

Item # 120

## City of Carson City Agenda Report

**Date Submitted:** November 23, 2009

**Agenda Date Requested:** December 3, 2009

**Time Requested:** 10 minutes

**To:** Liquor and Entertainment Board

**From:** Business License Division, Public Works

**Subject Title:** Disciplinary action against liquor license #10-24025, held by Alvaro Brito dba San Marcos Grill located at 260 E. Winnie Ln., 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 of 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. (Jennifer Pruitt)

**Staff Summary:** CCMC 4.13.150 provides for the imposition of a fine of up to \$500.00 upon the holder of a liquor license and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend alcohol servers' training for the second time a person is issued a criminal citation related to the sale of liquor at a licensed premises. On November 13, 2009, a second offense criminal citation related to the sale of liquor was issued at San Marcos Grill. A first offense criminal citation was issued on April 10, 2009 with a second offense criminal citation issued on September 14, 2009. 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 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.

**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 #10-24025, held by Alvaro Brito dba San Marcos Grill located at 260 E. Winnie Ln., 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 of 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.

**Explanation for Recommended Board Action:** The Liquor Board has the discretion to issue a fine of up to \$500.00 and to require alcohol server training for all employees selling, dispensing, or serving liquor.

**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 (issued 4/10/09)  
2) Notification of 2<sup>nd</sup> Offense (issued 9/14/09)  
3) Notification of 2<sup>nd</sup> Offense (issued 11/13/09)

**Prepared By:** Lena E. Tripp, Senior Permit Technician

**Reviewed By:**

  
(Public Works Director)

Date: 11/23/09

(City Manager)

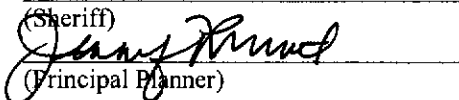
Date: 11/23/09

  
(District Attorney's Office)

Date: 11-23-09

(Sheriff)

Date: \_\_\_\_\_

  
(Principal Planner)

Date: 11.20.09

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



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

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**ADMINISTRATIVE CITATION**

(Carson City Municipal Code Section 4.13.150)

Case Number: 09-2666

Business Name: San Marcos Grill  
Liquor License #09-24025

Business Address: 260 E. Winnie Ln.

Business Licensee: Alvaro Brito, Liquor Manager  
260 E. Winnie Ln.  
Carson City, NV 89706

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In the City of Carson City, the following criminal citation was issued to Alvaro Brito on April 10, 2009 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: May 14, 2009

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

**PAID**

CK. NO. 3169  
DATE 4/20/09 Tripp

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

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**ADMINISTRATIVE CITATION**

(Carson City Municipal Code Section 4.13.150)

Case Number: **09-6608**

Business Name: **San Marcos Grill**  
**Liquor License # 10-24025**

Business Address: **260 E. Winnie Ln.**

Business Licensee: **San Marcos Grill**  
**Alvaro Brito**  
**260 E. Winnie Ln.**  
**Carson City, NV 89706**

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In the City of Carson City, the following criminal citation was issued to **Alvaro Brito** on **September 14, 2009** 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.

**PAID**

CK. NO. 3382  
DATE 10/9/09 Tripp



**Carson City Business License Division**  
2621 Northgate Lane, Suite #62  
Carson City, Nevada 89706  
(775) 887-2105

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**ADMINISTRATIVE CITATION**

(Carson City Municipal Code Section 4.13.150)

Case Number: 09-7980

Business Name: San Marcos Grill  
Liquor License # 10-24025

Business Address: 260 E. Winnie Ln.

Business Licensee: San Marcos Grill  
Alvaro Brito, Liquor Manager  
260 E. Winnie Ln.  
Carson City, NV 89706

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In the City of Carson City, the following criminal citation was issued to **Hriberto Brito** on **November 13, 2009** 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.

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