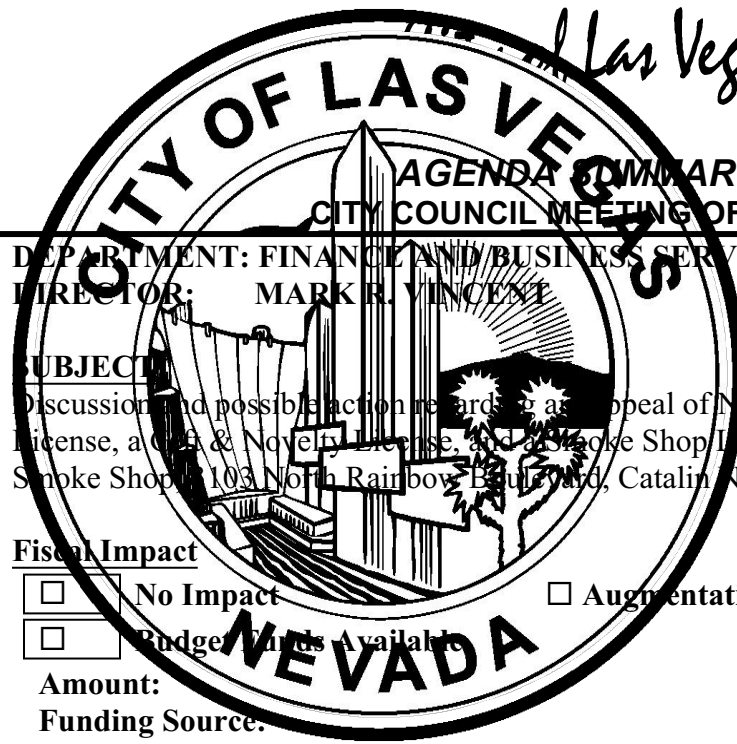




Las Vegas

Agenda Item No.: 50.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JULY 1, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding an appeal of Non-renewal of a Tobacco Dealer License, a Gift & Novelty License, and a Smoke Shop License, GNG Enterprises, Inc., dba Smoke Shop, 103 North Rainbow Boulevard, Catalin Nistor, Pres - Ward 5 (Barlow)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding an Appeal of Non-renewal of a Tobacco Dealer License, a Gift & Novelty License, and a Smoke Shop License. Licensee was denied his June 1, 2009 renewal due to business licensing violations including the display and sale of drug paraphernalia for which he was cited and convicted.

RECOMMENDATION:

City Council to uphold the action to non-renew the business licenses.

BACKUP DOCUMENTATION:

1. Letter of Appeal
2. Letter of Non-renewal

Motion made by RICKI Y. BARLOW to Uphold the action to non-renew the business license

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JIM DiFIORE, Business Services Manager, explained that these general business licenses are not usually approved by the City Council. MR. DiFIORE noted the report regarding this case that had been reviewed by CITY ATTORNEY BRAD JERBIC and MR. NISTOR. MR. DiFIORE stated that MR. NISTOR had been notified on the non-renewal by certified mail prior to the licenses renewal date. MR. NISTOR apparently did not receive that notice as he was cited on June 5 for operating on an invalid business license.

CITY COUNCIL MEETING OF: JULY 1, 2009

MR. DiFIORE explained that the reasons to non-renew the license were related to events that took place during November 2008 that resulted in MR. NISTOR being cited for selling drug paraphernalia. At MR. NISTOR'S arraignment, he pleaded no contest and is considered convicted on those charges by staff. Given these events, MR. DiFIORE stated he had made the decision to non-renew MR. NISTOR'S licenses and MR. NISTOR was subsequently informed by certified mail. MR. DiFIORE informed COUNCILMAN ROSS that the photos in the report were included in an effort to provide as much information as possible to the Council.

MR. NISTOR appeared with ARMAND FRIED his attorney. ATTORNEY FRIED explained that MR. NISTOR was unaware that his license had not been renewed when he received the citation because the certified letters had been sent to the wrong address, even though MR. NISTOR had filed the form requesting mail be sent to his business address. MR. NISTOR had removed the prohibited items when his employee informed him of the City's inspection. However, he sold the last Brillo pad in his possession when approached by the undercover detective. MR. NISTOR had paid the fine imposed by the Court and ATTORNEY FRIED argued that the Council should not impose further punishment by refusing to renew MR. NISTOR'S licenses and taking away his only means of live show.

In response to COUNCILMAN BARLOW'S questions, MR. NISTOR stated that he sells a few food items but no liquid soap. He explained that he sold the Brillo pads because they are used to clean hookah pipes and the previous owner had sold them.

MR. DiFIORE stated that Brillo pads sold in conjunction with cleaning products are not a problem. Problems arise when the Brillo pads are stored behind the counter and packaged with other drug paraphernalia and referred to as a stimulant. In an effort to clean up the industry, MR. DiFIORE stated that staff had inspected 125 convenience stores and notified the operators that they were to stop selling these items.

COUNCILMAN ROSS informed MR. NISTOR that his business was not helping the community or the City and he encouraged MR. NISTOR to enter into a more appropriate retail operation. COUNCILMAN BARLOW stated there is no place in Ward 5 or the City for this type of conduct from a business owner and expressed his support of MR. DiFIORE'S decision to not renew MR. NISTOR'S licenses.

MR. FRIED argued that there was no way for MR. NISTOR to know that the sale of glass pipes and copper Brillo pads were prohibited and MAYOR GOODMAN explained that citizens are presumed to know the law.