



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 05-12-2017 DATE OF HEARING BY HEARING OFFICER:
NAME Robert Fukuzawa May 2, 2017
PERMIT # 110371 DATE OF HEARING WITH THE T.A. BOARD MEMBERS:
PHONE # _____ 7.20.17
ADDRESS: _____ ZIP CODE _____

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

NAME OF ATTORNEY Bob Winner
ADDRESS OF ATTORNEY 4675 Wynn Rd LV 89103
ATTORNEY PHONE # 702-789-5060, do hereby request an appeal of the:

- 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 _____ DATE OF DECISION _____ UPHeld _____ DENIED _____ MODIFIED _____



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

Name: Robert Fukuzawa

Address: _____

Telephone Number: _____

Email Address: c/o Robert Winner raw@winnerlawllc.com

Attorney Name (if applicable): Robert Winner

Attorney Address: 4675 Wynn Rd.
Las Vegas NV 89103

Attorney Telephone Number: 702.789.5060

Attorney Email Address: raw@winnerlawllc.com

****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, Robert Fukuzawa, permit number, 110371, do hereby appeal the final decision made by the Hearing Officer pursuant to NRS 706.8822 in the following case:

Citation No.: 8-00056638

Event No.: 161216-043

List Statutory Violations: 706.8846-3

Taking a longer route

Fine(s) imposed/Decision(s) Made: 100.00

My reason for my appeal is as follows:

Arbitrary and capricious
Decision, against the
weight of the evidence

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.

[Signature]
Respondent



**Nevada Taxicab Authority
State of Nevada - Business and Industry**

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Las Vegas Nevada 89119
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**APPEAL TO TAXICAB AUTHORITY
BOARD - WAIVER
(Form 3)**

I, Robert Fukuzawa having been heard before the Taxicab Authority Hearing Officer on May 2, 2017, 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.

[Signature]
Respondent

NV Driver's License No.

5/12/17
Date

[Signature]
Taxicab Authority Witness Signature

05-12-17
Date

STATE OF NEVADA TAXICAB AUTHORITY ADMINISTRATIVE CITATION REPORT



GENERAL INFORMATION

Event # Type of Report

Specific Crime (separate by semi-colons)

of Arrestees Other Agency Name & Case

Citation # Connecting Reports?

Physical Address of Incident, City, State, Zip

Occurred on date Time

Report taken date Time

Reporting Officer Name and P #

Reporting Officer Signature *M. G. 599* Date of signature

Supervisor Approving Report Signature *[Signature]* Date of signature



	Yes	No	Not Applicable
Prosecution?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can suspect be named?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can suspect be located?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can suspect be described?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Can suspect be identified?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Does victim wish to prosecute?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Long Hauling?	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

PERSONS

EVENT # # (LIST VICTIMS 1st)

Involvement Veh # TA Permit Number

Statement Obtained: Yes No Can I.D. Suspect Yes No Cab Driver Yes No

Name (Last/First/Middle)

Date of Birth Social Security Number

Race (NCIC Coding) Sex Ethnicity

Height (i.e., 5'11") Weight (i.e., 180) Hair

Eyes OLN # & State

Home Address

Business Address

Residence Phone Work Phone E-Mail

SUSPECT INFORMATION

SCOPE ID # TA Permit #

(SUSPECT) Cab Driver Yes No Statement Obtained: Yes No

Cab Company Cab #

Name (Last/First/Middle)

Age or Date of Birth Social Security Number

Race (NCIC Coding) Sex Ethnicity

Height (i.e., 5'11") Weight (i.e., 180) Hair

Eyes OLN # & State

Home Address

Business Address

Residence Phone Business Phone

Last Seen Wearing

Armed? If Yes, make, model & weapon type

VEHICLE

Event #	161216-043				
# Vehicle	1	Suspect or Victim	Suspect		
Cab Company	Desert Cab	Cab #	4028		
Vehicle Year	2016	Make (VMA)	Jeep	Model (VMO)	Cherokee
License # (LIC)	44E500	State (LIS)	NV	Lic. Type (LIT)	
Lic. Year (LIY)	2017	VIN			
Color 1 (top)		Color 2 (bottom)		Color 3 (middle)	
Description	SUV	Cab Wrap Description			
Owner	<input checked="" type="radio"/> Registered <input type="radio"/> Legal				
Owner's Name or Firm	Desert				
Address - #, Street, Apt., City, State, ZIP	Desert - 4675 Wynn Road, Las Vegas, NV 89103				
Date of Birth		Social Security #			
Residence Phone		Business Phone			
Towed or Released:	Released	Tow Company			
Released to (name, ID, phone #) and other notes	Driver				

Event #

161216-043

Narrative

On 12-16-16, I was assigned as #577, Nevada Taxicab Authority Uniformed Patrol Division.

At about 2306, I was on long route enforcement at McCarran airport. I observed Desert Cab #4028 heading to the tunnel. I began following the cab thru the tunnel. The cab proceeded W/B on the 215, then N/B 15 to downtown S/B on Casino Center, and ended the trip at the Fremont valet.

Traffic stop initiated in the Fremont lobby. Upon stop, I interviewed passenger, Mr. OLIVARES, Ryan at the Fremont. He stated that he did not request the route taken. He also stated that he was not provided with route options, or information that the route was not the most direct. He also stated that the driver just took the highway after stating that it was "faster." OLIVARES also stated that normally when he comes to Vegas, the same ride is normally cheaper, and it appeared as though the ride was longer.

OLIVARES stated that upon traffic stop, the driver stated to him, "We always take the highway."

OLIVARES stated that he did not give anyone permission to take a longer route than necessary. For details, please refer to attached Voluntary Statement submitted by OLIVARES.

Approximate fare total should have been between \$29.00 and \$30.00. Actual fare was \$42.54. For details, please refer to copy of receipt.

Driver was identified as Mr. FUKUZAWA, Robert by his Nevada driver's license and TA permit #110371. He was cited for NRS 706.8846-3, Longer route than necessary.

Upon issuance of citation, FUKUZAWA asked me not to show up at court, because he was going to try and fight it.



NEVADA TAXICAB AUTHORITY
COMPLIANCE ENFORCEMENT DIVISION

VOLUNTARY STATEMENT

EVENT NUMBER 161216-043 DATE OF EVENT 12/16/16
NAME OF VICTIM (last, first) Olivares Ryan
TELEPHONE # (REQUIRED) _____
CITY/STATE Austin TX
SUBJECT TAXICAB COMPANY/NUMBER DESERU CAB/4028
DATE/TIME OF TAXICAB RIDE ~ 11pm
RIDE ORIGIN Airport
RIDE DESTINATION Fremont
FARE AMOUNT (if applicable) ~\$40+

VICTIM QUESTIONS (please check appropriate response)

- Did you specifically request the route to be taken to your destination? YES ___ NO
- Did the driver inform you the route utilized was not the most direct route? YES ___ NO
- Did the driver convey or attempt to convey different route options to your destination? YES ___ NO
- Did the taxicab driver utilize or attempt to utilize the highway? YES NO ___
- Is there anything else that you wish to add? YES NO ___ (if yes, please explain)

driver chose highway route w/out asking. I asked about high fare he said it was normal. I did not give permission to take a longer route than necessary

[Signature]
SIGNATURE OF VICTIM

12-16-2016
DATE

D. Davis / My 597
SIGNATURE OF WITNESS/OFFICER

12-16-16
DATE

161216-043



Vehicle: 4028
Driver ID: 110371
Name: Robert Fukuzawa

12/16/16 11:30 PM

.....
Receipt N. 1613
Start 12/16/16 11:06 PM
End 12/16/16 11:21 PM

Fare \$37.54
Extras \$2.00
Voucher \$3.00

Subtotal \$42.54
Excise Tax \$1.28
Tip \$8.76

Total \$52.58

.....
CREDIT CARD \$52.58

Authoriz. N. 04288D
Method: Chip
AID: A0000000031010
Appl. Name
CAPITAL ONE VISA
ATC: 003C
AC: 115C49D357F4007D

*****DUPLICATE*****

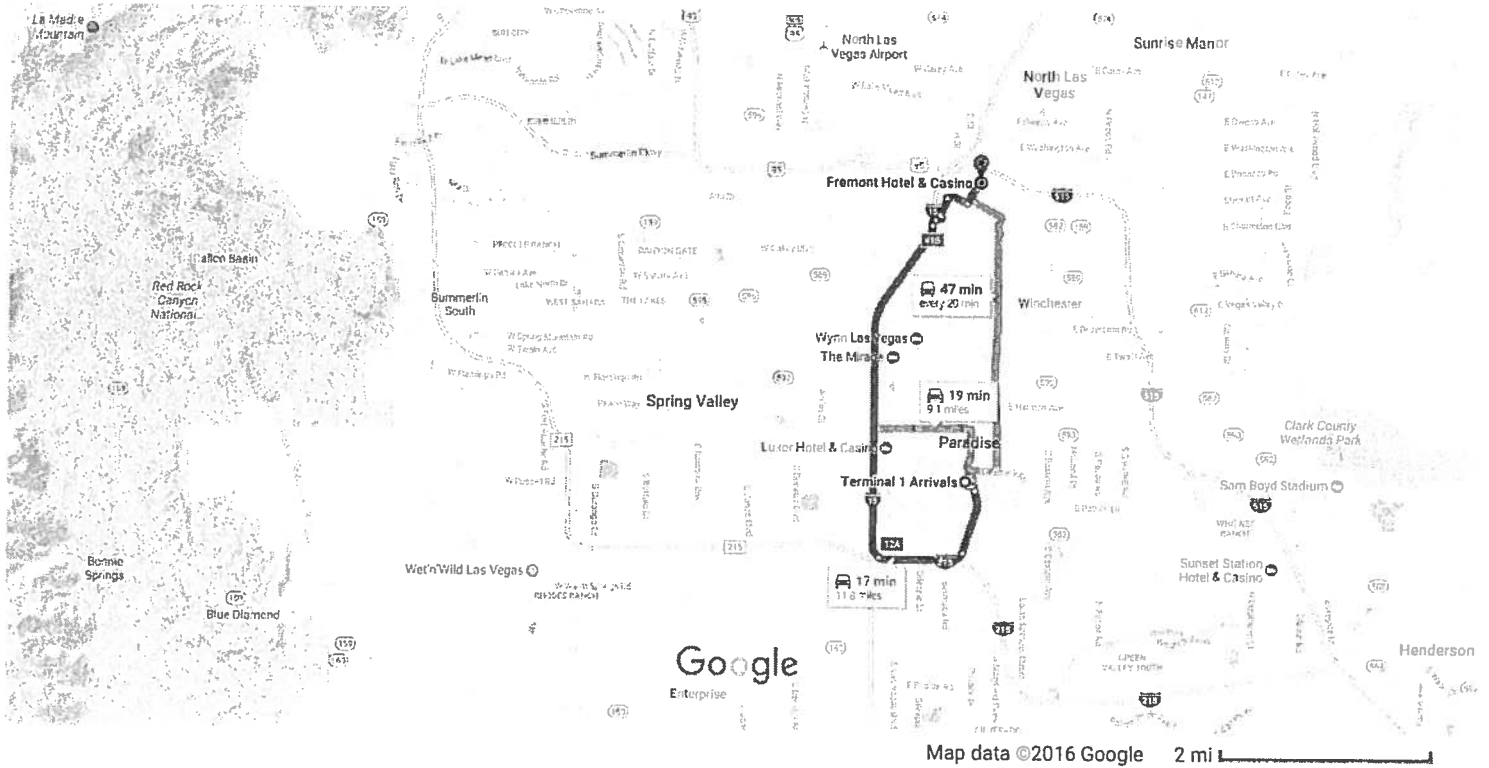
Thanks for using Desert
(702) 386-9102



Terminal 1 Arrivals, Las Vegas, NV 89119 to Fremont Hotel & Casino

Drive 11.8 miles, 17 min

Route taken



Terminal 1 Arrivals

Las Vegas, NV 89119

Get on I-215 from NV-171


- ↑ 1. Head southeast on Terminal 1 Arrivals toward Terminal 1 Short Term Parking 4 min (2.1 mi)
- ↘ 2. Use the right lane to turn slightly left to stay on Terminal 1 Arrivals 0.1 mi
- ↑ 3. Continue onto Flight Path Ave 190 ft
- ↗ 4. Use the 2nd from the right lane to turn slightly right toward NV-171/Paradise Rd 262 ft
- ↗ 5. Use the left 2 lanes to take the ramp onto NV-171/Paradise Rd 0.1 mi
 ⓘ Continue to follow NV-171 1.3 mi
- ↗ 6. Keep right at the fork, follow signs for I-215 W/Las Vegas and merge onto I-215 0.5 mi

Take I-15 N to Iron Horse Ct in Las Vegas. Take exit 41B from I-15 N

8 min (8.3 mi)

- 7. Merge onto I-215 1.0 mi
- 8. Use the right lane to take exit 12A for I-15 N toward Las Vegas 0.3 mi
- 9. Keep right at the fork and merge onto I-15 N 6.9 mi
- 10. Take exit 41B for NV-159/West Charleston Boulevard 0.1 mi

Take S Grand Central Pkwy and W Bonneville Ave to S Casino Center Blvd

- 11. Continue onto Iron Horse Ct (signs for Grand Central Parkway) 7 min (1.5 mi)
- 12. Slight right to stay on Iron Horse Ct 0.2 mi
- 13. Turn right onto S Grand Central Pkwy 180 ft
- 14. Turn right at the 3rd cross street onto W Bonneville Ave 0.4 mi
- 15. Turn left onto S Casino Center Blvd 0.4 mi
 -  Destination will be on the right0.5 mi

Fremont Hotel & Casino

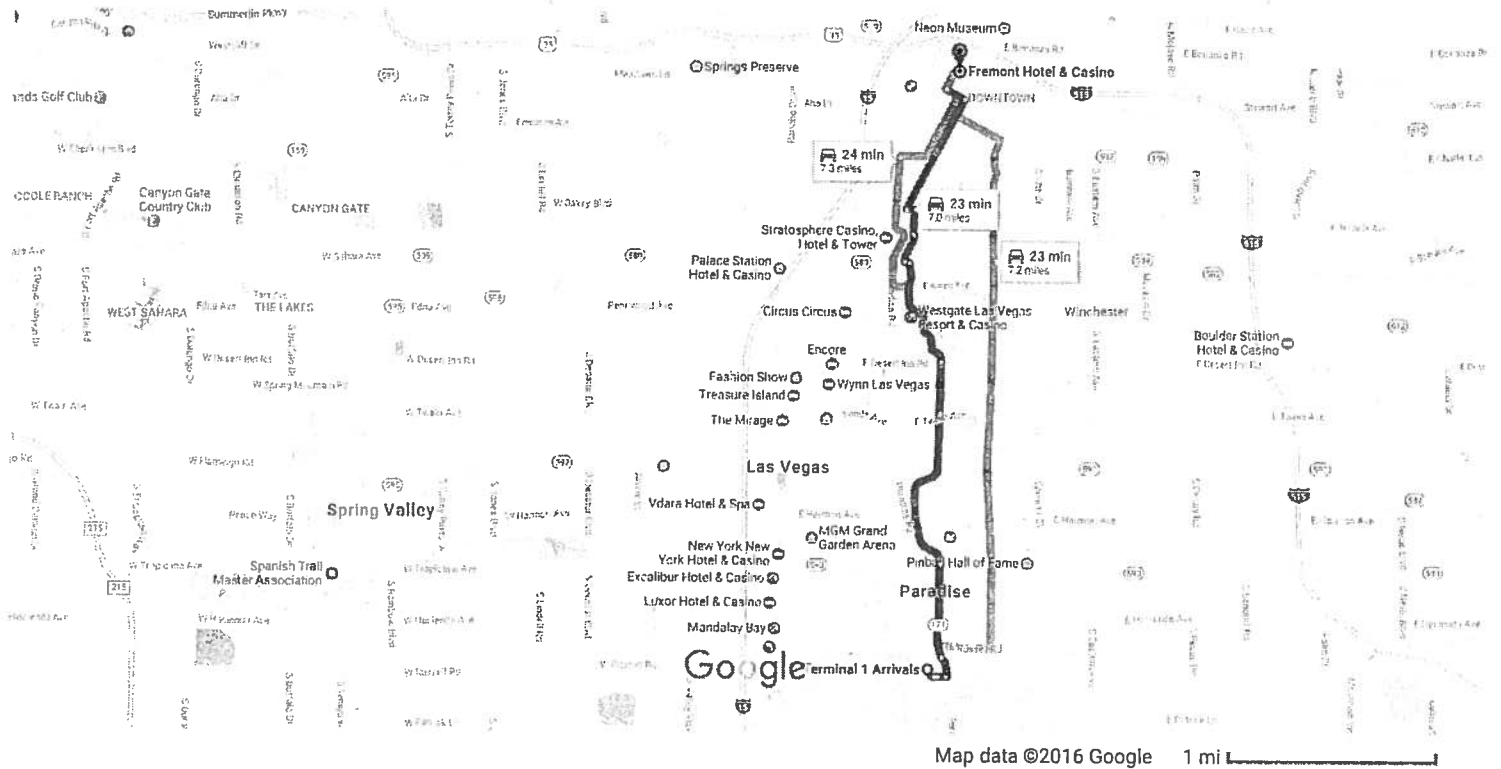
200 Fremont Street, Las Vegas, NV 89101

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.



Terminal 1 Arrivals, Las Vegas, NV 89119 to Fremont Hotel & Casino Drive 7.0 miles, 23 min

Most direct route



Terminal 1 Arrivals

Las Vegas, NV 89119

Get on NV-171 from Terminal 1 Arrivals

- ↑ 1. Head southeast on Terminal 1 Arrivals toward Terminal 1 Short Term Parking 2 min (0.4 mi)
- ↙ 2. Use the left lane to turn slightly left to stay on Terminal 1 Arrivals 0.1 mi
- ↑ 3. Continue onto Flight Path Ave 190 ft
- ↑ 4. Turn left to merge onto NV-171 427 ft
- ↗ 5. Turn right to merge onto NV-171 0.2 mi

Continue on NV-171. Take Swenson St, Joe W Brown Dr and S Las Vegas Blvd to E Bridger Ave in Las Vegas

- ↗ 5. Turn right to merge onto NV-171 21 min (6.2 mi)
- ↘ 6. Turn right onto Swenson St 0.9 mi
- ↑ 7. Continue onto Joe W Brown Dr 2.2 mi
- ↑ 8. Turn right onto S Las Vegas Blvd 1.1 mi

- 8. Use the middle lane to turn left onto E Sahara Ave 289 ft
- 9. Turn right at the 1st cross street onto Santa Paula Dr 0.3 mi
- 10. Turn left at the 1st cross street onto E St Louis Ave 92 ft
- 11. Turn right onto Santa Paula Dr 0.3 mi
- 12. Turn left onto E Oakey Blvd 443 ft
- 13. Turn right onto S Las Vegas Blvd 1.2 mi

Continue on E Bridger Ave. Drive to S Casino Center Blvd

- 14. Turn left onto E Bridger Ave 3 min (0.4 mi)
 - 15. Turn right onto S Casino Center Blvd 0.2 mi
- i** Destination will be on the right 0.2 mi

Fremont Hotel & Casino

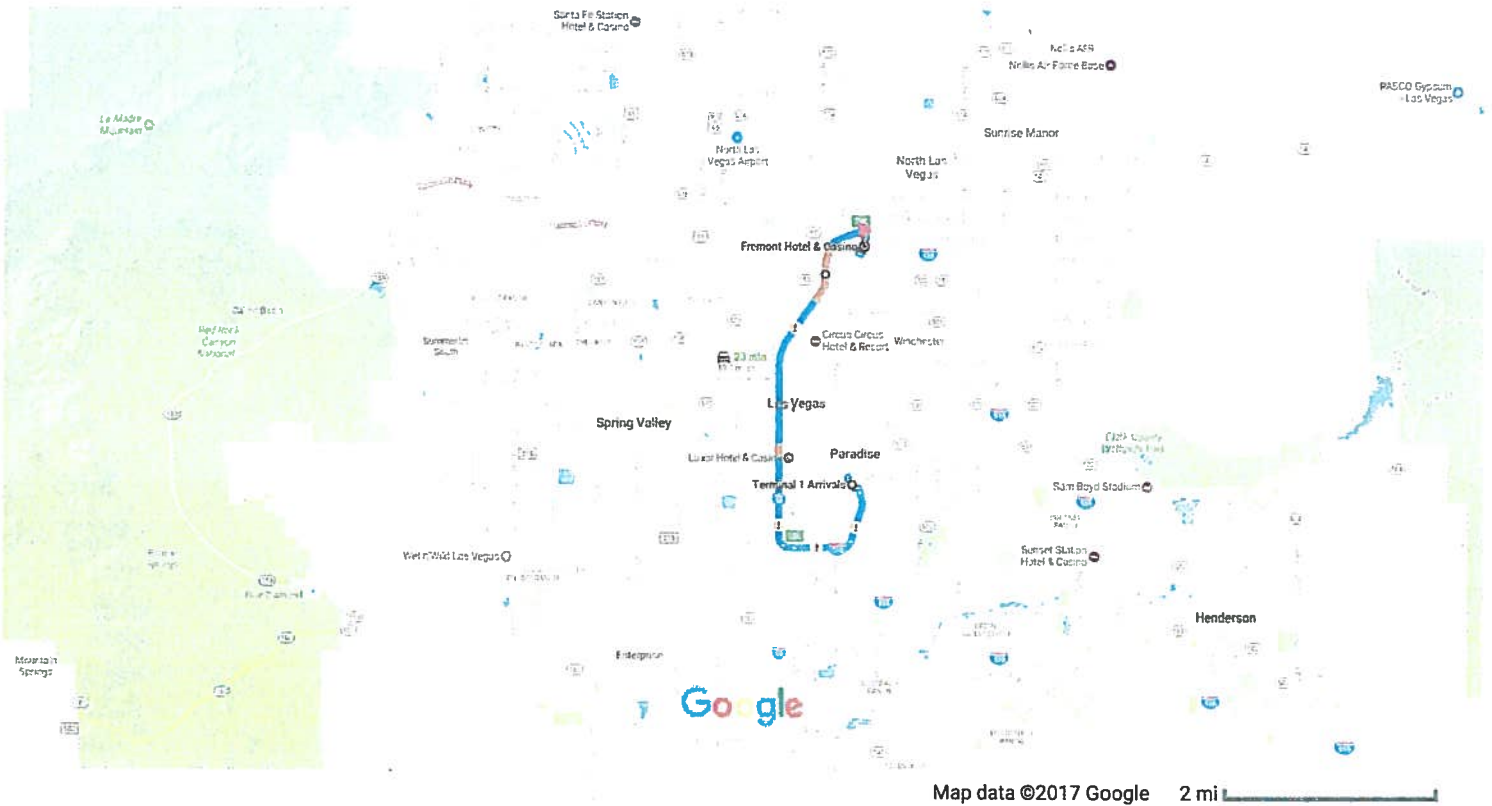
200 Fremont Street, Las Vegas, NV 89101

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Terminal 1 Arrivals, Paradise, NV to Fremont Hotel & Casino Drive 13.1 miles, 20 min

Route taken for event #161216-043



Terminal 1 Arrivals






Get on I-215 from Terminal 1 Short Term Parking and NV-171

- | | | |
|---|---|----------------|
| ↑ | 1. Head southwest on Terminal 1 Arrivals | 5 min (2.3 mi) |
| ↑ | 2. Continue straight onto Terminal 1 Parking | 16 ft |
| ↘ | 3. Use the right 2 lanes to turn slightly left onto Terminal 1 Short Term Parking | 276 ft |
| ↗ | 4. Merge onto Terminal 1 Arrivals | 0.3 mi |
| ↑ | 5. Continue onto Flight Path Ave | 190 ft |
| ↘ | 6. Use the 2nd from the right lane to turn slightly right toward NV-171/Paradise Rd | 262 ft |
| ↗ | 7. Use the left 2 lanes to take the ramp onto NV-171/Paradise Rd | 0.1 mi |
| ⓘ | Continue to follow NV-171 | |
| ↘ | 8. Keep right at the fork, follow signs for I-215 W/Las Vegas and merge onto I-215 | 1.3 mi |
| | | 0.5 mi |

STATE'S EX. B







Take I-15 N to N Casino Center Blvd in Las Vegas. Take exit 75B from I-515 S/US-93 S/US-95 S

10 min (10.0 mi)

-  9. Merge onto I-215 1.0 mi
-  10. Use the right lane to take exit 12A for I-15 N toward Las Vegas 0.3 mi
-  11. Keep right at the fork and merge onto I-15 N 7.8 mi
-  12. Use the right 2 lanes to take exit 42B to merge onto I-515 S/US-93 S/US-95 S toward Phoenix/Downtown LV 0.8 mi
-  13. Use the right 2 lanes to take exit 75B for Casino Center Blvd toward Downtown LV 0.2 mi

Drive to S Casino Center Blvd

5 min (0.7 mi)

-  14. Continue onto N Casino Center Blvd 0.3 mi
 -  15. Turn left onto E Carson Ave 397 ft
 -  16. Turn right at the 1st cross street onto S 3rd St 479 ft
 -  17. Turn right onto E Bridger Ave 351 ft
 -  18. Turn right at the 1st cross street onto S Casino Center Blvd 0.2 mi
-  Destination will be on the right

Fremont Hotel & Casino

200 Fremont St, Las Vegas, NV 89101

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

TAXICAB AUTHORITY

STATE OF NEVADA

In the matter of:

Nevada Taxicab
Authority,

Petitioner,

vs.

Robert Fukuzawa

Respondent.

TRIAL: 161216-043

May 2, 2017

Transcribed By: Always On Time

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WITNESSES

PAGE

For State:

Officer Dung

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E X H I B I T S

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IDENTIFIED

RECEIVED

For Respondent

None

For State:

Officer Dung's Incident Report

5

5

New Map of Route

18

18

1 JUDGE: This is the 7:30 Calendar on May 2, 2017.
2 Fukuzawa. Permit No. 110371. Event No. 161216-043. Violation
3 date 12/16/2016. Citation No. 56638. We have violation NRS
4 706.8846, longer route than is necessary. Appearances for the
5 record.

6 STATE: Gary Matthews, here on behalf of the State.

7 WINTER: Bob Winter for Respondent Fukuzawa.

8 JUDGE: State?

9 STATE: We'll call Officer Dung.

10 [PARTY DULY SWORN]

11 STATE: Please state your full name, spell your
12 last name for the record.

13 DUNG: First name Dean, last name Dung, D-U-N-G.

14 STATE: And, where are you employed?

15 DUNG: The Nevada Taxicab Authority.

16 STATE: How long have you been there?

17 DUNG: About a year.

18 STATE: And, what's your current job title?

19 DUNG: I'm a Compliance Enforcement Investigator.

20 STATE: And, as a Compliance Enforcement

21 Investigator, what are your job duties?

22 DUNG: To enforce the Nevada Revised Statutes and
23 Nevada Administrative Code on the Taxicab Industry.

24

25

1 STATE: And, prior to your employment here at the
2 Taxicab Authority, did you have any previous law enforcement
3 experience?

4 DUNG: Yes.

5 STATE: Where was that?

6 DUNG: In Hawaii.

7 STATE: What was your position there?

8 DUNG: I was a Honolulu Police Officer and a
9 Deputy Sherriff.

10 STATE: For how many years?

11 DUNG: About 14 years.

12 STATE: Okay. And, on December 16, 2016 at 2306
13 hours, did you--were you on duty?

14 DUNG: Yes.

15 STATE: At that time did you make contact with the
16 Respondent, Robert Fukuzawa?

17 DUNG: Yes.

18 STATE: Do you see him here today?

19 DUNG: Yes.

20 STATE: Can you point to him and tell me what he's
21 wearing?

22 WINTER: I'll stipulate he's here.

23 JUDGE: Stipulation has been noted. Identity of
24 the Respondent has been noted.

25

1 STATE: And, based on that contact, did you issue
2 him Citation 56638 for a long route violation?

3 DUNG: Yes.

4 STATE: Based on that did you prepare a report?

5 DUNG: Yes.

6 STATE: Does this appear to be a fair and accurate
7 copy of your report as you prepared it?

8 DUNG: Hmm. Yes.

9 WINTER: This is the Exhibit you're offering?

10 STATE: Right.

11 WINTER: Okay.

12 STATE: [inaudible]

13 JUDGE: Any objection?

14 WINTER: Yeah, I do have objections. It is hearsay.
15 I understand you have a relaxed standard but you're still
16 accusing somebody of a crime, in front, what's that guy's name?
17 [inaudible], okay.

18 JUDGE: And, I understand your objection Mr.
19 Winter. This is an Administrative Court, therefore it's
20 overruled. Any other objections?

21 WINTER: Accommodation, hearsay.

22 JUDGE: So noted. Hearing no other objection, it
23 will be admitted as State's Exhibit A.

24 STATE: So, Officer Dung, what drew your attention
25 to the Respondent?

1 DUNG: I observed the Desert Cab traveling—he was
2 going towards the tunnel where I normally stage and observe the
3 cabs as they head there.

4 STATE: Okay. And, whereabouts was your vehicle
5 located?

6 DUNG: I normally stage prior to the tunnel, a few
7 hundred feet away.

8 STATE: Do you--

9 DUNG: I'm sorry--

10 STATE: Do you remember where you were staged at
11 this particular incident?

12 DUNG: Not for sure, I mean, probably by Zero
13 Level.

14 STATE: Do you always stage in the same spot?

15 DUNG: Yes.

16 STATE: Okay. And, that's by the Zero Level
17 Parking?

18 DUNG: Zero Level is where the cabs and the limos
19 normally stage.

20 STATE: Okay, and at that point, do you know which
21 direction your cab is facing?

22 DUNG: Which way I'm facing? I'm trying to
23 picture. Maybe Eastbound.

24

25

1 STATE: Okay. So, you're facing eastbound and you
2 have a clear, unobstructed view of the tunnel? Or, of the
3 roadway or where?

4 DUNG: No, it's of the roadway that once the
5 driver's commit towards that road, they're heading towards the
6 tunnel.

7 STATE: Do you know what road that is?

8 DUNG: It's the airport connector tunnel, where
9 the Airport Connector Road.

10 STATE: Okay. So, you observed Desert Cab, 4028 on
11 this particular day and time, enter that position?

12 DUNG: Yes.

13 STATE: And then what happened?

14 DUNG: The vehicle continued to the Westbound 215.
15 Merged on to Northbound I-15. Stayed on the 15, North, all the
16 way to take the Casino Center offramp, downtown and then stopped
17 at the Fremont, off of Casino Center.

18 STATE: Fremont, is that a hotel or casino?

19 DUNG: Both, I believe.

20 STATE: Is that on the street or, it's the Fremont
21 designated taxi stand/valet, what is it?

22 DUNG: Oh, he turned into the—I guess it's the
23 lobby area.

24 STATE: And, which hotel was it?

25 DUNG: The Fremont.

1 STATE: Fremont. Okay, then what happened?

2 DUNG: I initiated a traffic stop and I
3 interviewed the driver after I identified myself. Advised him I
4 was on long route enforcement. I asked him why he took the
5 highway and he had stated, he always takes the highway. Then, I
6 asked the passengers as they exited the vehicle, they concurred,
7 stated that the driver told them that they always take the
8 highway to go downtown. I proceeded to ask them if the driver
9 had informed them that the highway was a longer route than the
10 most direct, they stated they were not informed or unaware of the
11 distances and if they had any options, they were also unaware.
12 They were not provided with any of that information.

