

LIQUOR LICENSE HEARING OFFICER MEETING
Minutes of the June 16, 2015 Meeting
Page 1

A meeting of the Carson City Liquor License disciplinary process was scheduled for 10:00 a.m. on Tuesday, June 16, 2015, in the Carson City Permit Center, 108 East Proctor Street, Conference Room A, Carson City, Nevada.

PRESENT: Sheriff Ken Furlong, Carson City Sherriff's Office
Sargent Scott McDaniel, Carson City Sherriff's Office
Deputy Jessica Dickey, Carson City Sherriff's Office
Dale Barcomb, 7 Eleven, Inc. Liquor Manager, Store Number 22629

STAFF: Lee Plemel, Community Development Director
Joseph Ward, Deputy District Attorney
Lena Reseck, Business License Division
Tamar Warren, Deputy Clerk/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.

An audio recording of this hearing is available on www.Carson.org/minutes.

A. CALL TO ORDER

(10:00:45) – Mr. Plemel called the meeting to order at 10:00 a.m., and reviewed the hearing procedures.

B. PUBLIC COMMENTS

(10:01:10) – Mr. Plemel entertained public comments; however, none were forthcoming.

C. PUBLIC HEARING: ACTION ITEMS

1. ACTION TO SHOW CAUSE AS TO WHY DISCIPLINARY ACTION SHOULD NOT BE TAKEN AGAINST 7 ELEVEN, INC. DBA 7 ELEVEN STORE #22629, LOCATED AT 3701 N. CARSON ST., LIQUOR LICENSE #15-27361, DUE TO THE ISSUANCE OF A FIRST OFFENSE ADMINISTRATIVE CITATION OF THE CRIMINAL STATUTE ISSUED BY THE SHERIFF'S DEPARTMENT FOR UNLAWFULLY SERVING A MINOR.

(10:01:28) – Mr. Plemel explained the order in which the case would be presented, and the rebuttal process. He also reviewed the Agenda Report, incorporated into the record. Ms. Reseck noted that Dale Barcomb, Liquor Manager of the 7 Eleven store number 22629, had included in his appeal statement the list of employees who had been trained on refusing the sale of alcohol to minors. The appeal form and the supporting documents are incorporated into the record as well.

(10:04:42) – Mr. Barcomb reviewed the 7 Eleven liquor sales policy and noted that the "Age Restricted" training designation, provided by him for the record, indicated the training conducted by the Carson City Sherriff's Office, and that the date field signified its expiration. Sherriff Ken Furlong was informed that Tyler Ferguson, the employee who had sold liquor to a minor, had attended the training provided by the Carson City Sherriff's Office, along with three other store employees and Mr. Barcomb. The remaining five employees had attended the 7 Eleven training, according to Mr. Barcomb, who also clarified that his store had not been previously cited. Sherriff Furlong was informed that 7 Eleven handled each violation on a case-by-case basis, and that the corporate policy required an employee to key in a birth date with every liquor purchase. Discussion ensued regarding this particular occurrence and the circumstances that resulted in

LIQUOR LICENSE HEARING OFFICER MEETING
Minutes of the June 16, 2015 Meeting
Page 2

the violation. Mr. Barcomb agreed that Mr. Ferguson had not followed the corporate policies and procedures, and noted that a fine had been imposed on him by the Sherriff's Department. Sherriff Furlong was informed by Mr. Barcomb that no other disciplinary action was handed to the employee, but was asked to attend another training by the Sherriff's Department.

(10:23:33) – Sherriff Furlong noted that the Citation Officer, Deputy Jessica Dickey, had joined the meeting.

(10:26:30) – Sherriff Furlong stressed the importance of Mr. Barcomb's role in the enforcement of the "Age Restricted" regulations, and was disappointed that the store had not engaged in disciplining the employee. Joe Ward, Deputy District Attorney, gave several examples of progressive discipline such as written warnings, suspensions, etc. Sherriff Furlong noted that "a record was present to show that the employer is meeting the training requirements that have been established by the City" for servers to receive a certified training course. He also stated that this 7 Eleven store had demonstrated a record of compliance in the past in addition to performing their own corporate evaluations. However, he expressed disappointment in the inaction by the management in disciplining the employee. Mr. Plemel stressed the importance of preventing the sale of alcohol products to minors in Carson City.

(10:33:08) – **Mr. Plemel delivered his decision to suspend the fine [to 7 Eleven number 22629] provided that by September 1, 2015 no second citation occurs, and that Mr. Barcomb provides to Ms. Reseck in the Business Licence Department certificates of employee training, either from a City-recognized organization or from the Carson City Sherriff's Office.** Deputy Dickey offered to provide a special training to the entire store at once. Both Sherriff Furlong and Mr. Barcomb agreed with Mr. Plemel's decision. Sherriff Furlong also explained that his office would continue to stress compliance in order not to lose any juveniles to preventable alcohol-related incidents. Mr. Barcomb clarified that Mr. Ferguson had received both a verbal and a written warning.

D. PUBLIC COMMENT

(10:39:00) – Mr. Plemel entertained public comments; however, none were forthcoming.

E. ADJOURNMENT

(10:30:08) – Mr. Plemel adjourned the meeting at 10:38 a.m.

The Minutes of the June 16, 2015 Carson City Liquor License Hearing Officer Meeting are respectfully submitted this 2nd day of July, 2015.

SUSAN MERRIWETHER, Clerk - Recorder

By: _____
Tamar Warren, Deputy Clerk/Recording Secretary