

TRANSPORTATION COMMITTEE MEETING - Minutes  
APRIL 21, 1977  
5:10 P.M.

MEMBERS PRESENT: Chairman Hayes      Mr. May  
                         Mr. Demers                      Mr. Jacobsen  
                         Mr. Glover

MEMBERS ABSENT: Mr. Harmon  
                         Mrs. Westall

GUESTS PRESENT: Bill Engel, Highway Department  
                         Thomas Dougherty, Cab Drivers  
                         Jack James, Taxicab Authority  
                         B. J. Handlon, Taxicab Authority  
                         James Avance , Taxicab Authority  
                         David G. Stankow, Legislative Counsel  
                         John Borda, Office of Traffic Safety  
                         Howard Hill, Department of Motor Vehicles  
                         Bill Fitzpatrick, Department of Motor Vehicles  
                         Leonard Winkleman, Department of Motor Vehicles

AB 699

James Avance, Administrator, Taxicab Authority, of Las Vegas , presented to the Committtee materials to substantiate his support of proposed legislation and proposed amendments to AB 699. Many of the changes were the result of court orders that struck down existing provisions. He specified that the remarks referring to drivers as violators of the law applied to only about 5 or 10%; the other drivers need no regulation. In discussing and proposing changes to AB 699, Mr. Avance said:

Exhibit No. 1, last page item 4, page 8 - the court has ordered that changes be made and gives guide lines. (EXHIBIT A)

Page 2 of the bill, line 21 and 24, words "by operation of law" are required to cover incidents similar to Exhibit A, page 5, items 4 and 5, and EXHIBIT B. Line 35 page 2 will further clarify their authority.

Page 3, line one is necessary to protect officers in performance of their duties. Changes in lines 16 and 17 have been reevaluated and found to be unnecessary. Line 32 was rewritten because of a request from the Audit Bureau. A taxicab fund has been created. A fund exists now but is not in NRS 706. Line 45 deals with funding. The turning back of the money each year creates deficits. (See EXHIBIT C). The Taxicab Authority experienced a \$15,000 loss in 1976. The funds derived from this section when they exceed \$50,000, the amount over \$50,000 reverts to the companies, up to \$95 per medallion. They advocate the fund go to \$100,000, to provide a "cushion".

New language on page 4 and 5 clarifies existing provisions. Line 34, page 5 is changed because the Federal Government in many instances has ruled out the six month residence rule; a 30 day residency is more practical. Mr. Avance requested items beginning on line 40 be deleted. EXHIBIT D contains the language they wish. He requests deletion of lines 40 through 50, page 5.

Mr. Avance objected to changed wording in lines 40 and 49 from "may refuse to" to "shall not". He added it was important they be allowed to make judgments in these matters. (page 5)

Page 6, line 10 and line 15 are clarifications. Lines 21 through 34 deal with the paying of fines. They now have the jurisdiction to fine up to \$500. This adds guidelines and provides revenue to return witnesses to the area for testimony pertaining to infractions, a benefit to drivers as well as the Taxicab Authority.

Page 7, line 18 is deleted and new wording added because of court decisions; line 47 allows authority to regulate the owners for offense specified.

Page 8, line 18, is changed because the money is now going into the general fund and because this is a self sustaining agency, the interest on this money should stay with the organization.

The Taxicab Authority wishes to delete lines 42-44, page 6, and substitute the language proposed, EXHIBIT E, first item. Two cases have recently been lost in court because at present there is no regulation that requires a driver to start his meter.

EXHIBIT F is copies of hearings from February 11 to April 8. Mr. Avance requested the Committee to note the same names appeared time after time. There are an average of 15 drivers out of 600 on the road that are cited each week. They are not harrasing anyone. EXHIBIT G is an example of prosedures and actions resulting when a driver files an appeal, demonstrating fairness and protection of the individuals rights. EXHIBITS 8 and 9 are two hearing transcripts; these are not random samples because transcripts of hearings are not normally typed. This also demonstrates the hearings are fair and the driver's legal rights are protected. EXHIBIT 10 is a court review showing that district court judge upheld the prosedure and the driver's rights.

Tom Dougherty, representing the cab drivers of las Vegas, speaking in opposition to AB 699 said conditions had improved since Mr. Avance became Administrator. The harrassment has stopped but the law that allowed the harrassment has not changed. They object to the word "kick back", because these are legal commissions. They also object to wording beginning on line 21, page 6. The Taxicab Authority issues traffic citations and the penalties are often too severe and can be used for harrassment. The other objection is line 18, page 7, because it is a matter of the State enforcing company rules. If a

driver testifies about this he could be fired by the company. Mr. Dougherty testified he represented 600 to 700 taxicab drivers.

Chairman Hayes asked the relationship of union representative, Leo Hendrickson, to the drivers represented by Mr. Dougherty.

Mr. Dougherty replied the union represented about one half the drivers. Mr. Hendrickson concurred with his remarks.

Mr. May commented he shared with Mr. Dougherty the fear a person replacing Mr. Avance may abuse the rights of the taxicab drivers. There is a check and balance between the Administrator and the Board.

Mr. Dougherty replied that under previous administrator they did not check and balance each other. The Taxicab Authority has been an agency of harassment.

AB 685

William Kissam, sponsor of AB 685, explained the need for this proposed legislation. They need a State Highway number assigned to this road in order to obtain funds to improve and realign the road. This would shorten the highway miles to Las Vegas from the west and make accessible forest lands in the area. There has been some bad fires and the area was not accessible to fire fighting equipment. The road at one time had a state number assigned to it but the number was recently deleted.

Mr. Glover asked why the number "94 was requested.

Mr. Kissam replied that was the old number but the number assigned was immaterial.

Mr. May asked how many travelers would use this road and was told there is no basis for estimating this as it was now inaccessible and hard to use. His proposal does not direct the Highway Department to improve the road but only to assign a number so it would be eligible for improvement.

Bill Engle, Highway Department, said the number itself did not create a problem. Even though the road was included in the State system it has no greater priority than it now has for state money. The Department has no objection to listing this road on the State system.

Mr. Glover stated that because the Highway Department already had the authority to number highways, the Committee write a letter of intent asking them to include that particular one on the list.

AB 691

John Borda, director, Office of Traffic Safety supporting AB 691, said they had many citations to out of state motorists, the fines of which were uncollectible because they were no longer under the jurisdiction of state authorities. Two hundred fifty thousand citations a year are issued; one-third are to out of staters; one-half of that one-third are uncollectible; there is nothing the State can do to the offender. There are many problems with agreements between states but a start has to be made somewhere. The Office of Traffic Safety would cooperate in any way possible to put this in effect.

Mr. Borda submitted copies of letters in support of his proposal. (See EXHIBIT K and EXHIBIT L)

Bill Fitzpatrick, Chief, Drivers License Division, said some of the other states had indicated they would require legislation to enter into a reciprocal agreement for this type program. While they think it would be an excellent program it is doubtful other states involved would be interested in entering into an agreement. California has indicated they would be handling reciprocity arrangements for other states to a much greater magnitude.

Leonard Winkleman, Chief, Administrative Services opposing the measure said this would be a monumental type program and would create monumental accounting problems and substantial administrative effort. They can not estimate amounts because they do not know the volume of traffic tickets involved. The administrative costs could exceed the receipts. This program will require more people and will cost money.

In response to a question from Chairman Hayes, Mr. Borda said apparently no other states in our area had a like agreement.

Mr. Jacobsen commented this was not mandatory but permissive legislation, something that might be used at a later date, and he saw no reason for not having this on the books in case another state enacted similar legislation. If we don't do this then perhaps a program should be instituted to collect the fines at the time of citation and before the traveler leaves the state.

Mr. Fitzpatrick said this would not be good public relations.

Mr. Borda said the amount of money involved in uncollected fines was about a million dollars a year.

SJR 21

Bill Engle, Highway Department, said they had requested this proposed legislation. The intent was to show full state support in requesting of the Federal Highway Administration additional interstate mileage in the Reno Area.

This would provide additional funds to construct a badly needed north-south freeway. A similar project for Las Vegas, in so far as getting it on the interstate system, was accomplished in this manner. Legislative support for the project would have a great deal of "clout".

SJR 21

Mr. Demers moved to Do Pass SJR 21; Mr. Glover seconded the motion; motion carried unanimously.

AB 691

Mr. Demers moved to Do Pass AB 691; Mr. Glover seconded the motion; motion carried unanimously.

AB 685

Chairman Hayes said it would be courteous if the Committee wrote a letter of intent to the Highway Department asking them to implement the proposed legislation contained in AB 685. The bill was not needed because the Highway Department already had the authority to number highways.

Mr. Glover moved the Committee Secretary implement Chairman Hayes' suggestion. (See EXHIBIT M)

AB 699

Mr. May proposed an amendment to AB 699. (See EXHIBIT N)

Mr. Demers moved to adopt the amendment proposed by Mr. May; Mr. Glover seconded the motion; motion carried unanimously.

Mr. Demers moved to Do Pass AB 699 as amended; Mr. Glover seconded the motion; motion carried unanimously.

Mr. Glover will speak on AB 699 on the floor.

Mr. Jacobsen will speak on AB 691 on the floor of the Assembly.

Mr. Demers will speak on SJR 21 on the floor.

SB 484

Chairman Hayes said this bill was just received. It proposes the Department provide a list of registered owners of motor vehicles in any county upon the request of the district judges.

Mr. Demers moved to Do Pass SB 484; Mr. Glover seconded the motion; motion carried unanimously.

Transportation Committee Meeting - Minutes  
April 21, 1977  
page 6

Mr. May will speak on SB 484 on the floor.

AB 665

Mr. Demers moved to Do Pass AB 665; Mr. Glover seconded the motion;  
motion carried unanimously.

Mr. Jacobsen will speak on AB 665 on the floor.

The meeting adjourned at 6:30 P.M.

Respectfully submitted:



M. ROBERTSON, Secretary

ABBREVIATED HISTORY OF WILLIAM MIREN'S ACTIVITIES TO  
AND INCLUDING SEPTEMBER 23, 1975

July 1, 1962 to July 1, 1963

1) All that is necessary to operate a taxicab company legally in Clark County is a business license. Mirin has one.

1963

1) The State legislature passed a certain statute authorizing the Public Service Commission to control taxicabs in the State of Nevada. See Chapter 237 and Chapter 240, Statutes of Nevada, 1963.

2) 9/30/63: Mirin applies to PSC for CPC No. 883.

1964

1) 1/31/64: Mirin's hearing on his application for CPC No. 883.

2) 4/7/64: Mirin's application for CPC No. 883 denied by the PSC.

1965

1) Assembly Bill No. 103 passed by Nevada legislature, and contains certain grandfather provisions pertaining to those taxicab operators who were operating legally between July 1, 1962 and July 1, 1963. Since Mirin was operating legally within that time period, this Assembly Bill grandfathered him into a Certificate of Public Convenience and Necessity.

2) 3/18/65: Pursuant to AB 103, Mirin applied to PSC for CPC No. 883 sub. 1.

3) 4/20/65: PSC conducts hearing on Mirin's application for CPC No. 883 sub. 1.

4) 5/7/65: PSC issues Mirin compliance order for CPC No. 883 sub. 1. Order restricts Mirin's operation to one taxicab.

5) 5/18/65: PSC issues Mirin CPC No. 883 sub. 1. Mirin's CPC to be effective 5/28/65. Mirin's certificate is restricted on its face to the operation of one taxicab.

RECEIVED

SEP 21 1975

NEVADA STATE  
TAXICAB AUTHORITY  
LAS VEGAS, NEVADA

*E. J. Kibit A*

1966

1) 3/29/66: Mirin applies to PSC and has hearing on his application for amended CPC No. 883 sub. 2. The purpose of Mirin's application is to increase his existing CPC 883 sub. 1 from one taxicab to sixteen cabs. The result of this 1966 hearing is unknown, but it is presumed that the PSC denied Mirin's application.

2) 12/14/66: PSC issues an allocation order in case no. 1344. This order allocates Strip Cab Company the rights to operate one taxicab. This order to be effective 1/1/67.

1967

1) July, 1967: PSC holds a rehearing on its 1966 cab allocation order.

2) 10/26/67: Mirin applies for, and PSC grants him, an increase in his operating area to be effective 12/26/67. PSC order also cancels Mirin's CPC No. 883 sub. 1 and issues him a compliance order for CPC No. 883 sub. 3. In contrast to the original CPC No. 883 sub. 1, the compliance order for CPC No. 883 sub. 3 does not contain the one cab restriction. The compliance order further says that any future allocation of taxicabs that Mirin shall receive shall be in accordance with whatever orders the PSC issues in the future, relating to the allocation of taxicabs in Clark County.

3) 10/27/67: PSC enters a decision pertaining to their July, 1967, rehearing of their 1966 cab allocation. This decision allocates Mirin one additional taxicab for a total of two to be effective June 16, 1968 to January 1, 1969.

4) 11/8/67: PSC rescinds their 10/27/67 order as a final order and makes it a proposed order. This has the effect of making Strip Cab Company's allocation of one taxicab remain in effect.

5) 12/18/67: With respect to the compliance order that the PSC had issued Mirin 10/26/67, PSC now enters an order effective 12/26/67 awarding Mirin CPC No. 883 sub. 3. It appears that all CPC No. 883 sub. 3 did was expand Mirin's operating territory and remove the one cab restriction contained in CPC 883 sub. 1.

1968

1) 1/10/68: In Case No. 8482 local District Court Judge Mendoza grants a writ of habeas corpus in favor of



Mirin and Chenoweth and impliedly says that the PSC cannot arrest them for operating more than one taxicab since the PSC had no standards at the point that they allocated different numbers of cabs to different companies. Judge Mendoza also said that the PSC is without the power to allocate taxicabs.

2) 1/15/68: The PSC suspends its 12/14/66 allocation order until such time as the Supreme Court can determine the question of its authority to allocate taxicabs in Clark County.

3) 2/26/68: Based on an Attorney General's opinion, the City Attorney directs the City Licensing Department to issue City business licenses to Mirin and Chenoweth for all cabs requested upon the payment of a \$50 fee for each taxicab.

4) 3/29/68: PSC rescinds the 1/15/68 order rescinding the 12/14/66 allocation. This has the effect of reinstating the PSC's 12/14/66 allocation so that Mirin is again only entitled to operate one taxicab.

5) 4/11/68: In Case No. 50870, District Court Judge Mendoza enters a permanent injunction enjoining Sheriff Ralph Lamb from interfering with the operation of Mirin's taxicab company. Judge Mendoza also holds County Ordinance No. 253 (purporting to allocate taxicabs) null and void.

6) 3/28/68: Mirin acquires nine more taxicab medallions from the Sheriff's Office, which gives him a total of ten. Mirin also places all nine additional taxicabs in operation on same day. At the same time, Chenoweth secures ten additional medallions from the Sheriff's Office and places ten additional cabs in operation, which gives him a total of eleven on that date. Subsequent to this time, Mirin and Chenoweth are both arrested for violating the PSC's order.

7) 5/27/68: Case No. 9224. Judge Llewellyn Young (8th Judicial District) holds that the PSC allocation order of 12/14/66 is presently in effect as modified by any rights Mirin acquired on 3/28/68 (when he purchased nine additional taxicab medallions and placed nine additional cabs on the street). As a result of this modification by Mirin's actions on 3/28/68, the court now holds that Mirin is allocated a total of ten cabs. The court also holds that the PSC has the power to allocate taxicabs in Clark County. Finally, the court finds that the PSC order of 3/29/68 was invalid.

8) 6/3/68: The PSC enters an order allocating Mirin a total of ten taxicabs as a direct result of Judge Young's order in Case No. 9224. This ten-cab allocation to be effective 6/7/68.

9) 6/20/68: Case No. 55290 (8th Judicial District)  
Judge Babcock enjoins the operation of the PSC allocation of  
12/14/66 as modified by Judge Young's order in Case No. 9224  
as against Star and Whittlesea Cab Companies.

10) 7/12/68: Case No. 9224 (8th Judicial District). On  
request of the PSC, Judge Young clarifies his decision of 5/25/68  
in Case No. 9224, and answers certain questions posed by the PSC.  
This clarification notes that: (a) The decision was a judicial  
allocation of taxicabs in Clark County. (b) Because of the result  
reached in question(a), all prior taxicab allocations by the PSC or  
by private agreement between two or more parties are void.  
(c) Taxicabs operated only in the City of Las Vegas do not count  
in increasing any allocation based on the number of medallions  
purchased and used on 3/28/68.

11) 7/19/68: Case No. 5670. The Supreme Court enters  
a preemptory writ of prohibition ordering Judge Young and the PSC  
to refrain from enforcing Case No. 9224 against Whittlesea Cab  
Company.

12) 11/8/68: Case No. 5651 and 5670 (Checker v. PSC)  
Supreme Court opinion: (a) Holds that 6/3/68 ex parte allocation  
order of the PSC is void as being in excess of PSC's jurisdiction.  
(This allocation order was based on Judge Young's 5/27/68 order  
which the court holds is also void since it was entered ex parte).  
(b) The decision holds that the PSC has the power to allocate taxi-  
cabs. Also holds that only the PSC's 12/14/66 allocation order is  
valid, all subsequent orders by the PSC or by the courts are void  
and the 12/14/66 allocation orders reinstated. (c) The PSC is  
also ordered to hold new allocation hearings commencing immediately

13) 12/12/68: Case No. 28288 (1st Judicial District,  
Checker v. PSC, Mirin, et al). Judge Sexton holds that Mirin's  
amended CPC No. 883 sub. 3, issued by the PSC on 12/26/67,  
is null and void to the extent that it attempts to grant Mirin anything  
other than an increased operating area.

1969

1) 1/6/69: Case Nos. 28303 and 28304 (1st Judicial  
District, Ace and Yellow Cabs v. PSC). Judge Sexton: (a) orders  
PSC to rescind CPC 883 sub. 3 issued to Mirin and declare it to be  
null and void. (b) orders PSC to reinstate Mirin's CPC No. 883  
sub. 1, upon a finding by the PSC that Mirin meets the requirements  
of AB 103 (statutes of Nevada 1965).

2) 1/29/69: Pursuant to Supreme Court writ of mandate  
to PSC dated 1/28/69, PSC orders the reinstatement of

its 12/14/66 allocation order and cuts Mirin back to one cab.

3) 1/28/69 to 3/22/69: PSC holds new allocation hearings pursuant to Supreme Court writ of mandate of 1/28/69.

4) 4/22/69: IRS levies on Mirin's CPC No. 883 sub. 3 due to Mirin's failure to pay Federal Withholding Taxes. IRS effectuates this levy by a notice of seizure served upon the PSC.

5) May of 1969: IRS sells Mirin's CPC No. 883 sub. 3 to Vegas-Western Cab, Inc. in order to apply the proceeds of said sale to the tax liability of Mirin.

6) 7/18/69: Based on the hearings held in early 1969, the PSC enters a new allocation order increasing the total number of cabs allocated under the 12/14/66 allocation order from 213 to 274. New allocation order also awards Strip Cab Company one additional cab. Note that Strip Cab Company was awarded this one additional cab subsequent to the time that Mirin's certificate had been seized and sold by the IRS.

1970

1) Prior to 2/26/70, the IRS applies to the TA authority to sell and transfer CPC No. 883 sub. 3 from William Mirin to Vegas-Western Cab, Inc.

2) 2/26/70: TA holds public hearing regarding transfer of Mirin's CPC No. 883 sub. 3 to Vegas-Western Cab, Inc.

3) 3/27/70: TA enters order transferring CPC No. 883 sub 3 from the IRS to Vegas-Western Cab, Inc., said transfer to be effective 3/27/70.

4) 4/3/70: By letter to the TA, Mirin requests a rehearing on the transfer of his CPC to Vegas-Western Cab, Inc. The TA took no action on Mirin's request for rehearing; consequently, pursuant to the provisions of Rule 6.8 of General Order No. 1 of the TA, the request for the rehearing was deemed denied.

5) 4/22/70: Case No. 6206 (Supreme Court, Mirin v. TA). Supreme Court denies Mirin's petition for a writ of prohibition

arising out of the TA's transfer of CPC No. 883 sub. 3, and dismisses Mirin's petition.

1972

1) 8/17/72: Case No. A 77122 (8th Judicial District, Mirin v. TA). Judge Christensen enters order granting defendant's motion for summary judgment and holds that Mirin was divested of all of his interest in CPC No. 883 sub. 3 by virtue of the levy and execution sale conducted by the IRS, that Mirin is estopped to challenge such seizure, sale and transfer, that there was a presumption of regularity which attached to the proceedings of the TA in approving the transfer, that the action of the TA in approving the transfer was presumed regular, and that the TA was acting pursuant to legislative authority when it ordered the transfer, that Vegas-Western Cab, Inc. was the lawful owner of CPC No. 883 sub. 3, and duly authorized to operate thereunder, that Mirin's contention of dual ownership of said certificate was without merit, and finally that Assembly Bill 103 was not legislation personal to Mirin.

1973

1) 5/25/73: Case No. 24069 (8th Judicial District, State v. Mirin). Judge Santini renders a decision holding that the State cannot prove its criminal case against Mirin for operating without a Certificate of Public Convenience and Necessity, since the State is unable to prove that Mirin's certificate had been revoked or suspended by the TA. The court's decision does not hold that Mirin was the lawful holder of a certificate, it holds only that the State had failed to plead and prove that said certificate had been revoked or suspended.

1974

1) 1/23/74: Case No. 7095 (Mirin v. TA and Vegas-Western). The Supreme Court holds that Mirin's CPC No. 883 sub. 3 constituted a property right that was subject to levy and transfer by operation of law. The opinion further affirmed the District Court's granting of summary judgment in Christensen's Case No. A 77122.

2) March of 1974: Case No. A 123367 (8th Judicial District, State v. Mirin). State files suit against Mirin seeking to enjoin him from operating a taxicab company.

3) 4/17/74: Mirin applies to TA for CPC to operate a taxicab company.

4) 5/8/74 and 5/9/74: TA holds public hearing on Mirin's application for CPC.

5) 6/6/74: TA denies Mirin's application for CPC.

6) 6/14/74: TA enters order denying Mirin's application for CPC. . .

7) 8/16/74: Case No. A 123367. Judge Hayes sits in judicial review of TA's 6/14/74 order denying Mirin's application for CPC. Judge Hayes reversed the TA's decision, granted a CPC to Mirin, and also allocated sixty-four taxicabs to Mirin. Judge Hayes further denied TA's motion for an injunction to restrain Mirin from operating.

8) 8/26/74: Case No. A 123367. Judge Hayes grants Mirin's motion for partial summary judgment, and orders the TA to immediately issue a CPC to Mirin and allocate him sixty-four taxicabs.

9) 9/4/74: At a regular meeting of the TA, the board adopted staff's 1974 allocation recommendation. (Note: The allocation hearing that produced this recommendation was held prior to Judge Hayes' order granting Mirin a certificate and sixty-four cabs). Also at this meeting, the board ordered the Administrator to draft a compliance order pursuant to Judge Hayes' decision of 8/26/74.

10) 9/6/74: Case No. 7864. The Supreme Court issues a stay order in Case No. A 123367, staying further proceedings until 9/9/74.

11) 9/9/74: Case No. 7864. The Supreme Court, after a hearing, issues a stay pending appeal, staying the TA from granting a CPC to Mirin or allocating him sixty-four cabs or any other number of cabs.

12) 9/13/74: TA enters an order rescinding the verbal order of the board on 9/4/74, ordering the Administrator to draft a compliance order issuing Mirin a CPC and sixty-four cabs.

13) 9/25/74: Case No. 7864. Supreme Court orders Mirin to appear before Special Master Noel Manoukian on 10/16/74 to show cause why he should not be held in contempt for violating the Supreme Court's 9/9/74 stay order. After this hearing was held, the Special Master submitted recommendations to the Supreme Court, however these recommendations have not yet been acted on by the court.

1975

1) 7/1/75: Legislature enacts AB 775, drastically revising the provisions of NRS Chapter 706 relating to taxicabs in Clark County.

2) August, 1975: Case No. A 144632. (8th Judicial District, Mirin v. Cortez). Mirin seeks declaratory relief to determine the validity of AB 775. Subsequent to the filing of the amended complaint in this action, the TA files an answer and counterclaim seeking declaratory relief as to Mirin's right to operate a taxicab in Clark County. Subsequently, during August of 1975, based on certain provisions of AB 775, the TA impounds Mirin's taxicab for operating without a valid CPC. As a result of this impound, Mirin seeks a TRO to restrain the TA from impounding his cab.

3) 8/20/75: TA adopts emergency regulation to General Order No. 3. Emergency regulation (Rule III of General Order No. 3) sets forth certain provisions in an attempt to provide due process protection to the owner of a taxicab impounded pursuant to the mandate of NRS 706.8827 sub. (3).

4) 8/22/75: Case No. A 144632. Judge Goldman holds a hearing on Mirin's request for preliminary injunction to enjoin TA from impounding his taxicab. Judge Goldman rules from the bench that the provisions of AB 775 which added the word "transferred" to NRS 706.8813 and 706.8827 were not unconstitutional. Judge Goldman further ruled that the impound provision contained in 706.8827 (3) is unconstitutional on its face and cannot be cured by amendatory regulation. Further, Judge Goldman granted Mirin a permanent injunction restraining the TA from impounding his taxicab until such time as NRS 706.8827 (3) had been amended or repealed by the legislature.

5) 9/12/75: Case No. 7864. Supreme Court hears oral argument in State's appeal from Judge Hayes' decision ordering the TA to grant Mirin a CPC and sixty-four taxicabs. At the present time, this case is still being held under submission by the Supreme Court.

( 2 B

Certificate Public Convenience & Necessity, CPC A-883, Sub 3, was seized 22 April, 1969 from W. Mirin and F. Johnson dba Strip Cab for failure to pay withholding tax due the United States Government.

The seller had no activities under the permit while it was in his possession.


  
N. F. Arnold  
Revenue Officer

Exhibit B

30

TAXICAB TRIPS  
for  
1975 and 1976

	<u>Trips for 1975</u>	<u>Trips for 1976</u>	<u>Percentage Difference</u>
January....	431,127	422,235	down 2.1%
February...	474,124	495,621	up 4.5%
March.....	541,364	364,792	down 32.6%
April.....	522,560	450,745	down 13.7%
May.....	534,696	512,831	down 4.1%
June.....	457,563	461,320	up .8%
July.....	512,483	486,014	down 5.2%
August.....	566,694	510,422	down 9.9%
September..	473,218	483,098	up 2.1%
October....	560,088	564,161	up .7%
November...	489,101	481,254	down 1.6%
December...	<u>370,864</u>	<u>399,351</u>	<u>up 7.7%</u>
Total Trips	5,933,882	5,631,844	down 5.1%

*Exhibit C*



STATUTE

EXISTING LANGUAGE

PROPOSED LANGUAGE

JUSTIFICATION

706.8841  
(cont.)

3. The administrator may refuse to issue a driver's permit if the administrator, after a background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.

3. Applicant for a driver's permit may not be considered by the authority to be fit, willing and able if he has:

(a) Been convicted of any felony within the past five (5) years;

(b) Been convicted of driving under the influence of intoxicating liquor or drugs within the past three (3) years;

(c) Been found by the administrator after sufficient background investigation, to be morally unfit or that issuance of a permit to him would be detrimental to public health, welfare or safety.

706.8846

*See Exhibit D*

With respect to a passenger's destination, a driver shall not:

1. Deceive or attempt to deceive any passenger who may ride or desire to ride in his taxicab.

2. Convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

3. Take a longer route to the passenger's destination than is necessary, unless specifically requested so to do by the passenger.

4. Comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

With respect to a passenger's destination, a driver shall:

1. Not deceive or attempt to deceive any passenger who may ride or desire to ride in his taxicab.

2. Not convey or attempt to convey any passenger to a destination other than the one directed by the passenger.

3. Not take a longer route to the passenger's destination than is necessary, unless specifically requested so to do by the passenger.

4. Comply with the reasonable and lawful requests of the passenger as to speed of travel and route to be taken.

STATUTE

EXISTING LANGUAGE

PROPOSED LANGUAGE

JUSTIFICATION

706.8849

1(b) Assure that the taximeter of his taxicab registers mileage only while the taxicab is in motion with a passenger and waiting time only while the taxicab is not in motion with a passenger.

1(b) Assure that the taximeter of his taxicab is engaged in the three o'clock position while the taxicab is in motion with a fare and while the taxicab is not in motion with a fare.

1(h) Not use dangerous drugs, narcotics or hallucinogenic drugs at any time except with a prescription from a physician who is licensed to practice medicine in the State of Nevada.

1(h) Not use dangerous drugs, narcotics or hallucinogenic drugs at any time except with a prescription from a physician who is licensed to practice medicine in the State of Nevada, and in no event drive a taxicab or go on duty while under the influence of dangerous drugs, narcotics or hallucinogenic drugs.

1(k) Not work longer than 10 hours continuously.

1(k) -- repeal existing language.

add:

A taxicab driver shall at all times obey each and every provision and restriction of the certificate of public convenience and necessity of his employer.

*Edith E.*

319

1175 (4)

8:30 AM to 1:00 PM

6 F

HEARING SCHEDULE FOR FEBRUARY 11, 1977

7-0029/Maurice Drolet/02474/Vegas-  
Western 8:30 NOH #0309 NEWCOMER

WARNING

Rule 503-1  
refusal to  
transport  
orderly person

77-0046/Andrew Ambos/00301/Checker 8:30 Citation #000069 SANT

1 WORKING DAY SUSPENSION TO  
BE EFFECTIVE IMMEDIATELY

Rule 501-3  
leave taxicab  
unattended while  
out for hire -  
key in vehicle -  
engine running

77-0037/Orlando Valiente/04307/  
Checker 8:30 Citation #000068 SANT

1 WORKING DAY SUSPENSION TO  
BE EFFECTIVE IMMEDIATELY

NRS 706.885-2  
"SHOW CAUSE"  
violation of  
tariff meter flag  
in other than 3:00  
position

77-0012/Leonard Goldman/04616/Ace 8:30 Citation #000063 SANT

1 WORKING DAY SUSPENSION TO  
BE EFFECTIVE IMMEDIATELY

C.O. 20.04.030A  
unauthorized  
passenger area  
(front loading)

77-0011/Jerrold Shestack/04621/Ace 8:30 Citation #000061 SANT

WARNING

Rule 501-7  
operate cab without  
due regard for  
safety of passen-  
gers (Speed 50 in 30)

76-0427/Gerald Sarnoff/03298/Desert 8:30 Citation #000056 SANT

DISMISSED

NRS 706.885-2  
"SHOW CAUSE"  
violation of  
operating rights  
of certificate

76-0314/Gerald Sarnoff/03298/Desert 8:30 Citation #001490 MCDERMOTT

20 DAYS SUSPENSION TO BE  
EFFECTIVE IMMEDIATELY

Rule 505-1-H  
soliciting passen-  
gers by voice or  
action

*Exhibit F*

HEARING SCHEDULE FOR FEBRUARY 11, 1977

<p>0409/Leonard Gordon/03867/Vegas- Western 8:30</p>	<p>Citation #000035 MCDERMOTT/ SANT</p>
<p>CONTINUED UNTIL 2-25-77 TO BE PLACED FIRST ON CALENDAR</p>	<p>Rule 505-1-B Charge other than amount on the meter</p>
<p>76-0172/Dimitar Radin/03855/Western 9:00</p>	<p>Citation #001381 ADKINS</p>
<p>DID NOT APPEAR</p>	<p>Rule 505-1-H soliciting passen- gers by voice or action</p>
<p>76-0179/Dimitar Radin/03855/Western 9:00</p>	<p>Citation #001333 MCDERMOTT</p>
<p>DID NOT APPEAR</p>	<p>Rule 501-15 fail to keep a complete and accurate trip sheet</p>
<p>77-0035/Ognian Spasov/03172/Western 9:00</p>	<p>Citation #000015 COCCUS</p>
<p>3 WORKING DAYS SUSPENSION TO BE SERVED ON THE 14th, 21st, AND 28th OF FEBRUARY</p>	<p>Rule 502-3 take a longer route than necessary</p>
<p>76-0388/Orvin Andrews/04624/A NLV 9:00</p>	<p>Citation #001532 COCCUS</p>
<p>CONTINUED TO 2-25-77 AT 9:00 AM</p>	<p>NRS 706.885-2 "SHOW CAUSE" violation of operating rights of certificate</p>
<p>76-0431/Thomas Murphy/03990/Checker 9:00</p>	<p>Citation #000005 LUCERO</p>
<p>CONTINUED TO 2-25-77 AT 9:00 AM</p>	<p>NRS 484.639-1 a person shall not drive any motor vehicle equipped with television type equipment viewing screen within view from driver's seat</p>

HEARING SCHEDULE FOR FEBRUARY 11, 1977

77-0032/Irving Stark/03346/Checker 9:00 Citation #001935 DUPONT

2 DAYS SUSPENSION TO BE  
EFFECTIVE IMMEDIATELY

Rule 501-7  
reckless driving  
and improper lane  
change (NRS 484.343)

77-0033/Samuel Barone/04708/Checker 9:00 Citation #001934 DUPONT

WARNING

Rule 501-8  
carry more than  
five (5) passen-  
gers

77-0015/Henry Marler/04481/Whittlesea 9:30 Citation #001933 DUPONT

CONTINUED TO 3-11-77  
AT 9:30 AM

Rule 501-3  
leaving cab  
unattended while  
out for hire (key  
in ignition)

77-0018/Jimmy L. Broughton/02678/  
Vegas-Western 9:30 Citation #000012 LUCERO

1 WORKING DAY SUSPENSION TO  
BE EFFECTIVE IMMEDIATELY

Rule 411-3  
operating cab with  
expired TA permit

77-0019/Ferdinand Torres/01743/Nellis 9:30 Citation #000013 LUCERO

WARNING

Rule 411-3  
operating cab with  
expired TA permit

77-0020/Teodoro "Ted" Martinez/04030/  
Ace 9:30 Citation #000014 LUCERO

WARNING

Rule 501-15  
fail to keep a  
complete and  
accurate trip  
sheet

77-0031/Peter Iliev/02400/Desert 9:30 Citation #000017 LUCERO

2 DAYS SUSPENSION TO BE  
SERVED THE 15 and 16 OF  
FEBRUARY

Rule 501-7  
fail to operate  
in accordance  
with State and  
local laws (speed)

HEARING SCHEDULE FOR FEBRUARY 11, 1977

77-0041/Christopher Padro/01934/ Whittlesea 9:30 1 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY	Citation #000019 LUCERO  NRS 706.8845-11 fail to operate in accordance with State and local laws and safety of passengers
77-0005/Ali Baba Bilal/04418/ Whittlesea 9:30  1 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY	Citation #000009 LUCERO  NRS 484.445 unattended motor vehicle-locking ignition-removing key  Citation #000008  Rule 501-4 not permit cab to remain on stand unless being held out for hire
DISMISSED	
76-0414/Raymond Bremner/03292/Yellow 9:30  CONTINUED TO 3-11-77 AT 9:30 AM	Citation #000018 COCCUS  Rule 501-2 refrain from talking loudly and uttering profanity
77-0042/Thomas Anter/03690/Western 10:00  1 DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY	Citation #000077 MCDERMOTT  Rule 501-7 exceeding maximum posted speed limit (70 in 55 - NRS 484.361)
77-0043/Robert Freebairn/04671/ Whittlesea 10:00  DID NOT APPEAR	Citation #000078 MCDERMOTT  Rule 411-1 no TA permit in possession
77-0040/Ronald Graves/04542/Checker 10:00  DID NOT APPEAR	Citation #000079 MCDERMOTT  Rule 501-15 fail to keep a complete and accurate trip sheet

HEARING SCHEDULE FOR FEBRUARY 11, 1977

77-0038/Erik Fredsell/04535/Checker 10:00

Citation #000080 MCDERMOTT

CONTINUED TO 3-11-77  
at 10:00 AM

Rule 501-7  
fail to obey State  
and local laws (55  
in 35 - NRS 484.361)

Citation #000081

Rule 501-15  
fail to keep a  
complete and  
accurate trip sheet

77-0047/Antonio Rodrigues/00268/  
Yellow 10:00

Citation #000084 MCDERMOTT

WARNING

Rule 501-6  
Impeding traffic  
loading passengers  
in roadway

77-0045/Oscar Aparicio/04576/  
Whittlesea 10:00

NRS 706.885-1  
make false statement  
on an application  
(to wit: as to  
citizenship)

DID NOT APPEAR

HEARING SCHEDULE FOR FEBRUARY 25, 1977

77-0409/Leonard Gordon/03867/Vegas- Western	8:30	Citation #000035	MCDERMOTT/ SANT
CONTINUED FROM 1-14-77		Rule 505-1-B charge other than amount on the meter	
DISMISSED			
77-0021/Michael Schilling/03221/ Ace	8:30	Citation #000067	SANT
WARNING		Rule 505-1-A fail to assure taximeter reads zero prior to being engaged	
77-0057/Robert Williams/03256/Union	8:30	Citation #000070	SANT
WARNING		Rule 411-3 operate cab with expired TA permit	
77-0058/William Goldberg/00108/Nellis	8:30	Citation #000071	SANT
1 working day suspension to be effective immediately		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position	
77-0059/James Parker/04575/Henderson	8:30	Citation #000072	SANT
5 working days suspension to be effective immediately		Rule 505-1-F drinking intoxicating liquor while on duty	
77-0049/Jerome Dingwerth/02602/ Checker	9:00	Citation #001116	LATTIN
DID NOT APPEAR		Rule 411-3 operate cab with expired TA permit	
NO LONGER EMPLOYED			
77-0062/Jerry Furness/03355/Ace	9:00	Citation #001117	LATTIN
WARNING		Rule 501-6 loading passengers in roadway (from center median)	



HEARING SCHEDULE FOR FEBRUARY 25, 1977

77-0431/Thomas Murphy/03990/Checker	9:00	Citation #000005	LUCERO
CONTINUED FROM 1-14-77		NRS 484.639-1 a person shall not drive a motor vehicle equipped with television type receiving equipment so located that the viewer or screen is visable from the driver's seat	
2 DAYS SUSPENSION TO BE EFFECTIVE IMMEDIATELY			
77-0051/Abraham Treibitz/04630/Union	9:30	Citation #001937	DUPONT
WARNING		Rule 411-1 no TA permit in possession	
77-0052/Worthen Gregerson/00891/Ace	9:30	Citation #001938	DUPONT
WARNING		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0060/H. R. Heartman/01872/ Whittlesea	9:30	Citation #000020	LUCERO
WARNING		NRS 706.8845-11 Rule 501-7 fail to operate cab with due regard for safety of passengers	
77-0030/Anibal Marucci/03055/Yellow	9:30	Citation #000016	
DID NOT APPEAR		Rule 501-7 fail to operate in accordance local laws (speed) (NRS 706.8845-11)	
77-0064/Paul O'Hanesian/00709/Union	9:30	Citation #000021	LUCERO
1 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0065/Paul O'Hanesian/00709/Union	10:00	Citation #000089	MCDERMOTT
2 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 501-7 (NRS706.8845-11) fail to obey local laws	

HEARING SCHEUDLE FOR FEBRUARY 25, 1977

0050/Peter Block/04716/Henderson	10:00	Citation #000085	MCDERMOTT
DID NOT APPEAR (NO LONGER EMPLOYED)		Rule 501-7 fail to operate with due regard for safety of passengers (NRS 484.361(3) Speeding)	
77-0053/Leonard Gervasio/02541/ Union	10:00	Citation #000088	MCDERMOTT
WARNING		Rule 501-7 (NRS 706.8845-11) fail to operate in accordance with State laws (NRS 484.361(3) Speeding)	
77-0054/Peter Radulov/03905/Western	10:00	Citation #000087	MCDERMOTT
2 WORKING DAYS SUSPENSION EFFECTIVE IMMEDIATELY		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position	
77-0038/Erik Fredsell/04535/Checker	10:00	Citation #000080	MCDERMOTT
CONTINUED FROM 2-11-77  DID NOT APPEAR		Rule 501-7 fail to operate in accordance with State and local laws (NRS 484.361 Spedding)	
		Citation #000081	
		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0040/Ronald Graves/04542/Checker	10:15	Citation #000079	MCDERMOTT
DID NOT APPEAR		Rule 501-15 fail to keep a complete and accurate trip sheet	

8:30 AM to 12:45 PM

HEARING SCHEDULE FOR MARCH 11, 1977

77-0095/Joseph Siriani/04514/Union	8:30	Citation #001054	SANT
WARNING		Rule 411-3 operating cab with expired TA permit	
77-0101/Chris Christoff/02689/Western	8:30	Citation #001056	SANT
WARNING		Rule 411-1 operating cab without TA permit in possession	
77-0090/Thomas Carmody/01007/Checker	8:30	Citation #000073	SANT
DID NOT APPEAR		Rule 505-1-H soliciting passengers by voice or action	
CONTINUED TILL 3-25-77			
77-0091/Giorlando Catalano/04656/Union	8:30	Citation #000074	SANT
WARNING		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position (12:00 position)	
77-0097/Robert Weissman/01746/Checker	8:30	Citation #000075	SANT
WARNING		Rule 505-1-H soliciting passengers by voice or action	
77-0096/Eli Crews/02246/Yellow	8:30	Citation #001055	SANT
WARNING		Rule 501-7 fail to operate in accordance with State and local laws--Front loading(NRS 706.8845-11- C.O. 20.04.030)	
77-0085/Dana Reed/00628/Checker	9:00	Citation #001536	COCCUS
WARNING		Rule 411-3 expired TA permit	

HEARING SCHEDULE FOR MARCH 11, 1977

77-0085/Dana Reed/00628/Checker	9:00	Citation #001537	COCCUS
ONE WORKING DAY SUSPENSION EFFECTIVE IMMEDIATELY		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position (12:00)	
7-0073/James Payne/03617/Ace	9:00	Citation #001535	COCCUS
ONE WORKING DAY SUSPENSION EFFECTIVE 3/12/77		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position (12:00)	
6-0414/Raymond Bremner/03292/Yellow	9:30	Citation #000018	COCCUS
CONTINUED FROM 2-11-77		Rule 501-2 refrain from talking loudly and uttering profanity	
THREE WORKING DAY SUSPENSION EFFECTIVE IMMEDIATELY			
7-0075/Alexander Fewsmith/04648/Yellow	9:30	Citation #001940	DUPONT
WARNING		Rule 411-3 expired TA permit (2-19-77)	
7-0063/Emille Hurd/04733/A NLV	9:30	Citation #001939	DUPONT
DID NOT APPEAR SUSPENDED		Rule 501-7 fail to operate in accordance with State and local laws (NRS 706.8845-11--484.361: Speeding 60 MPH in 40 MPH)	
7-0076/Harley Keyes/03949/Yellow	9:30	Citation #001941	DUPONT
WARNING		Rule 501-15 fail to keep a complete and accurate trip sheet	

HEARING SCHEDULE FOR MARCH 11, 1977

77-0015/Henry Marler/04481/Whittlesea	9:30	Citation #001933	DUPONT
CONTINUED FROM 2-11-77		Rule 501-3	
CONTINUED TO 3-25-77 8:30 AM		leaving cab unattended with key in ignition	
77-0030/Anibal Martucci/03055/Yellow	9:30	Citation #000016	LUCERO
CONTINUED FROM 2-11-77		Rule 501-7	
ONE DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		fail to operate in accordance with State and local law (NRS 706.8845-11--Speeding)	
77-0084/Benny Short/03181/Yellow	9:30	Citation #000024	LUCERO
DISMISSED		Rule 501-15	
		fail to keep a complete and accurate trip sheet	
77-0066/Chris Flessas/02931/Star	9:30	Citation #000023	LUCERO/ MCDERMOTT
CONTINUED TO 3-25-77		Rule 501-15	
		fail to keep a complete and accurate trip sheet	
77-0061/Chris Flessas/02931/Star	9:30	Citation #000092	MCDERMOTT
CONTINUED TO 3-25-77		Rule 501-7	
		failure to obey State and local laws (NRS 706.8845-11 NRS 484.361(3)-Speed 55 MPH in 35 MPH)	
		Citation #000093	
		Rule 501-7	
		failure to obey State and local laws (NRS 706.8845-11 NRS 483.350-no valid driver's license in possession	

HEARING SCHEDULE FOR MARCH 11, 1977

77-0068/Billy Dean Hill/04426/Checker 10:00	Citation #000090	MCDERMOTT/ LUCERO
THREE DAYS SUSPENSION CREDIT FOR TIME OFF	NRS 706.8849-1-G Rule 505-1-F drinking on duty	
DISMISSED	Citation #000091  Rule 501-7 failure of obey State and local laws (NRS 706.8845-11 NRS 483.560-driving while license suspended)	
77-0067/William Ruderman/02937/Checker 10:00	Citation #000022	LUCERO/ MCDERMOTT
WARNING	Rule 502-3 take a longer route than necessary	
77-0069/Slobodan Markovich/04325/ Desert 10:00	Citation #000094	MCDERMOTT/ DUPONT
DID NOT APPEAR SUSPENDED	Rule 505-1-J knowingly operate unsafe taxicab	
77-0077/William Foley/04665/Yellow 10:00	Citation #000025	MCDERMOTT/ LUCERO
WARNING	Rule 501-10 taximeter lights out	
77-0083/William Toth/04678/Yellow 10:00	Citation #000101	MCDERMOTT/ LUCERO
WARNING	Rule 501-7 fail to obey State and local laws (NRS 706.8845-11 NRS 484.283-disregard of red traffic signal)	
77-0072/Jerome Einhorn/03445/Whittlesea 10:00	Citation #000095	MCDERMOTT
WARNING	Rule 501-11 operate taxi with unsealed meter	

HEARING SCHEUDLE FOR MARCH 11, 1977

77-0072/Jerome Einhorn/03445/Whittlesea 10:00 Citation #000096 MCDERMOTT

ONE WORKING DAY SUSPENSION  
EFFECTIVE IMMEDIATELY

Rule 501-15  
fail to keep a  
complete and  
accurate trip  
sheet

77-0070/Jerrold Shestack/04621/Ace 10:00 Citation #000097 MCDERMOTT

CONTINUED

Rule 501-7  
failure to obey  
State and local  
laws(NRS 706.8845-11--  
NRS 484.307(1) follow  
to close)

