

CITY COUNCIL MEETING OF
June 15, 2011
VERBATIM TRANSCRIPT – ITEM 76

**Discussion and possible action regarding a Temporary Teenage Nightclub License,
Boulevard Beats, LLC, dba Area 170, 3281 North Decatur Boulevard, Suite 170, Joshua
Owens, Mgr, 100% - Ward 6 (Ross)**

Appearance List:

OSCAR B. GOODMAN, Mayor

KAREN DUDDLESTEN, Business Services Manager

J. OWENS, Owner

KENNETH NOGGLE, Las Vegas Metropolitan Police Department, Special Investigations Section

CARMEN DONEGAN, Las Vegas Metropolitan Police Department, Special Investigation Section

CAROL MEYER, Business Services Supervisor

STEVEN D. ROSS, Councilman

16 minutes

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17 **MAYOR GOODMAN**

18 Seventy-six is discussion and possible action regarding a temporary teenage nightclub license,
19 Boulevard Beats, LLC, doing business as Area 170, 3281 North Decatur Boulevard, Suite 170.
20 This is in Ward 6. Yes.

21

22 **KAREN DUDDLESTEN**

23 Good morning, Your Honor. Karen Duddleston, Business Licensing (sic) Manager. Staff has
24 worked with the applicant for the business known as Area 170 on a teenage nightclub license,
25 since about September, on trying to resolve some of the issues that we are bringing to you today,
26 and, unfortunately, have been unable to do so. So, we are here before you on a temporary license
27 that the applicant is asking for a regular license. We're boiling down our concerns, at this point,
28 to – two major areas.

29 The first one is the use of the facility. This applicant also has a banquet hall license and a regular
30 nightclub license and is holding events in this facility with alcohol by using a liquor caterer, and
31 then on other evening events, holding the teenage nightclub events. Metro has provided you in
32 your booklets with their reports and has done several undercover operations, all of which have –
33 produced concerns for them.

34 In addition to that report that you have, our other concern that we have is that Metro has given
35 this applicant a long list of items that they felt needed to be complied with, in order for Metro to
36 alleviate their concerns at this point in time. And, the Metro officers have, unfortunately, been
37 able to, unable to confirm to us that those conditions have been met.

38 So, since that report in your books, we have pulled the calls for service; there have been seven
39 calls for service. Two of those calls resulted in arrests: one arrest of the owner and another of an
40 employee who was acting as a manager at that point in time.

41 I know that Metro is here. They're prepared with any discussion or questions that you may have,
42 and also the applicant should be present.

43

44 **MAYOR GOODMAN**

45 Is the applicant here? Come on up. Would you identify yourself for the record, please?

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46 **J. OWENS**

47 Yes. My name is J. Owens.

48

49 **MAYOR GOODMAN**

50 Okay. All right. Do you –, you heard what Ms. Duddleston had to say. Do you have anything in
51 response to that?

52

53 **J. OWENS**

54 Yes, actually, all the issues that Metro had brought up to me, I had spoken with Special
55 Investigations, Detective Humphrey, on multiple occasions, and we discussed the changes that
56 our company was making, and to my knowledge, we were making those. And he had been by a
57 number of times afterwards and was satisfied with the results that we had; never said anything of
58 more changes that needed to – be made.

59

60 **MAYOR GOODMAN**

61 Okay. Thank you. Metro have anything they want to add?

62

63 **KENNETH NOGGLE**

64 Mayor. Councilmembers. I'm Kenneth Noggle with the Las Vegas Metropolitan Police
65 Department, Special Investigations Section. Detective Todd Humphrey was unavailable today.
66 As far as any correction, corrective action he's taken, there's only one that we have noted, or
67 Detective Todd Humphrey has noted, which would be the installation of surveillance cameras.
68 However, since – our undercover operation, he has ceased to operate any events as a teen dance
69 hall, so we could not go back and verify that he has actually been en, enforcing any of the rules
70 that, or guidelines that we had suggested to him.

71

72 **MAYOR GOODMAN**

73 Okay. How about yourself, anything?

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74 **CARMEN DONEGAN**

75 Sergeant Donegan with Las Vegas Metropolitan Police Department, Special Investigations
76 Section. I have nothing to add at this time.

77

78 **MAYOR GOODMAN**

79 Okay. Ms. Duddleston, what's your recommendation?

80

81 **KAREN DUDDLESTEN**

82 Your current Code states that alcohol and teenage nightclubs are – not operated in – the same
83 facility, and we would recommend denial.

84

85 **MAYOR GOODMAN**

86 All right.

87

88 **J. OWENS**

89 I have – something to say regarding that. I came to City Council, or sorry, City Licensing (sic)
90 and told them all the aspects of business that I wanted to run. And I said, what do I need to be
91 able to do this? They are the ones who issued me three temporary licenses, because they said,
92 well, you can use them. You have to notify us when you use which one. So, on, obviously, days
93 that we run a teenage nightclub, we do not have liquor on premises anywhere. And, so, but we
94 cannot just generate, I wouldn't have started the business if it was only a business for a teenage
95 nightclub; does not make enough rev, revenue for a small business that I own. So, we need other
96 avenues to generate revenue as a banquet hall and renting out the fill, facility for other events.
97 So, that's why they issued me three different licenses.
98 I would, why do I have an adult nightclub license? So that I can have 21 and up there with
99 liquor. They're the ones who issued me that. You know, I would not have gone into a business
100 venture like this if I knew that, you know, at some point they're just gonna take that away. So,
101 here I am putting all my investment, time and all my money into something that, you know, I
102 discussed with them prior.

