

Item # 12B

**City of Carson City
Agenda Report**

Date Submitted: September 7, 2010

Agenda Date Requested: September 16, 2010

Time Requested: 10 minutes

To: Liquor and Entertainment Board

From: Business License Division, Public Works

Subject Title: Action to initiate a show cause hearing against Liquor License #11-27238 (catering portion only), held by Com Productions, LLC and Robert Schmitt dba The Schmitt House located at 4750 Hwy 50 East, Ste 1, pursuant to CCMC 4.13.160. (Sheriff Furlong/Lena Tripp)

Staff Summary: CCMC 4.13.160 provides for an emergency summary suspension by the Sheriff, his designee, or the Board if determined that the continued operation of the licensed premises constitutes a clear and immediate threat to the health, safety, and welfare of the residents of Carson City. On September 2, 2010, the Sheriff summarily suspended Liquor License #11-27238 (catering portion only) based on an event located at 1700 Forrest Way held on August 20, 2010.

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 revoke the catering liquor license (Liquor License #11-27238) held by Com Productions, LLC and Robert Schmitt dba The Schmitt House located at 4750 Hwy 50 East, Ste 1.

Explanation for Recommended Board Action: The Sheriff determined that the event he held was a clear and imminent threat to the health, safety, and welfare of the people and due to this his catering liquor license should be revoked.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13.160

Fiscal Impact: N/A

Explanation of Impact: N/A

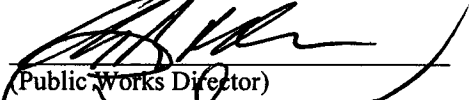
Funding Source: N/A

Alternatives: 1) Take no action

Supporting Material: 1) Order suspending liquor license
2) Letter suspending liquor license
3) Notice of Show Cause Hearing

Prepared By: Lena E. Tripp, Senior Permit Technician

Reviewed By:

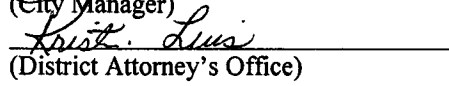


(Public Works Director)

Date: 9/2/10

(City Manager)

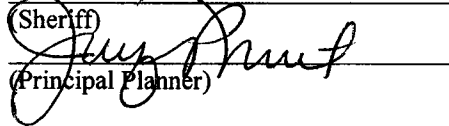
Date: 9/2/10



(District Attorney's Office)

Date: 9/7/10

(Sheriff)



(Principal Planner)

Date: _____

Date: 9.3.10

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)



Carson City Business License Division

108 E. Proctor St.
Carson City, Nevada 89701
(775) 887-2105

ORDER SUSPENDING LIQUOR LICENSE

(Carson City Municipal Code Section 4.13.160)

Liquor License Number: **10-27238**

Business Name: **The Schmitt House**

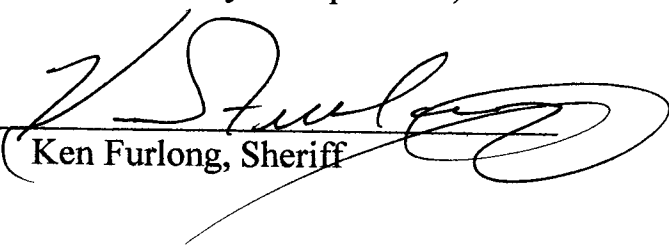
Business Address: **4750 Hwy 50 East, Ste 1**

Business Licensee: **Com Productions, LLC.
Robert Schmitt
4750 Hwy 50 East, Ste 1
Carson City, NV 89701**

On September 2, 2010, I, Sheriff Furlong, determine that, pursuant to section 4.13.160 of the Carson City Municipal Code, the continued operation of the The Schmitt House as a liquor catering licensee constitutes a clear and immediate threat to the health, safety, and welfare of the residents of Carson City. Therefore, I hereby order that the catering liquor license issued to Com Productions, LLC and Robert Schmitt, dba The Schmitt House, is hereby suspended until September 16, 2010, the next scheduled meeting of the Carson City Liquor Board pursuant to Carson City Municipal Code 4.13.160(2).

DATED this 2nd day of September, 2010

By:


Ken Furlong, Sheriff



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
PUBLIC WORKS DEPARTMENT

September 2, 2010

The Schmitt House
Com Productions, LLC.
Robert Schmitt
4750 Hwy 50 East, Ste 1
Carson City, NV 89701

Re: Liquor License #10-27238 (Catering portion only)

Mr. Schmitt:

In accordance with the Carson City Municipal Code, 4.13.160 Emergency Summary Suspension, Sheriff Furlong has immediately suspended the issued catering liquor license on the determination that the continued operation of the licensed premises constitutes a clear and immediate threat to the health, safety, and welfare of the residents of Carson City.

Stated below are the grounds for suspension, per Sheriff Furlong:

On August 20, 2010, the holder of a catering liquor license, Mr. Schmitt, was permitted to hold a concert at his own property located at 1700 Forrest Way, Carson City, NV. Sheriff's Office staff conducted a business check of the event and determined the following:

- The contract security for the event as permitted was not on site.
- Gang graffiti was painted on the interior wall in clear view of all participants at some time before the event began.
- Security personnel (at least one) were identified as known violent documented gang members from the local area.
- No license for the sale of alcohol was on the premise; later retrieved as a catering license.
- The owner described the bar as temporary, yet it was observed as a permanent fixture.
- The owner pledged he was not aware of any gang problems, yet a sign was posted at the entry point "No Guns" and gang graffiti was evident.

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Phone: (775) 887-2105 Fax: (775) 887-2202 buslic@carson.org

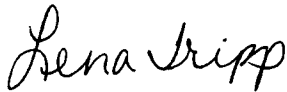


Sheriff Furlong determined that the owner of the license, Com Productions, LLC and Mr. Schmitt, hosted a Rap Concert that was a clear and immediate threat to the health, safety and welfare of the residents of Carson City, based on the information above. Mr. Schmitt knew or reasonably should have known and was well aware or reasonably should have been aware that the concert was catering to gang activities in a warehouse bordering a residential zone, and that it was a clear and immediate threat to the health, welfare, and safety of the community.

This suspension is intended for the liquor catering license held by Mr. Schmitt and is not to effect the license he holds for his business located at 4750 Hwy 50 East, Ste. 1 in Carson City.

This suspension shall remain in effect until the next meeting of the Carson City Liquor Board at which time a show cause hearing will be conducted. The next meeting of the Liquor Board will be held on September 16, 2010 at 8:30a.

Sincerely,

A handwritten signature in cursive script that reads "Lena Tripp".

Lena Tripp
Senior Permit Technician



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
PUBLIC WORKS DEPARTMENT

CARSON CITY LIQUOR BOARD

NOTICE OF SHOW CAUSE HEARING

DATE: **September 2, 2010**

NAME AND ADDRESS OF BUSINESS:

The Schmitt House
4750 Hwy 50 East, Ste 1, Carson City, NV 89701

NAME AND ADDRESS OF LIQUOR LICENSE HOLDER:

Com Productions, LLC.
Robert Schmitt, Liquor Manager
1723 Railroad Dr., Carson City, NV 89701

RE: ORDER TO SHOW CAUSE REGARDING SUMMARY SUSPENSION OF THE CATERING LIQUOR LICENSE FOR COM PRODUCTIONS, LLC. and ROBERT SCHMITT AT THE SCHMITT HOUSE. (LIQUOR LICENSE #10-27238)

Pursuant to Nevada Revised Statute (NRS) 241.033 and NRS 241.034, you are being provided notice that the Carson City Liquor Board may consider your character, alleged misconduct, professional competence, or physical or mental health relating to your liquor license. The Board may also discuss and take administrative action relating to your liquor license. Furthermore, the Board may, without further notice take administrative action against you if the Board determines that such administrative action is warranted after considering your character, alleged misconduct, professional competence, or physical or mental health.

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 September 16, 2010 at **8:30am**. 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 suspended.

The grounds for your liquor license suspension: **The continued operation of the licensed premises as a liquor catering licensee constitutes a clear and immediate threat to the health, safety, and welfare of the residents of Carson City.**

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

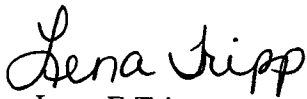
BUSINESS LICENSE DIVISION • 108 E. Proctor Street • Carson City, Nevada 89701
Phone: (775) 887-2105 Fax: (775) 887-2202 buslic@carson.org



The Liquor Board may take action on your liquor license on the hearing date or may take up to 20 days to render a decision as to the liquor license suspension and then give notice to the licensee.

Should you have any questions regarding the meeting date, please call me at (775) 887-2105.

Sincerely,

A handwritten signature in cursive script that reads "Lena Tripp".

Lena E Tripp
Senior Permit Technician



Carson City Business License Division

108 E. Proctor St.
Carson City, Nevada 89701
(775) 887-2105

ACKNOWLEDGEMENT OF RECEIPT OF DOCUMENTS

Liquor License Number: 10-27238

Business Name: The Schmitt House

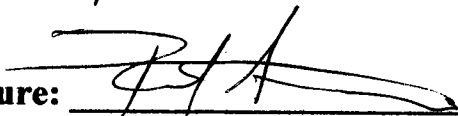
Business Address: 4750 Hwy 50 East, Ste 1

Business Licensee: Com Productions, LLC.
Robert Schmitt
4750 Hwy 50 East, Ste 1
Carson City, NV 89701

I hereby acknowledge the receipt of the following documents from the Carson City Business License Division:

- Letter of Suspension
- Order of Suspension
- Notice of Show Cause Hearing

Date: 9/2/2010

Signature:  mm.
Com Productions, LLC.
Robert Schmitt