

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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,

Petitioner,

vs.

A & H JEWELRY, INC., and AHAB
HAMIDEH, President,

Respondents.

**COMPLAINT FOR
DISCIPLINARY ACTION**

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA (Department), Petitioner, makes this Complaint for Disciplinary Action against A & H JEWELRY, INC., 516 Fremont Street, Las Vegas, Clark County, Nevada, and AHAB HAMIDEH, its President, and states:

1. Respondent A & H JEWELRY, INC., holds Jewelry Store License No. J01-01554-6-085997.
2. Records in the Department's possession list AHAB HAMIDEH as the President of A & H JEWELRY, INC.
3. Las Vegas Municipal Code (LVMC) § 6.02.330(C) and (H) provides:

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

. . . .

The licensee or any of its principals has been convicted of an act which constitutes a crime which involves moral turpitude or involves any local, state or federal law or regulation which relates to the same or a similar business, or has been

1 convicted of having solicited, encouraged, caused or procured
2 another to commit such a violation;

3

4 **The business activity constitutes, promotes, causes,**
5 **allows, fosters, aids, or otherwise enables a private nuisance,**
6 **public nuisance or chronic nuisance, or has been or is being**
7 **conducted in an unlawful, illegal or impermissible manner,**
8 including but not limited to causing, allowing, promoting, foster-
9 ing, aiding, enabling, exercising deliberate ignorance towards or
10 failing to abate a private nuisance, public nuisance or chronic
11 nuisance [Emphasis added.]

12 4. LVMC § 6.02.010 provides:

13 **“Principal” means:**

14 (A) **Any person who is an officer, director, trustee,**
15 **personal representative or general partner or who has an owner-**
16 **ship interest in or voting control of the business equal to or**
17 **greater than ten percent of the entire ownership of voting control**
18 **of such business. If the ownership interest or voting control is**
19 **held by a person other than an individual, then each officer,**
20 **director, trustee, personal representative or general partner of**
21 **such person is a principal;**

22 (B) **Any person who is or will be directly engaged in the**
23 **administration or supervision of the business; and**

24 (C) **Any other person if, in the Director’s opinion, the**
25 **person exercises, or is capable of exercising, significant influence**
26 **over the business. [Emphasis added.]**

27 5. Records held by and investigation conducted by the Business Services Division
28 of the City of Las Vegas’ Department of Finance and Business Services reveal that **AHAB**
HAMIDEH, President of the licensee A & H JEWELRY, INC., pled guilty to one count
of Possession of Counterfeiting Instrument, a Class C felony, in violation of NRS 205.180
August 2, 2007. He was found guilty and sentenced November 1, 2007. This guilty plea was
part of a negotiation wherein the defendant agreed to plead guilty to one count of Possession of
Counterfeiting Instrument, and the State, in return, agreed to dismiss a count of Conspiracy to
Commit Possession of Counterfeiting Instrument, a gross misdemeanor. In addition, both
parties agreed that the defendant should be admitted to probation for a period of three years,
and if that probation was successfully completed, the defendant could withdraw his plea of

. . . .

1 guilty to the felony and plead guilty to a gross misdemeanor, Conspiracy to Commit Posses-
2 sion of Counterfeiting Instrument.

3 6. The prosecution brought by the Clark County District Attorney, which resulted
4 in a felony guilty plea, was based on an investigation conducted by the Las Vegas
5 Metropolitan Police Department. On February 6, 2006, **detectives** of the Las Vegas
6 Metropolitan Police Department **served a search warrant** at A & H JEWELRY, INC. located
7 at 516 Fremont Street, Las Vegas, Clark County, Nevada. **The search warrant was received**
8 **by AHAB HAMIDEH at the business.** Officers found 60 **watches** which they believed to be
9 **counterfeit.** Included were watches purported to be manufactured by Rolex, Cartier, and
10 Louis-Vuitton. Another 228 **suspected counterfeit watches** were located in the business
11 purporting to be manufactured by Movado, Gucci, and Breitling. **Two jewelry punches were**
12 **located with the symbols "14k" on their tips.** Officers formed the opinion that these
13 punches were used to engrave "14k" on jewelry. Officers also seized a number of rings and
14 necklaces. These items were subjected to a presumptive test to determine if they were made of
15 14-karat gold, since they bore the imprint "14k." **None of the items tested consisted of 14-**
16 **karat gold.**

17 7. As a result of AHAB HAMIDEH, President of A & H JEWELRY, INC., being
18 convicted of a felony, Possession of Counterfeiting Instrument, the Department alleges that
19 A & H JEWELRY, INC. has operated in an illegal manner contrary to law, and in violation of
20 LVMC § 6.02.330.

21 8. LVMC § 6.88.090 sets forth the procedure for the conduct of a disciplinary
22 hearing and provides:

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

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

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

1 (D) The Clerk shall have the power to issue subpoenas for
2 witnesses to appear to give testimony.

3 9. LVMC § 6.02.360, which sets forth the range of penalties available to the City
4 Council upon finding a violation by a licensee, provides:

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

13 10. The allegations set forth above constitute grounds for disciplinary action with
14 respect to A & H JEWELRY, INC. and AHAB HAMIDEH, its President, under LVMC §
15 6.02.330.

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

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

20

21

22

23

24

25

26

27


28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


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

DATED this 17th day of January, 2008.

RESPECTFULLY SUBMITTED:

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

BRADFORD R. JERBIC
City Attorney

By: 
WILLIAM P. HENRY
Senior Litigation Counsel
Nevada Bar No. 101
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS