


Memorandum

City of Las Vegas
Office of the City Attorney

To: Mayor Oscar B. Goodman

From: Bryan K. Scott
Assistant City Attorney 

CC: Bradford R. Jerbis
City Attorney

Date: December 4, 2006

Re: Request for Opinion on Abstentions for 12/6/06 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on Items 58 and 97 which are scheduled to be considered by the City Council at its December 6, 2006 meeting.

Items 58 and 97 (RQR-15420) are applications by Ramzi Suliman and 3140 Valley View LLC, for a six-month review of a Beer/Wine/Cooler Off-sale license and a required six-month review of an approved Special Use Permit that allowed a liquor establishment, respectively, at 3140 South Valley View Boulevard, Suites #3, #4 and #5.

It is my understanding, from speaking with his office, that Jay H. Brown, Esq. will represent the applicant, Ramzi Suliman, before the City Council. You have informed me that Mr. Brown is a partner with you in an active partnership known as VA Clinic Associates. The approval of the required review of this Special Use Permit may benefit Mr. Brown financially.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by (b) His pecuniary interests; or (c) His commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (d) with whom he has a substantial and continuing business relationship; or (e) any other commitment or relationship that is substantially similar to commitment or relationship described in this subsection.

In light of the above-referenced statute, it is the conclusion of the City Attorney's Office that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussions and votes on the above-referenced items.

If any of the above-referenced items are abeyed, tabled or withdrawn during the December 6, 2006

Submitted at City Council
Date 12/6/06 Item 97

meeting, you may vote on the motion to abey, table or withdraw the item as abeyance, withdrawal or tabling motions are not substantive actions. If any of the above-referenced items come back to the City Council for rehearing, you will again need to disclose your conflict and abstain from voting. If Mr. Brown or his firm is not the representative of the applicants before the City Council, you may discuss and vote on the items.

If you have any additional questions regarding any of the above, please feel free to contact me at ext. 6621.

BKS:b

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