

Agenda Item# 43

(Agenda item# 43 was amended
to include the Interim Order on 12/10/2020)

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Joint Applications of Presidential)
Limousine, Inc. for authority to sell and transfer) Dockets 19-11012, 19-11013
and Kaptyn Nevada, LLC to purchase and acquire)
the authority to provide passenger transportation)
within the State of Nevada granted under CPCNs)
1007, Sub 6, and 2119, Sub 2.)

INTERIM ORDER

The Nevada Transportation Authority of Nevada ("Authority") makes the following findings of fact and conclusions of law:

1. That on October 11, 2019, Presidential Limousine, Inc. ("Presidential") and Kaptyn Nevada, LLC ("Kaptyn") filed two (2) joint applications for Presidential to sell and transfer and Kaptyn to purchase and acquire the authority to provide charter limousine and charter bus transportation granted under CPCNs 1007, Sub 6, and 2119, Sub 2, Dockets, 19-10012 and 19-10013, respectively.
1. That the applications were completed with no material areas of concern.
2. That the applications were in the compliance period and were withdrawn on May 10, 2020.
3. That the Applicants requested that both applications be reopened for the sale and transfers to be completed.
4. That Commissioner David Newton, acting in his capacity as Hearing Officer for the applications granted the request and both applications were reopened on November 24, 2020.

5. On November 24, 2020, Kimberly Maxon Rushton, Esq. filed a Motion for Interim Authority for Kaptyn to operate vehicles under CPCNs 1007, Sub 6, and 2119, Sub 2, on an interim temporary basis.
6. That Kaptyn was issued CPCNs 1040 and 2063 on October 15, 2020.
7. Based on all the records pertaining to the Application, and pursuant to NRS 706.431:
 - a. The Application on file herein comes within the purview of the statutes of the State of Nevada and within the regulatory jurisdiction of the Authority.
 - b. The Applicant is fit, willing, and able to perform the transportation service for which applied.
 - c. Granting the Application on file herein on a temporary interim basis would be in the public interest, will tend to foster sound economic conditions in the industry, and will not unreasonably or adversely affect other carriers operating in the territory served under the Permit.

Therefore, based upon the foregoing findings, it is ORDERED that:

1. Upon full compliance with the conditions of this Order interim temporary authority shall be granted to Kaptyn Nevada, LLC d/b/a Kaptyn to operate under CPCNs 1007, Sub 6 and 2119, Sub 2 as follows:

CPCN 1007, Sub 6

INTERIM TEMPORARY:

On-call irregular route charter limousine service between points and places in Clark County, Nevada.

Special services transportation of passengers who have acquired the exclusive use of a vehicle at a per capita rate.

TEMPORARY AUTHORITY IN EFFECT during the time period of the pendency of the application in Docket No.19-11012 or until the Authority orders otherwise, *whichever comes first*.

CPCN 2229, Sub 2

INTERIM TEMPORARY:

Operate as a passenger carrier to provide intrastate charter bus service between points and places within the State of Nevada.

TEMPORARY AUTHORITY IN EFFECT during the time period of the pendency of the application in Docket No.19-11013 or until the Authority orders otherwise, *whichever comes first*.

2. Upon full compliance with the conditions of this Compliance Order, a Certificates identified as **CPCN 1007, Sub 6, and 2119, Sub 2**, shall be CANCELLED and new CPCNs, designated as **CPCN 1007, Sub 7, and 2119, Sub 3**, shall be issued to Kaptyn Nevada, LLC d/b/a Kaptyn authorizing operation as more particularly described in the first ordering paragraph hereinabove.
3. Before issuance of the certificates referred to hereinabove, Applicant shall be required to:
 - a. Avoid material changes in any conditions relied upon by the Authority in its determination of operational and financial fitness and immediately report to Authority Staff any such material changes, should they occur.
 - b. File the amendment to the Application to update all required information.
 - c. File with the Authority evidence of the required insurance (Form E) in the Applicant's name.
 - d. File with the Authority the necessary insurance (Certificate of Insurance) describing the liability limits and vehicles covered.
 - e. Make vehicles available for inspection by Authority Staff to ensure that they have been marked in accordance with NAC 706.170 including the carrier's name/logo and CPCN number. Provide copies of insurance cab card, annual (USDOT) vehicle inspections, titles and registrations.
 - f. Ensure all drivers have applied for temporary drivers permits.
 - g. Ensure driver qualification files are set up in accordance with CFR391.51. Explain and make available set-up of time tracking method put into place. Ensure all drivers have pre-employment drug testing in accordance with Part 40 and CFR 382.30. Make available for inspection by Authority Staff the business and vehicle domiciles.
 - h. Ensure vehicle maintenance files are setup in accordance with CFR 396.
 - i. Provide a copy of a charter order which includes the CPCN number granted.
 - j. File a tariff that includes a description of the Authority granted, CPCN number,

and the name and address of the Applicant.

