City of Carson City Agenda Report

Date Submitted: April 8, 2008 Agenda Date Requested: April 17, 2008

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Development Services/Business Licenses

Subject Title: Action to conduct a show cause hearing for disciplinary action pursuant to CCMC 4.13.140, Revocation of Liquor License, and 4.13.150, Revocation Procedure, regarding Liquor License No. 08-00023400 held by Kil Ye (Katie) Chew for Katie's Bar, based upon the protection of the public's health, safety and welfare, and possible action to suspend or revoke the liquor license.

Staff Summary: The Liquor Board can take disciplinary action at a show cause hearing regarding a liquor license after notice has been served. The Sheriff's Office will present documentation and grounds for the license's revocation at the Liquor Board meeting as to why the subject liquor license should be revoked regarding the protection of the public's health, safety and welfare.

Type of Action Requested:

(X) Formal Action/Motion

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to revoke the liquor license for Kil Ye (Katie) Chew for Katie's Bar, 3481 Hwy 50 East, Carson City, NV 89701, License No. 08-00023400, based on the evidence presented at the show cause hearing which establishes that the continued issuance of this license is detrimental to the public's health, safety and welfare interests, given the numerous calls to the Sheriff's Office and sales of liquor to person(s) under 21 years of age, pursuant to CCMC 4.13.140 (1-9).

I move to suspend the liquor license for Kil Ye (Katie) Chew for Katie's Bar, 3481 Hwy 50 East, Carson City, NV 89701, License No. 08-00023400 for _____ days, based on the evidence presented at the show cause hearing which establishes that the continued issuance of this license is detrimental to the public's health, safety and welfare interests, given the numerous calls to the Sheriff's Office and sales of liquor to person(s) under 21 years of age, pursuant to CCMC 4.13.140 (1-9).

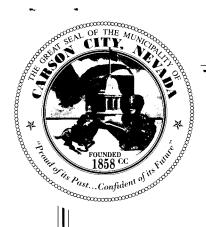
Explanation for Recommended Board Action: The Liquor Board may take disciplinary action at a show cause hearing to revoke or suspend a liquor license pursuant to procedural requirements of CCMC 4.13.150.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 242.033 and .034, CCMC 4.13.030, Powers and Duties of the Liquor Board, 4.13.140, Grounds for Revocation of the Liquor License, and 4.13.150, Revocation Process-Liquor License.

Fiscal Impact: N/A

Alternatives: 1) Refer the matter back to Staff 2) Take no action	for further review	
Supporting Material: Staff Report including	Sheriff's Office memo	
Prepared By: Rose Mary Johnson, Management Assistan	t III	
Reviewed By:	Date:	
(Ken Fyrlong, Sheriff) (Waster Sullivan, Development Services Director) (Larry Werner, City Manager) (District Attorney's Office)	Date: 4/8/08 Date: 4-8-08	
Board Action Taken: Motion:	1)	Aye/Nay
	2)	
(Vote Recorded By)		

Explanation of Impact: N/A



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL DEVELOPMENT SERVICES

CARSON CITY LIQUOR BOARD NOTICE OF SHOW CAUSE HEARING

DATE: April 3, 2008

NAME AND ADDRESS OF BUSINESS: Katie's Bar

3481 Hwy 50 East, Carson City, NV 89701

NAME AND ADDRESS OF LIQUOR LICENSE HOLDER:

Kil Ye Chew

4026 Furnace Creek Rd., Carson City, NV 89706

RE: ORDER TO SHOW CAUSE REGARDING REVOCATION OF LIQUOR LICENSE FOR KIL YE CHEW AT KATIE'S BAR (LIQUOR LICENSE #08-00023400)

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 of April 17, 2008 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 revoked.

The grounds for your liquor license revocation are: See attached Sheriff's Office memos.



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

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 revocation and then give notice to the licensee.

Should you have any questions regarding the meeting date, please call Walter Sullivan, Development Services Director, at 887-2310 x1001 or email him at wsullivan@ci.carson-city.nv.us. A copy of the liquor license revocation process as contained in the Carson City Municipal Code is enclosed.

Sincerely,

Walter A. Sullivan, AICP

Tolter a. Sullivan

Director

enclosures



Memorandum

"Action, Urgency, Excellence"

To:

Carson City Liquor Board

From:

Lieutenant Robert White

Date:

April 2, 2008

Subject:

Request for Suspension/Revocation of Liquor License

Katie's Bar

The Carson City Sheriff's Office is requesting the Carson City Liquor Board review the conduct surrounding Katie's Bar and either suspend or revoke the liquor license belonging to Ms. Chew for her failure to maintain a safe business for the community. The request is based on the safety and welfare of the community using data from the past year along with the most recent case in which two individuals were stabbed in the parking lot of the bar. The time period selected for a review of calls for service is February 2007 to February 2008. Four additional bars were selected and identified in the attached bar graph as bars A, B, C, and D. These bars were randomly selected from different areas within the city and comparable to the size and type of business Katie's Bar performs. All calls for service which were not related to some type of public safety and welfare were removed for consideration. The Carson City Sheriff's Office was called for service at Katie's Bar 36 times. Bar A had 33 calls for service, Bar B had 16 calls for service, Bar C had 20 calls for service and Bar D had 3 calls for service.

Katie's Bar led calls for service in all but one category (subject stops). Katie's Bar has had the most calls for service for the three most often calls related to bar operations, fights, noise complainants and intoxicated subjects. Katie's Bar was the only bar of the five listed to sell alcohol to a minor in a one year period during the UDEL Compliance Checks conducted by Deputy Adams. Each one of these calls resulted in a minimum of two deputies' responding and not available to conduct active patrol duties within the community.

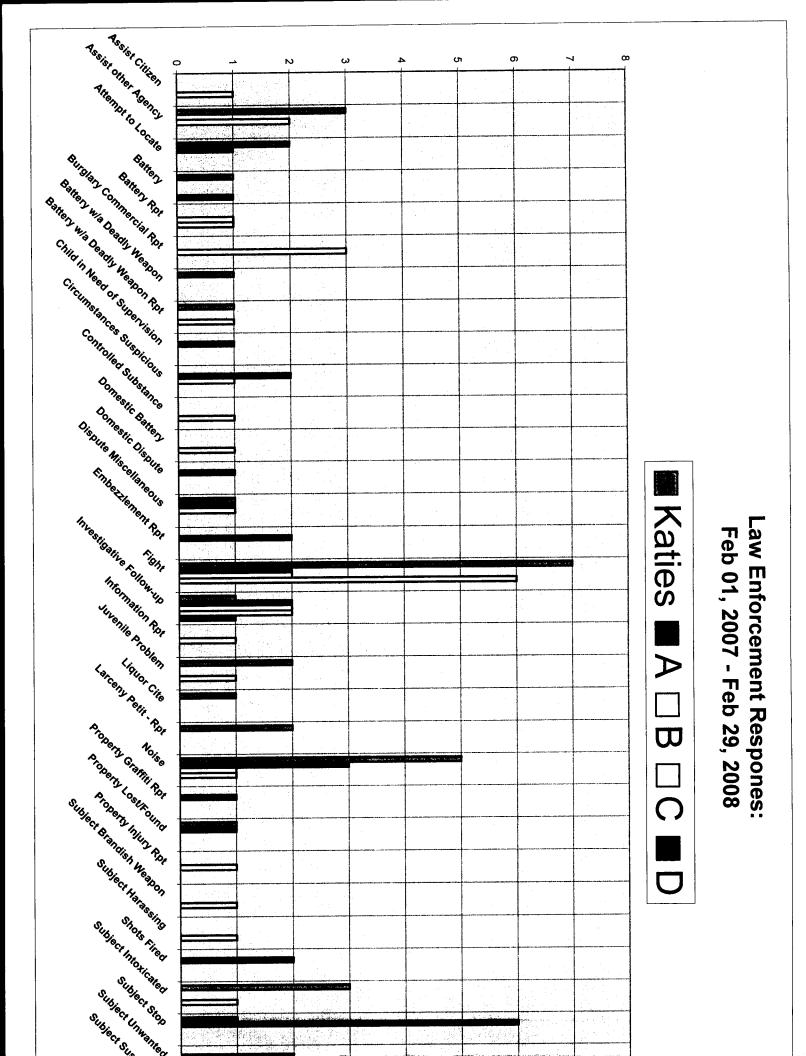
On February 17, 2008, at approximately 0300 hours, the Carson City Sheriff's Office was dispatched to the Regional Medical Center reference two individual who had been stabbed. Carson City Sheriff's Deputies arrived at the hospital and learned the stabbing took place in the parking lot of Katie's Bar. Once the crime scene was located at the bar officers searched the scene and found small blood stains on the steps and the front entry to the bar. This evidence would indicate that the suspect may have entered the bar sometime before or after the stabbing. It should be noted there was no call to law enforcement and no report of any problem from Ms. Chew. When officers arrived she claimed she did not know anything happened in the parking lot of the bar. Detectives were talking to witnesses and attempting to determine the facts of the stabbing.

They asked about any video surveillance equipment in an attempt to determine if the stabbing was captured on tape or a suspect could be identified. Ms. Chew told detectives the video equipment did not work and when they asked to inspect the equipment she gave them excuses as to why they could not inspect the office. Once the detectives entered the office they discovered an individual hiding in the office. This individual was later arrested for a Probation Violation. The individual was ruled out as a possible suspect.

Conclusion:

The Carson City Sheriff's Office understands there is no statutory requirement for people to report crimes to law enforcement; however our community does hold bar owners to a higher standard then the average person and would expect some type of call when there is a problem. We would also expect the utmost cooperation in determining the facts of the case and gathering all pertinent evidence. Ms. Chew failed to assist in any type of investigation and actively attempted block detectives ability to effectively investigate a dangerous crime on her premises. Based on all the all data available for the past year and her actions on February 17, 2008, Ms. Chew placed on scene officers in danger and failed to consider the health, safety and welfare of the community. Therefore we respectively request you consider suspension or revocation of Ms. Chew's liquor license.

Robert S. White. Lieutenant Detective Division Commander Carson City Sheriff's Office (775) 887-2020 ex: 41401



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Call Definitions	▲ Call Type	Katies)
Assist Citizen	AC	0	0	0	1	0
Assist other Agency	AOA	3	0	2	0	0
Attempt to Locate	ATL	2	1	0	0	0
Battery	BAT	1	0	0	0	1
Battery Rpt	BATR	0	_0	1	1	0
Burglary Commercial Rpt	BCR	0	0	3	0	0
Battery w/a Deadly Weapon	BDW	1	0	0	0	0
Battery w/a Deadly Weapon Rpt	BDWR	1	0	0	1	0
Child in Need of Supervision	CHINS	0	1	0	0	0
Circumstances Suspicious	CIRCS	0	2	1	0	0
Controlled Substance	CS	0	0	0	1	0
Domestic Battery	DB	0	0	0	1	0
Domestic Dispute	DD	0	1	0	0	0
Dispute Miscellaneous	DM	1	1	1	0	0
Embezzlement Rpt	EMBEZR	0	2	0	0	0
Fight	FIGHT	7	2	2	6	0
Investigative Follow-up	IF	1	2	2	2	1
Information Rpt	INFOR	0		1	0	C
Juvenile Problem	JP	2	0	0	1	C
Liquor Cite	LICL	1	0		0	C
Larceny Petit - Rpt	LPTR	2	0		0	C
Noise	NOISE	5	3		1	
Property Graffiti Rpt	PGR	0	1	0	0	(
Property Lost/Found	PLF	1	1	0	0	(
Property Injury Rpt	PIR	0			0	(
Subject Brandish Weapon	SBW	C			1	(
Subject Harassing	SH	C			1	(
Shots Fired	SF	C				(
Subject Intoxicated	SI	3				(
Subject Stop	SS	1	1			
Subject Unwanted	SU					
Subject Suspisicous	SUBS	(<u> </u>	<u></u>	(
Threats	ТН	(
Subject Weapon	SW	2				
Unknown	UNK					
Vehicle Parking Problem	VP	(0		
Vehicle Theft Recovery	VTL	(0		
Welfare Check	WCK	<u>_</u>	2	. 0	0	
		[/_+!	TA	В	IC	TD .
		Katies	A		20	

Total calls

(2/29/2008) Walter Sullivan - Fwd: Katie's Bar

From:

Jarrod Adams

To:

WSullivan@ci.carson-city.nv.us 2/27/2008 10:25 AM

Date: Subject: Fwd: Katie's Bar

Attachments: Katie's Bar

We had one failed compliance check on 11/28/07.

4.13.140 Revocation of license.

Any of the following conditions or occurrences are grounds for revocation of a license:

1. Failure of the licensee to promptly pay the quarterly fee;

2. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which would be a violation of a state or federal criminal statute or a Carson City criminal ordinance;

3. Any violation of the terms or conditions of a license;

4. Any misrepresentation made in an application for a liquor license;

- 5. Employment of any person under the age of 21 years in the business of selling or otherwise disposing of liquor, except when such person is 17 years old or older selling or disposing of packaged liquor only and working under direct supervision of a responsible person who is 21 years or older and is physically present on the premises;
- 6. Any act or failure to act by the licensee or its agents or employees in connection with the operation of the liquor business which creates or tends to create or constitute a public nuisance, or which fosters the maintenance of a disorderly house or place;

7. Refusal or neglect to comply with any provisions of this chapter;

8. Selling or giving away liquor to any person under the age of 21 years;

9. Any act or failure to act by the licensee which the board determines is detrimental to the public health, safety and welfare. (Ord. 1978-30 § 1 (part), 1978).

4.13.150 Revocation procedure.

- 1. The liquor board may, on its own motion or upon the sworn complaint in writing of any person, investigate the conduct of any licensee under this chapter to determine whether grounds for revocation of a license exist. The board may request the assistance of the licensee in such an investigation.
- 2. After an investigation, if it appears that a ground for revocation exists, the liquor board shall issue and cause to be served on the licensee an order to show cause why his/her license should not be revoked. Said order shall contain:
- a. A statement directing the licensee or licensee's representative to appear before the liquor board at a time and place set out therein which shall be not less than 10 days from the date of service of said order to show cause on the licensee;

b. A brief statement of the grounds for revocation:

c. A statement that the licensee shall have an opportunity to be heard, present witnesses and confront any witnesses against him.

- 3. Service on the licensee shall be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the license or by mailing a copy of the order by registered mail with return receipt to the place of business of the licensee, which is specified in the license.
- 4. At the hearing on the order to show cause, the licensee and the complainant, if there is one, may be represented by attorneys, present testimony, and cross-examine witnesses. If the hearing is pursuant to a complaint, the complainant must also be present.

5. Within 20 days after the hearing, the liquor board must render its decision as to revocation and give notice thereof to the licensee. A majority of those members present at the hearing must be agreed in order to direct a revocation.

6. Any person who has had his/her license revoked may reapply for a license after 6 months after the revocation order, but a new license may only be issued by a unanimous decision of all members of the board. (Ord. 1978-30 § 1 (part), 1978).

4.13.160 Exception to revocation procedure.

If, upon investigating grounds for revocation of a license, the liquor board is unanimously agreed that public health, safety or morals will be endangered by the continued existence of the license, it may without notice suspend the license at once and direct the sheriff to close the licensee's liquor business. However, an order to show cause, as set out, shall also be served on the licensee at once, and the procedure thereafter shall be in accordance with the revocation procedure. (Ord. 1978-30 § 1 (part), 1978).



