

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the November 5, 2009 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 5, 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
Neil Rombardo, District Attorney
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's Office, and available for review during regular business hours.

10. CALL TO ORDER AND ROLL CALL (8:38:39) - Chairperson Crowell called the meeting to order at 8:38 a.m. Roll was called; a quorum was present, including Member Furlong.

11. ACTION ON APPROVAL OF MINUTES - October 1, 2009 (8:39:22) - Member Aldean moved to approve the minutes, as presented. Member Williamson seconded the motion. Motion carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE STEPHEN TAYLOR AS THE LIQUOR MANAGER FOR A PACKAGED LIQUOR LICENSE FOR MAVERIK, INC., LOCATED AT 1451 COLLEGE PARKWAY, CARSON CITY; LIQUOR LICENSE NO. 10-26858 (8:39:53) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting that Mr. Taylor currently holds other liquor licenses in the State of Nevada and in the State of Idaho. She further noted staff's recommendation of approval.

(8:41:03) Stephen Taylor provided background information on Maverik, Inc. In response to a question, Mr. Taylor advised that Maverik, Inc. has "a complete training program," and that employees will be attending a local training program. He advised of "pretty strict rules," and that "every employee that comes to work on every shift every day has to go through a training form and sign their name that they are responsible for that day ... plus we have store training probably about every two weeks ... and then we have other training in large groups ..." Mr. Taylor discussed his experience in Idaho and Nevada.

Member Williamson welcomed Mr. Taylor to Carson City. Member Furlong acknowledged the Sheriff's Office had completed the necessary background investigation. Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Williamson moved to approve Stephen Taylor as the liquor manager for a packaged liquor license, number 10-26858, for Maverik, Inc.**

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located at 1451 College Parkway, Carson City. Member Livermore seconded the motion. Motion carried 6-0. Chairperson Crowell wished Mr. Taylor good luck. Mr. Taylor advised that Maverik, Inc. will hire locally, and he will be on site to train the new managers. He anticipates hiring 15 to 20 employees.

12(B) ACTION TO APPROVE DAVID TATE AS THE LIQUOR MANAGER FOR A TAVERN / BAR LIQUOR LICENSE FOR WOODY'S, LOCATED AT 1987 NORTH CARSON STREET, #75, CARSON CITY; LIQUOR LICENSE NO. 10-26877 (8:45:07) - Chairperson Crowell introduced this item. Ms. Pruitt reviewed the agenda report, and advised that Mr. Tate holds other liquor licenses in Carson City. She noted staff's recommendation of approval.

(8:45:45) In response to a question, Mr. Tate advised that business is "pretty good." In response to a further question, he advised that his other liquor licenses are for Cactus Jack's Senator's Club and for the Comstock Casino. He discussed plans for the location previously known as the Silver Dollar Casino. In response to a question, Mr. Tate advised that the sale of alcohol to minors is not allowed in his establishments, and he recognized it as a serious issue. He discussed in-house training programs which bartenders and managers are required to attend. He advised of a recent citation issued to a bartender at Cactus Jack's, and that said bartender has been warned that another citation will result in the loss of his employment position. In response to a further question, he discussed the current renovation of Woody's. He anticipates opening in January. In response to a further question, he described the location of Woody's. Member Williamson welcomed Mr. Tate. In response to a question, he estimated there are currently 65 employees in his establishments, and anticipates the number will increase to 95. In response to a comment, he discussed an interest in hiring more employees.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to approve David Tate as the liquor manager for a tavern / bar liquor license, number 10-26877, for Woody's located at 1987 North Carson Street, #75, Carson City. Member Williamson seconded the motion. Motion carried 6-0.**

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-10549, HELD BY ARTHUR SKIPWORTH DBA EAGLE VALLEY MARKET, LOCATED AT 933 WOODSIDE DRIVE, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR BOARD MEETING TO SHOW

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CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED

(8:52:09) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda report. (8:54:27) In response to a question, Arthur Skipworth advised of having implemented new policies following the citations, which he described as “based on inattention ...” Mr. Skipworth described his business as a neighborhood store, and advised that “we have about the same 400 customers every day.” He acknowledged the seriousness of the matter, and stated “this is my livelihood; this is the livelihood of my employees who have been with me for years.” He described himself as a “responsible retailer,” and explained that he does not sell items which can be used as drug paraphernalia. He reiterated that he had implemented a new policy, based on a State of Washington training program. He advised that he and his “newest employee” will attend “alcohol compliance training” on Monday, November 9th. In response to a question, he advised of having been in business for the last 13 years. In response to a further question, he advised that the first citation was issued in February 2009. He explained the circumstances giving rise to the most recent citation.

