

BRIAN SANDOVAL
Governor

BRUCE BRESLOW
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STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY
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RONALD GROGAN
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JENNIFER DeROSE
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STAN OLSEN
Chairman

Members
BRUCE AGUILERA, ESQ.
JAMES E. CAMPOS
ROGER C. THOMPSON, Ph.D
RICHARD DAVID GROOVER

MINUTES OF THE APRIL 20, 2017 BOARD MEETING AND HEARING

1. Call to Order

Chairman Stan Olsen called the meeting to order at 9:01 a.m. at the location of 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119.

Present from the Nevada Taxicab Authority Board

Chairman Stan Olsen

Member Bruce Aguilera

Member James Campos

Member Roger Thompson

Member Richard David Groover

2. Pledge of Allegiance to the Flag

Member Groover led the Pledge of Allegiance to the Flag.

3. Compliance with Open Meeting Law

Administrator Ronald Grogan stated the meeting is in compliance with Open Meeting Law.

4. Public Comment

No comments.

5. Approval of the March 28, 2017 Board Meeting Minutes

All in favor – motion passes.

6. Discussion and Possible Action Regarding the Application of Marilyn Moran to Potentially Act As a Trustee and Beneficiary of the Nambot Voting Trust Which Includes 500 Voting Shares and Trustee and Beneficiary of the Tobman Subtrust FBO Marilyn Moran Which Includes One Third of the 9,500 Non-Voting Shares in Western Cab Company CPCN No. 1054

Items 6, 7, and 8 were taken together.

7. Discussion and Possible Action Regarding the Application of Helen Martin to Potentially Act As a Trustee and Beneficiary of the Nambot Voting Trust Which Includes 500 Voting Shares and Trustee and Beneficiary of the Tobman Subtrust FBO Helen Martin Which Includes One Third of the 9,500 Non-Voting Shares in Western Cab Company CPCN No. 1054

Items 6, 7, and 8 were taken together.

8. Discussion and Possible Action Regarding the Application of Janie Tobman Moore to Potentially Act As a Trustee and Beneficiary of the Nambot Voting Trust Which Includes 500 Voting Shares and Trustee and Beneficiary of the Tobman Subtrust FBO Janie Moore Which Includes One Third of the 9,500 Non-Voting Shares in Western Cab Company CPCN No. 1054

Items 6, 7, and 8 were taken together.

David Strauss appeared on behalf of Marilyn Moran, Helen Martin, and Janie Tobman Moore for approval on the stock transfer. Mr. Strauss stated the voting shares will go into a voting trust and the non-voting shares will be moved into a subtrust at a third of 9,500 per recipient under the Tobman irrevocable trust which is already filed with the Taxicab Authority. Mr. Strauss stated the trustees and beneficiaries are the same as have already been approved by the Taxicab Authority.

Sergeant Rivers appeared on behalf of the Nevada Taxicab Authority. Sergeant Rivers stated Marilyn Moran, Helen Martin, and Janie Tobman Moore previously underwent a background check and they currently remain qualified to continue to carry a CPCN.

All in favor – motion passes.

9. Discussion with Maria Soto, Traffic Manager for LVCVA, Regarding Recent Taxicab Service

Ms. Soto stated Conexpo was a challenging show with the relocation of the taxi stands. Ms. Soto stated the show hosted about 130,000 people and they were extremely happy with the taxicab service they received. Ms. Soto thanked Frias and YCS for sending field supervisors out daily to assist with the taxicab service.

Ms. Soto stated Clark County is doing a traffic study on Sierra Vista between Swenson and Paradise. Traffic has increased in that location since the opening of the Bronze lot.

10. Discussion with Freddie Kirtley, Assistant Director, Landside Operations, McCarran International Airport, Regarding Recent Taxicab Service

Ms. Kirtley was not present for the meeting.

11. Discussion with Jeff White, Security Manager, Sands Expo, Regarding Recent Taxicab Service

Mr. White was not present for the meeting.

