

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4000, VAR-4005 AND ZON-4003 - PUBLIC HEARING - SDR-4004 - APPLICANT/OWNER: VALENCIA COMMUNITIES, INC. - Request for a Site Development Plan Review FOR A 28-UNIT ATTACHED SINGLE-FAMILY DEVELOPMENT on 2.92 acres located at 1700 South Buffalo Drive (APN: 163-03-201-003 thru 005), R-E (Residence Estates) Zone, Proposed: R-PD10 (Residential Planned Development - 10 Units per Acre), Ward 1 (Moncrief). The Planning Commission (5-2 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

5

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (5-2 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 4/8/2004 Planning Commission meeting Item 37

MOTION:

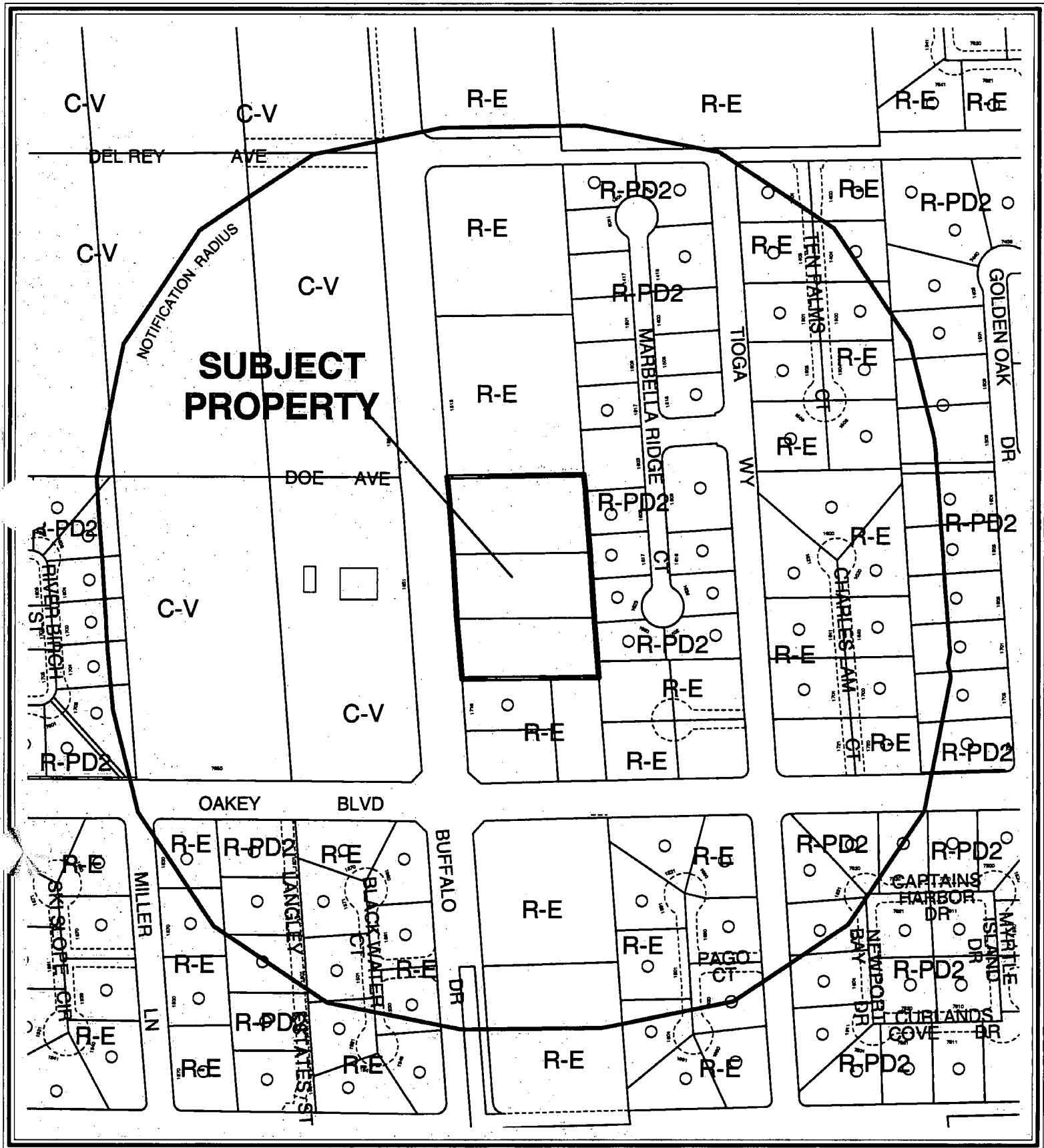
MONCRIEF - DENIED - UNANIMOUS with GOODMAN excused and Ward 2 seat vacant

MINUTES:

NOTE: See Item 129 [GPA-4000] for all related discussion.

(3:42 - 3:57)

5-1748



CASE: SDR-4004

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

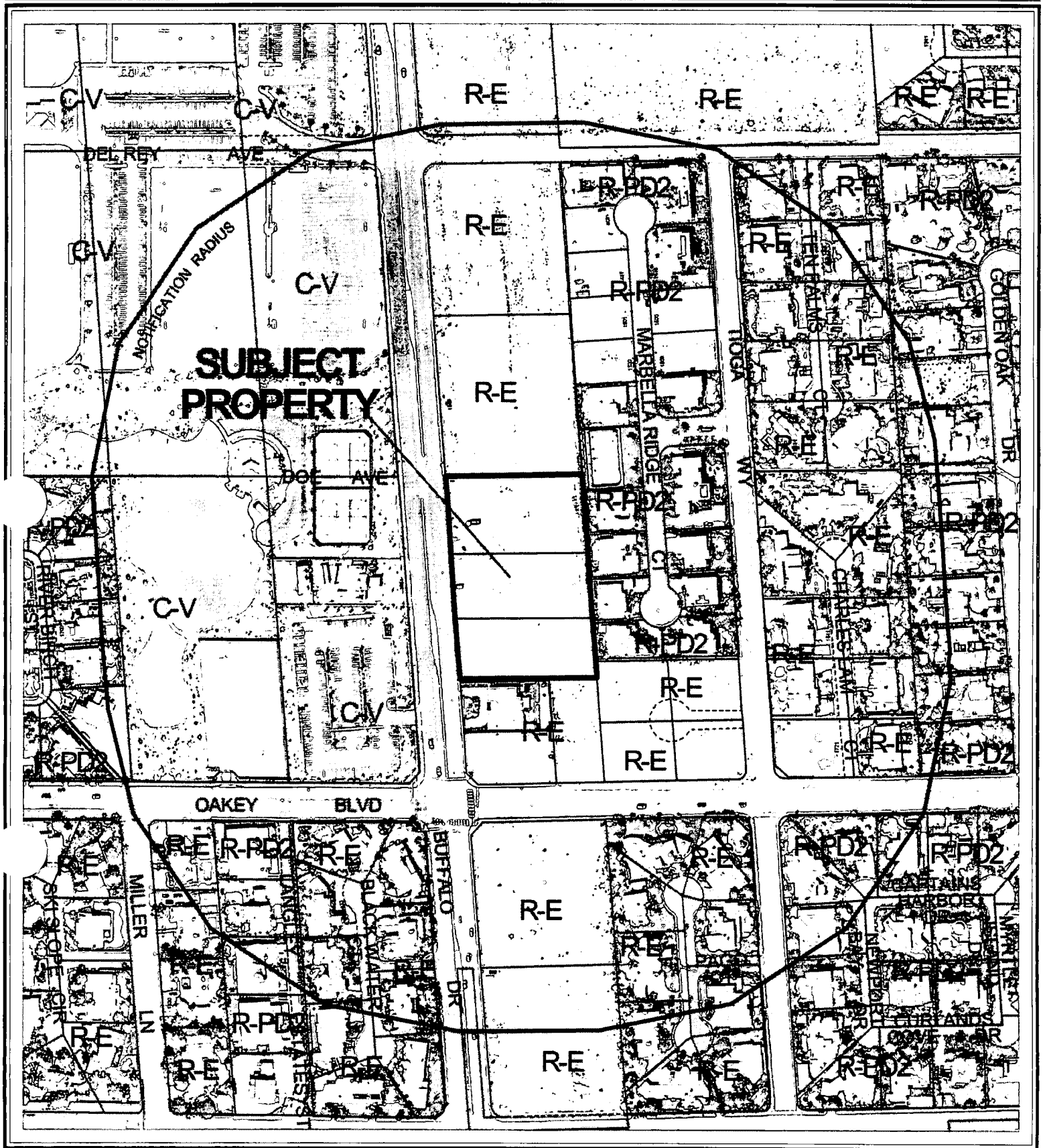
R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE)

0 200 400 Feet



132





CASE: SDR-4004

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

PROPOSED ZONING OF SUBJECT PROPERTY:

R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 5, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-4004 - APPLICANT/OWNER: VALENCIA COMMUNITIES, INC.

**** CONDITIONS ****

The Planning Commission (5-2 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. A General Plan Amendment (GPA-4000) to an MLA (Medium-Low Attached Density Residential) land use designation, a Rezoning [ZON-4003] to an R-PD10 (Residential Planned Development - 10 Units per Acre) Zoning District and a Variance (VAR-4005) to allow R-PD zoning to be applied to a site smaller than five acres, approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
4. The standards for this development shall include the following: minimum distance between buildings of 6 feet and building height shall not exceed three stories or 35 feet, whichever is less.
5. The setbacks for this development shall be a minimum of 3 feet to the front of the house (unless non-flammable construction and other relevant Building Code requirements are incorporated), 18 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, 3 feet on the side (zero feet between attached units only) and 5 feet in the rear.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a tentative map, to reflect adequate open space, setbacks, satisfactory driveway lengths and handicap parking as agreed to by the applicant.
7. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

9. Air conditioning units shall not be mounted on rooftops.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
11. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
12. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
15. All development shall be in conformance with the site plan and building elevations, date stamped 02/16/04, except as amended by conditions herein.

Public Works

16. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. Driveways shall not be gated entries and shall have a minimum ingress and egress radius of 25-feet.
17. Private streets and private drives shall be common lots that are offered as a public utility easements (P.U.E), City of Las Vegas public sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
18. The distance from the face of the garage door to the back of sidewalk (or curb, if no sidewalk is proposed) shall be a minimum distance of 18 feet or a maximum distance of 5 feet to prevent a vehicle in the driveway from encroaching into the vehicular or pedestrian travel corridor.
19. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

21. Site development to comply with all applicable conditions of approval for ZON-4003 and all other subsequent site-related actions.
22. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. Approval of this Site Development Plan does not constitute approval of any deviations. We note that the intersections of Bolterra Lane and Terantola Lane with Cortona Lane have not been designed with standard knuckles.
23. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
24. Coordinate with the City Surveyor to determine whether a Merger and Resubdivisions Map or other map is necessary. Comply with the recommendations of the City Surveyor.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Site Development Plan Review for a 28-lot attached single-family residential project (24 attached single-family units and four single-family units) on a 2.92-acre parcel located at 1700 South Buffalo Drive. Companion applications for a General Plan Amendment (GPA-4000) from the DR (Desert Rural Density Residential) to the MLA (Medium-Low Attached Density Residential) land use designation, a Variance (VAR-4005) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, and from R-E (Residence Estates) to R-PD10 (Residential Planned Development - 10 Units per Acre) will be heard concurrently with this application.

B) Applicant's Justification

The applicant has justified this request by stating that R-PD zoning will allow the flexibility critical to generating a feasible design for this site. The applicant has indicated that the intent is to develop a project that is compatible with the character of the adjacent large-lot residential development to the east.

BACKGROUND INFORMATION

A) Previous Actions

- 03/19/86 The City Council approved a request to Annex (A-0009-85) approximately 1,509 acres of land, including the subject site. The effective date was 03/28/95.
- 03/20/96 The City Council denied a request for a Rezoning (Z-0091-95) on the northern portion of the subject site from R-E (Residence Estates) to P-R (Professional Office and Parking). The Planning Commission recommended approval on 11/30/95.
- 11/23/98 The City Council approved a request (GPA-0027-98) to amend the Southwest Sector Map of the General Plan on properties bounded by the Holmby Channel, Via Olivero Avenue, Rainbow Boulevard and Durango Drive, from R (Rural Density Residential) to DR (Desert Rural Density Residential). Staff had recommended approval. The Planning Commission and staff recommended approval on 10/22/98.

08/15/01 The City Council denied a request (GPA-0017-01) to amend the Southwest Sector Map of the General Plan from DR (Desert Rural Density Residential) to O (Office) on 5.4 Acres on the east side of Buffalo Drive, approximately 1,450 feet south of Charleston Boulevard. The Planning Commission had recommended approval on 07/12/01. Staff had recommended denial.

04/08/04 The Planning Commission recommended DENIAL to companion applications for a General Plan Amendment (GPA-4000) from the DR (Desert Rural Density Residential) to the MLA (Medium-Low Attached Density Residential) land use designation, a Variance (VAR-4005) to allow Residential Planned Development zoning to be used on a parcel smaller than five acres, and a Site Development Plan Review (SDR-4004) for a 28-lot attached single-family residential project on the subject site.

04/08/04 The Planning Commission voted 5-2 to recommend DENIAL (PC Agenda Item #37/gl)

B) Pre-Application Meeting

02/11/04 At the pre-application meeting, the applicant was advised that the project would require at least six different applications to proceed as designed. The applicant redesigned the project, and came back for a follow-up meeting held on 02/18/04. At this meeting, it was determined that revised plan would result in the elimination of open space Variance and Title 18 Waiver requests that would have been required with the initial design. Site planning concerns including setbacks, access, parking and landscaping issues were then discussed at this second meeting.

C) Neighborhood Meetings

03/08/04 There were 20 residents in attendance for the required neighborhood meeting for the General Plan Amendment. Their comments included the following:

- Residents had a concern over a narrow 15-foot separation from homes along the eastern boundary of the property.
- Residents had a preference for single-story or two-story custom homes.
- Some residents indicated they would support one-story offices instead of residential.
- Residents would like the Planning Commission agenda to read something other than "condominium," as this would increase the probability of future high-density development along Buffalo Drive and the possibility of low-end condominiums in the \$90k range.
- Residents would like the project to be gated.
- Residents would like the trail section to be moved from the west side of the property along Buffalo Drive to the east side of the property to increase the width between the new development and the existing homes.
- Residents would like the retaining walls and landscaping along the east side to help separate the project from existing homes on the east.
- Increased density would result in less privacy, as more residences would overlook existing homes to the east.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 2.92

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Single family residence and undeveloped
East: Single family residential; small park at the northeast corner
West: Park

C) Planned Land Use

Subject Property: DR (Desert Rural Density Residential)
North: DR (Desert Rural Density Residential)
South: DR (Desert Rural Density Residential)
East: DR (Desert Rural Density Residential)
West: P/R/OS (Parks/Recreation/Open Space)

D) Existing Zoning

Subject Property: R-E (Residence Estates)
North: R-E (Residence Estates)
South: R-E (Residence Estates)
East: R-PD2 (Residential Planned Development - 2 Units per Acre)
West: C-V (Civic)

E) General Plan Compliance

The subject site is currently designated on the Southwest Sector Plan map as DR (Desert Rural Density Residential). A companion request (GPA-4000) would change the designation of this site to MLA (Medium-Low Attached Density Residential). The Desert Rural Density Residential Category allows a maximum of two dwelling units per gross acre, in which the predominant residential lifestyle is single-family homes on large lots, many including equestrian facilities. This is generally a rural environment that permits greater privacy and some non-commercial raising of domestic animals.

In contrast, the companion MLA designation request would permit up to 12 dwelling units per acre, an increase of six times the density permitted in the DR designation. The Medium-Low Attached Density Residential category includes a variety of multi-family units such as plexes, townhouses, condominiums, and low-density apartments. This category is an appropriate use for the residential portion of a Village Center or Town Center Area. The proposed R-PD10 zoning district would conform to the MLA land use designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There are no Special Area Plans, Overlay Districts or Study Areas that affect the subject site.

PROJECT DESCRIPTION

The site plan depicts 24 attached single-family residential lots and four single-family lots on 2.92 gross acres, resulting in a density of 10.41 dwelling units per acre. Twenty-four of the lots will have access to a 37-foot wide private street that loops through the development, with the remaining four lots having access to one of two 24-foot private drives. Access to the development will be from two gated entrances from Buffalo Drive. Attached lots average approximately 2,280 square feet in size, and the detached lots are approximately 2,812 square feet, with typical lot dimensions of 30 feet wide by 76 feet deep for the attached lots, and a 37-foot width for the detached lots. Setbacks proposed for this development are no setback in the front yard, five feet (estimated) in the rear, and three feet for interior side yards (with zero feet on the attached sides). There are no corner side setbacks, as landscape buffers held in common separate corner streets from private property lines.

The applicant has proposed 15-foot wide open space strips separating the front of the lots from the private streets. On-site landscaping areas include six-foot wide planting buffers along Buffalo Drive on the outside of the perimeter wall and several open space areas totaling 21,445 square feet, including a pool and walking paths. These open space areas in total are slightly below the development's open space requirement.

The elevations show three building types for three-story attached residential products and one plan for a detached three-story residential product, all with a maximum building height of 35 feet. Floor plans indicate an average living area of 2,821 square feet per unit. Each dwelling will feature a two-car garage; some driveway lengths appear to be less than 18 feet to the curb, although some additional driveway length may be accommodated under the porte cochere at the front of the buildings. A condition of approval will require the applicant to ensure that all driveways lengths be designed to meet standards. Materials include painted plaster exteriors, wood roof overhangs, and concrete tile roofs.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.06, the Development Standards for an R-PD zoned project are set out on the site plan. In the case of the subject proposal, these are as follows:

Standards	Proposed
Min. Lot Size	2,280 SF
Min. Lot Width	30 Feet
Min. Setbacks • Front • Side • Corner • Rear	none 3 Feet (zero feet on attached side) N/A 5 Feet (estimated)
Max. Lot Coverage	Not indicated
Max. Building Height	3 Stories / 35 Feet

The front yard setback will have to be revised to at least three feet, or the structures will have to meet Building Code standards for a one-hour fire rating. Any common walls between each pair of attached units will similarly have to meet the same rating standard. Also, rear yard setbacks will have to be provided on the site plan.

A2) Residential Adjacency Standards

There are no Residential Adjacency Standards that apply to the subject proposal.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Units	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Single Family, Attached	24 Units	2 spaces/unit + 1 guest space/6 units	48 spaces 4 spaces	none	48 spaces 5 spaces	1 space
Single Family, Detached	4 Units	2 spaces/unit	8 spaces	none	8 spaces	
Totals	28 Units		60 spaces	none	61 spaces	1 space

The project as proposed exceeds the parking requirements of Title 19. The handicap space as designed needs to be revised to provide an 8-foot apron on one side, to meet van accessibility requirements. A condition of approval will address this issue.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Buffer:			
• Min. Trees	1 Tree/20 Linear Feet (441 Feet)	23 Trees	Not Indicated
• Min. Zone Width	6 Feet		6 Feet
• Wall height	6 Feet		7 Feet

The applicant has not provided a detailed landscaping plan that shows how many trees and shrubs will be planted in the perimeter strip along Buffalo Drive. If this application is approved, a condition of approval will require this information to be provided prior to the issuance of any building permits.

Pursuant to Title 19.06, the following Open Space Standards apply to the subject proposal:

Total Acreage	Density	Required			Provided	
		Ratio	Percent	Area	Percent	Area
2.92 acres	10.41 u.p.a.	1.65	17.2 %	21,812 SF	16.9%	21,445 SF

As currently configured, the site plan is slightly deficient in open space. The applicant has indicated that a revised site plan will be submitted that addresses the deficit. If not, a condition of approval will require that a Variance application be submitted and approved by the City Council prior to site plan approval.

