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Documents 1 to 2 of 16 matching the query "tsa".

### 1. Institute for Justice: Newsletters Online

**Summary:** Liberty & Law December 1998, Volume 7, Number 5. IJ Helps Las Vegas Limo Driver Call State Regulators' Bluff [Economic Liberty]. Go to Main. HOME. John West was justifiably overwhelmed.. The Las Vegas limousine entrepreneur had struggled for one year through Nevada's regulatory maze seeking the legal authority

[1/12/1999] (size 6k) [http://www.ij.org/publications/liberty/1998/1\\_12\\_98\\_d.html](http://www.ij.org/publications/liberty/1998/1_12_98_d.html)

### 2. Driven To Succeed: IJ Client Ed Wheeler Launches Limo Business After Legal Victory

**Summary:** March 2002, Volume 11, Number 2. Driven To Succeed: IJ Client Ed Wheeler Launches Limo Business After Legal Victory. Go to Main. HOME. By Clark Neily. Visit Ed Wheeler's website ([www.omnilimo.com](http://www.omnilimo.com)) and you begin to understand why the Las Vegas limousine cartel spent hundreds of thousands of dollars tr

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### 3. LUV 2 WIN

**Summary:** July 2001, Volume 10, Number 4. LUV 2 WIN. More articles in this issue. HOME. Everybody knows that Vegas is a gambling town where the odds are king. So consider these odds: a small group of independent limousine operators decides to take on an entrenched cartel to open up a 50-million-dollar-a-year ind

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### 4. Viva Las Vegas Limos

**Summary:** March 2001, Volume 10, Number 2. Viva Las Vegas Limos. More articles in this issue. HOME. By Deborah Simpson. After more than three years of suffering at the hands of the Transportation Services Authority (TSA) and the existing limousine companies, IJ's independent limousine clients finally had their day in c

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### 5. Viva Las Vegas Litigation

**Summary:** June 2000, Volume 9, Number 3. Viva Las Vegas Litigation. Go to Main. HOME. By Dana Berliner. Litigation requires perseverance. Case in point-IJ's challenge to Nevada's ridiculous limousine licensing laws. We filed the case in May 1998 and thought our readers would appreciate an insider's account of its progress and a

[7/25/2000] (size 8k) [http://www.ij.org/publications/liberty/2000/9\\_3\\_00\\_a.asp](http://www.ij.org/publications/liberty/2000/9_3_00_a.asp)

### 6. Behind the Scenes in Las Vegas

**Summary:** July 2001, Volume 10, Number 4. Behind the Scenes in Las Vegas. More articles in this issue. HOME. By Clark Neily Litigating for liberty takes long-term commitment. Our Las Vegas litigation on behalf of independent limousine operators is just one case in point. It took nearly three years of work by

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### 7. Litigation Update: Las Vegas Limo Case Heads to Trial

**Summary:** January 2001, Volume 10, Number 1. Litigation Update. Go to Main. HOME. Las Vegas Limo Case Heads to Trial. After two years of delays and requests for continuances from the lawyers representing Nevada's Transportation Services Authority (TSA) the Las Vegas limousine case is finally scheduled to go to trial

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#### 8. Institute for Justice: Newsletters Online

**Summary:** Liberty & Law May 1998, Volume 7, Number 2. Limo Limbo: How Low Can Regulators Go To Preserve The Monopoly? [Economic Liberty]. Go to Main. HOME. By Deborah Simpson. Las Vegas limousine driver William Clutter found himself facing jail time rather instead of behind the wheel of his limousine as a Nevada state agency

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#### 9. LibertyLaw\_March01

**Summary:** By Scott Bullock Carol Thomasa former Cumberland County deputy sheriff whose own car was seized when her son was caught in a marijuana busthas her car and her cash back, but she is not ready to give up her fight to overturn New Jerseys unconstitutional civil for- feiture laws. The Institute represen

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#### 10. L&L 12/98

**Summary:** By Clint Bolick An eight-year saga ended in triumph when the U.S. Supreme Court let stand the June ruling by the Wisconsin Supreme Court upholding the constitutionality of the Milwaukee Parental Choice Program. For more than 6,000 economically disadvantaged children, the decision ensures access to h

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# Liberty & Law

December 1998, Volume 7, Number 5

## IJ Helps Las Vegas Limo Driver Call State Regulators' Bluff

[Economic Liberty]

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John West was justifiably overwhelmed.

The Las Vegas limousine entrepreneur had struggled for one year through Nevada's regulatory maze seeking the legal authority to provide limousine service within his home state. But less than one week before his application was to be considered, the Transportation Services Authority (TSA) dismissed his application without even considering it. To make matters worse, the very next day, the TSA and the Nevada Taxicab Authority orchestrated a sting, seizing and impounding West's vehicle.

