

Liquor and Entertainment Board DRAFT minutes for the following dates are included in this section;

November 6, 2008 – Regular Meeting

December 4, 2008 – Regular Meeting

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD
Minutes of the November 6, 2008 Meeting

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, November 6, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Marv Teixeira
Vice Chairperson Richard Staub
Member Shelly Aldean
Member Ken Furlong
Member Pete Livermore
Member Robin Williamson

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Walter Sullivan, Development Services Director
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, 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.

CALL TO ORDER AND ROLL CALL (8:35:17) - Chairperson Teixeira convened the Liquor and Entertainment Board. All members were present, including Member Furlong, constituting a quorum.

ACTION ON APPROVAL OF MINUTES - September 18, 2008 (8:35:35) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 5-0.

3. DEVELOPMENT SERVICES - BUSINESS LICENSE

3(A) ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE ONLY LIQUOR LICENSE FOR THOMAS THE NGUYEN DBA PHO COUNTRY, LOCATED AT 2495 NORTH CARSON STREET, CARSON CITY (8:36:05) - Development Services Director Walter Sullivan introduced this item, and referred to the agenda materials.

(8:36:45) Thomas Nguyen introduced himself for the record. Sheriff Furlong acknowledged having completed the background investigation with no objections. Mr. Nguyen acknowledged understanding of the responsibility to ensure no liquor would be served to minors, and that his staff would be required to attend the Sheriff's Office servers education class.

Chairperson Teixeira entertained a motion. **Member Aldean moved to approve a dining room with beer and wine only liquor license for Thomas Nguyen, dba Pho Country, located at 2495 North Carson Street, Carson City, including the non-refundable investigation fee of \$500; additionally all sellers or servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or this approval. Member Livermore seconded the motion.** In response to a question, Mr. Nguyen advised of plans to open by mid-December or the first of January 2009. Supervisor Williamson wished Mr. Nguyen good luck. In response to a further question, Mr. Nguyen described the location of his restaurant next door to Kentucky Fried Chicken and across the street from Valley Chevrolet. Chairperson Teixeira called for a vote on the pending motion; **motion**

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carried 6-0.

3(B) ACTION TO APPROVE A DINING ROOM WITH BEER AND WINE ONLY LIQUOR LICENSE FOR BRIAN ANDERSON DBA BA'S DEN, LOCATED AT 1301 NORTH CARSON STREET, CARSON CITY (8:39:10) - Mr. Sullivan introduced this item, and referred to the agenda materials.

(8:39:28) Brian Anderson introduced himself for the record. Member Furlong advised of having completed the background investigation with no objections. In response to a question, Mr. Anderson advised of having operated a similar business in southern California. He acknowledged understanding of the responsibility to ensure no liquor would be served to minors, and that his staff would be required to attend the Sheriff's Office servers education class. Mr. Anderson advised that his business, at 1301 North Carson Street, was the former Silvana's Restaurant. BA's Den will be a billiards hall with five, 4x8 pool tables, and "bar-type food." Member Livermore expressed concern that the operation will attract underage patrons, and the hope that the Sheriff's Office provides "extreme oversight ... only because of that arrangement." Mr. Anderson acknowledged the concern, and explained the wrist band method which will identify legal age patrons.

Chairperson Teixeira wished Mr. Anderson much success, and entertained a motion. **Member Williamson moved to approve a dining room with beer and wine only license for Brian Anderson, dba BA's Den, located at 1301 North Carson Street, Carson City, including the non-refundable investigation fee of \$500; additionally, all sellers or servers of liquor must attend the Sheriff's Office servers education class within 120 days of the business opening or this approval. Member Aldean seconded the motion. Motion carried 6-0.**

ACTION TO ADJOURN AS THE LIQUOR AND ENTERTAINMENT BOARD (8:45:05) - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:45 a.m. and reconvened the Board of Supervisors.

The Minutes of the November 6, 2008 Carson City Liquor and Entertainment Board meeting are so approved this _____ day of December, 2008.

MARV TEIXEIRA, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder

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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors meeting on Thursday, December 4, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Marv Teixeira
Vice Chairperson Richard Staub
Member Steve Albertson
Member Shelly Aldean
Member Pete Livermore
Member Robin Williamson

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Walter Sullivan, Development Services Director
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, 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.

CALL TO ORDER AND ROLL CALL (8:33:37) - Chairperson Teixeira called the Liquor and Entertainment Board to order at 8:33 a.m. Roll was called; a quorum was present including Member Steve Albertson.

ACTION ON APPROVAL OF MINUTES - October 16, 2008 (8:33:55) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.

3. DEVELOPMENT SERVICES - BUSINESS LICENSE

3(A) SHOW CAUSE HEARING ON LIQUOR LICENSE #08-23393 HELD BY DICK NOLLET DBA 7-ELEVEN (STORE #2236-15833) LOCATED AT 3083 HIGHWAY 50 EAST, CARSON CITY, REGARDING WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN, PURSUANT TO CCMC 4.13.150 - DISCIPLINARY ACTION PROCEDURE AND PENALTIES, BASED ON THE ISSUANCE OF A CITATION FOR SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES, AND POSSIBLE ACTION TO IMPOSE A FINE NOT TO EXCEED \$500.00 AND THE REQUIREMENT THAT THE LICENSEE ATTEND THE ALCOHOL SERVER TRAINING PROGRAM WITHIN THREE MONTHS FROM TODAY'S DATE (8:34:20) - Development Services Director Walter Sullivan introduced this item, reviewed the agenda materials, including the recommended action, and responded to questions of clarification.

(8:36:39) Dick Nollet introduced himself for the record, and acknowledged having owned the subject establishment for a period of two-and-a-half years. He provided background information on his history with 7-11 stores in Nevada over a period of thirty years. He expressed embarrassment over the subject incident. "This is the first time anything like this has reached this point for me." In response to a question, he advised that the same employee, Regina Cook, incurred both citations, and that "she was fired

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immediately that evening in November.” Mr. Nollet further advised that following the first offense, “all of our employees were put on notice ... that any of them, regardless of the length of service ... would be immediately released if they failed any kind of sting ...” In response to a further question, Mr. Nollet advised of having been cited “occasionally ... through the years. Nothing like this one where it was the same person.” He discussed the “extensive training program” entitled “Come of Age” which 7-11 employees are required to complete upon being hired and annually thereafter. He advised that his employees have never participated in the Sheriff’s Office servers education class. He expressed a willingness for his employees to participate in the class, if required. He discussed the incident giving rise to the subject hearing. Mr. Nollet acknowledged “ultimate responsibility” as the license holder, and agreed with the \$500 fine. He assured the board members that the matter has not been lightly considered. He further acknowledged the possibility of losing the liquor license, and discussed the potential for additional ramifications as the 7-11 franchise holder.

Mr. Sullivan acknowledged that the \$500 fine would be appropriate pursuant to City code, and suggested mandatory attendance by Mr. Nollet’s employees of the Sheriff’s Office servers education class. In response to a further question, Mr. Sullivan reviewed the ramifications associated with a third offense, pursuant to the Carson City Municipal Code. Ms. Bruketta responded to questions of clarification.

Chairperson Teixeira entertained board member comments; however, none were forthcoming. Member Albertson acknowledged the appropriateness of the fine and the mandatory servers education class attendance. Chairperson Teixeira entertained a motion. **Member Aldean moved to impose disciplinary action on Mr. Dick Nollet, dba 7-11 store #2236-15833, located at 3083 Highway 50 East, Carson City, pursuant to CCMC 4.13.150, Disciplinary Action Procedure and Penalties, based on the issuance of citation for second offense criminal statute violation within six months related to sale of liquor to a minor at the licensed premises; to require a fine of \$500 and that all the licensee’s employees attend the alcohol server training program within three months of today’s date. Member Livermore seconded the motion.** Member Williamson commended Mr. Nollet on his attitude toward the situation, and his willingness to resolve the issue. Mr. Nollet discussed the extensive training and reinforcement provided to 7-11 employees throughout the year. He noted the “uncomfortable situation” of having to rely on the employees’ judgment. Member Aldean echoed Member Williamson’s comments, and expressed sympathy for Mr. Nollet’s position. She expressed appreciation for his willingness to take full responsibility for the actions of his employee. Chairperson Teixeira called for a vote on the pending motion. **Motion carried 6-0.** Chairperson Teixeira added his appreciation for Mr. Nollet’s accepting responsibility, and wished him good luck.

3(B) SHOW CAUSE HEARING ON LIQUOR LICENSE #08-24700 HELD BY BLANCA GUTIERREZ DBA NOVEDADES GUTIERREZ, LOCATED AT 1501 EAST FIFTH STREET, CARSON CITY, REGARDING WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN, PURSUANT TO CCMC 4.13.150 - DISCIPLINARY ACTION PROCEDURES AND PENALTIES, BASED ON THE FAILURE OF THE LICENSEE TO PROMPTLY PAY A REQUIRED FEE, AND POSSIBLE ACTION TO SUSPEND OR REVOKE THE LICENSE (8:48:38) - Mr. Sullivan introduced this item, and advised that the applicant paid the \$100 fine earlier in the week.

ACTION TO ADJOURN (8:48:58) - Chairperson Teixeira adjourned the Liquor and Entertainment Board at 8:48 a.m.

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The Minutes of the December 4, 2008 Carson City Liquor and Entertainment Board meeting are so approved this _____ day of January, 2009.

ROBERT CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder