



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: October 18, 2018

Staff Contact: Lee Plemel, Community Development Director

Agenda Title: For Possible Action: To direct staff to serve a complaint and notice of an order to appear and show cause why business license no. 6629, issued to Ann Sullivan, owner of Capital City Liquidators, located at 3390 S. Carson Street, should not be suspended, cancelled, or revoked pursuant to CCMC 4.04.210(1), for continued operation of the business in violation of the Carson City Municipal Code, and to fix the time and place for the show cause hearing to be December 6, 2018 at 8:30 a.m. (Lee Plemel, lplemel@carson.org).

Staff Summary: The Carson City Code Enforcement Division initiated code compliance actions regarding the subject business on November 5, 2015, for unscreened outside storage and outside storage that exceeds the permitted area on property zoned Retail Commercial (20%) without a Special Use Permit. The business has continued to violate the City's outside storage requirements and has expanded the outside storage areas since the first notice was given. The Carson City Municipal Code Section 4.04.210 establishes the process for suspending, canceling or revoking a business license based on "good cause," which includes acts prohibited by City ordinance.

Agenda Action: Formal Action/Motion

Time Requested: 60 minutes

Proposed Motion

I move to direct staff to serve a complaint and notice of an order to appear and show cause why business license no. 6629, issued to Ann Sullivan, owner of Capital City Liquidators, located at 3390 S. Carson Street, should not be suspended, cancelled, or revoked pursuant to CCMC 4.04.210(1), for continued operation of the business in violation of the Carson City Municipal Code, and to fix the time and place for the show cause hearing to be December 6, 2018 at 8:30 a.m.

Board's Strategic Goal

Quality of Life

Previous Action

A summary of Ms. Sullivan's violations are as follows:

1. On April 22, 2016, Ms. Sullivan entered into a deferred prosecution agreement with Carson City. She paid \$500 in restitution as a result of that agreement. She did not fully comply with that agreement, and so the matter proceeded through prosecution.
2. On August 2, 2017, Ms. Sullivan pled guilty to the a violation of CCMC 18.16.005. She paid \$890 in fines and fees on that citation, she was ordered to be in full compliance within 6 months. She failed to comply.
3. On July 10, 2018, Ms. Sullivan appeared before the court again, and pled guilty to a contempt of court for failing to comply with the court's August 2, 2017 order. She was fined \$500 for the contempt.

4. Also on July 10, 2018, Ms. Sullivan pled guilty to another violation of CCMC 18.16.005. Ms. Sullivan was ordered to pay \$1140 in fines and fees.

Background/Issues & Analysis

The Carson City Municipal Code Chapter 4.04 (Business Licenses), Section 4.04.210 (Suspension, cancellation or revocation of licenses or permits) establishes the reasons and process for suspending, canceling or revoking a business license. "Good cause" for such an action includes "any act in the operation of the business [that] is made unlawful or is prohibited by any ordinance, law or rule of Carson City." In accordance with CCMC 4.04.210, the process requires that the Board of Supervisors "may, on its own motion or initiative, . . . institute proceedings to suspend, cancel or revoke a license. . ." The required process is as follows:

1. The Board of Supervisors, by motion, directs staff to serve notice of an order to show cause hearing set by the Carson City Board of Supervisors by mailing a complaint to the licensee containing the location, date, and time of the hearing, and the alleged reasons for the proceedings.
2. After service of the complaint to the licensee, the licensee has 10 days in which to file a written response to the complaint and file it with the Business License Department.
3. The Board of Supervisors conducts a "show-cause" hearing to consider the evidence and written response and, if the Board chooses to suspend, cancel or revoke the license, enters a written order into the record with the applicable action.

Subject business information:

Business Name: Capital City Liquidators

Business Address: 3390 S. Carson Street

Business License No: 6629

Business Owner: Anne Sullivan

Year of Business Opening at Current Location: 2012

The property is located within the Retail Commercial (RC) zoning district. The purpose of the Retail Commercial zoning district is stated in the Carson City Municipal Code (CCMC) Section 18.04.130 (Retail Commercial), which reads:

The purpose of the RC District is to preserve a commercial district limited primarily to offices and retail sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some service uses which are compatible with the zone. All uses within the RC District shall be conducted within a building, and aside from display windows, be screened from view. Outdoor display and storage of autos, recreational vehicles, or mobilehomes in conjunction with an existing business with sales of autos, recreation vehicles and mobilehomes is allowed in accordance with Division 2 of the Development Standards and provided the vehicles or mobilehomes do not encroach into City or State Right-of-Way without an approved encroachment permit and are screened from adjacent parcels. Temporary outdoor display and sale of merchandise for a period not to exceed 30 days within a calendar year may be authorized by the Director subject to Title 18.02.115.8 (Outdoor Sales and Activities).

According to Section 18.04.130(2), "Outside Storage, limited by and to subject to Development Standards Division 1 and 1.12 Outside Storage" is a permitted accessory use in the RC zoning district.

The Development Standards Division 1.12 (Outside Storage) includes the following provisions (emphasis added):

1. Storage areas shall be enclosed by a one hundred percent (100%) sight obscuring fence or wall permanently installed and maintained by a minimum height of six (6) feet. No materials and/or equipment shall be stored therein to a height exceeding that of the wall or fence.

2. Storage areas allowed as an accessory use in a commercial or Limited Industrial zoning district shall not occupy more than twenty percent (20%) of the lot area unless a Special Use Permit is first obtained.

Capital City Liquidators first obtained a business license for operating in its current location in 2012. The license was for "new and used office and warehouse items, fixtures and furniture." (See Attachment 1, current business license.) Based on discussions with the business owner, staff determined that the permitted uses under the business license, as defined in CCMC Title 18, were:

1. Secondhand Dealer, sale of new and used office/warehouse furniture and fixtures (the sale of one kind of used commodity, not a Secondhand Business which is the sale of general used merchandise).
2. Antique Sales.
3. Used cars and RV sales.

With the business license application submittal, the business owner provided a site plan showing compliance with the limitation on outside storage to no more than 20% of the parcel area (see Attachment 2). The applicant never fenced in and screened the compliant storage area but, instead, utilized a larger area for outside storage.

Despite numerous warnings, notices of violation, and citations, the outside storage area has continued to occupy more area over the years since the opening of the business. Refer to Attachment 3 to see the outside storage area before the business was located on the property and in the years since then.

Code Enforcement staff and the District Attorney's office has been unable to get the business to comply with the outside storage regulations through the misdemeanor citation process through the courts. Therefore, based on the continued lack of compliance regarding outside storage, Code Enforcement staff recommends that the Board of Supervisors initiate show cause proceedings as to why the business license should not be canceled, suspended or revoked.

City staff has notified the business owner of the proposed action at this meeting.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 4.04.210; 18.04.130 (Retail Commercial); Title 18 Appendix, Development Standards, Division 1.12 (Outside Storage)

Financial Information

Is there a fiscal impact? ☒ Yes ☐ No

If yes, account name/number: Planning/Code Enforcement operating budget

Is it currently budgeted? ☒ Yes ☐ No

Explanation of Fiscal Impact: Staff time spent on ongoing code compliance issues.

Alternatives

1. Do not initiate show cause proceedings.
2. Initiate show cause proceedings but select a later date for the hearing.

Attachments:

- 1) Current business license
- 2) Site plan provided by business owner with business license application in 2012
- 3) Aerial photos 2010-2017
- 4) Code Enforcement Summary Report
- 5) November 5, 2015, Notice of Violation
- 6) April 21, 2016 "Deferred Prosecution Agreement"

- 7) August 28, 2017, "Judgement and Order of the Court"
- 8) June 4, 2018, Department of Alternative Sentencing Violation Report
- 9) July 10, 2018, "Judgement and Order of the Court" #1
- 10) July 10, 2018, "Judgement and Order of the Court" #2
- 11) Draft Complaint and Notice of Order to Appear for Show Cause Hearing
- 12) October 5, 2018, photos of the subject property

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)



Carson City Business License Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2105 – Hearing Impaired: 711
buslic@carson.org

CAPITAL CITY LIQUIDATORS INC
P O BOX 805

CARSON CITY NV 89702

RE: Business License

Thank you for choosing to operate your business in Carson City. Below is your Business License.

