



Carson City Planning Division

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MEMORANDUM

Board of Supervisors Meeting of June 6, 2019

TO: Board of Supervisors

FROM: Hope Sullivan, AICP
Planning Manager

DATE: June 4, 2019

SUBJECT: Late Material Related to Changes Proposed in an Ordinance amending CCMC Chapter 4.14 Gaming Licenses and Regulations.

Staff has received correspondence from Casey J. Stiteler, Associate Attorney with Lewis Roca Rothgerber Christie representing Gold Dust West. The correspondence is attached.

In general, Mr. Stiteler is seeking clarification in the Ordinance that each gaming license is for one physical location. This has been the staff's interpretation and practice. Having said that, staff agrees with Mr. Stiteler that there is a benefit to clearly stating such.

Mr. Stiteler has suggested adding wording to CCMC 4.14.040 as follows:

1. Each license provide for in this chapter may only be issued to one person **for one physical location**, it being the intention of the board ...

Staff agrees with the proposed additional language, and recommends the recommended action be modified to:

"I move to introduce, on first reading, Bill No. ___ with the incorporation of the additional language identified in the Planning Manager's memo of June 4, 2019."

LATE MATERIAL

Item #: 26G

Meeting Date: 06/06/19

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May 28, 2019

Our File Number: 151833.00018

VIA E-MAIL

Hope Sullivan, AICP
Planning Manager
Carson City

RE: Proposed Amendments to the Carson City Gaming Ordinance

Dear Ms. Sullivan:

Our firm represents the Gold Dust West located at 2171 E. William Street, in Carson City, Nevada. This letter is in response to your letter dated May 8, 2019, seeking comments and suggestions to the proposed amendment to the Carson City gaming ordinances. Based on our prior conversations the purpose of this amendment is to ensure that the gaming ordinances accurately reflect current practices with regard to gaming licenses.

After reviewing the proposed amendments, our primary concern is that the Carson City ordinances do not currently state explicitly that gaming licenses are limited to a single physical location. Moreover, the removal of Title 4, section 4.14.050(1) which states that “[a] license issued to any person to conduct or operate a gambling game or gambling device under the provisions of this chapter on any premise in Carson City **may not be used for any other premises or for any other part of the building containing the licensed premises**, without the consent of the majority vote of the board” would remove any such reference to a limitation on the applicability of a gaming license to a single location. (Emphasis added).

Based on our conversations, the current practice in Carson City limits a gaming license to a single physical location. Similarly, Nevada law and the Nevada Gaming Control Board regulations generally limit a gaming license to a single location. For example, the Nevada Gaming Control Board’s regulations state, “a separate application is required for each establishment for which a gaming license is sought, irrespective of the ownership of the establishment.” Regulation 4.050.

Accordingly, we would propose the following change to Carson City Municipal Code Title 4, Section 4.14.040 in order to ensure that it accurately reflects current practice and Nevada law.

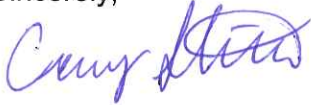
4.14.040 - Applications.

1. Each license provided for in this chapter may only be issued to one person for one physical location, it being the intention of the board to hold the individual as said licensee personally responsible for the orderly conduct of said business. If the applicant is not the sole owner of the business to be conducted on the premises for which the license is sought, the application must

be accompanied by a sworn statement of the owner or owners of said business appointing the applicant as the agent of said owner or owners, authorizing him to apply for said license and to conduct the business.

Thank you for your time and attention to this matter and the opportunity to provide feedback. Please feel free to contact me if you have any additional questions or concerns.

Sincerely,



Casey J. Stiteler
Lewis Roca Rothgerber Christie LLP

CJS