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3
4 BEFORE THE CITY COUNCIL
5 OF THE CITY OF LAS VEGAS, NEVADA

6 * * *

7 IN THE MATTER OF:

8 DEPARTMENT OF FINANCE AND
9 BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

10 Petitioner,

11 vs.

12 DOMINIC L. LAINO, d/b/a CLUB 2100,

13 Respondent.
14

**COMPLAINT FOR
DISCIPLINARY ACTION**

15 The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the
16 CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for
17 Disciplinary Action against DOMINIC L. LAINO, d/b/a CLUB 2100 ("Laino" or
18 "Club 2100"), 2100 Fremont Street, Las Vegas, Clark County, Nevada, 89101, Respondent,
19 and states:

20 Respondent Laino/Club 2100 holds Tavern License No. L16-00302-4-000662; Retail
21 Tobacco License No. C05-02623-1-000662; Coin Operated Machine License No. C08-01806-
22 3-000662; and, Miscellaneous Sales License No. M06-03015-3-000662.

23 **SUMMARY OF ALLEGATIONS**

24 Club 2100 is owned by Dominic Laino. It has been operated repeatedly and
25 continuously in an unlawful manner in violation of Las Vegas Municipal business licensing
26 codes.

27 Club 2100, located at 2100 Fremont Street, Las Vegas, Nevada, was originally granted
28 a temporary tavern license in April 2008 which was extended in July 2008 being thereafter

1 awarded a conditional permanent license on January 9, 2009. A condition was limitation of
2 live entertainment to one (1) night per week on Sunday until 2:00 a.m. Monday morning.

3 Although limited to live entertainment only one night per week, Club 2100 advertises
4 entertainment several additional nights per week; there have been an increased number of calls
5 for service at the business location in the last six months [32 service calls, several citations and
6 2 arrests] and repeated violations of code provisions including sexually explicit conduct.
7 Numerous violations of work card requirements, failure to obtain/possess valid health cards,
8 employment as a "promoter without a license" have occurred, and failure to provide the
9 Director of Business Services necessary reports of compliance.

10 **CALLS FOR SERVICE AND CODE COMPLIANCE FAILURE**

11 **A. CALLS FOR SERVICE**

12 On April 1, 2009, Las Vegas Metropolitan Police Department ("LVMPD") officers
13 responded to a grand larceny auto which occurred in the parking lot while the owner was in
14 Club 2100.

15 On April 26, 2009, LVMPD officers were called to Club 2100 and arrested one person
16 on a domestic violence charge stemming from an incident which originated inside the
17 establishment. A female subject was arrested.

18 On May 15, 2009, LVMPD officers arrested an individual at Club 2100 for malicious
19 destruction of private property. A patron had become irate when requested to leave the
20 premises at closing time and threw bottles damaging a television set in the bar.

21 On May 29, 2009, LVMPD responded to a report of a public fight between a man and
22 a woman in Club 2100's parking lot. The male subject was arrested for battery/domestic
23 violence.

24 On June 14, 2009, LVMPD responded to a call for service from Club 2100 security
25 staff. Identified as Event No. 090614-000803, the incident report states that a male individual
26 became involved in a verbal argument with other patrons of the club, left, then attempted to
27 reenter the club with a gun. When the security staff prevented him from entering, he pointed

28

1 the gun at the security officers, then returned to his car, where he was arrested by LVMPD
2 officers and charged with assault with a deadly weapon.

3 On June 25, 2009, a notice was sent to the Respondent which stated that LVMPD had
4 received three or more calls for service each 30-day period for the last three months. Total
5 calls for service for that period, not counting vehicle and pedestrian stops on or in front of the
6 property had totaled four for the month of April, ten for the month of May and four for the
7 month of June 2009.

8 **B. CODE COMPLIANCE FAILURE**

9 On January 29, 2009, during a compliance check by LVMPD Special Investigations,
10 Dominic Laino was cited by Detective Nikki Mancillas for failure to require a work card
11 address change for an employee of the club in violation of Las Vegas Municipal Code
12 ("LVMC") §§ 6.86.030 and 6.86.095. Detective Mancillas noted that Laino had been issued
13 a Notice of Noncompliance for this issue during a previous compliance check in October 2008.

14 On May 1, 2009, a compliance check by LVMPD Special Investigation and Business
15 Services Enforcement staff found that a cocktail server, Ana Zelaya, was working without a
16 valid health card and that another individual behind the bar had neither a work card nor a
17 health card. The bartender, Chastity Swanson, was issued a Notice of Violation for failure to
18 maintain and make available a current employee list under LVMC § 6.86.180(A).

19 On May 7, 2009, Dominic Laino was notified by telephone that the outstanding
20 violations had not been corrected.

21 On May 9, 2009, License Officer Oliverius telephoned and left a message for Dominic
22 Laino reminding him that he had not yet submitted the required documents.

23 On May 13, 2009, an audit request letter was hand delivered to Dominic Laino at Club
24 2100 by James Misbach, an auditor from Business Services Division. Laino signed for the
25 letter which requested sales reports and other financial records of the business be provided
26 within 72 hours.

27 On June 3, 2009, in response to a phone message from Auditor James Misbach, an
28 email was received from Ramsey Bourassa requesting a further extension until June 16, 2009.

1 On June 4, 2009, voice mail messages were left by Auditor Misbach advising Dominic
2 Laino and Ramsay Bourassa that the request for an additional extension had been denied.
3 Misbach then received a telephone call from Dominic Laino. They discussed the request, and
4 Misbach advised Laino that he would be issuing a Correction Notice on June 5, 2009.

5 On June 5, 2009, Auditor Misbach left a voice message for Dominic Laino asking if he
6 would be at Club 2100 to receive the Correction Notice. When he did not receive a return
7 call, Misbach went to the business location and posted the Correction Notice on the front door
8 of the establishment.

9 On June 12, 2009, during a joint compliance check by LVMPD Special Investigations
10 and Business Services Enforcement staff, a Notice of Violation was issued to a cocktail server,
11 Kristin Carter, for working without a valid work card and without a valid health card in her
12 possession, in violation of LVMC § 6.50.440 and CC § 9.16.030. A Notice of Violation was
13 also issued to Dominic Laino for permitting an employee to work without valid cards in her
14 possession, in violation of LVMC § 6.50.440 and CC § 9.16.030.

15 On June 16, 2009, Business Services Division received a complaint from LVMPD
16 Special Investigations regarding Club 2100 advertising strippers on a website and depicting
17 female dancers in degrees of undress including exposure of areas prohibited by LVMC §
18 6.35.050 (*see* website, <http://www.myspace.com/latinworldent>).

19 On June 25, 2009, a Notice and Declaration of Chronic Nuisance and Request for
20 Abatement was sent to Dominic Laino as the owner of Club 2100 and to Mary Bartsas as the
21 owner of the property at 2100 Fremont Street by Officer James Oaks of LVMPD Downtown
22 Area Command Community Oriented Policing Unit. The notice advised of specific conduct
23 constituting a nuisance, including:

- 24 • Advertising or engaging in operating an erotic dance establishment without the required
25 license, based upon web pages posted by the club on Myspace.com and videos posted
on Youtube.com, in violation of LVMC § 6.35.170;
- 26 • Violating the conditions under which the tavern license was issued by advertising and
27 engaging in providing live entertainment on Thursday, Friday and Saturday nights, in
violation of LVMC § 6.02.060(C);

28

- 1 • Failure to report changes in business activity to the Business Services Division, in violation of LVMC §§ 6.02.310, 6.02.320, and 6.02.370.
- 2 •
- 3 • Causing, maintaining or failing to abate the use of the property at 2100 Fremont Street as a sexually-oriented business in violation of LVMC §§ 19.04.010, 19.00.070, and 9.04.030;
- 4 •
- 5 • Operating outside the conditions of the license issued to the business, in violation of LVMC § 6.50.290; and
- 6 •
- 7 • Prohibited acts by employees, specifically exposing his or her genitals, pubic hair, perineum, anal region or pubic hair region, and allowing employees to perform such acts, in violation of LVMC § 6.50.510.
- 8 •
- 9 • On June 29, 2009, and at other relevant times and dates, various advertisements, and Internet-web-based photographs, videos, and other depictions of females engaged in sexual or suggestive conduct portraying Club 2100 as an adult sexually-related or erotic establishment were observed and preserved as evidence by representatives of law enforcement.
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11 SUBSTANTIVE LAW

12 LVMC § 6.02.330(H) provides [Unlawful Business Activity]:

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

15 . . .

16 (A) The licensee or any of its principals is engaged, or has
17 commenced, instituted, advertised, aided, carried on, continued or
engaged, in a business, trade or profession without having obtained
18 a valid license, an approval for suitability, a permit or a work card
when such a person knew that one was required or under such
19 circumstances that they reasonably should have known one was
required, or has solicited, encouraged, caused or procured another
20 to do so;

21 . . .

22 (D) The licensee or any of its principals, or their employees
or those acting on their behalf, violate a condition which is imposed
23 upon the license;

24 . . .

25 (G) The premises on which the business is conducted do not
satisfy local, state or federal law or regulations which pertain to the
26 activity which is actually engaged in;

27 (H) The business activity constitutes, promotes, causes,
allows, fosters, aids, or otherwise enables a private nuisance, public
28 nuisance or chronic nuisance, or has been or is being conducted in
an unlawful, illegal or impermissible manner, including but not

1 limited to causing, allowing, promoting, fostering, aiding, enabling,
2 exercising deliberate ignorance towards or failing to abate a private
nuisance, public nuisance or chronic nuisance; or

3 (I) The licensee, any of its principals, their employees or
4 those acting on their behalf failed to cooperate with the Director's
efforts to enforce the provisions of this Code.

5 LVMC § 6.02.350 provides [Acts and Omissions]:

6 **A licensee under this Chapter shall be subject to**
7 **disciplinary action** not only for acts or omissions done by such
licensee but also for acts and omissions done by the principals,
8 managers, agents, representatives, servants or employees of such
licensee. [Emphasis added.]

9 LVMC § 6.86.030 provides [Employer responsibility, Valid Work Card]:

10 It is unlawful for any employer to employ a person who is required
11 to have a work card unless such person has a valid work card for
such employment.

12 LVMC § 6.86.030 provides [Notification of changes to Work Card]:

13 The work card holder shall notify Metro within five days of any
14 changes in employment, name change, or change in residence. This
requirement is in addition to the notification provision for the
employer contained in Section 6.86.030.

15 LVMC § 6.35.100(A) provides [Advertising Erotic Dance Establishment]:

16 **No person, firm, partnership, corporation or other**
17 **entity shall advertise, or cause to be advertised,** as an erotic
dance establishment without a valid erotic dance establishment
18 license issued pursuant to this Chapter. [Emphasis added.]

19 STANDARD OF EVIDENCE

20 LVMC § 6.88.090 provides:

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

23 (B) The respondent shall have the right to call and
24 examine witnesses on his own behalf, cross-examine opposing
witnesses, introduce exhibits and evidence relevant to the issues
of the case, and offer rebuttal evidence.

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

27 (D) The Clerk shall have the power to issue subpoenas for
28 witnesses to appear to give testimony. [Emphasis added.]

1 **PENALTY**

2 LVMC § 6.02.360 provides:

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

11 **ALLEGATIONS**

12 **COUNT ONE**

13 It is alleged that between January 7, 2009 and present, Dominic L. Laino, d/b/a Club
14 2100 operated a business which constituted a public nuisance and which has been conducted in
15 an unlawful, illegal and impermissible manner, to wit: creating and permitting an
16 environment in which violence occurred, to include Battery, Assault With a Deadly Weapon,
17 Domestic Violence, and Malicious Destruction of Private Property, all of which required a
18 disproportionate use of Las Vegas Metropolitan Police Department resources in violation of
19 the Las Vegas Municipal Code and the Nevada Revised Statutes.

20 **COUNT TWO**

21 It is alleged that between April 2008 and present, Dominic L. Laino, d/b/a Club 2100
22 operated a business which constituted a chronic and public nuisance and which has been
23 conducted in an unlawful, illegal and impermissible manner, to wit: advertising or engaging in
24 the operation of an erotic dance establishment without a license as required by law, in violation
25 of the Las Vegas Municipal Code and the Nevada Revised Statutes.

26 **COUNT THREE**

27 It is alleged that between January 9, 2009 and present, Dominic L. Laino, d/b/a Club
28 2100 operated a business which principals, employees and others acting on its behalf failed to

1 require of its employees and others related directly and indirectly to the business to acquire,
2 maintain and report work cards, health cards and other required documents failing to cooperate
3 with the Director of Business Services efforts to enforce the provisions of the Las Vegas
4 Municipal Code, in violation of the Las Vegas Municipal Code and the Nevada Revised
5 Statutes.

6 **WHEREFORE**, the Petitioner respectfully requests the City Council to:

7 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing
8 at which the Respondent shall appear and show cause why the licenses that are the subject of
9 this Complaint should not be suspended or revoked, or other disciplinary action taken; or

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

11 DATED this 11th day of August, 2009.

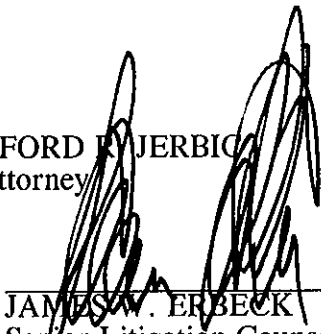
12 RESPECTFULLY SUBMITTED:

13
14 By:


15 MARK R. VINCENT, Director
16 Finance and Business Services

16 **BRADFORD R. JERBIC**
17 City Attorney

18 By:


19 JAMES W. ERBECK
20 Senior Litigation Counsel
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