

**CITY COUNCIL MEETING OF
August 16, 2006**

COMBINED VERBATIM TRANSCRIPT – ITEMS 56, 57 AND 60

1 **Item 56 – Discussion and possible action to add conditions to the privilege license**
2 **held by Scotch 80's Limited d/b/a Squiggy's, 530 South Martin Luther King**
3 **Boulevard, Las Vegas, Clark County, Nevada - Ward 5 (Weekly)**

4 **Item 57 - ABEYANCE ITEM - Hearing, discussion and possible action regarding**
5 **complaint seeking disciplinary action against Scotch 80's Limited d/b/a Squiggy's,**
6 **530 South Martin Luther King Boulevard, Las Vegas, Clark County, Nevada, for**
7 **violations of the Las Vegas Municipal Code and Nevada Revised Statutes - Ward 5**
8 **(Weekly) and**

9 **Item 60 - ABEYANCE ITEM - Discussion and possible action regarding Approval**
10 **of a new Liquor Caterer License, Scotch 80's Ltd., dba Squiggy's, 3805 West Sahara**
11 **Avenue, Danny R. Piper, Dir, Pres, Treas, 50% and Joseph D. Bunch, Dir, Secy,**
12 **50% - Ward 1 (Tarkanian)**

13

14 **APPEARANCE LIST**

15 OSCAR GOODMAN, Mayor

16 GARY REESE, Mayor Pro Tem

17 BRAD JERBIC, City Attorney

18 JOHN SHANNON, Attorney, 501 S. 6th Street

19 LOIS TARKANIAN, Councilwoman

20 DANNY PIPER, 1900 Waldman Avenue

21 JEANETTE SIMMS, 5804 Villanueva

22 LAWRENCE WEEKLY, Councilman

23 JIM DiFIORE, Manager, Business Services

24 AMY BUNCH

25

26 (00:43:09 – 00:57:28/1:08:34 – 01:10:14)

27 15 minutes 25 seconds

28

29 Typed by: Vicky Darling

30 Proofed by: Stacey Campbell

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31 **MAYOR GOODMAN**

32 All right. We're, Item 56 is discussion and possible action to add conditions to the
33 privileged license held by Scotch 80's Limited d/b/a Squiggy's at 530 South Martin
34 Luther King Boulevard, Las Vegas, Clark County, Nevada in Ward 5. I, as you know,
35 abstained last time and no reason to change the reasons for that abstention because of my
36 relationship with Mr. Piper and I just feel that it would be effected, it would effect my
37 ability to be fair.

38

39 **MAYOR PRO TEM REESE**

40 Mr. Jerbic.

41

42 **CITY ATTORNEY JERBIC**

43 Just for the record, Your Honor, just to reiterate that relationship is not a business
44 relationship. It's one based on just friendship and living in proximity to your house and
45 knowing him for a long period of time.

46

47 **MAYOR GOODMAN**

48 Social relationship.

49

50 **CITY ATTORNEY JERBIC**

51 Very good. I'm sorry, Sir.

52

53 **MAYOR PRO TEM REESE**

54 The applicants are present, Mr. Jerbic.

55

56 **CITY ATTORNEY JERBIC**

57 Thank you, Mr. Mayor Pro Tem. I think this matter has been resolved. Let me just talk
58 procedurally for a couple moments. The next item on this agenda is the actual abeyance
59 item, from the last meeting, to hear the disciplinary complaint. Because 60 days is a
60 jurisdictional time frame and we're outside of the window, we're no longer able to hear

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61 that disciplinary complaint. I've talked to Mr. Shannon. He knows that we could go
62 through the process of refile and the like and he's been gracious enough to agree to
63 resolve this on the same conditions that we would have as if there were a complaint here,
64 but what we're going to do – I'm sorry, these microphones still don't seem quite up to
65 snuff. The, what we're going to do is we're gonna put new conditions on the license
66 today along with a fine and then after we get done with this item we're going to
67 recommend striking the next item, which is the abeyance item, from the last meeting.
68 Also, before putting these – conditions on, I'd like to make an apology. At the last
69 meeting there was an attempt to negotiate the disciplinary complaint. It was rather last
70 minute, it was with input from the Metropolitan Police Department, as agreed to by Mr.
71 Shannon and his clients and our office. In the course of putting that negotiation on the
72 record, I think it was offensive to a number of people in our community that don't expect
73 conditions on a licensee of the type that they heard at that meeting. So, on behalf of the
74 City Attorney's office, I'd like to issue an apology, and to you too, Councilman Weekly.
75 I think that we have some conditions ironed out now that are neutral and should be
76 acceptable to everybody. And with your permission, I'd like to put them on the record.

77

78 **JOHN SHANNON**

79 My clients and I also –

80

81 **MAYOR PRO TEM REESE**

82 – If I – could –

83

84 **JOHN SHANNON**

85 Sir, I'm sorry.

86

87 **MAYOR PRO TEM REESE**

88 – just a moment please. Council people, can you hear down there?

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89 **COUNCILWOMAN TARKANIAN**

90 No, (inaudible)

91

92 **MAYOR PRO TEM REESE**

93 How about the audience, can you hear what's going on? We can't – hear up here. I'm
94 having a hard time hearing too. Can we get – help, please?

95

96 **COUNCILWOMAN TARKANIAN**

97 Mayor Pro Tem, can I ask why did we change these?

98

99 **MAYOR PRO TEM REESE**

100 I asked the same question this morning, Ma'am, and Mr. Marcella says (inaudible) I
101 guess. I said why do you fix something that's not broke, I didn't see a problem before.
102 Mr. Jerbic.

103

104 **CITY ATTORNEY JERBIC**

105 Thank you. With the permission of Mr. Shannon, I'd like to just put the conditions on the
106 record, unless Mr. Shannon has anything to say.

107

108 **JOHN SHANNON**

109 Certainly. Should I state my name for the record? John Shannon, address 501 South 6th,
110 Las Vegas, Jackson and Shannon. I'll let Mr. Piper, President of Scotch 80's Limited,
111 introduce himself.

112

113 **DANNY PIPER**

114 Danny Piper, 1900 Walton Avenue, Las Vegas.

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115 **CITY ATTORNEY JERBIC**

116 Thank you. With your permission, Mr. Shannon, on behalf of his clients, have agreed to
117 the following conditions to be placed on the license of Scotch 80's Limited, which is
118 owned, of course, by Mr. Piper and Mr. Bunch.

119 Number One, a condition that Scotch 80's Limited have agreed to sell the business,
120 including the alcohol beverage license within six months; otherwise the licenses will be
121 automatically revoked. If they have signed a sales agreement, with a deposit in escrow,
122 an application for transfer of ownership filed with Business Services and a new gaming
123 application filed with State Gaming and Business Services when term expires, then
124 Scotch 80's may apply to the City Council on a month-to-month basis for consideration
125 of approval of an extension of this time period while the investigations on the alcohol and
126 gaming licenses are being completed. I think we all understand the six months, but if
127 they meet that conditions that during the process of selling as just articulated, then they
128 can extend on a month-to-month basis.

129 Condition Number Two would be that Scotch 80's would pay to the City in lieu of a fine
130 \$20,000 to be paid within 30 days.

131 Condition Three that last call to customers will be at 1:00 a.m. and the business will close
132 its doors at 2:00 a.m.; that's seven days a week.

133 And Condition Four is that admittance to the bar will be to patrons 25 years of age or
134 older during this time period.

135 Five, a condition that Scotch 80's Limited will provide adequate security for protection of
136 patrons inside the bar and outside limited to the parking area designated for Squiggy's
137 patronage.

138 And finally, Condition Number Six, a condition that Scotch 80's Limited acknowledge
139 that the Business Services Director or Manager is granted the authority by the City
140 Council to administratively suspend the licenses and close the business down if these
141 conditions are violated. They further understand that Scotch 80's Limited will have the
142 right to appeal the suspension at the next regularly scheduled City Council meeting.

143 That concludes the arrangement in this particular matter and the six conditions I believe
144 have been agreed to.

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145 **JOHN SHANNON**

146 We agree to those conditions.

147

148 **MAYOR PRO TEM REESE**

149 Councilman, are there any questions? Councilman Weekly? (inaudible) here in the back,
150 please.

151

152 **JEANETTE SIMMS**

153 My name is Jeanette Simms, 5804 Villanueva. I, just coming up here to respond to last
154 week's comments about Mr. Piper and Mr. Bunch's business. They do a good business
155 and I just want to know has (inaudible) community, why they're being singled out? Can
156 someone address that to me?

157

158 **MAYOR PRO TEM REESE**

159 Mr. Jerbic can handle it.

160

161 **CITY ATTORNEY JERBIC**

162 Okay. A complaint for discipline was filed with the City Council over a month and a half
163 ago that listed a number of problems at the bar. Calls for service that were higher than
164 average, murders, stabbings, different kinds of violent crimes that had occurred there that
165 it was going to be in the hands of the Council to decide whether or not the licensees had
166 behaved responsibly in – managing their business. Unfortunately, the time to hear that
167 complaint has expired and so we've just agreed to settle it based on the conditions today.

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168 **JEANETTE SIMMS**

169 I just want to address another thing. There's a gas station that's right up the street and
170 I've seen more cop calls there than I have seen at this bar. So, why are they not being
171 subject to the same clauses?

172

173 **MAYOR PRO TEM REESE**

174 Ma'am, that are, I can answer that, that's not on our – agenda.

175

176 **JEANETTE SIMMS**

177 I'm sorry. I just wanted to address that.

178

179 **MAYOR PRO TEM REESE**

180 That's – fine. That's fine. Thank you.

181

182 **JEANETTE SIMMS**

183 Thank you.

184

185 **MAYOR PRO TEM REESE**

186 You bet. Any other questions or comments?

187

188 **JOHN SHANNON**

189 Yes, Councilman. I'm sorry. Basically, I also, on behalf of my clients, and I want to
190 extend our apologies also to certain members of the community that may have been
191 offended by what was presented at the last hearing again. That was inadvertent. It was
192 due to last moment, minute negotiations. Also I spoke with Mr. Jerbic yesterday and also
193 in addition the terms, we are – stipulating to those – allegations set forth in the initial
194 complaint. Although the jurisdictional requirements are such that the complaint must
195 now be dismissed, but we are nonetheless willing to settle and want to do that in good
196 faith and we will continue to provide the best security possible. We are also open to any

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197 further suggestions by Mr. DiFiore or the Las Vegas Metropolitan Police Department.

198 Also –

199

200 **DANNY PIPER**

201 (inaudible)

202

203 **JOHN SHANNON**

204 – my client also wanted me to advise that we are presently in possible contract
205 negotiations with two different possible buyers of the premises and – the business. So I
206 think this should go forward without any further problems.

207 Finally, I just also wanted to state that our stipulation, of course, we are stipulating to
208 these terms, but my clients are not admitting any civil or criminal liability beyond that.

209

210 **MAYOR PRO TEM REESE**

211 Thank you. Are there any questions or comments? Councilman Weekly, please.

212

213 **COUNCILMAN WEEKLY**

214 Thank you very much, Mayor Pro Tem. I too have heard from other patrons of Squiggy's
215 who have expressed their concerns about this particular application and felt as if
216 Squiggy's was being singled out. You know, when a complaint is filed with the City of
217 Las Vegas, I mean, it's our – responsibility to – act on that. And we do work very closely
218 with the Metropolitan Police Department to try and rectify an – issue. I do want to thank
219 you very much, Attorney Shannon, as well as Mr. Piper and Mr. Bunch and Mr. DiFiore
220 and Mr. Jerbic, and everybody out there who worked on this application. We had an
221 opportunity to meet and talk about the concerns that I had. And understanding that the
222 men and women of Metro, they have a job to do and, you know, there are – times that
223 their conditions are far more stringent than we would go, but that's – how law
224 enforcement operates and we have a lot of room in there that we can come back and
225 negotiate many conditions that are recommended to us by the – men and women of
226 Metro. And, you know, one of the things that I wanted to stress to Mr. Piper and Mr.

