

City of Las Vegas

SPECIAL CITY COUNCIL MEETING AGENDA

CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM

400 STEWART AVENUE, LAS VEGAS NEVADA 89101

Phone 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov

September 21, 2009

1:00 PM

All items on this agenda are scheduled for action unless specifically noted otherwise.

Duplicate CD/DVD's may be available at a cost of \$5.00 per CD/DVD through the City Clerk's office.

NOTE: Cellular phones are to be turned off during the City Council meeting.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Hearing, discussion and possible action regarding complaint seeking disciplinary action against Snick's Place, Inc., dba Snick's Place ("Snick's Place"); and Dominick Ralph Vitale ("Vitale"), 1402 South Third Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)
4. Hearing, discussion and possible action regarding complaint seeking disciplinary action against Dominic Laino dba Club 2100, 2100 Fremont Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)
5. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED
6. ADJOURNMENT

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE**SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009**

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ **Consent** ☒ **Discussion****SUBJECT:**

Hearing, discussion and possible action regarding complaint seeking disciplinary action against Snick's Place, Inc., dba Snick's Place ("Snick's Place"); and Dominick Ralph Vitale ("Vitale"), 1402 South Third Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)

Fiscal Impact☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

Dominick Vitale, dba Snick's Place, holds a Tavern License License No. L16-00134-4-000843; a Restricted Gaming License No. G01-00410-4-000843; a Convention Hall Gaming Tax License No. C20-00410-7-000843; a Coin Amusement Machine License No. C08-01083-2-000843. He has operated the business as a nuisance by permitting repeated acts of sexual intercourse and other sexual related conduct to occur at his business, an establishment open to the public. The Respondent has admitted the violations in proceedings before the Nevada Gaming Commission entering into a stipulated agreement and order suspending the license and paying a \$50,000.00 fine to the State of Nevada.

RECOMMENDATION:

That the City Council should conduct a hearing and render appropriate discipline, including, but not exclusively, revocation of all City-issued privileged business licenses.

BACKUP DOCUMENTATION:

Complaint for Disciplinary Action

1
2
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,

10 Petitioner,

11 vs.

12 SNICK'S PLACE, INC., dba
13 SNICK'S PLACE;
DOMINICK RALPH VITALE,

14 Respondents.
15

**COMPLAINT FOR
DISCIPLINARY ACTION**

16 The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the
17 CITY OF LAS VEGAS, NEVADA ("Department" or "City"), Petitioner, makes this
18 Complaint for Disciplinary Action against SNICK'S PLACE, INC., dba SNICK'S PLACE
19 ("SNICK'S PLACE"); and DOMINICK RALPH VITALE ("VITALE"), together referred to
20 as RESPONDENTS ("Respondents"), 1402 South Third Street, Las Vegas, Clark County,
21 Nevada, and states:

22 Respondents hold a Tavern License No. L16-00134-4-000843; a Restricted Gaming
23 License No. G01-00410-4-000843; a Convention Hall Gaming Tax License No. C20-00410-7-
24 000843; a Coin Amusement Machine License No. C08-01083-2-000843.

25 **SUMMARY OF ALLEGATIONS**

26 Snick's Place is located at 1402 South Third Street, Las Vegas, Nevada holds, among
27 other licenses, a restricted gaming license, a privileged license and is incorporated under the
28

1 | laws of the State of Nevada and Vitale being the sole shareholder, officer and director of the
2 | business and was licensed as such on or about July 18, 2001.

3 | Beginning on or about April 29, 2008 and continuing until present, Respondent failed
4 | to prevent certain unlawful conduct to occur within the premises of the business and became
5 | subject to license revocation/suspension proceedings initiated by the State of Nevada Gaming
6 | Control Board as well as the City.

7 | On or about December 30, 2008, a complaint (NGC Case No. 08-14) was filed against
8 | the Respondents by the State of Nevada before the Nevada Gaming Commission to which the
9 | Respondents admitted the violations of state law by stipulation dated March 9, 2009. The
10 | stipulated settlement agreement was accepted by the Nevada Gaming Commission and became
11 | effective by its Order, dated March 19, 2009. Respondents' state licenses were suspended and
12 | an agreed to fine in the amount of \$50,000.00 was imposed. Other conditions also were
13 | included in the settlement.

14 | **SPECIFIC FACTUAL STATEMENT**

15 | On or about April 29, 2008, two patrons of Snick's Place engaged in sexual
16 | intercourse. The action set out above took place in the public portion of Snick's Place. This
17 | was in an area for which the bartenders on duty were responsible. The RESPONDENTS failed
18 | to prevent the action set out above.

19 | On or about April 30, 2008, one patron of Snick's Place masturbated another patron.
20 | The action set out above took place in the public portion of Snick's Place. This was in an area
21 | for which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the
22 | action set out above.

23 | On or about April 30, 2008, two patrons of Snick's Place performed oral sex on each
24 | other. The action set out above took place in the public portion of Snick's Place. This was in
25 | an area for which the bartenders on duty were responsible. The RESPONDENTS failed to
26 | prevent the action set out above.

27 | On or about May 1, 2008, two patrons of Snick's Place completely disrobed and one
28 | proceeded to masturbate the other. The action set out above took place in the public portion of

1 Snick's Place. This was in an area for which the bartenders on duty were responsible. The
2 RESPONDENTS failed to prevent the action set out above.

3 On or about May 1, 2008, two patrons of Snick's Place crawled across the bar. One
4 was completely naked, and the other was wearing only underwear. As the patron wearing
5 only underwear crawled across the bar, the bartender pulled the patron's underwear down.
6 The second patron to crawl across the bar met the first patron to crawl across the bar at the end
7 of the bar where the first patron performed oral sex on the second patron while talking to the
8 bartender. The action set out above took place in the public portion of Snick's Place. This
9 was in an area for which the bartenders on duty were responsible. The RESPONDENTS
10 failed to prevent the action set out above.

11 On or about June 22, 2008, a patron of Snick's Place patron performed oral sex on
12 another patron. The action set out above took place in the public portion of Snick's Place.
13 This was in an area for which the bartenders on duty were responsible. The RESPONDENTS
14 failed to prevent the action set out above.

15 On or about June 22, 2008, a patron of Snick's Place exposed his genitals and then
16 went into the women's restroom with two other patrons and participated in various sexual
17 activities. All activities set out above, with the exception of the allegations taking place in the
18 women's restroom, took place in the public portion of Snick's Place. This was in an area for
19 which the bartenders on duty were responsible. The RESPONDENTS failed to prevent the
20 action set out above.

21 STANDARD OF EVIDENCE, SUBSTANTIVE LAW AND PENALTY

22 A. STANDARD OF EVIDENCE

23 LVMC § 6.88.090 provides:

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

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

1 (C) The respondent may be called and examined by the
2 City.

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

5 **B. SUBSTANTIVE LAW**

6 The Las Vegas Municipal Code mandates that the licensee is responsible for actions in
7 their business.

8 LVMC § 6.06.010 relates the importance of a high degree of supervision of privileged
9 licenses/licensees:

10 The provisions of this chapter apply to those businesses,
11 which are found by the City Council to require a high degree of
12 supervision and to more seriously affect the economic, social and
13 moral well-being of the City and its residents. These businesses
14 have been commonly referred to as "privileged" and require City
15 Council approval for a license.

16 LVMC § 6.02.370 further explains the import of license violations to the public, in
17 pertinent part:

18 The doing of any act for which a license is required or the
19 violation of any provision of this Title is declared to be **unlawful**
20 **and harmful to the safety, welfare, health, peace and morals of**
21 **the residents and taxpayers of the City** and constitutes a public
22 nuisance per se, [Emphasis added.]

23 LVMC § 6.02.350 in part states:

24 A licensee under this Title shall be subject to disciplinary
25 action not only for acts or omissions done by such licensee but
26 also for acts and omissions done by the principals, managers,
27 agents, representatives, servants or employees of such licensee.

28 LVMC § 6.02.330 (B) and (H) provides for appropriate disciplinary action to be taken
when a licensee has been subject to disciplinary in another jurisdiction:

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

. . . .

(B) The licensee or any of its principals has been
subject, in any jurisdiction, to disciplinary action of any kind
with respect to a license, an approval for suitability, a permit or a

1 work card to the extent that such disciplinary action reflects upon
2 the qualification, acceptability or fitness of such licensee or
3 principal;

4 . . .

5 (H) The business activity constitutes, promotes, causes,
6 allows, fosters, aids, or otherwise enables a private nuisance,
7 public nuisance or chronic nuisance, or has been or is being
8 conducted in an unlawful, illegal or impermissible manner,
9 including but not limited to causing, allowing, promoting,
10 fostering, aiding, enabling, exercising deliberate ignorance
11 towards or failing to abate a private nuisance, public nuisance or
12 chronic nuisance

13 LVMC § 10.40.050 provides:

14 Every person who wilfully and lewdly either exposes his
15 person or the private parts thereof in any public place, or in any
16 place where there are present other persons to be offended or
17 annoyed thereby; or procures, counsels or assists any person to
18 expose himself, or to take part in or make any exhibition of
19 himself to public view, or to the view of any number of persons,
20 such as is offensive to decency, or is adapted to excite vicious or
21 lewd thoughts or acts, is guilty of a misdemeanor.

22 LVMC § 10.42.060 states:

23 It shall be unlawful to engage in any live sex act,
24 including but not limited to sexual intercourse, oral copulation,
25 or sodomy, or any said sex act by implication or simulation
26 before an audience, whether it be between a male and female,
27 male and male, female and female, human being and an animal,
28 or through the means of using an artificial device to simulate any
sexual act of any kind whatsoever.

In addition, Nevada Gaming Commission Regulation 5.030 provides:

Violation of any provision of the Nevada gaming Control
Act of these regulations by a licensee, his agent or employee shall
be deemed contrary to the public health, safety, morals, good
order and general welfare of the inhabitants of the State of
Nevada and grounds for suspension or revocation of a license.
Acceptance of a state gaming license or renewal thereof by a
licensee constitutes an agreement on the part of the licensee to be
bound by all of the regulations of the commission and the same
now are or may hereafter be amended or promulgated. It is the
responsibility of the licensee to keep himself informed of the
content of all such regulations, and ignorance thereof will not
excuse violations.

1 **C. 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.]

