

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Hearing, discussion and possible action regarding complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Hearing, discussion and possible action regarding disciplinary complaint.

RECOMMENDATION:

Recommend revocation of Motel License No. M08-00091-5-0002202.

BACKUP DOCUMENTATION:

1. Complaint for Disciplinary Action
2. Submitted at meeting: Exhibit No. 1 - original Receipt of Copy with attached original Affidavit of Service and Order Approving Complaint and Notice of Hearing
3. Submitted at meeting: Exhibit No. 2 - Certificate of Death for Elsie Wrenn
4. Submitted at meeting: Exhibit No. 3 - Application and Affidavit for Search Warrant
5. Submitted at meeting: Exhibit No. 4 - Room Rate Sheet
6. Submitted at meeting: Exhibit No. 5 - Count sheet found in condom box
7. Submitted at meeting: Exhibit No. 6 - Statistical Data Charts 1-5 (informational only)

MOTION:

REESE - Approved REVOCATION of the License - UNANIMOUS with GOODMAN abstaining because he was absent for most of the discussion on this item

MINUTES:

NOTE: Videotape was shown but not submitted.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor
WILLIAM HENRY, CLV Sr. Litigation Counsel
GREGORY MILLS, Attorney representing Edgar Wrenn
JEROME MOONEY, Attorney, representing Edgar Wrenn
CLYDE DeWITT, Attorney, representing Edgar Wrenn
GARY REESE, Councilman
BRAD JERBIC, City Attorney
JIM DiFIORE, Manager, Business Services
CHAD RUSSELL, Detective, Las Vegas Metropolitan Police Department

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

BEVERLY K. BRIDGES, Chief Deputy City Clerk

FEMALE SPEAKER IN AUDIENCE

UNIDENTIFIED MALE SPEAKER

LARRY BROWN, Councilman

LAWRENCE WEEKLY, Councilman

STEVE WOLFSON, Councilman

UNIDENTIFIED SPEAKER

BARBARA JO RONEMUS, City Clerk

ERIC FRICKER, Sergeant, Las Vegas Metropolitan Police Department

RICHARD SHIVES, Del Mar employee

DOREEN WALTON, Detective, Las Vegas Metropolitan Police Department

LAURA CODY, Officer, Las Vegas Metropolitan Police Department

STAVROS ANTHONY, Captain of Vice Narcotics, Las Vegas Metropolitan Police Department

EDGAR WRENN, owner of Del Mar Motel

MICHAEL MACK, Councilman

RECESS: 11:54 & 1:03 - 1:12

(10:31 - 1:59)

1-3229/2-1/3-1/4-1

RECEIVED
CITY CLERK

2005 APR -8 P 3:12

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

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

EDGAR WRENN and ELSIE WRENN
d/b/a DEL MAR RESORT MOTEL,

Respondents.

**COMPLAINT FOR
DISCIPLINARY ACTION**

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for Disciplinary Action against EDGAR WRENN and ELSIE WRENN d/b/a DEL MAR RESORT MOTEL, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, Respondents, and states:

Respondents EDGAR WRENN and ELSIE WRENN¹ hold Motel License No. M08-00091-5-0002202.

SUMMARY OF ALLEGATIONS

Between at least September 26, 2004, and January 22, 2005, the DEL MAR RESORT MOTEL was operated in a manner to facilitate the continuing criminal enterprise of prostitution. Las Vegas Metropolitan Police officers interviewed multiple prostitutes and their

¹ On March 18, 2005, EDGAR WRENN told Leonard D. Wilson, of the Las Vegas City Attorney's Office, that ELSIE WRENN had died. A Certificate of Death for ELSIE WRENN, issued in 1992, is lodged at the State of Nevada Department of Human Resources, Division of Health, Section of Vital Statistics.

1 customers exiting the DEL MAR RESORT MOTEL. Prostitutes and customers admitted to
2 police officers that they had gone to the motel for the purpose of engaging in acts of
3 prostitution, and had engaged in those acts at the motel. Prostitutes told police officers that
4 the motel was known among their peers as a business that was friendly to prostitution.
5 Officers conducted undercover operations at the DEL MAR RESORT MOTEL posing as
6 prostitutes, and their announced purpose of engaging in a criminal act was facilitated by the
7 desk clerk. On one occasion, the desk clerk offered a Las Vegas Metropolitan Police officer,
8 operating in an undercover capacity as a prostitute, condoms after she had told him that she
9 was at the DEL MAR RESORT MOTEL for purposes of committing an act of prostitution.
10 Officers executed a search a warrant at the motel, and seized, among other things, several
11 large boxes of condoms, including one that was partially full.

12 PROSTITUTION

13 Las Vegas Municipal Code (LVMC) § 10.36.020(D), (E) and (F) provide:

14 It is **unlawful** for anyone:

15

16 (D) To knowingly receive, offer or agree to receive
17 **another into any place or building for the purpose of**
18 **performing an act of prostitution**, or to knowingly permit
another to remain there for such purpose; or

19 (E) To direct another to any place for the purpose of
committing an act of prostitution; or

20 (F) To knowingly in any way aid, abet or participate in an
21 act of prostitution. [Emphasis added.]

22 NRS 201.390(1) provides:

23 It is **unlawful for any owner or agent of any owner or**
24 **any other person to keep, let or rent** for any length of time, or at
25 **all, any house fronting on the principal business street or**
26 **thoroughfare of any of the towns of this state, for the purpose of**
27 **prostitution** or to make or use any entrance or exit way to any
28 house of prostitution from the principal business street or
thoroughfare of any of the towns of this state. [Emphasis added.]