77-0040/Ronald Graves/04542/Checker 10:15 Citation #000079 MCDERMOTT

CONTINUED FROM 2-11-77

WARNING

Rule 501-15  
fail to keep a  
complete and  
accurate trip  
sheet

HEARING SCHEDULE FOR MARCH 25, 1977

77-0081/Richard Felter/03003/Henderson	8:00	Citation #001391	ADKINS
DID NOT APPEAR		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position	
		Citation #001392	
		Rule 501-2 talking loudly and uttering profanity	
		Citation #001393	
		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0015/Henry Marler/04481/Whittlesea	8:30	Citation #001933	DUPONT
CONTINUED FROM 2-11-77		Rule 501-3 leaving cab unattended (key in ignition)	
WARNING			
77-0063/Emille Hurd/04733/A NLV	8:30	Citation #001939	DUPONT
CONTINUED FROM 3-11-77		Rule 501-7 fail to operate cab in accordance with State and local laws (NRS 484.361--Speeding)	
WARNING			
77-0090/Thomas Carmody/01007/Checker	8:30	Citation #000073	SANT
CONTINUED FROM 3-11-77 ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 505-1-H soliciting passenger by voice or action	
77-0112/Lenny Montalbano/04703/Union	8:30	Citation #001057	SANT
ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 505-1-B charge other than amount on the meter	



HEARING SCHEUDLE FOR MARCH 25, 1977

77-0111/Carmine Gaccione/04620/Ace	8:30	Citation #001058	SANT
WARNING		Rule 501-3 fail to attend cab while out for hire	
77-0094/Christos Tsibouris/04578/Star	9:00	Citation #001118	LATTIN
DID NOT APPEAR		Rule 501-7 fail to operate cab with due regard of local laws and and safety of general public	
77-0061/Chris Flessas/02931/Star	9:30	Citation #000092	MCDERMOTT
CONTINUED TO 4-22-77		Rule 501-7 fail to obey State and local laws (NRS 706.8845-11-- NRS 484.361(3) Speeding)	
		Citation #000093	
		Rule 501-7 fail to obey State and local laws (NRS 706.8845-11-- NRS 483.350 No valid driver's license in possession)	
77-0066/Chris Flessas/02931/Star	9:30	Citation #000023	LUCERO
CONTINUED TO 4-22-77		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0104/Richard Atchinson/04266/ Checker	9:30	Citation #001577	LUCERO
WARNING		Rule 411-3 operating a cab with expired TA permit	

HEARING SCHEDULE FOR MARCH 25, 1977

0102/Nico Triantafilloo/04730/ Western	9:30	Citation #001576 LUCERO
DID NOT APPEAR		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position
77-0118/George Demestihias/04670/ Star	9:30	Citation #000110 DUPONT
ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 refusal to trans- port passengers
77-0119/Donald Mohr/04289/Desert	9:30	Citation #001948 DUPONT
ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 refusal to trans- port passengers
77-0120/Robert Feig/04451/Yellow	9:30	Citation #001947 DUPONT
1 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 refusal to trans- port passenger
77-0117/Orest Kotelnycky/04163/Ace	9:30	Citation #000111 DUPONT
ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 refusal to trans- port passenger
TWO WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Citation #000112 Rule 501-7 fail to obey State and local laws (NRS 706.8845-11-- NRS 483.350-No valid driver's license in possession)
77-0082/James Janas/04060/Whittlesea	9:30	Citation #001942 DUPONT
ONE WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 501-15 fail to keep a complete and accurate trip sheet

HEARING SCHEDULE FOR MARCH 25, 1977

77-0082/James Janas/04060/Whittlesea	9:30	Citation #001493	DUPONT
3 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 505-1-E fail to reset meter	
77-0078/Robert Ellis/04421/Yellow	9:30	Citation #001944	DUPONT
DID NOT APPEAR		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0038/Erik Fredsell/04535/Checker	10:00	Citation #000080	MCDERMOTT
DID NOT APPEAR		Rule 501-7 fail to obey State and local laws (NRS 484.361--Speeding)	
		Citation #000081	
		Rule 501-15 fail to keep a complete and accurate trip sheet	
77-0098/Michael Schilling/03221/Ace	10:00	Citation #000098	MCDERMOTT
CONTINUED TILL 4-22-77		Rule 501-7 fail to obey State and local laws (NRS 706.8845-11-- NRS 484.361(3) Speeding)	
		Citation #000099	
		Rule 411-1 no TA permit in possession (NRS 706.8849-1-J)	
77-0074/Roger Pierce/04264/Checker	10:00	Citation #000100	
2 WORKING DAYS SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 501-15 fail to keep a complete and accurate trip sheet	

HEARING SCHEDULE FOR MARCH 25, 1977

77-0115/William Himmelberger/03297/Star 10:00

Citation #001027

MCDERMOTT

CONTINUED TO 4-22-77

NRS 706.885-2  
"SHOW CAUSE"  
violation of tariff  
meter flag in other  
than 3:00 position

77-0113/Waverly Northington/04319/

Yellow

10:00

Citation #000109

MCDERMOTT

WARNING

Rule 411-3  
operate taxicab  
with expired TA  
permit

77-0116/Andrew Gerst/04526/Ace

10:00

Citation #000108

MCDERMOTT

TWO WEEKS SUSPENSION TO BE  
EFFECTIVE IMMEDIATELY ALSO  
MUST ATTEND DUI SCHOOL

NRS 706.8849-1-G  
operating taxicab  
under the influence  
of intoxicants

HEARING SCHEDULE FOR APRIL 8, 1977

77-0138/Joseph Russella/02131/Henderson	8:30	Citation #001060	SANT
3 WORKING DAY SUSPENSION TO BE EFFECTIVE 24, 25, 26, June, 1977		Rule 501-3 fail to attend cab while out for hire (unattended on stand #4 in line NRS 706.8845-6)	
77-0139/Richard Harris/04601/Yellow	8:30	Citation #001059	SANT/ WILTSE NHP
WARNING		Rule 501-6 loading passenger from a travel lane (NRS 706.8845-9)	
77-0140/Harold Heater/02133/Checker	8:30	Citation #001061	SANT
WARNING		Rule 501-7 fail to operate in accordance with State and local laws (NRS 484.225-hit and run unattended vehicle, property damage)	
77-0141/Nicholas Horfopoulos/04091/Star	9:30	Citation #001538	COCCUS
1 WORKING DAY SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 fail to transport passenger	
7-0078/Robert Ellis/04421/Yellow	9:30	Citation #001944	DUPONT
WARNING		Rule 501-15 fail to keep a complete and accurate trip sheet	
7-0121/Jerome Einhorn/03445/Whittlesea	9:30	Citation #000113	DUPONT
DID NOT SHOW		NRS 706.8845-11 working more than 12 hours	
7-0079/Michael Schilling/03221/Ace	9:30	Citation #001945	DUPONT
2 WORKING DAYS SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 505-1-B charge other than the amount shown on the meter	

HEARING SCHEDULE FOR APRIL 8, 1977

77-0079/Michael Schilling/03221/Ace	9:30	Citation #001946	DUPONT
DISMISSED		NRS 706.885-2 "SHOW CAUSE" violation of tariff meter flag in other than 3:00 position	
77-0105/Lonnie Spears/03988/Nellis	9:30	Citation #001580	LUCERO
WARNING		Rule 503-1 NRS 706.8847-1 fail to transport passenger	
77-0106/Leonidas Kefalas/04429/Western	9:30	Citation #001578	LUCERO
3 WORKING DAYS SUSPENSION TO BE EFFECTIVE IMMEDIATELY		Rule 503-1 NRS 706.8847-1 fail to transport passenger	
77-0099/Gerald Sarnoff/03298/Desert	9:30	Citation #001581	LUCERO
CONTINUED UNTIL MAY 13, 1977 9:30 AM		Rule 501-2 refrain from talking loudly and uttering profanity	
		Citation #001582	
		Rule 501-7 fail to operate in accordance with State and local laws (reckless driving)	
		Citaiton #001583	
		Rule 505-1-B not charge or attempt to charge other than the amount shown on the meter	

HEARING SCHEDULE FOR APRIL 8, 1977

77-0127/Louis F. Costanza/03877/Ace 9:30 Citation #001584 LUCERO

WARNING

Rule 411-3  
operating taxicab  
with expired TA  
permit

77-0128/Brian J. Magee/04477/Checker 9:30 Citation #001585 LUCERO

WARNING

Rule 501-7  
fail to operate in  
accordance with  
local laws (front  
loading at the  
airport)

7  
February 16, 1977

Dear Sir:

On February 11, 1977, you appeared before the Taxicab Authority to answer charges of violation of General Order #3, Rule 505-1-H, you were found guilty. Your taxicab permit was suspended for twenty (20) days.

On February 11, 1977 at 2:00 P. M., your attorney Mr. Robert Archie, requested a Stay until February 16, 1977, noon, for the purpose of filing an appeal through the court. This was granted.

The hour of 12:00 noon has arrived and this office has not received a court order restricting the imposition of the twenty (20) day suspension.

Therefore, effective immediately, your taxicab permit is suspended for twenty (20) working days.

Very truly yours,

James J. Avance,  
Administrator

JJA/sr

*Exhibit L*



8

A D M I N I S T R A T I V E H E A R I N G

S T A T E O F N E V A D A  
T A X I C A B A U T H O R I T Y

TRANSCRIPT OF ADMINISTRATIVE HEARING HELD ON  
March 25, 1977. IN THE MATTER OF VIOLATION  
OF GENERAL ORDER #3, RULE 501-15 AND RULE 505-1-E,  
JAMES JANAS, T. A. #04060.

DATE: Friday,  
March 25, 1977

TIME: 9:25 A. M.

LOCATION: Hearing Offices  
Taxicab Authority  
State of Nevada  
Municipal Court  
Department #2  
400 E. Stewart  
Las Vegas, Nevada  
89101

*Exhibit 74*

April 4, 1977

To Mr. Arance,  
% Taxi Cab Authority.

I, James J. Jones, would like to hereby  
appeal the T. A. court decision on March  
25, 1977, under Section <sup>or Bill</sup> 12.1, for giving  
me an additional 4 days off, when my  
Company (Whittless Blue Cab) had already  
suspended me <sup>6 Days</sup> for the same incident  
prior to Taxi Authority hearing.

Mr. James J. Jones  
04060

RECEIVED

APR 8 1977

NEVADA STATE  
TAXICAB AUTHORITY  
LAS VEGAS, NEVADA

343

APPEARANCES:

DAVID M. SCHREIBER, ESQ.  
Hearing Officer for  
Taxicab Authority  
1700 E. Desert Inn Rd.  
Las Vegas, Nevada

J. A. NELSON  
Senior Inspector  
Taxicab Authority  
Clark County  
State of Nevada

JOHN DU PONT  
Investigator  
Taxicab Authority  
State of Nevada

JAMES JANAS  
T. A #04060  
Respondent

1 MR. SCHREIBER: This case number 77-0082, James Janas,  
2 Permit number 04060, Whittlesea Cab and also, under the same  
3 citation there are two violations that are set forth, the first  
4 one, Rule 501-15: failure to keep a complete and accurate trip  
5 sheet, the second violation, Rule 505-1-E: failure to reset meter.  
6 Mr. Janas you have the right to be represented by an attorney if  
7 you so desire, or you may waive that right and proceed in your own  
8 behalf. What do you wish to do?

9 MR. JANAS: I'll waive that right.

10 MR. SCHREIBER: All right the record will so reflect.  
11 Do you understand the nature of the charges?

12 MR. JANAS: Yes sir. I do.

13 MR. SCHREIBER: How do you plead, guilty or nor guilty?

14 MR. JANAS: Guilty, sir.

15 MR. SCHREIBER: All right, a guilty plea will be entered.  
16 Anything you'd like to say?

17 MR. JANAS: What can I say, I got caught.

18 MR. SCHREIBER: Well, you don't have to say anything, but  
19 this is the opportunity that if you think that there is something  
20 that you want me to hear before I impose a sentence, this is your  
21 one and only time to say it.

22 MR. JANAS: Well I have been reprimanded by the company  
23 for 6 working days off already, so I mean.....

24 MR. SCHREIBER: Do you have an explanation of what  
happened?

1 MR. JANAS: An explanation of what happened? I picked  
2 up at the, let's see it was a Saturday night, and the 26th of  
3 February, and about 10:00 at night, and I picked up at the Hilton.  
4 I picked up three persons to the Holiday Casino Center Strip, one  
5 party got off, I was enroute, engaged to go to the Marina Hotel,  
6 one party changed their mind, and one party got out, and there was  
7 a couple of tourist standing there, and they opened the door and  
8 they said can you take us to the Marina, and I said fine, I'm  
9 going that way anyway, just jump on in, and so, he said how much  
10 are you going to charge me, I said from here to the Marina it's  
11 about \$1.75 and I wrote it on the trip sheet not on meter, \$1.75,  
12 which I told my company this. So I got there to the Marina Hotel  
13 and one party got out and paid me the original fare from the Hilton  
14 Hotel to the Marina.....

15 MR. SCHREIBER: I just want to know why, if you have a  
16 reason, why you did these things, I don't want to hear the whole  
17 story of the evening. Do you have any explanation why you didn't  
18 keep a complete and accurate trip sheet?

19 MR. JANAS: Oh it was so busy that night, that I had  
20 about five trips I didn't write down the times in that's all.

21 MR. SCHREIBER: All right, Officer DuPont.....

22 MR. JANAS: I didn't have time to write them all down.

23 MR. SCHREIBER: Is there anything else you'd like to add?

24 MR. DUPONT: My observation of course wasn't exactly like  
25 he explained it.

1 MR. SCHREIBER: What is your explanation, I mean if it  
2 would throw any light on the situation, I would like to hear it?

3 MR. DUPONT: Well he pulled to the side, and these two  
4 people walking by got into his cab and he proceeded on, but there  
5 was no pre-arrangement or conversation at all from the position  
6 the people were in the way that he described it, that they were  
7 going in the same direction, and everything else. These people  
8 were going to the Big 6 on Tropicana. And he advised the people  
9 to say that they came from the Hilton when he was stopped, and the  
10 people advised me that they didn't come from the Hilton as they  
11 first told me.

12 MR. SCHREIBER: Okay, thank you very much. Mr. Nelson  
13 what is the driving record, please?

14 MR. NELSON: We show the respondent having first been  
15 or having made application with our agency on 7-16-75, is a grad-  
16 uate of DDC, having completed that on 7-23-75. We have a prior  
17 violation this occurring on August 18, 1976; this being a violation  
18 of NRS 706.885-2, "SHOW CAUSE" meter flag in other than the 3:00  
19 position. On August 27, 1976 he was given a one working day sus-  
20 pension held in abeyance for 60 days. Due to the fact of a prior  
21 occurrence and the definite discrepancy in the complaint's version  
22 of what took place, which we cannot go along with, I would recom-  
23 mend in this case a 3 working day suspension. This being on the  
violation of Rule 505-1-E; failure to reset the taximeter, and on  
the trip sheet violation would recommend a warning.

1 MR SCHREIBER: Officer DuPont was the trip sheet, do you  
2 have the trip sheet there? Can you show it to me and explain to me  
3 in what way it was not completed, please.

4 MR JANAS: Just the times weren't written in.

5 MR. DUPONT: Just the times weren't filled in at all.

6 MR. SCHREIBER: But these were filled in when you stopped  
7 him?

8 MR. DUPONT: Yes, sir.

9 MR. SCHREIBER: Nothing else left out, and the amounts  
10 left out?

11 MR. DUPONT: Yes, sir.

12 MR. SCHREIBER: Okay. Mr. Janas, because of the way in  
13 which the trip sheet was not complete, I'm just going to issue you  
14 a one working day suspension for that. If you had not kept any  
15 time on it or any amount or anything, it would be a lot more  
16 severe, but because it was just the way that it was, I'm just  
17 going to issue a one working day suspension for that.....

18 MR. JANAS: But, sir, I've already had 6 days off.....

19 MR. SCHREIBER: For not resetting your meter, this being  
20 your second offense within the 12 month period I am going to issue  
21 a 3 working day suspension effective immediately or a total of 4.  
22 You've a right to appeal the decision, if you wish to by filing a  
23 notice at the Administrator's office.

24 MR. JANAS: But I've had 6 days off, working day off  
25 already from my company, before I even came to court.

1 MR. SCHREIBER: That's the company's decision. Have you  
2 had them off already?

3 MR. JANAS: Yes, I have.

4 MR. SCHREIBER: My decision is what it would have been,  
5 if you wish to appeal it you may do so. I have not control over  
6 what the company does.

7 MR. JANAS: What's the sense of appealing it? Just take  
8 it and like it that's all you can do.

9 MR. SCHREIBER: Well, you can take it and learn by it,  
10 so we won't see you here again. You were here in August, I'm sure  
11 I said the same thing to you, but you came back with two violations  
12 now, maybe the 4 days off will teach what wasn't absorbed by you  
13 back then.

14 MR. JANAS: When does this start, Monday?

15 MR. SCHREIBER: Effective immediately.

16 MR. JANAS: You mean I can't go to work tonight?

17 MR. SCHREIBER: If you were supposed to work tonight,  
18 your're off tonight. If the Administrator himself wants to relieve  
19 you from that by a stay order or any other manner he certainly has  
20 that authority, but I'm not recommending that it be done, but I'm  
21 not foreclosing you from seeking an appeal or whatever you wish to  
22 do, because of what your company has done, but I'm issuing the  
23 order that I have because that's what I have to do.

24 MR. JANAS: Now if I file an appeal, and I expect to,  
can I go to work tonight?



1 MR. SCHREIBER: That's up to the Administrator, Mr.  
2 Avance, only if he is willing to issue a stay order, but I'm not.  
3 That will conclude the hearing.

4 MR. JANAS: Where do I file this appeal at?

5 MR. NELSON: Over at the Taxicab Authority.

6 MR. JANAS: Okay thank you.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

9

A D M I N I S T R A T I V E H E A R I N G

T A X I C A B A U T H O R I T Y

S T A T E O F N E V A D A

TRANSCRIPT OF ADMINISTRATIVE HEARING HELD ON BELOW DATE, IN  
RE: THE MATTER OF VIOLATION OF GENERAL ORDER #3, RULE 505-1-B,  
AND NRS 706.885-2, T. A. NUMBER 03221, MICHAEL SCHILLING.

DATE: Friday, April 8, 1977  
TIME: 9:30 O'clock A. M.  
LOCATION: Hearings Offices  
Taxicab Authority  
State of Nevada  
Municipal Court  
City Hall  
Department #2  
400 E. Stewart  
Las Vegas, Nevada 89101

*Exhibit A*

from the desk of ...

**JAMES AVANCE**

4-8-77

I MICHAEL LEROY Schilling  
ON & ABOUT THE DAY OF FRIDAY  
8TH DAY OF APRIL IN THE YEAR  
OF 1977 MAKE ENTRY

OF AN APPEAL ON CHARGES  
SET AGAINST ME BY THE  
STATE OF NEVADA TAXI-AUTHORITY

THANK YOU  
Mike Schilling  
Mike Schilling

6810

1 APPEARANCES:

2 DAVID M. SCHREIBER, ESQ.  
3 Hearing Officer for  
4 Taxicab Authority  
5 1700 E. Desert Inn Rd.  
6 Winchester Plaza  
7 Suite 315  
8 Las Vegas, Nevada 89109

9 JERALD A. NELSON  
10 Senior Inspector  
11 Taxicab Authority  
12 State of Nevada

13 ALSO PRESENT:

14 Mr. Michael Schilling  
15 Respondent  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 MR. SCHREIBER: This is case number 77-0079 in the  
2 matter of Michael Schilling, Permit number 03221, Ace Cab. This  
3 involves two citations, the first of which is Rule 505-1-B:  
4 charging other than the amount shown on the meter, and the other  
5 is a "SHOW CAUSE" violation of NRS 706.885-2: having the tariff  
6 meter flag in other than the 3:00 position. Mr. Schilling do  
7 you realize that you have the right to be represented by an  
8 attorney if you so desire, or you may proceed to represent your-  
9 self. At this time what do you wish to do?

10 MR. SCHILLING: I'll proceed in my own matter due to  
11 the fact that my counsel could not make it here at this time,  
12 due to his case load, which I'm part of that part-time, firm.

13 MR. SCHREIBER: Okay the record will so reflect. Do  
14 you understand the nature of the citations?

15 MR. SCHILLING: Yes, I do.

16 MR. SCHREIBER: All right then to the first one of  
17 charging other than the amount on the meter, how do you wish  
18 to plead?

19 MR. SCHILLING: Not guilty.

20 MR. SCHREIBER: Guilty or not guilty? Not guilty?

21 MR. SCHILLING: On that matter I plead heresay, not  
22 guilty?

23 MR. SCHREIBER: And the other matter, citation?

24 MR. SCHILLING: That's the NRS 706.885 paragraph 2?

25 MR. SCHREIBER: That's the "SHOW CAUSE" of a meter

1 flag right?

2 MR. SCHILLING: Not guilty.

3 MR. SCHREIBER: All right, we'll proceed with this.

4 Call your witnesses Mr. Nelson, and Mr Schilling, if you would  
5 be sworn at the same time, we'll proceed.

6 MR. NELSON: At this time Mr. Schreiber, we might  
7 have a second witness who is available to appear, it's just a  
8 little after 9:00 so if he does appear we would like the right  
9 to have him sworn?

10 MR. SCHREIBER: All right if he appears during the  
11 hearing fine. Raise your right hand sir.

12 MRS. STUMP: Do you and each of you swear to tell the  
13 truth, the whole truth, and nothing but the truth?

14 ALL WITNESSES: I do.

15 MR. NELSON: The State would like to call Investigator  
16 DuPont?

17 MR. SCHREIBER: Gentlemen, could you either come in  
18 and sit down or get away from the door so that we're not  
19 disturbed here? Thank you. You may proceed.

20 MR. NELSON: Just state you full name and occupation  
21 for the record please?

22 MR. DUPONT: John DuPont, Investigator for the Taxicab  
23 Authority for the State of Nevada.

24 MR. NELSON: How long have you been so employed?

25 MR. DUPONT: 2 years.

1 MR. NELSON: Were you so employed on February 27,  
2 1977 at approximately 1:30 AM?

3 MR. DUPONT: I was.

4 MR. NELSON: On that date and time did you have  
5 occasion or approximately that time, have occasion to issue  
6 two Notices of Hearing, one being 001945, the other 001946?

7 MR. DUPONT: I did.

8 MR. NELSON: And is that person present in the court  
9 room today, to whom you issued these Notices of Hearing?

10 MR. DUPONT: He is.

11 MR. NELSON: Would you point him out for the record,  
12 please?

13 MR. DUPONT: He's sitting to your left there in the  
14 dark suit.

15 MR. NELSON: Do you know this gentleman's name?

16 MR. DUPONT: I do.

17 MR. NELSON: Would you state it, please?

18 MR. DUPONT: Michael Schilling.

19 MR. NELSON: Did you know Mr. Schilling as a cab  
20 driver prior to this occasion?

21 MR. DUPONT: I did.

22 MR. NELSON: Would you state for the benefit of the  
23 Hearing and Hearing Officer what transpired that prompted you  
24 to issue these Notices of Hearing?

25 MR. DUPONT: At February 27, at approximately 4:15 AM

1 I was called to the Dunes Hotel by the Hotel Security, Sgt.  
2 English. He introduced me to a Mr. Chase Kaplan who was a guest  
3 at the Hotel. At this point Mr. Kaplan informed me that earlier  
4 in the evening about 1:15 or so, approximately after the show  
5 break, he with a party of six, 3 gentlemen and 3 ladies were  
6 at Caesar's Palace and they entered two cabs, the ladies left  
7 in one cab, first, and the 3 gentlemen took the cab which was  
8 an Ace Cab driven by Mr. Schilling.

9 He further stated that he arrived at Dunes  
10 Hotel and paid the fare for the ladies, or was informed by the  
11 ladies that their fare was \$1.15 and when the fare was to be  
12 paid for his cab he was informed by the driver that the fare  
13 was \$3.00. He questioned him why the difference in the fare,  
14 and he was informed by Mr. Schilling that it was show break  
15 time and for short distances, there is a minimum of \$3.00.  
16 Then he paid the fare and entered the hotel, and contacted  
17 Security that reached me. After listening to Mr. Kaplan's  
18 statement, I proceeded to the Ace Cab Company, and contacted  
19 the supervisor, Frank Trejo, who in turn returned to the Dunes  
20 and again reinterviewed Mr. Kaplan who related the facts as  
21 stated above in the presence of Mr. Trejo and Sgt. English.  
22 At the time that I was at the Ace Cab Company, I found that  
23 Mr. Schilling had already gone off duty.

24 At approximately 5:00 AM I observed Mr.  
25 Schilling at the Galaxy Motel and advised him to come across



1 to the Dunes with me, which he accompanied me over to the Dunes.  
2 We then approached Mr. Kaplan, who asked Mr. Schilling why did  
3 he overcharge him. He related the facts to me and to Sgt.  
4 English and at this point Mr. Schilling says if I give you your  
5 money back will it be all right. At this point, in the presence  
6 of the three of us he handed the money back to Mr. Kaplan. Who  
7 made the statement, "It's not the idea of the money, I took the  
8 money, I'll give it to charity," he was at this point playing  
9 baccarat. Mr. Schilling then left and after conversation with  
10 Mr. Kaplan it was determined ( inaudible ) for this but I  
11 didn't locate him for about a week.

12 At that point Investigator Lucero and myself  
13 again contacted him at the Galaxy Motel where he was cited and  
14 informed what the charges were, and his statement at this time  
15 was, "I took a shot at it and it didn't work, that's all."

16 MR. NELSON: I have no further questions of the witness  
17 at this time, subject to recall.

18 MR. SCHREIBER: Do you have any questions of the  
19 officer?

20 MR. SCHILLING: Oh, yeah, I have only one brief  
21 question, this incident apparently, by your recollection, Mr.  
22 Dupont, happened approximately 1:15 in the AM, ante meridian?

23 MR. DUPONT: Yes, it was 1:15 or 1:30, I believe the  
24 time was.

25 MR. SCHILLING: Well, you say it was after the show

1 break is that correct?

2 MR. DUPONT: Yes.

3 MR. SCHILLING: Okay be it advised to the Administrator  
4 and the Hearing Officer that the show break at Caesar's Palace  
5 breaks at approximately 2:30. And that was Tom Jones, it  
6 start's and as you know it is a cocktail show. It perseveres  
7 in the hour of 12:30 to 12:45.....

8 MR. NELSON: At this time Mr. Schreiber I would object.  
9 If the respondent wants to testify, he should get on the stand.

10 MR. SCHREIBER: Objection sustained.

11 MR. SCHILLING: Okay.

12 MR. SCHREIBER: Do you have any other questions?

13 MR. SCHILLING: No, no other questions.

14 MR. SCHREIBER: Any re-direct?

15 MR. NELSON: No, sir.

16 MR. SCHREIBER: All right, thank you, officer, you  
17 may step down. You may call you next witness?

18 MR. NELSON: State would like to call Mr. Trejo?  
19 Would you state your full name and occupation for the record,  
20 please?

21 MR. TREJO: Frank B. Trejo, I work for Ace Cab Company.  
22 I'm a driver as well as a part-time supervisor.

23 MR. SCHREIBER: Spell your last name please, sir.

24 MR. TREJO: T-R-E-J-O.

25 MR. NELSON: I call your attention to the date of

1 February 27, 1977 at approximately 1:30 AM, did you have occa-  
2 sion to see the respondent on my left?

3 MR. TREJO: No, I didn't, no, I didn't. The only  
4 thing I can add to this is what he has related. He went down  
5 to the company and he told me the problem. I went down to the  
6 Dunes with him and I witnessed the people that had filed the  
7 complaint writing the complaint and signing it. After that I  
8 just went back to the garage, and that was the extent of it.

9 MR. NELSON: The extent of your implication was  
10 witnessing the.....

11 MR. TREJO: Yes, sir. The signing of the complaint  
12 by the complaintant.

13 MR. NELSON: I have no further questions of this  
14 witness at this time.

15 MR. SCHREIBER: Mr. Schilling?

16 MR. SCHILLING: No, no questions.

17 MR. SCHREIBER: Thank you, Mr. Trejo, you may step  
18 down.

19 MR. TREJO: Yes, sir. Excuse me, am I excused, can I  
20 leave?

21 MR. SCHREIBER: Unless either party expects to call  
22 you again, you certainly will be. Thank you for coming.

23 MR. TREJO: Okay.

24 MR. SCHREIBER: You may call your next witness Mr.  
25 Nelson.

1 MR. NELSON: At this time I would like to call Sgt.  
2 Bill English. You have to be sworn.

3 MRS. STUMP: Do you swear to tell the truth, the whole  
4 truth, and nothing but the truth?

5 MR. ENGLISH: I do.

6 MR. NELSON: Would you state your full name and  
7 occupation for the record please?

8 MR. ENGLISH: William T. English, I'm Security Sgt.  
9 at the Dunes Hotel.

10 MR. NELSON: How long have you been so employed?

11 MR. ENGLISH: A little over a year.

12 MR. NELSON: How long have you been a resident of the  
13 State of Nevada, City of Las Vegas?

14 MR. ENGLISH: About 8½ years.

15 MR. NELSON: About 8½ years. Sgt. English, I'd like  
16 to call your attention to February 27, 1977 at approximately  
17 1:30 AM, did you have occasion to receive a complaint from one  
18 of your guests?

19 MR. ENGLISH: I did not receive the complaint, no, I  
20 happened to over hear a complaint.

21 MR. NELSON: Would you relate for the benefit of the  
22 Hearings and Hearings Officer what you did overhear?

23 MR. ENGLISH: There were three couples coming in the  
24 hotel, and I happened to be standing by the bell desk, and the  
25 three women had ridden in one cab and the three men had ridden

1 in another cab. And I heard them state that the women had been  
2 charged \$1.15 and the men had been charged \$3.00.

3 MR. NELSON: Did you conduct any type of an investi-  
4 gation into this at that time?

5 MR. ENGLISH: At that time, no.

6 MR. NELSON: Did you any time later conduct any type  
7 of an investigation?

8 MR. ENGLISH: Yes, later I was approached by the  
9 representative of the Taxi Authority, who had received a  
10 complaint from one of the people.

11 MR. NELSON: I see. And did he request something of  
12 you.....

13 MR. ENGLISH: Yes, he requested that I contact the  
14 guest who at that time was playing baccarat. And then he related  
15 to us again what had happened.

16 MR. NELSON: Okay, I see. Was the suspected cab driver  
17 present at this time?

18 MR. ENGLISH: Not at this time, no.

19 MR. NELSON: Was he later present.....

20 MR. ENGLISH: Yes, the representative came back, I  
21 would say about an hour later with him. The cab driver, himself.

22 MR. NELSON: Okay, I see. Do you see that cab driver  
23 present in this court room today?

24 MR. ENGLISH: Yes, he's sitting right over there.

25 MR. NELSON: Seated on my left?

1 MR. ENGLISH: Yes, sir.

2 MR. NELSON: Would you describe what he is wearing,  
3 please?

4 MR. ENGLISH: What he was wearing?

5 MR. NELSON: What he is wearing.

6 MR. ENGLISH: I can't see him from here, but he had on  
7 a, okay, dark coat and light slacks.

8 MR. SCHREIBER: Record will reflect identification of  
9 respondent.

10 MR. NELSON: At this time upon the return of the TA  
11 investigator and the respondent, this being the cab driver, who  
12 was present besides yourself?

