



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY
1785 E. Sahara Avenue, Suite 200
Las Vegas Nevada 89104
Telephone (702) 668-4000 • Fax (702) 668-4001
<http://taxi.state.nv.us>

TERRY JOHNSON
Director
CHARLES D. HARVEY
Administrator
ILEANA DROBKIN
Chairman
VACANT
Vice Chairman
Members
JOSHUA C. MILLER
JOSEPH P. HARDY, JR., ESQ.
DENNIS NOLAN
DEAN COLLINS

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

October 23, 2012

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, October 23, 2012. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 8910. The meeting began at 9:28 A.M.

Present were: Chairman Ileana Drobkin, Member Josh Miller, Member Joe Hardy, Member Dennis Nolan and Member Dean Collins. Others present: Charles D. Harvey, Administrator, Legal Counsel, Ryan Sunga, Deputy Attorney General; Ruben Aquino, Chief Investigator; Senior Deputy Attorney General Kimberly Arguello and Recording Secretary, Barbara A. Webb.

1. Call to Order.

Meeting was called to order at 9:28 A.M.

2. Pledge of Allegiance to the Flag.

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

3. Compliance with Open Meeting Law.

Administrator Charles D. Harvey said yes, we are in compliance with the Open Meeting Law.

4. Recognition of Virgin Valley Cab Company driver Adam Woldemarin for his honesty in returning a black soft laptop case containing \$221,510 found in his cab to Frias Management Transportation's Security Division.

Adam Woldemarin was presented with a Certificate of Appreciation by Chairman Ileana Drobkin and commended for his honesty.

5. Public Comment.

Melanie Rogers, driver for YCS, commented that long hauling is getting more out of control and she feels that investigators should be stationed more often at the tunnel to watch this situation. She also commented that in speaking with her passengers that they look for the efficiency in the way they are driven to get to their destination safely and efficiently. She said she always asks her customers what route they would like her to take before embarking to their destination. She stated that no more cabs are needed as she is not making any money which is the same for all drivers.

Public Comment was closed.

6. Driver Appeal

Babken Mkrtchyan, Permit # TA 30166, appeared before the Board to appeal the August 15, 2012 decision of the Hearing Officer in our Administrative Court as a result of citation he received for pandering. Mr. Mkrtchyan brought his son Vahe Mkrtchyan to speak on his behalf as he felt his English is not good enough and he doesn't understand the procedures clear enough.

Senior Deputy Attorney General Kimberly Arguello appeared on behalf of the Taxicab Authority and explained the case of Mr. Mkrtchyan to the Board. She explained his permit was revoked per NAC 706.975. She explained that the respondent appealed due to a recording between Metro Officer Meyer and Investigator Morgan not being put into evidence at the hearing and she stated that no further evidence can be presented at this appeal. She said it was not required to submit the recording into evidence at the hearing and that would have been the decision of his attorney and that decision was not made, therefore, there are no grounds for an appeal.

His son began to speak and Chief Arguello asked if he was an attorney and the son said no he is speaking on his father's behalf. DAG Sunga explained to the son that there is a difference between representing him and speaking on his behalf. The son said he is speaking for him. Senior DAG Arguello asked him if he understands he cannot be his attorney and the son said he represents his dad. Member Hardy explained that he cannot act as his attorney because he is not an attorney and that would be okay if his father spoke in his native tongue and he translated for him.

Member Collins asked him if he prepared the document before him and he said it was the findings from the August 15th hearing. The biggest concern of Mr. Mkrtchyan and his son was the fact that the recording was never put into evidence and felt that could have made a difference in the decision of the Hearing Officer and they would like to present it into evidence now. Senior DAG Arguello objected to presenting the recording as no further evidence can be submitted at this time. DAG Sunga explained that this hearing is to review evidence from the original hearing and that new evidence cannot be brought forward at this time. The son explained that the only evidence used for the conviction at the hearing was the testimony of Detective Meyer. Senior DAG Arguello stated that the Hearing Officer found Detective Meyer's testimony credible; therefore, there are no grounds for appealing this case.