27

28

1 LVMC § 6.02.330(H) provides:

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

5

6 **The actual business activity constitutes a public or**
7 **private nuisance, or has been or is being conducted in an**
8 **unlawful, illegal or impermissible manner. [Emphasis added.]**

9 **On September 26, 2004, Officers D. Rodrigues and C. Russell, of the Las Vegas**
10 **Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They**
11 **interviewed people going in and out of the motel. Sharika Slayton admitted to being a**
12 **prostitute, and told the officers that she normally takes her customers to the DEL MAR**
13 **RESORT MOTEL because the desk clerk does not require identification.**

14 Brittney Mahoon was interviewed, and admitted being a **prostitute**. She told officers
15 that she had met a man, agreed to an act of prostitution, and had just taken him to the DEL
16 MAR RESORT MOTEL where they had engaged in an act of **prostitution**.

17 **On October 2, 2004, Officers C. Russell and D. Parker, of the Las Vegas**
18 **Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL, and**
19 **interviewed people coming and going from there. Carla Lopez admitted to being a prostitute,**
20 **and told the officers that she had just engaged in an act of prostitution at the DEL MAR**
21 **RESORT MOTEL. She stated that she went there because "it's cheap and only costs \$35 for**
22 **two hours." Shatava Price admitted to being a prostitute, and told the officers that she had**
23 **just engaged in an act of prostitution at the DEL MAR RESORT MOTEL, along with Carla**
24 **Lopez. Rick Seay stated that he was propositioned by Carla Lopez and Shatava Price to**
25 **engage in an act of prostitution, agreed, and went to the DEL MAR RESORT MOTEL with**
26 **them, where he engaged in acts of prostitution with both women.**

27 Stephanie Cacciatore and Anthony Riggins were observed entering and exiting the DEL
28 MAR RESORT MOTEL. Stephanie Cacciatore was interviewed, and admitted being a
prostitute. She stated that she met Anthony Riggins at a gaming resort hotel on Las Vegas
Boulevard South and propositioned him to engage in an act of prostitution. He agreed, and

1 they took a cab to the DEL MAR RESORT MOTEL. They hired a room, and Stephanie
2 Cacciatore was given condoms by the night manager/desk clerk. Thereafter, she engaged in
3 an act of prostitution. Anthony Riggins was interviewed and admitted that he had engaged in
4 an act of prostitution with Stephanie Cacciatore at the DEL MAR RESORT MOTEL.

5 On October 3, 2004, Officers C. Russell and D. Rodrigues, of the Las Vegas
6 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. Bayron Perez
7 and John Martindale were observed entering and exiting the motel. They were interviewed.
8 Bayron Perez stated that he was a transvestite and admitted to being a prostitute. He stated
9 that he was solicited by John Martindale to commit an act of prostitution. They went to the
10 DEL MAR RESORT MOTEL, and committed an act of prostitution. John Martindale was
11 interviewed and stated that he had engaged in an act of prostitution with Bayron Perez.

12 Anaska Anderson and Patrick Wilkinson were seen entering and exiting the DEL MAR
13 RESORT MOTEL. Anaska Anderson admitted to being a prostitute, and stated that she had
14 engaged in an act of prostitution with Patrick Wilkinson at the motel. Patrick Wilkinson
15 admitted to soliciting an act of prostitution from Anaska Anderson, and stated that they had
16 engaged in prostitution at the motel.

17 Joshua Swift and Robyne Voat were observed entering and exiting the DEL MAR
18 RESORT MOTEL. They were interviewed. Robyne Voat stated that she was solicited to
19 commit an act of prostitution by Joshua Swift at a gaming resort hotel on Las Vegas Boulevard
20 South. They drove to the DEL MAR RESORT MOTEL in a taxicab and engaged in
21 prostitution. She stated that she went there because the DEL MAR RESORT MOTEL
22 usually has vacancies and the rooms are "cheap." Joshua Swift was interviewed and admitted
23 to engaging in an act of prostitution with Robyne Voat at the DEL MAR RESORT MOTEL.

24 On October 9, 2004, Officers D. Parker and C. Russell, of the Las Vegas
25 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
26 observed Jose Gallcia and Eva Eldridge enter and exit the DEL MAR RESORT MOTEL. Eva
27 Eldridge, while being interviewed, admitted to being a prostitute, and stated that she had

28

1 engaged in an act of **prostitution** with Jose Gallcia, one of her **regular customers**, at the DEL
2 MAR RESORT MOTEL. She further stated that they went there because **the motel offered**
3 **hourly rates**. Jose Gallcia, through a Spanish interpreter, admitted to engaging in an act of
4 **prostitution** with Eva Eldridge.

5 On October 16, 2004, Officers D. Parker and C. Russell, of the Las Vegas
6 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
7 observed Suketa Upchurch and Krista Smith enter the DEL MAR RESORT MOTEL with an
8 adult male, and thereafter exit the motel. Suketa Upchurch, while being interviewed, admitted
9 to being a **prostitute**. She stated that she and Ms. Smith had gone to the DEL MAR RESORT
10 MOTEL for purposes in engaging in an act of **prostitution** with the adult male, and had done
11 so. Krista Smith, while being interviewed, admitted to being a **prostitute**. She stated that she
12 went to the DEL MAR RESORT MOTEL with Suketa Upchurch, and the adult male for
13 purposes of committing an act of **prostitution**, and had done so. She further stated that she
14 went to the DEL MAR RESORT MOTEL because it is cheap and the other prostitutes tell
15 each other to go there.

16 Officers observed Michelle Murray and Brandi Sparks enter the DEL MAR RESORT
17 MOTEL with an adult male. Thereafter they exited. Michelle Murray, while being
18 interviewed, admitted that she was a **prostitute**. She stated that she had gone to the DEL
19 MAR RESORT MOTEL with Brandi Sparks for purposes in engaging in an act of
20 **prostitution**, and had done so. Brandi Sparks admitted, while being interviewed, that she was
21 a **prostitute**, and had engaged in an act of **prostitution** with Michelle Murray and the adult
22 male at the DEL MAR RESORT MOTEL. She further stated that they originally solicited the
23 adult male at a gaming resort hotel on Las Vegas Boulevard South.