12. Discussion and Possible Action Clarifying Routes Near Las Vegas Boulevard That Are Consistent with Being a Direct Route Under NRS 706.8846(3) for the Purposes of Prevention and Enforcement of Long Route Violations

John Marushok, Frias Transportation, presented the Board with a study that included additional routes at various times of the day and various days of the week as a follow up to the presentation provided at the March Board Meeting.

Member Groover thanked Mr. Marushok for their hard work on the study. Member Groover asked that anything provided to the Board be provided before the board meeting so they have time to review the documents.



Chairman Olsen asked Administrator Grogan for information on the study the Taxicab Authority was asked to perform. Administrator Grogan stated the Taxicab Authority's study did reveal different numbers than that provided by the industry however, not significantly different. Administrator Grogan stated these numbers are averages depending on time of day, day of week, and what is going on. Administrator Grogan stated the variables concern him in his ability to enforce the law. Chairman Olsen asked Administrator Grogan if he believes Las Vegas Boulevard to always be the best route or does it fit into the same variable category. Administrator Grogan answered that it fits into the same variable category but it is always the most direct route. Administrator Grogan stated he is not disputing the numbers but rather his ability to enforce variable route options.

Member Groover stated it is his understanding the proposal is for parallel routes that will be considered equivalent to the most direct routes - not enforceable as a long route violation. Mr. Marushok agreed that is the proposal before the Board. Member Groover stated it is his understanding these routes will be considered parallel regardless of the day or time they are taken. Administrator Grogan stated the proposed routes are variable in terms of time. Member Groover stated every street is variable with construction and so on. Administrator Grogan answered there are adjustments for that. Administrator Grogan stated the industry's presentation looks like a great deal for the customer. Administrator Grogan asked why the industry cannot present it to the customer and let them decide as indicated by statute. It is the customer's choice to select a route other than the most direct route.

Member Aguilera stated the problem with asking the customer is they are unfamiliar with the city and may not understand what the driver is offering to them. Member Aguilera stated the city's infrastructure has changed dramatically and these parallel routes will make it easier for the taxicabs to get around. Member Aguilera stated he thinks they should approve the proposed routes.

Member Thompson stated reviewing the industry's data he does not think the routes proposed would constitute a long route in the sense of the word. Member Thompson stated he agrees with Member Aguilera in allowing the proposed routes.

Chairman Olsen stated he agrees with Administrator Grogan about getting the passenger's consent and has mentioned in the past perhaps having the passenger sign a consent form when taking a longer route to their destination. Chairman Olsen stated he also agrees with Administrator Grogan that technology will be a major factor in curbing long routes in the future by allowing the customer to choose their routes. Chairman Olsen stated his concern is with asking the industry to be flexible and not offer flexibility in return. Chairman Olsen stated he does not believe the proposed routes are long routes. Chairman Olsen understands from an enforcement standpoint there will need to be some training and possibly policy changes.

Chairman Olsen asked if the decision passes could the enforcement concerns be addressed via policy changes and training. Administrator Grogan answered that he has a law to enforce and that law precludes the Board from making the proposed changes. Administrator Grogan stated if the Board approves the proposed changes he would have to tell his enforcement officers to not enforce NRS 706.8846 the way it is written. Chairman Olsen asked why the statute has not been changed in the last 40 years by either the Taxicab Authority or the industry. Administrator Grogan stated he does not believe that to be the Taxicab Authority's responsibility and he would pose that question to the industry. Chairman Olsen stated he intends to ask the industry as well but he does believe it to be the responsibility of the Taxicab Authority to consider changes when the laws become outdated.



Chairman Olsen asked Deputy Attorney General Sophia Long her opinion regarding parallel routes. DAG Long stated if the Board issues an order it becomes an order of general applicability which means everyone has to abide by it. DAG Long stated that by definition is a regulation and so needs to go through the rulemaking process. DAG Long stated AB487 is currently in the rulemaking process before the legislature and it offers language that would allow the Board to approve parallel routes. DAG Long suggests putting the decision on hold to see what happens with AB487. DAG Long stated if AB487 does not pass, the Board can go through the rulemaking process by submitting regulations to LCB on July 1, 2017.