13 MR. ENGLISH: Myself, the Taxi Investigator, and  
14 complaintant.

15 MR. NELSON: Was Mr. Schilling present at that time?

16 MR. ENGLISH: Yes, he was.

17 MR. NELSON: Would you describe what you heard, what  
18 other type of investigation proceeded from that point?

19 MR. ENGLISH: Well, they went over what had happened  
20 again.

21 MR. NELSON: What was this?

22 MR. ENGLISH: That the man complained that the one  
23 cab fare had been \$1.15 and his had been \$3.00, and Mr. Schilling  
24 said, he had said would \$3.00 be okay, or something to that  
25 effect. And the man assumed that was the fare. And so he paid

1 it, and he didn't know until he got inside what the fare for the  
2 other people had been. So at this time Mr. Schilling had said,  
3 "Would it be all right if I gave you back the \$3.00." Which he  
4 did.

5 MR. NELSON: Was that the extent of your involvement?

6 MR. ENGLISH: Yes, it was.

7 MR. NELSON: State has no further questions of this  
8 witness, subject to recall.

9 MR. SCHREIBER: Cross-examine?

10 MR. SCHILLING: No, no questions.

11 MR. SCHREIBER: Thank you, very much, you may step  
12 down, sir. You may call your next witness, Mr. Nelson?

13 MR. NELSON: I'd like to call Investigator Lucero?

14 MR. SCHREIBER: Investigator Lucero, come forward, sir?  
15 Have you been sworn?

16 MR. LUCERO: No, sir.

17 MR. SCHREIBER: Okay, could you swear him in please?

18 MRS. STUMP: Do you swear to tell the truth, the whole  
19 truth, and nothing but the truth?

20 MR. LUCERO: I do.

21 MR. NELSON: State your full name and occupation for  
22 the record, please?

23 MR. LUCERO: John Lucero, Field Investigator, Taxicab  
24 Authority, State of Nevada.

25 MR. NELSON: How long have you been so employed?

1 MR. LUCERO: A little over 2 years.

2 MR. NELSON: Investigator Lucero, I call your attention  
3 to two Notices of Hearing that have been read into the record,  
4 one being 001945 and 001946, do you recognize these?

5 MR. LUCERO: The only thing that I can say is that  
6 I was with Investigator DuPont when he issued these two citations  
7 to Mr. Schilling.

8 MR. NELSON: You were present with Investigator DuPont  
9 when Mr. Schilling was issued these Notices of Hearing?

10 MR. LUCERO: Yes, sir.

11 MR. NELSON: Would you state for the benefit of the  
12 Hearings and Hearings Officer any conversation that you did  
13 hear at the time these were issued?

14 MR. LUCERO: I don't remember being near Mr. Schilling  
15 when he was issued the citations. I was talking to the super-  
16 visor, I believe for Ace Cab Company at the time. I was just  
17 with Investigator DuPont.....

18 MR. NELSON: You didn't overhear any conversation  
19 between the respondent and Investigator DuPont?

20 MR. LUCERO: Not to my knowledge, no sir, I was away  
21 from Investigator DuPont and Mr. Schilling. They had stepped to  
22 the next car over.

23 MR. NELSON: I see.

24 MR. LUCERO: I was not within hearing distance of what  
25 took place.



1 MR. NELSON: State has no further questions of this  
2 witness.

3 MR. SCHREIBER: Cross-examine?

4 MR. SCHILLING: I have no questions, no.

5 MR. SCHREIBER: Okay, Mr. Lucero, let me ask you one  
6 question if I may?

7 MR. LUCERO: Yes, sir.

8 MR. SCHREIBER: Was there a written statement by any  
9 of these parties that you know of?

10 MR. LUCERO: To my knowledge, no, the only thing that  
11 I had to do with it, I was just with Officer DuPont when we were  
12 looking for Mr. Schilling, and we found him at the Galaxy Motel.

13 MR. SCHREIBER: Okay, thank you. Do you have any  
14 further witnesses?

15 MR. NELSON: State has no further witnesses.

16 MR. SCHREIBER: Okay, do you wish to testify Mr.  
17 Schilling?

18 MR. SCHILLING: Yeah, I'd like to bring out some final  
19 arguement. I don't know what decorum, you practice in these  
20 administrative hearings?

21 MR. SCHREIBER: Well, if you don't testify, your  
22 arguement may be limited.

23 MR. SCHILLING: I see.

24 MR. SCHREIBER: I mean, you're at liberty to do either  
25 if you have something to say that hasn't been brought in testi-

1 mony, you may not be able to argue it on argument. So the  
2 choice is yours.

3 MR. SCHILLING: No. I'm ready to persevere in my  
4 final arguement.

5 MR. SCHREIBER: Mr. Nelson, I the testimony thus far  
6 concerns the charging other than the amount on the meter. Is  
7 there any other, or any evidence or other evidence on the other  
8 citation?

9 MR. NELSON: I, what was that again?

10 MR. SCHREIBER: On the second citation, having the  
11 meter flag in other than the 3:00 position?

12 MR. NELSON: At this time in order to clarify for  
13 this we do in fact have statements from complaining parties,  
14 we would like to introduce them into evidence.

15 MR. SCHREIBER: As to the first citation or the second?

16 MR. NELSON: A combination of the two.

17 MR. SCHREIBER: Do you have any objection to their  
18 being admitted?

19 MR. SCHILLING: No, no objection to the admission.

20 MR. SCHREIBER: They will be admitted as State's Exhibit  
21 #1 and #2 in evidence respectfully.

22 MR. NELSON: Would like to recall Officer DuPont at  
23 this time? Investigator DuPont I show you two statements,  
24 voluntary statements of fact, one from a Chase Kaplan, the other  
25 from a Bernard Fine. These made out on the Voluntary Statement

1 of Facts forms provided by the Taxicab Authority, do you  
2 recognize these?

3 MR. DUPONT: I do.

4 MR. NELSON: How do you so recognize these?

5 MR. DUPONT: They were taken in my presence and I  
6 signed them.

7 MR. NELSON: You took both these statements, they were  
8 taken in your presence?

9 MR. DUPONT: Yes, sir.

10 MR. NELSON: Was anyone else present?

11 MR. DUPONT: Mr. Frank Trejo.

12 MR. NELSON: He previously stated that he was present  
13 when these were taken. Would you read State's Proposed Exhibit  
14 #1 into the record, please, and then follow it up with #2?

15 MR. DUPONT: This is statement received on February 27,  
16 1977 from Bernard Fine, 12 Cherry Place, Atlanta, Georgia. He  
17 states in his own hand-writing that "Six traveling from Caesar's  
18 to Dunes. Sent 3 females in front cab. 3 males followed in  
19 cab #517 and we were charged \$3.00 because they, it should have  
20 been, the said it was after showtime. His tone of voice  
21 indicated displeasure that we were going short a short distance.  
22 Upon joining the females we asked what they were charged--  
23 answer--\$1.15. We immediately called the cab company.

24 This is Exhibit #2 dated February 27, from  
25 Chase Kaplan, 215 Piedmont Ave., Atlanta, Georgia. He states

1 in his own hand-writing "There were 3 women and 3 men. We had  
2 to take 2 cabs, so 3 women went in one of Ace Cab Company Cab.  
3 We followed them in Cab #517 of Ace Cab Company also. We were  
4 at Caesar's Palace to the Dunes Hotel. The girls were charged  
5 \$1.15 and we were charge \$3.00. The driver never pulled the  
6 meter down, and he said the reason for the fare is \$3.00 is  
7 because the after show rush. Time 1:40 PM.

8 MR. NELSON: State has nothing further of this witness.

9 MR. SCHREIBER: Cross-examine, Mr. Schilling.

10 MR. SCHILLING: No, nothing.

11 MR. SCHREIBER: Anything else, Mr. Nelson?

12 MR. NELSON: No, nothing.

13 MR. SCHREIBER: Were these statements given in front  
14 of the respondent? All right do you have any other witnesses?

15 MR. NELSON: No, sir.

16 MR. SCHREIBER: All right. I'd like to hear closing  
17 remarks on the thing.

18 MR. NELSON: I believe the State has proven beyond a  
19 reasonable doubt from the witnesses testimony also that were  
20 present here today, Mr. Trejo stated he was present and did  
21 in fact in this, and his signature is in fact on those state-  
22 ments. The Sgt. from the Dunes Hotel did state in fact the  
23 conversation he overheard of the overcharging, the difference  
24 between the cabs, also in the written statements to clarify  
the fact of the "high flag" charge or "Show Cause" for other

1 than the 3:00 position, it is clearly brought out that the meter  
2 flag was never thrown; therefore, we do feel we do have the two  
3 counts. State has nothing further.

4 MR. SCHREIBER: Mr. Schilling?

5 MR. SCHILLING: Yes, in my final arguement, in the  
6 matter of 8001945, my plea was not guilty, based on the exis-  
7 tence, I'm seeking a dismissal on the grounds that you can't  
8 cross-examine a piece of paper, as a respondent these statements  
9 were not signed in front of me so there is great doubt in its  
10 disposition. And on the citation of 8001946, the NRS 706.885-2,  
11 clearly establishes, if I may approach the bench, states that  
12 the Nevada State Taxi Authority cited me on the penalty rather  
13 than the violation which is procedurally wrong. You cannot  
14 cite a person for the penalty before you cite them first for the  
15 violation. So I seek a dismissal on both counts.

16 MR. SCHREIBER: I'm not sure that I am following the  
17 jest of your arguement on the second point. You cite 706.885-2.

18 MR. SCHILLING: Yes.

19 MR. SCHREIBER: And you say that you were cited under  
20 a penalty provision instead of.....

21 MR. SCHILLING: Instead of a violation.

22 MR. SCHREIBER: And what would the violation be?

23 MR. SCHILLING: Well I don't know, see, it says here  
24 as you know in the Nevada Rvised Statutes, paragraph 2, of which  
25 I believe is probably an oversight, but I can't account for the

1 liabilities of prosecution on this count. This apparently was  
2 an oversight, they cited me on a penalty rather than a  
3 violation.

4 MR. SCHREIBER: Yeah, but why can't they.....

5 MR. SCHILLING: Well, how can they cite you on a  
6 penalty before they cite you on a violation of such.

7 MR. SCHREIBER: Do you have any authority that says  
8 they can't? This is a statutory provision that certain viola-  
9 tions are customarily and to my knowledge can be brought under.  
10 I don't know of any precedent that says it can't be. I'm  
11 willing to listen.

12 MR. SCHILLING: You can't, in other words you're trying  
13 to bring in the logic of this element, saying that you can be  
14 cited on a penalty before you're cited on a violation?

15 MR. SCHREIBER: No, I'm asking you if you have any  
16 authority for your position.

17 MR. SCHILLING: Well, Mr. Franklin, of course, who  
18 was my counsel, who was not able to make it here, at this date,  
19 had brought up the point that due to Federal regulations and  
20 pre-trial, pre-arraignment and trial proceedings, that you can-  
21 not cite somebody on a penalty before he's been cited first on  
22 the violation.

23 MR. SCHREIBER: You're referring just to the tariff  
24 meter flag violation.....

25 MR. SCHILLING: The OSC, The Order to Show Cause, meter

1 in other than 3:00 position. See we're not questioning the act  
2 we're questioning the integrity of the citation.

3 MR. SCHREIBER: What is the "high flagging" statute,  
4 Mr. Nelson, if you know? Is it within 706.881 through 885?

5 MR. NELSON: I believe so, yes, sir. Do you have.....

6 MR. SCHREIBER: I see that. But where is the particu-  
7 lar statute or rule that deals with "high flagging".....

8 MR. NELSON: There is not one, we've always used this.

9 MR. SCHREIBER: What is your response to, what is  
10 your reply to Mr. Schilling's arguement?

11 MR. NELSON: On the matter of the "high flag" situation?

12 MR. SCHREIBER: Primarily that is the one that I'm  
13 mostly concerned with.

14 MR. NELSON: I have no arguement, other than that is  
15 the statute that this particular situation has been cited under  
16 since the beginning of the Taxi Authority, and the other one is  
17 quite clear.

18 MR. SCHREIBER: Well, let me say this, I'm inclined to  
19 think that there is merit to his arguement on the second, on this  
20 second one. The fact that NRS 706.885-2 is a penalty provision  
21 and it says that after certain notice there can, and a hearing  
22 that he can be penalized by either fine or a suspension or a  
23 revocation for violation of any provision of NRS 706.881 to  
24 NRS 706.885, or any rule or regulation of the Taxicab Authority  
or Administrator. Now if "high flagging" falls within those

1 provisions, then we may have another situation, but he wasn't  
2 cited for that. Is that another provision though?

3 MR. NELSON: Not to my knowledge.

4 MR. SCHREIBER: Is "high flagging" a statutory viola-  
5 tion?

6 MR. NELSON: Not to my knowledge.

7 MR. SCHREIBER: It's got to be someplace though, isn't  
8 it?

9 MR. NELSON: It very well could be.

10 MR. SCHREIBER: Let's stand at ease for just a second.

11 At this point in the proceeding we had a malfunction  
12 of the recording equipment. The following is done with the aid  
13 of shorthand notes and memory.

14 The second charge of NRS 706.885-2 was discussed  
15 further and was finally dismissed. At this point Mr. Schrieber  
16 found Mr. Schilling guilty as to the first charge of General  
17 Order #3, Rule 505-1-B: charging other than the amount on the  
18 meter. Mr. Nelson was then asked for his recommendation as to  
19 the sentence to be given. Mr. Nelson replied that Mr. Schilling  
20 first made application on 10-5-73, he was a graduate of DDC,  
21 graduating on January of 1974. Mr. Nelson also stated that with-  
22 in the last 12 months that on January 15, 1977, Mr. Schilling  
23 was cited for a violation of General Order #3, Rule 505-1-E:  
24 failing to reset the meter. On February 25, 1977 he was given  
25 a warning on that offense. He then recommended a 2 working day



1 suspension on the charge of Rule 505-1-B: charging other than  
2 the amount on the meter.

3 Mr. Schreiber then agreed with the recommendation on  
4 the basis that it is the second offense in the 12 month period  
5 and sentenced the respondent to a 2 working day suspension  
6 effective immediately.

7 Mr. Schilling then asked for an extension on the 30  
8 days time limit in which to file an appeal for the reasons  
9 that follow. At this point the recording equipment began  
10 operating again.

11 MR. SCHILLING: Due to his case load at the office,  
12 and I'm aware of his case load, since the fact that I work  
13 there, part-time, if it would have taken the indulgence of  
14 disposition of Mr. Franklin's work load.

15 MR. SCHREIBER: I don't think that, I know that I don't  
16 have the authority, and I don't think the Administrator has the  
17 authority to extend the time to file the Notice of Appeal. I  
18 think that's jurisdictional.

19 MR. SCHILLING: Oh, is that right.

20 MR. SCHREIBER: And once that's filed if any supporting  
21 documents or briefs or affidavits are to be filed I'm sure that  
22 there would be plenty of time in which to do so. But I don't  
23 think that 30 days can be extended even if we wanted to.

24 MR. SCHILLING: Yes, I understand.

25 MR. SCHREIBER: It is jurisdictional. And as you know

1 the Administrator has the authority to issue a stay order of the  
2 execution for this if he so desires upon being notified that you  
3 plan on appealing it. That will conclude the hearing.

