



STATE OF NEVADA
DEPARTMENT OF BUSINESS AND INDUSTRY
TAXICAB AUTHORITY

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

April 26, 2011

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, April 26th, 2011. The meeting was held at the Taxicab Authority, 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. A Driver Appeal was heard at 9:00 AM. The meeting began at 9:30 A.M.

Present were: Acting Administrator Jan Rosenberg, Chairman Ileana Drobkin, Member John Marushok, Member Josh Miller, Member Joseph Hardy and Member Dennis Nolan. Others present: were Legal Counsel, Deputy Attorney General Scott R. Davis and Recording Secretary, Barbara A. Webb.

1. Driver Appeal - Carlos Cortez - TA Permit # 102509

Deputy Attorney General Scott Davis explained to the Board that Mr. Carlos Cortez, on September 30th, 2010, was cited for backing into a cab stand and failure to follow rotation of taxi stand and had pled not guilty. Officer Shepherd was working undercover from Caesar's Palace when he observed Mr. Cortez committing his violations as stated above at the Imperial Palace. The Hearing Officer, after listening to Mr. Cortez explain the situation and then listened to the officer, found him guilty as charged and that is why he is appealing the Hearing Officer's decision.

After contacting Western Cab for this driver's trip sheet for the day of the incident, the officer called Mr. Cortez into the office to explain to him why he was being called into the office and why he was issuing him a citation at that time. Mr. Cortez did not understand why the citation was being issued on October 10th and not when the incident happened and it was explained that the officer was on plainclothes detail and could not reveal who he was at the time of the incident.

The Hearing Officer asked the DAG if there was any background on this driver was told that this was his 3rd offense, one in February, 2010, one in August, 2010 and this one all for improper rotation of cabstand. The Hearing Officer offered to lower the fine if he agreed to take the Drivers' Awareness class within 30 days which is an 8-hour class so that he would understand that you cannot cut into a cab line. This is a class he did take before he was able to get his permit. He asked if he had another option and was told by the Hearing Officer that he could appeal her decision to the Board. He insisted he did nothing wrong and would appeal it. He also decided to take the lower fine and attend the DAP class again.

After listening to the DAG and the driver defend himself, the Board made their motion.

Motion: To deny appeal
By: Member Hardy
Second: Member Miller
Vote: Passed unanimously – conviction upheld

3. Compliance with Open Meeting Law.

Jan Rosenberg, Acting Administrator, stated that we were in compliance with the Open Meeting Law.

***4. Approval of the February 10th, 2011 Board Meeting Minutes and the April 5th, 2011 Board Meeting Minutes.**

Motion: Approval of February 10th Minutes
By: Member Miller
Second: Chair Drobkin
Vote: Passed unanimously

5. Public Comment

Steve Lanett, driver for Whittlesea Blue, stated that he wanted to address Agenda Item 7 regarding allocations for the Pacquiao/Mosley Fight and Agenda Item 8 regarding allocations for several smaller conventions that are scheduled for May 8-12, 2011. He directed his comments to Member Hardy stating that he hopes he continues to vote fairly as he has in the past. He said that in the past many venues were sold out and no medallions were issued because the older Board understood what was already available. He said that there are always 800,000 people in town and no medallions are allocated and doesn't feel there's a need now for the fight or anything else.

Rodney Johnson, stated that he is part of the "riding public", but said he was a cab driver. Briefly he stated that the statute states to serve the best interest of the riding public not the best interest of the companies and feels the Board is not doing their part for the riding public. He stated that the companies are just as responsible for long hauling as the drivers. He stated that NRS 706.885 lets the Administrator cite the companies as well as the drivers. He feels that by Administration and Board not having the companies cited as well shows discrimination and favoritism. He went on to talk about averages of companies, and to be on the record stating that "someone is violating the trust of the public and it is your job to fix this problem at its source and that source is the companies". He feels that if the agency enforced the laws as they are mandated the problem would go away. He wants the Board to issue an order to the TA and the companies to begin enforcing the NRS entirely. He stated that trip sheets are also an issue because they are not completed properly by some drivers and he cited NRS 706.885, section 2, subsection B and NRS 706.881 through 706.885. His detailed comments are written and are available at the Taxicab Authority Office.

Ruthie Jones, ITPEU, stated that the drivers are happy that the second suspect in the killing of Tesaye Arze has been arrested. She thanked the TA officers for the hard work and how the TA officers were never mentioned in the paper for helping with the apprehension of the second suspect.

The Chair took Agenda Items 10, 11, 12 and 13 out of order.

10. Discussion with Stephen Patterson, Traffic Manager for LVCVA regarding the taxicab service during the past month.

DavyAnn Noahr representing Steve Patterson commented on National Association of Broadcasters and how good service was. She stated that YCS and Frias had their representatives at the convention center all of the time. Unfortunately, ConExpo was very challenging. In the morning, she said service was great, but the afternoon service was bad which could have been because of the road construction on Paradise. She said that the limos picked up a lot of the people who would have taken cabs.



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The Chair asked if companies were notified, but DavyAnn was not sure. DavyAnn stated that sometimes they make several calls and the drivers don't want to go there because of the construction. Member Miller asked if there were 2 taxi stands one in front and one in back and she said they also had one at the Renaissance as well as at Joe W. Brown. Member Hardy wanted to know what the major problem was besides the street closure and she said that the cabs can only come in one way and it was busy besides being blocked off. She said they were happy when the representatives from the companies were there. Member Miller inquired about police officers being stationed at Convention Center Drive and the Strip and she said they are for the larger shows. During ConExpo there were 32 police officers around the property. Member Nolan commented that if there is nothing else going on that cabs would be there and wondered if they check if there are other events that need the cabs. She said there are other events and the closure of the shows at 5:00 is also an issue.

11. Discussion with Jeff Zamaria from the Sands Expo regarding taxicab service.

Jeff Zamaria stated that for the last couple of events, they had very good service. He said that there are shows at the Sands and the Venetian that require cab service and agrees with Ms. Noahr that 5:00 is a difficult time with shows ending. The Chair asked him if he knew how many people the corporate shows bring in and he said this weekend there would be about 5,000 attendees with a majority of them being on property at the Venetian/Palazzo as well and bus service will not be utilized from the property, therefore, cabs will be used. Member Miller asked for his opinion regarding additional allocations the week of May 9th stating that the Sands has 8,000 people for EMC, how does he feel about more medallions being allocated. Mr. Zamaria agreed there should be additional cabs especially for EMC.

12. Discussion with Heidi Nizowitz from the Mandalay Bay Convention Center regarding taxicab service.

No one attended.

13. Discussion with a representative from the Thomas & Mack Center regarding taxicab service.

No one attended.

***6. Discussion and Possible Decision regarding the Application of The Gary D. Bell, Jr., 2004 Generations Trust, dated December 22, 2004, to transfer its non-voting shares of Whittlesea-Bell to Whittlesea-Bell.**

Attorney Jeff Silver, representing Whittlesea Blue, gave details to the Board regarding the transfer of stock. After his presentation, the Board made a motion –

Motion: To approve the transfer of stock as stated in the application

By: Member Nolan

Second: Member Hardy

Vote: Passed unanimously – transfer approved

***7. Discussion and Possible Decision regarding the Application of Ace Cab, Inc., Union Cab Co., A NLV Cab Co. Vegas-Western Cab, Inc. and Virgin Valley Cab Company, Inc. for the Allocation of Temporary Medallions for the Pacquiao/Mosley Fight Weekend (May 6-8, 2011).**

Neal Tomlinson, attorney for Frias Holding Company, made his presentation regarding why they felt an allocation was necessary for this weekend. He stated besides the fight, there is an event at Sam Boyd



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Stadium. The fight has been taunted as the largest fight of the year. He stated that 2 conventions are expecting an additional 55,000 and he feels with the year having such a high visitor volume, that an allocation is needed. He commented that during ConExpo, Frias had the highest volume they have ever had with their representatives at the convention center all of the time.

He is asking for 5 medallions per company from May 6th at 2:00 PM through May 8th at 2:00 PM and from May 9th through May 12th – 3 medallions per company from 7:00 AM to 7:00 PM and 2 medallions per company from 12:00 PM to 2:00 AM any 12 hours.

Kelly Kuzik made his presentation stating that staff has recommended no additional medallions for any of the events because, after researching the past year, events that were sold out, no additional medallions were requested and the public was serviced adequately. He stated that the weekend medallions would be sufficient for the times that Frias is requesting. He was asked by Member Miller about the issue of no cabs for ConExpo and the bad service and Kelly commented that it was a logistics issue not a supply issue.

Intervenors were Frias Holding Company, YCS, A Cab, LLC, Western Cab Company, ITPE Union and Lucky Cab Company.

Marc Gordon, attorney for YCS, supports Neal Tomlinson and an allocation, as does Jay Nady of A Cab, Desiree Dante of Lucky Cab, George Balaban of Desert Cab stating that they will absorb the weekend medallions and with Motor Cross the same weekend, an allocation is needed, Marilyn Moran of Western supports Frias.

Neal Tomlinson asked the Board for their support. Member Nolan asked if there is a bench mark is used for allocating medallions and if they are actually needed, the number of trips utilized. He would like staff to give the Board data after so they can determine if this allocation was needed. Member Hardy agrees with Member Nolan with regard to their responsibility to the riding public not the companies. Member Nolan said the Unions brought up compelling information as to why not to have an allocation.

Motion: To allocate what Frias requested - 5 medallions per company from
May 6th at 2:00 PM through May 8th at 2:00 PM
By: Member Nolan
Second: Chair Drobkin
Vote: Passed unanimously

Member Hardy said he sees both sides. Member Miller stated that they were not presented with objective evidence that's needed and would like the information from now on. Member Nolan said his motion is with the caveat that they receive data that these medallions were used. He would like Kelly to get together with the Unions and the companies to collect data the Board can evaluation before making a decision.



***8. Discussion and Possible Decision regarding the Application of Ace Cab, Inc., Union Cab Co., A NLV Cab Co. Vegas-Western Cab, Inc. and Virgin Valley Cab Company, Inc. for the Allocation of Temporary Medallions for Conventions Scheduled May 8-12, 2011.**

Motion: To allocate what Frias requested - 3 medallions per company May 9th through May 12th – from 7:00 AM to 7:00 PM and 2 medallions per company from 12:00 PM to 2:00 AM any 12 hours
By: Member Nolan
Second: Member Miller
Vote: 3 yes to 1 no by Member Hardy

9. Discussion regarding the increase of fines for long hauling.

Intervenors were Whittlesea Blue/Henderson Taxi, Lucky Cab Company, Desert Cab Company, Frias Holding Company, Yellow/Checker/Star Cab Companies, A Cab and ITPE Union.

Cheryl Knapp of Whittlesea commented that they had attended workshops in the past and it was agreed that fines would be increased for anyone found guilty of long hauling as long as there was evidence provided by the passenger. She said that at the workshops everyone agreed and staff felt an increase in the fine was necessary, but the statute, NRS 706.848, states what the sanctions are that can be imposed by the Administrator and this statute is not very strong. It states that for the first offense a warning or a fine of not more than \$100 or both. They were proposing an immediate fine of \$500, but would have to speak with the DAG to see if they can change the fines with a bill to LCB because the NAC cannot override the NRS.

The Chair stated that the reason for this item was for the companies to let them know how they feel because it is too late for this legislative session. Cheryl stated that they would participate in any discussion regarding this.

Desiree Dante of Lucky stated that they support Cheryl's stance. George Balaban, Desert, also supports moving forward with raising the fines, putting a sign at the airport or whatever is decided.

Neal Tomlinson spoke on behalf of Frias stating that they have a progressive policy regarding long hauling. He said looking at the statistics, Frias has the lowest revenue per trip every month. He feels whatever they are doing is right and showing that their drivers are not long hauling. Their drivers are disciplined for going against Frias' policies.

Member Miller asked if he supports the language that was proposed by YCS for the sign at the airport. Neal Tomlinson stated that they are in support of signage, but when a flat rate or a range is stated it could be a problem. He states they would agree with stating what the law is. Member Miller said that YCS is waiting for Frias' support to put up the sign and Mr. Tomlinson said they are in favor of the sign but be sure it is right. Member Miller would like the industry to submit a final version to the administrator so that it can be completed. Mr. Tomlinson agreed.

Marc Gordon, YCS counsel, stated that their company is anxious to participate to push the issue forward.

Jay Nady, A Cab, they don't pick up at the airport so it is irrelevant to him regarding the sign. He stated that regarding the \$500 fine, it would be a "death penalty" for his drivers. He stated that because A Cab



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does not pick up at the airport, long hauling is not an issue. His company picks up locals and he would not tolerate his drivers long hauling the locals.

Chaz Rainey, ITPE Union, stated the union discourages long hauling, their concern about the increase in fines because some of the companies promote long hauling. Member Hardy asked what companies and Mr. Rainey said he prefers not to mention names. Member Miller stated that this is not the first time this issue has been brought up and he doesn't appreciate when assertions are made and no evidence is ever presented, therefore, he doesn't want it brought up again. Member Hardy stated that "bad mouthing" these people is not fair without evidence being brought before the Board.

Ruthie Jones of ITPEU stated that at one of the workshops, 885 was mentioned as not being enforced and was interrupted by Mr. Walker at that time stating that no, someone is under investigation pertaining to 885, but they don't know what came of it, therefore, they don't agree with the fine against the drivers when some companies are making them long haul.

Scott Davis, DAG, stated that if the Administrator does impose a fine against a company for long hauling they have to be able establish the violation and the company responsible, that is something that could come before this Board on appeals, therefore he advises not to ask questions about naming companies or asking for evidence just stay with the topic so it preserves the integrity of the process so the Board would be able to consider the evidence presented at that time. Therefore, he advises the Board to stay away from this situation. Member Hardy asked if the fine goes to the driver and not the company unless they are told that the company endorses long hauling and the DAG agreed and stated that the actual restriction against long hauling is statutory and it doesn't come from our regulations it is something that the language is crafted and enacted and imposed by the legislature – 706.8846, subsection 3 which states that with respect to passenger's destination, a driver shall not take a longer route to the passenger's destination than is necessary unless specifically requested to do so by the passenger. The statute prevents the driver from taking a longer route. The penalties for that offense are also statutory and imposed by statute which imposes a maximum, the fines can be less but not more, first offense is up to \$100, 2nd offense is up to \$300 with 3 days suspension, 3rd offense \$300 and 6 days suspension, 4th offense \$500 with 10 days suspension, 5th offense is revocation. This is enforced by the Hearings Officer who hears the cases and the DAG does prosecute long haul violations before the Administrative Hearings Officer. He stated that on the website there is citation bail schedule which is developed by the Administrator which describes the offenses for various violations and he went on to give examples. He stated that we are maxed out on the recommended fees.

Chaz Rainey commented that when a driver is long hauling under duress, it's not going to matter and that is what their point was. He stated that if your job is dependent on it, it doesn't matter what the fee is, they want to keep their job. Member Hardy asked what his solution was, to have the fine applied to the company and the driver. Mr. Rainey stated that under 706.885, subsection 2(b), it specifically states that anyone knowingly permitting or requiring any employee to violate any provision of NRS 706.881 and NRS 706.885 inclusive or any regulation of the Taxicab Authority Administrator. He stated that when a company has a lot of complaints against them regarding long hauling, they should be investigated.

Member Nolan asked if the Board receives copies of actions taken regarding offenses by cab companies and cab drivers that the DAG prosecutes. The DAG stated they are on record, but is not aware the Board receives them, but the Board can request them from the Court Coordinator. Mr. Nolan feels it would be helpful to see how big the problems are and it would help the Board do a better job. With regard to a situation of wrongdoing, Mr. Nolan stated that the DAG advised them not to necessarily perceive that allegation or information of additional evidence to support or deny the allegation based upon the fact the Board may have to reside over an appeal therefore the information



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would be inappropriate, but he feels the opposite because of their responsibility to take the correct action. The DAG stated that the enforcement of the rules and regulations is charged with the Administrator, therefore, it is presented to the Administrator so if an investigation is needed enforcement would deal with it. Mr. Nolan feels if there is a company out there that's promoting illegal activity, they're afraid because of retribution or if they just don't have or can't substantiate the information which may be more hearsay. This Board needs to know what is going on especially when the union rep backed off when questioned by a Board Member. If the union is right and that is going on, the Board should be able to make a recommendation to the Administrator to pursue that. Mr. Nolan feels if there are companies promoting long hauling, they should be investigated.

The Chair stated that once the new Administrator is on board, then these issues can be discussed. She asked the Board what they wanted to do and the DAG stated that it would require a hearing and evidence establishing the violations. Member Hardy agreed and feels the unions make a valid point about only the drivers being fined. Member Miller stated that the Administrator should consider a future BDR for this. DAG stated that he did draft a BDR for the prior Administrator addressing this issue asking the Board to set the amount of fines. The BDR never was discussed, but it was presented and prepared by the Administrator's office.

14. Staff Report

Kelly Kuzik stated that he provided the Board with a chart regarding trips over the past 4 or 5 years. He said that the industry is now in its 19th month of increased trips over the same month as the previous year. Trips are up, revenue is steady which will spike due to the fuel surcharge amount. The meters will be changed at midnight tonight (April 26th-27th).

Kelly stated that we have a new Administrator who will start on May 9th.

15. Report of Legal Counsel.

Scott Davis, DAG, commented on the complaint filed by Déjà vu and explained it to the new Board Members. He said they was no probable cause and dismissed the certificate holders from that. The matter was appealed to the Transportation Authority, there was a hearing held and they unanimously confirmed the Board's decision. So far no appeal has been filed to the District Court, but they have 30 days to file an appeal.

Regarding the Handicab application, he explained to the new Board Members about this, the Board found that they did not meet the requirements for that. It was appealed to the Transportation Authority and confirmed 8 or 9 months ago. It is pending before the District Court. It continues to work its way through the process. A May 2nd hearing is scheduled on their petition and hopefully by next month he can report on a resolution.

*16. Adjournment.

Motion: To adjourn
By: Member Nolan
Seconded: Member Hardy
Vote: Passed unanimously.

Meeting adjourned at 12:30 P.M.



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Respectfully submitted by:

Barbara A. Webb, Recording Secretary **Date**

Approved by:

Ileana Drobkin, Chairman **Date**

Jan Rosenberg, Acting Administrator **Date**

