

BRIAN SANDOVAL  
Governor



STATE OF NEVADA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
**TAXICAB AUTHORITY**

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BRUCE BRESLOW  
Director

CHARLES D. HARVEY  
Administrator

ILEANA DROBKIN  
Chairman

VACANT  
Vice Chairman

Members  
JOSHUA C. MILLER  
JOSEPH P. HARDY, JR., ESQ.  
DENNIS NOLAN  
DEAN COLLINS

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

**August 27, 2013**

The Board Meeting and Public Hearing of the State of Nevada Taxicab Authority was held on Tuesday, August 27, 2013. The meeting was held at the Taxicab Authority at 1785 E. Sahara Avenue, Suite 200, Las Vegas, Nevada 89104. The meeting began at 9:42 A.M.

Present were: Chairman Ileana Drobkin, Member Joseph Hardy, Member Dean Collins and Member Dennis Nolan. Others present: Legal Counsel, Ryan Sunga, Deputy Attorney General; Ruben Aquino, Chief Investigator; and Recording Secretary, Barbara A. Webb. Absent: Charles D. Harvey, Administrator and Member Josh Miller.

1. Call to Order.

Meeting was called to order at 9:42 A.M. Chair Ileana Drobkin welcomed everyone to the meeting.

2. Pledge of Allegiance to the Flag.

Pledge of Allegiance to the Flag was led by Member Dean Collins.

3. Compliance with Open Meeting Law.

Chief Ruben Aquino, acting on behalf of Administrator Charles Harvey, stated that they were in compliance with the Open Meeting Law.

4. Public Comment

Jay Nady, owner of A Cab, LLC, spoke on behalf of one of the Driver Appeals who works for A Cab. The issue that brought the driver before the Board was addressed by Mr. Nady stating he felt the driver was not wrong in what he did but, in fact, Mr. Nady was negligent in his training of his drivers by not being more specific with A Cab's restrictions.

He also commented on Agenda Item 10 – the transfer of Nellis Cab's CPCN. He stated he had the same request in 2011 and the Board had ruled positive on it hoped they would do the same for Nellis.

Public Comment was closed.

5. Driver Appeals –

Ali Robson - DAG Ryan Sunga reiterated what had occurred at Mr. Robson's Hearing before the Hearing Officer and that he advises the Board to uphold her decision.



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Senior Deputy Attorney General Kim Arguello explained that the driver has to prove that the hearing officer's decision was wrong and if he cannot, the decision should be as given.

Mr. Robson explained that some of it he does not understand. DAG Sunga explained that when someone applies for a driver's permit, they are checked for any issues in their background and at that time Investigator Caseres found things in his past that warranted him being denied a driver's permit. Those issues being 2 bank robberies – the first in 2001 for which he served 57 months in federal prison and one in 2008 which he served 61 months in federal prison. A year after he was released for his first conviction, he robbed another bank. These are grounds to deny a driver's permit. The hearing officer felt that there was not enough time to show it would be safe to issue him a driver's permit. DAG Sunga stated that the hearing officer made a reasonable decision and the hearing officer told Mr. Robson to come back at a later date. Therefore, DAG Sunga asked the Board to uphold the hearing officer's decision.

Mr. Robson stated that he did not lie on his application, he didn't hide anything. He said he drove a cab from 1990 – 1997 with no problems; he has owned a couple of businesses. He said the federal government gave him a chance when they could have given him a more severe sentence. He said he is struggling to survive. He asked the Board to let him drive but put restrictions on his permit. He said he can't get a job anyplace because of the mistakes he made.

Member Collins asked him how long is he on probation and Mr. Robson said 5 years with 3-1/2 years left. Member Nolan stated that the State probation office offers job opportunities and asked him if the federal government does and he said no. Chair Drobkin asked the DAG what the policy was and he replied within the last 5 years. The Chair asked if he could come back after 5 years and DAG said he would not make any comment on that. Member Collins agrees with the hearing officer regarding he come back after his probation is over. Member Hardy explained to Mr. Robson the Board has a narrow scope of authority and that he has the same concerns as the hearing office with regard of the 2 convictions of armed robbery whether it was with a fake gun or a real gun. Member Nolan told him if he comes back in 5 years before the Board, speak to employees first and ask whoever will hires you to before the Board with you.

Motion:	Nothing in the record indicates that the ruling of the Hearing Officer was either unreasonable, not in compliance with the law, unlawful or erroneous. The record indicates the officer's ruling was correct.
By:	Member Hardy
Seconded:	Member Collins
Vote:	Passed unanimously

Emanuel Theodros - He explained to the Board that on September 8<sup>th</sup>, 2012 he was issued a citation. He stated that he was downtown and because of the number of cabstands downtown, they have to drive around and come back because there are a lot of people looking for a cab. He does drive around and said sometimes the TA officers direct the cabs to drive around.

DAG Sunga explained why Mr. Theodros was issued a citation. He was issue a citation on 12/8/12 on Casino Center where there are parking meters. After midnight, he cited NRS 706.8845(12), which states "*Operate the taxicab in accordance with all applicable state and local laws and regulations and with due regard for the safety, comfort and convenience of passengers and of the general public*". There is a Las Vegas Ordinance 11.60.040 that state "Drivers shall not stand anyplace but on a cabstand". When he was asked why cabs park there he was told it was a waiting area until the cabstand opens up. He said that drivers and investigators testified the drivers use it as a staging area. Even though some investigators do not give citations for cabdrivers parking at a metered area after the





meter is shut off, it still remains not to be a cabstand. Therefore, the DAG requests that the Board uphold the hearing officer's decision.

Mr. Theodros stated that he has been driving for 9 years and done this many times and never been cited.

Chair Drobkin commented that downtown has been a pet project of hers over the past few months. Even though at the time the driver was cited the metered area was not a cabstand, it has since been converted to a cabstand. She feels that the ordinances need to be revisited and updated especially this particular one. When the incident occurred, it was the law, therefore, she motions to uphold the hearing officer's decision.

Member Hardy echoes the Chair's comments but feels the fine was too high. The DAG explained that was because it was the 2<sup>nd</sup> offense in the same penalty phase. Member Hardy asked if the hearing officer has the discretion regarding the amount of the fine and the DAG said yes. Much discussion ensued between the board members regarding the fine being too high. Member Nolan asked if the Board can reduce the fine. Senior DAG Arguello said only if the Board finds that the hearing officer's decision was wrong and through discussion it was not. Member Collins said the laws must be abided and all the drivers need to know the rules and regulations. Member Hardy feels even though the hearing officer's decision was not erroneous or unlawful, he feels the fine was unreasonable. He motions to uphold the hearing officer's decision. The Chair wants the fine cut in half. Member Nolan asked the Senior DAG if they can do that. The Senior DAG said no only if you find the hearing officer's decision unlawful and erroneous and also this was his 2<sup>nd</sup> offense and according to the fine schedule the fine is correct. DAG Sunga stated the according to NRS 706.8845(12), it states - "shall fine drivers the amounts listed on the fine schedule."

Member Nolan feels the Administrator has the ultimate decision – the language says "shall". He agrees to uphold the hearing officer's decision, but wants the fine reduced 50%. Member Collins asked Senior DAG Arguello the date of the first offense and she said it's in a rolling year. The driver said it was a different violation. Senior DAG Kim Arguello said it was in the same penalty phase.

Motion:	Nothing in the record indicates that the ruling of the Hearing Officer was either unreasonable, not in compliance with the law, unlawful or erroneous. The record indicates the officer's ruling was correct. Member Nolan wants a letter to the Administrator to lessen the fine by half, which is in agreement with the Board.
By:	Member Nolan
Seconded:	Chair Drobkin
Vote:	Passed unanimously

David Kingsley - Atty. Steve Immerman represented Mr. Kingsley and spoke on his behalf. He commended the Board for their attention to detail. On the other hand, with regard to Mr. Nady's comments during Public Comment, he is asking to strike the comments because it distracts from the case. He asked if there was anything wrong with Mr. Kingsley sitting in a cab line – he did not have a passenger in the cab.

DAG Sunga commented that wasn't the issue, the issue was A Cab is not allowed to stage there between 5 AM and 5 PM which is A Cab's CPCN restriction. The DAG quoted Page 14, Line 18 of the transcript where the driver said he was there to take either a radio call or to pick up passengers, stating the driver knew he was not supposed to be there. DAG Sunga asks the Board to uphold the hearing officer's decision.



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Atty. Immerman stated that the law does not apply because he did not service anyone. He commented that another charge was added at the trial by the State – NRS 706.8845(7) – “*Not permit the taxicab to remain at a taxicab stand unless it is being held out for hire.*”

Member Nolan stated that the DAG had the right to amend the statute that was violated. Mr. Immerman stated that the hearing officer denied it. Member Nolan stated that the hearing officer agreed only to the original because she felt the amendment was incorrect. Perhaps the driver was not aware that he could not sit on that stand and he would have picked up a passenger. Member Hardy agrees stating that the driver, on page 15, lines 23 and 24, of his transcript admitted he was servicing a radio call and feels Hearing Officer's decision was correct.

The Chair gave Atty. Immerman 60 seconds to comment. He commented that he has to have a passenger in his cab to be in violation and he did not.

Member Nolan stated he does risk management for an ambulance company and service starts with a phone call received.

Motion: Nothing in the record indicates that the ruling of the Hearing Officer was either unreasonable, not in compliance with the law, unlawful or erroneous. The record indicates the officer's ruling was correct.  
By: Member Nolan  
Seconded: Member Hardy  
Vote: Passed unanimously

6. Approval of the June 25, 2013 Board Meeting Minutes

Motion: Approve the June 25, 2013 Board Meeting Minutes  
By: Member Nolan  
Seconded: Member Collins  
Vote: Passed unanimously

7. Discussion with Maria Soto, Traffic Manager for LVCVA, Regarding Recent Taxicab Service.

Davy Ann Noahr spoke on behalf of Maria Soto. She commented that with the help of management from YCS and Frias during M.A.G.I.C. made for good service. She noted that several smaller conventions were coming over the next few months at LVCVA.

8. Discussion with Chris Anderson, Transportation Manager, McCarran International Airport.

Not present

9. Discussion with Larry Montoya, Security Manager, Sands Expo, regarding recent taxicab service

Not present.

10. Discussion and Possible Decision regarding the Joint Application of Sun Cab, Inc., d/b/a Nellis Cab and Nellis Cab, LLC, for authority to transfer Certificate of Public Convenience and Necessity, CPC T 884 sub 4 (CPCN) to Nellis Cab, LLC.





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Jeffrey Burr, Attorney, spoke on behalf of Nellis Cab Company. He stated that the transfer request for Nellis' CPCN is for state planning service. There are no other changes with regard to the operation of the company.

Chair Drobkin asked intervenors for comments.

Intervenors were: Yellow/Checker/Star Cab Companies, Whittlesea Blue Cab/Henderson Taxi, Lucky Cab Company, Frias Transportation Management and Western.

Marc Gordon, Attorney for YCS, Desiree Dante, Lucky Cab, Marilyn Moran. Western Cab and John Hickman, Frias Management all agree to the transfer. There was no one present from Whittlesea.

Motion:	Approve the Joint Application of Sun Cab, Inc., d/b/a Nellis Cab and Nellis Cab, LLC, for authority to transfer Certificate of Public Convenience and Necessity, CPC T 884 sub 4 (CPCN) to Nellis Cab, LLC.
By:	Member Nolan
Seconded:	Chair Drobkin
Vote:	Passed unanimously

**11. Public Comment**

Jay Nady spoke regarding his driver, David Kingsley, stating he would pay his fine.

No one else had signed up for comments.

End of Public Comment

**12. Staff Report**

- a. Administrator's Report - Administrator Harvey was not present as he was in Carson City attending the Governor's Conference.
- b. Statistics for June and July, 2013  
Kelly Kuzik stated the statistics for June and July, 2013 are posted on the TA's website. He commented on his audits at several of the companies and how efficient everyone was which made his audits so much easier than expected. Everyone, he said, was very cordial and treated him "like a rock star". He said he had a few more audits to do and would be starting them as soon as the new Management Analyst was hired so he could bring him along. He said that there is a 2-year cycle for audits.
- c. Future Agenda Items

Chief Ruben Aquino spoke on upcoming events involving the investigative side.

- Friday, August 30<sup>th</sup>, he will have another Trainers Roundtable in the courtroom for all the companies.
- 3 additional Investigators have been hired and participating in the 2-week academy. They will be in 12 weeks of field training before they are sworn in and go on the street.
- Wednesday, August 28<sup>th</sup> and Thursday, August 29<sup>th</sup> he will be conducting interviews for Management Analyst II position recently became vacant.



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- Congratulations to Marta Acevedo who was recently promoted to Administrative Assistant III, Front Office Supervisor.

Marta addressed the Board and audience stating there will be many changes in the front office and how help from the companies is always appreciated. She feels that customer service is very important and there will be changes in that area as well. She said that office managers of all the companies will be getting packages from her in hopes of creating a better and more open line of communication with the goal of bringing the front office to a higher level. She thanked everyone.

13. Report of Legal Counsel – Deputy Attorney General Ryan Sunga said the Supreme Court made a decision NOT to give Handicab a CPCN.

14. Adjournment

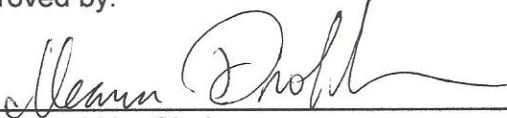
Motion: To adjourn  
By: Member Collins  
Seconded: Member Hardy  
Vote: Passed unanimously


Meeting adjourned at 11:03 a.m.

Respectfully submitted by:

 09-06-2013  
\_\_\_\_\_  
Barbara A. Webb, Recording Secretary Date

Approved by:

 10-08-2013  
\_\_\_\_\_  
Ileana Drobkin, Chairman Date

 9.30.13  
\_\_\_\_\_  
Charles D. Harvey, Administrator Date

