



September 2, 2008

Getting Out LLC
840 South Rancho Drive, Suite 4, #607
Las Vegas, NV 89106

ATTN: Darren Hernes
RE: Denial of business license application

Dear Mr. Hernes:

I am the Manager of Business Services, designated by the Director of Finance & Business Services as the primary authority on all City Business License applications. This letter confirms that business license application M18-92995-G-121736 has been denied for one or more of the following reasons, any one of which would constitute grounds for such denial. I have highlighted some of the more pertinent provisions of law for your convenience.

LVMC 6.02.090 (a)

a) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application;

Your business license application is misleading in that the "home" address you listed, 840 South Rancho Drive, Suite 4, # 607, is a mail box located within UPS Store, rather than your residence address.

LVMC 6.02.120 Fixed place of business required.

(A) Except as otherwise provided in Subsection (B) of this Section, a business license shall only be issued if the applicant has a fixed place of business from which the business will actually be conducted.

The address which you have listed appears to be the location where you will receive mail, rather than the location which will be your fixed place of business. There is no office space available for rent at this location, so it cannot be credibly claimed that this will be your fixed place of business.

Both the Planning Department and the Fire Department must review and approve all business activity *at the location where the business will be conducted* in order to determine that the zoning is proper and fire safety requirements have been met for every sort of business activity at every location in the City of Las Vegas. This cannot be accomplished by supplying us only with your mail box address. You may be conducting business *with* UPS and you are free to receive all your business mail at that location, this postal box is certainly not your "fixed place of business".

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Permit me to observe that you have been very unclear about the precise nature of the business activity which you intend Getting Out LLC to conduct. I cannot, therefore, advise with any certainty that this is a possibility, but please consider that business licenses for enterprises conducted out of private residences are regularly issued by my office. Permission to conduct a commercial enterprise out of one's home always depends upon a number of factors, such as the enterprise involving an inherently low level of noise, a small volume of visiting clientele and modest traffic impact upon the neighborhood, along with a lack of any adverse parking issues. If all our requirements for a home business license are met, it is a matter of indifference to this Department where that business might choose to receive its mail.

LVMC 6.02.090 (j)

(j) The proposed business activity constitutes, promotes, fosters, aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

However benign the actual business activity might otherwise be, this office considers any business that is operating from a location not properly licensed to be a chronic public nuisance, as it constitutes ongoing unlawful activity at a specific location. I can assure you that the City Attorney's Criminal Division and our Municipal Court judges share this interpretation of the law. Either criminally or civilly, we police such business practices and take action to abate them.

LVMC 6.02.020 Department investigation and enforcement powers.

(A) The Department shall have the jurisdiction to investigate and enforce the provisions of this Title, Title 9 and the provisions of Title 19 as they relate to the use of land by, and impact of, businesses, professions and occupations.

(B) The Department shall have all powers which may be necessary or appropriate for a complete and effective exercise of its jurisdiction, including, but not limited to:

(1) The power to enter and inspect the licensed premises at any time during the business hours of the licensee;

(2) The power to examine all books and other business records of a principal, licensee, applicant, or their employees or other persons acting under their control;

(3) The power to apply for and execute administrative search warrants based upon reasonable suspicion of a violation of this Title, Title 9 or Title 19;

(4) The power to issue citations pursuant to the provisions of NRS Chapter 171 for violations of this Title, Title 9 or Title 19;

(5) The power to issue, revoke, suspend or deny a business license, or temporary business license, as provided in this Chapter; and

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(6) The authority to make expenditures as reasonably necessary to investigate a violation of this Title, Title 9 or Title 19.

(C) The Department is authorized to require identification or other information from a principal, licensee, applicant, or their employees or other persons acting under their control, at any time in furtherance of the exercise of its jurisdiction.

(D) During the course of investigating any crime or assisting in the enforcement of this Code, Metro has concurrent jurisdiction and authority to issue citations for the violations of this Title, Title 9 or Title 19.

Permit me to observe that, fundamentally, it would be unlawful for the City to surrender its capability to inspect every business operation, as provided for by this law. We require and insist upon our statutory right to inspect every business in this City, to insure it is being operated in harmony with the law and could never do so if operators were allowed to keep the location of their businesses a secret. It is a matter of indifference to us, generally, whether business customers are supplied with the actual address where business is conducted or with a mail box number. It is, however, an absolute necessity that you disclose your actual business location to this office. You will not receive a license to engage in business within our jurisdiction by supplying us only with the address of the postal box where you intend to receive your business mail.

Since you submitted your appeal of the decision to deny your license application to a staff member of my office by e-mail, we will be placing your request on the City Council agenda for September 17, 2008. You will be notified by letter once this agenda has been finalized.

Sincerely,


Jim DiFiore, Manager
Business Services Division
Finance & Business Services

Cc: Mark Vincent
Carol Meyer