

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 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)

Appearance List:

OSCAR GOODMAN, Mayor

JIM ERBECK, Senior Litigation Counsel

DENNIS GUTWALD, Law Firm of Brownstein, Hyatt, Farber, Schreck, representing Dominick Vitale

BRAD JERBIC, City Attorney

GARY REESE, Councilman

STEVE WOLFSON, Councilman

DOMINICK VITALE

RICKI Y. BARLOW, Councilman

BEVERLY K. BRIDGES, City Clerk

LOIS TARKANIAN, Councilwoman

STEVEN D. ROSS, Councilman

STAVROS S. ANTHONY, Councilman

(24 minutes)

Typed by: Gabriela Portillo-Brenner

Proofed by: Doreen Araujo

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

25 **MAYOR GOODMAN**

26 Item Number 3 is a hearing. Discussion and possible action regarding complaint seeking
27 disciplinary action against Snick's Place, Inc., doing business as Snick's Place, and Dominick
28 Ralph Vitale at 1402 South Third Street for violations of the Las Vegas Municipal Code. And
29 this is in Ward 3.

30 Mr. Erbeck, are you going to be representing the City in this?

31

32 **JIM ERBECK**

33 Yes, Your Honor.

34

35 **MAYOR GOODMAN**

36 All right, Mr. Erbeck, let's hear from you. Would the parties make an appearance at this time?

37 We have – Yes, gentlemen, please.

38

39 **DENNIS GUTWALD**

40 Dennis Gutwald, from the law firm of Brownstein, Hyatt, Farber, Schreck, and with me is

41 Dominick Vitale from Snick's Clubs (sic).

42

43 **MAYOR GOODMAN**

44 Very good.

45

46 **BRAD JERBIC**

47 If I could, Your Honor, before Mr. Erbeck speaks, just give a little factual basis, and then Mr.

48 Erbeck will take over with the negotiations.

49

50 **MAYOR GOODMAN**

51 All right, Mr. Jerbic.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

52 **BRAD JERBIC**

53 The, in August of this year, this Council approved a complaint for disciplinary action against
54 Snick's Place, doing business as Snick's Place, and Dominick Ralph Vitale. The complaint was
55 served, and Mr. Vitale is represented by counsel today. Prior to today's meeting, I discussed this
56 matter with Mr. Vitale's attorney, and we have a proposed negotiation, which Mr. Erbeck will be
57 glad to put on the record at this time.

58

59 **MAYOR GOODMAN**

60 All right. I think before we do that, the record should reflect that each of us, who are on the
61 Council, received a booklet. I believe, my office received it on Friday, and it's entitled Complaint
62 for Disciplinary Action, and the hearing date today; I assume that all the parties have been privy
63 to this document?

64

65 **DENNIS GUTWALD**

66 We have.

67

68 **MAYOR GOODMAN**

69 All right. Very Good. Thank you.

70

71 **BRAD JERBIC**

72 I'd also like to, in this particular case, I left out something. The negotiation today is also based in
73 part on the fact that Mr. Vitale's business was previously the subject of discipline by the State
74 Gaming Control Board. Apparently, the facts that led to this particular complaint were
75 discovered by Gaming Control; it was resolved by Gaming Control. He received a \$50,000 fine
76 and a six-month suspension of his gaming license. His, for whatever reason, the City didn't know
77 about it. The Gaming Control Board didn't contact us at the time. We found out about it much
78 later and, therefore, we filed this complaint later in time than we normally would have. The –
79 negotiation that Mr. Erbeck's gonna put on the record bears in mind that Mr. Vitale has already
80 been punished by the Gaming Control Board.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

81 **MAYOR GOODMAN**

82 Mr. Erbeck?

83

84 **JIM ERBECK**

85 Yes. Mr. Mayor, members of the Council, the negotiations, subject to the Council's approval,

86 would be for a fine of \$15,000 and closure of the business for 14 consecutive days –

87

88 **COUNCILMAN REESE**

89 What was that again, please? How much?

90

91 **JIM ERBECK**

92 Fifteen thousand. The closure, the full closure would not occur until after the Gaming

93 Commission's suspension, and it would start at 12:01 a.m. on October 3rd, this year, and – finish

94 at 12:01 a.m. on October 17th. And that would be the entirety of the negotiations.

