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JOSEPH P. HARDY, JR., ESQ.  
DENNIS NOLAN  
DEAN COLLINS

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

November 27, 2012

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, November 27, 2012. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 8910. The meeting began at 9:35 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; Deputy Attorney General Scott Davis and Recording Secretary, Barbara A. Webb.

### 1. Call to Order.

Meeting was called to order at 9:35 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

Steve Lanett, Whittlesea driver, spoke about the last meeting and how impressed he was with the Board and their compassion for the driver who had appealed the hearing officer's decision to revoke his permit. He commented that he is a very big fan of this Board and the TA. He referred back to the last meeting when Steve Patterson of LVCVA spoke about the 2-hour cab line during a recent convention. Steve wanted to make it clear to the Board that people were not waiting 2 hours for a cab, that was how long it took to clear the cab line as people were being put in cabs during that time. When SEMA came, he said, extra medallions were given because of a misinterpretation of what was actually meant. When SEMA was due, flights were canceled because of Storm Sandy which was something that was not taken into consideration when an allocation was given.

Jay Nady – commented that Steve said all he wanted to say.

Kevin Wilson, Checker driver, told the Board that between Thanksgiving and Christmas is a very slow time. He said prior to coming to the meeting he had worked from 5 AM and only had 2 rides. He asked the Board to think about this being a slow time when talking about NFR because the corridor does not

need cabs and the total of estimated people is over a 10-day period. He said he finds it offensive that it was even put on the agenda and asked the Board not to allocate any more medallions.

## 5. Driver Appeal

Hector Linder, TA Permit # 29324, appeared before the Board to appeal the September 5, 2012 decision of the Hearing Officer in our Administrative Court as a result of citation issued on May 6, 2012 that he received for refusing to transport passengers. He feels that the hearing officer's decision was unfair because he did not refuse to transport the passengers. He said that he was 6<sup>th</sup> in the cab line when the 3 gentlemen approached him for a ride and he told them they had to go to the cab in the front of the line. He said that the cabdrivers in the other cabs refused them a ride because it was such a short ride and when he became the front cab he refused them and they called the authority and was made to take them. He explained that when he picked up his passengers at the Las Vegas Premium Outlets they asked to be taken to the Golden Nugget. He proceeded to go to by way of I15 because it was quicker than going down Las Vegas Boulevard. The passengers didn't like that and a verbal confrontation started as he got onto the interstate as they didn't understand why he did not go down the boulevard. One of the three passengers, according to the Mr. Linder, leaned over the front seat and was yelling at him and he told them that it was quicker to go by the interstate. They told him they wanted to get out of the cab while they were on the thruway and he said it was too dangerous and they insisted, per Mr. Linder. He said he did not call his supervisor to report the incident. He was called to the Golden Nugget where his supervisor and TA Investigator Hachikian were waiting for him. He said he asked to speak with the passengers and they would not let him. According to the Inv. Hachikian, the driver forced the passengers out of the cab on the thruway. He said he is not guilty of the charges and wants the Board to exonerate him from the charges.

Member Collins asked him why after they complained about him going the wrong way he continued. He said they were mad because no one would pick them up. He doesn't feel he refused a ride, security told him he had to take them. The investigator told him he did not complete the ride. When Member Collins questioned him about them complaining about the way he was going, he said he told them he knew where he was going. Member Collins said at no point did you tell them why you were taking I15 and he said he told them it was close to downtown and that's when the passenger leaned over the seat so he stopped the cab. Member Collins asked him why he stopped on the freeway and wasn't there an exit close by. He said it was  $\frac{3}{4}$  to a mile from where he was. Member Collins asked him why he didn't go to the exit and he said because the passenger was getting up and reaching forward so he stopped. Member Collins asked him that during his testimony he didn't mention that he felt threatened. Driver said he did use the word "threatened" and that was his mistake. There were no weapons, just their actions scared him.

