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Members  
DEAN COLLINS  
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DEPARTMENT OF BUSINESS AND INDUSTRY  
TAXICAB AUTHORITY

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

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Thursday, January 28<sup>th</sup>, 2016. The meeting was held in the Taxicab Authority Boardroom at 2080 E. Flamingo Road, Suite 114, Las Vegas, Nevada 89119. The meeting began at approximately 9:05 A.M.

Present were: Chairman Ileana Drobkin, Member Dean Collins, Member Bruce Aguilera and Member James Campos. Others present: Ronald Grogan, Administrator, Gary Mathews, Deputy Attorney General, Legal Counsel for the Taxicab Authority; Ruben Aquino, Chief Investigator; Christine Guerci-Nyhus, Deputy Attorney General, Legal Counsel for the Board and Recording Secretary, Barbara A. Webb.

1. Meeting was called to order at 9:05 A.M.
2. Pledge of Allegiance to the Flag was led by Member Aguilera.
3. Compliance with Open Meeting Law.

Administrator Grogan stated that we are in compliance with the Open Meeting Law.

Chair Drobkin stated that before she continues she wanted to announce that Member Dennis Nolan has resigned to take a position with the Reno Fire Department as EMS Fire Chief. She commented that his contributions to the Board as well as his wisdom will be greatly missed.

4. Public Comment.

Sam Moffitt, TA # 19565, driver for Yellow Cab. Before he began speaking, he commented that none of his comments were directed at the Taxicab Authority Staff or their officers. They are, in fact, his opinion of the Taxicab Authority Board.

He commented that the Board has been an enabler for the cab companies as the companies, no matter how ridiculous a request on the agenda, the Board approves it. He feels the TA has lost the purpose of regulating the companies when the companies get whatever they ask for. He commented on the credit card \$3.00 fee; the fuel surcharge being increased and the 800 cabs allocated in 2015 even though all restrictions had been lifted, all issues that were mentioned in the State Audit.

Ruthie Jones, ITPE Union Representative. She commented on the publicity that the TA is getting due to the State Audit with regard to dissolving the Taxicab Authority and putting it under another agency – either Nevada Transportation Authority or Clark County. She feels that everything seems to be in question. She stated that if things continue as they are, drivers were thinking of boycotting the hearings, but the Union stopped them. Because the drivers are disillusioned by the Board and the decisions they make, they will not attend the meetings. She stated the Union feels the same way. She continued

that because the restrictions were lifted, the outer areas are not being served because the drivers are not going out there. She also commented that the drivers feel they should get part of the \$3.00 credit card fee because it has impacted their tips. She feels that whatever the outcome is, the right thing has to be done.

Public comment was closed.

5. Approval of the November 19<sup>th</sup>, 2015 Board Meeting Minutes.

Motion: Approve the November 19<sup>th</sup>, 2015 Board Meeting Minutes  
By: Member Collins  
Seconded: Member Aguilera  
Vote: Passed unanimously. Motion passes.

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

Maria Soto, LVCVA, spoke of the following conventions –

CES 2016 – Wednesday, January 6 through Saturday, January 9 – over 170,000 attendees. They hosted training and informational meetings with FAST, RTC and Metro and others to coordinate traffic and transportation which she feels worked very well. Opening day there were some challenges with 45 minute wait times; the rest of the week it was 20-30 minute wait times with the help of Frias, YCS, Whittlesea and Desert field supervisors help. They requested help from Frias Taxi Mini Shuttles and that worked. It was a very successful event.

National Home Builders – 60,000 attendees – Tuesday, January 19 through Thursday, January 21. This overlapped the SHOT Show at the Sands Expo. With the rain, there were delays, traffic issues and cab service issues. Overall, it was successful due to the help of the cab company field supervisors.

World of Concrete – 55,000 plus attendees – Tuesday, February 2 through Friday, February 5 – overlaps with Champs at the South Halls – 8,000 attendees. Cabstands are set up at both the north and south halls.

M.A.G.I.C. – Tuesday, February 16 through Thursday, February 18 – 80,000 plus overlapping events at Mandalay Bay and Sands Expo.

Volleyball Classic at Cashman – Friday, February 12 through Monday, February 15 – 12,000 attendees. She stated that cabs should be aware of the high volume this will bring at Cashman.

She stated that attendance on many of the conventions is increasing and she is happy with the cab companies' field supervisors help at all times.

She spoke about the road projects, lane restrictions on Convention Center Drive. She will notify everyone on her distribution list of the lane restrictions.

Board Member Collins asked approximately how many attendees came through.

