

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the November 19, 2009 Meeting

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, November 19, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
Member Shelly Aldean
Member Ken Furlong
Member Pete Livermore
Member Molly Walt
Member Robin Williamson

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk's Office, and available for review during regular business hours.

10. CALL TO ORDER AND ROLL CALL (8:34:18) - Chairperson Crowell called the meeting to order at 8:34 a.m. Roll was called; a quorum was present, including Member Ken Furlong.

11. ACTION ON APPROVAL OF MINUTES - October 15, 2009 (8:34:38) - Member Aldean moved to approve the minutes, as presented. Member Livermore seconded the motion. Motion carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION - DISCUSSION REGARDING THE SALE OF LIQUOR BY PACPIZZA, LLC DBA PIZZA HUT, LOCATED AT 2441 NORTH CARSON STREET, CARSON CITY, NEVADA, AND POSSIBLE ACTION TO PLACE CONDITIONS ON THE LIQUOR LICENSE (8:34:58) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda materials and provided background information. (8:35:47) PacPizza, LLC District Manager Charles Chucarie introduced himself for the record. In response to a question, he advised of having missed the November 5th hearing "due to miscommunication." He further advised that the Carson City Pizza Hut stopped selling alcohol on November 8th. In response to a question, he explained the circumstances associated with missing the November 5th hearing in that "the original notification was sent to ... our accounting department ... in Wichita, Kansas." He advised of not having been notified until November 8th of the November 5th hearing. He acknowledged having reviewed the original citation. In response to a further question, he advised that Pizza Hut employee orientation includes "a big section" on alcohol servers training. He further advised of never having "this problem in the last seven or eight years." "After we got caught, we sent everybody through the training with the Sheriff's Department. They all have been certified. Our company appointed someone that, on a monthly basis, ... will set up the restaurant to see if they are selling any alcohol to any minors. And if they do, the manager will be replaced."

Chairperson Crowell noted the seriousness of the situation, and Mr. Chucarie acknowledged the same. Chairperson Crowell commended Mr. Chucarie for "taking the strong action to shut down the sale of

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alcohol” until such time as the hearing was resolved. Member Furlong advised of having communicated with Mr. Chucarie, and that a check was done to verify the alcohol sales were suspended. He advised of having talked with Mr. Chucarie, prior to the November 5th board meeting, regarding the Pizza Hut alcohol servers program. Member Furlong acknowledged that Pizza Hut has an “aggressive program,” and agreed that it had been “allowed to lapse, probably under the assumption that everything was going fine.”

In response to a question, Member Furlong was uncertain as to whether any of the Pizza Hut employees had completed the Sheriff’s Office alcohol servers training program. Mr. Chucarie advised of having proof of completion. Supervisor Livermore expressed the hope that Pizza Hut employees will attend the Sheriff’s Office alcohol servers training, and that management will work with the Sheriff’s Office to ensure the Pizza Hut enforcement program is “within the guidelines that the Sheriff’s Department okays.” Mr. Chucarie advised that 18 employees attended the last class. In response to a further question, he advised that employee orientation is conducted “at the local level and then, at the first opportunity, we send them to the class with the Sheriff’s Department.” In response to a further question, Mr. Chucarie advised of having completed an application to serve as the liquor manager. “Everything is completed with a \$500 check,” and he advised of the intent to submit it today. He acknowledged that the contact information has been updated. Member Williamson noted the progressive penalties associated with each citation, pursuant to the provisions of the Carson City Municipal Code. She cautioned Mr. Chucarie that the Pizza Hut establishment will likely be checked within the next 30 to 60 days, and encouraged him to convey to his employees the seriousness of the matter. Mr. Chucarie assured the board that Pizza Hut will ensure no part in any accident or death of a minor “due to our sales.”

Chairperson Crowell entertained public comment; however, none was forthcoming. He provided an overview of the current status of this matter. In response to a question, Mr. Chucarie advised that alcohol sales will resume as soon as the server training is complete. Discussion took place regarding the current status of the Pizza Hut liquor license, and Business License Technician Lena Tripp confirmed its validity under Pacpizza, LLC.

13. ACTION TO ADJOURN (8:45:42) - Member Aldean moved to adjourn the meeting at 8:45 a.m. Member Williamson seconded the motion. Motion carried 6-0.

The Minutes of the November 19, 2009 Liquor and Entertainment Board meeting are so approved this _____ day of January, 2010.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder

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PRESENT: Chairperson Robert Crowell
Member Shelly Aldean
Member Ken Furlong
Member Pete Livermore
Member Molly Walt
Member Robin Williamson

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Melanie Bruketta, Chief Deputy District Attorney
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NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are on file in the Clerk's Office, and available for review during regular business hours.

10. CALL TO ORDER AND ROLL CALL (8:47:39) - Chairperson Crowell called the meeting to order at 8:47 a.m. Roll was called; a quorum was present, including Member Furlong.

11. ACTION ON APPROVAL OF MINUTES - November 5, 2009 (8:47:58) - Member Williamson moved approval of the minutes. Member Aldean seconded the motion. Motion carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE ROBERT WILLIAMS AS THE LIQUOR MANAGER FOR TOMMY'S NEIGHBORHOOD BAR, LIQUOR LICENSE NO. 10-26877, LOCATED AT 260 WEST WINNIE LANE, CARSON CITY (8:48:33) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting staff's recommendation of approval. (8:49:28) Robert Williams introduced himself for the record and, in response to a question, discussed his plans to maintain Tommy's as a "fine neighborhood bar." He acknowledged that reports of past disturbances at the subject location "didn't happen on his watch." In response to a further question, he advised that his bartenders will be attending the alcohol servers training program. In addition, he stated, "I'm local. The previous owners were absentee owners so they had various managers in there and it created a problem with keeping the staff up to date and watching and checking for IDs." Mr. Williams advised that all bartenders will be required to check all IDs. Every patron will be required to produce identification. "No ID, you can't be in here no matter what your age is."

In response to a question, Member Furlong advised of no objections. Chairperson Crowell entertained a motion. **Member Livermore moved to approve Robert Williams as the liquor manager for Tommy's Neighborhood Bar, liquor license number 10-26877, located at 260 West Winnie Lane, Carson City, Nevada. Member Aldean seconded the motion.** Member Williamson thanked Mr. Williams for investing in Carson City. Mr. Williams acknowledged his establishment is now open and described its location in proximity to the intersection of Winnie Lane and Carson Street. Member Williamson wished

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Mr. Williams good luck. In response to a question, Senior Permit Technician Lena Tripp explained the “next steps” in obtaining the liquor license. Mr. Williams thanked the board. Chairperson Crowell expressed the opinion that the change in ownership will help the subject location. He thanked Mr. Williams for his investment, and called for a vote on the pending motion. **Motion carried 6-0.**

12(B) ACTION TO APPROVE TIMOTHY HERBST AS AN ADDITIONAL LIQUOR MANAGER FOR TERRIBLE’S, LIQUOR LICENSE NOS. 10-26806, 10-25539, AND 10-25532, LOCATED AT 4640 SOUTH CARSON STREET, 1102 NORTH CARSON STREET, AND 1615 EAST FIFTH STREET, CARSON CITY - Withdrawn.

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-23477, HELD BY BDESH, INC. DBA EAGLE GAS, LOCATED AT 1360 SOUTH CARSON STREET, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF’S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING (8:53:49) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted a correction to the recommended action, as follows: “This action will include the imposition of a fine of \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff’s Office alcohol servers training program within three months of this hearing.”

(8:56:01) Mohammad Barkat introduced himself for the record and, in response to a question, advised he has operated the subject establishment since August 2006. In response to a further question, he advised of having been cited for the sale of cigarettes to a minor in addition to the citations giving rise to the subject hearing. Chairperson Crowell noted the two citations were issued within a period of thirty days. In response to a question, Mr. Barkat explained the circumstances giving rise to the second citation. He apologized for the infraction, and advised of having recently purchased two new registers “to prevent that.” He explained the function of the registers requiring the clerk to input the driver’s license number and check the ID. In addition, he advised that he and his employees will be attending a Sheriff’s Office alcohol servers training program scheduled for January. He further advised of considering implementation of an in-house compliance check program, and requested the board’s additional suggestions.

Chairperson Crowell entertained public comment; however, none was forthcoming. In response to a question, Member Furlong provided an overview of his December 2nd meeting with Mr. Barkat. Mr. Barkat acknowledged the citations were issued to two different employees. He reiterated the request for the board’s additional suggestions, and expressed confidence there will be no further citations issued in consideration of the measures to be implemented. He responded to questions regarding the mechanism of the new registers, and Member Aldean noted the importance of the clerks accurately entering the identification data. She commended Mr. Barkat on his efforts to prevent further violations. Member Williamson echoed Member Aldean’s comments, and cautioned Mr. Barkat regarding the progressive penalties associated with a third violation. She noted the importance of Mr. Barkat impressing upon his employees “there’s no opportunity for failure; they have to check everyone’s age ...” She noted the

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seriousness of the matter, and reiterated the progressive penalties associated with a third violation. Mr. Barkat advised that he daily, and sometimes hourly, reminds his employees to check identification.

Ms. Tripp responded to questions of clarification regarding the recommended board action. Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-23477 held by BDESH, Inc. dba Eagle Gas, located at 1360 South Carson Street, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving alcohol attend the Sheriff's Office alcohol servers training program within three months of this hearing. Member Williamson seconded the motion. Motion carried 6-0.** Mr. Barkat acknowledged understanding of the board's action.

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-24025, HELD BY ALVARO BRITO DBA SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING (9:04:18) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda materials. Ms. Pruitt noted the citation giving rise to his hearing was the second issued in a six-month period, but the third issued this year. Chairperson Crowell commended the restaurant, but expressed concern over the frequency of violations.

(9:06:59) Alvaro Brito explained the circumstances giving rise to the subject citation, and expressed regret. He advised that all employees are scheduled to attend the December 9th Sheriff's Office alcohol servers training program. He further advised of having implemented a temporary requirement for any patron wishing to purchase alcohol to do so directly from the bar. Until such time as the employees have completed the alcohol servers training program, they are prohibited from serving alcohol at the tables. In response to a question, Mr. Brito explained the circumstances giving rise to issuance of the previous citation. He reiterated the measures taken to prevent the sale of alcohol at tables until such time as all employees have completed the alcohol servers training program.

Chairperson Crowell reviewed the penalties associated with a third citation, and strongly encouraged Mr. Brito to do whatever is necessary to prohibit any further sale of alcohol to minors. Member Aldean suggested making the requirement for patrons to purchase alcohol directly from the bar a permanent change. She further suggested the possibility of purchasing an IDVisor device.

Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-24025 held by Alvaro Brito dba San Marcos Grill, located at 260 East Winnie Lane, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the last citation issuance**

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related to the sale of liquor at the licensed premises; this action shall include the imposition of a \$500 fine on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing. Member Williamson seconded the motion. Chairperson Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-0.**

13. ACTION TO ADJOURN (9:14:52) - Chairperson Crowell adjourned the meeting at 9:14 a.m.

The Minutes of the December 3, 2009 Liquor and Entertainment Board meeting are so approved this _____ day of January, 2010.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder