

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD  
Minutes of the April 6, 2006, Meeting  
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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, April 6, 2006, 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 Robin Williamson and Board Members Shelly Aldean, Pete Livermore, Richard S. Staub, and Steve Schutte

STAFF PRESENT:

Linda Ritter	City Manager
Alan Glover	Clerk-Recorder
Al Kramer	Treasurer
Andrew Burnham	Public Works Director
Steve Albertsen	Undersheriff
Larry Werner	City Engineer
Melanie Bruketta	Chief Deputy District Attorney
Juan Guzman	Open Space Manager
Steve Schutte	Chief Deputy Sheriff
Michael Suglia	Deputy District Attorney
Vern Krahn	Parks Planner
Katherine McLaughlin	Recording Secretary

(B.O.S. 4/6/06 Tape 1-0154)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape 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 by noting that a quorum is present, including Member Schutte. For Minutes of the Board of Supervisors, see its folder for this date.

**TREASURER - Al Kramer**

**A. ACTION TO APPROVE MINUTES - 3/2/06 (1-1411)** - Supervisor Aldean moved to approve the Liquor and Entertainment Board Minutes of February 2, 2006 as presented. Following a request for an amendment, Supervisor Aldean amended her motion to include the Minutes of March 2, 2006. Supervisor Livermore seconded the motion. Motion carried 6-0.

**B. ACTION TO APPROVE A BEER AND WINE LICENSE FOR TASTY CORPORATION, DOING BUSINESS AS THE BASIL, WITH NANTHAPRON AND MORAKOT INKAVESVANITCH, AS OFFICERS AND LIQUOR MANAGERS, AND NOP WATANAR AS LOCAL LIQUOR MANAGER, LOCATED AT 311 NORTH CARSON STREET (1-0154)** - Nanthapron and Morakot Inkavesvanitch introduced themselves. The former owner, Nop Watanar, will be the liquor manager. Discussion indicated that they are the new owners of The Basil. The Sheriff's Investigative Report

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recommended approval of the license. Comments indicated a change would not be made to the menu and stressed the importance of not selling liquor to minors. Member Williamson moved to approve a beer and wine liquor license for Tasty Corporation, doing business as The Basil with Nanthapron and Morakot Inkavesvanitch as officers and liquor managers and Nop Watanar as the local liquor manager, located at 311 North Carson Street, and fiscal impact is \$1,000 original new fee, \$575 investigation fee, and \$150 quarterly fee. She wished them success in their venture. Member Livermore seconded the motion. Motion carried 6-0.

**C. ACTION TO DETERMINE, BASED UPON THE INVESTIGATION CONDUCTED BY THE SHERIFF'S DEPARTMENT, AND EVIDENCE AND TESTIMONY PRESENTED AT THE SHOW CAUSE HEARING WHETHER GROUNDS EXIST TO REVOKE THE LIQUOR LICENSE ISSUED TO GENE AND KAREN FAIRL, DBA FAIRL'S COUNTRY SALOON, AND IF SO, ACTION TO DIRECT THE DISTRICT ATTORNEY TO PREPARE AN ORDER FOR REVOCATION (1-0202) -** Gene and Karen Fairls' Attorney Day Williams, Senior Deputy District Attorney Michael Suglia, Chief Deputy Sheriff Steve Schutte, Real Estate Agent Jeffrey Hoag, Sr., Craig Smith, Bartender Russell Woodworth, DJ Mike Millard, Chris Aiello, Head of Security Oscar Turnipseed, Gene Fairl, Karen Fairl, Destiny Casci, Deputy Jarrod Adams, Sergeant Darrin Sloan, Undersheriff Steve Albertsen - Chairperson Teixeira indicated that this is the first hearing he had conducted during his current term. He had been involved with the revocation of three licenses during a prior term. Protocol for the hearing was briefly explained. An hour had been allocated for the hearing. Chairperson Teixeira asked that the speakers not repeat the same information numerous times.