901 E Musser St. Carson City, NV 89701 775-887-2500 Fax: 775-887-2026

To: Liquor Board

From: Carson City Sheriff's Office

Re: Liquor License Application

Katies Cocktail Lounge Kil (Katie) Ye Chew

The Sheriff's office has conducted a background investigation on the above applicant for a liquor license, and has found the following;

- Background of premises: The applicant has applied for a liquor license where she is purchasing an existing cocktail lounge. The business is currently in operation as Fairl's Country Lounge and is located at 3481 Hwy 50 E. Under new ownership it will be operated as Katies Cocktail Lounge.
- <u>Financial arrangements:</u> Kil Ye Chew will be investing \$100,000 for the purchase of the business. The \$100,000 will be financed through a Re-finance of her home at a percentage rate of 9%. Monthly payments will be \$2700 with an additional lease payment of \$3000. Kil Ye Chew will have 100% ownership.
- <u>Method of operation:</u> Three persons will be employed and hours of operation will be 24 hours a day, 7 days a week. There will be full bar liquor sales, entertainment, 14 gaming machines and pre-packaged snacks on the premises.
- Results of background: The Sheriff's Office completed a background investigation on Kil Ye Chew and found her to have a valid Nevada driver's license. Ms. Chew was cited in 2005 by the Carson City Sheriff's Office for serving alcohol to a minor. She was fined \$300. No other criminal history was uncovered. In regard to Ms. Chew's financial history, she declared bankruptcy in April of 2005 and currently has several delinquent accounts. Character reference received was favorable.

Investigator

Elizabeth Martin, Management Assistant

Detective Division

Date July 17, 2006

CITY OF CARSON CITY LIQUOR LICENSE APPLICATION

BL: 06-23399

201 N Carson Street #5 Carson City, NV 89701 (775)887-2092 #2 fax (775)887-2102

Full Name of Applicant(s)	ye (KATIE)	Chew	Account # <u>06 - 234</u> 00
Corporate Name)		
	Lockfail Lo	wge_	Date Filed 6/27/06
Business Location 3481 Hwy		°C.	Business Phone <u>775 - 885 - 76</u> 7
Mailing Address Sane			Home Phone 775-291 - 8886
Date Liquor Sales will start?	2 2006.	Management Agr	
Type of Liquor Sales (Check all that apply)	r	☐ Dining room w☐ Wholesaler☐ Manufacturer	/beer & wine
☐ Packaged beer &		☐ Additional Bar	(s) @ location (#) ged & on-premise liquor license
List ALL owners, partners or corporation of the location of th	te officers below:	Furnaco Ci	L CCNV 291-8884.
Name & Title	Address		Phone #
Name & Title	Address	<u> </u>	Phone #
Name & Title	Address		Phone #
Are you familiar with Nevada Liquor Have you ever obtained a liquor licen	Laws?	□ no □ no If yes,	where? <u>@C nV</u>
Non-Refundable Investigation Original New Application Fee Liquor License Per Quarter		Date P Date P Date P	aid 6/27/06
<u>CERTIFICATION:</u> I hereby certify that the a liquor license, if approved, may not be transf Board. I further understand the investigation	ferred to any other pers period may be forty-fi	son or to any other love ve (45) days or longe	cation, without prior approval by the Liquor r for processing.
Signature Lily	rd	D	ate 10/27/06 ate
Signature/		D	ate
Signature		D	ate
Witnessed by:		D	ate
	SHERIFF'S DEPA 901 E Musser St. Cars (775)887-2	son City, NV 89701	ONLY ====================================
Date Applicant Fingerprinted	By		File #
Date Applicant Fingerprinted	$\mathbf{B}\mathbf{y}$		File #
Date Applicant Fingerprinted	By		File #