

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

1 **Hearing, discussion and possible action regarding complaint seeking disciplinary action**  
2 **against Veterans of Foreign Wars Post No. 10057, 1905 North H Street, Las Vegas, Clark**  
3 **County, Nevada, for violations of the Las Vegas Municipal Code – Ward 5 (Barlow)**

4

5 **Appearance List:**

6 OSCAR GOODMAN, Mayor

7 BILL HENRY, Senior Litigation Counsel

8 REX BELL, Attorney for appellant

9 BEVERLY K. BRIDGES, City Clerk

10 JIM DiFIORE, Business Services Manager

11 PAUL LEWIS, Las Vegas Metropolitan Police Department

12 BEATRICE TURNER, Las Vegas resident

13 MEMBERS OF THE AUDIENCE

14 GARY REESE, Councilman

15 STEVE WOLFSON, Councilman

16 RICKI Y. BARLOW, Councilman

17 LOIS TARKANIAN, Councilwoman

18 WILLIAM SEIFERT, Sergeant, Las Vegas Metropolitan Police Department

19 JEFF WELTE, Detective, Las Vegas Metropolitan Police Department

20 ALBERT YOUNG, Canteen Manager, Veterans of Foreign Wars Post No. 10057

21 UNIDENTIFIED MALE SPEAKER

22 UNIDENTIFIED FEMALE SPEAKER

23 UNIDENTIFIED SPEAKER

24 BRAD JERBIC, City Attorney

25 LARRY BROWN, Councilman

26

27 2 hours 47 minutes

28

29 Typed by: Lean Coleman and Carmel Viado

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31 **MAYOR GOODMAN**

32 We come to Item Number 2, which is a hearing, discussion and possible action regarding  
33 complaint seeking disciplinary action against Veterans of Foreign Wars, Post Number 1-0-0-5-7,  
34 located at 1905 North H Street in Las Vegas, Clark County, Nevada for alleged violations of the  
35 Las Vegas Municipal Code. This is in Ward 5.

36 Before we began, I'd like the record to reflect that at our regular Council meeting, we had a  
37 request that we adjourn the hearing until a later date, in order to allow Rex Bell, the attorney for  
38 the Post to be properly prepared to respond to the allegations that the City Attorney is going to  
39 present. And based on the reasonableness of that request, it was granted and it was set over to  
40 today at a time certain of 10:00 a.m. So, we're starting on time.

41 I would like the record to reflect that I have received a, I guess, a flyer is the best way, I'll make  
42 this part of the record, to describe the document. It says, save our VFW Post 1-0-0-5-7  
43 Community Rally, complimentary food and drink. If you don't want our black veterans who  
44 risked their lives for this country to lose their post, come out and express your support. When:  
45 Tuesday, January 15, 2008. The time: 5:00 p.m. to 6:30 p.m. And where: The VFW Post 1-0-0-  
46 5-7, at 1905 H Street, Las Vegas, Nevada. It goes on further to state, don't let City Hall close our  
47 VFW Post 10057. Help support our black veterans at the City Hall Council meeting. When:  
48 Wednesday, January 16, 2008. Time 11:00 a.m. Where: The City Hall Council Chamber, 400  
49 East Stewart Avenue, Las Vegas, Nevada. We need everyone's support at City Hall on  
50 Wednesday to keep our West Las Vegas historic American landmark. If you'll make it part of  
51 the record.

52 I just want the record to reflect the following; that no one is here to close down the VFW Post.  
53 That's not the purpose of this hearing. Let's make that perfectly clear. We value the service of  
54 all members of our community, black, white, yellow, it doesn't matter to me, who represented the  
55 United States of America in protecting us and our freedoms as veterans of this great country of  
56 ours. So the issue is not closing down the VFW. Let's make that perfectly clear. Somehow  
57 there's a tendency to mix up what this Council is supposed to be judging. We just had a perfect  
58 example of that and that was regarding the flag pole. There was a flag pole out there on West  
59 Sahara with a flag pole, don't even have to bother with the City Council, if you want to do

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60 something with the flag pole, if the flag pole's gonna be 40 feet or less in height. There was a  
61 (sic) automobile dealer who wanted to put up a 100-foot flag pole, and there was some  
62 complaints from the neighbors and we voted that we were not going to permit a 100-foot flag  
63 pole there. That was no comment, as far as our love for the American flag. And it was just a  
64 matter as to how high it was going to be. This is very similar in nature. This is not a question as  
65 to closing down the VFW. That is a non issue. The issue before us today is the liquor license at  
66 the VFW. And that is what is going to be the subject of a disclinar, disciplinary proceeding and  
67 not the closure of the building. We want a place for veterans to be able to congregate and to be  
68 able to do positive things in our community.

69 So with that being said, I'm gonna turn to Mr. Henry and ask you to make your opening remarks.

70

71 **BILL HENRY**

72 Thank you, Mayor. Members of the Council, before we proceed, with your indulgence, I'd like  
73 to lodge with the Clerk proof of service of notice of today's hearing.

74

75 **MAYOR GOODMAN**

76 All right, it's lodged.

77

78 **BILL HENRY**

79 As you stated, Your Honor, we're here today based on a disciplinary complaint submitted by the  
80 Director of Finance, pursuant to law, alleging that our licensee has operated his business in such  
81 a way as to be a public and private nuisance. And that is contrary to law. Before you is a  
82 complaint for disciplinary action that sets forth a number of violations to support this allegation  
83 and also the relative law. I would like, before I turn to proving up the facts in this matter, to  
84 direct your attention to a white notebook that I placed before each one of you with the cover  
85 sheet of the complaint for disciplinary action in this matter. There's one at the podium for Mr.  
86 Bell as well.

87 Under Tab 1 of that notebook, is a copy of the complaint for disciplinary action. Under Tab 2 of  
88 the notebook are the two answers that were served on the City Attorney's office and on the City

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89 Clerk by VFW Post 1-0-0-5-7 to that complaint. The earliest is first, dated January 10th, and the  
90 next one, which was lodged by Mr. Bell, is dated January 24th. The reason that I direct your  
91 attention to this is to be found under Tab 3, and if you turn to the last two pages under Tab 3,  
92 you'll see documents entitled Affidavit of Service and that is the original service of the Order of  
93 Proving Complaint and Notice of Hearing with the Complaint for Disciplinary Action on the  
94 resident agent, Claude Brown, and the principal officer, Albert Young, of VFW Post 1-0-0-5-7.  
95 You can see that they were both served December 7, 2007. If – you would then turn back to the  
96 first page under Tab 3, there is a copy of Las Vegas Municipal Code 6.88.080, which provides  
97 that the respondent has 20 days after service of the complaint to file an answer and, as you can  
98 see, he was very late in doing that. The next page has a copy of Las Vegas Municipal Code  
99 6.88.100 entitled Failure to Answer or Appear, and it relevantly provides failure to timely file his  
100 answer or failure of a respondent or his counsel to appear at the hearing shall constitute an  
101 admission of all matters in fact contained in the Complaint filed with respect to such  
102 respondents. In such cases, the City Council may take action based upon such admission or  
103 upon any other evidence, including affidavits and without any further notice whatever to  
104 respondent.

105 I would submit to you that the allegations in the Complaint have been proven as a matter of law.  
106 I would propose, in summary fashion, to provide evidence to support that in the record in the  
107 proceeding here today.

108

109 **MAYOR GOODMAN**

110 All right, well thank you, Mr. Henry. I'm going to treat the Answer to the Complaint for  
111 disciplinary action filed by Mr. Bell and date stamped January 24, 2008, as being sufficient  
112 response to the disciplinary complaint, and we'll go forward with the hearing as though it had  
113 been timely filed. Mr. Bell, you have an opening statement?

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114 **REX BELL**

115 No, I thought that, Your Honor, Mr. Henry was going to put on his –

116

117 **MAYOR GOODMAN**

118 He is –

119

120 **REX BELL**

121 – evidence and then –

122

123 **MAYOR GOODMAN**

124 He is, but if you'd like to be heard, I'd be happy to hear from you now or you can certainly

125 reserve that until after Mr. Henry presents his evidence.

126

127 **REX BELL**

128 Well, the only thing, Your Honor, I can say at this time, is we certainly do not feel that VFW 1-

129 0-0-5-7 is a public nuisance. The other allegation in there that it has been operating in some

130 illegal manners, at times is, some of that is correct. Things that need to be corrected, and that

131 since it's a privileged license, we are well aware that we are lucky to have the license. And after

132 many discussions with the members, we have also proposals for correcting the errors that seem

133 to have been ongoing over the last two or three, four years.

134

135 **MAYOR GOODMAN**

136 All right, well, I appreciate that, but that should have been done, as far as I'm concerned, the

137 proposals and negotiations before we convened here today. That may be something that you

138 want to address at a later time in the hearing. But we're gonna go forward with the hearing. Mr.

139 Henry.

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140 **BILL HENRY**

141 Thank you, Mayor. With permission of the Council, I call Jim DiFiore as my first witness.

142

143 **MAYOR GOODMAN**

144 All right. We're going to swear in the witnesses today. Ms. Bridges.

145

146 **BEVERLY K. BRIDGES**

147 Please raise your right hand. The information that you provide today, do you swear that it is true

148 and correct?

149

150 **JIM DiFIORE**

151 I do.

152

153 **BEVERLY K. BRIDGES**

154 Thank you.

155

156 **BILL HENRY**

157 Would you state your name, please, and spell your last name for the Council.

158

159 **JIM DiFIORE**

160 My name is Jim DiFiore, D-i-capital F-I-O-R-E.

161

162 **BILL HENRY**

163 How are you employed, Mr. DiFiore.

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164 **JIM DiFIORE**

165 I am employed – by the City of Las Vegas as a Business Services Manager for Finance and  
166 Business Services.

167

168 **BILL HENRY**

169 Allow me to direct your attention to a document that I have before you entitled Complaint for  
170 Disciplinary Action in the matter of the Department of Finance and Business Services on behalf  
171 of the City of Las Vegas versus the Veterans – of Foreign Wars, VFW Post No. 1-0-0-5-7. Have  
172 you seen this document before?

173

174 **JIM DiFIORE**

175 Yes, I have

176

177 **BILL HENRY**

178 And are you familiar with its content?

179

180 **JIM DiFIORE**

181 Yes, I am.

182

183 **BILL HENRY**

184 Allow me to direct your attention to Line 21 of the first page where there's an allegation as to the  
185 type and number of the liquor license at issue. Is that information correct based on records that  
186 you hold in your office and use in the normal course of your government business?

187

188 **JIM DiFIORE**

189 Yes, it is.

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190 **BILL HENRY**

191 Turning to Page 3, from Page 3, Line 10, through Page 6, Line 25, there's (sic) a number of  
192 allegations of illegal conduct having to do with this liquor licensee. Are you familiar with those?

193

194 **JIM DiFIORE**

195 Yes, I am.

196

197 **BILL HENRY**

198 Indeed, in performing your duties, did you compile reports and documents from your section and  
199 also receive reports and documents from the Las Vegas Metropolitan Police Department having  
200 to do with this matter and submit them to my office?

201

202 **JIM DiFIORE**

203 Yes, I did.

204

205 **BILL HENRY**

206 And are – the allegations in the complaint that I've referred to true and correct based on your  
207 understanding of those police reports and those documents held by your office?

208

209 **JIM DiFIORE**

210 Yes, they are.

211

212 **BILL HENRY**

213 I've asked you if the allegation concerning the liquor license on Page 1 is correct, and that's  
214 recited as a Non-Profit Club General Alcoholic Beverage License. Allow me to direct your  
215 attention to Page 7 where there's a recitation of substantive law. Would you explain to the  
216 Council, please, what type of license this is and what restrictions, if any, there might be on it  
217 pursuant to Las Vegas Municipal Code 6.50.150?

218

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219 **JIM DiFIORE**

220 This is a license approved by the City Council that is issued to a non-profit organized charter for  
221 the sale of alcoholic beverages on the premises to members only or to members, guest members  
222 of those members.

223

224 **BILL HENRY**

225 And does the Code require that members be bona fide members and that their guests be bona fide  
226 guests?

227

228 **JIM DiFIORE**

229 Yes, it does.

230

231 **BILL HENRY**

232 Is there any requirement imposed by law or by your office on such licensees to maintain a  
233 membership log?

234

235 **JIM DiFIORE**

236 There is a requirement by Code that there is (sic) 100 members that have to be eligible for this  
237 type of license and the logging of members is done so for us to maintain assurance that the, that  
238 membership is being maintained at 100.

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239 **BILL HENRY**

240 As I understand the Code, liquor can be served by such a licensee to a bona fide guest. Is it your  
241 understanding that for someone who isn't a member, to legally be served liquor, he has to be  
242 guest, a guest of a member and that member has to be present?

243

244 **JIM DiFIORE**

245 That has been the standard that we've applied for the number of years that this license has been  
246 part of the City Code issuing, per issuance of a business license under the Alcoholic Beverage  
247 Code.

248

249 **BILL HENRY**

250 And would that be –

251

252 **MAYOR GOODMAN**

253 Let me ask you this, Mr. DiFiore. Nothing on the face of the Municipal Code states that the  
254 member has to be present as long as the guest is a bona fide guest of that member.

255

256 **JIM DiFIORE**

257 You're correct, Mayor.

258

259 **MAYOR GOODMAN**

260 All right. Thank you.

261

262 **BILL HENRY**

263 And has the custom you described been the custom for the last 40 years?

264

265 **JIM DiFIORE**

266 That is correct.

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267 **BILL HENRY**

268 And has this, your understanding of this custom such that it not only has to do with this licensee  
269 but all licensees for the last 40 years that have held non-profit club general alcoholic business  
270 licenses?

271

272 **JIM DiFIORE**

273 That's correct.

274

275 **BILL HENRY**

276 Let me turn your attention back to Page 6, Line 19. There's an allegation about calls for service  
277 to the Las Vegas Metropolitan Police Department between Lines 19 and Lines 25 of Page 6.  
278 Would you tell us, please, what calls for service are?

279

280 **JIM DiFIORE**

281 Calls for service are generated calls either from constituents, from employees, from other types  
282 of sources that would generate a, an inspection or a – field stop by; in this case, a patrol officer  
283 to that particular location.

284

285 **BILL HENRY**

286 Looking at the number of calls for service that are alleged as I said on Page 6, between Lines 19  
287 and Lines 25, do you have an opinion whether or not this number of calls for service per year  
288 seems excessive for this type of licensee in the City of Las Vegas?

289

290 **JIM DiFIORE**

291 Yes. My opinion is this is very high for this type of business operation. A hundred and eighty-  
292 eight calls for service between those 2005 and 2007 is extremely high for that – type of business.

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293 **JIM DiFIORE**

294 Thank you. I have no further questions.

295

296 **MAYOR GOODMAN**

297 And Mr. Bell, cross examination.

298

299 **REX BELL**

300 Yes, Your Honor. Mr. DiFiore – some of those calls could have come from the pay phones

301 outside of that building, correct?

302

303 **JIM DiFIORE**

304 That's a possibility.

305

306 **REX BELL**

307 Okay. You did have pay phone. That's all I would have to ask, Your Honor.

308

309 **MAYOR GOODMAN**

310 Okay. Fine. Does the Council have any member, questions they have of Mr. DiFiore? All right.

311 You're excused, Mr. DiFiore.

312

313 **BILL HENRY**

314 I call Officer Lewis as the City's next witness.

315

316 **MAYOR GOODMAN**

317 Would you swear him in, please?

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318 **BEVERLY K. BRIDGES**

319 Please raise your right hand. Do you solemnly swear that the information that you provide today  
320 is true and correct?

321

322 **PAUL LEWIS**

323 I do.

324

325 **BILL HENRY**

326 Would you state your name, please, and spell your last name?

327

328 **PAUL LEWIS**

329 Officer Paul Lewis, L-E-W-I-S.

330

331 **BILL HENRY**

332 You're a Las Vegas Metropolitan Police Officer?

333

334 **PAUL LEWIS**

335 Yes, I am.

336

337 **BILL HENRY**

338 How long have you been a police officer?

339

340 **PAUL LEWIS**

341 For three years.

342

343 **BILL HENRY**

344 During the course of that (sic) three years, have you had an opportunity to answer calls or  
345 conduct investigations having to do with VFW Post 1-0-0-5-7?

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346 **PAUL LEWIS**

347 Yes, I have.

348

349 **BILL HENRY**

350 For what period of that (sic) three years have you gained familiarity with this VFW Post?

351

352 **PAUL LEWIS**

353 Over the past two and a half years.

354

355 **BILL HENRY**

356 Did you bring with you today some photographs?

357

358 **PAUL LEWIS**

359 I do.

360

361 **BILL HENRY**

362 Would you get them, please, and could we have the overhead activated? Can I have them all?

363 Yeah. Have you and other officers had occasion to go to the VFW Post and asked to see their  
364 membership log?

365

366 **PAUL LEWIS**

367 Yes, we did.

368

369 **BILL HENRY**

370 And did you do that on the 10<sup>th</sup> of January, 2008?

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371 **PAUL LEWIS**

372 Yes, we did.

373

374 **BILL HENRY**

375 And was the log showed (sic) to you?

376

377 **PAUL LEWIS**

378 Yes, we saw the guest log.

379

380 **BILL HENRY**

381 And did you photograph or was it photographed in your presence?

382

383 **PAUL LEWIS**

384 Yes, it was.

385

386 **BEATRICE TURNER**

387 I can't see that.

388

389 **BILL HENRY**

390 Apparently nobody can. (Inaudible) That seems –

391

392 **MAYOR GOODMAN**

393 Not very good. Why don't you tell us what's on the piece of paper.

394

395 **BILL HENRY**

396 Would you describe please what's in that photograph?

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397 **PAUL LEWIS**

398 On January 10<sup>th</sup> of '08, did the inspection at the VFW Post 10057. The head count of 25 people  
399 inside the bar at that time and there were two members signed in. I asked the bartender if she  
400 can identify the first name listed on there, which is Peter Gun. She said that Peter Gun was dead  
401 and had been dead for some time now. As for the second name on there, she did not know who  
402 that was.

403

404 **BILL HENRY**

405 Did she say anything else about Peter Gun?

406

407 **PAUL LEWIS**

408 That he had died a long time ago.

409

410 **BILL HENRY**

411 All right. During the two and a half years that you've been going to VFW Post 10057, did you  
412 gain familiarity with who the members were?

413

414 **PAUL LEWIS**

415 I became familiar with the bar manager and the assistant bar manager and the security officers  
416 there.

417

418 **BILL HENRY**

419 Is there a demographic, sort of an age range of customers, that you tended to see there when you  
420 would go there?

421

422 **PAUL LEWIS**

423 Mostly African American, all ages from probably, we'll say, low 20s to 40s, 50s.

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424 **BILL HENRY**

425 Would you look over your right shoulder at the people in the room? Do you see a number of  
426 them wearing hats and other logos referring to the Veterans of Foreign Wars?

427

428 **PAUL LEWIS**

429 Yes, I do.

430

431 **BILL HENRY**

432 When you would go to VFW Post 10057 and observed the people drinking there, would you  
433 sometimes see people with these logos present?

434

435 **PAUL LEWIS**

436 No, I did not.

437

438 **BILL HENRY**

439 Never?

440

441 **PAUL LEWIS**

442 Never.

443

444 **BILL HENRY**

445 Never over the course of two and a half years?

446

447 **PAUL LEWIS**

448 Never, did I.

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449 **MEMBERS OF THE AUDIENCE**

450 (Inaudible).

451

452 **MAYOR GOODMAN**

453 Folks.

454

455 **BILL HENRY**

456 Have you ever responded to VFW Post 10057 to investigate a crime where you or other officers  
457 with you seized firearms or items that you believe to contain controlled substances?

458

459 **PAUL LEWIS**

460 Yes, I have.

461

462 **BILL HENRY**

463 And did you photograph some of these?

464

465 **PAUL LEWIS**

466 I did not take those photos.

467

468 **BILL HENRY**

469 Were some of these firearms or items believed to be controlled –

470

471 **REX BELL**

472 I'm going to object to these photos. There's no showing of who took them –

473

474 **MAYOR GOODMAN**

475 Well –

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476 **REX BELL**

477 – and where they were taken.

478

479 **MAYOR GOODMAN**

480 And we're gonna, your objection's noted and we're gonna put about as much weight on what's

481 taken place here as it deserves.