Mr. Williams explained that the establishment is for sale and had been since March 15. He believed that his clients were sincere and had made great strides to clean up the establishment. They are also aware of the allegations regarding serving a minor. Many individuals will testify that this is not their practice or custom. They want to work out a method that will allow the establishment to remain open until it can be sold. He had given the Board and Clerk a packet of information. (A copy is in the file.) He asked that the Board review the information in it. It purportedly contains a copy of the listing agreement, statements from the bar's patrons, a petition signed by 40 patrons asking that the bar remain open, and receipts showing the sales taxes which have been paid. Discussion indicated that the listing agent is present. The Fairls and Mr. Williams had allegedly discussed the terms they wished to have to remain open. The hours requested were from Noon to 2 a.m. This will reduce the early morning traffic, fights, noise, and overhead. They have four bouncers. Mr. Turnipseed's schedule for them was purportedly included in the packet of information. They will check all identification cards, photographs and expiration dates.

Chief Deputy Sheriff Schutte indicated that the Sheriff's Office had not had any additional contact with the establishment. This decision was based on the desire to allow the owners the opportunity to rearrange their business without influence from the Department. Member Staub felt that it would have been appropriate during the gathering of information on the establishment to verify and ensure that Fairls' intent and efforts were sincere in meeting the standards for operating a business of this nature.

Mr. Suglia indicated that the only guidance he had to offer was that they had heard before of the intent to make things happen without successful results. He had discussed a proposal with Mr. Williams. His idea was for the establishment to be open from 12 noon to 12 midnight six days a week. Identification cards should be checked on all patrons on Fridays and Saturdays between 8 p.m. and midnight. The bartender should

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check all the identification cards during the week when serving an individual. The agreement should also contain a clause indicating that if one more citation for service to a minor occurs, a report will be made to the Board, and the license will be revoked. If the bar is sold, the new owner will apply for an unrestricted, full license. Justification for his proposal and the revocation process was limned.

Member Staub explained his request at the last meeting that an interim process, which would have given the owners a probationary period, be examined. He had hoped that this would have provided a middle ground that would have allowed the establishment to remain open as it is their livelihood. Closing the bar diminishes the business. He could not condone serving minors at any establishment. A reasonable solution was not found or presented for consideration by the Board. He felt that the Attorneys were within 10 yards of having a compromise as both of the proposed solutions have merit. Mr. Williams indicated that the Fairls were willing to do whatever the Board wants including closing at midnight although they make money after midnight when other bars are closed. He did not believe that the business could afford to remain open if closed at midnight.

Chairperson Teixeira indicated that he respected and understood Member Staub's effort to accomplish a compromise. Negotiations do not have to occur at the meeting. He felt that the problems had gone on too long. It is not just an issue of serving a minor. The cost bore by the taxpayers for law enforcement at the one establishment was insane in his view.

Member Livermore pointed out that the license is a privilege granted to an individual. The address, fixtures, and some inventory are all that are being sold. Discussion indicated that the premises is rented. It was felt that the Fairls do not have a large investment in the establishment.

Mr. Hoag indicated that the business was and is listed for sale and had been since March. He opined that closure of the business will seriously impact its saleability as closure of the business will almost make its value negligible. He was uncertain how long it will take to sell the establishment. Buyers want to see the business in operation. The price is \$115,000. He had discussed the business with two potential buyers. A six percent sale incentive to other agents is included in the listing to get other agents to show the business. A marketing plan has been developed which includes listing the business on different internet sites. Discussion indicated that if the business is showing money and supporting itself, the hours are not important. A bar is a unique business. It must attract someone who is looking for that type of business. Mr. Hoag had the business' history since its opening.

Mr. Smith indicated that he had been a patron of the bar when it was known as the K-Bar and not owned by the Fairls. He felt that they had tried hard to curtail sales to the minors. Bouncers and security officers have been in place for some time. A lot of trouble occurs from outside the area. Nightclubs require assistance from the Sheriff's Office on occasion. The Sheriff's Officers have not been there for some time. He liked the way the operation has been running. He wished to see them remain. He was sorry to see them sell the establishment.

Mr. Woodworth explained that he had worked for the Fairls for one month as a bartender. They have made a lot of changes. They are now identifying all patrons around the clock. The Sheriff's Office has come to the establishment and checked everyone's id. He is the bartender on the graveyard shift. Money is made on that

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shift, which is from 8 p.m. to 4 a.m. He did not believe that it could operate without the graveyard shift. He also indicated a desire to keep his job. They have live entertainment on Friday evenings and a DJ four nights a week who plays until midnight.

Mr. Millard explained that he has karaoke from 8 p.m. to midnight on Sunday and Wednesday nights. He was excited about the place and impressed with the current operation as they have security monitoring the patrons.

Mr. Aiello indicated that he had worked for the Fairls for "a little while". The security does not let minors or anyone without identification into the establishment. He will card his own mother if she comes to the establishment. He has worked in security for 27 years. The best time for the establishment is after midnight when the other establishments close down. A casino is the only other place that will allow them to drink after midnight. Security is stronger than it has been. Security does not get involved in problems outside the establishment. Security does everything respectfully and attempts to resolve any problems without creating more problems. He started to work at the establishment 1½ or two months ago. He had been patronizing the bar for a year. He then indicated that he was uncertain when he started to work at the establishment. It could have been in late January or the beginning of February. He indicated to Mr. Suglia that he may have been working on January 21 when the incident with the five minors occurred. He had not worked the door on that evening. He was not certain how the incident had occurred. He had not left his post.

Mr. Turnipseed indicated that they have a strong security force. He had been head of security for one month. There have been no mistakes during that period. Their strongest point is from 11 p.m. to 3 a.m. This is when the majority of the problems occur. The referenced incident showed a weakness in the security force. They had gotten rid of those security officers and now have committed employees who want to make it a better establishment.

Mr. Fairl advised that they are trying to clean the place up. They have hired four new bouncers. If there are any problems with an id, they are to confiscate it. They have confiscated four or five ids. An example illustrating the point was given. The Sheriff's Office has asked that they not accept passports or Mexican ids. He will have owned the establishment for two years on April 22. Improvements he has made to the building were limned. He felt that getting rid of the old image makes it look nicer for the community. He tried closing the bar at midnight for one week. He did not make enough money to pay the bartenders. The building's owner had waived the rent. Karaoke is held on Wednesdays and Sundays. It attracts the 30 to 40 year olds. The group is growing each week. He felt that he was too old to return to the construction trade. The bar is for sale. He hoped to sell it and retire on social security and go into a different business. He is willing to discuss whatever offer is made. He may have to carry the paper to move the sale. If the business is closed, there will be nothing to sell. The inventory is worth between \$4,000 and \$5,000. He had purportedly had people looking at it during the last two or three days. He hoped that the Board would consider that it is the only thing he can do for a while.

Mr. Suglia asked him about an August 2, 2005, meeting with the Sheriff's Office. Mr. Fairl explained that the Sheriff had called the meeting. Mr. Fairl had thought that everything was going well. He could not control the parking lot. The Sheriff's Officers who have been by had indicated that he had done a good job. They discussed underaged drinking in the bar and how minors were getting into the bar through the back door. They had also discussed fights at the bar. They had not discussed having anyone in the bar with weapons.

