

**CITY COUNCIL MEETING OF
August 2, 2006**

VERBATIM TRANSCRIPT – ITEM 43

1 **Hearing, discussion and possible action regarding complaint seeking disciplinary**
2 **action against Scotch 80's Limited d/b/a Squiggy's, 530 South Martin Luther King**
3 **Boulevard, Las Vegas, Clark County, Nevada, for violations of the Las Vegas**
4 **Municipal Code and Nevada Revised Statutes – Ward 5 (Weekly)**

5

6 **APPEARANCE LIST:**

7 OSCAR GOODMAN, Mayor

8 WILLIAM HENRY, Senior Litigation Counsel

9 BRAD JERBIC, City Attorney

10 GARY REESE, Mayor Pro Tem

11 JOHN SHANNON, Attorney, 501 South 6th Street, Las Vegas, Nevada

12 DANNY PIPER, 1900 Waldman Avenue, Las Vegas, Nevada

13 JOE BUNCH, 1217 Park Circle, Las Vegas, Nevada

14 LAWRENCE WEEKLY, Councilman

15 BARBARA JO RONEMUS, City Clerk

16

17 **(01:12:05 – 01:37:02)**

18 00:24:97 / 25 minutes

19

20 Typed by: Shamika Webb

21 Proofed by: Stacey Campbell

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22 **MAYOR GOODMAN**

23 Item 43 is hearing, discussion and possible action regarding complaint seeking
24 disciplinary action against Scotch 80's Limited, dba Squiggy's, 530 South Martin Luther
25 King Boulevard, Las Vegas, Clark County, Nevada, for violations of the Las Vegas
26 Municipal Code and Nevada Revised Statutes, this is in Ward 5.

27

28 **WILLIAM HENRY**

29 Good morning.

30

31 **MAYOR GOODMAN**

32 Before we start, Mr. Henry, I was briefed on this matter yesterday and I had received the
33 respondent's supplemental brief for hearing on complaint for disciplinary action. I turned
34 that over to Mr. Scott of your office, to be responded to. I don't know whether anybody
35 was served with this other than myself. I received it on July – or my office received it
36 July 28th. During my briefing, I was told of the various alternatives that would be
37 available here, Mr. DiFiore outlined that there could be a closure of the business, that the
38 fines could be of a thousand dollar-a-day nature during the time that the alleged
39 violations were occurring. And I began to rethink whether or not I could be fair in this
40 particular situation, because of my relationship with Mr. Piper and to much lesser extent,
41 Mr. Bunch. We – really did spend an awful lot of time together about a year and a half
42 ago, you know, virtually every – other morning for about 45 minutes and we talked about
43 a lot of things including Squiggy's and including his business practices, and how he was
44 monitoring it and his ambition and the like. And I really don't think I could be fair on
45 this one. I – want to vote in the worst way. I – know that it's, I'm elected to vote but on
46 this one, I don't think I could be fair. I think the personal relationship is such that I have
47 to recuse myself.

48

49 **BRAD JERBIC**

50 I appreciate that Mayor. I think that you made a record before that you have a personal
51 friendship with the individual subject to the disciplinary complaint today. But

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52 your actions up until now have been procedural, they haven't been substantive. And I
53 think that now that you've reached a substantive point in the process, your revaluation is
54 appropriate and so is your abstention.

55

56 **MAYOR GOODMAN**

57 Alright, I'm going to abstain then. And I'm gone turn it over to the Mayor Pro-Tem.

58

59 **MAYOR PRO-TEM REESE**

60 Thank you, Your Honor. Are there any other comments or questions, before we get
61 started? Hearing none, Mr. Henry.

62

63 **WILLIAM HENRY**

64 Mayor Pro-Tem, initially I'd like to lodge with the clerk proof of service of notice of
65 today's proceedings.

66

67 **MAYOR PRO-TEM REESE**

68 Thank you.

69

70 **WILLIAM HENRY**

71 We are before the Council today for a hearing on the complaint for disciplinary action,
72 which has been approved by the City Council and it pretty much speaks for itself. In the
73 nature – of these things, I've been doing them ten years now, just in the last few minutes,
74 Mr. Shannon, representing the licensees –

75

76 **MAYOR PRO-TEM REESE**

77 Excuse me just a moment Mr. Henry. Can we please have your, you know, introduce
78 yourselves so that we know who your talking about and stuff.

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79 **JOHN SHANNON**

80 Certainly, John Shannon, I am an attorney for the respondents Scott 80's Limited, doing
81 business as Squiggy's. My address is 501 South Sixth, Las Vegas, Nevada.

82

83 **MAYOR PRO-TEM REESE**

84 Thank you.

85

86 **DANNY PIPER**

87 Danny Piper, 1900 Waldman Avenue, Las Vegas, Nevada.

88

89 **JOE BUNCH**

90 Joe Bunch, 1217 Park Circle, Las Vegas, Nevada.

91

92 **MAYOR PRO-TEM REESE**

93 Thank you, thank you Mr. Henry.

94

95 **WILLIAM HENRY**

96 Thank you Mayor Pro-Tem. Mr. Shannon, representing the licensees, and I have finished
97 our discussions, it probably started yesterday, about whether or not there would, there
98 could be a resolution that staff would propose to this disciplinary complaint. And the –
99 complaint in – essence is serious, it sets forth a number of crimes committed over a
100 course of a last, of the last year at Squiggy's or just outside Squiggy's, and certainly a
101 disproportionate number of calls for service. And with witnesses from the Metropolitan
102 Police, the City is prepared, or City Staff, to prove these allegations. But in lieu of that,
103 staff and I have spoken with Mr. DiFiore about this negotiation and he participated in part
104 of the discussions. And I've spoken with the representative with the Metropolitan Police
105 about this proposed negotiation, and they participated in part of the discussions. Staff
106 would recommend this disposition along – with the respondent. First of all, the
107 respondent would stipulate that all of the allegations in the disciplinary complaint are true

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108 and correct and that the City could prove – them this morning to the requisite legal level
109 of proof. Secondly –

110

111 **MAYOR PRO-TEM REESE**

112 Let's – take it one by one. Okay, is that alright with you? If we just take it, you – got
113 several you say?

114

115 **WILLIAM HENRY**

116 Oh, probably about ten or twelve.

117

118 **MAYOR PRO-TEM REESE**

119 Okay, why don't we just have them respond to each – individual one then as you go
120 through them?

121

122 **WILLIAM HENRY**

123 As to whether or not they agree?

124

125 **MAYOR PRO-TEM REESE**

126 Yes.

127

128 **WILLIAM HENRY**

129 Okay, Mr. Shannon did, do you agree to that?

130

131 **JOHN SHANNON**

132 As to the first stipulation, yes –

133

134 **MAYOR PRO-TEM REESE**

135 – yes, kay. Are there any questions of the Council? Okay, go ahead.

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136 **WILLIAM HENRY**

137 This is all an inner locking hold, if – you will. The – agreement is that Squiggy's,
138 actually Scotch 80's Limited, has six months to sell and transfer their gaming and liquor
139 licenses or surrender them or close down business. And if they don't, then the licenses at
140 issue here today are revoked. Caveat to that is if six months from now they have a signed
141 sales agreement, they have earnest money in escrow, their proposed buyer has made
142 application to Gaming Control and to – the City to receive the licenses and all that's
143 holding up the transfer is the fact that the City and or Gaming Control hasn't finished the
144 background investigation, then Scotch 80's Limited can apply – to the City Council on a
145 month-by-month basis, for a one month extension, to see those things accomplished.

146

147 **JOHN SHANNON**

148 We would agree to those terms.

149

150 **MAYOR PRO-TEM REESE**

151 Any questions Councilman? Okay.

152

153 **WILLIAM HENRY**

154 Squiggy's agrees to pay a twenty thousand dollar fine within fifteen days.

155

156 **JOHN SHANNON**

157 We'd also agree to those terms.

158

159 **MAYOR PRO-TEM REESE**

160 Councilman Weekly any other questions? Go ahead please.

161

162 **WILLIAM HENRY**

163 Scotch 80's Limited, dba Squiggy's, agrees that during the pendancy of this agreement
164 Mr. DiFiore has, the Business Licensing Manager for the City, has the authority to
165 administratively suspend their license, close down their business for a violation of law or

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166 for a violation these conditions to be attached to their license. They have, if that of
167 happens they have a right to appeal to the City Council at the next legally available City
168 Council Meeting.

169

170 **JOHN SHANNON**

171 Squiggy's agrees to those terms.

172

173 **MAYOR PRO-TEM REESE**

174 Thank you.

175

176 **WILLIAM HENRY**

177 Scotch 80's Limited, dba Squiggy's, agrees to certain terms of operation which will be,
178 they will play no music what so ever at their business, they will not admit any patrons
179 wearing clothing of a color commonly associated with criminal gangs. The last call will
180 be at midnight and they will close their business by which we mean customers have to be
181 out by 1:00 a.m, and they will not admit customers under the age of 25 years.

182

183 **JOHN SHANNON**

184 We agree to those terms. Of – course we just want it noted that the close of business
185 hours from 1:00 a.m. to 7:00 a.m. the next day.

186

187 **WILLIAM HENRY**

188 Yes, that is the understanding.

189

190 **MAYOR PRO-TEM REESE**

191 Thank you.

192

193 **WILLIAM HENRY**

194 And finally, Scotch 80's Limited agrees that they will go on providing security guards at
195 the business. Currently they have three, but it's contemplated between City Staff and

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196 Scotch 80's Limited that there may be some sort of evolving problem that we can't
197 contemplate so that the provision of security – guards is to be the result of discussions
198 with and direction from Mr. DiFiore.

199

200 **JOHN SHANNON**

201 We would agree to those terms. I would like to comment on one thing that just occurred
202 to me. The City Attorney had proposed some limitations, age restrictions which
203 obviously Squiggy's is already implementing, but also, we would prohibit people wearing
204 certain colors, gang colors and what not. My – clients don't have independent knowledge
205 of what would constitute that kind of information, you know, what that kind of color or
206 what colors would constitute a gang colors. They would like some assistance in that
207 regard.

208

209 **WILLIAM HENRY**

210 Well, I'm – sure that they can get assistance from the Metropolitan Police from the
211 Bolden Area Command.

212

213 **JOHN SHANNON**

214 Very well –

215

216 **MAYOR PRO-TEM REESE**

217 Any questions on that?

218

219 **COUNCILMAN WEEKLY**

220 I do. Who came up with that – color code? I mean I personally have a problem with that,
221 because I think that's pretty discriminatory if you ask me. Because if – I walked in
222 Squiggy's to use their ATM, and which I have in the past, utilizing the barber shop
223 straight down in the same corridor there, if I have a red jersey on does that mean I can't
224 go into, and more than likely because I am an African American male, is that gonna

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225 make, I mean I have a problem with that. And I think we need to do something about
226 that.

227

228 **WILLIAM HENRY**

229 You know, I – understand that Councilman. And certainly the case that if you were, if
230 you in making a motion on this went, wish to add or delete any conditions to the
231 agreement that would certainly –

232

233 **JOHN SHANNON**

234 We'd agree to those terms. I would like to comment on one thing that just occurred to
235 me.

236

237 **COUNCILMAN WEEKLY**

238 I mean to me it, to me, I mean I don't think its rocket science here. I mean, I think it's just
239 a matter of, you know, these gentlemen here have to step up to the plate and take one
240 hundred percent responsibility of what goes on – at their place of operation there. And I
241 mean, I think you would know, you know what's appropriate and what's not appropriate
242 and individuals who come in to your place of establishment if – in fact, you know they're
243 conducting themselves inappropriately or if in fact, you know something just doesn't
244 seem right in your gut. I mean, I think that you would have the discretion – to address
245 that but I, you know, I just kinda get, I think it's just extremely old to me. And I think to
246 me it's just discriminatory practices and it's border line racist, if you ask me, that you
247 would go and identify someone who'd have on red or blue or whatever the color may be.
248 And – because and mean, because been there done that before it's just not a really cool
249 feeling to be, you know, to go into certain places. If I wanna, you know, put a – Boston
250 Red Sox baseball cap on, I know you're a Red Sox fan, Councilman, but I mean that's my
251 business. You know, but I should not be identified as or – profiled as something. I – just
252 kinda have a problem with that.