The transcript from his August 15th, 2012 administrative hearing is available at the Taxicab Authority offices.

Member Nolan asked for clarification as to the Board's ability to make a decision and Senior Deputy Attorney General Arguello explained that per NRS 233B.135, the Board can make the decision to affirm the Hearing Officer's decision or remand the appeal back to the Hearing Officer, they must decide if the charges are erroneous or non-conforming. Member Nolan asked what happens if they uphold the Hearing Officer's decision. DAG Sunga explained that the driver can then appeal to the Nevada Transportation Authority and then, if he is still not happy with the decision from NTA, to District Court.

Member Nolan asked the son why their attorney was not at this meeting and he said that they didn't hire him because he did not introduce the evidence at the initial hearing. Member Miller commented that at all steps, the same evidence will be presented.

Member Hardy stated that it was unfortunate that their attorney, at the time of the August 15th, 2012 administrative hearing, made the determination not to admit the recordings into evidence. Vahe Mkrtchyan agreed with Member Hardy and stated that he was not present at that hearing due to being out of town. He said he and his Dad felt the attorney did not handle the case the way he should have and that is why they fired him and that is why his father appealed the decision of the hearing officer.



Member Hardy felt he would have rather seen a suspension rather than the revocation of Mr. Mkrtchyan's permit. The Chair explained that there are no parameters to look at and the son agreed.

DAG Sunga commented on Member Hardy's comments stating that determination has to be made today as to whether there was enough evidence for the hearing officer's decision and if it is clearly erroneous, the Board can overturn his decision. If not, then the Board can uphold his decision. It is the Board's job to look into the evidence that was presented at the original hearing at which time the hearing officer felt that the detective's testimony was sufficient. The driver's attorney made the determination not enter the recording into evidence and it cannot be entered today. He asked if everyone understood why they were here today. Member Hardy stated that in the Board's authority, it is clearly erroneous. DAG Sunga asked Senior DAG to once again read 706.8875.

There was a lot of discussion between the Board if they should determine if the decision was unreasonable and what can they do. Senior DAG Arguello stated that the hearing officer heard all the evidence, determined the credibility of the witness, and the respondent did not present any evidence. Chair Drobkin asked if there was an interpreter present at the hearing and if he understood what was being discussed and his son said no not during the process, not until after when he spoke with the attorney did he understand. Senior DAG Arguello stated that drivers are required to speak and understand the English language. Mr. Mkrtchyan said he understood enough to do his job. His son began to speak and the Senior DAG stopped him because he is not an attorney. Member Nolan asked Chief Aquino if there is any history on the driver and Chief Aquino referred him to TA Counsel. Member Collins stated that the Board needs to understand what is in the transcript. The driver's issue is his attorney. What has been presented to the Board is actual and feels there was a preponderance of evidence and based on the transcript, he does not feel the hearing officer's decision should be overturned.

Chair Drobkin commented that it is a very serious charge and a tremendous issue that has been happening within the industry and it bothers her that his attorney did not do his job and the driver didn't understand what was going on.

The driver's son said they feel that he should have gotten a ticket, not a revocation and they need the ability to speak and the issue reconsidered. Senior DAG Arguello commented that the respondent had adequate notice and knew what the charge was and had plenty of time to bring an attorney to the hearing. Member Hardy feels that the decision was not reasonable that it should have been a \$500 fine and suspension. He doesn't feel that revocation was the right charge. Member Nolan agrees with Member Hardy, but he's not sure that they can make a change.

DAG Sunga stated that if the Board determines the decision unreasonable, they can remand it back to the hearing officer to render a new decision, pursuant to the Board's order, but the Board cannot redo the sentence. Member Hardy questioned even if they felt it was unreasonable. Member Collins said that after listening to Member Hardy's comments, he is not sure if it was a reasonable decision.