Member Aguilera asked about the Board's ability to interpret the statute. DAG Long stated it is clear when the statute was written long hauling referred to distance. The proposed parallel routes are longer in distance.

Member Thompson stated the people he has talked to about long hauling are reacting to egregious long hauling not routes such as are proposed today. Mr. Marushok stated he agrees with Member Thompson and the industry would like the drivers to be able to make a free and intelligent decision on how to get the passengers to their destination in the most effective manner.

Mr. Marushok stated AB487 was submitted to the legislature by the Livery Operator's Association and it has language that allows the Board to approve parallel routes. Mr. Marushok stated the industry was hoping to use the language "...as necessary." that is currently part of NRS 706.8846 to approve the parallel routes today. DAG Long stated the Board should not issue an order regarding a matter that is currently before the legislature as it is premature.

John Mowbray suggested the Board pass a resolution to support the ideas discussed today. Chairman Olsen stated he likes that idea but they cannot pass the resolution because it is not on the agenda. Mr. Mowbray asked if it will be permissible to order a certified transcript of the meeting today and use it during the legislative hearings. Chairman Olsen agreed.

Member Groover asked Mr. Mowbray if AB487 addresses only long hauling. Mr. Mowbray answered that it addressed multiple changes. Chairman Olsen asked that the industry make it clear that the Board supports their ability to approve alternate routes and they do not support or oppose any other part of the bill. Mr. Mowbray agreed.

Mr. Marushok stated the Board's next meeting is on May 18, 2017 and asks that there be an agenda item for the Board to pass a resolution to support AB487. Chairman Olsen asked Administrator Grogan to have the resolution on the agenda.

Member Aguilera asked Mr. Marushok if there is much support in the legislature for AB487. Mr. Marushok stated it looks positive at this point.

Chairman Olsen stated the Board will not take action today.



13. Staff Report

a. Administrator's Report

Administrator Grogan stated he has had multiple meetings with the industry on AB487 and he agrees with much of the bill in terms with allowing the industry to compete. Administrator Grogan stated he believes the role of the Taxicab Authority is to provide for the safety, comfort, and convenience of the riding public and to speak on behalf of the passengers. Administrator Grogan thanked the industry for their ability to work together.

Member Campos asked Administrator Grogan what he agrees with and disagrees with in regards to AB487. Administrator Grogan stated he agrees the industry needs some flexibility in order to compete with the TNCs. Administrator Grogan stated there were two issues he feels are unmanageable as they are written. The first is the extension of the use of a vehicle as a cab to 120 months. Administrator Grogan stated he has meet with the industry and discussed this matter to which they settled on 108 months and inspections at least once per year. The second concern is the language in the bill that would prohibit the Taxicab Authority from investigating long route violations unless they receive a complaint from a passenger. Administrator Grogan stated most of the citations issued for long hauling are not generated through a customer complaint. In fact, there are customers that are not aware they were being long hauled.

Chairman Olsen asked Administrator Grogan if he agrees with the remainder of AB487. Administrator Grogan stated he is not saying he agrees with the remainder of the bill but he is not going to stand in its way.

Member Groover asked Administrator Grogan about the stats for vehicle inspections and what constitutes a vehicle inspection. Administrator Grogan explained most of the vehicle inspections happen at the taxicab company's property but it can also apply to field inspections. Member Groover asked if there has ever been any consideration to shift some of that responsibility to the companies as they have mechanics and garages on site. Administrator Grogan stated it could be something to consider in the future.

b. Chief Investigator's Report

Chief Aquino stated both of the long haul teams are up and running as well as the uncertificated carrier team.

Member Aguilera asked about the routes long haul citations are issued on. Chief Aquino stated a majority of the routes are originating at the airport and utilize the tunnel. Chairman Olsen asked that those stats be provided to the Board in the future. Administrator Grogan stated he will email the stats to the Board on a monthly basis.