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The weapons were allegedly outside the bar. He had promised to make changes and did so. He had hired additional security and the locked the door from the inside. Security at that door stops people from knocking on the door and wanting to come in. He alleged that he had found several ids in a paper towel "thing" in one of the bathrooms. He did not know how it got there or whose it was. He felt that the individual had used either a fake id or someone else's id. The individual had put it in the towel rack to keep the Sheriff's Deputies or the security from finding it. He had, as part of the changes, informed his bartenders that they were to check the ids. This is in addition to the security checks. Mr. Suglia explained that he had given the Board a packet of information dated April 3. (A copy is in the file.) Page 6 contains a copy of a citation issued to Billy Southern, who was a bartender. He received two citations on the same August evening during a Sheriff's Office liquor compliance check. The citations were issued within two hours of each other. Mr. Fairl indicated that he had security on the door and they allowed the individuals into the establishment. This is the reason he changed his security. He felt that security had gone to the bathroom, or somewhere, which allowed the individuals to enter the establishment. He no longer employs this security individual. Mr. Suglia then referenced the January 21, 2006, citation which indicated that five minors were in the establishment when the Sheriff's Office conducted another compliance check. Mr. Fairl felt that this was the date that he found the ids in the towel rack. He believed that these individuals had some type of illegal identification cards that had allowed them to enter the establishment. He had purportedly been setting in the office watching the monitor to ensure that the bouncers were checking for ids. They are now stamping the patron's hand to ensure that the individual can go and come. He indicated that he was not aware that one of the minors who was in the bar was 17 years old. He was not aware that the gentleman who was arrested that evening was 20 years old and had a blood alcohol of 0.24. He knew that "he was in there but did not know who he was or anything about how much he had to drink before he came to his place". He continued to allege that the five individuals had to have had fake ids or did away with the ids after they came into the bar. He agreed that it is possible that security did not check for ids but he did not feel that it was "likely". On February 13 he received a citation. He had purportedly been painting the sheet rock and putting a tv on a rack in the corner similar to the tv in the Sierra Room. Another gentleman, who had purportedly just testified, was in the bar also. He had paint "all over himself". A young lady came into the establishment who looked to be 23 years old or maybe a little older. She asked for a drink he did not know how to make. She changed the drink to a Rum and Coke. He turned around to get the glass to make it and turned back. She had placed \$20 on the bar and was walking out the door. She told an officer as she walked out the door "Yeah". The two officers came in and asked me. He said that he did not serve her. The gentleman said I did not serve her. He told him to "shut up. They were talking to me." He kindly hushed. They asked for the \$20 bill back. He had commented to the gentleman that it was a nice tip for that. If she had waited two or three more seconds, he would have served her but she left before she got the drink. He acknowledged that he knew that he was being investigated by the Liquor and Entertainment Board on February 13, 2006. The lady came in and he did not ask for her identification. He repeated his comments regarding what he was doing when she came into the establishment. He was tired. He had been in the establishment for nine hours. He gets off at 4 o'clock. She asked for the drink. He did not know how to make it. He told her he couldn't make it. She asked for a second drink. He turned to get it but she did not get served. He agreed that he did not ask her for her id. She looked old enough. She looked 22 - 23 years old. Since February 13 the bartenders ask everyone for their id. They have allegedly asked a guy 75 years old for his id. They will ask it from anyone in the establishment.

Chairperson Teixeira reiterated that Mr. Fairl had indicated that the lady had "shot the gun early" but he would have served her. Mr. Fairl agreed that he probably y would have served her. He was going to make the drink

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but he didn't. Clarification for Member Staub by Mr. Fairl indicated that staff must check every id for every person entering the bar. If the individual does not have current identification on him or her, the person will not be served. Mr. Fairl was asked if he would serve an individual with a fake id and if he used other criteria to determine if the individual is of age to be served alcohol other than the id. Mr. Fairl indicated that the individual will be served unless it can be proved differently. The individual must provide more than one source of id. It is not just a question of how the individual looks when determining the age. They have turned away individuals with only one id. They were asked for a second id but did not have it.

Mrs. Fairl advised that they had gotten rid of the homeless and "druggies". She indicated that the motel next door is "really bad". They had gotten rid of the "bad people". This is how they had cleaned up the bar. She also indicated that they do not run the motel and have no idea who does. She felt that her landlord does not own the motel. Clarification indicated that the owners of Capital Loan own the motel. This is the same person as her landlord. Mrs. Fairl advised that they have not had any drug incidents or problems. All of the problems have been outside the establishment. Their effort to clean up the type of people who frequent the establishment has made a huge difference. Member Aldean noted that a number of the incidents and the firearm discharge had occurred outside the bar. She questioned if the cause for the intoxicated individuals is that they over serve the individuals. Mrs. Fairl explained that when the other bars close, their patrons will come to their bar. They do not let them in. When their customers leave, they get into it with the other individuals. There have not been any fights inside the establishment. All of these incidents occurred outside the bar and involved both individuals who may have been served and may not have been served at Fairls.

Mr. Suglia explained that a packet prepared and distributed by Mr. Williams included sales and use tax information on the bar. Mrs. Fairl explained that an accountant prepares the returns. They owe taxes for 2004 and pay each month. They are current on this year's taxes. Mr. Suglia advised that the last tax information he had received was dated 1/30/06. Mrs. Fairl indicated that the February taxes had been paid.

Mr. Suglia requested that the face of his next witness not be aired over the PEG channel. (The request was honored.) Ms. Casci advised that she is a 16-year-old Carson City High School student who has been a member of the Explorer Cadet Program for one year. The program was described. She participated in the program due to her interest in law enforcement and desire to have a career in that field. She had participated in seven compliance checks and shoulder taps. Shoulder taps were explained. The number of checks she had done were estimated. Locations where she had made the compliance and shoulder taps were estimated and categorized. Her identification card was described. She had conducted two compliance checks at Fairls. Her experiences at Fairls approximately three months ago and in February were described. Both times she was able to obtain alcoholic beverages even though on the first occasion she had presented her identification card which clearly indicates she is a minor. At the time of the February incident, there was only one individual in the bar besides Mr. Fairl. She asked for a Cosmopolitan. Mr. Fairl indicated that he did not know how to make it. She then requested a Rum and Coke with Bacardi. She held the drink and laid the \$20 on the bar. She then set the drink down and walked out. She told the officers who were waiting outside that she had been served. Mr. Fairl was the individual who had served her. He had testified earlier. Discussion between Chairperson Teixeira and Ms. Casci indicated that she may have been served a total of 30 to 40 times during the 70 stings in which she had participated. She felt that the bartenders are being more thorough lately and check her id as she is not being served as often as she was originally or getting the number of citations. She also indicated that she has been served twice after producing the id in addition to the one time at Fairls.

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Ms. Casci acknowledged Mr. Williams' question indicating that Mr. Fairl had stated that she had never gotten a hold of the drink. She disagreed with his statement that she had walked out before Mr. Fairl had an opportunity to ask for her id. She estimated that she was in the bar for approximately five minutes. She felt that he had plenty of time to ask for her id. She did not just walk out while he mixed the drink. She was present when he set the change on the bar. At that time she walked out of the establishment.

Ms. Casci explained to Member Staub that Mr. Fairl was talking to a patron when she walked into the bar. He was not working on the sheet rock. The bar was very dark. She did not see any painting. He was acting like a "normal bartender" who was setting behind the bar waiting to serve drinks.