Please post this license in a conspicuous place or have available for inspection. Please provide any changes to the business information to the Business License Division. Licenses are not transferable.

If you have any questions concerning your business license, contact the Business License Division at buslic@carson.org or at (775) 887-2105.



Carson City Business License Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2105 – Hearing Impaired: 711
buslic@carson.org

CAPITAL CITY LIQUIDATORS INC
P O BOX 805

CARSON CITY NV 89702

License Number: 18-00006629
License Expiration Date: December 31, 2018
Date Issued: May 25, 2018

Business Location: 3390 S CARSON ST
Nature of Business: NEW & USED OFFICE & WAREHOUSE ITEMS, FIXTURES, FURN



CARSON CITY LICENSE APPLICATION

Please type or print in black ink; Incomplete or illegible applications will not be accepted. Applications must bear an original signature

Business License #:

12-6629

Submittal Date:

4-24-2012

1	<input type="checkbox"/> New Business	<input checked="" type="checkbox"/> Change of Location/Mailing	<input type="checkbox"/> Change of Name	<input type="checkbox"/> Change of Corporate Officer	<input type="checkbox"/> Other			
2	Type of License(s)	<input checked="" type="checkbox"/> Business	<input type="checkbox"/> Short-Term	<input type="checkbox"/> Gaming	<input type="checkbox"/> Liquor			
3	Type of Entity	<input checked="" type="checkbox"/> Sole Proprietor	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Non-Profit		
4	Entity Name	CAPITAL CITY LIQUIDATORS INC.			5 Business Opening Date			
6	Business Name (DBA)	SAMB			7 EIN #			
8	Business Address	3390 CARSON ST.	City	C.C.	State	NV.	Zip Code	89701
9	Mailing Address	P.O. Box 805	City	C.C.	State	NV.	Zip Code	89702
10	Corporate Phone	885-7788	Business Phone	885-8999	Cellular Phone	230-6460	Business Fax	885-7796
11	E-mail Address				Business Website			

12 Owner(s), Manager(s), or other Principal(s) attach additional pages if required					
Last, First, MI	Percent Owned	Title	Date of Birth		
Sullivan Ann	100%	OWNER	6-2-56		
Residence Address (Street)		City, State, Zip		Residence Telephone	
P.O. Box 805		C.C. NV. 89702		730-6460	
Last, First, MI	Percent Owned	Title	Date of Birth	SSN	
Residence Address (Street)		City, State, Zip		Residence Telephone	
Last, First, MI	Percent Owned	Title	Date of Birth	SSN	
Residence Address (Street)		City, State, Zip		Residence Telephone	
Manager/Liquor Manager		<input type="checkbox"/> On-Site	<input type="checkbox"/> Off-Site	Contract Phone Number	
Residence Address (Street)		City, State, Zip			

Pursuant to NRS 244.33507 and 42 U.S.C. Sec. 666, you are required to provide your social security number on the application for a license, permit, or certificate for the purpose of determining whether or not you have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child or you are in arrears in the payment for the support of one or more children

13 Describe in detail the activity of your business
RETAIL OFFICE & WAREHOUSE FURNITURE & FIXTURES

14 Type of Liquor License Applying for (If applicable)					
<input checked="" type="checkbox"/> Tavern/Bar	<input type="checkbox"/> Dining Room w/Beer and Wine Only	<input type="checkbox"/> Packaged Liquor	<input type="checkbox"/> Dining Room w/Hard Liquor	<input type="checkbox"/> Combo (On-Premise & Pkg)	<input type="checkbox"/> General Wholesale
15 Will there be an Interim Management Agreement?					
<input type="checkbox"/> Catering	<input type="checkbox"/> Additional Wet Bars				
16 List number of slot machines (If applicable)			List number of table games (If applicable)		
<input type="checkbox"/> 1 cent	<input type="checkbox"/> Multi	<input type="checkbox"/> Craps	<input type="checkbox"/> Baccarat		
<input type="checkbox"/> 5 cent	<input type="checkbox"/> Poker	<input type="checkbox"/> Roulette	<input type="checkbox"/> Race Book		
<input type="checkbox"/> 25 cent	<input type="checkbox"/> Mega Buck	<input type="checkbox"/> Twenty-One	<input type="checkbox"/> Sports Book		
<input type="checkbox"/> 1.00		<input type="checkbox"/> Keno	<input type="checkbox"/> Poker		

17 If this application is for a change of business name, location, or ownership, list the previous name, address, and owner below
5250 Hwy 50 E C.C. NV 89701

18 Check One	<input checked="" type="checkbox"/> I am not subject to a court order for the support of a child
	<input type="checkbox"/> I am subject to a court order for the support of one or more children and am in compliance with a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to order
	<input type="checkbox"/> I am subject to a court order for the support of one or more children and am not in compliance with a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to order

Miscellaneous Information	Please answer this section if your business is located in Carson City. If you are unsure of your answer or are installing signage, contact the Planning Division at (775) 887-2180	
	Is your business location zoned for this type of business <u>RETAIL COMMERCIAL</u>	Has a Special Use Permit been obtained for this business location <u>NO</u>
	Will you be installing any outdoor signs <u>NO</u>	Are there any existing signs of the property <u>YES</u>
	Will there be any outside storage (If yes, please explain items being stored and how being screened) <u>IN BACK YARD PAVED & SCREENED</u>	
	Will any commercial vehicles be used for this business (If yes, please describe size, type, and location of storage) <u>PARKING LOT</u>	
	Please list the quantities, types, and storage location of any chemicals or hazardous materials that will be used for this business <u>N/D Chemical OR Fuels</u>	

Rules and Regulations	I, the undersigned understand that I cannot operate my business until my license is actually issued by this office indicating approval by all necessary city departments	
	<ul style="list-style-type: none"> • If any changes are made after completing said license application this office must be notified immediately and an updated is required. • A business license, liquor license, and/or gaming license are issued to a given owner at a SPECIFIC LOCATION and are NON-TRANSFERRABLE to a different owner or different location • Non-payment of annual and quarterly business license, liquor license, and/or gaming license fees by the due date will result in applied penalties and is grounds for the revocation of the license. • Any exception to any of the above is considered a violation of the Carson City Municipal Code and is subject to citation 	
	I hereby certify that the above information is correct to the best of my knowledge and belief. I understand that failure to complete this form truthfully is an act of perjury.	
	Applicant's Signature	Date
	<u>x Anne Sullivan</u>	<u>4/23/12</u>

FEE STRUCTURE	FEE	LICENSE TOTAL FEES
Business License Fee		Business License Annual Fee: <u>X</u>
Square Footage	<u>199.65</u>	Business License Pro-rated Fee: <u>(145.98) April-DEC 2012</u>
Number of Employees		Business License Application/Update Fee: <u>25.00</u>
Health Fee		Liquor License Annual Fee:
Number of Rental Units		Liquor License Pro-rated Fee:
Number of Coin Operated Machines		Liquor License Application Fee:
Number of Slot Machines		Liquor License Investigation Fee:
TOTAL FEES DUE: <u>170.98</u>		Gaming License Quarterly Fee:
Payment Type: <u>CHE 1151</u>		Gaming License Application Fee:
Received By: <u>SW</u>	Date: <u>4-24-2012</u>	Petition Name Fee: <u>20.00</u>
Date Applicant Fingerprinted:	By:	File #:
		Health Pre-Inspection Fee:

30 CARS

3390 So. CARSON ST. ↓

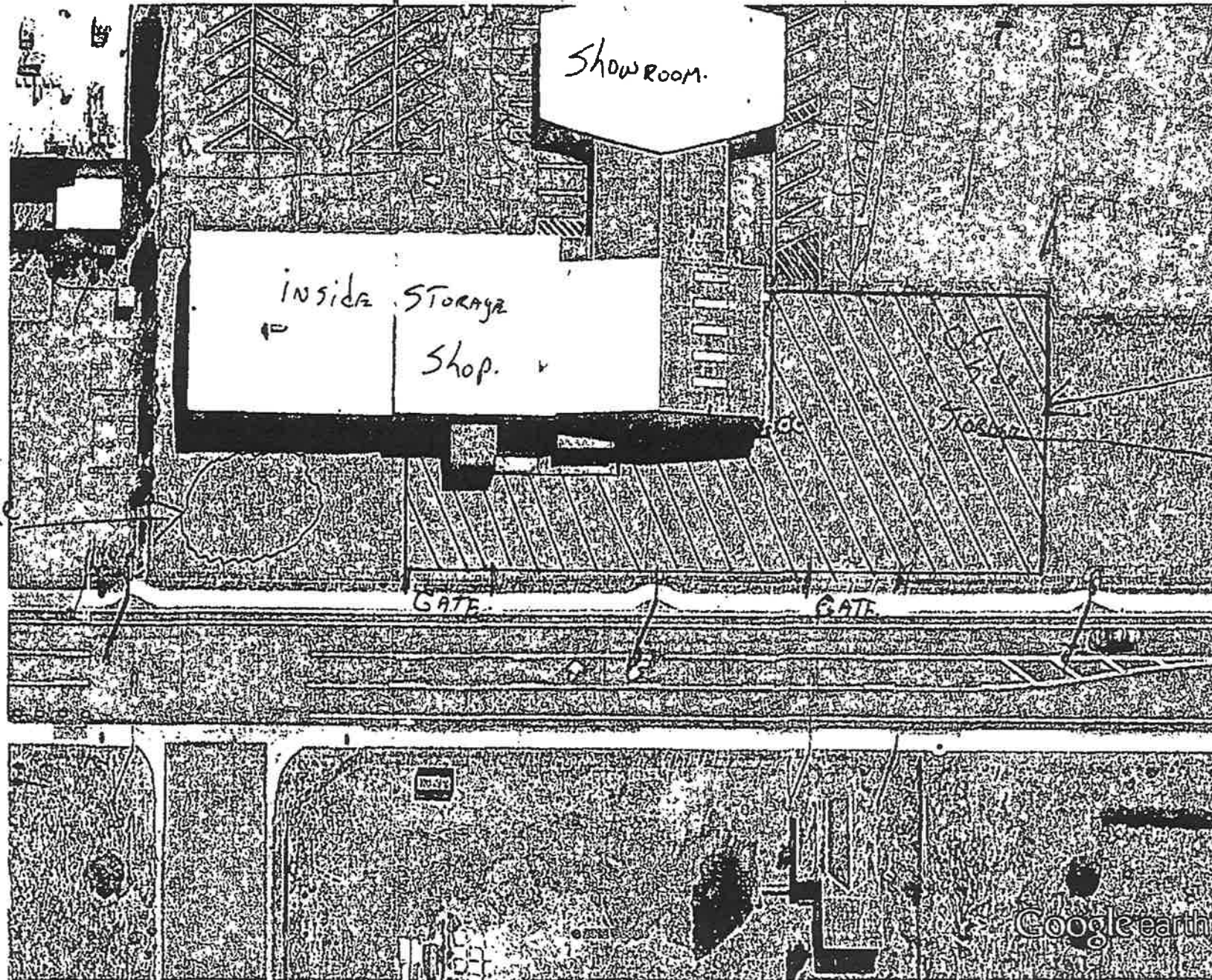
SHOWROOM.

inside STORAGE
Shop.

2.5'-3'
thick
Asphalt
Grinding

OUTSIDE
STORAGE
APPRO.
60' X 100'

← CURRY ST.



Google earth

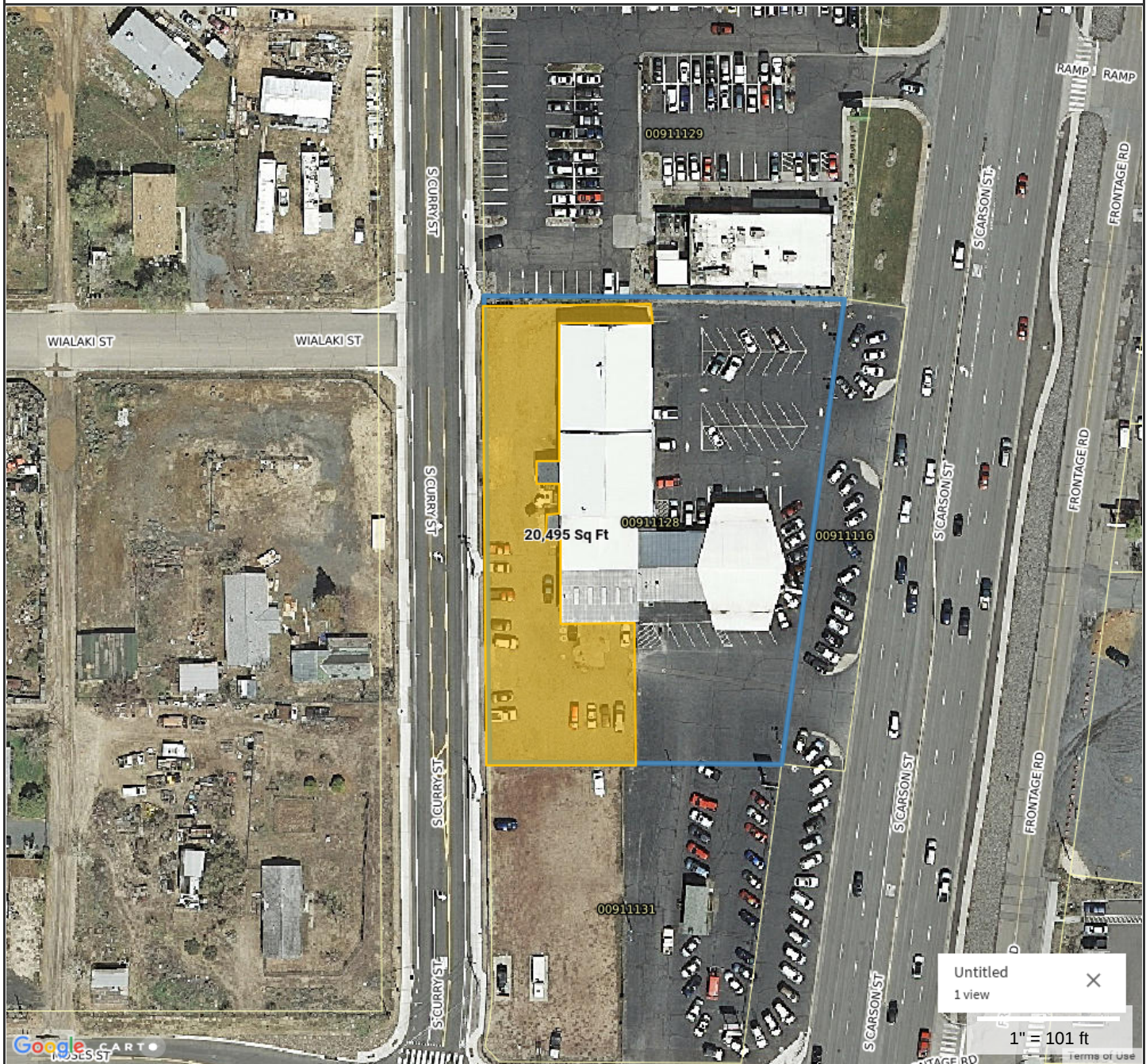
feet
meters

200

80

Attachment 2

3390 S. Carson St -- Auto Sales Storage Area -- 2010 Aerial Photo



Property Information

Property ID 00911128
 Location 3390 S CARSON ST
 Owner COURTRIGHT, E & L TR, ET AL