Member Groover asked if the majority of the long route citations come from patrol or directed enforcement. Chief Aquino stated patrol will address any violation in 706 while during busier times there is directed patrol. Chief Aquino stated he does have the specialized long haul team who specifically target long haul activity. Member Groover asked how many long haul violations fall into the proposed parallel routes. Chief Aquino stated it is a very



low percentage. Chief Aquino stated the focus is on the airport activity where the passengers are seeing increased fares of \$20 or more.

Chairman Olsen asked if enforcement is seeing repeat offenders. Chief Aquino stated there are repeat offenders but he does not have those statistics with him today. Administrator Grogan stated the industry now receives the long haul adjudication report and they can identify their own repeat offenders. Chairman Olsen asked if the Taxicab Authority is following up with the industry to ensure they are addressing the issue. Administrator Grogan stated they follow up through audits and the fine structure which leads up to revocation. Administrator Grogan stated he has not seen a revocation due to long hauling and believes this is due to the driver's awareness of the fine structure and their reluctance to continue long hauling when approaching that penalty. Chairman Olsen asked when revocation applies. Administrator Grogan stated the fifth violation includes revocation. Administrator Grogan stated the Taxicab Authority is guided by regulation of progressive discipline but the industry can decide to be more rigid than the statute.

Chairman Olsen asked if the company can be fined when the driver gets up to the fourth or fifth long haul violation. Administrator Grogan stated they can sanction the company but the issue is with the language "...knowingly permit." It is a high standard to meet.

Chief Aquino applauded the industry on training the drivers to communicate route options to their passengers. Chief Aquino stated his officers are reporting that they are seeing more cases where the driver obtained the passenger's consent to take a longer route.

Member Campos asked Chief Aquino how many violations are given out on Frank Sinatra. Chief Aquino stated he would have to do a specific study to obtain those figures.

c. Stats for February 2017

Taxicab Authority staff handled 1556 events for the month March. Enforcement wrote 249 violations of which 114 were for long routes. TA Administrative Court adjudicated 239 cases. There were 616 vehicle inspections.

Industry stats are available on the TA website.

d. Future Agenda Items

Future agenda items will include a resolution from the Board regarding AB487. Administrator Grogan stated the Taxicab Authority is tracking multiple bills. One of the bills would prevent the TA and NTA from impounding vehicles for illegal operators and require the Taxicab Authority citations to be written into District Court. Administrator Grogan stated he will report on the status of the bills during the next Board meeting.

14. Report of Legal Counsel

Deputy Attorney General Sophia Long reminded the industry to provide a copy of anything they present to the Board to the Legal Secretary so she can post it for the public. DAG Long stated sensitive information will be redacted but generally speaking it becomes public record when provided to the Board.



15. Citation Appeals

Teshome Balcha TA# 25687.

Deputy Attorney General Mathews presented the facts for the appeal. NAC 706.975(2) states the petition for the appeal must set forth grounds upon which the appellant considers the decision to be unreasonable, unlawful, erroneous, or not in conformity with the law. The appeal paperwork Mr. Balcha filled out does not provide a basis for the appeal. It states he does not agree with the ruling.

Chairman Olsen asked Mr. Balcha his reason for the appeal. Mr. Balcha stated he did not violate the rules and he is not guilty.

DAG Mathews presented the facts of the case. DAG Mathews stated Mr. Balcha was observed on November 26, 2016 at 3:45 a.m. in his taxicab in the right travel lane on Las Vegas Boulevard. The officer observed Mr. Balcha load his passengers at which time the officer conducted a traffic stop. Through the officer's investigation he was told that Mr. Balcha was returning a cellular phone to the passenger at which time the passenger requested a ride. Mr. Balcha was cited for 706.8845(9) and CCO 15.04.290.

Mr. Balcha stated when he started his shift he heard a cellular phone ringing in the cab. Mr. Balcha stated he answered the cellular phone and told the lady he would return it to her. Mr. Balcha stated it was cold outside and when he arrived to return the cellular phone the lady entered his cab with her husband. Mr. Balcha stated there was a gypsy van in front of him and he could not move forward.