4 MR. SCHILLING: What posture do we assume in this stay  
5 order.

6 MR. SCHREIBER: You have to contact the Administrator  
7 over at the Authority office.....

8 MR. NELSON: Right away.

9 MR. SCHILLING: Is it all right to seek a stay order  
10 pending the appeal.....

11 MR. SCHREIBER: I have no authority to grant it, I  
12 have no objection if he wants to do so since it's with the  
13 appeal, but I.....

14 MR. NELSON: But I would do so, because if you don't  
15 then you're going to get the time off, before you appeal, then  
16 what good is it.

17 MR. SCHILLING: Right. So the stay is in effect?

18 MR. NELSON: No, I can't grant you this. You'll have  
19 to.....

20 MR. SCHREIBER: He's the only one that has the statu-  
21 tory authority to do it.

22 MR. NELSON: You'll have to go to the Administrator.

23 MR. SCHILLING: Oh, Mr. Avance.

24 MR. NELSON: Yes.

25 MR. SCHILLING: And that would be remote at this time?

1 MR. SCHREIBER: You can go over there right now and do  
2 it. He's probably there now, he's the only one that has the  
3 authority to grant the stay order or a district judge, of course,  
4 but Mr. Avance is probably there.  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

10

FILED

APR 5 10 41 AM '77

LORETTA BOWMAN  
CLERK  
BY ROBERTA L. LUNA

1 CASE NO. A162180  
2 DEPT. NO. VI  
3  
4

5 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF CLARK  
7

8 \* \* \* \*

9 Petitioner,

10 vs.

11 TAXICAB AUTHORITY,  
12 STATE OF NEVADA,

13 Respondent.  
14  
15

16  
17 DECISION  
18

19 The facts of this case show that  
20 petitioner herein, was charged with soliciting a gratuity and  
21 obtaining money under false pretenses, a violation of Las Vegas  
22 Taxicab Authority General Order No. 3, Rules 505 (i) and 506,  
23 respectively.

24 A hearing was had before the Hearing Officer of  
25 the Taxicab Authority, David M. Schreiber, on Friday,  
26 September 24, 1976.....

27 was found to have violated the rules  
28 in question; and for violation of the rule against soliciting  
29 gratuities, was given a 3-day suspension; and for  
30 violation of the allegation of soliciting money under false

*Exhibit A*

1 pretenses, license was revoked.

2 The decision of the Hearing Officer was affirmed  
3 by Taxicab Authority on November 9, 1976.

4 As a result of this adverse decision, petitioner  
5 has appealed to the District Court.

6 The Court listened to arguments of counsel and has  
7 read the briefs filed by the parties.

8 After a review of the statutory law of Nevada and  
9 decided cases construing this law, the Court finds that it  
10 is somewhat limited to the issues it can decide. For example,  
11 NRS 233B.140 (4) states:

12 "The review shall be conducted by the  
13 court without a jury and shall be confined to  
14 the record..."

15 NRS 233B.140 (5) states:

16 "The court shall not substitute its judgment  
17 for that of the agency as to the weight of the  
18 evidence on questions of fact. The court may  
19 affirm the decision of the agency or remand  
20 the case for further proceedings. The court  
21 may reverse or modify the decision if substantial  
22 rights of the appellant have been prejudiced  
23 because the administrative findings, inferences,  
24 conclusions or decisions are:

25 "(a) In violation of constitutional or  
26 statutory provisions;

27 "b) In excess of the statutory authority  
28 of the agency;

29 "(c) Made upon unlawful procedure;

30 "(d) Affected by other error of law;

1           "(e) Clearly erroneous in view of the  
2 reliable, probative and substantial evidence on  
3 the whole record; or

4           "(f) Arbitrary or capricious or characterized  
5 by abuse of discretion or clearly unwarranted  
6 exercise of discretion."

7           What a court can or can not do with regard to reviewing  
8 an administrative agency's decision is best set forth in the  
9 following paragraph taken from §677 2 Am Jur 2nd:

10           "The court has nothing to do with the wisdom,  
11 expediency or propriety or the measures adopted  
12 by an administrative agency to which the formulation  
13 and execution of policy has been entrusted and must  
14 not substitute its judgment or notions of expediency,  
15 fairness or wisdom for those which have guided  
16 such agency, even where the proof is convincing  
17 that a different result would have been better...  
18 These are matters left by the legislature to the  
19 administrative tribunal. Accordingly, the mere  
20 claim that a different decision could have been  
21 made by the administrative agency would have  
22 been better does not suffice to move a court to  
23 action. Power to make the order and not the  
24 mere propriety, expediency or wisdom of having  
25 made it, is the question for the court."

26           Does the evidence support the finding and decision  
27 by the Taxicab Authority?

28           Did                   solicit a gratuity? Mrs. Ramsey  
29 testified (see Transcript, Page 15) that                   said,  
30 "There would be a small fee for my service to you." We said,

1 "How much?" and he said, "Well, give me what you want." We  
2 said, "Well, we don't know exactly what you would want. We  
3 never done anything like this before. You'll have to tell  
4 us what you want." So he said, "Well, you give me \$15.00.  
5 That will be \$7.50 from each of you." So we said, "Fine."  
6 We gave him the \$7.50. (See also Transcript, Page 22.)

7 See also the testimony by Mrs. Ross on Page 30 of  
8 the Transcript which is to the same effect.

9 If I read the transcript correctly, this request  
10 for a fee for services was made after had already  
11 received \$20.00 from each of the ladies (according to their  
12 testimony) and only \$20.00 from both (according to  
13 and only paid between \$5.00 or \$11.00 (Transcript, Page 76)  
14 to the Captain of the Sands for a reservation.

15 From this evidence the Hearing Examiner could find  
16 that there was solicitation, even though testified  
17 somewhat differently than the ladies.

18 The Hearing Examiner saw and heard the witnesses.  
19 He could give the evidence whatever weight he desired. Accord-  
20 ingly this Court can not violate the Hearing Examiner's finding  
21 based on the evidence.

22 Did obtain money under false pretenses?

23 A review of the evidence shows (See Transcript,  
24 Page 14, Mrs. Ramsey testifying):

25 "'Well, I can get you tickets for that,'  
26 and, of course, we were delighted. We thought,  
27 'Well, how nice of him to be able to get us  
28 tickets.' And we said, asked him, 'How much they  
29 would cost,' and he said, 'Well, it would probably  
30 cost a little bit more since they are sold out.'

1 So we said, 'All right, how much do you want?'  
2 and he said, 'Well, each one of you give me \$20.00.'  
3 So we gave him the \$20.00 so he drive us down to  
4 the Sands and left the cab, parked outside and  
5 went inside. He came back out and said, 'Now I've  
6 got you tickets. The show was all sold out, but  
7 I got you in on the invited guest list...'"

8 Mrs. Ross testified to substantially the same facts  
9 on Page 40 of the Transcript.

10 /testified to the contrary.

11 A Hearing Examiner can give whatever weight and  
12 credibility to any witness he chooses as he is able to see  
13 and observe them while they are testifying. Apparently in  
14 this instance the Hearing Examiner chose to find that Mr.

15 /conduct came within the ban of General Order 3,  
16 Rule 506.

17 It is not necessary that the Hearing Examiner find  
18 that /was criminally guilty of obtaining money  
19 under false pretenses before he finds that  
20 violated Rule 506. It is only necessary for the Hearing  
21 Examiner to find that the taxicab was used in facilitating  
22 the commission of a crime. Certainly the facts as presented  
23 in the Transcript substantiate this.

24 Incidentally if /were guilty of a crime,  
25 he would only be guilty of a misdemeanor as the amount of  
26 money involved was \$55.00.

27 Petitioner's attorney indicated that Rule 506 was  
28 vague because it does not designate what is a criminal act.  
29 The rule is replete with repetition, but the Court does not  
30 believe it is in any sense vague. The rule includes the phrase



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

"as a means of facilitating the commission of a crime."  
NRS 193.120 defines a crime as an act or omission forbidden  
by law and punishable by death, imprisonment, fine or other  
penal discipline.

This definition clearly defines what a crime is; and  
certainly with this definition, there can be no ambiguity  
in Rule 506. In essence it states that if a cab is used  
as a means of facilitating the commission of any crime,  
the taxicab operation may be subject to disciplinary action.

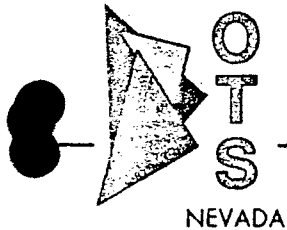
The Court can not find that the Hearing Examiner  
or the authority violated any of petitioner's rights for  
the reasons set forth in NRS 233B.140 (5).

The decision of the Hearing Examiner and the  
Taxicab Authority are, therefore, affirmed.

Respondent shall prepare the necessary documents  
to effectuate this Decision.

DATED: March 31, 1977.

*Lewell*  
DISTRICT JUDGE



STATE OF NEVADA  
**OFFICE OF TRAFFIC SAFETY**

CAPITOL COMPLEX • CARSON CITY, NEVADA 89710 • (702) 885-5720

MIKE O'CALLAGHAN  
Governor

JOHN W. BORDA  
Director

M E M O R A N D U M

TO: John W. Borda, Director  
FROM: Richard P. King, Projects Manager  
DATE: April 14, 1977  
RE: Warrants

The following is a breakdown of NHP warrants entered into the SCOPE system and warrants served from January, 1976 through March, 1977. Out of state traffic violators who skip bail are not entered into the system because courts do not issue warrants. There may be some deviation to this in Clark County's system.

<u>DATE</u>	<u>WARRANTS ENTERED</u>	<u>VALUE</u>	<u>WARRANTS SERVED</u>	<u>*VALUE</u>
Jan-Mar 1976	3,227	\$231,843	219	\$ 14,155
Apr-June 1976	2,592	134,406	523	30,810
July-Sept 1976	982	54,095	458	23,812
Oct-Dec 1976	780	46,296	430	23,677
Jan-Mar 1977	<u>1,144</u>	<u>54,441</u>	<u>479</u>	<u>23,978</u>
TOTAL	8,725	\$521,081	2,109	\$116,432

\* Fine Money returned to local government

RPK/jeb



NEVADA  
OFFICE OF TRAFFIC SAFETY

EXHIBIT L

MEMORANDUM

TO..... John W. Borda, Director.....

DATE... 4/14/77.....

ATTN.....

FROM..... A. Wayne Tetrault, Deputy Director.....

SUBJECT..... AB 691.....

Advised John DeGraff of AB 691.

Re information on out of state warrants Terry Reynolds advised not much data available but as an indication of volume:

1. Approximately 250,000 citations issued each year statewide.
2. One-third of citations issued to out of staters.
3. One-half of this one-third not paid.
4. Las Vegas Municipal Court heard 80,000 traffic cases in 1975-76.
5. Las Vegas Justice Court estimates that 131,000 citations will be issued in their jurisdiction in 1976-77. 180,000 issued in 1977-78.
6. Las Vegas Justice Court estimates that they will issue 18,000 warrants in 1976-77, and 24,000 in 1977-78.

AWT/jeb

STAY ALIVE. DRIVE 55. IT'S MORE THAN JUST THE LAW

KAREN W. HAYES  
ASSEMBLYMAN  
DISTRICT NO. 13 (CLARK COUNTY)

6010 EUCLID AVENUE  
LAS VEGAS, NEVADA 89120  
TELEPHONE  
(702) 736-7396



EXHIBIT M

COMMITTEES  
CHAIRMAN  
TRANSPORTATION  
VICE CHAIRMAN  
JUDICIARY  
MEMBER  
COMMERCE

EXHIBIT

# Nevada Legislature

FIFTY-NINTH SESSION

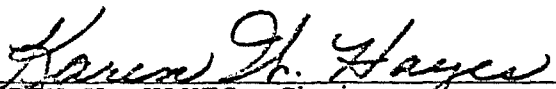
April 22, 1977


Director  
Nevada Department of Highways  
Carson City, Nevada 89710

Dear Sir:

It is the intent of the Assembly Committee on Transportation, Nevada State Legislature that you assign a State Highway Number to a route beginning at a point on the Pahrump Valley Road approximately 3.6 miles southeast of the Nye County line, thence easterly via Lovell Summit and Red Rock Summit to a point on Red Rock Canyon Road approximately 11 miles west of Las Vegas.

Sincerely,


  
KAREN W. HAYES, Chairman  
Transportation Committee

  
DANIEL J. DEMERS, Vice Chairman  
Transportation Committee


copy to:

Clark County Commission  
Clark County Court House  
Las Vegas, NV 89101


Nye County Commission  
Pahrump, Nevada 89041

  
ALAN GLOVER, Member  
Transportation Committee

  
HARLEY L. HARMON, Member  
Transportation Committee

  
PAUL W. MAY, Member  
Transportation Committee

  
LAWRENCE E. JACOBSEN, Member  
Transportation Committee

  
PEGGY WESTALL, Member  
Transportation Committee

A. B. 699

ASSEMBLY BILL NO. 699—COMMITTEE  
ON TRANSPORTATION

APRIL 13, 1977

Referred to Committee on Transportation

SUMMARY—Makes various amendments to law regulating taxicabs  
in certain counties. (BDR 58-1494)

FISCAL NOTE: Local Government Impact: No.  
State or Industrial Insurance Impact: No.

EXPLANATION—Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AN ACT relating to taxicabs; providing for hearings under certain circumstances; providing for the authority of airport control officers as peace officers and the disposition of certain fees and revenues; providing penalties; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:*

- 1 SECTION 1. Chapter 706 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:  
3 1. *A vehicle used as a taxicab in passenger service shall be*  
4 *impounded by the administrator if a certificate of public convenience*  
5 *and necessity has not been issued authorizing its operation. A hearing*  
6 *shall be held by the administrator no later than the conclusion of the*  
7 *second normal business day after impoundment, weekends and holidays*  
8 *excluded. As soon as practicable after impoundment, the administrator*  
9 *shall notify the registered owner of the vehicle of the time set for the*  
10 *hearing and his right to be represented by counsel during all phases of*  
11 *the proceedings.*  
12 2. *The administrator shall hold the vehicle until the registered owner*  
13 *of the vehicle appears and proves:*  
14 (a) *That he is the registered owner of the vehicle;*  
15 (b) *That he holds a valid certificate of public convenience and neces-*  
16 *sity; and*  
17 (c) *That the vehicle meets all required standards of the authority.*  
18 *The administrator shall return the vehicle to its registered owner when the*  
19 *owner meets the requirements of this subsection.*  
20 3. *If the registered owner is unable to meet the requirements of sub-*  
21 *section 2, the administrator shall give the registered owner access to the*  
22 *vehicle so that he can remove all taxicab paraphernalia. The administra-*  
23 *tor shall return the vehicle after all taxicab paraphernalia is removed.*

1 4. If after being noticed for a hearing the registered owner does not  
2 appear, the administrator shall retain possession of the vehicle until the  
3 registered owner of the vehicle requests a subsequent hearing and meets  
4 the requirements of subsection 2.

5 5. The registered owner is entitled to a subsequent hearing upon 72  
6 hours' notice to the administrator.

7 SEC. 2. NRS 706.881 is hereby amended to read as follows:  
8 706.881 1. NRS 706.8811 to 706.885, inclusive, and section 1 of  
9 this act, apply to a county whose population is 200,000 or more, as deter-  
10 mined by the last preceding national census of the Bureau of the Census  
11 of the United States Department of Commerce.

12 2. Within any such county, those provisions of this chapter which con-  
13 fer regulatory authority over taxicab motor carriers upon the public ser-  
14 vice commission of Nevada do not apply.

