



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY
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**BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY
EMERGENCY BOARD MEETING AND PUBLIC HEARING MINUTES**

October 31, 2012

The Emergency Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Wednesday, October 31, 2012. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 11:00 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 and Recording Secretary, Barbara A. Webb.

1. Call to Order.

Meeting was called to order at 11:00 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. Public Comment.

Fadios Tessema is a Frias driver and a union negotiator. Chair Drobkin stopped his comments that he made regarding the labor negotiations.

Brian Hern, A NLV driver and part of the USW Union team, commented that the riding public's needs are in every step of the process.

Jay Nady, owner, A Cab, LLC, commented that every company in Las Vegas was geographically restricted at some time and their restrictions were lifted, but his company, A Cab, and Deluxe still have their restrictions. He feels that if there is a strike, that their restrictions should be lifted so they can serve the public during those times.

- *5. Discussion and possible action regarding Whittlesea Blue Cab and Henderson Taxi's request for the issuance of temporary medallions in the event of a labor strike in order to serve the interests, welfare, convenience, necessity, and well-being of customers of taxicabs and to provide continuous uninterrupted service to the public. (for possible action)

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

Chair Drobkin ask DAG Ryan Sunga to read the regulation regarding Emergency Meetings.

DAG Ryan Sunga stated it was NRS 241.020 and read the regulation –

NRS 241.020(2) provides that *except in an emergency*, written notice of all meetings must be given at least three working days before the meeting. NRS 241.020(8) defines an emergency as “an unforeseen circumstance which requires immediate action and includes, but is not limited to: (a) Disasters caused by fire, flood, earthquake or other natural causes; or (b) Any impairment of the health and safety of the public.”

An emergency meeting may be called or an item may be taken up on an emergency basis only where an item is truly of such a nature that immediate action is required at the meeting.

Chair Drobkin stated that the Board is here to consider Agenda Item 5 only and no comments will be tolerated regarding labor negotiations.

Mark Trafton, Vice President and General Counsel for Whittlesea Blue/Henderson Taxi, commented that 30 medallions maximum or less if the Administrator feels less would be better, should be given each company should a strike occur. He suggests that in that case, an emergency meeting should be called the same day of the strike for discussion of how many cabs should be added and how it will be handled.

Member Hardy asked him how he came up with 30 medallions. Cheryl Knapp answered that that was how many available vehicles they have.

Member Miller asked how many medallions YCS has and Mr. Trafton said he did not know. Someone stated that if YCS and Frias on strike 1300+ medallions would be off the road. Member Miller suggested that someone should find out how many medallions each company can put out. Mr. Trafton commented that if YCS and Frias strike that doesn't mean all drivers are involved. Member Miller asked what percentage of drivers would be available at Whittlesea and Cheryl responded 100%.

A Cab passed.

Marc Gordon, General Counsel for YCS, supports Whittlesea stating that the Taxicab Authority should prepare for whatever may happen. They have been in daily negotiations, but has no predictions of the outcome. Member Collins asked him if he had a number of how many additional medallions would be needed and Mr. Gordon stated that he felt the Administrator should decide. He commented that they have 603 permanent medallions and feels 30 is reasonable.

Rick Flaven, owner of Deluxe Taxicab Service, stated that he opened his company in October of 1998 and he has 60-62 cabs on the road with 160-170 drivers and will go along with staff's recommendation.

Jamie Pino, Nellis Cab, supports Whittlesea, but feels a decision should be made now and not hold another meeting. He agrees with 30 medallions. Depending on time of the week will determine how many he has available. He feels whatever the companies have available should be put on the road. Member Miller asked what he felt the maximum should be and he said 55 and they can fill those. He prefers all available cabs to 30.



Jason Awad and Desiree Dante, Lucky Cab. Mr. Awad stated that with the economy suffering over the past years and with the impending strike, even with no concrete evidence, the company's job as well as the Board's job is to be prepared if a strike occurs. He agrees with Whittlesea as well, but feels the Administrator should request all available cabs to be put on the road, if needed. He doesn't feel 30 is enough. He's asking for every available cab and to let the Administrator how many each company has available so drivers can be notified. He said the drivers and the riding public suffer and the public needs to be serviced.

Desiree Dante feels that all restricted medallions should be unrestricted.

George Balaban, Desert Cab, supports Whittlesea's proposal. He said he has 60 more vehicles than medallions. He stated that the Taxicab Authority knows how many cabs are available by how much taxes are paid. He said he has enough drivers for a short period of time and feels an extended strike should be a problem.

Neal Tomlinson, Attorney for Frias, he said they are opposing this meeting. He said that Frias has a contingency plan. He said that at this time no action by law can be taken; authority should be given to the Administrator. He said with regard to medallions, only the Board, pursuant to 706.88237 and 245, can allocate medallions, not the Administrator. If there is a strike, they will take any allocation that is given. Member Collins asked him about the contingency plan and he said he cannot discuss it with negotiations continuing. Member Hardy asked him if they were in negotiations and he said yes. Member Hardy stated that as a speculation issue, whenever companies ask the Board for additional medallions, they are requested prior to the event and wanted to know how this is different, are they going to strike and Atty. Tomlinson said he cannot answer that question. Member Hardy asked him how this is different than a regular allocation for an upcoming event. Mr. Tomlinson said that there is data available prior to the event, not in this case, now on conjecture, he said, unless there is some rumor or speculation, it cannot be dealt with prior.

Chair Drobkin said the mandate of the Board is the riding public and potential outcome is a possibility. Member Miller stated that a special meeting when the strike is called is not possible because of a 24-48 hour delay and then it would be remiss to address the issue. Member Hardy commented that the Administrator doesn't have the right to allocate. Mr. Tomlinson agreed. Member Hardy said if the Board granted temporary medallions giving the Administrator the authority to decrease if not needed, how is that different? Mr. Tomlinson said that it is a different subject matter. Member Hardy said they are requesting removal of restrictions and the Administrator would be able to remove if too many, isn't that then too many? Mr. Tomlinson said no. Member Hardy asked Board counsel to address.

DAG Ryan Sunga stated that pursuant to NRS 706.88245, Authority (meaning Board) to allocation temporary medallions, it doesn't allow to delegate the number of medallions, under 3(a), Board determines number, cannot leave it to the Administrator. Chair Drobkin stated that then the Board can give the Administrator authority to remove and the DAG said, historically, yes.

Member Collins commented that he sees Mr. Tomlinson's points; other companies want a contingency plan and agrees it is a proactive approach. The number is not to be decided today and if there is a strike the Board can determine how many then.

Mr. Tomlinson said that Frias has a contingency plan. They will notify the Administrator if there is a problem.



Richard Segerblom, ITPE Union, stated that there are two different Unions and contracts. YCS is ITPE Union and Frias is United Steelworkers Union. He stated that his feeling is by holding this meeting is taking sides in the negotiations and he feels it means the Board is taking the side of the company which is inappropriate, later on maybe, but not now. Making any decision on the number of cabs that may be put out is totally inappropriate in his opinion.

Chair Drobkin again explained that the Board is mandated to protect the riding public and that has nothing to do with taking sides. She disagrees that they are getting in the middle of negotiations, they are protecting the riding public. Mr. Segerblom said more cabs means taking sides. Member Collins commented that not voting on how many, just making sure there is a contingency plan if there is an issue is something the companies agreed upon. He's not voting on any number of medallions, just wants to make sure there is a contingency plan in place should they have to reconvene. Mr. Segerblom stated asking for 30 cabs per company is not inappropriate? Member Collins said he will not vote on the unknown.

DAG Sunga commented that Mr. Trafton had 2 proposals which interveners talked about his option #1 – Administrator has authority to put them out and Board does not have the authority to do that and option #2 – hold an emergency board meeting when strike is announces – that would not fly in the face of the law – the Board has to determine the number of medallions.

Member Hardy asked Segerblom to clarify his proposal. Mr. Segerblom said negotiations are going on, meeting takes a lot of leverage away; it is beyond discussions today, perhaps at a later date. Member Hardy feels the problem he feels is the strike is a tool for the drivers. Segerblom said it is part of the negotiations. Member Hardy commented that how ironic it is that it is the first time Frias agrees. It is not fair to think the Board is favoring one side because that wasn't their purpose.