DAG Mathews stated that Mr. Balcha informed the officer that the locks on the vehicle did not work and that is how the passengers were able to enter the vehicle. DAG Mathews stated the officer conducted a test of the locks and determined they were in working order.

Member Thompson thanked Mr. Balcha for returning the cellular phone but recognized that in doing so he committed violations. Member Thompson moved to uphold the Hearing Officer's decision. Member Groover seconded the motion. All were in favor – the motion passed.

16. Public Comment

John Mowbray asked to submit the document presented at the Board in March as Frias Exhibit 1 and the document presented to the Board today as Frias Exhibit 2.

Mr. Mowbray asked if Chief Aquino and his staff can map out how many violations occurred in the first quarter within the proposed parallel routes. Administrator Grogan thanked Mr. Mowbray for the request and stated they will provide the information requested.

Cheryl Knapp thanked the Board for understanding the amount of work that was put into the parallel route study and for giving the industry the opportunity to present the options. Ms. Knapp stated she hopes they can achieve the legislative changes necessary to allow them to move forward on these options in the future.



Ms. Knapp commented on Event 170201-034 in which a driver received a citation regarding a long route from Luxor Drive utilizing Frank Sinatra Drive to Caesar's Palace. Ms. Knapp read from the report that Investigators Smith and Henneforth were there specifically looking for drivers using Frank Sinatra as a means to long route passengers. The victim signed a voluntary statement form in which was stated she did not give the driver consent to take any other route than the most direct. Ms. Knapp stated the driver refused to sign the citation believing he was doing what was in the best interest of the passenger as the total mileage difference was 0.5 miles. Ms. Knapp stated the incident occurred at 6:00 p.m. and she believes the money saved avoiding traffic on Las Vegas Boulevard would have made up for the extra half a mile. Ms. Knapp stated these cases are frustrating and have encouraged the industry to conduct the parallel route study.

Deputy Attorney General Gary Mathews stated he prosecutes all the cases at the Taxicab Authority. DAG Mathews stated he dismissed the case Ms. Knapp commented on based on the facts of the case. Ms. Knapp thanked DAG Mathews for following the spirit of the law. Ms. Knapp stated this is a morale issue for the drivers as they feel they are doing what is best for their customers but then are cited for it, have to miss work, and pay fines. DAG Mathews stated he has been at the Taxicab Authority for over two years and he cannot think of any cases they have prosecuted that involve the parallel routes presented to the Board today. Ms. Knapp stated she appreciates that but the reason behind getting the routes approved is so the citations are not issued in the first place. DAG Mathews stated Chief Aquino will gather the stats but he cannot recall a situation where they have moved forward on such a case. Ms. Knapp stated she is interested in seeing those stats. Ms. Knapp stated she believes the biggest issue in long hauling is the airport tunnel. Ms. Knapp stated she is concerned about the hearts and minds of the drivers and in these instances it is a morale issue. DAG Mathews stated this incident is a rare occurrence.

Sam Moffitt, ITPEU, stated they are concerned about MGM properties doing a partnership with Uber. Ruthie Jones, ITPEU, stated she can see the other casinos following suit with MGM. Mr. Moffitt stated the employees are told to recommend Uber. Chairman Olsen stated it is a business decision by MGM and the Board has no jurisdiction over it.

Member Thompson asked Mr. Moffitt if he knows why MGM is recommending Uber. Mr. Moffitt stated he does not know but the reason is not important. Mr. Moffitt stated the industry is taking so many hits and there is very little regulation on the TNCs. Chairman Olsen stated he appreciates Mr. Moffitt and Ms. Jones' concerns but they need to be addressed at the legislature.

17. Adjournment

All in favor of adjournment – motion passes.



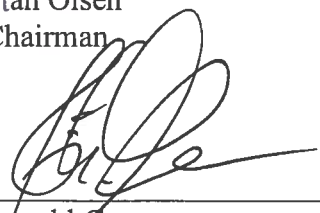
Approved by:



6-22-17

Stan Olsen
Chairman

Date



6-22-17

Ronald Grogan
Taxicab Authority Administrator

Date

