

Item # 12c

City of Carson City Agenda Report

Date Submitted: March 10, 2009

Agenda Date Requested: March 19, 2008

Time Requested: 10 minutes

To: Liquor Board

From: Business License, Development Services

Subject Title: An appeal hearing for liquor license #09-23465, held by Alanddon, LLC dba Arco AM/PM #82392 located at 720 S. Carson St., Carson City, Nevada. This appeal hearing is based on the issuance of a citation for a first offense criminal statute violation related to the sale of liquor to a minor at the licensed premises. This action is for the licensee to show cause as to why the \$100.00 administrative citation pursuant to CCMC 4.13.150(8)(a) should not be imposed and made payable by the licensee. (Jennifer Pruitt/Lena Tripp)

Staff Summary: CCMC 4.13.150 provides for the imposition of a \$100 fine upon the holder of a liquor license for the first time a person is issued a criminal citation related to the sale of liquor at a licensed premises. On November 14, 2008, a first offense criminal citation related to the sale of liquor was issued at AM/PM #82392 located at 720 S. Carson St., Carson City, Nevada.

Type of Action Requested:

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: An appeal hearing for liquor license #09-23465, held by Alanddon, LLC dba Arco AM/PM #82392 located at 720 S. Carson St., Carson City, Nevada. This appeal hearing is based on the issuance of a citation for a first offense criminal statute violation related to the sale of liquor to a minor at the licensed premises. This action is for the licensee to show cause as to why the \$100.00 administrative citation pursuant to CCMC 4.13.150(8)(a) should not be imposed and made payable by the licensee.

Explanation for Recommended Board Action: The Liquor Board has the discretion to issue a fine of \$100.00

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 4.13.150

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

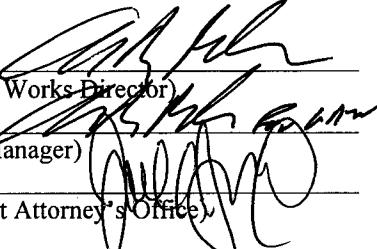
Alternatives: 1) Take no action

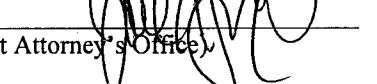
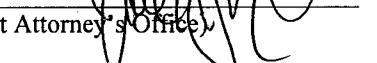
Board Action Report - Liquor License
Alanddon, LLC - Arco AM/PM
March 19, 2009
Page 2

Supporting Material: 1) First offense Administrative Citation
2) Appeal Form
3) Disposition from Carson City Justice Court

Prepared By: Lena E. Tripp, Senior Permit Technician

Reviewed By:


(Public Works Director)

(City Manager)

(District Attorney's Office)

(Sheriff)

Date: 3-10-09

Date: 3-10-09

Date: 3-10-09

Date: _____

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)



Carson City Business License Division

2621 Northgate Lane, Suite 6
Carson City, Nevada 89706
(775) 887-2105

ADMINISTRATIVE CITATION

(Carson City Municipal Code Section 4.13.150)

Case Number: **08-8334**

Business Name: **Arco AM/PM #82392 – Liquor License #09-23465**

Business Address: **720 S. Carson St.**

Business Licensee:
Alanddon, LLC
Allan G. Fiegehen, Liquor Manager
2800 Lockheed Way
Carson City, NV 89706

In the City of Carson City, the following criminal citation was issued to **Ken Richard Napoletano** on **November 14, 2008** at the business address set forth above.

CCMC Section 4.13.190:1 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

On Janaury 13, 2009, Ken Richard Napoletano plead guilty to the charge set forth above. The Administrative Citation Fine is now due and payable.

Administrative Citation Fine: **\$100.00**

Fine is due and payable: **March 13, 2009**

Make payment to:
Carson City Business License
2621 Northgate Lane, Ste #6
Carson City, NV 89706

For further information contact the Carson City Business License Division at (775) 887-2105.



Carson City Business License Division

2621 Northgate Lane, Suite 6
Carson City, Nevada 89706
(775) 887-2105

ADMINISTRATIVE CITATION APPEAL FORM

(Carson City Municipal Code Section 4.13.150)

Case Number: **8-8334**

Business Name: **Arco AM/PM #82392 - License #08-23465**

Business Address: **720 S. Carson St.**

Business Licensee: **Alanddon, LLC**
Allan G. Fiegehen, Liquor Manager
2800 Lockheed Way
Carson City, NV 89706

In the City of Carson City, the following criminal citation was issued to **Ken Richard Napoletano** on **November 14, 2008** at the business address set forth above.

CCMC Section 4.13.190:1 Unlawful to serve minors.

1. It shall be unlawful for any licensee or his agent or employee to sell, serve, give away, or otherwise provide liquor to any person under the age of twenty-one (21) years or to allow or permit any person under the age of twenty-one (21) years to possess or consume liquor in or upon the licensed premises.

In the area provided below, give a detailed explanation as to why the administrative citation that was issued on **November 19, 2008** is being contested.

We have pled "Not Guilty" to the charge and are awaiting trial.

Return completed form to:

Carson City Business License
2621 Northgate Lane, Ste #6
Carson City, NV 89706

Once completed form is received, a hearing date will be scheduled to appear before the Carson City Liquor Board.

**ORDER SETTING HEARINGS, APPOINTMENT OF COUNSEL AND
CONDITIONS OF RELEASE FROM JAIL
THE CARSON CITY JUSTICE AND MUNICIPAL COURT**

DEFENDANT: NAPOLETANO, KEN RICHARD

COURT CASE #: 08 CR 02250 1C ORIGINATING CASE #: C30877215400 LANGUAGE SPOKEN: ENGLISH STATUS: OPEN

PROSECUTING ATTORNEY: CARSON CITY DISTRICT ATTORNEY DEFENSE ATTORNEY: ROBERT GRAYSON

COURT HEARING INFORMATION

ARR HRG - OUT OF CUSTODY	Tuesday, December 9, 2008	9:30 am = ARRAIGNMENT HEARING HELD
PRE-TRIAL HEARING	Tuesday, January 6, 2009	1:30 pm = CONTINUED
PRE-TRIAL HEARING	Tuesday, January 13, 2009	1:30 pm = SENTENCING HEARING HELD
STATUS REVIEW HEARING	Tuesday, January 12, 2010	1:30 pm = NOT RESULTED

CHARGE AND SENTENCE INFORMATION

CHARGE 4.13.190 CS - SELL, FURNISH OR ASSIST MINOR TO OBTAIN ALCOHOLIC BEVERAGE

PLEA: 01/13/2009 - GUILTY

DISPOSITION: 01/13/2009 - DEFERRED SENTENCING ONE YEAR

JAIL 0 DAYS, - 0 DAYS CREDIT, = 0 DAYS TO SERVE,
0 ADDITIONAL DAYS SUSPENDED FOR 1 YEAR

FINES AND FEES

ORIGINAL AMT	AMT PAID	AMT DISMISSED	AMT DUE
--------------	----------	---------------	---------

ADDITIONAL FEES

TOTAL OWING AS OF THIS DATE: NO FINES OR FEES ARE DUE ON THIS CASE.

CONDITIONS

REQUIREMENTS	DUE DATE	DA COMPL
		MISCELLANEOUS CONDITION
		NO COMPLAINTS FOR SELLING ALCOHOL TO MINORS
	01/12/2010	COURT MONITORED SENTENCE
1 C	01/30/2009	RESPONSIBLE ALCOHOL VENDOR CMPLNCE TRAINING

ARREST/BAIL/BOND INFORMATION

ARREST DATE	STATUS DATE	CURRENT STATUS	AMOUNT	TYPE OF B
		NO ARREST, BAIL OR BOND INFORMATION EXISTS ON THIS CASE.		

ADDITIONAL CASE INFORMATION
NO FURTHER INFORMATION

Pursuant to NRS 178.484, The Defendant must sign this document before being released from jail.Â By signing below, the Defendant promises to appear at all times and places as ordered by the Court releasing him or her and as ordered by any Court before which the charge is subsequently heard, (b) will comply with the other conditions which have been imposed by the Court and are stated in the document,Â (c) and, if he or she fails to appear when so ordered and is taken into custody outside of this State, the Defendant waives of his or her rights relating to extradition proceedings. This document serves as a receipt of bail posted which shall be used to satisfy fine or cost imposed by the Court. Any law enforcement officer who has probable cause to believe the Defendant has violated any condition of his/her release is ordered to arrest him or her.

Pursuant to NRS 199.335, Â if you fail to appear at the time and place required by the order of the court, and fail to surrender yourself within 30 days after the date on which you were required to appear and the charge you failed to appear for was a felony, you are guilty of a CATEGORY D FELONY FAILURE TO APPEAR.Â If the charge you failed to appear for was a gross misdemeanor (and no felonies), you are guilty of a GROSS MISDEMEANOR FAILURE TO APPEAR.Â If the charge you failed to appear for was a misdemeanor (and no felonies or gross misdemeanors), you are guilty of a MISDEMEANOR FAILURE TO APPEAR.Â If you leave the State of Nevada with the intent to prosecution and the charge you failed to appear for was a felony, gross misdemeanor or misdemeanor, you are guilty of a CATEGORY FELONY FAILURE TO APPEAR.

ORDER SETTING HEARINGS, APPOINTMENT OF COUNSEL AND CONDITIONS OF RELEASE FROM JAIL

JUDGE'S SIGNATURE: _____ DATE: _____

I UNDERSTAND AND PROMISE TO OBEY THIS ORDER

DEFENDANT SIGNATURE: _____ DATE: _____

ISSUED BY MARSHAL: _____ DATE: _____ TIME: _____

RECEIVED BY DEPUTY: _____ DATE: _____ TIME: _____