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**BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY**

IN THE MATTER OF:

Any Responses, Objections, Replies, Appeals, etc. to the Taxicab Authority's March 21, 2022 Findings of Fact, Conclusions of Law and Order regarding Independent Cab's application for eight (8) subpoenas, and/or the subpoenas that issued pursuant to that Order - regarding an application for a certificate of public convenience and necessity by applicants Brent Carson and Claudia Hoepfner (Independent Cab Company, LLC), and request for thirty-five taxicab medallions.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

At a hearing of the STATE OF NEVADA TAXICAB AUTHORITY ("Taxicab Authority"), held at the Nevada State Business Center, 3300 W. Sahara Avenue, Suite 400, Las Vegas, NV 89102.

PRESENT: Dan R. Reaser, Chair  
Roger C. Thompson, Ph.D, Vice-Chair  
Don Soderberg, Member  
J.D. Decker, Member  
Karl W. Armstrong, Administrator  
Asheesh Bhalla (audiovisual), Deputy Attorney General

The Taxicab Authority makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On December 18, 2019, an application ("Application") for a new certificate of public convenience and necessity ("CPCN"), along with a request for thirty-five taxicab medallions, was received by the Taxicab Authority.
2. The Applicants are Brent Carson, Esq. and Claudia Hoepfner, as the principals of Independent Cab Company, LLC.

1           3.     A series of prehearing conferences have been scheduled and held, and  
2 discovery has been conducted, but an application hearing before the Taxicab Authority has  
3 not yet occurred in this matter.

4           4.     On January 18, 2022, applicant Independent Cab, LLC filed eight (8)  
5 applications at the office of the Taxicab Authority, requesting the approval of eight separate  
6 subpoenas for documents to be issued to various interveners in the matter.

7           5.     The eight (8) applications were entitled:

8           a.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
9 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
10 Produce Documents to Yellow Cab Company."

11           b.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
12 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
13 Produce Documents to Checker Cab Company"

14           c.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
15 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
16 Produce Documents to Star Cab Company"

17           d.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
18 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
19 Produce Documents to Lucky Cab"

20           e.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
21 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
22 Produce Documents to Western Cab"

23           f.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
24 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
25 Produce Documents to Whittlesea Blue Cab"

1 g. "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
2 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
3 Produce Documents to Henderson Taxi"

4 h. "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
5 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
6 Produce Documents to Desert Cab Company"

7 6. On January 19, 2022, the Chair of the Taxicab Authority signed an order  
8 denying all eight (8) of these applications by Independent Cab, LLC.

9 7. The Chair's order stated that "[t]hese eight (8) applications have been improperly  
10 submitted substantially after the discovery cut-off date (November 22, 2021), and there is an  
11 absence of evidence in all of these applications of good cause for reopening discovery for  
12 these purposes. After review and consideration, all eight (8) applications by Independent Cab  
13 are hereby DENIED."

14 8. On February 11, 2022, applicant Independent Cab, LLC filed at the office of the  
15 Taxicab Authority its "Applicants' Petition for Appeal Pursuant to NAC 706.975 from the Order  
16 Denying Independent Cab, LLC's Eight (8) Applications Seeking Subpoenas to Produce  
17 Documents Pursuant to NAC 706.936."

18 9. In its petition for appeal, Independent Cab argued (among other issues) that  
19 November 22, 2021 (the date cited in the Chair's order) was not an actual discovery cut-off  
20 date in this matter, and it was "clearly erroneous" to consider it as such.

21 10. In its petition for appeal, Independent Cab requested "that the Authority grant  
22 this Appeal and allow the Application for Subpoenas to be issued by the Administrator."

23 11. Independent Cab's appeal was placed on the agenda as item 5 for the March  
24 16, 2022 meeting of the Taxicab Authority board. This agenda was issued and posted on or  
25 about March 3, 2022.

1           12.    On March 9, 2022, Desert Cab, Inc. d/b/a Desert Cab Company (an approved  
2 intervener in the underlying application matter) filed a "Petition to Intervene" regarding item 5.

3           13.    At the March 16, 2022 public meeting of the Taxicab Authority, the Board heard  
4 from the appellant and the intervener and considered item 5- "Applicants' Petition for Appeal  
5 Pursuant to NAC 706.975 from the Order Denying Independent Cab, LLC's Eight Applications  
6 Seeking Subpoenas to Produce Documents Pursuant to NAC 706.936, regarding an  
7 application for a certificate of public convenience and necessity' by applicants Brent Carson  
8 and Claudia Hoepfner (Independent Cab Company, LLC), and request for thirty-five taxicab  
9 medallions."

10          14.    After discussion and deliberation, all four members of the Taxicab Authority at  
11 the March 16, 2022 meeting voted unanimously in favor of granting Independent Cab, LLC's  
12 petition to appeal. Independent Cab's eight (8) applications for subpoenas for documents,  
13 previously denied, were all approved, and the eight (8) subpoenas were permitted to be  
14 served upon the intended interveners.

15          15.    As voted by the Board, and described in the resulting Order filed March 21,  
16 2022, "the Taxicab Authority retains jurisdiction at this time to hear and decide on any  
17 objection, appeal, motion to quash or motion to modify regarding these eight (8) subpoenas,"  
18 and "[e]ach intervener in the underlying application matter will have ten (10) days from the  
19 date of service of the subpoena to file an objection to the subpoena's scope, or to move to  
20 quash or modify the subpoena. Independent Cab, LLC will then have ten (10) days from the  
21 date of service upon it of each intervener's objection, motion to modify and/or motion to quash  
22 in order to file and serve any response or reply." See *Exhibit 1*, p. 6, lines 1-2; p. 7, lines 14-  
23 20.

24          16.    The eight (8) subpoenas were signed on March 21, 2022, and picked up by a  
25 representative of Independent Cab, LLC at the Taxicab Authority office on March 22, 2022.

1           17.     Although the eight (8) subpoenas are each directed to different interveners in the  
2 underlying application matter (all existing certificate holders), that is the only substantive  
3 difference between them. Each subpoena orders that the same nine (9) categories of  
4 documents be produced by the certificate holder, and the requests are made in the same  
5 order on all of the subpoenas. The categories, in order, are:

- 6           1. "Any and all documents, exhibits or other tangible items you intend to offer  
7           into evidence at the hearing on Independent Cab Company's Application for  
8           a Certificate of Public Convenience and Necessity."
- 9           2. "Produce the Tax Returns for [INTERVENER NAME] for the past two years:  
10           2019 and 2020."
- 11           3. "Produce [INTERVENER NAME]'s annual reports filed with the Nevada  
12           Taxicab Authority for the years 2019 and 2020."
- 13           4. "Produce any and all documents that support your contention that there is no  
14           need for any additional taxicab medallions in Clark County."
- 15           5. "Produce any and all documents that support your contention that 35  
16           additional medallions will unreasonably and adversely affect your  
17           operations."
- 18           6. "Produce any and all documents that support your contention that 35  
19           additional medallions will not benefit the travelling public."
- 20           7. "Produce any and all documents that Applicants are not fit to perform the  
21           services of a taxicab motor carrier."
- 22           8. "Produce any and all documents that Applicants are not willing to perform the  
23           services of a taxicab motor carrier."
- 24           9. "Produce any and all documents that Applicants are not able to perform the  
25           services of a taxicab motor carrier."

1           18.    On April 1, 2022, a document titled "Intervenors Nevada Yellow Cab  
2 Corporation, Nevada Checker Cab Corporation and Nevada Star Cab Corporation's  
3 Response to Independent Cab Company's Subpoena for Document Production" was filed at  
4 the office of the Taxicab Authority, which detailed that intervener's answer to request number  
5 one (1) of the subpoena and its objections to requests two (2) through nine (9).

6           19.    On April 8, 2022, a document titled "Applicant's Response to Objections to  
7 Subpoena Requests" was filed at the office of the Taxicab Authority by applicant Independent  
8 Cab, LLC. Exhibits included with this response were: a) the Nevada Yellow Cab Corporation,  
9 Nevada Checker Cab Corporation and Nevada Star Cab Corporation's Response, b) the  
10 unfiled document "Intervener Henderson Taxi's Responses to Applicant's Subpoena for  
11 Document Production," c) the unfiled document "Intervener Whittlesea Blue Cab Company's  
12 Responses to Applicant's Subpoena for Document Production," d) the unfiled document  
13 "Desert Cab, Inc.'s Responses to Applicant's Subpoena for Document Production," e) the  
14 unfiled document "Western Cab Company's Responses to Applicant's Subpoena for  
15 Document Production," and f) the unfiled document "Lucky Cab Company's Responses to  
16 Applicant's Subpoena for Document Production." In this filing, the applicant acknowledged  
17 Independent Cab's receipt of all of these responses from the interveners.

18           20.    Independent Cab, LLC's April 8 filing addressed all of the arguments, objections,  
19 etc. made by the four (4) interveners against production of the requested documents in their  
20 responses to the subpoenas, and requested that "the Authority overrule the objections set  
21 forth by the Intervenors and compel their responses" as to all requested documents. See  
22 "Applicant's Response to Objections to Subpoena Requests" filed April 8, 2022, p. 8, lines 10-  
23 11.

24           21.    On or about April 7, 2022, a Notice and Agenda for April 20, 2022 were issued  
25 and posted. The Taxicab Authority's Agenda included an item 5- "Any Responses,

1 Objections, Replies, Appeals, etc. to the Taxicab Authority's March 21, 2022 Findings of Fact,  
2 Conclusions of Law and Order regarding Independent Cab's application for eight (8)  
3 subpoenas, and/or the subpoenas that issued pursuant to that Order," noted for discussion  
4 and possible action.

5 22. On April 20, 2022, a public hearing was held regarding the above-entitled matter  
6 in compliance with the provisions of the Nevada Open Meeting Law, the Nevada  
7 Administrative Procedure Act, and Chapter 706 of the Nevada Revised Statutes ("NRS") and  
8 the Nevada Administrative Code ("NAC"), at which time the applicants and interveners in the  
9 underlying matter appeared and were permitted to be heard. Public comment was also  
10 allowed.

11 23. On April 20, 2022, the Taxicab Authority considered agenda item 5- "Any  
12 Responses, Objections, Replies, Appeals, etc. to the Taxicab Authority's March 21, 2022  
13 Findings of Fact, Conclusions of Law and Order regarding Independent Cab's application for  
14 eight (8) subpoenas, and/or the subpoenas that issued pursuant to that Order."

15 24. The interests of applicant Independent Cab, LLC were represented by Brent  
16 Carson, Esq. before the Board. The four (4) interveners on this underlying application (which  
17 include all of the recipients of the subpoenas in question) were represented before the Board  
18 by: Robert A. Winner, Esq. (Desert Cab, Inc.); Ryan J. Awad, Esq. (Lucky Cab Co. and  
19 Western Cab Company); Mark E. Trafton, Esq. (Whittlesea Blue Cab Company and  
20 Henderson Taxi); and Keith B. Gibson, Esq. (Yellow Cab Corporation, Checker Cab  
21 Corporation, and Star Cab Corporation).

22 25. The applicant and the four (4) interveners on the underlying application were all  
23 permitted to argue their position on each of the nine (9) categories of documents requested in  
24 Independent Cab's subpoenas. The Board was free to question all of the parties, and did so.

25

1           26. After hearing from the representatives of all parties and questioning them, the  
2 Board discussed and deliberated on what actions to take regarding the nine (9) categories of  
3 documents requested in Independent Cab's subpoenas.

4           27. As a preliminary matter, the Chair (as presiding officer) noted that the Board had  
5 specifically retained jurisdiction to hear and decide on these subjects at the March 16, 2022  
6 meeting, that Independent Cab's April 8 filing constituted a motion to compel the interveners  
7 to respond with all documents requested in the eight (8) subpoenas, and that all of the  
8 interveners had objected to multiple categories of documents requested by the subpoenas.

9           28. After discussion and deliberation, all four members of the Taxicab Authority at the  
10 April 20, 2022 hearing, having fully considered the law and being fully advised in the  
11 premises, voted unanimously in favor of the Chair's motion to:

12           a. DENY applicant Independent Cab, LLC's motion to compel as to  
13 categories 2 and 3 of all eight (8) subpoenas in question (intervenors' tax  
14 returns and annual financial reports to the Taxicab Authority). The basis  
15 for denial, as discussed on the record by Board members, is that the  
16 requested documents are irrelevant to Independent Cab's application,  
17 and their production will not lead to evidence admissible at the time of  
18 hearing on this application.

19           b. GRANT applicant Independent Cab, LLC's motion to compel as to  
20 categories 4 through 9 of all eight (8) subpoenas in question, as those are  
21 all categories of appropriate discovery in this matter. The recipients of  
22 the subpoenas will have twenty (20) calendar days during which they may  
23 supplement their responses to categories 4 through 9 of the subpoenas  
24 such that the recipients have an opportunity to provide all documents and  
25 physical evidence to the applicant that the interveners intend to introduce



1 at the hearing on this application and identify to the applicant any  
2 witnesses they intend to call at the application hearing. To the extent any  
3 party fails to produce an item in discovery, or identify a witness, as the  
4 Board may find any such evidence inadmissible at the application hearing  
5 before the Board.

6 c. Direct the Taxicab Administrator that, after the period of twenty (20)  
7 calendar days for supplementation has elapsed, he is to appoint a  
8 hearing officer to schedule and conduct a prehearing conference  
9 regarding this application. The purpose of this prehearing conference is  
10 to address any remaining discovery issues, and to recommend a date  
11 after which this matter is in a proper posture for the full application  
12 hearing before the Board.

13 29. If any of the foregoing findings of fact is more appropriately construed as a  
14 conclusion of law, it may be so construed.

15 **CONCLUSIONS OF LAW**

16 The Taxicab Authority finds that the Findings of Fact, as well as the argument and  
17 statements presented, support the following Conclusions of Law by a preponderance of the  
18 evidence:

19 1. The Taxicab Authority is duly constituted and is mandated by NRS  
20 706.8819(1)(b) to conduct hearings and make final decisions regarding applications for  
21 certificates of public convenience and necessity to operate a taxicab service.

22 2. The Taxicab Authority and/or the Administrator may order that a prehearing  
23 conference be held prior to the application hearing, pursuant to NAC 706.933.

24 3. The Taxicab Authority may issue subpoenas pursuant to NAC 706.936 and may  
25 hear appeals pursuant to NAC 706.975.

1           4.           NAC 706.876 through NAC 706.990 “[g]overn all practice and procedure before  
2 the Taxicab Authority and the Administrator unless otherwise directed by the Authority or  
3 Administrator,” but these practice rules “[m]ust be liberally construed to secure just, speedy  
4 and economical determination of all issues presented to the Authority.” NAC 706.876(1).

5           5.           “Irrelevant, immaterial or unduly repetitious evidence must be excluded,” but “[i]n  
6 conducting any investigation, inquiry or hearing, neither the Authority nor any of its officers or  
7 employees are bound by the technical rules of evidence, and no informality in any proceeding  
8 or in the manner of taking of testimony will invalidate any order, decision, rule or regulation  
9 made, approved or confirmed by the Authority or Administrator. Rules of evidence before the  
10 courts of Nevada will be generally followed but may be relaxed in the discretion of the  
11 Authority, presiding officer or Administrator when deviation from the technical rules of  
12 evidence will aid in ascertaining the facts.” NRS 233B.123(1), NAC 706.948(1).

13           6.           The April 20, 2022 hearing on this matter was noticed and conducted in  
14 accordance with Nevada Revised Statutes and Nevada Administrative Code.

15           7.           All parties pleadings’ were appropriately served in this matter, and were  
16 reviewed and considered by the Board consistent with the requirements of NAC 706.876(1).

17           8.           Pursuant to its Order entered March 21, 2022, the Board specifically retained  
18 appeal jurisdiction under NAC 706.975 to hear and decide the dispute of the parties on the  
19 subject subpoena matters. Accordingly, the Board has the authority to exercise discretion to  
20 grant or deny relief on Independent Cab, LLC’s motion to compel (as described in its April 8,  
21 2022, “Applicant’ s Response to Objections to Subpoena Requests”).

22           9.           If any of the foregoing conclusions of law is more appropriately construed as a  
23 finding of fact, it may be so construed.