A discussion followed between Cheryl Knapp, Chair Drobkin and Mr. Segerblom about negotiations, contracts, different Unions, deadlines, authorization of a strike; at this point, Atty. Tomlinson said that he objects to the discussion of any labor laws. Chair Drobkin commented that nothing further can be discussed because of Mr. Tomlinson's objection.

Chair Drobkin commented that it would not be possible to have a meeting immediately if there is a strike which is why she feels a plan has to be in put in place now. Mr. Segerblom argued that it takes away negotiating tools for the drivers.

Atty. Trafton responded to the many comments and questions – he agrees that with any delay of time when the riding public is not being served can be a problem. He stated that he agrees with the statutes that the Board can allocate medallions on the condition of a strike and to direct the Administrator after an assessment is made that he can do what he feels is necessary, but by statute has to be a specific number of medallions. He spoke about Atty. Tomlinson's commenting about speculation stating that it is the 2 largest companies that are involved and feels there needs to be a plan because it involves a significant number of cabs.

Discussion followed between the Board and the DAG with regard to the number of cabs, serving the riding public, the Administrator pulling any medallions not needed, how the Board is limited by statute with regard to lifting any certificate restrictions.

The Board, after much discussion, made a motion –



Motion: If a strike occurs, authorize 60 temporary medallions per company, unrestricted and authorize the Administrator to adjust the number down if he sees fit based on circumstances during the strike and to be in place until the next Board meeting.
Made by: Member Miller
Second by: Member Nolan and asked that it be monitored

More discussion followed – the Chair agreed with 60 medallions, Member Hardy thought 30 medallions would be better; Member Collins does not support the motion. Member Nolan stated that based on the DAG’s comments, a number is needed, but putting a quorum together would be difficult on short notice, but he supports the motion.

Administrator Harvey stated that with so many unknowns, a contingency plan should be put together based on the Board’s decision and deal with it if a strike occurs because prior to the strike there is not enough information.

DAG Sunga questioned if there is an allocation and a strike, when the medallions come off the road, at the end of the strike or the next board meeting.

Member Nolan asked to amend his motion stating if the Board is not able to convene and Member Hardy wanted the number of medallions to be amended to 30 as that is what the companies agreed to.

Vote: Motion with amendments passes unanimously.

NOTE: For further clarification, please see the Order for this item on the Taxicab Authority’s website.

6. Public Comment

Checker driver, whose name is unknown, commented that the companies cannot cover the allocation now, with the Board agreeing to put another 30 medallions on the road. He stated that it would really hurt the drivers. He said it shouldn’t only be the concern of the riding public, but the drivers as well.

Jay Nady stated that the DAG said 30 unrestricted medallions, does that include A Cab? DAG Sunga said no, temporary allocation allows them to be allocated temporarily equally among area per certificate, it’s the intent to serve the public and the board has the authority to do anything to protect the riding public. The Board, by statute, does not have the right to change restrictions. Mr. Nady asked who does. Atty. Rodriguez, attorney for A Cab, requested that be specified in the order whether it pertains to A Cab, subsection 4, “give them more authority”.

DAG Sunga stated that the CPCN cannot be modified per this order, subsection 4. It would have to be done through an action item pursuant to an application to modify a CPCN. A lot of discussion followed about this being a temporary allocation which A Cab can participate and Atty. Rodriguez wants it in the order.

Driver Tessema stated how ridiculous it is that the Board is making decisions for the drivers. He said if a company cannot use the medallions, give them to a company that can.

George Zigler, A NLV driver, he stated that no one agrees with anything and the Board states their concern is the riding public. He stated he make \$26,000 a year and has to work 12 hours a day for that. He thinks the hotels, airport and every else should sit and discuss the situation. He said the new terminal 3 is costing drivers \$1,000 a year.



7. Adjournment

Motion: To adjourn
By: Member Miller
Second by: Member Collins
Vote: Passed unanimously

Respectfully submitted by:

Barbara A. Webb, Recording Secretary Date

Approved by:

Ileana Drobkin, Chairman Date

Charles D. Harvey, Administrator Date

