

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the September 6, 2012 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, September 6, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
Member Karen Abowd
Member Shelly Aldean
Member Ken Furlong
Member John McKenna
Member Molly Walt

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are part of the public record. These materials are on file in the Clerk's Office, and available for review during regular business hours.

11. CALL TO ORDER AND ROLL CALL (8:42:34) - Chairperson Crowell called the meeting to order at 8:42 a.m. He noted the presence of a quorum, including Member Ken Furlong.

12. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 2, 2012 (8:42:52) - Member Aldean moved to approve the minutes, as presented. Member Abowd seconded the motion. Motion carried 6-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) POSSIBLE ACTION TO APPROVE NATHANIEL KILLGORE AS THE LIQUOR MANAGER FOR CATERPILLAR'S, LIQUOR LICENSE NUMBER 13-29126, LOCATED AT 314 SOUTH CARSON STREET, CARSON CITY (8:43:17) - Deferred.

13(B) POSSIBLE ACTION TO APPROVE LISA TUCKER AS THE LIQUOR MANAGER FOR REMEDY, LIQUOR LICENSE NUMBER 13-29092, LOCATED AT 306 EAST WILLIAM STREET, CARSON CITY (8:43:21) - Chairperson Crowell introduced this item, and Principal Planner Jennifer Pruitt reviewed the agenda materials. Member Furlong provided background information on enforcement issues associated with the previous establishment, Toad's, at the subject location, and advised that the Sheriff's Office had been working with the District Attorney's Office to "bring that licensing to this board." He further advised that the State revoked the license of the previous establishment "as a result of worker's comp ... failure to pay ..."

In reference to the background investigation, Member Furlong advised that Ms. Tucker had identified herself as the Toad's bookkeeper. He further advised of having met with Ms. Tucker, on July 27th, at which time she corrected the record in that she had served as the Toad's bookkeeper for the last year and that her investment in the new establishment amounts to \$2,000. Member Furlong expressed the understanding that Ms. Tucker intends to style Remedy's as a "martini-type bar." Member Furlong advised of having

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reviewed the application materials provided by Ms. Tucker, and that “it appears to be basically the same type of entertainment and business that was previously of the Toad’s; games, pool tables, darts, etc., live bands.” Member Furlong noted that Ms. Tucker had indicated she would not be involved in active management of the bar. He advised of “strong information that ... the previous management from Toad’s had had contact with her and sought her to apply for a liquor license so they could re-open.” He further advised that Ms. Tucker had acknowledged the accuracy of the information, but advised “she was not pursuing that. She was pursuing this on her own.” Member Furlong suggested that Toad’s, “under the former name and former management was a bar ... that was attracting some very negative activity to the environment, to the patrons themselves, and to this community. Had it not been for the State’s actions, we would have eventually been addressing this in-house.”

At Chairperson Crowell’s request, Ms. Tucker acknowledged having heard Member Furlong’s testimony. In consideration of said testimony, Chairperson Crowell discussed the importance of ensuring that Remedy’s is “not a front for the re-opening of the same process that has led us to the problems we’ve had in the past there.” (8:49:51) Ms. Tucker assured the board that Remedy’s “is not a front,” and discussed her intent to create a more “upscale” environment, “to attract a different clientele; a little older, not the kids ...” She advised of interior improvements toward that end, and described her martini-bar concept. She acknowledged that the same landlord owns the building. In response to a further question, she advised of not having been involved with Toad’s management or day-to-day operations. In consideration of the “new premise,” Ms. Tucker advised that she will have “new bouncers ... to ... card people, identify problems ... in preventing things like fights and people getting out of hand.” In response to a further question, she advised of not having yet hired anyone.

(8:52:51) Attorney Justin Clouser provided background information on Ms. Tucker’s bookkeeping service, based in Gardnerville, and her role as an independent contractor to perform bookkeeping services for Toad’s on a monthly basis. Mr. Clouser advised that Ms. Tucker “is looking towards a new environment; different decor, different entertainment, different clientele.” Mr. Clouser noted, with interest, that Ms. Tucker had been “subjected to five separate, in-depth interviews by the Sheriff’s Department when she has had no affiliation with Toad’s other than as an independent contractor doing the books for the last year.” Mr. Clouser presented an analogy relative to the distrust communicated to Ms. Tucker, and expressed understanding for the Sheriff’s Office concern for the safety of the community. “... everything that has been discovered in their thorough, rigorous, in-depth investigation has not pointed to one single black mark on the part of Ms. Tucker.”

