

Item #3

**City of Carson City
Agenda Report**

Date Submitted: July 10, 2007

Agenda Date Requested: July 19, 2007

Time Requested: 30 minutes

To: Mayor, Supervisors and Sheriff/Liquor Board

From: Development Services - Planning Division

Subject Title: Action based upon the investigation conducted by the Sheriff's Department, and evidence and testimony presented at the Show Cause Hearing to determine whether grounds exist to revoke the liquor license or to take other action on the liquor license issued to Bhupinder Lally, dba Winnie Liquor, and if so, action to direct the District Attorney to prepare an order for revocation.

Staff Summary: This is the time and place set by the Liquor Board to hear and consider evidence and testimony on whether to issue a revocation order of the liquor license held by Bhupinder Lally. Since the order to Show Cause is a directive to Mr. Lally as to why the license issued by the Liquor Board should not be revoked by the Board. The Liquor Board, at the request of Mr. Lally, to reset the matter heard on June 21, 2007 to July 19, 2007. Mr. Lally or a representative may make an opening argument followed by the Deputy District Attorney's opening argument. Mr. Lally or a representative may then present witnesses and their witnesses will then be subject to cross examination. The Deputy District Attorney will then present witnesses who will be subject to cross examination. The Board can then entertain closing argument from each side and make its decision.

Type of Action Requested:

- | | |
|--|--|
| ☐ Resolution | ☐ Ordinance - First Reading |
| ☒ Formal Action/Motion | ☐ Other (Specify) |

Does This Action Require A Business Impact Statement: ☐ Yes ☒ No

Recommended Board Action: I move to determine, based upon the investigation conducted by the Sheriff's Office and the evidence and testimony presented at the show cause hearing that grounds exist to revoke the liquor license issued to Bhupinder Lally, dba Winnie Liquor, and move that the Liquor and Entertainment Board request the District Attorney to prepare for the Mayor's signature an Order of Revocation.

This motion is based upon the grounds that the evidence and testimony presented demonstrates that the acts or the failure to act by Mr. Lally in connection with the operation of Winnie Liquor has created, tends to create or constitutes a public safety hazard because Winnie Liquor employees have violated prohibitions against selling liquor or providing liquor to individuals under twenty-one (21) years of age.

Alternative Board Action No. 1: The Liquor Board acting within its discretion may temporarily suspend the liquor license, order employees to take liquor training, limit the hours of sale of liquor, require Mr. Lally or a qualified manager to be present during hours of liquor sales while Mr. Lally completes the sale of Winnie Liquor rather than order a revocation.

Alternative Board Action No. 2: The Liquor Board acting within its discretion may determine that there was a violation of law, but grounds do not exist requiring the Board to revoke, suspend and/or alter the conditions of the liquor license issued to Mr. Lally.

Alternative Board Action No. 3: Reset the matter to come before the Liquor Board at another date and time.

Explanation for Recommended Board Action: The Liquor Board, pursuant to Carson City Municipal Code, is required to take final action on all liquor license revocations.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 369.230, NRS 344.350, CCMC 4.13.030, 4.13.150, 4.13.190, 4.13.200

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

[Alternatives: 1) Refer the matter back to the Liquor Board for further review.
2) Approve the revocation]

Supporting Material: The Order to Show Cause containing the Investigative Report of Deputy Adams and supporting documents.

Prepared By: Donna Fuller, Administrative Services Manager

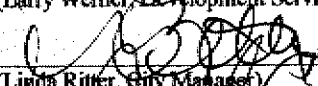
Reviewed By:


(Walter Sullivan, Planning Director)

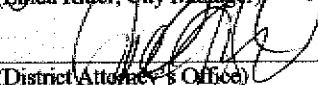
Date: 7/10/07


(Larry Werner, Development Services Director/City Engineer)

Date: 7/10/07


(Linda Ritter, City Manager)

Date: 7/10/07


(District Attorney's Office)

Date: July 10, 2007

Walter Paulson - Finance

7/10/07

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

BL. 06-23389

CITY OF CARSON CITY
LIQUOR LICENSE APPLICATION

201 N Carson Street #5
Carson City, NV 89701
(775)887-2092 #2 fax (775)887-2102

Full Name of Applicant(s) Bhupinder S. Lally Account # 06-23390
Corporate Name 0

Fictitious Firm Name Winnie Liquor Date Filed 6/26/06

Business Location 262 W Winnie Lane Carson NV 89701 Business Phone (775) 841-4999