B) General Analysis and Discussion

• Zoning

The site is currently zoned R-E (Residential Estates). A companion Rezoning request (ZON-4003) would, if approved, rezone the subject property to R-PD10 (Residential Planned Development - 10 Units per Acre) in order to allow a greater number of lots to be developed. This designation would be compatible with the proposed MLA (Medium-Low Attached Density Residential) General Plan designation for the site

(GPA-4000), which would allow a density of up to 12 dwelling units per acre. These proposed new zoning and General Plan categories are incompatible with adjacent low-density development, most of which is zoned and developed at two units per acre.

- Site Plan

The site plan contains some significant deficiencies that need to be rectified, should the application be approved. These include:

- i. Front yard setbacks less than three feet;
- ii. Open space below Code requirements;
- iii. The use of front yard areas as common open space; and
- iv. The lack of a landscaping plan.

While the development meets standards with respect to density if the companion General Plan Amendment, Rezoning and Variance applications are approved, it would be three times as dense as the adjacent properties to the south and east. The development proposed for this site is incompatible with the established development pattern of lots surrounding it.

- Waivers

No Waivers have been requested as part of this application.

- Landscape Plan

No conceptual landscape plan has been provided. The site plan and elevations indicate, however, that a six-foot landscaping planter will be provided outside the seven-foot perimeter wall along Buffalo Drive, and that palm trees and shrubs will be planted in this area. Staff will work with the applicant to ensure that a landscape plan that shows a sufficient amount and type of planting to meet the requirements of Title 19.12 and the Landscape, Wall, and Buffer Standards.

The development will contain several open space areas for communal use. Based on discussions with adjacent residents, a common area shown on the inside of the western boundary wall may be moved to the east side of the property, to provide for additional separation from the adjacent existing residential area to the east.

- Elevation

The proposed elevations depict three-story homes, 24 of which are designed in attached pairs, and four of which are fully detached. Building height will be limited to 35 feet. The units display balconies and a significant amount of exterior detail, including pop-outs, columns and individual garage doors. These homes are capped with low-angle tile roofs.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed development features a higher density, greater building height and smaller lot size than the residential properties surrounding it to the east and south. The proposed development is therefore incompatible with adjacent development.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is consistent with the General Plan, provided a companion General Plan Amendment is approved. It is inconsistent with some aspects of Title 19, including the open space and setback regulations. The setback issue is in contravention with Building Code requirements, as the buildings are currently designed.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

Access to the property will be available from Buffalo Drive, designated as a Primary (100-foot) Arterial on the Master Plan of Streets and Highways. This street is adequate to meet traffic demands of this proposed attached single-family residential development.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The building and landscape materials are appropriate for this type of development in this portion of the City. If this plan is approved, a landscaping plan would have to be provided, detailing how trees and additional shrubs would be placed to conform to Title 19.12 and the Landscape, Wall, and Buffer Standards.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The proposed elevations depict three-story homes, which are in contrast to the low-density homes typical in this area of the city.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 90 by Planning Department

APPROVALS 0

PROTESTS 5



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-4004 APN: _____

Name of Property Owner: Valencia Communities, Inc.

Name of Applicant: Valencia Communities, Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

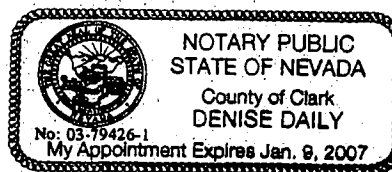
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Christopher Ferguson, President

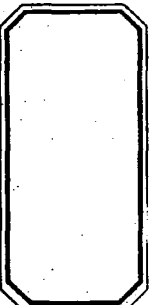
Subscribed and sworn before me

This 23rd day of February, 2004

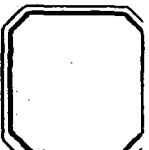
[Signature]
Notary Public in and for said County and State



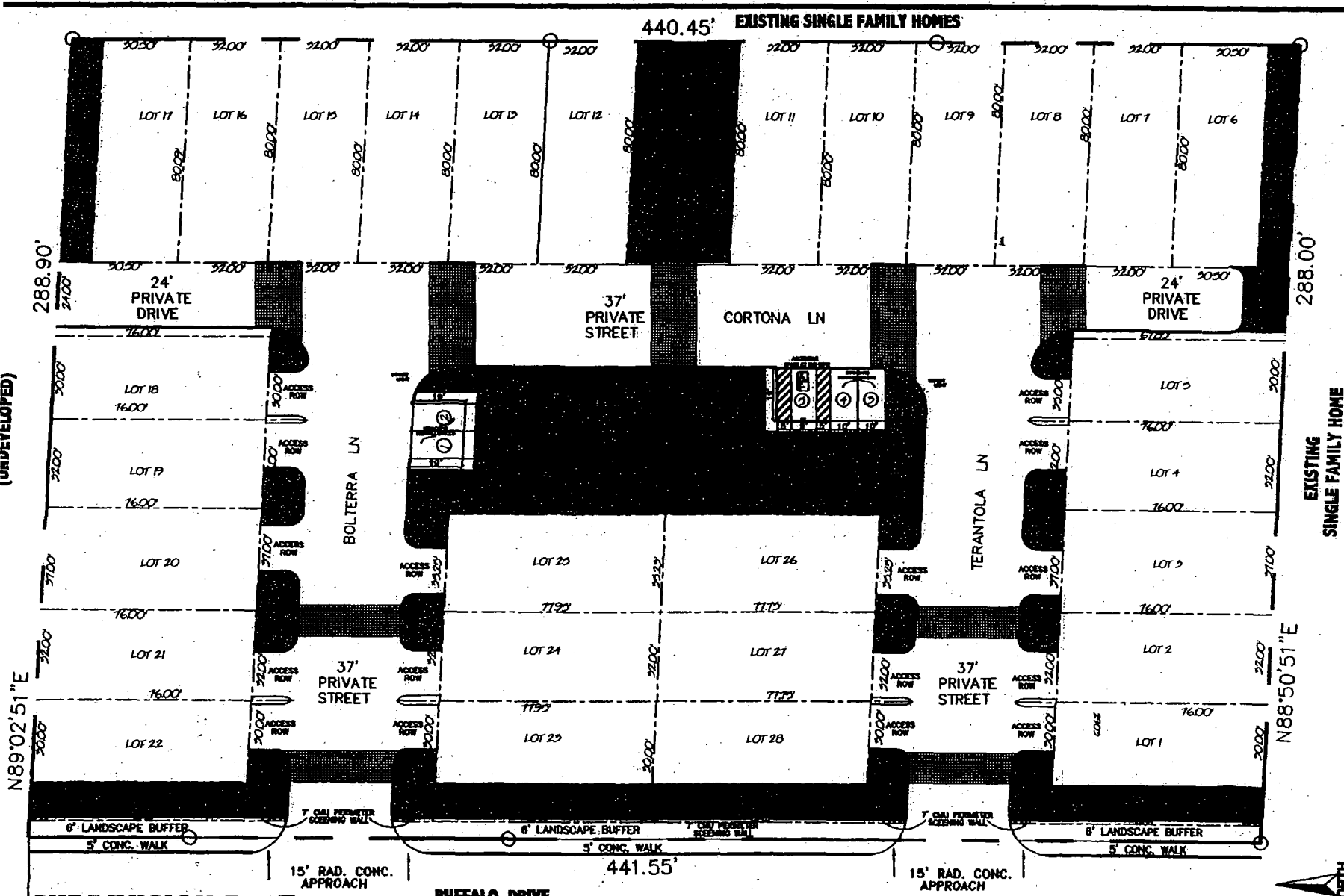
DATE:
01.28.04
REVISION:
02.18.04



CORVALE
LAS VEGAS



1/16" = 1'-0"
1 OF 10



(UNDEVELOPED)

N89°02'51"E



SUBDIVISION PLAT

1/16" = 1'-0"

41'-61" ESPLANADE

NOTE:

TOTAL FOOTAGE OF PROPERTY	181,011	SQ. FT.	4.186 AC.
OPEN SPACE REQUIRED	18,070	SQ. FT.	0.412 AC.
OPEN SPACE PROVIDED	21,449	SQ. FT.	0.492 AC.
NON PERVIOUS AREA	82,811	SQ. FT.	1.882 AC.
PERVIOUS AREA	44,876	SQ. FT.	1.028 AC.
TOTAL LINES	78 LINES		
LINE'S PER ACRE	160 LINE'S		
F.A.R. / FLOOR RATIO	20 X		
TOTAL LIVING AREA	79,009	SQ. FT.	

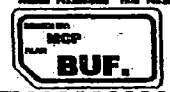
PARKING ANALYSIS

SINGLE FAMILY ATTACHED REQUIREMENTS PER DWELLING UNIT	1
PARKING SPACES PROVIDED FOR EACH DWELLING UNIT	166
GUEST PARKING REQUIRED / SPACE FOR EVERY 6 UNITS	5
GUEST PARKING PROVIDED 28 UNITS TOTAL	464
TOTAL REQUIRED SPACES	171
TOTAL PROVIDED SPACES	171

ZON-4003
SDR-4004
VAR-4005

VELOCITY MAP

DUNKER HILL DESIGN & ASSOCIATES, INC.



R1 ZONE
(UNDEVELOPED)
VAC 860205:00412

N89°02'51"E

288.90'

SITE PLAN

1/16" = 1'-0"

ESP. LANDSCAPE

41'-4"

15' RAD. CONC. APPROACH

BUFFALO DRIVE

441.55'

15' RAD. CONC. APPROACH

BOLTERRA LN

PRIVATE STREET

CORTONA LN

TERANTOLA LN

PRIVATE DRIVE

N88°50'51"E

288.00'

EXISTING SINGLE FAMILY HOME

440.45' EXISTING SINGLE FAMILY HOMES

ZON-4003
SDR-4004
VAR-4005

VINCITY MAP



CORVIALE
LAS VEGAS

PINKER HILL DESIGN

BUF.

1/16" = 1'-0"
2 or 10

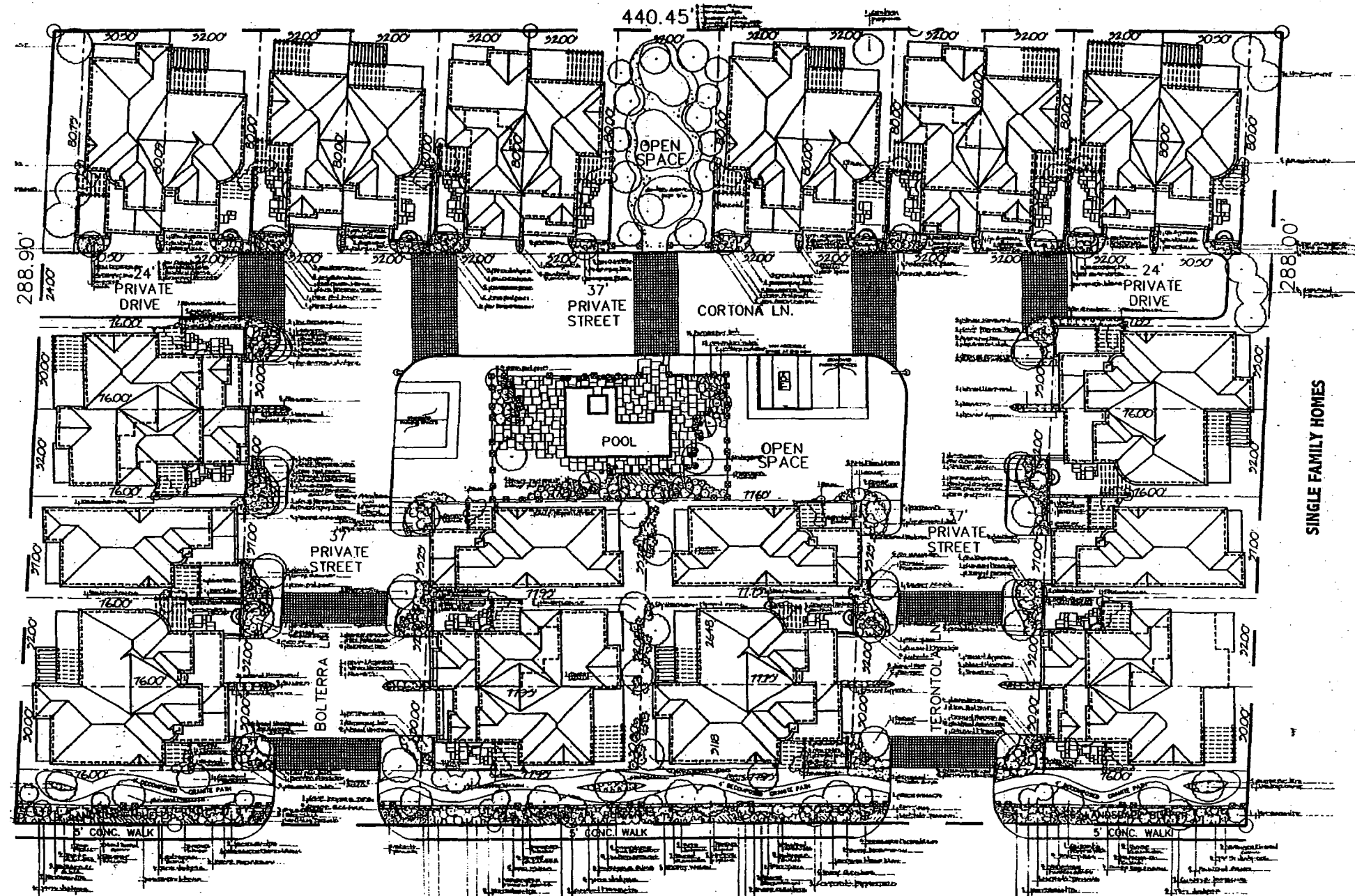
DATE
01-28-04
REVISION
02-18-04

NOTES	
1. TOTAL FOOTPRINT OF PROJECT	17,000 SQT. 3,993 AC.
2. TOTAL AREA OF PROJECT	17,000 SQT. 3,993 AC.
3. TOTAL AREA OF PROJECT	17,000 SQT. 3,993 AC.
4. TOTAL AREA OF PROJECT	17,000 SQT. 3,993 AC.
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19. TOTAL AREA OF PROJECT	17,000 SQT. 3,993 AC.
20. TOTAL AREA OF PROJECT	17,000 SQT. 3,993 AC.

FINISH ANALYSIS	
1. FINISH ANALYSIS	17,000 SQT. 3,993 AC.
2. FINISH ANALYSIS	17,000 SQT. 3,993 AC.
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5. FINISH ANALYSIS	17,000 SQT. 3,993 AC.
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14. FINISH ANALYSIS	17,000 SQT. 3,993 AC.
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19. FINISH ANALYSIS	17,000 SQT. 3,993 AC.
20. FINISH ANALYSIS	17,000 SQT. 3,993 AC.

SINGLE FAMILY HOMES

01.28.
REVISION
02.18.
02.20.



SINGLE FAMILY HOMES

CORVIALE

LANDSCAPE PLAN

1/16" = 1'-0"

BUFFALO DRIVE

ZON-4003
SDR-4004
VAR-4005



BUNKER HILL DES

DESIGNED BY
MCP
PLAN
BUF.

1/16"
3.

4 or 10
SHEET NO.

BUF 30
BUILDING

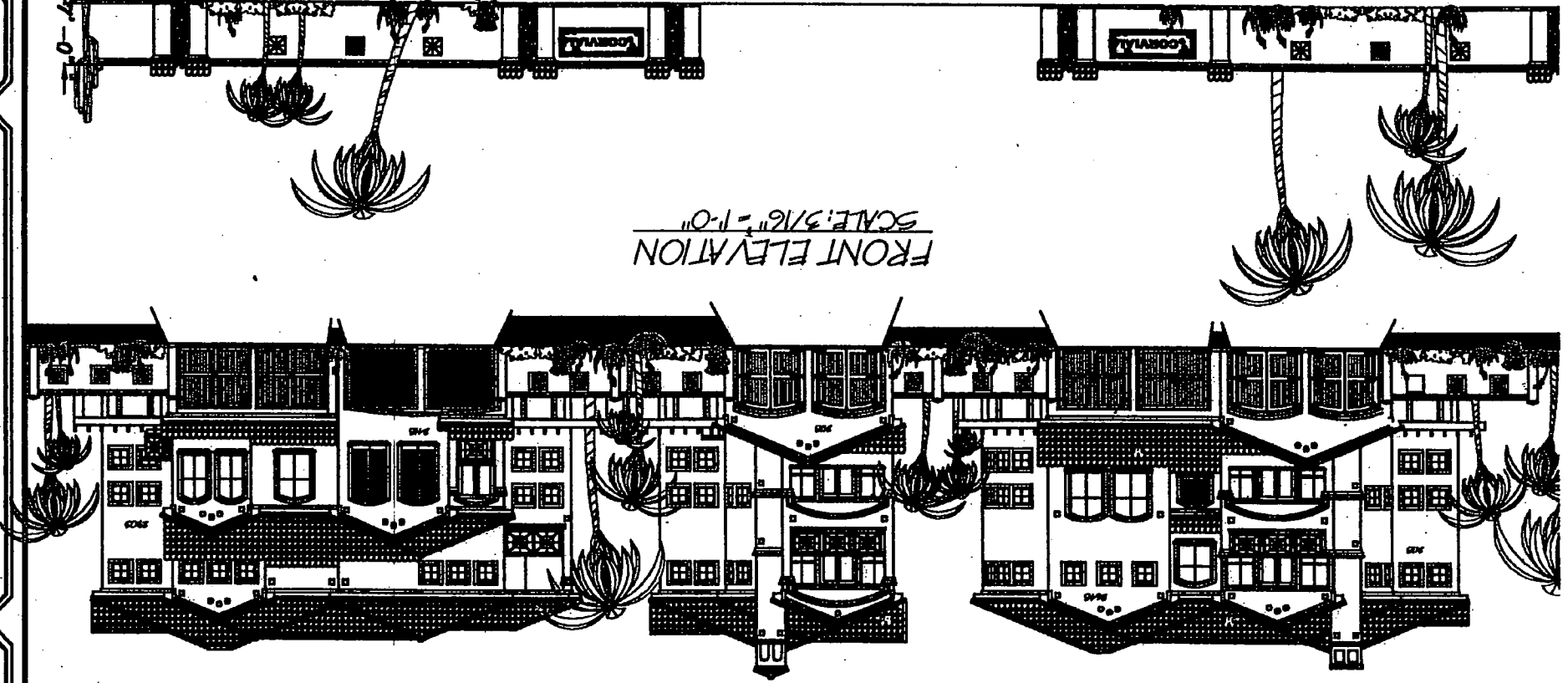
PUNKER HILL DESIGN CO.

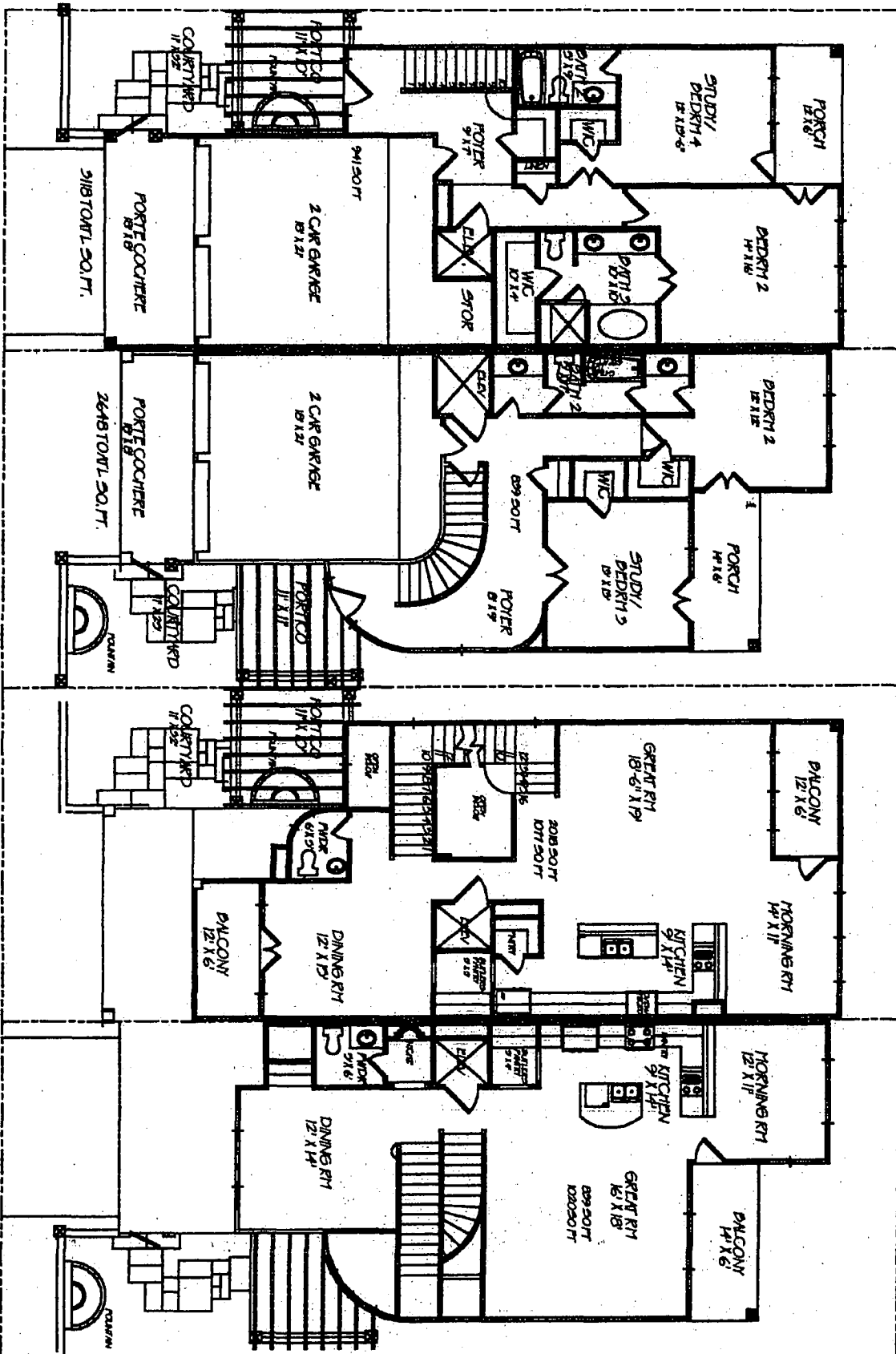
ZON-4003
SDR-4004
VAR-4005

FRONT ELEVATION
SCALE: 3/16" = 1'-0"

FRONT ELEVATION
SCALE: 3/16" = 1'-0"

CORVIALE
LAS VEGAS



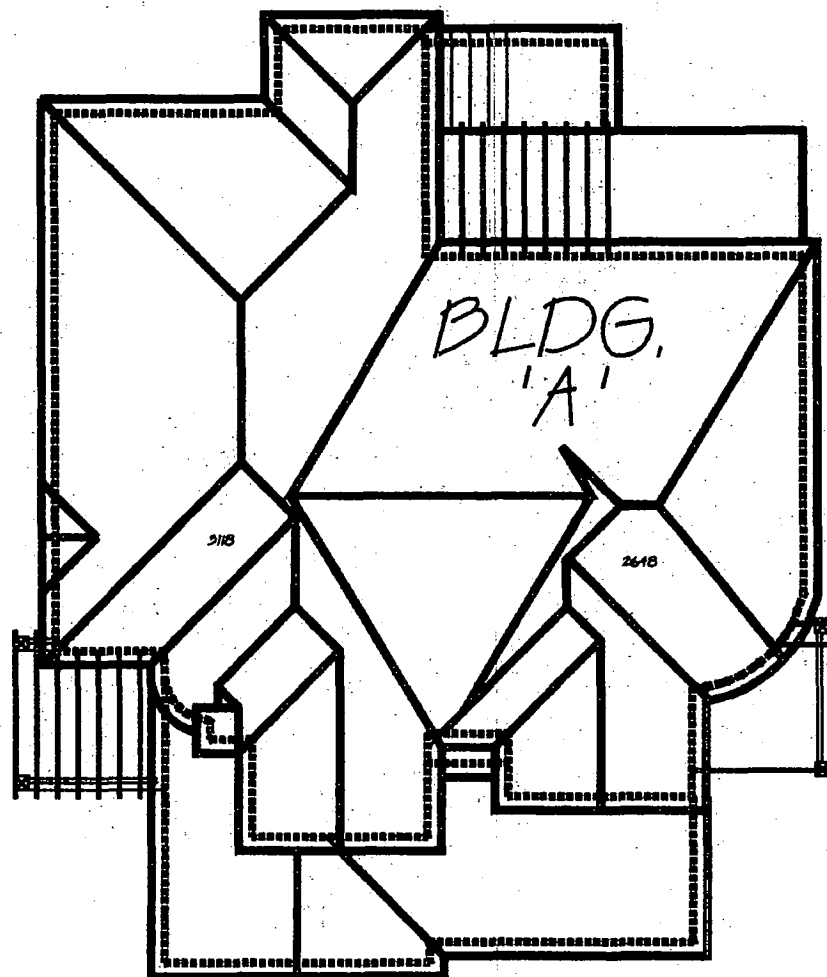


ZON-4003
SDR-4004
VAR-4005

CORVIALE
LAS VEGAS

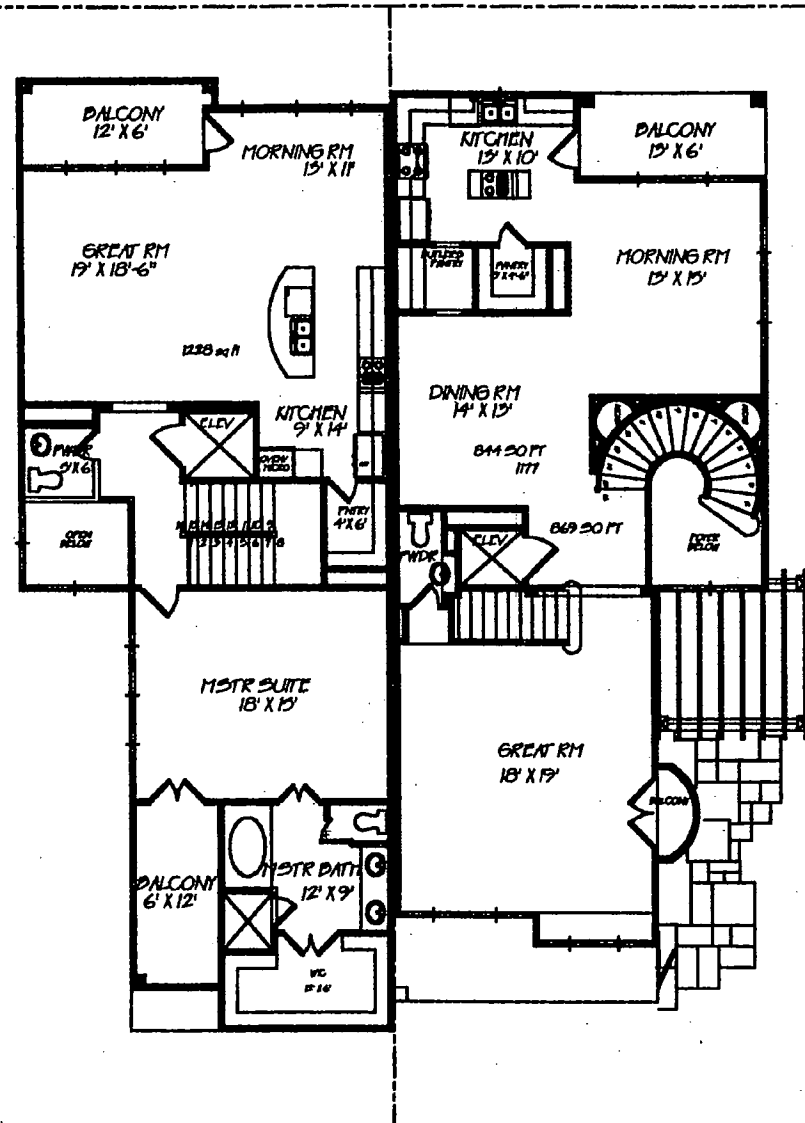
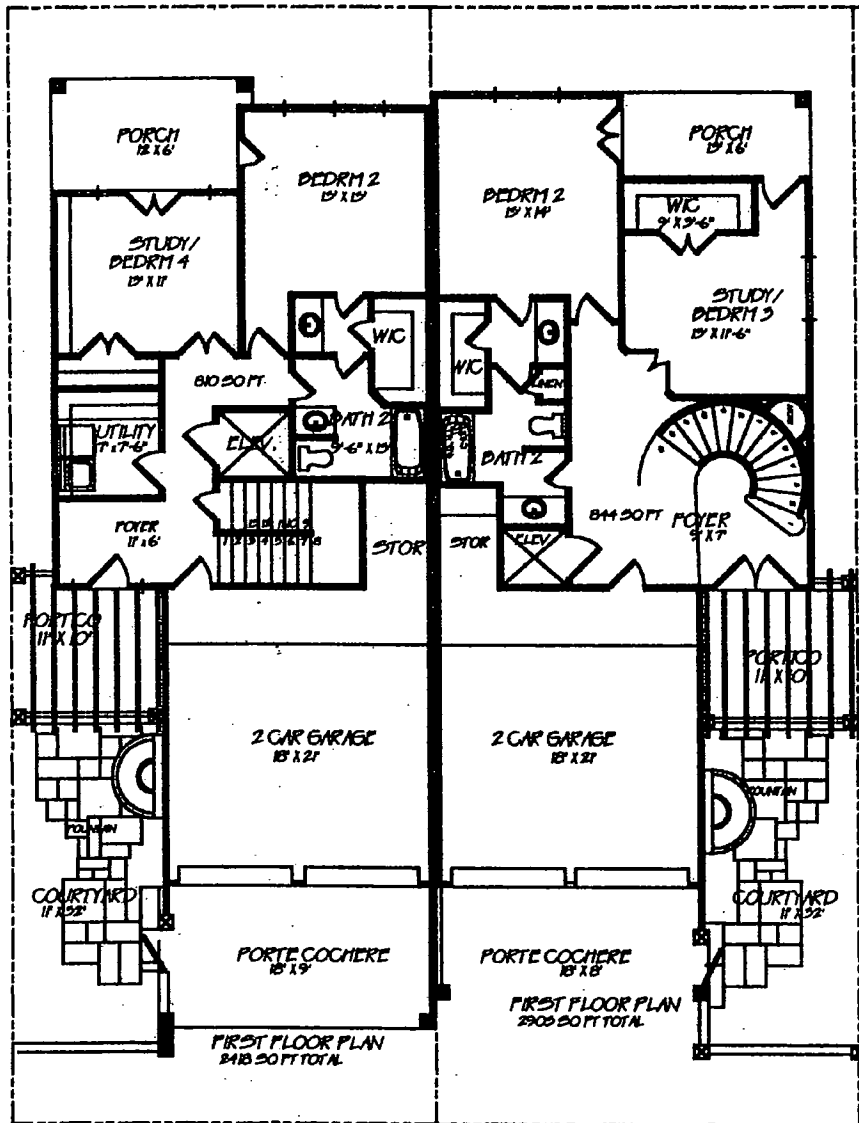
11.11.13

DUNKER HILL DESIGN & ARCHITECTURE
BLDG. 11
5 or 10



BUNKER HILL DESIGN CO.
 14500 BUNKER HILL BLVD. - SUITE 100 - BUNKER HILL, CA 94623
 (415) 338-0000

Material: MDS Color: BLDO.'A'	Size: 14" x 9.5" 6 of 10
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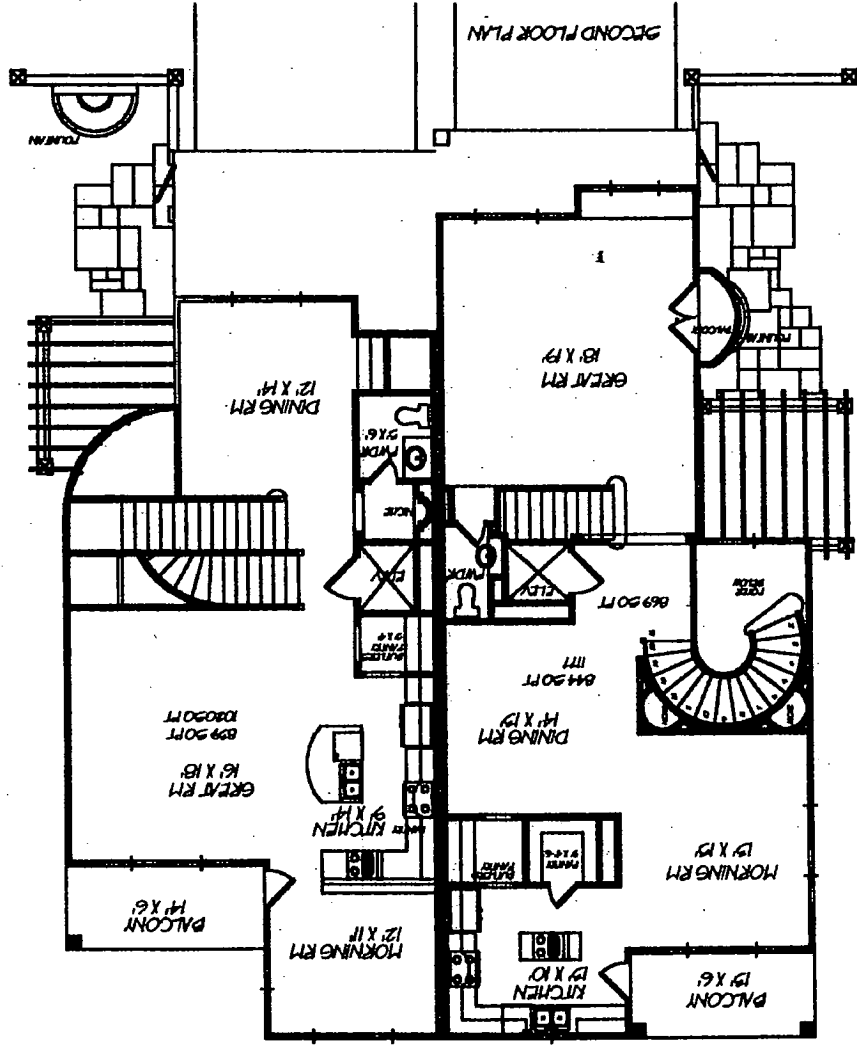


ZON-4003
SDR-4004
VAR-4005

CORVALE
LAS VEGAS

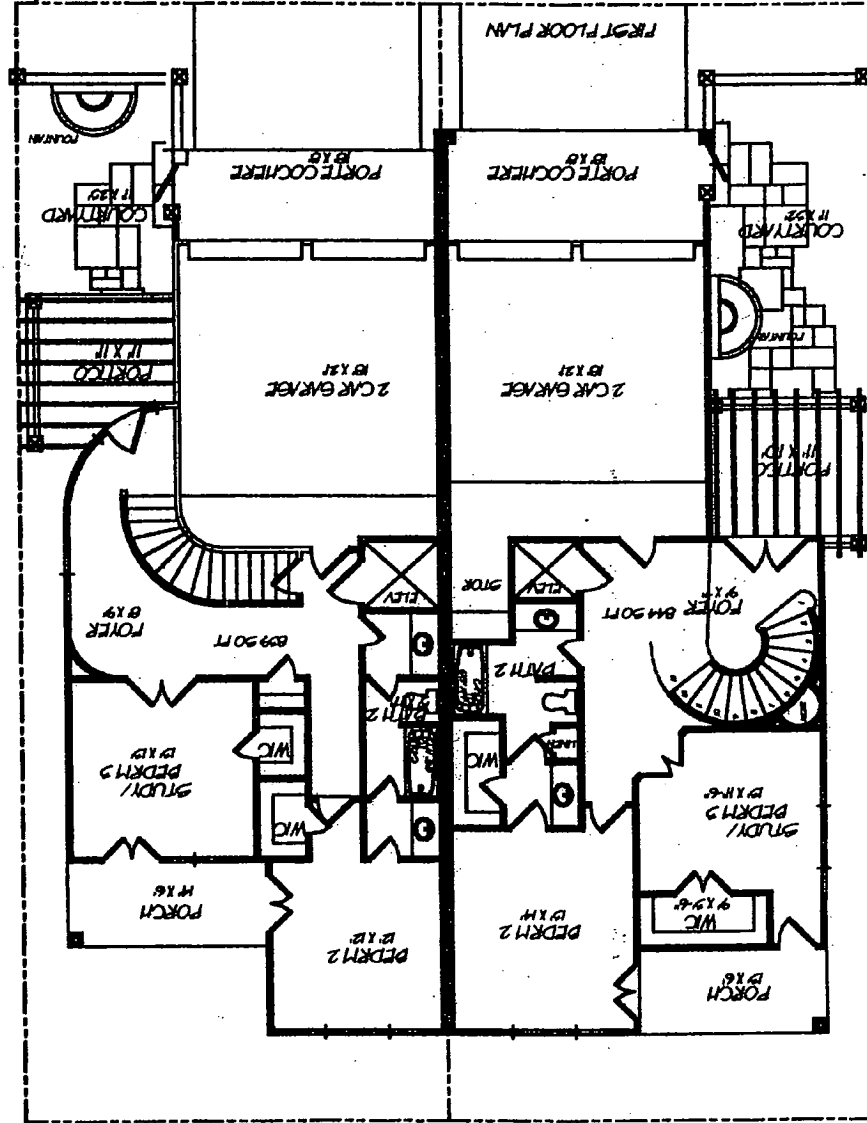
ZON-4003
SDR-4004
VAR-4005

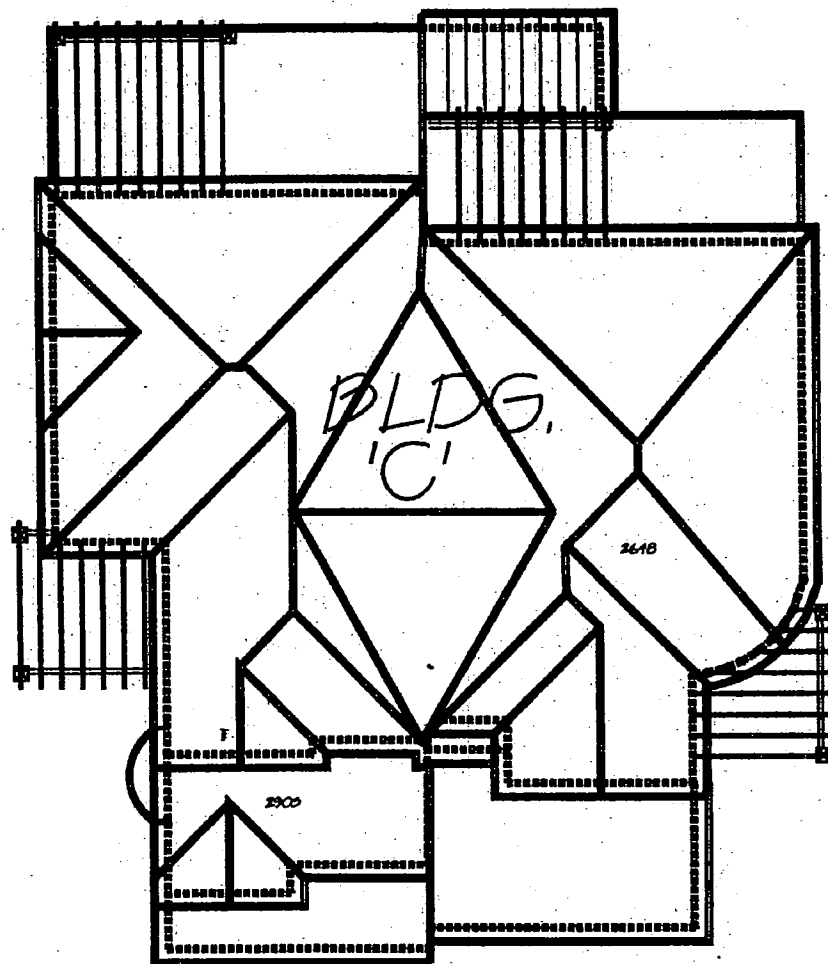
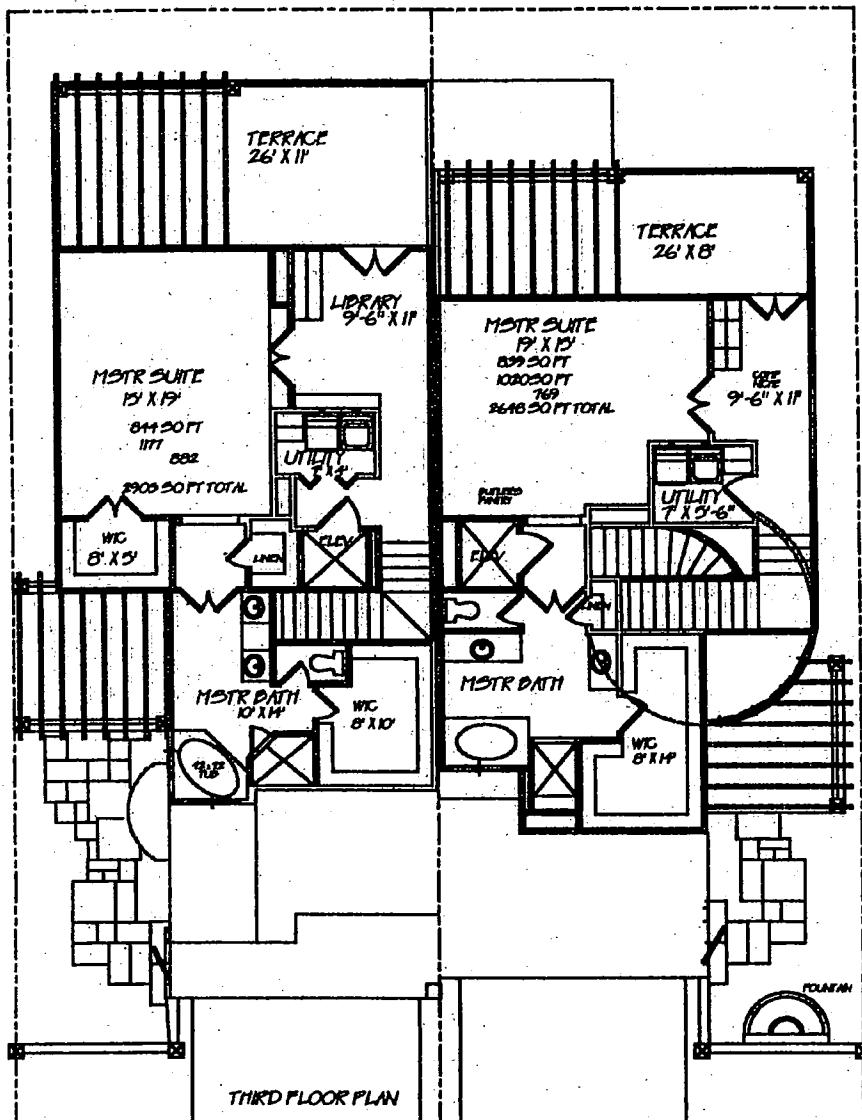
SECOND LOOK PLAN



864850 FT TOTAL

3905 50 FT TOWN.





ZON-4003
SDR-4004
VAR-4005

DUNKER HILL DESIGN & ARCHITECTS

DATE: 11.24.03
BY: [Signature]
PROJECT: BLDG. 'C'

1/4" = 1'-0"
TO 10'

CORVALE
LAS VEGAS



SDR-4004 - APPLICANT / OWNER: VALENCIA COMMUNITIES, INC.
1700 SOUTH BUFFALO DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04



SDR-4004 - APPLICANT / OWNER: VALENCIA COMMUNITIES, INC.
1700 SOUTH BUFFALO DRIVE
APRIL 8, 2004 PLANNING COMMISSION

03/18/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

DB-1813 EUCLID AVENUE, DB-4113 SUNRISE AVENUE ,SUP-3947, SUP-3961, SUP-3969, SUP-3972, SUP-3973, SUP-3980, SUP-3983, SUP-3984, SUP-3986, VAC-3861, VAC-3926, VAC-3932, VAR-4001 VAR-4005, VAR-3902 – 5/19/2004 AGENDA

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 5, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

ADDENDUM:

NEIGHBORHOOD SERVICES DEPARTMENT - DISCUSSION

- 61A. Report and possible action on the Sky Vue Mobile Home Park, 15 West Owens Avenue and to allocate funds for temporary housing and relocation costs of displaced residents in an amount not to exceed \$100,000 and other matters pertaining thereto - Ward 5 (Weekly)

See Page 61A

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 5, 2004

CITIZENS PARTICIPATION:

Items raised under this portion of the City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes.

MINUTES – Continued:

JOSEPH PEPITONE, 5154 Pearl Light Circle, brought to the Council's attention an incident that occurred on October 23, 1997. He indicated that while playing a progressive nickel slot machine called Nevada Nickels at Arizona Charlie's, the machine indicated that he won the jackpot, but he was told that the machine malfunctioned and he did not win. He submitted for the record documentation regarding this incident.

(3:57 – 4:03)

5-2417

STEVEN "CAPTAIN TRUTH" DEMPSEY stated that public servants do not accept their Oaths of Office. Mankind would do anything for money, and the Gaming Control Board seems to do the same.

Regarding the Ward 2 vacant seat, he stated that the best use of the limited resources is to announce that everyone interested in filling the position attend the City Council meeting, have everyone sign a note card, put the cards in a Plexiglas box and draw a name.

He referred to two web sites, federalmafia.com and twistedbadge.com. He also indicated that STEVE MILLER'S web site is stevemiller4lasvegas.com.

Lastly, he stated that a year ago he provided COUNCILWOMAN MONCRIEF information regarding the Crazy Horse. Nothing is being done. He questioned why there is trauma at the Crazy Horse and why it continues. People are still being robbed and beaten.

(4:03 – 4:06)

5-2668

COUNCILMAN MACK announced that tomorrow night, between 3:00 p.m. and 7:00 p.m., the Las Vegas Farmers' Market is opening a second location in Centennial Hills Park.

(4:06 – 4:07)

5-2836

City of Las Vegas

CITY COUNCIL MEETING OF MAY 5, 2004
Planning and Development Department
Citizen Participation

MINUTES – Continued:

NILA SPEAR and DOTTIE GINN, 2008 De Osma Street, asked what action was taken on Items 123 through 125. MAYOR PRO TEM REESE explained that the items were held in abeyance to the June 16, 2004. MS. GINN thanked COUNCILWOMAN MONCRIEF about the removal of billboard signs. COUNCILWOMAN MONCRIEF thanked Clear Channel Outdoor for immediately removing the provocative sign located at Rancho Drive and Charleston Boulevard.

(4:07 – 4:09)

5-2878

KATHY BEST, 7548 Holloran Court, commented that citizens try to get involved in the process in providing their input, but it seems their views are not taken into consideration. She asked what she could do to better the process. She also asked how long the waiver request has been used. She mentioned that she called a few Council members and did not get a return call. She felt that she did not get adequate speaking time as the attorneys representing the applicant did. The 1500-foot separation distance affects the general public in the State of Nevada. She would like to know the Council's position in this regard. MAYOR PRO TEM REESE directed CITY MANAGER DOUG SELBY to assist MS. BEST in providing answers to her questions.

(4:09 – 4:10)

5-2971

MEETING ADJOURNED AT 4:10 P.M.

CENTENAL YEAR

PRESENTED TO THE CLARK COUNTY OF L.V.

SHAME

COUNCELL MAY 5 2004

Joseph P. Pepitone Sr.

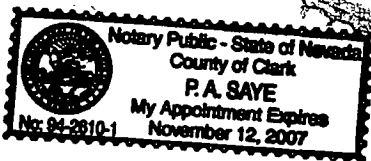
STATE OF NEVADA
COUNTY OF CLARK

THIS INSTRUMENT WAS ACKNOWLEDGED

BEFORE ME ON *May 5, 2004*

BY *Joseph P. Pepitone Sr.*

SIGNATURE OF NOTARY



WELCOME
TO *Fabulous*
LAS VEGAS
NEVADA

Submitted at City Council

Date *5/5/04* Item *C. hours Participation*



WHAT HAPPENS IN LAS VEGAS STAYS IN LAS VEGAS
EVEN WHEN THEY RIPOFF JOE PEPITONE
OF A HALF MILLION DOLLARS
IN A JACKPOT

THE PUBLIC WANT'S TO KNOW THE REAL TRUTH

To whom it may concern;

I'm writing, so that you may have a chance to stop any bad publicity as my intentions are going international and national in the media. My name is Joe Pepitone, I have been in Las Vegas for seven years. Six and a half years ago on October 23, 1997 at 8:15 pm, my wife and I were playing at Arizona Charles west. I Hit the jackpot for 463,850.00. You can read about this in my enclosed letter that will be attached with booklet of documents. The main reason I'm writing is I feel that there should be some resources for me and other people that can't afford good counsel to fight for our rights. If there was some resources there wouldn't have had the tragic killings from the results of poker machine so called malfunction. On Saturday April 3rd at the Eureka casino. Most of the public is in a uproar over my case, I have been on TV talk show and radio as well as walking down the strip in my barrel. If you would like to speak with me my number is 451-6742 or my email bigpep777@aol.com. I would like to hear from you either way within a months time.

This letter will be sent to all of the Casinos., and gaming commission. I'm also going before the city counsel to be on record for my dispute. I contacted the following, Sent: Reed's office FBI, Attorney: General, Dist Attorney: Sheriff's office, Supreme court, American gaming assoc., the media

and the press. I have tried to see if I can open this case, to no avail. I feel that this should have gone to a public jury, not the judges that get favors from the industry. As you know there is a lot of wrong doing. I'm seeking a congressional hearing about my case and also to investigate the gaming control board. This case has cost me thousands of dollars as well as heart ache. I have been a business man for over forty seven years in New York and Pennsylvania. I have many friends there as well as here in Las Vegas. They are all shocked over the out come of my case.

I'm making a vow that when I retire (which will be soon) I'm going to go all out fighting for my rights. The best publicity is doing something right from something wrong.

Yours,
Joseph Pepitone sr.

Joseph Pepitone Sr.

5/5/2000

FIVE MAJOR INCIDENTS

True Facts: Unfair ruling

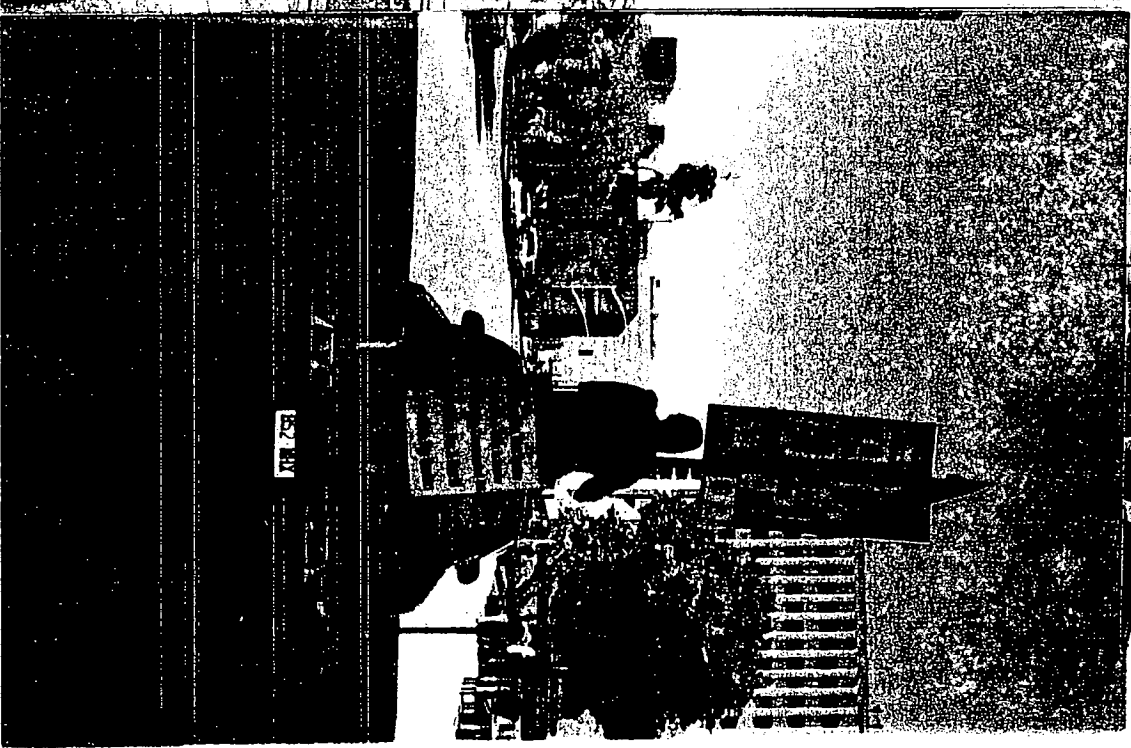
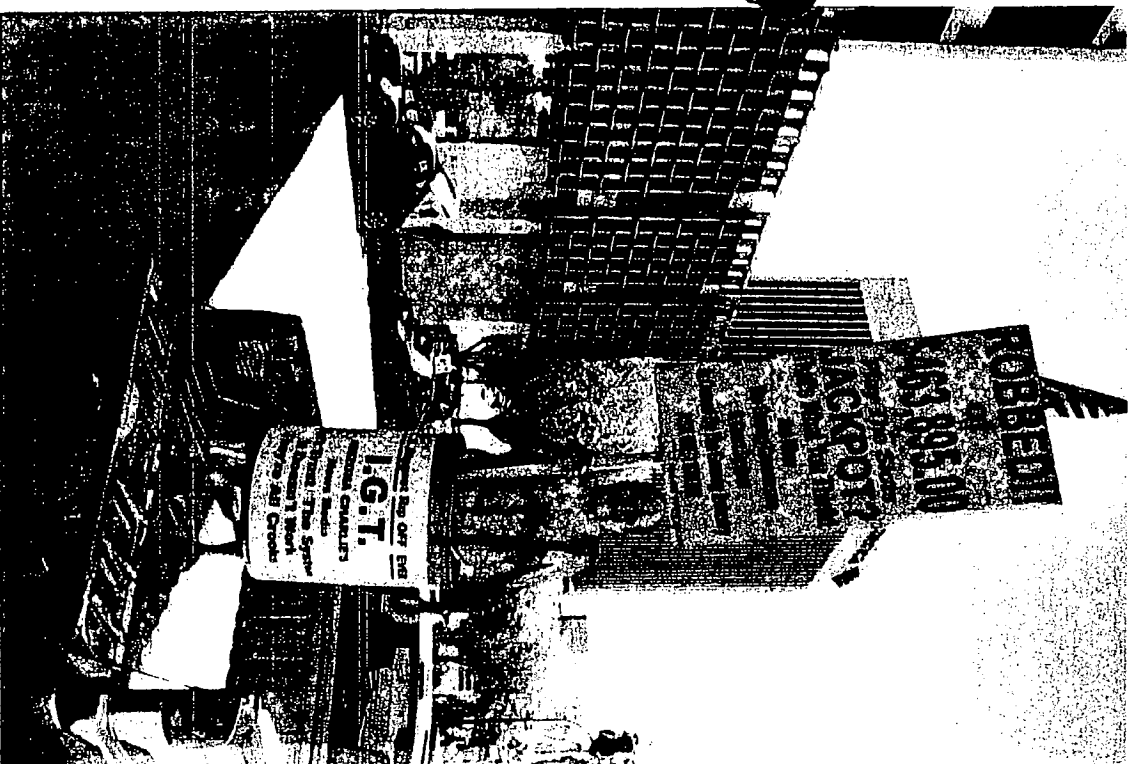
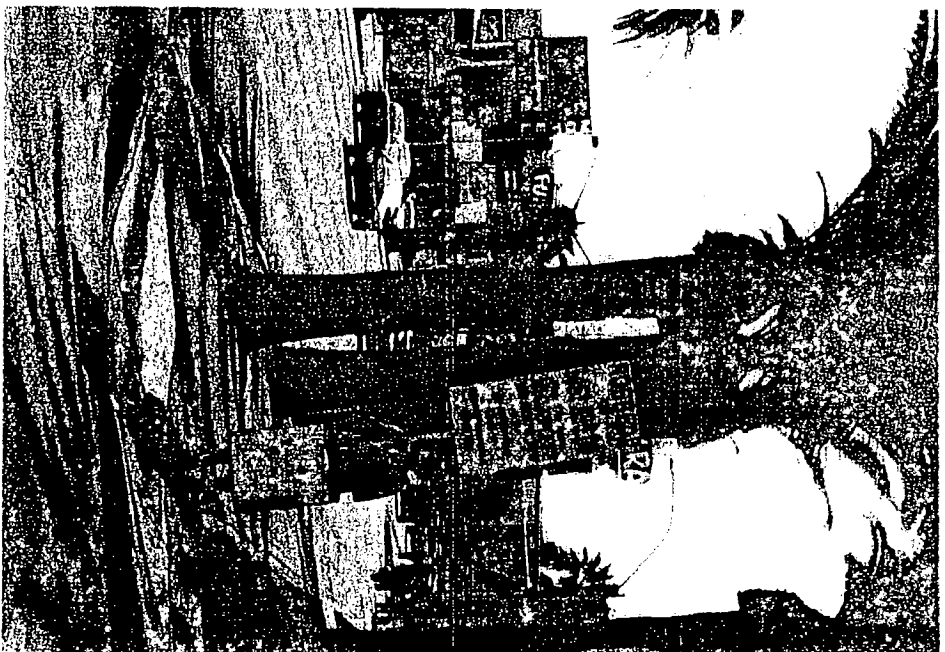
On October 23, 1997, My wife and I went to Arizona's Charlie's, a local casino in Las Vegas, N.V. (West). I Was Playing a progressive nickel slot machine called Nevada Nickels. I put my first 3 nickels in the machine, the machine aligned with the 4 Nevada Nickel symbols which was a winning combination for the progressive jackpot, which to me was \$463,850.00. The lights and bells were going off, there was a lady sitting next to me and she was telling me " you did it you did it you won the jackpot" yes I know I hit the big one, her name is Jackie Boatwright. She lives in Oklahoma , her telephone number is 405-527-5137 if you would like to contact her. The machine lined up for about 5-6 seconds than it started to rotate backwards. The machine did not lock in my winning game. We than got a floor person, we told him (Beau Sperman) that the 4 symbols were lined up than it rolled backwards. He than went to turn off the machine, we stopped him and told him to get his supervisor. The supervisor came and told Him to turn it off against our wishes. They told us that it was in a malfunction mode, we were told that we were not entitled to the money. We requested to speak with the gaming commission and IGT(who is the owner of the machine). The number of the machine was #2502. Miss Boatwright was playing this same machine before me for over 4 hours and she had just moved over when I sat down. She had to leave to catch her plane, before the gaming commission came. She gave us her name and address so that they could call her for any information. (which they never did). The IGT technicians arrived at 9:45 Pm. Along with the gaming commission. The technician from IGT's social security number 028-42-4266 his address was 6443 waterthrush way Las Vegas 702-873-8509. His name was Jeff Melanson. He work for IGT for 10 years. He commit suicide 3 weeks after we saw last. He was the most important witness with the case. He told me I will show you how the machine caused the 4 symbols to line up, He said in his words" one of your nickels blocked the fiber optic and caused the 4 symbols to line up. Me as a lay men said show me. For about 3 and a half hours he couldn't make it duplicate again. He than took a cup a filled it up with nickels from the hopper, closed the door and gave Mrs. Hall the field supervisor of the gaming commission to test the machine. She put 3 nickels in the machine and it works just find. She played all of the nickels testing the machine and it worked fine. The technician checked the machine for the last games played, the last game that he pulled up was Miss Boatwright's game. Combination was first real was a single bar second real a 7 third a single bar 4th blank space no symbol. I got ruled on Miss Boatwright's game mine never locked in. so therefore I should be awarded the jackpot. Attorneys for respondents John R. Bailey ESQ, and Paul E. Larsen ESQ. appeared on Day One a T.V. program with Nancy Burns. June 6th, 2000. The said on T.V. the machine involved were old machines, that is why they were pulled and replace after the incident. I have proof that they lied on T.V. that we requested access to the machine in question but they said that we didn't. they destroyed the machine before we had a chance to have them looked over by a technician that we were going to hire.

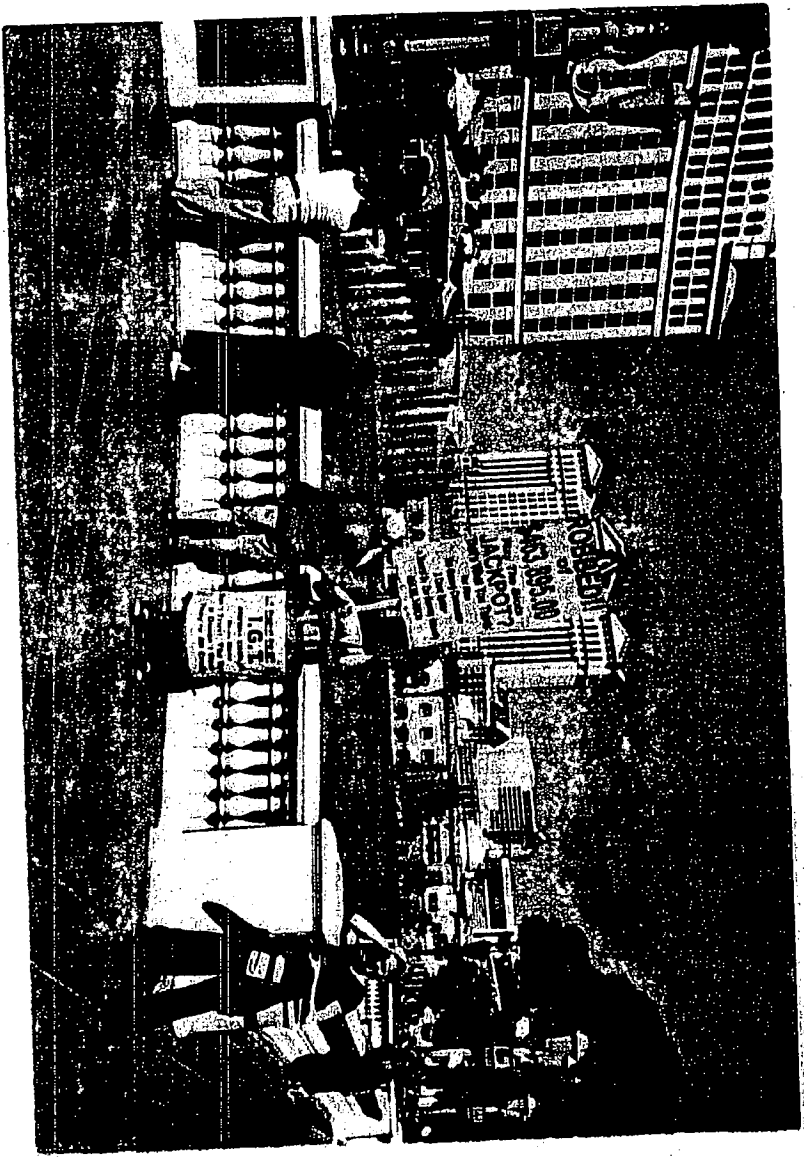
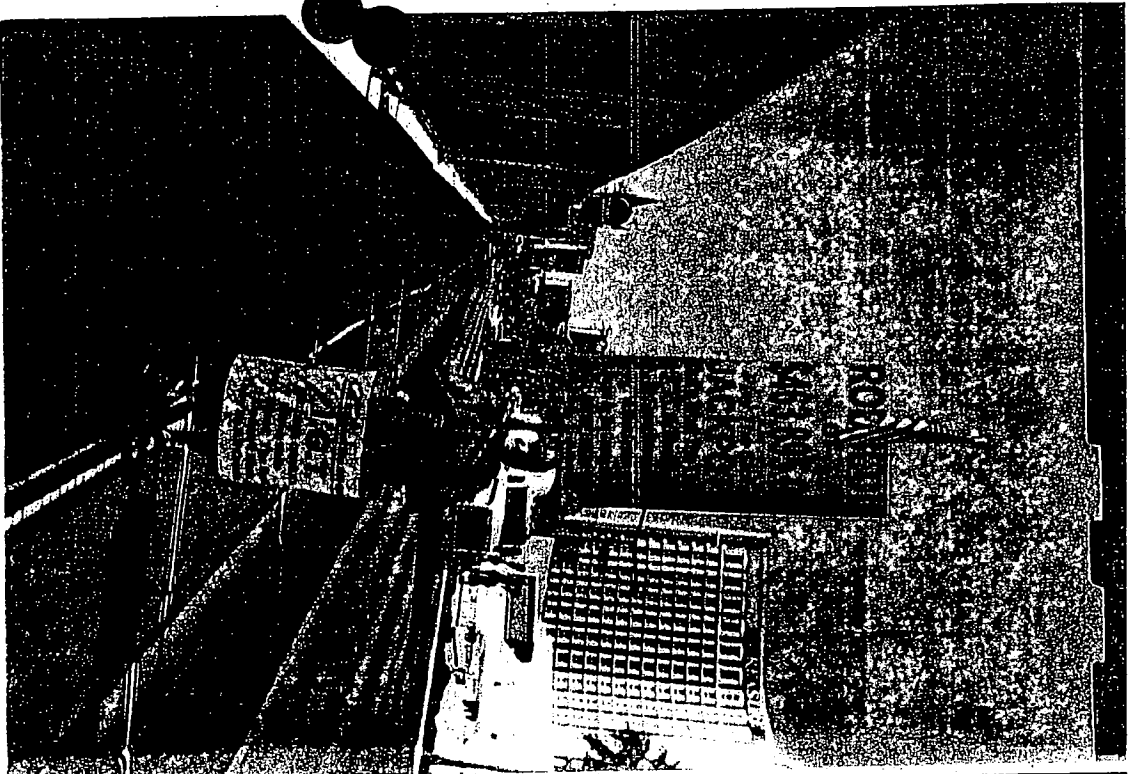
In December we heard from the gaming comm.. That they denied our claim, saying machine had malfunctioned. Against my Wife's wishes I hired Mr. Mastrangelo (384-5770) because she said that it might be conflicted of interest because he work for the gaming commission for several years. Mr. Mastrangelo said" Joe when you fight the system in Las Vegas it's like a snow ball in hell to win". Our Attorney asked for all disclosure of evidence and access to the machine for and independent review. Our Attorney was informed that the machine was destroyed days after the comm. Ruled. They said that there was no film from the surveillance video.

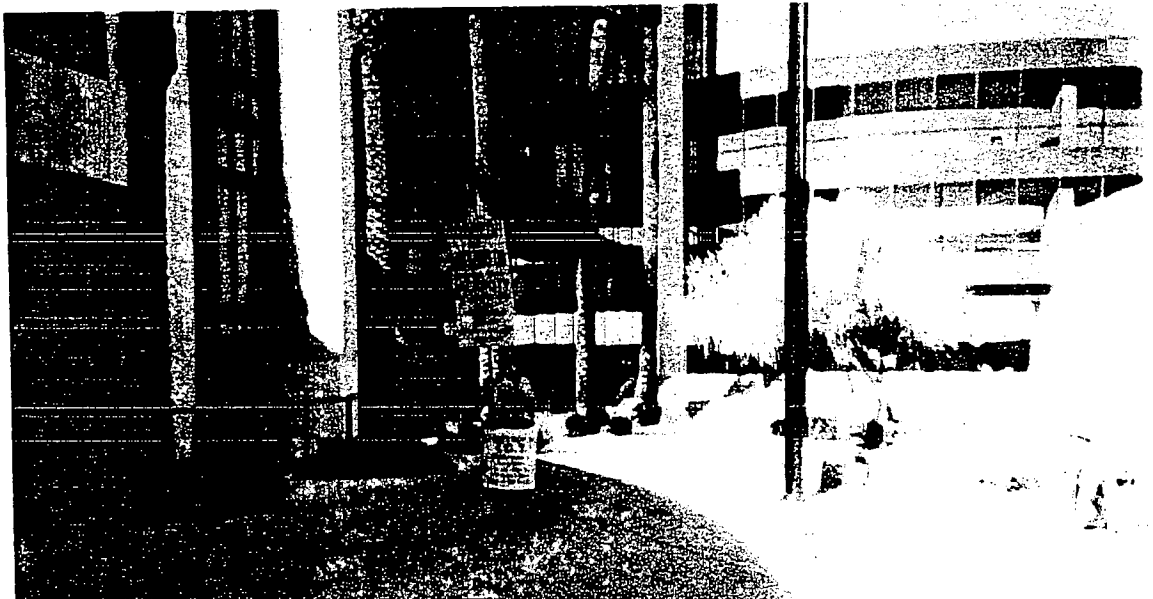
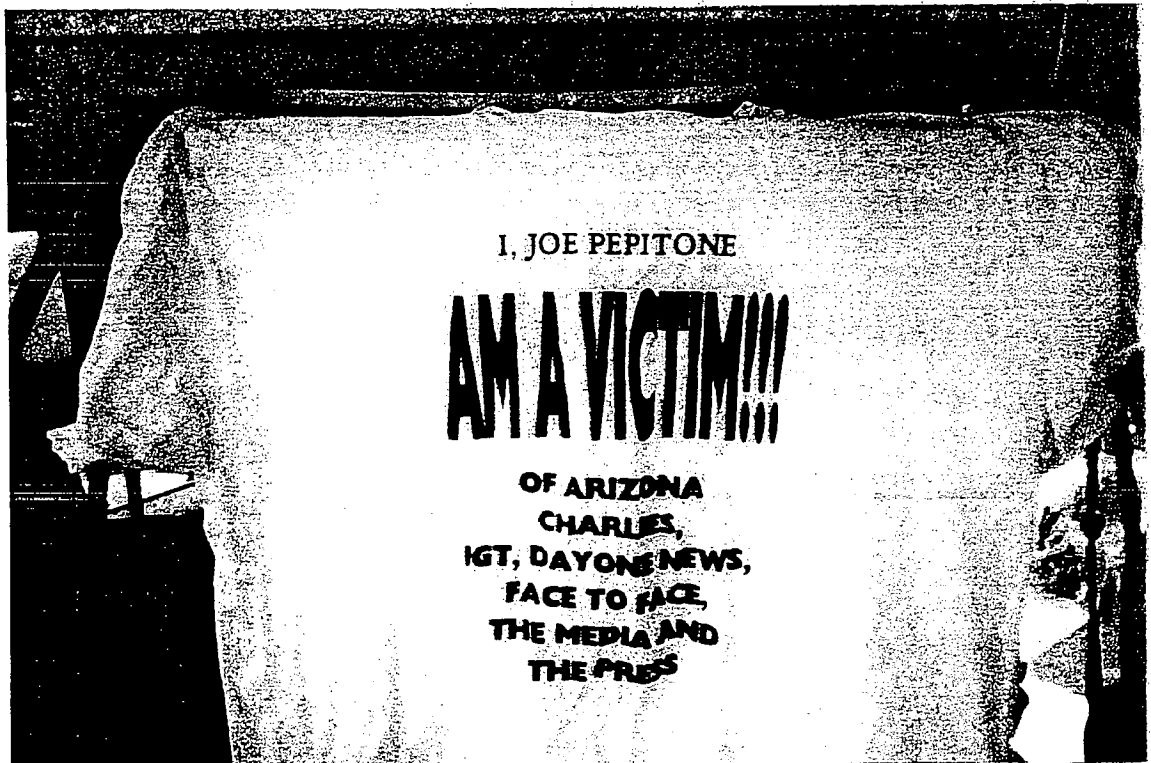
Our Attorney than went to contact the IGT technician, only to find out that he passed away a couple of weeks after the incident. he committed suicide). Annetta Hall from the gaming comm.. At the hearing in August 1998 had two separate affidavits. One stating that when she got there the machine was in a stop mode and the other that the machine was in a spin mode. The gaming comm.. Denied our claim. We than went to the local courts with them same results. Our last ditch was the supreme court, which also ruled against us. Our Attorney that dropped us as of September 11, 2001.

(Reference tags: F385, F386)
(Cross reference tags: F154, F201 - F202, F280)

6470008 (REV.5-99)







STATE OF NEVADA
GAMING CONTROL BOARD

PETITION FOR RECONSIDERATION

PETITIONER	)	
Joseph P. Pepitone and	)	
Lynda Pepitone, husband	)	
and wife,	)	
4456 E. Harmon Avenue	)	
Las Vegas, NV 89121	)	Case No. 97-2379-LV
vs.	)	
	)	
RESPONDENT	)	
Arizona Charlie's Hotel and	)	
Casino	)	
40 S. Decatur Blvd.	)	
Las Vegas, NV 89107	)	

STATEMENT OF FACTS

We, the undersigned Petitioners, hereby petition for reconsideration of the agent's decision regarding our jackpot dispute in the above-captioned matter. We believe the agent's decision should be reversed for the following reasons:

1. We are frequent patrons of Arizona Charlie's Hotel and Casino and came to the casino to gamble there on October 23, 1997. Before playing the Nevada Nickels slot machine on said date, we were able to observe the machine being played by the previous customer and observed the machine to be operating normally.

2. When the previous customer got up from the machine, Petitioner Joseph Pepitone sat down and began playing the machine. On Mr. Pepitone's first play, the machine accepted all three nickels, thereby qualifying the player for the progressive jackpot shown of \$463,895.80 in the event the winning alignment of symbols occurred. Petitioner Joseph Pepitone pulled the handle which operated normally and the reels began spinning in normal fashion.

Again, there was no indication of any malfunction. Each of the reels then came to a complete stop showing the winning progressive jackpot alignment on the center line. The reels remained in this position for several seconds and was also observed by the patron at the next machine. We were not acquainted with the customer at the time but subsequently learned her name was Ms. Jaquita Boatwright, of Purcell, Oklahoma. As the reels were so aligned, the jackpot lights began flashing and the numbers appearing on the machine's individual win meter were increasing rapidly. Ms. Boatwright initially pointed to Joseph Pepitone that he had just won that the progressive jackpot. During this entire period of time, there was absolutely no indication whatsoever that the machine had malfunctioned. After several seconds, the reels started to move backward in a jerking fashion.

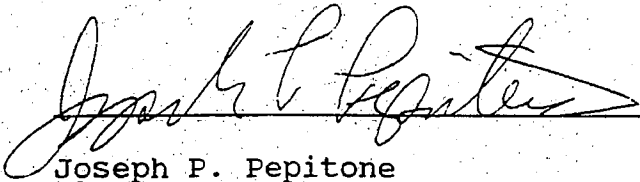
3. A casino employee came over to the machine and inserted a key unlocking the machine. It was then claimed that the machine had malfunctioned and the Gaming Control Board was not summoned until after the machine had been tampered with by the casino. After the Gaming Control Board agent arrived, the employee tried to demonstrate to the agent how the machine had malfunctioned but was unable to do so.

CONCLUSION

We submit that the machine accepted the wager and the jackpot was won without any malfunction of the machine. If any malfunction had occurred, it was after the fact. It is also misleading to the public and bad public policy to allow wagers to be accepted by machines which give no indication of malfunction and claim, after

the fact, that an apparently valid jackpot is void due to some claimed unspecified malfunction after the fact.

Dated this 2 day of January, 1998.



Joseph P. Pepitone



Lynda Pepitone

Misc\Pepitone.Pet

EVIDENCE

NIKOLAS L. MASTRANGELO, Esq. Ltd.

Attorney At Law
811 South 6th Street
Las Vegas, Nevada 89101

(702) 384-5770
FAX (702) 384-3684

January 7, 1998 & via facsimile 702-687-5817

Todd Westergard, Hearing Officer
Gaming Control Board
PO Box 8003
Carson City, NV 89702-8003

RE: Pepitone vs. Arizona Charlie's
 Case No. 97-2379-LV
 Petition for Reconsideration

Dear Mr. Westergard:

The undersigned has been retained by the Petitioners, Joseph and Lynda Pepitone in the above-referenced matter. I am hereby requesting the following documents and/or information to assist me in preparation for the hearing to be scheduled in connection with this petition:

1. Access to machine number 2502, together with any and all computer chips and internal mechanisms as they existed on the date of the disputed jackpot;
2. Any and all maintenance records for this machine maintained by Arizona Charlie's and the manufacturer, IGT;
3. A record of the dates and amounts of all Nevada Nickels Progressive Jackpot wins from 1996 through the present together with a list of all malfunctions claimed to have invalidated any progressive jackpot wins during this period;
4. Any and all incident reports prepared by Arizona Charlie's, IGT and the State Gaming Control Board with regard to the jackpot at issue in this matter; and
5. Any video surveillance tape and photographs depicting machine number 2502 on October 23, 1997.

It is therefore requested that subpoenas be issued by the Gaming Control Board for the above-described items.

PROOF THAT WE ASKED FOR ACSSSES TO THE MACHINE



ASKING FOR HELP FROM

AMERICAN GAMING ASSOCIATION

FRANK J. FAHRENKOPF, JR.
President & CEO

January 14, 2003

Joseph Pepitone, Sr.
5154 Pearlite Circle
Las Vegas, NV 89120

Dear Mr. Pepitone:

I have received your letter dated January 7, 2003. These are not matters within the jurisdiction of my office. Therefore, I regret to tell you that I can be of no assistance.

Sincerely,



Frank J. Fahrenkopf, Jr.

FJF/fl

5054 Poppel Creek
24, NW 89, 20

1/17/2003

Mr. Frank Fahnenstahl

Please find enclosed my statement concerning
an interview I had signed 10/1/02 and regarding Charles
of Las Vegas, Nevada. The reason I'm writing is I
feel extremely downcast.

I took my case at
for the other superior court, then my lawyer dropped
me. I feel that the court - the jury committee
were on the side of the cocaine's. You will read
that the evidence will show that they did wrong
and they still won. I would appreciate it if you
would look into this matter. You can reach me at
702-451-6742. Thank you for your help.

Joseph P. Pappalardo Sr.

Nevada

and the west

Dangerous U.S. 95
offramp to be replaced

PAGE 2B

CITY DESK 383-0264

LAS VEGAS REVIEW-JOURNAL • SATURDAY, APRIL 3, 2004

FATAL SHOOTING

Casino workers recall friend,

Eureka bartender says longtime patron saved his life

By BRIAN HAYNES

REVIEW-JOURNAL

The bullets were meant for Kensen Lee.