95

96 **MAYOR GOODMAN**

97 All right. Are there any questions of Mr. Erbeck at this time? Any of the Councilmembers?

98

99 **COUNCILMAN WOLFSON**

100 I do.

101

102 **MAYOR GOODMAN**

103 Councilman Wolfson.

104

105 **COUNCILMAN WOLFSON**

106 Mr. Erbeck, I have the Gaming Control Board's, I guess it's a document entitled Stipulation for

107 Settlement and Order, and I just wanna make sure I understand what we're talking about. We're

108 talking about, through the Gaming Commission, I guess it, are they the ones that adopt this

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

109 proposal? Is it the Gaming Commission? Peter Bernhard is the Chairman of the Commission,
110 correct?

111

112 **JIM ERBECK**

113 Correct.

114

115 **COUNCILMAN WOLFSON**

116 So, the Gaming Commission has already adopted this proposed settlement and order?

117

118 **JIM ERBECK**

119 They've agreed to it, Mr. Gutwald, on behalf of his client, the client, Mr. Vitale, and the
120 Settlement Agreement (sic) and Order called for the \$50,000 fine over there and the six-month
121 suspension of the gaming license.

122

123 **COUNCILMAN WOLFSON**

124 I understand. That (sic) six months started when?

125

126 **JIM ERBECK**

127 Six months before October 2nd of this year, whatever that would be.

128

129 **COUNCILMAN WOLFSON**

130 Okay. In other words, the six months is up this October 2nd, a couple weeks from now?

131

132 **JIM ERBECK**

133 Exactly.

134

135 **COUNCILMAN WOLFSON**

136 And the proposal is that there be a 14-day additional closure from that date forward.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

137 **JIM ERBECK**

138 Correct.

139

140 **COUNCILMAN WOLFSON**

141 Is that right?

142

143 **JIM ERBECK**

144 That's correct.

145

146 **COUNCILMAN WOLFSON**

147 In addition to that, there's a \$50,000 fine, and, I think, as I understand this settlement, it's to be
148 paid in certain increments. And what is the status of that? Has it been paid in full?

149

150 **DENNIS GUTWALD**

151 Yes, been paid in full.

152

153 **COUNCILMAN WOLFSON**

154 Been paid in full.

155 And then there are other conditions that were placed on this license through that settlement, and
156 they're listed in this settlement through the Gaming Commission; is that right?

157

158 **JIM ERBECK**

159 That's correct, and I, it's my understanding they've all been complied with, the surveillance
160 cameras, and so on.

161

162 **COUNCILMAN WOLFSON**

163 Is this document a public document? The Stipulation for Settlement and Order?

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

164 **DENNIS GUTWALD**

165 It is.

166

167 **COUNCILMAN WOLFSON**

168 So anybody in this room, any of the media, anybody that's watching or listening has access to
169 this document?

170

171 **DENNIS GUTWALD**

172 They do.

173

174 **COUNCILMAN WOLFSON**

175 And have all the conditions, as contained in this settlement document, been complied with to
176 date, so far? Has there been any prior discipline by any administrative body against this business
177 before this current discipline as imposed by the Gaming Commission.

178

179 **DENNIS GUTWALD**

180 No.

181

182 **COUNCILMAN WOLFSON**

183 And how long has this licensee held a gaming license?

184

185 **DOMINICK VITALE**

186 Since 1976.

187

188 **COUNCILMAN WOLFSON**

189 Okay. In this location?

190

191 **DOMINICK VITALE**

192 Yes.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

193 **DENNIS GUTWALD**

194 How long have you owned it?

195

196 **DOMINICK VITALE**

197 I've owned it since 2001.

198

199 **DENNIS GUTWALD**

200 And he managed it before that.

201

202 **COUNCILMAN WOLFSON**

203 Okay, since you owned it, which is about eight years, this is the first disciplinary action, as

204 brought by the Gaming Commission, and then also by the City of Las Vegas?

