

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the October 1, 2009 Meeting

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, October 1, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
Member Shelly Aldean
Member Ken Furlong
Member Pete Livermore
Member Molly Walt
Member Robin Williamson

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Melanie Bruketta, Chief Deputy District Attorney
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are public record. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours.

10. CALL TO ORDER AND DETERMINATION OF QUORUM (8:51:47) - Chairperson Crowell called the meeting to order at 8:51 a.m. Roll was called; a quorum was present, including Member Ken Furlong.

11. ACTION ON APPROVAL OF MINUTES - September 3, 2009 (8:52:10) - Member Alden moved to approve the minutes, as presented. The motion was seconded and carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE JAN AND GEOFFREY DE RUNTZ AS THE LIQUOR MANAGERS FOR THAI SPICE KITCHEN'S DINING ROOM WITH BEER AND WINE ONLY, LIQUOR LICENSE NO. 10-26839, LOCATED AT 204 WEST SPEAR STREET, CARSON CITY (8:52:29) - Chairperson Crowell introduced this item, and invited the DeRuntzes to the podium. Chairperson Crowell advised of having recently met the DeRuntzes, and wished them well. In response to a question, Mr. DeRuntz stated "things are slow," but he expects to "be okay." Chairperson Crowell provided background information on the City's aggressive program to eliminate underage drinking. He advised that the City was recently commended for said program, and discussed the seriousness of violations of underage drinking laws. He inquired as to the DeRuntzes plans for prohibiting the sale of alcohol to minors. Mr. DeRuntz advised that they have three teenage boys and are, therefore, personally concerned about underage drinking. He advised that underage drinking is not tolerated in his family and will not be tolerated in the restaurant. In response to a question, he advised "anybody that looks under 25" will be carded. Chairperson Crowell requested Mr. DeRuntz to consider requesting identification from every patron who wishes to order alcohol. In response to a question, Mr. DeRuntz advised that his employees are scheduled for alcohol server training in November.

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In response to a question, Mr. DeRuntz provided the correct address for the restaurant: 111 East Telegraph Street. Member Williamson thanked the De Runtzes for their investment in Carson City. Mr. DeRuntz acknowledged the restaurant is open. At Member Williamson's request, Mr. DeRuntz announced their days and hours of operation. Member Williamson wished the DeRuntzes good luck. Chairperson Crowell entertained a motion. **Member Aldean moved to approve Jan and Geoffrey DeRuntz as the liquor managers for the Thai Spice Kitchen dining room with beer and wine only, license no. 10-26839, located at 111 East Telegraph Street. Member Williamson seconded the motion. Motion carried 6-0.**

12(B) ACTION TO APPROVE JERRY HERBST AS THE LIQUOR MANAGER FOR TERRIBLE'S 861 PACKAGED LIQUOR LICENSE NO. 10-26806, LOCATED AT 4640 SOUTH CARSON STREET, CARSON CITY (9:08:32) - Chairperson Crowell introduced this item. Ms. Pruitt provided an overview of the agenda materials, and noted staff's recommendation of approval. (9:09:04) Chairperson Crowell invited Jerry Herbst to the podium, and he responded to questions regarding the location of the subject establishment, the status of his business, and projections for the coming year. He introduced the Terrible's 861 manager; his son, Tim; and Chris Kemper.

(9:11:03) In response to a question, Mr. Kemper advised of having worked with the Herbst family for the last 17 years. He discussed "the very proactive alcohol management program ...," and expressed the opinion they are "ahead of ... the industry here in Carson and in the State of Nevada." He discussed disciplinary action associated with zero tolerance. "If somebody is caught selling to a minor, we terminate immediately," as a matter of policy. Mr. Kemper noted that the Terrible's policies are "put in place but with human factor." He explained that in-house compliance checks are conducted, and that cash registers are equipped with ID prompts. He advised that the store manager is charged with reviewing cash register tapes and logs to ensure compliance with liquor laws. He expressed support for the compliance check operations conducted by local law enforcement personnel.

Chairperson Crowell expressed appreciation for the Herbst family's investment in Carson City. He opened this item to public comment and, when none was forthcoming, entertained a motion. **Member Williamson moved to approve Jerry Herbst as the liquor manager for Terrible's 861 packaged liquor license no. 10-26806, located at 4640 South Carson Street, Carson City, Nevada, and welcomed the business to the community. Member Aldean seconded the motion.** In response to a question, Mr. Kemper advised that an approximately 60-foot tall flagpole has been installed on the property. Member Livermore recognized Mr. Herbst's 30-plus years as a business operator in Nevada, and welcomed him back to Carson City. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.** Chairperson Crowell thanked the Terrible's representatives for understanding the seriousness of the Carson City liquor licensing process.

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-24025, HELD BY ALVARO BRITO DBA SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE, CARSON CITY, NEVADA PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING

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PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN (7) DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR AND ENTERTAINMENT BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED

(8:57:55) - Chairperson Crowell introduced this item, and Senior Permit Technician Lena Tripp read the title into the record. (8:59:50) Marcos Brito introduced his father, Alvaro Brito, who acknowledged he is the licensee. In response to a question, Marcos Brito stated “there’s no excuse for what happened. We just didn’t read the IDs properly.” He explained the first citation was issued due to a failure to properly identify the person; “... the ID having a different color hair, different color eyes.” He was uncertain as to the circumstances giving rise to the second citation. In response to a question, he advised that the ID associated with the second citation was presented to Alvaro Brito. At Chairperson Crowell’s request, Alvaro Brito explained the circumstances giving rise to the second citation. He stated, “there’s no excuse,” took responsibility, and apologized.

In response to a question, Member Furlong advised that the San Marcos Grill employees have not participated in the Sheriff’s Office alcohol servers training program. He further advised of having met with Messrs. Brito, who informed him their training certifications are from outside the area. Marcos Brito advised that the San Marcos Grill employees will participate in the Sheriff’s Office alcohol servers training program in November. Member Williamson cautioned Messrs. Brito regarding the escalating penalties imposed under the ordinance. She encouraged their participation in the alcohol servers training program and to become “extra vigilant” in preventing underage drinking in their restaurant in the future.

Member Furlong discussed his policy to meet with all second offense violators to review their programs, and advised that the San Marcos Grill has no program to prevent the sale of alcohol to minors. In response to a request for clarification, Member Furlong explained that many establishments retain alcohol servers training program certifications / records; post relevant signage; conduct in-house compliance checks, etc. In response to a question, he discussed information being developed for distribution to potential liquor license holders to assist in educating and in developing in-house compliance programs.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-24025, held by Alvaro Brito dba San Marcos Grill, located at 260 East Winnie Lane, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second-offense criminal statute violation within six months of the first citation issuance, related to the sale of liquor at the licensed premises; a fine of \$500.00 shall be imposed on the licensee, and the licensee and all employees selling, dispensing, or serving liquor shall be required to attend the Sheriff’s Office alcohol servers training program within three months of this hearing; the licensee will be required to submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department Business License Division no later than seven days from completion of the training; if the licensee fails to submit the list of employees within the seven-day period, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not**

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be imposed. Member Walt seconded the motion. Motion carried 6-0. Messrs. Brito acknowledged their understanding of the board's action.

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-16914, HELD BY QIN SONG DBA BAMBOO GARDEN, LOCATED AT 3747 SOUTH CARSON STREET, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR AND ENTERTAINMENT BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (9:15:15) - Chairperson Crowell introduced this item, and invited Ms. Song to the podium. Ms. Tripp read the title of the agenda item into the record. Ms. Song acknowledged understanding of the implications associated with issuance of the second citation. In response to a question, she reviewed the circumstances giving rise to the first and second citations. She advised of her restaurant policy to request identification from anyone appearing to be under the age of 30. She acknowledged that the second violation was due to the failure of an employee to check the identification. Member Furlong advised that none of the Bamboo Garden employees have participated in the Sheriff's Office alcohol servers training program, nor is there any "program in effect" at the restaurant.

Member Livermore advised of having ridden along during compliance check operations last fall, during which time the Bamboo Garden restaurant was "tested and passed." He reviewed the components of a compliance check, and described them as appropriate and correct enforcement of liquor laws. He discussed the importance of employees being "well aware of what the risk is for ... the owner of that business." He advised that the third offense penalty includes imposition of a \$1,500.00 fine with suspension of the liquor license for a period of time. He suggested that Ms. Song affix appropriate signage in her restaurant, that she and her employees ask the age of each patron requesting to order alcohol, and that proof of age be required. Ms. Song advised that her employees are scheduled to participate in the November 10th Sheriff's Office alcohol servers training program.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Livermore moved to impose disciplinary action against liquor license no. 10-16914, held by Qin Song dba Bamboo Garden, located at 3747 South Carson Street, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on issuance of a citation for a second-offense criminal statute violation within six months of the first citation issuance, related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of \$500.00 on the licensee and the**

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requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing; if the licensee and relevant employees are required to attend the alcohol servers training program, the licensee will be required to submit a list of all employees selling, dispensing, or serving alcohol to the Public Works Department Business License Division no later than seven days from the completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Aldean seconded the motion. Motion carried 6-0.

A brief discussion took place between Members Aldean and Furlong regarding ongoing research into the possibility of issuing work cards.

13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:25:25) -
Chairperson Crowell adjourned the meeting at 9:25 a.m.

The Minutes of the October 1, 2009 Liquor and Entertainment Board meeting are so approved this _____ day of November, 2009.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder