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BEFORE THE CITY COUNCIL  
OF THE CITY OF LAS VEGAS, NEVADA

IN THE MATTER OF:  
  
DEPARTMENT OF FINANCE AND  
BUSINESS SERVICES on behalf of the CITY  
OF LAS VEGAS, NEVADA,  
  
Petitioner,  
  
vs.  
  
VETERANS OF FOREIGN WARS (VFW)  
POST NO. 10057,  
  
Respondent.

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA            )  
  ) ss:  
COUNTY OF CLARK         )

LEONARD D. WILSON, being first duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made. That on November 14, 2007, affiant received a letter notice of a hearing considering administrative action to be held December 5, 2007, before the Las Vegas City Council in relation to Respondent's Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413 addressed to Claude A. Brown, Resident Agent, VFW POST NO. 10057, 1320 West Monroe Avenue, Las Vegas, NV 89106, and served the same on Claude A. Brown at 1320 West Monroe Avenue, Las Vegas, Clark County, Nevada, November 14, 2007.

DATED this 16<sup>th</sup> day of November, 2007.

  
LEONARD D. WILSON

SUBSCRIBED AND SWORN TO before  
me this 16<sup>th</sup> day of November, 2007.

  
NOTARY PUBLIC



Submitted at City Council  
Date 12/5/07 Item 44

CITY OF LAS VEGAS

William P. Henry  
Senior Litigation Counsel

OFFICE OF THE CITY ATTORNEY



400 Stewart Avenue, 9th Floor  
Las Vegas, Nevada 89101  
(702) 229-6629  
Fax: (702) 386-1749  
E-mail: [whenry@lasvegasnevada.gov](mailto:whenry@lasvegasnevada.gov)

November 13, 2007

**HAND DELIVER**

Claude A. Brown, Resident Agent  
VFW POST NO. 10057  
1320 West Monroe Avenue  
Las Vegas, NV 89106

**RE: Notice of City Council Meeting on December 5, 2007, at 9 a.m. to Consider Taking Administrative Action Against the Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413 for VFW Post No. 10057**

Dear Mr. Brown:

Please be informed that on Wednesday, December 5, 2007, at 9 a.m., or as soon thereafter as the matter can be heard, the Las Vegas City Council, meeting in its Chambers at 400 Stewart Avenue, Las Vegas, Nevada, will consider whether or not to take administrative action against the Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413 for VFW Post No. 10057. This will occur at a meeting open to the public and a VFW Post No. 10057 representative is entitled to attend the proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Henry".

WILLIAM P. HENRY  
Senior Litigation Counsel

WPH:ck

BEFORE THE CITY COUNCIL  
OF THE CITY OF LAS VEGAS, NEVADA

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND  
BUSINESS SERVICES on behalf of the CITY  
OF LAS VEGAS, NEVADA,

Petitioner,

vs.

VETERANS OF FOREIGN WARS (VFW)  
POST NO. 10057,

Respondent.

**AFFIDAVIT OF SERVICE**

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

LEONARD D. WILSON, being first duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made. That on November 14, 2007, affiant received a letter notice of a hearing considering administrative action to be held December 5, 2007, before the Las Vegas City Council in relation to Respondent's Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413 addressed to Albert Young, Manager, VFW POST NO. 10057, 1905 North H Street, Las Vegas, Nevada, 89106, and served the same on Albert Young at 1905 North H Street, Las Vegas, Clark County, Nevada, November 15, 2007.

DATED this 16<sup>th</sup> day of November, 2007.

  
LEONARD D. WILSON

SUBSCRIBED AND SWORN TO before  
me this 16<sup>th</sup> day of November, 2007.

  
NOTARY PUBLIC



Submitted at City Council  
Date 12/5/07 Item 44

CITY OF LAS VEGAS

William P. Henry  
Senior Litigation Counsel

OFFICE OF THE CITY ATTORNEY



400 Stewart Avenue, 9th Floor  
Las Vegas, Nevada 89101  
(702) 229-6629  
Fax: (702) 386-1749  
E-mail: [wheny@lasvegasnevada.gov](mailto:wheny@lasvegasnevada.gov)

November 13, 2007

**HAND DELIVER**

Albert Young, Manager  
VFW POST NO. 10057  
1905 North H Street  
Las Vegas, NV 89106  
or  
3333 Winterhaven Street  
Las Vegas, NV 89108

**RE: Notice of City Council Meeting on December 5, 2007, at 9 a.m. to Consider  
Taking Administrative Action Against Your Non-Profit Club General  
Alcoholic Beverage License No. L13-00013-4-000413**

Dear Mr. Young:

Please be informed that on Wednesday, December 5, 2007, at 9 a.m., or as soon thereafter as the matter can be heard, the Las Vegas City Council, meeting in its Chambers at 400 Stewart Avenue, Las Vegas, Nevada, will consider whether or not to take administrative action against your Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413. This will occur at a meeting open to the public and you are entitled to attend the proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "W P Henry".

WILLIAM P. HENRY  
Senior Litigation Counsel

WPH:ck

CITY OF LAS VEGAS

William P. Henry  
Senior Litigation Counsel

OFFICE OF THE CITY ATTORNEY



400 Stewart Avenue, 9th Floor  
Las Vegas, Nevada 89101  
(702) 229-6629  
Fax: (702) 386-1749  
E-mail: [wherry@lasvegasnevada.gov](mailto:wherry@lasvegasnevada.gov)

November 13, 2007

Albert Young, Manager  
VFW POST NO. 10057  
3333 Winterhaven Street  
Las Vegas, NV 89108

**RE: Notice of City Council Meeting on December 5, 2007, at 9 a.m. to Consider  
Taking Administrative Action Against Your Non-Profit Club General  
Alcoholic Beverage License No. L13-00013-4-000413**

Dear Mr. Young:

Please be informed that on Wednesday, December 5, 2007, at 9 a.m., or as soon thereafter as the matter can be heard, the Las Vegas City Council, meeting in its Chambers at 400 Stewart Avenue, Las Vegas, Nevada, will consider whether or not to take administrative action against your Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413. This will occur at a meeting open to the public and you are entitled to attend the proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "W P Henry".

WILLIAM P. HENRY  
Senior Litigation Counsel

WPH:ck  
CERTIFIED MAIL NO. 7002 3150 0001 1716 4536

Submitted at City Council  
Date 12/5/07 Item 44

7002 3150 0001 1716 4536

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	

11/13/07

Postmark  
Here

Total Postage \$

Albert Young, Manager

Sent To

VFW POST NO. 10057

Street, Apt. No.,  
or PO Box No.

3333 Winterhaven Street

City, State, ZIP+4

Las Vegas, NV 89108

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Albert Young, Manager  
VFW POST NO. 10057  
3333 Winterhaven Street  
Las Vegas, NV 89108

2. Article Number

PS

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X 

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-14-07

D. Is delivery address different from item 1? If YES, enter delivery address below.

- Yes
- No

3. Service Type

- Certified Mail
- Registered
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee)

- Yes

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BEFORE THE CITY COUNCIL  
OF THE CITY OF LAS VEGAS, NEVADA

\* \* \*

IN THE MATTER OF:  
  
DEPARTMENT OF FINANCE AND  
BUSINESS SERVICES on behalf of the  
CITY OF LAS VEGAS, NEVADA,  
  
Petitioner,  
  
vs.  
  
VETERANS OF FOREIGN WARS (VFW)  
POST NO. 10057,  
  
Respondent.

**COMPLAINT FOR  
DISCIPLINARY ACTION**

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for Disciplinary Action against the VETERANS OF FOREIGN WARS (VFW) POST NO. 10057, 1905 North H Street, Las Vegas, Clark County, Nevada, Respondent, and states:

Respondent VETERANS OF FOREIGN WARS (VFW) POST NO. 10057 holds Non-Profit Club General Alcoholic Beverage License No. L13-00013-4-000413.

**SUMMARY OF ALLEGATIONS**

VETERANS OF FOREIGN WARS (VFW) POST NO. 10057 has held a club liquor license in the City of Las Vegas since 1968. This license permits sale and consumption of alcohol to bonafide members of the club on the premises only. Records held by the Las Vegas Metropolitan Police Department demonstrate that liquor has been sold and consumed by nonmembers. Some of these nonmembers were underage. Since at least April 2005 Las Vegas Metropolitan Police officers have witnessed on numerous occasions large numbers of

Submitted at City Council  
Date 12/5/07 Item 44

1 individuals congregating in the parking lot of VFW POST NO. 10057 drinking alcoholic  
2 beverages. Las Vegas Metropolitan Police officers have attempted to work with officers of  
3 VFW POST NO. 10057 as well as the Veterans of Foreign Wars State Command to no avail.  
4 For example, in April 2004 the state adjutant informed the Las Vegas Metropolitan Police that  
5 a guest register would always be maintained at VFW POST NO. 10057. Subsequently, Las  
6 Vegas Metropolitan Police officers observing large numbers of people drinking at VFW POST  
7 NO. 10057 found that either no sign-in log was being maintained, or the number of people  
8 accounted for by the sign-in log was much less than the number of people observed drinking  
9 alcohol. Employees have been observed working without a work card or an alcohol awareness  
10 card. VFW POST NO. 10057 has operated as a public nuisance and its business has been  
11 conducted in an unlawful, illegal, and impermissible manner. Consequently, VFW POST NO.  
12 10057 has compelled a disproportionate usage of Las Vegas Metropolitan Police Department  
13 resources, for example, between January 2005 and November 2007 there were 188 calls for  
14 service.

## 15 REGULATORY POWERS DECLARED

### 16 LIQUOR CONTROL

17 The City Council declares that this Liquor Control  
18 Chapter is an exercise of the regulatory powers delegated to the  
19 City Council pursuant to the City Charter and NRS 268.090,  
20 inter alia. **The regulations contained in this Chapter involve,  
21 to the highest degree, the economic, social, physical and  
22 moral well-being of the residents and taxpayers of the City.**  
23 The sale or other disposition of alcoholic beverages is not a  
24 matter of right but of **privilege**, which would otherwise be  
25 unlawful if it were not exercised pursuant to a license. This  
26 privilege may be denied, revoked, conditioned, suspended or  
27 subjected to any other disciplinary action by the City in the  
28 exercise of its police powers for the protection of the safety,  
welfare, health, peace and morals of the residents and taxpayers  
thereof. Businesses engaged in the sale or other disposition of  
alcoholic beverages must therefore comply with LVMC Chapter  
6.06. **Nothing in this Chapter shall be construed to confer any  
legitimate claim of entitlement to any benefit which might  
otherwise devolve upon any licensee or any person approved for  
suitability. [Emphasis added.]**

27 **LVMC § 6.50.010.**

28 . . . .

1 VFW POST NO. 10057 IS A PUBLIC NUISANCE

2 LVMC § 6.02.330(H) provides:

3 The licensee may be subject to disciplinary action by the  
4 City Council for good cause, which may, without limitation,  
include:

5 . . . .

6 (H) The actual business activity constitutes a **public or**  
7 **private nuisance**, or has been or is being conducted in an  
unlawful, illegal or impermissible manner. [Emphasis added.]

8 VFW POST NO. 10057 has held a club liquor license in the City of Las Vegas since  
9 1968.

10 **On April 5, 2005**, Las Vegas Metropolitan Police Detective Mike Springer determined  
11 that VFW POST NO. 10057 was **staying open after hours** selling liquor to underage persons.  
12 Detective Springer reviewed Metropolitan Police Department files and determined that this had  
13 been going on for the past three to four years.

14 **May 3, 2005**, Detective Springer found 15 to 20 individuals in the parking lot drinking  
15 alcoholic beverages. **May 6, 2005**, Detective Springer found approximately 70 individuals  
16 inside the club. Canteen Manager Albert Young produced a **sign-in log** that evidenced only  
17 the first names or nicknames of thirteen individuals.

18 **May 17, 2005**, Metropolitan Police Detective Paul Cobb observed 15 to 20 individuals  
19 **loitering in the parking lot** drinking alcoholic beverages. He also smelled what he believed  
20 to be the strong odor of **Marijuana**.

21 **May 19, 2005**, Metropolitan Police Detective Mike Springer met with Canteen  
22 Manager Albert Young. He noted that Albert Young had **not been licensed as a key**  
23 **employee**, and Mr. Young promised to seek that license.

24 **July 14, 2005**, Metropolitan Police Detective Mike Springer observed people drinking  
25 alcoholic beverages in the parking lot. He found that **no sign-in log** was being maintained.  
26 He made contact with Mr. Whittle, who informed him that he was the weekend bar manager.  
27 Mr. Whittle was also **unlicensed as a key employee**.

28 . . . .

1           **August 2, 2005**, Las Vegas Metropolitan Police Sergeant Anthony Arnone and  
2 Detective Mike Springer met with state gaming agent Dave Salas. They formed a consensus  
3 that VFW POST NO. 10057 was a **major problem for the Bolden Area Command** of the  
4 Las Vegas Metropolitan Police Department and a public nuisance.

5           **September 30, 2005**, VFW POST NO. 10057 **employees** Patricia Ann Roberson and  
6 Mary Clark-Doubt were **cited** for no work card and no alcohol awareness card. Canteen  
7 Manager Albert Young was cited for no alcohol awareness card.

8           **January 6, 2006**, VFW POST NO. 10057 **employee** Albert Young was **cited** for  
9 failure to file for approval of suitability to act in the capacity of a key employee. Officers of  
10 the Las Vegas Metropolitan Police Department and agents of the City's Business License  
11 Enforcement staff observed approximately 150 to 200 patrons inside VFW POST NO. 10057  
12 at the time the citation was issued. They also noticed beer bottles in the parking lot.

13           **February 8, 2007**, a **fight** occurred at VFW POST NO. 10057. Investigating officers  
14 of the Las Vegas Metropolitan Police Department determined that the fight was between two  
15 gangs, the Gerson Park Kingsmen (GPK) and the Berkeley Square Pyroo Blood. **Shots were**  
16 **fired** by the Berkeley Square Pyroo Blood at the GPKs. The GPKs returned the gunfire.  
17 Various **felony charges were lodged** against gang members as a result of this gunfight, and  
18 the subsequent investigation. These charges included, without limitation, Trafficking in a  
19 Controlled Substance (Cocaine), Possession of a Controlled Substance With Intent to Sell,  
20 Attempt Murder With Use of a Deadly Weapon (three counts), Assault With a Deadly Weapon  
21 (three counts), and Discharging a Firearm Into a Structure or Vehicle.

22           **March 2, 2007**, VFW POST NO. 10057 **employee** Rosaline "Elaine" Brown was  
23 found by officers of the Las Vegas Metropolitan Police Department to be **working without a**  
24 **health card**. Canteen Manager Albert Young was present, and supervising her. Subsequent  
25 investigation revealed that the employee list was not current. Notices of violation were issued  
26 to Albert Young and Rosaline "Elaine" Brown.

27           **April 30, 2007**, a City business licensing officer inspected VFW POST NO. 10057.  
28 **He found two people drinking beer at the establishment who had not been served by the**

1 **on-duty employee**, Charles Howard. Howard was cited. Canteen Manager Alfred Young  
2 was told to produce a current members list. **The list he produced contained 82 names, 18**  
3 **short of the required 100 members.**

4 **May 1, 2007**, a City business licensing officer **cited** VFW POST NO. 10057 **Canteen**  
5 **Manager** Albert Young for failure to provide a current membership list and failure to provide  
6 an employee work card for Charles Howard.

7 **July 13, 2007**, Las Vegas Metropolitan Police Department officers **cited** VFW POST  
8 NO. 10057 **employee** Patricia Roberson for no alcohol awareness card and failure to have an  
9 employee list available upon request.

10 **July 19, 2007**, Las Vegas Metropolitan Police Department **investigated a fight** at  
11 VFW POST NO. 10057 involving approximately **20 people**.

12 **July 30, 2007**, Las Vegas Metropolitan Police Department officers observed a subject  
13 **selling Cocaine** to several people in the parking lot of VFW POST NO. 10057. Two  
14 **semiautomatic handguns** were seized by the police during the course of the investigation.  
15 The subject, Louis Montez Burns was charged in three felony counts with Trafficking in a  
16 Controlled Substance, and two counts of Possession of a Controlled Substance With Intent to  
17 Sell.

18 **September 2, 2007**, officers of the Las Vegas Metropolitan Police Department  
19 investigated a **fight** at VFW POST NO. 10057 involving **nine subjects**. One subject was  
20 found to be **under the influence of PCP** and was transported to the hospital.

21 **September 18, 2007**, officers of the Las Vegas Metropolitan Police Department  
22 observed two subjects **selling Cocaine** to several people in the parking lot of VFW POST NO.  
23 10057. Wayne Jerome Hope and Louis Montez Burns were arrested and charged with  
24 Trafficking in a Controlled Substance, Possession of a Controlled Substance With Intent to  
25 Sell, and Possession of a Controlled Substance.

26 **October 11, 2007**, officers of the Las Vegas Metropolitan Police Department  
27 investigated a **fight** at VFW POST NO. 10057. A VFW Post security officer ejected the two  
28 subjects engaged in fighting each other from the club, but did not remove them from the

1 property. **One subject**, while in the parking lot, **slashed the other in the abdomen** with a  
2 box cutter.

3 **November 2, 2007**, City business licensing officers inspected VFW POST NO. 10057.  
4 They determined that the retail tobacco and coin-operated machine **licenses** issued to VFW  
5 POST NO. 10057 were **not posted**, and that on-duty employees of the Post did not have in  
6 their possession alcohol awareness cards.

7 **November 7, 2007**, officers of the Las Vegas Metropolitan Police Department  
8 investigated a **robbery** at VFW POST NO. 10057. The investigation revealed that two male  
9 subjects entered the Post, and accosted another man. They asked him to step outside, and  
10 when he did took him to the back of the VFW Post. There, they robbed him of jewelry,  
11 several hundred dollars in cash, and his car keys. They then **compelled him to strip naked**  
12 **and walk home**. No security was on duty at the Post when this happened. VFW POST NO.  
13 10057 **on-duty bar manager Robert "Bobby" Whittle** was asked by officers why no  
14 employee of the Post had called the police about the robbery. Robert Whittle stated, "**That**  
15 **boy got what he deserved. I would've done him worse if it were me.**" He also told  
16 officers, "If I call the cops it makes it look like I got problems here. I don't need everybody  
17 coming down on me because of the stuff that goes on here. If it gets settled here, that's the  
18 end of it." Canteen Manager Albert Young was not present.

19 Between January **2005** and November **2007** there were **188 calls for service** to the Las  
20 Vegas Metropolitan Police Department specifically related to VFW POST NO. 10057. In  
21 **2005** there were **73 calls for service**. In **2006** there were **66 calls for service**. Between  
22 January and November **2007** there were **49 calls for service**. Twenty-four (24) of these calls  
23 were officer initiated. The remaining 25 calls included requests for service to investigate  
24 **fight, assaults, batteries, narcotic offenses, weapons-related assaults and batteries, and**  
25 **robberies**.

26 . . . .

27 . . . .

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SUBSTANTIVE LAW

1  
2 LVMC § 6.02.330(H) provides:

3           The licensee may be subject to disciplinary action by the  
4 City Council for good cause, which may, without limitation,  
include:

5           . . . .

6           (H) The actual business activity constitutes a **public or**  
7 **private nuisance**, or has been or is being conducted in an  
unlawful, illegal or impermissible manner. [Emphasis added.]

8 LVMC § 6.50.150 provides:

9           A nonprofit club general license authorizes the sale of  
10 alcoholic beverages only for consumption on the premises and only  
to **bona fide members** of the club who pay dues to the club, and to  
11 their bona fide guests. [Emphasis added.]

12 LVMC § 6.50.020 provides:

13           “Nonprofit club” means any nonprofit corporation,  
14 association or organization which has been in continual existence  
for at least two years prior to applying for a license under this  
Chapter, and:

15           . . . .

16           (3) Has a membership of at least one hundred members  
17 who are twenty-one years of age or older and who pay dues to  
the nonprofit corporation, association, or organization . . . .

18  
19 LVMC § 6.02.350 provides:

20           A licensee under this Chapter shall be subject to  
21 disciplinary action not only for acts or omissions done by such  
licensee but also for acts and omissions done by the principals,  
22 managers, agents, representatives, servants or employees of such  
licensee.

23 LVMC § 6.06.060 provides:

24           Each principal must be approved for suitability in order to  
25 be associated with a business subject to this Chapter.

26 LVMC § 6.06.170 provides:

27           A person may not act in a capacity where an approval of  
28 suitability is required unless he has been approved for suitability.

