

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

Hearing, 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

BILL HENRY, Sr. Litigation Counsel

GARY REESE, Councilman

REX BELL, Attorney representing Mulugeta Bour

BRAD JERBIC, City Attorney

MULUGETA BOUR, 1616 Las Vegas Boulevard South

RAYMOND McNABB, Las Vegas resident

STEVE WOLFSON, Councilman

LAWRENCE WEEKLY, Councilman

LOIS TARKANIAN, Councilwoman

DAMIAN WALBURN, Sergeant, Downtown Area Command, Las Vegas Metropolitan Police
Department

42 minutes

Typed by: Ydoleena Yturralde

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**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

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

BILL HENRY

Good morning.

MAYOR GOODMAN

Is Mr. Bour here?

COUNCILMAN REESE

Yes.

MAYOR GOODMAN

All right. And his attorney, Mr. Bell. Mr. Bell, why don't you identify yourself for the record, please.

REX BELL

Rex Bell on behalf of the respondent here.

MAYOR GOODMAN

Very good. Thank you. Mr. Henry.

BILL HENRY

Good morning, Mayor, Councilwoman Tarkanian, Councilmen. This matter, this complaint for discipline was approved by the Council on November 15th and the Mayor sat, signed the order approving complaint and notice of hearing on the same date. An investigator from my office served the order approving complaint and notice of hearing the next day on November 16th, two thousand and six. The notice, the order approving complaint and notice of hearing rele -- relevantly contained this, these notifications to Mr. Bour on page two. You are further notified that within 20 days after service of the complaint for disciplinary action, but not later than five days before the hearing date, you must and the word must is underlined, file with the City Clerk and serve a copy upon the City Attorney of your answer to the charges made in the complaint for disciplinary action and set forth any affirmative defenses you intend to raise. The next paragraph reads, you are also notified that your failure to file an answer to the complaint for disciplinary action or to appear at the hearing shall, and the word shall is used, constitute an admission to all the matters contained in the complaint for disciplinary action as provided by Las Vegas Municipal Code 6.88.100. No answer to the complaint --

MAYOR GOODMAN

Can we see the document that you were reading from, please.

BILL HENRY

Yes. Let me give that to the Clerk as well. It's the affidavit of service.

MAYOR GOODMAN

Thank you. All right. Mr. Bell, are you familiar with the -- order approving the complaint and the notice of the hearing, the language in heightened therein --

REX BELL

Page 2 of 26

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

No. No.

MAYOR GOODMAN

-- is identical to what Mr. Henry represented.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

REX BELL

Mr. Henry has pointed that out to me. He is correct. I did not see that. I knew we were here today for the hearing as other hearings, I -- knew all about the complaint and what was in that. In fact, we went and saw Mr. Reese on it. I did not know or realize we had to answer it in writing. We were ready just to come and most of it is, in the complaint was generally correct but we -- had some arguments about it and so I failed to do that in writing.

MAYOR GOODMAN

Okay. Well, basically, the, what this says on its face is if you fail to answer the complaint or to appear at the hearing, so it's either or, shall constitute an admission of all the matters contained in the complaint. All right. That's your position then, that the complaint is been admitted to in effect; is that correct, Mr. Henry.

BILL HENRY

It has to be because it's the City Ordinance and it's not discretionary.

MAYOR GOODMAN

It would appear to be. I see that we don't have much discretion on this one. Mr. Jerbic, I know you're in a tough spot, but would you tend to agree with that that it is mandatory.

BRAD JERBIC

I do. And as your advisor, I have read it and I have looked to see if there was any exception and it appears to be mandatory, Your Honor.

MAYOR GOODMAN

All right, then.

BILL HENRY

Your Honor, if I might, I -- would point out that the second half of six point 88 and 100 says that, in essence, despite this, that the City Council may, permissively, then determine what to do with the licensee. In essence, just because that they have admitted to the charges --

MAYOR GOODMAN

Oh, I know -- I admit that. There's no, I have no problem with that, I mean --

BILL HENRY

I just wanted to make that clear.

MAYOR GOODMAN

-- Certainly, Mr. Bell, could, he could argue for mitigating circumstances and the like, its just that the complaint as put forward is, basically, admitted as far as the factual allegations are concerned.

BILL HENRY

Right.

MAYOR GOODMAN

All right. Understanding that to be the case, there's no need for a presentation of any kind of evidence by the folks who are here. We accept everything that's in the complaint as being true. And with that as the case, Mr. Bell, I guess it's your burden, on, as far as the discipline is concerned to address that issue.

REX BELL

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

Yes, Your Honor. I'd like to, well, first of all, every Council understand that Mr. Bour came here from Ethiopia a number of years ago, became a citizen of the United States in 1997 and he was working the front here trying to earn enough money to work. He and his wife did so and were able to get enough money together to lease the convenience mart and I guess the one on Fourth Street too, I think, or theres a small one on Fourth Street. They have two young children; they're twins, 16 months old. I would like to notice the Council that where Mr. Bour's store is there is also, almost across the street, on both sides that are, the corners are offset. There's a 7-Eleven market and there's an AM/PM market. Part of the things in this complaint was the fact that Mr. Bour sold an undercover agent. The undercover agent would've stated that he asked Mr. Bour for a setup and that Mr. Bour gave him this brillo pad and this little tube with a rose in it. In the time that's gone on, without just taking up a lot of your time. Behind Mr. Bour's service station and he went over and in these packages are the receipts to purchase this item which is the same item that he is accused of having sold.

MAYOR GOODMAN

He purchased that from whom?

REX BELL

The service station right in, behind him. Am I correct, Mr. Bour?

MULUGETA BOUR

Yes. Behind my store and right, couple of block from here and there's one Sahara and Paradise and there's receipt inside there. But, first of all, sir, before I say anything, I just, I am very very sorry, sir. I know you're disappointed and everything. I understand. I sell that chore boy and glass to begin with when I open my first store over here in Downtown. We're not supposed to sell and I agree. When I open that one, everybody who is in the neighborhood was selling and I start selling it too. I understand. I'm totally, totally sorry. I apologize for that. It's my mistake that, but the rest of the store -- everybody around there, they're selling them. Everybody's selling they only got citation.

MAYOR GOODMAN

All right. You're -- Mr. Bour. Correct?

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MULUGETA BOUR

Yes. Yes.

MAYOR GOODMAN

(Inaudible) Mulugeta Bour?

REX BELL

And also, Mr. Bour, we -- purchased at other places. This item, which is just --

MAYOR GOODMAN

What is it used for other than for drugs? What -- do people use those things for?

REX BELL

Well, they're, Your Honor, according to, I talked to even the District Attorney's Office and I talked to Mr. Henry and I even talked with the police officers. Not -- the particular ones involved in this and they claim that these items, the one with the rose in it that they have no earthly use and are sold strictly for the use of drugs. They evidently put a little piece of brillo pad down in them, a little cocaine and they smoke them. But I will, I want to point out that right in the area this same item, same size, this is a pen. You got, and you're left with the same thing and that's sold by the stores right across the street from him. Now, my only point is that all these things can be used as drug paraphernalia, not just necessarily and brillo pads were, you know, they're everywhere. One of the other arguments they had was the packaging. And I asked about the packaging. The brillo pads come 24 to a package. These other items, there was two hundred and some of them, of the roses. He sells brillo pads either sometimes in boxes or individually and I point out that in all kinds of stores in this town, you can buy Brillo pads individually. I've seen them in bins, you have too. Convenient store over by my house the one that's on Shadow and Charleston, they got the rose over there only it's in a, about double the size and there it is, glass tube with a rose, only bigger. And one time prior I appeared before this Council on another case and that was even, and that was considered narcotics paraphernalia. It was even a bigger tube with a big red rose stuck out. These people are selling them all over town.

MAYOR GOODMAN

Yeah, but that doesn't excuse your client from selling them.

