

**CITY COUNCIL MEETING OF
November 15, 2006**

VERBATIM TRANSCRIPT ITEM 53

Discussion and possible action regarding complaint seeking disciplinary action against Mulugeta Bour d/b/a Oakey Discount Market, 1616 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code and Nevada Revised Statutes - Ward 3 (Reese)

Appearance List:

OSCAR GOODMAN, Mayor

WILLIAM HENRY, Sr. Litigation Counselor

REX BELL, Attorney for the applicant

GARY REESE, Councilman

10 minutes

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MAYOR GOODMAN

Item 53 is discussion and possible action regarding complaint seeking disciplinary action against Mulugeta Bour doing business as Oakey Discount Market at 1616 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Las Vegas Municipal Code and Nevada Revised Statutes This is in Ward 3. Mr. Henry.

BILL HENRY

Good morning, Mayor, Councilwoman, Councilmen. I am here today with Rex Bell who represents Mr. Bour. If you would indulge me for a moment, before we get started. We gave Mr. Bour notice of today's hearing and I would like to lodge proof of service of that notice with the Clerk.

MAYOR GOODMAN

All right. It's so lodged.

BILL HENRY

The matter is agendaed today to ask you to consider the complaint for disciplinary action and I provided each one of you with a copy of it and determine whether or not you wish to, in the words of the ordinance, approve the complaint and set the matter for hearing within 60 days. The complaint relevantly alleges that he holds a number of licenses at Oakey Discount Market and these include a Beer/Wine/Cooler off-sale license. There are a number of allegations of violations of law having to do with health cards, alcohol awareness cards, maintenance of an employee list, but I think most significantly there's an allegation that he was arrested for sale of narcotics paraphernalia at his store and two weeks later, when he was seeking a Special Use Permit to facilitate selling liquor at another store that he operates, he was asked by a Planning Commissioner whether or not he'd ever had any trouble with Metro and he told the Planning Commissioner no. And so it's the position of the City, as alleged here, that his operation of the store is contrary to City and State law and for those reasons, we would ask you to approve the complaint and set the matter for hearing.

MAYOR GOODMAN

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All right. Fine. Thank you, very much. Mr. Bell, I don't want you to take this opportunity to argue your case. That will be for a later day, but be happy to hear from you.

REX BELL

Honorable, Mayor Goodman, and members of the Council, I'm here on behalf of Mr. Bour. But before I do that, I would like to tell you how pleased I was. I walked in to hear that Fifth Street Grammar school is going to be a place of the arts. Standing at Fifth Street Grammar School is my sixth grade classroom, my seventh grade and my eighth grade classroom, the rest of it's gone. And I was really pleased to hear that. I think it's great because I think it's an important part of the history of Las Vegas.

MAYOR GOODMAN

Thank you.

REX BELL

Additionally, Id like to apologize to Councilman Reese for failing to show up at an appointment the other morning regarding this case. I thought I was smarter than my secretary and I went down to Bonanza and Eastern and waited an hour and a half, went back to the office, couldn't figure out what happened, and then I saw the correct address where I was supposed to go and, that was my fault, Councilman. Im sorry I wasn't there to speak to you.

The only additional thing I'd say about this is one of the serious allegations in this complaint certainly is the fact of the sale of the narcotics paraphernalia. And Mr. Bour has been charged with that and he has counsel for that. I'm not the counsel on the criminal case. It would seem, to me only, that on that type of situation, you're innocent till proven guilty and that the Council might take consideration to let that case come to fruition in whatever form it does. And I have no idea because it could be that a Court will find him not guilty of that, should it go to trial. I don't know that it's going to go to trial, but I'm just suggesting that. The other portion is before the Council

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MAYOR GOODMAN

Unfortunately, I think statutorily and jurisdictionally once this is submitted to us for consideration, 60-day time clock begins to run. Is that correct?

BILL HENRY

It runs upon approval. So

MAYOR GOODMAN

All right. Then, I was wrong.

REX BELL

And the only other thing would be that if you are going to consider this, I don't know what 60 days puts us out. That put us in January?

MAYOR GOODMAN

Yes.

REX BELL

I would ask, that at least to be put into January if the Council feels they want to hear the arguments on this case, in that I have some heavy commitments in December, mostly due to the rodeo. So, that's all I could ask.

MAYOR GOODMAN

Mayor Pro Tem will probably go along with you as long as you get him extra rodeo tickets.

COUNCILMAN REESE

Your Honor, we have (inaudible) at this location as we speak. I can certainly respect Mr. Bell's position but I would ask our counsel, do you feel it's enough time to have it at, in our second meeting in December, when we hear this case.

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BILL HENRY

I can put the matter on before you either the first or the second meeting in December and I would inform you that I will be out of the country the first meeting in January.

COUNCILMAN REESE

I would like to set this forward, Your Honor, if I could, until our second meeting in December. That would be December 20.

MAYOR GOODMAN

Do you feel you'll be prepared by then?

REX BELL

Well, yeah, I think I've got some problems being here. Prepared, yes. I'm prepared now, as prepared as I could possibly get for it. I just have a problem being here in, during the December's meeting. So, that's the only reason.

MAYOR GOODMAN

How about if we gave you a time certain?

REX BELL

Well, I mean, It's gonna be your call. I'm gonna have to do the best I can do in this matter.

MAYOR GOODMAN

Are you better off in the morning or the afternoon?

REX BELL

Better off in the mornings.

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MAYOR GOODMAN

All right. Well, we can give you a time certain if that's the direction of the Mayor Pro Tem.

COUNCILMAN REESE

Im just, (Inaudible). Your Honor, we can (inaudible) on January the third.

MAYOR GOODMAN

Does, January third is more appropriate for you?

REX BELL

January, we just talked, January 20th would be the better date.

COUNCILMAN REESE

I (Inaudible) would like this thing (inaudible)

MAYOR GOODMAN

How about January third? Does that make your life easier?

REX BELL

Oh, January third?

COUNCILMAN REESE

Your Honor

REX BELL

Yes.

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COUNCILMAN REESE

I got problems over there right now and I don't want this to, because I know there are other businesses that are losing business because of this, at this location and I feel it's important to hear this as soon as possible. I understand (inaudible) I certainly respect Mr. Bell. I really do.

REX BELL

I appreciate that.

COUNCILMAN REESE

I wanna get this heard as soon as possible. So, maybe we could have it December the sixth?

MAYOR GOODMAN

January third or December the sixth? What's your choice, January third or December six?

REX BELL

January third.

COUNCILMAN REESE

I guess I'll have to (inaudible) right now. I just want to get the whole mess cleaned up as soon as possible.

REX BELL

And I understand that, Councilman Reese. And I can assure you that between now and that time, not that that will change the view of yourself and/or the Councilmembers, I will do everything in my power to try to alleviate what's

COUNCILMAN REESE

Its important, just to refreshing our memories up here. We asked that they hire a security company over there to monitor this and that the owner of the shopping center is charging the other tenants 15, 16, 17 (inaudible) a month. I dont think thats fair to the. The owners not here

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and I think it's an undue charge (inaudible) the business owners (inaudible) because one man makes mistakes all the time. And I really feel strongly that this needs to be heard as soon as possible. So, I feel like December sixth is fine.

BILL HENRY

This is a matter that has come before you several times on temporary licenses with your business licensing manager telling you, you have problems before you finally issued a permanent license, and then of course the problems went on.

MAYOR GOODMAN

Well, December 6th (inaudible). We can give you a time certain, let's say, ten o'clock December the sixth. All right. That's a motion?

COUNCILMAN REESE

That's my motion.

MAYOR GOODMAN

All right.

BILL HENRY

Would you

MAYOR GOODMAN

That's a motion. Let's vote on that, please. Post. **(Motion carried UNANIMOUSLY)**

REX BELL

Thank you, Your Honor.

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BILL HENRY

Your Honor, I'll lodge the original with the Clerk.

MAYOR GOODMAN

Very good. Thank you.

(END OF DISCUSSION)

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