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227 Bunch, is that, you know, these licenses are privileged licenses and there are levels of
228 responsibility as owners that we have to take. And so, I'm very comfortable with the fact
229 that these conditions we came up with and after about six months, you know, Squiggy's
230 will no longer be there. And again, I've gotten an overwhelming response from the
231 community that had a huge concern about the last conversation that we had. And it's my
232 hope and my prayer that we don't ever have conversations like that again. We deal with
233 it in a professional, compassion, compassionate type of way.

234 And so, you know, with that, Mayor Pro Tem, I'd like to –

235

236 **MAYOR PRO TEM REESE**

237 Excuse me (inaudible)

238

239 **COUNCILMAN WEEKLY**

240 – follow, and wait 'til you say what you're gonna say.

241

242 **MAYOR PRO TEM REESE**

243 This isn't a public hearing. (inaudible) I thought this lady was with the applicants. So
244 there's another lady standing back there. Did she want to be heard?

245

246 **AMY BUNCH**

247 (inaudible) can we make comments?

248

249 **MAYOR PRO TEM REESE**

250 Yes, please.

251

252 **AMY BUNCH**

253 Thank you. Thank you, Councilmembers. I – do want to let you guys know, and I know
254 you guys have just addressed, thank you, Councilman Weekly, the comments that were
255 made. My name is Amy Bunch and I've been a member of the Las Vegas community for
256 over 17 years. I work for Scotch 80's and I'm employed at Squiggy's on Martin Luther

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257 King as the swing shift bartender on Friday and Saturday evenings. It's my job to
258 evaluate and familiarize myself with the patrons as they come in. I've found that the
259 most effective means of evaluation are to listen to people's non-verbal actions, to watch
260 their demeanor, their use of language, the terminology that they use. With these
261 stipulations that were put in place, if I use those as my guidelines, I believe that I would
262 be doing a great disservice to myself, my employers, my patrons and the community as a
263 whole. The genres of music, many of them are played by many different peoples.
264 Sometimes it even seems humorous because it's so out of stereotype. If I use personal
265 appearance or cleanliness or clothing type, then I would be looking at the \$1,000 a week
266 construction worker exactly the same as the gentleman that just walked in off of the street
267 because he needs a glass of ice water and doesn't have a home.

268 But the greatest mistake that I could make would be to profile by the standard of
269 pigmentation of the skin that covers the people that I come in contact with. We should all
270 just take a minute to remember that it was a white male that walked into our facility, he
271 went to the juke box and played a country song, he then robbed our facility and injured
272 one of our patrons. I've always valued the fact that I work at a place where a very
273 diverse range of society can come in and sit down and feel welcome. And it saddens me
274 to hear the attempted changes and that implementation of stipulations that could move
275 our community away from unity and back in time towards division. I'm really thankful
276 that for the most part, while I'm working, our patrons don't see me as white, female and
277 blonde. Most of us have had to work past stereotypes that we've been labeled with and I
278 would just like to urge the members of this Council not to allow anyone to instruct us to
279 place labels on others.

280 Thank you very much for your time. I appreciate it.

281

282 **MAYOR PRO TEM REESE**

283 Thank you. Thank you, Councilman Weekly. Ready for a motion.

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284 **COUNCILMAN WEEKLY**

285 Thank you very much. **I'd like to follow staff's recommendation, with all those**
286 **conditions as has been stated for the record, please.**

287

288 **MAYOR PRO TEM REESE**

289 Are there any questions on the motion? Please cast your vote. Please post. Motion
290 carries. **(Motion carried with GOODMAN abstaining, as he did at the 8/2/2006**
291 **Council meeting, because he feels that his personal relationship with Mr. Piper**
292 **would impede his ability to be fair).**

293

294 **CITY ATTORNEY JERBIC**

295 Thank you. Mr. Mayor Pro Tem, for the record the conditions that I read, I'm going to
296 file with the Clerk at this point so they can be made part of the record.