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**ORDER**

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2           THEREFORE, IT IS HEREBY ORDERED that Independent Cab, LLC's motion to  
3 compel (as described in its April 8 filing "Applicant's Response to Objections to Subpoena  
4 Requests") is GRANTED in part and DENIED in part.

5           The motion is DENIED in full as to categories 2 and 3 of all eight (8) subpoenas in  
6 question (regarding the interveners' tax returns and annual financial reports to the Taxicab  
7 Authority).

8           The motion is GRANTED as to categories 4 through 9 of all eight (8) subpoenas in  
9 question. The recipients of the subpoenas will have twenty (20) calendar days from the date  
10 of this Order to supplement their responses to categories 4 through 9 of the subpoenas in  
11 accordance with this Order. Such supplementation must include the full provision of  
12 documents and physical evidence to the applicant that the interveners intend to introduce at  
13 the hearing on this application to the extent not previously produced by a party. In addition, to  
14 the extent not previously identified, the interveners must identify to the applicant any  
15 witnesses they intend to call at the application hearing.

16           The Taxicab Administrator is directed that, after the period of twenty (20) calendar days  
17 for supplementation has elapsed, he is to appoint a hearing officer and schedule a prehearing  
18 conference regarding this application (pursuant to NAC 706.933). The purpose of this  
19 prehearing conference is to address any remaining discovery issues, and to recommend a  
20 date after which this matter is in a proper posture for the full application hearing before the  
21 Board.

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1 All parties in this matter are warned that a failure to produce an item in discovery, or  
2 failure to identify a witness, may result in a determination of inadmissibility as evidence at the  
3 application hearing before the Board.

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Dated this 10th day of May, 2022.

BY THE AUTHORITY:



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Dan R. Reaser – Chairman  
Nevada Taxicab Authority

# EXHIBIT 1

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**BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY**

**IN THE MATTER OF:**

Applicants' Petition for Appeal Pursuant to NAC 706.975 from the Order Denying Independent Cab, LLC's Eight Applications Seeking Subpoenas to Produce Documents Pursuant to NAC 706.936, regarding an application for a certificate of public convenience and necessity by applicants Brent Carson and Claudia Hoepfner (Independent Cab Company, LLC), and request for thirty-five taxicab medallions.

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER**

At a hearing of the STATE OF NEVADA TAXICAB AUTHORITY ("Taxicab Authority"), held at the Nevada State Business Center, 3300 W. Sahara Avenue, Suite 400, Las Vegas, NV 89102.

**PRESENT:** Dan R. Reaser, Chair  
Cindy Rodriguez, Member  
Don Soderberg, Member  
J.D. Decker, Member & Interim Administrator  
Asheesh Bhalla, Deputy Attorney General

The Taxicab Authority makes the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

1. On December 18, 2019, an application ("Application") for a new certificate of public convenience and necessity ("CPCN"), along with a request for thirty-five taxicab medallions, was received by the Taxicab Authority.

2. The Applicants are Brent Carson, Esq. and Claudia Hoepfner, as the principals of Independent Cab Company, LLC.

1           3.     A series of prehearing conferences have been scheduled and held, and  
2 discovery has been conducted, but an application hearing before the Taxicab Authority has  
3 not yet occurred in this matter.

4           4.     On January 18, 2022, applicant Independent Cab, LLC filed eight (8)  
5 applications at the office of the Taxicab Authority, requesting the approval of eight separate  
6 subpoenas for documents to be issued to various interveners in the matter.

7           5.     The eight (8) applications were entitled:

- 8           a.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
9               for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
10              Produce Documents to Yellow Cab Company."  
11           b.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
12               for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
13              Produce Documents to Checker Cab Company."  
14           c.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
15               for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
16              Produce Documents to Star Cab Company."  
17           d.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
18               for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
19              Produce Documents to Lucky Cab."  
20           e.     "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
21               for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
22              Produce Documents to Western Cab."  
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- 1 f. "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
2 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
3 Produce Documents to Whittlesea Blue Cab."  
4 g. "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
5 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
6 Produce Documents to Henderson Taxi."  
7 h. "Applicant, Independent Cab Company's Application Pursuant to NAC 706.936  
8 for the Taxicab Authority to Approve the Issuance of the Attached Subpoena to  
9 Produce Documents to Desert Cab Company."  
10

11 6. On January 19, 2022, the Chair of the Taxicab Authority signed an order  
12 denying all eight (8) of these applications by Independent Cab, LLC.

13 7. The Chair's order stated that "[t]hese eight (8) applications have been improperly  
14 submitted substantially after the discovery cut-off date (November 22, 2021), and there is an  
15 absence of evidence in all of these applications of good cause for reopening discovery for  
16 these purposes. After review and consideration, all eight (8) applications by Independent Cab  
17 are hereby DENIED."  
18

19 8. On February 11, 2022, applicant Independent Cab, LLC filed at the office of the  
20 Taxicab Authority its "Applicants' Petition for Appeal Pursuant to NAC 706.975 from the Order  
21 Denying Independent Cab, LLC's Eight (8) Applications Seeking Subpoenas to Produce  
22 Documents Pursuant to NAC 706.936."  
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24 9. In its petition for appeal, Independent Cab argued (among other issues) that  
25 November 22, 2021 (the date cited in the Chair's order) was not an actual discovery cut-off  
26 date in this matter, and it was "clearly erroneous" to consider it as such.  
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1           10. In its petition for appeal, Independent Cab requested "that the Authority grant  
2 this Appeal and allow the Application for Subpoenas to be issued by the Administrator."

3           11. On or about March 3, 2022, a Notice and Agenda for March 16, 2022 were  
4 issued and posted. The Taxicab Authority's Agenda included an item 5- "Applicants' Petition  
5 for Appeal Pursuant to NAC 706.975 from the Order Denying Independent Cab, LLC's Eight  
6 Applications Seeking Subpoenas to Produce Documents Pursuant to NAC 706.936, regarding  
7 an application for a certificate of public convenience and necessity' by applicants Brent  
8 Carson and Claudia Hoepfner (Independent Cab Company, LLC), and request for thirty-five  
9 taxicab medallions," noted for discussion and possible action.

10           12. On March 9, 2022, Desert Cab, Inc. d/b/a Desert Cab Company (an approved  
11 intervener in the underlying application matter) filed a "Petition to Intervene" regarding item 5.

12           13. On March 16, 2022, a public meeting of the Taxicab Authority was held in  
13 compliance with the provisions of the Nevada Open Meeting Law, the Nevada Administrative  
14 Procedure Act, Chapter 706 of the Nevada Revised Statutes ("NRS") and the Nevada  
15 Administrative Code ("NAC"), at which time the intervener appeared (through counsel) and its  
16 petition to intervene was granted.  
17

18           14. At that meeting, the Taxicab Authority considered agenda item 5- "Applicants'  
19 Petition for Appeal Pursuant to NAC 706.975 from the Order Denying Independent Cab, LLC's  
20 Eight Applications Seeking Subpoenas to Produce Documents Pursuant to NAC 706.936,  
21 regarding an application for a certificate of public convenience and necessity' by applicants  
22 Brent Carson and Claudia Hoepfner (Independent Cab Company, LLC), and request for  
23 thirty-five taxicab medallions."  
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25           15. Arguments and statements regarding this appeal were made to the Authority by  
26 Brent Carson, Esq., legal counsel on behalf of appellant/petitioner/applicant Independent Cab,  
27

1 LLC, and by Robert Winner, Esq. legal counsel on behalf of intervener Desert Cab, Inc. d/b/a  
2 Desert Cab Company.

3 16. Legal counsel for each of the Independent Cab and Desert Cab Company  
4 agreed that they interpreted the order of the hearing officer entered September 7, 2021, to set  
5 a deadline for completion of discovery by November 22, 2021, but that in a subsequent  
6 proceeding the hearing officer had orally indicated that was not the intent of the order and  
7 permitted further discovery by the intervenors. Both legal counsel concurred that under these  
8 circumstances there was a risk of disparate treatment as to discovery rights among the  
9 parties.  
10

11 17. After discussion and deliberation, all four members of the Taxicab Authority at  
12 the March 16, 2022 meeting, having fully considered the law and being fully advised in the  
13 premises, voted unanimously in favor of granting Independent Cab, LLC's petition to appeal.  
14 Independent Cab's eight (8) applications for subpoenas for documents, previously denied, are  
15 all approved, and the eight (8) subpoenas may be served upon the intended intervenors.  
16

17 18. As voted unanimously by the Taxicab Authority, each intervener in the  
18 underlying application matter will have ten (10) days from the date of service of the subpoena  
19 to file an objection to the subpoena's scope, or to move to quash or modify the subpoena.  
20

21 19. As voted unanimously by the Taxicab Authority, Independent Cab, LLC will have  
22 ten (10) days from the date of service upon it of each intervener's objection, motion to modify  
23 and/or motion to quash in order to file any response or reply.  
24

25 20. No objection of any kind was made by Independent Cab, LLC or the intervener  
26 to the Authority's actions in granting the petition to appeal, or in setting the schedule listed  
27 above.  
28

1           21.    The Taxicab Authority retains jurisdiction at this time to hear and decide on any  
2 objection, appeal, motion to quash or motion to modify regarding these eight (8) subpoenas.

3           22.    If any of the foregoing findings of fact is more appropriately construed as a  
4 conclusion of law, it may be so construed.

5   **CONCLUSIONS OF LAW**

6           The Taxicab Authority finds that the Findings of Fact, as well as the argument and  
7 statements presented, support the following Conclusions of Law by a preponderance of the  
8 evidence:

9           1.    The Taxicab Authority is duly constituted and is mandated by NRS  
10 706.8819(1)(b) to conduct hearings and make final decisions regarding applications for  
11 certificates of public convenience and necessity to operate a taxicab service.  
12

13           2.    NAC 706.876 through NAC 706.990 “[g]overn all practice and procedure before  
14 the Taxicab Authority and the Administrator unless otherwise directed by the Authority or  
15 Administrator,” but these practice rules “[m]ust be liberally construed to secure just, speedy  
16 and economical determination of all issues presented to the Authority.” NAC 706.876(1).  
17

18           3.    The Taxicab Authority may issue subpoenas pursuant to NAC 706.936, and may  
19 hear appeals of a previous ruling pursuant to NAC 706.975.

20           4.    Appellant/petitioner/applicant Independent Cab, LLC’s appeal regarding these  
21 eight (8) subpoenas was timely filed, and appropriately served.

22           5.    There is good cause to grant in full the appellant/petitioner/applicant  
23 Independent Cab, LLC’s petition to appeal regarding these eight (8) subpoenas in an  
24 appropriate exercise of the Authority’s appellate discretion and with the agreement of both  
25 Independent Cab, LLC and the participating intervener.  
26  
27  
28



1 **CERTIFICATE OF MAILING**

2 I, KATANA MARTINEZ, do hereby certify that I deposited in the U.S. mail,

3 postage prepaid, via First Class Mail and Certified Return receipt Requested, a true and  
4 correct copy of the foregoing Findings of fact, Conclusions of Law, and Order to the following:  
5

6 Whittlesea - Henderson  
ATTN: Brent Bell  
1910 Industrial Road  
7 Las Vegas, NV 89102

Lucky Cab  
ATTN: Ryan Awad  
4195 W. Diablo  
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8 Whittlesea - Henderson  
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Deluxe  
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10 Whittlesea - Henderson  
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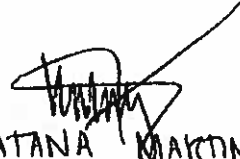
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Las Vegas, NV 89117

Dated this 21st day of MARCH, 2022.

  
KATANA MARTINEZ  
Employee of the Taxicab Authority

CERTIFICATE OF MAILING

I, Michelle Lewis-Zaher, do hereby certify that I deposited in the U.S. mail,

postage prepaid, via First Class Mail and Certified Return receipt Requested, a true and correct copy of the foregoing Findings of fact, Conclusions of Law, and Order to the following:

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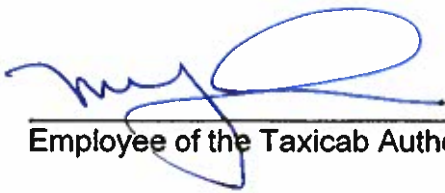
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Dated this 10 day of May, 2022.

  
\_\_\_\_\_  
Employee of the Taxicab Authority