REX BELL

No, I realize that. But I just --

MAYOR GOODMAN

It just shows to us that we got a big problem with drugs all over town. I mean that's the, interest.

REX BELL

And I, and that's one of the things that I've asked about. I said, can't they stop whoever the main distributors are from distributing this stuff.

MAYOR GOODMAN

They should.

REX BELL

Huh.

MAYOR GOODMAN

That's what I'm saying. What's it used for it other than drugs and I'm not getting an answer. It's

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

used for drugs and we should be able to stop it. There's no question about it. And --

REX BELL

I believe complete --

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

And whoever's --

REX BELL

I believe

MAYOR GOODMAN

-- selling it, maybe Metro should go to the seller and find out what kind of representations he's making. This is not something you would bring to your girlfriend, unless she was a crack addict.

REX BELL

He should not have fibbed to the Planning Commission. The fib or lie, whatever you wanna call it, was based on a fact of question. He was being questioned on the Fourth Street store, then he was questioned at his. In fact, he kind of said well, and I'm not saying we don't have a problem, but he said I've had little things like, I didn't have health permit and stuff. He failed to tell them that he had been arrested in this case. He certainly did fail to tell them that. I explained to him, you should have told them --

MAYOR GOODMAN

Yeah, that's where it's so disappointing to me, Mr. Bell, because I -- like Mr. Bour. I believed in him and then he stood before us and said he didn't have a problem and then the next day, after I said nice things about him, I was embarrassed myself because we found out he did have a problem. So --

REX BELL

Well, then --

MAYOR GOODMAN

-- it was very disappointing.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

REX BELL

In, his application, point out that in this application, he pointed out to the Planning Commission that he had been arrested. That's in his application. I take it they read that. This statute for the sale of narcotics paraphernalia, I mean, again, it's what you just said, as, is going on. They've mentioned you don't supposed to sell water pipes and bongs. Walk in any smoke shop, they're right there in front of you to be sold. I've gone in to several of them and there they are. So, I don't know. I -- just want you to take that into consideration when you're looking at the seriousness of what trouble this man is in and what you can do to him because obviously with a privilege license for sure you could, you know, you could pull that license with no problem. In fact, that's what the City is asking for. In fact, they're asking to pull all his licenses. And I point out too, as far as this man goes, there's no allegations in their complaint, whatsoever, that this man after he was granted the beer and wine license which is two thousand and four, never got in any trouble or got cited for anything until this particular event. And, if he were such a bad guy, I'm sure that he would have been caught selling beer or wine or cigarettes to minors. It's wide open to do that and he certainly has never been in any trouble of any kind in his life until this occurred. He is wrong, he said he's wrong. He admits he's wrong and, but to pull his livelihood, it is his livelihood. You pull the beer and wine license at this location or really, any almost any convenience store location you might as well close his doors. They can't really do very well without the beer and wine.

Now, I would ask that looking in his history, he should have told the Commission but the Commission also should've had, I'm sure read his application and he had it in there that he had been arrested but he should've told them and he maybe should not have had these items in his store. In fact, at his arrest he was unhandcuffed (sic) after he was arrested, I believe, and asked to sign a paper which said I will not sell this stuff anymore and he did so. And hes not sold it again. You know there still are, and the only other alternative I could ask that is, I'm trying to save his beer and wine license if you all would consider, if you're gonna have, if you feel you must have that hold that he at least be able to keep his license to run the store and his tobacco license. They already pulled the slots out of there after the arrest. There was a, that was on a floor lease. I think, Councilman, you, we even talked about that. We, were and I wasn't sure at the time what had happened. They pulled the slots outta there. And the only other thing I'd say is when people, whether Mr. Bour is there or not, they can walk right across the street buy beer and wine from the other stores, if that's part of the problem and the other thing is, and I only point out to you, that if you look at these items that I've showed you, the other stores are selling them. They're selling the pens now. That's -- the other way around it. We don't have a rose anymore, it's a pen that you use for it. You pull it apart and it's exactly like the, same one as the rose.

I -- just ask for this man and his family that, I mean, I'm not saying that you don't feel he should be punished but I, in some other form, but this is his livelihood and it's gonna hurt him and it's gonna hurt him bad. And he'd even like to say something.

MAYOR GOODMAN

All right. Mr. Bour

MULUGETA BOUR

Mr. Mayor, my Councilman asking me on this side if I have, ever have trouble with the police. When he asking me that I told him yes, I have a trouble, I get a ticket there and here, that's the worst thing ever happened to me for me to me and my life. Everything, I can't tell him about the rest. Its was shame for me. I'm sorry. I don't mean to disappoint you. That's what I have to say.

MAYOR GOODMAN

All right. Fair enough. Thank you.

REX BELL

That's -- about all we can say and ask of you.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN
All right.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

BILL HENRY

May I be heard, Mayor.

MAYOR GOODMAN

I think there's a, are you part of this, sir?

RAYMOND McNABB

No. I just want to speak on behalf of Tony.

MAYOR GOODMAN

Well, let -- his lawyer call you then, if, that's the -- way it would work.

RAYMOND McNABB

Okay. I didn't know if he knew I was here.

REX BELL

I did not know --

MAYOR GOODMAN

All right. Why don't we hear from this gentleman, then well hear from you, Mr. Henry.

REX BELL

Okay.

MAYOR GOODMAN

Please give us your name --

RAYMOND McNABB

Yeah.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

-- and your address please.

RAYMOND McNABB

Raymond McNabb. Tony and I have been friends for several -- years and when I talked to him about this problem he had, he said he made a mistake and he was just devastated that he -- had made a mistake and I'm hoping that he made a mistake not just to get caught. And the whole idea is, I just want to speak on his behalf. He's always been a gentleman. He's always been upfront with me and at times I was a little short on finances, he didn't have any trouble advancing me a pack of cigarettes. Bless you. And he always, he doesn't sell alcohol to people who come in so stinking drunk that they, he runs them right off. He's trying to keep drug paraphernalia out of his place and the druggies that come in there and he's been doing a pretty good job, but I just want to speak on behalf of him. He's been my friend now for just a couple years now and I -- would be really disappointed if he couldn't keep his business license. Give him a chance to straighten out. This is a country of second chances. I don't know if he's had two already. It didnt sound like it, he's only got one. So, this is a county of second chance. I'd like to see you give him a second chance.

MAYOR GOODMAN

All right. Thank you, very much.

RAYMOND McNABB

Thank you.

MAYOR GOODMAN

All right.

BILL HENRY

Mayor, Council.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

Mr. Henry.

BILL HENRY

Mr. Bour has demonstrated for months, if not years, that he's willing to kill your constituents and kill the children of your constituents in order to add to his profit margin. And I realize those are harsh words but what he was arrested for was possession or, I'm sorry, sale of narcotics paraphernalia, paraphernalia associated with smoking crack cocaine. And if there's a more dangerous drug out there that has wrought more havoc in this community, I don't know what it is. Now Mr. Bour stands before you and it's easy to see him and to imagine his family and he pleads to be able to support himself and his family but the way he's chosen to support himself in the past and his family is by contributing to the death of your constituents. Mr. Bour suggests, through his counsel, that you at least leave him his convenience store license and his tobacco license if you take away his Beer/Wine/Cooler license. It is the fact of that convenience store license that has allowed him to sell narcotics paraphernalia.

If you would look at the overhead, please. On your screens, you will see a display put together by the Metropolitan Police. It was used at another proceeding having to do with Mr. Bour's landlord on August 16th. Part of this display is a photograph. This is a photograph of typical narcotics paraphernalia. It is shown by Business Licensing to everyone who gets a license to run a convenience store. So that there should not be any doubt about what the City considers to be narcotics paraphernalia. This particular photograph was shown to him as early as May second, two thousand and two when he registered for a license at the 113 Fourth Street address. So, since that time, he's known what the City considered to be narcotics paraphernalia including the pipes that his counsel was talking about. In addition to that, I am advised that some time ago, and I don't know how long ago it was, a letter went out from the City over your signature, Mayor, telling every convenience store operator in the City of Las Vegas, what we considered to be narcotics paraphernalia. And these items were included although this looks rather innocent as I said, it is used to smoke crack cocaine.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

When did I send that letter, Mr. Henry?

BILL HENRY

Mr. Jerbic might have some better idea.

BRAD JERBIC

I do Mr. Henry. I think it was about five or six years that we met with the Metropolitan Police Department and we made a determination that glass pipes, at least in the opinion of the City Attorney's Office, are for state paraphernalia because they have no other use. A letter was prepared to every convenient store on record that Mr. DiFiore was able to identify and those were sent under your signature.

MAYOR GOODMAN

Do we know the date?

BRAD JERBIC

I think it was '99 or 2000. It was around there.

MAYOR GOODMAN

No, it was after Councilwoman (sic) Weekly, sort of, raised the issue. We were having hearings on this Brad Jerbic, yeah, I when we found out that this was a common place practice throughout the City, we wanted to make sure that all of the convenient store owners no matter whether they were in Summerlin, or any part of the City, they knew that what the Council was concerned about. Because unfortunately, crack is not a socio-economic or demographic, it goes across all strata.

BILL HENRY

Now, if I might, Mr. Bour has admitted to all the allegations in the complaint. One of the allegations in the complaint is on April 13, two thousand and six, he went hand to hand with the Metro undercover and -- sold the, Metro, Metropolitan police officer narcotics paraphernalia as I

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

described it. Attendant to that arrest was a search where two hundred and 28 glass pipes were found in a box under the cash register with an additional 30 pipes in the cash register. On the overhead I have photographs of what the police found. First of all, there is the sign at the top here, if we could move the camera, or, I'll just move, yeah. There's a sign at the top that the police have told us is code to the crack smoking community that you could find your paraphernalia here. It reads, if you don't see what you want, please ask for it. I told a police officer that I was old enough to remember when that was in almost every store, but I'm told that in convenience stores, it is code to the crack smoking community. Here is -- a photograph of what was found in the cash drawer, which was 30 pipes. And here, here's a photograph of boxes found underneath the cash drawer containing another 228 glass pipes. There is no doubt what he did, there's no doubt that he knew what he was doing, and there, since he's running a convenience store and he's selling these setups, I would submit there's no doubt that he did it to make money. So in order to make money, he was indifferent to the misery and death of your constituents, I would submit.

Likewise, although he has admitted to lying to one of your Planning Commissioners, I have a certified copy of the minutes of that proceeding that sets forth the exchange between him and Commissioner Steinman. And it says, Mr. Bour stated that he has never had problems with Metro at his other place of business. He made the statement to Commissioner Steinman on April 27, two thousand and six, 14 days after Metropolitan Police officers put him in handcuffs, took him to jail and submitted him to felony booking something I would submit that he isn't likely to have forgotten and I would like to lodge this original certified document with the Clerk.

MAYOR GOODMAN

All right. It could be lodged.

BILL HENRY

I have alleged, or rather, Mr. Vincent has alleged that Mr. Bour has operated his business as a public nuisance, that he has broken the laws of the City of Las Vegas and the laws of the State of Nevada. And I've also pointed out at page two, a procedural history that he admitted to, which sets forth that there was some doubts about Mr. Bour when he came forward asking for a license and you gave him a temporary license on March fifth two thousand and three. When it came up for

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

review on September third, two thousand and three a number of problems were brought to your attention and Mr. Bour admitted to them and said he was sorry and that he would not do it again. And there was an extension on the temporary license. Apparently there wasn't a firm feeling that you could rely upon his promise not to do it again. He came before you on March third, two thousand and four, on a matter that was abeyed to March 17, and finally on June 16, two thousand and four, you gave him a permanent license to sell beer and wine, including single containers. He has abused that license but, a privilege license, but that isn't the license that has allowed him to aid and abet in poisoning and killing your constituents. It is the convenience store license that has allowed him to do that and for all of these reasons, I ask you to revoke all of his business licenses.

MAYOR GOODMAN

All right. Thank you. Did you want to add anything.

REX BELL

Well, Mr. Mayor, again the -- thing on this packaging, the scouring pads they're used all over.

MAYOR GOODMAN

All right. Well --

REX BELL

-- it's like pencils when you buy'em in groups, you can sell them as one, you can sell them as a lot. He, since two thousand and four, when you issued him the licenses, had no violations until this one and -- he's in a great deal of trouble for it, but I don't see any allegations other than the fact from counsel himself that he's killed or attempted to kill or wanted to kill anybody. So, I just ask that you --

MAYOR GOODMAN

May be a good way to get rid of someone on the crack users.

REX BELL

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

Uh-oh. Anyway, that's all I can ask is that the Council consider not taking his license and his livelihood. He's agreed never to sell this again. It's been gone ever since.

COUNCILMAN WOLFSON

Mayor Goodman.

MAYOR GOODMAN

Yes.

COUNCILMAN WOLFSON

May I ask a couple questions?

MAYOR GOODMAN

Sure.

COUNCILMAN WOLFSON

First of all, he was arrested for a felony. What is the status of that felony arrest?

REX BELL

It's pending still for preliminary hearing and in court. I'm not handling that.

COUNCILMAN WOLFSON

But there is a felony case pending and it's still --

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

REX BELL

Yes, there is. You know, Councilman Wolfson, I hesitate to ever ask. Most of the people I've known or ever had this problem, it was, they were misdemeanors, but in this case, they did charge him with a felony and that's what's pending.

COUNCILMAN WOLFSON

Second question, Mr. Henry, is would you please delineate our options today.

BILL HENRY

Your options are to take no action as a penalty, to impose a fine, to suspend one or more of his licenses, or to revoke his licenses or as to define and suspension some combination. And the amount of the fine, I have not done an exact calculation but if you found that he was, in essence, operating his business as a public nuisance between May 29, two thousand and three, and April 27, two thousand and six, could exceed at a \$1,000 dollars a day a million dollars. Indeed, if you just picked between June 16, two thousand and four, when you gave him a -- permanent license and April two thousand and six, when he lied to the Planning Commission, the fine could exceed \$600,000.

REX BELL

One thing, if you read the thing from the Planning Commission, I think you find, and I listened to the tape and I think there's a tape available for you all when he said he's never had any problem. He's talking about the Fourth Street one. He was asked, that was by another -- Councilman, or Commissioner. Then, when he was asked about this store, he said well, I'm not saying that but he belittles it. He goes down, was like, well, it was a health thing. He does not tell them that it was a, an arrest. And you can hear the tape for yourselves and you'd find that to be correct, I believe.

MAYOR GOODMAN

Yes, Councilman Weekly.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

COUNCILMAN WEEKLY

I'd also like to ask, with this case that is pending, is this precedent setting. I mean is this the direction we're gonna go in now because, I mean, in the past we've had convenience store operators who had the same type of situation and I've never seen it go into this extreme before. So, are we sending a clear message to those out there and I would love to have someone from law enforcement asked, answer this if possible. Because, I mean, if this is the precedent that we're setting, I'd like to have that message sent out there because I've never seen it go on to this extreme before. And he's right. In that same geographic area, they all sell this and I know, I've been screaming and yelling for years, asking someone to address this and what they get is slapped on the hand. Clearly, Mr. Bour has been caught. I mean, he says it's a mistake, but he's been caught with the goods. But all of them out there do the same exact thing. So, like I've said, I've never seen it gone on to this extreme before ever since I've been on this Council.

COUNCILWOMAN TARKANIAN

May I just add something, Mayor, because this was part of the ward I represented at the time this occurred and we had talked with Metro and worked with Metro. We had asked Metro to be aggressive on that corner because it was a very troubled corner. My concern is if this is what we request and this is what we do and if we don't follow through ourselves, then we're weakening our being able to attempt to correct these problems. You can't use an excuse, it's every place. You have to start some place to make the correction and nothing had come to the attention while I was representing the ward about any of the other places, just that this was a troubled area and I asked Metro to please help us and they were aggressive and I -- think we should respect that.

MAYOR GOODMAN

Officer.

SERGEANT DAMIAN WALBURN

Good morning Mayor and Council. I'm Sergeant Damian Walburn, Downtown Area Command, I supervise the chronic nuisance detail and I would like to say that, yes, we are trying to set a precedence (sic). And we do have documentation that dates back to the year two thousand and two

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

on the impropriety from Mr. Bour where he wasn't given a citation, he was warned by Business Licensing and the impropriety was impounded and taken away. That was on Chore Boys and pipes. He also was warned --

MAYOR GOODMAN

You're saying back in -- 2002 --

SERGEANT DAMIAN WALBURN

In January, in 2002 --

MAYOR GOODMAN

-- he was put on notice and actually the material was taken from his store?

SERGEANT DAMIAN WALBURN

He was -- put on notice by Business Licensing. We -- actually have the sheet on the board, which I presented in the first appeal when I had the owner, Ms. Brooks in here, in front of the Council. Where it shows the stuff that was impounded out of his other store. So, he has full knowledge and then in January of two thousand and four he was warned by my partner, Sergeant Wally at Downtown Area Command that, in fact, he was selling narcotics paraphernalia and he was showing intent because it was packaged together. That's what started the case.

MAYOR GOODMAN

I see. Okay. All right. Anything else from Council?

MULUGETA BOUR

Can I -- say respond --

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

Excuse me.

MULUGETA BOUR

Can I respond to that.

MAYOR GOODMAN

Certainly.

MULUGETA BOUR

Please, thank you. Yes, in 2002 on Fourth Street, when the License Department, they came over, I was (inaudible) in a box that's hidden in the back. When she searched everything, she saw it told me to throw it out. Yes, I throw it out. I throw it away, she made me, she was standing there, she put that in her report there. But I wasn't said, I wasn't uncourteous (sic) and stuff like that. I told her, you know, you not supposed to sell that, you dont sell that, throw it out, there was a garbage can was right in the back of it. She told me, I throw it out, but of course, there no report about that.

COUNCILMAN WEEKLY

Your Honor, I think they all are, have been placed on notice and they've been placed on notice for years. And, you know, I hope, as we move forward here today, whatever decision is made that the precedent has been set and that this is how it's gonna be and let it be all the way across the board.

BILL HENRY

One thing, if I could add this. I don't know what the motion's going to be but if the motion is to revoke, Mr. DiFiore, working with the suppliers of alcohol, given their commitments as suggested that in the form of the motion, the liquor license be revoked as of three o'clock this afternoon. So, it'll give the suppliers an opportunity to -- inventory their liquor and get it out of there, but the other -- licenses could be revoked instantly.

MAYOR GOODMAN

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

All right. Thank you. All right. Mayor Pro Tem.

COUNCILMAN REESE

Thank you, Your Honor. I appreciate the Councilmembers involvement, their questions. We do have problems in other parts of Las Vegas that Mr. Bell alluded to. I really have understanding and the need, Mr. Bell, for people to make a living. My heart goes out to those that do things that are not quite up to the law. I really appreciate our staff, especially Metro for what they have to do. And, again, if we, if this is precedent setting, I hate to make examples out of anybody. But, I -- have had many calls of disturbances in this area from other businesses because of this location. I feel like sometimes we are too harsh, that those things that we listen to, I -- kind of cringed when Mr. Henry says that he's selling this paraphernalia to kill some of my constituents. I think that's kind of the word, it may not be word for word. I cringe from that because of -- things that have happened in my ward in the last couple of weeks and stuff. I just feel like that for us to let people know what we expect, what we want, to me they can do, live by the law. And I've met with Mr. Bour, I've met with Mr. Bell. Everybody here has heard what the allegations are. I've always said, the crazy night kids don't lie or don't steal from me. When people lie, it makes me distrust them, even if it's a small white lie. I distrust them. So, with all those things to put on record today, I'm gonna make a **motion to follow staff's recommendation for revoke, revocation of all licenses.**

MAYOR GOODMAN

All right. Let's vote on that, please.