- k. Provide a copy of the contract between Applicant and the laboratory that will perform and monitor the substance abuse program.
 - l. Provide a copy fictitious firm name filing.
 - m. Provide a copy of the executed purchase asset agreement.
 - n. Provide a copy of the amended operating agreement/stock certificates, as appropriate.
 - o. Remit to the Authority any noticing fees and/or other outstanding debt due to the Authority.
4. The Deputy Commissioner of the Authority shall be authorized to issue the above-referenced certificates upon the Applicant meeting all requirements set forth herein.
5. The Authority retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,

Dawn Gibbons, Chairman

George Assad, Commissioner

David Newton, Commissioner

Attest: _____
Jennifer De Rose, Deputy Commissioner

Dated: _____
Las Vegas, Nevada

RECEIVED

NOV 24 2020

Nevada Transportation Authority
Las Vegas Nevada

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Joint-Application of Kaptyn Nevada and
Presidential Limousine to Sale and Transfer
Certificates of Public Convenience and Necessity
1007 and 2119

Docket No. 19-09012 & 19-09013

MOTION FOR INTERIM AUTHORITY

COMES NOW, Joint-Applicants, Kaptyn Nevada, LLC ("Kaptyn") and Presidential Limousine ("PRESIDENTIAL") (collectively referred to as the "Parties"), by and through their counsel of record, Kimberly Maxson-Rushton, Esq. and hereby submits the following Motion for Interim Authority for Certificates of Public Convenience and Necessity ("CPCN") 1007 and 2119 to be transferred upon completion of all outstanding compliance items. This Petition is filed pursuant to Nevada Administrative Code ("NAC") 706.3959 and 706.3998.

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

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

I. INTRODUCTION

On or about September 15, 2019, the Parties filed a Joint-Application to sell and transfer CPCN 1007 and 2119 to Kaptyn Nevada. Thereafter, on December 30, 2019 at a special meeting the Nevada Transportation Authority ("NTA") approved the applications thereby authorizing Kaptyn and Presidential to proceed with completing the compliance items.

1 In March 2020, the Parties were unable to complete the compliance items due to COVID-
2 19 and the shut down of most government agencies. As a result, Kaptyn requested authority to
3 extend the compliance period and if necessary, file updated information should there be any
4 material changes.

5 On November 24, 2020, the Parties submitted updated financials and a revised list of
6 Officers and Directors of Kaptyn Acquisition Corp. ("KAC") and organizational chart for Kaptyn
7 Nevada. Additionally, Kaptyn submitted the revised Asset Purchase Agreement and Schedules.
8

9 In addition, Kaptyn resumed its efforts to complete the outstanding compliance items, most
10 of which have now been finalized. More specifically, Kaptyn has obtained all state and local
11 business licenses as well as a Nevada tax permit. It has secured commercial insurance in the
12 amounts consistent with NAC 706.191 and Kaptyn has a registered vehicle available for inspection.
13 Furthermore, Kaptyn has received approval of the proposed tariffs and all requisite individual
14 background investigations have been completed with no areas of concern arising.
15

16 17 **II. REQUEST TO TRANSFER CPCN 1007 & 2119 UPON COMPLETION OF** 18 **COMPLIANCE**

19 Nevada law requires a commercial carrier to be fit, willing and able to perform the services
20 of a common motor carrier and to operate consistent with the legislative policy set forth in Nevada
21 Revised Statute (NRS) 706.151. The NTA having previously ruled that the Applications meet all
22 regulatory requirements the Parties hereby request that following Staff's review of the revised
23 financials and completion of the noted compliance items that the respective CPCN's be
24 transferred. Accordingly, Kaptyn requests interim authority to initiation operations. NAC
25 706.3998.
26
27
28

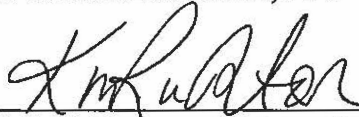
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II. CONCLUSION

Based on the arguments set forth herein, the papers and pleadings on file with the NTA coupled with the information contained in the respective application files, Joint Applicant's respectfully request that the upon completion of the compliance items the Presiding Officer deem this matter to be complete and authorize the transfer of CPCN's 1007 and 2119 to Kaptyn Nevada.

DATED this 24th day of November, 2020.

COOPER LEVENSON, P.A.



Kimberly Maxson-Rushton, Esq.
Nevada Bar No. 5065
3016 W. Charleston Boulevard, #195
Las Vegas, NV 89102
Counsel for Joint-Applicants

Agenda Item# 44

(Agenda item# 44 was amended
to include the Interim Order on 12/10/2020)

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Joint Applications of Presidential)
Limousine, Inc. for authority to sell and transfer) Dockets 19-11012, 19-11013
and Kaptyn Nevada, LLC to purchase and acquire)
the authority to provide passenger transportation)
within the State of Nevada granted under CPCNs)
1007, Sub 6, and 2119, Sub 2.)

INTERIM ORDER

The Nevada Transportation Authority of Nevada ("Authority") makes the following findings of fact and conclusions of law:

1. That on October 11, 2019, Presidential Limousine, Inc. ("Presidential") and Kaptyn Nevada, LLC ("Kaptyn") filed two (2) joint applications for Presidential to sell and transfer and Kaptyn to purchase and acquire the authority to provide charter limousine and charter bus transportation granted under CPCNs 1007, Sub 6, and 2119, Sub 2, Dockets, 19-10012 and 19-10013, respectively.
1. That the applications were completed with no material areas of concern.
2. That the applications were in the compliance period and were withdrawn on May 10, 2020.
3. That the Applicants requested that both applications be reopened for the sale and transfers to be completed.
4. That Commissioner David Newton, acting in his capacity as Hearing Officer for the applications granted the request and both applications were reopened on November 24, 2020.

5. On November 24, 2020, Kimberly Maxon Rushton, Esq. filed a Motion for Interim Authority for Kaptyn to operate vehicles under CPCNs 1007, Sub 6, and 2119, Sub 2, on an interim temporary basis.
6. That Kaptyn was issued CPCNs 1040 and 2063 on October 15, 2020.
7. Based on all the records pertaining to the Application, and pursuant to NRS 706.431:
 - a. The Application on file herein comes within the purview of the statutes of the State of Nevada and within the regulatory jurisdiction of the Authority.
 - b. The Applicant is fit, willing, and able to perform the transportation service for which applied.
 - c. Granting the Application on file herein on a temporary interim basis would be in the public interest, will tend to foster sound economic conditions in the industry, and will not unreasonably or adversely affect other carriers operating in the territory served under the Permit.

Therefore, based upon the foregoing findings, it is ORDERED that:

1. Upon full compliance with the conditions of this Order interim temporary authority shall be granted to Kaptyn Nevada, LLC d/b/a Kaptyn to operate under CPCNs 1007, Sub 6 and 2119, Sub 2 as follows:

CPCN 1007, Sub 6

INTERIM TEMPORARY:

On-call irregular route charter limousine service between points and places in Clark County, Nevada.

Special services transportation of passengers who have acquired the exclusive use of a vehicle at a per capita rate.

TEMPORARY AUTHORITY IN EFFECT during the time period of the pendency of the application in Docket No.19-11012 or until the Authority orders otherwise, *whichever comes first*.

CPCN 2229, Sub 2

INTERIM TEMPORARY:

Operate as a passenger carrier to provide intrastate charter bus service between points and places within the State of Nevada.

TEMPORARY AUTHORITY IN EFFECT during the time period of the pendency of the application in Docket No.19-11013 or until the Authority orders otherwise, *whichever comes first*.

2. Upon full compliance with the conditions of this Compliance Order, a Certificates identified as **CPCN 1007, Sub 6, and 2119, Sub 2**, shall be CANCELLED and new CPCNs, designated as **CPCN 1007, Sub 7, and 2119, Sub 3**, shall be issued to Kaptyn Nevada, LLC d/b/a Kaptyn authorizing operation as more particularly described in the first ordering paragraph hereinabove.
3. Before issuance of the certificates referred to hereinabove, Applicant shall be required to:
 - a. Avoid material changes in any conditions relied upon by the Authority in its determination of operational and financial fitness and immediately report to Authority Staff any such material changes, should they occur.
 - b. File the amendment to the Application to update all required information.
 - c. File with the Authority evidence of the required insurance (Form E) in the Applicant's name.
 - d. File with the Authority the necessary insurance (Certificate of Insurance) describing the liability limits and vehicles covered.
 - e. Make vehicles available for inspection by Authority Staff to ensure that they have been marked in accordance with NAC 706.170 including the carrier's name/logo and CPCN number. Provide copies of insurance cab card, annual (USDOT) vehicle inspections, titles and registrations.
 - f. Ensure all drivers have applied for temporary drivers permits.
 - g. Ensure driver qualification files are set up in accordance with CFR391.51. Explain and make available set-up of time tracking method put into place. Ensure all drivers have pre-employment drug testing in accordance with Part 40 and CFR 382.30. Make available for inspection by Authority Staff the business and vehicle domiciles.
 - h. Ensure vehicle maintenance files are setup in accordance with CFR 396.
 - i. Provide a copy of a charter order which includes the CPCN number granted.
 - j. File a tariff that includes a description of the Authority granted, CPCN number,

and the name and address of the Applicant.

- k. Provide a copy of the contract between Applicant and the laboratory that will perform and monitor the substance abuse program.
 - l. Provide a copy fictitious firm name filing.
 - m. Provide a copy of the executed purchase asset agreement.
 - n. Provide a copy of the amended operating agreement/stock certificates, as appropriate.
 - o. Remit to the Authority any noticing fees and/or other outstanding debt due to the Authority.
4. The Deputy Commissioner of the Authority shall be authorized to issue the above-referenced certificates upon the Applicant meeting all requirements set forth herein.
5. The Authority retains jurisdiction for the purpose of correcting any errors that may have occurred in the drafting or issuance of this Order.

By the Authority,

Dawn Gibbons, Chairman

George Assad, Commissioner

David Newton, Commissioner

Attest: _____
Jennifer De Rose, Deputy Commissioner

Dated: _____
Las Vegas, Nevada

RECEIVED

NOV 24 2020

Nevada Transportation Authority
Las Vegas Nevada

BEFORE THE NEVADA TRANSPORTATION AUTHORITY

In Re: The Joint-Application of Kaptyn Nevada and
Presidential Limousine to Sale and Transfer
Certificates of Public Convenience and Necessity
1007 and 2119

Docket No. 19-09012 & 19-09013

MOTION FOR INTERIM AUTHORITY

COMES NOW, Joint-Applicants, Kaptyn Nevada, LLC ("Kaptyn") and Presidential Limousine ("PRESIDENTIAL") (collectively referred to as the "Parties"), by and through their counsel of record, Kimberly Maxson-Rushton, Esq. and hereby submits the following Motion for Interim Authority for Certificates of Public Convenience and Necessity ("CPCN") 1007 and 2119 to be transferred upon completion of all outstanding compliance items. This Petition is filed pursuant to Nevada Administrative Code ("NAC") 706.3959 and 706.3998.

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

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

I. INTRODUCTION

On or about September 15, 2019, the Parties filed a Joint-Application to sell and transfer CPCN 1007 and 2119 to Kaptyn Nevada. Thereafter, on December 30, 2019 at a special meeting the Nevada Transportation Authority ("NTA") approved the applications thereby authorizing Kaptyn and Presidential to proceed with completing the compliance items.

1 In March 2020, the Parties were unable to complete the compliance items due to COVID-
2 19 and the shut down of most government agencies. As a result, Kaptyn requested authority to
3 extend the compliance period and if necessary, file updated information should there be any
4 material changes.

5 On November 24, 2020, the Parties submitted updated financials and a revised list of
6 Officers and Directors of Kaptyn Acquisition Corp. ("KAC") and organizational chart for Kaptyn
7 Nevada. Additionally, Kaptyn submitted the revised Asset Purchase Agreement and Schedules.
8

9 In addition, Kaptyn resumed its efforts to complete the outstanding compliance items, most
10 of which have now been finalized. More specifically, Kaptyn has obtained all state and local
11 business licenses as well as a Nevada tax permit. It has secured commercial insurance in the
12 amounts consistent with NAC 706.191 and Kaptyn has a registered vehicle available for inspection.
13 Furthermore, Kaptyn has received approval of the proposed tariffs and all requisite individual
14 background investigations have been completed with no areas of concern arising.
15

16 17 **II. REQUEST TO TRANSFER CPCN 1007 & 2119 UPON COMPLETION OF** 18 **COMPLIANCE**

19 Nevada law requires a commercial carrier to be fit, willing and able to perform the services
20 of a common motor carrier and to operate consistent with the legislative policy set forth in Nevada
21 Revised Statute (NRS) 706.151. The NTA having previously ruled that the Applications meet all
22 regulatory requirements the Parties hereby request that following Staff's review of the revised
23 financials and completion of the noted compliance items that the respective CPCN's be
24 transferred. Accordingly, Kaptyn requests interim authority to initiation operations. NAC
25 706.3998.
26
27
28

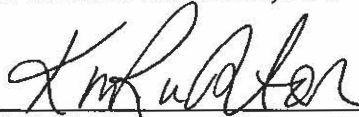
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

II. CONCLUSION

Based on the arguments set forth herein, the papers and pleadings on file with the NTA coupled with the information contained in the respective application files, Joint Applicant's respectfully request that the upon completion of the compliance items the Presiding Officer deem this matter to be complete and authorize the transfer of CPCN's 1007 and 2119 to Kaptyn Nevada.

DATED this 24th day of November, 2020.

COOPER LEVENSON, P.A.



Kimberly Maxson-Rushton, Esq.
Nevada Bar No. 5065
3016 W. Charleston Boulevard, #195
Las Vegas, NV 89102
Counsel for Joint-Applicants