253 I'm – lovin' the fact that we are putting some conditions on the record here today because
254 there are some concerns on that we need to address Attorney Henry, and I'm – with you

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255 guys on these recommendations. I met – with Mr. Piper and I've met with Mr. Bunch
256 and, you know, I – agree that there need (sic) to be some disciplinary actions put on the
257 record and they need to take full responsibility of what happens on their property, located
258 on Martin Luther King. In my opinion, the Martin – Luther King location needs to be
259 treated the same way your Sahara location needs to be treated. And – I just think in my
260 opinion that type of attention has not happened at that location. Have these gentlemen
261 taken some measures to step up and address that? Absolutely, after the fact. Have some
262 people lost their lives at the location? Yes they have. I've actually heard from the family
263 members of one of the young men that lost their live, that lost his life at that particular
264 site there. And do they wanna see something happen? Yes. And so you know, let's talk
265 about that and let's talk about, today, I would like to hear from you all. What are you all
266 going to do, you know, to address this and making sure your place of business is a place
267 that's safe? I mean I've never heard of a bar you go into and they don't play music. I
268 mean does that mean they take juke boxes out. I mean I – just want to hear some real
269 stuff. I mean that's kinda fluff stuff but I don't want sit here and talk about colors today
270 and who can wear a blue shirt and who can wear a red shirt or whatever. Because to me,
271 then I think we'll be coming back and – dealing with some racial issues that are not cool
272 as far as I am concerned, 'cause I don't get into that race card game and I – just don't even
273 wanna even float around it. 'Cause it-makes me extremely uncomfortable (inaudible).

274

275 **MAYOR PRO-TEM REESE**

276 City Councilman would you like to remove that condition then?

277

278 **COUNCILMAN WEEKLY**

279 I think I would, please.

280

281 **MAYOR PRO-TEM REESE**

282 Okay.

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283 **WILLIAM HENRY**

284 Alright, given your guidance Councilman, let's – remove that from the negotiation. Now
285 at, as to, you know, a number of things in here including, you know, music, there
286 certainly an effort made to style conditions in – a way that would be entirely neutral.
287 And although, you know, I have received input from various people including the
288 owners, I think for example on the area of music where they thought that certain
289 selections in their juke box appealed to folks who tended to get in fights in their business
290 more than other selections. I – really saw no way to deal with that, and so I ask them if
291 they would just be willing to not play music for the next six months, and they said that
292 they would. And what governed my efforts in this was to try to style conditions that
293 would tend to make this location safer than it had been before and as safe as possible.

294

295 **JOHN SHANNON**

296 Obviously, my clients are willing to agree to terms are already proposed and with your
297 objection to that term, that's something obviously we're – looking for a guidance,
298 certainly. But we will not only continue to provide whatever security measures are, were
299 already put – in place, but we're – also appealing to the City and even to Metro if they
300 have additional suggestions we'll implement them – in the interim for the six month
301 period. We're open to any further suggestions. My client would also like to say
302 something, Mr. Piper.

303

304 **DANNY PIPER**

305 Councilman just so you'll know as part of our negotiations yesterday, we did offer to
306 totally – take off any particular songs that might be excitable. And we would agree to
307 break it up into Country and Western, Jazz or any other style of music, where at the
308 present time, we do have a large percent of music that might attract them. So, we would
309 prefer to have multiple sounds of music but if we have to live with other, we'll live with
310 it.

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311 **WILLIAM HENRY**

312 This is something I didn't want to get into. And so I think that's why we ultimately ended
313 up with this solution and they just wouldn't play music. It – might make their bar less –
314 appealing and they might end up having less revenue, but it's something that they were
315 willing to accept.

316

317 **MAYOR PRO-TEM REESE**

318 Councilman any comments?

319

320 **COUNCILMAN WEEKLY**

321 I'm real baffled to be honest with you. To – be honest with you I really am. I am just
322 floored by this conversation and, you know, because if – you guys talk about the – racial
323 break down of your clientele, I mean you don't have a bunch of cowboys walking on into
324 your Martin Luther King site. I've been in Squiggy's before and I know what your –
325 clientel is. I – you know, I've used your ATM before taking my son to the barber shop
326 there in that plaza there. And I – guess I just really want to talk about, I – really never
327 been this uncomfortable on this Council with any item before until today. This, Brad, has
328 really gotten to me, this has floored me today because this is just, what we're talking
329 about today is how are you going to address, and let me be real and put it out there, how
330 are you going to address your Hispanic and African American population clientele that
331 utilizes Squiggy's? Is that what were talking about? Because you don't have a bunch of
332 cowboys walking into – your place of business there. Am I right or wrong?

333

334 **JOHN SHANNON**

335 That is correct.

336

337 **COUNCILMAN WEEKLY**

338 I know. So when we talk about are you going to flat out remove your – juke box or
339 whatever the machine is called. I mean, let's – just talk about that because I mean the
340 bottom line here is we're – to talk about just measures on how and Attorney Henry if it's

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341 okay, let me hear what – have you all done to better your business there. I mean I know
342 we've talked about lighting, we've talked about licensed security, we've talked about
343 better onsite management. If we can, for the public's sake, please, because this is just not
344 good for me.

345

346 **JOHN SHANNON**

347 We –

348

349 **MAYOR PRO-TEM REESE**

350 Counselor, if you could just pull that microphone up, that'll probably be easier for you to
351 talk.

352

353 **JOHN SHANNON**

354 Okay.

355

356 **MAYOR PRO-TEM REESE**

357 There you go.

358

359 **JOHN SHANNON**

360 Excuse me. Yes, my clients have taken certain measures, and I wanna go back through
361 some of them, but we will obviously, this is not the limitation of what we're willing to do
362 to improve security. And that's why we're asking for some guidance here. But we have
363 three – security personnel members working on staff.

364

365 **COUNCILMAN WEEKLY**

366 Licensed?

367

368 **JOHN SHANNON**

369 Well, I.

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370 **DANNY PIPER**

371 One is presently (inaudible).

372

373 **JOHN SHANNON**

374 One is presently a licensed security officer at one of the local casino's here in town. The

375 other two are not, they have –

376

377 **DANNY PIPER**

378 TAM cards.

379

380 **JOHN SHANNON**

381 – their TAM cards and health cards. We have – age restricted the place at this point, no

382 one under 25. We have per, we have included additional lighting outside. We have

383 upgraded from our, an older surveillance – system to a digital camera system at some

384 cost. And basically, what we're trying to do overall, and I think this is what's going to be

385 more beneficial, is to have more of a dialogue with – our local community officials, with

386 police. Because my client's are bar owners but their not security experts and obviously

387 they want to implement whatever's necessary. Their as upset about the – goings on at

388 this – location for the past year. And they – want to improve conditions. And we're

389 willing to agree to these terms and even would – be open to additional suggestions and –

390 if there's some provisions of this agreement, some of these terms that, you know, that –

391 otherwise you object to or any member of the Council object to. Obviously we'll go

392 along with your recommendations.

393

394 **COUNCILMAN WEEKLY**

395 Sure, okay. What I would like to do Mayor Pro-Tem, if you will –

396

397 **MAYOR PRO-TEM REESE**

398 You bet.

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399 **COUNCILMAN WEEKLY**

400 – Mr. Bunch and Mr. Piper, I know you guys came in to me with me on yesterday and I
401 was just getting back in town and I was unable to meet with you guys. I, I'd like to
402 actually reschedule this please. Because I wanna sit down with you guys and work with
403 you on fixing this. Because I think there's some things we really need to make sure that
404 you guys are going to give us some – sense of assurance that you guys are going to step
405 up and – handle your business.

406 You know one of the things that I – want you guys to put on the record today, is that you
407 have accepted responsibility for your site. And I don't care if you're African American,
408 Caucasian, Hispanic, Native American, whatever your ethnicity is, when you go to a bar
409 and alcohol is involved, anything can happen with anybody. And so, I mean this happens
410 all over the city, you know. But what concerns me today is this is talking about how you
411 gonna deal with a specific race of people at your place of business. And if it, I just don't
412 want to go right there with you today on this. I just want to talk about how you're going
413 to – run your business and – what are some measures we, we're going to put on record.
414 Because again understand, people are lined up for these licenses. These are privileged
415 licenses and yes, you are totally responsible for what happens at your place of business.
416 What goes on at parking lots and surrounding areas of your place of business, I know that
417 maybe a little bit out of your control. When we looked at the number of calls for service,
418 I mean your – number is totally escalated from what happens over at the Ice House to
419 over on Main Street to what happens at Freddy's, I think it is. Mr. Henry, over on
420 Charleston is it Freddy's?

