

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD

Minutes of the December 16, 2010 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, December 16, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Robert Crowell
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, 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 (8:47:28) - Chairperson Crowell called the meeting to order at 8:47 a.m. Mr. Glover called the roll. A quorum was present, including Member Furlong. Member Williamson was absent.

12. ACTION ON APPROVAL OF MINUTES - November 16, 2010 (8:47:50) - Member McKenna moved to approve the minutes. Member Aldean seconded the motion. Motion carried 5-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) ACTION TO APPROVE CHARLES ABOWD AS THE LIQUOR MANAGER FOR ADELE'S, LIQUOR LICENSE NO. 11-3979, LOCATED AT 1112 NORTH CARSON STREET, CARSON CITY (8:48:15) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting staff's recommendation of approval. (8:49:02) Chairperson Crowell acknowledged Charles Abowd at the podium. In response to a question, Mr. Abowd advised that Adele's has a "no tolerance policy," which includes requesting identification from "anybody that looks younger than ... John McKenna." He clarified that Adele's staff is "very proactive on ID checks."

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Aldean moved to approve Charles Abowd as the liquor manager for Adele's, liquor license number 11-3979, located at 1112 North Carson Street, Carson City. Member Walt seconded the motion. Motion carried 5-0.** Chairperson Crowell thanked Mr. Abowd and his family for providing a wonderful business to the community over the past many years.

13(B) ACTION TO APPROVE RICHARD ESTEY AS THE LIQUOR MANAGER FOR DOTTY'S #74, LIQUOR LICENSE NO. 11-27416, LOCATED AT 4320 SOUTH CARSON STREET, CARSON CITY (8:51:06) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda report. She noted that Mr. Estey is the current liquor manager at two other Dotty's locations, and staff's recommendation of approval.

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(8:51:40) Chairperson Crowell acknowledged Richard Estey at the podium. In response to a question, Mr. Estey advised of an “aggressive program” to prevent underage drinking. He introduced Dotty’s Northern Nevada General Manager Steve Hickson. (8:52:03) Mr. Hickson advised that Dotty’s employees are required to attend a mentor program upon accepting employment. “We sent every employee to the Sheriff’s alcohol awareness and every employee passed. And we have a continual, we have a test that goes over all our policies and procedures,” which includes a requirement to request identification from anyone appearing to be under the age of 40. Mr. Hickson further advised that no one under the age of 21 years is allowed in a Dotty’s establishment. Member Aldean noted that, due to the concurrent liquor licenses held by Mr. Estey, there was no additional background investigation conducted for the subject license application.

Mr. Estey acknowledged that the Dotty’s corporation has establishments in southern Nevada which are involved in issues with the Clark County Commission. Chairperson Crowell advised of having been previously unaware of the relationship, and disclosed that his law firm represents the southern Nevada Dotty’s establishments. He recused himself from further discussion and action on this item, and passed the gavel to Chairperson *Pro Tem* Aldean.

Chairperson *Pro Tem* Aldean entertained comments or questions of the board members and the public. When none were forthcoming, she entertained a motion. **Member Walt moved to approve Richard Estey as the liquor manager for Dotty’s #74, liquor license 11-27416, located at 4320 South Carson Street, Carson City. Member McKenna seconded the motion. Motion carried 4-0-1, Chairperson Crowell abstaining.** Chairperson *Pro Tem* Aldean returned the gavel to Chairperson Crowell.

13(C) ACTION TO ACCEPT THE ANNUAL ACTIVITY REPORT FOR ADMINISTRATIVE CITATIONS ISSUED (8:54:36) - Chairperson Crowell introduced and provided background information on this item. Planning Division Director Lee Plemel reviewed the agenda materials, and clarified that appeal of a second administrative citation will be heard in the latter part of December. In response to a question, he advised that trends can be built into future reports. He noted that “first citations seem to be about the same. The second citations have gone down over the last year. But, relatively speaking, they’ve been ... fairly constant for the last three years, all in about the same range.” Mr. Plemel noted the decrease in second and third violations this year versus the last couple years. In response to a question, he advised that no one has challenged the process. “... that means everybody has chosen to pay their fine and not challenge any of the fines. And there haven’t been any that have gone far enough to come before the hearing officer.”

Chairperson Crowell entertained public comment. At Member Furlong’s request, Chairperson Crowell provided Deputy Sal Acosta an opportunity to report. (8:58:52) Deputy Acosta reported an increase in second violations, and reviewed statistical information on recent compliance check results. He acknowledged that the business name and the individual cited is forwarded to the *Nevada Appeal*. In response to a question, he advised of the problem that “a lot of the people that we’re contacting that are selling alcohol to our kids have not gone through the training.” He suggested this may “be something to think about as far as a violation for that business, a liquor license holder not sending his people to server training.” Member Aldean recalled having discussed the possibility of mandatory alcohol server training, as a condition of a liquor license. Mr. Werner advised that alcohol server training is mandatory for new liquor licenses. Deputy Acosta acknowledged that the businesses receiving citations “are all existing establishments that have been in business for an extended period of time; those people that were

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grandfathered in." Discussion followed, and Member Aldean expressed sympathy for the business owners who can only do so much to "force their employees to be responsible." She noted the business owners ultimately pay the price of non-compliance. Member Furlong discussed the importance of more appropriately recognizing businesses which are successfully passing compliance checks.

In response to a question, Deputy Acosta discussed the frequency by which compliance checks are conducted, based on available funding. He clarified that all aspects of underage drinking law enforcement are covered, and detailed the same. Member Furlong responded to questions regarding the Sheriff's Office procedure associated with second citations. "All second offenses come to [the Sheriff's Office] and we have a sit down about their policies and practices and procedures." Member Furlong provided additional clarification regarding the grant-funded compliance check program, which he described as "an additional duty. ... The officers that carry out these functions are basically beyond their normal commitment."

In consideration of the annual liquor license renewal, Member Aldean suggested including a reminder of the Sheriff's alcohol server training program and a strong recommendation to send employees who have not attended or have not attended in a number of years. Mr. Werner estimated a \$3,000 or \$4,000 cost to include the reminder, but offered to check into it. Deputy Acosta advised that the alcohol server training schedule is included whenever a citation is issued. Member Furlong provided anecdotal information relative to Sheriff's Office personnel's efforts to communicate with business owners and their employees regarding the illegal sale of alcohol to minors.

Chairperson Crowell entertained additional discussion and, when none was forthcoming, thanked Deputy Acosta. He commended Planning Division and Sheriff's Office personnel for streamlining the process and "performing admirably on these issues." Chairperson Crowell entertained a motion. **Member Walt moved to accept the annual activity report for administrative citations issued. Member Aldean seconded the motion. Motion carried 5-0.**

14. ACTION TO ADJOURN (9:09:15) - Chairperson Crowell adjourned the meeting at 9:09 a.m.

The Minutes of the December 16, 2010 Carson City Liquor and Entertainment Board meeting are so approved this 3rd day of February, 2011.

ROBERT L. CROWELL, Chair

ATTEST:

ALAN GLOVER, Clerk - Recorder