

Hem #3

**CARSON CITY
LIQUOR & ENTERTAINMENT BOARD AGENDA REPORT**

Date Submitted: 06-12-07

Agenda Date Requested: 06-21-06
Agenda Time Requested: One Hour

To: Mayor, Supervisors and Sheriff/Liquor Board

From: District Attorney's Office

Subject Title: Action based upon the investigation conducted by the Sheriff's Department, and evidence and testimony presented at the Show Cause Hearing to determine whether grounds exist to revoke the liquor license or to take other action on the liquor license issued to Bhupinder Lally, dba Winnie Liquor, and if so, action to direct the District Attorney to prepare an order for revocation.

Staff Summary: This is the time and place set by the Liquor Board to hear and consider evidence and testimony on whether to issue a revocation order of the liquor license held by Bhupinder Lally. Since the order to Show Cause is a directive to the Mr. Lally as to why the license issued by the Liquor Board should not be revoked the Board, Mr. Lally should present his case first. Mr. Lally or a representative may make an opening argument followed by the Deputy District Attorney's opening argument. Mr. Lally or a representative may then present witnesses and their witnesses will then be subject to cross examination. The Deputy District Attorney will then present witnesses who will be subject to cross examination. The Board can then entertain closing argument from each side and make its decision.

Type of Action Requested: (Check One)

- Resolution
- Formal Action/motion
- Ordinance
- Other (Specify)

Recommended Board Action: I move to determine, based upon the investigation conducted by the Sheriff's Office and the evidence and testimony presented at the show cause hearing that grounds exist to revoke the liquor license issued to Bhupinder Lally, dba Winnie Liquor, and move that the Liquor and Entertainment Board request the District Attorney to prepare for the Mayor's signature an Order of Revocation. This motion is based upon the grounds that the evidence and testimony presented demonstrates that the acts or the failure to act by Mr. Lally in connection with the operation of Winnie Liquor has created or tended to create or constitute a public safety hazard because Winnie Liquor employees have violated prohibitions on selling liquor or providing liquor to individuals under twenty-one (21) years of age.

Alternative Board Action No. 1: The Liquor Board acting within its discretion may temporarily suspend the liquor license, order employees to take liquor training, limit the hours of sale of liquor, require Mr. Lally or a qualified manager to be present during hours of liquor sales while Mr. Lally completes the sale of Winnie Liquor rather than order a revocation.

Alternative Board Action No. 2: The Liquor Board acting within its discretion may determine there was a violation law, but grounds do not exist requiring the Board to revoke, suspend and/or alter the conditions of the liquor license issued to Mr. Lally.

Explanation for Recommended or Alternative Board Action: The Liquor Board will need to consider all the evidence, testimony and argument presented at the hearing in order to make its discretionary decision.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 369.230, NRS 344.350, CCMC 4.13.030, 4.13.150, 4.13.190, 4.13.200