Mailing Address 1968 McCune Ave. Yuba City CA 95993 Home Phone (30) 755-0119

Date Liquor Sales will start? 8-1-06 Management Agreement on file? Yes

Type of Liquor Sales: (check all that apply)

☐ Full bar liquor sales	☐ Dining room w/beer & wine
☒ Packaged Liquor	☐ Wholesaler
☐ Dining room w/full liquor	☐ Manufacturer
☒ Packaged beer & wine	☐ Additional Bar(s) @ location (# <u> </u>)
	☐ Combo Packaged & on-premise liquor license

List ALL owners, partners or corporate officers below:

<u>Bhupinder S. Lally</u>	<u>1968 McCune Ave. Yuba City CA 95993</u>	<u>(30) 755-0119</u>
Name & Title	Address	Phone #

_____ Name & Title	_____ Address	_____ Phone #
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_____ Name & Title	_____ Address	_____ Phone #
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Are you familiar with Nevada Liquor Laws? ☒ yes ☐ no
Have you ever obtained a liquor license before? ☒ yes ☐ no

If yes, where? Beer & Wine (Davis CA.)

Non-Refundable Investigation Fee	\$ <u>500.00</u>	Date Paid <u>6/26/06</u>
Original New Application Fee	\$ <u>1,000.00</u>	Date Paid <u>6/26/06</u>
Liquor License Per Quarter	\$ <u>200.00</u>	Date Paid <u>6/26/06</u>

CERTIFICATION: I hereby certify that the above information is correct to the best of my knowledge and belief. I understand that this liquor license, if approved, may not be transferred to any other person or to any other location, without prior approval by the Liquor Board. I further understand the investigation period may be forty-five (45) days or longer for processing.

Signature <u>Bhupinder S. Lally</u>	Date <u>6/20/06</u>
Signature _____	Date _____
Signature _____	Date _____

Witnessed by: [Signature] Date 6/26/06

===== FOR SHERIFF'S DEPARTMENT USE ONLY =====

901 E Musser St. Carson City, NV 89701
(775)887-2020 x 1400

Date Applicant Fingerprinted _____	By _____	File # _____
Date Applicant Fingerprinted _____	By _____	File # _____
Date Applicant Fingerprinted _____	By _____	File # _____

APPLICANT'S AFFIDAVIT TO CARSON CITY LIQUOR LICENSE APPLICATION

**RULES & REGULATIONS
REGARDING LIQUOR LICENSES**

I/we, Bhupinder S. Lally, _____
(Print applicant A's name) (Print applicant B's name)

_____, understand that:
(Print applicant C's name)

- Applicant(s) cannot sell alcohol until the Carson City Liquor Board, consisting of the Board of Supervisors and the Carson City Sheriff, approves liquor license OR there is a temporary management agreement with the present owner of the establishment (who has a valid liquor license) on file with the Carson City Treasurer's office.
- Applicant(s) may not take control of or transfer ownership of the liquor portion of said business before liquor license is approved OR a management agreement is on file with the Carson City Treasurer's Office. To take control of or transfer ownership of the liquor portion of said business before liquor license is approved could hinder the chances of getting a liquor license.
- If any changes are made after completing a liquor license application (i.e., change of business name, location, nature of business, partner or corporate officer change, etc.) the Carson City Business License Department MUST be notified and a new liquor license application MUST be completed BEFORE the change occurs.
- If a liquor license is issued, the fees for said liquor license MUST be paid on or before the 1st day of each quarter. If the quarterly liquor license fees are not paid by the 1st day of each quarter, a 50% penalty charge will be assessed, without exception, and this delinquency becomes grounds for revocation of the liquor license.
- Applicant(s) also understand that if liquor license is revoked by the Liquor Board, applicant(s) cannot reapply for a new liquor license for 6 (six) months from the date of the board's action. Applicant(s) also understand that after reapplying, applicant(s) MUST have the unanimous approval of all members of the Liquor Board.
- A liquor license is issued to a given owner at a specific location and is non-transferrable to a different owner or different location. A new liquor license application must be filed for ANY change.
- The \$ _____ investigation fee, paid at the time of application for a liquor license, is non-refundable.

I, [Signature] have read and fully understand the above and have received
(Applicant A's signature)
a copy thereof.

I, _____ have read and fully understand the above and have received
(Applicant B's signature)
a copy thereof.

I, _____ have read and fully understand the above and have received
(Applicant C's signature)
a copy thereof.

Date 6/26/06
Wpdocs\BLForms\LL-affidavit.wpd (revised 7/99)

Witnessed by [Signature]