Maria Soto commented that they do not give her specific numbers, but they know it is trending up and there were more attendees. With combined estimates of CES during 170,000 and Home Builders, between 90,000 to 100,000 attendees.



Board Member Collins stated that roughly about 250,000 to 300,000 attendees. He asked if there were any incidents or issues.

Maria Soto stated that everything went well and there was a lot of traffic but they work with the companies and have pop-up cab stands set for any overflow.

Board Member Collins then asked Chief Aquino if there were any incidents regarding law enforcement.

Chief Aquino said no.

Board Member Collins commented that was “a pretty good report for an Authority that doesn’t know what they’re doing”.

Chair Drobkin stated that Maria Soto worked very hard with Councilman Ross to be sure that road work wasn’t eminent and held off. Even with issues due to this, within 24 hours it was fixed. She thanked Maria Soto for her hard work.

7. Discussion and Possible Decision regarding the Board Meetings dates for 2016.

Dates for 2016 Board Meetings were discussed and agreed upon and voted on as follows:

Motion: To schedule 2016 Board Meetings as follows –  
Thursday, February 25<sup>th</sup>, Thursday, March 31<sup>st</sup>, Thursday, April 21<sup>st</sup>,  
Thursday, May 19<sup>th</sup>, Thursday, June 23<sup>rd</sup>, Thursday, July 21<sup>st</sup>, Thursday,  
August 25<sup>th</sup>, Thursday, September 22<sup>nd</sup>, Thursday, October 27<sup>th</sup>,  
Thursday, November 17<sup>th</sup>, and December – TBA  
By: Member Collins  
Seconded: Member Campos  
Vote: Passed unanimously. Motion passes.

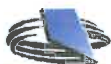
8. Recognition of drivers and supervisors who went above and beyond to help handicapped SEMA attendees to procure an ADA vehicle for their transportation needs –

- Art Reynolds, Supervisor at Frias
- Joel Willden, Supervisor at YCS
- Mohammad Hosain – Desert driver
- Alan Boyd, Road Supervisor for Whittlesea
- Dionysios Sakellariou – Frias driver

These drivers and supervisors were brought to the front of the room to receive their Certificates of Recognition presented by the Board in recognition of their services during the SEMA convention and to have their pictures taken with the Board. Unfortunately, Mr. Sakellariou was unable to attend, but his Certificate was presented to his company for him.

Maria Soto explained what had transpired and how these drivers and supervisors jumped into action to help the handicapped conventioners who were out of the rain and into vans and what had to be done to accommodate them and get them to their destinations on time. These acts of kindness were above and beyond their normal duties.

Chair Drobkin thanked them again for making the Board and industry proud.



9. Discussion and possible decision regarding the issuance of Amended Certificates of Public Convenience and Necessity.

The Chair asked Deputy Attorney General Christine Guerri-Nyhus to explain why Amended Certificates of Public Convenience and Necessity are being issued to the companies.

DAG Guerri-Nyhus explained that when there were increases in allocations, amended certificates were not issued. The current CPCNs are very outdated, therefore, the Administrator and AG's office staff collaborated, at the suggestion of Administrator Grogan, to issue updated CPCNs and would like the Board's approval to issue the amended CPCNs, giving the Chair the authority to sign them. The Board needs to make a motion to approve the issuance of the amended CPCNs. This is a housekeeping issue only.

Motion: To approve the issuance of amend the certificates  
By: Member Aguilera  
Seconded: Member Collins  
Vote: Passed unanimously. Motion passes.

10. Discussion and possible decision regarding the Application from Desert Cab Company for the Authority to Use a Captive Insurer.

Bob Winner, attorney for Desert Cab, stated that Desert Cab has filed their paperwork to the Division of Insurance and are waiting for their approval. It is his understanding that the Board cannot approve this Application until the Division of Insurance approves it. DAG Guerri-Nyhus agreed.

DAG Guerri-Nyhus explained that it has been at least 10 years since the CPCNs have been updated and thought it was the right time to do it. She stated that everything was verified with the companies before they were done so there shouldn't be any issues.

Mr. Winner stated that in the NRS D694C, the Taxicab Authority is required to approve the captive insurance program for a cab company, so he is asking for the Board's approval.

Chair Drobkin stated she thought the Division of Insurance has to approve it first.

Mr. Winner stated that when the Division of Insurance is ready to approve Desert's application, they are going to want to know if the TA Board approved it, therefore, when he receives a call that the application is approved, he would like it put on that month's agenda for approval.

Administrator Grogan stated that he checked with the Division of Insurance and it hasn't been approved. The two things he's looking for to advise the Board is that Desert meets the requirements under 706 and that the Division of Insurance approved the application.

Chair Drobkin stated it should be put on the next agenda. Mr. Winner agreed.

11. Discussion and Possible Decision of Recommendations from the Executive Branch Audit Committee.

Chair Drobkin stated she is going to call all the intervenors first, she is going to open discussion up for everyone including staff and then the Board.

Intervenors were Nellis Cab, Yellow/Checker/Star Cab Companies, Desert Cab, A Cab, LLC, Lucky Cab, Frias Transportation and Western Cab.





Jamie Pino, Nellis Cab, will wait until you poll the others first. He is going to yield to Brent Bell of Whittlesea Blue/Henderson Taxi.

Brent Bell greeted the Board, Administrator, Chief and Counselors and introduced himself as President of Whittlesea Blue/Henderson Taxi, as well as President of Livery Operators Association. He stated that Whittlesea Blue/Henderson Taxi, Frias Companies, Desert Cab and YCS are all members of LOA.

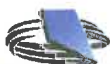
He stated that regarding the audit he requested the Board hold off on taking any action that pertains to the recommendations until they have had the opportunity to review and properly respond to the audit which is so critical to their industry. He stated that initially, the audit had many flaws and unsupported conclusions. The LOA has hired Jeremy Aguero of Applied Analysts to conduct a thorough analysis of the audit. When he has completed his analysis and presents his findings to the Board, B & I and the media and anyone else interested in the findings, the industry will work with the State to ensure the integrity and efficiency of the industry. If changes or improvements are needed, they will be made by the industry. Mr. Aguero needs at least 90 days for his analysis to be complete. In light of the State taking a year to do their audit, the industry is asking for 90 days to respond. Over the 25 years that he has been attending Board Meetings which produced many negative and positive feelings, but in the end he always felt the industry got a fair shake because there was always someone who listened to them.

He complimented his General Manager Cheryl Knapp for all her research and hard work she has done over the years going over data to prepare for any request they had to present to the Board. He feels that is why any decisions made by this Board and their predecessors were educated decisions. Everyone that came before the Board over the years came in the interest of the riding public. He feels that an educated decision was not made by the State Auditors, especially with their decision to abolish this agency.

Chair Drobkin thanked him.

Jonathan Schwartz, Director of YCS Transportation, stated he also is awaiting the findings of Applied Analysts. He commented that there are many inaccuracies in the audit. Any decision made by the TA Board is subject to the Open Meeting Law, supervised by the Attorney General's office and received in open meetings that are attended by the media. The process that the Board uses in their decisions is from presentations from the TA Staff, LVCVA, Unions and the industry. This industry is rated among the best in the world because of the most stringent regulations. Because of this, many taxi regulators from around the world come to Las Vegas to review how our industry runs. He went on to explain that the YCS fleet has state of the art technology as most fleets in Las Vegas do which include Drive Cams, in-cab surveillance systems for the safety of the driver and passengers. Mobile Eye Accident Avoidance Technology to avoid accidents. They have L3 Driving simulators like fighter pilots train on. Their drivers are continuously trained. YCS has invested millions in alternative fuel technology to reduce pollution in Las Vegas. They are working to keep this industry the best in the world.

Jay Nady, Owner of A Cab, explained that earlier in his career he was a Gaming Control Board Auditor. He agrees that this audit was not accurate. He gave a scenario that was reported about his cab company on New Year's Eve regarding vehicle inspections and meter seals. He went on to explain exactly what he perceived as the problem which was not what the audit had disclosed. He spoke with Interim Administrator Tom Ely who could not help him stating there were no more meter seals available. He explained his phone call to the Director and was told there was nothing he could do at that time. So he called the Governor's Office, spoke to an attorney at the Governor's office and was told that being it was New Year's Eve she didn't think his problem would be resolved. He then received a call from Interim Administrator Ely that some meter seals were found and an Inspector would be at A Cab to do the requested inspections and installation of the meter seals. He was happy.



Jamie Pino, Nellis Cab, commented that after reviewing the audit, he found the conclusions to be false, damaging and misleading to the public. Nellis' actions are consistent with the rest of the industry and they will wait for the analysis to come back. He stated that everything has been in accordance with the law, been made public and to provide the safest and best service to the riding public. He stated he was surprised how quickly the media received their findings. He will wait for the analysis to come back.

