CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the February 19, 2009 Meeting Page 1

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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, February 19, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell

Member Shelly Aldean Member Ken Furlong Member Pete Livermore Member Molly Walt

Member Robin Williamson

STAFF: Larry Werner, City Manager

Alan Glover, Clerk - Recorder

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 (8:41:21) - Chairperson Crowell called the meeting to order at 8:41 a.m. Roll was called; a quorum was present.

ACTION ON APPROVAL OF MINUTES - January 15, 2009 (8:41:39) - Member Aldean moved to adopt the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.

4. DEVELOPMENT SERVICES - BUSINESS LICENSE

4(A) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE #09-3963, HELD BY CARSON NUGGET, INC., DBA CARSON CITY NUGGET, LOCATED AT 507 NORTH CARSON STREET, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150. THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE, A CRIMINAL STATUTE VIOLATION, WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES; THIS ACTION IS TO IMPOSE A FINE OF \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL OF THE EMPLOYEES ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; A LIST OF ALL EMPLOYEES MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN (7) DAYS FROM THIS HEARING; FAILURE TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN (7) DAYS WILL REQUIRE THE LICENSEE TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (8:42:07) -Chairperson Crowell introduced this item. Senior Permit Technician Lena Tripp read the title of the agenda item into the record, and acknowledged the issuance of a second citation. Member Aldean noted that Don Tatro, who had passed away some time ago, was still listed as the Carson Nugget liquor manager. Ms. Tripp advised of having spoken with Carson Nugget representatives, who are in the process of submitting the appropriate application materials to change the liquor manager.

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(8:44:11) Tony Pastini, a state-registered "alcohol trainer," advised of having recently been hired by the Carson Nugget to provide extensive training to all Nugget personnel. He further advised of having trained 99 Nugget employees thus far, certifying them "under the NRS 360.369 laws."

(8:45:24) Carson Nugget General Manager Star Anderson advised of having presented to the board members "a booklet pertaining to our actions that we've taken since the second citation." In response to a question, Chairperson Crowell advised of the understanding that only alcohol servers are required to complete the required training. Ms. Anderson advised that "everyone who is in the beverage departments, security departments, and all managers" had completed the required alcohol servers training. In response to a question, she was uncertain as to how the employee who was charged with the second offense had pleaded in her court proceeding. Ms. Anderson reviewed the alcohol servers training provided to said employee and her corresponding certifications.

(8:47:17) Carson Nugget Food and Beverage Director Alex Cañas advised of having contacted the Sheriff's Department last December to inquire about alcohol servers training. He discussed the Carson Nugget's responsibility to the customers and to the community to prevent minors from being served alcohol. He provided information regarding the circumstances giving rise to the subject incident, and advised that the employee was suspended pending investigation. "After reviewing tapes from the surveillance department," Mr. Cañas advised that the employee had never requested identification from the customer, and that her employment was subsequently terminated. He discussed the training provided by Mr. Pastini, and reiterated that 99 employees have been certified. He acknowledged that gaming table patrons are carded prior to being served alcohol.

Ms. Anderson introduced Casino Operations Director Mark Kresby, and discussed the recently convened employee ID committee. (8:50:15) Mr. Kresby advised of having recently required Nugget employees "that would have anything to do with underage people" sign a memo on November 8th in acknowledgment of Nugget policies and procedures pertinent to serving alcohol. He provided additional information on the purpose of the employee ID committee, and advised that ID guide manuals have been placed "throughout the casino so that [the employees] have a reference manual ..." He discussed procedures for addressing "an underage gamer on the floor."

Chairperson Crowell noted that Nugget management appeared to be seriously considering the subject matter. In response to a question, Ms. Anderson advised that the first citation had been issued in December 2008; the second on January 23, 2009. Chairperson Crowell expressed concern over the frequency of offenses. In response to a question, Ms. Anderson advised that new procedures were not implemented until January 24, 2009. Because of increased vigilance to request identification, she advised that fewer underage individuals are frequenting the establishment.

(8:54:57) Nugget Security Manager Chris Cremley advised of requiring his staff to work closely with Sheriff's Department personnel, and related corresponding anecdotal information. He further advised that "anybody under the age of 35 must be in possession of an ID. If you're not, you are escorted off the property if you're in a gaming or a bar area."