13 STATE: Okay. Did you have a chance to let them
14 fill out a voluntary statement?

15 DUNG: Yes.

16 STATE: And, was that a male or female?

17 DUNG: It was a male.

18 STATE: And, whose writing it is on the voluntary
19 statement?

20 DUNG: The male.

21 STATE: That's his writing?

22 DUNG: Yes.

23 STATE: Okay. And, on that particular voluntary
24 statement, when he was asked did he specifically request the
25 route to be taken to his destination, what did he reply?

1 DUNG: He said, no.

2 STATE: And, did the driver inform him that the
3 route utilized was not the most direct route, what did he say?

4 DUNG: He said, no.

5 STATE: And, did the driver convey or attempt to
6 convey different route options to his destination, what did the
7 passenger say?

8 DUNG: Also no.

9 STATE: And, did the taxicab driver utilize or
10 attempt to utilize the highway?

11 DUNG: Yes.

12 STATE: And he has something here, is there any
13 additional information you wish to add, he checked 'yes'. And,
14 I'm going to show you what's been marked as State's Exhibit A,
15 I'll let you go ahead and read that.

16 DUNG: Okay. Passenger stated, the driver chose
17 highway route without asking. I asked about the high fare, he
18 said it was normal. I did not give permission to take a longer
19 route than necessary.

20 STATE: That's a fair and accurate statement as it
21 was presented the day that you stopped that person for a long
22 route violation?

23 DUNG: Yes.

24 STATE: And they signed it here, under Signature of
25 Victim?

1 DUNG: Yes.

2 STATE: And that's your signature as Signature of
3 Officer?

4 DUNG: Yes.

5 STATE: Did you have a chance to speak with the
6 driver at all, what did he tell you, if you [crosstalk]

7 DUNG: He stated that he always takes the highway
8 and that he had told—that's what he told the passengers. Upon
9 issuing the citation, he asked me not to show up to court because
10 he was planning on contesting the citation.

11 STATE: Not to show up to court.

12 DUNG: Because he was going to—he was planning to
13 fight it, he stated. Or, fight the citation.

14 STATE: He said that to you at the time you stopped
15 him?

16 DUNG: No, upon issuing the citation. After he
17 signed it and I gave him his copy.

18 STATE: The same day? The same day you issued the
19 citation?

20 DUNG: Yes.

21 STATE: You also presented a receipt, part of the
22 Exhibit, what does the receipt indicate?

23 DUNG: The receipt normally shows the—it's a copy
24 of the fare that was charged.

25 STATE: It shows the dollar amount?

1 DUNG: Yes.

2 STATE: And, the dollar amount looks like \$42.54,
3 before the excise tax and the tip, what does that indicate?

4 DUNG: That's the cost of the ride.

5 STATE: Is that excessive?

6 DUNG: Yes.

7 WINTER: Foundation.

8 JUDGE: What's that Mr. Winter?

9 WINTER: I said, Foundation. Excessive, I

10 [crosstalk] too, but-

11 JUDGE: Counsel, hold on. State.

12 STATE: I'll just withdraw that.

13 JUDGE: Okay.

14 STATE: But you also prepared two maps?

15 DUNG: Yes.

16 STATE: And, the first map we come to is the actual
17 route that was taken, I'm going to show you again. I'll mark it
18 as State's Exhibit 1.

19 DUNG: Yes.

20 STATE: Or, A.

21 JUDGE: A.

22 STATE: If you could tell the Court, what that
23 route of travel again, that the driver had taken.

24 JUDGE: This was taken?

25 STATE: Route taken.

1 JUDGE: Okay.

2 STATE: That's going to be 11.8 miles, 17 minutes.

3 JUDGE: Thank you.

4 DUNG: So, what are you asking for?

5 STATE: I'm asking if you could tell the Court the
6 exact route that the driver had--

7 DUNG: Oh, okay. So, he got on the I-215 from NV-
8 171. He headed southeast on Terminal 1 arrivals, towards
9 Terminal 1, short-term parking. He used the right lane to turn
10 slightly left to stay on Terminal 1 arrivals and continued on
11 Flight Path Avenue. He used the second from the right lane to
12 turn slightly towards NV-171, which is Paradise. He used the
13 left two lanes to take the ramp onto NV-171, Paradise Road. He
14 kept right at the fork and followed the signs to I-215 West, Las
15 Vegas and merged on to I-215. Take I-15 north to Iron Horse
16 Court, in Las Vegas. Take Exit 41-B, from I-15 north. Merge on
17 to 215, use the right lane to take Exit 12A, for I-15 north
18 towards Las Vegas. Keep right at the fork and merge on to I-15
19 north. Take Exit 41-B for Nevada 159, West Charleston Boulevard.
20 Take South Grand Central Parkway and westbound [inaudible] to
21 South Casino Center Boulevard. Continue onto Iron Horse Court.
22 There are signs for Grand Central Parkway. Make a slight right
23 to stay on Iron Horse Court. Turn right on to South Grand
24 Central Parkway. Turn right, the third cross-street on to West

25

1 Bonneville Avenue and turn left on to Casino Center Boulevard.

2 The destination is on the right, the Fremont Hotel.

3 STATE: Is that the route that you followed him on?

4 DUNG: Yes.

5 STATE: Okay. And, the beginning of that, you had
6 several directions prior to him getting to where you're
7 positioned. Are you assuming that's the way he took? You don't
8 actually know how he got to your position where you observed him,
9 correct or is that the only way to get there? To get to the
10 tunnel position [crosstalk]

11 DUNG: What do-oh, yes, that's the only way to get
12 there.

13 STATE: Okay. And, that again is, 11.8 miles, 17
14 minutes. Now, the next map that you prepared is going to be the
15 most direct route, that's seven miles and it indicates 23
16 minutes. Could you tell the Court what the most direct route is,
17 using north/south/east/west if possible.

18 DUNG: Okay. So, from Terminal 1 arrivals, get on
19 NV-171 from Terminal 1 arrivals. Head southeast on Terminal 1
20 arrivals, toward Terminal 1 short-term parking. Use the left
21 lane to turn slightly left and stay on Terminal 1 arrivals.
22 Continue on to Flight Path Avenue. I don't know the direction on
23 that. Turn left to merge on to NV-171. Continue on NV-171.
24 Take Swenson Street. Joe Brown Drive and South Las Vegas
25 Boulevard to East Bridger Avenue, in Las Vegas. Merge on to NV-

1 171, continue on to Swenson Street. Continue on to Joe W. Brown
2 Drive. Use the middle lane to turn left on to East Sahara
3 Avenue. Turn right at the first cross street on to Santa Paula
4 Drive. Turn left at the first cross street on to East St. Louis
5 Avenue. Turn right on to Santa Paula Drive. Turn left on to
6 East Oakey Boulevard. Turn right on to South Las Vegas
7 Boulevard. Continue on East Bridger Avenue. Drive to South
8 Casino Center Boulevard. Turn left on to East Bridger Avenue.
9 And, turn right on to South Casino Boulevard and the destination
10 would be on the right.

11 STATE: Okay, that's the most direct route?

12 DUNG: Yes.

13 STATE: Now, on that particular date and time, was
14 there any reason why the Respondent couldn't take the most direct
15 route? Was there any traffic accident, road closures? Any-
16 anything preventing him from taking the most direct route?

17 DUNG: Not that I'm aware of.

18 STATE: And then, just once again, did the driver
19 inform the passenger that the route he was taking was not the
20 most direct route?

21 DUNG: No.

22 STATE: Did he inform the passenger that the route
23 he was taking would be a longer route of travel?

24 DUNG: No.

25

1 JUDGE: So, Counsel, can you just clarify, your
2 witness testified that he followed entering the tunnel, westbound
3 on 215 to the I-15, exiting Casino Center to the Fremont lobby
4 area and the most direct route here or the route actually taken
5 goes through Charleston, Grand Central Parkway, Bonneville.
6 Would you please clarify that with your witness?

7 STATE: Let me ask you again, Officer Dung, before
8 you testified as to the—you followed the Respondent correct?

9 DUNG: Yes.

10 STATE: And, is this map accurate as to how you
11 followed him or is it—deviates slightly from the way you actually
12 followed him?

13 DUNG: Okay, now that I do recall reading it, it
14 does—I clicked on the Google route and I think it may have
15 dragged it to another thing because we took off Casino Center and
16 ended there. We didn't go all the way to those other streets
17 that the Judge was explaining.

18 STATE: So you never went on West Charleston
19 Boulevard?

20 DUNG: No. We took the Casino Center offramp and
21 then turned left from there into the Fremont.

22 STATE: So, is this map accurate?

23 DUNG: No, it doesn't sound that it's accurate,
24 from my recollection of the route that was taken.

25

1 STATE: So, as far as the 11.8 miles, is that
2 accurate?

3 DUNG: I'm not sure. As far as the distance goes.
4 I mean, if I can refer to it, I can be more accurate.

5 STATE: I think the only thing we could do, offer
6 to the Court at this point would be to either stop—take a short
7 recess and prepare another map or we could just add up to where
8 he went and eliminate the other areas that he didn't go. I mean,
9 he can tell you, but I don't know if the 11.8 is going to be
10 totally accurate.

11 DUNG: I can reroute it. I mean, I know the route
12 that was taken.

13 STATE: All right.

14 JUDGE: Mr. Winter?

15 WINTER: I don't know--

16 DUNG: It was printed on the computer, so—

17 WINTER: One would assume, the police report—he's
18 trying to do a report that's accurate and then we find out it's
19 not accurate, I know there will be testimony that he was sitting
20 downtown writing a ticket when my guy came up. He didn't follow
21 him. That's going to be some testimony. We have asked for the
22 GPS and the ticket book—the ticket book right before, the ticket
23 he wrote right before this one. Apparently, that has been
24 produced, so I don't think it's the right route.

25 JUDGE: That has been produced or has—

1 WINTER: Has not.

2 JUDGE: Okay.

3 WINTER: I don't think it's the right route. But
4 there will be testimony saying no. As he's pulling in or coming
5 off the freeway, he sees him, waves at him. Whether true or not,
6 but this is inaccurately stipulated.

7 STATE: So—

8 JUDGE: Okay, based upon that and there is no
9 objection to getting the correct map, go ahead, we're going to
10 take a five-minute recess. I understand that there might be
11 certain defenses that are going to be proposed. If, Mr. Winter,
12 you just mentioned something about whether or not discovery was
13 given, I don't know what that is between you and the State, but I
14 will give you a chance to discuss it. If we need to make a
15 record, we'll make a record. Off the record, five minutes.

16 OFF THE RECORD

17 ON THE RECORD

18 JUDGE: Recalling the 7:30 Calendar on May 2, 2017.
19 Fukuzawa. Permit No. 110371. With violation NRS 706.8846,
20 longer route than is necessary. This is under Citation No.
21 56638. Counsel, where are we?

22 STATE: So, I did consult with Mr. Winter during
23 the break and he is going to stipulate that the map that's
24 already in evidence is close enough to—for the record.

25 JUDGE: Mr. Winter?

1 WINTER: I think what I said was, I don't care. The
2 map that's in the record is inaccurate. There was another map
3 drawn up where he comes down off the 95 to Casino Center, which
4 is likely more accurate, but-

5 JUDGE: Okay, well it doesn't sound like there's a
6 stipulation, so what are we doing at this point?

7 WINTER: I don't-

8 STATE: I'll just have this entered.

9 JUDGE: Okay. Any objections, Mr. Winter? No,
10 just the regular ones, continuing. So-

11 JUDGE: Hearing no objection to this, aside from
12 the continuing hearsay objection, this will be admitted as
13 State's Exhibit B. Before we go on, Mr. Winter, you had
14 mentioned something prior to going on break about a discovery
15 issue, do we need to address that right now?

16 WINTER: I don't think we do, they-as I understand,
17 there is no GPS on the car but there's going to be testimony that
18 Respondent saw Mr. Dung has he was exiting, he had pulled another
19 vehicle over. So, I wanted to see the last citation. If the
20 book is right, it looks like it was 1:00 in the morning, the
21 previous shift. So-

22 JUDGE: Okay.

23 WINTER: I have seen the ticket though. So, there's
24 no discovery issue now.

25

1 JUDGE: Okay. All right, so noted. State,
2 proceed.

3 STATE: I believe that's all I have for this
4 witness for right now.

5 JUDGE: Okay. And, I need you to address one other
6 thing. Necessity.

7 STATE: I believe I already did but I'll do it
8 again. So, Officer Dung, at any time, was there any specific
9 reason why the Respondent could not have taken the most direct
10 route? Was there any traffic accidents, road closures, anything
11 preventing him? Detours? Anything preventing him from taking
12 the most direct route?

13 DUNG: Not that I'm aware of.

14 STATE: Is that what you're speaking on?

15 JUDGE: What's that?

16 STATE: Was that what you were speaking on?

17 JUDGE: Yes.

18 STATE: Okay.

19 JUDGE: Mr. Winter?

20 WINTER: Thank you. Officer Dung, I'm Bob Winter,
21 I've got some questions for you. When asked if--the last question
22 by Counsel, you said, 'not that I'm aware of', as an answer to
23 whether there was any obstructions for taking a more direct
24 route.

25 DUNG: That's correct.

1 WINTER: Is that your testimony?

2 DUNG: Yes.

3 WINTER: All right. It could've been, but you don't
4 know, right?

5 DUNG: It's possible.

6 WINTER: So, that's a yes.

7 DUNG: It's possible, yes.

8 WINTER: Okay. You've been working as a TA Officer
9 I think for about a year now?

10 DUNG: Yes.

11 WINTER: Eight months, a year, something like that.

12 And, your—you do long haul enforcement?

13 DUNG: Yes.

14 WINTER: I'd like to talk about your training on
15 that. What's your understanding of long haul?

16 DUNG: A long haul is any route that's taken
17 that's longer and not the most direct route to the destination.

18 WINTER: Okay. Is that it? Then necessary, I
19 guess?

20 DUNG: Yes, longer than necessary. The driver is—
21 what are you asking, like--

22 WINTER: I was asking your understanding, because
23 you're the guy writing tickets.

24 DUNG: Right.

25 WINTER: Okay.

1 DUNG: My understanding is that the drivers are
2 required to inform the passengers upon their entry into the cab
3 and learning of their destination, to inform them of route
4 options. For example, they can say I want to take the highway or
5 surface streets. The highway is longer than the most direct
6 route and surface streets is the most direct route. Upon
7 providing those options, they allow the passenger at that time to
8 make an educated decision to pick which route they would like
9 taken to the destination.

10 WINTER: Okay. Unless directed by the passenger to
11 go that way, right?

12 DUNG: I'm sorry?

13 WINTER: Unless directed by the passenger to go a
14 certain way.

15 DUNG: Yes.

16 WINTER: If the passenger jumps in at the airport,
17 for example and says, take the freeway. I'm going downtown. You
18 don't have to discuss options.

19 DUNG: Oh yeah, because they requested the route.

20 WINTER: Yeah, got you. What about enforcement.
21 You've been trained on enforcing this now. Are you trained on
22 investigating it?

23 DUNG: Yes.

24 WINTER: Okay. As part of that investigation, do
25 you interview the passenger?

1 DUNG: I interview the passenger and driver.

2 WINTER: You do both.

3 DUNG: Yes.

4 WINTER: Do you separate the two, the driver and the
5 passenger?

6 DUNG: Yes.

7 WINTER: Why?

8 DUNG: For various reasons, depending on if-
9 sometimes passengers have stated to me that they felt intimidated
10 that the driver was there. Sometimes the drivers try to
11 interject. I separate them like any type of—for example,
12 domestic violence. I always separate the parties whenever I'm
13 talking to—and that way they cannot hear what the other person
14 has to say to corroborate or to refute anything that is being
15 said by the other party. So, I want to have independent
16 recollections of what each person recalls.

17 WINTER: And, were you trained to do it that way?

18 DUNG: Yes.

19 WINTER: Do you separate the passengers when you
20 have more than one passenger?

21 DUNG: Yes.

22 WINTER: So, you've got husband and wife or—you
23 separate them as well, to see what happened?

24

25

1 DUNG: Well, I normally would have one person that
2 wants to fill out the statement. Whoever is willing to do it,
3 that's the person I interview.

4 WINTER: Okay. So, in this instance, we had
5 passengers, this one.

6 DUNG: Yes.

7 WINTER: And you had a single passenger fill out the
8 form, statement, right?

9 DUNG: Yes.

10 WINTER: The other one did not.

11 DUNG: No.

12 WINTER: Did you talk to the other one about signing
13 as well, or did that passenger not want to sign? Did that
14 passenger say, no, we--

15 DUNG: Well, I--the husband filled it out but the
16 wife had stated that she wanted the husband to fill out the
17 paperwork.

18 WINTER: Okay. Are you trained to tell the
19 passengers that they've been ripped off by the driver?

20 DUNG: No.

21 WINTER: They've been cheated?

22 DUNG: No.

23 WINTER: Have you ever done that?

24 DUNG: No.

25 WINTER: Do you know anybody that does?

1 DUNG: Do I know anybody that does?

2 WINTER: Here at the TA-

3 STATE: I object. I object to that. That's
4 irrelevant for one thing and it's-

5 WINTER: I'm asking about his training.

6 STATE: He's speculating on what people say and
7 what they don't. He doesn't have any personal knowledge of when
8 they're on a ride.

9 JUDGE: Mr. Winter?

10 WINTER: It's an open question on training. He
11 could say, yeah I do that, I know it's happened. How is he
12 trained? What's his understanding? Is this what he does?

13 STATE: That's not what he asked.

14 JUDGE: Hold on one second. So, this Court does
15 not-

16 WINTER: I can withdraw and rephrase, how about
17 that?

18 JUDGE: Okay. Go ahead and withdraw and rephrase.

19 WINTER: Are you aware of any training or
20 discussions among officers about having made contact with a
21 passenger on a long haul stop that you tell them that they've
22 been ripped off, they've been cheated.

23 DUNG: No.

24 WINTER: Never happened.

25 DUNG: I personally don't do that.

1 WINTER: Okay. Are you sure you followed him from
2 the airport to downtown?

3 DUNG: Yes.

4 WINTER: Are you certain of that?

5 DUNG: Yes.

6 WINTER: Today you testified you took a route,
7 getting off at—what was it? You're going on Bonneville and Grand
8 Central. I mean, you printed up this Google map, didn't you, for
9 inclusion?

10 DUNG: Yes.

11 WINTER: And this was supposed to represent the
12 actual route you took, following my client, right?

13 DUNG: It was supposed to, yes.

14 WINTER: But now we believe its inaccurate. There
15 was another route taken.

16 DUNG: Well, it is a computer, I just drag it to
17 where the road is. It may have—I mean, it's happened before
18 where it's moved and then in error, due to the computer but when
19 I printed out the—I know the route that was taken, which was the
20 one I printed out on the break.

21 WINTER: Were you with another cab—had another cab
22 pulled over downtown when you saw my client come off the Casino
23 Center exit?

24 DUNG: Was I with another cab?

25 WINTER: Yeah, had pulled another cab over?

1 DUNG: No.

2 WINTER: Are you sure?

3 DUNG: Yes.

4 WINTER: Okay. I want to ask you about the language
5 in your report. Do you have it in front of you? The Exhibit,
6 whatever it is?

7 DUNG: No. I do not.

8 WINTER: Can he have the Exhibit or at least a copy,
9 so he can see it?

10 STATE: Sure.

11 DUNG: Thank you.

12 WINTER: Is that just the ticket?

13 STATE: What do you—you want the narrative right?

14 WINTER: Yeah.

15 STATE: Yeah. That's what he has.

16 WINTER: Oh, I thought you were going to give him
17 the whole Exhibit.

18 STATE: No, I need to look at it too, I don't have
19 a copy.

20 WINTER: Okay. I'm looking at paragraph 2.

21 DUNG: Okay.

22 WINTER: Where you talked about going on 215, 15 and
23 then downtown southbound on Casino Center.

24 DUNG: Yes.

25 WINTER: That's what you note on here, right?

1 DUNG: Yes.

2 WINTER: And you were trying to be accurate.

3 DUNG: Yes.

4 WINTER: Now, if you go northbound on 15 to
5 southbound Casino Center, you've got to get on 95, don't you?

6 DUNG: Yes.

7 WINTER: That's not in here.

8 DUNG: Um. No, it's not in here.

9 WINTER: And that's not in your initial map either,
10 is it?

11 DUNG: The initial one?

12 WINTER: Right.

13 DUNG: That was incorrect, yes.

14 WINTER: Okay. Okay, the traffic stop initiated at
15 Fremont. And you talked to the passenger, tell me how that went.
16 I mean, I can read your language here, it's didn't request a
17 route, didn't provide the route options, was not the most direct,
18 just took the highway saying it was faster. That's what your
19 report says. Are these quotes from the guy?

20 DUNG: Okay well, what I do is, when I interview
21 the passengers, I—once they—I explain to them that the
22 differences between the routes and if the driver explained all of
23 the variables of the routes, then I ask them if they're willing
24 to fill out a voluntary statement. If they comply with that,
25 then they go over the—I go over their statement with them and

1 then—so that—to make sure that they have a clear understanding of
2 what is required and what the elements are of a long haul.

3 WINTER: Okay. So, pretty much what you did is, you
4 wrote down what these questions are on this—this form you guys
5 use, right?

6 STATE: I object.

7 WINTER: Did you request the route taken—

8 JUDGE: What's the objection, Counsel? Hold on one
9 second Mr. Winter.

10 STATE: The objection is, he's making statements
11 that aren't facts and evidence. He's saying different things
12 that the officer testified to. The officer doesn't write
13 anything down. It was testified to that the passenger filled
14 that statement out.

15 WINTER: No, this is his narrative and I'm comparing
16 it. It's just word-for-word from these questions you ask, isn't
17 it? Isn't that what you do?

18 JUDGE: Hold on one second, I have to make a
19 ruling.

20 WINTER: Okay.

21 STATE: If that's what he's asking, that's fine,
22 but he was saying that the officer writes down the questions for
23 the passenger, the passenger fills out the statement. The way he
24 just stated it is fine.

25 JUDGE: Okay.

1 WINTER: Okay, maybe the way—I'll withdraw.

2 JUDGE: Okay.

3 WINTER: This—

4 JUDGE: So, hold on, let me just make a record.

5 WINTER: Okay.

6 JUDGE: So, that will be withdrawn, meaning the
7 question will be withdrawn. Your objection is sustained, just
8 rephrase. Go ahead Mr. Winter.

9 WINTER: The text of your report, what you wrote
10 down what the passenger said, am I right? This third paragraph
11 here?

12 DUNG: What do you mean, what they said?

13 WINTER: Yeah, the second line, he stated he did not
14 request the route taken. That's what you wrote, right?

15 DUNG: That's correct.

16 WINTER: And that's what he said, right, according
17 to you?

18 DUNG: When I go over the voluntary statement with
19 them.

20 WINTER: And all you did pretty much was read this
21 question. Which is in the form, statement, did you specifically
22 request the route taken? It's the same language that you wrote
23 up here, right?

24 DUNG: That's correct.

25 WINTER: You're just dictating the form, right?

1 DUNG: Well, I go over the form with them.

2 WINTER: Okay.

3 DUNG: Is that what you're asking?

4 WINTER: No, I'm asking where you got this
5 information. You say he said this and what you do is, you just
6 read--or, I assume you read this form to them and they say no or
7 yes.

8 DUNG: Well, because I go over the form with them
9 and I read it to them. I ask them--

10 WINTER: Okay, I'm with you now.

11 DUNG: --do you go--did you specifically request
12 the route and if they say, no, I didn't request the route, then
13 that's what I articulate in the report.

14 WINTER: Okay. Now, didn't you say something
15 earlier that suggested you've already talked to them about a long
16 haul violation before you even get to the statement and then you
17 ask him, are you going to fill this out, right?

18 DUNG: Yes.

19 WINTER: Let's talk about that conversation in this
20 case.

21 DUNG: Okay.

22 WINTER: You pull up here and you stop the--my
23 client's cab. He's in the valet area at the Fremont, right?

24 DUNG: Yes.

25

1 WINTER: What did you do? Walk up—who did you talk
2 to first?

3 DUNG: The driver.

4 WINTER: Okay, what did you say?

5 DUNG: I normally say, I'm Officer Dung with the
6 Taxicab Authority. I'm investigating possible long route
7 violations. Is there any reason why you utilized the highway to
8 get here?

9 WINTER: Okay. So, you believe that's your normal
10 routine.

11 DUNG: Yes.

12 WINTER: You don't think you deviated from that in
13 this case?

14 DUNG: Yes.

15 WINTER: Okay and the response was?

16 DUNG: I told them it was faster, from the driver
17 stated that's what he told them.

18 WINTER: Okay, nothing else.

19 DUNG: Nothing else.

20 WINTER: You're sure?

21 DUNG: To my recollection, yes.

22 WINTER: Okay. What do you do next? Or, what did
23 you do next?

24 DUNG: Then, I grabbed their paperwork, their
25 license, registration, insurance, TA Permit and then I interview

1 the passengers, as they exit the vehicle or if they remain in the
2 vehicle.

3 JUDGE: So, just for clarification, Mr. Winter, are
4 you asking what he did on this incident, particular incident?

5 WINTER: Yes.

6 JUDGE: Okay, Officer, go ahead.

7 DUNG: Okay. So, the passengers had exited the
8 vehicle. I asked them if they had specifically selected to take
9 the highway to get to the hotel. They stated that they did not.
10 I asked if they were provided with route options to get there.
11 They also stated that they did not. Or they were not presented
12 with that and I asked if the driver conveyed or attempted to
13 convey any route options to them. They stated that he did not.
14 I knew he was on the highway because I followed him on the
15 highway.

16 WINTER: Okay. So, the initial discussion about a
17 possible long haul is identical to what you do after that.

18 DUNG: Yes.

19 WINTER: You use the same language.

20 DUNG: I do that because I want to establish that
21 something is done, that a long haul was committed, because it if
22 wasn't then there's no need to fill out a voluntary statement.

23 WINTER: Okay. So, you ask about the route taken,
24 right?

25 DUNG: Yes.

1 WINTER: You knew—according to you, you knew it was
2 the highway, right?

3 DUNG: Yes.

4 WINTER: From the airport. And you could've
5 confirmed that and said, so you guys got here by the highway,
6 right?

7 DUNG: That's correct.

8 WINTER: And then you could say, whose idea was
9 that? Something like that. But you don't do that. You kind of
10 follow the form?

11 DUNG: Yes.

12 WINTER: Do I understand you correctly? Okay, fair
13 enough. This language on the statement, I mean, after the check
14 boxes, there's some actually prose or words written out, is that
15 done by the passenger?

16 DUNG: Yes.

17 WINTER: Did you help him write it?

18 DUNG: No.

19 WINTER: Are you sure?

20 DUNG: I don't fill out any of the form because
21 it's all based on the passengers.

22 WINTER: Was there any resistance by these
23 passengers to making the long haul claim?

24 DUNG: Resistance?

25

1 WINTER: Yeah, saying, we don't want to do that,
2 something like that.

3 DUNG: No.

4 WINTER: You sure?

5 DUNG: Yes.

6 WINTER: Were they upset that they'd been long
7 hauled?

8 DUNG: Upset? Um. I mean--

9 WINTER: Well, you were the guy there.

10 DUNG: People show emotion in different ways. I
11 mean, they were willing to fill out the statement.

12 WINTER: What was your read on them? You tell them,
13 you been long hauled.

14 DUNG: Right.

15 WINTER: Pretty much. Do you want to fill out a
16 report and they eventually say 'yes', right?

17 DUNG: Right.

18 WINTER: Were they upset by this driver's conduct?

19 DUNG: I mean, they weren't unusually angry or
20 anything but they did articulate that they were unaware of the
21 route that was taken and at the cost of the ride.

22 WINTER: Okay. And, who told them that, you, the
23 cost?

24 DUNG: No, they had asked, they had stated to me
25 that they were surprised how expensive it was.

1 WINTER: Okay. So, the language that this passenger
2 used, you didn't help with this at all?

3 DUNG: No. I go over the statement with them so
4 they have an understanding of what the boxes are and if they have
5 any questions, I let them know that they can ask me and feel free
6 to—if they have any questions or concerns regarding the
7 statement.

8 WINTER: Do you have the statement in front of you?

9 DUNG: No, I do not.

10 STATE: Here, I'll give it to him.

11 WINTER: Yeah. I'm just going to ask—I'm going to
12 read this and make sure I understand this language. You there?

13 DUNG: Yes.

14 WINTER: This is on the—this is the handwriting of
15 the passenger, right?

16 DUNG: Yes.

17 WINTER: "Driver chose highway route without
18 asking." That's what he said? You didn't help with that
19 language?

20 DUNG: No.

21 WINTER: Okay. "I asked about high fare, he said it
22 was normal. I did not give permission to take a longer route
23 than necessary." You're telling me this passenger came up with
24 the word 'longer route than necessary' on his own? You didn't
25 help with that?

1 DUNG: He came up with that because he had asked--

2 WINTER: This is the language from the statute.

3 DUNG: Right.

4 WINTER: Longer than necessary. How would the
5 passenger know that?

6 DUNG: Because this passenger asked me what the
7 elements are or what, in his own words, like what makes it a long
8 haul or a longer route.

9 WINTER: So, the passenger wanted your help.

10 DUNG: He was asking because he didn't understand
11 what his rights were.

12 WINTER: And he sought your help?

13 DUNG: Well, I was going over the statement with
14 him, who else would he ask?

15 WINTER: Okay. Well, he doesn't have to fill out
16 anything more, did you encourage him to fill out something here?

17 DUNG: No.

18 WINTER: Okay. So, he came up with 'take a longer
19 route than necessary on his own', that's your testimony?

20 STATE: I object. He's asked that three times
21 already.

22 WINTER: It's my second, I'm confirming. Is that
23 your testimony? The passenger came up with this?

24

25

1 JUDGE: This is—hold on. You did ask numerous
2 times because I've jotted them down. So, that's been asked and
3 answered. That's sustained. Move on to your next question.

