place it back
2 into park, the doors are all unlocked. I asked the driver, why
3 did you, you know, how did the enter your cab if the doors were
4 locked? He stated that the locks were broken. I asked him to
5 place the—you know, while he was stopped, I said, you know the
6 vehicle is still running, put it into drive. So, he placed it
7 into drive and all the doors locked. I said, now put it back
8 into park. So, he put it back into park, all the doors unlocked.
9 I even the tested the door after it was—while it was locked and
10 unlocked and it didn't appear to have any faults or failures.
11 Yeah, I mean, pretty much, that was the gist of it and I
12 asked him again why was it necessary for them to enter the
13 vehicle if he was just returning an item. Why couldn't he have
14 just pulled into the driveway or even if they walked up, why
15 couldn't he have just handed it to them? He stated that he had—I
16 think, if I recall, he said they called him or something. I
17 said, how did they call you if they didn't have a phone? How did
18 they have your number? He said, they saw me driving down the
19 Boulevard so they flagged me down. I said, how did they
20 designate your cab out of all the others that you were the one
21 that dropped them off. I mean, it's not normal for people to—in
22 my experience, to recognize a cab out of all the ones operating
23 out on the Boulevard as a specific one that, I mean—yeah. But
24 that's just from my experience.
25

1 STATE: So, did the passenger—did you talk to the
2 passengers at all?
3 DUNG: Yes.
4 STATE: What kind of conversation did you have with
5 the passenger?
6 DUNG: Oh, I asked him why they got in. The girl
7 actually, in the back, she actually stated, oh he was bringing me
8 my phone. So, I asked why did you need to enter the cab if you
9 were picking up your phone and she didn't say anything in
10 response. So, as I walked back to my vehicle, I was running the
11 permit number to check the history on the vehicle and the driver
12 and the passengers actually exited and walked away. So, I never
13 saw them again after that.
14 STATE: Did you see them exchange the phone?
15 DUNG: No.
16 STATE: Did you ask them where they were going?
17 DUNG: Yes.
18 STATE: Where were they going?
19 DUNG: They said they weren't sure but they were
20 going down—down the Boulevard. It didn't appear as though they
21 had any definite destination.
22 STATE: Did you observe if the meter was running?
23 DUNG: No, I can't be certain of that. I mean,
24 the area was dark, I just wanted to make sure it was safe because
25

1 there was still vehicles entering that alleyway and I was trying
2 not to get runover.
3 STATE: So, you cited him for Clark County Code
4 15.04.290, which states, it shall be unlawful for any person to
5 park a taxicab for the purpose of seeking employment or
6 passengers at any place upon the streets and highways of Clark
7 County or any municipality within the County, other than the
8 stands or locations designated and authorized therefore by a
9 government authority having territorial jurisdiction thereover
10 and is marked by appropriate signs and curb painting or
11 otherwise. Was he seeking employment or passengers?
12 DUNG: It appeared so because he pulled over, the
13 passengers jumped in or appeared to have conversation and then
14 entered the vehicle. So, from my experience, I've seen that
15 happen numerous times on the strip and that's normally what I
16 issue a citation for.
17 STATE: Okay. And you also cited him for NRS
18 706.8845, Subsection 9, Interfere with Traffic When Loading.
19 DUNG: Yes.
20 STATE: That states, standard of conduct while on
21 duty, while driver is on duty. The driver shall, Subsection 9,
22 not load or unload passenger or luggage at an intersection or
23 crosswalk or at any place in any manner that will interfere with
24 the orderly flow of traffic. That's—you cited him for it because
25 he stopped in the roadway, correct?

1 DUNG: Yes.

2 STATE: And, when you asked the driver, did he tell

3 you anything specific?

4 DUNG: As far as?

5 STATE: As far as what he was doing there? Besides

6 handing the phone back?

7 DUNG: Well, he stated—he said he was returning

8 their phone, that was it.

9 STATE: But he didn't say that they had a specific

10 time and a place to meet?

11 DUNG: No.

12 STATE: It was a random act.

13 DUNG: It appeared as those it was, yes.

14 STATE: Okay. That's all I have.

15 JUDGE: Mr. Balcha, any questions for the Officer?

16 BALCHA: Yes.

17 JUDGE: Go ahead sir.

18 BALCHA: Okay. So far you say you tell the truth

19 except the meter. The meter you said, I engaged—I turned on the

20 meter you said.

21 DUNG: I said I wasn't sure. I could be mistaken.

22 BALCHA: Okay, thank you. The lady told you what,

23 when you asked her, what did she say? You talked to the lady on

24 the left back side.

25 DUNG: Yes.

1 BALCHA: What did she say?

2 DUNG: I just recall her saying something about

3 returning her phone.

4 BALCHA: Thank you. That's it. My two questions.

5 JUDGE: Okay. State?

6 STATE: So, Mr. Balcha, your stating that or

7 according to the report, your stating that they left the cell

8 phone in your car?

9 BALCHA: The night shift, I start.

10 JUDGE: Hold on. Hold on. We're still on him,

11 asking questions.

12 BALCHA: Sorry.

13 STATE: Oh, sorry. No, I don't have any more

14 questions.

15 JUDGE: Okay. You may step down. Subject to

16 recall. The Exclusionary Rule has been invoked, so please step

17 outside until we call you back, thank you.

18 Mr. Balcha, would you like to tell me your side?

19 BALCHA: Yes.

20 JUDGE: Please stand. Raise your right hand, other

21 hand. Do you swear to tell the truth, the whole truth and

22 nothing but the truth?

23 BALCHA: Yes.

24 JUDGE: Have a seat. Do you understand that the

25 State might ask you questions or I might ask you questions?

1 BALCHA: Okay.

2 JUDGE: Go ahead sir.

3 BALCHA: All right. It was night, 3:00 I start. I
4 drove through the Las Vegas Boulevard. When I arrive at Mirage,
5 I hear ringing noise in the car. And then, I—Mirage, I go in and
6 then I look at it. I see phone, big phone. Just new model I
7 think, even the plastic is not removed. Then, I said, hello?
8 The lady said, I left the phone. Where did you leave? She
9 doesn't know. I think she looks drunk, the way she talk.

10 Then, where do I meet you to give you? She said, Polo.
11 Okay, I'm coming Polo, if I don't get you, return to the company,
12 you'll get it from there until 3:00 PM. She said, no, no, no,
13 now, now, now, I'm at Polo. Okay, I'm coming. I came Polo, I
14 didn't see her. I get out and then around MGM and then Las Vegas
15 Boulevard to the north, I told her already my car number 216. My
16 name is Teshome Balcha. If you see me, just wave me on the
17 street. Okay.

18 I came and then, so many people before me on the curb,
19 Gypsy Van, I think maybe Uber, maybe Gypsy. Simply because they
20 [inaudible] taxi. Then I said, when she see my taxi, she waved
21 me. I call her, I saw him on the back, the police, he didn't put
22 the lights. Then I open—I park, I open the windows and when I
23 talk to her, she gave me her name. Jenna is her name. I opened
24 and then she closed, what's your telephone number? She gave me
25 exactly. What's your name? What's my name this? Okay. Okay,

1 I'm going to give it. She jumped in. It was cold. She wore
2 very light clothes. She felt cold, she jump in. Then another
3 guy came. I said, who is that? You said, you are the one who
4 lost it, what—my husband, my husband. Okay.
5 Then, what's your name? Did this and then, okay. This is
6 your phone. And then, when I—he puts the lights, the sirens.
7 Before me there was a van loading so many people. It's not taxi.
8 I know the—to take strip club to make money, I know. When they
9 moved, I turned—when I moved, he put the lights.
10 Then, he came, I told him to give the telephone. It's not—
11 it's not my ride. The night shift actually—[tape cut] left it
12 there. She—when she traveled in my—I didn't load it in one load
13 that time and then she came in, we talked and then it's my phone.
14 She said, thank you. Her husband said thank you.
15 This man is going to give me a ticket and then you have to
16 talk to him. She showed him the phone, he's returning my
17 telephone, she scream at him. This is the phone. He didn't
18 listen to her. She was in night club, things like that. She was
19 literally drunk. Then he took time with writing. Then she said,
20 she has to go bathroom. She went, the man left. He gave me, for
21 you, just because you're honest, gave me $20. I didn't think it
22 was that major thing, just to return the telephone. When I push
23 it, lock is open, she jump in. The man followed her. I can't do
24 anything, just to return the phone.
25

1 That's the only thing I—I feel I didn't do anything wrong.
2 Just turned the corner. She saw my taxi. She waved. I asked
3 her, she tell me exactly her identity, her phone number. Then
4 when I'm talking to her, she jump in. Because she wore a mini-
5 skirt and very light clothes, things like that. She said, it's
6 cold. She told him, this is a phone. It's a phone. She was
7 scream at him, because I told her he's going to give me
8 telephone—I mean, a ticket because of you. That's the only thing
9 I did, that's it.
10 JUDGE: State, questions?
11 STATE: Mr. Balcha, you say you were—is it true you
12 were traveling—you were northbound on Las Vegas Boulevard, north
13 of Park Avenue?
14 BALCHA: Just [inaudible] Park cover, what? No Park
15 cover, Las Vegas Boulevard. To the north.
16 STATE: Were you in the right-hand travel lane?
17 BALCHA: Right by the Polo and this small, it seems
18 to be Burger King, things like that. There is this, to turn to
19 the right. Before me, there was a van.
20 STATE: Okay. But were you traveling northbound on
21 Las Vegas Boulevard?
22 BALCHA: Yes.
23 STATE: And, did you stop in the travel lane to
24 talk to these two people?
25 BALCHA: She saw my number, my taxi number.

1 STATE: Sir, I'm just asking you, did you stop in
2 the travel lane to talk to these two people?
3 BALCHA: The corner of the—
4 STATE: Did you stop in the travel lane on Las
5 Vegas—
6 BALCHA: Yes, I stop.
7 STATE: Okay. So, you're in the travel lane. You
8 stop. You had the two people approach your vehicle?
9 BALCHA: The lady first. The lady approached me.
10 STATE: Okay. So now you're stopped in the travel
11 lane. The lady approached you. You were going to give her phone
12 back?
13 BALCHA: Yes, I ask her, yes.
14 STATE: And they actually got in your vehicle,
15 correct?
16 BALCHA: She jump in. And then the man—
17 STATE: How many people was there?
18 BALCHA: On the phone, I talked to the lady. But
19 that place, the man followed. Who is this person, she said.
20 STATE: How many people did you pick up?
21 BALCHA: Two.
22 STATE: Two?
23 BALCHA: Not pick up. Just they sit with me about
24 the phone. Her husband, she sit.
25

1 STATE: Okay sir, so they were sitting in your
2 vehicle. So now you have two passengers.
3 BALCHA: Not passengers. Receiver, to receive her
4 phone.
5 STATE: Okay, so you have two—
6 BALCHA: They are not my passenger.
7 STATE: Two receivers of the phone inside your
8 vehicle.
9 BALCHA: Yes. Yes.
10 STATE: Right?
11 BALCHA: Yes.
12 STATE: And you're sitting in the travel lane?
13 BALCHA: No, I was parked. Before me there was a
14 van.
15 STATE: How did you get there? Did you drive?
16 BALCHA: Yeah, when I drive like this, she saw my
17 number, she waved me.
18 STATE: But they got in your car on the—
19 BALCHA: She gets in. The lady, I open the window,
20 I park and then I talk to, who are you? Is this your number?
21 She told me. She jump in.
22 STATE: And then you drove? But did you drive with
23 her in the car?
24 BALCHA: On the car, because he put the lights, I
25 turned to the—the van left and then I turned to the right.

1 STATE: Did you have two passengers?

2 BALCHA: Two people.

3 STATE: So you had one person seeking the phone and

4 you had one passenger, are you correct?

5 BALCHA: She said her husband is the owner but I

6 talked to her on the phone.

7 STATE: How many people got in the car?

8 BALCHA: Two. The lady first jump in and then the

9 man, ask her who is this? My husband.

10 STATE: Did you engage your meter?

11 BALCHA: No.

12 STATE: Did you bring anything to show us you

13 didn't engage your meter?

14 BALCHA: What do I show? I don't have anything.

15 She said she stay Polo, they're right there.

16 STATE: What was your intention of—what were you

17 going to do?

18 BALCHA: To give her—to return the phone.

19 STATE: When did you give them the phone back?

20 BALCHA: Right there. When I—

21 STATE: How come they didn't get out then?

22 BALCHA: Huh?

23 STATE: How come they didn't get out, if you gave

24 them the phone?

25

1 BALCHA: I told her—after she get in, I ask her her
2 name, the phone number, things the way she's correct. I gave it
3 to her. I turned to the right. Already he put the light.
4 STATE: Why couldn't you just hand them the phone
5 back and then take off? Why did you have to have them load in
6 your vehicle?
7 BALCHA: She jumped in. And then, when he put
8 light, tell him, please, tell him about what happened. That's
9 why, because as a witness. Tell him. She scream at him, the
10 phone, he returned my phone, my phone. She told him that. I
11 didn't get any—
12 STATE: That's all I have.
13 JUDGE: Mr. Balcha, anything further that you
14 haven't already told me?
15 BALCHA: The phone is—she said—she's on the phone,
16 she scream, my phone, my husband gave it to me, this that.
17 Please return the phone, almost crying. It's a new phone. The
18 very big phone. I told her I would bring it, to wait me there
19 and my number, the taxi number, when you see it. I don't know
20 her by face. Because it was not in my—she was not my passenger.
21 It was night shift's. She left it on night shift.
22 Then I—I ask her her name because she told me her name,
23 things like that. Her phone number. She jump in. It was cold
24 that time. She wear some very light clothes. She jump in and
25 then, I ask her. Okay, she said thank you. But, tell him, this

1 man is going to give me ticket. Please wait and tell him. She
2 told him. It's my phone, my phone. He didn't talk to her. My
3 phone. My phone. She was interested with the phone, that's it.
4 JUDGE: Okay. All right. State?
5 STATE: Nothing.
6 JUDGE: No rebuttal?
7 STATE: No.
8 JUDGE: Closing?
9 STATE: So, I think the question is here on Clark
10 County Code 15.04.290, is not whether he engaged his meter. It's
11 not whether he picked up these passengers. There's no evidence
12 to show he didn't engage his meter. Maybe he was in the interim
13 of giving them a ride somewhere else. It says it shall be
14 unlawful for any person to park the taxicab for the purpose of
15 seeking employment or passengers.
16 So, he's seeking—if he's not seeking employment, he's
17 seeking passengers. He was seeking those passengers to return
18 the phone. It doesn't say anything here about, does he need to
19 engage the meter, does he need to make a deal to take them
20 somewhere. Obviously, they jumped in his cab. He was seeking
21 them, to return the phone. They're passengers. They jumped in
22 his car. They're obviously passengers on any place upon the
23 streets and highways of Clark County. So, if he's not seeking
24 employment, he's sure seeking a passenger to conduct business
25 regarding the phone. I would ask you to uphold the violation.

1 Based on NRS 706.8845, while the driver is on duty, the
2 driver shall—that's Subsection 9, not load or unload passengers
3 or luggage in any intersection or crosswalk or any place—or in
4 any manner that would interfere with the orderly flow of traffic.
5 It's obvious that Officer Dung had to stop. He was right behind
6 him, had to stop. I mean, that's definitely interfering. He
7 doesn't have to interfere. It says, will interfere, and this one
8 did interfere. So, we ask you to uphold that violation also.
9 JUDGE: Mr. Balcha, closing, summarize your side
10 one more time.
11 BALCHA: I didn't engage any business. The
12 telephone, when I park, the lock is open. I talked to her. She
13 was like this. I talked to her to know her name and phone number
14 on the phone, she left it in the car. She told me she's correct.
15 Then she jump in. I told her—because I gave her my taxi number,
16 in case if she change her mind or this, that. I don't know. For
17 my—make sure she's the right person and then, not to be—it was a
18 new phone, very big phone. She said she leaves the City at 9:00,
19 I need this. She was interested with the phone, her phone. She
20 jump in, told her and then she told me everything. I gave it to
21 her. Then please tell him, this man is going to give me ticket.
22 She told him. She opened the window, this is my phone, to take
23 the phone, to take the phone. He didn't listen to her. He
24 didn't talk to her. I didn't engage—[inaudible] corners there,
25 they said, Polo Tower, she's there. The entrance. What can I

