



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
**TAXICAB AUTHORITY**

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

**November 15, 2013**

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Friday, November 15, 2013. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 9:35 A.M.

Present were: Chairman Ileana Drobkin, Member Josh Miller, Member Joseph 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.

Chair Ileana Drobkin - This is Friday, November 15th at approximately 9:35 AM.

2. Pledge of Allegiance to the Flag.

Pledge of Allegiance to the Flag was led by Member Dennis Nolan.

3. Compliance with Open Meeting Law.

Administrator Charles Harvey stated that they were in compliance with the Open Meeting Law.

4. Public Comment - Chair Drobkin please come up. Yes, sir.

Clarence Coakley, President, Academic Coaching Services. Thank you. Good morning. My name is Clarence Coakley. I'm here on behalf of the International CES show and its ground transportation management team, RPS. I have lived and worked here in Las Vegas for the last 30 years and it's an honor to speak with you this morning. As mentioned in a letter presented to your October meeting, the International CES show expects to draw more than 150,000 participants to the city of Las Vegas during the week of January 6. In past years, the Authority has authorized additional medallions for use during the week of CES. And we strongly urge you to allocate these temporary medallions for the 2014 event. During the 2013 convention the wait time for taxis at the Las Vegas Convention Center often exceeded 35 minutes during peak times. And even with the extra medallions that were allocated, participants stood in line with hundreds of others waiting for taxicab service. The Las Vegas community and the Las Vegas Convention and Visitors Authority have always worked diligently to make Las Vegas the number one convention destination in the world. Worldwide people are using technology to make the world's transportation infrastructure more efficient, cost effective and user friendly. Whether these concepts involve manual rideshare programs or other technology friendly measures that make creative use of existing taxi fleets, we hope that you will use your platform to stimulate a culture of innovation within the transportation infrastructure here in Las Vegas.



Throughout the coming years as people bring before you new transportation concepts, we encourage the Authority to give these ideas great consideration. I'm here today to urge you to assist us with providing CES Convention attendees from across the world a positive transportation experience this January and beyond. We believe that the addition of medallions this upcoming year and continued transportation innovation in the future will enable us to help Las Vegas maintain the distinction of being the meeting and convention capitol of the world. Thank you.

Chair Drobkin: Thank you so much. Anyone else like to come up and speak? Okay. Thank you.

Public comment is closed.

5. Approval of the February 26, 2013 Board Meeting Minutes.

Chair Drobkin: Do I have a motion?

Motion:	Approve the February 26 <sup>th</sup> , 2013 Board Meeting Minutes
By:	Member Nolan
Seconded:	Member Hardy
Vote:	Passed unanimously

6. Discussion with Maria Soto, Traffic Manager for LVCVA regarding recent taxicab service.

The last two main events that we had at the convention center consisted of ABC Kids - October 15th through the 18th. We did see some long lines for cabs at show close, but with the assistance of the field supervisors from Yellow/Checker/Star and Frias, the wait times were kept to a minimum, and we didn't have any complaints.

As for SEMA, we saw many challenges this year with SEMA. We had cabs up until about 4:00 p.m. Once the show closed, we had upwards of 400 people in line at the north hall and 200 people in line at the south hall, with no cabs at all on the property. The wait times were 30 to 40 minutes, sometimes a little bit longer. Once again Yellow/Checker/Star and Frias had their field supervisors out, but it was slow going. We did issue over 300 monorail passes during two days of the event just to move the people off the property. Friday, with the traffic congestion due to the SEMA cruise and limited access to our property, I moved the cab stand out to Sierra Vista in hopes of encouraging taxis to come. We fast blasted all the cab companies, made several phone calls, met with the field supervisors from Yellow/Checker/Star and Frias to determine the best location for it. And thanks to Joel and Art and Officer Kelly and his crew from the Taxi Authority, we were able to get cabs to come to that location successfully and move the people out that needed to get off the property before the cruise was over. We had a few issues with some refusals, but Officer Kelly was quick to respond with those and assist us with getting those cabs to take our customers to their destination. We'd like to thank Yellow/Checker/Star and Frias for making their supervisors available to us on a consistent basis, without them it would be slow going for getting cabs there for these big events.

With that being said, we are very concerned with the service for CES. Upcoming events that we have -- and I have brought the list of events with me for anyone that wishes to take one, and we have emailed them out as well. Rock and Roll Marathon is this Sunday, 50,000 people. There are several road closures for the area. I've brought a list of all the road closures, and I also emailed those out to all the cab companies so that they can share that with their drivers. We have the INTERCLEAN/ISSA coming up the 19th through the 21st with 18,000 people; and Live Design International will be here November 22nd through the 24th with 15,000; and then Motor Trend comes to our south halls; followed by the





Joyous Cowboy Christmas for 10 days the 5th of December through the 14th. Cashman from 11/23 to the 24th, we do have a 5,000 person event down there with SnowJam. So we have, like I said, sent all this information out to the cab companies so that they're aware we're going to need cab service down there.

Our texting program that we've started, I did get a response from Whittlesea, Yellow/Checker/Star, and Frias providing me with phone numbers to add to our texting update program letting them know events are coming, the show dates, if a late event pops up so they know that we will have attendees coming out late, and updating them with the lines. If we have a long line, we'll be able to text blast that out to the phone numbers of the people that they've provided. I still haven't received a response from several of the other companies, but we'll continue to reach out to them. And this program will be in effect by probably Christmas, so we'll be sending out those text updates out to them. And we are still planning on a field supervisors meeting for the cab companies and a cab driver meeting. By the middle of the December we'll have both of those open forum meetings for them at the convention center in the hopes of cultivating and creating a better working relationship with the cab drivers and the field supervisors.

Chair Drobkin: That sounds great. Did you hear anything, because I actually did; that part of why there was an issue with SEMA was the road closures on Las Vegas Boulevard that was down to one lane...

Marie Soto: Right. Chair Drobkin:...so the drivers were actually having a really difficult time navigating, you know, back and forth. Marie Soto: Right. In the morning time I know that they were doing tree trimming and painting down there. Chair Drobkin: Well, they have it all blocked off. They're remodeling several hotels like The Quad...and then that's what... Marie Soto: ...and then Flamingo, too.

Chair Drobkin: I will say that this Board will try, we will attempt for CES, to see what we can do to either have those lanes opened, but we really do have to deal with that infrastructure. Marie Soto agreed.

Chair Drobkin: It's not a matter of us -- of the cabs, they have to be able to get back and forth and with ingress/egress, and move around the city easily. And so we will attempt to work on that, okay, for CES, so... Marie Soto stated that she did get a call from the county, as well, and spoke with the gentleman down there. The Chair stated, well, we're going to reach out to NDOT and we're going to try to elicit some of your folks, as well, to see if we can deal with that to make it easier, so I hope that reassures... Marie Soto said that they would really appreciate it. That's all I have. Thank you. Chair Drobkin: Thank you.

7. Discussion with Chris Anderson, Transportation Manager, McCarran International Airport. Not Present -- the Chair stated we have to do something to get them back in the fold.
8. Discussion with Larry Montoya, Security Manager, Sands Expo, regarding recent taxicab service.

Good morning. How are you all doing this morning? I wanted to thank everybody that went to the forum that we had the Venetian with all the cab people and the people that came from the Board. I think that was a good thing going and we'll get answers from that in a couple of days, hopefully. All I have to do is give praises to all the cab owners right now. The service that we have has been really good and then I would congratulate all the supervisors, because we've been in touch with them. Instead of me bringing stuff, I'm doing the email. I email my resumes. They're getting all the resumes, and service has been good. Of course, during SEMA we had the same issues, cabs weren't there, but it was just traffic dead stopped in front of our building, so we know that and we're trying to work on things to try and fix that. So otherwise I just have to say congratulations to all the cab companies. They've done a good job for us. And I understand that traffic stops sometimes and you can't get them in, and they're working with me and I'm working with them. Chair Drobkin ask if with his communications, can he clear up the taxicab (inaudible) as well? I can. What I'll do is I'll start emailing that to all of you also, so that everybody gets





that. Chair Drobkin said wonderful. Okay. That way we're all on the same page with everything going on. Anyone else have anything to -- no. Okay. Thank you, sir.

9. A-Cab application for Modification of Certificate of Public Convenience and Necessity. Discussion and possible decision regarding A-Cab's application for Declaratory Order.

Chair Drobkin: I'm going to ask Deputy AG Sunga to please explain the declaratory order process for the record and for the Board.

DAG Ryan Sunga: Sure. The declaratory order process is set forth in NAC 706.980 to 986, I believe. And what it does is it sets forth a two-step process. There is actually -- on a request for a declaratory order, like Mr. Nady's today, there's actually two votes that are needed. One vote today to either grant or deny his request to issue a declaratory order, and that's just a vote simply to say yes or no we're either going to issue you a declaratory order or not. That's today's vote. And then the second step of the process is to get all of the comments from today to the administrator, and he's got 30 days from that point to get a draft order to the Board. And the Board's got 60 total days to get the declaratory order out to Mr. Nady. And so the second vote would then be to approve or disapprove of or make changes to the draft order that the administrator gets back to you. And that has to happen within 60 days, so I would assume at the January meeting would probably be the time frame for that, if there's no December meeting, and I don't know whether there is or not at this point.

Chair Drobkin: Probably not, no. DAG Sunga stated, so anyway, today's business is just to either grant or deny the request to issue one. Chair Drobkin - And to be clear, a declaratory order is also an advisory opinion, correct? DAG Sunga - The terms could be used interchange... Chair Drobkin - Okay. DAG Sunga - ...it says declaratory order or advisory opinion. Chair Drobkin - Okay. DAG Sunga - So it's just a semantic.

Chair Drobkin: At this time I'd like to make a motion that this Board grant the application, so we can get that out of the way, so we can generate discussion.

Motion: Board grant the application

By: Member Nolan

Seconded: Member Collins

Chair Drobkin asked if there was any discussion on the motion? No. Okay. All in favor?

Vote: Passed unanimously

Esther Rodriguez, Attorney for A Cab, LLC. You took half my presentation away, so...

Chair Drobkin: Oh, I'm sorry.

Atty. Rodriguez: That's okay. Thank you. But I would like to provide the Board with the copies of the statutes that I'll be referencing today. And, I'm sorry, my name is Esther Rodriguez. I'm the attorney for A Cab, for the record.

Chair Drobkin: More information the better. Thank you.

Atty. Rodriguez: I'll try to skip through the first part. The first page -- because I was actually going to address what's already been addressed by the Board, which was that we were asking for declaratory order on an issue that we believe is very important to the hearing which is scheduled to go forward in February of next year. I believe we're scheduled February 4, 2014.





A Cab filed a request for a modification of its CPCN earlier this year, and pursuant to that scheduling order, we've been engaged in discovery and we're ready to go forward in February. But we believe that it's important to have some clear guidance in terms of what statute is going to apply in evaluating a certificate for modification. And as Mr. Sunga just indicated, on the first page of the packet I just gave you is the NAC code, which talks about what we're asking for which is the declaratory order and then what you just went through in terms of the procedure that the administrator will issue a draft for your approval. This stems from a difference of opinion between A Cab and the intervenors in this in terms of what statutes we believe are the proper statutes versus the intervenors. And I've included copies of those because they get a little bit complicated in terms of referring to them back and forth, but the ones that we believe are appropriate are on Page 2 of my packet, which is the NRS 706.391. That's the Revised Statute provision. And then Page 3 is the Administrative Code provision which is 706.1375. These statutes are clear on their face that they are the standards for evaluating a certificate -- excuse me, an application for modification. The intervenors are advocating that 706.8827, which is on Page 5 of my packet, is the appropriate statute. And that's actually what you'll hear arguments about this morning as to why we believe the first two are the proper ones, and they believe that the other one is the appropriate statute.

Briefly as to why A Cab asserts that our first two are the ones that should apply and are the proper provisions, as I mentioned, as you see in the statutes before you, and that's why I felt it was important to have the wording in front of you, they clearly state on their face that they should be utilized when evaluating modifications to a CPCN. This is what A Cab is seeking is a modification and not a brand new CPCN. A Cab has been operating with this standing, with its CPCN since May of 2001. And while the intervenors are asserting that A Cab's request must be treated with the same scrutiny as a brand new company requesting a licensing, and this simply is not the case. The Administrative Code and the Revised Statutes contain provisions for the Board's guidance assessing both new applications for a taxicab license as well as for a modification for an existing CPCN. When a statute is clear on its face, it must be read as such. And this is known in Nevada as the Plain Meaning Rule, and we believe that these two statutes that I've given you on Page 2 and 3, are clear and unambiguous on their face and that they are the proper ones for modification. And while these statutes fall within the general section governing all motor carriers, motor carriers includes taxicabs. And I've included that in my brief with specific provisions as to taxicabs falling within Chapter 706. A motor carrier is specifically defined as any person or operator who is supervised, controlled or regulate pursuant to Chapter 706 of the NRS. Taxicabs fall squarely within this definition, and the regulation of taxicabs are squarely within Chapter 706 and should be considered as such. Following these general provisions of the Administrative Code and the Revised Statutes, it's true that there are more specific ones that govern taxicab authorities -- excuse me, taxicabs, and then there are even more specific ones that govern taxicabs within Clark County. So when there's a specific statute, that prevails. But when there is no specific statute, the general statute prevails. And 8827, which the intervenors want to rely upon, nowhere in that statute does it say anything about modifications, and there's no indication that that was the purpose of this statute, that that was ever the intent of this statute 8827 to talk about modifications. It would be without any basis to apply this statute to an application for modification when there's nothing in the statute to indicate that it was written for this purpose. We believe the language of 706.391 and NAC 706.1375 are clear and unambiguous and that they were written for the purpose of establishing the requirements for modification. And finally I want to refer you to Page 6 of my packet,





because this is a very important, NRS provision that does fall squarely within the taxicab regulations. It's NRS 706.8818. And if you look at paragraph 6, which I've bolded, it basically says when there is no inconsistency within the Taxicab Authority regulations, then it defaults back to the NTA regulations, which is basically the same common logic that I mentioned earlier, that is if there's no specific statute, you fall back on the general statutes. And specifically in the TA regulations, it says when there's not a specific TA regulation, you fall back to the NTA regulations, and that's basically what this Board always does. Frias was the only one that filed an opposition to this, and the other intervenors filed joinders, but didn't really add anything substantively. But the gist of Frias' argument is that the Taxicab Authority should be limited to only the provisions within the Taxicab Authority section within 706. And this simply hasn't been the case in what you've done in the past. When there's nothing specific within there, this provision specifically says that you must also be enforcing the NTA regulations. Taxicabs are about modifications are the two statutes that I've cited to you. Again, when there's no specific regulation, the general precedence, and in this case there is no specific, so we do believe that those general provisions within 706 should be applicable in the February hearing. And we appreciate you granting this motion for declaratory order because it is an important issue to lay out the standard for what's going to be applied in February. Thank you.

Jay Nady, owner of A Cab: It's only if you don't think that 391 on Page 2 is an applicable law (inaudible).

Member Hardy: I've got a question for you, I guess. Looking at 391, it refers to a, what I would call a defined term, Subsection 1 of "The Authority," Authority being capitalized. Is that defined somewhere in the statutes?

Atty. Rodriguez: The word Authority? The term Authority?

Member Hardy: Yeah, if you look at Subsection 1, you see "The Authority," there, and Authority is capitalized.

Atty. Rodriguez: I know what you're asking. Unfortunately, I did not bring the statutes with me, but I believe that Authority is defined twice, once as the NTA and once as the Taxicab Authority. So it's loosely used within 706. Within the taxicab regulations, Authority is utilized to refer to the Taxicab Authority. But I believe it's also utilized to refer to the NTA, so it's rather vague. Is there anything further I can answer?

DAG Sunga: I've got the statute, Member Hardy. NRS 706.018 defines the Authority as the Nevada Transportation Authority created pursuant to NRS 706.1511. And then fast forward to the Taxicab Authority's statute. There isn't a definition under the Taxicab Authority statute.

Atty. Rodriguez: But if I may add to that, if you look at 706.8827, the ones that the intervenors are arguing for, if you look at paragraph 4, it says, "The applicant must submit an application fee of \$200, which must not be refunded." And the next sentence talks about the Authority, "billed to the applicant by the Authority." And so that's one of the examples, but throughout the Taxicab Authority, they also refer to TA as the Authority.





Chair Drobkin - Anybody have any -- are you done, Member Hardy? Do you have any other...

Member Hardy - I may later, but for now...

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

Chair Drobkin: Okay. Okay. Thank you. I'll allow interventions at this time.

Jamie Pino, Nellis Cab: We don't have anything to say.

Brent Carson, attorney for Desert Cab. Good morning members of the Board. I'm going to go ahead and let Mr. Tomlinson take the lead on this...since he filed the opposition when we filed joinders (inaudible).

Attorney Neal Tomlinson: Good morning, Madam Chair, members of the Board. Neal Tomlinson on behalf of the five Frias Transportation-managed taxicab companies. In our opinion this is really straightforward. The Taxicab Authority, at this point, has a very limited jurisdiction of statutes that it can operate under, and those were defined by the legislature. And as we cited in our opposition, as a creation of the legislature you can only do what the legislature allows you to do. All of the charges and statutes that define the Taxicab Authority and its power and duties all relate to a certain defined set, and that set is limited to 706.881 and 706.885. The statutes all speak to that. I want to go first real quickly to Member Hardy's question, because it was an excellent question. The Authority is definitely defined only as the Nevada Transportation Authority. AG Sunga was correct in citing NRS 706.018 and that defines the Authority as the Nevada Transportation Authority. If you look at the section of NRS 706 that speaks to the duties of the Taxicab Authority, in every place that I've seen it says Taxicab Authority. It doesn't say Authority. Specifically, if you look at NRS 706.8827, which we are extremely positive applies to this case, it mentions Taxicab Authority, Taxicab Authority, Taxi Authority, and that's what it says. I want to direct you to the very first provision that governs the Taxicab Authority, and it is NRS 706.881. The heading of this portion of NRS 706 says, "Regulations for Operation of Taxicabs in Certain Counties." 706.881 says, and I'll just read it, "The provisions of NRS 706.8811 to 706.885, inclusive, apply to any county: (a), whose population is 700,000 or more;" and it goes on. That is you. There's only one Taxicab Authority in the state that falls under this criteria, and that is this body here. Clark County is the only population county that is over 700,000. That's why we only have one Taxicab Authority in the state. If Washoe County, for instance, were to exceed that 700,000, they could also create their own Taxicab Authority. But to date their population doesn't meet that threshold and that's why we only have one Taxicab Authority in the state, and that jurisdiction is limited to the county which you sit in, which is Clark County. If looking at the statutes are not enough, I think you can look at the certificate that was actually granted to A Cab back in 2001. Their certificate was granted pursuant to NRS 706.8827. That is the charging statute that you can issue certificates under, and that was the exact provision that was cited in their actual certificate that's on file with





the Authority. I only have an electronic copy of it with me today, but their certificate -- and I'll just read the provision. It says, "Has met the requirements of Nevada Revised Statute 706.8827 and related provisions of the Nevada Administrative Code." That was the issuance of the certificate. 706.3981 is not within the framework of the statutes that this Authority operates under. Therefore, you cannot take any action under 3981. And because of that their application is infirm, because it's filed under the wrong statute. With respect to their claim that they can't file for a modification, that's absolutely incorrect. NRS 706.8827, Subsection 5, speaks to terms and conditions on certificates. And it says, "The Taxicab Authority may attach to the exercise of the rights granted by the certificate any terms and conditions which in its judgment the public interest may require." In 2001, when the certificate was issued to A Cab, they placed the terms and conditions on their certificate that they could only operate west of I-15. They defined a certain territory that they could operate in, and that territory restricted them to west of I-15. That's a term and condition. Therefore, if they want to change that term and condition of their certificate, they go under the same statute. That term and condition was created under NRS 706.8827, Subsection 5, and if it's to be changed, it also must be changed under that same Authority that it was issued under. Just one last point with respect to -- well, actually two points. Going back to NRS 706.881, which is the very first provision that defines that Taxicab Authority's jurisdiction. Subsection 3 of that statute says, "Within any such county," and such county means 700,000 or more, which means Clark County, "the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply." So there's a specific charging statute right at the beginning of the Taxicab Authority statutes that say that the statutes governing the NTA do not apply here. You have your own set of statutes. The provision that Ms. Rodriguez referenced, NRS 706.8818, Subsection 6, says, "Except to the extent of any inconsistency with the provisions of 706.881 to 885," (inaudible) there is no inconsistency. But then it says, "inclusive, every regulation and order." We are not speaking about regulations and orders here. We're talking about statutes. Statutes are created by the legislature and you operate under those specific statutes and nothing more. You cannot because you don't have the jurisdiction. Therefore, that section does not apply at all here. What applies is 8827 and all the statutes that fall under your jurisdiction, which are 706.881 to 706.885. That is all I have to say on the matter. I think it's very clear that you have no jurisdiction to operate under 3981. Because of that, I don't believe you can take any action on their application. If they want to file an application that is under your jurisdiction, they may certainly do that, but to do that they would have to file under the right statute, and that would be NRS 706.8827. I'd be happy to answer any questions that the Board may have.

Member Hardy: I have some questions if nobody else does.

Chair Drobkin: Please.

Member Hardy: Have certificates been modified before in the past?

Atty. Tomlinson: I believe that they have.

Member Hardy: Do you know under what statutes?





Atty. Tomlinson: I don't know. I've been doing this for about nine years and within that nine years I don't remember any instance of a the modification. I mean, if they did occur before that, I was not part of those. I don't have any knowledge of those.

Member Hardy: Questioned him about Virgin Valley's certificate.

Atty. Tomlinson: I would assume that, and many others, and I would think that those records would be at the Taxicab Authority, but I don't know. It would've predated my involvement with the Taxicab Authority, which began in 2004.

Chair Drobkin: A Cab's initial certificate said after five years they can come before the Board and request a modification. I don't know the exact verbiage. Is that correct?

Atty. Tomlinson: That is correct.

Chair Drobkin: That's my recollection. Okay. Thank you.

Atty. Tomlinson: Yes. But I would submit that in doing so they have to do it under a statute that you have jurisdiction over.

Chair Drobkin: Right. No, understood. I wanted to see if we can expand on the questioning.

Member Hardy: Somebody with more prior knowledge has a comment, I think.

Chair Drobkin: Can you identify yourself for the record?

Bill Shranko, Chief Operating Officer of Yellow/Checker/Star. Most of the certificates were modified for the distance that they had to cover when they went countywide. And that was done specifically within the framework of the Taxicab Authority's jurisdiction.

Member Hardy: ...doesn't really see any harm regarding what statute they are under. He asked for some input.

Mark Trafton, Vice President, General Counsel of Whittlesea Bell Companies. It's my understanding, consistent with what Mr. Shranko said, that in all of the changes in the past two certificates, they've all been done pursuant to 706.8827.

Chair Drobkin: Okay. Counsel wants to know, was Henderson ever changed?

Cheryl Knapp, General Manager, Whittlesea Blue/Henderson Taxi: Going back several years there were -- Desert Cab was a countywide certificate. Most all of the other companies had various restrictions, most of which were landmark areas that are no longer in the area of Las Vegas. Things were referenced such as the main post office on Industrial. The certificate language is very archaic. It was almost impossible for the Authority's regulators to understand who can actually pick up and drop off where. Those certificates were filed for modification under 8827 and there was no opposition. And as the attorneys can tell you of the statutes, if there's no opposition, then the Board has the ability to go ahead and grant those without a full





hearing. Other modifications have been done to certificates for Lucky Cab, Virgin Valley Cab. Those were also filed and modified under 8827.

Chair Drobkin - Okay. Thank you. Any other...

Member Hardy: I guess this is kind of, to me anyway, analogous to, like a motion to dismiss a complaint, for example. When you get a complaint it may not be technically accurate so typically, what the judge will do is say, okay, plaintiff go amend your complaint and include this or that or the other. So hypothetically, if we were to say that we're already proceeding forward under the application right now. And I don't really say what changing the statute that they're proceeding under -- I don't see any harm in doing that to Frias or the other taxicab companies. But if you have any input on that, I'd like to hear it.

Attorney Tomlinson: Yeah, absolutely, Member Hardy. We would have strong issues with that. We would be prejudice because their application is focused on two sections, NRS 706.391 and NAC 706.1375. And their entire application goes through attempting to prove all the factors that are listed in those two provisions. Nowhere in their application do they mention 8827 or attempt to satisfy the requirements under 8827. The discovery in this case is closed. The deposition of the applicant's been taken, and it was taken under the application that was on file. And that application on file is completely under two provisions that are outside the jurisdiction that this Taxicab Authority operates under. And because of that, I think it would be highly inappropriate to allow any amendment. And, in fact, I would move at this time morally to dismiss it because of the lack of jurisdiction that this Authority has over those provisions.

Chair Drobkin: This is a partial issue because moving forward it also lowers the burden of proof for a carrier. Is that part of the issue?

Attorney Tomlinson: Well, my feeling is that they filed under those provisions because they felt they were less burdensome, that's my personal opinion. The applicants can speak to that, but 8827 is very clear as far as what has to be shown. And if they can show it under those other provisions, they certainly should be welcome to try to prove it under the correct provision. But it requires a proper application. You can't come in and try to prove up a case under a statute that the Board has no jurisdiction over, and then the 11th hour say, "Well, we're going to amend it under the proper statute." That's prejudicial to all parties involved. And I don't believe that that should be allowable. They should be able, of course, to refile an application under the correct statute, and that would be up to them to do that.

Chair Drobkin: Are there other intervenors that want to come forward at this time? Okay. Well, I didn't mean to cut you off. I would like Deputy AG Sunga to read something in that might help the Board clarify a little bit. Can you do that now, please?

DAG Sunga: Mr. Tomlinson already did, but I can...

Chair Drobkin: Can you do that for the Board though...

DAG Sunga: Sure.





Chair Drobkin: ...reiterate this part?

DAG Sunga: The 881?

Chair Drobkin: Yeah.

DAG Sunga: Okay. This is NRS 706.881, Subpart 1, says, "The provisions of NRS 706.8811 to 706.885, inclusive, apply to any county whose population is 700,000 or more." That's Subpart A. Subpart B is, "For whom regulation by the Taxicab Authority is not required, if the Board of County Commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority." Subpart 2 says, "Upon receipt of a certified copy of such ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, within that county." And I think this is what you're getting at here...

Chair Drobkin: Yes.

DAG Sunga: ...Madam Chair, it's Subpart 3 that says, "With any such county," that's a county with more than 700,000 people, "the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply."

Chair Drobkin: And that is, I would think, the most pertinent part of that statute, right? That we don't -- we may not have the authority to consider the NTA's...

DAG Sunga: Yeah, it expressly says that the Nevada Transportation Authority's portion of 706 would not apply in counties over 700,000 people, and that would be Clark County.

Chair Drobkin: So does that help clarify?

Member Nolan: Was there any instance where the Board operates under 881?

Member Collins: Okay. And I understand what legal counsel had just read. I know that it is a dispute in the question of the law. Sometimes statutes are -- this seems very conflicting or not consistent, and so I'm just wondering, as a matter of record, is there any instance now or in the past where this Board finds itself operating underneath 706.391?

DAG Sunga: Not since I've been here. I don't know if that was a question for me or not.

Member Collins: That was a question for the AG and you answered it, so...

Chair Drobkin: I'm sorry, what was your answer, Mr. Sunga?

DAG Sunga: Not since I've been here. I can't speak to anything prior.

Member Collins: So could I just get some clarification from a laymen's term? So are we saying NRS 706.391, the Taxicab Authority has no jurisdiction?





Member Hardy: That's what Frias is arguing.

Board Member: Right. But are we saying that?

Chair Drobkin: I think he's asking for our counsel's opinion.

Board Member: Are we interpreting it the same way? Are we saying that we don't have...

DAG Sunga: Yeah, I think NRS 706.881, Subpart 3, is unambiguous in that it says that nothing other than 881 to 885 applies to taxicabs in Clark County.

Member Hardy: And I guess...

DAG Sunga: In my humble opinion.

Member Hardy: ...you know, one of the points made in A-Cab's reply is that on Page 2 they say, "We routinely mandate and oversee issues like limitations on driver hours, duty to furnish annual reports," et cetera, et cetera. But what I would suggest is we hear from the rest of the intervenors. And then because it is A-Cab's motion...

Chair Drobkin: Allow them...

Member Hardy: ...they would develop the final word.

Chair Drobkin: Yes. I just wanted some clarification prior to going through the rest of that. Sir.

Attorney Trafton: Thank you. Madam Chair, members of the Board, Mark Trafton, Vice President, General Counsel for the Whittlesea Bell Companies, Whittlesea Blue Cab Company and Henderson Cabs. I've joined in this motion. I don't know if you all have been made aware, but I've also filed a motion to dismiss that is not pending here today, and it mirrors a lot of the arguments that were made by Mr. Tomlinson. I didn't repeat the arguments that he made. I strongly agree that the jurisdiction of the Taxicab Authority Board is limited between 881 and 885, just as Mr. Sunga just pointed out. The other statutes don't apply. And it limits your jurisdiction, which, of course, you all know that you have limited jurisdiction. And I think what makes this a little bit tricky to sort of wrap our minds around here is that the other statutes that fall outside your jurisdiction do regulate taxicabs. They just don't regulate taxicabs in Clark County. The other regulations, the other statutes, pertain to the regulation of taxicabs in counties outside of Clark County, and that's the distinction. It wouldn't be so hard to see that distinction if we were talking about a gaming issue or something like that. Of course, you would recognize that that's outside of your jurisdiction. But I think, when you dive down a little deeper here, it becomes pretty clear that the statute cited by the applicant are just simply not within your jurisdiction. And getting to Member Hardy's question about amending the complaint, I've thought about that, as well, and whether that would be a simple resolution just to allow A-Cab to amend their application, get it within the right statute so it's within your jurisdiction. But in order to do that, we now have a pleading, a case that's open, technically I don't believe you have jurisdiction to do anything other than sua sponte dismissed the application because you don't have jurisdiction. Sua sponte meaning you do this on your own power, not based on my





motion, not based on Mr. Tomlinson's motion, you do it because it's the right thing to do. It's the law that you don't have jurisdiction, so therefore you can't even consider anything pertaining to this application, again, because you don't have jurisdiction. So after thinking through all the different angles on this, I truly believe that's your only option at this point, and then whatever A-Cab chooses to do after that is up to them. That's all I have. I don't want to pile on to everything that Mr. Tomlinson has said, but I agree completely with all of his remarks. Does anybody have any questions for me?

Member Hardy: I guess I do, going to my comment that I made recently on A-Cab's reply. They point out that there are all these other items that we regulate, for lack of a better word, that fall under various statutes that are outside the 881, 885 range. So if our jurisdiction is only limited to that particular range, why would we have jurisdiction to do all these other?

Atty. Trafton: I don't have that reply in front of me, candidly, and I don't know which provisions they're talking about. I'm not trying to dodge your question.

Member Hardy: No, that's fine.

Atty. Trafton: But for purposes of this hearing today, I think the statutes are clear, with respect to -- and I guess let me comment a little bit further on 8827, Subsection 5, which talks about your authority to add terms and conditions to the certificate, right, basically if you feel it's the right thing to do for the public. That's what happened with A-Cab. You guys go to the Board, apply, terms and conditions. What were the terms and conditions? Geographic limitations. Now they're asking the Board to remove that geographic term and condition. It's pretty simple when you look at it that way. That was the authority the Board had at the time to give that term and condition, and now it's crystal clear to me that if the Board had the authority to put that term and condition on the certificate at the time, then they certainly have the authority to remove it. But the problem is A-Cab didn't ask for that. They asked for -- you know, they couched it in this modification language, presumably -- I don't know. I'm speculating. But presumably so that it fit into this other statute, 391, which doesn't fall within your jurisdiction.

Member Hardy: Well, you know, your point's well-taken. You know, I think their response to that, and in reading 8827, does not discuss modification, you know, of the certificate, whereas 391 does. But I see what you're saying. That'd be something for them to address in response, I guess.

Chair Drobkin: Do you have -- is that the original? Thanks. What we've asked staff to get just so that -- this is just their certificate of -- this is your original certificate, A-Cab's original certificate, so we can actually read the... For the record, we're going to mark this as Exhibit 1, so Certificate of Public Convenience and Necessity, Admiral Taxicab Service, LLC, d/b/a A-Cab. Okay.

DAG Sunga: Was Member Hardy in the middle of a question before Kelly brought the...

Member Hardy: No, no. DAG Sunga: Okay.





Chair Drobkin: Do you have anything else?

Atty. Tomlinson: I have nothing else.

Chair Drobkin: Do you want a few minutes to review or...

Atty. Tomlinson: No. I mean, if you have any other questions for me, otherwise, I'm finished. Thank you.

Chair Drobkin: No? Okay. Thank you, sir. Member Hardy: Thank you.

Chair Drobkin: Okay. Who have we not heard from? Lucky?

Desiree Dante: We support the argument as presented by Mr. Tomlinson

Barbara Webb, Recording Secretary: She needs to come up and identify herself.

Chair Drobkin: Can you come up and state that? It's our sound system. I apologize.

Desiree Dante: Repeated what she said.

Thank you. Good morning, Madam Chair, members of the Board. On behalf of Yellow/Checker/Star, Marc Gordon, General Counsel. We have nothing unique or new to add to the arguments made by Mr. Tomlinson and our other co-intervenors. We support those arguments. We believe they're also consistent with what our Attorney General has stated as his opinion that everything falls under 8827 and should be proceeding in that fashion. That's all I have.

Chair Drobkin: Thank you. Okay. Deluxe? Western is not here. Can you identify yourself for the record?

Richard Robert Flaven, President of Deluxe Taxicab Service. My argument, it's been 15 years, Deluxe Taxi and A-Cab are the only two cab companies in the transportation industry, period, that have restrictions. It's been over 15 years for Deluxe. It's time to look at these restrictions and lift them. That's it. Thank you.

Chair Drobkin: Thank you. Okay. ITPE?

Richard Segerblom: We don't have a position.

Chair Drobkin: Okay. Thank you, sir. Okay.

Barbara Webb, Recording Secretary: He needs to come up.

Chair Drobkin: Can you come up for the record? I'm not used to the new...

Richard Segerblom for ITPE Union. We don't have a position on this issue. But we think Mr. Hardy is doing a great job.





Chair Drobkin: Yes, he is doing a great job.

Member Hardy: Not sure everyone will share your same sentiment.

Chair Drobkin: At this time we're going to, as part of the process, we need each Board member to state their opinion, so...

Atty. Rodriguez: Do I have an opportunity to...

Chair Drobkin: Oh, I'm sorry, yes, you do.

Atty. Rodriguez: Okay. Thank you.

Chair Drobkin: I've gotten everything out of order. I apologize. And for the record, I think you're a very competent attorney, so...

Atty. Rodriguez: Oh, thank you very much. Chair Drobkin: No doubts. Atty. Rodriguez: Thank you. I appreciate that. Jay Nady: I had to hold her shirt to hold her back. Atty. Rodriguez: Yeah, he was holding me back. Chair Drobkin: I don't think anyone meant any harm by it.

Atty. Rodriguez: No. I just want to reply to a couple of things really quickly. We do not dispute that 8827 is the appropriate statute for a brand-new CPCN, nor that A-Cab filed as a brand-new company asking for a new certificate under 8827. So that's what you'll see in his original certificate. But it's a play on words that the intervenors are coming up here saying, "If they want to change something, they should just proceed under that same provision." When you change something, that is a modification, and that's what we're asking for is a modification. So then you have to look at the statute that governs modifications, and nowhere in 8827 is there any reference to modification, as I said earlier. But the only other issue I really want to address is this notion that you are limited in jurisdiction to the taxicab provisions. I appreciate that Member Hardy noted what I indicated in my reply, and that's what I was trying to jump up and point to, and I appreciate that he saw that first. Because in my reply I named off seven examples of where you routinely operate outside of the taxicab regulations, and so to say that you are limited within the ones only within Clark County or within taxicabs is not realistic. You're always operating outside of that when we're talking about limitations on drivers' hours, I've got 706.682. Duty to furnish annual report, 706.167, the payment of annual fees 706.474, reports of accidents, even the involvement of the Attorney General. All of those things fall outside the Clark County taxicab regulations. And so to say that you are limited with those 8827 provisions, that's not realistic. You're always operating outside of that. And that's why I included, in my packet, that other page that says, again, that's the 706.8818 that is within your taxicab regulations that they want you to stick with, that it says it specifically in there, if there's nothing specific in the taxicab regulations pertaining to Clark County, you go back to the regular NTA. So perhaps there is a conflict there in the statutes and, again, that's why the answer is to get a firm order on this, a firm opinion from the Administrator and from the AG as to which provision is going to prevail. And if you feel after further investigating all of these questions that you have, which are appropriate questions, that you don't have jurisdiction over 391, that's why you made the right decision in ordering a declaratory order on this issue. We need a clear





order to say, okay, 706.391, we don't believe we have jurisdiction. We do think 8827 is the proper one, or the other way around. But just tell the parties this is how we're going to proceed henceforth. Because then to say, without evidence, we think that in the past prior applications have been under 8827. Nobody's ever seen that. We've all been asking for documents on how that proceeded. And as Ms. Knapp indicated, those prior ones weren't even opposed, so there was no hearing. There was no evaluation. So we're talking apples and oranges. This is a brand-new issue and we need clarification from the Board.

So I disagree with Mr. Trafton's analysis that your only option today is just to dismiss our application. No, the option is to move forward with this declaratory order and issue an appropriate order that says it clearly to all of the parties so we'll know how to proceed in February. And so the record's clear, I appreciate the offer to allow us -- or to entertain the idea that we would want to amend under 8827, but we don't think that that's the proper statute, so we would like to move forward with what we believe is the proper statutes for modification. And I believe Mr. Nady had a couple comments. Thank you.

Jay Nady: I don't know if you guys have taken a recent look at the difference between 8827 and 391, but there's generally two differences, and other than that, they're pretty much the same. One of them says -- well, I don't have it in front of me, one of them says that we're not going to take business away from the other companies. And the other one says that they will not or I think it says cannot provide adequate service. Now, it would be difficult for us to prove, though, it's damn near impossible, that they're not providing adequate service or they won't. I don't know if we can do that or not. But that's not what we're trying to do here. I don't want to do it under 8827, just like counsel said, because it's a higher bar, and it's almost an impossible bar. It's so high that if we lose that, Mark Trafton said he was going to file for immediate -- what do they call that?

Atty. Rodriguez: Summary judgment.

Jay Nady: Summary judgment. And we lose. Well, that's kind of where we're going. We want to let this go to summary judgment simply because we don't think that the law as stated is possible to be -- to transcend above. The next thing I want to say is that when we filed this application, we didn't list which level or which burden of proof we had to ascend to. That's your job. You guys get to say whether it has to be 8827, which is the original statute for a new person coming in, which is almost impossible, or the one that the state says in their modifications. So that's the purpose here. And they're almost verbatim. There's only two issues that we want to go through. One more thing is that I thought it was kind of cool that if you look back at -- I think about a year ago, I think you were all here, I kind of went over a little bit of what we call the taxicab wars. And they were in 1969 where there were actually murders and many shootings. And Ray Chenowith was going to come in and talk about the good old days when they were mounting machine guns at the Sahara and the like. I think he expanded his memory a little bit, but I sat with him for hours and listened to how things were done in the past. And that was generated because Western had the west side of town. Guess where Henderson was? They were in Henderson. Then they expanded to what they call the Henderson Square. North Las Vegas, Nellis Cab Companies. They're so named because they were all kind of like A-Cab should be West Side Cab or something, really Western Cab Company. But each one of those after less than five -- five years or less, I think it's actually five





years was the highest, were all put in to where they are today. We're now in our 12th year, I think it is or 13, I don't know, 12th year, or our 13th year. And Ricky, in the back there, has been doing this for however long, I can't remember, whatever he said, 15 years. Every other company was in the same boat we're in. Did they come before this Board and have everybody argue against them? Not really, because they were all kind of like, you know, heck, this is -- we're all going to get to expand, so there wasn't a real argument there. Secondly, is that the Board itself, not the NTA or not the TSA or whatever it used to be, anyway, you guys did this. The Board did this. They've done every single one of them. Never before has the NTA or its predecessor, whatever it's called, did they make this decision, never. And you can say, yeah, they went through 8827 when they did it, but (inaudible) there were no -- nobody said they had to do it. And then when the guy that was in Henderson forever, I forgot his name, but anyway, when he came up -- when he finally got it approved, they said, "Okay," and nobody objected. The people that were approved didn't have intervenors that said no. They kind of just gave it to him, like, on his fourth try or whatever it was. That's according to him. Anyway, one more thing, and my last note, I don't mean to be too wordy here. And under 8827, which counsel has said this is what we should be doing under, it says, "The Taxicab Authority may attach to the exercise of the rights granted by the certificate any terms and condition which, in its judgment, the public interest may require." And that's the basis for us, is that this Board has the authority, based on what the Board thinks should happen. And if you don't think the people coming up here from the convention authority or the convention centers think that there shouldn't be some new business out there, then that's not -- then these people are a pack of liars. That's not the case. I mean, these are normal, good people and they need some better service. And we're a good company. We're not -- we have 55 cabs. Last thing, again, the effect, the real effect, and I will put those out to them soon, you know how much money -- if you take the entire pie of what the taxicab business is in Las Vegas in the general area, including the west side, and instead of just having us segmented to the west side, which is that way, I guess, and then we make everybody is sort of going -- I mean, everybody still goes out. They still poach what I call my area. But if we put the entire pie out there, and then they had to cover -- what it is now is we pretty much have to cover that area and they've kind of retreated from it. But if you take the entire pie, the entire amount of rides and now just allow this company which is over here to do the whole thing, how much business will we take away from the other companies? And the total number of sales isn't going to go down. I mean, the total number of pie, I just might get a little more sales. More importantly, I'm going to reduce my 40 percent paid miles to their 60 to 70 percent paid miles. The difference in revenue for my company is minimal. It really is. And the loss to them is less than 80 cents a shift, every company. Some of them it's like 60 cents a shift. And that's where my case is going to be. It's not like there's a huge amount of money they're going to lose. How they can spend \$100,000 to defend this is ridiculous. Thanks. I'm done anyway.

Atty. Rodriguez: Thank you. Chair Drobkin: Thank you.

Member Collins: I've just have one question, Mr. Nady, obviously, you probably know. In the 12, almost 13 years now that this restriction, if you may, has been in force, have you ever come to the Board before? Because my understanding was it was a five year term and then you could come before the Board to get a modification or something like that. Have you ever come to the Board in the past?





Jay Nady: We did. We came here about four years ago I think it was. And during that -- I wasn't going to bring this up. But during that hearing Board Member Forbuss was on the Board, sat right there by Mr. Nolan, might even be the same seat, who's doing a good job, by the way. Told me to shut up and sit down. And I did just that and we withdrew our application. And that's where we were at. I didn't have a prayer. So, no use wasting more money. No use to waste their money either.

Chair Drobkin: Any other questions? Okay. Thank you. Now, back to our procedure for the declaratory order. I need every Board member to get it on record and kind of be as clear as possible in this very convoluted issue. I want to start by saying that regardless of how this, and the part that I have the most trouble with is the one part of the statute that basically says that we don't have the authority. That is probably my biggest problem. And the fact that counsel for this Board is saying that we don't have the authority to modify that. So I do need to take their advice once in a while. But just because of that, it does not mean that if you were to refile this under...

Jay Nady: We haven't filed under any.

Chair Drobkin: Oh, well, if you were to file it -- file the application under 706.8827, that we wouldn't hear this and give it a real fair shot. Because there are parts of this I absolutely agree with. I agree with a lot of the argument, and I can tell -- because I have been, on behalf of this Board, working so hard to expand the pie for everyone, talking about ancillary staging and making it easier for all companies and drivers to make more money so we can expand that access, that I personally have no problem with adding the two companies. I'll say that on record whether I should or shouldn't. I absolutely am strongly adamant that we can expand the pie for everyone to move everybody forward and more profitable and successful, taking care of our mandate, which is providing public. I really am passionate about that. So I wanted to clear that regardless of what we have to do today because of what is statutorily written, the interpretation of the statute does not mean moving forward that it won't get a fair shot, if that helps any. So to that I'm going to defer to Member Collins and start that off.

Member Collins: Thank you, Madam Chair. And I'm probably not the best person to ask things like this because I'm a real stickler when it comes to processes and applications. Coming from the banking industry, if somebody comes into the bank and wants a \$350,000 loan and they submit an SBA application and it's going to be underwritten conventionally, and I know that may be banking terms for some folks, and they can qualify no problem, it would get kicked out because they don't file under the right application, and there's different underwriting criteria and what have you, so a simple analogy. But I think the point is when we have rules and regulations and policies in place, and to me these NRS issues and items are very clear on where our jurisdiction and authority starts and begins, and to me that's compelling. I think if you -- and I agree with Madam Chair. I don't have any personal issues with the restrictions and the modifications. I think you should go for it. I think you should be able to submit and remove. It's been long enough. And I agree with the Deluxe owner, as well, the gentleman who made those comments earlier that I think everyone should be on a fair playing field when it comes to the taxicab business. I don't have any issues with that. Where I have an issue is doing it properly and following the procedures, following the state NRS statutes that have been established. When I read through all of the information, in my mind it's very clear. I agree with Mr.





Tomlinson on his argument and the other attorneys that came forth that under our authority I just don't believe we do have the authority to be able to rule on this under 391. So my position would be that I can't support it.

Chair Drobkin: Just for further clarification, they're just asking for an opinion, for the Board's opinion, okay, so they're not coming and asking us to modify under that. So I just want to be clear that it's just this Board's opinion, and that's why everyone's going to go on record. And Administrator Harvey, later on we'll get to that process, is going to basically compile it for us and bring it back to us. It's just an opinion that they're asking for. Member Hardy, you can't wait.

Member Hardy: Yeah. To me it's not clear. The statutes are, you know, with all due respect to our state legislators, some of whom I know very, very well, the statutes to me are not clear by any stretch of the imagination. On the other hand, I see the certificate that A-Cab originally obtained, and it does state that Admiral, now A-Cab I guess, may not seek to expand its certificated area of service to what is commonly known as the Golden Triangle for five years from the effective date of its certificate. To me reading that, that means that they had to wait at least five years from when they got their certificate in 2001. They had to wait five years from then before coming to us, and that was the minimum amount of wait time. In other words, they could come back to us after 5 years and a month, 10 years or 12 years as the case may be, and that was anticipated when the certificate was granted. So I think the application that they're now pursuing, I think, is wholly appropriate under the language of the certificate itself. Of course, that begs the question which statute then applies. And, again, to me it's not clear at all. You have 8827 that anybody can read and it does not contain the word modification at all. Whereas you have 391 that clearly anticipates carriers coming in for an application for modification of a certificate that they've already obtained. So going back to the practicalities of it all, you know, as stated before, the parties have gone through a discovery. They've done a lot of work. They've spent a lot of money getting to this point, and it's unfortunate that for whatever reason this is only being heard today. It would've been, in an ideal world, we would've heard it back when the application was first made, and if this was a big issue, I'm not blaming anyone at all, but that would've been nice. I don't think it would be fair to, and I don't think it's legally appropriate either, for that matter, to say we don't have jurisdiction, period, start this whole process over; that doesn't make sense to me, whether it's in fairness or under the statute. So I would not recommend doing that at all. I'd like to I think hear some more opinions on what other members think of the statutes.

Member Miller: You know, I'm not an attorney, and so I'm going to heavily rely upon counsel in this matter. I thought that's sort of the purpose of this declaratory order so that the Administrator and the AG can opine on this and come back to us, and so that would be the path that I support. I don't feel that I am qualified to understand if there are two conflicting statutes or if they are conflicting based upon the arguments I've heard today.

Member Nolan: Thank you, Madam Chair. And I think that I would echo that. With regards to the 881 to 885, it's clear what authority, the TA does have. However, when it comes to modifications, I think there is some ambiguity in it. With all respect to our legal counsel, Mr. Sunga has a limited amount of institutional memory with this Board, as do all of us. I mean, it's limited to our experience here. And so I don't know, procedurally, what has happened with the requests for modification in the past. We've heard, you know, some anecdotal stories about





some things that have happened in the past that weren't too colorful. But, in any case, I think that we can do one of two things. With regards to the fact that there are several members who have some questions about the ambiguity or not of statutes, that we can request legal counsel to take a step back, review it, look at whatever case law exists, perhaps contact the Legislative Counsel Bureau's Legal Division, inquire into statutory intent, et cetera, et cetera, which would prolong this entire process much more, possibly beyond what the requestors are looking for. Or, as stated earlier, A-Cab could simply come back and we might permit them to modify their request to file for modification under 881 and proceed from there. I also agree that we don't need to -- this is an inevitability, they're going to be back, and it sounds as though one of the other companies, Deluxe, may be on their heels with a similar request. So I think that it's very important that we clarify both an intent to this Board what our actions are going to be for this and for future request for modifications. My recommendation perhaps would be to allow legal counsel to further explore this and come back with a formal opinion from the Attorney General's Office.

Chair Drobkin: Okay. Do you want to say anything to clarify or...

DAG Sunga: No. Chair Drobkin: No?

DAG Sunga: No, I understand... Chair Drobkin: Do you -- okay.

DAG Sunga: ...what Member Nolan was saying.

Chair Drobkin: So as far as our procedure, then we still want to make a motion to ask the Administrator -- is that correct?

DAG Sunga: The Administrator to bring it back.

Chair Drobkin: Okay. Okay. Do you want to make a motion?

Member Hardy: Yeah, before I comment, I think Member Nolan's analysis was very good. As an attorney, I deal with statutes, but this one is just not clear to me. And, you know, for future reference it would be helpful for us to have more information given to us through the filings from the parties themselves. You know, we have a couple page motion, a couple page opposition, a couple page reply without any -- well, without a lot of, you know, additional information. That'd be more helpful to me, but I would second Mr. Nolan's comments. Do you want to make the motion?

Chair Drobkin: Well, as part of this process, can we add that into asking the Administrator to compile all the notes to get that opinion in?

DAG Sunga: Yes, it's all part of the process anyway. It's built in.

Chair Drobkin: So we're just going to include that. He's going to compile our discussion and that'll be included.





DAG Sunga: And I can read the reg to everybody so it's clear.

Member Hardy: That's exactly what I want.

DAG Sunga: It's NAC 706.984. It says, "Draft of opinion or order by Administrator." It says, "After the Authority determines that an issue concerning the applicability of a statute, regulation or decision should be addressed, the presiding officer shall direct the Administrator to write an order or opinion. Within 30 days thereafter, the Administrator shall: (1) Review comments by all members of the Authority on the issue; (2) Research the issue and, if necessary, seek assistance of the Attorney General;" which Member Nolan advised anyways, "And (3) Submit a draft of the order or the opinion to the Authority for its approval." So it's already sort of set forth before you.

Chair Drobkin: Okay. Great. Do you want make the motion then?

Motion: I would so move to follow that statute that Assistant Attorney General just read into the record.  
By: Member Hardy:  
Seconded: Member Nolan  
Vote: Motion passes unanimously

Member Hardy: And to do all that and present it to the Taxicab Authority Board for discussion and approval.

Chair Drobkin: So we may have this at our regular meeting. Does any intervenor have a problem with waiting the 60-day rule so that it can coincide with our regular January meeting? Okay.

DAG Sunga: It'll be about 60 to 70. Chair Drobkin: Yeah, but in case it's a little over that, we just want to get that waiver. So can we let the record reflect that no intervenor had any issue with us waiving the 60-day rule. Okay. Is there a second?

Member Nolan: Second.

Chair Drobkin: Okay. Any discussion on the motion?

Member Collins: I just want to be perfectly clear. Assistant AG, moving forward, are we still accepting the fact that this application is still under 706.391?

DAG Sunga: I think it was clear from the comments of most of the members of the Board that it's inevitable that the application will be heard and so...

Member Collins: Whether they file it under another statute or not, right?

DAG Sunga: Yeah, and that's the purpose of the declaratory order anyways is to declare to everybody which statute the Board's going to follow and the ultimate adjudication of the issue.





Member Collins: Okay. Chair Drobkin: It's to give them guidance, a guideline.

Chair Drobkin: Any other discussion on the motion? All in favor?

All Board Members: Aye.

Chair Drobkin: Motion passes. Thank you. Okay.

A 5-minute recess was agreed upon by the Board.

10. Discussion and Possible Decision regarding the possible issue of temporary allocation of medallions for The National Finals Rodeo scheduled for Thursday, December 5, 2013 through Saturday, December 14, 2013 at the Thomas & Mack Center, and the 2013 Cowboy Christmas Gift Show at LVCVA, running simultaneously with NFR.

Kelly Kuzik: Madam Chair, members of the Board, for this year's NFR and the Cowboy Christmas, none of the intervenors were asking for any additional temporary medallions, and a couple of them said there should be zero. In 2012 and 2011, there was no additional allocation. The productivity numbers and the traffic flow information that we've received demonstrates that there really isn't a need for additional cars. I've spoken with Chief Aquino. He's going to have our bike patrol folks out there at the show break every night for the rodeo. And they'll also be going to the venues where the Cowboy Christmas is to ensure that there's adequate supply. That, with the campus police at UNLV, Mr. Sasaki is going to speak with them. We're also going to have his folks out there. And then the companies are going to provide some of their supervisors. So this will be the third year in a row where there's not an additional allocation for NFR, and the data seems to support no additional temporary medallions for this event.

Chair Drobkin: Thank you. Anyone have any questions? No. Thank you, sir. I'll allow interventions at this time.

All intervenors - Jay Nady, A-Cab; Jamie Pino, Nellis Cab; Desert Cab, Ed Whittleston; John Hickman, Frias; Desiree Dante, Lucky Cab; ITPEU, Richard Segerblom; Yellow/Checker/Star, Bill Shranko all support staff's recommendation.

Chair Drobkin: Asked for a motion.

Motion:	I would move for no allocation of temporary medallions for NFR.
By:	Member Hardy:
Seconded:	Chair Drobkin - Any discussion on the motion? All in favor?
Vote:	Motion passes unanimously





11. Discussion and Possible Decision regarding allocation of temporary medallions for 2013 New Year's Eve, which is on a Tuesday.

Madam Chair, Kelly Kuzik. This year the intervenors are requesting temporary medallions for Monday, December 30th, also for Tuesday the 31st, which is New Year's Eve, and then the following day on Wednesday, which is the 1st.

*Monday 12/30, December 30th, 8 medallions, currently they want one shift out from noon until 2:00 a.m., any 12 hours, which would coincide with the black weekend medallions coming off. And then that would continue through for two shifts on Tuesday. And it would increase from 7:00 a.m. to 7:00 p.m., and then from 4:00 p.m. to 6:00 a.m., any 12 hours, there would be additional 17, so between 4:00 p.m. and 7:00 p.m., you'll have an overlap of 25. Wednesday, the 1st of January, they're requesting one shift from 7:00 a.m. to 7:00 p.m.*

Those numbers are very close to what they requested last year. They are only off by a couple for the first couple days, and that was because it did dovetail in with a weekend. This is a midweek event so the requests that they have currently appears appropriate and staff doesn't have any objection.

Member Nolan: Kelly, you indicated that the majority of the intervenors had requested that. Was there a variation to that?

Kelly Kuzik: No, sir. There were a couple of the certificate holders that gave no opinion and just said they wanted to be part of the discussion. But any of the certificate holders that did make a recommendation, they all had the same one, that actually makes our life a lot easier, too, because we're all on the same page.

Member Nolan: Madam Chair, just as a request for time consideration, if all of the requesters had one individual who came up to support and had proxy of the others, we might save them some -- and us some time, so...

Chair Drobkin: I'd prefer to allow the interventions and allow the intervenors to decide among them if they want to do that, otherwise I'm fine with everyone coming up individually, only because it's their right to do so. The Chair allowed interventions at this time.

Intervenors -- George Balaban commented that Desert Cab and Lucky Cab also operate in Laughlin which is why their intervention was different. He also wanted to clarify for Desert Cab only that when Kelly was talking about that there's 25 cars out there in that overlap from 4:00 to 7:00, it might not actually happen that way because we don't put them all out at 4:00. We have the option of putting them out as late as 6:00 at night because they're going to run until 6:00 in the morning, so, I mean, there will be at least an hour that there are 25 cars out there, but it's not for the whole three hours.

George Balaban, Desert Cab, on behalf of all intervenors, supports staff recommendation.

DAG Sunga: Mr. Balaban, was that on behalf of all of the intervenors?





George Balaban: It was behalf of all the intervenors, yes.

Chair Drobkin: Okay. Thank you, sir. Okay. Now we're going to address Laughlin.

Kelly Kuzik: It's fairly identical to what was requested last year. Desert and Lucky this year are requesting 2 medallions each in Laughlin, total of 4, starting on Monday at noon, December 30th and then running 24 hours through December 31st of New Year's and then coming off at noon on the 1st of January, 2014. And based on the productivity information and the number of visitors they're expecting, staff doesn't have any objection to that recommendation from the intervenors.

Chair Drobkin: Okay. Thank you. Mr. Balaban, would you like to come up?

George Balaban: Speaking for both Desert and Lucky, we support staff's recommendation. We ask for 48 continuous hours. Operations in Laughlin are a little different than they are up here as far as shift changes, so we want to be able to have that flexibility to run them as we need them. It's just two medallions for 48 straight hours, from noon on Monday to noon on Wednesday.

Chair Drobkin: Anyone have any questions? No? Thank you. Well, that makes it easy. Someone want to make a motion or...

Motion: Support staff's recommendation for allocation for NYE - Laughlin.  
By: Member Miller  
Seconded: Member Hardy  
Vote: Passes unanimously.

Motion: Supports staff's recommendation for allocation for Las Vegas for  
New Year's Eve  
By: Member Miller  
Seconded: Member Collins  
Vote: Passed unanimously

12. Discussion and Possible Decision regarding an allocation of temporary medallions for the International CES 2014 Convention at LVCVA from Tuesday, January 7, 2014 through Tuesday, January 14, 2014.

Kelly Kuzik: The majority of the intervenors are requesting a slight increase over what they had last year. This is a midweek show. It starts on Tuesday and it ends on Friday. But they're requesting the day before on Monday, which is going to be the move in dates and when a lot of people will be arriving.

The majority of the certificate holders are requesting *20 medallions, which is 3 more than they had last year, from noon until 2:00 a.m., any 12 hours, on Monday the 6th of January, 2014. And then they want 20 and 20 on Tuesday the 7th, 7:00 a.m. to 7:00 p.m., and then noon to 2:00 a.m., any 12 hours, which would give you an overlap between noon and 7:00 p.m. of 40*





*medallions per company. On Wednesday again the 20 and 20 and on Thursday they just want the single shift from 7:00 a.m. to 7:00 p.m., 20 medallions.*

Based on the productivity information that we had from last year and the fact that this is a solid midweek show with the -- they'll have no assistance from the weekend medallions, which are going to come off Monday at noon. Based on that and the information that we've gathered, this is all at the Convention Center. And it also includes another 6,000 people with the Photo Marketing Show that are going to be there at the same time. So you're looking at anywhere from 160,000 to 165,000 people in one place. The staff feels that the recommendations that the industry is making for that time appear appropriate and we would have no objections

Chair Drobkin: So someone want to come up on behalf of the entire (inaudible)? Mr. Balaban.

George Balaban, Desert Cab, behalf of all the intervenors except ITPEU, we are supporting staff's recommendation. And just so the Board is aware, I wanted to point out that there are companies that don't have 40 extra cars or the drivers, so, I mean, we're asking for this -- that's one of the reasons we bumped from 17 to 20, besides that we need the service and it was very, very busy last time. We beg again this year if you just -- we need to add those up because there's some companies that can't put that many out, so that's another reason that we've increased this from 17 to 20. So we support staff's recommendation. Thank you.

Richard Segerblom, ITPEU: I don't know if everyone's had a chance to look at the year-to-date figures, but all the money is down, all the trips per shift are down, so this has been a real tough year for the drivers. So we would support to stick with last year's allocation, but (inaudible) the last time part of the problem was the shift change at 4:00. And that's why when people get out at 4:00, there's -- they've had a hard time getting a taxi. I haven't heard any testimony from the companies on how they're going to address that issue (inaudible) deal with the real issue, which is having more cabs there from 4:00 to 6:00, then that would be sufficient. But to put, you know, all these extra cabs out there for a 12-hour period seems excessive.

Chair Drobkin: My remark to that is it's not just from 4:00 to 6:00 that's the problem or after show break with CES, it's the entire evening. I actually do go on the strip during CES to see some of that, and I can tell you even at 9:00 at night this convention in particular moves around like no other convention that we have coming here. They eat dinner at one hotel. They have a show at another hotel. And so getting them off of LVCVA property to their shows and to their dinner reservations are so important. And if they're waiting an hour or 45 minutes to get out of LVCVA, you know, we could potentially kind of screw up their entire evening. And to your point, they may not want to come back, right? And we want to keep them happy, so I am in full agreement of allowing the companies to get out as many medallions as they possibly can to service this convention. Okay.

Member Collins: I have a question maybe for Kelly, maybe even for Ms. Soto. What was the numbers last year at the CES?

Marie Soto, LVCVA: I didn't bring those.





Kelly Kuzik: It was close to 155,000 with ancillary (inaudible).

Member Collins: So it's going to be about the same number then this year?

Chair Drobkin: But we also have -- there's another show as well (inaudible).

Kelly Kuzik: (Inaudible) with another six or so thousand, so (inaudible)....

Chair Drobkin: Okay. Any discussion, comment? Someone want to make a motion?

Motion: Accept the staff's recommendation for the inclusion of additional medallions

By: Member Nolan

Seconded: Member Collins

Chair Drobkin: just for clarification, it's the intervenors that are asking for the medallions, not staff. I want to make that clarification for the record, because we keep saying it's staff's and it's not

Vote: Motion passes unanimously.

13. Discussion and Possible Decision regarding the allocation of temporary medallions for the SHOT Show 2014 at the Sands Expo from Tuesday, January 14, 2014 through Friday, January 17, 2014 and for the Adult Entertainment Expo 2014 at the Hard Rock Hotel & Casino, running simultaneously with the SHOT Show from Wednesday, January 15th through Saturday January 18, 2014.

Kelly Kuzik: These are three shows, actually, that are going to be here on almost identical days. We've got a fairly new show, the promotional -- I can't even say it quickly without a tongue twister. They do bumper stickers, key chains, promotional materials. And that's about 18 and a half thousand people that are going to be at Mandalay Bay. The SHOT Show is going to be at the Sands Expo for the most part. They're 61,000. And then the AVN Show -- I learned my lesson last year and did not go on their website to get the information. The internet security folks up north weren't real happy about that. And that's 25,000. The attendance total is over 105,000. Again, very specific venues, but these are party groups. These are people who are going to move around.

The recommendations from the certificate holders are for *Tuesday the 14th, four medallions, 7:00 a.m. to 7:00 p.m., then four more medallions from noon to 2:00 a.m., any 12 hours. So between noon and 7:00 you have the overlap of eight. And then they're requesting the same thing on Wednesday the 15th, 2014, and then one shift on the 16th from 7:00 a.m. to 7:00 p.m. to get these folks moved out.*

The reasoning, again, is this is a midweek show, won't have the benefit of the weekend medallions, so what it does is provide fairly close to weekend cab capacity during the midweek to accommodate these large shows. And if they didn't have that additional show, it would be





right about at the border where we look at whether we would consider making a recommendation or entertaining additional medallions, but having this new PPIA show, that pushed us over 100,000. And based on all of that, plus productivity information in the past and what the Board has done in the past, they're almost -- actually they're asking for one less than they did two years ago. Staff has no objection. We feel that they're recommendations are appropriate.

George Balaban: We again as an industry (inaudible) so it's not staff's recommendation. Our recommendation (inaudible) those was overlapping. And what we thought was unique about this and which is really good for all of Vegas is it's all at separate venues. So we don't have this gigantic show break where it's the breaks are all different hotels so you don't have the logistic problems the same. You have it at three different properties so it can get spread out and hopefully move everybody around a lot better to try and just get into one spot, so (inaudible) for the show, but moving them around the city. We would recommend that. Thank you.

Richard Segerblom, ITPEU: Just to be consistent, we oppose additional medallions.

Motion:	Accept the intervenors' recommendation for additional medallions for the various special events that were included
By:	Member Nolan
Seconded:	Member Hardey
Vote:	Passed unanimously

14. Public comment

Chair Drobkin: Anyone want to come up and speak? Okay. Thank you.

Public comments closed.

15. Staff report

Kelly Kuzik: And just so everybody's aware, Chief Aquino is going to have -- at these venues for the special events, he's going to have our bike patrol folks out there again at the specific areas so that we're able to monitor the cab flow and get folks in and out.

For October I've attached the stats for everybody. The numbers for October are down trips and all by about two and a half percent, but the reason, and November is going -- so that looks artificially low, but November's going to look high, because last year SEMA came in the last week of October. I think they only had one day that was in November. So this year SEMA is completely in November, so the stats for next month are going to seem much higher than the previous November in the same way that this October looked worse than the previous one. And that's the reason because you had that -- the way that SEMA was scheduled last year and this year. And I can field any questions that anyone might have.

Chair Drobkin: Anybody have anything?





Member Nolan: Well, not on that issue. I have one other question. Not regarding that, Kelly, but something just for information, and to go back to something that Mr. Segerblom had commented on with regards to New Year's Eve, and this might be a Chief Aquino question. With the strip being closed down for four-plus hours, do we stage cabs -- obviously I believe there are cabs needed that are going to have to access resorts on probably Koval and Frank Sinatra Drive, et cetera. But are there cab stands that have been relocated and stationed off the strip so that people have access to cabs from the strip, but immediately off? I'm wondering how we handle ingress and egress for those people who are trying to make it down to the strip on New Year's Eve. And then when the event's over, how do we move them quickly and efficiently?

Kelly Kuzik: Thank you, sir, for the question. As everybody knows on New Year's Eve anywhere from 3:00 p.m. to 5:00 or 6:00, the city's essentially bi for two. It's cut in half. And you're either accessing either through I-15 or, I'm sorry, 215 or 95 trying to go around the edges, all the way out sometimes to Owens. But as far as relocating of the cab stands, I'm not aware that they're -- for pickup anyway, drop-offs, they try to get as close as they can until Metro kicks them out. But relocating for pickups, unless they can get -- there's properties that have entrances toward the back, but other than that, trying to get in through the front, like here at the Flamingo, it's just not going to -- you're not going to get out that way.

George Balaban, Desert Cab. The majority of the properties don't move the cab stands just simply because the logistics of trying to train people where to go. But they create routes for us to get in and out. They actually have security guards through parking lots that we would never normally be able to use that are out there directing cars in and out. So, you know, the Aria, that whole area, CityCenter, so they're aware of this and they've done this for a couple years. So cab stands stay where they're at. They just help us get in and out because they know we got to move the people in and out.

Member Nolan: Okay. Thanks.

Chair Drobkin: Thank you. Anyone else have any questions? Okay. Administrator Harvey, do you have anything?

Administrator Harvey: Yes, just a couple of brief comments. I'd like to introduce Deputy Attorney General Sophia Long, who has been appointed as your new legal counsel. With the addition of Ms. Long, Deputy Attorney General Sunga will be able to take a more active role as our legal counsel on day-to-day matters running the Taxicab Authority. So we thank Mr. Sunga for his service to the Board and we welcome Ms. Long to the Board.

Chair Drobkin: We do that as a Board. Thank you. We'll miss you.

DAG Sunga: I'll miss you. Chair Drobkin: But I'll still be able to call you.

Administrator Harvey: Couple of other comments. In December we're going to issue a completely new replacement set of medallions. Just to give you an example of what they look like; this is the old medallion and here are some of the new medallions, if you want to pass





them along. And on the back it tells you what type of medallion it is. And staff will be meeting with each certificate holder to talk about the distribution plan over the next few days. The last thing is that we continue to move forward with our relocation plans. We've identified a facility approximately two miles down the road on Flamingo and Burnham. We're going to submit a proposed lease to the Board of Examiners for their January meeting. Once approved, we expect construction of that facility -- well, demolition and construction to take approximately 90 days. So we will be looking sometime around April, May time frame to try to relocate to a new facility. I'll provide additional information as we move forward.

Member Nolan: Good.

Chair Drobkin: Wonderful. Thank you. And thank you for all your work on that. I know you've been working on that very, very hard.

16. Report of Legal Counsel

DAG Sunga: Just one thing. One of the Board's decisions on a driver appeal, a driver named David Kingsley, is set to be heard -- David Kingsley appealed the Board's decision and it's set to be heard by the NTA on this Thursday. And that's it.

17. Adjournment

Motion: To adjourn  
By: Member Collins  
Seconded: Member Miller  
Vote: Passed unanimously.

Meeting was adjourned at 11:39 A.M.

Respectfully submitted by:

\*\*See note below

Barbara A. Webb 01-08-14  
Barbara A. Webb, Recording Secretary Date

Approved by:

Reana Drobkin 01-28-14  
Reana Drobkin, Chairman Date

Charles D. Harvey 01-09-14  
Charles D. Harvey, Administrator Date

**\*\* NOTE:**

The Minutes were transcribed by Aegis RapidText and submitted by Barbara A. Webb.