482

483 **COUNCILMAN REESE**

484 Can you have the officer to use the hand held mike?

485

486 **MAYOR GOODMAN**

487 Yes. Officer, would you be kind enough to use the hand held mike so everybody can hear you.

488

489 **BILL HENRY**

490 Let me go back. Did you tell us that you have responded to VFW Post 1-0-0-5-7 on some

491 occasions or during the course of Metro's investigation, firearms and items believed that

492 contained controlled substances were seized?

493

494 **PAUL LEWIS**

495 Yes, I did.

496

497 **BILL HENRY**

498 And on one of those occasions were photographs of the firearms and the controlled substances or

499 items believed to control, contained controlled substances taken.

500

501 **PAUL LEWIS**

502 Yes, it was.

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503 **BILL HENRY**

504 And did you bring one or two of these photographs with you here today?

505

506 **PAUL LEWIS**

507 Yes, I did.

508

509 **BILL HENRY**

510 Where did you get these photographs from?

511

512 **PAUL LEWIS**

513 These photos taken from, got an event number here, 0-8-0-1, oh excuse me, correction. The

514 event number 0-7-0-7-3-0-2-7-4-7, by Officer Conk.

515

516 **BILL HENRY**

517 So did you get these photographs from the files of the Las Vegas Metropolitan Police

518 Department under a specific event number?

519

520 **PAUL LEWIS**

521 Yes, I did.

522

523 **BILL HENRY**

524 You have familiarity with this event number?

525

526 **PAUL LEWIS**

527 Yes, I do.

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528 **BILL HENRY**

529 And would you describe how you have familiarity with it?

530

531 **PAUL LEWIS**

532 I read the arrest report.

533

534 **BILL HENRY**

535 Now, do the arrest reports refer to a matter that's set forth in the disciplinary complaint?

536

537 **PAUL LEWIS**

538 Yes, it did.

539

540 **BILL HENRY**

541 And what's the date of that matter?

542

543 **PAUL LEWIS**

544 It's gonna be July '07, July 30 of '07.

545

546 **BILL HENRY**

547 So directing your attention to Page 5, Line 12, of the Disciplinary Complaint, would you read

548 just to yourself that com, that area –

549

550 **MAYOR GOODMAN**

551 Let me ask you this, Officer Lewis, did you participate in the events on July 30, 2007?

552

553 **PAUL LEWIS**

554 This particular event, no, Sir.

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555 **MAYOR GOODMAN**

556 All right, so basically, we could read it. You don't have to read it.

557

558 **BILL HENRY**

559 All right.

560

561 **REX BELL**

562 Your Honor.

563

564 **BILL HENRY**

565 Would you tell us –

566

567 **MAYOR GOODMAN**

568 Yes.

569

570 **REX BELL**

571 Excuse me. Objection. This is showing as purported to be weapons and money, and the July

572 30<sup>th</sup> event does not indicate any of, yes I was, excuse me, it does. It says, of course, semi

573 automatic handguns were seized. I'm sorry.

574

575 **BILL HENRY**

576 Would you tell us, please, what appears in the photograph in the overhead now?

577

578 **PAUL LEWIS**

579 In the photograph, you have, I'll point to it right here, a semi automatic 22 caliber pistol with the

580 extended magazine. You have one nine millimeter pistol. You have, I don't have the dollar

581 amount of the cash, but, as far as narcotics, you have 6.4 grams of positive ODD tested cocaine

582 and 9.5 grams of marijuana.

583

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**VERBATIM TRANSCRIPT – ITEM 2**

584 **BILL HENRY**

585 You said positive some kind of test. Would you, what is that?

586

587 **PAUL LEWIS**

588 It's a test we do to confirm the narcotic substance.

589

590 **BILL HENRY**

591 Did you ever go to VFW Post 10057 and see a CSN income tax service truck there?

592

593 **PAUL LEWIS**

594 Yes, I did, several times.

595

596 **BILL HENRY**

597 And on one of those occasions were photographs taken by the Metropolitan Police Department?

598

599 **PAUL LEWIS**

600 Yes, there was.

601

602 **BILL HENRY**

603 And did you bring those photographs with you here today?

604

605 **PAUL LEWIS**

606 Yes, I did.

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607 **BILL HENRY**

608 And did they likewise come from the files of the Metropolitan Police Department under a  
609 specific event number?

610

611 **PAUL LEWIS**

612 Yes, they did.

613

614 **BILL HENRY**

615 What's the date of that event number?

616

617 **PAUL LEWIS**

618 The date is July 11<sup>th</sup>, of '07, excuse me, November 14<sup>th</sup> of '07.

619

620 **BILL HENRY**

621 November 14<sup>th</sup> of '07. Let me show you a photograph. Is this the CSN income tax service truck  
622 that you saw on that date?

623

624 **PAUL LEWIS**

625 Yes, it is.

626

627 **BILL HENRY**

628 And what caused you to be at VFW Post 10057 on that day?

629

630 **PAUL LEWIS**

631 There was a large crowd in the parking lot.

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632 **BILL HENRY**

633 By large, how many do you mean?

634

635 **PAUL LEWIS**

636 Would say probably 20, 30 people.

637

638 **BILL HENRY**

639 Were, when you responded there, besides looking at the income tax service truck, did you look

640 inside the truck?

641

642 **PAUL LEWIS**

643 I sure did.

644

645 **BILL HENRY**

646 Let me show you another photograph. Does that accurately depict something that was inside the

647 truck when you looked inside it on that date?

648

649 **PAUL LEWIS**

650 Yes, it does.

651

652 **BILL HENRY**

653 And would you describe what that is, please?

654

655 **PAUL LEWIS**

656 That was a deep fryer used to cook shrimp and fish.

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

657 **BILL HENRY**

658 And was that shrimp and fish being given to and consumed by people in the parking lot?

659

660 **PAUL LEWIS**

661 Yes, it was.

662

663 **BILL HENRY**

664 Did it appear to be a commercial transaction, by which I mean were the people paying for it?

665

666 **PAUL LEWIS**

667 Yes, they were.

668

669 **BILL HENRY**

670 Allow me to show you another photograph. When you looked inside the truck, did you see a  
671 cooler?

672

673 **PAUL LEWIS**

674 Yes, I did.

675

676 **BILL HENRY**

677 And does that photograph accurately depict the cooler that you saw?

678

679 **PAUL LEWIS**

680 Yes, it does.

681

682 **BILL HENRY**

683 In that cooler, are there cans of beer?

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684 **PAUL LEWIS**

685 Yes, there is.

686

687 **BILL HENRY**

688 Were those cans of beer being provided to the people in the parking lot?

689

690 **PAUL LEWIS**

691 Yes, it was.

692

693 **BILL HENRY**

694 And did that, likewise, appear to be a commercial transaction, by which I mean the people were  
695 paying for the beer?

696

697 **PAUL LEWIS**

698 Yes, it did.

699

700 **BILL HENRY**

701 During the course of your investigation, did you observe or learn anything that allowed you to  
702 form an opinion whether or not the food and beer being sold out of the back of the truck were  
703 being sold by VFW Post 10057 or by someone else?

704

705 **PAUL LEWIS**

706 It's definitely being sold by someone else.

707

708 **BILL HENRY**

709 And what cause you to form that opinion?

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

710 **PAUL LEWIS**

711 I asked the person that was selling it.

712

713 **BILL HENRY**

714 Would you describe this person, please?

715

716 **PAUL LEWIS**

717 Black male, 34 years old.

718

719 **BILL HENRY**

720 And what did you say to this person, and what did he say to you?

721

722 **PAUL LEWIS**

723 I asked him if he had the permission of the VFW Post to be selling these items.

724

725 **BILL HENRY**

726 And what did he say?

727

728 **PAUL LEWIS**

729 He said that subject, Al Young, said it was okay for him to conduct his business there.

730

731 **MEMBERS OF THE AUDIENCE**

732 (Inaudible).

733

734 **MAYOR GOODMAN**

735 All right, folks. Please. Please.

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

736 **BILL HENRY**

737 Subject who?

738

739 **PAUL LEWIS**

740 Al Young.

741

742 **BILL HENRY**

743 Al Young?

744

745 **PAUL LEWIS**

746 Yes, Sir.

747

748 **BILL HENRY**

749 All right. Mayor, at this time, I'd like to lodge with the Clerk the photographs that I've caused  
750 to up on the overhead.

751

752 **MAYOR GOODMAN**

753 That's fine. Now as I understand it, these – this particular event of November 14<sup>th</sup> is not charged  
754 in this Disciplinary Complaint?

755

756 **BILL HENRY**

757 No, not specifically.

758

759 **MAYOR GOODMAN**

760 So, this is basically other acts that you're trying to introduce at this time?

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

761 **BILL HENRY**

762 This would be covered by the allegation, the general allegation in the front of the – Disciplinary  
763 Complaint that they’ve – violated the law and operated their –

764

765 **MAYOR GOODMAN**

766 Okay –

767

768 **BILL HENRY**

769 – business –

770

771 **MAYOR GOODMAN**

772 – but – nothing in the Complaint would suggest that there was a violation on November the 14<sup>th</sup>  
773 ’07 other than the generic reference?

774

775 **BILL HENRY**

776 That’s correct.

777

778 **MAYOR GOODMAN**

779 All right, fine. All right. Do you have any further questions for the witness?

780

781 **BILL HENRY**

782 I do.

783

784 **MAYOR GOODMAN**

785 All right.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

786 **BILL HENRY**

787 Officer, dates on, well, let me ask this question. You've told us a few times that you've been  
788 there. Over the last two and a half years, how many times you say would, have you gone to  
789 VFW Post 10057?

790

791 **PAUL LEWIS**

792 Say, probably over 10 times.

793

794 **BILL HENRY**

795 Have you formed an opinion whether or not the existence of the City's liquor license at this  
796 location have (sic) the relationship with criminal behavior that you find in this area?

797

798 **PAUL LEWIS**

799 Yes. It appears to be common in that area.

800

801 **BILL HENRY**

802 You say that criminal behavior appears to be common – in the area, not exactly what I asked  
803 you. I asked you if you had an opinion whether or not, in essence, the liquor license is the  
804 magnet that draws in criminal behavior to VFW Post 10057.

805

806 **PAUL LEWIS**

807 It seems that when we respond to calls there, it seems, appears that people are going there  
808 because they get cheap drinks at that location, so they gather there. And they think that  
809 management is not managing the parking lot or the establishment, allowing people to gather  
810 there that are not members or guests.

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811 **BILL HENRY**

812 Do you have an opinion whether or not there's anything that Al Young and the other employees  
813 that you have seen there could do to deal with the people who you've seen drinking liquor there?  
814

815 **PAUL LEWIS**

816 If they enforce their membership laws, making people sign in and enforce the parking lot, the  
817 problems won't exist as well.  
818

819 **BILL HENRY**

820 Have you ever seen that happen?  
821

822 **PAUL LEWIS**

823 No. I have not.  
824

825 **BILL HENRY**

826 Thank you. I've no further questions of this witness.  
827

828 **MAYOR GOODMAN**

829 Mr. Bell.  
830

831 **REX BELL**

832 Officer, only one question because I had not seen that complaint on that truck that we had the  
833 deep fryer; it's the one in the back. Was that truck actually in the parking lot or out front?  
834

835 **PAUL LEWIS**

836 Out front on the sidewalk.

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**VERBATIM TRANSCRIPT – ITEM 2**

837 **REX BELL**

838 It was out front –

839

840 **MEMBERS OF THE AUDIENCE**

841 (Disruptive applause)

842

843 **MAYOR GOODMAN**

844 Folks –

845

846 **REX BELL**

847 Now is that –

848

849 **MAYOR GOODMAN**

850 – please.

851

852 **REX BELL**

853 Now that's, that is a fair answer. I needed to know that. So people that were gathered around  
854 the truck, buying evidently the shrimp and whatever it was in there, that you actually checked –  
855 to see if they were actually members of the VFW Post or maybe others that were out and about  
856 in that area.

857

858 **PAUL LEWIS**

859 The majority of the crowd were (sic) in the parking lot at that time, and I didn't check to see if  
860 anyone was members.

861

862 **REX BELL**

863 You didn't really check that part of it.

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**VERBATIM TRANSCRIPT – ITEM 2**

864 **PAUL LEWIS**

865 Negative.

866

867 **REX BELL**

868 And the, it would seem if you can buy cheap shrimp because of liquor license and so on inside  
869 the club, that it would be difficult for that truck to sell beer, and someone outside which would  
870 then probably cost them more than on inside. Possibility, correct?

871

872 **PAUL LEWIS**

873 Possibility.

874

875 **REX BELL**

876 You, the other question, on the, they showed all the guns and things that were taken, you know if  
877 those guns were actually taken from people who were on the premises, in other words, in the  
878 parking lot or inside the VFW? Do you know that answer?

879

880 **PAUL LEWIS**

881 Yes, I do.

882

883 **REX BELL**

884 What's the answer?

885

886 **PAUL LEWIS**

887 The person that they were confiscated from was inside the parking lot right in front of the VFW  
888 doors.

889

890 **REX BELL**

891 In – their parking lot, the guns were confiscated there?

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**VERBATIM TRANSCRIPT – ITEM 2**

892 **PAUL LEWIS**

893 Yes, Sir.

894

895 **REX BELL**

896 Okay. I have no other questions.

897

898 **MAYOR GOODMAN**

899 All right, thank you. Does –

900

901 **BILL HENRY**

902 May I ask – one question?

903

904 **MAYOR GOODMAN**

905 Certainly.

906

907 **BILL HENRY**

908 Officer, directing your attention to the – truck with the fried food and the cooler with alcohol in

909 it. Did you observe any people who you knew to be VFW employees getting food or beer?

910

911 **PAUL LEWIS**

912 One of the security officers.

913

914 **BILL HENRY**

915 One of the security officers from VFW Post 10057 bought something from the people in the

916 truck?

917

918 **PAUL LEWIS**

919 Yes, Sir.

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

920 **BILL HENRY**

921 And what did he buy?

922

923 **PAUL LEWIS**

924 That I don't know.

925

926 **BILL HENRY**

927 Thank you. Did you speak with this person?

928

929 **PAUL LEWIS**

930 Not at that time, I didn't.

931

932 **BILL HENRY**

933 At a later time?

934

935 **PAUL LEWIS**

936 Yes, I did but not about that.

937

938 **BILL HENRY**

939 All right. Thank you.

940

941 **MAYOR GOODMAN**

942 All right. Any other questions?

943

944 **REX BELL**

945 I have no other questions.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

946 **MAYOR GOODMAN**

947 All right. Does Council have any other questions?

948

949 **COUNCILMAN WOLFSON**

950 Yes, Sir.

951

952 **MAYOR GOODMAN**

953 All right. Councilman Wolfson.

954

955 **COUNCILMAN WOLFSON**

956 Officer, in the two and a half years you've been familiar with this area, has there been a full time  
957 security guard posted at the VFW location?

958

959 **PAUL LEWIS**

960 For the most part, yes, Sir.

961

962 **COUNCILMAN WOLFSON**

963 Now, what are the general hours of operation?

964

965 **PAUL LEWIS**

966 I'd say probably from about three to four o'clock to probably about ten o'clock at night.

967

968 **COUNCILMAN WOLFSON**

969 Okay, three or four o'clock in the afternoon –

970

971 **PAUL LEWIS**

972 Yes, Sir.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

973 **COUNCILMAN WOLFSON**

974 – to about ten o'clock at night. And in your experience, has there been a full-time security  
975 guard, generally speaking, on premises every time you've been there?

976

977 **PAUL LEWIS**

978 Most likely they're inside, but when I go to the, when I actually go for a call, I make contact  
979 with the security officer and normally inside the building, yes.

980

981 **COUNCILMAN WOLFSON**

982 Is it a uniformed security officer?

983

984 **PAUL LEWIS**

985 They normally wear a yellow jacket that says "security" on the back.

986

987 **COUNCILMAN WOLFSON**

988 Okay. Is the security officer not doing his job? Is that what I'm hearing here? I mean if you  
989 have problems and you have a security guard there, the security guard should be tending to these  
990 problems. So, in your opinion, is that part of the issue here, that we have a security guard who's  
991 not doing his job?

992

993 **PAUL LEWIS**

994 Yes, Sir. He's not doing his job.

995

996 **COUNCILMAN WOLFSON**

997 And then Mr. Albert Young, whose name has been mentioned a couple times, how long to your  
998 knowledge has he been the Canteen Manager? Has he been the Canteen Manager during your  
999 two and a half years of –

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1000 **PAUL LEWIS**

1001 Yes.

1002

1003 **COUNCILMAN WOLFSON**

1004 And in your opinion, is he not doing his job?

1005

1006 **PAUL LEWIS**

1007 I don't think he's doing his job either, not managing the bar properly.

1008

1009 **COUNCILMAN WOLFSON**

1010 Thank you.

1011

1012 **MAYOR GOODMAN**

1013 All right. Any other questions of the Council? All right, thank you.

1014

1015 **COUNCILMAN BARLOW**

1016 Yes – Mayor.

1017

1018 **MAYOR GOODMAN**

1019 Yes. Councilman Barlow.

1020

1021 **COUNCILMAN BARLOW**

1022 What – are the hours in – regards to your shift? What is your shift?

1023

1024 **PAUL LEWIS**

1025 Right now, my work day shift right now, from seven to about four or five.

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**VERBATIM TRANSCRIPT – ITEM 2**

1026 **COUNCILMAN BARLOW**

1027 During the times that you visited the VFW Post or gone on a call for service at this location,  
1028 what were the hours in which you showed up there, roughly?

1029

1030 **PAUL LEWIS**

1031 I would say probably from about nine o'clock in the evening to about midnight.

1032

1033 **COUNCILMAN BARLOW**

1034 Okay, thank you.

1035

1036 **MAYOR GOODMAN**

1037 All right. Any other questions? All right –

1038

1039 **COUNCILWOMAN TARKANIAN**

1040 Mr. Mayor?

1041

1042 **MAYOR GOODMAN**

1043 All right, yes.

1044

1045 **COUNCILWOMAN TARKANIAN**

1046 Could I just ask, then that means the selling of the alcohol by the truck was after nine o'clock?

1047

1048 **PAUL LEWIS**

1049 I can get you a time of that. I don't know the time right now, off hand.

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

1050 **COUNCILWOMAN TARKANIAN**

1051 When you had the crowd of 20 or 30 people in the parking lot, I was just wondering if you could  
1052 get me that time, I would appreciate it. Thank you.

1053

1054 **MAYOR GOODMAN**

1055 All right. Any other questions? Yes.

1056

1057 **COUNCILMAN REESE**

1058 I asked the officer and our attorney. This is supposed to be a Veterans Post, correct? You, in  
1059 your honest opinion, do you feel like this is being run as a Veterans Post or as a tavern?

1060

1061 **PAUL LEWIS**

1062 As a tavern, Sir.

1063

1064 **COUNCILMAN REESE**

1065 Right. Thank you.

1066

1067 **MAYOR GOODMAN**

1068 All right. Any other questions? All right, thank you, Officer. You're excused.

1069

1070 **PAUL LEWIS**

1071 Right.

1072

1073 **MAYOR GOODMAN**

1074 Next witness, please.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

1075 **BILL HENRY**

1076 Sergeant Seifert.

1077

1078 **BEVERLY K. BRIDGES**

1079 Please raise your right hand. Do you solemnly swear that the information you provide today is

1080 true and correct?

1081

1082 **WILLIAM SEIFERT**

1083 I do.

1084

1085 **BILL HENRY**

1086 Would you state your name, please, and spell your last name.

1087

1088 **WILLIAM SEIFERT**

1089 First name William. Last name Seifert, S-E-I-F-E-R-T.

1090

1091 **BILL HENRY**

1092 You're a sergeant of Metropolitan Police?

1093

1094 **WILLIAM SEIFERT**

1095 Yes, I am.

1096

1097 **BILL HENRY**

1098 Does your, and I see you in uniform. Are you in Patrol Bureau, currently?

1099

1100 **WILLIAM SEIFERT**

1101 Yes, I am.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

1102 **BILL HENRY**

1103 How long have you been in the Patrol Bureau?

1104

1105 **WILLIAM SEIFERT**

1106 I've been in the Patrol Bureau my whole career, coming up on 11 years.

1107

1108 **BILL HENRY**

1109 How long as a Sergeant?

1110

1111 **WILLIAM SEIFERT**

1112 Coming up on two years in April.

1113

1114 **BILL HENRY**

1115 Are you familiar with an establishment known as Veterans of Foreign Wars, VFW Post No.

1116 10057?

1117

1118 **WILLIAM SEIFERT**

1119 Yes, I am.

1120

1121 **BILL HENRY**

1122 You have this familiarity from doing your job as a police officer?

1123

1124 **WILLIAM SEIFERT**

1125 As a Sergeant, correct.

1126

1127 **BILL HENRY**

1128 And does this establishment fall within your patrol area of responsibility?

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

1129 **WILLIAM SEIFERT**

1130 Yes, it does.

1131

1132 **BILL HENRY**

1133 And how long has that been the case?

1134

1135 **WILLIAM SEIFERT**

1136 Coming up on two years.

1137

1138 **BILL HENRY**

1139 During that two years, how many times have you responded to – calls or otherwise, or for other

1140 reasons gone there to do police business?

1141

1142 **WILLIAM SEIFERT**

1143 It'd be hard to give you an exact number, as I dealt with this Post on both day, swing and grave,

1144 but conservatively speaking, I'd say over 40 times.

1145

1146 **BILL HENRY**

1147 Forty times in the last two years?

1148

1149 **WILLIAM SEIFERT**

1150 That's a minimum.

1151

1152 **BILL HENRY**

1153 And during many of these times, have you gone inside?

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

1154 **WILLIAM SEIFERT**

1155 Yes, Sir.

1156

1157 **BILL HENRY**

1158 When you've gone inside, have you found a key employee to be present?

1159

1160 **WILLIAM SEIFERT**

1161 Not in my visits. No, I have not.

1162

1163 **BILL HENRY**

1164 And when you've gone inside and asked to look at the, have you gone inside and asked to look at

1165 a membership book?

1166

1167 **WILLIAM SEIFERT**

1168 Not until recently, on the 10<sup>th</sup>, I was present for that.

1169

1170 **BILL HENRY**

1171 And that would be the photograph that went up on the overhead?

1172

1173 **WILLIAM SEIFERT**

1174 That's correct.

1175

1176 **BILL HENRY**

1177 Let me – ask you the question, probably not as well put as a question asked by Mayor Pro Tem

1178 Reese. Based on your experience going to VFW Post 10057, is this establishment operated as a

1179 club or as a tavern?

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

1180 **WILLIAM SEIFERT**

1181 Definitely as a tavern.

1182

1183 **BILL HENRY**

1184 And when I use the term tavern, I meant open to the general public, anyone who comes in and  
1185 pays their money for alcohol.

1186

1187 **WILLIAM SEIFERT**

1188 That's correct. On our last visit there, the Assistant Bar Manager stated that directly.

1189

1190 **BILL HENRY**

1191 When was your last visit?

1192

1193 **WILLIAM SEIFERT**

1194 On January 10<sup>th</sup>.

1195

1196 **BILL HENRY**

1197 And do you recall the name of the Assistant Bar Manager?

1198

1199 **WILLIAM SEIFERT**

1200 No, I do not, but if I could look up the report. It's in our officer's report from that date.

1201

1202 **REX BELL**

1203 Excuse me, is this January 10<sup>th</sup> of 2008?

1204

1205 **MAYOR GOODMAN**

1206 Yes.

**CITY COUNCIL MEETING OF**  
*January 28, 2008*  
**VERBATIM TRANSCRIPT – ITEM 2**

1207 **WILLIAM SEIFERT**

1208 That's correct.

1209

1210 **REX BELL**

1211 I didn't see that.

1212

1213 **MAYOR GOODMAN**

1214 Once again, it's, this is all pertinent as to other events, types of proof that it's not alleged in the

1215 Disciplinary Complaint.

1216

1217 **BILL HENRY**

1218 What did the Assistant Bar Manager say to you on that visit?

1219

1220 **WILLIAM SEIFERT**

1221 I directly asked him –

1222

1223 **REX BELL**

1224 I'm gonna –

1225

1226 **WILLIAM SEIFERT**

1227 – if somebody –

1228

1229 **REX BELL**

1230 – object to that as hearsay.

1231

1232 **MAYOR GOODMAN**

1233 Hearsay is permissible.

**CITY COUNCIL MEETING OF**  
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**VERBATIM TRANSCRIPT – ITEM 2**

1234 **REX BELL**

1235 Okay.

1236

1237 **WILLIAM SEIFERT**

1238 I directly asked him if he would serve a patron that's just walked in off the street. He said he  
1239 would. I then asked him a follow-up question, if he would check to see if they were members or  
1240 guests. He told me it didn't matter.

1241

1242 **BILL HENRY**

1243 During these forty-some times, at least you've been to VFW Post 10057, have you had occasion  
1244 to look at the people behind the bar?

1245

1246 **WILLIAM SEIFERT**

1247 You're talking, the folks doing the serving?

1248

1249 **BILL HENRY**

1250 Yeah.

1251

1252 **WILLIAM SEIFERT**

1253 Yes, I have.

1254

1255 **BILL HENRY**

1256 And have you been able to form an opinion whether these folks are always employees?

1257

1258 **WILLIAM SEIFERT**

1259 My opinion, they're not employees.

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1260 **BILL HENRY**

1261 So is it, the case that –

1262

1263 **REX BELL**

1264 – is it, excuse me, is it that your opinion they're not employees or you know they're not

1265 employees?

1266

1267 **WILLIAM SEIFERT**

1268 My opinion, not professional employees 'cause we've asked for health cards, TAM cards, things

1269 like that, and they don't have those cards.

1270

1271 **REX BELL**

1272 Very well.

1273

1274 **BILL HENRY**

1275 You and I have met before about this matter. Is that correct, a couple weeks ago?

1276

1277 **WILLIAM SEIFERT**

1278 Yes, we have.

1279

1280 **BILL HENRY**

1281 And at that meeting, I showed you the Complaint for Disciplinary Action and asked you to read

1282 through it?

1283

1284 **WILLIAM SEIFERT**

1285 Yes, you did.

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1286 **BILL HENRY**

1287 And directing your attention to Page 6, beginning at Line 19, did you read the allegations about  
1288 calls for service?

1289

1290 **WILLIAM SEIFERT**

1291 Yes, I did.

1292

1293 **BILL HENRY**

1294 Do you have an opinion whether or not during your two years, that the calls for service at VFW  
1295 Post 10057 have been excessive?

1296

1297 **WILLIAM SEIFERT**

1298 In my opinion, extremely excessive. That's what brought our office, communication office, to  
1299 begin looking at it and trying to work, to solve the problem.

1300

1301 **BILL HENRY**

1302 Do you have an opinion, what there is about VFW Post 10057 that results in so many calls for  
1303 service to that location?

1304

1305 **WILLIAM SEIFERT**

1306 Yes, I do.

1307

1308 **BILL HENRY**

1309 And what is that?

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1310 **WILLIAM SEIFERT**

1311 Basically what you have there is an open tavern. They don't have to abide by the rules that most  
1312 of our regular taverns have to abide by. No TAM cards. Security's very lax. Management  
1313 doesn't enforce any of the rules that are there, including their own rules of the sign-in book, a  
1314 blatant disregard.

1315

1316 **BILL HENRY**

1317 I have no further questions.

1318

1319 **MAYOR GOODMAN**

1320 All right, Mr. Bell.

1321

1322 **REX BELL**

1323 I have no other questions.

1324

1325 **MAYOR GOODMAN**

1326 All right. Does Council have any questions of the Sergeant?

1327

1328 **COUNCILMAN WOLFSON**

1329 Yes, Sir.

1330

1331 **MAYOR GOODMAN**

1332 All right.

1333

1334 **COUNCILMAN WOLFSON**

1335 Officer, you said something about your community policing, and I'm – assuming you're talking  
1336 about efforts that you've taken to try and work with this business? Can you describe those  
1337 efforts? Can you describe what the attitude has been back as far as your efforts to try and get  
1338 'em to do the right thing?

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1339 **WILLIAM SEIFERT**

1340 Yes, I sure can. In our Community Policing Office, we take a, the approach to business,  
1341 obviously trying to work something out for the best of the community. In this case, about a year  
1342 ago, we began that effort. Myself, I went in personally numerous times, left a business card  
1343 trying to get a hold of a key employee to try and contact me regarding our concerns. First calls  
1344 were never returned; no attempt was made on their half. I also had officers work with me,  
1345 attempting the same thing. It was with that frustration, we approached Councilman Barlow's  
1346 office and asked about possibly setting up a meeting to meet with the VFW Post. But after  
1347 showing the complete history of what's been taking place there, we felt that it was best before, to  
1348 bring before the Council.

1349

1350 **COUNCILMAN WOLFSON**

1351 Do you feel that you've made an appropriate amount of effort to reach out to this business, to try  
1352 and work with them towards them complying with the law, that they have not responded at all to  
1353 your efforts. Would that be a fair characterization?

1354

1355 **WILLIAM SEIFERT**

1356 Absolutely.

1357

1358 **MAYOR GOODMAN**

1359 Okay. Any other questions by the Council? All right. Sergeant, you're excused.

1360

1361 **WILLIAM SEIFERT**

1362 Thank you.

1363

1364 **MAYOR GOODMAN**

1365 Next witness.

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1366 **BILL HENRY**

1367 Officer Welte.

1368

1369 **BEVERLY K. BRIDGES**

1370 Please raise your right hand. Do you solemnly swear that the information you provide today is

1371 true and correct?

1372

1373 **JEFF WELTE**

1374 I do.

1375

1376 **BEVERLY BRIDGES**

1377 Thank you.

1378

1379 **BILL HENRY**

1380 Would you state your name, please and spell your last name for the City Council.

1381

1382 **JEFF WELTE**

1383 Detective Jeff Welte, W-E-L-T-E.

1384

1385 **BILL HENRY**

1386 You're a detective of Metropolitan Police?

1387

1388 **JEFF WELTE**

1389 Yes, I am, the Special Investigations section.

1390

1391 **BILL HENRY**

1392 How long have you been a police officer?

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1393 **JEFF WELTE**

1394 Sixteen years.

1395

1396 **BILL HENRY**

1397 How long have you been with Special Investigations?

1398

1399 **JEFF WELTE**

1400 Almost eight years.

1401

1402 **BILL HENRY**

1403 And has that been one tour of the last eight years?

1404

1405 **JEFF WELTE**

1406 Continuous. Yes, Sir.

1407

1408 **BILL HENRY**

1409 Do you have familiarity during the last eight years with Special Investigations with VFW Post

1410 10057?

1411

1412 **JEFF WELTE**

1413 Yes, I do.

1414

1415 **BILL HENRY**

1416 And do you likewise have familiarity with a number of City licensees that hold our various

1417 liquor licenses?

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1418 **JEFF WELTE**

1419 Absolutely. As of this time, we currently check, I would say probably 100 enforcement checks  
1420 per month, on average.

1421

1422 **BILL HENRY**

1423 Would it be accurate to say that out of those hundred, that there's a range, a continuum of –  
1424 businesses from no problem whatsoever to quite a few problems for Metro?

1425

1426 **JEFF WELTE**

1427 Well, like any community, there are businesses that – need more attention than others, and we –  
1428 run the gamut. We – investigate and enforce privileged and regulated business, which runs –  
1429 from gaming, liquor, massage, things along those lines.

1430

1431 **BILL HENRY**

1432 I want you to focus on City liquor licensees –

1433

1434 **JEFF WELTE**

1435 Okay.

1436

1437 **BILL HENRY**

1438 – and the, consider the amongst the ones you've been familiar with for eight years, the range  
1439 starting with, in your mind, no problem whatsoever for Metro to, at the other end of the range,  
1440 the most problem for Metro. Where would you place VFW Post 10057?

1441

1442 **JEFF WELTE**

1443 It's definitely on the upper half of the problem businesses.

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1444 **BILL HENRY**

1445 You have an opinion why that is?

1446

1447 **JEFF WELTE**

1448 From what I've seen, I – I've had a long history with this business, over five years. I've talked  
1449 to the State Commanders, to try to put some emphasis, emphasis for the peers – to talk to the  
1450 management, for them to do the right thing. And we just really have seen that. The –  
1451 management doesn't seem to care or they just allow, flat out allow a few illegal things to happen.

1452

1453 **BILL HENRY**

1454 Has it gotten better or worse or stayed the same over the last year or two?

1455

1456 **JEFF WELTE**

1457 It's consistently, I would say, gotten worse. I mean, in the past, there has been restriction levied  
1458 on the business; temporary band aids. They would do early closures, but then the things seemed  
1459 to just steam roll and go back in the same situation they were before.

1460

1461 **BILL HENRY**

1462 Thank you. I've no further questions.

1463

1464 **MAYOR GOODMAN**

1465 All right, Mr. Bell.

1466

1467 **REX BELL**

1468 I have no questions.

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1469 **MAYOR GOODMAN**

1470 All right. Does Council have any questions of Detective Welte? All right. Thank you,  
1471 Detective, you're excused.

1472

1473 **JEFF WELTE**

1474 Thanks for your time.

1475

1476 **BILL HENRY**

1477 Is this yours?

1478

1479 **JEFF WELTE**

1480 Yes, it is.

1481

1482 **BILL HENRY**

1483 I have no further witnesses.

1484

1485 **MAYOR GOODMAN**

1486 All right. Very good. Mr. Bell, your case.

1487

1488 **REX BELL**

1489 Your Honor, before I call, I'm gonna call several witnesses and one will be Mr. Albert Young,  
1490 who has the, is in charge of the VFW Hall, to ask him some questions. I might just point out to  
1491 the Council that in the Complaint, in and of itself, it alleged that the license permits sale and  
1492 consumption of alcohol to bona fide members of the club on the premises only. That was in and  
1493 of itself incorrect. They are allowed to have guests, the same as Elks, Moose, any of the other  
1494 service clubs. So that is – not true. They can have guests. It said that records indicate, and they  
1495 discussed –

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1496 **MAYOR GOODMAN**

1497 Why don't you do this first, Mr. Bell. When you're making reference to the Disciplinary  
1498 Complaint, will you refer to a specific –

1499

1500 **REX BELL**

1501 Page 1.

1502

1503 **MAYOR GOODMAN**

1504 All right.

1505

1506 **REX BELL**

1507 Summary of allegations.

1508

1509 **MAYOR GOODMAN**

1510 Page 1.

1511

1512 **REX BELL**

1513 Page 1.

1514

1515 **MAYOR GOODMAN**

1516 All right. Very good.

1517

1518 **REX BELL**

1519 It doesn't have a one on it.

1520

1521 **MAYOR GOODMAN**

1522 Okay, I got it.

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1523 **REX BELL**

1524 You got it. So, they are allowed to have guests. I realize that has to be done properly. It's  
1525 discussed that some of the members were underage. There's no proof that anybody has been  
1526 sold any liquor underage of any kind. And they allege that several times throughout their  
1527 complaint.

1528 The officers have stated they have attempted to work with the officers of VFW Post No. 10057  
1529 as well as Veterans of Foreign Wars, and might tell you that Veterans of Foreign Wars meet  
1530 there too, along with the ladies auxiliaries, both the ladies auxiliary of Veterans of Foreign Wars

1531 –

1532

1533 **MAYOR GOODMAN**

1534 Wait now. I understand what you're saying. Now, are you gonna have witnesses to this effect?

1535

1536 **REX BELL**

1537 Yes.

1538

1539 **MAYOR GOODMAN**

1540 All right. Fine.

1541

1542 **REX BELL**

1543 Yes. The other thing of interest, and I believe, now this, I mean, I can have a witness to this, if  
1544 in fact, I believe the Council knows it. There's a discussion of all these things that have  
1545 happened, starting back in 2005. There were, in 2005, they discussed seven different items. In  
1546 2006, one item which involves the manager. Then they go to 2007 and they mentioned three  
1547 events that occur in 2007, which is Page 4: February 8<sup>th</sup>, March 2<sup>nd</sup> and April 30<sup>th</sup>. It's  
1548 interesting that VFW appeared in front of this Body and received a full liquor license in May of  
1549 2007. So, I don't know why there's the discussion of all these other items that occurred before,  
1550 because I believe they were before the Council and were discussed. After that, in May, and  
1551 there's a list of eight items that have occurred, which we can – answer. But I just want to point

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1552 out that you gave them a full liquor license in the middle of May 2007, and they've gone back on  
1553 all these items that occurred long before. Not saying that some of the allegations weren't  
1554 correct, but they still were, I believe, on a restricted license, given a full license in May, and then  
1555 come the eight more items plus a couple more I heard of today that I did, was not aware of.  
1556 One of the thing, again, I would like to say is that we realize that you have to run and treat your  
1557 liquor license properly, and there's rules and regulations you have to stand by. But as far as  
1558 VFW Post 10057 being a public nuisance, can't see how they've been a public nuisance. These,  
1559 this is made up of members from the second World War, Vietnam War, Korean War, some now  
1560 from the Gulf War and, I guess, a few from the –

1561

1562 **MAYOR GOODMAN**

1563 Right. And we said at the beginning, Mr. Bell, with all due respect, that we – celebrate and we  
1564 value –

1565

1566 **REX BELL**

1567 Right.

1568

1569 **MAYOR GOODMAN**

1570 – the contribution –

1571

1572 **REX BELL**

1573 That is correct.

1574

1575 **MAYOR GOODMAN**

1576 – that each of those persons made. Basically, if you'd be kind enough to call the witness –

1577

1578 **REX BELL**

1579 I'll call Mr. Albert Young.

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1580 **MAYOR GOODMAN**

1581 All right, Mr. Young.

1582

1583 **COUNCILWOMAN TARKANIAN**

1584 Mr. Mayor.

1585

1586 **MAYOR GOODMAN**

1587 Yes.

1588

1589 **COUNCILWOMAN TARKANIAN**

1590 Before we have the witnesses called, if I could just ask a couple of questions. My understanding  
1591 is that when we went from the, to the full liquor license that at that time, we voiced concerns, but  
1592 we granted the license on the belief and on the agreement by the Veterans, that they would put in  
1593 certain actions that would prevent similar incidents occurring. And that now we're talking about  
1594 the incidents occurring and that's why we brought up the previous ones.

1595

1596 **MAYOR GOODMAN**

1597 Correct.

1598

1599 **COUNCILWOMAN TARKANIAN**

1600 And that's what – I just wanted to point out, I think that's the case. When you say that we, they  
1601 were granted the full license, it wasn't the quick granting. It was questioning as to what had  
1602 occurred. And secondly, do we have proof of underage guests? You know, he mentioned that  
1603 and we have said underage guests many times, and I wondered if we had proof they were  
1604 underage. Do you have records of that or –

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1605 **BILL HENRY**

1606 There are records to that I believe, and I can ask Mr. DiFiore to try to find them.

1607

1608 **COUNCILWOMAN TARKANIAN**

1609 Okay. So – you do have the proof of the underage. I – wondered about that. Thank you. I’m

1610 sorry, Mr. Mayor –

1611

1612 **MAYOR GOODMAN**

1613 Well at – this point – and time, other than the – Complaint for Disciplinary Action alleging these

1614 things, there is no proof before us.

1615

1616 **BILL HENRY**

1617 That’s correct, and having, I’ll give Mr. DiFiore a few minutes to see if – he can find it for me,

1618 and I’ll let you know whether or not he has it.

1619

1620 **COUNCILWOMAN TARKANIAN**

1621 Thank you. And –

1622

1623 **COUNCILMAN WOLFSON**

1624 Mayor Goodman?

1625

1626 **MAYOR GOODMAN**

1627 Yes.

1628

1629 **COUNCILMAN WOLFSON**

1630 For purposes of clarification, Councilwoman raised a good point. And that is, if we granted a

1631 permanent license in May of ’07, with certain conditions or with certain admonitions, we should

1632 have those on the record right now. So when we granted this license in May of ’07, were certain

1633 conditions put on the license?

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1634

1635 **ALBERT YOUNG**

1636 You want me to answer that now or you want to wait ‘til I get sworn in?

1637

1638 **COUNCILMAN WOLFSON**

1639 I’m asking Mr. Henry –

1640

1641 **BILL HENRY**

1642 Mr. DiFiore –

1643

1644 **COUNCILMAN WOLFSON**

1645 – to advise the Council as to whether or not there were certain conditions put on the license.

1646

1647 **BILL HENRY**

1648 Where’s my microphone?

1649

1650 **JIM DiFIORE**

1651 Mayor and Councilman Wolfson, to answer your question, I have a copy – of the license, which

1652 was issued on May 2<sup>nd</sup>, ’07. After the Council had approved it for, without further review, and

1653 the conditions on it at that time were limited to two. One was to ensure staff maintained valid

1654 alcohol, health and work cards. And two, closing times no later than 11:30 p.m. for services and

1655 12 midnight for closing of the club altogether.

1656 Prior to that, we had conditions on the license dating back to March of ’07, March 16<sup>th</sup> of ’07,

1657 and those conditions were to improve security for the outside of the club, not permit alcohol use

1658 in the parking lot; improve lighting in the parking lot; assure staff maintains valid alcohol, health

1659 and work cards; closing time no later than 9:30 p.m. for service and 10:00 p.m. for closing; and

1660 then subject to a 60-day review on May 2<sup>nd</sup>. Those were the conditions as of March 16, 2007.

1661

1662 **COUNCILMAN WOLFSON**

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1663 Thank you. And one of the questions I'm going to ask Mr. Henry to address is what specific of  
1664 those conditions that you're saying have been violated. At some point, I'd like to have you  
1665 address that, please.

1666

1667 **MAYOR GOODMAN**

1668 All right. Mr. Bell.

1669

1670 **REX BELL**

1671 Mr. Albert Young, I guess, can be sworn in.

1672

1673 **MAYOR GOODMAN**

1674 All right, Mr. Young.

1675

1676 **BEVERLY K. BRIDGES**

1677 Please raise your right hand. Do you solemnly swear that the information you provide today is  
1678 true and correct?

1679

1680 **ALBERT YOUNG**

1681 I do.

1682

1683 **BEVERLY K. BRIDGES**

1684 Thank you.

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1685 **REX BELL**

1686 Okay, I'm going to discuss the items that were after the liquor license was granted in May of  
1687 2007. Therefore, I'm starting on Page 5 with July 13<sup>th</sup>. Then, Mr. Young, was Patricia  
1688 Robertson cited for no alcohol awareness card and failure to have an employee list available  
1689 upon request?

1690

1691 **ALBERT YOUNG**

1692 Yes, she was.

1693

1694 **REX BELL**

1695 And what did you do about that?

1696

1697 **ALBERT YOUNG**

1698 When I looked at it, it had that she had no alcohol awareness card, which, in fact, she did have  
1699 one. What the problem was at that time, the officer who initiated the citation, it was intended for  
1700 one of the security guards outside. At that time, they decided he didn't need to have alcohol  
1701 awareness card. Although he proceeded to cite her the same citation and wrote Ms. Patricia  
1702 Robertson up for not having one when, in fact, she did have one.

1703

1704 **REX BELL**

1705 That's – good enough.

1706

1707 **ALBERT YOUNG**

1708 Okay.

1709

1710 **REX BELL**

1711 July 19<sup>th</sup>, the police metropolitan, Las Vegas Metropolitan Police Department investigated a  
1712 fight at VFW Post, at your VFW Post, involving approximately 20 people. Was that fight at  
1713 your Post?

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1714 **ALBERT YOUNG**

1715 According to my records, the – fight happened across the street.

1716

1717 **REX BELL**

1718 July 30<sup>th</sup>, you have a situation where the police came and they arrested people for sale of drugs.

1719 You saw the pictures and handguns in the parking lot. What would be your retort for that?

1720

1721 **ALBERT YOUNG**

1722 Several times, only the officers I have come in contact with, which none of them I know except

1723 for Mr. Welte. I told him at anytime they're welcomed to come in, conduct investigation, make

1724 arrest, and my staff (inaudible) without their, up to the point, where they would be in harm's

1725 way. Other than that, they could come in, do whatever they wanted to do. And if an arrest be

1726 made, wasn't I correct, congratulations.

1727

1728 **REX BELL**

1729 July 30<sup>th</sup>, they arrested people with semi automatic handguns. Were you aware of that?

1730

1731 **ALBERT YOUNG**

1732 Wasn't aware of it.

1733

1734 **REX BELL**

1735 Were you there, that date?

1736

1737 **ALBERT YOUNG**

1738 No. I wasn't.

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1739 **REX BELL**

1740 You don't know who was?

1741

1742 **ALBERT YOUNG**

1743 I don't know who it was either. I never seen the report of that – any arrests made of – that type.

1744

1745 **REX BELL**

1746 September 2<sup>nd</sup>, a fight at VFW Post, involving nine subjects, one under the influence of PCP?

1747 Did that take place on your grounds?

1748

1749 **ALBERT YOUNG**

1750 It – wasn't a fight. It was a guy having problems with – a drug reaction. And, apparently, he

1751 had some friends who was (sic) trying to subdue him, to assist him –

1752

1753 **REX BELL**

1754 Did that take place in the parking lot?

1755

1756 **ALBERT YOUNG**

1757 In the parking lot.

1758

1759 **REX BELL**

1760 Okay. Was he transported to hospital?

1761

1762 **ALBERT YOUNG**

1763 He was transported to UMC, right.

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1764 **REX BELL**

1765 September 18<sup>th</sup>, okay, observed two subjects selling cocaine, two people in the VFW parking  
1766 lot? Are you aware of that?

1767

1768 **ALBERT YOUNG**

1769 I was – made aware of it. I have, like I said, we extend our assistance to Metropolitan Police  
1770 Department. They come on our grounds, conduct investigation do whatever they see fit.

1771

1772 **REX BELL**

1773 On October 11<sup>th</sup>, there was a fight at VFW hall that evidently took place inside between two  
1774 women. Is that correct?

1775

1776 **ALBERT YOUNG**

1777 It's correct.

1778

1779 **REX BELL**

1780 And – what happened to those women?

1781

1782 **ALBERT YOUNG**

1783 They were, according to – our procedures, they were escorted out, one by one, off the property.

1784 And apparently, they may have returned; no one knows whether any stabbing or cutting took  
1785 place. You know, there was crime scene, but I've seen no evidence of any crime being

1786 committed on the property, but they were escorted off the property, one by one.

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1787 **REX BELL**

1788 November 2<sup>nd</sup>, the City's business licensing officers inspected VFW Post, your Post. They  
1789 determined that retail tobacco and coin operated licenses issued to you were not displayed.

1790 What's your answer to that?

1791

1792 **ALBERT YOUNG**

1793 My answer to that is first thing, I have never heard of a tobacco coin operating machine license.

1794 We did have a tobacco machine at one time, but I never seen it.

1795

1796 **REX BELL**

1797 Do you have it now?

1798

1799 **ALBERT YOUNG**

1800 No. We don't have it now. We have two pool tables. Whatever the problem was, it was taken  
1801 care of within 72 hours; paper was faxed to the property, proper authorities. And it's all been  
1802 taken care of.

1803

1804 **REX BELL**

1805 How long did, have you had those pool tables in the, on the premises?

1806

1807 **ALBERT YOUNG**

1808 Ten years.

1809

1810 **REX BELL**

1811 And has anyone ever said anything to you before about needing to display the licenses for those?

1812

1813 **ALBERT YOUNG**

1814 Never.

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1815 **REX BELL**

1816 So, this was the first time?

1817

1818 **ALBERT YOUNG**

1819 This was the first time.

1820

1821 **REX BELL**

1822 I call your attention to the last event I had, which was November 7<sup>th</sup>, wherein two male subjects  
1823 entered your Post and asked another individual to step outside. Is that correct?

1824

1825 **ALBERT YOUNG**

1826 That's correct.

1827

1828 **REX BELL**

1829 And did that individual go outside with 'em?

1830

1831 **ALBERT YOUNG**

1832 Yes, he did.

1833

1834 **REX BELL**

1835 And to your knowledge, was that individual, did you find out later that that individual had been  
1836 robbed, stripped naked and made to walk home?

1837

1838 **ALBERT YOUNG**

1839 Yeah, this was, (inaudible) apparently the – subject knew his assailant. They were sons of his  
1840 girlfriend, and I think the initial thing was that the two – individuals were unhappy with way the  
1841 guy was treating his mother. And from my information, they took him outside to strip him, to  
1842 humiliate him. I think, at some point, it may have escalated into a robbery, but there were no  
1843 guns ever –

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1844

1845 **REX BELL**

1846 And were – you aware that they were going to take him outside and strip him?

1847

1848 **ALBERT YOUNG**

1849 No.

1850

1851 **REX BELL**

1852 The on, that was the end of the complaint. Some of those are fairly serious complaints,  
1853 obviously, Your – Honor, that being robbed, that nobody seemed to know that that was gonna  
1854 happen, obviously the narcotics offenses, but in the complaint, they talk about numerous  
1855 narcotics offenses, and I looked through that entire complaint. I found that two – times when  
1856 narcotics were evidently sold in the parking lot, that doesn't mean they should be, but they were.  
1857 That there was (sic) some fights, but none occurring actually –

1858

1859 **MAYOR GOODMAN**

1860 Right, but Mr. Bell, that's – more appropriate for your closing arguments.

1861

1862 **REX BELL**

1863 Okay.

1864

1865 **ALBERT YOUNG**

1866 Okay.

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1867 **MAYOR GOODMAN**

1868 Okay. Do you have any additional questions of the gentleman?

1869

1870 **REX BELL**

1871 He was, if you, if we want go back to the original, some of those original complaints, this  
1872 gentleman was cited for not having his card for management of the premises. He said that was  
1873 true. He was not, he was told to get one; he did go get one. He, now, he has one, has had one  
1874 from 2006 forward. Two thousand six, he was cited for not having one when in actuality, he had  
1875 already been approved for one. He just didn't happen to have it on him, I guess. Is that correct?

1876

1877 **ALBERT YOUNG**

1878 Almost. I – think this goes way back we first started. We had – meetings like this, and at the  
1879 end of the meeting, I would ask where is my card? Your Honor would say, Mr. DiFioro (sic),  
1880 see that he gets a card. I never got it. Next time, I ask again, are you – okay for your card.  
1881 Where is my card? Mr. DiFioro (sic) where is, he'll get it (inaudible). Never got it. Finally, one  
1882 day some little lady came by one night and said, we're gonna write you up for not having a card.  
1883 I said you never gave me one. Never. So I – finally went down and got one. I didn't like  
1884 coming down to City Hall 'cause you guys don't like me down here.

1885

1886 **REX BELL**

1887 Oh, now, no –

1888

1889 **ALBERT YOUNG**

1890 So I came down –

1891

1892 **REX BELL**

1893 That's uncalled for.

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1894 **ALBERT YOUNG**

1895 They finally gave me one. I don't know the hang up, but they finally gave me the card. I – think  
1896 I received the card the first day I walked in the door. (Inaudible).

1897

1898 **REX BELL**

1899 You now – have a card?

1900

1901 **ALBERT YOUNG**

1902 Yeah now I have one –

1903

1904 **REX BELL**

1905 Whenever –

1906

1907 **ALBERT YOUNG**

1908 – as of November 16<sup>th</sup>, I finally got a card as of this year

1909

1910 **REX BELL**

1911 I've discussed –

1912

1913 **ALBERT YOUNG**

1914 – so, last year.

1915

1916 **REX BELL**

1917 I've discussed a number – of these matters with you. Is it true that, and Metro has certainly used  
1918 it as a complaint here, that on several occasions, there's two or three occasions in here, you have  
1919 not had a membership list available for them. True or not true?

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1920 **ALBERT YOUNG**

1921 This is – true.

1922

1923 **REX BELL**

1924 And is it your intention to correct it so they, you now realize that you have to have a full  
1925 membership list available to Metro, not only of your membership but of the membership, the  
1926 ladies auxiliary, the membership of, you have another club that meets with –

1927

1928 **ALBERT YOUNG**

1929 Yeah, American Legion.

1930

1931 **REX BELL**

1932 American Legion and their auxiliary.

1933

1934 **ALBERT YOUNG**

1935 This is true.

1936

1937 **REX BELL**

1938 Is that your understanding, you know you have to have that available?

1939

1940 **ALBERT YOUNG**

1941 We – have to have that.

1942

1943 **REX BELL**

1944 But it was true that you didn't have it available when Metro asked for it?

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1945 **ALBERT YOUNG**

1946 Because no one ever said that you have to have a membership list available, and this is the  
1947 problem that I don't understand. Membership list is kept in the Quartermaster's office; it's not  
1948 kept with the bar manager. And if we know we have to have one available, we could have one  
1949 available. All we was (sic) aware of is the employees' listing.

1950

1951 **REX BELL**

1952 There was also an allegation, and there were several allegations that as to your guests, that when  
1953 Metro walked in and saw your guest list, it was there under nicknames, didn't near cover the  
1954 number of people that were in the place. Is that correct?

1955

1956 **ALBERT YOUNG**

1957 That's correct.

1958

1959 **REX BELL**

1960 And is your understanding and you know now that you must always have a full guest list  
1961 available and who they're guests of?

1962

1963 **ALBERT YOUNG**

1964 That's correct.

1965

1966 **REX BELL**

1967 And that – when it's all possible, that member is to be present if that is the guest of theirs.

1968

1969 **ALBERT YOUNG**

1970 This is correct.

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1971 **REX BELL**

1972 You understand that?

1973

1974 **ALBERT YOUNG**

1975 We understand that.

1976

1977 **REX BELL**

1978 Because that, a lot of violations in here cover that guest list and the membership list.

1979

1980 **MAYOR GOODMAN**

1981 Well, let me interrupt you one moment. There is no statutory or regulatory requirement that such

1982 a list be kept, is there?

1983

1984 **BILL HENRY**

1985 No.

1986

1987 **ALBERT YOUNG**

1988 No.

1989

1990 **REX BELL**

1991 Your Honor, that – is, I though that was correct too, but in the –

1992

1993 **MAYOR GOODMAN**

1994 No. I know there's a lot, there's been a lot to do about not having a list and failing to comply

1995 with the list, but there's no statute or ordinance

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1996 **REX BELL**

1997 Right.

1998

1999 **MAYOR GOODMAN**

2000 – which requires a keeping of the list. It says that members or their bona fide guests –

2001

2002 **REX BELL**

2003 And –

2004

2005 **MAYOR GOODMAN**

2006 – are the only ones who are allowed to participate in the purchase of alcoholic beverages.

2007

2008 **REX BELL**

2009 And by chief, right. And even though there's no statutory duty, what VFW is willing to do is

2010 have those lists there –

2011

2012 **MAYOR GOODMAN**

2013 Well, that's –

2014

2015 **REX BELL**

2016 – so when Metro checks them, they know –

2017

2018 **MAYOR GOODMAN**

2019 That's fine – I mean –

2020

2021 **REX BELL**

2022 – who goes with who.

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2023 **MAYOR GOODMAN**

2024 – you can do whatever you want to do. That’s fine, but as far as the law’s concerned, that,  
2025 there’s no violation –

2026

2027 **REX BELL**

2028 Right.

2029

2030 **MAYOR GOODMAN**

2031 – of law on that one.

2032

2033 **REX BELL**

2034 And the number, that was the case with a number of these things which looked pretty bad, as far  
2035 as selling liquor to minors, that type of thing. This truck, by Metro’s own admission, –

2036

2037 **MAYOR GOODMAN**

2038 Well, once again, that’s more in nature of an argument. Are we through with Mr. Young as a  
2039 witness?

2040

2041 **ALBERT YOUNG**

2042 I’d like that record show –

2043

2044 **MAYOR GOODMAN**

2045 No, no. Your lawyer has to ask you the question.

2046

2047 **ALBERT YOUNG**

2048 You can ask me is this the truck.

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2049 **REX BELL**

2050 I didn't know –

2051

2052 **MAYOR GOODMAN**

2053 Why don't you ask him about the truck, make him feel good.

2054

2055 **REX BELL**

2056 I didn't know –

2057

2058 **MAYOR GOODMAN**

2059 I had the right to ask that question

2060

2061 **REX BELL**

2062 I didn't know about this truck until Mr. Henry brought it up and Metro brought it up, so would  
2063 you explain this truck out in front of your place selling whatever it was. I heard it was barbeque,  
2064 but now it turns out –

2065

2066 **MAYOR GOODMAN**

2067 No, shrimp. It's shrimp and beer.

2068

2069 **REX BELL**

2070 And so on.

2071

2072 **ALBERT YOUNG**

2073 This – truck on the outside on our side of the sidewalk, I have on occasion when the patrol  
2074 officer comes by, 'cause these guys are a nuisance to us. They are blocking our entrance and  
2075 exit. I have told them that. Now, here's the key, I'm sticking my neck out. I did tell those  
2076 patrolmen that the guy in the white truck was selling liquor. They were aware of this, and I  
2077 don't know why it's backfiring. Fellows, I'm sorry, but I told them. I wouldn't stand up here on

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2078 TV and say I didn't. I told them the guy in the white truck was selling liquor and probably some  
2079 other stuff. You know, I have cooperated with these guys. I don't what the problem, and these  
2080 guys, I don't know, but most of the patrolmen when they roll up at night, I'm out there. I don't  
2081 work 24/7. I work Friday through Sunday and Monday, and most of the patrolmen that come by  
2082 is young, you're doing a great job. But when they get downtown, seems like the story is  
2083 distorted.

2084

2085 **REX BELL**

2086 I'll ask you another question. What are your hours of operation?

2087

2088 **ALBERT YOUNG**

2089 Our hours of operation is 2 to 11:30 on the weekends right now, and during the week, it's 12 to  
2090 10 and at no time – have we been operating past midnight, never, since I've been a bar manager,  
2091 except during New Year's when I did write that letter to the Commander, it wasn't this year, last  
2092 year, saying we'll be open with additional hours.

2093

2094 **MAYOR GOODMAN**

2095 All right. Any other questions?

2096

2097 **REX BELL**

2098 I have no other questions.

2099

2100 **MAYOR GOODMAN**

2101 All right. Any cross exam, cross examination?

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2102 **BILL HENRY**

2103 Please, Mayor.

2104

2105 **MAYOR GOODMAN**

2106 All right.

2107

2108 **BILL HENRY**

2109 Probably taking my life in my hands, but I'll try.

2110

2111 **MAYOR GOODMAN**

2112 Go ahead.

2113

2114 **BILL HENRY**

2115 Mr. Young, referring to the white truck, what other stuff do you think they were selling out of it?

2116

2117 **ALBERT YOUNG**

2118 Barbecue, probably, and now, it was – a malicious – rumor which I think probably weren't true,

2119 but I won't go into the whole detail, but –

2120

2121 **BILL HENRY**

2122 No. I just asked you a question. So alcohol and barbecue? So when you said probably other

2123 stuff, you were referring to al, to barbecue?

2124

2125 **ALBERT YOUNG**

2126 Right. (Inaudible)

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**VERBATIM TRANSCRIPT – ITEM 2**

2127 **BILL HENRY**

2128 Okay. Now, have you seen this white truck more than once parked near your VFW Post?

2129

2130 **ALBERT YOUNG**

2131 Right.

2132

2133 **BILL HENRY**

2134 How many times?

2135

2136 **ALBERT YOUNG**

2137 Probably three or four times.

2138

2139 **BILL HENRY**

2140 And would you tell us exactly where it was parked? Was it in your parking lot, blocking your

2141 driveway, on the street or what?

2142

2143 **ALBERT YOUNG**

2144 It's parked on the street.

2145

2146 **BILL HENRY**

2147 Near your VFW Post?

2148

2149 **ALBERT YOUNG**

2150 (Inaudible).

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2151 **BILL HENRY**

2152 Okay, and you said, you told the police that it was blocking the parking lot, yeah, the entrance to  
2153 your parking lot?

2154

2155 **ALBERT YOUNG**

2156 Obstructing the view.

2157

2158 **BILL HENRY**

2159 Now did you observe your customers or your members from the VFW Post going out there and  
2160 buying stuff from the folks in that truck?

2161

2162 **ALBERT YOUNG**

2163 I – no. I guess no.

2164

2165 **BILL HENRY**

2166 Why do you think that truck keeps parking in front of your VFW Post?

2167

2168 **ALBERT YOUNG**

2169 It's public street. It's not – I have no opinion on that.

2170

2171 **BILL HENRY**

2172 So you think it's just a chance?

2173

2174 **ALBERT YOUNG**

2175 Let me clarify. There are a lot of vendors who park there and keep selling hamburgers, hot dogs  
2176 hot tamales. This is a tradition on that side of town there.