17 LVMC § 6.50.010 provides:

18 The City Council declares that this Liquor Control
19 Chapter is an exercise of the regulatory powers delegated to the
20 City Council pursuant to the City Charter and NRS 268.090,
21 inter alia. The regulations contained in this Chapter involve, to
22 the highest degree, the economic, social, physical and moral
23 well-being of the residents and taxpayers of the City. The sale or
24 other disposition of alcoholic beverages is not a matter of right
25 but of privilege, which would otherwise be unlawful if it were
26 not exercised pursuant to a license. This privilege may be denied,
27 revoked, conditioned, suspended or subjected to any other
28 disciplinary action by the City in the exercise of its police powers
for the protection of the safety, welfare, health, peace and morals
of the residents and taxpayers thereof. Businesses engaged in the
sale or other disposition of alcoholic beverages must therefore
comply with LVMC Chapter 6.06. Nothing in this Chapter shall
be construed to confer any legitimate claim of entitlement to any
benefit which might otherwise devolve upon any licensee or any
person approved for suitability. [Emphasis added.]

29 **SUBSTANTIVE ALLEGATIONS OF COMPLAINT**

30 **COUNT ONE**

31 1. Petitioner Department realleges and incorporates by reference as though set
32 forth in full herein all previous paragraphs of this Disciplinary Complaint above.

33 2. On or about April 29, 2008, within the public premises of SNICK'S PLACE,
34 INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,

35

1 located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of
2 SNICK'S PLACE engaged in sexual intercourse.

3 3. The conduct occurred in the public portion of SNICK'S PLACE in an area for
4 which the bartenders on duty were responsible. Respondents failed to prevent the action and
5 conduct as stated above.

6 4. This conduct by itself, and in conjunction with the actions complained of in
7 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
8 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

9 5. Respondents' acts and failures to act as set out above are in violation of the Las
10 Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060
11 and, as such, are grounds for disciplinary action.

12 **COUNT TWO**

13 6. Petitioner Department realleges and incorporates by reference as though set
14 forth in full herein all previous paragraphs of this Disciplinary Complaint above.

15 7. On or about April 30, 2008, within the public premises of SNICK'S PLACE,
16 INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,
17 located at 1402 South Third Street, Las Vegas, Clark County, Nevada, one patron of
18 SNICK'S PLACE masturbated another patron.

19 8. The conduct occurred in the public portion of SNICK'S PLACE in an area for
20 which the bartenders on duty were responsible. Respondents failed to prevent the action and
21 conduct as stated above.

22 9. This conduct by itself, and in conjunction with the actions complained of in
23 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
24 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

25 10. Respondents' acts and failures to act as set out above are in violation of the Las
26 Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060
27 and, as such, are grounds for disciplinary action.

28

COUNT THREE

11. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

12. On or about April 30, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE performed oral sex on each other.

13. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

14. This conduct by itself, and in conjunction with the actions complained of in other counts of this complaint, violates the municipal laws of the City of Las Vegas and is harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

15. Respondents' acts and failures to act as set out above are in violation of the Las Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060 and, as such, are grounds for disciplinary action.

COUNT FOUR

16. Petitioner Department realleges and incorporates by reference as though set forth in full herein all previous paragraphs of this Disciplinary Complaint above.

17. On or about May 1, 2008, within the public premises of SNICK'S PLACE, INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE, located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of SNICK'S PLACE completely disrobed and masturbated the other.

18. The conduct occurred in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were responsible. Respondents failed to prevent the action and conduct as stated above.

.....

.....

1 19. This conduct by itself, and in conjunction with the actions complained of in
2 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
3 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

4 20. Respondents' acts and failures to act as set out above are in violation of the
5 Las Vegas Municipal Code §§ 6.02.330 (B) and (H), 6.02.350, 6.02.370, 10.40.050, and
6 10.42.060 and, as such, are grounds for disciplinary action.

7 **COUNT FIVE**

8 21. Petitioner Department realleges and incorporates by reference as though set
9 forth in full herein all previous paragraphs of this Disciplinary Complaint above.

10 22. On or about May 1, 2008, within the public premises of SNICK'S PLACE,
11 INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,
12 located at 1402 South Third Street, Las Vegas, Clark County, Nevada, two patrons of
13 SNICK'S PLACE exposed their genitals and one patron performed oral sex on the other.

14 23. The conduct occurred in the public portion of SNICK'S PLACE in an area for
15 which the bartenders on duty were responsible. Respondents failed to prevent the action and
16 conduct as stated above.

17 24. This conduct by itself, and in conjunction with the actions complained of in
18 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
19 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

20 25. Respondents' acts and failures to act as set out above are in violation of the Las
21 Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060
22 and, as such, are grounds for disciplinary action.

23 **COUNT SIX**

24 26. Petitioner Department realleges and incorporates by reference as though set
25 forth in full herein all previous paragraphs of this Disciplinary Complaint above.

26 27. On or about June 22, 2008, within the public premises of SNICK'S PLACE,
27 INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,
28

1 located at 1402 South Third Street, Las Vegas, Clark County, Nevada, a patron of SNICK'S
2 PLACE performed oral sex on another patron.

3 28. The conduct occurred in the public portion of SNICK'S PLACE in an area for
4 which the bartenders on duty were responsible. Respondents failed to prevent the action and
5 conduct as stated above.

6 29. This conduct by itself, and in conjunction with the actions complained of in
7 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
8 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

9 30. Respondents' acts and failures to act as set out above are in violation of the Las
10 Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060
11 and, as such, are grounds for disciplinary action.

12 COUNT SEVEN

13 31. Petitioner Department realleges and incorporates by reference as though set
14 forth in full herein all previous paragraphs of this Disciplinary Complaint above.

15 32. On or about June 22, 2008, within the public premises of SNICK'S PLACE,
16 INC., dba SNICK'S PLACE; said establishment owned by DOMINICK RALPH VITALE,
17 located at 1402 South Third Street, Las Vegas, Clark County, Nevada, one patron of
18 SNICK'S PLACE exposed his genitals and entered the women's rest room and engaged in
19 various sexual activities performed oral sex on another patron.

20 33. With the exception of the conduct in the ladies' rest room, the conduct occurred
21 in the public portion of SNICK'S PLACE in an area for which the bartenders on duty were
22 responsible. Respondents failed to prevent the action and conduct as stated above.

23 34. This conduct by itself, and in conjunction with the actions complained of in
24 other counts of this complaint, violates the municipal laws of the City of Las Vegas and is
25 harmful to the safety, welfare, health, peace and morals of the residents and taxpayers of the City.

26 35. Respondents' acts and failures to act as set out above are in violation of the Las
27 Vegas Municipal Code §§ 6.02.330 (B)(H), 6.02.350, 6.02.370, 10.40.050, and 10.42.060
28 and, as such, are grounds for disciplinary action.

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

2 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing at
3 which the Respondent shall appear and show cause why the licenses that are the subject of this
4 Complaint should not be suspended or revoked, or other disciplinary action taken; or
5

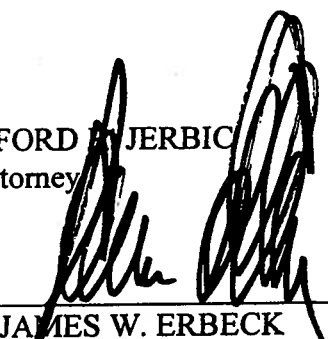
6 B. Grant such other and further relief as the Council deems appropriate.

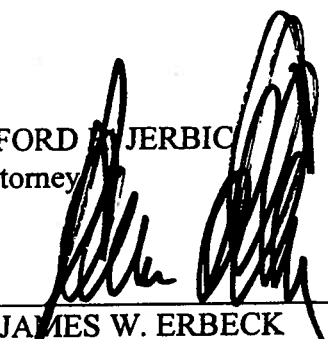
7 DATED this 11th day of August, 2009.
8

9 RESPECTFULLY SUBMITTED:

10
11 By: 
12

MARK R. VINCENT, Director
Finance and Business Services
13

14
15 
16 BRADFORD J. JERBIC
17 City Attorney

18 By: 

19 JAMES W. ERBECK
20 Senior Litigation Counsel
21 Chief Deputy City Attorney
22 Nevada Bar No. 659
23 400 Stewart Avenue, Ninth Floor
24 Las Vegas, NV 89101
25 Attorneys for CITY OF LAS VEGAS
26
27
28

AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Hearing, discussion and possible action regarding complaint seeking disciplinary action against Dominic Laino dba Club 2100, 2100 Fremont Street, Las Vegas, Clark County, Nevada, for violations of the Las Vegas Municipal Code - Ward 3 (Reese)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Dominic Laino dba Club 2100, holds Tavern License No. L16-00302-4-000662; Retail Tobacco License No. C05-026. He has operated the business as a nuisance by advertising as an erotic dance establishment; creating an environment in which violence has occurred, requiring repeated calls/arrest by law enforcement; failure to adhere to work/health card and other employment/business activity record compilations; and, operating entertainment activities at the business on nights other than the one day per week as conditioned by the Council [Sundays only].

RECOMMENDATION:

That the City Council should conduct a hearing and render appropriate discipline, including, but not exclusively, revocation of all City-issued privileged business licenses.

BACKUP DOCUMENTATION:

1. Complaint for Disciplinary Action
2. Answer to Complaint and Disciplinary Action

1
2
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

- 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.
- 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;
- Operating outside the conditions of the license issued to the business, in violation of LVMC § 6.50.290; and
- 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.
- 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.

SUBSTANTIVE LAW

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

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

. . .

(A) The licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or profession without having obtained 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 circumstances that they reasonably should have known one was required, or has solicited, encouraged, caused or procured another to do so;

. . .

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

. . .

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

(H) The business activity constitutes, promotes, causes, allows, fosters, aids, or otherwise enables a private nuisance, public 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
8 licensee but also for acts and omissions done by the principals,
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
18 dance establishment without a valid erotic dance establishment
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

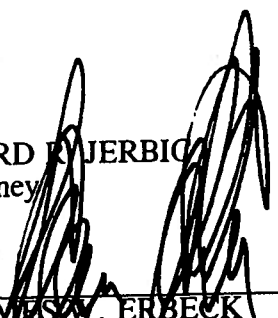
10 B. Grant such other and further relief as the Council deems appropriate.

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 
17 BRADFORD R. JERBIC
18 City Attorney

19 By:

JAMES W. ERBECK
20 Senior Litigation Counsel
21 Chief Deputy City Attorney
22 Nevada Bar No. 659
23 400 Stewart Avenue, Ninth Floor
24 Las Vegas, NV 89101
25 Attorneys for CITY OF LAS VEGAS
26
27
28

ORIGINAL

DEAN Y. KAJIOKA, ESQ.
KAJIOKA & ASSOCIATES
Nevada Bar No. 5030
810 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 366-1528
Attorneys for Respondent
DOMINIC L. LAINO dba CLUB 2100

2009 SEP 15 P 3:38

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CITY CLERK

**BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA**

IN THE MATTER OF:)
)
DEPARTMENT OF FINANCE AND)
BUSINESS SERVICES on behalf of the)
CITY OF LAS VEGAS, NEVADA)
)
Petitioner,)
)
Vs.)
)
DOMINIC L. LAINO dba CLUB 2100,)
)
Respondent.)
)

Date of Hearing: Sept. 21, 2009
Time of Hearing: 1:00 p.m.

