

September 17, 2008

City of Las Vegas
Las Vegas City Council
City Hall
400 Stewart Ave
Las Vegas, NV 89101

RECEIVED
CITY CLERK
2008 SEP 16 P 12:03

RE: Appeal of the denial of the Getting Out... LLC business license application

Las Vegas City Council:

Thanks for hearing Getting Out... LLC's petition for a redress of grievances.

In this document, the information provided could be considered and/or pondered. Do not interrupt the information in this document as legal/professional advice. Interrupt the ideas in this document as a perspective. It is a perspective to take into account before one decides what one is going to do.

Currently with the information provided to Getting Out... LLC, the root cause for the denial of business license is because the address provided does not meet current Las Vegas Municipal Code; it is a UPS Store type address. It could be considered that the address supplied by Getting Out... LLC meets current Las Vegas Municipal Code because *any due process under law can be served on Getting Out... LLC* at the address given. Address in question or variations of:

Getting Out... LLC
PMB 607
840 S Rancho Dr. Ste 4
Las Vegas, NV 89106

The Code (LVMC 6.02.080 (2)) asks for "the proposed business location" or physical address. The address provided is "the proposed business location" for Getting Out... LLC where any due process under law can be served on Getting Out... LLC. It could be considered that the minimum requirements for a physical address of a business is:

LVMC 6.02.080 (3): "... to be contacted as necessary to address or be held accountable for the timely fulfillment of restrictions and conditions on the license or the timely abatement of any nuisance activity at the business location(s)"

hence, a physical address is a place where *any due process under law can be served on a business*. Any due process under law can be served on Getting Out... LLC at the address provided because:

The UPS Store also offers many additional services that the post office does not, services like **package acceptance from all carriers**, package notification and Call-in MailCheck®, all aimed to save you valuable time. (Bold font and italics added by author of this document.)

http://www.upsstore.com/customer/faq_maiposser.html

Submitted after final agenda

Date 9/16/08 Item 50

In short, it could be considered that the address meets the current Las Vegas Municipal Code because any due process can be served on Getting Out... LLC at the address provided.

Thanks,



Darren A. Hernes
Managing Member, Getting Out... LLC

managingmember@gettingout.biz

Getting Out... LLC
PMB 607
840 S Rancho Dr. Ste 4
Las Vegas, NV 89106

6.02.080 Application.

(A) Any person who desires to engage in business shall first apply for and obtain the appropriate license. The license application shall be filed with the Department on forms acceptable to the Department. The applicant shall furnish all the information required by the Department including, but not limited to:

(1) The applicant's business organization and structure, including the names and addresses of any and all on-site or off-site managers responsible for timely abatement of any and all nuisance activity at the business location;

(2) The proposed business location and specific activity or operation to which the business is limited;

(3) The name and specific physical and mailing addresses of each principal sufficient to allow them to be contacted as necessary to address or be held accountable for the timely fulfillment of restrictions and conditions on the license or the timely abatement of any nuisance activity at the business location(s);

(4) Copies of all other licenses or permits required by local, State or Federal law to engage in the proposed business, including any description of limitations, conditions or restrictions thereon; and

(5) Any other information that reasonably relates, or may lead to information that reasonably relates, to the applicant's or a principal's qualification, acceptability or fitness for a license.

(B) The applicant must sign the application for license acknowledging that all the information furnished by the applicant is true, accurate and current, that he or she is aware of the obligation to provide timely notice of any changes in required information, and that he or she has informed all principals of their joint and several responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at the business location(s).

(Ord. 5873 § 4, 2006; Ord. 5456 § 1, 2002; Ord. 5081 § 5, 1998; Ord. 2186 § 2 (part), 1981; prior code § 5-1-5)

<http://www.ordlink.com/codes/lasvegas/index.htm>

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(4) Copies of all other licenses or permits required by local, State or Federal law to engage in the proposed business, including any description of limitations, conditions or restrictions thereon; and

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(Ord. 5873 § 4, 2006: Ord. 5456 § 1, 2002: Ord. 5081 § 5, 1998: Ord. 2186 § 2 (part), 1981: prior code § 5-1-5)

<http://www.ordlink.com/codes/lasvegas/index.htm>

LAS VEGAS CITY CHARTER

CHAPTER 517, STATUTES OF NEVADA 1983

AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a new charter; defining the boundaries thereof; and providing other matters properly relating thereto.

[Approved May 26, 1983]

Sec. 2.150 Powers of City Council: Licensing, regulation and prohibition of businesses, trades and professions.

1. The City Council may:

(a) Except as is otherwise provided in subsection 2 and NRS 598D.150 and 640C.100, license and regulate all lawful businesses, trades and professions.

(b) Fix, impose and collect a license tax for regulation or for revenue, or both, upon all businesses, trades and professions and provide an equitable standard for fixing those license taxes.

(c) Suspend or revoke the license of any business, trade or profession for failing to comply with any regulation of the City in such manner as may be prescribed by ordinance.

2. No person, firm or corporation which is licensed by an agency of the State to conduct or practice any business, trade or profession, except as is otherwise provided in subsection 3, may be denied a license to conduct or practice that business, trade or profession, nor may the license be suspended or revoked, if:

(a) That person, firm or corporation complies with all of the regulations which are established by that agency and pays to the City such license taxes and related fees and posts such bond or bonds as may be prescribed by ordinance; and

(b) The location of the business, trade or profession complies with all of the requirements of all of the zoning, building, plumbing, electrical, safety and fire prevention codes or regulations of the City.

3. The City Council may provide, by ordinance, regulations which restrict the number, location and method of operation of and the qualifications for ownership in:

(a) Liquor-dispensing or gaming establishments, or both;

(b) Businesses which are engaged in the manufacture or distribution, or both, of liquor or gaming devices; and

(c) Such other businesses, trades and professions as may be declared by ordinance to be privileged, and regulations which prescribe the circumstances under and the manner in which licenses with respect to those establishments, businesses, trades and professions may be denied, limited, suspended or revoked.

(Ch. 517, Stats. 1983 p. 1398; A—Ch. 465, Stats. 2003 p. 2898; Ch. 325, Stats. 2005 p. 1142)

<http://leg.state.nv.us/CityCharters/CtyLVCC.html>



Las Vegas Business License Application

400 Stewart Ave., 3rd Floor, Las Vegas, NV 89101

(702) 229-6281 (Voice) - (702) 386-9108 (TDD)

Please type or print in black ink. Incomplete or illegible applications will not be accepted. Application must bear an original signature.

All information on this form is a public record

MIB 2008-6-121736

Mail Counter

1	<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Change of Ownership	<input type="checkbox"/> Change of Location	<input type="checkbox"/> Change of Name	<input type="checkbox"/> Change of Corp. Officer	<input type="checkbox"/> Other _____
2	Type of Entity:	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Limited Liability Company	
3	Entity Name: Getting Out... LLC				4	Corporate Phone: 513-289-2306
5	Business Name (d/b/a): Getting Out... LLC				6	EIN #: 26-2877189
7	Business Opening Date: June 2008	Hours of Operation: normal business hours			8	Business Phone:
9	Business Street Address: 840 S Rancho Dr Ste 4	10	Business Mailing Address: 840 S Rancho Dr Ste 4		11	Business Fax:
			# 607		12	Cellular Phone:
	Las Vegas, NV 89106		Las Vegas, NV 89106		13	E-mail Address: managingmember@gettingout.biz
14	Owner, Manager or other Principal (attach additional pages if required)		Business Website: www.gettingout.biz		Drivers License #: 1603139377	
	Name: (Last, First) Hernes, Darren		Home Address: (P.O. Box Not Acceptable) 840 S Rancho Dr Ste 4, # 607		Date of Birth: 7-31-1981	
	Title: Managing Member	Percent Owned: 100%	City, State & Zip Code: Las Vegas, NV 89106		Home Phone: 513-289-2306	
	Name: (Last, First)		Home Address: (P.O. Box Not Acceptable)		Date of Birth:	
	Title:	Percent Owned:	City, State & Zip Code:		Home Phone:	
	Manager Name: (Last, First) Hernes, Darren		Home Address: (P.O. Box Not Acceptable) 840 S Rancho Dr Ste 4, # 607		Date of Birth: 7-31-1981	
	Manager: On-Site <input checked="" type="checkbox"/> Off-Site <input type="checkbox"/>		City, State & Zip Code: Las Vegas, NV 89106		Home Phone: 513-289-2306	
15	Alcohol sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Auto title loans	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Less than weekly	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Gaming	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Check cashing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Kitchenette	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Tobacco sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Installment loans	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Coin operated laundry	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Used merchandise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Entertainment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Swimming pool	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Dance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexually-oriented materials or activities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Long term rental	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Alcohol/drug counseling/treatment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amusement machines	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Childcare	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Pawn	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Vending machines	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
16	Describe your specific business activity in detail: Business Services - Getting Out... LLC provides a point for information but is not the source of the information. Getting Out... LLC provides a place where people can submit, place, leave, and/or find information, but Getting Out... LLC is not the source of the information. Included in this, Getting Out... LLC provides commercial registered agent services.					
17	If this application is for a change of business name, business location, or business ownership, then list the previous name, address, & owner(s) below:					
18	I am aware of the obligation to provide timely notice of any changes in required information, and I have informed all owners, managers, or other principals of their criminal and/or civil responsibility for the timely fulfillment of all restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business. Per LVMC 6.02.080 (B) <u>DH</u> (Initial)					
19	Several categories of business licenses require Nevada state licenses. All such principals are aware that failure to maintain required Nevada state licenses renders a city of Las Vegas business license invalid and thereafter any business activity would be unlawful. <u>DH</u> (Initial)					
	As an authorized agent of the entity identified above, I certify the information provided on this form is true, correct, complete and current to the best of my knowledge and belief.					
20	Authorized Original Signature: <u>Darren A Hernes</u>		Print Name: Darren A. Hernes		Date: 7-17-8	

CITY OF LV TREASURY
 400 STEWART AVE
 LAS VEGAS, NV 89101

Home Occupation Permit Application

TERMINAL ID: 000739045
 MERCHANT #: 226029301992

MC
 #XXXXXXXXXXXX3305

SALE
 BATCH: 000249 INVOICE: 049271
 DATE: JUL 17, 08 TIME: 10:13
 SQ: 005 AUTH NO: 017538

TOTAL \$230.00

CUSTOMER COPY

Conditions below and sign the application. If the applicant is not the property owner, the property owner must indicated or otherwise give written permission for this use of the property. The Planning Director must be one occupation will comply with the following standards.

the dwelling unit shall be engaged in the used for the Home Occupation Permit.
 port to work or be dispatched from the property.
 ansacting of business or offers to transact s or clients who have come to the property.
 ge or other advertising of any kind, whether here, which advertises the address or

- 9. No Home Occupation business shall create or cause noise, dust, light, vibration, gas, fumes, toxic or hazardous materials, smoke, glare, electrical interference or other hazards or nuisances either on or off the premises.
- 10. There shall be no electrical or mechanical equipment which is not normally found in a residential structure and no equipment found on the premises shall cause a change in the fire safety or occupancy classification of the dwelling unit.
- 11. There shall be no outdoor storage or use of any toxic chemicals or hazardous materials of any type or in any amount not normally found in a residential structure.
- 12. No more than one vehicle with a maximum capacity of one ton shall be used in connection with a Home Occupation Permit.

physical location of the property or identifies the existence of a Home Occupation on the property. A home telephone number or a post office box may be advertised by any medium other than on-site language.

- 5. No motor vehicle repair, paint or body work, commercial preparation of food for service on the premises, business related to or involving explosives, ammunitions or weapons, beauty parlor or barber shop, or ambulance or related emergency services shall be permitted as Home Occupation.
- 6. A Home Occupation shall not create pedestrian, automobile or truck traffic in excess of the normal amount associated with residential uses in the district.
- 7. A Home Occupation business shall be conducted exclusively within the main dwelling or within an accessory structure which has been approved for the Home Occupation Permit, except for horticultural activities.
- 8. The number of on-site parking spaces shall not be reduced to less than two.

Applicant Signature: _____ Date _____

Property Owner Signature: _____ Date _____

Approved by: _____ Date _____

BSR: Patricia C. Flores Date 07/17/08

NV State License: _____ NV State Sales Tax Permit #: Applied S. NV. Health Permit # / Card Expiration: _____

Number of Coin-Operated Machines on Premises: _____ Performance / Surety / Cash Bond Amount _____

SUP #: _____ SUP #: _____ CC Date: _____ PC Date: _____ # of Massage Rooms _____ IWS: _____

Square Footage _____ NLV License # _____ HN License # _____ CC License # _____

Comments: NEW

Metro SCOPE _____ Henderson SCOPE _____ NLV SCOPE _____ Police Letter _____

TR#:	Date:	Amount:	
	<u>07/17/08</u>	<u>200-</u>	<u>m18</u>
	<u>07/17/08</u>	<u>30-</u>	<u>Process fee</u>

Approvals: 1st Temporary _____ 2nd Temporary _____ 3rd Temporary _____ Final: _____

Planning: _____

Fire: _____

License: _____

Exhibit A

Site Guide | Search:

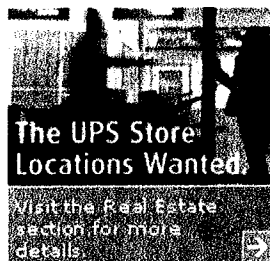


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Customer Service

- Frequently Asked Questions
 - > General Questions
 - > Packaging
 - > Domestic Shipping
 - > International Shipping
 - > Freight
 - > Document Services
 - > **Mailbox & Postal Services**
 - > Additional Products & Services
 - > Corporate Retail Solutions
 - > Customer Service Form
- Contact The UPS Store



Mailbox & Postal Services FAQ

The following is a list of frequently asked questions regarding mailbox and postal services. For complete information on our mailbox and postal services, please visit our Mailbox & Postal Services page.

- ✦ What is the difference between a mailbox at The UPS Store and a PO Box at the post office?
- ✦ What does my mailing address look like?
- ✦ What mailbox sizes do you offer?
- ✦ How do I open a mailbox?
- ✦ What is a mailbox service agreement?
- ✦ How much does a mailbox agreement cost?
- ✦ Where can I sign up for a mailbox agreement?
- ✦ What is the minimum length of an agreement?
- ✦ How much mail can I receive at my mailbox?
- ✦ What happens if I receive more mail than will fit in my mailbox?
- ✦ Can I receive packages in my mailbox? From other carriers?
- ✦ Can I transfer my agreement to another The UPS Store location if I relocate?
- ✦ I'm moving to a different area. Can I open a mailbox before arriving at my new location?
- ✦ Can you forward my mail if I am away?
- ✦ Can you hold my mail if I am away?
- ✦ Can I call to check if I have mail?
- ✦ When can I pick up my mail?
- ✦ Can other people receive mail at my mailbox?
- ✦ Can other people pick up mail at my mailbox?
- ✦ Can I buy stamps?
- ✦ Do you offer other USPS products?

What is the difference between a mailbox at The UPS Store and a PO Box at the post office?

With a mailbox at The UPS Store, you get a real street address, not a P.O. Box number. If you're a business owner, having a real street address as your mailbox can provide you with a professional image for your business. The UPS Store also offers many additional services that the post office does not, services like package acceptance from all carriers, package notification and Call-in MailCheck®, all aimed to save you valuable time.

[✦ Back to Top](#)

What does my mailing address look like?

Your mailing address will be the address of The UPS Store location, with either PMB (private mailbox) or the pound symbol (#) designating your individual box. Instead of "The UPS Store," your name appears first.

Example:
 Joe Smith
 PMB XXX or # XXX
 12345 Somewhere Street
 Some City, Some State Some ZIP

[✦ Back to Top](#)



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

September 10, 2008

CERTIFIED LETTER
RETURN RECEIPT REQUESTED

Mr. Darren Hernes
Getting Out...LLC
840 South Rancho Drive, Suite 4
Las Vegas, NV 89106

Re: Management Consultant - Appeal of Denial
Getting Out...LLC
dba Getting Out...LLC
840 South Rancho Drive, Suite 4

Dear Mr. Hernes:

Your application for the above-referenced license is on the agenda for the regular City Council meeting to be held on Wednesday, **September 17, 2008, at 9:00 a.m.**, in the Council Chambers at City Hall, 400 East Stewart Avenue.

It is required that you be present when your appeal is presented to the City Council. If you require language assistance, it is recommended that you bring a court certified interpreter with you to assist in the discussion of your item. If you are not in attendance, the Council may table your appeal for consideration at a future meeting.

We recommend that you contact License Officer Gerard at 229-6954 prior to the City Council meeting to determine if there are any business license related items that require your attention. At this time our records show that you have no business license items pending.

Sincerely,

A handwritten signature in cursive script that reads "Jim DiFiore".

Jim DiFiore, Manager
Business Services Division
Finance & Business Services

JD: rw 4841

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

September 4, 2008

Department of Finance & Business Services
Attn: Jim DiFiore, Manager
400 Stewart Ave. – 3rd Floor
Las Vegas, NV 89101

RE: Appeal to the Denial of business license application

Mr. DiFiore:

Thanks for the written response and the attention given to this appeal. I have to admit I think the City's correspondence has have been professional; the responses have been timely. The City has been most gracious in the attention given to Getting Out...LLC with regards to the appealing of the denial of its business license.

This letter is the latest appeal to the denial of the Getting Out... LLC business license. The letter of the appeal sort of flows with the letter dated September 2, 2008 from the City of Las Vegas. (copy enclosed). So just follow along, it goes point by point.

6.02.090 Action on application—Refusal grounds.

(1) Deny an applicant a license if:

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

The LVMC 6.02.080 does not require a "home" address. It requires:

6.02.080 Application.

(3) The name and specific physical and mailing addresses of each principal sufficient to allow them to be contacted as necessary to address or be held accountable for the timely fulfillment of restrictions and conditions on the license or the timely abatement of any nuisance activity at the business location(s);

It could be considered that the application is misleading with regards to the information required by the 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.

It could be considered credible and the actual place of business of Getting Out... LLC because *any due process under law can be served on Getting Out... LLC at the proposed location.* “Officially”, it is the only place where any due process under law can be served on Getting Out... LLC and hence the “actual” place where business is being conducted.

Unless the UPS store does not meet the requirements of the LV Code., it could be considered that Getting Out... LLC meets the fire code. Zoning might be an issue, but this is a pretty generic, run of the mill business license application. Until the City cites written code, I am going to have a hard time believing this violates any zoning code. (Side Note: Ponder the idea that until the City cites the written code, it is going to have a hard time legally denying the license because of any “zoning violations”.)

Answer to question #16 on the Las Vegas Business License Application states:

“Business Services – Getting Out... LLC provides a point for information but is not the source of the information. Getting Out... LLC provides a place where people can submit, place, leave, and/or find information, but Getting Out... LLC is not the source of the information. Included in this, Getting Out... LLC provides commercial registered agent services.”

Read Nevada Revised Statutes 77 (NRS 77: <http://www.leg.state.nv.us/NRS/NRS-077.html>). Specific enough? If not, take it up with the State of Nevada

In our day in age, there is an activity referred to as stalking (NRS 200.575: <http://leg.state.nv.us/NRS/NRS-200.html#NRS200Sec575>). In order to promote the safety and wellbeing of me and those around me, in order to promote what the Constitution of the United States of America refers to as “domestic tranquility”, it is probably best that I do not “run” this out of my home. Ironic don’t you think, what one is trying to prevent (see below), one potentially causes: a private/public chronic nuisance.

6.02.090 Action on application—Refusal grounds.

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

If a commercial registered agent is a chronic nuisance, take it up with the State of Nevada. In many cases a registered agent is required by Nevada Revised Statutes. Currently as it stands, Getting Out... LLC is not “open” for business. If one desires to be tough on crime, make sure one does not become the criminal.

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
 - (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.

I am not quite sure why this LVMC was cited. If it was cited in order to point out one's jurisdiction and authority, I do not have any issues with that.

(Side Note: 6.02.020 (B)(2) sounds a bit intrusive. I am surprised one does not need a warrant to gain access to that information unless that requirement is stated elsewhere. In some companies, employees are not even privileged to that information.)

Technically, it could be considered that I have supplied the City with actual business location of Getting Out... LLC (840 S Rancho Ste 4, PMB 607, Las Vegas, NV 89106). Unless the written code of Las Vegas is updated, the City might have to grant a business license for a UPS Store type address. Physically, it might look like a postal box, but in spirit it is not. Ponder the idea that changing the code might just effect the economic environment here in Las Vegas. Make sure a change is done in good faith, not out of spite.

6.02.110 Appeal of action by Director.

Except as otherwise provided in Section 6.02.070 with respect to a temporary business license, any person aggrieved by a decision of the Director denying or refusing to renew a license or denying, revoking or suspending a permit may appeal that decision within thirty days to the City Council by filing written notice of appeal with the Department. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant filed a notice of appeal.

Ponder the idea that until the director (Mark Vincent) denies this himself, I do not have to appear before the City Council without forfeiting one's right "to petition the Government for a redress of grievances" (Amendment I, Constitution of the United States of America). Hence currently as it stands with the information that I have, I am not appearing before the City Council on September 17, 2008, but I am going to continue "to petition the Government for a redress of grievances." Ponder the idea that it might be in the city's interest to settle this before it gets to City Council. Ponder the idea that the City needs to read and cite the written LVMC.

Thanks for one's time and attention with regards to this matter. I look forward to receiving a written response. I will follow up the week of September 15, 2008 if I have not heard back earlier.

Thanks,

A handwritten signature in cursive script that reads "Darren A. Hernes".

Darren A. Hernes
Managing Member, Getting Out... LLC

(513) 289-2306
managingmember@gettingout.biz

Getting Out... LLC
PMB 607
840 S Rancho Dr Ste 4
Las Vegas, NV 89106

CC: Mark Vincent, Director, Department of Finance & Business Services
Douglas A. Selby, Las Vegas City Manager
Bradford Jerbic, Las Vegas City Attorney



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

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

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 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".

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

GETTING OUT, LLC

Page 2, cont.,

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

GETTING OUT, LLC

Page 3, cont.,

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

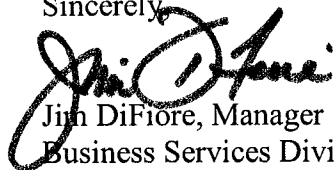
(C) The Department is authorized to require identification or other information from a principal, licensee, applicant, or their employees or other persons acting under their control, at any time in furtherance of the exercise of its jurisdiction.