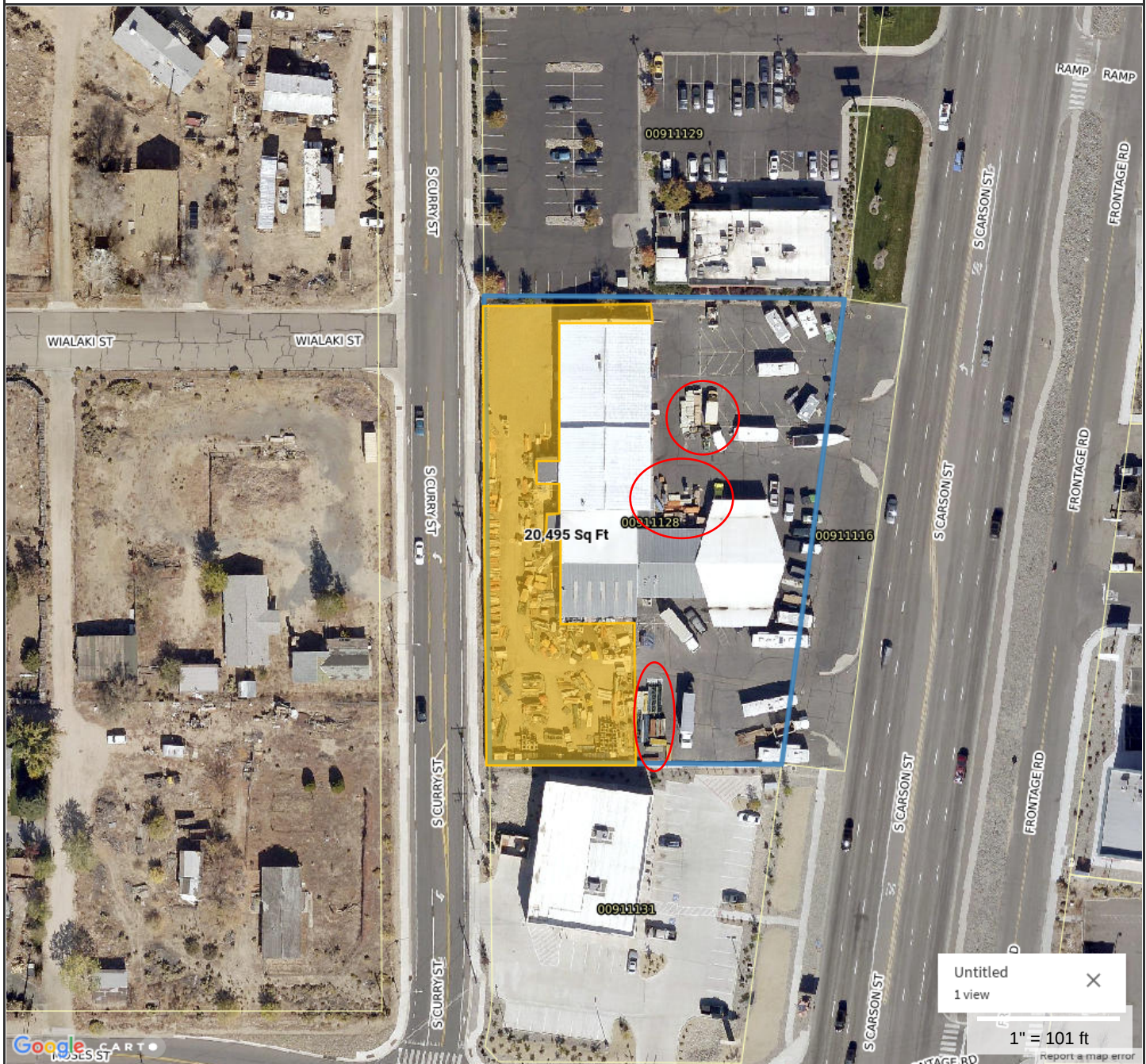
MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 05/26/2018
 Properties updated 05/26/2018

- Parcel size: 1.53 acres.
- Enclosed storage area: 0.46 acres, 30% of parcel area (approximate).

3390 S. Carson St -- Enclosed Outside Storage Area -- 2013 Aerial Photo



Property Information

Property ID 00911128
 Location 3390 S CARSON ST
 Owner COURTRIGHT, E & L TR, ET AL



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TUTORIAL

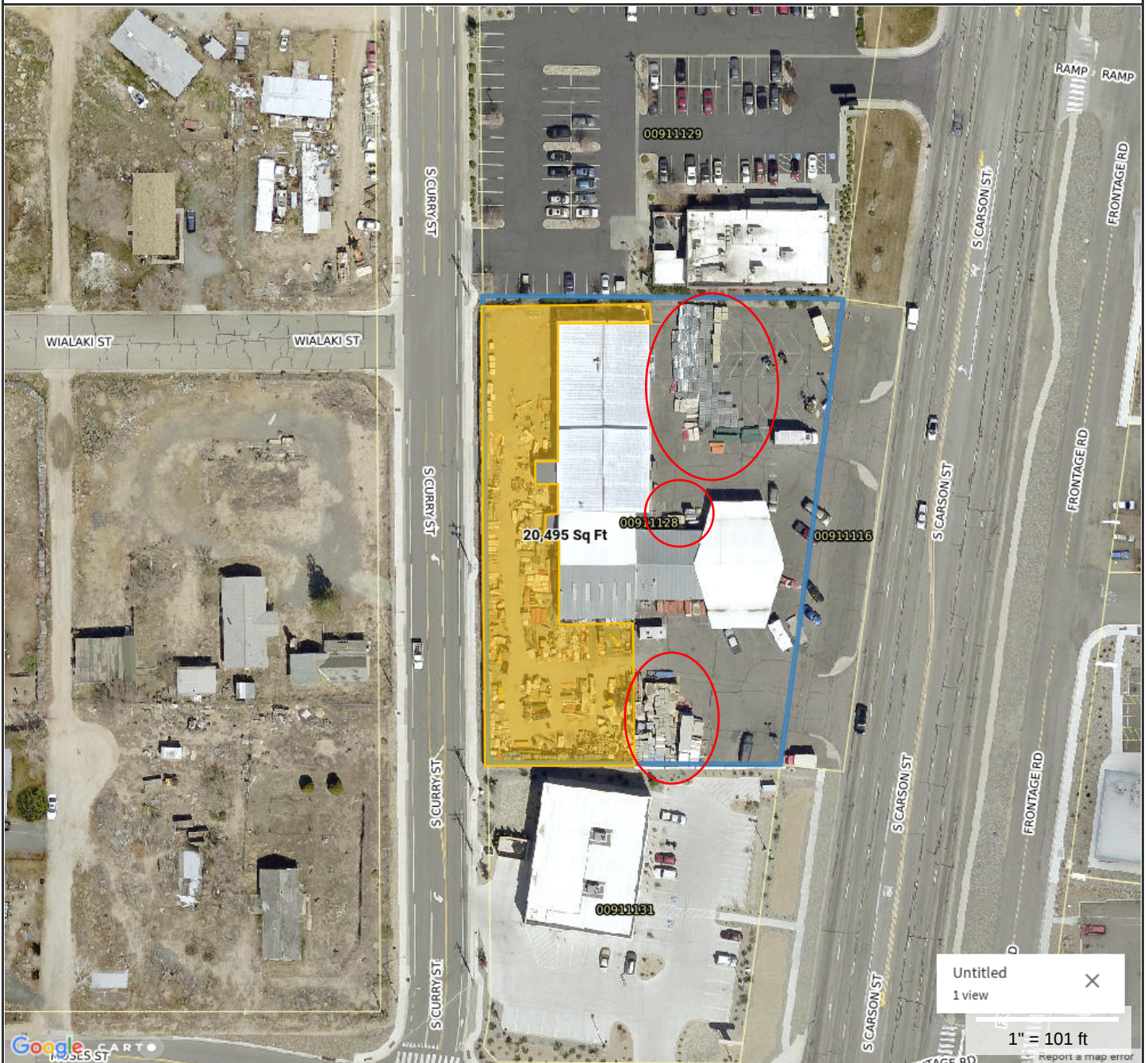
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Parcels updated 05/26/2018
 Properties updated 05/26/2018

- Parcel size: 1.53 acres.
- Enclosed storage area: 0.46 acres, 30% of parcel area (approximate).
- Illegal outside storage noted outside the fenced area.

3390 S. Carson St -- 2015 Aerial Photo



Property Information

Property ID 00911128
 Location 3390 S CARSON ST
 Owner COURTRIGHT, E & L TR, ET AL



[CLICK LOGO FOR TUTORIAL](#)

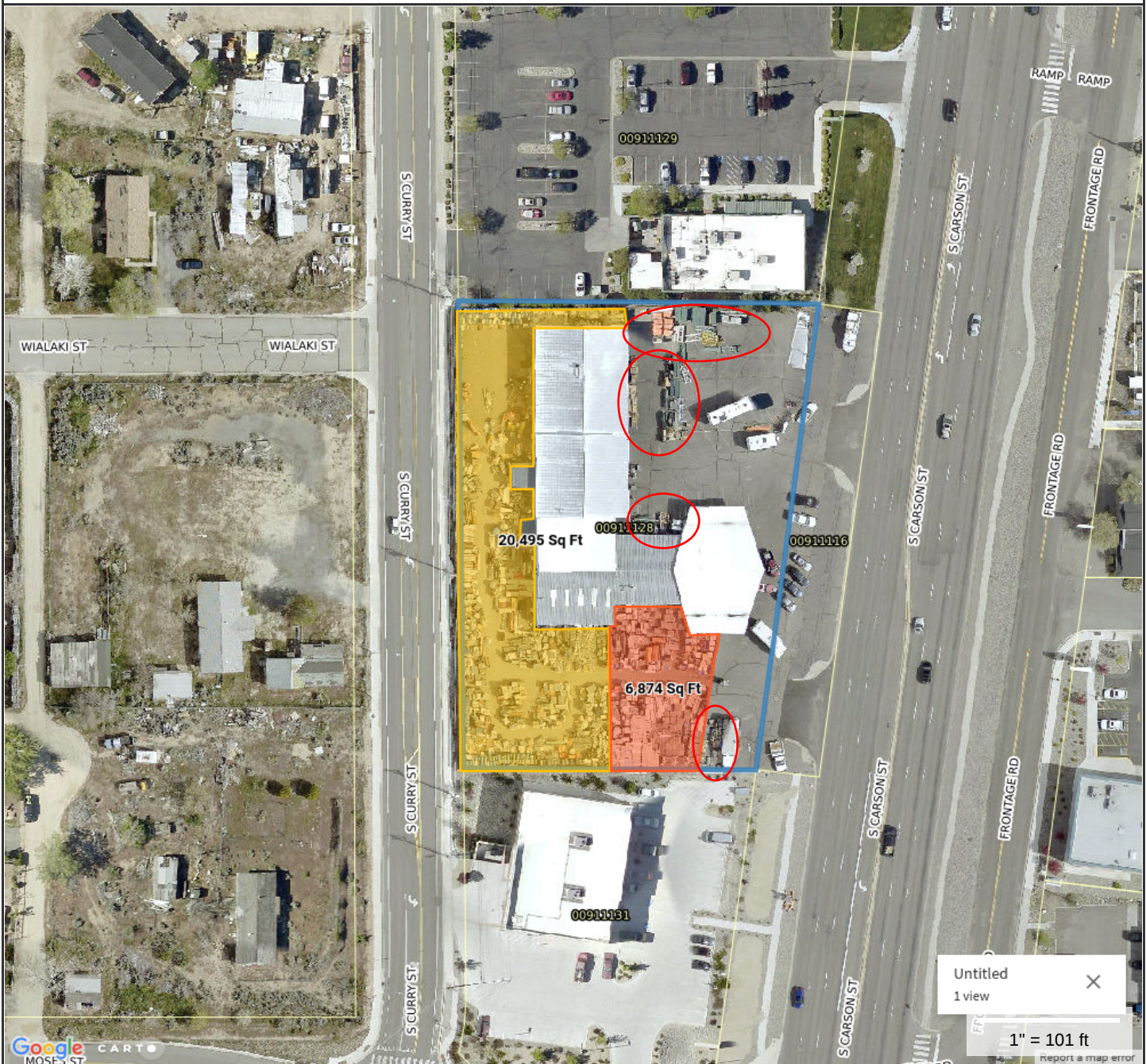
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Parcels updated 05/26/2018
 Properties updated 05/26/2018

- Parcel size: 1.53 acres.
- Enclosed storage area: 0.46 acres, 30% of parcel area (approximate).
- Illegal outside storage noted outside the fenced area.

Expanded Outside Storage Area Totals 41 Percent of Parcel Area -- 2017 Aerial Photo



Property Information

Property ID 00911128
 Location 3390 S CARSON ST
 Owner COURTRIGHT, E & L TR, ET AL



MAP FOR REFERENCE ONLY
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Parcels updated 05/26/2018
 Properties updated 05/26/2018

- Parcel size: 1.53 acres.
- Enclosed storage area: 0.46 acres, 41% of parcel area (approximate).
- Illegal outside storage noted outside the fenced area.



Carson City Code Enforcement

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
codeenforcement@carson.org
www.carson.org/planning

Date: September 26, 2018

Subject: Summary Report

Business License Number: 18-00006629 Capital City Liquidators, Business Owner Ann Sullivan

Business Location/Violation Location: 3390 S. Carson St. Carson City, NV 89701. APN-00911128

Violation: CCMC 18.16.005 Title 18 Appendix Division 1.12 Outside Storage

Carson City Code Enforcement Case Number: 5788

Officials on Scene: Code Enforcement Officers Kohbarger and Johnston, Community Development Director Lee Plemel.

Report prepared by: Carson City Code Enforcement Department Officer Johnston, J CE-07

Summary:

- January 8, 2014: Code Enforcement Officer Kevin McCoy performed a site visit and documented the business is in violation of CCMC Title 18 Appendix – Section 1.12- Outside Storage Subsection 2. Exceeding 20% of allowable outdoor storage area. Refer to Code Enforcement Case # 5788.
- From January 8, 2014 through November 2, 2015: Code Enforcement worked attempting to gain voluntary compliance.
- November 5, 2015: Code Enforcement issued a 14 day Abatement Letter to Ann Sullivan received by Certified Mail.
- December 9, 2015: Code Enforcement issued a citation to Ann Sullivan for failure to comply and violation of Outside Storage Requirements.
- January 12, 2016: Arraignment Hearing, Ann Sullivan pleaded Not Guilty.