Chairperson Crowell entertained board member and public comments and, when none were forthcoming, a motion. **Member Walt moved to impose disciplinary action against liquor license 10-10549 held by Arthur Skipworth dba Eagle Valley Market, located at 933 Woodside Drive, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second offense criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action includes the imposition of a fine of \$500.00 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff’s Office alcohol servers training program within three months of this hearing; if the licensee and the relevant employees are required to attend the alcohol servers training program, the licensee will be required to submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department business license division no later than seven days from completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor and Entertainment Board meeting to show cause as to why further disciplinary action should not be imposed. Member Williamson seconded the motion.** Member Alden expressed appreciation for Mr. Skipworth’s sincerity and for the corrective measures he had implemented. Member Williamson concurred, and expressed appreciation for Mr. Skipworth’s limiting the sale of merchandise which may be used as drug paraphernalia. She discussed the importance of consistency, and expressed support for Mr. Skipworth’s business in the community. She cautioned him to be aware that a compliance check would likely be conducted within the next six months, and encouraged implementation of the new policies he had described. Mr. Skipworth advised that two other employees are scheduled for alcohol server training during the first week in January. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.**

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-12174, HELD BY PACPIZZA, LLC DBA PIZZA HUT, LOCATED AT 2441 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 CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE OF UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF’S OFFICE ALCOHOL SERVERS TRAINING PROGRAM

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WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (9:00:57) - Chairperson Crowell introduced this item. Business License Technician Lena Tripp read the title of the agenda item into the record, and reviewed the agenda materials. Chairperson Crowell called for a Pacpizza, LLC representative; however, none was forthcoming.

Chairperson Crowell entertained public comment; however, none was forthcoming. He suggested that, consistent with the board's actions, a fine should be imposed on Pacpizza, LLC accompanied by a letter indicating the board's action; that the citation should be served on the corporation as well as the resident agent; and that, if payment is not received within thirty days, the matter should be re-agendized for review by the board. Member Livermore provided background information on corporate ownership of Pizza Hut, and discussed the importance of holding local retailers responsible. He expressed shock that no representative of Pacpizza, LLC or Pizza Hut was present. He suggested issuing notice for a representative to appear at the next meeting, with suspension of the liquor license being the result of a failure to appear. Discussion followed, and Member Aldean suggested the possibility of extenuating circumstances. In consideration of the difficult economic times, she further suggested determining the reason a representative failed to attend the meeting. Member Furlong discussed his policy to meet with business owners / operators following "all second offenses." He advised that both the district manager and the local Pizza Hut manager had attended a meeting with him, and expressed agreement with Member Livermore's concerns.

In response to a question, Mr. Rombardo advised of having been unable to find any authority to withdraw the liquor license based on failure to appear. He reviewed the provisions of the Carson City Municipal Code allowing imposition of a fine of up to \$500 and the requirement of alcohol server training within three months of the hearing. Discussion followed. Chairperson Crowell reiterated that, if the fine and the requirement to attend alcohol servers training is acted upon by the board, notification should be provided to the corporate headquarters and to the resident agent, as well as requiring a representative to appear at the next board meeting. Additional discussion followed.

Chairperson Crowell entertained a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-12174 held by Pacpizza, LLC dba Pizza Hut, located at 2441 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 criminal statute violation within six months of the first citation issuance related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of up to \$500 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing; the licensee shall submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department business license division no later than seven days from the completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to whether further disciplinary action should be imposed. Member Williamson**

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seconded the motion. In response to a question, Member Aldean agreed to amend her motion to include Chairperson Crowell's direction. **Member Aldean so amended her motion. Member Williamson continued her second.** Chairperson Crowell refined the direction to indicate that the designated liquor manager for the subject Pizza Hut should be requested to appear at the next board meeting. Additional discussion followed, and Mr. Rombardo responded to questions of clarification regarding the applicable provisions of the Carson City Municipal Code. Chairperson Crowell called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-0.**

13. ACTION TO ADJOURN (9:17:20) - Member Livermore moved to adjourn the meeting at 9:17 a.m. Member Williamson seconded the motion. Motion carried 6-0.

The Minutes of the November 5, 2009 Liquor and Entertainment Board meeting are so approved this _____ day of December, 2009.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder