

JOE LOMBARDO
Governor

TERRY REYNOLDS
Director



KARL W. ARMSTRONG
Administrator

DAN R. REASER
Chairman

DONALD SODERBERG
Vice Chairman

Members
J.D. DECKER
RUSTY GRAF
JAVIER TRUJILLO

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MINUTES OF THE APRIL 19, 2023, BOARD MEETING

1. Call to Order

Chairman Dan R. Reaser called the meeting to order on Wednesday, April 19, 2023, at 9:30 a.m., at the location of the Nevada State Business Center, 3300 West Sahara Avenue, Suite 400, Nevada Room, Las Vegas, Nevada 89102.

Present from the Nevada Taxicab Authority Board

Chairman Dan. R. Reaser
Vice Chairman Donald Soderberg
Member J.D. Decker
Member Javier Trujillo
Member Rusty Graf (via audio/visual technology—Teams)
Rosalie Bordelove, Chief Deputy Attorney General

2. Pledge of Allegiance to the Flag

Chairman Reaser began the meeting with the Pledge of Allegiance to the Flag.

3. Compliance with Open Meeting Law

Acting Secretary Amy A. Porry stated that the meeting was in compliance with the Open Meeting Law. A quorum of Board Members was present.

4. Public Comment

No public comment at this time.

5. Action Item: Approve Board Meeting Minutes from March 15, 2023, Board Meeting

No changes, additions, or corrections requested by any Board Member. Member Decker moved to approve the March 15, 2023, Board Meeting Minutes. Member Trujillo seconded the motion. All Members are in favor of approval. Motion passes and minutes approved. Item closed.

6. Selection of a Vice Chairman

The Board discussed selection of a Vice Chairman. Member Decker nominated Member Soderberg. Member Trujillo seconded the nomination. All Members in favor of Member Soderberg being elected Vice Chairman. (Member Soderberg abstained from voting). Member Soderberg accepted the appointment to Vice Chairman.

No further comments. Agenda item closed.

7. Industry Discussion

Cheryl Gibbons of Whittlesea Taxi asked about the regulations to be revised during or following the current legislative session. Specially, she asked whether certain regulations have already been selected for revision and whether there will be a public hearing.

Administrator Armstrong answered that they are considering a repeal of the regulation regarding an appeal from the Taxicab Authority Board going to the NTA. Other regulations are under discussion. Under AJR3, the TA Board can do a comprehensive review of all regulations. It will take six months to one year to modernize the regulations and there will be workshops regarding the same.

Member Decker stated that workshops are required for the Board and the public.

No other industry member had comment. Agenda item closed.

8. Staff Report

a. Administrator's Report:

- i. Update on the discussion with the Las Vegas Metropolitan Police Department (Metro) re: towing taxicabs following an accident.

Administrator Armstrong stated that regarding the concern with Metro forcing taxicabs to be towed by a private company following an accident, the TA will have more TA enforcement participate in responding to accidents. Serious accidents will be investigated by TA enforcement. Dispatch will continue to handle bumper taps and non-serious accidents. Administrator Armstrong had not had a chance to discuss this with Metro but will have the discussion and let the industry know. He will ask Metro to allow the taxicab companies to tow their taxicab back to their yards.

Administrator Armstrong will have the discussion sooner rather than later.

No questions.



ii. Update on Electric Daisy Carnival.

Administrator Armstrong stated that there will be increased enforcement and activity for the Electric Daisy Carnival.

No questions.

iii. Rate Increase.

Administrator Armstrong discussed the recent request for a rate increase. This will be discussed at the next Board Meeting. There are certain requirements and documents needed for the discussion. Once they are submitted to the TA, they will be given to the Board to decide whether to grant or deny the application.

Member Decker asked if this was an industry request. Administrator Armstrong answered that it was, as an individual had filed an application.

Chairman Reaser stated that he will be acting as the hearing officer in this contested case, instead of the TA hearing officer. He will decide on all intervenor petitions.

No further questions.

b. Enforcement/Compliance Report: NONE

c. Stats

Administrator Armstrong presented the industry stats first. The rides are up. There were 3.5 million rides last month, which is a lot better than in years past. The TA has 9,000 drivers with new or renewal permits. There are not enough drivers overall, but this is because the drivers want to work certain shifts and having a 24/7 operation is difficult. The industry has been doing well with the elderly/disabled ride program.

He discussed court stats next. Citations are up, but there are not as many UPT/Impounds. There will be UPT/Impounds up for EDC, Formula One, and the Superbowl. For Formula One, he suggested that they have multiple lots for staging. Formula One stated it will try to create lots specifically for pick-up and drop-off.

There were 111 citations over the last month. There was a total of 117 violations, including impounds. Citations concern the rotation issues and violation of safety laws.

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Member Decker asked about NRS 706.8845(12), which is the statute to enforce all laws, and whether the TA had stats on the type of violations falling in that category. Administrator Armstrong responded that the majority of 706.8845(12) violations were for speeding and illegal U-turns.

Member Decker stated he was happy to hear the TA was taking care of these.

Administrator Armstrong discussed the dispatch log, which is kept to see where the officers are dispatched. Member Decker asked about having a TA presence at the speedway and how hard it was to get taxicabs out there. He stated that the UPTs occurred because there are not enough taxicabs going out there. He stated that the TA should work with the cab companies as soon as possible to make a formal plan for the speedway. Administrator Armstrong responded that if EDC was at a closer location to the city, there would be more taxicabs. He is working with the industry on this because there are issues coming and going. He is concerned about unauthorized rides and is aware of the problem.

Chairman Reaser stated that they may need to consider whether there should be rate relief such as increasing the fare. This could motivate the drivers and incentivize them to go out to the speedway. Member Decker agreed and stated that people at EDC just want to go home at 6:00 a.m. and do not care how big the fare is.

d. Legal Counsel: Neither Amy A. Porray, Esq. of the TA nor Chief Deputy Attorney General Rosalie Bordelove had anything to report.

e. Future Agenda Items:

No items requested. Item closed.

9. Appeal of Jerry G. San

Senior Deputy Attorney General Louis V. Csoka appeared for the Taxicab Authority and Kimberly Maxson-Rushton appeared as counsel for Jerry G. San. Jerry G. San appeared in person as well.

Chairman Reaser canvassed Mr. San about waiving the five-to-seven-day notice requirement. He understood and voluntarily and forever waived any claim regarding notice compliance.

Member Decker asked when the denial occurred to make sure that he did not have a conflict with Mr. San and hearing the appeal. Administrator Armstrong stated that the issue was never before Member Decker during his tenure as TA Administrator. Mr. San was initially permitted in 2020, and the denial occurred in January 2023. Member Decker stated that he did not have a conflict because his tenure as Administrator ended in April 2022. Neither Ms. Maxson-Rushton or Mr. Csoka had any objection to Member Decker hearing the appeal. Chairman Reaser stated he was comfortable proceeding.

Before addressing the merits of the appeal, the Board decided that, in this case, once Mr. San filed his notice of appeal, it divested jurisdiction from the hearing officer and placed the matter before the Board



to decide on issues such as transcripts or other procedural requirements. The Board took argument on this matter from both Ms. Maxson-Rushton and Mr. Csoka before deciding the matter. Vice Chairman Soderberg moved to find that the notice of appeal divested the hearing officer to decide any further non-collateral matters. Member Decker seconded the motion and it unanimously passed.

The Board then took argument from the parties regarding waiver of the transcript requirement in the instant appeal.

Member Graf had to leave the meeting at this point and the meeting proceeded without him. (10:35 a.m.).

Chairman Reaser asked Mr. San if he was willing to waive any future claim that no transcript was necessary, and that the Board's decision was improperly made without a transcript. Ms. Maxson-Rushton argued that the State did not have the right to appeal the Board's decision—it was a policy issue. Member Decker moved to waive the transcript requirement based on good cause. Member Trujillo seconded the motion. It unanimously passed and the transcript requirement was waived.

Ms. Maxson-Rushton moved to have a closed hearing regarding the merits of the appeal and the character of the driver under NRS 241.033. Mr. Csoka objected. Chief Deputy Attorney General Bordelove discussed that the meeting could be closed, and the closed portion of the meeting shall not appear on the minutes. Further argument was taken. Member Decker moved to close the hearing, and Vice Chairman Soderberg seconded the motion.

The Board moved into a closed hearing regarding the appeal.

Following the closed session, the Board heard arguments from both parties regarding whether the appeal should be granted or denied. After discussion and argument, the Board found that equitable estoppel applied to the instant case. Therefore, it denied the State's motion to dismiss and granted Mr. San's appeal. Vice Chairman Soderberg moved to deny the motion to dismiss, and Member Decker seconded the motion. All Members were in favor of denying the motion to dismiss. Member Decker moved to reverse the hearing officer's decision upholding the denial and for the TA to reissue Mr. San's permit. Member Trujillo seconded the motion. All Members in favor and the motion passed. Mr. San's permit was reinstated.

10. Public Comment

Members of the public are invited to comment on items on the meeting agenda or on items not contained therein. No action may be taken upon a matter raised during Public Comment until the matter itself has been specifically included on an agenda as an item for possible action. Because of the time considerations, speakers are urged to avoid repetition of comments made by previous speakers.



Kimberly Maxson-Rushton, Esq. stated that these appeal exercises are a good opportunity to look at the regulations and revise. She stated that the LOA supports both the NTA and the TA in their efforts to revise regulations.

No further comments. Item closed.

11. Adjournment (Action)

Member Trujillo moved for adjournment. Vice Chairman Soderberg seconded the motion. All Members in favor of adjournment. Motion passes. Meeting adjourned.