(8:56:55) Mr. Pastini reviewed the provisions of NRS 369.360 pertinent to counties with populations of 400,000 or more citizens. He expressed concern that until the provisions of the statute are revised to require alcohol servers training for every county, regardless of population, "the rural areas are going to

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continue to have this problem." Mr. Pastini reviewed his qualifications as an alcohol server trainer, and advised that Carson Nugget representatives have given due consideration to the seriousness of the subject matter. He expressed confidence that once the Carson Nugget employees are properly trained, "they should never have this problem again."

(8:59:10) Mr. Cañas discussed weekly stings which are being conducted in-house at the Carson Nugget. Member Aldean applauded the efforts of Carson Nugget management to seriously consider the matter. (8:59:55) Carson Nugget Owner Alan Adams acknowledged having considered the matter very seriously. Member Livermore inquired as to the number of sting operations conducted at the Nugget. Member Furlong acknowledged the numbers are tracked, but advised he had not brought the data to this meeting. Member Livermore commended Mr. Adams and the Carson Nugget as "very good corporate citizens," and discussed the large volume of customers at the Carson Nugget. He expressed the hope that the Nugget would never face a similar situation, and commended Nugget representatives on their efforts to "abide by the law." (9:02:36) Ms. Anderson read into the record the new Carson Nugget policy which had been included in the materials distributed to the board members.

In response to a question, Member Furlong advised that the Sheriff's Office servers education class includes a section on false identifications. He clarified there is no statutory requirement to provide the section. He acknowledged the conceivability that the servers education class could "go further." He further acknowledged confidence that the servers education class provides "the base line." He discussed difficulties associated with learning to recognize false identification.

Chairperson Crowell entertained a motion. Member Walt moved to impose disciplinary action against liquor license 09-3963, held by Carson Nugget, Inc., dba Carson City Nugget, located at 507 North Carson Street, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense, a criminal statute violation within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises; this action is to impose a fine of \$500.00 on the licensee, and the requirement that the licensee and all of the employees attend the Sheriff's Office alcohol servers training program within three months of this hearing; a list of all employees must be submitted to the Development Services Department Business License Division no later than seven days from this hearing; failure to submit the list of employees within seven days will result in this matter being rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Williamson seconded the motion. Member Furlong inquired as to the possibility of the Carson Nugget representatives submitting written certification that their employees have completed the advanced training program already implemented.

(9:08:25) Ms. Anderson reiterated that 99 employees had been trained and certified. Mr. Pastini reviewed the statutory provisions pertinent to the alcohol servers training requirement. Chairperson Crowell suggested that the Carson Nugget had already complied with the training and certification requirement. Member Livermore suggested the possibility of recognizing establishments for successfully passing sting operations. Member Aldean suggested amending the language of the board action to indicate acceptability of an equivalent servers education program. In response to a comment, Ms. Bruketta advised that state law allows the board to adopt alcohol training provided by Mr. Pastini's organization. In response to a question, Member Furlong expressed the belief that a fee is imposed for the Sheriff's Office alcohol servers training program following issuance of a citation. Member Williamson applauded the Carson Nugget for

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being proactive and comprehensive, and commended their corporate citizenship. She suggested the intent of the Carson City ordinance was to demonstrate the seriousness of serving alcohol to minors, and expressed support for imposition of the \$500.00 fine "in terms of consistency as a wake up call to all businesses ..." She noted the importance of vigilance in consideration of the "initiative of underage people in trying to get alcohol." Member Aldean suggested amending the motion to acknowledge training had already occurred with requirements which exceed those of the Sheriff's Office servers training program. Member Walt so amended her motion. Member Williamson continued her second. Motion carried 6-0. Chairperson Crowell thanked the Carson Nugget representatives for their attendance and participation.

4(B) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE #09-16625, HELD BY OBAID MOBALIGH DBA COUNTRY STORE, LOCATED AT 3389 HIGHWAY 50 EAST, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE, A CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR TO A MINOR AT THE LICENSED PREMISES; THIS ACTION IS TO IMPOSE A FINE OF \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL OF THE EMPLOYEES ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; A LIST OF ALL EMPLOYEES MUST BE SUBMITTED TO THE DEVELOPMENT SERVICES DEPARTMENT, BUSINESS LICENSE DIVISION NO LATER THAN SEVEN (7) DAYS FROM THIS HEARING; FAILURE TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN (7) DAYS, WILL REQUIRE THE LICENSEE TO SHOW CAUSE AS TO WHY FURTHER **DISCIPLINARY ACTION SHOULD NOT BE IMPOSED** (9:15:43) - Ms. Tripp read the title of this agenda item into the record. (9:16:49) Country Store Owner Obaid Mobaligh provided information on the incident giving rise to the subject offense. He advised of having purchased an "IDvisor ... for \$940," immediately following issuance of the second citation. He described operation of the device and the method by which it alerts a clerk to an underage ID for purchase of both tobacco and alcohol products. He advised that since installing the device "no person goes out of that store without checking the ID ..." He attempted to demonstrate operation of the device. In response to a question, Mr. Mobaligh advised that the device reads Nevada licenses, as well as licenses from 49 other states and military identifications. He provided additional information on the incident giving rise to the subject matter. In response to a question, Member Furlong advised of having tested the device and commended its operation. Mr. Mobaligh provided background information on his acquisition of the Country Store, and advised of having worked very hard over the years to avoid the sale of alcohol and tobacco products to minors. He further advised of having been subjected to many sting operations over the years, which he "has passed," and been congratulated by the Office of the Attorney General. He further advised of having scheduled all his employees for the Sheriff's Office servers education training on Tuesday, March 3rd.

In response to a question, Ms. Bruketta advised that imposition of the fine is discretionary on the part of the board. Member Furlong reiterated that the IDvisor device worked "very, very well," and suggested applying the \$940 cost to the fine. In response to a question, Mr. Mobaligh advised that his three employees are scheduled to attend the Sheriff's Office servers education training on March 3rd. He discussed extensive alcohol servers training he received in California, and advised "when [he] works at the store, there is no way that anybody can even pass me." He checks identification for "even 35-year-olds." He reiterated never having failed a sting operation since acquiring ownership of the Country Store in 2001. He described the cash register prompts pertinent to checking identification at the Country Store. He

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reiterated having reviewed the surveillance tapes and that the Country Store employee did check the identification. He expressed the belief that the store employee made "an honest mistake," in accepting the identification.

Member Furlong responded to questions regarding the method by which sting operations are conducted by Sheriff's Office personnel. In response to a comment, Mr. Mobaligh acknowledged "there is no excuse" for his employee having sold alcohol products to the minor. He acknowledged a request that the cost of the IDvisor offset the fine. Member Livermore suggested Sheriff's Office personnel conduct further research into identification scanning technologies. He commended Mr. Mobaligh on his efforts to address the issue of illegal sale of alcohol and tobacco products to minors. Chairperson Crowell pointed out that the identification scanner and the cash register prompts are not a substitute for training. Member Aldean suggested the only fail-safe system would be a cash register which "locked up" thereby preventing completion of a sale to a minor. She expressed appreciation for Mr. Mobaligh's effort and his "substantial investment" in consideration of his small business. Member Aldean moved to impose disciplinary action against liquor license 09-16625 held by Obaid Mobaligh, dba Country Store, located at 3389 Highway 50 East, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense, a criminal statute violation within six months of the first citation issuance, related to the sale of liquor to a minor at the licensed premises; this action is to impose a fine of \$250.00 on the licensee, and the requirement that the licensee and all of the employees attend the Sheriff's Office alcohol servers training program within three months of this hearing; a list of all employees must be submitted to the Development Services Department Business License Division no later than seven days from this hearing; failure to submit this list of employees within seven days will result in this matter being rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Livermore seconded the motion. Motion carried 5-1.

ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:33:55) - Chairperson Crowell adjourned the meeting at 9:33 a.m.

Crowell adjourned the meeting at 9:33	a.m.
The Minutes of the February 19, 2009 day of March, 2009.	Carson City Liquor and Entertainment Board are so approved this
	ROBERT L. CROWELL, Chair
ATTEST:	
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ALAN GLOVER, Clerk - Recorder	