But when the gunfire stopped, Lee was alive and another man, Lester Stanowski, lay dying on the floor of the Eureka Casino.

"There should have been two good guys dead last night, myself and Lester," the bar manager said. "His heroism is why I'm here today."

Stanowski, 51, died Thursday night shortly after the 6:45

p.m. shooting at the casino bar. His killer, Rolando Lappin-Mendez, 51, was shot and killed by Las Vegas police as he tried to escape.

Stanowski, a driver for Whittlesea Blue Cab, was a longtime patron of the casino at the corner of Sahara Avenue and Sixth Street, where regulars talk about their lives over drinks, video poker and keno.

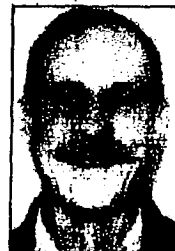
Lee, 45, said he often shared his stories of hunting and fishing trips with Stanowski, a

native Canadian who once had been an avid outdoorsman.

On the night of the shooting, Lee was pouring drinks and Stanowski was seated at the bar.

Lappin-Mendez, an occasional customer, was playing video poker at the bar. After more than an hour at the machine, Lappin-Mendez grew upset and asked Lee to support him on a ruse to get his money back, Lee said.

Lappin-Mendez promised Lee half the jackpot if the



Lester Stanowski
51-year-old
tried to
wrestle gun
away from
shooter

hero

bartender backed his story that the video poker machine owed him a jackpot, Lee said.

Lee didn't go along with the story and called a casino floor manager who deals with problems over the gambling

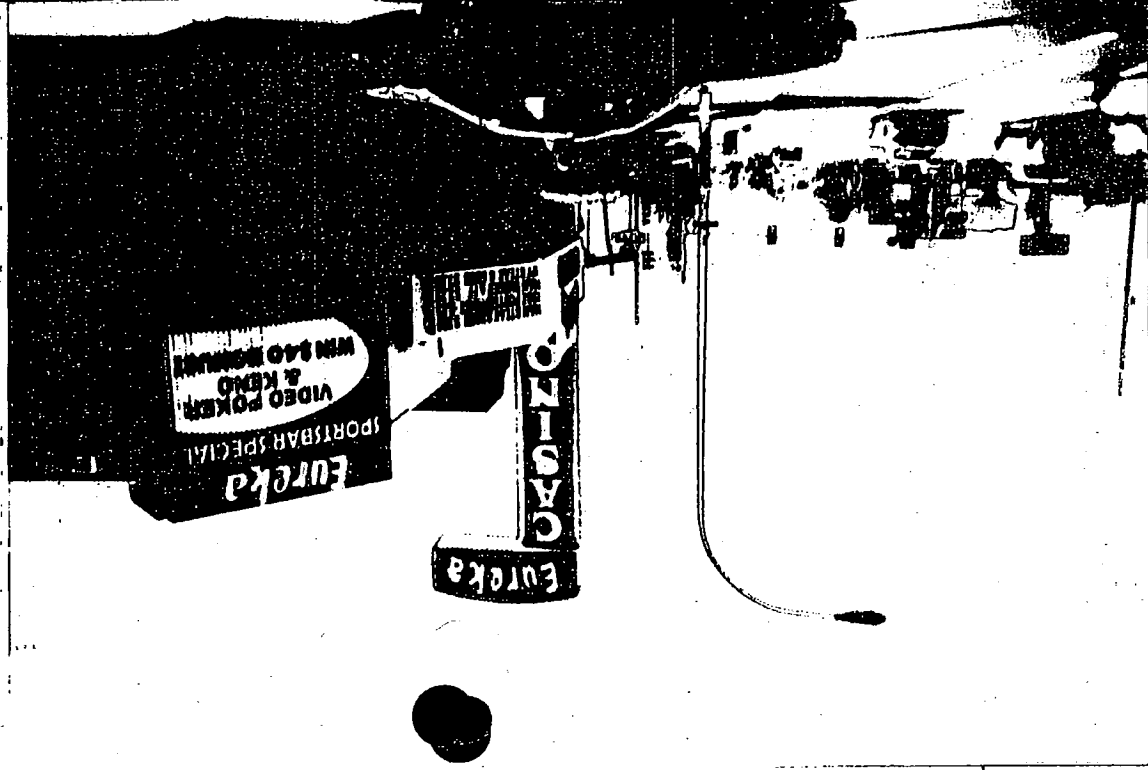
► SEE SHOOTING PAGE 4B

► SHOOTING: Police shot, killed shooting suspect in parking lot



During the shooting, an employee at the Eureka Casino, holds back tears Friday as she remembers Lester Stanowski, a regular customer who was shot and killed the night before while trying to stop a gunman from shooting a bartender.

LEFT: SCOTT KENNEL/JOURNAL



machines. The floor manager told Lappin-Mendez the Gaming Control Board would need to sort out the dispute, he said.

When the floor manager left to call the board, Lappin-Mendez walked out and moved his car from a remote section of the parking lot to a handicapped space next to the back door, said Ted Lee, the casino owner.

After moving his car, Lappin-Mendez walked back to the bar.

"So you're not going to help me?" Lappin-Mendez asked the bartender.

"I said, 'No.' The next thing I know there's a gun a foot and a half in front of my face," Kensen Lee said.

The bartender told himself to remain calm, but before he could say anything the gun fired, he said.

Kensen Lee can't believe the bullet missed him.

"When the barrel is a foot and a half in front of your face, you should be dead," he said.

The muzzle blast left gunpowder burns on his cheeks.

After dodging the first bullet, Kensen Lee dropped to the ground and rolled against a beer cooler behind the bar. Lappin-Mendez kept shooting over the bar.

"He took two more shots at me before Lester heroically jerked the guy's gun back and saved my life," Kensen Lee said.

Al Abram was sitting next to Stanowski when the gunman squeezed between them and started shooting.

"He came between us and pulled out a gun and started shooting," Abram said. "Boom, boom, boom."

The 79-year-old watched as his friend tried to wrestle the gun away. During the struggle the gun went off, and Stanowski fell to the ground, Abram said.

The gunman fired one more shot into Stanowski before running outside.

"The guy's lying on the ground and you put a second bullet in him to make sure he is dead," Ted Lee said. "What kind of person is that?"

Kensen Lee followed the gunman outside to his car, which was heading toward the parking lot exit when two Las Vegas police officers on an unrelated traffic stop heard the commotion and came to investigate.

Kensen Lee directed them to the gunman's car.

The officers approached the car with pistols drawn and ordered Lappin-Mendez to the ground. When he aimed his gun at them, the officers fired, police said.

Lappin-Mendez died in the parking lot.

Meanwhile, paramedics rushed Stanowski to University Medical Center for emergency surgery. He died a short time later.

Both officers were placed on routine administrative leave and face a coroner's inquest. Their names will be released 48 hours after the shooting.

At the Eureka on Friday afternoon, three of Stanowski's pals took shots of tequila and toasted their fallen friend. A bullet hole in a nearby mirrored wall served as a reminder of what happened the night before.

Debbie Camp, who spent many nights with Stanowski at the bar, said he loved playing bemo and talking about his children.

"You met him and you just took a liking to him," she said, as she took up a collection for Stanowski's family. "He had a heart of gold."

Eureka employee Diana Bachman nearly broke into tears as she remembered Stanowski. He had always told her he would protect her if anyone tried to hurt her.

"He saved his life, and it didn't surprise me one bit that he did that," she said.

Jeff McNorton said Stanowski had a quick wit and was always ready with a snappy comeback. Stanowski was a "man's man," he said.

"We should be lucky enough to go out like Lester did," he said, "as a hero."

Stanowski's wife, Sheri, 50, said she wasn't surprised by her husband's actions.

"He would do that for a friend," she said.

The Stanowiskis moved to Las Vegas in 1992 from Moose Jaw, Saskatchewan, to escape the frigid Canadian weather, she said.

They had two children, Matt, 20, and Greg, 18.

The Stanowiskis lived together in the North Las Vegas house they bought in 1998. They separated about two months ago but were close to reconciling before their upcoming 25th wedding anniversary, she said.

"We just ran out of time," she said.

CLARK COUNTY JUDGE RULES AGAINST ME

THE
VIEW



Gates

Lee A. Gates

Should this judge be retained?

Yes: 59 percent No: 41 percent

Adequacy score: 70 percent

Best score: 47 percent say more than adequate in freedom from religious bias.

Worst score: 47 percent say less than adequate in explaining his decisions.

Analysis: Sometimes crabby and unwilling to

&u&b&d

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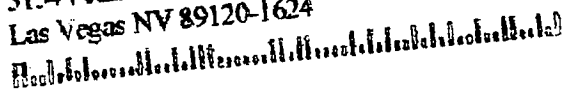


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Joseph Pepitone Sr

5154 Pearlite Cir

Las Vegas NV 89120-1624



Nevada

and the west

Conce
24-ho
PAGE 2B

CITY DESK 383-0264

LAS VEGAS REVIEW-JOURNAL • SUNDAY, FEBRUARY 9, 2003

odds stacked against lifetime player in battle with casino over jackpot

This is the story of a player. Not a winner. Not even a gambler in the professional sense of the word. A player. Joe Pepitone has been a player all his life.

Cards. Ponies. Lotteries. Lots. Anything that moves, he plays it. And sooner or later, he loses.

That's the way it is with players. They play until they lose.

In Las Vegas, where one man's degenerate is another man's inveterate, that makes him an ideal casino customer.

Joe started as a schoolboy in Brooklyn running bets to bookies Raceway for his father. His parents taught him card games. Truth is, the whole family gambled, and at New Year's and other holidays the Pepitones played penny poker.

He's been playing catch-up since he was a kid. At 62, he's



John L. Smith
COMMENTARY

not a kid anymore.

Joe's name became a sports page conversation piece after his cousin, Joe Pepitone, played for the Yankees. Joe has spent much of his adult life explaining that, no, he isn't that Joe Pepitone.

He's just an average Joe. He's Joe the hard-working butcher. Joe the father of three, grandfather of four.

Joe the player.

Joe and his wife, Lynda, 57, once built a successful meat

business in Kew Gardens, Queens. All that time Joe was playing, and so eventually they sold out and moved to the Poconos, where there were no OTB parlors or racetracks for miles.

They started a business and had a house, but in a few years they lost it to Joe's playing. Pennsylvania had passed a state lottery, and Joe bought tickets by the fistful. Joe played until the family was so far behind on the mortgage the bank vultured their property.

"A gambler will find gambling no matter where they are in this world," Lynda says. "We lived in the backwoods of Pennsylvania with one stoplight. He found it."

"I could move to Alaska and he'd find someone to bet on the salmon going upstream. No matter where I go, he'd find it."

The Pepitones headed west

from Pennsylvania in two trucks with not much left to risk. They moved to Las Vegas to be near Lynda's family and, truth be known, the action.

It was here, on Oct. 23, 1997, at Arizona Charlie's that average Joe Pepitone thought his luck had finally changed. He hit a \$463,895 Nevada Nickels progressive slot jackpot.

But there was a catch. Casino officials claimed the machine had malfunctioned. He hadn't really won, they said.

Pepitone fought the casino. Some facts were in his favor. He had an independent eyewitness. The casino reset the machine despite his protests, then destroyed it a short time later.

Joe appealed to the Gaming Control Board and Gaming Commission and lost. He went to District Court and lost, appealed to the state Supreme

Court and lost again.

Since then, he's become increasingly obsessed.

"He wants to go further, but we just don't have the money," Lynda says. After 35 years of marriage to a player, she suffers from hypertension and depression. "The case has devastated him. He's like a dog with a bone that don't know enough to give it up."

"He's a good father, a loving grandfather, and a good man. Except for his gambling."

The regulation is clear: In the case of a mechanical malfunction, the play is voided. The rule is invoked often in the 1,000-plus player disputes the Control Board examines each year.

Pepitone's case isn't unique. Although his story encouraged state Sen. Joe Neal to introduce legislation to amend the regulation in the player's favor, the proposal was shot down.

On a cold, clear Friday afternoon outside the Clark County Courthouse, Joe stands in his Yankees cap carrying a large yellow sign that begins, "Robbed!! Of \$463,895 ..."

The butcher knows the truth but won't give up. It's the player in him.

"The casinos have everything working for them," he says. "I gambled my whole life. I never cried when I lost. I never complained even when my kids did without. Then on the one day I hit, they took it away from me."

"I feel deep in my heart I won."

With that, Joe returns to his one-man picket line. He stands on the sidewalk at ground zero of America's gambling capital, trying to get back to even against the longest odds of his life.

John L. Smith's column appears Tuesday, Wednesday, Friday and Sunday. E-mail him at Smith@reviewjournal.com or call 383-0295.

Glitches

From 1D

sides, modern-day slot machines are operated by chips and electronics. With each push of a button, a random-number generator issues a signal that determines where the reels should land — if they are properly aligned. Based on a series of probability calculations, the machine may spew a few tokens into its tray, issue credits for more play, or ring up a life-changing jackpot.

But lots of things can go wrong with the machine's wiring, computer circuits or maintenance. White's client, Cengiz Sengal, a Southern California software engineer, thought he had won \$1.8 million in 1996 at the Silver Legacy casino in Reno. The reels lined up, the lights flashed, and Sengal was jubilant — until officials told him the machine had malfunctioned in midwhirl. The reels came to rest on three jackpot symbols, but not because the computer's random-number generator told them to.

"Because it wasn't computer-generated, slot officials argued it wasn't a jackpot, and a state court judge in Nevada agreed. White says he is considering appealing the case, which he took on contingency, to the state's Supreme Court. "It randomly stopped on the jackpot," White says. "In our way of thinking, they lost that bet."

In most disputed cases, the slot machine is part of a "progressive" game or network, whose popularity has mushroomed in the 1990s. In progressive games, the companies that manufacture and operate slot machines play the role of the house, paying the huge jackpots and raking in players' losses. Casinos receive a steady portion of the revenue stream, in exchange for providing the venue.

In the event of a dispute, however, the casino is usually the one to give the gambler the bad news and is usually seen as responsible. That puts casinos, who are touchy about appearances and eager to avoid alienating future customers, in a ticklish position: When the disputes make local news, public opinion has

tended to side with the gamblers.

Herminia Rodriguez, a 64-year-old former migrant farm worker, claimed to have won a \$330,000 jackpot last October at the Harrah's Ak-Chin casino, on a Native-American-owned property in Maricopa, Ariz. When officials from the slot operator told her the machine had malfunctioned, she got a lawyer and went to the press. The ensuing barrage of media coverage cast a critical light on the casino and on the fact that it had failed to call in the state gaming commission immediately.

Harrah's Entertainment Corp. ended up paying Rodriguez the money. "We just thought it was in the best interests of our brand name," says Ralph Berry, a spokesman for Harrah's, based in Memphis, Tenn.

International Game Technology Inc. of Reno, which commands 70 percent of slot-machine revenues in North America, steadfastly refuses to pay such jackpot claims. "If we did, we'd be opening ourselves to a blackmail situation" from people making false claims, says Ward Chilton, director of IGT's "megajackpots" department, which administers the big progressive-game payouts.

Nonetheless, IGT earlier this year began quietly changing the software on every one of the thousands of machines it operates around the country to eliminate the likelihood of computer error. Among the changes, according to confidential IGT documents that were filed in Sengal's court case, the new software prevents a slot machine's reels from halting if the machine suddenly malfunctions. Instead, the reels spin slowly when the machine is in error mode, so that they don't stop with three jackpot symbols showing.

IGT doesn't concede that the changes are related to disputed jackpots. "That wasn't necessarily as a result of any specific instance," says Chilton, who says the changes were normal software upgrades. He says that disputed claims are few and far between. "Statistically, it's insignificant," he says.

Jackpots not always winners

❑ False slot wins caused by computer glitches are creating real headaches for the industry.

By Christine Binkley
Wall Street Journal

Last May, Wilnette Byrd punched the button on a Wheel of Fortune slot machine at the Casino of the Sun in Tucson, Ariz. Chunk, chunk, chunk — the reels lined up in jackpot mode. To the 71-year-old retiree's untrained eyes, she was \$1.1 million richer.

But in videos reviewed later by officials from the casino, the slot-machine company and the state gaming commission, the machine behaved oddly. Buttons were lit that should have been dark. A casino employee running a diagnostic program had mistakenly left the machine in test mode. After a monthlong investigation, Byrd was informed she wouldn't be getting her jackpot.

A growing number of slot-machine winners are learning with amazement that their lucky day was just a big mistake. And a lot of them are looking for their payday in court. Byrd's attorney, John Gabroy, of Tucson, says his client feels "chiseled" as a result of the error. "The issue is: Who bears the risk under those circumstances?" he says.

The false wins are giving casinos and the companies that operate the machines a splitting headache. Multimillion-dollar prizes are at stake. In a bid to compete with state lotteries, slot-machine makers in recent years have introduced "progressive" games, running up jackpots by pooling revenues from slot-machine networks that can cover an entire state.

Slot machines have never been glitch-free. But the reaction when the pot is \$50 is considerably different than when it is millions of dollars.

The disputes represent largely uncharted legal waters, and so far, many individual plaintiffs seem to be paddling upstream. Courts have accepted the industry's position that a jackpot isn't really a jackpot if the technology is faulty.

Last October, a nickel machine at the Spirit Mountain Casino in Grand Ronde, Ore., registered a \$2.9 million jackpot — in 58 million nickel credits — for 42-year-old Nhung Housekeeper. But the casino refused to pay, saying the top jackpot for that game was supposed to be only \$10,000. A "dormant" computer message, the casino said, had sent the machine haywire.

That same month, Brenda Pickle, a 48-year-old Brookside, Ala., resident, was playing \$1 slots at Sam's Town casino in Tunica, Miss. Lights went on, bells went off, and "\$4.7 million" lit up the screen. But the reels didn't line up properly — a mechanical problem that casino officials said voided the computer's jackpot calculation. They gave Pickle several days of food and lodging on the house to appease her.

Housekeeper got a lawyer and settled out of court in a confidential agreement. Pickle sued and awaits a judge's decision. "It's been hard," she says of her roller-coaster emotions since her brush with wealth last fall.

Slot gamblers have no idea that winning a jackpot isn't as simple as lining up the cherries on the reels, says John White, a Reno plaintiff's attorney in yet another disputed jackpot case. "There are massive complexities to this whole thing," he says, "but those aren't apparent to the player."

Although they are still called "one-armed bandits," for the mechanical levers at their

Please see GLITCHES 2D

BUSINESS

COMING WEDNESDAY

The appeal of NASCAR

GAMINGWIRE

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GAMING WIRE EDITOR DAVE
3

YOUR GAMING NEWS UPDATE

JACKPOT DISPUTE

Slot player continues legal battle

Game maker says machine's malfunction voided play

By KEVIN FERGUSON

lasvegas.com GAMING WIRE

Despite three years of legal disputes and regulatory and court rulings that haven't gone his way, slot gambler Joe Pepitone continues to fight for what he believes he won: a \$463,895 jackpot at Arizona Charlie's.

The Las Vegas butcher's face ignites with emotion when he talks about the day in October 1997 when he inserted three nickels into a slot machine at the Decatur Road casino and pulled the lever.

He says four symbols lined up on the machine's pay line and the game's lights flashed, but moments later its reels went into a reverse spin.

Officials for slot maker International Game Technology say it was a classic example of a malfunction, a mechanical error that voided the computer's jackpot.

When the slot machine went

haywire, no casino cameras were focused on that bank of machines. Pepitone said that could have offered the evidence of a legitimate jackpot.

"What is the use of the cameras, if they only show one side?" questions Pepitone, a cousin of the one-time New York Yankees first baseman of the same name. "They catch thieves ... but where is it for me? I have a win of a half-million dollars, and they don't have it on tape?"