1 LVMC § 6.50.440 provides:

2 It is unlawful for any of the following to be employed in  
3 the retail sales of alcoholic beverages for on or off premises  
4 consumption without **having in his or her possession a valid  
work card** for alcoholic beverages pursuant to LVMC Chapter  
6.86:

5 (A) A manager;

6 (B) Any employee who pours or serves alcoholic  
7 beverages for on premises consumption; or

8 (C) Any employee who accepts payment for the sale or  
9 delivery of alcoholic beverages for off premises consumption.  
[Emphasis added.]

10 LVMC § 6.50.570 provides:

11 The completion **card** or a copy thereof issued by the  
12 instructor of an alcohol awareness training course or refresher  
13 course to a person successfully completing the course **must be  
available during the work shift** on the premises where the  
14 person, as an employee, is serving, selling or distributing  
alcoholic beverages for inspection by Metro, City or other  
governmental personnel. [Emphasis added.]

15 LVMC § 6.02.270 provides:

16 It is unlawful for any person having a license under the  
17 provisions of this Code and carrying on a business at a fixed  
18 place of business to fail to prominently display this license in the  
place of business for which it is issued.

19 **EVIDENCE**

20 LVMC § 6.88.090 provides:

21 (A) **The hearing need not be conducted according to  
22 technical rules relating to evidence and witnesses.** Any  
relevant evidence may be admitted.

23 (B) The respondent shall have the right to call and  
24 examine witnesses on his own behalf, cross-examine opposing  
witnesses, introduce exhibits and evidence relevant to the issues  
25 of the case, and offer rebuttal evidence.

26 (C) The respondent may be called and examined by the  
City.

27 (D) The Clerk shall have the power to issue subpoenas for  
28 witnesses to appear to give testimony. [Emphasis added.]

1 PENALTY

2 LVMC § 6.02.360 provides:

3 Upon a showing of good cause and in the discretion of the  
4 City Council, disciplinary action against a holder may take the  
5 form of cancellation, **revocation**, refusal to renew, **suspension**,  
6 imposition of conditions or **restrictions** or civil **fine** in an amount  
7 not to exceed one thousand dollars for each day that the violation  
8 which forms the subject matter of the complaint that recommends  
9 such disciplinary action is demonstrated to have been in  
10 existence, or any combination of such actions, as the particular  
11 situation may require. The Council may also impose against the  
12 licensee the actual costs incurred, and a reasonable amount for  
13 attorney's fees, resulting from the imposition of disciplinary  
14 action. The disciplinary actions available in this Section shall be  
15 in addition to, and not exclusive of, any other civil or criminal  
16 remedy which otherwise might be available. [Emphasis added.]

11 ALLEGATION

12 It is alleged that since at least the year 2005 VETERANS OF FOREIGN WARS  
13 (VFW) POST NO. 10057 operated a business which constituted a public nuisance, and has  
14 been conducted in an unlawful, illegal and impermissible manner, to wit: selling alcohol to  
15 nonmembers and minors and permitting nonmembers and minors to consume alcohol on the  
16 premises, creating a lawless environment within which robberies, shootings, and batteries  
17 occurred, having key employees working without City sanction and employees working  
18 without work cards and alcohol awareness cards, repeatedly breaking commitments to the Las  
19 Vegas Metropolitan Police Department and the City of Las Vegas Business Licensing Division,  
20 all of which has required a disproportionate use of Las Vegas Metropolitan Police Department  
21 resources in violation of the Las Vegas Municipal Code.

22 WHEREFORE, the Petitioner respectfully requests the City Council to:

23 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing  
24 at which the Respondent shall appear and show cause why the license that is the subject of this  
25 Complaint should not be suspended or revoked, or other disciplinary action taken; or

26 . . . .

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B. Grant such other and further relief as the Council deems appropriate.

DATED this 30<sup>th</sup> day of NOVEMBER, 2007.

RESPECTFULLY SUBMITTED:

By:   
\_\_\_\_\_  
MARK R. VINCENT, Director  
Finance and Business Services

BRADFORD R. JERBIC  
City Attorney

By:   
\_\_\_\_\_  
WILLIAM P. HENRY  
Senior Litigation Counsel  
400 Stewart Avenue, Ninth Floor  
Las Vegas, NV 89101  
Attorneys for CITY OF LAS VEGAS