BILL HENRY

Councilman, if I might, do you want them revoked as I suggested --

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

COUNCILMAN REESE

Yeah.

BILL HENRY

-- or when the findings in fact --

COUNCILMAN REESE

That's -- fine.

MAYOR GOODMAN

Let's vote, please. Post. (**Motion carried UNANIMOUSLY with BROWN and ROSS not voting**)

BILL HENRY

Thank you.

MAYOR GOODMAN

And I'm gonna direct Metro, even though I don't have jurisdiction over you, okay. All right. I'll ask Metro, you know, you heard certain allegations today that this is rampant in our community. You have the wherewithal to do something about it. There's no legitimate use for any of these products and I understand Mr. Bell's argument because I didn't understand it when I was first confronted with these pipes and brillos and chores and whatever you call that stuff. But now I do understand what it is and if it's out there, you know Las Vegas is a place where you can do everything in the world as long as you don't go over the brink. This is over the brink. So, I would suggest that you be evenhanded and just start arresting them and I would go after the suppliers. I want to find out what they're representing these things are for. They don't give you a real answer, arrest them. Let's do our part to start cleaning up this epidemic.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

SERGEANT DAMIAN WALBURN

I agree, Mayor. And the community is our eyes and ears. I guess I'd like to start by asking if I could have that bag since he has receipts in it and we'll go talk to those folks too.

MAYOR GOODMAN

That's fine, if that's okay with Mr. Bell.

REX BELL

That, you know, that's fine. Your Honor, while you're on that subject, I know the vote has been cast but while Metro is till here, I would have the question, Sergeant.

MAYOR GOODMAN

Mr. Bell, talk to me, please.

REX BELL

That because of a long time ago, we had talked today you know, that tube, a small tube with that little rose in it. Then there's the tubes, the medium size tubes with roses stuck in 'em and then, oh, it's probably been about three years ago, I had a client here, who had gotten in trouble for even a bigger tube with a red rose stuck in the top and Narcotics, they considered that narcotics paraphernalia. So, not only these little ones, but those others then if there's a way to shut that off. And these store owners are not likely to go get into trouble because they can't even buy 'em.

SERGEANT DAMIAN WALBURN

Mr. Bell, we've done several of these operations over the last year and we definitely look at the totality of the circumstances and I think we dated the impropriety back to the year two thousand and two, we said how many times is this gentleman gonna get a chance.

REX BELL

Oh, I understand that.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

SERGEANT DAMIAN WALBURN

And individual merit on each property and holding themselves accountable, if they can abate the problem immediately, we'll work with them. We're firm, but we're fair.

REX BELL

Okay. I just wanted you, and you probably are aware that they sell all sizes.

MAYOR GOODMAN

Okay. Mr. Jerbic --

COUNCILWOMAN TARKANIAN

Mr. Mayor --

MAYOR GOODMAN

Mr. Jerbic, I'm going to ask you to draft another letter. I'm gonna send another letter out and let them know where we're coming from.

BRAD JERBIC

Well, in fact, I have a copy of the original just in blank form without your signature, but we will prepare it for a reissue, Your Honor.

MAYOR GOODMAN

All right. Let's send it out again. We're putting everybody on notice and then Metro has to do its job. Very good. Thank you.

COUNCILWOMAN TARKANIAN

Mr. Mayor.

**CITY COUNCIL MEETING OF
December 6, 2006**

VERBATIM EXCERPT ITEM 53

MAYOR GOODMAN

Yes.

COUNCILWOMAN TARKANIAN

I just to state my strong agreement with Councilman Reese in taking this action because we do have to begin some place. We have to have it done or it's going to continue the way it has. So I wanted to say I respect that action and also Councilman Weekly for saying we must be careful to make sure that we're across the board and that's something we have to be cautious about. I think those two things are very important. Thank you and Metro.

(END OF DISCUSSION)

/yy;cv