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2177 **BILL HENRY**

2178 A tradition that vendors park near your VFW –

2179

2180 **ALBERT YOUNG**

2181 Yes.

2182

2183 **BILL HENRY**

2184 Let me direct your attention to Page 4 of the Disciplinary Complaint, Line 27, and that recites an

2185 incident on April 30<sup>th</sup>, 2007, when a City business licensing officer went to your VFW Post.

2186 And this officer spoke with you and asked you to produce a current members' list. Do you recall

2187 that? Turn the page, or I'll turn the page for you.

2188

2189 **ALBERT YOUNG**

2190 Yes, I do.

2191

2192 **BILL HENRY**

2193 And the officer stated that he produced, that you produced a membership list with 82 names on

2194 it. Is that correct?

2195

2196 **ALBERT YOUNG**

2197 This is correct.

2198

2199 **BILL HENRY**

2200 Let me turn your attention back to Page 6 of the Disciplinary Complaint, starting at Line 7. This

2201 is the incident that you, Mr. Bell asked you about, where a man was taken out of your VFW Post

2202 and robbed and compelled to strip naked by a couple of other men. Do you recall testifying

2203 about that?

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2204 **ALBERT YOUNG**

2205 Yes, I do.

2206

2207 **BILL HENRY**

2208 And I think you told us you weren't there so –

2209

2210 **ALBERT YOUNG**

2211 No, I wasn't.

2212

2213 **BILL HENRY**

2214 – you found out what happened from what, talking to your bar manager?

2215

2216 **ALBERT YOUNG**

2217 I talked to the victim himself.

2218

2219 **BILL HENRY**

2220 Did you talk with your bar manager, Robert Bobby Whittle?

2221

2222 **ALBERT YOUNG**

2223 Yes, I did.

2224

2225 **BILL HENRY**

2226 And did Mr. Whittle tell you that he had spoken with the police about this matter and told the

2227 police, I'm reading now, starting at Line 14, that boy got what he deserved. I would have done

2228 him worse if it were me. If I call the cops, it makes it look like I got problems here. I don't need

2229 everybody coming down on me because of the stuff that goes on here. If it gets settled here,

2230 that's the end of it.

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2231 **ALBERT YOUNG**

2232 So what's the question?

2233

2234 **BILL HENRY**

2235 Did your bar manager tell you that he told that to the police?

2236

2237 **ALBERT YOUNG**

2238 No, he didn't.

2239

2240 **BILL HENRY**

2241 Thank you. I've no further questions.

2242

2243 **MAYOR GOODMAN**

2244 All right. Any redirect?

2245

2246 **REX BELL**

2247 One question, would you agree with that statement by your bar manager?

2248

2249 **ALBERT YOUNG**

2250 No, I wouldn't.

2251

2252 **REX BELL**

2253 You realize you can't take the law into your own hands?

2254

2255 **ALBERT YOUNG**

2256 I realize that.

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2257 **REX BELL**

2258 Okay.

2259

2260 **MAYOR GOODMAN**

2261 Yes, Mayor Pro Tem.

2262

2263 **COUNCILMAN REESE**

2264 I would just like to ask Mr. Young, do you feel like you run this Post as a Veterans of Foreign

2265 War Post, or do you feel like you run it as a tavern?

2266

2267 **ALBERT YOUNG**

2268 As a Veterans of Foreign Wars Post.

2269

2270 **COUNCILMAN REESE**

2271 You don't have, you don't allow people just to come in there off the streets and buy alcohol.

2272 You, you're sure everybody gets asked are you a member or do you have a – okay of a, from a

2273 member saying it's okay to come in here or –

2274

2275 **ALBERT YOUNG**

2276 'Kay. Most of the people who – frequent the VFW, most of 'em that come in there –

2277

2278 **COUNCILMAN REESE**

2279 I'm not asking most of 'em, I'm asking, do you feel like you, if somebody came in there off the

2280 street and wanted to buy a – Bud Light, would you sell it to 'em?

2281

2282 **ALBERT YOUNG**

2283 If I didn't know 'em, no.

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2284 **COUNCILMAN REESE**

2285 Thank you.

2286

2287 **MAYOR GOODMAN**

2288 All right. Did you have any questions of Mr. Young?

2289

2290 **REX BELL**

2291 I don't have any further questions.

2292

2293 **MAYOR GOODMAN**

2294 All right. Fine. Does Councilman Wolfson?

2295

2296 **COUNCILMAN WOLFSON**

2297 Mr. Young, the thing that concerns me the most right now –

2298

2299 **ALBERT YOUNG**

2300 Okay.

2301

2302 **COUNCILMAN WOLFSON**

2303 – is that this detective stood up here and stated that you have community policing, what was the

2304 word?

2305

2306 **COUNCILMAN BARLOW**

2307 Community-oriented policing.

2308

2309 **COUNCILWOMAN TARKANIAN**

2310 Community policing.

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2311 **COUNCILMAN WOLFSON**

2312 Community-oriented policing effort.

2313

2314 **ALBERT YOUNG**

2315 Right.

2316

2317 **COUNCILMAN WOLFSON**

2318 That he's reached out to your business and probably you in particular –

2319

2320 **ALBERT YOUNG**

2321 Right.

2322

2323 **COUNCILMAN WOLFSON**

2324 – and you have not responded. Now you've been the – bar manager there for how long?

2325

2326 **ALBERT YOUNG**

2327 Approximately two years.

2328

2329 **COUNCILMAN WOLFSON**

2330 Two, you said?

2331

2332 **ALBERT YOUNG**

2333 Two and a half.

2334

2335 **COUNCILMAN WOLFSON**

2336 And so during those two years, have you learned that there, community-oriented policing efforts

2337 has been made, that somebody's left a card, or reached out to you, to get together, to talk, excuse

2338 me.

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2339 **ALBERT YOUNG**

2340 Go on.

2341

2342 **COUNCILMAN WOLFSON**

2343 To get together to sit down to say, listen, we're having some problems here. You know, what can  
2344 we do to make it work. Has that happened?

2345

2346 **ALBERT YOUNG**

2347 That's a – good question. I'm glad you asked that question. I have several cards, taped 'em up  
2348 on my bulletin board. Lots of these guys I called, never returned my call. Never. There are  
2349 some guys I talked to, there are several guys that I know that I talked to and we discussed it.

2350

2351 **COUNCILMAN WOLFSON**

2352 Who is that exactly? Are you talking about police officers?

2353

2354 **ALBERT YOUNG**

2355 Police officers, yes.

2356

2357 **COUNCILMAN WOLFSON**

2358 Well, what about this detective? Your last name?

2359

2360 **JEFF WELTE**

2361 Welte.

2362

2363 **COUNCILMAN WOLFSON**

2364 Welte. Have you ever heard that Detective Welte has reached out to you and – left his card or  
2365 whatever?

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2366 **ALBERT YOUNG**

2367 I think I talked to him on a couple of occasions there.

2368

2369 **COUNCILMAN WOLFSON**

2370 Thank you.

2371

2372 **ALBERT YOUNG**

2373 May I, there's one, there's a couple of police that left messages for me to call them. They  
2374 wanted to talk to me about it. When I called them, they never returned my calls. My number, I  
2375 give everybody, offer my cell number and I'm available twenty-four seven. It's strange that the  
2376 City – Licensing can get a hold of me, and the lady, Ms. Kelly, that's her. They tried to reach  
2377 me, but I called every police officer, never returned my call. It's like, I feel it's like one-way  
2378 deal. Now, I will sit down and work with them any time, twenty-four seven. If they wanna talk  
2379 to me, two-way, not one-way.

2380

2381 **COUNCILMAN WOLFSON**

2382 Is somebody at the door, checking people in when they come in to visit your – business?

2383

2384 **ALBERT YOUNG**

2385 Yes. Usually. We have someone come in during the day.

2386

2387 **COUNCILMAN WOLFSON**

2388 And do they – say, are you a member, can I, is there a membership card? Certainly, the  
2389 gentlemen and ladies that wear VFW clothing, it's obvious, but is there somebody that checks  
2390 when people come in?

2391

2392 **ALBERT YOUNG**

2393 That's once a day they come, they just, some people, they do sign first thing, sometimes.

2394 Sometimes, their last names, but there is, there, the City does not make any stipulations as that.

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2395 So we make our own rules. Our rules are, you come in, you sign the log. But if you guys want  
2396 us to bow down there, we will. That, we'll accept rules on signing in with ID cards if peep, if  
2397 age is questionable.

2398

2399 **REX BELL**

2400 I, may I? I have a question.

2401

2402 **MAYOR GOODMAN**

2403 Wait. Let – me –

2404

2405 **REX BELL**

2406 Okay.

2407

2408 **MAYOR GOODMAN**

2409 Do any of the Councilmembers have any additional questions?

2410

2411 **COUNCILMAN BARLOW**

2412 I do.

2413

2414 **MAYOR GOODMAN**

2415 All right.

2416

2417 **COUNCILMAN BARLOW**

2418 Mr. Young, it was made mention that officers had come into your location and not seen, for  
2419 example, your members wearing hats. Is it, let me ask you this question? Is it a part of your rule  
2420 for members to wear hats or insignia to basically state who they are?

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2421 **ALBERT YOUNG**

2422 No.

2423

2424 **COUNCILMAN BARLOW**

2425 Okay. So I just wanted to just – clear the air of that –

2426

2427 **ALBERT YOUNG**

2428 No. (Inaudible).

2429

2430 **COUNCILMAN BARLOW**

2431 – as far as a rule. But secondly, as far as the issues that have come up over the year in regards to

2432 your location, what time of the day, traditionally, do these incidents continue to occur?

2433

2434 **ALBERT YOUNG**

2435 You mean –

2436

2437 **REX BELL**

2438 The time of the incidents, the robbery –

2439

2440 **COUNCILMAN BARLOW**

2441 Let me be more specific. The allegations that have been brought forward, here, today that you

2442 are aware of, what time of the day, what hour of the day, timeframe, have these incidents

2443 occurred?

2444

2445 **ALBERT YOUNG**

2446 It's, at night, probably. It's at night, but I – haven't witnessed any (inaudible) when I'm on duty,

2447 none.

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2448 **COUNCILMAN BARLOW**

2449 Well, I'm not saying you, per se –

2450

2451 **ALBERT YOUNG**

2452 Right.

2453

2454 **COUNCILMAN BARLOW**

2455 – as far as witnessing it, but as far as whether it was brought to your attention. I'm just asking

2456 what timeframe of the day have these issues occurred, being that we have documentation that

2457 incidents have taken place and being that you're the key employee. I'm pretty sure that you

2458 have, as it states in the record, that you are aware of these events that have taken place. I just

2459 wanna know what time of the day are you aware of it continuing to take place. Is it in the

2460 morning? Is it in the afternoon? Is it at night?

2461

2462 **ALBERT YOUNG**

2463 It's at night.

2464

2465 **COUNCILMAN BARLOW**

2466 Okay. No further questions.

2467

2468 **MAYOR GOODMAN**

2469 All right. Fine. Mr. Bell, did you have a question?

2470

2471 **REX BELL**

2472 Yeah, I – have a couple of questions. As to the membership list, there's not a requirement, as

2473 you've stated, to wear a hat or coat, particularly, there. Is there somebody always there who's

2474 aware of who the members are and who the members aren't?

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2475 **ALBERT YOUNG**

2476 Yes, there is.

2477

2478 **REX BELL**

2479 And who might those be, besides yourself?

2480

2481 **ALBERT YOUNG**

2482 There, there's the average of, from five on and a person assigned to the door knows who  
2483 everyone who is coming in the door there and have them sign it.

2484

2485 **REX BELL**

2486 They know who all your membership is.

2487

2488 **ALBERT YOUNG**

2489 Right.

2490

2491 **REX BELL**

2492 And how many members do you have?

2493

2494 **ALBERT YOUNG**

2495 We have a hundred and thirty-nine.

2496

2497 **REX BELL**

2498 Hundred thirty nine members. I don't have any further questions.

2499

2500 **MAYOR GOODMAN**

2501 All right. Mr. Young, I have a question –

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2502 **REX BELL**

2503 Right.

2504

2505 **MAYOR GOODMAN**

2506 – or two of you.

2507

2508 **ALBERT YOUNG**

2509 Right.

2510

2511 **MAYOR GOODMAN**

2512 What would you suggest could be done in order to make sure that the illegal activities, that  
2513 everybody agrees upon took place on the parking lot, don't take place in the future on that  
2514 parking lot?

2515

2516 **REX BELL**

2517 Mr. – Goodman.

2518

2519 **MAYOR GOODMAN**

2520 Yes.

2521

2522 **REX BELL**

2523 Or Honorable Mayor. Can I speak to that? I, I've spoken to –

2524

2525 **MAYOR GOODMAN**

2526 No. I'd like to hear from Mr. Young, please.

2527

2528 **REX BELL**

2529 Oh, okay. Very well.

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2530 **ALBERT YOUNG**

2531 We will increase security and we would have the sign-in list, which probably have it more on a –  
2532 matter that we –, I do now or other.

2533

2534 **UNIDENTIFIED MALE SPEAKER**

2535 (Inaudible).

2536

2537 **UNIDENTIFIED FEMALE SPEAKER**

2538 (Inaudible).

2539

2540 **MAYOR GOODMAN**

2541 Wait – please. I’m asking Mr. Young.

2542

2543 **ALBERT YOUNG**

2544 Okay. Now – the, cooperate with Metro, we, we’re gonna do that. If we have a problem, we’ll  
2545 call. The last time we called, it’s – held against us. And – we’ll call any way.

2546

2547 **MAYOR GOODMAN**

2548 Okay. Because you, they do keep a record as you know.

2549

2550 **ALBERT YOUNG**

2551 Right.

2552

2553 **MAYOR GOODMAN**

2554 You’ve heard that, of calls from a particular location, both inside the Veterans Posts as well on  
2555 the outdoor phone. And those phone calls are recorded and, as you say, they could at some point  
2556 in time, be used to indicate that there’s activity of an unseemly nature taking place there, but you  
2557 are committing, at this point in time, and you’re under oath, that you would a put a procedure

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2558 into place that in fact, if there was a problem there, notwithstanding the consequences, you  
2559 would call it in.

2560

2561 **ALBERT YOUNG**

2562 Right. Now I, to clear up what's been said, I think that when I'm on duty and who I am, 'cause  
2563 I'm usually wearing some type of VFW attire, so is my assistant manager. And for these guys  
2564 here, I just take a good look at that, I know I'm not new to these guys, none of 'em. So if you're  
2565 squeaking around nightly, you go on home.

2566

2567 **MAYOR GOODMAN**

2568 Wait – I'm asking you what you're going to do in order to rectify the problems in the parking lot.  
2569 So you said you're gonna have additional security.

2570

2571 **ALBERT YOUNG**

2572 Additional security and we're gonna –

2573

2574 **MAYOR GOODMAN**

2575 What would happen, let me ask you hypothetically. What would happen if that – truck came into  
2576 your parking lot, instead of being parked outside on the street? What would you plan to do about  
2577 that?

2578

2579 **ALBERT YOUNG**

2580 I would call Metro. I would call. First of all, I'd ask 'em to leave. If they wouldn't leave, I  
2581 would call Metro.

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2582 **MAYOR GOODMAN**

2583 All right. Well, from what I heard about the truck, the truck really, I guess, the worst thing the  
2584 truck did, the guy who had the truck, was to sell a couple beers, but you – understand that that is  
2585 probably against – the law to be selling beers out there without having a license to do that.

2586

2587 **ALBERT YOUNG**

2588 Right. This is the – problem that we’re having. If we tell Metro the guy’s outside the parking  
2589 lot, where he’s selling barbeque and everything, they said we can’t bother them, then they say,  
2590 sometimes they go out and talk with him. Sometimes they don’t. Sometimes they say it’s out of  
2591 their area, ‘cause they don’t have the license to come in here, the health department, if they’re  
2592 outside the fence, that doesn’t cover us.

2593

2594 **MAYOR GOODMAN**

2595 Okay.

2596

2597 **ALBERT YOUNG**

2598 They could ask them to move.

2599

2600 **COUNCILMAN BARLOW**

2601 Mayor.

2602

2603 **MAYOR GOODMAN**

2604 Okay. Yes, Councilman Barlow.

2605

2606 **COUNCILMAN BARLOW**

2607 I have a question for Mr. Young. Mr. Young, can you please speak on the credentials of your  
2608 security personnel, please, and how many security personnel you have on-site?

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2609 **ALBERT YOUNG**

2610 We have three.

2611

2612 **COUNCILMAN BARLOW**

2613 And – what credentials do they have to be security officers? Do they carry guns or what makes  
2614 them security according to your rules and regulations at the VFW Post?

2615

2616 **ALBERT YOUNG**

2617 Well, our rules and regulations (inaudible) the applicant. My initial rule is that they all have to  
2618 have sheriff cards and work. So, I sit them down if they have a sheriff card. If they're working  
2619 in the City, they're going to have one. And if it's unclear (inaudible) that they got into a bit  
2620 where they have to have a license, alcohol awareness card or not, but I want them to have it any  
2621 way. But the City does require them to have a sheriff card.

2622

2623 **COUNCILMAN BARLOW**

2624 So – you're saying that your security guard, according to your rules, only have a sheriff card.

2625

2626 **ALBERT YOUNG**

2627 They have a sheriff card. They have – they have them or not, but when they expired, they can  
2628 get them again then.

2629

2630 **COUNCILMAN BARLOW**

2631 So is that you just hire someone and just call them security or what background do they have to  
2632 serve as security?

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2633 **ALBERT YOUNG**

2634 Okay. Both our security guards are security guards. The one, we have, the one, that has a full  
2635 certified, he worked for another company called the Northwest Two. There were two that  
2636 worked for us. Now, (inaudible) the one that works for us now has full credentials. (Inaudible)  
2637 we get a new security guard, he, Metro would not give him a sheriff card.

2638

2639 **COUNCILMAN BARLOW**

2640 When you say full credentials, are – they, do they carry weapons?

2641

2642 **ALBERT YOUNG**

2643 Unarmed. Well, (inaudible) –

2644

2645 **COUNCILMAN BARLOW**

2646 (Inaudible) talking –

2647

2648 **ALBERT YOUNG**

2649 Only one armed security.

2650

2651 **COUNCILMAN BARLOW**

2652 Only one armed security.

2653

2654 **ALBERT YOUNG**

2655 Right.

2656

2657 **COUNCILMAN BARLOW**

2658 And that's the one who – has the, who works for the other company?

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2659 **ALBERT YOUNG**

2660 Right.

2661

2662 **COUNCILMAN BARLOW**

2663 Okay.

2664

2665 **ALBERT YOUNG**

2666 That's unarmed.

2667

2668 **COUNCILMAN BARLOW**

2669 Okay.

2670

2671 **MAYOR GOODMAN**

2672 All right.

2673

2674 **COUNCILWOMAN TARKANIAN**

2675 Mr. Mayor.

2676

2677 **MAYOR GOODMAN**

2678 Yes, Councilwoman.

2679

2680 **COUNCILWOMAN TARKANIAN**

2681 When you say you have three on-site, is that not at the same time or all at the same time? You

2682 have three?

2683

2684 **ALBERT YOUNG**

2685 We have – one during the week and three on Saturdays, during the weekend, on the weekend.

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2686 **COUNCILWOMAN TARKANIAN**

2687 So, you have three on-site on the weekend –

2688

2689 **ALBERT YOUNG**

2690 Right.

2691

2692 **COUNCILWOMAN TARKANIAN**

2693 – and one on-site during the whole time you're open during the weekdays.

2694

2695 **ALBERT YOUNG**

2696 Right.

2697

2698 **COUNCILWOMAN TARKANIAN**

2699 Okay. And I think, going along with what Councilman Barlow said, I would be interested in the

2700 specific training because I think this came up before and it was related to problems in a similar

2701 area with a store. And at that time, the questions came out about how well trained the

2702 individuals were because, if you look at the record, if you go for the last eight months, in the

2703 material that you sent, Mr. Bell, that you said that both the City of Las Vegas and Las, and the

2704 Metro stated we were complying and were doing a good job. Or I should say, came from the

2705 petitioner. And then you received the unrestricted license and I remember quite clearly, we

2706 didn't say you were doing a good job. We were saying that you could make improvements and

2707 work together and then that's what conditions were discussed and everything.

2708 But since that time, which is only eight months, as I counted, you had three or four times where

2709 the managerial responsibilities as to list and everything, wasn't done correctly. And I don't

2710 know if that's by law or not by law. But the thing that concerns me is you've had three fights,

2711 two drug times, two times drugs. You've had weapons twice, once a couple of guns and another

2712 time the box cutter, where the woman was slit in the stomach. And then you had a robbery.

2713 Quite honestly, that's an awful lot for eight months.

2714

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2715 **ALBERT YOUNG**

2716 Are – you talking to me –

2717

2718 **COUNCILWOMAN TARKANIAN**

2719 So, I'm not saying, no, I'm talking to you, yes.

2720

2721 **ALBERT YOUNG**

2722 Okay.

2723

2724 **COUNCILWOMAN TARKANIAN**

2725 And I'm not saying that you wanted this to happen. I'm, obviously you wouldn't wanted it to

2726 happen and I greatly respect VFW.

2727

2728 **ALBERT YOUNG**

2729 Right.

2730

2731 **COUNCILWOMAN TARKANIAN**

2732 And I – know how it's good to have your association, but something isn't quite right. And you

2733 could be considered a chronic nuisance because in eight months, these are some rather serious

2734 incidences, not counting what happened before. And so that means you must have, I would say,

2735 a well-managed program which are some questions about right now. And you also must have

2736 well-trained security people to be able to take care of this. And I don't see the well-trained

2737 security people. And that's what I'm trying to find out.

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2738 **ALBERT YOUNG**

2739 Security – guards that we have – on duty, they are – trained security guards.

2740

2741 **COUNCILWOMAN TARKANIAN**

2742 But, you know, what kind on training? I mean, did they go through a special training? Could  
2743 you give us information as to what type of training they had? We know that there are some  
2744 places that say they train guards, and I've learned different since I've been on the Council, and  
2745 they don't really train very much. We know of places you have to have certification or certain  
2746 courses you take and certain experiences you need to have. And I just think it's your place,  
2747 you'd wanna have the highest level you possibly could have, not only for your protection, but  
2748 people who live near there and your reputation.

2749

2750 **ALBERT YOUNG**

2751 The security guards that – I, that we are, on staff, are highly trained security guards. They come  
2752 from other places in here, include highly recommended. I didn't check their credentials. Now,  
2753 you must realize that we are in a high-crime area, very high crime area. And crime will be  
2754 committed. All we can do is take care and take the next safe step to correct it.

2755

2756 **COUNCILWOMAN TARKANIAN**

2757 Well –

2758

2759 **ALBERT YOUNG**

2760 We can't stop the crime.

2761

2762 **COUNCILWOMAN TARKANIAN**

2763 Well, I would be interested in knowing, specifically, the training of the – security guards that  
2764 you have. I just, I can't, I myself could not accept just saying they're well-trained and they were  
2765 recommended. I'd like to know specifically what that was. And you're very right. It is high  
2766 crime around there. And it is something you have to watch, but that's even more reason why.

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2767 Have you ever considered not having an outdoor phone, by the way? I know we had trouble at  
2768 some of the 7-Elevens in our area and Metro told us, their first recommendation to try and lower  
2769 the drug situation, was to remove the outside phones. And it helped.

2770

2771 **ALBERT YOUNG**

2772 That's – a good question. When we had a phone outdoor, it has been removed.

2773

2774 **COUNCILWOMAN TARKANIAN**

2775 Oh, so that one's gone now.

2776

2777 **ALBERT YOUNG**

2778 That's gone. There's one in the center, on the property, (inaudible). It doesn't belong to us. It  
2779 belongs to a private, other company. I don't know who it belongs to.

2780

2781 **COUNCILWOMAN TARKANIAN**

2782 They have had permission to put it there, though. If it's your property –

2783

2784 **MEMBERS OF THE AUDIENCE**

2785 (Inaudible).

2786

2787 **MAYOR GOODMAN**

2788 Please, folks.

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2789 **COUNCILWOMAN TARKANIAN**

2790 I'm sorry. I'm – just asking. Do they need special permission or could you look into that?

2791

2792 **ALBERT YOUNG**

2793 I can look into it. And, if so, we'll – try to get it removed. We'll – work on that.

2794

2795 **COUNCILWOMAN TARKANIAN**

2796 I'm just, I'm sure that Metro, and when you do this community policing, the closest of the  
2797 community residents with Metro is so key and discussing with them if they feel you should keep  
2798 that, the one remaining phone out there. I just know in my area, which sometimes has high  
2799 crime also, that was the recommendation they gave us.

2800

2801 **ALBERT YOUNG**

2802 Right.

2803

2804 **COUNCILWOMAN TARKANIAN**

2805 And again, I don't think you can negate in any way the importance of having highly-trained  
2806 security guards –

2807

2808 **ALBERT YOUNG**

2809 Right.

2810

2811 **COUNCILWOMAN TARKANIAN**

2812 – where you're located. And you are a magnet.

2813

2814 **ALBERT YOUNG**

2815 Right.

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2816 **COUNCILWOMAN TARKANIAN**

2817 And that's okay if you handle it right.

2818

2819 **MAYOR GOODMAN**

2820 All right. Thank you. Mr. Young, would there be any type of prohibition against your members

2821 wearing their cover at all times while they're in the – hall?

2822

2823 **ALBERT YOUNG**

2824 No. In fact, I have suggested a couple times that they definitely have the hat on.

2825

2826 **MAYOR GOODMAN**

2827 Because to me, I think when you wear that hat, you have a certain degree of pride –

2828

2829 **REX BELL**

2830 Right.

2831

2832 **MAYOR GOODMAN**

2833 – and dignity and you're going to, by just virtue of wearing the hat, make sure that everything is

2834 being done properly to the best of your ability, because you're carrying on the traditions of the

2835 veterans for which your organization purportedly stands. So, that may be something you want to

2836 consider, assuming that you're in business.

2837

2838 **REX BELL**

2839 Right.

2840

2841 **ALBERT YOUNG**

2842 All right.

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2843 **MAYOR GOODMAN**

2844 All right. Call your next witness, Mr. Bell.

2845

2846 **REX BELL**

2847 That's the – only witness I have.

2848

2849 **MAYOR GOODMAN**

2850 All right. Do you have any rebuttal?

2851

2852 **BILL HENRY**

2853 No, Your Honor.

2854

2855 **MAYOR GOODMAN**

2856 All right. Then the matter rest, both sides rest. Do – you have any closing argument you'd like  
2857 to make? It's your burden, Mr. Henry.

2858

2859 **BILL HENRY**

2860 I do, Your Honor.

2861

2862 **MAYOR GOODMAN**

2863 All right. Mr. Young, you can have a seat, Sir.

2864

2865 **ALBERT YOUNG**

2866 Okay. Thank you.

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2867 **BILL HENRY**

2868 I'd like to direct the Council's attention to Page 2 of the Disciplinary Complaint where there is  
2869 set forth Las Vegas Municipal Code 6.50.

2870

2871 **COUNCILMAN BARLOW**

2872 Mr. Henry? I'm sorry. Would you speak into the microphone, please. Thank you.

2873

2874 **BILL HENRY**

2875 I would like to direct the Council's attention to Page 2 of the Disciplinary Complaint where there  
2876 is set forth Las Vegas Municipal Code 6.50.010 which is entitled, "Regulatory Powers Declared:  
2877 Liquor Control. And it relevantly provides the regulations contained in this chapter, involve, to  
2878 the highest degree, the economic, social, physical and moral well-being of the residents and  
2879 taxpayers of the City. And it goes on to provide: "Nothing in this chapter shall be construed to  
2880 confer any legitimate claim of entitlement to any benefit which might otherwise devolve upon  
2881 any licensee or any person approved for suitability".

2882 I'd like to point out that this is a special liquor license that we give out to people who have a club  
2883 and it is restricted to members of the club, bona fide members of the club and their bona fide  
2884 guests. I would submit to you the totality of the evidence in this case is that this isn't being run  
2885 by, as a club. It never has been run as a club. They've taken this special restricted liquor license  
2886 and used it to operate a tavern. But they're not even operating the tavern legal, legally. Officers  
2887 have told you that when they go in there, anybody can be serving liquor. So, this is – sort of  
2888 operated kind of like folks who have no understanding or respect for the law, or for the  
2889 privileged license that they have.

2890 I was struck by two statements made during the recent conversation between Councilwoman  
2891 Tarkanian and Albert Young. Albert Young said, "We are in a very high crime area." And  
2892 Councilwoman Tarkanian later on said, "There's no doubt that this is a magnet." And I think  
2893 this is the essence of the situation here. The existence of this liquor license, the ability to  
2894 punitively, legally sell liquor has created a magnet for violent narcotics traffickers to congregate  
2895 in an area of very high crime. It does not matter whether fault attaches to any of this.

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2896 This is a liquor license and it is the obligation of the municipality, I would submit, not only to  
2897 look at its applicants and the location where the liquor is to be sold and form an opinion whether  
2898 or not this is a suitable location based on everything that is known, as well as whether or not the  
2899 applicant is of good character. But it is the obligation of the municipality to constantly observe  
2900 what's going on because cities change. People change. Areas that were once a suitable area to  
2901 sell liquor become areas that are no longer suitable. Just as we know that areas where perhaps  
2902 previous Councils thought that it was unsuitable to sell liquor, as time goes on, the City grows,  
2903 the nature of the neighborhood changes, sometimes these areas become suitable. I would submit  
2904 to you that this restricted liquor license meant only for club members and bona fide guests of  
2905 club members is a magnet for criminal activity, including violent crime and narcotics trafficking  
2906 and that it is unsuitable because of where it is, which, in the words of Mr. Young, is a very high-  
2907 crime area.

2908 Now, I suspect that Mr. Bell, if he addresses what I just said, is going to say to you, they've had  
2909 a license for 40 years. That's true. He's going to say to you, it's not their fault. On balance,  
2910 they've done the best they can. I, and I would submit to you that does not matter.

2911 When I was preparing for this case, I thought of a case that was reviewed by the Nevada  
2912 Supreme Court in 1992. And it's the case of Tieghe (sic), T-I-E-G-H-E (sic), against Von  
2913 Gherken, V-O-N G-H-E-R-K-E-N. It's reported at 108 Nevada 440. And it refers, of course, to  
2914 a former Clerk of the City, Kathy Tieghe (sic), and so it's a City of Las Vegas case. And in that  
2915 case, Mr. Von Gherken's predecessor had applied for building permits and all the other permits  
2916 he needed to build a commercial structure to be operated as a bar. Mr. Von Gherken then bought  
2917 the land and the structure under construction and applied for a liquor license. During the hearing  
2918 on the application, the Councilman for the Ward at the time said, I am familiar with this area.  
2919 It's almost entirely residential. It's building up to be more intensively residential. And despite  
2920 the fact that they have the right building permit and despite the fact that they have the  
2921 commercial zoning, they ought not get a liquor license. Not Mr. Von Gherken's fault, it's just  
2922 the area that they're in is not appropriate.

2923 Mr. Von Gherken took the matter to court and ultimately it went to the Supreme Court. And the  
2924 court wrote relevantly: "Although the land upon which Von Gherken intended to construct a

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2925 tavern was zoned to accommodate such a commercial enterprise, it is clear that compatible  
2926 zoning does not, ipso facto, divest a municipal government of the right to deny certain uses  
2927 based upon consideration of public interest”. And the court went on to write: “The Council had  
2928 before it irrefutable evidence of the nature of the neighborhood into which Von Gherken wished  
2929 to introduce a tavern”.

2930 I would submit to you that you have irrefutable evidence, the totality of the evidence I presented  
2931 and the testimony of Mr. Young as to the nature of this neighborhood, in the words of Mr.  
2932 Young, a very high-crime area. And I would submit to you that the liquor license is not any  
2933 longer appropriate there because it is a magnet for crime. And I would conclude by saying that  
2934 that is illustrated by the incidents set for in the complaint, testified to by Mr. DiFiore and by the  
2935 testimony of the police officers. And for that – reason, directing your attention back again to  
2936 Page 2 of the complaint and the Declaration of Regulatory Powers under Liquor Control, I would  
2937 ask you to take into consideration, to the highest degree, the economic, social, physical and  
2938 moral well-being of the residents and taxpayers of the City and revoke this license.

2939

2940 **MAYOR GOODMAN**

2941 Thank you very much. Now, Mr. Bell, when you make your remarks, at least for my edification,  
2942 please not only address what you were going to address, but also how you would propose this  
2943 Post should remain open and have the ability to sell alcoholic beverages. And give this Council  
2944 the peace of mind that illegal activities will not take place as a result of the liquor license being  
2945 held intact.

2946

2947 **REX BELL**

2948 Right. Well, Mr. Mayor and members of the Council, he said, Mr. Henry said this has been open  
2949 for over 40 years. They had a liquor license. The liquor license applies to both the members as  
2950 well as their guests. In recent years, it is obvious that the area has changed. And though I don't  
2951 necessarily agree that the case that Mr. Henry cited is totally on point, it certainly does have  
2952 some merit. But, having said that, the VFW represents just what it says, Veterans of Foreign  
2953 Wars. These are people who've put in their service to this country. They need a place to gather

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2954 and to be together. It's not to be a place for crime. Nobody has accused the VFW, that I know  
2955 of, of having criminals as their members, nor particularly accused guests of being criminals.  
2956 There have been violations, which I have discussed with them thoroughly, that are not to be  
2957 tolerated. Like you said, they – don't need to keep a guest list. They don't have to keep a  
2958 membership list. They're willing to. They've agreed to keep a membership list available for the  
2959 police any time they wanna see it and to have guests check in, to have someone at the door to  
2960 check 'em in. They have, they've told you what their hours are, which I believe is within  
2961 keeping and they're gonna put security in the parking lot. That has been one of the problems,  
2962 that yes, they had security, but the security was inside, therefore, doesn't see what's going on  
2963 outside. There's been a discussion, although I understand, but and I – heard that just before I got  
2964 in here. There's (sic) cameras in and around the area. If there aren't, evidently Metro's had said  
2965 there were some cameras, but if there aren't, they'll put cameras up in that parking lot and inside.  
2966 They know that this is privileged and they know that this type of activity cannot continue. It is  
2967 quite obvious you can't allow drugs and guns and so on to be in your parking lot. However,  
2968 having said that, that parking lot is a fenced parking lot with two gates. The back gate is locked  
2969 at all times. The front gate is required to be open and, as I understand it, it's required by the  
2970 Metropolitan Police Department. If Metro would like that closed, that could be closed and  
2971 locked at night too. I have not talked to Metro and I, and saying these things, I know that Metro  
2972 is stretched to its fullest and having to put up in these areas. But there's other things in that area,  
2973 bars and stuff that certainly, they sell alcohol and contribute to this.  
2974 It is true you cannot allow people, walk in off the street, to buy liquor. They have absolutely  
2975 agreed that they will not allow that. They need a place to be, a place to gather and both, not only  
2976 for themselves, but for the American Legion and the Ladies Auxiliaries. They get licenses a  
2977 couple times a year to have barbecue in the parking lot. And I would, I was talking to  
2978 Councilman Barlow the other day and one of the things, and they would not be opposed to this,  
2979 if the City knew of a better location in a better area, then their location could, of course, be sold  
2980 to pay for that, they'd be more than happy to go to a – different area. They don't like that area  
2981 any better than a number of the people here like that area. That type of thing is going on. It's  
2982 dangerous. You got the security guards outside to report to Metro and when they see something,

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2983 they're gonna have to report it and they'll need Metro's help. Otherwise, you end up with a  
2984 security guard getting shot or end up shooting someone. That can happen any place, but that is  
2985 certainly a consideration. So any way, agreed to guarantee to watch what is going on in there, to  
2986 have their people pay attention to who comes in, no one but guests of the members and/or the  
2987 members. They are aware of who their members are. They'll keep the lists up. They'll hire the  
2988 security. And I didn't really talk to Mr. Young about it, but after Councilman (sic) Tarkanian  
2989 talked about it, I would get together with them and find out who their security are, who licenses  
2990 them, what kind of outfit it is to make sure that the three security guards that they have on  
2991 premises are the proper type of people. In other words, just not somebody that's coming over to  
2992 you and saying to you, I'll be a security guard. No. That doesn't work very well. In fact, that  
2993 can cause more problems.

2994 So, I submit to you that their license shouldn't be pulled, that they are really not a nuisance. The  
2995 events all discussed, there was one in two thousand and six, maybe one is too many. And there  
2996 were seven in two thousand and five and they finally ended up with eight in two thousand and  
2997 eight, in two thousand and seven. But most of them were not having those TAM cards and those  
2998 work cards, et cetera. I talked to 'em. They have guaranteed that if a person's in there working,  
2999 bartenders, cocktail waitresses, whatever's serving, they'd better have their TAM card and their  
3000 – regular work card, TAM card and work card available on them or they're going to find  
3001 themselves fired. They must carry it on them, not say, it's out in my car. I forgot it and left it at  
3002 home. So if a police officer asks, that person can produce it. And nobody is to be selling any  
3003 alcohol to anybody unless they have such cards. And just on their behalf is veterans, I would ask  
3004 that the liquor license continue. They will, have stated to me and they will follow up on it. Mr.  
3005 Albert Young will. That Metro is welcome when they have their meetings at any time. They'll  
3006 be more than happy to work with Metro. And that should be done, obviously, and I will try to  
3007 follow up on it myself, personally, to see to it that it's done. See to it who they're dealing with at  
3008 Metro so I can talk to that individual. Make sure that Metro is pleased with what they're doing.  
3009 I'll follow up on the security. And if you want cameras out in the parking lot, they can put 'em  
3010 up or if Metro thinks that's a good idea and inside. That's all we can offer, the Veterans club. I,  
3011 I'm sorry that Metro has a feeling that it's been operated as just a tavern. I don't think it really

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3012 has. But certainly there have been some instances and things there that would indicate that  
3013 there's been some lax, lackadaisicalness about watching what's going on in there. I believe I can  
3014 assure this body that that won't happen again. I can assure this body that I'm here to help them  
3015 in any way I can, work with Metro any way I can and if it isn't complied with, I won't be  
3016 appearing in front of you again on this particular subject.

3017

3018 **MAYOR GOODMAN**

3019 Mayor Pro Tem.

3020

3021 **COUNCILMAN REESE**

3022 Mr. Bell, I can certainly respect your comments. I do have concerns about you promising for  
3023 them that they're gonna have a register where the members can sign in and guests can sign in.  
3024 Who's gonna enforce that? We don't have – enough employees at the City of Las Vegas. We  
3025 don't have enough money. Metro don't (sic) have enough money. So who, who's gonna see  
3026 that – they're doing this?

3027

3028 **REX BELL**

3029 They're gonna do it themselves. When Metro walks in there, there – has to be a log at the door  
3030 and –

3031

3032 **COUNCILMAN REESE**

3033 And – what's – gonna happen if they don't?

3034

3035 **REX BELL**

3036 If they don't –

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3037 **COUNCILMAN REESE**

3038 If – they walk in there and there’s two people, five people, three people in there that aren’t on the  
3039 book, hadn’t signed, what’s gonna happen? They gonna come and give us their license?

3040

3041 **REX BELL**

3042 Then I would say that there’ll be a complaint, I would guess, might be a complaint –

3043

3044 **COUNCILMAN REESE**

3045 What do you mean –

3046

3047 **REX BELL**

3048 – can’t be a complaint –

3049

3050 **COUNCILMAN REESE**

3051 (Inaudible).

3052

3053 **REX BELL**

3054 – if you do it even though it’s not legally required.

3055

3056 **UNIDENTIFIED SPEAKER**

3057 Right.

3058

3059 **COUNCILMAN REESE**

3060 It might be a condition that if – Councilman Barlow so desires, though. My thing is, I don’t  
3061 want to sit up here again and go through this one more time, three more times, whatever. And  
3062 we, you’re – saying, they’re gonna do this, and my thing is, I – found over the years ‘cause I’ve  
3063 been here, is it’s one thing to enact a law, it’s another thing to say something, but somebody else,  
3064 all the little difference, to enforce it.

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3065 **REX BELL**

3066 Well, put it this way, all I can tell you is and what you're saying is, I understand very well. But I  
3067 will work with them and – try to help myself, personally, see to it that these things are followed  
3068 through as they have told me they will follow through with. Now, –  
3069

3070 **COUNCILMAN REESE**

3071 I – excuse me again. I, you know, I – see such a thing called intimidation. You know, you have  
3072 security officers over there, you have a lot of young people out there having their parties or  
3073 whatever, and they – tell the security guard to go back inside, mind their business or whatever.  
3074 You know, by the time Metro gets there, whatever, it's just, it – is, it's – an endangerment. And  
3075 (inaudible) is – bringing this all about is the alcohol and the drugs. Without the alcohol and  
3076 drugs – there wouldn't – be a problem over there.  
3077

3078 **REX BELL**

3079 That's –  
3080

3081 **UNIDENTIFIED FEMALE SPEAKER**

3082 How'd you figure that –  
3083

3084 **MAYOR GOODMAN**

3085 Please.  
3086

3087 **REX BELL**

3088 That's just alcohol we're talking about. They're not selling drugs (inaudible).

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3089 **COUNCILMAN REESE**

3090 No – they have, you have instances in – my backup here, though, where drugs have, I seen (sic) a  
3091 picture of –

3092

3093 **REX BELL**

3094 That was sold in the parking lot –

3095

3096 **COUNCILMAN REESE**

3097 But that's them –

3098

3099 **REX BELL**

3100 – that's where, that is where the security guard comes in and – the only thing a security guard  
3101 can do is call Metro and run 'em off. I mean, they can sell drugs in somebody's front yard, what  
3102 are you gonna do? All you gonna do is pick up the phone and call –

3103

3104 **MEMBERS OF THE AUDIENCE**

3105 (Inaudible).

3106

3107 **MAYOR GOODMAN**

3108 Please, folks.

3109

3110 **COUNCILMAN REESE**

3111 Well, I – seen (sic) incidents down on Bonanza and Eastern where I've been there for many  
3112 years where we have drug sales going on out in the parking lot.

3113

3114 **MAYOR GOODMAN**

3115 No more of that.

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3116 **COUNCILMAN REESE**

3117 In front of my business as well as kitty-corner, you know, and I have found, over the years, that a  
3118 lot of the drug dealers and/or the suppliers are the security themselves.

3119

3120 **REX BELL**

3121 Well, but that's – not been an issue here where with these people at –

3122

3123 **COUNCILMAN REESE**

3124 No. But there –

3125

3126 **REX BELL**

3127 I'm not telling you that that hasn't happened. Of course it has, but, I mean, if you've seen that,  
3128 even it's your place that, this happens to be a privileged license to it takes it into a different  
3129 realm. But how would it be to say, well, drugs are going and being sold in this area, close your  
3130 barber shop. That wouldn't be fair. These people need –

3131

3132 **MEMBERS OF THE AUDIENCE**

3133 (Inaudible).

3134

3135 **MAYOR GOODMAN**

3136 Folks.

3137

3138 **REX BELL**

3139 These people need a place to be together. They, they've earned that right and – they have not, I  
3140 realize, by being veterans earned the right to necessarily have a liquor license. We're asking to  
3141 give 'em a chance to get this straightened out –

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3142 **MAYOR GOODMAN**

3143 (Inaudible).

3144

3145 **REX BELL**

3146 – get their security in place. And can I tell you it's not –

3147

3148 **MAYOR GOODMAN**

3149 (Inaudible).

3150

3151 **REX BELL**

3152 – gonna be a number of calls to the police. I cannot tell you that because they've been asked to

3153 call the police when they see a problem.

3154

3155 **COUNCILMAN REESE**

3156 Well, and – I agree. And again, I want them to have a place, I do. But I want – everyone of the

3157 members to go there to feel safe, just like a customer that comes into my barber shop. I want

3158 them to feel safe and comfortable when they come there. And that's what I sit up here for.

3159 That's what I wanna do. And I'm, all I'm asking is we – enact these different rules and

3160 regulations and it's the enforcement issues that I have problems with. And I want every one of

3161 them out there to know I – do support, I want – them to feel safe. And that's all I'm asking is –

3162

3163 **MEMBERS OF THE AUDIENCE**

3164 (Inaudible).

3165

3166 **COUNCILMAN REESE**

3167 I want, wanna make sure that they get, okay, home safely. They get there, they have a good time

3168 while they're there, and they walk out, they can get in their cars and they can feel safe.

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3169 **REX BELL**

3170 And that certainly is – very, very fair and – the way it should be and – I might again present to  
3171 the Council, I don't know the area that well but the Councilmembers, mainly Councilman  
3172 Barlow does, we could find another place and, a better area around there, that we could trade, I  
3173 mean, they don't have all the money in the world –

3174

3175 **MAYOR GOODMAN**

3176 Okay.

3177

3178 **REX BELL**

3179 – to be doing what they'd like to.

3180

3181 **MAYOR GOODMAN**

3182 Thank you. All right. I'm ready to go forward. I'm going to make a finding that the City has  
3183 met its burden of proof based on the fact that this is a privileged license. Now turning to  
3184 Councilman Barlow and ask your recommendation, Councilman.

3185

3186 **COUNCILMAN BARLOW**

3187 Thank you, Mayor. I just would like to speak on a few items, if you will. Having been a – part  
3188 of this community all of my life, I know the ups and downs that the Post has gone through. I  
3189 used to frequent the Post myself, as a young man as well. Just so that we separate the two. I  
3190 could talk all day about how my father was drafted serving in Vietnam all the way to my oldest  
3191 brother serving in Desert Storm and all of the great things that you men and women have done to  
3192 provide the freedom that we here at the, in this city, this state and this country witness today. So,  
3193 I want – to make sure that we separate the two in regards to, this isn't an attack on the VFW –

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3194 **UNIDENTIFIED SPEAKER**

3195 (Inaudible)

3196

3197 **COUNCILMAN BARLOW**

3198 – because you all have done some great things, not only in the state, but in this world. There's  
3199 (sic) issues that we all know and that you all know have been taking place in and around the  
3200 VFW Post. And I'm not here, in this seat, to basically turn the right cheek. I'm here to assist the  
3201 Post and basically, with the operations and the management, as well as to get rid of the crime in  
3202 the area by working with law enforcement, by working with the men and women of this  
3203 community, as well as your organization. So, I wanted to just, basically, establish that right off  
3204 the jump.

3205 We talked, we've talked about increase of security. Mr. – Young, I'm looking forward to  
3206 working with you, as well as your members, because I believe that there's a major issue as it  
3207 relates to management of the Post, as well as security. I've met with you all in my conference  
3208 room and a few of you even stated that you were afraid yourself (sic) to go out and address the  
3209 young men in the parking lot. And let's just be honest here, we know – what's happening at the  
3210 Post, but I don't want that to be the dark cloud that the Post continues to have over its head. I  
3211 want you all to be able to operate in a safe environment that we all can continue to be proud of  
3212 and go and frequent on a daily basis.

3213 I'm going to assist you to get rid of that negative element; however, at the same time, I need you  
3214 all to assist me. Just as I look across this audience and I see many of you who are here today to  
3215 support the – doors remaining open, it's gonna take all of us collectively to make sure that we  
3216 put that negative element out of your parking lot as well. So just as you sit here today,  
3217 supporting the Post, you all know if we got together as many as people we see here today and  
3218 stood out in that parking lot, that negative element wouldn't be there today and you all wouldn't  
3219 be before this Council. And that's just keeping it real. So, if we can commit to each other in  
3220 regards to making sure that that happens, some things, some positive things can take place in this  
3221 community.

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3222 You all elected me to basically stand up and protect this community and this is a part of my job.  
3223 This is what you all have assigned me to do. And sometimes it's not easy, and sometimes it's  
3224 not popular. But my job right here today is to make sure that I stand up on – your behalf, on our  
3225 behalf of residents of Ward 5 because I, too, want that negative element to go away when we talk  
3226 about West Las Vegas. West Las Vegas has many people, many families that have been born  
3227 and raised and died in that community. A lot of people, blood, sweat and tears for the sake of  
3228 turning this community around. And if we don't stand up now, then who will? And I don't sit in  
3229 this seat passively; I sit in this seat compassionately about the entire Ward 5. I was born in this  
3230 community, so you know, the things that we want, don't want to talk about, well it's being talked  
3231 about now because it needs to be addressed. And someone has to bring it out, and today we  
3232 brought it out.

3233 So with that being said, ladies and gentlemen, I'm gonna need your help. You all are gonna have  
3234 to help yourselves in regards to making sure that the negative activity that has been taking place  
3235 at this Post has to go away. I have res, residents across the street that would have been here  
3236 today but they were in fear of their life, to come and stand before live television and – talk about  
3237 the Post. You have members right here in the audience that wouldn't dare come stand before  
3238 this podium and be seen because you don't want your face to be seen in regards to retaliation.  
3239 And I understand that and I respect that. Okay. So – I'm not here to – point any fingers. I'm  
3240 here for us to join – hands in regards to how, in fact, we gonna fix this problem.

3241 We need to start with management, Mr. Albert Young. We need to start with management. It  
3242 starts from the top down, as it relates to the VFW Post. Secondly, we need to talk about security,  
3243 how, in fact, we're going to address the true security needs that we need to – secure the  
3244 perimeters.

3245 The outdoor telephone, Mr. DiFiore, as well as Public Works, I want to see that telephone gone.  
3246 So whatever I need to do, whatever we need to do as a City, I want that telephone gone because  
3247 it in itself is a major problem.

3248 Mr. Albert Young mentioned as far as high crime in this area. You know, I beg to differ.

3249

3250 **UNIDENTIFIED MALE SPEAKER**

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3251 That's right.

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3252 **COUNCILMAN BARLOW**

3253 I beg to differ because there's (sic) many locations around this city that I can point to that has a  
3254 higher crime rate than West Las Vegas. So, I beg to differ.

3255

3256 **UNIDENTIFIED MALE SPEAKER**

3257 Alleluia. I agree with that.

3258

3259 **COUNCILMAN BARLOW**

3260 But one thing I will agree with you, Mr. Young, is you mentioned taking the necessary steps to  
3261 correct the problem. And that's what I'm here to do today, take the necessary steps to correct  
3262 that problem and to correct that negative element that hovers over West Las Vegas.

3263 You know, initially, I had no problem with revoking the license at the VFW Post. I don't, and –  
3264 to this day, I don't have a problem with revoking the license. But you know, the Post has been  
3265 around for a very long time and it has helped a lot of people in this community. And it continues  
3266 to help a lot of people in this community. And what I did not want is, was to be left with a  
3267 boarded up, blighted building in an area that's turning around.

3268

3269 **UNIDENTIFIED FEMALE SPEAKER**

3270 (Inaudible).

3271

3272 **COUNCILMAN BARLOW**

3273 That's what I didn't want to be left with if, in fact, I were to take the license because I believe  
3274 that – the doors will shut, and I don't want that, and that doesn't help anybody.

3275

3276 **UNIDENTIFIED FEMALE SPEAKER**

3277 Right.

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3278 **COUNCILMAN BARLOW**

3279 But what I would like to do today, Mayor and Council, just shy of revoking the license, I would  
3280 like to reduce the hours of operation, adjust the hours of operation, being that the majority of the  
3281 crimes that have been committed are after hours, into the dark.

3282 And so for that, my recommendation would be, number one, to, and Mr. DiFiore , if you'll come  
3283 to the microphone, please. I would like to address the security, as far as making sure that the  
3284 security officers have the appropriate credentials in order to bring a level of security to this  
3285 location, would be number one. So, how in fact would you suggest we do that because I know  
3286 that at a couple of the convenience stores just south of this location, we've placed some  
3287 restrictions in respect to security personnel.

3288

3289 **JIM DiFIORE**

3290 I would rec –

3291

3292 **COUNCILMAN BARLOW**

3293 And if in fact the security guards meet that, I want to make sure that they're still able to use  
3294 those security guards. But I want to make sure that we have a level of – security for, to – work  
3295 with our law enforcement, would be number one. Go ahead.

3296

3297 **JIM DiFIORE**

3298 As we have done before on other occasions, the security where it becomes a condition on a  
3299 license, the recommendation here would be a licensed security firm. When it's – when you have  
3300 a licensed security firm, they go through a background investigation with the privileged license  
3301 investigative board operated by the State of Nevada. Currently, right now, our Code does not  
3302 address work cards for employed security. So, a licensed security firm would – cover the  
3303 concerns that I hear today about whether or not these individuals are suitable as security guards.  
3304 So that would be my recommendation on the security.

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3305 **COUNCILMAN BARLOW**

3306 So, let me ask you this question as far as work card. Would a – private individual have the, or –  
3307 a suggested security guard, as far as work cards, would they have the opportunity to go and  
3308 receive the work card in order to maintain that security? Because Mr. Young mentioned that  
3309 there is someone that works for a company that has the credentials. And I just want to make sure  
3310 if there's an extra step, as far as getting, whether it be a sheriff's card or work card that will  
3311 provide that level of security? Is that possible?

3312

3313 **JIM DiFIORE**

3314 It's not a requirement of the Code that a security that is employed by, in this case, the VFW, has  
3315 to have a work card. It is a state requirement that a private security firm has to go through a  
3316 background investigation, have to have a work card issued by the State of Nevada.

3317

3318 **COUNCILMAN BARLOW**

3319 Is that a condition that I can place on the record for, in fact, that individual for – this location to  
3320 do that?

3321

3322 **JIM DiFIORE**

3323 I would defer to our City Attorney on that.

3324

3325 **BRAD JERBIC**

3326 It's not required by Code. It seems to me that if you're going to fashion a condition and you  
3327 want to add an additional condition, that there be a local work card issued in addition to a state  
3328 work card, I think you can do that.

3329

3330 **COUNCILMAN BARLOW**

3331 Okay. **Then I will like to do that. I will like to make that a part of the record in one of my**  
3332 **conditions.** Also, I will like to encourage the members, Mr. Young, yourself, and your board  
3333 members, to – take part in First Tuesday, which is Metro's First Tuesday, so that we can start

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3334 building a better relationship with our local law enforcement. And, so that, as things arise, we  
3335 can have a line of contact and a line of communication that will work hand in hand. We need to  
3336 work better with our local law enforcement.

3337 And – I know the issues and the concerns that we’ve had with our local law enforcement as it  
3338 relates to protection in our community, but we have to start somewhere for this to basically, you  
3339 know, close that gap, and – truly build a line of communication so that we can have a level of  
3340 comfort and safety when we’re communicating with our law enforcement. Also, when they  
3341 show up to the scene to provide them with the information that they need in order to solve the  
3342 crime. And that’s another thing that we need to do, but that’s a whole ‘nother topic within itself  
3343 as far as sharing information so that Metro can do their job as well.

3344 Outdoor, well we spoke about the outdoor telephone. And the hours that I would like to see take  
3345 place. Currently, their hours of operations is (sic) two to eleven thirty p.m. on, during the week  
3346 and twelve noon till ten p.m. during the, on the weekend. **I would like to set the hours of**  
3347 **operation ‘til, to nine a.m. to nine p.m. Monday through Sunday.** And that would be my  
3348 recommendation unless the other Council members will have comment.

3349

3350 **MAYOR GOODMAN**

3351 All right, thank you. We’ll take that in the form of a motion. I think we’re ready to vote?

3352

3353 **BRAD JERBIC**

3354 Mayor, before you vote on the motion, I wanna to make sure that I understood it. The last time  
3355 that we had a motion regarding conditions on this license, there was some confusion, and some  
3356 of those conditions were not included in the license. This motion would limit the hours of  
3357 operation from, and in addition to the conditions that already exist, you want to keep those  
3358 conditions, change the hours from nine to nine and then add licensed security that also has a  
3359 local work card in addition to the state work card?

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3360 **COUNCILMAN BARLOW**

3361 That is correct.

3362

3363 **BRAD JERBIC**

3364 I just want to put on the record that the work cards are Metropolitan Police Department work  
3365 cards. They're not the City of Las Vegas' work cards. Mr. Henry, maybe you can speak to this.

3366 I wanna to make sure that we don't put ourselves in a position of doing something that we can't  
3367 legally do.

3368

3369 **BILL HENRY**

3370 I may have misunderstood, but at, based on what I understood, I am concerned. I thought I heard  
3371 Mr. DiFiore say that prior experience shows that there's no way for him or Metro to enforce  
3372 private security employees of – a business. So that it was his recommendation if you want a  
3373 security condition on the license that the business be compelled to hire an outside contractor that  
3374 runs a security business. And because under State law, the security guards provided by that  
3375 outside contractor are licensed, are investigated and licensed by state authorities.

3376 And then I heard something about, and in addition to that I want the guy that's already working  
3377 there to work for the outside contractor and get a work card –

3378

3379 **COUNCILMAN BARLOW**

3380 Okay –

3381

3382 **BILL HENRY**

3383 – from us.

3384

3385 **COUNCILMAN BARLOW**

3386 Let me – clarify a couple of things. The – VFW Post, as it exists today, I know that, financially,  
3387 they wouldn't be able to maintain an outside security company, firm, due to their revenue  
3388 stream. What I'm trying to do is work with them and them, and they work with themselves. In

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3389 regards to the number of people that's sitting here in this audience, I know that between the  
3390 security personnel, as well as their membership, would stand up and assist the security that they  
3391 have selected and have been working with over the years to help protect their properties. So, I  
3392 don't want to place a firm to – place, as far as security at this location.

3393 What I want them to do is continue to work with the security that they're comfortable with, but  
3394 also, the men and women in this audience to – assist in the process. But those individuals who  
3395 are considered security, I want them to make, I wanna make sure that they have the proper  
3396 credential, as far as the additional step of the work card so that it brings a level – of comfort for,  
3397 we, as a city, at the same time.

3398

3399 **BILL HENRY**

3400 If I understand law, we, at the City, have no work, no work card requirement or investigation  
3401 investigative framework for employees of individual employers designated as security within  
3402 that business. The only way to get that is to go to state licensed firms that provide security  
3403 guards.

3404

3405 **COUNCILMAN BARLOW**

3406 Right.

3407

3408 **BILL HENRY**

3409 But I hear you say that you don't believe that they could afford to do that. So, I'm – not sure  
3410 there's a way to, under the law (inaudible) –

3411

3412 **BRAD JERBIC**

3413 If I could jump in.

3414

3415 **BILL HENRY**

3416 – or in absence of law –

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3417 **MAYOR GOODMAN**

3418 Mr. Jerbic.

3419

3420 **BRAD JERBIC**

3421 If I could jump in, Mr. Henry. I just spoke with Mr. DiFiore and I believe he was in  
3422 communication with the Las Vegas Metropolitan Police Department. There is a Code provision,  
3423 as Mr. Henry indicated, for issuing a work card for an individual who's an employee of any  
3424 establishment, let alone the VFW. So, it's going to either be a security individual that they hire,  
3425 that's not a member of a firm, that won't have a work card, that won't have credentials, as you  
3426 wish, or it's going to be someone from a licensed security firm that does.

3427

3428 **COUNCILMAN BARLOW**

3429 (Inaudible).

3430

3431 **BRAD JERBIC**

3432 There's no in between.

3433

3434 **COUNCILMAN WOLFSON**

3435 Mayor Goodman.

3436

3437 **MAYOR GOODMAN**

3438 Yes.

3439

3440 **COUNCILMAN WOLFSON**

3441 If you don't mind. Councilman Barlow, I'm not sure but I think that even if we go through the  
3442 private security companies, that they're not that expensive. I'm not positive, but I – think  
3443 they're still available for reasonable hourly rates.

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3444 **COUNCILMAN BARLOW**

3445 Mr. Young, would you please approach the microphone, please?

3446

3447 **ALBERT YOUNG**

3448 Go ahead.

3449

3450 **COUNCILMAN BARLOW**

3451 Mr. Young, what I would like is to have some level of security, a great, a greater level of  
3452 security than what we currently have. You mentioned that you have three individuals who serve  
3453 as security officers and one working for another firm. What is the other firm this security officer  
3454 works for?

3455

3456 **ALBERT YOUNG**

3457 They work for a casino there, but they're private security though. I don't know the name of it,  
3458 (inaudible). Now, with the hours that you have us at nine to nine –

3459

3460 **COUNCILMAN BARLOW**

3461 No, we're not – speaking about the hours, Mr. Young, we're talking about security right now.

3462

3463 **ALBERT YOUNG**

3464 I'm talking about security now.

3465

3466 **COUNCILMAN BARLOW**

3467 Okay.

3468

3469 **ALBERT YOUNG**

3470 With the hours we have from nine to nine, and the security that we have, I'm pretty sure that I  
3471 can work with them and we can come up with some reasonable amount of protection for the  
3472 members here.

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3473 **COUNCILMAN BARLOW**

3474 Okay. Thank you.

3475

3476 **MAYOR GOODMAN**

3477 All right. Thank you –.

3478

3479 **COUNCILMAN BROWN**

3480 Just to clarify while Mr. Young is here, with Council's permission. The VFW Post right now,  
3481 you are in good standing with national?

3482

3483 **ALBERT YOUNG**

3484 Correct.

3485

3486 **COUNCILMAN BROWN**

3487 My – concern is, and I don't think it's your problem. I think it's something that's just grown  
3488 over 30 or 40 years, how long the Post has been open, but we're dealing with such a specific  
3489 license, a club component, very privileged. The group that you represent, I think, puts even a  
3490 larger burden of responsibility on you to be above others. And my – question is, I guess, you  
3491 don't have to answer this but you need to think about it, are you able to get to the point from a  
3492 management standpoint that the City wants you to be at, Metro wants you to be at, the Council  
3493 wants you to be at, despite what, I guess, a culture of this corner. And that's – for you to decide,  
3494 but it's such an important issue because we've been fortunate to date, that there hasn't been  
3495 anything more serious than some of the charges that have been brought. And they are certainly  
3496 of a nature that has brought us to the point today.

3497 But I would just ask, most of the fraternal organizations that I'm familiar with, including VFW,  
3498 is there some way that you could create a formal club membership card. And it's a policy  
3499 decision but it's, and a management decision, but you need, from my perspective and for my  
3500 comfort in supporting the Councilman's motion, there has to be a conscious effort, you, as the  
3501 manager and your membership, that you move back towards this being a fraternal organization, a

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3502 club, and not what it's grown into, perhaps beyond your ability to prevent it, but that to me it's  
3503 just a critical issue, your ability and your desire to move it back to a VFW club privileged  
3504 license. And you can control, certainly, what happens inside the club, hopefully control better  
3505 outside in the parking lot. But I – would be not as accommodating if we're here in a year, and  
3506 someone forgot their TAM card, someone forgot the membership list or some. Those are  
3507 management responsibilities that, I think, you and the club need to step up and address. If we  
3508 don't – get to the core transition to a true club privileged license, I think we'll be back here in  
3509 three months, or six months, or a year. And that's my biggest concern, that if you don't decide  
3510 to change, or become more strict, or more formalized in your management policies, I don't think  
3511 we can make this work.

3512

3513 **ALBERT YOUNG**

3514 Your question is, can I handle it? Is that what you're asking me?

3515

3516 **COUNCILMAN BROWN**

3517 Yeah and –

3518

3519 **ALBERT YOUNG**

3520 Yeah. Okay. That question requires the cooperation of the members of VFW, the Metropolitan  
3521 Police Department, the City of Las Vegas and myself. We need to work together. And as far as  
3522 the membership, the cards, they're kind of confusing 'cause all my employees have their cards.  
3523 They all have cards, all of them, including myself. There had been a case where one was,  
3524 maybe, left out in the car, but they all have cards. There was one card that was written on as a  
3525 mistake where the initiating officer took the same receipt and written it up inside for the  
3526 bartender. But we're gonna work together. Yes, we can handle it.

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3527 **MAYOR GOODMAN**

3528 (Inaudible).

3529

3530 **COUNCILWOMAN TARKANIAN**

3531 Are you finished. Mr. Brown? Mr. Mayor, I would just like to say I agree with what  
3532 Councilman Brown is saying. In fact, one of my notes was that there were certain management  
3533 responsibilities and you say well, I can take care of it. But – what he's saying is, could you set in  
3534 place, and I, in many organizations to which I belong, I have a card, some have picture ID's and  
3535 some don't. You might want to have a picture ID here to make sure who your members are that  
3536 are coming in. I don't know, somebody might be coming in that you don't know about, or knew,  
3537 or something like that. But he's, but what, isn't that what you're saying, Councilman, that you  
3538 need an ID card system that could be checked for the people who come in? And maybe that,  
3539 plus determining where the weaker areas are. Do you need someone at the door, for example?  
3540 Do you have to make sure where they sign in? Is that clearly posted? Just things like that  
3541 because you've been thrust into a situation that's been developing for a long time and those types  
3542 of things are good suggestions. So, I'm wondering if one of the conditions could be what  
3543 Councilman Brown had suggested that an identification card, perhaps a picture identification  
3544 card, be given to each member. That's not a very big expense. And I that would help you, I  
3545 think, in managing.

3546

3547 **ALBERT YOUNG**

3548 All the members at VFW have membership cards. They all have cards. Now, it had been  
3549 discussed in the past that we have VFW members, associate member cards, for the members; in  
3550 other words, for the guests. We can make cards up for the guests and making sure they walk in  
3551 the door there and who they're sponsored by. This has been addressed before and (inaudible).

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3552 **COUNCILMAN BARLOW**

3553 And – that, and – for me, Mr. Young, that’s exactly what I’m talking about, as far as conditions  
3554 to basically help – yourself so that we can help each other.

3555 One thing that I would like to, going back to the security, real briefly. I would like for, Mr.  
3556 DiFiore, come back up real quick, please. I would like for your security officers to meet with  
3557 Mr. DiFiore so that we can verify their level – of experience. And a few things that I would like  
3558 for your security guards, a few thresholds that I would like for your security guards to – meet is,  
3559 they can either be a retired personnel from a security firm, an ex-police officer or someone that’s  
3560 moonlighting, but that’s the level of experience I’m looking for, as far as security personnel. Do  
3561 you – agree to those conditions?

3562

3563 **ALBERT YOUNG**

3564 Correct. Now we have one (inaudible) security guard that’s moonlighting.

3565

3566 **COUNCILMAN BARLOW**

3567 Okay. Well as long as they meet Mr. DiFiore –

3568

3569 **COUNCILWOMAN TARKANIAN**

3570 Criteria.

3571

3572 **COUNCILMAN BARLOW**

3573 – policy, procedure, criteria as – it relates to security, then I’m – comfortable with that. Is that  
3574 something you’re amenable to?

3575

3576 **ALBERT YOUNG**

3577 Yes, it is.

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3578 **COUNCILMAN BARLOW**

3579 Okay. Mr. DiFiore did – I coin that according to your rules and – Finance, I’m sorry, Business  
3580 License?

3581

3582 **JIM DiFIORE**

3583 Well, this is gonna be a difficult process because I know, and working with Mr. Young on this, if  
3584 we have a retired security personnel that maybe – have a criminal record more recently after he  
3585 retired, then I don’t know that we have, by Code, the ability to say, “No, Mr. Young, you can’t  
3586 have this person because we believe that the individual is not suitable for that particular  
3587 employment in security.” So, I’m not sure what the answer is, but I know that it might be  
3588 putting us in a difficult position to make that judgment call.

3589

3590 **COUNCILWOMAN TARKANIAN**

3591 Well, couldn’t you just put a blanket that previous crime or previous activity? I mean, can’t you  
3592 put in some level? My concern is, we were talking about this and talking about this, we’ve  
3593 talked about this at other meetings, and something has to be definitely put in there so a bar is set  
3594 for security.

3595

3596 **JIM DiFIORE**

3597 That’s correct. And I think – in other cases, and I’ll – refer to the Dell’s Market and also Family  
3598 Food Market. We had conditions with security on those two establishments and they were  
3599 licensed private security firms.

3600

3601 **BEATRICE TURNER**

3602 They ain’t now.

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3603 **JIM DiFIORE**

3604 So, that would be the Council's consideration. As far as the individuals and their – suitability,  
3605 without it established in Code, I don't know if we can actually be in a position to say no you can  
3606 or no you can't.

3607

3608 **COUNCILMAN BARLOW**

3609 Well, will we have the ability to put the burden on the VFW Post, for them to get the background  
3610 check done for the criminal record and have them pay for the expense? But they would have to  
3611 submit to the City for proof as one of their conditions that the background has been met. With  
3612 the background, I'm sure it's less than a hundred bucks to do, and – then they submit to us who  
3613 their security personnel is (sic).

3614

3615 **JIM DiFIORE**

3616 I'm not –

3617

3618 **MAYOR GOODMAN**

3619 Mr. Jerbic?

3620

3621 **BRAD JERBIC**

3622 If I could, what, we're not talking about licensing a security guard here or giving a work card or  
3623 not giving a work card. We're trying to find that elusive thing somewhere between somebody  
3624 with a gun saying they're security and a licensed security firm, which is clearly unaffordable by  
3625 the VFW. I think what the Council is trying to craft is some kind of compromise that isn't  
3626 contained within the Code so much as it is contained within the discretion of the Business  
3627 Licensing Director. This is a condition on the license that we're talking about not a work card  
3628 issuance or non-issuance for an individual who's gonna – conduct security.

3629 So, I think if the motion contains a requirement that the VFW hire security of a type that has a  
3630 background in security, enforcement and background in it, then it will be up to Mr. DiFiore to  
3631 decide whether or not that individual is – either gonna be a retired police officer, or gonna be

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3632 retired security, or current security moonlighting or somebody else moonlighting. And I think  
3633 it's well understood that it's within Mr. DiFiore's discretion to say, however, there are other  
3634 things that would say that person is not qualified. Since they've retired, they committed a  
3635 felony. I think the VFW knows that if Mr. DiFiore found that kind of background, he would say  
3636 you don't meet the conditions of this license. Could we, are we in agreement on that, Mr. Bell  
3637 and Mr. Young?

3638

3639 **REX BELL**

3640 I would agree.

3641

3642 **ALBERT YOUNG**

3643 Yeah.

3644

3645 **MAYOR GOODMAN**

3646 Yes. All right.

3647

3648 **COUNCILWOMAN TARKANIAN**

3649 Could I, I – didn't get to finish.

3650

3651 **MAYOR GOODMAN**

3652 All right.

3653

3654 **COUNCILWOMAN TARKANIAN**

3655 I just want to say my last request would be that in addition to meeting on the First Tuesdays as  
3656 you had suggested, could – Mr. Young and any members of his leadership team meet with  
3657 Bolden Area Command Community Policing representatives and evaluate what we've done so  
3658 far and has it helped and what else do we need to do. For example, is the lighting adequate that  
3659 was recommended before? Was it put in?

3660

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3661 **ALBERT YOUNG**

3662 Yes, it was.

3663

3664 **COUNCILWOMAN TARKANIAN**

3665 Then it, does Bolden Area feel it's sufficient or is more needed? Secondly, should we lock all  
3666 the gates? Would that be something that would help? Bolden Area might be able to tell us on  
3667 that. Thirdly, any, should we put cameras in the parking lot? And if so, where? I'm just saying  
3668 that the great resource of knowledge that Metro has in community policing could really help  
3669 there in evaluating what do we have and what could we do to make it better.

3670

3671 **ALBERT YOUNG**

3672 Correct.

3673

3674 **COUNCILWOMAN TARKANIAN**

3675 So, I'm suggesting, if it could be part, I don't, was that a condition about the First Tuesdays –

3676

3677 **MAYOR GOODMAN**

3678 No.

3679

3680 **COUNCILWOMAN TARKANIAN**

3681 – was that a recommendation?

3682

3683 **COUNCILMAN BARLOW**

3684 No, that was a recommendation.

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3685 **COUNCILWOMAN TARKANIAN**

3686 Well, I'm suggesting today would you agree today to meet with metro policing (sic) and the  
3687 representatives there, Community Policing from Bolden Area, to follow through in what I'm  
3688 suggesting?

3689

3690 **ALBERT YOUNG**

3691 Yes, I would.

3692

3693 **MAYOR GOODMAN**

3694 All right.

3695

3696 **COUNCILWOMAN TARKANIAN**

3697 I, that would make me feel a lot better.

3698

3699 **COUNCILMAN BARLOW**

3700 And – going back to the – members. I would also like for you to have a list of all of your  
3701 member, for the sake of Metro, as well as our Business License Department, whether it be at  
3702 your bar or somewhere accessible so when they come through, they can see the entire list of your  
3703 membership on dis, on display and when asked to review it. Is that –

3704

3705 **ALBERT YOUNG**

3706 Yeah, it's already been put in place.

3707

3708 **COUNCILMAN BARLOW**

3709 I'm sorry.

3710

3711 **ALBERT YOUNG**

3712 It's already been put in place.

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3713 **COUNCILMAN BARLOW**

3714 Well great. And also, let me see, the guests, the guests of your members, being that when they  
3715 come in, the issue was they didn't know who they were a guest of. I would like to also if, in fact,  
3716 someone's coming in as a guest, that, what do you do currently, if I come in as a guest of one of  
3717 your members and that member leaves, what happens to the guest?

3718

3719 **ALBERT YOUNG**

3720 The – guest could stay if – the guest is a notable member. And if you don't know him, then he  
3721 has to leave. And most of the guests or guests members, we know who they already are.

3722

3723 **COUNCILMAN BARLOW**

3724 And do they sign in under, what is the procedure. as far as I'm coming in as a guest? Do I sign  
3725 in and basically say that I came in with Mr. Al Young?

3726

3727 **ALBERT YOUNG**

3728 Well, you sign in as a member and you sign in as a sponsor.

3729

3730 **COUNCILMAN BARLOW**

3731 Okay. **Then that would be my – motion, Mayor.**

3732

3733 **MAYOR GOODMAN**

3734 (Inaudible).

3735

3736 **COUNCILMAN BARLOW**

3737 But I do want to make one note that all the previous conditions are to remain. All the other  
3738 special conditions prior to this meeting will remain on record for the VFW Post 1-0-0-5-7.

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3739 **MAYOR GOODMAN**

3740 All right. Thank you. Before we take the vote, I'd just like to express to Metro our thanks for  
3741 you being here and for the job that you're doing out there and for the job that you have to  
3742 continue to do out there, because I disagree with a lot of what I've heard today. I don't think that  
3743 this Veterans Post is the cause of the problem. I think that there are some –

3744

3745 **MEMBERS OF THE AUDIENCE**

3746 (Disruptive applause).

3747

3748 **MAYOR GOODMAN**

3749 – no, no, please, please folks, nope. I think that there are some tweaking and regulations that  
3750 you have to do in order to make yourself more accessible to Metro's needs. But this is a problem  
3751 that is far more endemic to our community than just the fact that we have a Veterans post out  
3752 there with activities taking place across the street or in a parking lot and the like.

3753 And I applaud you for your determination in accord with your obligation and the public trust that  
3754 we have in you to continue to make sure that all of our community, not just pockets of our  
3755 community, but all of our community is law abiding and safe for all of our citizens without just  
3756 reference to particular parts in the community that may be of some interest as far as today's  
3757 proceedings are concerned.

3758 I want to thank the citizens who are here today for the – way you conducted yourselves in the  
3759 course of this meeting. I know that you are very concerned that your rights and privileges are  
3760 being protected. But I think we all said it at the same time, this has to be a partnership. This is  
3761 one community. It's not the West side versus; it's not City Hall not liking; this is Las Vegas.  
3762 This is the Las Vegas that we want to be proud of, and we want our Veterans to be taken care of  
3763 so that they feel that they're a vital part of our community. And we've got to work together. It's  
3764 that simple. We've got to work together. We can't work apart. We can't fight each other. We  
3765 can't resist. We have to work for the common good. So, with that, let's vote on the motion.

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3766 **COUNCILMAN WOLFSON**

3767 Mayor Goodman, I'm sorry. I just want to ask for a clarification regarding the security guard  
3768 issue because I'm a little unclear. The last I heard was that Mr. DiFiore is going to have  
3769 oversight, and he is going to be the one who's going to decide whether the security guard fit –  
3770

3771 **MAYOR GOODMAN**

3772 That's correct.

3773

3774 **COUNCILMAN WOLFSON**

3775 – the framework that we want it to be. Is that what we're voting on?

3776

3777 **MAYOR GOODMAN**

3778 That's my understanding.

3779

3780 **COUNCILMAN BARLOW**

3781 That's correct.

3782

3783 **COUNCILMAN WOLFSON**

3784 Mr. DiFiore, do you feel comfortable being able to work within that framework 'cause as I see it,  
3785 the security guard is a big issue here? And then I'll shut up.

3786

3787 **JIM DiFIORE**

3788 Well, even if I am able to approve the credentials of a security guard, I still am uncomfortable  
3789 with the fact if – there are violations, if there are problems with the security out there, it's –  
3790 really my burden of responsibility to prove that the security that I've approved is now the  
3791 problem of – the community.

3792 And I think that that, that's why going through a private security firm, you have a board that  
3793 regulates that. You have a board that can take action on that particular security firm.

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**VERBATIM TRANSCRIPT – ITEM 2**

3794 **COUNCILMAN WOLFSON**

3795 Councilman Barlow with your permission.

3796

3797 **COUNCILMAN BARLOW**

3798 Go ahead.

3799

3800 **COUNCILMAN WOLFSON**

3801 I'm gonna support your motion because I think the spirit of what we're trying is being  
3802 accomplished, but I just, from a technical standpoint, we may be back here because of this  
3803 vagueness in that one particular item. And that's – all I'm gonna say.

3804

3805 **COUNCILMAN BARLOW**

3806 And I – can respect that, Councilman, and thank you for that. And – I really appreciate the –  
3807 support that the Council has given me, as far as how I'm trying to work with a group that, you  
3808 know, that, as I've stated, I mean, they're a very reputable, credible group. And I just  
3809 understand also at the end of the day their financial structure.

3810 But I can also make, place on the record, as another condition, if it makes this Council more  
3811 comfortable that if, in fact, the security is not working out, suitable to the City of Las Vegas'  
3812 standards, then we will have to move up to a – off-site security operator where possibly, I hate to  
3813 talk about taxes, but maybe we raise the fees of the members a little bit in order to pay for that to  
3814 help offset that because we're talking about a place that we all have frequented and you all have  
3815 frequented longer than, some of you have frequented before I was even born. And so, you know,  
3816 it's not something that I'm looking to go away or something that I'm looking for to continue to  
3817 keep the reputable and credible fabric of this – organization.

3818 **So I have – not a problem with moving forward with addi, attaching an additional**  
3819 **condition that if, in fact, the security that Mr. Young has brought forward to protect the**  
3820 **interest of the lodge, I'm sorry, the lodge, the –**

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3821 **UNIDENTIFIED MALE SPEAKER**

3822 Post.

3823

3824 **COUNCILMAN BARLOW**

3825 – the Post, thank you. I’m a member of the Masonic Lodge, thank you. **That the, that we will**  
3826 **move forward with the technical piece that Councilman Wolfson mentioned to come back**  
3827 **to enforce a (sic) outside security operation.**

3828

3829 **MAYOR GOODMAN**

3830 Is that agreeable?

3831

3832 **ALBERT YOUNG**

3833 (Inaudible).

3834

3835 **MAYOR GOODMAN**

3836 All right, let’s vote.

3837

3838 **COUNCILMAN REESE**

3839 One question.

3840

3841 **MAYOR GOODMAN**

3842 Yes.

3843

3844 **COUNCILMAN REESE**

3845 Are we gonna have a review of this application?

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3846 **MAYOR GOODMAN**

3847 Did you want a review, Councilman Barlow?

3848

3849 **COUNCILMAN BARLOW**

3850 Let me, I'll move forward to, Mr. DiFiore, what, twelve month review?

3851

3852 **MAYOR GOODMAN**

3853 Well, we're always under review for that purpose, for that matter.

3854

3855 **COUNCILMAN BARLOW**

3856 Just to see how, in fact, the security works out over time.

3857

3858 **JIM DiFIORE**

3859 I – would recommend a six-month review.

3860

3861 **COUNCILMAN BARLOW**

3862 Okay.

3863

3864 **BEATRICE TURNER**

3865 Twelve months.

3866

3867 **MAYOR GOODMAN**

3868 All right. Councilman.

3869

3870 **COUNCILMAN BARLOW**

3871 **Let's – move forward with, we'll move forward with a twelve-month review.**

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3872 **MAYOR GOODMAN**

3873 All right. That's the motion. Let's vote. Post. (**Motion carried unanimously with Ross**  
3874 **excused**). Motion carries.

3875 All right. The Citizen Participation was heard under the January 16<sup>th</sup>, 2008 City Council  
3876 meeting, and we're therefore, adjourned.

3877

3878 **BILL HENRY**

3879 Mayor, before you adjourn, may the record reflect that I lodged with the Clerk a copy of the  
3880 notebook that I referred to in these proceedings.

3881

3882 **MAYOR GOODMAN**

3883 The record will so reflect.

3884

3885 **(END OF DISCUSSION)**

3886

3887 /lc; ac; cv/cv; ac