Chair Drobkin asked him if when they got out of the cab, did he call his company to tell them and he said no, the company called him. They also never paid their fare. She asked him if he ever called the TA to tell them they were stranded on the freeway. He said no. She asked if he realized the threat to the tourist. He said yes, but didn't know what they would do because of the passenger reaching over the back of the seat. She asked him if he can see, from the tourist perspective, how they felt when he took the route he took and why they were frustrated. He said he had told them why he was taking that route and when they got out of the cab they were only about 100 yards from the exit. Member Miller asked him if they asked for his license. He said they reached over the seat and tried to get his permit. He said that when he arrived at the Golden Nugget, he asked the investigator to bring them out of the lobby to him and was refused and that the investigator believed them and not him. He claims he didn't tell them to get out, they asked to be dropped off on the freeway. He said he's disappointed because of the principle of it.

DAG Scott Davis, for the TA, stated that his story is completely different than what was told to the hearing officer. He stated that the individuals were not belligerent, the hearing officer heard both sides



of the evidence and that is how he made his decision. He stated that there is substantial evidence regarding the officer's findings and that the driver did not take them to the Golden Nugget, but the driver through them out of his cab onto the thruway which they all agreed was a dangerous situation. The DAG stated that when the driver does this, he is in violation of the NRS 706.8847(1) and 706.8845(12) and that the hearing officer's decision was not unreasonable, unlawful, erroneous or not in conformity with the law. The DAG said that the hearing officer reduced the fine and felt there was sufficient evidence presented to him.

Member Miller asked why there was only one witness statement made and the DAG did not know why.

Mr. Linder stated that the incident report does not say he told them to get out. They didn't want to stay in his cab even after he told them how dangerous it would be to let them out on the thruway. He thinks he is innocent of the infraction. He didn't complete the ride, but he did not refuse the ride.

Member Hardy commented that the ride was from the Las Vegas Premium Outlet to the Golden Nugget and doesn't understand why the thruway was taken especially with all the long hauling issues. He said this is a similar situation where the driver could have taken the direct route; he did not report the incident immediately, so he motions to affirm the hearing officer's decision.

Motion: Affirm Hearing Officer's decision  
By: Member Hardy  
Seconded: Chair Drobkin  
Vote: Passed unanimously

- \*6. Approval of the October 23<sup>rd</sup>, 2012 Board Meeting Minutes and the October 31<sup>st</sup>, 2012 Emergency Board Meeting Minutes.

Motion: Approve October 23<sup>rd</sup> 2012 Board Meeting Minutes and the October 31<sup>st</sup>, 2012 Emergency Board Meeting Minutes  
By: Member Miller  
Seconded: Member Collins  
Vote: Passed unanimously

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

Chair Drobkin congratulated him and the LVCVA for receiving the Gold Standard Award.

Mr. Patterson thanked the Chair and explained what it was. He said is an award for outstanding service among all convention centers. He went on to say that service for SEMA was good with a 1-1/2 hour wait time and that there were no complaints. He said everyone was also happy from AAPEX with the service. He complimented YCS and Frias for always having their supervisor on sight which, he said, makes a big difference. He talked about NFR and Cowboy Christmas coming to the north hall with 130,000 expected. He stated that "Fanfest" was added this year which is a good time for kids.

He explained that this was probably his last meeting as he has taken a promotion and that Ray Suppe; Director of Security will represent him until someone takes his position. He thanked everyone. The Chair thanked him and told him he would be missed.

Member Miller asked him his perception of the 1-1/2 hour wait time and Steve said that is not a long wait and that it is sufficient service. He stated that they count each cab coming in and will share that data. He said that the airport has AVI that gives them more information. He said at peak time there is average service; asked if it was better than last year and he said yes. The Chair asked if they used limos and he said they did the first night because cabs were not available.



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

Mr. Waters did not attend.

9. Discussion with Jeff Zamaria, Director of Events, regarding recent taxicab service.

Mr. Zamaria stated that AAPEX was at the Sands Expo and that was an increase in service. He stated that YCS was on property and the wait time was only 20 minutes. He said that NFR Cowboy Christmas will be at the Sands. He stated that construction is continuing and will bring a report to the next board meeting. He talked about his own experience riding a cab and how he was not long hauled, was taken according to the directions he gave the driver and that it was a very pleasant trip with pleasant conversation. It wasn't until when he arrived at his destination did he tell the driver who he was. He wanted to congratulate the driver for the pleasant experience.

- \*10. 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)

This item was continued until the January meeting.

- \*11. Discussion and Possible Decision regarding Fuel Prices and the Fuel Surcharge which has been requested by Frias Transportation Management. (for possible action)

It was agreed to continue monitoring and put it on the January agenda.

- \*12. Discussion and Possible Decision regarding the possible issue of a temporary allocation of medallions for The National Finals Rodeo scheduled for Thursday, December 6<sup>th</sup>, 2012 through Friday, December 15<sup>th</sup>, 2012 at the Thomas and Mack Center starting at 6:45 PM each day and the 2012 NFR Cowboy Christmas Gift Show at LVCVA, running simultaneously with NFR. (for possible action)

Kelly Kuzik stated that no additional temporary medallions were issued in 2011 and stated that data doesn't warrant an allocation this year.

Kenny Sasaki, Event Manager for Thomas & Mack, Sam Boyd Stadium and Cox Pavilion made a presentation with a sky view picture of the Thomas & Mack and explained where cabs are to enter and leave the Center, where parking is available. He stated that it would make the flow of traffic better if the company supervisors were on property as it would make for quicker and safer ingress and egress. He stated that they allow 6 cabs at a time to load. Member Miller asked about staging areas across the street and Mr. Sasaki said that belongs to the airport and that the south lot has general parking. He said there is no room for staging.

Interveners were Nellis Cab Company, Whittlesea Blue/Henderson Taxi, Yellow/Checker/Star Cab Companies, Ace Cab, Inc., Union Cab Co., A NV Cab Co., Vegas-Western Cab, Inc., and Virgin Valley Cab Company, Inc., A Cab, LLC and ITPEU.

The Chair granted them intervener status.

All interveners agreed on no allocation at this time. Cheryl Knapp, Whittlesea Blue/Henderson Taxi, supports staff and stated that cabs cannot stage at Thomas & Mack. Desiree Dante, Lucky Cab, agrees with YCS, Frias, A Cab and ITPEU and staff.



Motion: No allocation needed for NFR and Cowboy Christmas  
By: Member Miller  
Seconded: Member Hardy  
Vote: Passed unanimously.

13. Public Comment.

Chief Aquino was asked why the TA officers cannot control and direct traffic and he stated that it is not the jurisdiction of the TA. He said he would speak with whoever is in charge. An unidentified driver asked for his help and he said he would speak to LVCVA.

Steve Lanett stated that a driver has to be creative to maneuver in and out of the T & M.

Jay Nady stated that recently during an event there, traffic was backed up from the exit and south on Paradise to Flamingo to the freeway at 6 PM every day.

The Chair deferred to the Chief who said he would take suggestions and speak with Metro.

14. Staff Report

Administrator's Report - *It has been a busy month for the Taxicab Authority.*

**New Director** - A new director was appointed in the Department of Business & Industry on November 12, 2012. Bruce Breslow is the new director. The previous director, Terry Johnson was appointed to the Nevada Gaming Control Board. I will be sitting down with the new director in December to provide a briefing on the Taxicab Authority.

**Bill Draft Request** - The Nevada Legislature will begin on February 4, 2013. We have identified 10 bills that have been reported for the upcoming session, and may impact this Agency. We are reaching out to the bill sponsors to get copies of the language for these bills, which I hope to have for our next meeting.

- 4 – bills that affect Peace Officers
- 3 - bills that revise provisions governing taxicabs
- 1 – bill that would authorize this Board to place geo restrictions on temporary allocations.
- 2 – bills that revise provisions governing motor carriers.

**Enforcement Activities** - On October 30, 2012, the Taxicab Authority initiated a Uniformed Bicycle Patrol pilot project. To determine the effectiveness of the bike patrol, this pilot program was launched during the recent SEMA Convention, at the Las Vegas Convention and Visitors Authority.

Essentially, this will provide the Taxicab Authority with greater access to areas that our patrol vehicles have trouble maneuvering due to high crowds, such as strip and downtown properties. This will not only broaden our patrol abilities, but is less obtrusive, and more low-key, than a patrol car. We anticipate that this low-profile, cost effective, patrol element, will also be a useful tool, for special events and conventions, and enable us to better serve the taxi riding public. The Clark County School District Police has partnered with us to provider loaner equipment and training.

To be eligible for this unit, Investigators complete an intensive 40-hour approved law enforcement bicycle certification course. During this training the Investigator is taught advanced riding skills, defensive and offensive riding strategies and general bike maintenance. The TA currently has five Investigators that possess these qualifications.



*Our efforts during the SEMA Convention were applauded by LVCVA Management, and acknowledged by taxi drivers and passengers.*

**Training Academy** - Earlier this year, Chief Aquino approached me with a proposal to develop a training academy. His idea was to provide new investigators with an in-depth orientation on the Taxicab Authority, and the taxicab industry. He also wanted to provide specialty training and instruction on methods best suited for the industry that they would help regulate.

*We set goals to develop an-in house training academy in a 4 month period and commenced planning - - and on November 16<sup>th</sup>, six new investigators graduated from the 1<sup>st</sup> Taxicab Authority – Specifics Academy.*

*The Taxicab Authority Specifics Academy, provided these Investigators, with 2 weeks, of classroom and field training, specific to the taxicab industry. All future new hires will go through the TA Specifics Academy to receive an orientation, and training on the “Taxicab Authority” way of doing business.*

*I want to thank Chairman Drobkin for representing the Board at the graduation ceremony. I also want to acknowledge those who served as trainers and assisted in the success of our inaugural Academy class. This goal became a reality thanks to their hard work and dedication. Please join me in thanking these individuals.*

**Public Relations** - The Taxicab Authority has undertaken several initiatives to give back to the community. The Taxicab Authority has partnered up with the Clark County School District Police Department on their Back to School Safety Fairs. During these safety fairs, families around Clark County are given access to important information and this partnership has given our agency an opportunity to connect back to the community. We created a video of our involvement in one of the recent safety fairs, and I would like to show that video to you at this time.

*The Taxicab Authority -- Giving Back to Our Community video was played for the Board.*

Stats for October, 2012 – Kelly Kuzik made his presentation talking about the October stats which are posted on our website. He stated that he had gotten information from Kenny Sasaki regarding the marathon and had posted that on the TA website as well. He commented on the expected blown shifts this time of year which are expected due to the holidays and drivers having time off and that this is not a concern at all.

## 15. Report of Legal Counsel

DAG Ryan Sunga stated that the Déjà vu case will be going in front of the judge on November 28<sup>th</sup> and a continuance is pending. Regarding Handicab – he doesn't have any dates on this.

Chair Drobkin commented how proud she was of the agency and how far the agency has come during the past 2 years with the new Administrator and new Chief.

Member Collins stated that it was a nice transformation in the law enforcement side with the 3 promotions of investigators. He commented also how instrumental Administrator Harvey, Chief Aquino and Chair Drobkin have been in raising the standards. He complimented the investigators, especially Chief Aquino, in their service.

## 16. Adjournment.

Meeting was adjourned at 10:50 A.M.



Respectfully submitted by:

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Barbara A. Webb, Recording Secretary                      Date

Approved by:

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Ileana Drobkin, Chairman                      Date

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Charles D. Harvey, Administrator                      Date