4 WINTER: Okay. The route taken by Mr. Fukuzawa was
5 15 minutes, right, on December 16th at 11:30-ish in the evening?

6 DUNG: Are you referring to the map?

7 WINTER: Well, no, I say your map. I'm looking at
8 the—you've got the receipt from the--

9 DUNG: Oh, okay.

10 WINTER: You've got the receipt from the—what do you
11 call it, credit card.

12 DUNG: Okay.

13 WINTER: Thing. And it shows it was 15 minutes.

14 DUNG: Yes.

15 WINTER: Okay. And, the passenger's tip, I mean, it
16 was a total of \$52.58 with tip, right?

17 DUNG: Yes.

18 WINTER: Did they do this transaction before you
19 made your stop? Did they pay the bill before or after?

20 DUNG: That I don't recall.

21 WINTER: Where did you get this receipt, credit card
22 receipt?

23 DUNG: I normally have the drivers printout the
24 receipts.

25 WINTER: Okay. So, you asked him to do that.

1 DUNG: Yes sir.

2 WINTER: And he did that.

3 DUNG: Yes.

4 WINTER: And when you asked him to do that, had it
5 already been paid or do you know?

6 DUNG: I don't recall.

7 WINTER: Okay. Now, according to the map you had
8 originally, it was 17 minutes.

9 DUNG: Yes.

10 WINTER: Off Google. In your most direct route,
11 which was your second map is seven miles, right?

12 DUNG: Yes.

13 WINTER: And, it goes 23 minutes.

14 STATE: [inaudible]

15 DUNG: That's correct.

16 WINTER: At least according to what you've produced
17 here.

18 DUNG: Yes.

19 WINTER: Offered in evidence. So, it takes longer
20 to go the most direct route.

21 DUNG: Yes.

22 WINTER: Have you ever been in customer service in
23 any capacity or just police?

24 DUNG: Customer service, as far as?

25

1 WINTER: Taking care of customers, keeping them
2 happy. Making sure their wellbeing is okay, anything like that?

3 DUNG: Yes.

4 WINTER: Okay. I want to ask you about your most
5 direct route. With this concept in mind, whether or not this is
6 a good idea for a person visiting Las Vegas, maybe the first
7 time, you don't know to take this route through the Naked City
8 winding through these streets. We've got—you have him going on
9 Joe W. Brown, East Sahara, Santa Paula, East St. Louis, Santa
10 Paula, Oakey. Really? You think that's a good idea for a cab
11 driver to take a passenger on a Friday night, this way, to go
12 downtown?

13 DUNG: Do I think it's a good idea?

14 WINTER: That's my question.

15 DUNG: I don't know if it's about a good idea or
16 about doing the right thing.

17 WINTER: So the right thing is to take them through
18 these neighborhoods, winding around, dark.

19 DUNG: The right thing is to take them the most
20 direct route.

21 WINTER: Unless permission is granted, yes. Right.

22 DUNG: That's correct.

23 WINTER: Yeah. Now, when you stopped Mr. Fukuzawa
24 you made a decision that was a long haul and that's what you
25 moved toward was getting a long haul ticket, right?

1 DUNG: When I had ascertained that he had
2 fulfilled the elements of a long haul violation, then yes.

3 WINTER: How long was your discussion with my client
4 about the—what happened in the cab before his cab got on to the
5 highway to get downtown?

6 DUNG: How long?

7 WINTER: How long did you talk to Mr. Fukuzawa about
8 that?

9 DUNG: Well, I—I don't time my stops, so I don't
10 recall.

11 WINTER: You have no estimate here, okay. You went
12 up to the window and said, hi, or something like that, I'm
13 investigating long haul, let me see your tickets and you told us
14 he said, I took the highway. Right?

15 DUNG: Yes.

16 WINTER: Something like I always do or that. And he
17 offered nothing else. Didn't say anything else about that. You
18 sure?

19 DUNG: That's all that I recall, whatever I put in
20 the report.

21 WINTER: Okay, if he had said, we discussed the
22 route and this is a faster way, even though it's longer, and
23 probably more expensive, that would be good, right?

24 DUNG: If he had just told me that?

25 WINTER: Yes.

1 DUNG: I still would interview the passengers to
2 confirm, because I've had drivers lie to me.

3 WINTER: Sure. And maybe a passenger might not know
4 something or say something inaccurate, you don't know, but you
5 should interview both, right?

6 DUNG: Yes. Just to be fair.

7 WINTER: So, this is a Friday evening at about
8 11:00.

9 DUNG: That's correct.

10 WINTER: And, your memory was, not that I'm aware
11 of, as far as say traffic on a more direct route. Isn't a Friday
12 night pretty busy?

13 DUNG: Sometimes.

14 WINTER: Sometimes? Okay. So, your saying this
15 Friday night, was it busy or not? Was it a usual Friday, average
16 Friday?

17 DUNG: It was a Friday. It was like any other
18 day, I mean--

19 WINTER: How long did you spend with the customers,
20 talking to them about filling out the form?

21 DUNG: How long?

22 WINTER: Yes. Time estimate.

23 DUNG: As I stated earlier, I don't time my stops.

24 WINTER: Well, according to your ticket that you
25 wrote, the violation occurred at 2306 and you issued the ticket

1 at 2350. Which would make it 44 minutes later, if your ticket is
2 accurate, right?

3 DUNG: Okay, yes.

4 WINTER: So, you spent some time with them,
5 discussing a possible violation. Were you encouraging them to
6 fill out a report?

7 DUNG: No.

8 WINTER: You sure?

9 DUNG: Well, the stop ended at 2321.

10 WINTER: Okay.

11 DUNG: So, in talking to them and explaining
12 things, I mean, it would've taken--

13 WINTER: About a half hour. It took you a half hour
14 to explain long haul and their rights, as you say?

15 DUNG: Approximately, yes.

16 WINTER: Okay. Was there any resistance saying, we
17 don't want to do this, by the passengers?

18 DUNG: No.

19 WINTER: You didn't have to encourage them, you
20 sure?

21 DUNG: Yes.

22 WINTER: Okay. Now, I think this couple, were they
23 from Texas, do you remember?

24 DUNG: Yes.

25

1 WINTER: And they'd flown in and they finally got
2 downtown and they probably want to get to their room. So, you're
3 saying they didn't resist at all? They were willing cooperants
4 for this approximately half hour?

5 DUNG: Yes.

6 WINTER: Okay. What's been the attitude at the
7 enforcement side of the Taxicab Authority on long hauling? Are
8 you encouraged to pursue long hauling citations?

9 DUNG: I do. I mean, I don't know--

10 WINTER: Why is that?

11 DUNG: Why is that?

12 WINTER: Why, why do you?

13 DUNG: I feel like I'm actually doing something,
14 that I'm helping people.

15 WINTER: Uh huh.

16 DUNG: Informing them, educating them, the riding
17 public, as well as educating drivers. Some of them are unaware
18 of what their responsibilities are as far as what they're
19 supposed to do prior to transporting the passengers.

20 WINTER: That's very true, there are some that
21 don't. Okay. So, you, yourself, would you say you focus on long
22 hauling?

23 DUNG: I try to.

24

25

1 WINTER: Are there specific areas you stage
2 yourself, waiting to look for a long hauler, for example like
3 McCarran Airport?

4 DUNG: Yes.

5 WINTER: And is [tape cut] other places around town.

6 DUNG: Yes.

7 WINTER: And that's what you were doing this day?

8 DUNG: Yes.

9 WINTER: If I understand you. Okay. Did you talk
10 to the passengers about, they would be able to get their money
11 back?

12 DUNG: I informed them because they asked like,
13 what do we do as far as payment or do we still have to pay the
14 fare, things of that nature.

15 WINTER: Are you talking about generally or this-
16 this instance?

17 DUNG: I normally try to do it for everybody.

18 WINTER: Okay, so in this instance, are you
19 testifying that they asked you what should we do about the fare?

20 DUNG: I don't recall if they actually asked me.
21 To the best of my recollection--

22 WINTER: Okay, so you're not saying that now.

23 DUNG: No. For them, specifically, no. Is that
24 what you're asking?

25

1 WINTER: I was asking about this—I thought you
2 offered—they said, what do we do about the fare? I thought you
3 just said that a little bit ago. I asked, were you talking about
4 this instance or generally?

5 DUNG: Oh, I think I misunderstood the question.
6 That's what I do in general.

7 WINTER: Do you think you did that in this case?

8 DUNG: I don't recall at this time.

9 WINTER: Now, specifically, you were talking about
10 sometimes passengers say this to you, but in this case, did you
11 talk to the passengers and tell them you can get your money back,
12 just complain to the cab company?

13 DUNG: Yeah, I—sorry, I don't recall.

14 WINTER: You don't recall. Do you—do you ever do
15 that? Is this something part of your--

16 DUNG: If they're upset, normally they'll ask me,
17 like, you know, what do we do about the fare? Is there any way
18 to get our money back or do we have to pay the difference? I
19 mean, I've heard numerous questions and I normally tell them that
20 there is a possibility to get a refund. I can't promise it
21 because it is a civil matter, but I tell them that if they call
22 each respective company and explain to them what happened, that
23 they were taken for a long haul, they were cited by us and how to
24 go about—or if it's possible for them to get a refund. Then,
25 that's what they should do.

1 WINTER: Okay, so you--

2 DUNG: But, I have nothing to do with it because--

3 WINTER: If they ask, you encourage them to call the
4 cab company and explain like you said.

5 DUNG: I don't encourage them. I tell them if-if
6 they choose to do that, then that's on them.

7 WINTER: Okay. Clearly though, you are not one of
8 those officers who encourages a long haul complaint by saying,
9 you can get your money back if you sign here.

10 DUNG: No.

11 WINTER: You don't do that.

12 DUNG: No.

13 WINTER: Okay. You estimated the fare should've
14 been about \$30.00, \$29.00 and \$30.00, right?

15 DUNG: Yes. We use a--like, a sheet that has
16 estimated routes that we--from the airport, Terminal 1 and 3, to
17 each--

18 WINTER: And, where do you get that? Is that
19 something the Taxicab Authority provides you and other officers?

20 DUNG: Yes.

21 WINTER: Okay. And, what time of day? Is this done
22 on a Friday evening at 11:00 PM?

23 DUNG: Oh, I don't recall or I mean, I don't know
24 when the times are that they print it out.

25 WINTER: You don't know?

1 DUNG: No.

2 WINTER: Why don't you look into that, that's just
3 never occurred to you?

4 DUNG: It's just an estimate sheet.

5 WINTER: Can you agree the time to go the most
6 direct route or really any route is affected by traffic?

7 DUNG: The time?

8 WINTER: The amount of time it takes to run a route,
9 get somewhere, is affected by traffic.

10 DUNG: Yes.

11 WINTER: The most direct route on this date, winding
12 through the Naked City, are you certain that would've been
13 cheaper or not?

14 DUNG: Well, my understanding of a long route
15 violation is distance, not speed or cost.

16 WINTER: Who taught you that?

17 DUNG: That's my understanding of it.

18 WINTER: Where did you get that understanding?

19 DUNG: From the NRS.

20 WINTER: Okay. Your interpretation of the NRS.

21 DUNG: Yes.

22 WINTER: Do you know what the purpose of having the
23 long haul statute is? It's customer abuse, right? You don't
24 want to abuse customers. Make them pay more than necessary,
25 isn't that the point of it?

1 DUNG: Or to take them—my understanding is just to
2 take a longer route than necessary.

3 WINTER: That's it?

4 DUNG: Yes.

5 WINTER: Okay. So, a cheaper route, even though
6 it's not the most direct route is still a long haul, under your
7 understanding.

8 DUNG: I'm sorry?

9 WINTER: A cheaper fare--

10 DUNG: Okay.

11 WINTER: --even though it was taken by a longer
12 route, more distance, is still a long haul, that's your
13 understanding, correct?

14 DUNG: If the distance is longer?

15 WINTER: Yes.

16 DUNG: Yes.

17 WINTER: Okay. Okay, thank you.

18 JUDGE: Redirect?

19 STATE: I don't have anything for him right now.

20 JUDGE: Officer, you may step down, subject to
21 recall. Thank you.

22 STATE: So, we'll rest right now.

23 JUDGE: Mr. Winter?

24 WINTER: For the record, we'll move to dismiss. I
25 don't want to argue it.

1 JUDGE: That motion.

2 WINTER: I'll call Robert Fukuzawa.

3 JUDGE: Okay, hold on one second. That motion is
4 denied at this point. This Court finds there is enough that has
5 been presented by the State to go forward with this trial. It
6 does not lack any kind of evidence and the Court bases that upon
7 State's Exhibit A and B as well as the testimony of the officer.
8 Now, Mr. Winter, would you like to call your client?

9 WINTER: Yes.

10 JUDGE: Mr. Fukuzawa, come forward.

11 [party duly sworn]

12 JUDGE: Have a seat.

13 WINTER: Would you state your name and where you
14 work, please?

15 FUKUZAWA: Robert [inaudible] Fukuzawa, Desert Cab.

16 WINTER: How long have you been working at Desert
17 Cab?

18 FUKUZAWA: Going on four years.

19 WINTER: And, as a Taxi Driver.

20 FUKUZAWA: Yes, as a Taxi Driver.

21 WINTER: Have you been a Taxi Driver in Clark County
22 before then?

23 FUKUZAWA: I worked for Yellow Checker Star for about
24 a year and a half. That's my extent of taxi driving.

25

1 WINTER: Okay. Are you trained by Desert Cab on the
2 Nevada Statutes and more specifically, long hauling?

3 FUKUZAWA: Pretty much so. We have a class on that,
4 every six months. We go over it rather succinctly, rather
5 thoroughly, about what questions to ask, what to say, how to
6 treat your customers for customer service.

7 WINTER: Based on that and perhaps other things
8 you've experienced, have you come to have a schpeal or speech
9 that you usually--

10 FUKUZAWA: I have a very thorough standard operating
11 procedure whenever I leave the airport through the tunnel.

12 WINTER: Okay.

13 FUKUZAWA: It might vary, it might vary just a little
14 bit, depending on the people if they ask me questions in between,
15 but it's about a minute schpeal as I'm driving and it covers area
16 in the NRS 706.4486.

17 WINTER: Okay. And, this is to be in compliance
18 with the long haul statute.

19 FUKUZAWA: Absolutely, because I don't want a long
20 haul ticket, it affects my livelihood. I've never had a ticket.
21 I'm extending it--I'm talking, maybe I shouldn't, I've never had a
22 long haul ticket in five years. I've been stopped a dozen times.
23 Each time, I haven't gotten a ticket, because I've expressed or
24 explained to the people, I've talked to the people and I've gone

25

1 over it very thoroughly as to what I'm doing and why I'm doing
2 it.

3 WINTER: Do you recall this incident on--what was it,
4 December 16 of '16?

5 FUKUZAWA: Very much so.

6 WINTER: Tell us what you remember about when you
7 first loaded the passengers and what happened.

8 FUKUZAWA: I loaded the passengers from Texas. Male
9 and female, I believe they were husband and wife. The girl's
10 name was Miranda. She didn't write a statement. I loaded them
11 at Terminal 1. As I was pulling off Terminal 1, I engaged the
12 meter, turned on the \$2.00 airport extra tax, started driving out
13 of the airport and asked them--not told them--asked them, may I
14 take the highway? It's a Friday night, at 11:00, there's a lot
15 of traffic. There's 14, 15 signals, depending on which way you
16 go, not any of the routes here--that were presented as evidence.
17 None of these routes are accurate at all. I've been driving for
18 five years and I've been in town 36 years. I know every route
19 that's feasible to take on a Friday night at 11:00. I asked
20 them, may I take the highway? It's going to be a longer route,
21 it will probably cost more money. They actually inquired, well
22 is it as much as Uber? I said, no, it's a lot more than Uber,
23 Uber is probably half the price. But, would you like me to drop
24 you off? No, we're already in your cab, please go town--please go

25

1 downtown the fastest way. I said, that's the highway, through
2 what they call the tunnel. May I please take you that way?

3 I proceeded to go through the tunnel--

4 WINTER: They said, yes?

5 FUKUZAWA: Yes. They said, yes.

6 WINTER: Sorry, go ahead.

7 FUKUZAWA: I proceeded to go through the tunnel.

8 Through 215, westbound, 15 northbound. Got off on Casino Center,
9 95 southbound, Casino Center. Now, bear in mind, it's the
10 Fremont Hotel on a Friday night, 11:00. All these GPSs are
11 totally inaccurate, totally.

