

BEFORE THE STATE OF NEVADA TAXICAB AUTHORITY

In the Matter of the Application of Blue Desert,)
LLC and Desert Cab, Inc. to Transfer Interest in)
Corporations that hold a Certificate of Public)
Convenience and Necessity.)
_____)

APPLICATION TO TRANSFER INTEREST

COMES NOW, Kimberly Maxson-Rushton, Esq., on behalf of Blue Desert, LLC., and Desert Cab, Inc (“Applicants”), and hereby submits the following Application to the Nevada Taxicab Authority Board (“Board”) for authority to transfer interests in corporations, which hold a Certificate of Public Convenience and Necessity (“CPC”). Specifically, two of the Members / Owners of Blue Desert, LLC. and Desert Cab, Inc. (Mr. George Balaban and Mr. Brad Balaban) seek authority to transfer non-voting units and shares to certain Legacy Trusts for estate planning purposes. In addition, Member / Owner, Brad Balaban seeks to transfer his ownership interest currently held by his 1995 Revocable Living Trust to an asset protection trust.

This Application is filed pursuant to Nevada Revised Statute (“NRS”) 706.8819(1)(c) (**Transfer of Interest in Corporation Holding a Certificate**), Nevada Administrative Code (“NAC”) 706.465 (**Transfer of Interest in Corporation Holding a Certificate**) and NAC 706.903 (**Applications generally**).

All notices, pleading documents and correspondence pertaining to this proceeding should be directed to the following individual:

Kimberly Maxson-Rushton, Esq.
Cooper Levenson, Attorneys at Law
3016 W. Charleston Blvd., Suite 195
Las Vegas, Nevada 89102
krushton@cooperlevenson.com

I.

Description of Facts Upon Which Application is Based

As Board records reflect, Desert Cab, Inc. and Blue Desert, LLC. are owed, in equal parts, by Mr. George Balaban, Ms. Dana Balaban and Mr. Brad Balaban. For the purposes of estate planning,

1 Messrs. George and Brad Balaban seek to transfer non-voting units & shares to their children's
2 respective Legacy Trusts. Additionally, Mr. Brad Balaban respectfully requests authority to transfer
3 his ownership interests, currently held by his 1995 Revocable Living Trust to an asset protection trust.
4 See, NAC 706.903.

5 **II.**
6 **Prayer for Authority Sought**

7 Consistent with the provisions set forth in NAC 706.903, Applicant's pray for the following:

8 *George Balaban* seeks approval of the following transfers of interest in the corporations that
9 hold the Certificates of Public Convenience and Necessity for:

10 **Desert Cab, Inc.:**

11 3,200 non-voting shares to the Trey Amerino Arfuso Legacy Trust

12 3,200 non-voting shares to the Michael Rodolico Balaban Legacy Trust

13 **Blue Desert, LLC:**

14 1,600 non-voting membership units to the Trey Amerino Arfuso Legacy Trust

15 1,600 non-voting membership units to the Michael Rodolico Balaban Legacy Trust

16
17 *Brad Balaban* seeks approval of the following transfers of interest in the corporations that hold
18 the Certificates of Public Convenience and Necessity for:

19 **Desert Cab, Inc.:**

20 3,200 non-voting shares to The BJB Apogonoi Legacy Trust.

21 The remaining 3,400 non-voting shares and 66.67 voting shares will be transferred to
22 newly created Asset Protection Trust.

23 **Blue Desert, LLC:**

24 1,600 non-voting membership units to The BJB Apogonoi Legacy Trust.

25 The remaining 1,700 non-voting membership units and 34 voting membership units
26 will be transferred to the newly created Asset Protection Trust.

27 In support of this Application, please find attached hereto and marked as "CONFIDENTIAL"
28 the respective trusts, as well as the corresponding Assignments of Membership interests and Stock
Powers. **Please see Exhibit 1.**

1 Applicants submit that approval of this Application will in no way materially alter the
2 ownership structure of the respective taxi companies as recognized by the Taxicab Authority.
3 Furthermore, there is no consideration being paid for said transfers; nor will there be any changes to
4 the designated trustees of the respective trusts. As the intent of the requested transfers is for estate
5 planning purposes, approval will not adversely affect other carriers nor passengers. Lastly, Applicants
6 respectfully submit that approval of said Application is consistent with all statutory and regulatory
7 provisions contained in NRS and NAC Chapters 706.

8 **III.**

9 **Conclusion**

10 In conclusion, based on the information contained herein, coupled with the supporting
11 documentation, Applicants respectfully request approval of this Application.

12
13 DATED this 14th day of January, 2025.

