

item 8G

**City of Carson City
Agenda Report**

Date Submitted: October 9, 2007

Agenda Date Requested: October 18, 2007

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to approve a Brew Pub and Brewery application for Food Management Services, Inc., dba Doppelgangers, located at 302 North Carson Street, and it's corporate officers and managers:

Alan H. Adams, President
Robert Stewart, Vice President
John F. Sieben, Secretary, Treasurer, Manager
Melissa Claude, Tony Alec, John Whiteman, Managers
Bart Mowry, Resident Agent

Staff Summary: Pursuant to NRS 369.190, an application (as described in NRS 369.180) must be made to the Board of Supervisors. In subsection 3, the board shall examine all applications filed with it, and shall require satisfactory evidence that all of the applicants are persons of good moral character.

Type of Action Requested:

☐ Resolution

☐ Ordinance

☒ Formal Action/Motion

☐ Other (Specify)

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

Recommended Board Action: I move to approve a Brew Pub and Brewery application for Food Management Services, Inc., dba Doppelgangers Alan H. Adams, President
Robert Stewart, Vice President
John F. Sieben, Secretary, Treasurer, Manager
Melissa Claude, Tony Alec, John Whiteman, Managers
Bart Mowry, Resident Agent

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to NRS 369.190, shall examine all applications filed with it, and shall require satisfactory evidence that all of the applicants are persons of good moral character.

Applicable Statute, Code, Policy, Rule or Regulation: NRS369.190(3)

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer the matter back to Business License for further review.
2) Deny

Supporting Material: Application for Brew Pub
City of Carson City Liquor License Application
Rules & Regulations Regarding Liquor Licenses
NRS: Chapter 369

Prepared By: Donna Fuller, Administrative Services Manager

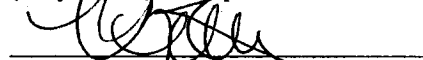
Reviewed By:


(Walter Sullivan, Planning Director)

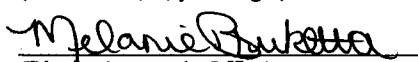
Date: 10-11-07


(Larry Werner, Development Services Director/City Engineer)

Date: 10/11/07


(Linda Ritter, City Manager)

Date: 10-11-07


(District Attorney's Office)

Date: 10-11-07

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

APPLICATION FOR MANUFACTURER'S LICENSE

October 10, 2007

Honorable Board of County Commissioners:

Carson County, Carson City, Nevada.
(City or Town)

In accordance with the provisions of NRS, Chapter 369, as amended, the undersigned hereby applies for a license for a
Brewpub
(Type of license—see reverse side)

in the State of Nevada, for the fiscal year ending June 30, 2008. A remittance covering the license fees from the 1st day of October, 2007, to the 30th day of June, 2008, is enclosed (not less than one quarter of a year).

The following information is also set forth:

(1) Name of firm FOOD Management Services Inc.
Doing business as Doppelgaengers
Located at 302 N. Carson St. Carson City NV 89702
(Number) (Street) (City) (Zip)
Mailing address 302 N. Carson St CC NV 89702 Phone (775) 882-7787
(zip)

(2) The applicant is:

(a) A corporation? yes Organized under the laws of what state? Nevada
When? 2007 Qualified to do business in Nevada? yes

When? Names and addresses of following officers:

President Alan H. Adams

Vice President Robert Stewart

Secretary John F. Sieben

Treasurer John F. Sieben

Manager or Managers John F. Sieben, Melissa Claude,

Tony Alec, John Whiteman

Resident Agent Bert Mowry

(b) A partnership? Is agreement recorded?

Where? Names and addresses and official position, if any, of partners?

(c) Operating under a fictitious firm name? yes Is statement recorded? yes Where? Carson City

Names, addresses and official positions, if any, of all persons interested in the business:

Alan H. Adams 800 N. Carson St CC NV 89702

John F. Sieben PO Box 278 Genoa NV 89411

(d) An individual? Robert Stewart 1808 Highway 50 E CC NV

(e) Has any individual who is interested, financially or otherwise, in the applicant's business, ever been convicted of a violation of Federal or any state liquor laws? NO If so, furnish:

Name

Address

Where convicted

When

OVER

(f) Is any person listed on this manufacturer's application engaged in the business of importing, wholesaling or retailing alcoholic beverages? (See attached copy of NRS 597.210) NO

If yes, give percentage of ownership and name and location of business

(3) References:

Name	Address
Brian Smith	882-1626 507 N. Carson CC NV 89201
Mike Hox	786-8000 1495 Ridgeview Dr Reno NV 89503
Mich Cottan	741-1775 1885 S. Arlington Reno NV 89503
TARA ALTO	220-6069 201 Lisa Way CC NV 89206

(4) Has applicant a county license? A city or town license? Carson City

Signed Ken F. Suler
Sect/Treas. 450-6537
Title Phone

Remarks and recommendations by the County Commissioners:

The application of
is hereby (approved) (disapproved) this day of 20.....

Board of County Commissioners:

Chairman.....
Member.....
Member.....
Member.....
Member.....

ATTEST:

....., County Clerk

SCHEDULE OF LICENSE FEES

The following is a schedule of fees to be charged for licenses:

Brewpub	-----	\$75.00
Winemaker	-----	75.00
Brewer	-----	75.00
Instructional Wine Making Facility	-----	75.00
Rectifier	-----	550.00

- NRS 369.310 License fees: Due dates; payment of proportionate part.
1. All license fees are due and payable on July 1 of each year. If not paid by July 15 of each year the license shall be canceled.
 2. If any license is issued at any time during the year other than by July 15, the fee shall be for that proportionate part of the year that the licenser will be in effect, which in any event shall be for not less than one quarter of a year.
 3. No license shall be dated other than on the first day of the month in which it is granted.

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) John F. Sieben, Jr. ^{Liq. Lic.} Account # 07-24823
Corporate Name Food Management Services, Inc.
Fictitious Firm Name Doppelganger Date Filed _____
Business Location 302 N Carson Street Business Phone 882-7787
Mailing Address 302 N Carson, CC NV 89701 Home Phone 450-6537
Date Liquor Sales will start? Sept 15, 2007 Management Agreement on file? _____

Type of Liquor Sales:
(check all that apply)

- ☒ Full bar liquor sales
☐ Packaged Liquor
☒ Dining room w/full liquor
☐ Packaged beer & wine

- ☒ Dining room w/beer & wine
☐ Wholesaler
☒ Manufacturer
☐ Additional Bar(s) @ location (#____)
☒ Combo Packaged & on-premise liquor license

List ALL owners, partners or corporate officers below:

Name & Title	ALAN H ADAMS	PRESIDENT	Address	800 CARSON ST CC NV 89701	Phone #	(775) 720-2771
Name & Title	BOB STEWART	VICE PRESIDENT	Address	302 N CARSON CC NV 89701	Phone #	(775) 883-1111
Name & Title	JOHN F. SIEBEN, JR.	SEC. / TREASURER	Address	PO BOX 20641 CC NV 89702	Phone #	(775) 450-6537

Are you familiar with Nevada Liquor Laws? ☒ yes ☐ no
Have you ever obtained a liquor license before? ☒ yes ☐ no

If yes, where? Douglas County

Non-Refundable Investigation Fee ^{IN} \$ 500.00
Original New Application Fee ^{ON} \$ 1,000.00
Liquor License Per Quarter ^{LV} \$ 200.00

Date Paid Oct 1, 2007
Date Paid Oct 1, 2007
Date Paid Oct 1, 2007

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 [Signature] Date 8/3/07
Signature _____ Date _____
Signature _____ Date _____

Witnessed by [Signature] Date 8/3/07

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, John F. Sieben, Jr., _____
(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 \$ 500.00 investigation fee, paid at the time of application for a liquor license, is non-refundable.

I, JOHN F. SIEBEN JR 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 8/3/07
Wpdocs\BL forms\LL-affidavit.mpd (revised 7/99)

Witnessed by [Signature]

LICENSES

NRS 369.180 Required licenses; scope of license for instructional wine-making facility.

1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:
 - (a) Import liquors into this State unless he first secures an importer's license or permit from this State.
 - (b) Engage in business as a wholesale dealer of wines and liquors in this State unless he first secures a wholesale wine and liquor dealer's license from this State.
 - (c) Engage in business as a wholesale dealer of beer in this State unless he first secures a wholesale beer dealer's license from this State.
 - (d) Operate a winery in this State or export wine from this State unless he first secures a wine-maker's license from this State.
 - (e) Operate an instructional wine-making facility in this State unless he first secures a license for the instructional wine-making facility from this State.
 - (f) Operate a brewery in this State unless he first secures a brewer's license from this State.
 - (g) Operate a brew pub in this State unless he first secures a brew pub's license from this State.
 2. A person who holds a license for an instructional wine-making facility:
 - (a) May engage in any activity authorized by NRS 597.245.
 - (b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.
 3. As used in this section:
 - (a) "Brew pub" has the meaning ascribed to it in NRS 597.200.
 - (b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.
 - (c) "Malt beverage" has the meaning ascribed to it in NRS 597.200.
- [Part 2:160:1935; A 1945, 371; 1947, 645; 1943 NCL § 3690.02] + [3:160:1935; 1931 NCL § 3690.03] + [4:160:1935; 1931 NCL § 3690.04]—(NRS A 1975, 624; 1991, 109, 384; 1995, 1566; 2005, 1274)

NRS 369.181 Definitions. As used in NRS 369.180, unless the context otherwise requires:

1. "Alcoholic beverage" means any spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.
 2. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.
- (Added to NRS by 1975, 623; A 1985, 531)

NRS 369.190 Application for license.

1. An application for any of the licenses described in NRS 369.180 must be made to the board of county commissioners of the county in which the applicant maintains his principal place of business.
 2. Each application must:
 - (a) Be made on such form as the Department prescribes.
 - (b) Include the name and address of the applicant. If the applicant is:
 - (1) A partnership, the application must include the names and addresses of all partners.
 - (2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.
 - (3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application must attach to the application:
 - (I) A certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.
 - (II) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license under the provisions of this chapter.
 - (c) Specify the location, by street and number, of the premises for which the license is sought.
 - (d) Be accompanied by the annual license fee required for the particular license for which application is made.
 3. The board of county commissioners shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is a person of good moral character.
- [5:160:1935; A 1945, 371; 1947, 645; 1943 NCL § 3690.05]—(NRS A 1959, 410; 1971, 585; 1975, 1705; 1981, 1010; 2001, 812)

NRS 369.200 Approval or disapproval of application by county commissioners; issuance of license; new hearing.

1. The board of county commissioners shall approve or disapprove applications. If an application is disapproved by the board of county commissioners, the board forthwith shall return the license fee accompanying the application to the applicant. If the board of county commissioners approves an application, the board shall forward it to the Department, together with the board's written approval thereof and the license fee accompanying the application.
 2. Upon receipt thereof the Department shall review the application and approval, and, if no further objections are presented or known, shall issue the appropriate license to the applicant.
 3. In its discretion, the Department may grant an applicant whose application has been disapproved a new hearing before the Department if it shall be made to appear to the Department that the decision of the board of county commissioners was arbitrary, unreasonable or unjust.
- [6:160:1935; A 1947, 645; 1943 NCL § 3690.06] + [Part 12:160:1935; A 1945, 371; 1943 NCL § 3690.12]—(NRS A

1975, 1706)

NRS 369.210 Contents of license. Every license issued under this chapter shall set forth:

1. The name of the person to whom it is issued.
2. The location, by street and number, of the premises for which the license is issued.
3. The particular class of liquor or liquors that the licensee is authorized to sell.

[7:160:1935; 1931 NCL § 3690.07]—(NRS A 1971, 586)

NRS 369.220 Signing and posting of license; license nontransferable; exception. Each license shall:

1. Be signed by the licensee or the authorized representative of the licensee.
2. Be posted in a conspicuous place in the premises for which it was issued.
3. Be nontransferable, except that upon prior written notice to the Department the location of the premises for which it was issued may be changed.