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103 **MAYOR GOODMAN**

104 Well I – appreciate that and I don't – know the answer. I don't whether anybody in the City has a
105 response to that, as to – why three different licenses were issued, which may be incompatible
106 with one another. Ms. Meyer.

107

108 **CAROL MEYER**

109 Carol Meyer, Finance and, I guess, just Business Licensing (sic). When Mr. Owens did approach
110 us, it was for a teenage nightclub; that was his business model; that was what he wanted to do.

111 He said he also had this other space, and he said he would like the opportunity, once in a blue
112 moon, I think is how he phrased it, to maybe have other events where he did not have teens there.

113 He said he would close the teenage nightclub. He wasn't asking for a liquor license. He would
114 have his banquet facility; hire a liquor caterer to come in for these other events. We cautioned
115 him at the time, that there is an ordinance that says no teenage nightclub can even share a roof
116 with a liquor establishment, that there is no liquor license there. So, he felt that this was a way
117 that he could comply with the ordinance the way it was written.

118 I've since asked for clarification on that section of our ordinance, because we met with him to go
119 over the areas of concern in the report. That was our main concern, was the areas of concern that
120 Metro provided with the report. And, I cautioned him that he needs to make up his mind, either
121 he's gonna be an -- adult venue with alcohol or he's gonna be a teen venue. You really can't have
122 an ongoing mixing the two. And he shared with me at the last meeting that his goal now is every
123 Friday night, he wants to have 21 and up events, and –

124

125 **J. OWENS**

126 I – never said that. We're not, we pulled a liquor license –

127

128 **MAYOR GOODMAN**

129 Okay, wait – a second.

130

131 **J. OWENS**

132 I'm sorry.

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133 **CAROL MEYER**

134 Did –

135

136 **MAYOR GOODMAN**

137 Are – you through? Wait.

138

139 **CAROL MEYER**

140 Go ahead.

141

142 **MAYOR GOODMAN**

143 Are you through?

144

145 **CAROL MEYER**

146 So, then, basically, we – did caution him that those two do not mix. We have great concerns; it
147 causes concern for the City. And, in the same meeting, he said perhaps the hours of operation,
148 make sure that by this hour, you know, have a condition on his license that all the – teens would
149 be gone, and then, you know, at later hours, be able to run adult venues. I did share with him a
150 concern.

151 I – believe that the main reason for Ms. Duddleston, I don't wanna speak for her, her
152 recommendation for denial is not, basically, because he wants liquor caterers to come once in
153 awhile in his banquet facility, it would be the areas of concern in his investigative report.

154

155 **MAYOR GOODMAN**

156 Why don't you wind it up?

157

158 **J. OWENS**

159 If I may add to that then a couple key points about Area 170. We're an all ages music venue
160 designed for local bands and DJ's to perform to their peers. We provide entertainment for youth
161 in a controlled environment overseen by the City, we're working with the City. Las Vegas is
162 such an adult oriented town that there is very little for under 21 crowd to do, especially for the 18

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163 and under crowd. Area 170 is currently providing an outlet for this as a safe place for teens to go
164 for events and entertainment. Area 170 has had thousands of teens through our venue, with no
165 fights, no injuries and not one parental complaint. Eight months of operation, with continued
166 cooperation and communication with the City. We have never been cited for a Code violation at
167 this point, within City business licensing or conditions. Those conditions were released to us,
168 and we followed all the conditions.

169 We have enforced our parental permission forms and youth registration and membership for all
170 of our dance events. We have changed and evolved our policies to better improve our security
171 and safety for our young guests. In working with Special Investigations and Metro, we've
172 increased our security staff and went above and beyond the minimum City requirements for our
173 dance events. As he stated, we added 20 DVR cameras that are watching all areas, including our
174 door searches, our waiting lines, exits, dance floors and patios.

175 And, we've met with City detectives on multiple occasions to better educate and understand the
176 key points to be aware of, with the illegal substances distribution, and how to minimize or
177 eliminate that problem with the venue. So, we were looking for ways to work with them. And,
178 now we're working with even more community events, such as the exposed group to promote
179 smoke-free scenes for the youth in Las Vegas.

180 And, the bottom line, without a venue like mine working with the City and Metro, the youth will
181 still find a way to be entertained by bands and clubs and music in their own ways, with illegal
182 places and completely underground events without being, without having the City aware of their
183 events or monitoring them.

184
185 **MAYOR GOODMAN**

186 All right. Thank you.

187
188 **KAREN DUDDLESTEN**

189 Your Honor.

190
191 **MAYOR GOODMAN**

192 Yes.

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193 **KAREN DUDDLESTEN**

194 May I – clarify, since the reports that you have in – your books and Metro’s attempts to work
195 with them, to try to work out some of their – issues within the building. I did mention that there
196 were seven calls for service, and there were two arrests.