- April 21, 2016: Ann Sullivan signed a court-approved “Deferred Prosecution Agreement” agreeing to comply with the Outdoor Storage Requirements by July 22, 2016 and ordered to pay \$500 in Restitution.
- April 19, 2017: Status Review Hearing continued to a Bench Trial.
- August 28, 2017: Ann Sullivan was guilty of violating the Outdoor Storage Requirements. She was Court Ordered to pay \$890, must be in compliance within six months and continue to be in compliance every month thereafter and placed on court monitoring (probation) until August 28, 2018.
- March 15, 2018: Code Enforcement documented that the business is not within compliance of Outside Storage Requirements.
- May 3, 2018: Code Enforcement documented that the business is not within compliance.
- May 29, 2018: The Property Owner Courtright, E&L Trust was notified that the property is in violation of the Outside Storage Requirements.
- May 30, 2018: Code Enforcement and Carson City Department of Alternative Sentencing Officers issued a Citation to Business Owner Ann Sullivan for failure to comply and violation of Outside Storage Requirements.
- July 9, 2018: Code Enforcement performed a site visit requested by Business Owner Ann Sullivan and her Legal Representative John Bartlett. It was documented that the business is not within compliance of Outside Storage Requirements.
- July 10, 2018: Ann Sullivan pleaded Guilty to Criminal Contempt (failure to meet probation requirements). She was issued Fines totaling \$1390.



Carson City Planning Division

108 E. Proctor Street
 Carson City, Nevada 89701
 (775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

NOTICE OF VIOLATION ORDER TO COMPLY

November 5, 2015

Ms. Anne Sullivan
 Capital City Liquidators, Inc.
 P.O. Box 805
 Carson City, NV 89702

Via Certified Mail: 7011 2970 0000 4042

RE: Zoning Violation – Outside Storage
 Location: 3390 South Carson Street
 APN: 009-111-28
 Zoning: Retail Commercial (RC)

Dear Ms. Sullivan:

It has come to Carson City's attention that the above-noted property is in violation of the Carson City Development Standards contained within the Appendix of Carson City Municipal Code (CCMC), Title 18 – Zoning. Specifically, unscreened outside storage was observed on your property on November 2, 2015 in violation of Carson City Development Standards, Division 1.12 – Outside Storage, which states the following:

1.12 Outside Storage

1. Storage areas shall be enclosed by a 100% sight-obscuring fence or wall, permanently installed and maintained at a minimum height of six feet. No materials and/or equipment shall be stored therein to a height exceeding that of the wall or fence.
2. Storage areas allowed as an accessory use in a commercial or Limited Industrial zoning district shall not occupy more than 20% of the lot area unless a Special Use Permit is first obtained.
3. Storage areas shall not be located within any required yard setback or parking areas nor shall they be located in any way which interferes with normal traffic flow onto, within or from the lot, or which impedes sight distance at intersections, or which otherwise impedes driver visibility. In the case of gasoline service stations, storage areas shall not be permitted in the setback distance applicable to pump islands.

Carson City staff has observed the storage of materials outside the approved sight-obscuring fence and within areas designated for parking. Per CCMC, these materials must be stored behind the sight-obscuring fence.

Staff has also observed the placement of a temporary green fence on the north side of the property intended to screen materials in that location. Additional outside storage area on this property is not permitted as the approved storage area already exceeds the maximum allowed area of 20 percent of the site.

Required Action: Move all materials being stored outside of the approved sight-obscuring fence to behind the fence, or remove the materials from the site entirely. Additionally, remove the temporary green sight-obscuring fence. This action is required within **14 days** of the receipt of this letter.

Please note that this is your final Notice of Violation regarding the screening of outside storage, as you have been made aware of these requirements on several occasions previously. Failure to comply with this notice within the timeframe outlined above will result in the issuance of a citation.

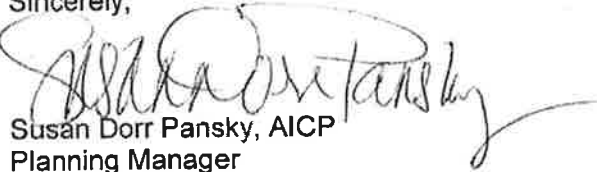
The authority to enforce these requirements is outlined in CCMC Section 18.02.030 – Enforcement, which states the following:

18.02.030 Enforcement. *It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise (hereinafter referred to as "party"), to construct, build, convert, alter, erect, maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this Title. Any use contrary to this Title is a misdemeanor offense as defined in Title 1 (Misdemeanor Declared) and a public nuisance. The following procedure shall apply to enforce the provisions of this Title:*

1. *In the event of a violation of this Title, the Director may deliver to any party in violation of this Title an order to comply with the provision of this Title in a time period up to 30 days from the issuance of the order to comply at the Director's discretion.*
2. *Upon failure of any party in violation of this Title to comply with the order described above, the Director is authorized and empowered to prepare, sign, and serve a criminal misdemeanor citation for said violation. A party is guilty of a separate offense for each and every day which such violation of this Title or failure to comply with any order is committed, confined, or otherwise maintained.*
3. *The Director may also refer notice of such violation to the district attorney for commencement of action to abate, remove and enjoin such violation as a public nuisance and a criminal action in the manner provided by law.*
4. *The conviction and punishment of any person under this Section shall not relieve such person from the responsibilities of correcting the nuisance.*

We appreciate your timely cooperation in this matter. If you have questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,



Susan Dorr Pansky, AICP
Planning Manager

Attachment:

Photos of property taken November 2, 2015

cc: Lee Plemel, Community Development Director
Code Enforcement Division

FILED

Citation No. 0996

Dept. No. II

2016 APR 22 AM 10:11

JUSTICE OF THE PEACE

BY [Signature]
CLERK

IN THE MUNICIPAL COURT OF CARSON TOWNSHIP
IN AND FOR CARSON CITY, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

v.

CAPITAL CITY LIQUIDATORS,

Defendant.

**DEFERRED PROSECUTION
AGREEMENT**

Defendant, Capital City Liquidators ("the Corporation") a corporation organized under the laws of the State of Nevada, by its undersigned representatives, pursuant to authority granted by its Board of Directors, and Plaintiff Kevin McCoy, Senior Code Enforcement Officer of Carson City Code Enforcement by and through counsel Iris Yowell, Deputy District Attorney, enter into this deferred prosecution agreement ("the Agreement"). The terms and conditions of this agreement are:

Criminal Citation and Acceptance of Responsibility

1. The Corporation, by and through its director Ann Sullivan, acknowledges and agrees that the Corporation is charged with a misdemeanor citation for failing to comply with the outside storage requirements in Carson City.
2. With regard to that citation, the Corporation waives all rights to a speedy trial pursuant to the Sixth Amendment of the United States Constitution. In addition Capital City Liquidators agrees any statutes of limitation and any other legal, equitable, or constitutional basis for barring prosecution based on the passage of time applicable to

1 the subject matter of the conduct as set forth in the Statement of Facts shall be tolled
2 as of the effective date of the Agreement.

3 3. Ann Sullivan admits, as director of the Corporation, that she is responsible for the acts
4 of the Corporation as set forth in the following facts:

5 a. CCMC Title 18 – Zoning, section 1.12 “Outside Storage,” provides:

6
7 1. Storage areas shall be enclosed by a 100% sight-
8 obscuring fence or wall permanently installed and
9 maintained at a minimum height of six feet. No
materials and/or equipment shall be stored therein to
a height exceeding that of the wall or fence.

10 2. Storage areas allowed as an accessory use in a
11 commercial or limited industrial zoning district shall
12 not occupy more than 20% of the lot area unless a
Special Use Permit is first obtained.

13 3. Storage areas shall not be located within any required
14 yard setback or parking areas nor shall they be
15 located in any way which interferes with normal traffic
16 flow onto, within or from the lot, or which impedes
17 sight distance at intersections or which otherwise
impedes driver visibility. In the case of gasoline
service stations, storage areas shall not be permitted
in the setback distance applicable to pump islands.

18 b. As of today’s date the Corporation and Ann Sullivan admit that there has been
19 storage of materials outside the approved sight-obscuring fence and within the
areas designated for parking.

20 c. Sometime between January 2014, and today’s date, Capital City Liquidators and
21 Ann Sullivan admit that it placed a temporary green fence on the north side of
the property intended to screen materials in that location.

22 d. Also, as of today’s date, Capital City Liquidators and Ann Sullivan admit that
23 there is outside storage exceeding more than 20% of the lot area.

24 **Terms of the Agreement**

25
26 4. This Agreement is effective on the date signed, for a period of one-year, unless Carson
27 City determines, in its sole discretion, that the Corporation has knowingly violated any
28 provision of this Agreement, and the Agreement is terminated.

1 5. This Agreement is based on the specific conditions;

2 a. By June 10, 2016, all outside storage must be in the building or behind the
3 fence.

4 b. By July 22, 2016, the outside storage must comply with the 20% requirements
5 outlined above.

6 c. If a special use permit application is planned, Ms. Sullivan will notify Officer
7 McCoy by May 23, 2016.

8 1. The Corporation understands that application of a special
9 use permit is only an application and that a special use
10 permit may not be granted. Because of that, the Corporation
11 must still follow the plan to rectify the situation and the terms
of 5(a) & 5(b). If a special use permit is later granted, this
Agreement can be modified with the consent of all parties.

12 d. Exhibit A, attached to this document, is a visual representation of the outside
13 storage requirements. Ms. Sullivan understands and agrees with the
14 compliance requirements of Exhibit A.

15 e. The Corporation will be in full compliance by July 22, 2016, and will remain in
16 compliance for the term of this Agreement.

17 f. The Corporation shall pay \$500 in restitution, payable by check to the City's
18 Code Enforcement Department, 108 E. Proctor Street, Carson City, Nevada,
19 89701 (to be paid at \$100 per month), due on the 1st of each month and
20 considered late after the 5th of each month, to reimburse a portion of the costs
21 associated with the enforcement of this case. Capital City Liquidators and the
22 City agree that amount is appropriate given all the facts and circumstances of
this case. The restitution is final and will not be refunded.

23 g. If all the terms and conditions of the Agreement are met, the case will be
24 dismissed, and prosecution will not be pursued for the time period Jan 14, 2014-
25 April 22, 2017.

26 h. However, if the terms and conditions are not met, prosecution will commence,
27 and Ann Sullivan will be named in the complaint as the director of the
28 Corporation.

6. Capital City Liquidators and Ann Sullivan agree that the choice to enter into this Agreement is voluntary and the City and the Corporation agree that the promises and representations regarding the disposition of this case are contained within this agreement.

DATED: 4/21/16

Ann Sullivan
ANN SULLIVAN
DIRECTOR OF
CAPITAL CITY LIQUIDATORS

DATED: 4/21/16

Kevin McCoy
KEVIN McCOY
CODE ENFORCEMENT OFFICER

DATED: 4/21/16

Iris Yowell
IRIS YOWELL, DEPUTY DA
ATTORNEY FOR CARSON CITY

Exhibit A



Approximate Allowable Area (per this exhibit) = 13,426 sf

Actual Allowable Area per code (20% of gross site area) = 13,329 sf

Exhibit A

JUDGMENT AND ORDER OF THE COURT

CARSON CITY JUSTICE AND MUNICIPAL COURT

DEFENDANT: CAPITAL CITY LIQUIDATORS INC

COURT CASE #: 15 CR 02019 1C

ORIGINATING CASE #: 0996

LANGUAGE SPOKEN: ENGLISH

STATUS: OPEN

PROSECUTING ATTORNEY: DISTRICT ATTORNEY'S OFFICE

DEFENSE ATTORNEY: JOHN BARTLETT

CHARGE AND SENTENCE INFORMATION

CHARGES: 18.16.005 CS - VIOLATION OF GENERAL DEVELOPMENT STANDARDS

PLEA: 08/28/2017 - GUILTY

DISPOSITION: 08/28/2017 - GUILTY

JAIL:

FINES AND FEES

	ORIGINAL AMT	AMT PAID	AMT DISMISSED	AMT DUE
CHARGE 1	\$890.00	\$0.00	\$0.00	\$890.00
	\$890.00	\$0.00	\$0.00	\$890.00
TOTAL OWING AS OF THIS	\$890.00			

CONDITIONS INFORMATION

REQUIREMENTS	DUE DATE	CONDITION(S)	COMPLETED
		FINES AND FEES	
		\$150 A MONTH UNTIL PAID IN FULL, FIRST PAYMENT DUE 09/15/17	
		MISCELLANEOUS CONDITION	
		MUST BE IN COMPLIANCE WITHIN SIX MONTHS AND CONTINUE TO BE IN COMPLIANCE EVERY MONTH THEREAFTER.	
	08/28/2018	COURT MONITORED SENTENCE	

ARREST/BAIL/BOND INFORMATION

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

NEXT COURT HEARING INFORMATION

NO FUTURE COURT DATE SCHEDULED AT THIS TIME

DEFENDANT:

FILE DATE: 12/11/2015

COURT CASE #: 15 CR 02019 1C

1C_judgment_of_conviction_nocl_2014_07_01.rpt

Print Date: 8/28/2017

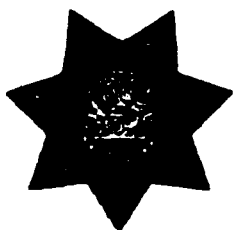
Page 1 of 2

ADDITIONAL CASE INFORMATION
NO FURTHER INFORMATION

JUDGE'S SIGNATURE:

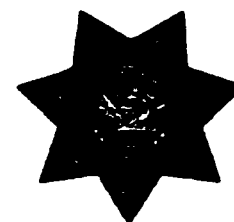


JOHN TATRO, 8/28/2017



DEPARTMENT OF ALTERNATIVE SENTENCING

885 East Musser Street, Suite 2080
Carson City, Nevada 89701
Phone (775) 887-2528 Fax (775) 887-2302
Chief Tad Fletcher



☐ DECLARATION OF PROBABLE CAUSE

☐ WARRANT REQUEST

☐ VIOLATION REPORT

☐ INFORMATION ONLY

☐ RECOMMENDATIONS TO COURT

CAPITAL CITY LIQUIDATORS INC

15 CR 02019 1C

Violation: **COMPLIANCE WITH FOLLOW GENERAL DEVELOPMENT STANDARDS (Was cited for Violation of Delopment Standards)**

Capital City Liquidators is currently on Court Monitored Supervision with the Department of Alternative Sentencing from 082817 to 082818. As part of Capital City Liquidators conditions of supervision they are to be in Compliance of General Development Standards.

On 053018 Capital City Liquidators was cited for Violation of Development Standards (See Case #18CR0920). Capital City Liquidators citation is a violation of their Court Monitored Supervision and I request this violation be addressed at their next court appearance.

I Tim Guthrie _____ certify I served a true and correct copy of this document on
(print name)
counsel for the defense and prosecution on 060418 _____ by ☐ U.S. Mail to _____
(date)

☒ In-box ☐ Hand-delivered.

Officer: **Timothy Guthrie, ID# P2** _____ Date: June 4, 2018
(Signature)

APPROVED BY: _____

WHEREFORE, Declarant requests that a finding be made by a magistrate that probable cause exists to hold the said person for a violation of his/her court monitored sentence hearing.

