

Hem # 4A

**City of Carson City
Agenda Report**

Date Submitted: January 6, 2009

Agenda Date Requested: January 15, 2008

Time Requested: 10 minutes

To: Liquor Board

From: Business License, Development Services

Subject Title: Disciplinary action against liquor license #09-23393, held by Dick Nollet dba 7-Eleven (Store #2236-15833) located at 3083 Hwy 50 E., Carson City, Nevada, pursuant to CCMC 4.13.150. This disciplinary action is based on the issuance of a citation for a third offense, a criminal statute violation, within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises. This action is to impose a fine of \$1500.00 on the licensee and revoke the liquor license. (Presented by Walt Sullivan, Development Services Director)

Staff Summary: Per CCMC 4.13.150, the Liquor Board shall impose a fine of \$1500.00 and revoke the liquor license

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 impose disciplinary action against liquor license #09-23393, held by Dick Nollet dba 7-Eleven (Store #2236-15833) located at 3083 Hwy 50 E., Carson City, Nevada, pursuant to CCMC 4.13.150. This disciplinary action is based on the issuance of a citation for a third offense, a criminal statute violation, within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises. This action is to impose a fine of \$1500.00 on the licensee and revoke the liquor license.

Explanation for Recommended Board Action: The Liquor Board has the authority to issue a fine of \$1500.00 and revoke the liquor license

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13.150

Fiscal Impact: N/A

Explanation of Impact: N/A

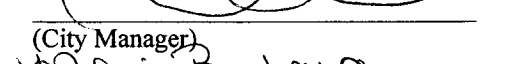
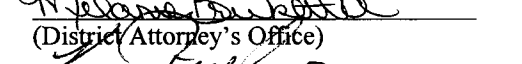
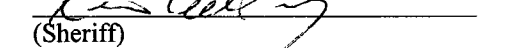
Funding Source: N/A

Alternatives: 1) Take no action

Supporting Material: 1) First offense Administrative Citation
2) Notification of 2nd Offense
3) Notification of 3rd Offense

Prepared By: Lena E. Tripp, Senior Permit Technician

Reviewed By:


(Development Services Director)

(City Manager)

(District Attorney's Office)

(Sheriff)

Date: 1/06/09
Date: 1/6/09
Date: 1-6-09
Date: 1-6-09

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)



Carson City Business License Division
2621 Northgate Lane, Suite 6
Carson City, Nevada 89706
(775) 887-2105

ADMINISTRATIVE CITATION

(Carson City Municipal Code Section 4.13.150)

Case Number: **8-5473**

Business Name: **7-Eleven**

Business Address: **3083 Hwy 50 East**

Business Licensee: **Dick Nollet**
2336 Dawn Cir
Carson City, NV 89701

In the City of Carson City, the following criminal citation was issued to **Regina Cook** on **July 25, 2008** at the business address set forth above.

CCMC Section 4.13.190:1 Unlawful to serve minors.

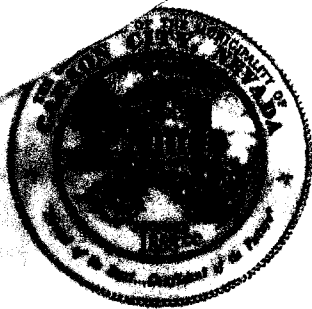
1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

Administrative Citation Fine: **\$100.00**

Fine is due and payable: **August 22, 2008**

Make payment to: **Carson City Business License**
2621 Northgate Lane, Ste #6
Carson City, NV 89706

If you wish to schedule a hearing before the Carson City Liquor Board to appeal this citation, an appeal form must be submitted prior to fine due date. For further information contact the Carson City Business License Division at (775) 887-2105.



Carson City Business License Division
2621 Northgate Lane, Suite 6
Carson City, Nevada 89706
(775) 887-2105

ADMINISTRATIVE CITATION

(Carson City Municipal Code Section 4.13.150)

Case Number: **8-8346**

Business Name: **7-Eleven – Liquor License #23393**

Business Address: **3083 Hwy 50 East**

Business Licensee: **Dick Nollet**
2336 Dawn Cir
Carson City, NV 89701

In the City of Carson City, the following criminal citation was issued to **Regina Cook** on **November 14, 2008** at the business address set forth above.

CCMC Section 4.13.190:1 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

For further information contact the Carson City Business License Division at (775) 887-2105.



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

**LIQUOR AND ENTERTAINMENT BOARD
DECEMBER 4, 2008
NOTICE OF DECISION**

An action to impose disciplinary action of a \$500.00 fine and mandatory alcohol server training within three months from today's date for Dick Nollet dba 7-Eleven (Store #2236-15833) located at 3083 Hwy 50 E.

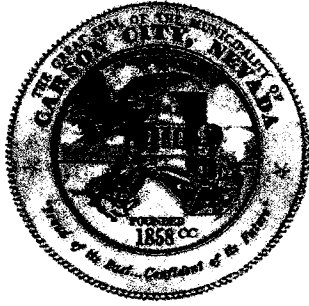
The Liquor and Entertainment Board conducted a public hearing on December 4, 2008, in conformance with the City and State legal requirements and the Liquor and Entertainment Board and approved the action. This decision was made on a vote of 6 ayes, 0 nays.

- All sellers or servers of liquor must attend the Sheriff's Office Servers Education class within three (3) months from today's date (see attached letter).
- The \$500.00 fine is to be paid to:

Carson City Business License
2621 Northgate Ln., Suite #6
Carson City, NV 89706

Lena E Tripp
Lena E Tripp, Senior Permit Technician

PAID
CHK. NO. 997139338
DATE 12/29/08



Carson City Business License Division
2621 Northgate Lane, Suite 6
Carson City, Nevada 89706
(775) 887-2105

ADMINISTRATIVE CITATION

(Carson City Municipal Code Section 4.13.150)

Case Number: 8-9165

Business Name: 7-Eleven – Liquor License #09-23393

Business Address: 3083 Hwy 50 East

Business Licensee: Dick Nollet
3083 Hwy 50 East
Carson City, NV 89701

In the City of Carson City, the following criminal citation was issued to **Desiree Fettig** on **December 19, 2008** at the business address set forth above.

CCMC Section 4.13.190:1 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

For further information contact the Carson City Business License Division at (775) 887-2105.



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

NOTICE OF SHOW CAUSE HEARING

DATE: December 23, 2008

NAME AND ADDRESS OF BUSINESS: 7-Eleven Store #2236-15833
3083 Hwy 50 E.
Carson City, NV 89701

NAME AND ADDRESS OF LIQUOR LICENSE HOLDER: Dick Nollet
2336 Dawn Cir.
Carson City, NV 89701

RE: ORDER TO SHOW CAUSE WHY DISCIPLINARY ACTION SHOULD NOT BE
TAKEN ON LIQUOR LICENSE FOR Dick Nollet, 7-Eleven Store #2236-15833 (Liquor
License #08-23393)

Pursuant to CCMC 4.13.150, the Carson City Liquor Board is requiring you and/or your
representative to appear at the Board hearing on January 15, 2009 at 8:30am. The Board will
meet at the Community Center, Sierra Room, 851 East William Street, Carson City, Nevada.
This is your notice to show cause why disciplinary action should not be taken.

The grounds for disciplinary action: The issuance of a citation for third offense criminal statue
violation. (CCMC 4.13.150)

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

Should you have any questions regarding the meeting date, please call me (775) 887-2310 x
30059 or email me at ltripp@ci.carson-city.nv.us.

Sincerely,

Lena E Tripp

Lena E Tripp

Senior Permit Technician

Certified Mail Receipt #7007 2560 0000 5997 5802

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

From: "Barbara" <barbara@ccoy.org>
To: "Lena Tripp" <LTripp@ci.carson-city.nv.us>
Date: 01/06/2009 1:44 PM
Subject: Seller Training Attendees

Hey,

Regina Cook attended the Server-Seller Mandated Training on September 9th, 2008. She failed a compliance check at the 7-11 @ 2038 Hwy 50E.

*No other attendance by any 7-11 employee since then, and I believe she is the same clerk who failed compliance checks the next month. She was court mandated to attend for both citations. There is a 7-11 clerk, "Deanna" (that is all the info Linda gave me) who is signed up for our January 13th training. It seems to me that if not after the first citation, the mgr would have sent EVERYONE to training after the second citation. And send them from both stores. Just my opinion. I have called Deanna to get her last name, but she hasn't called me back yet. I don't want to hold you up on what you are doing, so if you need her surname, let me know and I'll email it when she calls me back.

7-11

AnnEleice Mayfield attended the Server-Seller Training on 11-11-08. She is a Horseshoe Club employee who was court mandated secondary to failing a compliance check. The Horseshoe Club has arranged for a Server-Seller Training for 25 of their employees, at their location for the 19th of January 2009.

Horseshoe Club

Thanks for all your help.

Barb

"Working for the Advancement of Youth"

Barbara Jones

barbara@ccoy.org

Community Council on Youth

1711 North Roop Street

Phone 775-841-4730

4.13.190 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.
2. Any person who knowingly and wilfully violates the provisions of this section shall be guilty of a misdemeanor and shall be punished by imprisonment in the city jail for not more than six (6) months, or by a fine or not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.
3. In any criminal prosecution or in any proceeding for disciplinary action against a liquor licensee based upon violation of this section, proof that the defendant licensee, or his agent or employee, demanded and was shown, immediately prior to providing liquor to a person under the age of twenty-one (21) years, bona fide documentary evidence of age and identity of the person, issued by a federal, state, county or municipal government, or subdivision or agency thereof, containing the name, birthdate, and photograph of the person, is a defense to the prosecution or proceeding for the suspension or revocation of a liquor license. (Ord. 2008-25 § 13, 2008; Ord. 1984-14 § 1, 1984; Ord. 1978-30 § 1 (part), 1978).

4.13.140 Grounds for disciplinary action.

Any of the following conditions or occurrences are grounds for disciplinary action against a licensee for any of the following violations done either personally or through an agent, servant or employee:

1. Failure of the licensee to promptly pay a fee required pursuant to this chapter;
2. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which would be a violation of a state or federal criminal statute or a Carson City criminal ordinance;
3. Any violation of the terms or conditions of a license;
4. Any misrepresentation made in an application for a liquor license;
5. Employment of any person under the age of 21 years in the business of selling or otherwise disposing of liquor, except when such person is 17 years old or older selling or disposing of packaged liquor only and working under direct supervision of a responsible person who is 21 years or older and is physically present on the premises;
6. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which creates or tends to create or constitute a public nuisance, or which fosters the maintenance of a disorderly house or place;
7. Refusal or neglect to comply with any provisions of this chapter;
8. Selling or giving away liquor to any person under the age of 21 years;
9. Any act or failure to act by the licensee which the board determines is detrimental to the public health, safety and welfare. (Ord. 2008-25 § 10, 2008; Ord. 1978-30 § 1 (part), 1978).

4.13.150 Disciplinary action procedure and penalties.

1. The liquor board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this chapter to determine whether grounds for disciplinary action of a licensee exist. The board may request the assistance of the licensee in such an investigation.
2. After an investigation, if it appears that a ground for disciplinary action exists, the liquor board shall issue and cause to be served on the licensee an order to show cause why disciplinary action should not be taken. Said order shall contain:
 - a. A statement directing the licensee or licensee's representative to appear before the liquor board at a time and place set out therein which shall be not less than 10 days from the date of service of said order to show cause on the licensee;
 - b. A brief statement of the grounds for disciplinary action;
 - c. A statement that the licensee shall have an opportunity to be heard, present witnesses and confront any witnesses against him.
3. Service on the licensee shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the license or by mailing a copy of the order by registered mail with return receipt to the place of business of the licensee, which is specified in the license.
4. At the hearing on the order to show cause, the licensee and the complainant, if there is one, may be represented by attorneys, present testimony, and cross-examine witnesses. If the hearing is pursuant to a complaint, the complainant must also be present.
5. Within 30 days after the hearing, the liquor board must render its decision as to disciplinary action and give notice thereof to the licensee. A majority of those members present at the hearing must agree in order to direct a disciplinary action.
6. Any person who has had a license revoked may reapply for a license after 6 months after the revocation order, but a new license may only be issued by a unanimous decision of all members of the board.
7. Disciplinary action is the procedure taken by the Board to conduct hearings regarding whether a licensee is in violation of applicable law, and the action which may be imposed by the Board pursuant to the hearings, which action consists of imposing the penalties set forth in paragraph 8 of this section.
8. Penalties that may be imposed upon a licensee by the Board for criminal citations issued within any six month period that are related to the sale of liquor at the licensed premises:
 - a. First offense, if the person violating the criminal statute is issued a citation by the Sheriff's Department, the Sheriff's Department shall notify the Development Services Department of the

name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license for the location at which the criminal citation was issued will be issued an administrative citation in the amount of \$100.00 and will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the date and time of the occurrence and the name of the person to whom a citation was issued for violating a criminal statute.

b. Second offense, if the person violating the criminal statute is issued a citation by the Sheriff's Department, the Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified within three business days by registered mail or by personal service that they must attend the next regularly scheduled Carson City Liquor Board meeting. The Carson City Liquor board may issue a fine of up to \$500.00 for a second offense to the holder of the liquor license and require mandatory alcohol server training within three months of the hearing.

c. Third offense, if the person violating the criminal statute is issued a citation by the Sheriff's Department, the Sheriff's Department shall notify the Development Services Department of the name of the person to whom a citation was issued and the location, date and time of the offense. The holder of the liquor license will be notified within three business days by registered mail, sent by the Development Services Department, or personal service of the name of the person to whom a citation was issued and the location, date and time of the occurrence. The holder of the liquor license shall also be notified within three business days by registered mail or personal service that they must attend the next regularly scheduled Carson City Liquor Board meeting. The Carson City Liquor Board may issue a fine of \$1,500.00 for a third offense to the holder of the liquor license and also may suspend or revoke the liquor license.

d. Emergency suspension, if the person violating the criminal statute has been issued four or more criminal citations within any six month period related to the sale of liquor at the licensed premises, the Sheriff, his designee, or the Board may suspend the liquor license of the license holder until the next meeting of the Carson City Liquor Board pursuant to the provisions of Section 4.13.160. (Ord. 2008-25 § 11, 2008; Ord. 1978-30 § 1 (part), 1978).