(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

From: "Getting Out... LLC" <info@gettingout.biz>
To: "Carol Meyer" <cmeyer@LasVegasNevada.GOV>
Cc: "Doug Selby" <DSelby@LasVegasNevada.GOV>; "Lloyd Phillips"
<LPhillips@LasVegasNevada.GOV>; "Jim DiFiore" <jdifiore@LasVegasNevada.GOV>;
"Mark Vincent" <MVincent@LasVegasNevada.GOV>; "Brad Jerbic"
<bjerbic@LasVegasNevada.GOV>
Subject: Re: Appeal of the denial of the Getting Out... LLC Business License Application, M18-
92995-G-121736
Date: Thursday, August 28, 2008 11:27 PM

Thanks for the reply.

It could consider one did not read the letter dated August 15, 2008. Technically, a USP Store type address is not a P.O. Box because any due process under law can be served at a UPS Store type address (Read the letter). Did this decision get run by the Director of the Finance and Business Services Department and the City Attorney?

Please run this decision by the Director (Mark Vincent) and the City Attorney (Brad Jerbic) of Las Vegas, Nevada. Please provide some written proof that the decision to deny the Getting Out... LLC business license did get run by them.

Thanks,
Darren A. Hernes
Managing Member, Getting Out... LLC

(513) 289-2306
managingmember@gettingout.biz

Getting Out...LLC
PMB 607
840 S Rancho Dr Ste 4
Las Vegas, NV 89106

----- Original Message -----

From: Carol Meyer
To: info@gettingout.biz
Cc: Lloyd Phillips ; Jim DiFiore
Sent: Thursday, August 28, 2008 4:56 PM
Subject: Appeal of the denial of the Getting Out... LLC Business License Application, M18-
92995-G-121736

Dear Mr. Hernes:

Thank you so much for contacting the City of Las Vegas. We strive to provide excellent customer service and would love to have your business in our great city, however our Las Vegas Municipal Code does not allow us to license businesses from a PO Box. As soon as you can resolve this issue please contact us again. In the mean time attached is a refund request form to complete. You would be eligible for a refund of your license fees due to your denial from the Fire Department.

Thanks,
Carol L. Meyer
Business Services Supervisor
City of Las Vegas
Phone (702)-229-6016
Fax (702)-464-2561
Email: CMeyer@LasVegasNevada.Gov

From: Getting Out... LLC [mailto:info@gettingout.biz]
Sent: Wednesday, August 27, 2008 9:30 PM
To: Lloyd Phillips
Cc: Brad Jerbic; Doug Selby; Mark Vincent
Subject: Re: Appeal of the denial of the Getting Out... LLC Business License Application, M18-92995-G-121736

Mr. Phillips:

Thanks for the update and the attention given to this matter.

I am wondering if I could find out who I can talk to with regards to the status of the investigation. As of today, (Wednesday, Aug 27th) I have not been contacted by anyone with regards to the investigation of the denial of the Getting Out... LLC business license.

I look forward to getting a written response and getting the Getting Out... LLC business license approved.

Thanks,
Darren A. Hernes
Managing Member, Getting Out... LLC

513-289-2306
managingmember@gettingout.biz

Getting Out... LLC
PMB 607
840 S Rancho Dr. Ste 4

Las Vegas, NV 89106

----- Original Message -----

From: Lloyd Phillips
To: Getting Out... LLC
Cc: Brad Jerbic ; Doug Selby ; Mark Vincent
Sent: Thursday, August 21, 2008 8:57 AM
Subject: RE: Appeal of the denial of the Getting Out... LLC Business License Application, M18-92995-G-121736

Mr. Hernes;

I am in receipt of your letter postmarked August 15, 2008, and have included same in your file. The application mentioned below is currently working it's way through our system of notifications of initial denial. You should have received both 15 day and 5 day denial letters. The application has now been assigned to a license officer for investigation. At the culmination of that investigation, a recommendation will be made to our Manager for action. You should be contacted both by the investigator and by the Manager at each of their steps in the process.

Lloyd E. Phillips, Sr. License Officer
Department of Finance & Business Services

From: Getting Out... LLC [mailto:info@gettingout.biz]
Sent: Wednesday, August 20, 2008 10:06 PM
To: Lloyd Phillips
Cc: Brad Jerbic; Doug Selby; Mark Vincent
Subject: Appeal of the denial of the Getting Out... LLC Business License Application

Mr Phillips:

I sent the City of Las Vegas a letter postmarked on August 15, 2008. According to the USPS website, three of the four letters have been delivered. I am touching base to make sure the one sent to you made it. If not, I would be willing to deliver a copy. I attached a copy of the letter to this e-mail. The information contained in the 'Exhibits' can be found on the Secretary of State's website, at www.upsstore.com, or has been submitted to the City at one time or another.

Please run this appeal by the Director and the City Attorney. I would like to hear their insights with regards to this matter. Currently as it stands, the Director has not "officially" denied this application; only you have.

Thanks for giving this e-mail your attention. I look forward to receiving a written response. I look forward to having the Getting Out... LLC business license approved.

Thanks,
Darren A. Hernes
Managing Member, Getting Out... LLC

513-289-2306
managingmember@gettingout.biz

Getting Out... LLC
PMB 607
840 S Rancho Dr Ste 4
Las Vegas, NV 89106

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.6.6/1625 - Release Date: 8/21/2008 6:04 AM

Internal Virus Database is out of date.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.6.7/1629 - Release Date: 8/23/2008 1:16 PM

August 15, 2007

Department of Finance & Business Services
Attn: Lloyd E. Phillips, JR
3rd Floor, City Hall
Las Vegas, NV 89101

RE: Getting Out... LLC
840 S Rancho Dr 4
M18-92995-G-121736

CC: Mark Vincent, Director, Department of Finance & Business Services
Douglas A. Selby, Las Vegas City Manager
Bradford Jerbic, Las Vegas City Attorney

Mr. Phillips:

I would like to appeal the denial of the Getting Out... LLC business license for the City of Las Vegas and have its consideration reinstated.

(Note: The latest denial letter was dated August 5, 2008, but it was not postmarked till August 8, 2008. By afternoon on Saturday, August 9, 2008 it had not been placed in Getting Out... LLC mailbox. Technically, it ought to be business days not calendar days because the Department of Business Services does not have business hours on Saturday according the City of Las Vegas's website. Even the IRS gives extra days if April 15th falls on a weekend. Who says the IRS does not have a heart?

Without splitting hairs on the details with regards to the date, the Department of Finance & Business Services ought to see their own responsibility for the reasons why the "outstanding issues" have not been cleared up: failure to cite specific written Las Vegas Municipal Code that prohibits UPS Store type mailboxes. See below.

I waited till August 15, 2008 to reply to the denial letter in order to provide time for the Department of Finance & Business Services to reply to the letter dated August 7, 2008.)

Ponder the idea that the Amendment V of the Constitution of the United States of America (the jurisdiction that granted Nevada statehood, the state that granted incorporation to the City of Las Vegas, the city that one is at the very least impersonating working for) specifically prohibits depriving life, liberty or property to a citizen outside of the due process of law. Currently with the information that Getting Out... LLC has been provided by the City of Las Vegas, the City of Las Vegas is going to have a hard time legally denying the Getting Out... LLC business license because of its address.

Background Information

I have talked with four (4) represents of the Department of Finance & Business Services of the City of Las Vegas about the Getting Out... LLC business license. Each time I was told that a UPS Store type address could not be used as a physical address because the "code" prohibited it. Each time no specific written code was cited. The fourth individual tried to cite written code but could not find a written code that specifically prohibited a UPS Store type address. I left the

office of the Department of Finance & Business Services without having any legal proof to deny the Getting Out... LLC business license and without a business license.

On July 28, 2008, I talked with the Fire Department with regards to the denial of the business license. I was informed it was not the Fire Department that denied the business license; they just confirmed the address was at a UPS Store. I was pointed back to the individuals that accepted the application, the Department of Finance & Business Services. Calls placed in the last couple of days to the Fire Department with regards to the August 5, 2008 letter have not been returned yet.

After I cited written code in a letter to the Department dated July 29, 2008, an "interpretation" of the written code that I cited was offered by the Department dated August 1, 2008. Currently as it stands, the "interpretation" of the written code could be considered an addition to the written code outside of the due process of law. The "interpretation" did not cite a court ruling or legislative document that would give validity to the "interpretation".

Reasons for the Approval of the Business License

As mentioned before, a "code" has been talked about, but the specific code that prohibits a UPS Store type address has not been cited in written form. The address of Getting Out... LLC meets the requirements of the written local codes cited so far (6.02.010, 6.02.080, 6.02.090, 6.02.120, 6.02.150) because:

- *any due process under law can be served on Getting Out... LLC at the address provided*¹
- the address provided is the only "official" place that the public can do business with Getting Out... LLC
- It is a fix location –the Fire Department confirmed it was a UPS Store
- It satisfies state regulation – the State of Nevada has issued a limited liability company charter, a state business license, and granted Commercial Registered Agent² status to Getting Out... LLC at the address provided³

While it might not be one's preferred method of interaction, it meets the requirements of the written code cited so far.

I look forward to receiving a written response with regards to this matter. I look forward to the approval of the Getting Out... LLC business license. I will follow up during the week of August 25, 2008 if I have not heard earlier with regards to this matter.

Thanks,



Darren A. Hernes
Managing Member, Getting Out... LLC

managingmember@gettingout.biz
(513) 289-2306

¹ See Exhibit A

² Currently, Getting Out... LLC is not "open" for business as a CRA. Getting Out... LLC is waiting for the Las Vegas business license approval.

³ See Exhibit B, C, & D respectively

Getting Out... LLC
840 S Rancho Dr Ste 4
PMB 607
Las Vegas, NV 89106

Attachments:

- Exhibit A – UPS Store information
- Exhibit B – Getting Out... LLC Nevada Limited Liability Charter
- Exhibit C – Getting Out... LLC Nevada Business License
- Exhibit D – Verification of the Getting Out... LLC Commercial Registered Agent status
- Past Correspondence with the Department of Finance & Business Services

P.S.

Ponder the idea that a citizen of the United States of America always has the legal right “to petition the Government for a redress of grievances”. (Amendment I, Bill of Rights, Constitution of the United States of America)



Las Vegas Business License Application

400 Stewart Ave., 3rd Floor, Las Vegas, NV 89101

(702) 229-6281 (Voice) - (702) 386-9108 (TDD)

Please type or print in black ink. Incomplete or illegible applications will not be accepted. Application must bear an original signature.

All information on this form is a public record

MIB 2008-6-121736

Mail Counter

1	<input checked="" type="checkbox"/> New Business	<input type="checkbox"/> Change of Ownership	<input type="checkbox"/> Change of Location	<input type="checkbox"/> Change of Name	<input type="checkbox"/> Change of Corp. Officer	<input type="checkbox"/> Other _____
2	Type of Entity:	<input type="checkbox"/> Sole Proprietor	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input checked="" type="checkbox"/> Limited Liability Company	
3	Entity Name: Getting Out... LLC				4	Corporate Phone: 513-289-2306
5	Business Name (d/b/a): Getting Out... LLC				6	EIN #: 26-2877189
7	Business Opening Date: June 2008	Hours of Operation: normal business hours			8	Business Phone:
9	Business Street Address: 840 S Rancho Dr Ste 4	10	Business Mailing Address: 840 S Rancho Dr Ste 4		11	Business Fax:
			# 607		12	Cellular Phone:
	Las Vegas, NV 89106		Las Vegas, NV 89106		13	E-mail Address: managingmember@gettingout.biz
14	Owner, Manager or other Principal (attach additional pages if required)		Business Website: www.gettingout.biz		Drivers License #: 1603139377	
	Name: (Last, First) Hernes, Darren		Home Address: (P.O. Box Not Acceptable) 840 S Rancho Dr Ste 4, # 607		Date of Birth: 7-31-1981	
	Title: Managing Member	Percent Owned: 100%	City, State & Zip Code: Las Vegas, NV 89106		Home Phone: 513-289-2306	
	Name: (Last, First)		Home Address: (P.O. Box Not Acceptable)		Date of Birth:	
	Title:	Percent Owned:	City, State & Zip Code:		Home Phone:	
	Manager Name: (Last, First) Hernes, Darren		Home Address: (P.O. Box Not Acceptable) 840 S Rancho Dr Ste 4, # 607		Date of Birth: 7-31-1981	
	Manager: On-Site <input checked="" type="checkbox"/> Off-Site <input type="checkbox"/>		City, State & Zip Code: Las Vegas, NV 89106		Home Phone: 513-289-2306	
15	Alcohol sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Auto title loans	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Less than weekly	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Gaming	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Check cashing	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Kitchenette	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Tobacco sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Installment loans	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Coin operated laundry	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Used merchandise	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Entertainment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Swimming pool	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Dance	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexually-oriented materials or activities	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Long term rental	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Sales	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Alcohol/drug counseling/treatment	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Amusement machines	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Childcare	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Pawn	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Vending machines	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
16	Describe your specific business activity in detail: Business Services - Getting Out... LLC provides a point for information but is not the source of the information. Getting Out... LLC provides a place where people can submit, place, leave, and/or find information, but Getting Out... LLC is not the source of the information.					
	Included in this, Getting Out... LLC provides commercial registered agent services.					
17	If this application is for a change of business name, business location, or business ownership, then list the previous name, address, & owner(s) below:					
18	I am aware of the obligation to provide timely notice of any changes in required information, and I have informed all owners, managers, or other principals of their criminal and/or civil responsibility for the timely fulfillment of all restrictions and conditions to the license or timely abatement of any nuisance activity at or associated with the business. Per LVMC 6.02.080 (B) <u>DH</u> (Initial)					
19	Several categories of business licenses require Nevada state licenses. All such principals are aware that failure to maintain required Nevada state licenses renders a city of Las Vegas business license invalid and thereafter any business activity would be unlawful. <u>DH</u> (Initial)					
	As an authorized agent of the entity identified above, I certify the information provided on this form is true, correct, complete and current to the best of my knowledge and belief.					
20	Authorized Original Signature: <u>Darren A Hernes</u>		Print Name: Darren A. Hernes		Date: 7-17-8	

Exhibit A

Site Guide | Search:

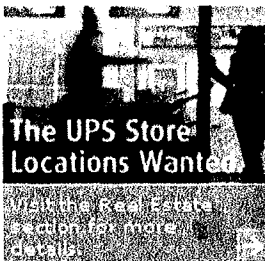


Home | About The UPS Store | Customer Service

[Locations](#) | [Calculate Cost](#) | [Tracking](#) | [Products & Services](#) | [Franchise Opportunities](#)

Customer Service

- Frequently Asked Questions
 - > General Questions
 - > Packaging
 - > Domestic Shipping
 - > International Shipping
 - > Freight
 - > Document Services
 - > **Mailbox & Postal Services**
 - > Additional Products & Services
 - > Corporate Retail Solutions
 - > Customer Service Form
- Contact The UPS Store



Mailbox & Postal Services FAQ

The following is a list of frequently asked questions regarding mailbox and postal services. For complete information on our mailbox and postal services, please visit our Mailbox & Postal Services page.

- ✦ What is the difference between a mailbox at The UPS Store and a PO Box at the post office?
- ✦ What does my mailing address look like?
- ✦ What mailbox sizes do you offer?
- ✦ How do I open a mailbox?
- ✦ What is a mailbox service agreement?
- ✦ How much does a mailbox agreement cost?
- ✦ Where can I sign up for a mailbox agreement?
- ✦ What is the minimum length of an agreement?
- ✦ How much mail can I receive at my mailbox?
- ✦ What happens if I receive more mail than will fit in my mailbox?
- ✦ Can I receive packages in my mailbox? From other carriers?
- ✦ Can I transfer my agreement to another The UPS Store location if I relocate?
- ✦ I'm moving to a different area. Can I open a mailbox before arriving at my new location?
- ✦ Can you forward my mail if I am away?
- ✦ Can you hold my mail if I am away?
- ✦ Can I call to check if I have mail?
- ✦ When can I pick up my mail?
- ✦ Can other people receive mail at my mailbox?
- ✦ Can other people pick up mail at my mailbox?
- ✦ Can I buy stamps?
- ✦ Do you offer other USPS products?

What is the difference between a mailbox at The UPS Store and a PO Box at the post office?

With a mailbox at The UPS Store, you get a real street address, not a P.O. Box number. If you're a business owner, having a real street address as your mailbox can provide you with a professional image for your business. The UPS Store also offers many additional services that the post office does not, services like package acceptance from all carriers, package notification and Call-in MailCheck®, all aimed to save you valuable time.

[↩ Back to Top](#)

What does my mailing address look like?

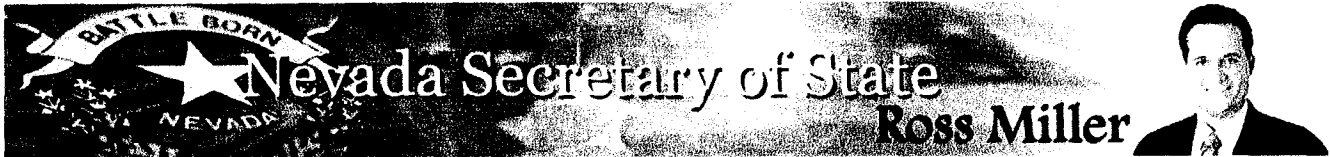
Your mailing address will be the address of The UPS Store location, with either PMB (private mailbox) or the pound symbol (#) designating your individual box. Instead of "The UPS Store," your name appears first.

Example:
 Joe Smith
 PMB XXX or # XXX
 12345 Somewhere Street
 Some City, Some State Some ZIP

[↩ Back to Top](#)

Exhibit B

HOME ABOUT ROSS NEWS FAQ CONTACT US SEARCH



Information Center

Election Center

Business Center

Licensing Center

Securities Center

Online Services

My Data Reports | Business Entity Search | Fee Schedule (Data Reports) | Login (Data Reports)

GETTING OUT... LLC

New Search

Printer Friendly

Calculate List Fees

Business Entity Information			
Status:	Active	File Date:	6/19/2008 7:02:31 AM
Type:	Domestic Limited-Liability Company	Corp Number:	E0403012008-0
Qualifying State:	NV	List of Officers Due:	6/30/2009
Managed By:	Managing Members	Expiration Date:	

Resident Agent Information			
Name:	DARREN A HERNES	Address 1:	840 S RANCHO DR
Address 2:	#4 - 607	City:	LAS VEGAS
State:	NV	Zip Code:	89106
Phone:		Fax:	
Email:		Mailing Address 1:	
Mailing Address 2:		Mailing City:	
Mailing State:	NV	Mailing Zip Code:	

[View all business entities under this resident agent](#)

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 0

No stock records found for this company

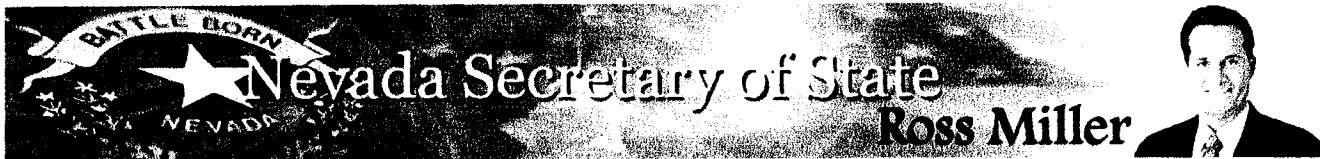
Officers				Include Inactive Officers
Managing Member - DARREN A HERNES				
Address 1:	840 S RANCHO DR #4 - 607	Address 2:		
City:	LAS VEGAS	State:	NV	
Zip Code:	89106	Country:	USA	
Status:	Active	Email:		

Actions\Amendments
Click here to view 2 actions\amendments associated with this company

You are currently not logged in

Privacy Policy | Help | Feedback | Copyright 2007. All rights reserved.

Exhibit D



Information Center Election Center Business Center Licensing Center Securities Center Online Services
 My Data Reports | Business Entity Search | Fee Schedule (Data Reports) | Login (Data Reports)

GETTING OUT... LLC

[New Search](#) [Printer Friendly](#) [Calculate Fees](#)

Business Entity Information			
Status:	Active	File Date:	7/9/2008 8:25:47 AM
Type:	Commercial Registered Agent (CRA)	Corp Number:	E0466192008-5
Qualifying State:	NV	List of Officers Due:	
Managed By:		Expiration Date:	

Resident Agent Information			
Name:	GETTING OUT... LLC	Address 1:	840 S RANCHO DR #4-607
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89106
Phone:		Fax:	
Email:	registeredagent@gettingout.biz	Mailing Address 1:	
Mailing Address 2:		Mailing City:	
Mailing State:	NV	Mailing Zip Code:	

[View all business entities under this resident agent](#)

Financial Information	
No Par Share Count:	0
Capital Amount:	\$ 0
No stock records found for this company	

Officers	Include Inactive Officers
No active officers found for this company	

Actions\Amendments
Click here to view the 1 action or amendment associated with this company

You are currently not logged in

August 7, 2008

Dept of Finance & Business Services
Attn: Lloyd E. Phillips, Jr. & Patricia Flores
3rd Floor, City Hall
Las Vegas, NV 89101

RE: Getting Out... LLC
840 S Rancho Dr 4
M18-92995-G-121736

Lloyd Phillips & Patricia Flores:

Thanks for the quick reply to the e-mail. I have written my appeal to the denial of the Getting Out... LLC business license. I am not sure who the appropriate individual to send this appeal to so I will send it to both of you. The LVM Codes are those cited in an e-mail attachment received on Tuesday, August 5, 2008. I did not receive a response from USPS.

6.02.010 Definitions.

“Business” means any business, commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in, conducted or carried on by any person, his agent or employee for the purpose of gain, benefit or advantage, either direct or indirect.

“Establishment” means any business conducted in or upon any premises, and includes any buildings, improvements, equipment and facilities used or maintained in connection with such business.

I will assume the above definitions are meant for casual reading because I am having a hard time pondering why the business license of Getting Out... LLC can be denied on those definitions.

On a side note, it might be beneficial to reword the term or definition of “Establishment”. In short, I do not think the definition and term are best suited for each other. For example, the current definition for “Establishment” might be termed “Business Activity”. A definition for “Establishment” could be “any premise which includes any buildings, improvements, equipment and facilities used or maintained in connection with a business”.

6.02.090 Action on application—Refusal grounds.

... The Director may:

(1) Deny an applicant a license if:

- (i) The premises on which the business is proposed to be conducted do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed to be engaged in; or
- (j) The proposed business activity constitutes, promotes, fosters, aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

Currently, I would have a hard time believing the federal government would object to the proposed premises or would even care assuming Getting Out... LLC sticks to legal/lawful activities/purposes. I hope the federal government has other things to do than to deny this business license.

A Perspective of the Great State of Nevada

6.02.090 (1)(i)

The State of Nevada, the jurisdiction that Las Vegas is incorporated in, recognizes:

840 S Rancho Dr # 4 – 607
Las Vegas, NV 89106

as the business address of Getting Out... LLC. Information with regards to this matter can be found at the website of the Secretary of State of Nevada:

<https://esos.state.nv.us/SOSServices/AnonymousAccess/CorpSearch/CorpSearch.aspx>

Type in 'Getting Out'. The State of Nevada deems it an appropriate place of business.

A Perspective of the City of Las Vegas?

Cite the specific local regulation that the address does not meet. Since any due process can be served on Getting Out... LLC at the address provided, the Dept of Finance and Business Services is going to have a hard time claiming it does not meet the requirements of the codes cited so far.

6.02.090 (1)(j)

I am not sure why 6.02.090 (1)(j) is cited. From what I understand, the business license of Getting Out... LLC is being denied because of the address not because the proposed business activity is a public nuisance.

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.

(B) A mobile business license may be issued to an applicant whose business operations are conducted exclusively from other than a fixed place of business within the City, including door-to-door operations and operations conducted from a motorized vehicle. Except 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.

(Ord. 5456 § 3, 2002; Ord. 2186 § 2 (part), 1981; prior code § 5-1-2 (B))

Assuming the Las Vegas winds do not blow the UPS Store away, it is a fixed place of business. Any due process under law can be served on Getting Out... LLC at the proposed location. While it may not be one's preferred way to interact, it meets the requirements.

6.02.150 Separate places and types of permits.

Separate licenses or permits must be obtained for each branch establishment or separate place of business, whether the activity is intended to be permanent or temporary, and a license must be obtained for every class and type of business in this Code specified, even though several classes or types of business may be operated by the same person and at the same place of business; provided, that any person conducting several classes or types of businesses, each of which is required by Section 6.04.005 to pay a license fee on the basis of gross sales, at the same location and under the same business name, shall be required to apply for and obtain only one license.

From the public's perspective the Rancho address is the only place where they can "officially" do business with Getting Out... LLC in person. If necessary, they can serve any due process under law on Getting Out... LLC at the Rancho address.

I look forward to receiving a written response with regards to this matter, and I look forward to the approval of the Getting Out... LLC business license. I will be in touch by late next week if I have not received a response earlier.

Thanks,



Darren A. Hernes
Managing Member, Getting Out... LLC

(513) 289-2306
managingmember@gettingout.biz

Getting Out... LLC
840 S Ranch Dr # 4 - 607
Las Vegas, NV 89106



August 05, 2008

Getting Out Llc
ATTN:Darren Hernes
840 S Rancho Dr 4 607
Las Vegas, NV 89106

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DOUGLAS A. SELBY
CITY MANAGER

RE: Getting Out Llc
840 S Rancho Dr 4
M18-92995-G-121736

Dear Darren Hernes:

You recently submitted a business license application for Getting Out Llc to operate at 840 S Rancho Dr 4. Your application was suspended by the Fire Department on July 18, 2008 pending correction of outstanding issues. You have **5 calendar days** from the date of this letter to contact the Fire Department and resolve these problems. Failure to do so will result in your business license being withdrawn from consideration. **Please contact the Fire Department at (702) 229-0366 for assistance and reference license number M18-92995-G-121736.**

Be advised that you are not authorized to conduct business at this time. Las Vegas Municipal Code 6.02.060 makes it unlawful for any person to commence, carry on, engage in or conduct business in the city without a valid business license. Failure to comply may result in a misdemeanor citation.

Thank you for your prompt attention to this matter.

Business Services Division
Department of Finance & Business Services

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

Getting Out... LLC

From: "Lloyd Phillips" <LPhillips@LasVegasNevada.GOV>
To: "Getting Out... LLC" <managingmember@gettingout.biz>; "Patricia Flores" <pdflores@LasVegasNevada.GOV>
Sent: Tuesday, August 05, 2008 5:33 PM
Attach: License Hangs.doc
Subject: RE: Getting Out...LLC M18-92995-G-121736

Attached find the pertinent code sections that deal with "license hangs" and doing business from a postal mail box. A separate response has been sent by USPS.

Lloyd E. Phillips

From: Getting Out... LLC [mailto:managingmember@gettingout.biz]
Sent: Tuesday, August 05, 2008 12:52 PM
To: Patricia Flores
Cc: Lloyd Phillips
Subject: Re: Getting Out...LLC M18-92995-G-121736

Patricia Flores:

Thanks for the quick response. I would like to appeal the denial of the business license of Getting Out... LLC.

It could be considered that the address of Getting Out... LLC meets the requirements of LVMC 6.02.120 because any due process under law can be served on Getting Out... LLC at the proposed location.

The address of Getting Out... LLC is a fixed place of business and meets the requirements of LVMC 6.02.120.

"P. O. Boxes are not allowed to hang your license." (Quote from e-mail below). Cite the specific Las Vegas Municipal Code that prohibits this. Technically, a UPS Store type address is not a P.O. Box because it accepts packages from multiple carriers and any due process under law can be served on Getting Out... LLC at this location. Technically, I could just post any and all business licenses on-line for any and everyone to see no matter where there are or who they are.

I look forward to receiving a written response from the Department of Finance & Business Services with regards to this letter. I will follow up at the beginning of next week if I have not heard earlier with regards to this matter.

Thanks,

Darren A. Hernes
 Managing Member, Getting Out... LLC

(513) 289-2306
 managingmember@gettingout.biz

P.S.

I am stilling waiting to have the specific Las Vegas Municiple Code cited that specifically prohibits UPS Store type addresses as a "proposed business location", "fixed place of business", and/or "physical address".

|----- Original Message -----
 | **From:** Patricia Flores

To: managingmember@gettingout.biz
Sent: Tuesday, August 05, 2008 10:38 AM
Subject: Getting Out...LLC M18-92995-G-121736

RE: Getting Out... LLC 840 S Rancho Dr 4 607 M18-92995-G-121736

Good Morning Mr. Darren Hernes,

Your business license application for Getting Out... LLC was denied based on Fire's inspection of location 840 S Rancho Dr 4 607, which was determined to be a UPS Store and your business does not share a space at this location except for a p. o. box. P. O. Boxes are not allowed to hang your license. You must have a fixed place of business whether it is from your home or a commercial office. You do have options, to license it from a commercial location and/or a home based location within the City of Las Vegas. You would need to provide additional information regarding the new business location to determine if it is within our jurisdiction. Please review the Las Vegas Municipal Code 6.02.120 (which can be found at www.lasvegasnevada.gov) as follows:

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.
- (B) A mobile business license may be issued to an applicant whose business operations are conducted exclusively from other than a fixed place of business within the City, including door-to-door operations and operations conducted from a motorized vehicle. Except 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.
- (Ord. 5456 § 3, 2002; Ord. 2186 § 2 (part), 1981; prior code § 5-1-2 (B))

Thank you,
Patricia D Flores
License Technician II
Business Services Division
702 229-6943
702 382 6642 fax
pdflores@lasvegasnevada.gov

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.5.12/1592 - Release Date: 8/5/2008 6:03 AM

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.5.12/1592 - Release Date: 8/5/2008 6:03 AM

8/14/2008

6.02.010 Definitions.

“Business” means any business, commercial enterprise, trade, occupation, calling, profession, vocation or activity engaged in, conducted or carried on by any person, his agent or employee for the purpose of gain, benefit or advantage, either direct or indirect.

“Establishment” means any business conducted in or upon any premises, and includes any buildings, improvements, equipment and facilities used or maintained in connection with such business.

6.02.090 Action on application—Refusal grounds.

... The Director may:

(1) Deny an applicant a license if:

- (i) The premises on which the business is proposed to be conducted do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed to be engaged in; or
- (j) The proposed business activity constitutes, promotes, fosters, aids or otherwise enables a private nuisance, public nuisance or chronic nuisance.

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.

(B) A mobile business license may be issued to an applicant whose business operations are conducted exclusively from other than a fixed place of business within the City, including door-to-door operations and operations conducted from a motorized vehicle. Except 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. (Ord. 5456 § 3, 2002; Ord. 2186 § 2 (part), 1981; prior code § 5-1-2 (B))

6.02.150 Separate places and types of permits.

Separate licenses or permits must be obtained for each branch establishment or separate place of business, whether the activity is intended to be permanent or temporary, and a license must be obtained for every class and type of business in this Code specified, even though several classes or types of business may be operated by the same person and at the same place of business; provided, that any person conducting several classes or types of businesses, each of which is required by Section 6.04.005 to pay a license fee on the basis of gross sales, at the same location and under the same business name, shall be required to apply for and obtain only one license.

August 4, 2008

Dept of Finance & Business Services
Attn: Lloyd E. Phillips, Jr.
3rd Floor, City Hall
Las Vegas, NV 89101

RE: Getting Out... LLC
840 S Rancho Dr 4
M18-92995-G-121736

Mr. Phillips:

Thank you for the prompt reply to the denial of Getting Out... LLC business license. I would like to appeal the denial of the appeal date July 29, 2008.

It could be considered that LVMC 6.20.080 pertains to Cable company compliance – Rights and Authority of the City. I will assume the code cited was a typo and LVMC 6.02.080A(2) was meant to be cited.

6.02.080 Application.

(A) (2) The proposed business location and specific activity or operation to which the business is limited;

<http://ordlink.com/codes/lasvegas/index.htm>

It could be considered that two things are required by 6.02.080 (A)(2)

1. “Proposed business location” – an address
2. “Specific activity or operations” – the activities of the business as stated in the answer to question #16 on the document *Las Vegas Business License Application*.

It does not say the “specify activity or operation” has to occur at the “proposed business location.” It just states that both pieces of information have to be stated.

It could be considered that the address of Getting Out... LLC meets the requirements of LVMC 6.02.080 because any due process under law can be served on Getting Out... LLC at the proposed location.

The address of Getting Out... LLC meets the requirements of LVMC 6.02.080.

I look forward to receiving a written response from the Department of Finance & Business Services with regards to this letter. I will be in follow up at the beginning of next week if I have not heard earlier with regards to this matter.

Thanks,

Darren A. Hernes

Darren A. Hernes
Managing Member, Getting Out... LLC

managingmember@gettingout.biz
(513) 289-2306

Getting Out... LLC
840 S Rancho Dr. # 4 - 607
Las Vegas, NV 89106

Attachments:

Copies of the:

1. Denial of the Getting Out... LLC business license dated July 21, 2008
2. Appeal of the denial of the Getting Out... LLC business license dated July 29, 2008
3. Denial of the appeal of the denial of the Getting Out... LLC business license dated August 1, 2008



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DOUGLAS A. SELBY
CITY MANAGER

August 1, 2008

Getting Out, LLC
840 S. Rancho Drive, #4-607
Las Vegas, NV 89106
Attn: Darren A. Hernes

Re: Business License Application
M18-92995-G-121736

Dear Mr. Hernes;

Thank you for your letter of July 29. Our reasoning in denying applications for business attempting to locate at mailboxes is as follows:

It is our interpretation of LVMC 06.20.080A(2) that a business must exist in a physical location that allows "normal" business operations, including but not limited to face-to-face exchanges of products, services or information. None of these activities can take place in a mailbox, therefore a mailbox does not meet the definition of a "business location".

As stated in our earlier conversation, you have the option of moving to a commercial location, amending your application to show your home as the business address and the mailbox as your mailing address, or withdrawing the application.

I hope this has been responsive to your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd E. Phillips, Sr.", is written over a horizontal line.

Lloyd E. Phillips, Sr. License Officer
Department of Finance & Business Services

Cc: File

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

July 29, 2008

Dept of Finance & Business Services
Attn: Lloyd E. Phillips, Jr.
3rd Floor, City Hall
Las Vegas, NV 89101

RE: Getting Out... LLC
840 S Rancho Dr 4
M18-92995-G-121736

Mr. Phillips:

I recently received a letter stating Getting Out... LLC's business license had been denied. After talking with the Fire Department and the Department of Finance & Business Services on July 28, 2008, it was determined that it was because of the physical business address listed for Getting Out... LLC. I was verbally told that according to "the code" a Mailbox Ect or UPS Store address type cannot be used as a physical address on the application for a City of Las Vegas Business License. Yet, as of the current time, this "code" has not been pointed to, cited, and/or produced in written form by the Business Office.

According to the written code of LVMC 6.02.080, an application requires a physical and mailing address but does not specifically exclude a Mailbox Ect or UPS Store address type.

6.02.080 Application.

(A) Any person who desires to engage in business shall first apply for and obtain the appropriate license. The license application shall be filed with the Department on forms acceptable to the Department. The applicant shall furnish all the information required by the Department including, but not limited to:

- (1) The applicant's business organization and structure, including the names and addresses of any and all on-site or off-site managers responsible for timely abatement of any and all nuisance activity at the business location;
- (2) The proposed business location and specific activity or operation to which the business is limited;
- (3) The name and specific physical and mailing addresses of each principal sufficient to allow them to be contacted as necessary to address or be held accountable for the timely fulfillment of restrictions and conditions on the license or the timely abatement of any nuisance activity at the business location(s);
- (4) Copies of all other licenses or permits required by local, State or Federal law to engage in the proposed business, including any description of limitations, conditions or restrictions thereon; and
- (5) Any other information that reasonably relates, or may lead to information that reasonably relates, to the applicant's or a principal's qualification, acceptability or fitness for a license.

(B) The applicant must sign the application for license acknowledging that all the

information furnished by the applicant is true, accurate and current, that he or she is aware of the obligation to provide timely notice of any changes in required information, and that he or she has informed all principals of their joint and several responsibility for the timely fulfillment of restrictions and conditions to the license or timely abatement of any nuisance activity at the business location(s).

(Ord. 5873 § 4, 2006: Ord. 5456 § 1, 2002: Ord. 5081 § 5, 1998: Ord. 2186 § 2 (part), 1981: prior code § 5-1-5)

<http://ordlink.com/codes/lasvegas/index.htm>

The address of Getting Out... LLC meets the requirements of LVMC 6.02.080.

I look forward to receiving a written response from the Department of Finance & Business Services with regards to this letter. I will be in follow up by the middle of next week if I have not heard earlier with regards to this matter.

Thanks,



Darren A. Hernes
Managing Member, Getting Out... LLC

managingmember@gettingout.biz
(513) 289-2306

Getting Out... LLC
840 S Rancho Dr. # 4 - 607
Las Vegas, NV 89106



July 21, 2008

Getting Out Llc
ATTN:Darren Hernes
840 S Rancho Dr 4 607
Las Vegas, NV 89106

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RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

RE: Getting Out Llc
840 S Rancho Dr 4
M18-92995-G-121736

Dear Darren Hernes:

You recently submitted a business license application for Getting Out Llc to operate at 840 S Rancho Dr 4. Your application was referred to the Planning and Fire departments for review. Upon review, the Fire Department has denied your application. **Please contact the Fire Department at (702) 229-0366 for further assistance and reference license number M18-92995-G-121736.**

Your business license application has been suspended for a period of 15 calendar days. If you fail to resolve this issue within the allotted timeframe your application will be withdrawn from consideration. Thank you for your prompt attention to this matter.

Business Services Division
Department of Finance & Business Services

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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