Chairperson Crowell expressed appreciation for Mr. Clouser’s analogy, and concern over the location of the new establishment. In consideration of his knowledge of the location, Chairperson Crowell expressed “terrible worry that other people, even with the best intentions of what you just said, are going to look at that ... as a continuation of Toad’s because of the ... premises ...” Discussion followed. In response to a question, Member Furlong described the location of the subject establishment, the surrounding businesses and traffic patterns, and the rear of the building as “extraordinarily dark. There’s no lighting whatsoever ... [It’s] where a lot of the activities that have been associated with the past have ended up.” In response to a further question, Member Furlong expressed no concern over the proximity of Pioneer High School to the subject location “because the hours differ considerably.”

Member Abowd expressed concern regarding the influence of the landlords relative to hiring management personnel. Mr. Clouser advised that the landlord lives in the Bay Area and has used a local property

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management company in the past. In response to a question, Ms. Tucker advised that none of the other investors are the same as those associated with the previous establishment. She acknowledged that she has complete control over hiring staff. In response to a further question, she advised of having postponed the hiring process until the outcome of this hearing. In response to a further question, she anticipates spending more time at the establishment than she had originally planned.

Member Aldean expressed appreciation for Member Furlong's concerns, and concern over "stigmatizing a location." In reference to the IHOP incident, Member Aldean advised "there were people in the community who were calling for the razing of that building because of the terrible things that happened." She further advised of having advocated for the IHOP restaurant to reopen, and that they are doing reasonably well today. In reference to the Carson City Municipal Code, she noted that granting a liquor license is "generally linked to the suitability of the operator." She noted that Ms. Tucker's background investigation did not reveal anything derogatory or negative. She advised that she would base her decision on Ms. Tucker's suitability as an operator, but cautioned her that she would be closely scrutinized because of the clientele of the previous establishment.

In response to a question, Ms. Tucker advised of no intention to rehire any of the previous establishment's managers. Chairperson Crowell emphasized the importance of Ms. Tucker being "not just the bookkeeper ... [but] the active manager who is actively seeing that what happened in the past doesn't happen again." Based on his personal and business knowledge of Ms. Tucker, Mr. Clouser assured the board that she would not invest the effort, money, or time "just to see it fall by the wayside because it fell back to its old habits."

Chairperson Crowell entertained additional comments or questions of the board members. As a restaurateur, Member Abowd cautioned Ms. Tucker against hiring a previous bartender in that "they have their own following ... their own crowd." She further cautioned her against "hiring anyone that was there previous." Chairperson Crowell suggested that Ms. Tucker use the Sheriff's Office as a resource in consideration of the hiring process.

Chairperson Crowell entertained a motion. **Member McKenna moved to approve Lisa Tucker as liquor manager for Remedy, liquor license number 13-29092, located at 306 East William Street, Carson City. Member Aldean seconded the motion.** Chairperson Crowell entertained public comment and, when none was forthcoming, entertained discussion on the motion. Member McKenna explained that his motion approves Lisa Tucker in consideration that there has been no evidence not to. He requested the Sheriff to make the board aware of any calls for service at the new establishment, and committed to "go[ing] out of his way to close it down if it becomes even half the problem it used to be." Chairperson Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-1.** Member Aldean advised Ms. Tucker to make the Sheriff her "best buddy." Chairperson Crowell commended Mr. Clouser's articulate representation of Ms. Tucker, but cautioned that it would likely be insufficient to keep the business open in the face of continued problems at the subject location. He appealed to Ms. Tucker's sensitivity to doing "the right thing" in consideration of the community.

14. PUBLIC COMMENT (9:16:06) - Chairperson Crowell entertained public comment; however, none was forthcoming.

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15. ACTION TO ADJOURN (9:16:16) - Chairperson Crowell adjourned the meeting at 9:16 a.m.

The Minutes of the September 6, 2012 Carson City Liquor and Entertainment Board meeting are so approved this _____ day of _____, 2012.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder