

BRIAN SANDOVAL
Governor

C. J. MANTHE
Director



RONALD GROGAN
Administrator

STAN OLSEN
Chairman

STATE OF NEVADA
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TAXICAB AUTHORITY
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Members
BRUCE AGUILERA, ESQ.
JAMES E. CAMPOS
ROGER C. THOMPSON, Ph. D
RICHARD DAVID GROOVER

MINUTES OF THE JANUARY 18, 2018 BOARD MEETING

1. Call to Order

Member Stan Olsen called the meeting to order at 9:00 am at the location of 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119

Present from the Nevada Taxicab Authority Board

Chairman Stan Olsen

Member Bruce Aguilera

Member James Campos

Member Roger Thompson

Member Richard David Groover

Asheesh Bhalla DAG (Temporary)

2. Pledge of Allegiance to the Flag.

Member Richard David Groover led the Pledge of Allegiance to the Flag.

3. Compliance with Open Meeting Law

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

4. Public Comment

No public comments

5. Approval of the October 26, 2017 Board Meeting Minutes – *FOR POSSIBLE ACTION.*

Member Aguilera: After reviewing his notes that it was suggested that we have workshop to examine the proposed regulations for long hauling. We voted on that and I believe we votes yes. Has that been done?

Chairman Olsen asked Administrator Grogan to address that question.

Administrator Grogan: Yes it will be part of my discussion on Item Number 6 on today's agenda.

Chairman Olsen requested a motion to approve the minutes from October.

All in favor – *motion passes.*

6. Approval of the November 16, 2017 Board Meeting Minutes – *FOR POSSIBLE ACTION.*

Chairman Olsen requested a motion to approve the minutes from November.

All in favor – *motion passes.*

7. Discussion with Maria Soto, Traffic Manager to LVCVA, Regarding Recent Taxicab Service.
Chairman Olsen and Administrator Grogan confirmed that Maria Soto was not present at the meeting.

8. Discussion and Update Regarding the Status on Release of Public Documents.
Interveners-Western – nothing to add at this time.

Administrator Grogan reports having communicated with the Board regarding a letter. He received inquiries from multiple board members regarding the status of that request. When the change was voted on and approved by the Board, Administrator Grogan issued an objection as the Board was outside of their authority. The Taxicab Authority is asking for the Attorney General's opinion.

Temporary AG Bhalla stated the letter had been received and was being reviewed by the AG office.

Administrator Grogan gave the summary of the AG opinion request letter:

1. If the Board was consistent with their roles and responsibilities when they passed a motion ordering the Administration to release citations. NRS 881.85
2. An opinion on whether the board has the authority to declare alternate routes.

Administrator Grogan responded that we have changes to our statute that were voted by legislature at the last legislation session. Language needs to be drafted that interprets those statutes into regulations. Then those regulations would be presented to the Board for the Board to vote to approve. The LCB has to say we are ok with these. The regulations have to be consistent with the statute itself. Paradise, in our view is the most direct route coming out of the airport. It parallel's the strip and is the most direct route. The legislature's only measurement is distance.

Member Groover stated it doesn't state whether it's by time or distance. The benefit of the passenger is needed and distance doesn't always do that.

Member Thompson felt that the legislature wanted it to be the advantage of the passenger, both monetarily and in time. The closest distance might not be the best for the passenger. There needs to be some sort of effective communication between the passenger and the driver. Legislator wanted the advantage for the passenger. It's misleading to say its distance only.

Administrator Grogan replied that there are a number of variables that change the dynamics. I do believe the legislature decided to do what was best for the rider. They said most direct route. But they also said the customer is the final adjudicator.

Temporary AG Bhalla stated that the Board should first look to interpretation of this issue. I think the Board would look to its mission and authority which is to protect the health and welfare. That would then give the Board authority to interpret the statute and regulations in a way that it permit what is in the best interest of the public health and welfare



Administrator Grogan stated that there was language on alternate routes. It was put in by the Industry when the bill was first introduced. It was there for the first and second reprint. Between the third reprint the language was stricken in total. I can only assume from that the legislature didn't intend to allow. The language specifically asked for me or you to declare alternate routes are ok. That language is what was stricken. It was obvious to me that the legislature said "No" to alternate routes.

Member Aguilera felt they didn't need to put alternate routes because the language said a direct route and there's enough wiggle room in there. If you go out to get a cab, the most direct route is not always going thru the property to the strip but actually going down Frank Sinatra.

Member Groover questioned if the language had been removed to give the Board discretion in making those decisions? Chairman Olsen felt that it was very possible.

Administrator Grogan stated to Chairman Olsen that regulations, which you have the authority to approve, have to be consistent with the statute as it's written. Chairman Olsen agreed with that. That statement a consideration of time and distance squarely falls in that authority. There is no where that it says just distance. There is no where its say can't do time. You need to consider time and distance.

Temporary AG Bhalla believed waiting for the AGO is best. We will get back with the Board with the interpretation in timely efficient manner.

Member Aguilera stated that if you're at the Mirage, why get on at paradise. There is no reason to, or even at Bellagio. Most of the complaints are from the airport. Chairman Olsen questioned if we need to send another request on that?

Member Aguilera: I think that's the issue to be the airport, you keep on talking about paradise. Yeah if you're at the airport then paradise is the best way to go. Unless you want to go Mandalay Bay, and you want to go to the convention area, then it's the not the best way to go. That's why Frank Sinatra was created.

Chairman Olsen responded that is why the tunnel was created. Every tunnel is not abused. Let's wait for the AG's opinion. Administrator Grogan replied that this is a complex discussion. What we don't have legislative intent. There was no public debate. Chairman Olsen felt that having been on both sides of that legislative process, there is a grey area to allow a little fudge.

9. Discussion and Update Regarding the Status on the Administrator's Request for an Attorney General's Opinion.

Chairman Olsen thought we just did this.

Administrator Grogan believes we did that on ad nauseum.

Chairman Olsen: We had an intervener – Western. They responded that they have nothing. Chairman Olsen moved discussion to item 10.



10. Discussion and Possible Action Regarding the Status of the Livery Operators Association’s Application to Create Regulations to Clarify Provisions Relating to NRS 706.8846. The Livery Association has requested to create new regulations under NRS 706.8846 permitting drivers to take “alternative routes” either approved by the Board or chose by the driver due to road conditions without the agreement or request by the passenger – **FOR POSSIBLE ACTION.**

Chairman Olsen welcomed Frias to come forward, or wait for the AG’s opinion.

Public - Kimberly Maxson-Rushton appeared on behalf of the Livery Operators Association and felt that it wasn’t necessary to go the Attorney General’s office for an AGO. We are trying to assist our drivers in understanding what an intentional violation is. Using an alternative route, in which the commission or the Board has approved, is not intentional. It avoids the issuance of a citation, the possibility of a stop, which is to disrupt to both the driver and the passenger. We would request the action you take today would be to further the matter back to staff and direct them to send this to follow the procedures 233B. Send it to LCB for consideration and review.

Member Aguilera questioned what was the statute? Public - Kimberly Maxson-Rushton: NRS 233B.060. Then thereafter it has a whole litany of specifics and alternatives as I seeking interim approve or preapproval consideration and then authority to the courts if necessary.

AG Bhalla felt there were two issues here. One is the approval of regulations thru the administrator process. Before it has complete authority, direct the staff to move forward with the regulations as are approved at the workshop. The question, whether direct is a single factor or multi factor function. I think that’s what the AGO intent was. The Board has the authority to direct regulations we’ve created at workshop and then sent to LCB. LCB ensures that regulations contort with statute. The people may have a difference of opinion about what is the best method to accomplish a resolution goal. There are multiple options. At this point I think the Board has them all open to them and has pursued the AGO. Move forward with the regulatory workshop and then it will go to LCB.

Administrator Grogan responded that the AGO request was submitted right at the first of the year, late December early January.

Temporary AG Bhalla was unsure of a specific time frame that the AGO would return. I know it will be handled as a priority being attended to with urgency.

Administrator Grogan responded that one of the reasons we went thru the workshop was that there’s a fundamental disagreement between the industry and the staff on this issue. We do need an adjudicator on the issue. The people decided to remove the wording alternate route. The industry is coming forward saying we want to put that back in, and we want to write regulations that would support that. Those regulations would be inconsistent with the statute. That’s why it’s important for us to get an AG’s opinion once and for all.



Member Aguilera thought we need to clarify what direct means. Draft regulations and send that to legislation for review to see if the language is ok. Then if at the same time, the Attorney General comes back confirming the authority to do that. Then we are a couple steps ahead.

Chairman Olsen questioned about going forward with a motion. Member Aguilera replied yes. Temporary AG Bhalla questioned what the motion would be.

Member Aguilera responded to proceed with the workshop and draft regulations that came from the workshop.

Temporary AG Bhalla felt one issue your making here is that because of no alternate language that it means the agency can't interpret direct in a multifactor way. I think that's incorrect legally because of a chevron principal and difference that the Supreme Court has established.

