

**City of Carson City
Agenda Report**

Date Submitted: May 23, 2008

Agenda Date Requested: June 5, 2008

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Development Services/Business License Division

Subject Title: Action requesting a show cause hearing for disciplinary action pursuant to CCMC 4.13.140, Revocation of Liquor License, regarding Liquor License No. 08-10705 held by Dung So Troung and Ly Siek Truong dba Laundry Lounge, based upon the protection of the public's health, safety and welfare.

Staff Summary: The Liquor Board can take disciplinary action at a show cause hearing regarding a liquor license after notice has been served. The Sheriff's Office will present documentation and grounds for the license's revocation at the Liquor Board meeting as to why the subject liquor license should be revoked regarding the protection of the public's health, safety and welfare. However at this time in the process, staff is requesting the Liquor Board schedule a show cause hearing for the Laundry Lounge on June 19, 2008 for violation of CCMC 4.13.140 (2 and 8)

Type of Action Requested: (X) Formal Action/Motion

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to set a show cause hearing on June 19, 2008, regarding the liquor license for Dung So Troung and Ly Siek Truong for Laundry Lounge 1300 E Fifth St., Carson City, NV 89701 License No. 08-00010705, based on the documentation provided by the Sheriff's Office and testimony presented at the Liquor Board meeting that the operation is detrimental to the public's health, safety and welfare interests. The establishment has sold liquor to person(s) under 21 years of age, in violation of CCMC 4.13.140(8) and failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which violates a State or Federal criminal statute or a Carson City Criminal Ordinance pursuant to CCMC 4.13.140 (2)

Explanation for Recommended Board Action: The Liquor Board may schedule show cause hearings to revoke a liquor license pursuant to procedural requirements of CCMC 4.13.150

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13.030, Powers and Duties of the Liquor Board, 4.13.140, Grounds for Revocation of the Liquor License, and 4.13.150, Revocation Process-Liquor License.

Fiscal Impact: N/A

Explanation of Impact: N/A

Alternatives: 1) Refer the matter back to Staff for further review
2) Take no action

Supporting Material: Staff Report including Sheriff's Office memo

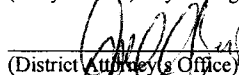
Prepared By: Lena Tripp, Senior Permit Technician

Reviewed By:

(Ken Furlong, Sheriff)


(Walter Sullivan, Development Services Director)

(Larry Werner, City Manager)


(District Attorney's Office)

Date: _____

Date: 5/27/08

Date: 5/27/08

Date: 5/27/08

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

CARSON CITY LIQUOR BOARD

NOTICE TO REQUEST A SHOW CAUSE HEARING

DATE: May 28, 2008

NAME AND ADDRESS OF BUSINESS:

Laundry Lounge
1300 E. Fifth St.
Carson City, NV 89701

NAME AND ADDRESS OF LIQUOR LICENSE HOLDER:

Mr. Dung So Truong
Ms. Ly Siek Truong
4530 Lakeside Dr
Reno, NV 89509

RE: REQUEST OF CARSON CITY LIQUOR BOARD TO SET A SHOW CAUSE HEARING REGARDING REVOCATION OF LIQUOR LICENSE FOR Dung So Truong and Ly Siek Truong AT Laundry Lounge (Liquor License #08-10705)

Pursuant to CCMC 4.13.150 (2), the Carson City Liquor Board is requiring you and/or your representative to appear at the Liquor Board hearing on June 5, 2008 at 3:00 pm. The Liquor Board will meet at the Community Center, Sierra Room, 851 East William Street, Carson City, Nevada. This is your notice to comment why the Carson City Sheriff Office and City Staff is requesting a show cause hearing as to why your liquor license should be revoked.

The grounds for your liquor license revocation:

1. CCMC 4.13.140 (2) A failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which violates a State or Federal criminal statute or a Carson City Criminal Ordinance
2. CCMC 4.13.140 (8) Selling liquor to a person under the age of 21 years

You and/or your representative shall have an opportunity to be heard, present witnesses and cross-examine witnesses against you.

The Liquor Board may take action to set the show cause hearing date or may take up to 20 days to set that hearing date.

BUSINESS LICENSE DIVISION • 2621 Northgate Lane, Suite 6 • Carson City, Nevada 89706
Phone: (775) 887-2105 Fax: (775) 887-2202 TNosenzo@ci.carson-city.nv.us



Should you have any questions regarding the meeting date, please call Walter Sullivan, Development Services Director, at (775) 887-2599 x 30077 or email him at wsullivan@ci.carson-city.nv.us. A copy of the liquor license revocation process as contained in the Carson City Municipal Code is enclosed.

Sincerely,

Walter A Sullivan, AICP
Development Services Director



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

CARSON CITY LIQUOR BOARD

NOTICE OF A SHOW CAUSE HEARING

DATE: May 28, 2008

NAME AND ADDRESS OF BUSINESS:

Laundry Lounge
1300 E. Fifth St.
Carson City, NV 89701

NAME AND ADDRESS OF LIQUOR LICENSE HOLDER:

Mr. Dung So Truong
Ms. Ly Siek Truong
4530 Lakeside Dr
Reno, NV 89509

RE: ORDER TO SHOW CAUSE REGARDING REVOCATION OF LIQUOR LICENSE FOR
Dung So Truong and Ly Siek Truong AT Laundry Lounge

Pursuant to CCMC 4.13.150 (2), the Carson City Liquor Board is requiring you and/or your representative to appear at the Liquor Board hearing on June 19, 2008 at 8:30 am. The Liquor Board will meet at the Community Center, Sierra Room, 851 East William Street, Carson City, Nevada. This is your notice to show cause why your liquor license should not be revoked.

The grounds for your liquor license revocation:

1. CCMC 4.13.140 (2) A failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which violates a State or Federal criminal statute or a Carson City Criminal Ordinance
2. CCMC 4.13.140 (8) Selling liquor to a person under the age of 21 years

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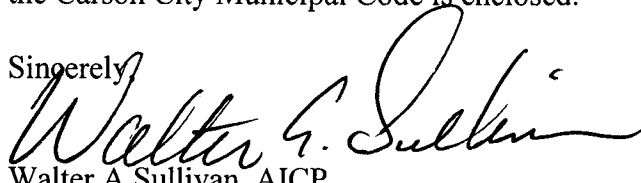
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wsullivan@ci.carson-city.nv.us. A copy of the liquor license revocation process as contained in the Carson City Municipal Code is enclosed.

Sincerely,

A handwritten signature in black ink, reading "Walter A. Sullivan". The signature is fluid and cursive, with a large initial "W" and a long, sweeping underline.

Walter A Sullivan, AICP
Development Services Director



Ken Furlong
Sheriff

911 E Musser St.
Carson City, NV 89701

775-887-2500
Fax: 775-887-2026

DATE: May 22, 2008,

TO: Alcohol Board

RE: The Laundry Lounge at 1300 E. Fifth. St.

On May 15, 2008, Deputy Acosta and I conducted an alcohol compliance check. We had a male juvenile, who was seventeen years old, working as our decoy. At about 1915 hours, the decoy entered the Laundry Lounge, sat at the bar and ordered a Bud Light from Nelson Alberto-Lemus, who was working as the bar tender. Nelson furnished the decoy the Bud Light with out checking his identification. The decoy exited the Laundry Lounge, and then Deputy Acosta and I made contact with Nelson. Nelson told us that he was watching the bar for the owner. Nelson had no form of identification and we could not verify his identity. We took Nelson into custody and transported him to the jail. We later found out that Nelson was not a United States Citizen and immigration placed a hold on Nelson. Deputy Acosta attempted to contact the owners of the business, but they were unavailable. With no other responsible party on scene Deputy Acosta and I closed the Laundry Lounge and secured all the doors.

In accordance with the new Municipal Code, that will be heard by the Alcohol Board on June 5, 2008, it is the recommendation of the Sheriff's office that the owners of the Laundry Lounge be charged with two violations.

These violations are:

- 1) Failing a compliance check.
- 2) Leaving their bar in the care of an illegal alien.

The Sheriff's office recommends that Dung Truong and Ly Siak, be fined \$500.00 and that they both be ordered to attend the next available Alcohol Server Training class.

The Laundry Lounge last failed a compliance check on February 20, 2007. However, there has been no complaints against the Laundry Lounge from February 2007 to May of 2008.

Thank you,

A handwritten signature in black ink, appearing to read "Jarrod Adams", is written over the typed name.

Jarrod Adams
Deputy Sheriff,

Incident Report

CARSON CITY SHERIFF'S DEPT.

08-3658Supplement No
ORIGAddress
911 EAST MUSSER STREET
City, State Zip Code
CARSON CITY, NV 89701Reported Date
05/15/2008
Nature of Call
LIQUOR
Officer
ACOSTA, SALPhone Number
775-887-2500
Fax Number
775-887-2016

Administrative Information

Agency	CARSON CITY SHERIFF'S DEPT.	Report No	08-3658	Supplement No	ORIG	Reported Date	05/15/2008	Reported Time	18:19	CAD Call No	081360233				
Status	Report	Nature of Call	Liquor Laws	Location	1300 E 5TH ST				City	Carson City					
ZIP Code	89701	Rep Dist	100401	Area	4	Beat	04	From Date	05/15/2008	From Time	19:15	To Date	05/15/2008	To Time	19:45
Officer	SA1932/ACOSTA, SAL				Assignment	Traffic	Entered by	SA1932	Assignment	Traffic	RMS Transfer	Successful			
Approving Officer	MC2286		Approval Date	05/16/2008		Approval Time	17:36:57								
SF-Reliable Witness (3)	Yes		SF-Suspect Named (5)	Yes		SF-Suspect Location (2)	Yes								

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
ARR	1	I	ALBERTO-LEMUS, NELSON	148321	W	M	02/04/1973

Summary Narrative

Compliance check

Incident Report

CARSON CITY SHERIFF'S DEPT.

08-3658Supplement No
ORIG**Arrestee 1: ALBERTO-LEMUS,NELSON**

Involve Arrestee	Invl No 1	Type Individual	Name ALBERTO-LEMUS,NELSON	MNI 148321	Race WHITE	Sex MALE	
DOB 02/04/1973	Age 35	Ethnicity Hispanic Origin	Juvenile? No	Height 5'06"	Weight 150#	Hair Color Black	Eye Color Brown
Type HOME	Address 415 CORBETT ST			City Carson City		State NEVADA	
ZIP Code 89706							
Involve Arrested	Arrest Type Arrested	Arrest Date 05/15/2008	Arrest Time 19:30:00	Booking No 0801665	Book Date 05/15/2008	Book Time 21:01:00	Status Booked
Dispo Misdemeanor-ADULT ONLY		Arrest Location 1300 E 5TH ST					
City Carson City		PCN 000000032440228					
NOC 0HOLD HOLD/NCJIS DETAINER		Level X	Charge Literal ICE HOLD				
NOC 10218 CCM 4.13.190 M		Level M	Charge Literal UNLAWFUL TO SERVE OR				

Narrative

On May 15th 2008, at approximately 1915 hours, the Decoy went into 1300 E 5th St, (Laundry Lounge.) The Decoy purchased a Bud Light Draft Beer from Nelson Lemus who was working as the cashier. Nelson sold a Bud Light draft beer to the Decoy and never checked nor asked for identification. The Decoy identified Nelson as the person who furnished him the Bud Light draft beer.

I made contact with Nelson and asked for identification for a citation. Nelson said he did not have identification. Nelson said he was taking care of the business for the owner. There was no other person in charge of the business. Nelson could not tell me where he lived. He didn't know his home address. Nelson could not provide a proper ID or address for identification.

I took Nelson into custody since I was not able to prove his identity and or confirm his home address. The business owner was contacted and advised that Nelson would be taken into custody for furnishing alcohol to a minor. The owner was advised the business was closed and secured. Paperwork found in his wallet after the arrest indicated a possible home address of 415 Corbet St in Carson City.

Deputy Pope arrived and transported Nelson to the detention facility where he was booked without incident.

No further details.

Compliance check reference case number 2008-3656

Incident Report CARSON CITY SHERIFF'S DEPT.

Address
911 EAST MUSSER STREET
City, State Zip Code
CARSON CITY, NV 89701

Phone Number
775-887-2500
Fax Number
775-887-2016

08-3656

DRAFT

Reported Date
05/15/2008
Nature of Call
INFORMAT
Officer
ADAMS, JARROD

Supplement No
ORIG

Administrative Information

Agency CARSON CITY SHERIFF'S DEPT.	Report No 08-3656	Supplement No ORIG	Reported Date 05/15/2008	Reported Time 18:19	CAD Call No 081360233		
Status Report	Nature of Call Information Report	Location 911 E MUSSER ST					
City Carson City	ZIP Code 89701	Rep Dist 100401	Area 4	Beat 04	From Date 05/15/2008	From Time 18:00	To Date 05/15/2008
To Time 23:00	Officer JA7791/ADAMS, JARROD	Assignment Traffic		Entered by JA7791	Assignment Traffic		
Approving Officer		Approval Date		Approval Time			
Send to DA Yes		Misc Documents Yes					

Person Summary

Invl INO	Invl No 1	Type I	Name ;DEPUTY ACOSTA	MNI	Race	Sex	DOB
Invl SUB	Invl No 1	Type I	Name EDISS, BENJAMIN	MNI 148585	Race W	Sex M	DOB 05/18/1990

Summary Narrative

Alcohol compliance check.

Incident Report CARSON CITY SHERIFF'S DEPT.

08-3656
DRAFT

Supplement No
ORIG

Investigating Officer 1: ;DEPUTY ACOSTA

Involvement	Invl No	Type	Name
Investigating Officer	1	Individual	;DEPUTY ACOSTA
Type	Address		City
WORK/BUSINESS	911 E MUSSER ST		Carson City
State	ZIP Code		
NEVADA	89701		

Subject 1: EDISS,BENJAMIN

Involvement	Invl No	Type	Name	MNI	Race	Sex
Subject	1	Individual	EDISS,BENJAMIN	148585	WHITE	MALE
DOB	Age	Juvenile?				
05/18/1990	17	Yes				
Type	Address		City			
WORK/BUSINESS	911 E MUSSER ST		Carson City			
State	ZIP Code					
NEVADA	89701					

Modus Operandi

Crime Code(s)
All Others/All Others

Narrative

On May 15, 2008 Deputy Acosta and I conducted an alcohol compliance check. Benjamin Ediss, who is seventeen years old, worked as the decoy. I took a picture of Ediss, as he appeared that night, and loaded it into Veripik. Forteen businesses were checked and ten passed the compliance check. Four businesses failed the compliance check, reference the following case numbers; 08-3662,08-3663,08-3658 and 08-3666. Every location Ediss entered, he showed his real identification and told his real age if he was asked.