Jim Eckstaedt on behalf of Frias Companies. He stated that after reading the State Audit Review he found that there were many errors it. He commented that Frias concurs with Brent Bell and the LOA and would like 90 days as well to analyze and work with Jeremy Aguero. He went on to explain that before presenting any requests to the Board, a lot of research is conducted. He is requesting a 90-day continuance to review it.

Chair Drobkin stated that they are not continuing this item. It will be heard and then the Board can take action if they choose to because it was targeting the Board. She stated the Board will answer it today and dispense of it today.

John Hickman, General Manager for Western Cab, stated because he has just began working for Western Cab and received the audit yesterday, he cannot comment on it, but Western Cab does support all of the certificate holders' comments.

Jason Awad, Lucky Cab owner, and Neal Tomlinson, Attorney. Mr. Awad went on to explain his background stating that he has never seen anything like this. He called it a "hatchet job". He stated that he is very knowledgeable on all the issues. He touched base regarding the history of the fuel surcharge and the credit card fee. He went on to explain that someone in Department of Administration does not like the policies and procedures made by this Board's predecessors and if they disagree with any decisions that were made, they should have it put on a future agenda for review but they failed to do that. He talked about the Agency being named Agency of the Year by the B & I. Any decisions this Board or any other Board has made is in an open meeting where the public is allowed to voice their opinions. The last audit was done in 2013 by LCB and there were no findings. He feels this audit has caused a lot of damage for all involved. Because the Board is independent as are their policies, someone did not like it. He feels this audit was false, inaccurate and deceitful and, per the media, devastating and explosive. He would like to address what the public was told that the industry took advantage of them to the tune of \$45M. He went on to explain how they got to their numbers in Exhibit A on page 14 of the audit making the public think any monies went to the industry. He went on to explain about the removal of the fuel surcharge in 2015. On page 29 and 20 of the audit, Exhibit 14, he went on to explain what really transpired. He explained how other cities handle their fees.

He stated that they are conducting a full investigation of this matter as it is very serious.

He introduced Neal Tomlinson. Neal went on to explain his background and that he had documentation available with regard to the implementation of the fuel surcharge and the credit card fee as he was the attorney for Frias at the time this was decided. He explained that when he read the audit he was quite shocked because the information was not accurate. He went on to explain how the fuel surcharge came about and why, as well as the credit card fee. He stated that everything was presented to the Board at that time, it was discussed in an open meeting and the Board had voted on the outcome. He explained that not everything that the industry requests is granted. Also there are times when something is requested and the Board votes on it in a different way. He said he was asked to assist in the comprehensive investigation of this report. He feels that whoever is behind this audit is trying to rewrite history and change policies in an improper procedure. He went on to talk about the fuel surcharge and how long it took and how many meetings there were before a decision was made.



He then addressed the credit card fee stating that prior to credit cards in cabs, rides were cash only. He went on to explain that an outside company brought the discussion about credit cards in cabs to the Board and how that transpired into what it is today. Also, what the process for the credit card fee was presented to the Board. This took many months to resolve and decide how the process would work and what was involved. For the audit to report in the manner they did when this process was so involved is unacceptable. The credit card fee went before the 2011 Nevada Legislature – Assembly Bill 351 – this also went through a process of numerous committees and hearings and was strongly supported by the Legislature, the Governor signed the bill that allowed the companies to use credit cards and charge the fee. This bill was for the Nevada Transportation Authority as well as the Taxicab Authority.

He also stated that in the audit it states that the Nevada Transportation Authority does not allow for the credit card fee to be charged – he said that is absolutely false. There's a separate statute that allows it. He stated that he is looking forward to conducting a full investigation and fully vetting the audit report.

Mr. Award asked that these items be placed on the agenda for the Annual Review so it can be fully discussed and deliberated upon in an open meeting. He would like to bring in evidence and also have the opponent present theirs, then a decision can be made.

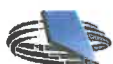
The Chair asked if anyone else would like to speak on this and there was no one. She asked Staff too comment.

Administrator Grogan stated, being new to the Agency, he was very concerned with what he read in the Audit. He also found it difficult listening to the industries comments today because it not only concerns the industry and the Board but his TA staff as well. He attended the meeting in Carson City and had to address his staff, telling them how the audit may affect them. What concerned him most was the future of the agency because the audit suggested it be dissolved, move under the NTA or to Clark County. With the issue of dissolving the agency, he told his staff that that was greatly exaggerated. The TA will continue to operate under the 706 in regulating the industry, issuing citations, issuing permits and doing vehicle inspections as well as "staff up" to the agency's approval level.

Mr. Grogan stated that the agency is in the process of launching 2 sizeable IT projects – office automation project that will need the assistance of the companies. The second one is to do a study to have funding from the legislature to bring independent consultants to help us understand how we make decisions related to rates and medallion distributions. He stated that will be done with the help of everyone here. Internally, there are many challenges. He knows he has to keep his staff functioning and doing what we do and to support the industry and the Board.

Chair Drobkin thanked Mr. Grogan. She went on to address the issue which the media stated that the Board did not attend the Executive Branch Audit Committee Meeting. Her understanding, from information the Board had, was that the Board, including herself, was not required to attend but to respond after thoughtful deliberations on the findings, i.e. at this board meeting. She stated that contrary to what was in the audit, the Board always adhered to their statutory authority, rules and responsibilities, with regard to rates, charges and fees for taxicab service as well as handling appeals from the final decisions of the Administrator. The Board always followed the advice of their legal counsel and at no time was there ever a finding or admonition given by the Board's legal counsel that it wasn't exercising it's legal authority.

With regard to taxicab inspections – the Board never interfered with or dictated to staff anything regarding their schedules as the Board does not have direct control over TA staff.





Regarding Board Appellate Decisions that may expose the State to liabilities, NAC 706.516, subsection 2 is a discretionary denial – the Board is not here to rubber stamp the Administrator's decisions. Auditors drew unsupported legal conclusions.

She asked DAG Guerri-Nyhus, who represents the Board, "Is it within our authority to act independently of the Administrator?"

DAG Guerri-Nyhus explained that the Board and the Administrator have 2 different roles with regard to regulating the taxicab industry. The Administrator is responsible for day-to-day administration and staff. The Board is responsible for policy decisions. By statute they are independent of each other.

The Chair asked if she recalls any specific instance where the Board acted outside of their authority.

DAG Guerri-Nyhus stated that she can only answer for while she was with the Board and they have always actively been within their statutory confines.

Chair Drobkin went on to address the fuel surcharge stating that it has been in effect many years and goes on or off depending the price of fuel and when it is below the trigger of \$3.25 per gallon, it goes off. She went on to explain what the fuel surcharge was and where it is determined to be moved.

With regard to the credit card fee, she stated that in 2011, the legislature enacted 706.88355 which allows the TA to order what the maximum fee the companies can charge the riding public for the convenience of using credit cards. In 2010, the Board held many public hearings regarding this issue at which time there was a different Board. Per the audit on page 1, the Board is statutorily responsible for adjusting rates, charges and fares for taxicab service.

With regard to abolishing the agency, she feels it is beyond the scope of the auditor's role to call for the dissolution of the agency, as well as undermining the discretion of the Board's decision making process in hearing appeals. With regard to rates, the Board determined the rates were consistent with what the law provides.

The auditor's recommendation to abolish the TA is inconsistent with the support the agency has enjoyed – 1) the recommendation of the Governor to fund and maintain the agency; 2) it goes against the legislature's determination; 3) it goes against B & I's Director Bruce Breslow and 4) it underscores the work of the TA.

She reiterated about the TA being named Agency of the Year in 2013. The Director honoring the agency and it's then Administrator Charles Harvey, as well as the TA staff for "tremendous strides made by the agency for working toward the goal of becoming a model agency...." To quote Mr. Breslow, "these collective actions have elevated the agency's operations to provide a higher level of service to the industry and the taxi riding public." This includes his praises for the creation of the Specifics Academy for the new compliance enforcement investigators for which she has the press release.

She went to explain that in 2010, Hotels.com conducted a national survey of taxi service in the nation's major cities and Las Vegas was voted the best.

She stated that she doesn't understand how the auditor's opinion is so different from the Director of B & I. She also spoke on the Legislature's 2013 audit of the agency when they spoke to the Board and there was no finding that the Board acted out of their scope of authority.

She asked the Board to weigh in and then she will ask for motions on specific points.





Member Dean Collins started by commenting on the why the Board did not attend the Audit meeting. The RJ did an article on January 19<sup>th</sup> regarding the audit and stating, Director Breslow, that no board members attended though they were notified. The Director stated the Board Chairwoman, Ileana

Drobkin, told him auditors have no authority over the regulatory board and she would not attend. Member Collins said technically that is correct. Governor Sandoval agreed but would have like to have heard from the board. Mr. Collins said that the Board was notified of the date and time, but that was back on November 23<sup>rd</sup>. He said he emailed the Director and thanked him for the message of the December 16<sup>th</sup> meeting and he had planned to attend possibly in Carson City. He went on to read his email to the Director. Then the audit committee changed the date to January 19<sup>th</sup> and he could not attend. For the record, he wants it known that yes they were notified and the fact that no one attended is only half of the story. Also that he would have been at the initial meeting in December but there was a conflict for the meeting in January.

He pointed out some issues in the audit – first he thanked the owners and attorneys that spoke on behalf of the issues in the audit that were factual statements about issues that actually transpired since this Board has been here and their predecessors. He reiterated what was previously stated about issues that sometimes took more than one meeting to resolve or vote on. He stated that there are a lot of issues in the audit that are not correct. He welcomes the opportunity for the 90-day review. He stated that the audit had 4 distinct components – 1) credit card fee; 2) fuel surcharge; 3) enforcement; and 4) eliminating the TA. Regarding the fuel surcharge – the price of fuel has dropped. He commented that maybe that should be revisited. The credit card fee is one thing he takes offense to because he is in a position that his clients would be thrilled to pay the \$3.00 fee thinking it was a gift. He doesn't feel it is a huge fee. He feels that should be put to rest.

He agrees that a study should be done as some things in the audit should be revisited because things do change. As far as the elimination of the TA – he feels that is ridiculous. To reiterate Mr. Schwartz's statement about there being no other municipality like this one in the world. If the industry requests something they need to run their business, the Board will agree and give the owners what they need to run their business so it is profitable for everyone.

Member Aguilera stated he agrees with comments made by Member Collins. He said there is something that irritated him and that was the notification of the meeting. When he received the notice, he spoke with Director Breslow stating he would be there and asked for a copy of the report. The Director told him no it was not available to him or the board members until it's public in the meeting. Then the meeting was changed and that day he was not available and he was told it was not necessary to attend. He thought it was unfair that the Board did not get a copy of the report when the B & I Director and the Administrator had copies. Not being able to review it and make comments, he felt was very unfair. Meanwhile, he said he pulled the minutes from the March 23, 2010 meeting when the credit card was discussed and read all of it. Obviously, there were many people publicly involved and much public discussion before any decision was made. On April 6, 2010 and again on June 29, 2010 there were additional meetings to discuss the credit cards, both of these meetings were public meetings. As Neal Tomlinson mentioned, the Nevada Transportation Authority was already using credit cards, even though the NTA did not want it.

He stated that regarding the termination of the agency, he has been in the hotel industry since 1978 in many positions and being on this board, he sees how the taxicab industry and the hotel industry work in conjunction with each other. He feels this agency is very vital and everything the board does is in public. He was not happy how the media reported everything.



He feels that they need to look closely at the recommendations that were made and address them. He is hoping the media and public realize how many falsehoods and misstatements there are in this audit. He feels it is not fair to this board, previous boards, the industry nor the public the way this audit stated issues.

Member James Campos stated that, for the record, he has been part of many boards and commissions for the State. He feels that the first impression people will get from reading this audit are the great concerns which is why he feels that the Board should have this researched deeper to bring forward information needed to be brought forward so the public and the media are made aware of the process before decisions are final. He thanked the industry for their input because, as the newest Board Member, he wasn't with the Board when a lot of decisions were made. He stated that from his own due diligence and speaking with others in the community that there is a lot to be talked about and reviewed. He said there is an analysis being done regarding the RFP on taxicab rates, a supply and demand analysis which are all due on February 29<sup>th</sup> at 2:00 PM. He feels a final conclusion will be met with multiple sources contributing to the analysis. He agrees with everyone's input.

Chair Drobkin commented that because they need to respond back to the auditor, she asked her Board to allow her to take their notes, her notes and draft a letter to the auditor and copy the Governor. She asked for their opinion.

Member Collins agreed so that the Governor has all the information that was presented today.

Chair commented that they are doing that separately. She just wants to address the three opinions of the auditor regarding the board. The additional information from the industry will be released. She would like the Board to receive the information as well as the Governor.

Member Aguilera asked if she wants a compilation of their input in a letter.

Chair Drobkin said yes basically addressing the auditor's opinion about the Board's conduct and how the board behaved which is what the Board has to address. She stated that due to fact that someone's opinion of the Board was made public, she feels they have to respond.

DAG Guerri-Nyhus commented that from the Open Meeting Law perspective, you can either designate one person to write the response based on today's discussions or if more of the Board wants to be involved in the response, a response can be drafted and put on next month's agenda as the Board cannot work as a group unless it is done in an open forum.

Chair Drobkin asked if the response can be written by one member with input from the Board.

DAG Guerri-Nyhus said only in an open forum and it can be done next month. Someone can prepare it and then put it on the February agenda. It cannot be done any other way.

Chair stated she'd like Member Aguilera to draft the letter. She said she didn't need to see it as she feels he knows the issues. The Chair asked for a motion.

There was conversation between the Chair and Board Members on the process of the letter.

DAG Guerri-Nyhus stated to put it on the February Agenda to be reviewed by the board, at this point, at this point revisions can be made if needed, and have the board sign it. She stated this will be part of the Board's packet and it will be public information as the public will get the agenda to see what items will be discussed. She will help the Recording Secretary with the wording of the agenda item.



Motion: Draft a letter from the Board's notes to be reviewed at the next meeting and after the Board reviews it and signs it will be forwarded to the Auditor and the Governor  
By: Member Aguilera  
Seconded: Member Collins  
Vote: Passed unanimously. Motion passes.

The Chair commented that there are a couple of issues she wants to discuss. She wants to reject the auditor's recommendation for the credit card fee and the fuel surcharge and put it on the next Annual Review as it has been done in the past. She wants to deny both. She stated that the industry is doing a separate study, this is regarding the Board. The auditor's are telling the board to redo what they have voted on in the past without hearing testimony; therefore, she wants to reject both of the opinions from the auditor and have it on the Annual Review.

The Chair stated she wants to make 2 separate motions – #1 - Reject the auditor's recommendation as it falls within the Board's Statutory role to adjust rates, charges or fares for taxicab service. The Board will review the rates and fuel surcharge at annual review of rates as it normally does.

Member Campos ask before voting on this, he would like to ask Administrator Grogan if this can be done.

Chair stated that counsel says we can do.

DAG Guercki-Nyhus stated that she thinks, what she is hearing from the Board is that in their response they want, instead of accepting the recommendation of the auditor, is to reject the recommendations of the auditor and set these items to be reviewed at the Annual Review of Rates.

Member Collins feels he would rather address it at an earlier date in case something comes up that would change the scenario.

Chair stated that they can call an annual review at any time within the 12 months, so we can do that, but that is where the discussion belongs.

Member Campos stated he just wants a opinion from staff.

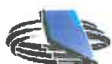
Administrator Grogan stated that they certainly have the authority, but he feels accuracy is more important than speed at this point. He stated that waiting for some of the industry's data before the Board definitively states what they are going to do.

Chair stated that all they are saying is they want it on the Annual Review of Rates when it should be reviewed then whatever the Board decides is it, but not take the recommendation from the auditors. She said this in within their statutory right and obligation is to discuss it and formulate their own opinions.

DAG Guercki-Nyhus said she suggests that instead of saying reject, say we do not accept.

Administrator Grogan said that was his point.

Chair said she is fine with that. She asked again for a motion.



Motion #1: Not accept the recommendations from the audit board, but will look at it at the annual review with the possibility of revisiting all rates and fees  
By: Member Collins  
Seconded: Member Campos  
Vote: Passed unanimously. Motion passes.

Motion #2: Not accept the recommendation from the audit board to eliminate the credit card fee, however, we will accept that at the annual review, we will potentially be revisiting that issue  
By: Member Collins  
Seconded: Member Campos  
Vote: Passed Unanimously. Motion passes.

## 12. Discussion regarding the Legislative Commission Board Review.

Administrator Grogan already sent the response package which was due last Friday, so we are going to go ahead and pull this off.

## 13. Staff Report

Administrator's Report – Administrator Grogan stated that his earlier comments will reflect that report and asked that Chief make his report.

Chief Investigator's Report – Chief Aquino stated that the enforcement activities are status quo. The marching orders are to continue our enforcement and regulatory duties and assured the Board that it is still happening out there. He commented that they are continuing to look at their processes and policies to improve them and make any reforms that are needed. He wants to assure the Board that the investigators are still out there doing their job which is enforcing and regulating Nevada NRS and NAC 706.

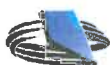
He commented that since the audit came out, there are some issues that he wants to address with the companies. He stated that his major issue is that some of the drivers seem to be more defiant towards the officers since the audit which he feels is a concern. He stated that the TA is still a regulatory agency and our sworn officers' duty is to regulate and enforce the laws. He plans on scheduling meetings with the industry to voice his concerns about the defiance toward his officers out on the streets in the last several days.

Another thing he is working on is that they are always looks at ways to improve their service, their regulatory duties. What they are implementing is the 5/8 format instead of the 4/10 format for investigators, dispatchers and vehicle inspectors. Doing this, he feels, will service the industry better and more efficiently as well as the riding public with better coverage of schedules and enforcement activities.

He also mentioned another concern regarding the 5/8 format and that is officer safety. His staff will be in a better position when there are more officers on the road.

Member Campos asked the Chief, for the record, are the officers having issues with the drivers because of recent media.

Chief answered that is what he is hearing. He has received complaints from his swing shift investigators about the driver defiance and he needs to stop it immediately.





Member Campos asked if it was safety claim issues.

Chief responded absolutely, it is safety related, the ability to perform their jobs pursuant to the NAC and NRS 706.

Member Collins stated that while reading the audit with regard to enforcement, he wants it discussed because it is a public record. He said on Page 23 it stated "field investigators have shown a propensity for conducting taxicab regulation in a very public and dramatic style". He said he is not sure what that means, but recent press releases have stated that field investigators are detaining people with excessive force, conducting operations in major tourist areas while wearing masks with weapons drawn. He is not sure if that is just sensationalism, so he would like to hear the TAs standpoint.

Chief commented, starting with the masks. He believes that was an isolated incident reported by the media. That's all he will say about that. The TA investigators do not wear masks; regarding guns being drawn, excessive force – those have to be addressed individually because there are a lot of moving parts to what is in the media – officers do put their lives on the line every day in spite of being regulatory personnel, that is how they are trained with the hopes of never having an event happen. He commented that he and his officers take their training very seriously. He is working on training them better so they don't have to use excessive force. All TA investigators have to comply with the Nevada P.O.S.T. Standards every year. That training includes use of force, use of firearms and various other things per the peace officer statutes under 289.

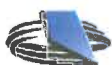
Member Collins stated he took offense to what was written because he knows, that under Chief's leadership, they are highly trained and highly professional. He complimented them on what a great job they do. He feels is just another hole in the audit. He knew, being on the Board for a few years, what a great job they do but wanted to hear it from the Chief and he's happy that Chief has many checks and balances in place.

Chair Drobkin complimented the Administrative Staff as well due to the fact of what they deal with every day. She feels this audit did an injustice to whole TA staff.

Administrator Grogan wanted to comment about the enforcement staff is regulating an industry that had 27 million meter drops last year. With an average of 2 plus people in a car, your drivers and our officers come in contact with 50 million people during the year. He stated that the employees of the taxicab companies are not a big problem to us. Staff issues citations, violations, and what he looked at when he made the 5/8 format decision is safety. At times there were only 2 investigators on duty and knowing they are coming into contact with tourists and the general public, no one knows who is getting into that cab. He feels better erring on the side of safety for the riding public and the staff. He feels they are making improvements in the ways they enforce the 706 statute.

Kelly Kuzik made his presentation regarding the Stats for November and December, 2015. He stated that the format of the monthly stats is changing as trips per medallion or revenue per medallion will not be on the stats; there will still be the revenue, trip information; there will not be any medallion information.

The Chair asked if there were any questions. There were no further questions for him.



14. Report of Legal Counsel

DAG Guerri-Nyhus stated that this will be her last meeting as she took a position with the Colorado River Commission as their Counsel. She introduced the new DAG for the Board who is Sophia Long who will be sitting with the Board starting at the February Meeting.

15. Public Comment

DAG Guerri-Nyhus was thanked for her service to the Board.

Chair Drobkin stated that she is putting the DAG on the Agenda for next month so she will keep her commentary for then.

Jason Awad led the room in applause for the job that the Board has done.



Public Comment was closed.

16. Adjournment

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

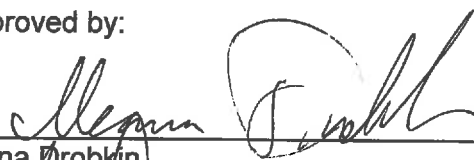
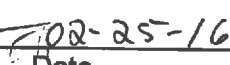
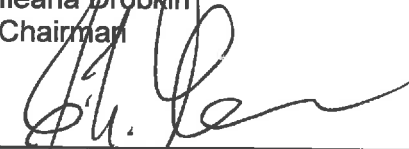
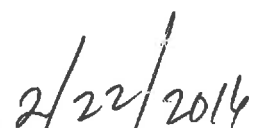
Meeting was adjourned at 11:17 A.M.

Respectfully submitted by:

	
Barbara A. Webb	Date
Recording Secretary	

Please note that these Minutes were compiled from a transcript done by Always on Time Transcription.

Approved by:

	
Ileana Drobkin	Date
Chairman	
	
Ronald Grogan, Administrator	Date
Nevada Taxicab Authority	