205

206 **DOMINICK VITALE**

207 Yes.

208

209 **DENNIS GUTWALD**

210 Correct.

211

212 **COUNCILMAN WOLFSON**

213 Has the City of Las Vegas every brought a disciplinary action against your business since you

214 owned it?

215

216 **DOMINICK VITALE**

217 No.

218

219 **COUNCILMAN WOLFSON**

220 That's all my questions. Thank you.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

221 **DOMINICK VITALE**

222 Thank you.

223

224 **MAYOR GOODMAN**

225 Any other comments or questions by the Council?

226

227 **COUNCILMAN REESE**

228 Your Honor?

229

230 **MAYOR GOODMAN**

231 Yes, Mayor Pro Tem.

232

233 **COUNCILMAN REESE**

234 Gentlemen. Thank you, Mr. Erback, Erbeck. Now, just to correct the record —, during this time,
235 that you was (sic) under disciplinary action from the Gaming Control Board, the Club has been
236 open?

237

238 **DOMINICK VITALE**

239 Yes.

240

241 **COUNCILMAN REESE**

242 All you (inaudible), was you couldn't have any machines in there for six months?

243

244 **DOMINICK VITALE**

245 Correct.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

246 **COUNCILMAN REESE**

247 Okay. My question to Mr. Jerbic is, what – would prevent us from starting it today then, if
248 they're, I understand your rationale, but we're waiting until they get the slot machines back
249 before we close 'em up?

250

251 **BRAD JERBIC**

252 We wanted it to be separate discipline that's what we're recommending. So the Gaming
253 discipline is started and finished before the City discipline kicks in, the Council could adjust that
254 if you want to.

255

256 **COUNCILMAN REESE**

257 Well, I – certainly appreciate that.

258 I really feel like this is double exposure. I don't – feel that a person should be truly punished for a
259 crime twice, the same crime twice. I just wish that we would have had a better, I guess, working
260 agreement with the Gaming Control Board, so that we could have been part and parcel of the
261 original complaint. And, to me, it's kinda like your wife telling the – kids that you're gonna
262 spank them when you get home from work for them doing something wrong. And I've always
263 tried to make sure my wife corrected the kids when it happened, not afterwards.

264 And so I really – have a hard time with that. I feel like that the City should and will do
265 something. **I also wanna add another condition onto what Mr. Jerbic read in the record,**
266 **and it's, this business may be closed by a manager of Business Services for any violation of**
267 **conditions. No requirement for notice of appeal, filing of disciplinary complaint or hearing,**
268 **except a hearing shall be held at the next available meeting of the City Council as decided**
269 **by the manager.**

270 I – wanna make sure. I understand your record has been pretty clean; the club has been pretty
271 clean, but we, we've had an incident over there. I wanna be able to watch it, and monitor it, and
272 make sure that if something does happen, we go in there and close it up right then.

273 I wanna – congratulate, again, the Gaming Control Board for doing what they did. I just wish I –
274 the City of Las Vegas had been part of it when they did the original complaint.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

275 And so, that would be my motion, the fine of \$15,000, and the business shall close all
276 operations for a period of 14 days, commencing at 12:01 a.m. on October the 3rd, 2009, and
277 re-open at 12:01 a.m. on October the 17th, 2009. I appreciate you being here today. I appreciate
278 the condition you're in; I just hope that we won't be sitting here anytime soon.

279

280 **COUNCILMAN BARLOW**

281 Mayor?

282

283 **MAYOR GOODMAN**

284 Yes, Councilman Barlow.

285

286 **BEVERLY BRIDGES**

287 Thank you.

288

289 **MAYOR GOODMAN**

290 Councilman Barlow?

291

292 **BRAD JERBIC**

293 (inaudible) and I need to make a record.

294

295 **COUNCILMAN BARLOW**

296 Thank you, Mayor. Mayor, I've been a part of the City of Las Vegas since 1999, and been a part
297 of the Council since 2007. And, this (inaudible) before us here today, this issue before us today is
298 an issue that I cannot support due to the nature before us. When it comes to privileged licenses
299 and doing business in the City of Las Vegas, I believe, we, as a Council have a, not only a
300 fiduciary responsibility, but a moral responsibility to protect our constituents. And, to allow this
301 item to go forward with the tap on the wrist, is something that I don't approve of, something that
302 I will not approve as of today on behalf of the residents in the entire City of Las Vegas.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

303 **MAYOR GOODMAN**

304 Okay. Councilwoman?

305

306 **COUNCILWOMAN TARKANIAN**

307 Mr. Mayor, I have to tell you, I'm agreeing with what he's saying. Can I mention these things in
308 public or not?

309

310 **MAYOR GOODMAN**

311 It's a public document, you certainly can.

312

313 **COUNCILWOMAN TARKANIAN**

314 Okay, it's a public doc, I mean, my goodness, in the course of three months, sexual intercourse in
315 a public place, masturbating another patron in a public place, oral sex on each other in a public
316 place. These are all separate incidents. Completely disrobing and proceeding to masturbate
317 another person in a public place, and, no, excuse me, that was in the ladies' room. And then two
318 people crawl, crawling across the bar, one completely naked; the only, other one wearing
319 underwear, and then the bartender pulling their underwear down, and then when he reached the
320 end of the bar, oral sex. I mean, my goodness, and then another oral sex. And then exposing
321 genitals. These are all separate incidents in three months, and I can't believe that the ownership
322 of this establishment, with those types of occurrences, wouldn't have known they were occurring.
323 I, I've never heard of anything this bad, on the whole time I've been on the Council.

324 So, I, I'm – really shocked that we, as a City wouldn't be doing something at and to close it.

325

326 **MAYOR GOODMAN**

327 Councilman Wolfson.

328

329 **COUNCILMAN WOLFSON**

330 Thank you. I – don't know how I'm gonna vote yet. I did hear a motion and, I guess, when the
331 time comes for the call of the motion, I'll make my decision. But, I know, Mayor Pro Tem Reese,

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

332 you and I were both concerned about this when this first came before us, and I didn't really hear,
333 to me, what was a satisfactory explanation, and that is, as my colleagues to my left have pointed
334 out, these, this behavior, if you will, occurred back in '08, and some of them were April of '08,
335 May of '08, and June of '08, and, Mr. Jerbic, you said that, for whatever reason, the City of Las
336 Vegas wasn't notified of this behavior, otherwise, I assume, we would have started our
337 disciplinary action. And I notice Mr. DiFiore's not here, so, I guess, Carol, maybe you're the one
338 that I'm gonna address this question to. And I feel kinda like going back to the Crazy Horse.
339 When the federal government didn't include the City of Las Vegas in a negotiation process, and
340 I'm gonna say some of that fault, in my opinion, was the lawyers who represented the applicants
341 at the time, but whose ever fault it was, another government body went forth, went forward with
342 the business license holder, negotiated a deal, and just thought the City of Las Vegas would go
343 forward and adopt and say, okay, sure, you know, we're not gonna do anything else, and to their
344 surprise we did. And I feel like that's kinda the situation we're put in.
345 So, whether it's Mr. Jerbic, Mr. Erbeck, Carol, all three of you, I understand that we have to
346 respond to information that's brought to us, but there has to be a better way of learning that this
347 kind of behavior is going on so that we on our own can step in in a timely manner. So what can
348 we do to assure that this doesn't happen again, that we find out 15, 17 months later and have to
349 be reactive rather than proactive.
350 And maybe this isn't the time for this discussion. And, Mayor Goodman, maybe you'll direct that
351 we have this discussion another time, but, publicly, I wanna ask that question.

352

353 **MAYOR GOODMAN**

354 (inaudible)

355

356 **COUNCILMAN WOLFSON**

357 What can we do to ensure that it doesn't happen again, that we find out in a timely fashion so the
358 City of Las Vegas, if we so choose, can act quickly.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

359 **BRAD JERBIC**

360 All right. I think it's a good question, but I would like to put on the record that the Gaming
361 Commission, when they took jurisdiction, there were no arrests, there were no citations.
362 Normally, the process has been a law enforcement agency will go in and they will take law
363 enforcement action. Those, that will result in tickets coming to our office or to the DA's office,
364 or somewhere, where it will get forwarded up to Business Licensing (sic). We have never had a
365 situation before, with Gaming Control, where they took charge of a situation, and then we found
366 out later on we had an opportunity to get involved in discipline. It just happened, in this case,
367 there was no protocol, but you raise a very good question. We're disturbed by it, too. There are
368 probably a lot more agencies in addition to the Gaming Commission that could be taking action
369 that we don't have any idea about.

370

371 **COUNCILMAN WOLFSON**

372 When did –

373

374 **MAYOR GOODMAN**

375 (inaudible) –

376

377 **COUNCILMAN WOLFSON**

378 – the gaming action first (inaudible) –

379

380 **MAYOR GOODMAN**

381 I was gonna say this, I don't believe that this is the appropriate forum to have this policy
382 discussion, with all due respect. I'm gonna direct that the licensing department (sic) to make a
383 list of all agencies that have police power over entities that are within the confines of the City of
384 Las Vegas, and then we'll have an agendaized (sic) item for Council meeting and discuss what
385 kind of relationship we want to have, and what kind of directive we want to make to these
386 various entities if, in fact, improprieties allegedly take place within our jurisdiction.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

387 But, I think, today, we're, really have to have the Open Meeting Law comply with what took
388 place at Snick's Place.

389

390 **COUNCILMAN REESE**

391 And, Your Honor, if I could, please?

392

393 **MAYOR GOODMAN**

394 Yes.

395

396 **COUNCILMAN REESE**

397 I certainly respect Councilman Barlow and Councilwoman Tarkanian, and I want you to
398 understand, I agree with you. This has not been an easy decision – to make. It's like I say, these
399 happened over a year ago, and I'm really, really frustrated that we're in here today, second,
400 judging these people for the second time. And I'll guarantee you, if I would have been in there
401 first, it would have been closed. I – do not in any way, shape, or form ever, ever, ever want
402 anybody to be put at risk when in any type of business in the City of Las Vegas. Every resident
403 that lives in the City of Las Vegas should feel safe when they go into a place licensed by the City
404 of Las Vegas, especially – a special use permit.

405 I – have a hard time trying to –, in my mind, say, okay, we will punish them even worse than
406 what they was (sic) punished before. I – feel very adamant about, if there's one – instance of
407 impropriety at this location, I want it closed up then, and if they ever come back before the City
408 Council, they'll never get another City license. I can guarantee you that (inaudible) in Ward 3.
409 It's not –, it's something that I – feel ashamed that it even happened in the City of Las Vegas, this
410 kind of behavior.

411 But I really respect every one of the City Councilmembers sitting up here, and I – just feel like
412 that this is the only times, the – three times are the only times they've had any problems over at
413 this location since 1976. I – don't go by fast records; I go by what I feel like you're gonna do
414 tomorrow. And, after meeting with the applicant, I feel like that he's taken those precautions. I
415 think the Gaming Control Board added some conditions in there, (inaudible) cameras. I don't

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

416 think, I hope that this never happens again. If it does, then Sayonara. And I –, like, I really respect
417 you, and I – respect your stance and what you’ve said, and I agree with you.

418

419 **MAYOR GOODMAN**

420 I –

421

422 **COUNCILWOMAN TARKANIAN**

423 Can I ask a question?

424

425 **MAYOR GOODMAN**

426 Certainly.

427

428 **COUNCILWOMAN TARKANIAN**

429 But isn’t the, the Gaming Board punished for their area, which was gaming, and doesn’t the City
430 have authority over the other part of it as a business?

431

432 **COUNCILMAN REESE**

433 Yes.

434

435 **COUNCILWOMAN TARKANIAN**

436 And, see, that’s why I don’t think it would be double punishment. I just think the Gaming, you
437 know, the Gaming felt what they should feel, and what we feel would be as a business, although I
438 – respect the situation we’re in, Councilman; I – know. And I know that you wouldn’t want this
439 going on.

440

441 **MAYOR GOODMAN**

442 All right.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

443 **COUNCILMAN BARLOW**

444 And, Mayor, let me just say this also, 'cause I understand where the Councilman is coming from
445 as well, and that's exactly the point; Councilwoman Tarkanian hit it right on the head for me. It's
446 a matter of the Gaming Control Board has authority over their gaming; we don't have control
447 over their gaming. So, this is the first time that it has come before us, so whether it came before
448 us when the Gaming Control Board addressed it, or coming before us now, this is our
449 opportunity to play our role, as City officials, to protect the special use licenses, because we've
450 taken licenses from establishments that, in my opinion, should have had a second chance, but we
451 didn't give 'em a second chance, and they didn't do nothing near as close as what transpired at
452 this location.

453 And, secondly, the Gaming Control Board is in the business of making money, so I can see why,
454 in fact, they would want the business to remain open, because it's a generator, an economic
455 generator for them, to – not only seek the \$50,000 penalty, but to continue to – receive revenues
456 after the incident as well. So, for me, it's a matter of protecting the City license, this special use
457 permit, and the moral turpitude of what transpired at this location.

458

459 **MAYOR GOODMAN**

460 Mr. Vitale, I want you sworn in. Would you swear the witness in.

461

462 **BEVERLY BRIDGES**

463 Certainly. Would you raise your right hand, please. Do you solemnly swear the testimony you
464 give today is (inaudible)?

465

466 **DOMINICK VITALE**

467 I do.

468

469 **MAYOR GOODMAN**

470 Mr. Vitale, have a seat. Is this the first time that you testified regarding this matter?

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

471 **DOMINICK VITALE**

472 Besides the Gaming Commission?

473

474 **MAYOR GOODMAN**

475 Did you appear before the Gaming Commission and testified?

476

477 **DOMINICK VITALE**

478 Yes, I did. We just talked with the agents.

479

480 **MAYOR GOODMAN**

481 You talked with the agents. You never have been sworn under oath –

482

483 **DOMINICK VITALE**

484 No. No.

485

486 **MAYOR GOODMAN**

487 Is that correct?

488

489 **DOMINICK VITALE**

490 Correct.

491

492 **MAYOR GOODMAN**

493 All right. Now, I wanna ask you this. Where, when is the first time you became aware of an

494 allegation about this kind of activity taking place on your premises?

495

496 **DOMINICK VITALE**

497 When of the agents came in; he said he got a complaint from a customer, and he came in to ask

498 for the tapes.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

499 **MAYOR GOODMAN**

500 And, to that point in time, you had no idea, you're telling us, under oath, that this activity was
501 taking place; is that correct?

502

503 **DOMINICK VITALE**

504 Correct.

505

506 **MAYOR GOODMAN**

507 And would you characterize this as the activity of an animal house?

508

509 **DOMINICK VITALE**

510 Animal house?

511

512 **MAYOR GOODMAN**

513 Yeah. The behavior that was taking place there, it was zoo-like; wasn't it?

514

515 **DOMINICK VITALE**

516 This one guest, this bartender was allowing things to happen on graveyard that, my bookkeeper
517 would monitor the videos. He's the one that installed them. And anything that happened, he
518 would try to nip it in the bud and stop it right then. When he passed away in '06, I kinda
519 neglected monitoring the videos and, I guess, things did get out of hand, until I received this
520 complaint.

521

522 **MAYOR GOODMAN**

523 All right. When you received the complaint, did you take any corrective action?

524

525 **DOMINICK VITALE**

526 Yes, I did.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

527 **MAYOR GOODMAN**

528 What did you do?

529

530 **DOMINICK VITALE**

531 We fired the bartender and posted signs. What else?

532

533 **DENNIS GUTWALD**

534 The Gaming Control Board stuck in video cameras that currently monitor the place and will
535 continue to monitor for the next two years.

536

537 **DOMINICK VITALE**

538 Agent Mark Vitter is in charge of that, and he recommended that the, to the end of the – six
539 months, that my license be reinstated.

540

541 **MAYOR GOODMAN**

542 All right –

543

544 **DOMINICK VITALE**

545 He hasn't found anything to the contrary or anything wrong.

546

547 **MAYOR GOODMAN**

548 And I think Councilman Wolfson asked whether or not you've ever had any kind of disciplinary
549 accusation before this?