14 Respectfully submitted,

15 */s/ Kimberly Maxson Rushton*

16 _____
17 KIMBERLY MAXSON-RUSHTON, ESQ.
18 Nevada Bar No.: 5065
19 3016 W. Charleston Boulevard, Suite 195
20 Las Vegas, Nevada 89102
21 krushton@cooperlevenson.com
22
23
24
25
26
27
28

1 CERTIFICATE OF SERVICE

2 I HEREBY CERTIFY that on the ____ day of January, 2025, I did deposit for mailing in the
3 United States mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing
4 **Application to Transfer Interest in a Certificate of Public Convenience and Necessity** via email
5 and in a sealed envelope with first class postage fully prepaid thereon, addressed to:

6
7 Nevada Attorney General
8 1 State of Nevada Way, Ste. 100
9 Las Vegas, NV 89119

10
11 By /s/ _____
12 An Employee of
13 COOPER LEVENSON, P.A.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



NEVADA TAXICAB AUTHORITY ORDER
and



AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

BLUE DESERT, LLC
d/b/a Virgin Valley Cab

CPC T 94-1 SUB 2
EFFECTIVE MARCH 14, 2019

The Nevada Taxicab Authority ("Authority") finds that the above-named carrier has met the requirements of N.R.S. 706.8827 and the appropriate provisions of the Nevada Administrative Code, and having received authority from the Taxicab Authority to engage in transportation in Clark County as a taxicab motor carrier on February 28, 2019, the Taxicab Authority now finds it in the best interest of the Authority and the Taxicab Industry to issue this Amended Certificate of Public Convenience and Necessity ("Certificate"), therefore:

IT IS ORDERED, that the said carrier be, and is hereby, granted this Amended Certificate of Public Convenience and Necessity as evidence of the authority of the holder to engage in transportation in Clark County as a taxicab motor carrier, subject however, to such terms, conditions, and limitations as now are, or may hereafter be attached to the exercise of the privileges herein granted to the said carrier; and

IT IS FURTHER ORDERED, and is made a condition of this Certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that nothing contained herein shall be construed to be either a franchise or irrevocable; and that the failure to comply with the rules and regulations and/or orders of the Taxicab Authority or applicable statutory or administrative code provisions shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that any interest in this Certificate including, but not limited to, shares of stock, shall not be sold, transferred, leased or otherwise altered without having first obtained authorization from the Taxicab Authority; and

IT IS FURTHER ORDERED, that the transportation service to be performed by said carrier shall be as specified below:

Blue Desert, LLC d/b/a Virgin Valley Cab is authorized to operate
One hundred thirty-two (132) taxicab medallions for the transportation
of fares or passengers originating within Clark County, Nevada.

IT IS FURTHER ORDERED that this Certificate supersedes any and all prior Certificates held by this carrier, or any predecessor-in-interest of this carrier, and said prior Certificates are void and are hereby revoked; and


IT IS FURTHER ORDERED that the Taxicab Authority retains jurisdiction to correct any errors which may have occurred in the drafting of this Certificate.

DATED this 14th day of March, 2019.

BY THE AUTHORITY:


STAN OLSEN, Chairman

ATTEST:


SCOTT WHITTEMORE
Taxicab Authority Administrator



NEVADA TAXICAB AUTHORITY ORDER
and
AMENDED CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

DESERT CAB COMPANY, INC.

CPC T 887 SUB 5

EFFECTIVE NOVEMBER 1, 2015

The Nevada Taxicab Authority ("Authority") finds that the above-named carrier has met the requirements of N.R.S. 706.8827 and received authority from the Taxicab Authority to engage in transportation in Clark County as a taxicab motor carrier on March 31, 1964, and the Taxicab Authority over the intervening time having ordered additional medallions and the removal of medallion restrictions now finds it in the best interest of the Authority and the Taxicab Industry to issue this Amended Certificate of Public Convenience and Necessity ("Certificate"), therefore:

IT IS ORDERED, that the said carrier be, and is hereby, granted this Amended Certificate of Public Convenience and Necessity as evidence of the continuing authority of the holder to engage in transportation in Clark County as a taxicab motor carrier, subject however, to such terms, conditions, and limitations as now are, or may hereafter be attached to the exercise of the privileges herein granted to the said carrier; and

IT IS FURTHER ORDERED, and is made a condition of this Certificate that the holder thereof shall render reasonably continuous and adequate service to the public in pursuance of the authority herein granted, and that failure to do so shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that nothing contained herein shall be construed to be either a franchise or irrevocable; and that the failure to comply with the rules and regulations and/or orders of the Taxicab Authority or applicable statutory provisions shall constitute sufficient grounds for suspension, change, or revocation of this Certificate; and

IT IS FURTHER ORDERED, that any interest in this Certificate including, but not limited to, shares of stock, shall not be sold, transferred, leased or otherwise altered without having first obtained authorization from the Taxicab Authority; and

IT IS FURTHER ORDERED, that the transportation service to be performed by said carrier shall be as specified below:

Desert Cab Company, Inc. is authorized to operate one hundred ninety-nine (199) taxicab medallions for the transportation of fares or passengers originating within Clark County, Nevada.

IT IS FURTHER ORDERED that this Certificate supersedes any and all prior Certificates held by this carrier, or any predecessor-in-interest of this carrier, and said prior Certificates are void and are hereby revoked; and

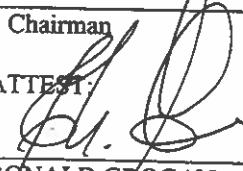
IT IS FURTHER ORDERED that the Taxicab Authority retains jurisdiction to correct any errors which may have occurred in the drafting of this Certificate.

DATED this 28th day of January, 2016.

BY THE AUTHORITY:


ILEANA DROBKIN, Chairman

ATTEST:


RONALD GROGAN
Taxicab Administrator

