

CARSON CITY LIQUOR AND ENTERTAINMENT BOARD
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A meeting of the Carson City Liquor and Entertainment Board was held during the regularly scheduled Board of Supervisors session on Thursday, March 2, 2006, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, that began at 8:30 a.m.

PRESENT: Chairperson Marv Teixeira, Vice Chairperson Robin Williamson and Board Members Shelly Aldean, Pete Livermore, Richard S. Staub, and Steve Schutte

STAFF PRESENT:	Linda Ritter	City Manager
	Al Kramer	Treasurer
	Melanie Bruketta	Chief Deputy District Attorney
	Cheryl Adams	Purchasing and Contracts Manager
	Tom Hoffert	Public Works Operations Manager
	Michael Suglia	Senior Deputy District Attorney
	Darrin Sloan	Sergeant
	Katherine McLaughlin	Recording Secretary
	Sandy Scott	Management Assistant III
	(BOS 3/2/06 Recording 8:38:12)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

Mayor Teixeira recessed the Board's of Supervisors session and immediately convened the Liquor and Entertainment Board by noting that a quorum is present, including Sheriff's Representative Schutte. For Minutes of the Board of Supervisors, see its folder for this date.

ACTION ON APPROVAL OF MINUTES - 1/5/06 AND 1/19/06 (8:38:22) - Member Aldean moved to approve the Minutes from the Carson City Liquor and Entertainment Board meetings of January 5th and 19th as presented. Member Livermore seconded the motion. Motion carried 6-0.

TREASURER - Al Kramer

A. ACTION TO APPROVE A PACKAGED LIQUOR LICENSE FOR JUAN AND NORMA SANTOYO, DOING BUSINESS AS MERCADO SAN JUAN, LOCATED AT 137 CLEARVIEW DRIVE (8:38:45) - Mr. And Mrs. Santoyo indicated that this is their first Liquor License. Chairperson Teixeira explained that having the license is considered a privilege in Carson City. Mrs. Santoyo indicated that they know the requirements. They take them seriously and will not sell to minors. They will provide training for their employees. They will strictly enforce the Liquor Laws. Discussion explained that Mr. Santoyo is employed by NDOT and that Mrs. Santoyo works for the Sheriff's Office. They are planning to keep these jobs. Member Schutte noted the favorable Sheriff's Investigative Report. Member Livermore moved to approve a packaged Liquor License for Juan and Norma Santoyo, dba Mercado San Juan, located at 137 Clearview Drive. Members Williamson and Staub seconded the motion. Motion carried 6-0.

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Mrs. Santoyo explained the commodities that will be sold in the store and its location. They hope to open on March 18.

B. ACTION TO APPROVE A COMBO (ON-PREMISE/PACKAGED) FULL BAR LIQUOR LICENSE FOR ALICE HALLBERG, DOING BUSINESS AS Y-NOT SALOON, LOCATED AT 152 EAST LONG STREET (8:42:32) - This is the first Liquor License Ms. Hallberg has had. Chairperson Teixeira emphasized the importance of not selling to minors. Ms. Hallberg indicated that she will not allow minors to purchase alcoholic beverages and will card any patrons that "they" do not know. They will pay for taxis for inebriated patrons. Member Schutte noted the favorable Sheriff's Investigative Report. Member Staub moved to approve a combo on-premise/packaged full bar Liquor License for Alice Hallberg dba Y-Not Saloon located at 152 East Long Street, fiscal impact is \$1,000 original new fee, \$500 investigative fee, and \$225 quarterly fee. Member Williamson seconded the motion. Motion carried 6-0.

C. ACTION TO APPROVE A REQUEST BY THE TREASURER TO HAVE AN INVESTIGATION CONDUCTED OF THE LIQUOR LICENSE HELD BY TALEA AND DAVID MORGAN, DOING BUSINESS AS T'S TAVERN, TO DETERMINE WHETHER GROUNDS EXIST FOR REVOCATION OF THEIR LIQUOR LICENSE (8:45:07) - Discussion indicated a reason for having the investigation. Member Aldean moved to approve a request by the Treasurer to have an investigation conducted of the Liquor License held by Talea and David Morgan, doing business as T's Tavern, to determine whether grounds exist for revocation of their Liquor License. Member Williamson seconded the motion. Motion carried 6-0.

D. SHERIFF AND DISTRICT ATTORNEY - ACTION TO DETERMINE, BASED UPON THE INVESTIGATION CONDUCTED BY THE SHERIFF'S DEPARTMENT, IF GROUNDS EXIST TO REVOKE THE LIQUOR LICENSE ISSUED TO GENE AND KAREN FAIRL, DBA FAIRL'S COUNTRY SALOON, AND, IF SO, ACTION TO ISSUE OR CAUSE TO BE SERVED ON THE LICENSEES AN ORDER TO SHOW CAUSE WHY THE LICENSE SHOULD NOT BE REVOKED (8:46:31) - Sergeant Darrin Sloan, Senior Deputy District Attorney Michael Suglia, Gene Fairl - Sergeant Sloan briefly summarized the report he had given to the Board and Clerk prior to the meeting. (A copy is in the file.) He explained the counseling efforts undertaken by the Department to assist the Fairls in controlling the activities at the establishment. There were 98 calls for service between August 2 and January 15. There were 168 calls between February 2005 and February 2006. This does not include any traffic stops that may have occurred on the property. Chairperson Teixeira pointed out that the City does not have enough law enforcement officers to provide coverage at this level for all of the bars in the City. These calls take officers away from other service responsibilities in the community. Sergeant Sloan then described the sting operations including the one where Mr. Fairl was issued in a citation. Both Sergeant Sloan and Chief Deputy/Board Member Schutte recommended revoking the license. Sheriff Furlong had allegedly discussed the situation with Chief Deputy Schutte. They, purportedly, believed that there had been adequate time for the Fairls to correct the situation. Discussion indicated that there are between 150 and 175 bars in the City. Member Livermore felt that the establishment was out of bounds when considering what is expected at similar establishments. He complimented the staff on the thoroughness of the investigation. He also indicated that it will require the Board to make a heavy decision. The Fairls should have been aware of the consequences when they operate outside the normal bounds.

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Mr. Suglia explained the need for the Board to authorize the order to show cause. The Municipal Code mandates this hearing. Mr. Fairl will be given an opportunity to speak on the issues at the show cause hearing. He can also speak on the request to order a show cause hearing. If the Board authorizes the order to show cause hearing, Mr. Suglia will prepare the order and send it to Mr. Fairl. At the hearing Mr. Fairl will present his case. Cross examinations will be allowed much the same as in a court setting.

Mr. Fairl was then invited to speak. He alleged that he had changed his entire staff, the DJ, the clientele, and is renovating the establishment. He alleged that the Sheriff had said that as long as everything is good, he would not push the issue. The Sheriff had also stated that he was not out to take the license away. He explained his view of the incident regarding the issuance of citation for serving a minor. He explained the hardship the loss of the license would have on himself and his wife. He alleged that the Sheriff had stated "everything is fine" and that the Deputies have stated "everything is fine" when they have made their id checks. He asked the Board to consider the impact their decision will have on his life if the license is pulled. Chairperson Teixeira explained that the process today is not to conduct the hearing. The issue is whether to issue the show cause order. Additional comments were solicited. None were given.

Member Aldean explained that she had been appalled when she saw the statistics. She had discussed it with Mr. Suglia. She suggested that a cost recovery program be established as 138 calls is excessive. It is a drain on City resources particularly if the Sheriff's Officers are needed elsewhere. She questioned the reasons it took the Fairls so long to correct the problem. She felt that there was ample reason for going forward with the order to show cause.

Member Staub pointed out that the Board packet includes an alternative to the order to show cause. The option is to continue the matter for 60 days on the grounds that they appear to have been taking significant measures to reduce the number of calls for police service. Sergeant Sloan indicated that the Officers have observed changes and that there may have been fewer calls for service, however, he contended that the 16-year-old had been served.

Member Staub moved to find that grounds exist to revoke the Liquor License issued to Gene and Karen Fairl, dba Fairl's Country Saloon, and move that the Liquor and Entertainment Board request that the District Attorney prepare for the Mayor's signature an Order to Show Cause as to why Fairl's Country Saloon Liquor License should not be revoked based upon the grounds that between January 1, 2005, and December 31, 2005, the Sheriff's Office responded to 138 calls for service for incidents that included fighting, discharging a weapon, and underage drinking, and the failure to successfully pass a liquor compliance check in February 2006; this hearing shall be held on April 6, 2006, during the regularly scheduled Liquor and Entertainment Board meeting. Member Livermore seconded the motion. Member Williamson stressed that Mr. Fairl had until April 6 to improve. She urged him to expedite the actions he is taking to make improvements and hoped that a happier report can be provided at that time. The motion to issue an Order to Show Cause why the Liquor License should not be revoked was voted and carried 6-0.

PUBLIC COMMENTS (9:33:10) - During the Board's of Supervisors meeting discussion noted that there are several David Morgans living in Carson City and that the David Morgan involved with Agenda Item C is not related to the David Morgan of "News Carson City".

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There being no other matters for consideration as the Liquor and Entertainment Board, Chairperson Teixeira adjourned the meeting.

The Minutes of the March 2, 2006, Carson City Liquor and Entertainment Board meeting

ARE SO APPROVED ON April 6, 2006.

/s/
Marv Teixeira, Chairperson

ATTEST:

/s/
Alan Glover, Clerk-Recorder