Chair Drobkin stated that there are a couple of issues. She commented that due to the seriousness of the charge and with staff trying to hold everyone accountable, she feels it was reasonable to find him guilty.

Member Nolan stated if they remand it back to the hearing officer for another trial and the findings are the same, he doesn't feel it's a good idea and agrees the charge was based upon the evidence and the actions of the attorney, the hearing officer's decision is correct. He commented that the next step would be for the driver to appeal to the Nevada Transportation Authority and advised the driver to get good legal counsel. If they can, at that time, demonstrate the lack of bringing the recording into evidence or that the driver did not understand the proceedings, there may be a possibility to get his permit back but the Board at this time, have a very narrow window to work with.



The motion is as follow with this statement - The NTA will see how this Board feels about their appeal.

Motion: Uphold the Hearing Officer's decision and let them go forward.
He stated that any previous history of the driver is moot at this point.
By: Member Nolan
Seconded by: Member Miller

Member Hardy commented that he prefers modifying the decision and remanding it back to the hearings officer because he feels the sentence was unreasonable and should be modified.

Member Collins agreed with Member Hardy. He feels okay with the motion but wants a footnote stating that they don't all agree.

DAG Sunga asked the Board to finish the first motion.

Motion: Uphold the Hearing Officer's decision
By: Member Nolan
Seconded: Member Miller
Vote: 4:1 with Member Hardy dissenting

*7. Approval of the September 24th, 2012 Board Meeting Minutes. (for possible action)

Motion: Approve the September 24th 2012 Board Meeting Minutes
By: Member Hardy
Seconded: Chair Drobkin
Vote: Passed unanimously.

8. Discussion with Mike Janssen with the City of Las Vegas regarding exciting changes in staging areas.

Chair Drobkin commented that she is very excited about this topic as it was of the urging of Mayor Carolyn Goodman and many meetings held with Mr. Janssen, Administrator Harvey, Chair Drobkin industry representatives and Mayor Goodman.

Mr. Janssen, Senior Traffic Engineer, made his presentation with drawings of the downtown area that was in discussion regarding expanding cab stands and building new cab stands. The drawings are available to be viewed at the Taxicab Authority offices.

Mr. Janssen stated that during the many meetings regarding the taxicab service in the downtown area, it was determined and a well-known fact that it is a very challenging situation. He stated that downtown does not have as many staging areas as the Strip and his committee is in the process of making many changes. The cabstands that are now in place have been there for many years and did not change with the growth of downtown which is why there has been monthly and/or bi-monthly meetings to have the discussions of how this can change. Drivers stage at the curbs and elsewhere that is not acceptable due to lack of space. As a result, they have focused on Freemont Street Experience inventorying every linear of curb, commercial zones, metered zones, red zones all of which have been around for many years without change. He said that some red zones can be turned into cab zones – this was demonstrated by his drawings. He said with CAT bus zones, loading zones, new businesses coming into downtown, more cab zones are needed and that is what they are proposing. Mr. Janssen stated that with additional spaces being created, it will bring the total from 35 current cab spaces to 69 cab spaces throughout specific zones.

Member Miller asked if this would be incorporated into the driver training classes so they are aware what is being proposed. Administrator Harvey stated that industry partners are part of the group.



9. Discussion with Steve Patterson, Traffic Manager for LVCVA regarding recent taxicab service.

Mr. Patterson spoke about SEMA and APPEX coming to Las Vegas October 30 through November 1 with 130,000 attendees expected. He said they are staging a Global Rally Cross which is something new in the gold parking lot with a racetrack and where 2500 cars will be parked which means less parking for attendees. They will be using the Wet 'n Wild Parking Lot with shuttle service to LVCVA while the race is on. SEMA will be in front of LVCVA. There will be no shuttle buses in front so it will be good for cabs. He commented that last year there was a 2-hour delay for cabs which SEMA people did not like and he said that 1-hour delays are okay. This year, he stated, attendance is up and strong.