(1-1011) Deputy Adams advised that he has been employed by the Carson City Sheriff's Office for approximately six years. On 2/13/06 he was assigned to work alcohol compliance checks. The grant program that funds the compliance checks was described. He manages the grant under Sgt. Sloan. He has been involved with it for approximately one year. He described the program. The decoys must act their age and tell it when questioned. On 2/13/06 they checked approximately 25 establishments. Twenty-three establishments passed the test. Two failed and were issued citations. He felt that the decoy's youthful appearance would make people want to check her id. The decoys who perform the sting are instructed to dress as they would normally. He and Deputy Rivera wrote the report under Tab G 06-1067. His initials are "JA" and are on the report. Comments indicated that the television was again airing the meeting. Deputy Adams indicated that he had computer problems, therefore, Deputy Rivera had issued the citation. The probable cause was due to the decoy's entering the establishment, coming out, and saying she had been served. When Deputy Adams stepped into the establishment, he observed Mr. Fairl disposing of the drink. He had the glass in his hand. Deputy Adams approached Mr. Fairl and identified himself. He told him that he had just served a minor. Mr. Fairl became very defensive and made a statement that he did not serve her. He had made a drink. He motioned indicating that he was setting the drink on the bar in front of her. Deputy Adams wrote the report when the incident was fresh in his mind. His recollection of the incident indicated that Mr. Fairl thought the girl was approximately 22 years of age. His other involvement with the bar occurred on 8/30/05 when he issued a citation to a bartender. To Deputy Adams' knowledge, the issue has not gone to court and a conviction has not occurred. A fingerprint check of the glass has not occurred. Mr. Williams asked Deputy Adams about a Saturday in mid-March when approximately ten officers checked the ids of the bar's patrons. Deputy Adams explained that he is normally assigned to the motor division. Unless he is assigned to do compliance checks, he does not respond to that type of call. He was not involved with this incident. Mr. Williams asked him if he knew that the ten Deputies found nothing wrong. Deputy Adams repeated that he had not been involved with this incident. Mr. Williams then asked if he heard the young lady indicate that out of the 70 checks, half of the businesses were out of compliance. Deputy Adams answered yes. He was not sure what she had referred to or which compliances she was referencing or if that is a total for all of the checks that she had been involved in. He needed to clarify her statement.

Member Williamson asked if there are training sessions conducted after stings or service calls to a business. Deputy Adams indicated that the Department is developing a server compliance training program. To his knowledge, the Department has not had this type of a program before.

Deputy Adams explained for Mr. Suglia that Ms. Casci does "shoulder tap" compliance checks. The process was explained. It provides a compliance check on both individuals and businesses.

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Sgt. Sloan indicated that he compiled the original investigation report that was given to the Board on 3/2/06. The only changes he had made to it were those required to provide the information requested by Mr. Williams. This information was also provided to the Board along with a cover letter dated 4/3/06 from Mr. Suglia. The information was limned including the graphs illustrating the number of service calls at the listed establishments and the number of service calls without the times when officers had meals at the establishments. The additional establishments had not been included in the original report to the Board due to the fact as they are also considered a restaurant which will attract more calls and business checks. They do not compare to Fairls'. As it was requested, he compared them. Initially he saw that the calls to Stew's, Bully's and Sparky's were high, however, in checking the calls it was determined that a lot of the Deputies eat at these establishments. They are recorded as calls. When he removed those calls, it produced the second graph. Business checks are different for these businesses as compared to Fairls. The business checks at Fairls are to "prevent problems" or identify problems. The other establishments are just "common drop in calls", i.e., use the restroom, say hi to whomever is working, etc. Discussion explained that if a Deputy is eating there, the process makes it look like it is a call for service. The incident at Fairls involving five minors was discussed including the male who had a 0.24 blood alcohol test. Discussion between Mr. Day and the Board indicated that the testimony should relate to the individual's physical impairment, the stats, and incidents. Chairperson Teixeira indicated that an individual with a 0.24 blood alcohol test can barely stand up. Discussion between Sgt. Sloan and Mr. Suglia indicated Sgt. Sloan's opinion that 155 incidents in a 12-month period constituted a public nuisance and that the Sheriff's Department recommended the license be revoked.

Discussion between Member Aldean and Sgt. Sloan pointed out that there had been nine calls for service since 3/2/06, the date of the last Board meeting. Five of the calls were business calls. One was an accident, which was cancelled and is not related to the topic.

