



STAFF REPORT

Report To: Liquor and Entertainment Board **Meeting Date:** January 19, 2023

Staff Contact: Heather Ferris, Planning Manager

Agenda Title: For Discussion Only: Presentation and discussion regarding the Liquor Hearings Officer's 2022 Annual Report. (Heather Ferris, hferris@carson.org)

Staff Summary: Carson City Municipal Code ("CCMC") Chapter 4.13, which establishes the Liquor Board and Liquor Licensing and Sales ordinance provisions, allows the Liquor Board to appoint a hearings officer who has the authority to review, approve, approve with conditions or disapprove liquor license applications. CCMC 4.13.150 requires the hearings officer to prepare and present an annual activity report to the Liquor Board. The report must include the disciplinary actions and penalties resulting from the hearings officer's decisions as well as the administrative citation process. This item includes a report on liquor licenses approved in 2022 as well as compliance checks.

Agenda Action: Other / Presentation **Time Requested:** 5 minutes

Proposed Motion

N/A

Board's Strategic Goal

Safety

Previous Action

N/A

Background/Issues & Analysis

The Liquor Board granted liquor license approval authority to a Liquor Hearings Officer in 2017. The Liquor Hearings Officer schedules and conducts an administrative hearing when the Business License Division receives liquor license application. Liquor license administrative hearings are scheduled as needed to accommodate applicants. The Community Development Director, Hope Sullivan and the Planning Manager, Heather Ferris are the appointed Liquor Hearings Officers.

Hearings Officer Annual Report 2022:

In 2022, the Hearings Officer held 8 meetings in which 21 liquor licenses were approved, of which 12 were existing businesses with changes to ownership, liquor manager or business location. Licenses were approved for the following businesses:

- Carson City Grocery Outlet Bargain Market, 2100 E William St, change of location
- Flavors of India, 240 E Winnie Ln, new beer/wine license
- The Beer Studio LLC , 1223 S Carson St, new package liquor license
- The Country Store LLC, 3389 Hwy 50 E, change of ownership package liquor
- La Capital Café and Grill, 1795 E College Parkway Ste 100, new hard liquor license

- Nashville Social Club Carson City, 1105 S Carson St, new hard liquor license
- Miami Vibes, 248 E Winnie Ln, new tavern/bar license. This approval was granted to a different owner and subsequent to the denial noted below.
- Pizza Factory, 3120 Hwy 50 E, change of ownership beer/wine license
- Panda Kitchen and Sushi, 1986 E William St, change of ownership beer/wine license
- China Palace, 3135 Hwy 50 E, new beer/wine license
- Cowboys Liquor, 444 E William St #5, change of ownership package liquor
- Lucky Tavern, 444 E William St #8, new hard liquor license
- Lucky Strike, 2811 N Carson St, change of location hard liquor license
- Birdhouse Group LLC, 402 E Telegraph, new catering license
- Mariscos Nayarit LLC, 1301 N Carson St, new hard liquor license
- Glen Eagles, 3700 N Carson St, change of liquor manager
- Eagle Gas, 2152 N Carson St, change of ownership package liquor license
- Jimmy G's Cigar Bar, 301 N Carson St, change of ownership hard liquor license
- Eagle Gas and Food, 1360 S Carson St, change of ownership package liquor license
- Living the Good Life Music and Lounge, 507 N Carson St, change of location
- Ming's Restaurant LLC, 2330 S Carson St, change of ownership hard liquor license

The Hearings Officer did not conduct any hearings related to revocation, but denied two new applications due to the fact that the Sheriff's Office did not recommend approval for a liquor license.

Denied Applications include:

- Miami Vibes, 248 E Winnie Ln Ste 448 was denied because the applicant failed to complete the background investigation. As noted above, a liquor license was subsequently approved for Miami Vibes under new ownership.
- Don Jose Bar and Grill, 1301 N Carson St was denied because the business had closed and ceased operations before the background check was completed. Subsequently, the restaurant has been leased by another entity and is now operating with an approved liquor license.

Alcohol Server Compliance Checks:

Alcohol server compliance checks were conducted in January and November of 2022. A total of 36 businesses were subject to compliance checks, and 8 businesses failed and were issued citations.

In addition to a misdemeanor citation for the violating server, six of those citations resulted in an administrative citation, a \$100 fine that was imposed on the business for a first offense. Two of the criminal citations were the result of a repeated failure of the compliance checks, these businesses were given a second offense administrative citation, a \$500 fine reserved for a second offense.

First Offense Administration Citations were issued for the following businesses:

- Eagle Gas, 2152 N Carson
- 7 – Eleven, 3838 Hwy 50 E
- AM PM Arco, 2707 Hwy 50 E
- Ben's Fine Wine, 3777 N Carson St Ste 105
- Rand Avenue Convenience Store, 1800 E William St #12 & #14
- Smith's #356, 599 E William St

Second Offense Administrative Citations were issued for the following businesses:

- Cowboys Liquor, 444 E William Ste 5
- Eagle Gas, 2152 N Carson St

A third offense results in a \$1,000 fine for the business and an administrative hearing, at which time the Administrative Hearings Officer may also suspend or revoke a license and/or impose additional conditions of approval.

For comparison, in 2021 a total of 116 businesses were subject to compliance checks, and 31 businesses failed the check and were issued citations.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC Chapter 4.13

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

N/A

Attachments:

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)