PC FOUND ☐ PC NOT FOUND ☐ DATE: _____ TIME: _____

MAGISTRATE: _____

JUDGMENT AND ORDER OF THE COURT Attachment 9

CARSON CITY JUSTICE AND MUNICIPAL COURT

DEFENDANT: CAPITAL CITY LIQUIDATORS

COURT CASE #: 15 CR 02019 1C

ORIGINATING CASE #:

LANGUAGE SPOKEN: ENGLISH

STATUS: OPEN

PROSECUTING ATTORNEY: DISTRICT ATTORNEY'S OFFICE

DEFENSE ATTORNEY: JOHN BARTLETT

CHARGE AND SENTENCE INFORMATION

CHARGES: 18.16.005 CS - VIOLATION OF GENERAL DEVELOPMENT STANDARDS

:

PLEA: 08/28/2017 - GUILTY

DISPOSITION: 08/28/2017 - GUILTY

JAIL:

CHARGES: 199.340 - CRIMINAL CONTEMPT

:

PLEA: 07/10/2018 - GUILTY

DISPOSITION: 07/10/2018 - GUILTY

JAIL:

FINES AND FEES

	ORIGINAL AMT	AMT PAID	AMT DISMISSED	AMT DUE
CHARGE 1	\$890.00	\$890.00	\$0.00	\$0.00
CHARGE 2	\$500.00	\$0.00	\$0.00	\$500.00
	\$1,390.00	\$890.00	\$0.00	\$500.00
TOTAL OWING AS OF THIS		\$500.00		

CONDITIONS INFORMATION

REQUIREMENTS	DUE DATE	CONDITION(S)	COMPLETED
		FINES AND FEES	
		FINES AND FEES	
		\$150 A MONTH UNTIL PAID IN FULL, FIRST PAYMENT DUE 09/15/17	
		MISCELLANEOUS CONDITION	
		MUST BE IN COMPLIANCE WITHIN SIX MONTHS AND CONTINUE TO BE IN COMPLIANCE EVERY MONTH THEREAFTER.	

	08/28/2018	COURT MONITORED SENTENCE	07/10/2018
--	------------	--------------------------	------------

ARREST/BAIL/BOND INFORMATION

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

NEXT COURT HEARING INFORMATION

NO FUTURE COURT DATE SCHEDULED AT THIS TIME

ADDITIONAL CASE INFORMATION

NO FURTHER INFORMATION

JUDGE'S SIGNATURE: _____

JOHN TATRO, 7/10/2018

JUDGMENT AND ORDER OF THE COURT

CARSON CITY JUSTICE AND MUNICIPAL COURT

DEFENDANT: CAPITAL CITY LIQUIDATORS

COURT CASE #: 18 CR 00920 1C

ORIGINATING CASE #: 0777

LANGUAGE SPOKEN: ENGLISH

STATUS: OPEN

PROSECUTING ATTORNEY: CARSON CITY DISTRICT ATTORNEY

DEFENSE ATTORNEY: JOHN BARTLETT

CHARGE AND SENTENCE INFORMATION

CHARGES: 18.16.005 CS - VIOLATION OF GENERAL DEVELOPMENT STANDARDS

PLEA: 07/10/2018 - GUILTY

DISPOSITION: 07/10/2018 - GUILTY

JAIL:

FINES AND FEES

	ORIGINAL AMT	AMT PAID	AMT DISMISSED	AMT DUE
CHARGE 1	\$1,140.00	\$0.00	\$0.00	\$1,140.00
	\$1,140.00	\$0.00	\$0.00	\$1,140.00
TOTAL OWING AS OF THIS	\$1,140.00			

CONDITIONS INFORMATION

REQUIREMENTS	DUE DATE	CONDITION(S)	COMPLETED
		FINES AND FEES	

ARREST/BAIL/BOND INFORMATION

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

NEXT COURT HEARING INFORMATION

NO FUTURE COURT DATE SCHEDULED AT THIS TIME

ADDITIONAL CASE INFORMATION

NO FURTHER INFORMATION

JUDGE'S SIGNATURE: _____

JOHN TATRO, 7/10/2018



Carson City Code Enforcement

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
codeenforcement@carson.org
www.carson.org/planning

Attachment 11

COMPLAINT AND NOTICE OF ORDER TO APPEAR FOR SHOW CAUSE HEARING

Date: October 18, 2018

Name and Address of Business:

Capital City Liquidators
3390 S. Carson St.
Carson City, NV 89703

Business License Number: 18-6629

Business Owner: Ann Sullivan

**YOU ARE ORDERED TO APPEAR AND SHOW CAUSE WHY YOUR
BUSINESS LICENSE SHOULD NOT BE SUSPENDED, CANCELLED, OR
REVOKED FOR FAILING TO COMPLY WITH THE CARSON CITY
MUNICIPAL CODE.**

Show Cause Hearing Date, Time and Location: The Board of Supervisors meeting of Thursday, December 6, 2018, beginning at 8:30 AM, in the Community Center, Sierra Room, 851 William Street, Carson City, NV.

Allegations:

1. Capital City Liquidators first obtained a business license for operating in its current location in 2012. The license was for "new and used office and warehouse items, fixtures and furniture."
2. The permitted uses under the business license, as defined in Carson City Municipal Code of Ordinances ("CCMC") Title 18, were:
 - a. Secondhand Dealer, sale of new and used office/warehouse furniture and fixtures (the sale of one kind of used commodity, not a Secondhand Business which is the sale of general used merchandise).

- b. Antique Sales.
 - c. Used cars and RV sales.
3. You provided a site plan showing compliance with the limitation on outside storage to be no more than 20% of the parcel area. You violated this limitation.
 4. On 4/22/16 you entered into a deferred prosecution agreement with Carson City where you paid \$500 in restitution and were given a schedule to comply with the outside storage requirement. You did not fully comply with the terms of the agreement, and as a result, the matter proceeded through prosecution.
 5. You pled guilty to a violation of CCMC 18.16.005 on 8/28/17. You paid \$890 in fines and fees and were ordered to be in full compliance within 6 months. You failed to comply. You were held in contempt of court as a result and paid a \$500 fine on the contempt of court.
 6. You pled guilty to another violation of CCMC 18.16.005 on 7/10/18. You were ordered to pay \$1140 in fines and fees.
 7. Your business is in continued violation of CCMC Title 18 Appendix, Development Standards Division 1.12 (Outside Storage), for outside storage areas exceeding 20% of the lot area without a Special Use Permit.

Pursuant to CCMC 4.04.210 (2), you have 10 days from the date of service of this complaint to provide a written answer.

The written answer must be addressed to the Carson City Board of Supervisors and must be filed at the Carson City Community Development Department, 108 E. Proctor Street, Carson City, NV 89701.

If you do not file a written answer within the time required, or if you fail to appear at the show cause hearing at the date, time and location noted above, the Board of Supervisors may order the business license suspended, canceled or revoked without a hearing.

Dated: October 18, 2018.

Community Development

Lee Plemel, Director



October 5, 2018, Photos – 3390 S. Carson St., Capital City Liquidators





Carson City Code Enforcement

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
codeenforcement@carson.org
www.carson.org/planning

BOARD OF SUPERVISORS ORDER SETTING SHOW CAUSE HEARING

Date: October 18, 2018

Name and Address of Business:

Capital City Liquidators
3390 S. Carson St.
Carson City, NV 89703

Business License Number: 18-6629

Business Owner: Ann Sullivan

**YOU ARE ORDERED TO APPEAR AND SHOW CAUSE WHY YOUR
BUSINESS LICENSE SHOULD NOT BE SUSPENDED, CANCELLED, OR
REVOKED PURSUANT TO CCMC 4.04.210.**

Show Cause Hearing Date, Time and Location: The Board of Supervisors meeting of
Thursday, December 6, 2018, beginning at 8:30 AM, in the Community Center, Sierra
Room, 851 William Street, Carson City, NV.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert L. Crowell, Mayor

ATTEST:

SUSAN MERRIWETHER
CLERK/RECORDER