421

422 **WILLIAM HENRY**

423 Franky's.

424

425 **JOHN SHANNON**

426 Franky's.

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427 **COUNCILMAN WEEKLY**

428 Franky's over on Charleston. Your – calls are – quadrupled, if you will. And so, and that
429 – may have anything to do with you, who knows because there's a pay phone. You
430 know, that's down the hall way from your – place of business. So let me table this for a
431 moment, and – let's get back together and – put some stuff together if we can do that.

432

433 **WILLIAM HENRY**

434 Councilman I'm –

435

436 **COUNCILMAN WEEKLY**

437 Because I'm just, to be honest with you Attorney Henry, with all due respect to you, I'm
438 really, really not happy with where this conversation, because with my short briefings
439 that had with you on yesterday, and I think I spoke with Mr. DiFiore for a moment here, I
440 – did not get the inclination that this is where we were going and this is kinda what we
441 were talking about.

442

443 **WILLIAM HENRY**

444 I need to tell you that this is the last City Council meeting inside the 60 days. And so if
445 this is –

446

447 **COUNCILMAN WEEKLY**

448 Well somebody need to work something out for me. Brad, please, come on. Somebody
449 need to work with me on this one. Because this is not cool, at all.

450

451 **BRAD JERBIC**

452 Mr. Henry's right, we have – a 60 day window.

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453 **COUNCILMAN WEEKLY**

454 Don't sit here today and talk to me today about what hip hop music you need to take off
455 of a juke box and who can wear a blue shirt or a red shirt or a green shirt. I – can't, I
456 don't roll like that.

457

458 **BRAD JERBIC**

459 I understand your concerns completely and I appreciate them. I think that you're exactly
460 right, probably tabling this today is in order. I – don't know if legally, this is a waivable
461 60 day time line. But for purposes of continuing these negotiations, just to let you know,
462 I would like to get a waiver for Mr. Shannon right now of that, if it's – legally doable.
463 With the understanding that if there's a problem down the line and there's a challenge to
464 this waiver we will have to restart this disciplinary process of refiling the complaint,
465 which we're prepared to do if we can't reach a resolution.

466

467 **JOHN SHANNON**

468 We'll waive the 60 days, you know.

469

470 **BRAD JERBIC**

471 I agree with you completely Councilman. I think that everybody needs to be completely
472 comfortable. And understand with this negotiation is at the end of the day. And it
473 shouldn't send a message that – we're trying to do something here that we wouldn't do for
474 any other bar in this city. The bottom line in this the bar has been off the chain it needs to
475 get on the chain and it needs to be some standards that we all understand. And I - don't
476 think there's a meeting in the minds here this morning and I think that to continue this is
477 appropriate.

478

479 **COUNCILMAN WEEKLY**

480 Thank you Sir. Mayor Pro-Tem, that would be my motion, please.

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481 **MAYOR PRO-TEM REESE**

482 Two – weeks Councilman, or, that would be the sixteenth?

483

484 **BARBARA JO RONEMUS**

485 That's August sixteenth. Are – we going to abey or table?

486

487 **MAYOR PRO-TEM REESE**

488 We – have motion –

489

490 **COUNCILMAN WEEKLY**

491 To me, **I would like to abey if possible if we need to.**

492

493 **BARBARA JO RONEMUS**

494 **Abey to August 16th?**

495

496 **COUNCILMAN WEEKLY**

497 **Yes, please.**

498

499 **MAYOR PRO-TEM REESE**

500 We have a motion to abey this item until August – the 16th. Are there any questions on

501 the motion? Please cast your vote. Please post. Motion carries. **(Motion carried**

502 **unanimously with GOODMAN abstaining because of his personal relationship with**

503 **Mr. Piper and Mr. Bunch)**

504

(END OF DISCUSSION)

505 /sw;sc