DAG Matthews stated there is more to the statute than just the word direct. It has to do with "agree to" or "requested by the passenger". I feel that the AG's office will not move forward on an AGO opinion if there are regulations request. It says you must take the most direct route, unless agency satisfied

Public - Kimberly Maxson-Rushton felt if you hold a second workshop and address the direct issue as how the industry considers it time and distance. The meter calculates it that way. If you do proceed with the 2nd workshop, then it's the agency notices it and permits with 233B. A notice is sent to LCB following the workshop, and then the information goes u-p to LCB for their review. That could take several months. We could get close to the deadline of July 1st and lose the opportunity to move forward that these are not submitted to LCB prior to that time.

Member Aguilera: That's the issue here, because legislature crossed that out. It gives me more support when you're interpreting direct. There are two factors there that are on the meter. We should take that into consideration. It's a positive thing to say legislative.

Chairman Olsen is if the Board in agreement and would do a motion for a 2nd workshop. Administrator Grogan responded he had no objection to the 2nd workshop. Chairman Olsen requested the workshop by the next meeting. Administrator Grogan stated the timing is pretty tight, as we have to post it. We'll get out some dates as quickly as we can. Member Aguilera asked if they could see what was prepared by the industry.

Member Groover questioned if the citations were being furnished? Administrator Grogan responded that he had addressed this to the Board multiple times since the last meeting. I also addressed it this morning in my opening statements with the letter. As part of that AG's opinion, I have been straightforward with the Board. I believe the Board exceeded its authority in making that order. There won't be a 24 hour rule executed until I receive something that shows me that the Board has that authority. Documents have been given showing they don't.

Chairman Olsen: Does the industry out there have requested copies of citations and not received them? Public Brent Bell replied that we have received copies of the citations, but they are received after they've been calendared or paid. Chairman Olsen asked Mr. Bell how much time was it from the request to being received.



Public - Brent Bell responded weeks, but sometimes shorter. Cheryl is not here, as she deals with this. We never receive them until they are calendared or paid, and that doesn't help us then. Chairman Olsen asked Administrator Grogan under the public records law if they had 5 days. Administrator Grogan replied that I have 5 days to respond to the request. Chairman Olsen asked how long you have to give the request. Administrator Grogan replied whatever is reasonable after that.

Chairman Olsen asked Mr. Bell how many citations. Public - Brent Bell replied there are two that took place in the last month, but not more than that. Administrator Grogan responded that he was aware of those two. Those are the only complaints that I've received. We do send out that court calendar. Mr. Bell had said that he got some after they were paid. Sometimes people come in right away and pay. That's going to happen.

Member Groover responded that he didn't feel we were talking about a court calendar. We're talking about public records, which are being denied to the public. I feel that's going to come against this Board from the actions of the administration. I think we need an audit on what has come to the agency and been denied. Chairman Olsen agreed. It's a serious matter if were violating the public records law.

Temporary AG Bhalla responded there are two legal issues. NRS 239 which is public records law. The Administrator is correct that he has 5 days to acknowledge and a responsible time to respond. NAC 706948(2) talks about the documentary exhibits that need to be furnished to each party of records. The last line says whenever practical. So there's a public records law, which is a different sort of aspect of this case as opposed to presentation of exhibits and evidence at a hearing. I think that's where the difference comes in. The administrator says that's addressed in the AGO and I think there will be response provided there. The administrator is correct about the reasonable response time and the time frame for public records. Reasonable response time is separate from what is an ethical issue to turning over evidence to an opposing party.

Administrator Grogan responded that discovery is to the person who was cited. AG Bhalla responded that whoever is the responding party would be entitled to the adverts and exhibits that are there presented against them.

Member Groover: This board took a vote to have the administrator to turn over citation to the industry so they could work with their employees to eliminate long hauling. I think it's worth trying to salvage these drivers versus throwing them under the bus and running them over a couple times. I see resistance from the administrator trying to work on the process to eliminate long haul. Member Campos stated we keep referring to AGO and the AGO could say nothing. It could go nowhere and were back to square one.

Chairman Olsen stated one problem is long haul and trying to get a handle on it. My concern also is the 5 days to acknowledge and what's reasonable. AG Bhalla replied that's correct. Chairman Olsen: Who determines what reasonable is? What we're talking about is a photocopy of a citation.

Administrator Grogan responded that there is another way for the industry to get those tickets. If their employees get a long hauling citation, then turn it in at the end of their shift.



Chairman Olsen didn't disagree. I think that the Taxi Authority to spend weeks to give a photocopy of a citation is not reasonable. There is long hauling that's on purpose and then there's plain ignorance or stupidity. The public has a right to know that they're not going to get long hauled, everybody working as team to bring this together and end it.

Member Aguilera felt when the driver get their permit should be required to sign a waiver acknowledgment and consent that if a citation is received it could be sent immediately to his employer.

Administrator Grogan: I already provide the industry with citations without that release from their employer. I believe the industry was going to come forward with a release or waiver form. Chairman Olsen replied that the industry was going to have their employees sign a release. Then questioned Mr. Bell if that had been done? Public – Brent Bell responded that he believed it's been done at my company. Chairman Olsen asked Brent Bell if he had supplied those documents to the Administrator. Public – Brent Bell responded he didn't know. Administrator Grogan stated we would put them in the driver's file. Chairman Olsen requested that when the drivers come in to get their renewed or initial permit, they can sign the waiver then. Administrator Grogan responded no, this something between the employer and the employee.

Chairman Olsen stated based on that, send him those waivers. Mr. Bell how many drivers do you have? Public – Brent Bell: 1500. Administrator Grogan replied there is probably about 6,000 – 6500. It will take a while to file them.

Member Groover replied that is complicates a process for a piece of information that's public information. Now there is administrative work created to file all of these. The Board made a decision for the Administrator to enact and that wasn't done. Chairman Olsen asked if the Board can have an input on what's a reasonable after a request is acknowledged. The Administrator has 5 days to acknowledge it. Then whatever is reasonable.

Temporary AG Bhalla replied No, that's administrative staff. Its 5 days for providing acknowledgement of the date by which you would respond. Then it's needs to be reasonable after that. Chairman Olsen asked Administrator Grogan what was a reasonable amount of time was to have a court copy of a long haul ticket.

Administrator Grogan responded that he had to have the ticket. Chairman Olsen replied that for long hauls, your officers could make a copy of that ticket at the end of their shift and put it in a special basket. Administrator Grogan stated he would have to look at that process as Chief Aquino was not present. Yesterday I got a stack of citations and then need to sign them. The citation is not completed when an officer writes it. A supervisor makes sure all the criteria are met. There are supervisors who are on different shifts than their officers.

Chairman Olsen questioned that a supervisor had to approve the citation? Administrator Grogan responded that they are reviewed and with supervisors and officers on different shifts. We do occasionally have to chase some citations down. You are aware we had to dismiss some because the citations didn't come in before court. That's an anomaly.



Chairman Olsen stated that all of us want to do something about long hauling. We have to catch it early in order to retrain and discipline. Administrator Grogan questioned what the board's response was on having the drivers turn in the long haul citations to their employer. Member Groover responded that the board made the decision was to have the officer make a copy of the citation he's turning in.

Member Aguilera questioned if the driver has to sign the citation when they receive the ticket. Public – Brent Bell replied yes. Member Aguilera questioned if the company is on the hook also because of the citation. Chairman Olsen and Administrator Grogan responded not for one. Chairman Olsen replied that if there is a pattern of practice, then a fine up to \$5,000.

Member Aguilera replied that they have a vested interest to see the citation and be aware of it. Maybe we change the citation that before the driver signs it, and then it would be sent to their company also.

Temporary AG Bhalla felt that a due process issue is being brought up. The board is going to fine the company, then they need to have notice of the hearing. Member Aguilera replied that first thing they do is notice the citation.

Member Groover responded that his initial thought was to help train and salvage the drivers. Have the companies work with them and the administration work with both the drivers and the companies.

DAG Matthews asked in regards to citations if they were talking only about the citation face or the entire report. Chairman Olsen responded the citations only. DAG Matthews responded that the information on the citation is also on the docket they currently receive. Chairman Olsen questioned if it comes late. DAG Matthews responded that it's within 3-5 days.

Administrator Grogan stated that what we believe is to get these citations in the hands of the business owners as quickly as possible. The best process is for them to own it.

Chairman Olsen stated I am not going to accept that. It's our responsibility as a group to make sure that they are notified and the riding public is protected. Member Groover questioned if Administrator's being in compliance with this. Administrator Grogan stated that I have asked for the attorney general's opinion. I believe that this whole process is outside the board's purview.

Chairman Olsen asked that we get a copy of the letter you're requesting. Exactly how it's worded and the board will maintain there. We will ask for our own AG opinion in better words if we don't agree with your wording. AG Bhalla responded, yes sir. Member Groover questioned how long the delay would be? Chairman Olsen responded were going to do something before June.

Public – Kimberly Maxson-Rushton stated there's no confidentiality or proprietary information contained on the front of the citations. Every carrier will need to send a public records request for all copies of the citations issued to drivers. Law states within 5 days you make it available inspect or give it to them. Otherwise you tell them why. The close of business on the 5th day it is either to be provided or given a written explanation as to why it cannot be provided. The industry could have an on-going public records request that you authorize. Then the 5 days for the agency to respond.



Member Groover asked for an audit of the public records requests. Chairman Olsen asked Administrator Grogan to put that on the next agenda. Administrator Grogan asked that the board provide the statutory authority for this Chairman Olsen stated to Administrator Grogan to make sure it's on our agenda. I will confer first with an attorney, and then go from there on our authority. AG Bhalla responded that he felt it's within the board's full authority to request any and all documentation that is part of the records that are held by the taxi commission. Chairman Olsen replied that settles that. Now how do we do that? Administrator Grogan replied no.

Temporary AG Bhalla stated the public records issue is a red herring. All documents and records that are held by the government are public records unless a confidentiality statute or privilege applies. The 5 days is the rule for acknowledgement. What is needed is a little bit of clarification on what is efficient and effective. It should be resolved thru both the statutory workshop process as well as the AGO opinion. That is not the main issue the board should be looking at. All documents are public records unless there is confidentiality statute or privilege rule that applies.

Administrator Grogan: We provide the industry with citations in the court docket. I suggest we look at the process to see what the delivery time frame, and then can it be expedited. I don't want multiple submissions of citations to the industry. What's the advantage of those citations by the time they see them on the court docket.

Member Groover asked Chairman Olsen for clarification on the statistics. We're looking at one or less citations a day, for the month and your averaging 28-30. Administrator Grogan responded that it varies. Last month we only did 10 citations. The number does fluctuate. There are more than 9 in January.

AG Bhalla: To be quite frank the board needs to act together as an authority. I think the board could authorize a member to specifically discuss the legislature or with the AG's office. A certain issue, which would directly need to be authorized by the board in an open meeting.

Administrator Grogan stated he was going to go back and look at this process which court docket is provided to the industry, on long haul citations. Not having multiple processes when distributing citations.

Chairman Olsen questioned if that could be part of the workshop process? Administrator Grogan responded that he could do this before the workshop.

Chairman Olsen: And then present it at the workshop.

Administrator Grogan: I can certainly discuss it with industry.

Chairman Olsen asked if there is anything else you would like to add. Public – Kimberly Maxson-Rushton and Brent Bell responded no.

Chairman Olsen asked Administrator Grogan if we are going to do phase 1, phase 2 of the workshop. Administrator Grogan responded phase 2.



11. Staff Report

a. Administrator's Report

- A link will be posted on the website regarding the Report titled: Cold War in Vegas: Taxi's, Lyft and Uber fight it out.
- December monthly trips down (15%) as compared to December 2016.
- Full year of 2017 monthly trips down 13.5%.
- Revenue down by 13.7%. Trip revenue is where the revenue comes from.
- Past 2 year's revenue down \$1.6 million dollars in revenue: resulted of 15 positions eliminated in July 2017. Steps are being taken to better align the agency with the resources, and have been steam lining some operations.
- Report being sent to Interim Finance Committee by February 1, 2018. Indicating to them that we are solvent. We will be able to close the current biennium without a budget crisis.
- IFC requests a Long Term viable plan, due June 1, 2018.

b. Stats for the Year of 2017

- Enforcement activity down due to reduction of compliance officers.
- 2017 Long Haul citations = 615
- 2016 Long Haul citations = 636
- Long Haul citations estimated for 2018 will not be 600.
- December Impounds – 8 for illegal operators

c. Future Agenda Items

- Illegal operators and Long Haul violations are the focus.
- January Impounds is already at 6.

d. Additional Information:

- Discussion of Autonomous Cars
 - i. Possible Agenda Item
 - ii. 706(a)
 - iii. Industry (Brett Bell) is not prepared to do a presentation at this time. The industry wants to attract more drivers, not do a presentation to replace the drivers. 100 taxis's currently have a device in them to provide feedback to the RTC and other city officials. This is information towards future autonomous vehicles. Will technology be 100% in the vehicle or devices on the roadways? Nothing on this occurring in the next 2 years.
 - iv. A presentation is not going to be requested on future agenda items.

12. Report of Legal Counsel

Deputy Attorney General had nothing to report.



13. Public Comment. Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item for possible action. Because of the time considerations, speakers are urged to avoid repetition of comments made by previous speakers.

- No public comments at this time.

14. Adjournment (Action)

- Board Meetings for 2018 scheduled
- February 22, 2018
- March 12, 2018
- April 19, 2018
- May 17, 2018
- June 15, 2018
- July 13, 2018
- August 23, 2018
- September 20, 2018
- October 18, 2018
- November 15, 2018
- December 13, 2018

All in favor of adjournment – Motion passes

