

**LIQUOR LICENSE HEARING OFFICER MEETING**  
**Minutes of the February 20, 2013 Meeting**  
**Page 1**

A meeting of the Carson City Liquor License disciplinary process was scheduled for 10:00 a.m. on Wednesday, February 20, 2013, in the Carson City Permit Center, 108 East Proctor Street, Conference Room A, Carson City, Nevada.

**PRESENT:** Sheriff Ken Furlong  
Sergeant Daniel Gonzales  
Detective Sal Accosta  
Kulwant Kaur, Liquor Manager for JM Discount Liquor  
Davinder Singh, JM Discount Liquor

**STAFF:** Lee Plemel, Planning Director  
Joseph Ward, Senior Deputy District Attorney  
Lena Reseck, Business License Division  
Tamar Warren, Deputy Clerk/Recording Secretary

**NOTE:** A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the recording secretary 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.

**A. CALL TO ORDER (10:01:18)** – Mr. Plemel called the meeting to order at 10:01 a.m., and disclosed that he had not had any contact with the public regarding today's agenda topic. He also reviewed the hearing procedures.

**B. PUBLIC COMMENTS (10:03:03)** – Mr. Plemel entertained public comments; however, none were forthcoming.

**C. PUBLIC HEARING: ACTION ITEMS**

**1. ACTION TO SHOW CAUSE AS TO WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN AGAINST JM DISCOUNT LIQUOR, D&k STORES, INC., KULWANT KAUR, LIQUOR MANAGER, LOCATED AT 1501 E. FIFTH ST., LIQUOR LICENSE # 13-26823, DUE TO THE ISSUANCE OF A THIRD OFFENSE ADMINISTRATIVE CITATION OF THE CRIMINAL STATUTE ISSUED BY THE SHERIFF'S DEPARTMENT FOR UNLAWFULLY SERVING A MINOR. (10:03:49)** – Mr. Plemel introduced the item and explained the order in which the case would be presented, and the rebuttal process. Ms. Reseck presented the Agenda Report, incorporated into the record, citing all three offense citations and recommending a \$1,000 fine and further disciplinary action, imposed at the discretion of the Hearing Officer. Sherriff Furlong clarified that upon the issuance of the second citation; Ms. Kaur had had a discussion with the Sherriff's Office and was informed by Detective Accosta of the issues with the Fifth Street establishment. According to Sherriff Furlong, Ms. Kaur had understood the concerns and had stated that a third offense would not take place. He added that this particular business was "one of the most problematic alcohol sales stores that we have in Carson City", and expressed concern that it was not being run efficiently. The Sherriff also recommended that the store located at 1501 E. Fifth Street be fined the \$1,000 and "be closed for a period of not less than one week, but an additional day imposed for each violation of alcohol server training that she has failed to comply with". Sgt. Gonzales detailed all three instances during which the offenses had taken place, noting that on August 24, 2012 when the officers had entered the establishment, a strong odour of marijuana had emitted from the store, which had been confirmed by a K9 officer. The employee had suggested that a previous customer could have emitted that odour and had informed the officers that he had not attended alcohol server training. Detective Accosta noted that the employee was Ms. Kaur's son, and that he was on probation with the City, via alternative sentencing. Sgt. Gonzales indicated that the second offense had taken place on October 27, 2012, when decoys had been able to purchase alcohol from the establishment. He stated that the stocking clerk had been disruptive because he had recognized Detective

**LIQUOR LICENSE HEARING OFFICER MEETING**

**Minutes of the February 20, 2013 Meeting**

**Page 2**

Accosta as his arresting officer for DUI and drugs within the year; therefore, he was asked to leave the store. It was also noted that the cashier, who was on probation, had not attended alcohol server training. Sgt. Gonzales clarified that when officers enter an establishment, at least one of them always wears identifiable clothing. He also stated that on February 2, 2013, decoys had been able to purchase alcohol from a clerk who was also on probation, and had not attended alcohol server training, even though it was offered in November and January, adding that these dates were “readily available” to the business owner during the license renewal process. In response to a question by Mr. Plemel, Ms. Reseck clarified that she had researched this business’ server training to find out that no one had attended such training within the past year, adding that each administrative citation would detail by when the training must be completed. Sherriff Furlong believed that they had exhausted every opportunity to assist this business in operating in a manner conducive to health and safety standards. Mr. Ward received confirmation that all three citations were part of the record.

(10:16:53) – Ms. Kaur noted that her employees had attended classes and that she had brought copies of the server training certificates. She explained that she had fired the employees in question, except one who had attended the classes. She also stated that her son had been “moved” and was no longer there. Sgt. Gonzales noted that he was not familiar with the institution providing the training, explaining that the acceptance of these certificates was at the discretion of the Sherriff. Sherriff Furlong expressed concern over the seriousness of the situation, stating that Ms. Kaur had only acted upon the training after the third citation was issued. Ms. Kaur stated that she is in the store daily “from 7 until 9” and emphasizes that her employees check identification, adding that she had done what she was asked to do. Mr. Plemel received confirmation that prior to the third citation, no employees had received server training, even though that was a requirement with the two previous citations. Ms. Kaur protested that the server training classes were not available; however, Detective Accosta reminded her that each time a citation was issued; a class was available afterwards, citing November and January classes.

(10:29:01) – Mr. Plemel entertained additional comments. Sherriff Furlong reiterated his recommendation of the maximum fine of \$1,000 and having the establishment at 1501 E. Fifth Street be closed for a week, plus an additional day per citation, totalling an 11-day closure. Mr. Plemel entertained public comments. Davinder Singh, the business owner, explained that he had owned liquor stores for 14 years without receiving a citation. Ms. Kaur called this store careless, and an exception. Mr. Plemel closed the public hearing, noting that a similar situation of three violations does not “come up very often in Carson City”, adding that the business had not complied with the first two citations. He noted that his decision was to impose the \$1,000 fine and the suspension of the business’ liquor license for 11 days, based on the Sherriff’s recommendation. Mr. Plemel also explained to Ms. Kaur the appeals process to the Board of Supervisors within 15 days. Sherriff Furlong clarified that a suspension of a liquor license meant locking the business doors during the entire 11 days, or removing all alcohol products from the store for that duration. He suggested Ms. Kaur close the business for that time period.

**D. ADJOURNMENT** (10:38:10) – The meeting was adjourned at 10:38 a.m.

The Minutes of the February 20, 2013 Carson City Liquor License Hearing Officer Meeting are respectfully submitted this 18<sup>th</sup> day of March, 2013.

ALAN GLOVER, Clerk - Recorder

By: \_\_\_\_\_  
Tamar Warren, Deputy Clerk/Recording Secretary