12 WINTER: When you say 'inaccurate', what do you
13 mean?

14 FUKUZAWA: Well, they're actually a longer route and
15 they take a lot more time. If anybody knows anything about the
16 new meters, the DT-5s, they're both predicated on distance and
17 time. If you're stopped at any of the 14, 15 signals, if you
18 driven on a Friday night with traffic, and you know, the officer
19 said there was moderate traffic, you know, everything is
20 relative. The traffic was really heavy. There was all this
21 construction. On Tropicana, there's all this construction.
22 Downtown, there's all this construction. Everywhere, even on a
23 Friday night.

24 So, I asked them permission. I took it. I got off on
25 Casino Center. When you get off on Casino Center, the Fremont

1 Hotel is right after Ogden. It's the first hotel. Had I gone
2 any of these other ways, it would've been a longer route in time.
3 These meters are both predicated on distance and time.

4 WINTER: Yeah, they're live meters.

5 FUKUZAWA: They're live. Even if I'm stopped at a
6 light, they'll still make at least two clicks. Two clicks is
7 \$0.46. They click--every time they click, they're \$0.23. I've
8 been doing this for five years, I've got this down.

9 JUDGE: Counsel, hold on one second. Because your
10 witness is testifying to the DT Meter, can you please lay some
11 kind of foundation as to what he knows about it, how it works,
12 how it's kept? He's the one that brought it up.

13 FUKUZAWA: Then, yes I will, I'll expound on that.

14 JUDGE: Hold on.

15 WINTER: You've got to wait for me to ask the
16 question. You're okay. You mentioned a DT Meter, as a new
17 technology meter, explain your experience with that and how you
18 came to know--

19 FUKUZAWA: When I initially started at YCS, of course
20 the old--they're called the 'old meters' and they've been in
21 existence for 20 years. All the cab companies now, except for
22 several of them, have the new, what they call the DT-5. It's a
23 software system set up by some company called Triad. The way the
24 meter works is predicated on both distance and time. The meter
25 starts at \$3.61, the minute you click it on, it's \$3.50 plus

1 \$0.11, plus \$0.11 excise tax and then boom, it's \$3.61 the minute
2 you pull off the lot. You add the \$2.00 on for the airport tax.
3 The minute you're outside the airport, you're almost at \$12.00.
4 It doesn't take but five minutes, okay.

5 So, all these—all these GPSs are totally inaccurate. If
6 the Taxicab Authority is basing their—their long haul statutes
7 off these GPSs then they're all wrong. Because--

8 WINTER: Okay.

9 FUKUZAWA: --no driver, and you can--

10 STATE: I'm going to object. I don't even think
11 he's answering the question now. He's just going on and on and
12 on about whatever he wants to talk about.

13 JUDGE: That's sustained.

14 WINTER: That's fair enough. Let's talk, briefly,
15 about the different Google Maps and the routes.

16 FUKUZAWA: Okay.

17 WINTER: The first one that you have in the pile is
18 the one, I believe it was claimed you went but it was slightly
19 off.

20 FUKUZAWA: It was not—it was claimed that I went that
21 way.

22 WINTER: Right.

23 FUKUZAWA: I did not even remotely go that way, so he
24 could not have followed me. The Officer could not have followed

25

1 me, if he stated under oath that I went this way, initially, I
2 didn't go this way, so therefore, he couldn't have followed me.

3 WINTER: Okay. And that has, getting off at Grand
4 Central, turning right on 3rd and Bonneville. Left on Casino
5 Center. What's it like downtown--

6 FUKUZAWA: Friday night--

7 WINTER: --traffic--

8 FUKUZAWA: Fremont Street Experience. You can't cross
9 Fremont Street. Fremont Street runs east and west, you cannot
10 cross Fremont Street. The Fremont Experience, to go that route.
11 It's blocked off because they have the overhead light show going
12 on. I--and I--you just literally can't go that way. There's so
13 much traffic and you can't go that way. So, I would've had to go
14 around the block several times if I would've even remotely went
15 that way, which I didn't do. I went northbound--excuse me,
16 southbound Casino Center off US-95. The closest hotel is right
17 after Ogden, that's the Fremont Hotel.

18 WINTER: That's where you went.

19 FUKUZAWA: The first one and I made a left into the
20 Fremont parking.

21 WINTER: Okay. The map of Google, I guess the most
22 direct map, which is 7 miles, 23 minutes, going up Joe W. Brown
23 and St. Louis and Santa Paula; is that a way you would go?

24 FUKUZAWA: I don't know--no, that's not the way I would
25 go. That's not the way I went. I don't know any driver that

1 would go that way unless you were—it was necessary to go that
2 way, unless traffic on the freeway or the other routes, the most
3 direct route—like, 4th Street or something was blocked off. Main
4 Street, 4th Street, Las Vegas Boulevard. You would never go Santa
5 Paula, St. Louis, Oakey, never.

6 WINTER: That's like neighborhoods by the Strip?

7 FUKUZAWA: Yeah. Yeah, yeah. Yeah, you just wouldn't
8 do it. Actually, it would be on the east side of the Boulevard.
9 So, you wouldn't really go that way. You would go and get on
10 Main Street or get on—which, Paradise turns right into Main
11 Street or it turns into Las Vegas Boulevard, if you make a right
12 turn. So, that's the way you'd go. You would never go through
13 the residential areas like Oakey and St. Louis. You just—there
14 wouldn't be a need for it.

15 WINTER: Have you ever had customers in your cab and
16 been driving them through a neighborhood that was—made them
17 uncomfortable?

18 FUKUZAWA: Absolutely.

19 WINTER: Would this route proposed, the seven-mile
20 route, would that make any passenger you knew--

21 FUKUZAWA: That would make them wonder why I'm going
22 that way and if I was long hauling them that way. I mean, taking
23 a route that's not the most direct route.

24 WINTER: Okay. So, we talked about your discussion
25 when they got in the cab and they gave you permission to go the

1 highway and we've got you getting off Casino Center and pulling
2 into Fremont.

3 FUKUZAWA: Uh huh.

4 WINTER: Officer Dung, did you know who he was that
5 night?

6 FUKUZAWA: No, I've never met Officer Dung.

7 WINTER: Okay. Did you see Officer Dung that
8 evening, before he pulled you over?

9 FUKUZAWA: I did. I saw him on the right side of
10 Casino Center, parked a little bit—a little bit right behind
11 another cab. Then I seen him pull off, when I pulled into the
12 Fremont Street pull off and I pulled into the Fremont Hotel.
13 That's when he pulled in right behind me.

14 WINTER: Okay. What happened next?

15 FUKUZAWA: He came and identified himself. Very
16 polite. Very respectful. He asked for my TA Card, my DOT
17 Physical and my insurance and registration. I gave it to him.
18 He told me to sit in the car and wait there.

19 WINTER: Had the passengers already paid for the
20 fare by then?

21 FUKUZAWA: By then, the passengers had already paid
22 for the fare.

23 WINTER: Okay. With a credit card?

24 FUKUZAWA: With a credit card.

25

1 WINTER: Now, did you have to help him with their
2 luggage?

3 FUKUZAWA: Yes.

4 WINTER: Okay. So, you did that before the officer
5 came up?

6 FUKUZAWA: Yeah, well I was--when I was helping them
7 with the luggage, that's when the officer came up behind me.

8 WINTER: Okay. And, then you got the license, the
9 permit and the other documents requested, handed it to him and he
10 said, sit in the car or wait here or what?

11 FUKUZAWA: Just sit in the car, wait here.

12 WINTER: Okay.

13 FUKUZAWA: And--and I'll be back.

14 WINTER: Okay. What did--what did the officer do
15 then?

16 FUKUZAWA: He went and was interviewing both parties
17 about 30-40 feet away, back on the corner of the building.

18 WINTER: Could you hear what they were saying?

19 FUKUZAWA: I could hear bits and pieces of what he was
20 saying.

21 WINTER: What did you hear the officer say?

22 FUKUZAWA: He was going over what he felt was a long
23 haul violation. Giving them some impetus to maybe, initiate or
24 write this statement. Then he recommended to them that he could
25 get--or they could get their money back. I might add that, in six

1 months, the people haven't called for their money back because I
2 would've already have had to pay it back to Desert Cab.

3 WINTER: Okay. Were you allowed to hear what they
4 were saying?

5 FUKUZAWA: I was not.

6 WINTER: Okay.

7 FUKUZAWA: But I could hear—I was only—I was from here
8 to the chair away. I was up in front by the valet desk and maybe
9 to the—to the end of the building, right where that chair, maybe
10 30 feet or so. Maybe a long basketball shot.

11 WINTER: Okay. Steph Curry maybe.

12 FUKUZAWA: Yeah, absolutely.

13 WINTER: Okay. So, you could hear some things said
14 by the officer.

15 FUKUZAWA: Yeah, absolutely.

16 WINTER: Could you hear things said by the
17 passengers in response?

18 FUKUZAWA: I did briefly hear that she just didn't
19 want to—she didn't want to have anything to do with it because I—
20 because I was initiating all—mostly all my conversations with
21 her. That's why I'm perplexed as to why she—there's no statement
22 from her in here. Because mostly all my conversations were
23 directed to Miranda or to the lady, all my discussions. She even
24 queried me—you know, they even queried me like, we always come
25

1 here and we always take Uber, but now we're in a cab so let's
2 just go. And you know, it's cheaper, going with Uber.

3 WINTER: Oh yeah.

4 FUKUZAWA: And I--and I did reiterate that to them, yes
5 it is cheaper.

6 WINTER: Okay. So, at some point, I think, did you
7 say it was like 20 some minutes, the officer was with the
8 passengers?

9 FUKUZAWA: He was with them for over 40 minutes. If
10 you look at the citation, the citation was--I was stopped at
11 violation time was 2306, issue time 2350. What could you do for
12 44 minutes, other than talk to the people.

13 WINTER: Okay. So, it was some length of time.

14 FUKUZAWA: Yeah, because there's no statement from me
15 in here. At least, I didn't write any statement. So, I--I really
16 wasn't interviewed. I mean, I would think as part of his
17 investigative process--go ahead, sorry.

18 WINTER: That was my question to you, did the
19 officer talk to you about what happened?

20 FUKUZAWA: No.

21 WINTER: About the conversation you had with the
22 passengers, before taking--

23 FUKUZAWA: No.

24 WINTER: --the tunnel and the freeway.

25 FUKUZAWA: No.

1 WINTER: No questions or inquiry--

2 FUKUZAWA: No.

3 WINTER: --at all?

4 FUKUZAWA: No. He even states somewhere in this--in

5 this document here that no statement was taken from the driver.

6 You would think if I was going to get a ticket, there would be a

7 statement taken.

8 WINTER: Well, there's a quote in the statement, it
9 says, we always take the highway.

10 FUKUZAWA: After asking permission. After asking
11 permission.

12 WINTER: Okay. So, this quote, not in quotations,
13 but this statement--

14 FUKUZAWA: It's not--

15 WINTER: --it says, you did not--

16 FUKUZAWA: It's not complete.

17 WINTER: --okay.

18 FUKUZAWA: It's not finished. I mean, I--you know.

19 That's only part of what I said.

20 WINTER: Okay. And the officer never spoke to you
21 about the conversation that you had with the passengers.

22 FUKUZAWA: No, I was just--no, I was stopped and given
23 the ticket after 45, 40 minutes or so.

24 WINTER: And, did you tell the Officer after he gave
25 you the citation that you were going to fight this in court?

1 FUKUZAWA: Vehemently fight it because I don't feel
2 I'm guilty.

3 WINTER: Were you told by the officer you were going
4 to get a ticket without being able to argue your side or explain
5 what happened?

6 FUKUZAWA: Of course, yes.

7 WINTER: Did you ask to talk to the passengers,
8 about what the officer is saying, ask them or something—you know—

9 FUKUZAWA: You're not allowed to--

10 WINTER: [crosstalk]

11 FUKUZAWA: No, that would be—that would be construed
12 as something. I don't know the legal term but that—that would be
13 harassing. I was even told don't—I was even told by the AG's
14 Office well don't call them and don't harass them. I was told by
15 my office don't do that, in you know, in an effort for good
16 public or customer service, don't harass them. Or, if I would've
17 already done that, I would've gotten her statement or flown her
18 out here or something.

19 STATE: I'd object to all that. There's no facts
20 and evidence as to that and I would never tell anybody that. So,
21 if he's heard something like that he's taken it completely out of
22 context. So, if he could lay a foundation as to where that
23 information came from, who said it and when it was--

24 WINTER: I don't—I was going to say, I don't think
25 it's necessary. He's explaining what he didn't do it. Whether

1 it was me or someone else or you, it's an explanation. It's
2 okay. My question was more focused on, right after while the
3 passengers are still here, in front of you--well, 40 feet away.

4 JUDGE: Okay. Hold on one second. Those comments
5 will be stricken. It's beyond the scope of the question. Mr.
6 Winter, I understand that you want to continue asking him about
7 what happened on the scene.

8 WINTER: Yes.

9 JUDGE: Go ahead sir.

10 WINTER: At some point, the passengers filled out
11 something or one of them did and the officer says, I'm giving you
12 a ticket or wrote the ticket and handed it to you. At any time,
13 either when that was happening or before, did you ask to talk to
14 the passengers with the officers?

15 FUKUZAWA: No, I did not ask.

16 WINTER: Okay. Were you given the opportunity?

17 FUKUZAWA: No.

18 WINTER: [crosstalk]

19 FUKUZAWA: No. No, I wasn't. I wasn't given the
20 opportunity.

21 WINTER: Why didn't you ask?

22 FUKUZAWA: Because you're never allowed to--that's why
23 I was told to sit in the cab and be quiet and mind my own
24 business so the officer could do his job and--

25

1 WINTER: Okay. So, you didn't protest because you
2 were told to sit there--

3 FUKUZAWA: No, I don't want to get—I don't want to get
4 arrested for being disorderly or whatever, obstruction of justice
5 or whatever they call it.

6 WINTER: Okay.

7 STATE: Can I say one thing? Can I have him stop
8 flipping his papers there and he's not supposed to be looking at
9 anything anyway? He's making a lot of distractive noises right
10 in the microphone. It's hard for me to hear.

11 JUDGE: Counsel?

12 WINTER: Well, I'll ask him not to do it—I don't
13 think he's doing it to interrupt your thought process. He has a
14 copy of the stuff and he can refer to that to refresh his memory.
15 That's okay.

16 JUDGE: Okay. And, right now, this Court does not
17 believe he's refreshing his memory, just put it to the side of
18 you sir and that way, hopefully Counsel can hear what you're
19 saying. Go ahead and put your—thank you. Thank you.

20 WINTER: I don't have any more.

21 JUDGE: Go ahead Mr. Winter.

22 WINTER: I don't have any more questions.

23 JUDGE: State.

24 STATE: So, Mr. Fukuzawa, is that how you say it?

25 FUKUZAWA: Yes.

1 STATE: How long did you say you've been driving a
2 cab?

3 FUKUZAWA: About five years.

4 STATE: And, how long have you been driving for
5 Desert Cab?

6 FUKUZAWA: Almost four years, going on four years.

7 STATE: Four years?

8 FUKUZAWA: Yes.

9 STATE: Okay. And, let's talk a little bit about
10 the ride that you had taken. So, you picked up these passengers
11 at the airport, Terminal 1?

12 FUKUZAWA: Yes sir.

13 STATE: And I'm assuming you were in the Taxi Stand
14 Line?

15 FUKUZAWA: Yes.

16 STATE: And, when you picked up these passengers,
17 you said before that you put the car in drive, engaged the meter
18 and then you had a conversation with the passengers, is that
19 correct?