550

551 **DOMINICK VITALE**

552 No.

553

554 **MAYOR GOODMAN**

555 Are you ashamed of yourself?

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

556 **DOMINICK VITALE**

557 I'm ashamed, what happened, yes.

558

559 **MAYOR GOODMAN**

560 All right. There's a motion. Let's vote on the motion. All those in favor –

561

562 **BRAD JERBIC**

563 Your – Honor, before you vote on the motion, I do have to technically ask, Mr. Vitale, you have

564 heard the motion and the two written conditions that were given before this hearing, are you in

565 agreement with those conditions –

566

567 **DOMINICK VITALE**

568 Yes.

569

570 **BRAD JERBIC**

571 – the \$15,000 fine, and the 14 days of closure?

572

573 **DOMINICK VITALE**

574 Pardon me?

575

576 **BRAD JERBIC**

577 I said the \$15,000 fine and the 14 days of closure; are you in agreement with both of those

578 conditions?

579

580 **DOMINICK VITALE**

581 Yes.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

582 **BRAD JERBIC**

583 Did you hear the additional condition read by the Mayor Pro Tem, and I'll read it into the record,
584 that the business may be closed by the manager of Business Services for any violation of
585 conditions? No requirement, and that includes violations of law, no requirement for notice of
586 appeal, filing of disciplinary complaint or hearing, except a hearing shall be held at the next
587 available City Council meeting as decided by that manager; are you in agreement with that
588 additional condition?

589

590 **DOMINICK VITALE**

591 Yes.

592

593 **BRAD JERBIC**

594 With that, Your Honor, I think it's appropriate to take your vote.

595

596 **MAYOR GOODMAN**

597 All right, there's a motion –

598

599 **COUNCILMAN WOLFSON**

600 May I ask a point of order, please?

601

602 **MAYOR GOODMAN**

603 Yes.

604

605 **COUNCILMAN WOLFSON**

606 My question is, is if – this motion fails, we continue on with the disciplinary process?

607

608 **MAYOR GOODMAN**

609 Unless there's another motion.

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

610 **COUNCILMAN WOLFSON**

611 Okay. Thank you.

612

613 **MAYOR GOODMAN**

614 I think that's correct is it not, Mr. Jerbic?

615

616 **BRAD JERBIC**

617 That's correct. Technically, if the proposed settlement is not approved by the Council, then we

618 can go forward with the complaint. I don't think I'm speaking out of line when I speak for Mr.

619 Gutwald as well. I think the facts are the facts. They're not going to be disputed. I think it would

620 just really amount to a discussion between you and Mr. Gutwald as to what appropriate

621 punishment should take place, if any, as a result of the document you have in your backup.

622

623 **MAYOR GOODMAN**

624 Okay. Thank you. All right, there's a motion. No. All those in favor say aye.

625

626 **COUNCILMAN REESE**

627 Aye.

628

629 **COUNCILMAN ROSS**

630 Aye.

631

632 **COUNCILMAN ANTHONY**

633 Aye.

634

635 **MAYOR GOODMAN**

636 Aye. All those opposed?

CITY COUNCIL MEETING OF
September 21, 2009
VERBATIM TRANSCRIPT – ITEM 3

637 **COUNCILWOMAN TARKANIAN**

638 Aye.

639

640 **COUNCILMAN BARLOW**

641 Aye.

642

643 **COUNCILMAN WOLFSON**

644 Aye.

645

646 **MAYOR GOODMAN**

647 All right. Well, we better do it by hands 'cause my ear, my hearing is not as good as it was. All
648 right, all those in favor say, aye.

649

650 **COUNCILMAN ROSS**

651 Aye.

652

653 **MAYOR GOODMAN**

654 Opposed? All right the motion carries. (**Motion carried with Wolfson, Tarkanian, and Barlow**
655 **voting NO.**) Thank you.

656

657 **DOMINICK VITALE**

658 Thank you very much.

659

(END OF DISCUSSION)

660 /gpb; da