1 do, somebody left stuff. It was not with me, the night shift,
2 she left it there.
3 JUDGE: Thank you Mr. Balcha. Based upon the
4 evidence provided I find the following facts, that on November
5 26, 2016 at around 3:45 AM, Officer Dung made contact with the
6 Respondent, Mr. Balcha, driving Western Cab #216. That's 216.
7 The Officer testified that he was going northbound on Las
8 Vegas Boulevard when he had observed Mr. Balcha in Western Cab
9 216 heading also northbound on Las Vegas Boulevard. Officer
10 testified that Mr. Balcha was in the far-right lane and that
11 there were passengers that walked up or people that walked up.
12 They entered Mr. Balcha's taxicab, Western 216 and then
13 afterwards, Mr. Balcha had traveled about 5-10 feet into the
14 alleyway where then the officer made the stop.
15 Officer Dung had stated that this—the actual incident that
16 he witnessed was north of Park Avenue. He observed Mr. Balcha
17 through a clear, unobstructed view through his windshield and
18 that the officer was stopped for less than one minute.
19 Now, the officer had testified about two passengers—he had
20 asked the respondent what had happened. The respondent said,
21 they just jumped in. I came here to return her phone, meaning
22 the woman's phone. Officer stated that Mr. Balcha claimed his
23 locks weren't working. Mr. Balcha was driving a Chevy Impala
24 that evening and the officer went and tested whether or not there
25

1 was something wrong with the locks, found that there was nothing
2 wrong with the locks.
3 I heard from Mr. Balcha who said that he was going to the
4 Mirage. He heard a ringing in his car. He answered and a woman
5 said, I left my phone. Then they decided as to where to meet and
6 that the woman was going to wave at Mr. Balcha because Mr. Balcha
7 told the woman about his vehicle, the number, which is Western
8 216 and that when the woman saw him, she would wave Mr. Balcha
9 down.
10 Mr. Balcha pulled over and this was still on Las Vegas
11 Boulevard. He said, I parked, opened the window and then she
12 confirmed that this was her phone. Mr. Balcha then said that
13 when he put his vehicle into park that everything unlocked and
14 the woman jumped in. Then there was another guy who the woman
15 claimed was her husband and they both entered the vehicle. So,
16 they both got into the taxicab.
17 So now, I'm looking at two different statutes where one is
18 CCO 15.04.290, where it has to do with taxicab stands. It says,
19 it shall be unlawful for any person to park a taxicab for the
20 purpose of seeking employment or passengers in any place upon the
21 streets, unless there are signs or something that indicate that
22 it's okay for the taxicabs to stop there. In this situation, I
23 didn't hear any testimony that Mr. Balcha, where you stopped had
24 any signage or anything that indicated that taxicabs could stop
25 there. Instead, I heard that you were pulled over in the right-

1 hand lane that was closest to the curb. I understand the purpose
2 behind it was, you were trying to find this woman and that you
3 were perhaps returning her phone. Bottom line is, she ended up
4 getting into your cab and so did her husband.
5 When everything happened where they both got into your
6 vehicle, I believe that CCO 15.04.290 was met.
7 Similarly, under NRS 706.8845, Subsection 9 where it
8 states, while a driver is on duty the driver shall not load or
9 unload passengers at any place or in any manner that will
10 interfere with the orderly flow of traffic. That means you can't
11 stop in a travel through lane. You can't stop on the road.
12 [tape cut] It's concerned with you either being rear-ended or
13 your passengers being hurt.
14 In this situation, there were passengers that did load and
15 there were two. There was a man and a woman. It was in the flow
16 of traffic because it was still in the right-hand most turn lane.
17 Based upon that, I do believe the State has met its burden under
18 NRS 706.8845.
19 Mr. Balcha, I heard a couple of things that might help you
20 in the future. One, you kept on saying that you were trying to
21 return her phone. You were trying to return her phone. And
22 that's a good thing. It's just you can't do it in the street.
23 You said that you were close to the Polo Towers, that it
24 was right there. Next time, make sure that you're not in the
25 middle of the street. Go to Polo Towers if it's that close.