**RESPONDENT, DOMINIC L. LAINO dba CLUB 2100, ANSWER
TO COMPLAINT FOR DISCIPLINARY ACTION**

COMES NOW, Respondent, DOMINIC L. LAINO, and hereby submits his response to
Petitioner's Complaint for Disciplinary Action. The instant Response is made and based upon
the attached Memorandum of Points and Authorities, all Exhibits attached hereto, and upon such
oral and documentary evidence as may be presented at the time of Hearing on this matter.

STATEMENT OF FACTS

Respondent, Dominic L. Laino dba Club 2100, holds and maintains Tavern License No.
L16-00302-4-000661; Retail Tobacco License No. C05-02623-1-000662; Coin Operated

Machine License No. C08-01806-3-00662; and Miscellaneous Sales License No. M06-03015-3-000662. Pursuant to said licenses, Respondent owns and operates a Tavern located at 2100 Fremont Street, Las Vegas, Nevada.

Club 2100 was originally granted a temporary license in April 2008. On January 7, 2009, Club 2100 was before the City Council for discussion and action for Review of Conditions of a Tavern License. During this hearing, Dr. DiFiore stated that during the prior 6 month period “the business generated 32 calls for service by Las Vegas Metro, resulting in three citations and two arrests outside of the club.” (See Exhibit “A”). Councilman Reese “acknowledged that the neighborhood is a challenging area and he applauded Mr. Laino for bringing his business to this location.” (See Exhibit “A”). After hearing the discussions, the City Council approved and awarded a conditional permanent license for Club 2100, with a condition permitting live entertainment on Sunday evenings to 2:00 a.m.

COUNT ONE

The City contends that Club 2100 has caused a Public Nuisance for maintaining an environment in which violence occurred. In support of this claim, the City references five (5) specific incidences as illustrative of the existence of a public nuisance. First and foremost, Club 2100 is located at 2100 Fremont Street, located at the East end of Fremont Street. The area is, and has been for several years, a low income, transient, portion of Fremont Street. Absent the daily rentals and thrift stores, there is little, if any, business operating in this area. Notwithstanding these facts, Respondent has injected his time, resources and commitment to operating a viable business establishment in this high risk area. In fact, at the January 7, 2009 City Council hearing, Councilman Reese “applauded Mr. Laino for bringing his business” to this “challenging area”.

1 The City contends and asserts that there has been an “increased number of calls for
2 service” in the last six months “(32 service calls, several citations and 2 arrests)”. Contrary to
3 the City’s assertion, there has not been an increased number of calls for service since the City
4 Council’s approval of Respondent for its tavern license. In fact, at the January 7, 2009, hearing
5 before the City Council, Mr. DiFiore stated “the business generated 32 calls for service by Las
6 Vegas Metro, resulting in three citations and two arrests outside of the club.” (See Exhibit “A”).
7 While the number of calls did not decrease, more importantly, they did NOT increase. The
8 realities are that these numbers are reflective of the nature of this “challenging” neighborhood.
9

10 As for the specific incidences referenced by the City, of the five (5) calls for service
11 specifically highlighted by the City, two (2) were for domestic violence. Again, these incidences
12 are reflective of the nature of the neighborhood. The City also references a grand larceny auto
13 incident as a basis of its claim of public nuisance. For 2008, the Clark County area was the
14 seventh (7th) highest rate of auto thefts in the country. (As reported by the Rocky Mountain
15 Insurance Information Association, Exhibit “B”). This single incident of auto theft hardly
16 illustrates or supports a claim of nuisance against Club 2100. Finally, the remaining two
17 incidences referenced by the City were for disturbances caused by the customers within the
18 licensed premises. As to these incidences, does the City contend that a business owner should
19 not report disturbances by its customers within its establishment?
20
21

22 Clearly, the assertions of the City should not be deemed nor constitute a public nuisance
23 being caused by Respondent.
24

25 **COUNT TWO**

26 Advertising or engaging in the operation of an erotic dance establishment without a
27 license required by law. Specifically, the City contends and alleges that the entirety of the basis
28

1 its allegation is the posting of photographs and a video on a internet website, and advertisements
2 with females engaged in sexual or suggestive conduct portraying Club 2100 as an adult sexually
3 related or erotic establishment, in violation of LVMC 6.35.170, doing business without a license
4 for erotic dance establishment. Club 2100 specifically denies these allegations.

5 Contrary to the City's contention, Respondent does not advertise or portray itself to be,
6 nor does it operate, an adult sexually related or erotic establishment. The photographs and video
7 upon which the City bases its allegations were not recovered from a Club 2100 website, nor a
8 website sanctioned or approved by Club 2100. Rather, Respondent is informed that the website
9 from which the alleged photographs were obtained were from an independent website operator to
10 whom Respondent has no control. Most importantly, these photographs do not illustrate or
11 support a finding that Club 2100 operates an erotic dance establishment. To the contrary, Club
12 2100 does not conduct business in a manner that could constitute the operation of an "erotic
13 dance establishment".

14 Las Vegas City Code, Section 6.35.030(B), defines "Dancer" as "a person who dances,
15 models, personally solicits drinks or otherwise performs for an erotic dance establishment and
16 who seeks to arouse or excite the patrons' sexual desires."