Discussion between Mr. Williams and Sgt. Sloan indicated that Kathy's Some Place Else bar is comparable to Fairls. JB's is similar although it has a kitchen but Sgt. Sloan felt the kitchen was separate from the bar. Sgt. Sloan concurred that Deputies having meals at an establishment may deter problems. The Deputies do not stop at Fairls for a soda or water. Sgt. Sloan was not aware of Mr. Fairl's offer of any fake ids. Mr. Fairl had allegedly called the Department and requested walk throughs. They had not received any calls from Fairls since 3/3 and the Department has stayed away unless there was trouble to keep it from looking as if the establishment was being targeted. He was on duty the night the officers walked through the establishment and checked ids. Approximately ten days before that occurred, the bar was closed at midnight. It was a quiet week-and-a-half. Suddenly, it was like grand opening and the parking lot was packed. He told the Deputies to do a check and determine what was going on. Sgt. Sloan then explained that NV50 is just over the county line in Lyon County. They have been having lots of problems. Part of that crowd comes into Carson City when NV50 closes. Fairls is the stopping ground for them. He felt that NV50 is where the "unwanted people are coming from". It is usually after midnight that this occurs. In his opinion, Mr. Fairl wants to stay open after midnight to attract some of that crowd even though that is when they are getting a majority of their calls. The minor consuming alcohol, however, is a Carson City problem.

Discussion ensued regarding the need for the attorneys to make a closing statement. Chairperson Teixeira pointed out that they are not in court and, although both attorneys would provide great closing statements, they were unnecessary. He also noted that Mr. Suglia, with Sgt. Sloan's concurrence, was recommending closing the bar. He then explained that Sheriff Furlong was hospitalized for observations following an episode

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involving chest pains. He had received a telephone call from Sheriff Furlong, who was very disgruntled, indicating a desire to be present. Undersheriff Albertsen is in attendance.

Undersheriff Albertsen advised that he had spoken to Sheriff Furlong and that they agree that they want the license pulled. Mr. Suglia indicated that it is his recommendation also.

Member Livermore pointed out that Mr. Williams' packet includes the sales tax receipts. The realtor had indicated that the sales price is \$115,000. If the sales taxes that have been collected or the volume of the business are added together it indicates, as he discovered, that the \$115,000 sales price will not attract a buyer. Allowing the Fairls to keep the license pending a sale only prolongs the dream that there is a buyer who wants the establishment. The highest volume month was \$11,000. This month the volume was \$5782. This is less than \$200 a day. He did not believe that this amount is adequate to meet the operating expenses.

Member Staub explained that he had attempted to provide an opportunity for the parties to find a solution and/or compromise. His suggestion was not considered seriously. He was not being a bleeding heart when he made the suggestion. He was attempting to send the message to counsel that the Board is reasonable and provide an opportunity for finding a solution. The matter is now before the Board. A settlement cannot be reached at this point. The Board must make a decision.

Member Staub moved to find (that) grounds exist to revoke the liquor license issued to Gene and Karen Fairl, dba Fairls' Country Saloon, and move that the Liquor and Entertainment Board request the District Attorney to prepare for the Mayor's signature an Order of Revocation; this revocation is based upon the grounds that the evidence and testimony presented at today's hearing demonstrates that the acts or the failure to act by the owners in connection with the operation of Fairls' Country Saloon has created or tended to create or constitute a public nuisance and has fostered the maintenance of a disorderly place of business. Member Livermore seconded the motion. Motion was voted by roll call with the following result: Member Staub - Yes; Member Livermore - Yes; Member Williamson - Yes; Member Aldean - Yes; Chairperson Teixeira - Yes; and Member Schutte - Yes. Motion carried 6-0.

There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Teixeira adjourned the Liquor and Entertainment Board.

The Minutes of the April 2, 2006, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON May 4, 2006.

/s/  
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Marv Teixeira, Mayor

ATTEST:

/s/  
\_\_\_\_\_  
Alan Glover, Clerk-Recorder