20 FUKUZAWA: Yes.

21 STATE: So, how far away from the terminal were you
22 when you had a conversation?

23 FUKUZAWA: Probably-probably just going out the-the-
24 out the exit area, maybe-maybe 100 yards, maybe 150 yards.

25

1 STATE: So, is that your procedure, you always
2 engage the meter and then ask them where they're going?

3 FUKUZAWA: Of course, because you have to go out that
4 way anyway, there's--

5 STATE: But you're already rolling before you even
6 know where you're going?

7 FUKUZAWA: Yes. And you turn on the meter as soon as
8 people get in the car and you start rolling and you have plenty
9 of time to ask them where they're going.

10 STATE: Okay. So, in this particular instance, what
11 did they tell you? Where are they going?

12 FUKUZAWA: They told me they were going to the Fremont
13 Hotel and Casino.

14 STATE: Okay. And then, what did you say?

15 FUKUZAWA: I said, okay, thank you. May I please take
16 the highway because it's Friday night, there's a lot of traffic,
17 a lot of road construction. Fremont Street is packed. The
18 streets are packed. There are 14 lights, signals, may I please
19 do that please and this is the reason why, it's a longer route,
20 it's probably going to cost more money. May I please take it,
21 it's going to be faster on a Friday night.

22 STATE: And what did they say?

23 FUKUZAWA: They wholeheartedly agreed to it.

24 STATE: Okay. So, let me ask you, since your
25 information that you're providing under testimony is different

1 than the officer's and also, the passengers, did you bring a
2 video recording, or anything from your cab company to indicate or
3 show what was said in that cab?

4 FUKUZAWA: No, I did not.

5 STATE: Do you have any evidence as to what you
6 said in the cab at all? Do you have a recording, on your phone
7 or anything?

8 FUKUZAWA: No, I do not.

9 STATE: Okay. So, you saw the test--you heard the
10 testimony regarding the maps themselves. Would you agree that if
11 you take the highway from the airport that that's going to be the
12 longest route possible. There's no other direct route that could
13 be any longer than that? Would that be a correct statement?

14 FUKUZAWA: A bit ambiguous but the meter, the DT-5s
15 are predicated both on distance and time, so--

16 STATE: Okay, so let me--

17 FUKUZAWA: --the statute reads, than necessary. Than
18 necessary. So, with that in mind, then the highway, which took
19 me 15 minutes, would've been a prudent route if I--if I knew the
20 traffic, which I knew on a Friday night.

21 STATE: Okay.

22 FUKUZAWA: The officer even stated the traffic was
23 moderate. Moderate is relative but I knew it was really heavy on
24 a Friday night.

25

1 STATE: So, let me ask you a different way, if you
2 take the freeway or you take the most direct route, even if it's
3 deviated from the map slightly here, if you just take the streets
4 from the airport, the most direct route, isn't it true that the
5 longer distance is always going to be the freeway?

6 FUKUZAWA: Yes.

7 STATE: Okay. And, you read—you had a chance to
8 read the statement of the passengers, correct, that was written
9 that night?

10 FUKUZAWA: Yes.

11 STATE: And here it says, driver chose highway
12 route without asking. Did you read that?

13 FUKUZAWA: Yes, I did. May I refer to this now?

14 STATE: That's fine. Look at the statement if you
15 want.

16 FUKUZAWA: Yeah, no, I don't—yeah.

17 STATE: It says, the driver chose the highway route
18 without asking. I'm not sure what that—it says, I ask about high
19 fare, he said it was normal. I did not give permission to take a
20 longer route than necessary. You see the statement there,
21 there's three statements that really contradict what you're
22 telling us.

23 FUKUZAWA: Yeah, it's all based on this form here,
24 this pre-printed canned form here.

25

1 STATE: No, no. That's not what I'm asking you.
2 I'm asking you, there's three statements here, based on what this
3 person in their own handwriting had written.

4 FUKUZAWA: Uh huh.

5 STATE: They're saying--the first one they're
6 saying, driver chose the highway route without asking. That's
7 not on the form. That has nothing to do with the form. I mean,
8 it's clear, without asking. They're saying you never said
9 anything.

10 FUKUZAWA: I did.

11 STATE: Okay, did you bring any proof?

12 FUKUZAWA: No.

13 STATE: Nothing to show us what they--

14 FUKUZAWA: No.

15 STATE: --happened in that cab that night.

16 FUKUZAWA: No.

17 STATE: Now, your saying about what's necessary,
18 what in your opinion is necessary for you to take it upon
19 yourself to take the long route, without asking?

20 FUKUZAWA: I didn't take it upon myself. I did ask.
21 That's the point. I did ask. I wouldn't have taken the highway.
22 If they told me no, take the streets. I've been driving for five
23 years, if they tell me no, then I wouldn't have done that.

24 STATE: You just made the comment that the DT-5,
25 based on traffic and construction and everything else is

1 necessary to deviate because of the meter, isn't that what you
2 said?

3 FUKUZAWA: I didn't say it in those words but I said
4 that the DT-5 is predicated on both distance and time. Depending
5 on the day of the week, the time and what route you're going, you
6 could actually spend more time on the road which would make a
7 higher fare. I've done it many times where the people have said,
8 no, take the street and the--and the street price is even higher.

9 STATE: Okay, but does the long route statute, in
10 your interpretation talk about cost?

11 FUKUZAWA: Long haul statute says, than necessary.

12 STATE: Okay. So, what you're saying is, according
13 to the meter, its necessary if there's a lot of traffic and so on
14 and so forth, that's necessary for you to deviate from the most
15 direct route because of the meter. Isn't that what you're
16 saying?

17 FUKUZAWA: I didn't say that.

18 STATE: What are you saying?

19 FUKUZAWA: I said just what I said. I'm not trying to
20 be argumentative but you're trying to put words in my mouth and
21 I'm not saying that.

22 STATE: I'm asking you what are you saying?

23 FUKUZAWA: I'm saying that the DT-5 is predicated on
24 both distance and time. On a Friday night at 11:00, the traffic
25 is very, very heavy going down to Fremont Street. I knew based

1 on my radio reports, based on the computer reports we get on the
2 DT-5 that the traffic was heavy on the streets. A lot of
3 construction, a lot of traffic on the streets. That's why I
4 asked the people, may I take the highway. I have a standard
5 operating procedure. I asked them, may I please take the
6 highway.

7 STATE: So, what in your opinion is necessary to
8 deviate from a most direct route?

9 FUKUZAWA: If there's traffic, if there's heavy
10 traffic, if there's construction that would create a higher fare
11 based on distance and time.

12 STATE: Okay now based on what you're telling us,
13 did you bring anything here today to show the Court what the
14 traffic conditions were, where the construction was, what you
15 were looking at that evening?

16 FUKUZAWA: No. No. Because it was all on my meter,
17 it's all given in real-time, stats to us, as we drive at night.

18 STATE: Okay. And, that particular meter, was that
19 in your vehicle that evening, the DT-5?

20 FUKUZAWA: Yes sir.

21 STATE: Now, does that particular meter still click
22 when you're stopped at a signal?

23 FUKUZAWA: Yes sir.

24 STATE: How does it work?

25

1 FUKUZAWA: Every--every 20 seconds, every 30 seconds,
2 it clicks \$0.23. So, if you have 14-17 signals, depending on
3 which way you're going, then that would calibrate or that would
4 calculate probably to \$5.00, to \$6.00, to \$7.00 more because the
5 lights are very long on a Friday night here in Vegas.

6 STATE: Is that the way the previous meter worked?

7 FUKUZAWA: I'm not familiar with the previous meter in
8 that much detail. But, I know the DT-5 now.

9 STATE: Did you bring any documentation to show how
10 a DT-5 works?

11 FUKUZAWA: No.

12 STATE: Okay. What does it mean--or, let me finish
13 on the passenger, so you're saying the passengers approved your
14 route. Do you--in the officer's report, he's stating when he
15 first contacted you, we always take the highway. Is that
16 something you would say?

17 FUKUZAWA: After I asked permission. The statement is
18 not complete.

19 STATE: Okay, did you bring any other kind of
20 evidence here today to say what happened in your cab?

21 FUKUZAWA: None.

22 STATE: Let me ask you, what does it mean by how
23 much you book? What does that mean?

24 FUKUZAWA: How much your total fares are at the end of
25 the evening, but I'm not concerned with that.

1 STATE: No, but I'm asking, what does that mean?

2 FUKUZAWA: How much you book--

3 STATE: How much your total--

4 FUKUZAWA: How much your fares are at the end of the
5 evening, but I'm not concerned with that.

6 STATE: Why aren't you concerned with that?

7 FUKUZAWA: I've never been concerned with that. I'm
8 not concerned about that. I'm not concerned about statistics. I
9 just try to do a good job, provide good service. It is what it
10 is. It's whatever the meter is, it's whatever it is.

11 STATE: What happens in your particular position at
12 the Desert Cab, if you don't book high enough, what happens to
13 you?

14 FUKUZAWA: Nothing.

15 STATE: You don't get terminated?

16 FUKUZAWA: No.

17 STATE: You see anybody get terminated for not
18 booking high enough?

19 FUKUZAWA: No, I've been low book many a time, at
20 Desert Cab. Many, many a time. I'm one of the lowest bookers at
21 Desert Cab.

22 STATE: Does anybody at Desert Cab encourage you to
23 long haul people?

24 FUKUZAWA: They discourage it. Discourage it. We get
25 something—we have a meeting all the time about it. I'm one of

1 the driver's reps for Desert Cab. We—I give instruction to all
2 of the new drivers. We totally discourage it. Totally. They do
3 not encourage long hauling at all.

4 STATE: So, let me ask you, if they don't encourage
5 long hauling, why is it your standard procedure, you want to take
6 the highway?

7 FUKUZAWA: If it's warranted. There's a lot of
8 variables. If it's warranted—if you're going to a particular
9 place, Friday night, driving the streets in Vegas, 17 signals—14-
10 17 signals depending on what GPS you guys want to use here.

11 STATE: How do you know what the traffic is like on
12 the freeway though? I mean, you could get on the freeway and it
13 could be worse.

14 FUKUZAWA: Right, because we get continuous reports.
15 We get real-time reports on the freeway—both computerized and
16 radio. I mean, they're in--

17 STATE: Did you bring anything here today to show
18 us any of those reports?

19 FUKUZAWA: No.

20 STATE: Was there any specific reason why you
21 couldn't have taken the most direct route that evening?

22 FUKUZAWA: Other than, the fare would've been if not
23 the same, more, by taking the streets. If I would've gone any of
24 these ways that your GPS says to go, that's a—it's erroneous.

25

1 There's no cab driver that would go through the Naked City or
2 there's no cab driver that would do that.

3 STATE: Let me ask you because you stated that the
4 highway is always going to be a longer distance, correct?

5 FUKUZAWA: The highway is going to be a longer
6 distance, yes. But not-not necessarily--

7 STATE: Okay.

8 FUKUZAWA: Let me finish. Not necessarily cost, less
9 or more money, you don't know because of traffic. But at that
10 particular time, at that particular time of day, that particular
11 time of night, I knew the highway was clear. That's why it only
12 took me 15 minutes. All your GPSs say it would take anywhere
13 from 20-23 minutes.

14 STATE: Okay, but you're agreeing that taking the
15 freeway is a longer route no matter which direction you take,
16 correct?

17 FUKUZAWA: Yes.

18 WINTER: For downtown, right?

19 STATE: To go to this particular route.

20 FUKUZAWA: To go downtown. To go this particular way.
21 To go to that particular hotel. It's the first hotel off of
22 Casino Center.

23 STATE: Was there any reason why you could not have
24 taken the most direct route? Was there any traffic accidents,
25 road closures?

1 FUKUZAWA: All over town. All over town. I don't
2 have any proof of that but all over town. Construction
3 everywhere. Main Street--

4 STATE: That's not what I'm asking you. I'm asking
5 you anything that would've prevented you, where it prohibited you
6 from taking that route. I know there's construction, I know
7 there's--there's detours, I know there's certain things down to
8 two lanes or whatever, but was there anything prohibiting you
9 from taking the most direct route?

10 FUKUZAWA: Not that I'm aware of.

11 STATE: Now, we talked about the officer's report
12 and you can refer to that if you want. In the officer's report,
13 isn't that the way that you had driven? According to his
14 statement in Paragraph 2?

15 FUKUZAWA: Yes. Other than omitting going southbound
16 on US-95.

17 STATE: Okay, he eventually gets to that, it's
18 just--

19 FUKUZAWA: And then also--

20 STATE: These are the bones of which we--

21 FUKUZAWA: --I want to add that the initial GPS on the
22 route that I--that I took is inaccurate because I didn't take that
23 route.

24 STATE: I'm not talking about the maps. I'm
25 indicating about the report.

1 FUKUZAWA: The report, yes.

2 STATE: The report is how you went, correct?

3 FUKUZAWA: Yes, the report is how I went.

4 STATE: So, if he wasn't following you, how would
5 he know which way you went?

6 FUKUZAWA: Well, that's my question. I don't know.

7 He was at the Fremont stand. He was facing southbound on Casino
8 Center when I passed him, so how could he be following me.

9 STATE: What do you say—you say he was positioned
10 there, where was he?

11 FUKUZAWA: He was southbound Casino Center on the
12 number two lane, right behind another cab.

13 STATE: So, you're saying he had a cab pulled over?

14 FUKUZAWA: Possibly. It was right behind another cab.

15 STATE: Did you see any lights on, emergency
16 lights?

17 FUKUZAWA: I don't recall but he was right behind
18 another cab.

19 STATE: Now, what kind of car did you see there?

20 FUKUZAWA: Another cab.

21 STATE: No, the officer's vehicle. Was he standing
22 there, in the vehicle, where was he?

23 FUKUZAWA: I don't recall.

24 STATE: Then how do you know he was there?

25 FUKUZAWA: Because I saw him.

1 STATE: How do you know it wasn't--

2 FUKUZAWA: Because I saw the car there.

3 STATE: How do you know it wasn't another--another
4 Taxi--TA Officer's car?

5 FUKUZAWA: I don't know that.

6 STATE: You don't know whose car it was then.

7 FUKUZAWA: I know it was a TA car.

8 STATE: How do you know that?

9 FUKUZAWA: Because I know what the TA cars are--because
10 I know the Taurus'.

11 STATE: But, did you see Officer Dung anywhere
12 around that car?

13 FUKUZAWA: I don't--I don't recall seeing him.

14 STATE: Well then, how do you know he was there?

15 FUKUZAWA: Because I saw--

16 STATE: Prior to you?

17 FUKUZAWA: Because I saw the car. He--he hit me with
18 the light as soon as I pulled into the Fremont. So, I passed--I
19 must've passed him--I must've passed him when he was on the street
20 and he saw that I came from the airport. He didn't follow me
21 from the airport.

22 STATE: So, let me ask you, did you know who was
23 following you on the highway? Did you look in your rear-view
24 mirror and know the vehicles that were behind you at all times?

25 FUKUZAWA: No, I didn't see any TA behind me at all.

1 STATE: So, you're not positive if he was behind
2 you or not.

3 FUKUZAWA: I'm not positive. No, I'm not positive.

4 STATE: That's all I have.

5 JUDGE: Redirect?

6 WINTER: As you exited on to Casino Center from 95,
7 you passed a TA car.

8 FUKUZAWA: That's correct.

9 WINTER: And that TA car turned on its lights after
10 you passed and followed you to the Fremont.

11 FUKUZAWA: Which is right across the street. I pulled
12 right in.

13 WINTER: Okay, is that a yes?

14 FUKUZAWA: Yes.

15 WINTER: Okay. That car you passed on Casino
16 Center, the TA car, did not follow you off 95 on to Casino
17 Center.

18 FUKUZAWA: No.

19 WINTER: That car was already on Casino Center.

20 FUKUZAWA: Yes.

21 WINTER: And after you passed that car, the lights—
22 meaning the police lights were engaged?

23 FUKUZAWA: Almost instantaneously.

24 WINTER: And you were pulled over at the Fremont
25 valet.

1 FUKUZAWA: In the hotel at the Fremont valet, yes sir.

2 WINTER: Even though you didn't see who was in the
3 car when you passed it, you saw who got out of it.

4 FUKUZAWA: Yes.

5 WINTER: And that was Officer Dung who wrote you the
6 ticket?

7 FUKUZAWA: Yes sir.

8 WINTER: So that officer could not have followed you
9 from the airport, that's your conclusion based on where you saw
10 the car and who pulled you over.

11 FUKUZAWA: That's correct.

12 WINTER: Okay, that's it.

13 JUDGE: Based upon that limited questioning,
14 Counsel.

15 STATE: So, Mr. Fukuzawa, you're saying that when
16 you passed the vehicle of Officer Dung, he was parked behind
17 another cab?

18 FUKUZAWA: He was parked right--almost right kind of
19 caddy corner, kind of like this, off to the side. The car was
20 parked at the curb on Casino Center, that's the staging area.
21 Then he was parked somewhere--somewhere on this angle. Maybe like
22 a 45 degree angle.

23 STATE: And, how far was it from that point until
24 you actually stopped when you were being pulled over?

25

1 FUKUZAWA: Probably 20 yards, maybe. Just the size of
2 the casino. Maybe—because the width of Casino Center, I mean, I
3 was pulled over immediately. I was red lighted immediately.

4 STATE: Did you ever look back to see if that white
5 car you originally saw was still parked there or--

6 FUKUZAWA: There was no other car there.

7 STATE: Did you look back?

8 FUKUZAWA: Yes. There was no other car there. There
9 was no other TA car there.

10 STATE: I don't have anything else.

11 JUDGE: Mr. Winter?

12 WINTER: Nothing further.

13 JUDGE: You may step down.

14 FUKUZAWA: Thank you.

15 WINTER: The Respondent rests.

16 JUDGE: State? Rebuttal?

17 STATE: No, I don't have anything.

18 JUDGE: Closing.

19 STATE: So, based on NRS 706.8846, Subsection 3,
20 with respect to a passenger's destination, the driver shall not
21 take a longer route to the passenger's destination than is
22 necessary unless specifically requested to do so by the
23 passenger. In this case, from the testimony provided and the
24 evidence of the voluntary statement, it appears from the
25 testimony that a conversation in the vehicle—the only thing that

1 was inquired about was the destination. It's clear by this
2 voluntary statement that driver chose highway route without
3 asking. I mean, that's pretty specific as far as a statement. I
4 asked about high fare, he said it was normal. I did not give
5 permission to take a longer route than necessary, the necessary-
6 than necessary.

7 So, the only--the only way that Mr. Fukuzawa can take a
8 longer route than necessary, he has to have a conversation with
9 the passenger. The passenger is the one that specifically
10 requests the route. There was no necessity here. It wasn't
11 necessary for him to take the highway. Except by his own words
12 to the officer, that's normal procedure. There was no road
13 closures, accidents. Anything prohibiting him, in his own words,
14 there was no other route that could be longer except the highway.
15 According to the statement, he never got permission from the
16 passenger, nor did he bring anything here today to show what the
17 conversation was in the vehicle. Other than the voluntary
18 statement.

19 So, there was no necessity, he didn't ask the passenger a
20 specific request of the passenger. I think the evidence and the
21 statement speaks for itself. We ask to uphold the violation.

22 JUDGE: Mr. Winter.

23 WINTER: Thank you. The zeal with which the Taxicab
24 Authority pursues these citations is stunning. I heard questions
25 of Mr. Fukuzawa about, did you bring any evidence about what was

1 said in the cab. He said, yeah, I said, I always do that. I get
2 permission. Well, that's not what this says. This is a—I don't
3 know who generated this, where this came from, this statement.
4 This language was not invented by the guy whose penmanship this
5 is. There's no way—someone told him to write, take a longer than
6 necessary. Someone told him to use that language. Someone in
7 this room did. I just want to get this done. I've been
8 traveling from Texas, it was a long flight. We got down here
9 finally. I'm here and you're holding me up for 20-30 minutes,
10 making me—you've got to do this, you've got to do this.

11 The only evidence of what took place in that car is sitting
12 right here and he told you what took place. He got permission.
13 He's a smart guy. He doesn't get long hauls, he knows what it
14 takes. The guy can sell it. A guy can sell a long haul, sell a
15 route saying, this is going to be better. That's not a long
16 haul. And if he does that, that's complying with the law.

17 The reason we have the tunnel is to alleviate the
18 congestion. If you guys have your way that everything must go
19 through Swenson, it gets worse and I don't think the traveling
20 public is served.

21 There's a burden of proof that you have. This is a
22 misdemeanor, this is a crime. Even though there are relaxed
23 settings for evidence, there's a confrontation clause in the
24 Constitution, he was not allowed to confront these statements.
25 These statements are not—are not of the passengers. This is

1 language from the statute. It's invented by this officer and it
2 must be a severe push for convictions.

3 You should not convict. There has been a complete absence
4 of proof and the State has the burden of proof to convict a guy
5 from his livelihood on a misdemeanor. I've said enough.

6 JUDGE: Thank you Mr. Winter. Based upon the
7 evidence presented, let me deal with one of these statements Mr.
8 Winter has proposed to this Court, that this is criminal and
9 therefore there is a right to confront. This Court that we are
10 in is an Administrative Court. That is the reason why the rules
11 of evidence are a little bit more relaxed. It is pursuant to
12 statute that that's how this court runs and that's what this
13 court follows. The Court notes the objection made by Counsel.

14 Based upon that, the Standard is reasonableness and whether
15 the State has provided enough evidence to meet its burden. And,
16 whether or not its more reasonable than not that a long route was
17 committed under NRS 706.8846.

18 Based upon the evidence presented, I do find the following
19 facts: On December 16, 2016 at around 2306 hours, Officer Dung
20 had made contact with Mr. Fukuzawa, driving Desert Cab No. 4028.
21 The officer testified that he was near Zero Level and he was
22 situated facing eastbound, that was near or before the tunnel.
23 The officer testified he followed Mr. Fukuzawa in Desert Cab No.
24 4028. They—the officer followed Mr. Fukuzawa through the tunnel,
25

1 westbound on the 215, northbound on the I-15, southbound on the
2 95 and then exiting Casino Center, to the Fremont lobby area.

3 Now, the officer said that he had made contact with both
4 the passengers and also the driver in this situation. The
5 passenger that was interviewed and also who had made the
6 statement, made certain statements to the officer that was
7 consistent with his written statement. So, his oral statement is
8 consistent with his written statement and I will get to that in
9 just a second.

10 The officer just also stated that he made contact with the
11 driver and the officer stated that the driver said, we always
12 take the highway and something to the extent about not showing up
13 to court, because the driver would fight the citation.

14 Now, I did hear--let me back up for a second. Under NRS
15 706.8846 it states: a driver shall not, Subsection 3, take a
16 longer route to the passenger's destination. What that means is,
17 as in distance. This requires the driver to take the most direct
18 route to a passenger's destination, unless one of the two
19 exceptions applies; either, one, necessity or two, specific
20 request to do so by the passenger.

21 In this situation, the most direct route from Terminal 1 to
22 the Fremont Hotel was about seven miles. I am looking at State's
23 Exhibit A and this is the second map. It was seven miles,
24 approximately 23 minutes. And it was coming out of the airport,
25 taking Swenson to Sahara and then it goes through all these

1 different streets. Sahara to Santa Paula, going on to St. Louis,
2 to Santa Paula, back again. Oakey, finally to Las Vegas
3 Boulevard, to Bridger and then Casino Center.

4 I did hear testimony from Defense saying, this is taking
5 small streets, why would we take small streets? The bottom line
6 is, the statute requires the most direct route to a passenger's
7 destination. And here, the most direct route is approximately
8 seven miles.

9 What I heard from Mr. Fukuzawa is there's other ways to get
10 there that is more direct than the freeway. Mr. Fukuzawa had
11 said that, you could've taken Paradise to Main Street or Paradise
12 to Las Vegas Boulevard. So, Mr. Fukuzawa was knowledgeable of
13 other routes that was more direct than the freeway.

14 Here the actual route that was taken was longer. According
15 to State's Exhibit B, this was approximately 13.1 miles. This,
16 State's Exhibit B is more consistent with the testimony of the
17 officer as to the route that he followed the Respondent.

18 So, this route was from Terminal 1 through the tunnel. 215
19 westbound, I-15 northbound. Exiting--well, it would be 95 going
20 southbound and then exiting Casino Center, all the way to
21 Fremont. Granted, the travel time was longer. The bottom line
22 is, under the statute, it doesn't state time or money. What it
23 focuses on is the most direct route in distance.

24

25

1 Therefore, I do not find that the most direct route was
2 taken from Terminal 1 to the Fremont Hotel and Casino on December
3 16, 2016 by Mr. Fukuzawa.

4 Now, there's two exceptions might apply. One is necessity
5 and the other one is a specific request to do so by the
6 passenger. Here, I didn't hear any testimony or see any evidence
7 as to necessity. Instead, I heard that there's a lot of
8 construction. There's a lot of traffic on a Friday night, about
9 this time in the evening. However, nothing forced Mr. Fukuzawa
10 to go on to the freeway. Nothing forced him to go in that
11 direction. Instead, there was no evidence presented. When asked
12 from Mr. Fukuzawa if he did see any kind of—any kind of detour or
13 anything that prohibited him from taking the most direct route,
14 Mr. Fukuzawa testified that he did not. He did not note that
15 there was anything that prohibited him to go the most direct
16 route and force him on to the freeway.

17 Therefore, necessity does not apply here. The only other
18 exception is a specific request to do so by the passenger. Here,
19 we had a lot of argument between the two parties. What I heard
20 from the officer was that he interviewed the passenger and in
21 this situation the passenger was the male half. His name was
22 Oliver Ryan. Mr. Ryan answered these questions in the voluntary
23 statement orally, as well as wrote them down. I'm looking at a
24 voluntary statement, signed and dated by Mr. Oliveras, December
25 16, 2017. Here it states, did you specifically request the route

1 to be taken to your destination, the answer was no. Did the
2 driver inform you the route used was not the most direct route?
3 The answer was no. Did the driver convey or attempt to convey
4 different route options to your destination? The answer is no.
5 And, did the taxicab driver use or attempt to use the highway,
6 the answer was yes.

7 This statement is consistent with what the officer
8 testified to. And, in-

9 WINTER: Imagine that.

10 JUDGE: In addition to that, it was beyond because
11 I see that there was actual written sentences down below. Is
12 there anything else that you wish to add? And, there were at
13 least three sentences and it stated, driver chose highway route
14 without asking. I asked about high fare, he said it was normal.
15 I did not give permission to take a longer route than necessary.

16 Now, when it comes down to what I see in front of me, as to
17 the voluntary statement, it's consistent with what the officer
18 had testified to. I understand that Mr. Fukuzawa claimed and
19 stated during the case, in [inaudible] of defense that he usually
20 has a schpeal, is what he said. He goes through this schpeal
21 every single time. He goes through and tells the passenger that-
22 well, he stated that, it's a one-minute schpeal. He goes through
23 the NRS 706.8846, that he had never had a ticket. He does this
24 dozens of times and he never gets a ticket. And that he said, in
25 this situation, we had a husband and wife come forward, come into

1 the Taxicab Line, go into Mr. Fukuzawa's taxi. Mr. Fukuzawa put
2 it in drive, engaged the meter and then afterwards, started
3 driving out. He was about 100-150 yards out. Then he asked,
4 where are you going? The passenger said, Fremont Hotel and
5 Casino.

6 Mr. Fukuzawa stated that he asked permission, may I take
7 the highway, it's a Friday. There's a lot of traffic. There's
8 at least 14-15 signals, if you take the most direct route. And
9 that if he takes the highway, it might be longer in distance,
10 probably cost more but it's probably faster.

11 When asked if there was anything that was going to be
12 presented to show this, if there was a video, if there was a
13 recording, if there was anything to substantiate, the answer was
14 no, by Mr. Fukuzawa.

15 So, what I have in front of me is, an interview by the
16 officer, a statement that's signed and dated by the passenger and
17 I did not see anything else presented to me.

18 Based upon that, I do believe that the second exception
19 does not apply. As to the passenger making a specific request,
20 to take the highway and thereby allowing Mr. Fukuzawa to take the
21 longer route.

22 There was a lot of discussion about the DT-5 Meters and
23 what Mr. Fukuzawa kept on saying was that it's predicated upon
24 distance and time. It's predicated upon both distance and time.
25 I heard this at least five times. Aside from what he understands

1 the meter to do, there was no knowledge beyond what the meter
2 shows him. I didn't hear any kind of experience or any kind of
3 background as to his knowledge about the DT-5, aside from what
4 Mr. Fukazawa sees in the taxicab. I understand what the DT-5
5 functions as. I understand that the DT-5 has suggestions as to
6 perhaps a faster route. Bottom line is, under NRS 706.8846, the
7 passenger should be the one to choose and make that decision.

8 Based upon that, I do believe that the State has met its
9 burden under NRS 706.8846, Subsection 3.

10 State, what's the fine?

11 STATE: \$100.00.

12 JUDGE: Mr. Fukuzawa, that will be \$100.

13 WINTER: I'd like to request the record together--
14 last week I was in--Your Honor, last week I was in here and was in
15 a hurry to get out of here and I heard you have a policy,
16 somewhere that you must pay the fine or be suspended even though
17 you're going to be appeal. Normal jurisprudence says once the
18 fine has been paid, it's over. Is that how this works here, so
19 we're clear on the record

20 JUDGE: No. No, once the fine is paid, you can
21 still appeal, you have 30 days.

22 WINTER: Okay, is that just a Taxicab Authority
23 thing?

24 JUDGE: What thing, about the 30 days?

25

1 WINTER: This notion of paying the fine, as opposed
2 to a bond?

3 JUDGE: That's the procedure. There's no bond
4 here.

5 WINTER: Okay. So, you don't surrender your right
6 to appeal by paying the fine.

7 JUDGE: That is correct.

8 WINTER: Okay. Respectfully, I was wondering as I
9 listened to your decision, how you're able to sit as the Hearing
10 Officer. As I understand it, your job is AG for the
11 Administrator of the Taxicab Authority.

12 JUDGE: I am not an AG, which is the Attorney
13 General.

14 WINTER: What are you, I'm sorry.

15 JUDGE: I'm in-house counsel. And the power to sit
16 goes through the Administrator. The Administrator under statute
17 is the one that's required, unless he designates somebody.

18 WINTER: I thought you act as the Administrator's—

19 JUDGE: Take a look at NRS 706.

20 WINTER: I thought you act as Administrator's
21 Counsel, advising him.

22 JUDGE: I'm in-house Counsel.

23 WINTER: For the Administrator.

24 JUDGE: For the Taxicab Authority.

25 WINTER: Not the Board, but the Administrator.

1 JUDGE: That's correct. For the Taxicab Authority.

2 WINTER: The enforcement side of the Taxicab

3 Authority. And now you're sitting in the Judge's--

4 JUDGE: It's not the Board.

5 WINTER: It's not the Board, it's the enforcement

6 side of the TA.

7 JUDGE: And, I can't say enforcement side because I

8 do not--

9 WINTER: And you are the Hearing Officer.

10 JUDGE: --represent the enforcement side.

11 WINTER: The Administrator, that's how you would

12 couch it?

13 JUDGE: The Administrator. Off the record.

14 WINTER: Okay.

15 [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.

TRIAL: 161216-043

Robert Fukuzawa

Respondent.

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 May 2, 2017.



June 12, 2017