

***LIQUOR AND ENTERTAINMENT BOARD
DRAFT” MINUTES FOR THE FOLLOWING
DATES ARE INCLUDED IN THIS SECTION:***

March 06, 2008 - Regular Session

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DRAFT

A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors session on Thursday, March 6, 2008, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, that began at 8:30 a.m.

PRESENT: Chairperson Marv Teixeira, Vice Chairperson Richard S. Staub, and Board Members Robin Williamson, Shelly Aldean, Pete Livermore, and Ken Furlong

STAFF PRESENT:

Larry Werner	City Manager
Alan Glover	Clerk-Recorder
Al Kramer	Treasurer
Walter Sullivan	Development Services Director
Kevin Gattis	Chief Building Official
Andrew Burnham	Public Works Director
Melanie Bruketta	Chief Deputy District Attorney
Jeff Sharp	City Engineer
Ken Arnold	Public Works Project Manager
Cheryl Adams	Purchasing and Contracts Manager
Katherine McLaughlin	Recording Secretary
Sandy Scott	Contracts Coordinator

(BOS 3/6/08 Recording 8:38:00)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed after the Department's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

Mayor Teixeira recessed the Board's of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present, including Member Furlong, constituting a quorum. For Minutes of the Board of Supervisors, see its folder for this date.

ACTION ON APPROVAL OF MINUTES - None.

3. DEVELOPMENT SERVICES - PLANNING - Community Services Director Walter Sullivan

A. ACTION TO APPROVE A 'FULL BAR LIQUOR SALES' AND 'PACKAGED LIQUOR' LIQUOR LICENSE FOR COURTNEY EDWIN CARDINAL, CARSON GAMING HOTELS, DOING BUSINESS AS COURTYARD BY MARRIOTT CARSON CITY, LOCATED AT 3870 SOUTH CARSON STREET, CARSON CITY - Mr. Sullivan's introduction included noting the Sheriff Department's memo requesting a condition requiring all alcoholic beverage servers and sellers

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attend the Department's alcoholic beverage servers' education class within three months of the date the business opens. Approval should also be conditioned upon final approval of the building by the Building and Business License Departments. Member Furlong advised that the Sheriff's Office had completed the background investigation and had no objection to issuing Mr. Cardinal a license. Courtney Edwin Cardinal advised that the license for the establishment is separate from the Fandango's license. Both operations are being run by the same individuals. The two establishments have different servers/sellers. The Sheriff's Department conducted classes for the servers/sellers on Monday at the Fandango. Mr. Sullivan was asked to check the status of the investigation fee as the application indicated that it was paid. The Board Action Request, however, did not indicate the same thing. Member Aldean moved to approve a Full Bar Liquor Sales and Packaged Liquor License for Courtney Edwin Cardinal, Carson Gaming Hotels, doing business as Courtyard by Marriott Carson City, located at 3870 South Carson Street, Carson City, including a nonrefundable investigation fee of \$575, an original new application fee of \$1,000, and a liquor license per quarter fee of \$225; additionally all of applicant's sellers and servers of liquor must attend the Sheriff's Office servers education class within three months of the business opening; this approval is further conditioned upon the issuance of final approval of the Courtyard by Marriott Hotel by the Carson City Development Services Building Division and approval of a Business License by the Development Services Business License Division. Member Livermore seconded the motion. Motion carried 6-0.

Chairperson Teixeira thanked Mr. Cardinal for its management's quick decision and establishment of a refined policy regarding teenage attendance at the Galaxy Theater. Mr. Cardinal described the new policy which allows teens to attend movies if they have a card. Inappropriate action by the teen could result in loss of the card and ability to attend the movies either temporarily or permanently. Discussion indicated that the card is to be issued by Galaxy's management. The Board thanked him for the decision.

B. ACTION TO APPROVE A 'WHOLESALE' LIQUOR LICENSE FOR BLACK DOG DISTRIBUTING, APPLICANT: JERRY MADDOX, LOCATED AT 2444A EMPIRE RANCH ROAD, CARSON CITY (8:42:53) - Member Furlong advised that the Sheriff's Office had completed its investigation and had no objections to issuing the license to the applicant. Jerry Maddox described his business plan as a wholesale distributor for Doppleganger's Brewery. Mr. Maddox stipulated that he will not be involved with retail sales or serving anyone. He, therefore, will not be required to attend the Sheriff's Server Education Class. Member Williamson moved to approve a Wholesaler Liquor License for Black Dog Distributing, Applicant: Jerry Maddox, located at 2444A Empire Ranch Road, Carson City; including a nonrefundable investigation fee of \$500, the original new application fee of \$500, and the Liquor License per quarter fee of \$200. Member Aldean seconded the motion. Motion carried 6-0.

C. ACTION TO APPROVE A 'FULL BAR LIQUOR SALES' AND 'DINING ROOM WITH BEER AND WINE' LIQUOR LICENSE FOR BODINES, APPLICANTS: MICHAEL E. PEGRAM AND GREGG R. CARANO, LOCATED AT 5650 SOUTH CARSON STREET,

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CARSON CITY (8:45:06) - Mr. Pegram was unable to attend the meeting. Mr. Sullivan advised that his application will be agendized for a future meeting. Gregg Carano is the principal in the operation. Mr. Carano noted that his brothers and sister, his father's wife Rhonda Carano, and Mike Pegram are also partners. Discussion noted his background in the industry. Chairperson Teixeira felt that he was cognizant of the Board's seriousness about not serving alcoholic beverages to minors. Chairperson Teixeira also noted the proactive steps taken at the other establishments Mr. Carano's family owns. Mr. Carano advised that they will participate in the Sheriff's server training classes.

Sam Dehne disclosed that he had been asked to support the applicant's request for a license as he lives in Reno. He felt that Mr. Carano does a good job there and that the City will be happy to have him in Carson City. He alleged to have known Mr. Carano for years. He was glad to have the operation come to Carson City. He volunteered to have his band sing at Bodines' opening ceremony. He felt that Mr. Carano should support his recommendation that the City have scheduled airline service.

Mr. Sullivan explained that the structure is under construction and requested the same conditions on the license be required as had been placed on Marriott's license. Member Livermore moved to approve a Full Bar Liquor Sales and Dining Room with Beer and Wine for Bodines, Applicant: Michael E. Pegram and Gregg R. Carano, located at 5650 South Carson Street, Carson City, including the nonrefundable investigation fee of \$500, the original new application fee of \$1,000, and the liquor license per quarter fee of \$450; additionally, all applicants, sellers or servers of liquor must attend the Sheriff's Office Servers Education class within three months of the business opening; and that the Liquor License is conditioned upon the facility, Bodines' Casino, receiving a Carson City Business License and binding final approval of the certificate of occupancy. Member Aldean seconded the motion. Motion carried 6-0.

Chairperson Teixeira thanked Mr. Carano for his contributions to the community including the cosponsorship of the Boys and Girls Club auction and barbecue. Mr. Carano expressed a desire to participate whenever possible. He then explained that two members of the Nevada Gaming Control Board had allegedly expressed excitement in learning that Bodines is coming back. He then briefly described the menu which will include items served at the former Bodines. He felt the location was ideal and the property will be beautiful when seen by travelers on both Highways 395 and 50. He then described Mr. Pegram's background. He believed that people will have a good time at the facility, which he described. He also limned his reasons for acquiring the property. Chairperson Teixeira reiterated his appreciation for his contribution to the community. Discussion indicated that they hope to complete Fuji Park/the Fairgrounds the first of May and for Bodines to open the middle of May. Clarification indicated that, as there are two separate licensees, Mr. Pegram must appear before the Board. Mr. Carano indicated that he understood and will have him appear.

D. ACTION TO ORDER A SHOW CAUSE HEARING FOR DISCIPLINARY ACTION PURSUANT TO CCMC 4.13.140, REVOCATION OF LICENSE, AND CCMC 4.13.150, REVOCATION PROCEDURE, REGARDING LIQUOR LICENSE NO. 08-00023400 HELD BY

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KIL YE (KATIE) CHEW FOR KATIE'S BAR, BASED ON THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE (8:54:51) - Mr. Sullivan and Member Furlong explained that the action requested was for the Board to determine if a show cause should be held and the date for that hearing. Lt. Bob White then described the incident which brought the establishment to the Department's attention. He felt that Ms. Chew had attempt to divert the Deputies' attentions away from the video camera. She also could not find the keys to the back room. The Deputies, after entering the back room, discovered that an individual was hiding there. They believed that Ms. Chew had attempted to hide him. The reasons the individual was arrested were explained. Ms. Chew was arrested for obstructing the Deputies. Her arraignment is scheduled for March 18. He then described the number of calls received by the Department for service at her establishment during the year that Ms. Chew has operated the bar. Discussion ensued regarding these 48 calls. Chief Deputy District Attorney Melanie Bruketta opined that the Board could act on the show cause hearing without a decision having been made regarding the charge of obstructing the officers. She read the Code Section into the record regarding conducting a show cause hearing. Lt. White reiterated that the original call regarding the incident came from the Hospital. The Deputies learned at the Hospital that the incident had occurred at Katie's Bar. Member Furlong explained that the obstructing charge is based on Ms. Chew's refusal to allow the Deputies into the back room and the hiding of an individual there. Justification was provided for the Officers to contact all of the individuals at the bar.

Ms. Chew explained that there were only five individuals at the bar when the Deputies arrived. Two of the individuals wanted to leave when the Deputies arrived. The bar was closed. They were cleaning up for the next day. They allegedly were unaware of the stabbing until the Deputies told them about it. The Deputies purportedly repeatedly warned her against lying. She repeated her allegation that she was not aware of the stabbing until they told her about it. The back door was opened so she could move towels and stock liquor into the bar area. She had allegedly called a taxi for the individual who was hiding in the back room. She thought that he had left. She was not aware that he was on probation or had a DUI. She allegedly had not known that he went into the back room to hide. She purportedly checked the restrooms and had tried to open the office. She thought that it was locked. She repeated her assertion that the individual had gotten into the taxi and that he had locked her office door. She explained that there is a trailer park behind the establishment and that no one is to be in her back room. She then alleged that the video camera does not work. She attempted to open the office but the door was locked. The key was not in its usual place. She forgot where she put it. Her car keys were not in the drawer. One of the Deputies purportedly asked her if the keys on the counter were hers. She did not know that they were laying where everyone could see them. They are always supposed to be put in her drawer. Her son had allegedly gone outside. They purportedly had been robbed at one time. For that reason they keep two separate money bags. Her son had allegedly gone to the car to get a bag. Her son had used her keys. There allegedly were two ladies, the DJ, one security guard, her son, and herself present. Her son purportedly left the keys on the counter. She reiterated that she did not know the person was in the back room and that she had not lied to the Officers. She restated her allegation that she did not know the individual was on probation. She then advised that they attempt to watch the parking area but when the door is closed they do not know

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what is going on there.

Member Aldean explained that the purpose of the show cause hearing is to gather additional information. The Board does not have all of the information at this time. They have not seen any tapes. The hearing may provide Ms. Chew with an opportunity to exonerate herself.

Chairperson Teixeira explained the Board's responsibility to the community is to protect its health, safety, and welfare. A decision is not being made at this time. The Board must at this time react to the information that has been provided.

Ms. Chew explained that she had been in the business for 30 years without any citations. She allegedly had owned six bars in San Francisco. She did not understand why she has so many problems in Carson City or why the Deputies would not listen to her. She did not know anything. She also did not understand why she was taken to jail. She indicated to Member Staub that she will have an attorney. Member Staub strongly recommended that she hire an attorney if she did not already have one.

Member Staub moved to order a show cause hearing for disciplinary action pursuant to CCMC 4.13.140, Revocation of License, and 4.13.150, Revocation Procedure, regarding Liquor License No. 08-00023400 held by Kil Ye "Katie" Chew for Katie's Bar based on the protection of the public health, safety and welfare. Member Livermore seconded the motion.

Sam Dehne expressed his belief that Ms. Chew is distraught and did not seem to understand Member Staub's recommendation that she have an attorney with her at the hearing. He reiterated that the show cause hearing will allow the Board to look at all of the information. It could provide her with an opportunity to clear the air of any rumors that are "running around in the news media and everywhere else". He had a problem with the concept that she must hire an attorney to represent herself. Ms. Chew is supposed to be innocent until proven guilty. He believed that Ms. Chew will get a fair shake from everyone. Member Staub explained that his advice to Ms. Chew to retain counsel is to make sure that she presents her case in a cognizant and defendable manner. He did not wish "to have her ask that question" at the end of the show cause hearing. Mr. Dehne indicated that he understood.

Discussion between Members Aldean and Furlong indicated that the 48 calls for service by the Sheriff's Department will be more definitive than the presentation given today. Discussion between Mr. Sullivan and the Board indicated that the hearing should be held at the first meeting in April. Member Staub also requested that the record of the April 18 court proceeding be included in the packet of information for the Board. Ms. Bruketta advised that the information could be obtained from the courts. Mr. Sullivan was uncertain whether the information will be available for the March 20th Board meeting.

Monte Walker explained that the hearing on March 18 is an arraignment where a guilty or not guilty plea is entered. The trial could be a month later. The show cause hearing should be held after the trial.

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Chairperson Teixeira felt that the Liquor License issue has nothing to do with the trial, however, her statement should be provided. He recommended holding the show cause hearing during the first meeting in April. He also disclosed that he will be in Washington, D.C., at that time. He felt that proceedings could go forward.

Member Staub amended his motion to include the first meeting in April which will be a late meeting. Member Livermore continued his second. The motion to schedule a show cause hearing for the first meeting in April was voted and carried 6-0.

There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Teixeira adjourned the meeting.

The Minutes of the March 6, 2008, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON _____, 2008.

Marv Teixeira, Chairperson

ATTEST:

Alan Glover, Clerk-Recorder