The case has prompted state Sen. Joe Neal, D-North Las Vegas, to draft a bill for the next session of the state Legislature. It's designed to prevent casinos from dodging payments in such incidents.

"If you're going to have a state based on gambling, casinos have to pay out even when there is a malfunction," Neal said. "(Casinos) are encouraging you to put your money in those machines. So all jackpots should be paid out."

According to documents filed with the Gaming Control Board, the malfunction was caused by an extra coin being jammed into the machine's slot, blocking the computer reader from working properly.

When that happens, the spinning reels reverse, and the rotation continues until the machine is manually reset, the document states.

"The machine did what it was supposed to do when there is a malfunction," said Ross Hodge, IGT associate general counsel.

The control board ruled against Pepitone's claim a little more than a month after the incident. An appeal to a hearing officer and a District Court judge failed to reverse the verdict.

Pepitone's lawyer, Nikolas Mastrangelo, is preparing briefs to submit next month to the Nevada Supreme Court. Lawyers for IGT and Arizona



GARY THOMPSON/REVIEW-JOURNAL

Joe Pepitone and wife, Lynda, in front of Arizona Charlie's in August. Pepitone says he will continue his fight for the \$463,895 jackpot he says belongs to him.

Charlie's will then have 30 days to file a response.

"The main theme of our argument is, what's going to be the position of the state when a player ... lines up a jackpot and is told he can't collect because of a malfunction," Mastrangelo said. "What they're saying is, let the buyer

beware, or let the player beware."

Keith Copher, chief enforcement officer for the Gaming Control Board, said regulators often rule in favor of casinos in such cases because such events are out of the control of casinos.

"It's unfortunate, and it's

bad public relations for us," Copher said. "But functions happen. The way we have worked with facturers to make sure functions) don't register winning combinations."

Mastrangelo said he to hire an independent technician to determine machine had malfunctioned but the machine was moved from the casino and destroyed.

"It was scheduled placement at the time win," Hodge said.

"The malfunction was software inside the machine that is connected to a system that runs a net slot machines. The code (inside the software) caused some problem, causing malfunction."

That doesn't sit well with Pepitone. "If I don't get a penny off this case at Supreme Court rules, I'm to a senator or Washington (D.C.) and fight for what nobody has to go through what I've gone through

SENITOR TURNED DOWN ON BILL

2/23/84
727-6875032
Erin Neff

L.V. SUN

FRI - 23 FEB

SENATOR
Joseph Neal
Democrat Clark #4 N. LV, NV 89030
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TERM ENDS 2004

Legislature

Called Erin Neff Monday Feb 26 will put in Restriction
Have not got Date for Supreme Court yet.

Neal's jackpot measure opposed

By Erin Neff

SUN CAPITAL BUREAU

CARSON CITY — State Gaming Control Board representatives told a legislative committee this morning that casinos should not be required to pay jackpots when a slot machine malfunctions.

Opening the bowels of a slot machine to show how the game works, and how it can malfunction, Control Board Chairman Dennis Nielander told the Senate Judiciary Committee that malfunctions that void a jackpot are so rare that a bill by Sen. Joe Neal, D-North Las Vegas, is not necessary.

Neal's bill would require casinos to pay all jackpots even if they were struck due to malfunctioning machines.

Of the 10 billion handle pulls last year, Nielander said gaming control agents were

only called 727 times to investigate disputed results. Of that amount, 40 went to an administrative hearing.

Neal sponsored Senate Bill 100 to require casinos to pay a jackpot after a player at Arizona Charlie's said he saw the reels indicate a \$463,895 progressive jackpot. Attendants at the casino told Joe Pepitone, a Las Vegas butcher, that the machine had malfunctioned, and that he did not really win.

Pepitone took his case to the Nevada Supreme Court and lost. *False*

"It is time I think that we take a look at this to see whether or not the image of this state is in jeopardy," Neal said.

His bill would require a payout if the machine malfunctions, even if the machine includes a notice that a malfunction would void a jackpot. Neal's bill would not apply

if the person making the wager intentionally caused the malfunction.

Since a person relies on what he or she sees line up on the machine, it is not possible for the average player to know whether the machine's random number generator — internal software — has actually lined up on a win.

Committee Chairman Sen. Mark James, R-Las Vegas, said he was more concerned about a case in which the random number generator indicated a win but the reels did not.

"If we put this law into effect what would happen if they didn't line up because of a malfunction of the reel but the person actually won?" James asked.

No vote was taken on Neal's bill, which seems unlikely to pass given opposition from gaming and concerns from James and other committee members.

Laws

From 1B

casino prompted the measure.

"A guy was playing a nickel progressive machine at Arizona Charlie's when all the bars lined up and he won \$450,000, but he was told it was a malfunction," he said. The dispute is not resolved yet, he said.

Neal said claims of malfunction unfairly penalize gamblers.

"If Nevada is going to be a gambling state, then it has to be aboveboard, and it has to be honest," he said. "If casinos are going to invite people to come in and play their machines, and there is a malfunction in favor of the player, then the casino should pay off."

Not all bill drafts end up being introduced. Some remain in lawmakers' desks or are withdrawn.

Lawmakers are not required to identify themselves as the sponsor of a proposed bill unless it is formally introduced. Four dozen anonymous bill draft requests are on the list.

Not all of the proposed bill drafts, which will be written into bill form by Legislative Counsel Bureau drafters, are from lawmakers. Some are from legislative study committees, and others come from local government or the executive branch.

Another issue that could provoke interest comes from Assemblywoman Vivian Freeman, D-Reno, who has

requested a bill to revise Nevada's open meeting law. The law requires government agencies to meet in public and requires notices of meeting agendas.

"We've had cases where similar situations have been ruled on differently by different courts," she said. "We need some clarity."

Freeman said her goal is to make the law easily understood to help government agencies do their jobs. She said her bill would make clear to elected officials how to comply with the law.

"A clear law would make it easier for elected officials to be held accountable," she said.

Sen. Ray Shaffer, D-North Las Vegas, has proposed a measure to require a candidate for public office to provide information about any significant arrest record. He wants a declaration of candidacy to include information about arrests and the outcome of any criminal case, excepting minor infractions such as speeding tickets.

"I think constituents should know more about a candidate's background," he said. "Voters should have this information."

Shaffer said that a candidate who filed against him for his Senate seat prompted the measure. His opponent in the primary, Harold Giron, pleaded no contest in 1998 to a misdemeanor charge involving the possession of a stolen stereo. Giron could not be reached Monday for

comment.

Some other bill drafts on the list include the following:

—A proposal by Sen. Ann O'Connell, R-Las Vegas, requiring candidates for a public office to resign from any existing public office before running for another position. Elected officials in the middle of a term in one office often file and run for another position, and if they do not win their election, they continue to serve in their original post.

—A measure from Sen. Valerie Wiener, D-Las Vegas, requiring lawmakers to use one of their bill requests to repeal an existing law. Most bill drafts requested by lawmakers create new laws or programs and expand the size of government.

—A proposal from Assemblyman Dennis Nolan, R-Las Vegas, authorizing the courts to force young people convicted of driving under the influence to visit the coroner's office.

—A measure from Assemblyman Lynn Hettrick, R-Gardnerville, restricting "the use by newspapers of photographs of persons under certain circumstances." Hettrick could not be reached for comment on the intent of his proposal.

—A measure from Assemblywoman Chris Giunchigliani, D-Las Vegas, to "defelonize" the possession of small amounts of marijuana in certain circumstances. A similar measure in the 2001 session failed to gain

Jackpots, class size among bill requests

□ More than 200 ideas for new laws are on a list being compiled for the 2001 Legislature session.

By Sean Whaley

Donrey Capital Bureau

CARSON CITY — If a list of one-line summaries of more than 200 proposed new laws released Monday is any indication, the 2001 session of the Legislature could offer several interesting debates — from repealing class-size reduction to requiring the payment of malfunctioning slot machine jackpots.

The list of requests for bill drafts for the session that will begin Feb. 5 offers some clues about what is on the minds of at least some of the 63 lawmakers.

The list of bill drafts, required to be made public in July, will be updated each week through the

conclusion of the 120-day session. The bills and their precise language will not be made public until they are filed.

One proposal sure to generate interest would repeal the class-size reduction program that affects some kindergarten classes and the first through third grades in public schools. The program, which limits the number of students each teacher can instruct, cost \$87 million this year. The bill draft was requested anonymously.

A measure from Sen. Joe Neal, D-North Las Vegas, would require casinos to pay off slot machine jackpots rather than make the claim of a malfunction and avoid payment.

Neal, a critic of the gaming industry who is circulating petitions to raise gaming taxes, said a disputed jackpot in a Las Vegas-area

Please see LAWS/3B

Official: Jackpot bill would spawn cheating.

By ED VOGL

CONNEY CAPITAL BUREAU

CARSON CITY — The state's top gaming regulator said Friday that a bill to require casinos to pay jackpots on malfunctioning slot machines would spawn a surge in slot cheating.

Gaming Control Board Chairman Dennis Nellender said that Senate Bill 100 could lead to sophisticated slot

cheats "jamming the doors and saying, 'I saw three 7s,' and get paid."

Nellender said his agents consistently are tracking slot cheats who are coming up with new ways to induce slot machines to pay off jackpots.

"These are very bright people," he told the Senate Judiciary Committee. "It's too bad they don't do something worthwhile."

▶ SEE SLOT PAGE 3D

SEN. NEAL

▶ SLOT: Jackpot bill may spawn cheating, official says

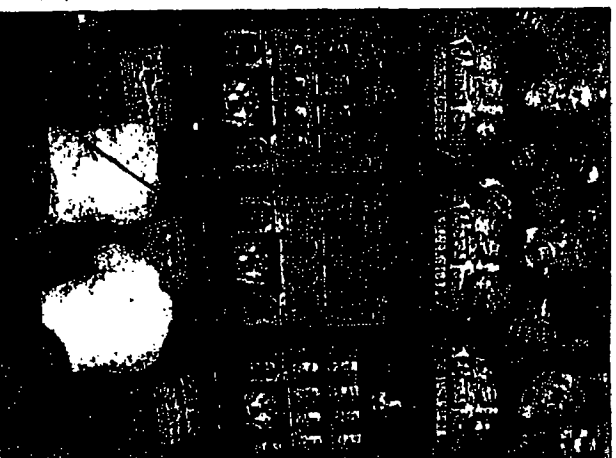
CONTINUED FROM PAGE 1D

He urged the committee to kill the bill sought by Sen. Joe Neal, D-North Las Vegas. His proposal would require casinos to pay jackpots even if the winning combination of symbols appears because of a malfunction.

Neal said he introduced the bill because he watched a television program about a player who was denied a \$463,000 jackpot at Arizona Charlie's in 1997. The jackpot was not paid because gaming authorities determined there had been a malfunction. Slot player Joe Pegimone has appealed the denial of the jackpot.

The court, however, last year unanimously denied a \$1.8 million jackpot that Con-
go-Senged-theight-he had won
at the Silver Legacy in Reno in 1996. The court ruled the machine had malfunctioned.

"If a machine malfunctions through no fault of the individual, then the individual should



MALIN FOUNTAIN/REVIEW-JOURNAL FILE PHOTO

be paid," said Neal, who has been trying for years to increase the gaming tax. "I am very concerned about cheating. I also am concerned when the house cheats."

Players try their luck at Addams Family-themed slot machines at Harrah's in June. Gaming Control Board Chairman Dennis Nellender on Friday spoke against Senate Bill 100, which would require casinos to pay jackpots on malfunctioning slot machines. He said such a bill would pave the way for a wave of cheating.

Identifying a tilt or a malfunction. He also pointed out that machines must carry a small sign that malfunctions do not count and the player gets his bet back.

Nellender said if a casino does not display this sign, then the Control Board would look favorably on awarding a jackpot even when a malfunction occurred.

"I used to play keno, the one-armed bandit," Neal said. "We didn't have all these problems of these electronic machines."

But Nellender maintained there are few problems with modern slot machines. He pointed out there are more than 10 billion pulls per year on slot machines in Nevada and very few complaints end up before the Gaming Control Board.

The committee did not make an immediate decision.

"The system as it sits now is functioning pretty well," Nellender said. "There should be no concern for our image."

OTHER CASINOS PAY OFF

11/19/01

GRAND CASINO

State court sides with gambler in jackpot dispute

JACKSON, Miss. — The Mississippi Supreme Court upheld claims by an Alabama man that he was illegally denied a jackpot at Biloxi's Grand Casino.

David Hallmark of Birmingham claimed he hit a \$509,000 jackpot on an in-house progressive slot machine at Grand Casino-Biloxi in November 1997. Regulators claimed the Grand Bucks machine malfunctioned.

The Mississippi Gaming Commission ruled against Hallmark in 1998. A Harrison County jury sided with Hallmark against Grand Casino in 1999. Grand Casino appealed to the Supreme Court.

In a 5-4 decision Wednesday, the Supreme Court supported the jury's decision.

Justice Chuck Easley, writing the opinion for the court, said the casino's employees failed to follow procedure in handling a disputed jackpot and even tried to dissuade Hallmark from involving the Gaming Commission, which was his right in the dispute.

Monday,
November 6, 2000

Daily Briefing

AT THE WATER COOLER

ALLIANCE GAMING CORP.

California woman finally gets check for slot jackpot

RENO — It took more than a year of legal battles in court and at the Nevada Gaming Control Board to get it, but a California woman has finally received a check for a \$112,600 slot jackpot she won at a Reno casino.

Sylvia Gutierrez, 75, of San Ramon, got the check Saturday from Las Vegas slot machine maker Alliance Gaming Corp. after it decided not to appeal a Reno judge's ruling in her favor last month.

Gutierrez hit the jackpot on a Betty Boop-Thrillions progressive nickel machine in September 1999 at the Sands Regency Casino-Hotel.

But Alliance subsidiary Bally Gaming Inc. refused to pay it, claiming the winning symbols on its machine did not stop in the correct position on the payline.

The parties took the fight to the Nevada Gaming Control Board and then to court.

Court denies jackpot claim

Justices uphold Gaming Control Board's ruling against LV butcher

By ED VOGEL

DONREY CAPITAL BUREAU

CARSON CITY — The state Supreme Court ruled 3-0 Monday that a Las Vegas butcher cannot receive a \$463,895 slot machine jackpot because the machine malfunctioned.

Justices denied the jackpot that Joseph P. Pepitone thought he had won at Arizona Charlie's on Oct. 23, 1997.

In the decision, the court said the machine tilted and Pepitone should not be paid the winnings on a Nevada Nickels progressive linked machine made by International Game Technology.

At the time of the incident, a slot supervisor at Arizona Charlie's told Pepitone that the machine had tilted, but the player insisted he had won.

Despite the dispute, a slot foreman almost immediately reset the machine. At an administrative hearing, the foreman testified he should not have reset the machine, given the controversy.

The machine was reset before IGT and Gaming Control Board officials could observe the malfunction.

In addition, the machine was removed from Arizona Charlie's and destroyed shortly after the incident.

Nonetheless, the Gaming Control Board at an earlier hearing ruled against Pepitone.

In the decision Monday, justices said the board "certainly could have drawn certain negative inferences" because of these actions. But the court also pointed out that the board

acted within its legal authority.

Under state law, a Gaming Control Board decision on jackpots only must be supported by "any evidence."

Since the board based its decision on interviews with Arizona Charlie's employees and gaming agents' findings, the court ruled the jackpot should be denied.

"A reviewing court should affirm a decision of the board which is supported by any evidence whatsoever, even if the evidence is less than that which a reasonable mind might accept as adequate to support a conclusion," the three-justice panel stated.

Pepitone is a cousin of the former New York Yankees' first baseman who has the same first and last name.

By Brendan Riley

ASSOCIATED PRESS

CARSON CITY — The Nevada Supreme Court ruled Monday against Las Vegas butcher Joe Pepitone's claim that he was entitled to a \$463,895 slot jackpot at Arizona Charlie's hotel-casino.

The high court said there were some "negative inferences" due to the way the jackpot dispute was handled, but nothing to warrant a reversal of an earlier order denying Pepitone the money.

Pepitone says four symbols lined up on a "Nevada Nickels" slot machine, part of a slot system operated by International Game Technology, that he was playing in October 1997.

But the malfunction was caused by an extra coin being jammed into the machine's slot, blocking a computer reader from working properly, according to documents filed with the Gaming Control Board.

When that happens, the spinning reels reverse, and the rotation continues until the machine is manually reset, the document states.

The Control Board ruled against Pepitone's claim a little more than a month after the incident. An appeal to a hearing officer and a District Court judge failed to reverse the verdict, and Pepitone then appealed to the Supreme Court.

Justices noted that a slot foreman at the casino accidentally reset the machine before IGT and Control Board staffers could personally inspect it, and the device was removed and destroyed shortly after the incident.

"While the board could certainly have given that evidence more weight than it did and could have drawn certain negative inferences as a result, the board was within its statutory discretion in relying on the other evidence admitted at the hearing," the Supreme Court said.

The other evidence included computer records that showed a machine tilt and no winning jackpot, justices noted.

After the slot foreman reset the device, justices said the slot reels began spinning again and finally displayed what the machine's microprocessor had previously generated: two single bars, a red seven and a blank — and not the four "Nevada Nickels" symbols that Pepitone saw at first.

LV slot
player
loses
legal
battle

Friday, December 1, 2000 B-1

Vegas jackpot eludes former area resident

Ex-Canadensis deli owner and casino fight legal battle over \$463,895 slot payoff

By **WILLIAM DOOLITTLE**
Pocono Record Writer

Joe Pepitone, a former Pocono resident and well-known local meat market and delicatessen owner, loves to gamble.

Like all gamblers, when he wins, he expects to be paid.

The former proprietor of Pepitone's Meat and Sausage Market in Canadensis and Wind Gap has gone to court in Nevada to collect a \$463,895 jackpot he says he won at Arizona Charlie's in Las Vegas, his home since leaving the Poconos in 1997.

Arizona Charlie's management refuses to acknowledge the jackpot, even though Pepitone's slot machine lined up four Nevada Nickel symbols, and jackpot bells began ringing wildly. Casino officials contend the machine malfunctioned, and Pepitone — a cousin of former New York Yankee Joe Pepitone — can't have a dime.

Since Oct., 23, 1997, when his delight turned to frustration, Pepitone has been fighting back in the courts of law and the public opinion.

Pepitone hit lemons with the Nevada Gaming Control Board, which sided with slot technicians from International Game Technology, who testified the machine went into reverse spin after the hit. That, they said, confirms a malfunction, not a jackpot.

Pepitone gambled on the lottery and horses before moving to Las Vegas, where he is a butcher for Albertson's Supermarket.

'It's like a disaster,' Joe Pepitone said, but he refused to give up either fighting for his jackpot or going to casinos. 'I'm a gambler,' he said, 'That's what I do.'

"It's like a disaster," he said recently, but Pepitone refused to give up either fighting for his jackpot or going to casinos. "I'm a gambler," he said Thursday, "That's what I do."

Pepitone lost his appeal in Clark County, Nev., District Court in 1998.

The Gaming Board opinion states Pepitone lost out because immediately after the four symbols flashed across the screen, the machine went into reverse.

A witness, who had been playing the same slot before Pepitone, testified the machine went into jackpot mode until a casino worker arrived to verify the win. The casino's video camera did not catch the action, and the casino destroyed the machine after the incident.

Casino witnesses testified the machine was junked as part of "an ongoing program to replace old machines ..."

Pepitone asked the Gaming Board to reconsider, stating casino staffers "tampered" with the machine after Pepitone's disputed jackpot. The Gaming Board refused.

Now Pepitone is appealing to the Nevada Supreme Court.