Because he dared to challenge the State-imposed limousine monopoly that blocks out all newcomers, John West had in the span of two days lost any chance of a state license and watched as the government towed away his only means of providing for his wife and his two young children. In two calculated moves, Nevada's TSA had achieved its aim of preventing West from competing with existing companies. Without his car, West couldn't carry the passengers he had booked for interstate trips-trips for which he is federally licensed. Canceling those fares would mean he couldn't meet his steep vehicle payments. In short order, his limousine would be repossessed. West's situation was dire.

But no sooner did the Institute for Justice hear about West's plight than it launched a multi-front counterattack. IJ Attorney Deborah Simpson immediately flew to Las Vegas for a hearing on West's behalf where his limo seizure was challenged. She pulled together a team of IJ staff attorneys including Dana Berliner, Scott Bullock, Miranda Perry, and IJ President Chip Mellor, who filed in record time a flurry of legal documents. Among those was a request for a temporary restraining order against the TSA to block any similar misdeeds, a request for the immediate reinstatement of West's application before the TSA, and an amendment of IJ's initial lawsuit against the TSA to add the Taxicab Authority while calling to the court's attention

the TSA's recent illegal citation of West. IJ Director of Communications John Kramer arranged interviews for West to tell his story to local and national news outlets. To make it clear to the TSA that it would continue to be held accountable for its abusive actions, IJ joined West and other independent limousine owners in a protest in front of the TSA's building.

Demonstrating the kind of back-room dealing that pervades Nevada's regulatory system and the hardball tactics of state regulators, the prosecutor informed West right before his hearing that, even though drivers in similar situations regularly walked out of such hearings with minimal fines, he would not receive such light treatment because he participated in the protest. So the Taxicab Authority fined West \$15,000 and ordered that his vehicle be held until a \$20,000 bond was paid.

Making up for lost business caused by regulators, West already had sold his family car and depleted his savings. Paying the bond, fines, and impound fees seemed an impossibility; an impossibility until the Institute for Justice called West with, as he said, "the best news I've heard in weeks." Institute for Justice donor Phil Harvey, who leads the DKT International Liberty Project, offered to post his bond, pay his fines, and cover his impoundment charges so West might continue his work while he fought his legal challenge.

Shocked that West could call their bluff, Nevada bureaucrats still wouldn't throw in the towel: they demanded West pay more than the hearing officer had ordered. IJ once again forced them to back down and, at last, West's car was freed.

Since that time, IJ has won the independent limousine drivers' bid for a temporary restraining order against the TSA and has made other progress in court in West's case. Voluminous legal proceedings remain, not only in John West's case, but for his fellow independent drivers. At a critical moment, however, IJ's attorneys, its staff, and, thankfully, a generous donor mobilized to meet a good man's needs and to do whatever it took to help him in his fight for economic liberty.

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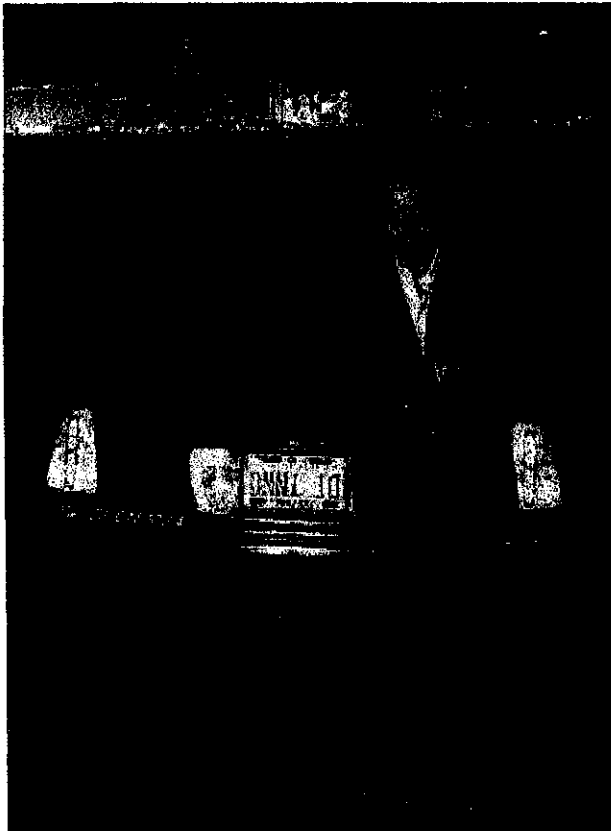
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## Driven To Succeed: IJ Client Ed Wheeler Launches Limo Business After Legal Victory

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By Clark Neily

Visit Ed Wheeler's website ([www.omnilimo.com](http://www.omnilimo.com)) and you begin to understand why the Las Vegas limousine cartel spent hundreds of thousands of dollars trying to keep him out. Ed's website is a reflection of his business ethic: it is classy, innovative and—above all—totally focused on customer service. By contrast, the fat-cat limo cartel members have shown time and again that they are far more interested in courting bureaucrats than customers. The industry is populated by rent-seekers like Star Limousine, which opposed Ed's latest limo application on the grounds that its own failure to turn a profit meant the Vegas market was "saturated" and should be closed to newcomers. Of course, all that red ink hasn't kept Star from spending big bucks to exclude potential competitors like Ed. (Memo to Star Limousine: Want to make a profit? Try spending less on lawyers and more on business development.)



Ed Wheeler is an entrepreneur who challenged the Las Vegas limousine cartel and won. Ed now

As readers of Liberty & Law know, IJ won a major victory last spring when a judge ruled that our clients' due process rights had been violated by the agency that oversees limousine licensing in Nevada. The judge criticized the Transportation Services Authority (TSA) for allowing big limousine companies to effectively take over the licensing process and force applicants to choose between accepting severe restrictions on their operating authority or being "run to death in the paper mill" of a contested application proceeding.

Unfortunately, the judge declined to issue an injunction and instead left the TSA to put its own house in order. That meant someone had to step up and run the regulatory gauntlet to make sure the TSA had gotten the message.

Ed Wheeler stepped up.

Shaking off bitter memories of his first encounter with the TSA, Ed applied again. It looks like the TSA has begun to take its duties more seriously. Unlike times past, the TSA did

not tell Ed to cut a deal with intervening limo companies, nor did it permit them to crank up the "paper mill" to its usual fevered pitch. And it even appears the TSA is beginning to understand that the use of "dueling experts" to show whether a new applicant will have an "unreasonable and adverse effect" on existing companies is a stupid and meaningless charade. Although it cost him more money and aggravation than it should have, Ed got his limo license. It was a remarkable accomplishment after a monumental battle.

For more than 25 years, the most lucrative limousine market in the world languished in the stranglehold grip of a tiny, well-connected cartel. Now that the market is open to hungry newcomers like Ed Wheeler, we predict lean times ahead for the fat cats of Las Vegas.

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## LUV 2 WIN


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Everybody knows that Vegas is a gambling town where the odds are king. So consider these odds: a small group of independent limousine operators decides to take on an entrenched cartel to open up a 50-million-dollar-a-year industry that has been closed to outsiders since its inception. The cartel is made up of a handful of limo companies that are wealthy, politically connected and, when it comes to keeping out potential competitors, ruthless. The independents are neither rich nor well-connected, but they have two things on their side that the limo cartel does not: the Constitution and the Institute for Justice.

After three years of litigation, after repeated obstructions and delays by their opponents, and after enduring a week-and-a-half long trial during which they were grilled by four sets of lawyers representing the Transportation Services Authority (TSA) and the intervening cartel members, the independent limousine operators finally slew their Goliath. In a strongly worded opinion, Judge Ron Parraguirre announced on May 16 of this year that the combined actions of the TSA and the big limousine companies violated the plaintiffs' due process rights by subjecting them to an "arbitrary and unreasonable" licensing process. The judge wrote, "Ultimately, the only alternative for many applicants who do not wish to make . . . deal[s] with the intervenors is to be run to death in the 'paper mill' of a contested application proceeding."



Documents obtained through discovery showed how cartel members like Bell Trans, Star and Ambassador manipulated and abused the licensing process to create an insurmountable barrier to independent limousine operators. At trial, lawyers for the TSA and the intervening limousine companies fought desperately to exclude those materials, arguing not only that they were hearsay (a ridiculous argument, given that virtually all of the items in question came straight from the files of the TSA), but that they were irrelevant to the issues in this case as well. Despite their Herculean efforts to prevent the court from seeing the entire picture, the court's decision made it clear that what passed for business as usual at the TSA was unacceptable. As Judge Parraguirre explained, the limousine licensing process "amounted to an onerous and unduly burdensome process by which the applicants were forced to either withdraw their applications, agree to limit the scope of their proposed [operating authority], or incur increasing litigation fees and costs in order to comply with the numerous financial information and disclosure demands made by the TSA as well as the intervening carriers."

 The argument that finally carried the day--namely, that

the TSA's arbitrary and capricious delegation of power to intervening limo companies violated applicants' due process rights--was both subtle and unusual. This "delegation" theory was the brainchild of IJ's resident economic liberties guru Dana Berliner, and it had our opponents so flummoxed that during trial they began making legal arguments that were contradicted not only by briefing they had submitted earlier in the case, but by their own constitutional law expert as well. All the while, John Kramer, IJ's vice president for communications, provided us with "air cover," generating editorials and news stories to ensure that the public knew about the fight for freedom.

This case was a long shot by any measure. But in the end, Dana's scholarly command of the law, Clark Neily's relentless legal battling, the commitment and support of the entire IJ team, and, above all, the simple, sincere eloquence of IJ clients Rich Lowre, Rey Vinole, John West, Ed Wheeler and Bil Clutter carried the day, once again affirming that ours is a country of laws, not of men--or giant limo companies.

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