17 Subsection (E), defines "Erotic Dance Establishment" as a business "which emphasizes
18 and seeks, **through one or more dancers, to arouse or excite the patrons' sexual desires.**"

19 Las Vegas City Code, Section 6.35.040, states "it shall be prima facie evidence that a
20 business is an erotic dance establishment when one or more **dancers** displays or exposes, with
21 less than a full opaque covering, that **portion of the female breast lower than the upper edge**
22 **of the areola**, or entices or persuades a patron to purchase a beverage sold in the establishment."

1 During the summer months, Club 2100 marketed a "pool party" to encourage patronage
2 of the tavern. On occasion, several customers attended the "pool party" in their pool attire, ie.
3 bathing suits. One of these photographs provided by the City, in support of its assertion that
4 Club 2100 is operating an "erotic dance establishment", illustrates two females in their bathing
5 suits and another illustrates a female with a bathing suit top and short pants standing next to a
6 male. As previously stated, this photograph was not posted on a Club 2100 approved website.
7 Rather, the photograph was posted by an independent individual on a social website. More
8 importantly, none of the individuals portrayed in these photographs were employees of Club
9 2100. None of the individuals portrayed in the photographs were "dancers", nor were they
10 employed by Club 2100. Further, none of these individuals danced, modeled or solicited drinks
11 for or on behalf of Club 2100. Rather, these individuals were customers enjoying themselves
12 within the establishment during one of the pool party promotions and, moreover, were properly
13 clothed. Further, none of the customers illustrated in the City's "photographs" display any
14 portion of the female breast as defined in Section 6.35.040.
15

16
17 The City has also provided Respondent with copies of promotional flyers for which the
18 City believes supports its contention that Club 2100 operates what is construed as an alleged
19 "erotic dance establishment". To the contrary, these promotional flyers are not illustrative of the
20 operation of an "erotic dance establishment". One example provided by the City illustrates a
21 female fully clothed in a bathing suit and simply promotes the establishment. The second
22 example provided by the City illustrates a female fully clothed in a dress and simply promotes
23 different genre of music at Club 2100. None of the foregoing supports, nor is evidence, of any
24 violation by Club 2100 to be operating an "erotic dance establishment". To be sure, Respondent
25
26
27
28

1 is adamant that it does not conduct business in a manner that could be construed as an erotic
2 dance establishment.

3
4 **COUNT THREE**

5 The City contends that Respondent failed to require its employees to acquire, maintain
6 and report work cards. The City references two specific individuals who had not possessed the
7 appropriate work cards, Ana Zelaya and Kristin Carter. At the time of the discovery of the lack
8 of appropriate work cards, these two individual ceased being employed at Respondent's
9 establishment. Since this information was brought to light in June 2009, Respondent has
10 improved its procedures and requirements for employees to provide the necessary and
11 appropriate work cards and related requirements for employment at Club 2100.
12

13 Club 2100 currently employs approximately 12 individuals in various positions. With the
14 current unemployment rate in Nevada reaching fourteen (14%), it is probable that these
15 individuals would not be gainfully employed absent Respondent's business establishment. As
16 stated herein, Respondent has and continues its efforts to work with the City and Las Vegas
17 Metro to conduct business in these challenging economic times, not to mention the challenging
18 physical environment of its business location.
19
20

21 **CONCLUSION**

22 WHEREFORE, Respondent, DOMINIC L. LAINO dba CLUB 2100, for the reasons
23 stated herein, respectfully requests the City Council deny Petitioner's requests, and issue a
24 finding that Respondent has not maintained a nuisance, and has not violated any provisions
25
26
27
28

1 regarding the operation of an erotic dance establishment.

2 Dated: September 15, 2009

Respectfully submitted,

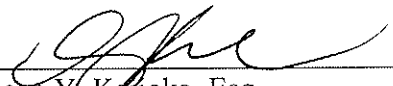
3
4 
5 Dean Y. Kajioka, Esq.
6 Kajioka & Associates
7 Nevada Bar No. 5030
8 810 S. Casino Center Blvd.
9 Las Vegas, NV 89101
10 (702) 366-1528
11 Attorneys for Respondent
12 DOMINIC L. LAINO dba CLUB 2100
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EXHIBIT “A”

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 7, 2009

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: CANDACE FALDER, ACTING

☐ Consent ☒ Discussion

SUBJECT:

Discussion and possible action regarding a Review of Conditions of a Tavern License, Dominic L. Laino, dba Club 2100, 2100 Fremont Street, Dominic L. Laino, Owner, 100% - Ward 3 (Reese)

Fiscal Impact

☒ No Impact

☐ Augmentation Required

☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Review of Conditions of a Tavern License.

RECOMMENDATION:

Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve the permanent license subject to conditions and adding the following conditions as read for the record:

- A. Live entertainment is limited to Sunday nights only.
- B. A review of the license at the completion of the investigation of the proposed new owner.

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, DAVID W. STEINMAN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JIM DiFIORE, Business Licensing Manager, stated this was the final review for this business and the Council would be considering approval of a permanent license. He added that a condition had been changed during the last review to allow live entertainment on Sunday nights rather than Saturday nights.

CITY COUNCIL MEETING OF: JANUARY 7, 2009

MR. DiFIORE noted that, over the last six months, the business had generated 32 calls for service by the Las Vegas Metropolitan Police Department (Metro), resulting in three citations and two arrests outside of the club. He expressed concern with that ongoing activity at the business. He stated that applicant was attempting to sell the business to an individual who had come forward for lender suitability, and recommended approval of the permanent license with a review at the completion of that investigation.

DOMINIC LAINO was present and thanked Mr. DiFIORE for his help. He stated he that he was working on providing security outside of the business as well as working with Metro.

COUNCILMAN REESE acknowledged that the neighborhood is a challenging area and he applauded MR. LAINO for bringing his business to this location. He expressed his hope that MR. LAINO could work with staff to make this area a success.

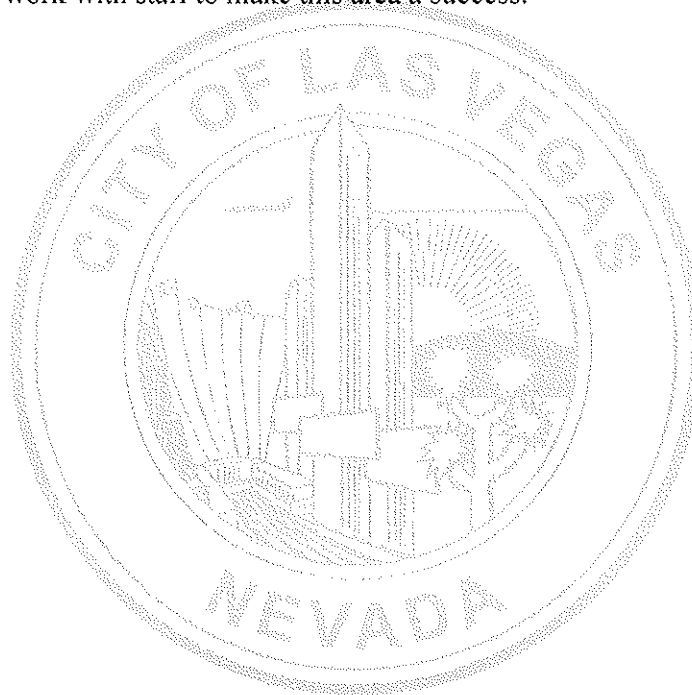
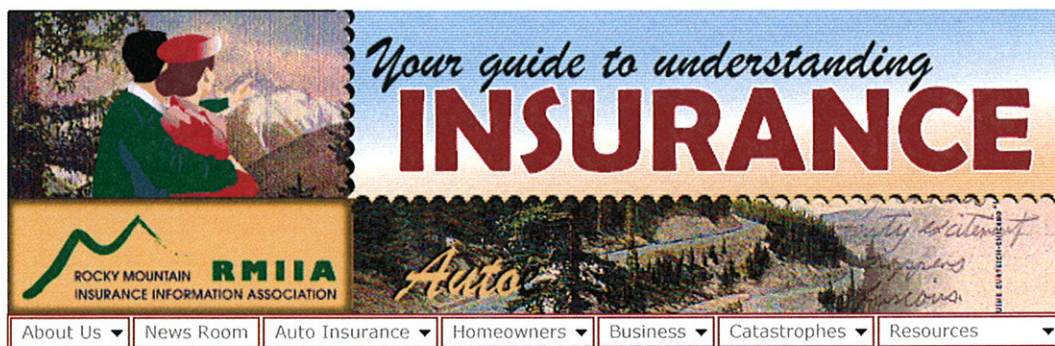


EXHIBIT “B”



RMIIA
ROCKY MOUNTAIN
INSURANCE INFORMATION ASSOCIATION

Auto

About Us ▾ News Room ▾ Auto Insurance ▾ Homeowners ▾ Business ▾ Catastrophes ▾ Resources ▾

 Google Search

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NEWS BRIEF

Selecting a Contractor and Settling Your Insurance Claim

Many Coloradans are still working through the process of getting their roofs repaired or replaced after a series of summer hail and wind storms pummeled thousands of homes. Unfortunately, insurance customers continue to report a large number of disreputable roofers flooding into impacted areas and preying on homeowners. Here's some advice for selecting a contractor and settling your insurance claim. [More...](#)

Video:

RMIIA's Carole Walker offers [storm claim filing advice](#).

Pueblo Hailstorm Damage to Homes and Cars Estimated at \$105.8 Million in Insured Losses

Damage from last Wednesday's hailstorm is estimated at \$105.8 million in insured losses to homes and vehicles from approximately 22,000 claims. Golf ball-sized hail battered homes and pounded vehicles across Pueblo and tennis ball-sized hail hammered areas southeast of the city. [More...](#)

Insurance Pop Quiz

Does your landlord's insurance cover your furniture and stuff?

- ☐ Yes
☐ No

[View Stats](#)

[Renters Insurance](#)

National and Rocky Mountain Region Auto Theft Statistics

[National Auto Theft Statistics](#)
[Does it Matter Where I Live?](#)
[Colorado Auto Theft Statistics](#)
[New Mexico Auto Theft Statistics](#)
[Utah Auto Theft Statistics](#)
[Wyoming Auto Theft Statistics](#)
[Most Popular Stolen Vehicles](#)
[Prevention Tips](#)
[Security Discounts](#)
[Reporting Auto Theft & Fraud](#)
[Check Your Vehicle's VIN](#)

National Auto Theft Statistics

The [National Insurance Crime Bureau](#) (NICB) reports that 2008 marked the nation's fifth consecutive year of declining vehicle thefts in the United States.

Preliminary 2008 crime data released by the FBI in January indicates that 2008 will post a double-digit decline in vehicle theft when final numbers are released in the fall. If the preliminary figure of -12.6% holds, it will be the largest single year percent drop in thefts since 1999.

U.S. motor vehicle thefts fell 8.1 percent in 2007 from 2006, according to the FBI's Uniform Crime Reports. In 2007, 1,095,769 motor vehicles were reported stolen, with Western states representing 35.7% of motor vehicle thefts.

Using the FBI's average valuation of \$6,755 per stolen vehicle, the 1.09 million vehicles stolen during 2007 caused estimated property losses of \$7.4 billion.

Only 12.6% of thefts were cleared by arrests in 2007 ([Insurance Information Institute](#)). The NICB is finding that technology, such as license plate readers, owner-installed theft-deterrent devices, and tracking/recovery systems, is aiding the recovery of stolen vehicles.

Every 28.8 seconds a motor vehicle is stolen in the United States.

Auto theft is covered by the optional "comprehensive" coverage on your auto policy. The average comprehensive insurance premium in the U.S. fell 3.3% from \$145.16 in 2005 to \$140.38 in 2006 (the most recent data available), according to the National Association of Insurance Commissioners. ([Insurance Information Institute](#))

Carjacking accounts for 3.0% of all motor vehicle thefts nationwide, and occurs most frequently in urban areas.

A survey of American drivers conducted in April 2007 on behalf of the [National Insurance Crime Bureau](#) and [LoJack](#), a manufacturer of an electronic vehicle tracking and recovery system, found:

- 79% always lock their vehicles.
- 93% never leave spare keys in their vehicle.

However, the survey also found:

How Medical Bills are Paid After an Auto Accident

When you buy auto insurance you need to think about what actually happens when you're in an accident and need to use it...

[\[more\]](#)

- One-third admit they have left their car while it was running, which makes the vehicle an easy target for theft.
- 47% don't always park in a well-lit area.
- 40% don't hide their valuables. In fact, nearly half leave mail in their vehicle, a quarter have left a purse or wallet, and almost a third have left bank statements, all of which can put them at risk for identity theft.

Although 75% of respondents know that there are costs associated with vehicle theft in addition to paying the insurance deductible and the cost of replacing the vehicle that are not covered by insurance, virtually none knew that there are additional costs such as insurance premium increases, the cost of time spent dealing with police, vehicle rental costs, and the cost of time off from work. The survey was conducted by Opinion Research Corporation.

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Does it Matter Where I Live?

Living in urban and higher crime areas has an impact on your risk of being a victim of auto theft. Port and border cities continue to be boomtowns for the auto theft business. Of the top 25 metro areas in the nation for vehicle theft, nearly half are ports or communities with easy access to borders (*[National Insurance Crime Bureau](#), or NICB). The NICB study compares the auto theft rates per 100,000 population in 361 metro areas.

The top 10 metro areas with highest auto theft rates in 2008:

1. Modesto, CA
2. Laredo, TX
3. Yakima, WA
4. San Diego/Carlsbad/San Marcos, CA
5. Bakersfield, CA
6. Stockton, CA
7. Las Vegas/Paradise, NV
8. Albuquerque, NM
9. San Francisco/Oakland/Fremont, CA
10. Fresno, CA

The top 10 states ranked by number of auto thefts in 2006:

1. California
2. Texas
3. Florida
4. Arizona
5. Michigan
6. Washington
7. Georgia
8. Illinois
9. Ohio
10. New York

City-by-city differences in auto buying habits are reflected in the preferences of auto thieves. For example, American vehicles tend to be the auto thief's vehicles of choice in Detroit and Chicago; pickups are popular in Albuquerque, Phoenix and Houston; and Japanese models lead the most commonly stolen list in Los Angeles.

Reporting Auto Theft & Fraud

Report fraud and vehicle theft to your local law enforcement, as well as the [National Insurance Crime Bureau](#) at 1-800-TEL-NICB (1-800-835-6422). Your call to NICB can be anonymous and you may be eligible for a reward.

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ORIGINAL

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7 (702) 366-1528
8 Attorneys for
9 Dominic Laino dba Club 2100

10 **CITY OF LAS VEGAS**

11 **CITY COUNCIL**

12 IN THE MATTER OF:)

13 DEPARTMENT OF FINANCE AND)
14 BUSINESS SERVICES on behalf of the)
15 CITY OF LAS VEGAS, NEVADA)

Date of Hearing: Sept. 21, 2009

Time of Hearing: 1:00 p.m.

16 Petitioner,)

17 v.)

18 DOMINIC L. LAINO dba CLUB 2100,)

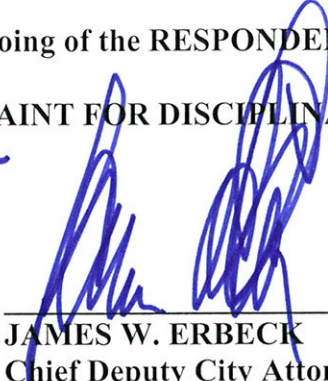
19 Respondent.)

20 **RECEIPT OF COPY**

21 **RECEIPT OF COPY of the foregoing of the RESPONDENT, DOMINIC L.**

22 **LAINO dba CLUB 2100 ANSWER TO COMPLAINT FOR DISCIPLINARY ACTION is hereby**

23 acknowledged on this 15th September day of September, 2009.

24
25 
26 **JAMES W. ERBECK**
27 Chief Deputy City Attorney
28 Senior Litigation Counsel
400 Stewart Avenue
Las Vegas, Nevada 89101

2009 SEP 15 P 3:37

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AGENDA SUMMARY PAGE
SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE

SPECIAL CITY COUNCIL MEETING OF: SEPTEMBER 21, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