10. Discussion with Harry Waters, Assistant Director of Aviation for Landside Operations at McCarran Airport.

Mr. Waters thanked Administrator Harvey and staff for their support and help that they provide. He said that service at the airport is good and they have no problem with the number of cabs available. He said that the number of cabs loaded last month was down 1% over 2011, year to date, end of September, numbers were up 1%; month to date was 3% over 2011 with growth slow but steady. He feels drivers have adjusted well to Terminal 3 and is happy with the service.

Member Miller asked how long a wait is there and Mr. Waters stated no more than 15 minutes, although, longer during peak times. He explained that adequate service means a steady flow of cabs in the staging area. He said that 900 cabs an hour are loaded during peak times.

- *11. Discussion and Possible Decision regarding A Cab, LLC's Petition for Declaratory Order requesting interpretation of NRS 706.8824 and NRS 706.88245, with attention to the word "equally." (for possible action)

Esther Rodriguez, attorney for A Cab, LLC, has sent a memo asking to postpone this until the November meeting as Mr. Nady, owner of A Cab, LLC, was out of the state at this time.

- *12. Discussion and Possible Decision regarding Fuel Prices and the Fuel Surcharge which has been requested by Frias Transportation Management. (for possible action)

Chair Drobkin allowed interventions.

Intervenors were A Cab, LLC, Nellis Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company, Inc., Whittlesea Blue/Henderson Taxi, Desert Cab Company, Lucky Cab Company, Yellow/Checker/Star Cab Companies, ITPE Union and United Steelworkers Union.

A Cab – no one attended.

Jamie Pino, Nellis Cab – wants to hear testimony of others first.

Neal Tomlinson, attorney for Frias – stated that they monitor fuel prices and fuel prices have begun to dip. They asked to keep in on the agenda each month.

Whittlesea Blue/Henderson Taxi, Desert Cab Company, Lucky Cab Company, Yellow/Checker/Star Cab Companies, ITPE Union and United Steelworkers Union – all concur with Frias.



- *13. Discussion and Possible Decision regarding the issue of possible temporary allocation of medallions for the Automotive Aftermarket Industry Week being held at the LVCVA and the Sands Expo from October 30th through November 2nd, 2012. (for possible action)

Chair Drobkin allowed interventions. Intervenors were A Cab, LLC, Nellis Cab Company, Ace Cab, Inc., Union Cab Co., A NLV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company, Inc., Whittlesea Blue/Henderson Taxi, Desert Cab Company, Lucky Cab Company, Yellow/Checker/Star Cab Companies, ITPE Union and United Steelworkers Union.

Jamie Pino, Nellis Cab – does not suggest any allocation, but wants to listen to testimony.

Neal Tomlinson, Frias attorney, defers to industry's opinion. He stated that per Mr. Patterson's comments, a small allocation may be needed, if the Board agrees.

Cheryl Knapp, Whittlesea Blue/Henderson Taxi – they have no specifics as there hasn't been an allocation given since 2008 and with industry numbers down, maybe 2 or 3 mid week – Monday through Thursday. She commented that drivers did a great job during NAB.

George Balaban, Desert Cab – commented that the August allocation has been absorbed with the majority of the allocation was for the weekend. This is mid week and feels a small allocation of 2 or 3 overlapping medallions from Tuesday to Thursday morning to cover show breaks and it would help the drivers as well. He suggested 3 medallions – 2 PM – 2 AM on Monday, 3 and 3 overlapping 7 AM – 7 PM and 12 AM – 2 PM any 12 hours Tuesday and Wednesday and 3 on Thursday.

Desiree Dante – Lucky Cab – after listening to Mr. Patterson speak about a 2-hour wait, she feels that there should be a small allocation of 2 or 3 medallions from Tuesday through Thursday overlapping and off the road at 12 PM on Thursday.