1 Then that way, you can return the phone safely. But make sure
2 it's not in the road.
3 Based upon that, State, regarding the fines.
4 STATE: $80.00 each.
5 JUDGE: Okay. Mr. Balcha, total is $160.00. You
6 may go across the way, second floor.
7 BALCHA: It's too much.
8 JUDGE: Thank you sir.
9 BALCHA: When I get it, I'll show it, no way.
10 JUDGE: Mr. Balcha, I understand that you don't
11 agree, nor am I asking you to agree. However, that is my ruling
12 and it's up to you what you'd like to do at this point. Thank
13 you sir.
14 BALCHA: That is not fair.
15 JUDGE: Off the record.
16 [end of hearing]
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CERTIFICATE OF TRANSCRIPT

I, Jaime Caris, as the Official Transcriber, hereby certify that the attached proceedings before the Judge,

In the matter of: Nevada Taxicab Authority, - Petitioner, vs. TESHOME BALCHA Respondent.	TRIAL: 161126-010

were held as herein appears and that this is the original transcript thereof and that the statements that appear in this transcript were transcribed by me to the best of my ability.

I further certify that this transcript is a true, complete and accurate record of the proceeding that took place in this matter on

Caris

March 16, 2017

NRS 706.8845 Standards of conduct while on duty. While a driver is on duty, the driver shall:

1. Be appropriately dressed by the standards of the taxicab business.
2. Be neat and clean in person and appearance.
3. Refrain from talking loudly, uttering profanity and from shouting to other drivers.
4. Not have in the driver's possession a lighted cigar, cigarette or pipe while a passenger is being carried in the taxicab.
5. Not chew tobacco or use snuff while a passenger is being carried in the taxicab.
6. Attend the taxicab if it is being held out for hire.
7. Not permit the taxicab to remain at a taxicab stand unless it is being held out for hire.
8. Discourage passengers from entering or leaving a taxicab from the left side except at the left curb of a one-way street or while the car is parked perpendicularly to a curb.
9. Not load or unload passengers or luggage at an intersection or crosswalk or at any place or in any manner that will interfere with the orderly flow of traffic.
10. Not carry more than two passengers in the front seat of the taxicab or carry more passengers in the back seat of the taxicab than are authorized by the manufacturer's recommendations.
11. Not leave the taxicab unattended with the key in the ignition lock.
12. Operate the taxicab in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of passengers and of the general public.

(Added to NRS by 1969, 1246; A 1981, 2055)

15.04.290 - Taxicab stands.

It shall be unlawful for any person to park a taxicab for the purpose of seeking employment or passengers in any place upon the streets and highways of Clark County, or in any municipality within the county, other than at stands or locations designated and authorized therefor by the governmental authority having territorial jurisdiction thereover, and as marked by appropriate signs and curb painting, or otherwise. Such stands shall be established in such places on the streets and in such number as the proper and concerned governmental authority may determine to be of the greatest benefit and convenience to the public; however, provided that such stands shall not exceed in length four vehicle spaces along any block face, and further provided that not more than two taxicabs from any one taxicab company may occupy such spaces at the same time and, in the event only two vehicle spaces are adjacent to one another in any such stands, no two taxicabs from the same taxicab company or owner shall occupy such stand at the same time. All stands herein provided shall be so-called "open stands", meaning that no given taxicab company or owner shall have any superior right to occupy any particular stand over any other taxicab company or owner; provided, however, that any taxicab company or owner desiring to occupy such stands shall first file an application therefor with the concerned governmental authority, if any is required, and be issued a taxicab stand permit to occupy the same.

(Ord. 253 § 12, 1966)

NAC 706.975 Appeals to Authority. (NRS 233B.050, 706.8818)

1. An appeal from the decision of the Administrator or hearing officer to the Authority is permitted providing that the notice of appeal by the appellant is filed with the Administrator within 30 days of the decision of the Administrator or hearing officer.

2. Petitions for appeal must set forth the ground or grounds upon which the appellant considers the order, decision, rule, direction or regulation to be unreasonable, unlawful, erroneous or not in conformity with the law. The appellant shall include in the appeal a copy of the transcript from the contested hearing.

3. Copies of the notice of appeal must be served upon the Administrator and all of the parties of record.

[Taxicab Auth., Practice Rule 12, eff. 12-19-75] — (NAC A 10-13-88)