



Las Vegas

Agenda Item No.: 66.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding a complaint seeking disciplinary action against James Cooper d/b/a The Amazing Art Company, 2814 Meadows Lane, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 1 (Tarkanian)

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

James Cooper d/b/a The Amazing Art Company holds Retail Gallery License A48-00227-1-147116. On February 12, 2009, and June 17, 2010, James Cooper sold graffiti implements in the form of a 15mm silver paint marker and four cans of spray paint to underage decoys without the consent of the parent or guardian of such minors. As a result of these repeated offenses, it is alleged that James Cooper d/b/a The Amazing Art Company has operated in an illegal manner, contrary to law and in violation of LVMC 6.02.330, and 10.48.090.

RECOMMENDATION:

That the City Council issue the Complaint for Disciplinary Action and set a date and time certain for hearing no later than 60 days from the date of approval of the complaint.

BACKUP DOCUMENTATION:

1. Complaint for Disciplinary Action
2. Submitted after Meeting Order Approving Complaint and Notice of Hearing and Affidavit of Service

Motion made by OSCAR B. GOODMAN to Approve the Complaint and set the hearing date for 10/6/2010

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:

PHILIP BYRNES, Deputy City Attorney, recommended the City Council approve the Complaint and filing of service on JAMES COOPER, and hold a hearing within 60 days. The Complaint

CITY COUNCIL MEETING OF: AUGUST 18, 2010

was provided to the City Clerk's Office.

COUNCILWOMAN TARKANIAN felt strongly that the Council has to put a stop to selfish business owners who sell to taggers and contribute to the increased problem with taggers, because it poses a great hardship for residents and government.

COUNCILMAN WOLFSON noted that the respondent has already engaged in illegal activity twice in a 12-month period and asked if he is still in business. CITY ATTORNEY BRAD JERBIC responded that the business is open; however, the Council does not have the liberty of discussing the merits of the case, opining that any discussion would create a poor record. The mechanism for shutting the business down is to follow through with the Complaint. CITY ATTORNEY JERBIC advised COUNCILMAN WOLFSON that there is no quicker vehicle to shut this business down.

COUNCILMAN BARLOW was perplexed as to how in this matter the City would have to terminate the business by means of the Complaint, yet in the recent case involving a clinic, the City went into the clinic and removed the business license. CITY ATTORNEY JERBIC explained that in that case a medical professional, under oath, stated that there was an immediate threat to public health if the clinic remained open. This case gave the City unusual legal power.