15 SEC. 3. NRS 706.8813 is hereby amended to read as follows:  
16 706.8813 "Certificate holder" means a person who [has obtained and  
17 who] holds a current certificate of public convenience and necessity which  
18 was issued for the operation of a taxicab business within the county by:

19 1. The public service commission of Nevada prior to July 1, 1969,  
20 and which has not been transferred, revoked or suspended by the taxicab  
21 authority [; or], the public service commission of Nevada or by operation  
22 of law; or

23 2. The taxicab authority [.] and which has not been transferred,  
24 revoked or suspended by the taxicab authority or by operation of law.

25 SEC. 4. NRS 706.8819 is hereby amended to read as follows:  
26 706.8819 The taxicab authority shall conduct hearings and make final  
27 decisions in the following matters:

28 1. Applications to adjust, alter or change the rates, charges or fares  
29 for taxicab service;

30 2. Applications for certificates of public convenience and necessity to  
31 operate a taxicab service; [and]

32 3. Applications requesting authority to transfer any existing authority  
33 vested in any person or corporation to operate a taxicab business [.] ;  
34 and

35 4. Applications to change the total number of allocated taxicabs in a  
36 county to which NRS 706.881 to 706.885, inclusive, apply.

37 SEC. 5. NRS 706.8821 is hereby amended to read as follows:  
38 706.8821 1. The administrator shall be responsible for the control  
39 and regulation of the taxicab industry in any county to which NRS 706-  
40 881 to 706.885, inclusive, apply and for the administration of NRS  
41 706.881 to 706.885, inclusive.

42 2. The administrator shall appoint:  
43 (a) One accountant and auditor if the administrator is not so quali-  
44 fied; and

45 (b) Such other employees as may be necessary to enable the adminis-  
46 trator properly to perform his official functions.

47 [(c) Employees designated as taxicab] 3. Those employees desig-  
48 nated as:

49 (a) Taxicab field investigators shall be peace officers.

x delete brackets

+ 15

be re-  
set  
bracket

1 (b) Airport control officers shall be peace officers only when on duty at  
2 the airport.

3 SEC. 6. NRS 706.8824 is hereby amended to read as follows:  
4 706.8824 1. Whenever circumstances require a change in the alloca-  
5 tions existing on July 1, 1969, or afterward established, the taxicab  
6 authority shall allocate the number of taxicabs among the certificate hold-  
7 ers in any county to which NRS 706.881 to 706.885, inclusive, apply.

8 2. In determining the allocation of taxicabs as set forth in subsection  
9 1, the taxicab authority shall consider:

10 (a) The needs [and requirements] of residents of the area served by  
11 the certificate holders;

12 (b) The needs [and requirements] of the tourists of the area served by  
13 the certificate holders;

14 (c) The interests, welfare, convenience, necessity and well-being of the  
15 public at large in the area served by the certificate holders; ~~and~~

16 (d) ~~When a new certificate is being considered, the needs of a limited~~  
17 ~~geographical area and the taxicab industry as a whole; and~~

18 (e) Any other factors which the administrator considers necessary and  
19 proper for determining the allocation.

20 SEC. 7. NRS 706.8825 is hereby amended to read as follows:  
21 706.8825 1. [The board of county commissioners of any county in  
22 which there is in effect a taxicab allocation order of a taxicab authority,  
23 and the governing body of each city within any such county, shall pay  
24 to the state treasurer all of the tax revenue which is received from the  
25 taxicab industry operating in such county and city, respectively. The  
26 funds so received by the State of Nevada are hereby appropriated for the  
27 purpose of defraying the cost of regulating taxicabs in the county mak-  
28 ing the payment to the State of Nevada.

29 2. For the purpose of calculating the amount due to the state under  
30 subsection 1, the tax revenue of a county does not include any amount  
31 which represents a payment for the use of county facilities or property.]  
32 All fees collected pursuant to NRS 706.881 to 706.885, inclusive, shall  
33 be deposited with the state treasurer to the credit of the taxicab authority  
34 fund, which is hereby created as a special revenue fund. The transactions  
35 of each county taxicab authority subject to those sections shall be  
36 accounted for separately within the fund.

37 2. The revenues received pursuant to subsection 1 of NRS 706.8826  
38 are hereby appropriated for the purpose of defraying the cost of regulat-  
39 ing taxicabs in the county or the city, respectively, making the deposit  
40 under that subsection.

41 3. The fees received pursuant to subsection 3 of NRS 706.8826 are  
42 hereby appropriated for the purpose of defraying the cost of regulating  
43 taxicabs in the county in which the certificate holder operates a taxicab  
44 business.

45 4. Any balance remaining in the fund shall not revert to the state  
46 general fund. But any balance over \$100,000 remaining in the fund shall  
47 be used to refund certificate holders a pro rata portion of the \$100 paid  
48 pursuant to NRS 706.8826, not to exceed \$95.]

49 5. The administrator may establish a petty cash account not to exceed  
50 \$100 for the support of undercover investigation and if the account is

delete lines  
16 and 17



\* delete lines  
42-44

substitute

PROPOSED LANGUAGE / lines 42-46  
1(b) Assure that the taximeter of his taxicab is engaged in the three o'clock position while the taxicab is in motion with a fare and while the taxicab is not in motion with a fare.

1 determines that the applicant is morally unfit or if the issuance of the  
 2 driver's permit would be detrimental to public health, welfare or safety.  
 3 4. A taxicab driver shall pay to the administrator, in advance, the  
 4 sum of \$5 for an original driver's permit and \$2.50 for a renewal. [The  
 5 fees so received by the administrator shall be deposited with the state  
 6 treasurer for credit to the taxicab authority fund.]  
 7 Sec. 12. NRS 706.8846 is hereby amended to read as follows:  
 8 706.8846 With respect to a passenger's destination, a driver shall not:  
 9 1. Deceive or attempt to deceive any passenger who [may ride or  
 10 desire] ~~rides or desires~~ to ride in his taxicab.  
 11 2. Convey or attempt to convey any passenger to a destination other  
 12 than the one directed by the passenger.  
 13 3. Take a longer route to the passenger's destination than is necessary,  
 14 unless specifically requested so to do by the passenger.  
 15 4. [Comply] ~~Fail to comply~~ with the reasonable and lawful requests  
 16 of the passenger as to speed of travel and route to be taken.  
 17 Sec. 13. NRS 706.8848 is hereby amended to read as follows:  
 18 706.8848 1. If a driver violates any provision of NRS 706.8844 to  
 19 706.8847, inclusive, [within any period of 12 months,] the administrator  
 20 may impose the following sanctions:  
 21 (a) First offense: Warning notice [.] or a fine of not more than \$100,  
 22 or both warning and fine.  
 23 (b) Second offense: 1 to 3 days' suspension of a driver's permit [.] or  
 24 a fine of not more than \$200, or both suspension and fine.  
 25 (c) Third offense: 4 to 6 days' suspension of a driver's permit [.] or  
 26 a fine of not more than \$300, or both suspension and fine.  
 27 (d) Fourth offense: 10 days' suspension of a driver's permit [.] or a  
 28 fine of not more than \$500, or both suspension and fine.  
 29 (e) Fifth offense: Revocation of a driver's permit [.] or a fine of not  
 30 more than \$500, or both revocation and fine.  
 31 2. Only violations occurring in the 12 months immediately preceding  
 32 the most current violation shall be considered for the purposes of subsection  
 33 1. The administrator shall inspect the driver's record for that period  
 34 to compute the number of offenses committed.  
 35 3. The administrator shall conduct a hearing prior to suspension or  
 36 revocation of a driver's permit [.] or imposing a fine under this section  
 37 or NRS 706.8849.  
 38 Sec. 14. NRS 706.8849 is hereby amended to read as follows:  
 39 706.8849 1. A taxicab driver shall:  
 40 (a) Assure that the fare indicator on the taximeter of his taxicab reads  
 41 zero prior to the time that the taxicab is engaged.  
 42 (b) Assure that the taximeter of his taxicab registers mileage only  
 43 while the taxicab is in motion with a passenger and waiting time only while  
 44 the taxicab is not in motion with a passenger.  
 45 (c) Not make any charge for the transportation of a passenger other  
 46 than the charge shown on the taximeter.  
 47 (d) Not alter, manipulate, tamper with or disconnect a sealed taximeter  
 48 or its attachments nor make any change in the mechanical condition of  
 49 the wheels, tires or gears of a taxicab with intent to cause false registration  
 50 on the taximeter of the passenger fare.

1 (c) Not remove or alter fare schedules which have been posted in his  
 2 taxicab by the certificate holder.  
 3 (f) Not permit any person other than the person who has engaged the  
 4 taxicab to ride therein unless the person who has engaged the taxicab  
 5 gives permission for such other person to ride in the taxicab, but if per-  
 6 mission is given the fare charged by the driver shall be as follows: When  
 7 the person who has engaged the taxicab is first to leave the taxicab and  
 8 pay the fare, the taximeter shall be reset to zero.  
 9 (g) Not drive a taxicab or go on duty while under the influence of  
 10 any dangerous drug, narcotic or hallucinogenic drugs or intoxicating  
 11 liquor or drink intoxicating liquor while on duty.  
 12 (h) Not use dangerous drugs, narcotics or hallucinogenic drugs at any  
 13 time except with a prescription from a physician who is licensed to practice  
 14 medicine in the State of Nevada.  
 15 (i) Not operate a taxicab with an expired driver's permit.  
 16 (j) Not operate a taxicab without a driver's permit issued pursuant  
 17 to NRS 706.8841 in his possession.  
 18 (k) [Not work longer than 10 hours continuously.] Obey all provisions  
 19 and restrictions of his employer's certificate of public convenience  
 20 and necessity.  
 21 2. If a driver violates any provision of subsection 1, [within any  
 22 period of 12 months,] the administrator may, after a hearing, impose  
 23 the following sanctions:  
 24 (a) First offense: 1 to 5 days' suspension of a driver's permit [.]  
 25 or a fine of not more than \$100, or both suspension and fine.  
 26 (b) Second offense: 6 to 20 days' suspension of a driver's permit [.]  
 27 or a fine of not more than \$300, or both suspension and fine.  
 28 (c) Third offense: Revocation of a driver's permit [.] or a fine of not  
 29 more than \$300, or both revocation and fine.  
 30 3. Only violations occurring in the 12 months immediately preceding  
 31 the most current violation shall be considered for the purposes of subsection  
 32 2. The administrator shall inspect the driver's record for that period  
 33 to compute the number of offenses committed.  
 34 Sec. 15. NRS 706.885 is hereby amended to read as follows:  
 35 706.885 1. Any person who knowingly makes or causes to be made,  
 36 either directly or indirectly, a false statement on an application, account  
 37 or other statement required by the taxicab authority or the administrator  
 38 or who violates any of the provisions of NRS 706.881 to 706.885, inclu-  
 39 sive, is guilty of a misdemeanor.  
 40 2. The taxicab authority or administrator may at any time, for good  
 41 cause shown, and upon at least 5 days' notice to the grantee of any certi-  
 42 ficate, permit or license, and after a hearing had therefor, penalize such  
 43 grantee to a maximum amount of \$500 or suspend or revoke such certifi-  
 44 cate, permit or license granted by it or him, respectively, for: [any]  
 45 (a) Any violation of any provision of NRS 706.881 to 706.885, inclu-  
 46 sive, or any rule or regulation of the taxicab authority or administrator.  
 47 (b) Knowingly permitting or requiring any employee to violate any pro-  
 48 vision of NRS 706.881 to 706.885, inclusive, or any rule or regulation of  
 49 the taxicab authority or administrator.  
 50 3. Any person who operates or permits a taxicab to be operated in

689



1 passenger service without a certificate of public convenience and necessity  
2 issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor.

3 4. The conviction of a person pursuant to subsection 1 does not bar  
4 the taxicab authority or administrator from suspending or revoking any  
5 certificate, permit or license of the person convicted. The imposition of a  
6 fine or suspension or revocation of any certificate, permit or license by the  
7 taxicab authority or administrator does not operate as a defense in any  
8 proceeding brought under subsection 1.

9 Sec. 15. NRS 356.087 is hereby amended to read as follows:  
10 356.087 1. Except as provided in subsections 2 and 3, all interest  
11 paid on money belonging to the State of Nevada shall be deposited in the  
12 state general fund.

13 2. At the end of each quarter of each fiscal year, the state treasurer  
14 shall:

15 (a) Compute the proportion of total deposits of state moneys pursuant  
16 to the provisions of this chapter which were attributable during [such]  
17 the quarter to the state highway fund, [and] the motor vehicle fund and  
18 the taxicab authority fund created by NRS 408.235, [and] NRS 482-  
19 180 and NRS 706.8825, respectively;

20 (b) Apply such proportion to the total amount of interest paid during  
21 [such] that quarter to the state treasurer on deposits of state moneys;  
22 and

23 (c) Credit to the state highway fund and the taxicab authority fund  
24 an amount equal to the amount arrived at by the computation in para-  
25 graph (b).

26 3. The legislators' retirement fund, the public employees' retirement  
27 fund, the state permanent school fund, the silicosis and disabled pension  
28 fund and the fish and game fund shall have allocated to it its proportion-  
29 ate share of the interest earned and received, which interest shall be  
30 accounted for as income and an asset of such fund.

ADD

⊙  
EFFECTIVE ON PASSAGE AND APPROVAL

TRANSPORTATION  
LEGISLATION ACTION

4-21  
SUBJECT SB-484

MOTION:

Do Pass  Amend \_\_\_\_\_ Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Demers Seconded By Glover

AMENDMENT:

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT:

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
HAYES	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
DEMERS	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
GLOVER	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
HARMON	_____	_____	_____	_____	_____	_____
MAY	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
JACOBSEN	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
WESTALL	_____	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_

TRANSPORTATION  
LEGISLATION ACTION

DATE 4-21  
SUBJECT AB 699

MOTION:

Do Pass  Amend  Indefinitely Postpone \_\_\_\_\_ Reconsider \_\_\_\_\_

Moved By Demers Seconded By Stover

AMENDMENT: Exhibit "N" of Minutes

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
HAYES	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
DEMERS	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
GLOVER	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
HARMON	_____	_____	_____	_____	_____	_____
MAY	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
JACOBSEN	<input checked="" type="checkbox"/>	_____	_____	_____	_____	_____
WESTALL	_____	_____	_____	_____	_____	_____

TALLY:

ORIGINAL MOTION: Passed  Defeated \_\_\_\_\_ Withdrawn \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_

TRANSPORTATION  
LEGISLATION ACTION

E 4-21  
SUBJECT AB 691

MOTION:

Do Pass  Amend  Indefinitely Postpone  Reconsider

Moved By Demers Seconded By Glover

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
HAYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEMERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JACOBSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WESTALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TALLY:

ORIGINAL MOTION: Passed  Defeated  Withdrawn

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_

TRANSPORTATION  
LEGISLATION ACTION

DATE 4-21  
SUBJECT SJR-21

MOTION:

Do Pass  Amend  Indefinitely Postpone  Reconsider

Moved By Demers Seconded By Glover

AMENDMENT: \_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT: \_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
HAYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEMERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JACOBSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WESTALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TALLY:

ORIGINAL MOTION: Passed  Defeated  Withdrawn

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_



TRANSPORTATION  
LEGISLATION ACTION

DATE 4-21

SUBJECT AB 665

MOTION:

Do Pass  Amend  Indefinitely Postpone  Reconsider

Moved By Demers Seconded By J. Louer

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved By \_\_\_\_\_ Seconded By \_\_\_\_\_

AMENDMENT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Moved BY \_\_\_\_\_ Seconded By \_\_\_\_\_

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
HAYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEMERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
GLOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HARMON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JACOBSEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
WESTALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TALLY:

ORIGINAL MOTION: Passed  Defeated  Withdrawn

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

AMENDED & PASSED \_\_\_\_\_ AMENDED & DEFEATED \_\_\_\_\_

Attached to Minutes \_\_\_\_\_