297

298 **MAYOR PRO TEM REESE**

299 Okay. And Item 57 is an abeyance item. Hearing, discussion and possible action
300 regarding complaint seeking disciplinary action against Scotch 80's Limited doing
301 business as Squiggy's, 530 South Martin Luther King Boulevard, Las Vegas, Clark
302 County, Nevada, for violations of the Las Vegas Municipal Code and Nevada Revised
303 Statutes. This is in Ward 5, Councilman Weekly's Ward.

304

305 **CITY ATTORNEY JERBIC**

306 Based on the action you just took, we recommend that you strike this item.

307

308 **MAYOR PRO TEM REESE**

309 Thank you. Are there any questions on the – recommendation? **The motion is to strike**
310 **this item.** Please cast your vote. Please post. Motion carries. **(Motion carried with**
311 **GOODMAN abstaining, as he did at the 8/2/2006 Council meeting, because he feels**
312 **that his personal relationship with Mr. Piper would impede his ability to be fair).**

313 Thank you.

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314 **END RELATED DISCUSSION - RESUME RELATED DISCUSSION**

315

316 **MAYOR GOODMAN**

317 All right. Item Number 60 is discussion and possible action regarding approval of a new

318 Liquor Caterer License, Scotch 80's Limited dba Squiggy's, 3805 West Sahara Avenue.

319 This is in Ward 1. Once again I guess I have to abstain based on the same rationale that I

320 used in the other matter pertaining to Squiggy's and to Mr. Piper.

321

322 **MAYOR PRO TEM REESE**

323 (inaudible) Your Honor. Mr. DiFiore, please.

324

325 **JIM DiFIORE**

326 Mayor Pro Tem and members of the Council, I – believe Attorney Shannon has a

327 recommendation that he's going to provide the Council to consider.

328

329 **MAYOR PRO TEM REESE**

330 Thank you.

331

332 **JOHN SHANNON**

333 Thank you, Mr. DiFiore. Yes, members of the Council, I've been advised by my clients

334 that they will withdraw this application at this time.

335

336 **MAYOR PRO TEM REESE**

337 Is that with or without prejudice or does that matter? Mr. Jerbic? Is that with or without

338 prejudice, does it matter?

339

340 **CITY ATTORNEY JERBIC**

341 I'm sorry. I missed the question, I was conferring with Mr. Henry.

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342 **JOHN SHANNON**

343 We are, with item 60, we are withdrawing, Scotch 80's Limited, Squiggy's is withdrawing
344 their application.

345

346 **CITY ATTORNEY JERBIC**

347 (inaudible) without prejudice if you (inaudible) so.

348

349 **MAYOR PRO TEM REESE**

350 Councilwoman, do you have any choice, with or without prejudice?

351

352 **COUNCILWOMAN TARKANIAN**

353 No, I'd go on advice of staff.

354

355 **CITY ATTORNEY JERBIC**

356 Let me ask Mr. Shannon, do you intend in the future to reapply?

357

358 **JOHN SHANNON**

359 My – clients would like to reserve the right to reapply at a later date.

360

361 **CITY ATTORNEY JERBIC**

362 Then I think out of prudence and in all fairness to Mr. Shannon and his client **to let him**
363 **withdraw without prejudice** and then we can reach the merits of the issue in the future
364 if necessary, would – be the wise course of action.

365

366 **MAYOR PRO TEM REESE**

367 Thank you. Councilwoman, any – questions?

368

369 **COUNCILWOMAN TARKANIAN**

370 No. I would move to follow that recommendation.

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371 **MAYOR PRO TEM REESE**

372 Thank you. You've heard the motion. Please cast your vote. Please post. Motion
373 carries. **(Motion carried with GOODMAN abstaining, as he did at the 8/2/2006**
374 **Council meeting, because he feels that his personal relationship with Mr. Piper**
375 **would impede his ability to be fair).**

376

377 **MAYOR GOODMAN**

378 Thank you.

379

380 **JOHN SHANNON**

381 Thank you.

382

383 vwd/slc