Pepitone moved from New York City to the Poconos in 1979, and opened the market in Canadensis in 1983. In 1989 he moved his store to Wind Gap.

Pepitone has enlisted the help of Nevada state Sen. Joe Neal of North Las Vegas, who is preparing legislation that would mandate payment of jackpots in cases of malfunctions that mimic jackpots.

"If we are going to have a state based on gambling, casinos have to pay out even when there is a malfunction," he said.

"I'm not in this for the money," Pepitone said Thursday, "I just don't want this to happen to anyone else."

Neal, Joseph
Democrat, Clark, No. 4
304 Lance Avenue
North Las Vegas, NV 89030-3844
Legislative phone: 775-684-1429
Term ends: Nov. 2004
e-mail: jneal@sen.state.nv.us

LETTER FROM WOMEN

Dear Joe & Lynda,

I was reading the article in the paper this morning about the dispute over your win.

If you will read the paragraph that I have on x by. According to Mr. Hodge in his own words he said it was a win.

Don't know if this could help you. Good luck on your win!

Alice Peters

Mrs. & Mrs. Joseph Lepitone
5154 Paradise Cir.

Alice E. Peters
2900 S. Valley View Ave.
Las Vegas, NV 89102-6851



ONE OF MANY BILLS

NIKOLAS L. MASTRANGELO, Esq. Ltd.

Attorney At Law
811 South 6th Street
Las Vegas, Nevada 89101

(702) 384-5770
FAX (702) 384-3684

August 28, 1998

Joseph Pepitone
4456 E. Harmon
Las Vegas, NV 89121

RE: Pepitone v. Arizona Charlie's
Case No. 97-2379-L

Dear Joe:

Please note that the Petition for Judicial Review must be filed with the Court within twenty five days after the date that the Decision was mailed by the Board in the above-referenced matter. Although the Decision is dated August 6, 1998, it was not mailed out until August 10, 1998. Therefore, the Petition must be filed on or before September 4, 1998.

As I have previously indicated to you, as the Petitioner, it would be your burden to pay for and provide the court with a copy of the record on review. As I have also previously indicated to you, Todd Westergard gave me an estimate of \$1,500.00 for the Board to prepare the record on review. He said that the majority of this cost would be fees for transcribing the hearing itself.

You have indicated to me that you do not currently have the funds to pay for the preparation of this record. The statute says that the record must be filed with the court within thirty after service of the Petition for Judicial Review. I think you should plan on having this sum available by September 15, 1998.

Please also note that you will be responsible for any other costs that arise in the course of the court proceedings.



VOID AFTER 90 DAYS

94-72
1224

7667719324

Issued in U.S. Dollars

Issuer: Bank of America NT&SA
Nevada

MATCH THE AMOUNT IN WORDS WITH THE AMOUNT IN NUMBERS



SEP-21-1998 * ONE THOUSAND SIX HUNDRED THIRTY-FIVE DOLLARS AND 00 CENTS *

Pay To
The
Order of

*****GAMING CONTROL BOARD*****

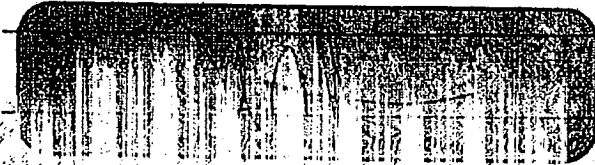
Cashiers Check

PURCHASER NAME

Payable at Bank of America NT&SA
Las Vegas, Nevada Insured by FDIC

JOSEPH PEPITONE, SR.

To obtain information regarding this check, contact this institution.



⑈ 7667719324 ⑈ ⑆ 122400724 ⑆ 990098105 ⑈

New York Yankees



EXECUTIVE OFFICES • 745 FIFTH AVENUE
NEW YORK 22, N. Y. • PLAZA 8-5300

BUSINESS AND TICKET OFFICES • YANKEE STADIUM
BRONX 51, N. Y. • CYPRESS 3-4300

May 29, 1962

Dear Player:

We are happy to invite you to attend our Trial Workouts at Yankee Stadium on Wednesday, June 20, 1962, at 12:30 p.m.

Please bring your spikes and glove, as these will not be furnished. We prefer that you bring a uniform if you have one.

It is understood that you will attend these workouts at your own expense.

If you are playing American Legion baseball, it will be necessary for you to bring along a letter from your coach or Post Commander of the team you play for, granting permission to attend. You will not be permitted to work out without this written permission.

In the event of rain, please report on Thursday, June 21, 1962, at 8:30 a. m.

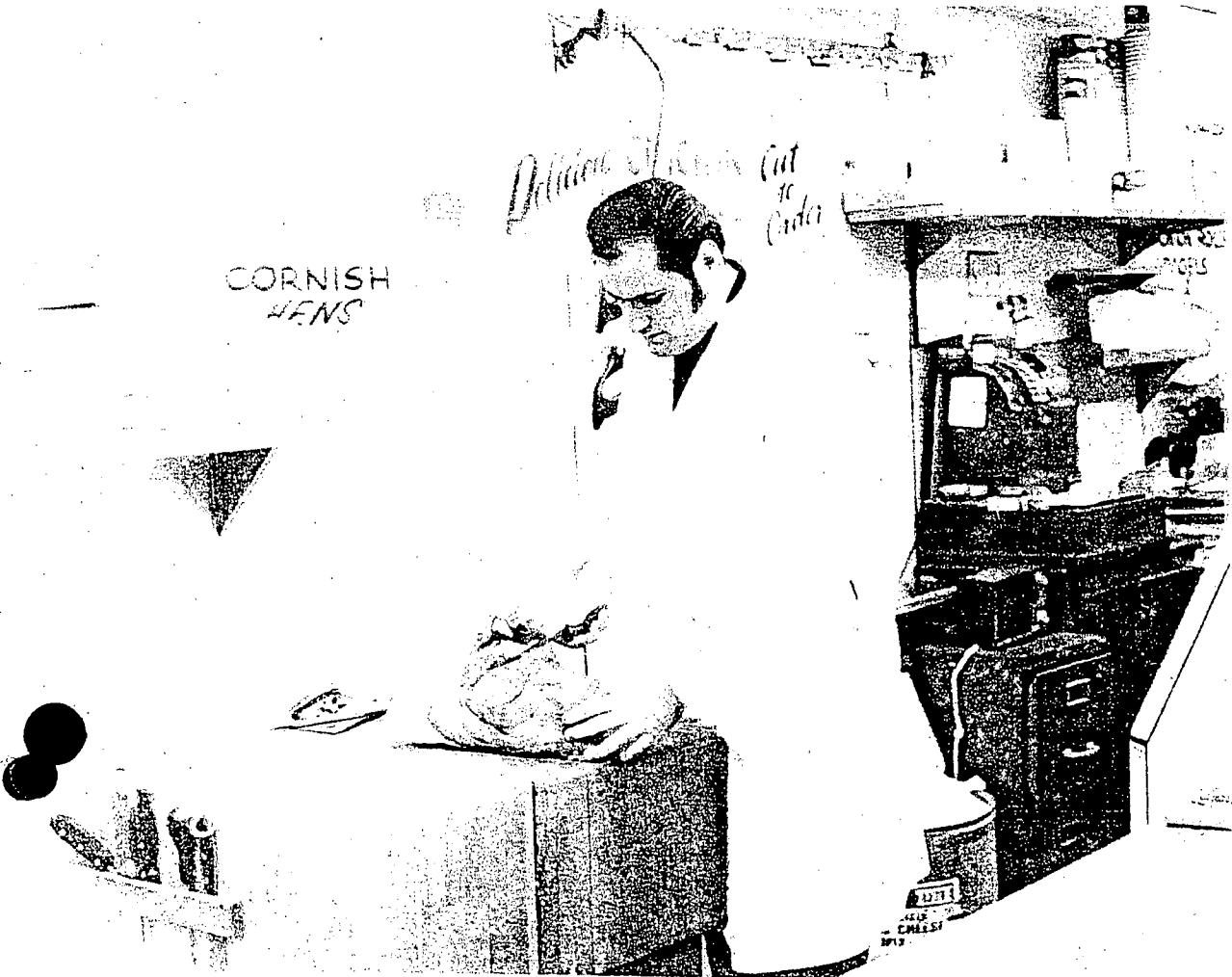
It is our policy that no visitors or guests be permitted to enter the Stadium during the workouts. With all good wishes,
I am

Sincerely,

John H. Johnson
Farm Director

JHJ:le

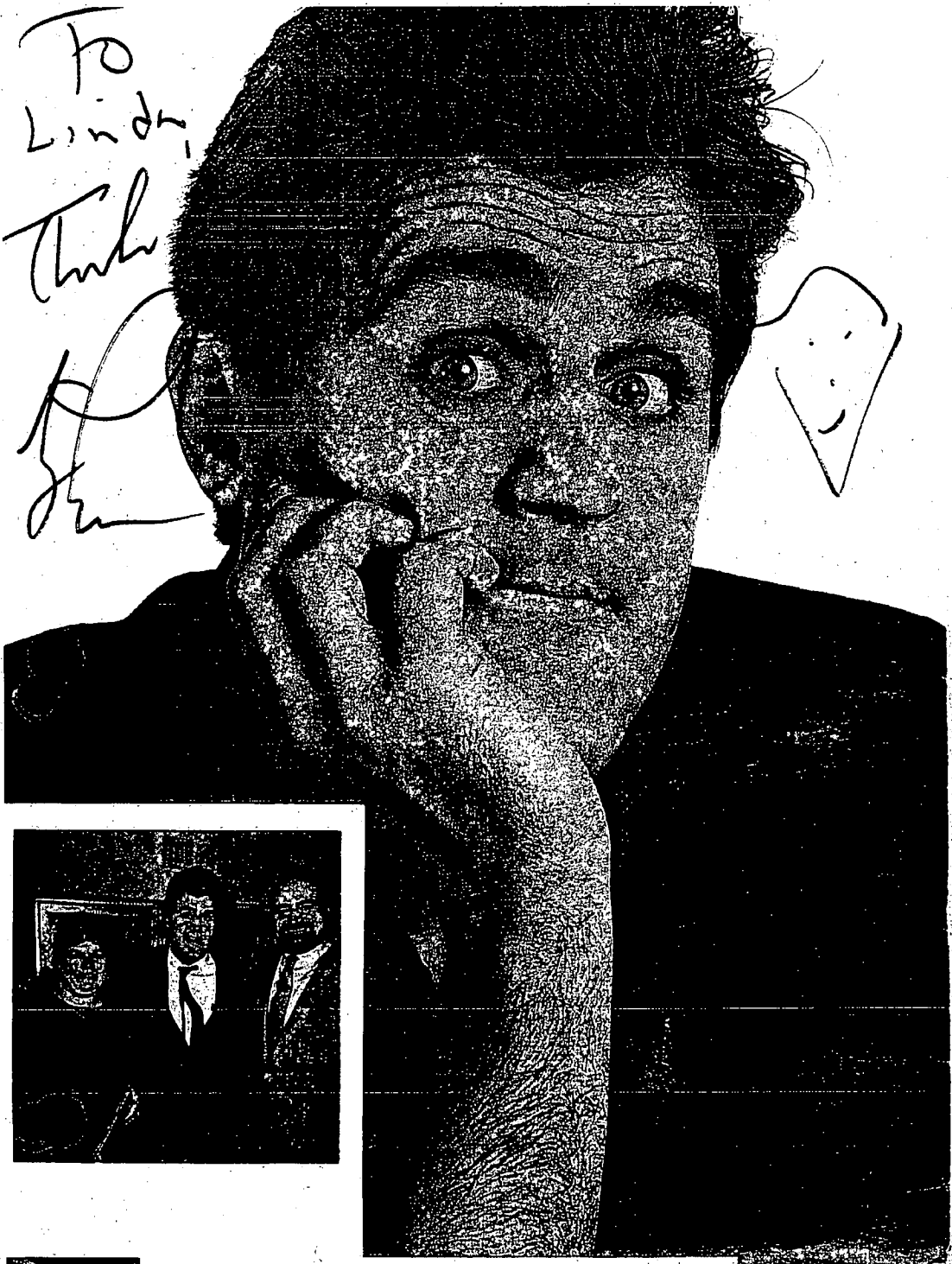
SPECIAL NOTE: If you are presently attending High School you will not be permitted to work out, without a note of permission from your principal, and this cannot conflict with your school hours.



MY BUTCHER SHOP IN KEW GARDENS QUEENS IN THE 70,S



To
Linda,
Thank
you
for



JAY LENO IN THE 80s

BOHACK News

Published By and For the Employees of H. C. Bohack Co. Inc.

Derby Days At S-143



Employees at S-143, Greenpoint, altered their uniforms and mustaches recently when Bohack participated in the Associated Merchants' Association's super sales effort. (L. to r.) Grocery Manager John Cassano, Meat Manager Michael Emanuele and Joe Pepitone found their enthusiasm was matched by that of their customers. Both the "Long Island Star Journal" carried this photo and the sales days.

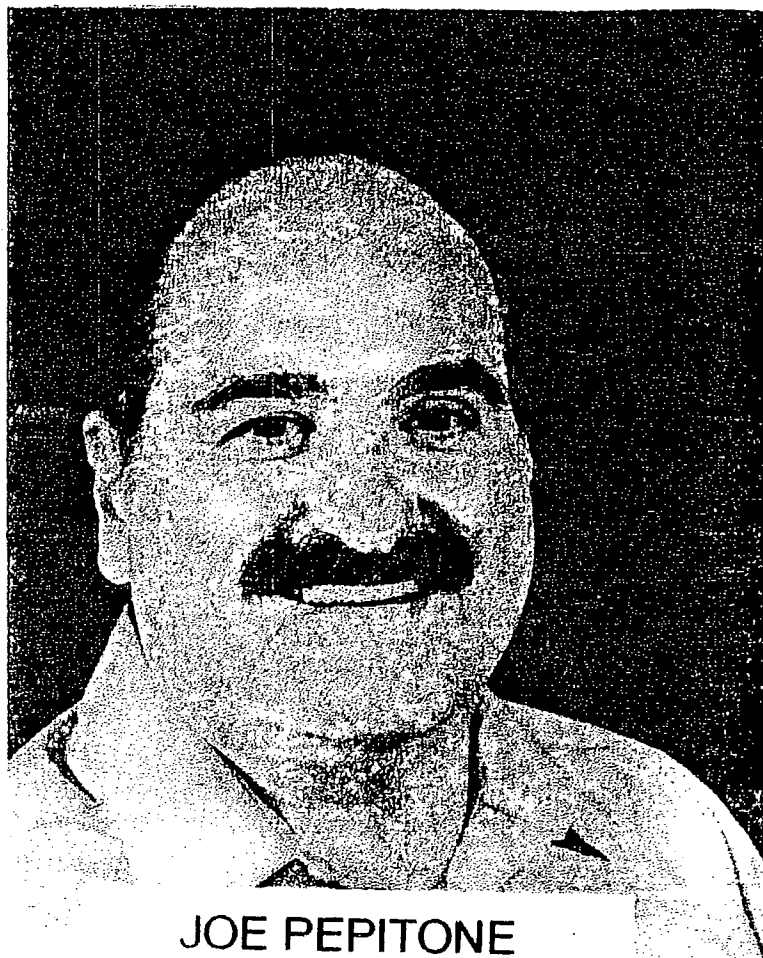
AUGUST 15, 1964

Business—But NOT as Usual



OLD-FASHIONED BARGAIN DAYS—Bohack's Supermarket on Manhattan Avenue was mobbed as Old Fashioned Bargain Days began in Greenpoint. Sponsored by the Associated Merchants of Greenpoint, the sales began with three hours of night shopping last night and will continue through store-closing time Saturday. Serving the customers during the bargain days, which coincided with Bohack's own Italian Festival, are (left to right) John Cassano, store manager, Theodore (Ted) Fahner, meat department manager, and Michael Emanuele and Joseph Pepitone.

ME AT 18 YEARS OLD



JOE PEPITONE

I RAN OUT MONEY

MY LOYER DROPPED ME

I HAD NO RESOURCES

RULES

OF THE

Supreme Court of the United States

ADOPTED JANUARY 11, 1999

EFFECTIVE MAY 3, 1999



POCONO MNT. CHILI COOKOFF 1989



SONS GRADUATION CIA.



Left Row - Joseph
Papitone (Cubmaster) +
Woody Johnson (Assist.
Cubmaster)
Left Front - Joseph
Papitone, Jr. + Eric Johnson



BROTHERS AND SISTER



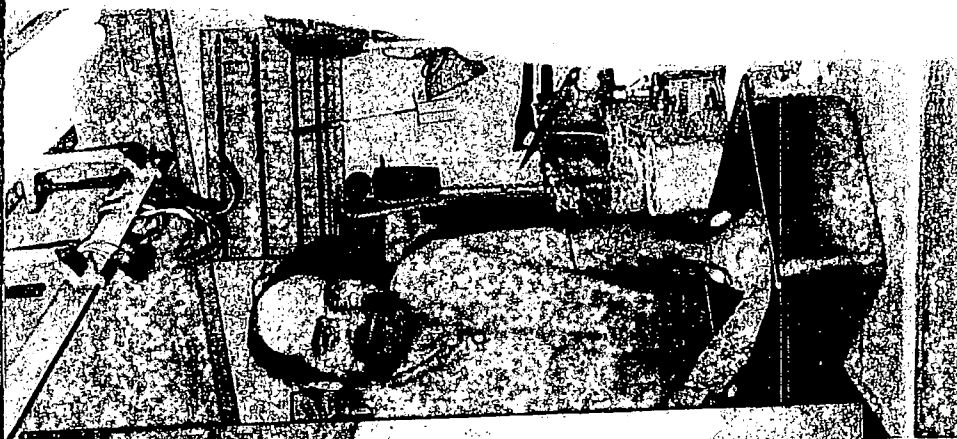
JAY LENO MY WIFE AND I



THE VOUGES AND US



CHILI COOKOFF





MY BUTCHERSHOP & DELI



WIN GAP P.A.

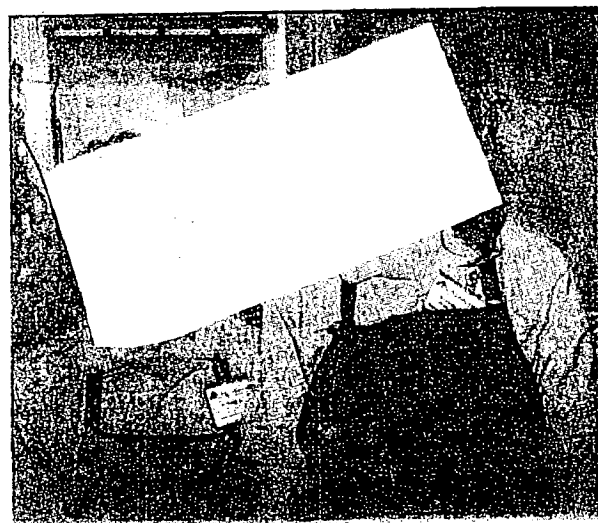
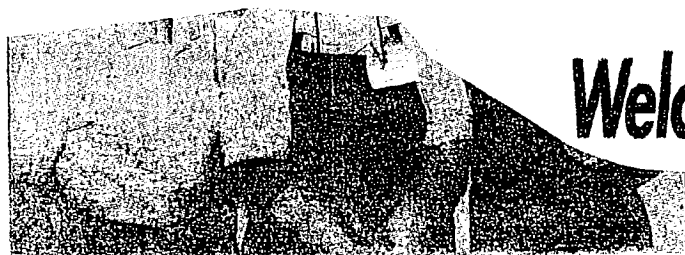
Welcome Members @ Albertson's 6090

JUNE-JULY 2000

HORIZONS

PAGE 3

Welcome New Members from . . . Albertson's 6088



JOE PEPITONE