

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD
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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors session on Thursday, June 21, 2007, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, that began at 8:30 a.m.

PRESENT: Chairperson Marv Teixeira, Vice Chairperson Richard S. Staub, and Board Members Robin Williamson, Shelly Aldean, Pete Livermore, and Ken Furlong

STAFF PRESENT: Linda Ritter City Manager
Alan Glover Clerk-Recorder
Al Kramer Treasurer
Sue Johnson Finance Director
Andrew Burnham Public Works Director
Steve Albertsen Undersheriff
Melanie Bruketta Chief Deputy District Attorney
Ken Arnold Public Works Operations Manager
Cheryl Adams Purchasing and Contracts Manager
Steve Schutte Chief Deputy Sheriff
Ed Oueilhe Senior Deputy District Attorney
Jay Ahrens Senior Project Manager
Dustin Boothe Disease Investigator
Katherine McLaughlin Recording Secretary
(BOS 6/21/07 Recording 8:50:16)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed after the Department's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

Mayor Teixeira recessed the Board's of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board is present, including Member Furlong, constituting a quorum. For Minutes of the Board of Supervisors, see its folder for this date.

ACTION ON APPROVAL OF MINUTES - 5/17/07 (8:50:30) - Member Williamson moved to approve the Minutes for the Carson City Liquor and Entertainment Board for May 17, 2007. Member Livermore seconded the motion. Motion carried 6-0.

3. DISTRICT ATTORNEY - Senior Deputy District Attorney Ed Oueilhe -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

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PREPARE AN ORDER FOR REVOCATION (8:51:25) - Bhupinder Lally's Attorney Paul Quade, Deputy Sheriff Jarrod Adams, Phil Haskins, Bhupinder Lally - Mr. Oueilhe's introduction included protocol for the meeting, Mr. Quade requested a delay in the proceedings to allow him time to prepare for the hearing. Discussion noted that Mr. Quade had delayed leaving on vacation in order to attend the meeting. He assured the Board that if a delay is granted, no more alcohol will be sold to minors. Changes which have been made at the establishment to insure that sales to minors will not occur were explained. He also indicated that Mr. Lally had attended the Sheriff's server training. The business is his livelihood. Mr. Lally is trying to comply with the laws, terms and conditions of his license. Discussion indicated that the request is for a 30-day delay to provide time for Mr. Quade to have the "witnesses prepared" and address the allegations.

Mr. Queilhe reminded the Board that the sale of liquor to minors and its consumption by minors are serious matters. Mr. Lally had attended the May 17 Board meeting and did not dispute the facts. He had not been at the establishment when the incidents occurred due to other commitments. He had also indicated that he was attempting to sell the business. The Board granted Mr. Lally 34 days to consummate that sale. There was a pending sale at that time. A second party had also expressed an interest in acquiring the business. Chairperson Teixeira expressed his desire for there to be open communication lines between the staff and Mr. Lally/his representative to find a workable solution.

Discussion between Member Aldean and Deputy Adams indicated that additional compliance checks had not been made at the establishment. Member Aldean opined that the gentleman who had intended to acquire the business was unsuitable according to the information that was provided in and on his application. She acknowledged that his unsuitability created a hardship for Mr. Lally. She understood that Mr. Lally has attended the Sheriff's server training classes. Deputy Adams agreed that Mr. Lally had attended the classes. Member Aldean explained her need to consider Mr. Lally's earnestness in rectifying the situation.

Member Furlong advised that alcohol compliance checks have not been taken out of sequence. He disclosed his personal observation of the business. He had observed that Mr. Lally does have customers who are minors. He believed they were residents of the adjacent apartment complexes. Chairperson Teixeira pointed out that Member Furlong's comments are his observations and not facts. Discussion between Member Aldean and Mr. Quade indicated that the original sale had fallen through. There is another potential buyer. The continuance will allow them to pursue a sale to that individual.

Mr. Haskins indicated that he had spoken at the first hearing. He is negotiating with Mr. Lally, however, has been out of town. His attorney is with Hale, Lane and is drafting the papers. He hoped to be in escrow soon. This should resolve the matter. His business plan is to have a deli as well as the current items. He also indicated that he has a number of businesses "here in the area". He does not have a liquor license but has been in the entertainment field for 30 years. He will try to obtain a liquor license. He will apply as soon as he is in escrow. He still must look at the lease. He represented to the Board that he is in serious negotiations. Discussion between Mr. Haskins and Chairperson Teixeira indicated Mr. Haskins' belief that the negotiations were "90% there". He had accepted a counter offer. The offer needs to be committed

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to paper. Mr. Quade indicated that he had not discussed the matter with Mr. Haskins. His information, however, indicated that there is a very high probability that they will work out a deal. He then asked for a clarification based on procedural concerns regarding the request for a continuance. This will be the one and only continuance request that they will make. Chairperson Teixeira indicated that this will be the only one that the Board will grant.

Discussion between Member Furlong and Mr. Haskins explained that Mr. Haskins had not applied for a liquor license as Mr. Parkhurst was in escrow with Mr. Lally and Mr. Haskins did not wish to interfere with that process. Mr. Haskins has never held a liquor license before.

Mr. Lally explained that he had contacted the property owner. They have terminated Mr. Parkhurst's lease and reinstated Mr. Lally's license. He has a five-year lease with a five-year renewal option.

Chairperson Teixeira expressed his willingness to grant a 30-day continuance based on Mr. Lally's being proactive when caught in a sting. Mr. Lally has terminated the manager and his son. A deal must be in place during that time. Board comments were solicited but none were made.

Member Staub moved to continue the show cause hearing regarding the revocation of a liquor license issued to Bhupinder Lally, dba Winnie Liquor, for 30 days. Member Livermore seconded the motion. Chairperson Teixeira suggested that the continuance be to the second meeting in July. Member Staub amended his motion to be to the second meeting in July 2007. Member Livermore concurred. Additional comments were solicited but none were given. The motion was voted and carried 4-2 with Members Furlong and Williamson voting Naye. Chairperson Teixeira reiterated that another continuance should not be requested. Clarification of the vote indicated that it was 4-2 with Members Furlong and Williamson voting Naye.

There being no other business for the Liquor and Entertainment Board, Chairperson Teixeira adjourned the meeting.

The Minutes of the June 21, 2007, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON August 2, 2007.

/s/
Richard S. Staub, Mayor Pro-Tem

ATTEST:

/s/
Alan Glover, Clerk-Recorder