Marc Gordon, attorney for YCS, does not support an allocation.

Richard Segerblom, representative of ITPE Union does not support an allocation as there are enough cabs on the road.

Stephanie Edelman, representative of USW, thanked Chair Drobkin for her extra work stating that this Board has gone over and above any other Board before them. She agrees that no medallions are needed.

Member Miller stated that not all of this Board was on last year and stated that he was out there and he saw only a 10 minute wait. He asked if it was the supply of cabs that were the problem or that the drivers don't want to go to LVCVA because it is difficult to stage there. He agrees with a small allocation.

Chair Drobkin agreed. Member Collins also agreed that a 2-hour wait is too long and maybe 2 cabs would be enough. Member Miller asked if the show was on Monday and was told that was their move-in time, Tuesday was the start of the show.

Motion: 3 and 3 medallions overlapping Tuesday and Wednesday 7 AM – 7 PM
and 12 PM – 2 AM Thursday not overlapping
By: Member Miller
Seconded: Member Collins
Vote: Passed unanimously.



14. Public Comment.

Jeff Zamaria, Director of Events, Sands Expo, commented that when medallions are given out he has a problem getting cabs at the Sands for show breaks at 5:00 PM. He contacts the companies, but still cannot get any cabs. He questioned where are the cabs going and why is there such a gap. Chair Drobkin said it can be better answered by the industry because there are different factors. Member Miller commented that he would like some feedback on this and asked him if there were supervisors on site at the show breaks and Mr. Zamaria stated that one time there were, but he usually does it. The Chair asked if he had the phone numbers of the supervisor and he said only company Dispatch numbers. The Chair commented that there needs to be lines of communication and he will get the numbers and she also asked him to come to the meetings more often. He said that there has been construction which is why he has not been attending.

George Balaban of Desert Cab commented that since he has been in the industry for 35 years he has had many conversations about the downtown area with no results. He thanked the Chair for pursuing this and was happy the Mayor is involved.

Cheryl Knapp commented that she is in awe of this.

Stephanie Edelman commented that one of the issues why the Sands cannot get service is the construction on Twain near Paradise which shuts traffic down and there is no way to get to the Sands. She said also it is a problem getting in and out of the property which takes 30 minutes to get there initially. She said there is a 10-cab staging area there, but when the show breaks at 3 PM, exhibitors are breaking down their exhibits and it causes a hazard for cabs to give any service.

Steve Lanett, Whittlesea driver, commented that in his 14 years as a driver, this was the first time he saw so much compassion toward a driver from the Board during the driver appeal and he said it feels great as a driver. He said he will definitely mention it on his radio show and hopes reporters write about it.

15. Staff Report

Administrator's Report – Administrator Harvey addressed the Board stating that the Administration, over the last year, has taken steps to create a more effective and efficient regulatory agency using various strategies to combat violations of NRS and NAC 706 compared to the past approach of the agency. This is due to the increase of illegal taxicabs, the long hauling issues and clip joint operations. He explained the recent initiatives that have been taken and will take place – (I quote)

1. *Earlier this year, I designated the creation of a special task force to help address some of the more complicated, multi-faceted issues facing the industry. We were successful in reclassifying three (3) vacant Investigator positions up to the Compliance/Enforcement Investigator III level, to provide a higher level of knowledge, training and expertise to lead this problem-solving unit. This group will lead and conduct complex investigations into violations of NRS and NAC 706, and will carry out more proactive strategies, such as targeted enforcement, undercover operations, checkpoints and sting operations.*

Over the last two weeks, we've conducted an internal recruitment and many qualified members of our team competed in the recruitment process. I'm happy to announce today that Investigator Rivers, Investigator Ferriolo and Investigator Dudley were selected to fill these positions.

2. *Since our last meeting on September 23rd, I've recruited and selected a new Management Analyst, who will be joining our agency on Monday, September 29th.*