197 The arrests were made to, the owner of the facility was arrested on 10 counts of contributing to
198 the delinquency of a minor. And during this event, two minors were cited for the consumption of
199 alcohol. And an employee’s (sic), who indicated he was a manager for the business, was arrested
200 on two counts of battery of a police officer.

201

202 **MAYOR GOODMAN**

203 All right.

204

205 **J. OWENS**

206 That –

207

208 **MAYOR GOODMAN**

209 Thank you.

210

211 **J. OWENS**

212 If I may say something to that?

213

214 **MAYOR GOODMAN**

215 All right.

216

217 **J. OWENS**

218 That case should not be brought up at all or any judgment to this, because that is still a pending
219 case.

220

221 **MAYOR GOODMAN**

222 Thank you. All right.

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223 **J. OWENS**

224 That, I'm sorry, that can't be used at all.

225

226 **KENNETH NOGGLE**

227 I would also like to make a statement about something he said. He said no parents made any
228 complaints in – reference to his business operations. However, while I was there posing as an
229 under, undercover, in an undercover capacity, I – did document in one of my officer's reports that
230 while standing outside the business waiting to get in, a parent did approach one of the doormen
231 complaining that his son had ran away. And, last time he ran away, he ran away to this business.
232 And, it was his opinion that his son came home under the influence of an unknown narcotic.
233 As well as him saying he's been enforcing his rules, we've documented several times that he has
234 rules posted on his webpage that he never enforced to begin with. I have pictures to show dress
235 code violations, flyer, one of the flyers he put out insinuated drug use at the club, and I just don't
236 believe all his statements.

237

238 **MAYOR GOODMAN**

239 All right. Well, that's up to us. I appreciate that. All right. Councilman Ross.

240

241 **COUNCILMAN ROSS**

242 Thank you. And, Mr. Owens, I can appreciate the amount of money and time and effort you put
243 into your business. We are here to discuss and take possible action regarding your temporary
244 teenage nightclub license. And, I want to clarify for the record that this does not affect your other
245 temporary licenses.

246 Ms. Duddleston, would you refresh our memory in regards to what those temporary licenses are,
247 so it's clear in Mr. Owens' mind.

248

249 **KAREN DUDDLESTEN**

250 He has a temporary license for a banquet hall and a nightclub license.

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251 **COUNCILMAN ROSS**

252 Okay. I think, Mr. Owens, you're gonna need to make a decision here. Adults, you're absolutely
253 right, this is an adult city, but you have a venue in the backyard of many of my friends and
254 constituents that is affecting the lives of the youth in that area.

255 And when I read an investigation report covered, every page covered with challenges, to me as a
256 parent, and my concerns about drugs, my concerns about gangs, my concerns about your rules of
257 conduct in your business aren't being adhered to, and I appreciate Metro's investigation. I mean,
258 that's how we get these things. I'm a little more simple-minded. If it's good for the community,
259 it's good for the community. If it's not good for the community, it's just not good for the
260 community.

261

262 **J. OWENS**

263 If I may add, when was that report done?

264

265 **COUNCILMAN ROSS**

266 I think that –

267

268 **J. OWENS**

269 I was in our second month of operations. It's been eight now, and there's not been another report
270 or another issue.

271

272 **COUNCILMAN ROSS**

273 This is dated February 8th. Sergeant, is that familiar to you, the report we have in front of us?

274 Am I right, Sergeant, Detective, Detective, Sergeant?

275

276 **KENNETH NOGGLE**

277 The investigations were conducted from November of 2010 until January of 2011 –

278

279 **COUNCILMAN ROSS**

280 Okay.

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281 **KENNETH NOGGLE**

282 – which there were multiple reports throughout those three months.

283

284 **COUNCILMAN ROSS**

285 And, Mr. Owens, I'm gonna – tell you this. If I dumped a bunch of money into my business and
286 I wanted to keep my doors open and create a venue for teenagers and – up and coming artists, in
287 regards to music, I would make sure that I'm playing by the rules, and I'm squeaky clean.

288

289 **J. OWENS**

290 That's why I'm here.

291

292 **COUNCILMAN ROSS**

293 You're not squeaky clean. If an officer can walk into your establishment and buy narcotics, what
294 does that tell me as a City Councilman?

295

296 **J. OWENS**

297 Answer this. If an officer did an undercover operation in one of our schools here in Vegas, guess
298 what? They'd walk out with drugs. That's a sting operation in my business.

299

300 **COUNCILMAN ROSS**

301 Mr. Owens, you're not helping yourself here. **I'm gonna move, Your Honor, for denial of the**
302 **temporary teenage nightclub license** and look forward to your other temporary licenses coming
303 before us, Mr. Owens.

304

305 **MAYOR GOODMAN**

306 Okay. Let's vote on that, please. Post. Motion carries. **(Motion carried unanimously)**

307

308 **(END OF DISCUSSION)**

309

310 /lc:gpb