[8:160:1935; 1931 NCL § 3690.08]—(NRS A 1959, 562; 1971, 586; 1975, 1706)

NRS 369.230 Recommendation of suspension or revocation of license by county commissioners; grounds. The board of county commissioners may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the action of any licensee under this chapter, and shall have power to recommend the temporary suspension or permanent revocation of a license for any one of the following acts or omissions:

1. Misrepresentation of a material fact by the applicant in obtaining a license under this chapter;
2. If the licensee violates or causes or permits to be violated any of the provisions of this chapter;
3. If the licensee commits any act which would be sufficient ground for the denial of an application for a license under this chapter;
4. If the licensee sells liquor to a wholesaler or retailer who is not a holder of a proper license or permit at such time; or
5. If the licensee fails to pay the excise tax or any penalty in connection therewith, in whole or in part, imposed by law, or violates any regulation of the Department respecting the same.

[9:160:1935; A 1945, 371; 1943 NCL § 3690.09]—(NRS A 1965, 1469; 1966, 66; 1967, 1346; 1975, 1706)

NRS 369.240 Complaint against licensee: Issuance and service of citation; effect of failure to answer.

1. Upon the filing with the board of county commissioners of the county in which a licensee maintains his principal place of business of a verified complaint charging the licensee with the commission, within 1 year prior to the date of filing the complaint, of any act which is cause for suspension or revocation of a license, the board of county commissioners forthwith shall issue a citation directing the licensee, within 10 days after service thereof upon him, to appear by filing with the board of county commissioners his verified answer to the complaint showing cause, if any he has, why his license should not be suspended or revoked. Service of the citation with a copy of the complaint shall be made upon the licensee as provided by the Nevada Rules of Civil Procedure for the service of process in civil actions.

2. Failure of the licensee to answer within the time specified shall be deemed an admission by him of the commission of the act or acts charged in the complaint. Thereupon, the board of county commissioners shall give written notice of the failure of the licensee to answer to the Department. The Department forthwith shall suspend or revoke the license, as the case may be, and shall give notice of such suspension or revocation by mailing a true copy thereof, by United States registered or certified mail in a sealed envelope with postage thereon fully prepaid, addressed to the licensee at his latest address of record in the office of the Department.

[10:160:1935; A 1947, 645; 1943 NCL § 3690.10]—(NRS A 1969, 95; 1975, 1706)

NRS 369.250 Time and place of hearing; notice. Upon the filing of the answer, the board of county commissioners shall fix a time and place for a hearing and give the licensee and the complainant not less than 5 days' notice thereof. The notice may be served by depositing in the United States mail a true copy of the notice enclosed in a sealed envelope with postage thereon fully prepaid, addressed to the licensee and to the complainant, respectively, at their last known addresses. With the notice to the complainant there shall be attached or enclosed a copy of the answer. If either party has appeared by counsel the notice shall be given, in like manner, to counsel instead of to the party.

[11:160:1935; 1931 NCL § 3690.11]

NRS 369.260 Hearing; decision; notice of recommendation; action by Department of Taxation upon recommendation of suspension or revocation.

1. Upon the hearing, the board of county commissioners shall hear all relevant and competent evidence offered by the complainant and by the licensee.

2. After the hearing is concluded and the matter submitted, the board of county commissioners shall, within 10 days after such submission, render its decision in writing recommending the suspension or revocation of the license, or dismissing the complaint, with a statement of the board's reasons therefor.

3. The board of county commissioners shall give to the complainant and to the licensee, or their respective attorneys, notice of such recommendation, by mail, in the same manner as prescribed in this chapter for the giving of notice of hearing.

4. A copy of the decision of the board of county commissioners recommending the suspension or revocation of a license shall be transmitted forthwith by the board to the Department. Thereupon, the Department shall cause the license to be suspended or revoked and shall give notice thereof in the same manner as provided in NRS 369.240.

[Part 12:160:1935; A 1945, 371; 1943 NCL § 3690.12]—(NRS A 1975, 1707)

NRS 369.270 New hearing before county commissioners or Department; final order.

1. Notwithstanding any other provision of this chapter, before suspending or revoking any license, the Department, in its discretion, may:

- (a) If the licensee has not appeared pursuant to the provisions of NRS 369.240, permit him to appear before the board of

county commissioners and make a showing on his behalf if it is made to appear to the Department that the licensee's neglect to appear before the board of county commissioners was excusable.

(b) If a hearing was had, grant the licensee a new hearing before the Department if it shall be made to appear to the Department that the decision of the board of county commissioners was arbitrary, unreasonable or unjust.

2. After any new hearing before the Department, the Department shall enter a final order revoking or refusing to revoke the license affected.

[Part 12:160:1935; A 1945, 371; 1943 NCL § 3690.12]—(NRS A 1975, 1707)

NRS 369.280 Summary suspension or revocation of license: Grounds; procedure.

1. Notwithstanding any other provision of this chapter, the board of county commissioners shall have the right to suspend or revoke summarily any license in cases appearing to it to be of an aggravated and flagrant violation of law.

2. On request, in all such cases, the Department shall conduct a hearing covering the proceedings and evidence, if any, before the board of county commissioners, and any additional evidence offered by the board of county commissioners or the licensee.

3. The hearing before the Department shall be had on reasonable notice of time, place and subject matter to the licensee and the board of county commissioners, and the Department shall decide the matter without delay by either confirming, modifying or setting aside the action of the board of county commissioners.

4. If the Department finds that a licensee is violating any of the provisions of this chapter, the Department may issue a summary suspension of the violator's license. The Department shall notify the board of county commissioners of such suspension. Within 10 days after such notice the Department shall conduct a public hearing in the matter in the appropriate county. The board of county commissioners may appear before the Department at the hearing.

[Part 12:160:1935; A 1945, 371; 1943 NCL § 3690.12]—(NRS A 1969, 614; 1975, 1708)

NRS 369.290 Renewal of cancelled license. Upon a subsequent written recommendation of the board of county commissioners setting forth that the licensee has shown proper cause in the opinion of the board of county commissioners, the Department may renew any license cancelled as provided in this chapter.

[14:160:1935; 1931 NCL § 3690.14]—(NRS A 1975, 1708)

NRS 369.300 Schedule of fees for licenses. The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license.....	\$500
Importer's beer license.....	150
Wholesale wine, beer and liquor license.....	250
Wholesale beer dealer's license.....	75
Wine-maker's license.....	75
License for an instructional wine-making facility.....	75
Brew pub's license.....	75
Brewer's license.....	75

[Part 15:160:1935; A 1939, 73; 1945, 371; 1943 NCL § 3690.15]—(NRS A 1959, 562; 1965, 303; 1991, 109, 384; 1995, 1567; 2005, 1274)

NRS 369.310 Date fees due; penalty; cancellation of license for failure to pay fee and penalty; payment of proportionate part; date of license.

1. All license fees are due and payable on July 1 of each year. If not paid by July 15 of each year the license may be cancelled by the Department. Between July 15 and July 31 of each year, the fee may be paid with a penalty of 5 percent added to such fee. If the fee and penalty are not paid by July 31 of each year, the license shall be cancelled automatically.

2. If any license is issued at any time during the year other than by July 15, the fee shall be for that proportionate part of the year that the license will be in effect, which in any event shall be for not less than one quarter of a year.

3. No license shall be dated other than on the 1st day of the month in which it is granted.

[Part 15:160:1935; A 1939, 73; 1945, 371; 1943 NCL § 3690.15]—(NRS A 1959, 562; 1961, 593; 1975, 1708)

NRS 369.320 Counties, cities and towns not prohibited from requiring licenses. Nothing in this chapter shall be deemed to prohibit any county, city or town in Nevada from requiring an importer or seller of liquor to obtain a local license before engaging in such business.

[Part 17:160:1935; A 1945, 371; 1943 NCL § 3690.17]