24 On November 11, 2004, Officers C. Russell and D. Parker, of the Las Vegas
25 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
26 observed Erin Reid and Brian Tyson exit the motel. Based on their training and experience as
27 police officers, they formed the opinion that an act of prostitution might have just been
28 completed. Brian Tyson, during the course of being interviewed, told the officers that he had

1 engaged a taxicab at a gaming resort hotel on Las Vegas Boulevard South. The cab driver
2 took him to a location, and introduced him to Erin Reid, a **prostitute**. Brian Tyson and Erin
3 Reid agreed to engage in an act of **prostitution** and went to the DEL MAR RESORT
4 MOTEL. There, they engaged in an act of prostitution. Erin Reid told the officers that she
5 was a **prostitute** who worked "at the bigger hotels on the strip." **She stated that a cab**
6 **driver had taken Brian Tyson to her apartment.** She then took Brian Tyson to the DEL
7 MAR RESORT MOTEL, where they engaged in an act of prostitution. She told officers that
8 **she engaged in acts of prostitution at the DEL MAR RESORT MOTEL up to five times a**
9 **week.**

10 Officers C. Russell and D. Parker, of the Las Vegas Metropolitan Police Department,
11 observed Gaylord Vogler and Kirstyn Engstrom enter and exit the DEL MAR RESORT
12 MOTEL. Gaylord Vogler, while being interviewed, admitted that he had engaged in an act of
13 **prostitution** with Kirstyn Engstrom.

14 INITIAL UNDERCOVER OPERATIONS

15 On October 23, 2004, Officer D. Walton, of the Las Vegas Metropolitan Police
16 Department, operating in an undercover capacity posing as a prostitute, went to the DEL
17 MAR RESORT MOTEL. She engaged the **desk clerk, Mike**, in conversation. He told her
18 that the room was \$35 plus a \$5 key deposit. **She told him that she had a "trick" outside,**
19 **only intended to engage in an act of fellatio with the "trick,"** and would only use the room
20 for 15 to 20 minutes. She asked if she could get a discount on the room. Mike refused.
21 Officer Walton went to the room with Detective Dingman, acting in an undercover capacity as
22 her "trick." Twenty minutes later she gave Mike the room key back. She asked Mike if she
23 had her tricks coming in and out of the DEL MAR RESORT MOTEL, would she have to wait
24 a long time. Mike replied

25 Whoa, whoa, whoa. Watch what you say when you say
26 tricks. Ya know, I'm a good guy, I'm a good guy. You have to
27 be discreet around here. Ya know, be discreet with what ya
28 sayin', I don't, ya know, need, I don't really wanna know what's
going on in those rooms.

Officer Walton inquired of **Mike** whether or not the rooms were safe. He **replied**

1 Well I don't know. I mean if you pick up a pervert and
2 bring him back here, I don't know if he cuts ya up or murders
3 you in the room, I have no control of that but for the most part,
4 we have no trouble here. . . . When you come here, **don't tell the**
5 **people behind the counter that 'cha got tricks on your dates,**
6 **just come in, get your room, be very discreet and go there.**
7 [Emphasis added.]

8 Mike asked Officer Walton if she had a pimp. She replied, "No I don't." He
9 asked, "You don't have a pimp at all?" She replied, "No." He said, "Did you come out here
10 with another girl?" She said, "No, I'm by myself." Mike asked Officer Walton if she was
11 alone. She stated that she was. He said, "Well be careful while you're out there."

12 On November 13, 2004, Officer D. Walton, operating in an undercover capacity
13 posing as a prostitute, along with Officer N. Mancillas, went to the DEL MAR RESORT
14 MOTEL. Mike, the desk clerk, recognized Officer Walton, and greeted her. She told him
15 that she, along with Officer Mancillas, had come from a local exotic dance club and were
16 waiting for their "date," who was a regular. Officer Walton stated that she and Officer
17 Mancillas had made a lot of money recently engaging in acts of prostitution. Mike showed
18 them six Las Vegas Metropolitan Police Department business cards, urged them to be careful,
19 and stated, "Vice is here a lot." He told that if Vice cops were at the DEL MAR RESORT
20 MOTEL he would signal them to leave. The signal would be when he stated "You can get a
21 room at the other motels." Officer Pennington, of the Las Vegas Metropolitan Police
22 Department operating in an undercover capacity as the "date" of Officers Walton and
23 Mancillas, arrived in a cab. Mike asked Officers Mancillas and Walton if they were ready.
24 Officer Walton said yes. Mike gave Officer Walton a black and gold box containing three
25 lubricated latex condoms. Thereafter, the three officers went to a room, and left an hour
26 later.

27 SEARCH WARRANT

28 On November 13, 2004, Officers C. Russell and D. Parker, along with other officers
of the Las Vegas Metropolitan Police Department, executed a search warrant at the DEL MAR
RESORT MOTEL. Among the items seized were several large boxes of condoms, one that
was partially full.

.....
(D) To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for such purpose; or

(E) To direct another to any place for the purpose of committing an act of prostitution; or

(F) To knowingly in any way aid, abet or participate in an act of prostitution. [Emphasis added.]

NRS 201.390(1) provides:

It is unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or to make or use any entrance or exit way to any house of prostitution from the principal business street or thoroughfare of any of the towns of this state. [Emphasis added.]

LVMC § 6.46.140 provides:

Persons operating a hotel, motel, roominghouse or other establishment wherein rooms or other temporary accommodations are rented on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, shall provided [sic], keep and maintain a public register and shall require every person who rents or occupies a room or other temporary accommodation in such hotel, motel, roominghouse or establishment to write in such register his or her name and place of residence. Such registration shall be made on a page of the register properly dated with reference to the day of the year, month and week and the time of day the person rents or arranges to occupy a room or temporary accommodation shall also be therein entered. Such register shall be permanently and firmly bound and shall not be of a loose-leaf nature. [Emphasis added.]

LVMC § 6.02.330(H) provides:

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

.....
The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner. [Emphasis added.]

1 LVMC § 6.02.350 provides:

2 A licensee under this Chapter shall be subject to
3 disciplinary action not only for acts or omissions done by such
4 licensee but also for acts and omissions done by the principals,
managers, agents, representatives, servants or employees of such
licensee. [Emphasis added.]

5 LVMC § 6.88.090 provides:

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

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

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

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

14 LVMC § 6.02.360 provides:

15 Upon a showing of good cause and in the discretion of the
16 City Council, disciplinary action against a holder may take the
17 form of cancellation, revocation, refusal to renew, suspension,
18 imposition of conditions or restrictions or civil fine in an amount
19 not to exceed one thousand dollars for each day that the
20 violation which forms the subject matter of the complaint that
21 recommends such disciplinary action is demonstrated to have
22 been in existence, or any combination of such actions, as the
particular situation may require. The Council may also impose
against the licensee the actual costs incurred, and a reasonable
amount for attorney's fees, resulting from the imposition of
disciplinary action. The disciplinary actions available in this
Section shall be in addition to, and not exclusive of, any other
civil or criminal remedy which otherwise might be available.²
[Emphasis added.]

23 ALLEGATION

24 It is alleged that between at least September 26, 2004, and January 22, 2005, EDGAR
25 WRENN and ELSIE WRENN d/b/a DEL MAR RESORT MOTEL operated a business which
26 constituted a public nuisance, and has been conducted in an unlawful, illegal and impermissi-
27 ble manner, to wit: renting rooms for purposes of prostitution, and knowingly receiving

28

² A fine of \$118,000 can be imposed in this matter.

1 prostitutes and their customers into the DEL MAR RESORT MOTEL for purposes of
2 performing acts of prostitution, all of which is in violation of the Las Vegas Municipal Code
3 and Nevada Revised Statutes.

4 WHEREFORE, the Petitioner respectfully requests the City Council to:

5 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing
6 at which the Respondents shall appear and show cause why the license that is the subject of
7 this Complaint should not be suspended or revoked, or other disciplinary action taken; or

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

9 DATED this 25th day of March, 2005.

10 RESPECTFULLY SUBMITTED:

11
12 By:


13 MARK R. VINCENT, Director
Finance and Business Services

14 BRADFORD R. JERBIC
15 City Attorney

16 By:


17 WILLIAM P. HENRY
Senior Litigation Counsel
Nevada Bar No. 101
18 400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
19 Attorneys for CITY OF LAS VEGAS
20
21
22
23
24
25
26
27
28

ORIGINAL

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

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

EDGAR WRENN and ELSIE WRENN
d/b/a DEL MAR RESORT MOTEL,

Respondents.

RECEIPT OF COPY

RECEIPT OF A COPY of the ORDER APPROVING COMPLAINT AND NOTICE OF
HEARING and COMPLAINT FOR DISCIPLINARY ACTION in the above-referenced matter is
hereby acknowledged this 26 day of April, 2005.

MILLS & MILLS, LLC

By:

GREGORY S. MILLS, ESQ.
502 South Ninth Street
Las Vegas, NV 89101
ATTORNEYS FOR RESPONDENTS

F:\Depot\FILELOGS\BSE\2005\001\ROC.wpd

Submitted at City Council
Date 5/4/05 Item #62
Ex. #1

ORIGINAL

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

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

EDGAR WRENN and ELSIE WRENN
d/b/a DEL MAR RESORT MOTEL,

Respondents.

AFFIDAVIT OF SERVICE

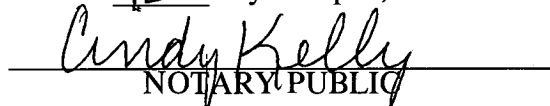
STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

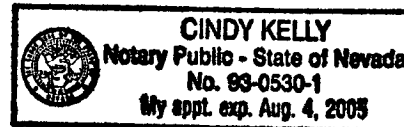
LEONARD D. WILSON, being first duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made. That on April 10, 2005, affiant received a copy of the Order Approving Complaint and Notice of Hearing along with the Complaint for Disciplinary Action, and served the same on Edgar Wrenn, Respondent herein, at 2794 San Lago Court, Las Vegas, Clark County, Nevada, April 11, 2005.

DATED this 12th day of April, 2005.


LEONARD D. WILSON

SUBSCRIBED AND SWORN TO before
me this 12th day of April, 2005.


NOTARY PUBLIC



RECEIVED
CITY CLERK

2005 APR -8 P 3:12

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

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

EDGAR WRENN and ELSIE WRENN
d/b/a DEL MAR RESORT MOTEL,

Respondents.

**ORDER APPROVING
COMPLAINT AND NOTICE OF HEARING**

TO: EDGAR WRENN d/b/a DEL MAR RESORT MOTEL, Respondent:

The Complaint for Disciplinary Action by the DEPARTMENT OF FINANCE AND BUSINESS SERVICES on behalf of the CITY OF LAS VEGAS, NEVADA, against you dated March 25, 2005, a copy of which is attached to this Order and Notice, having come before the City Council of the City of Las Vegas, Nevada, at its regular meeting held on April 6, 2005, and the Council being satisfied that probable grounds exist for disciplinary action against you as alleged in the Complaint for Disciplinary Action;

IT IS ORDERED that the issuance of the Complaint for Disciplinary Action and a hearing on the Complaint for Disciplinary Action are approved.

YOU ARE HEREBY NOTIFIED that the hearing will be held before the City Council of the City of Las Vegas, Nevada, at the Council Chambers, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, 89101, on May 4, 2005, beginning at the hour of 9 a.m.

.....

1 The hearing will be upon the charges in the Complaint for Disciplinary Action which
2 has been served upon you. You may be present at the hearing and you may be represented by
3 a lawyer. You may present any relevant evidence you have, and you will be given full
4 opportunity to cross examine all witnesses testifying against you.

5 YOU ARE FURTHER NOTIFIED that within twenty (20) days after service of the
6 Complaint for Disciplinary Action, but not later than five (5) days before the hearing date, you
7 must file with the City Clerk, First Floor, City Hall, 400 Stewart Avenue, Las Vegas,
8 Nevada, 89101, and serve a copy upon the City Attorney of your answer to the charges made
9 in the Complaint for Disciplinary Action, and set forth any affirmative defenses you intend to
10 raise.

11 YOU ARE ALSO NOTIFIED that your failure to file an answer to the Complaint for
12 Disciplinary Action or to appear at the hearing shall constitute an admission to all the matters
13 contained in the Complaint for Disciplinary Action as provided by Las Vegas Municipal Code
14 § 6.88.100.

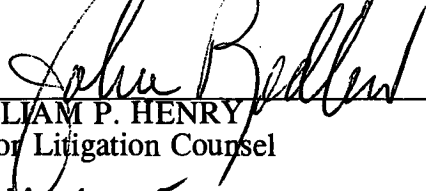
15 DATED this 6th day of April, 2005.

16 THE CITY COUNCIL OF THE
17 CITY OF LAS VEGAS, NEVADA

18 By:

19 
20 OSCAR B. GOODMAN
Mayor

21 APPROVED AS TO LEGAL FORM:

22 
23 WILLIAM P. HENRY
24 Senior Litigation Counsel

25 4-6-05
Date

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — SECTION OF VITAL STATISTICS
CERTIFICATE OF DEATH

001763

TYPE OR PRINT IN PERMANENT BLACK INK	LOCAL FILE NUMBER		STATE FILE NUMBER	
	DECEASED—NAME First Middle Last		DATE OF DEATH (Month, Day, Year)	
DECEASED	1. Elsie WRENN		2. March 23, 1992	
	CITY, TOWN, OR LOCATION OF DEATH		3a. Clark	
DECEASED	3b. Las Vegas		3c. Desert Springs Hospital	
	RACE—(e.g., White, Black, American Indian, etc) (Specify)		SEX	
DECEASED	5. White		4. Female	
	Was Decedent of Hispanic Origin? Specify ☐ yes ☒ no If yes, specify Mexican, Cuban, Puerto Rican, etc.		DATE OF BIRTH (Mo., Day, Yr.)	
DECEASED	6. 7a. 64		8. April 10, 1927	
	STATE OF BIRTH (If not U.S.A., name country)		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)	
DECEASED	9a. New York		11. Married	
	CITIZEN OF WHAT COUNTRY		SURVIVING SPOUSE (If wife, give maiden name)	
DECEASED	9b. U.S.A.		12. Edgar Wrenn	
	SOCIAL SECURITY NUMBER		KIND OF BUSINESS OR INDUSTRY	
DECEASED	13. 130-16-1724		14b. Own Home	
	USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even if Retired)		STREET AND NUMBER	
DECEASED	14a. Homemaker		15d. 2794 San Lago Court	
	RESIDENCE—STATE		INSIDE CITY LIMITS (Specify Yes or No)	
DECEASED	15a. Nevada		15e. No	
	COUNTY		CITY, TOWN, OR LOCATION	
DECEASED	15b. Clark		15c. Las Vegas	
	FATHER—NAME First Middle Last		MOTHER—MAIDEN NAME First Middle Last	
DECEASED	16. Herman Hillenbrand		17. Elsie Dool	
	INFORMANT—NAME (Type or Print)		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)	
DECEASED	18a. Edgar Wrenn -Husband		18b. 2794 San Lago Court Las Vegas Nevada 89121	
	BURIAL, CREMATION, REMOVAL, OTHER (Specify)		CEMETERY OR CREMATORY—NAME	
DECEASED	19a. Entombment		19b. Palm Valley View Cemetery	
	19c. Las Vegas Nevada		LOCATION City or Town State	
DECEASED	FUNERAL DIRECTOR—SIGNATURE (Or Person Acting as Such)		FUNERAL DIRECTOR LICENSE NUMBER	
	20a. Robert A. Jordan		20b. 27	
DECEASED	NAME AND ADDRESS OF FACILITY		20c. Palm Valley View Mort. 7600 So. Eastern Ave. Las Vegas NV	
	21a. To the best of my knowledge, death occurred at the time, date and place and due to the cause(s) stated.		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated.	
DECEASED	(Signature and Title)		(Signature and Title)	
	DATE SIGNED (Mo., Day, Yr.)		DATE SIGNED (Mo., Day, Yr.)	
DECEASED	21b. 3/26/92		22b. 3/26/92	
	HOUR OF DEATH		HOUR OF DEATH	
DECEASED	21c. 5:10 p.m.		22c. 5:10 p.m.	
	NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		PRONOUNCED DEAD (Mo., Day, Yr.)	
DECEASED	21d. 03/23/92		PRONOUNCED DEAD (Hour)	
	NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER). (Type or Print.)		22d. ON 03/23/92	
DECEASED	23. Robert A. Jordan, M.D., Dep. Med. Exam., 1704 Pinto Ln., Las Vegas, NV		22e. AT 5:10 p.m.	
	LICENSE NUMBER		22f. 6412	
DECEASED	REGISTRAR		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)	
	24a. (Signature) Don Buski, Deputy		24b. MAR 27 1992	
DECEASED	24c. YES ☐ NO ☒		DEATH DUE TO COMMUNICABLE DISEASE	
	25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE FOR (a), (b), AND (c).)		Interval between onset and death	
DECEASED	PART I (a) Arteriosclerotic cardiovascular disease		Interval between onset and death	
	DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
DECEASED	(b) Hypertensive cardiovascular disease		Interval between onset and death	
	DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
DECEASED	(c) OTHER SIGNIFICANT CONDITIONS—Conditions contributing to death but not resulting in the underlying cause given in Part I.		AUTOPSY (Specify Yes or No)	
	PART II Hypertensive cardiovascular disease		26. No	
DECEASED	WAS CASE REFERRED TO CORONER (Specify Yes or No)		27. Yes	
	ACC., SUICIDE, HOM., UNDET., OR PENDING INVEST. (Specify)		DATE OF INJURY (Mo., Day, Yr.)	
DECEASED	28a. 28b.		HOUR OF INJURY	
	28c. M		28d. 28d.	
DECEASED	INJURY AT WORK (Specify Yes or No)		PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)	
	28e. 28f.		28g. 28g.	
DECEASED	LOCATION.		STREET OR R.F.D. No.	
	CITY OR TOWN		STATE	

No. 038856

STATE REGISTRAR

"CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE DOCUMENT ON FILE WITH THE REGISTRAR OF VITAL STATISTICS, STATE OF NEVADA." This copy was issued by the Clark County Health District from State certified documents as authorized by the State Board of Health pursuant to NRS 440.175.

NOT VALID WITHOUT THE
RAISED SEAL OF THE CLARK
COUNTY HEALTH DISTRICT

DONALD S. KWALICK, MD, M.P.H.
Registrar of Vital Statistics

By: *CJ*

Date Issued:

MAR 21 2005

CLARK COUNTY HEALTH DISTRICT
625 Shadow Lane P.O. Box 3902
Las Vegas, Nevada 89127
702-383-1223
Tax ID# 88-0151573

Submitted at City Council

Date *5/4/2005* Item # *162*

PK #2

APPLICATION AND AFFIDAVIT FOR SEARCH WARRANT

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I Officer C. Russell, P# 7468 and Officer D. Parker, P# 7463 being first duly sworn, deposes and states that they are the Affiants herein, and that they are Officers with the Las Vegas Metropolitan Police Department (hereinafter referred to as LVMPD) presently assigned to the Downtown Area Command. That your Affiants have been employed with LVMPD for the past 3 years.

There is probable cause to believe that certain property hereinafter described will be found at the following described premises, to-wit:

1) The motel office and any adjoining areas associated with the business operations of the Del Mar Motel, located at 1411 S. Las Vegas Boulevard, Las Vegas, Clark County, Nevada, 89014; further described as a single story building located on the East side of Las Vegas Boulevard, just North of the 4th Street / Las Vegas Boulevard intersection. The building is light yellow in color and has only one driveway, directly off of Las Vegas Boulevard, for entry and exit. There is a swimming pool on the southern portion of the property. The motel office is located at the far Northwest side of the property. The numbers "1411" are displayed black in color and are attached to the West side of the rental office, facing Las Vegas Boulevard. There is a large lighted sign that reads "Del Mar" in large red letters, "Motel Office" in smaller yellow letters, and a large arrow pointing straight down. The sign faces West towards Las Vegas Boulevard. The building has a flat roof. The main door to the motel office faces to the south, and a secondary door is located on the East side of the building.

2) And the persons present at the listed premises at the time of the execution of the search warrant.

The property referred to and sought to be seized consists of the following:

Submitted at City Council

Date 5/4/2005 Item #162
Ex. #3

- 1) Records associated with prostitution or pandering.
- 2) Business cards or flyers depicting "call girls" or "entertainers"
- 3) Records relating to any relationship with any cab companies, to include tips or "spiffing".
- 4) And articles of personal property which would tend to establish the identity of persons in control of said premises, which items of property would consist in part of and include, but not limited to papers, documents and effects which tend to show possession, dominion and control over said premises, including but not limited to keys, canceled mail envelopes, rental agreements and receipts, utility and telephone bills, prescription bottles, vehicle registration, vehicle repairs and gas receipts. Items which tend to show evidence of motive and/or the identity of the perpetrator such as photographs and undeveloped film, insurance policies and letters, address and telephone records, diaries, governmental notices, whether such items are written, typed or stored on computer disc. Objects which bear a person's name, phone number or address.

The property hereinbefore described constitutes evidence which tends to demonstrate that the criminal offense(s) of "Restriction on location of houses of ill fame"; NRS 201.380, "Property not to be rented for purposes of prostitution"; NRS 201.390, and "General reputation competent evidence"; NRS 201.400, have been and continue to be committed in violation of N.R.S. 201.

In support of your Affiants' assertion to constitute the existence of probable cause, the following facts are offered:

That your Affiants are assigned as uniformed patrol officers at the Downtown Area Command, on the graveyard shift. The area that your Affiants patrol includes the area of 1411 S. Las Vegas Boulevard, Las Vegas, Clark County, Nevada, 89104.

Periodically since 18 September, 2004, your Affiants have been conducting surveillance of the Del Mar Motel. Through your Affiants' training and experience in the Downtown area, it is known that prostitutes frequently take their customers to the Del Mar hotel because of the ability to rent a room at an inexpensive, hourly rate.

Since 18 September, 2004, your Affiants, (assisted by Officers D. Rodrigues, P# 7772; R. Horn, P# 8089; D. Sigmund, P# 8102; J. Berg, P# 7201; M. Prager P# 7307; K. Collmar, P# 6965; D. Starkes, P# 6927, D Walton, P# 4525 and Lt. S. Herpolsheimer, P# 3817), have conducted at least seven separate surveillances, that resulted in excess of 15 separate stops of both pedestrians and vehicles leaving the Del Mar Motel. (Multiple suspects were often present during each of these stops)

As a result of these 15 pedestrian/vehicle stops of all of the persons who were leaving the Del Mar Motel, your Affiants have obtained Voluntary Statements from almost all of them. Nearly all of them admitted to having just committed an act of prostitution. Most of the females stopped had previous arrests for prostitution, or prostitution related offenses, (Loitering For The Purpose of Prostitution, Solicitation for the Purpose of Prostitution).

Also as a result of these pedestrian/vehicle stops, approximately 11 of these persons admitted that they used the Del Mar Motel because of the fact that one could rent rooms there by the hour, inexpensively or that it is a common place for them to take their "tricks" or customers.

You Affiants have conducted numerous surveillances of the Del Mar Motel located at 1411 S. Las Vegas Blvd., since September 18, 2004, and were able to obtain video evidence on most of the subjects on which person stops were conducted.

Specifically, that on 02 October, 2004, at approximately 0109 hours, we observed three subjects get dropped off at the Del Mar hotel by a Whittlesea Blue taxi cab #1132. The first subject is described as a white female adult with brown hair wearing a blue shirt and a black skirt. The second subject is described as a black female adult with black hair wearing a yellow shirt and white pants. The third subject is described as a white male adult with gray hair and a grey goatee wearing a white shirt and black pants. The females were wearing clothing consistent with that of many prostitutes I have personally observed. The clothing was very revealing and inconsistent with the clothing of the male who was dressed much more conservatively.

The male, later identified as Rick Seay, went in to the front office of the Del Mar, while the two females, later identified as Carla Lopez (WFA) and Shatava Price (BFA), waited outside the office. The male was inside the office for approximately three minutes and then returned back outside. Once outside Seay met back up with the two females. All three subjects then walked over to room # 31 at the Del Mar.

At approximately 0129 hours, approximately 20 minutes after arriving, all three subjects emerged from room #31. The three subjects were then observed waiting for a taxi to pick them up. While waiting for the taxi, the night manager/employee of the Del Mar was seen

walking past the three people asking them if they were done. This was the same manager/employee who had rented them the room just 20 minutes prior.

At approximately 0142 hours all three subjects were observed getting in to a Whittlesea Blue taxi cab # 1135. At that point a patrol unit was requested to stop the taxi cab so that a further investigation could be conducted on what appeared to have been an act of prostitution. Marked patrol unit 1A14, with Officer R. Horn P# 8089 and Officer D. Sigmund P# 8102, made the vehicle stop.

Once stopped, the patrol officers interviewed all three subjects. After initially denying that any act of prostitution had occurred, all three did eventually admit that an act of prostitution had occurred. All three subjects would write Voluntary Statements attesting to that fact.

Carla Lopez wrote a voluntary statement saying that her and a friend met "a guy" (Rick Seay) on the strip near the Aladdin Hotel. The three subjects then went to the Del Mar because "its cheap and only cost \$35 for 2 hours." Seay then payed Lopez \$200 to dance with Price and give Seay a "blowjob."

Shatava Price wrote a voluntary statement saying they (her and Lopez) had introduced themselves to Seay and "negotiated a price." The three of them then caught a taxi to the Del Mar and got a room. Price stated that her and Lopez got paid a total of \$400. Seay then had sex with Price first, then stopped and "entered my friend" (Lopez). After the sex act, the three subjects got dressed and left the hotel room. Price stated they went to the

Del Mar because it was only \$35 for 2 hours.

Rick Seay wrote a voluntary statement saying that he had been walking down the sidewalk near the Aladdin Hotel when he was approached by 2 girls. Seay stated the "2 girls propositioned me for a date (sex)." The two girls then got a cab and they all went to the Del Mar. The girls asked for \$200 each so Seay started to have intercourse with "the black girl" when she stated "no touching or kissing." Seay said he stopped and "the white girl said come here baby I'll take care of you." Seay then stated that he had intercourse with Lopez. Seay admitted to being the person who had paid for the hotel room at the Del Mar.

All throughout the night, numerous other vehicles were seen driving in to the Del Mar and then leaving again within a short period of time. Due to the location from which we were conducting our surveillance, we were unable to see which rooms these people were utilizing. Numerous taxi cabs were also seen dropping and picking up people at the Del Mar. At some times, it presented almost a "circus atmosphere" with all of the vehicles and people coming and going. There is only one driveway into the Del Mar Motel, and it is directly off of Las Vegas Blvd., making ingress and egress very difficult and unsafe at times

That on 02 October, 2004, at approximately 0223 hours, Ace cab # 2596 was seen dropping off two subjects at the Del Mar. The first subject was a white male adult in his late 40's to early 50's, wearing a tan polo shirt and light brown shorts. The second subject appeared to be a Hispanic female adult in her early twenties, wearing a black dress and tall black heels. Both of those subjects were seen going in to room #31, the same room

that the earlier three subjects had rented just under 1 ½ hours previous. Due to the apparent large age difference and the difference in level of appearance, we suspected that this couple may be engaging in prostitution. Later in the evening at approximately 0328 hours, both subjects would be seen leaving the Del Mar in Desert Cab #470. Due to the unavailability of patrol officers to make a vehicle stop on this couple, we were unable to further investigate this couple's actions.

That on 02 October, 2004, at approximately 0252 hours, we observed a Desert Cab #5879, drop off two more people at the Del Mar. The male was described as a white male adult wearing a white baseball cap, white T-shirt and white shorts. The female was describe a white female adult wearing a black revealing top and sparkly whitish disco-type pants. These two subjects were observed going in to room #30 at 0305 hours. At approximately 0309 hours, the female was observed walking out of the room and over to the main office. She appeared to get something from the night manager/employee and then walk back over to room #30.

At approximately 0345, both subjects emerged from room #30. After exiting the room, the female walked over to the main office and appeared to drop of the room key. Both subjects were then seen walking Southbound on the East side of Las Vegas Blvd. Shortly thereafter, marked patrol unit 1A14 made a person stop on both subjects. Once stopped both subjects were initially interviewed by Officer R. Horn P# 8089 and Officer D. Sigmund P# 8102. They were joined by myself and Officer D. Parker shortly thereafter. Initially, both subjects denied any act of prostitution had occurred, but changed their story when

questioned further.

The male, identified as Anthony Riggins wrote a voluntary statement saying that he had been walking by Harrahs casino when he observed a girl being harassed by a black male. The girl, identified as Stephanie Cacciatore, grabbed Riggins and said "hold me." Riggins stated that they ended up getting a motel room at the Del Mar and she (Cacciatore) "said we could have sex for \$300." Riggins then stated that they went to the motel room where "she fuck and suck for 30 minutes."

The female, Stephanie Cacciatore also wrote out a voluntary statement. Cacciatore wrote that she had met the guy (Riggins) by the Venetian and told him they could have sex for \$300. She stated they got in a Taxi cab and asked the driver to take them some place private and cheap. Cacciatore stated the cab driver took them to the Del Mar. Once at the Del Mar and inside their room, Riggins paid her the \$300 previously agreed price to have sex. She also stated that the reason she had come back out of the room after only a couple of minutes of being in there was because she did not have any condoms. She said she walked over to the office to get a condom from the night manager/employee for free. When I asked her how she knew the office would have condoms, she stated that she had called the office and the manager had told her.

Cacciatore volunteered to do a video interview with me and describe what had happened this evening as well as answer a few questions. Cacciatore basically restated what she had already put in her voluntary statement, as well as stating that she felt the Del Mar

manager knew that she was a prostitute and that she was at the hotel for the purpose of prostitution.

That on 03 October, 2004, at approximately 0240 hrs, we observed two subjects arrive in a black Cadillac Escalade, Nevada plates 822 MSN. The male, later identified as John Martindale, was wearing a white shirt and Khaki pants. The, thought to be, female was dressed in a very revealing red dress. Martindale was seen going in to the front office and apparently renting a room. After renting the room, Martindale got back in to the Cadillac Escalade and drove to the rear of the Del Mar and parked again. Once there, both Martindale and the "female" occupant exited the vehicle and walked in to room #26 of the Del Mar.

At 0312 hours, both subjects emerged from the room and got back in to the Cadillac Escalade. When the occupants returned to the vehicle, the "female" was seen driving the vehicle as it left the Del Mar. At that point a patrol unit was requested to stop the Cadillac so that a further investigation could be conducted on what appeared to have been an act of prostitution. Marked patrol unit 1A14, with Officer R. Horn P# 8089 and Officer D, Sigmund P# 8102, made the vehicle stop.

Once stopped and upon making contact with the occupants, it was discovered that the "female" was actually a male, identified as Bayron Perez. By Perez's own admission, he is a "pre-op" transvestite. Both subjects were interviewed about what had occurred that evening. While Martindale was less than cooperative and insisted no acts of prostitution

had occurred, Bayron was very cooperative and gave a voluntary statement regarding the time "she" and Martindale had spent together.

Bayron's voluntary statement including the following: Bayron stated that Martindale had approached "her" at the Las Vegas Lounge, walked up to "her" and said, "You're Beautiful." Bayron Thanked him, at which time Martindale allegedly stated, "I have \$180.00 dollars, would you like to go to the Del Mar?" Baron stated, yes, and they both got in Martindale's Cadillac and went to the Del Mar. Once there, Baryron stated the "fool around" and then Martindale "went down on me". When Bayron was asked to explain what "she meant by that last statement, "she" stated "he (Martindale) gave me head."

Bayron also volunteered to participate in a videotaped interview, in which "she" re-stated what she had put in her written voluntary statement.

Martindale refused to write a voluntary statement, saying that he met Bayron at the Stratosphere and he was "curious" and had "never done anything like this before." After listening to both stories, it was concluded that an act of prostitution had occurred, by Martindale giving Bayron \$180 to allow him to perform oral sex on Bayron. Both subjects were released.

That on 03 October, 2004, at approximately 0355 hours, a Western Cab #2135 arrived with two occupants. The first subject, a white male adult described as having closely shaved hair, blue button-up dress-shirt and blue jeans was accompanied by a black female adult,

wearing a tight yellow top with a short black mini-skirt. The male was visibly intoxicated and was seen giving, what appeared to be, money to the female while standing outside of the Del Mar. The female was observed going in to the main office of the Del Mar and renting a room. After receiving the keys to the room, both subjects walked over to room #31 of the Del Mar.

At approximately 0450 hours, the male was seen outside the room, walking around near the main office. The female was seen running from the Del Mar, fleeing Northbound on Las Vegas Blvd. Due to the suspected act of prostitution and the unusual circumstances which the female was leaving, the female was stopped by Marked patrol unit 1A, Officer J. Berg. The female, later identified as Anaska Anderson, was quite cooperative with Officer Berg when questioned about what had just occurred, with the white male back at the Del Mar.

Anderson filled out a voluntary statement in which she stated that her and the male had met at the Venetian where they started off flirting with each other. They eventually ended up in a phone booth where she asked the male for some money so they could "play." The male gave Anderson \$148, then proceeded to grab Anderson's "Puss." Both subjects then caught a cab to the Del Mar at Anderson's request. Once at the Del Mar, Anderson stated "we went & 69 & had a little intercourse."

Anderson also volunteered to participate in a videotaped interview, in which she re-stated what she had put in her written voluntary statement.

While Anderson's interview was being conducted, the white male she had been with was observed walking Southbound on Las Vegas Blvd. At that point a patrol unit was requested to stop the male so that a further investigation could be conducted on what appeared to have been an act of prostitution. A marked patrol vehicle, occupied by Lt. Herpolsheimer, made the person stop.

The male, identified as Patrick Wilkinson, was also very cooperative. Wilkinson filled out a voluntary statement in which he stated that he had met Anderson on the strip earlier. He stated they caught a cab to the Del Mar, where he gave Anderson money for a room. After getting the room, they both went inside and had "sexual relations starting with a blow job then vaginal sex. Once we were done I was told to pay her \$350 which I did ..."

That on 9 October, 2004, at approximately 0221 hours, Officer Parker and I observed two subjects get dropped off at the Del Mar hotel by a Nellis taxi cab #594. The first subject is described as a white female adult with blond hair wearing a brown print dress. The second subject is described as a hispanic male adult wearing an orange button-up short-sleeved shirt with black pants. The female was wearing clothing consistent with that of many prostitutes I have personally observed. The clothing was very revealing and inconsistent with the clothing of the male who was dressed much more conservatively.

The male, later identified as Jose Gallcia, went in to the front office of the Del Mar, along with the female, later identified as Eva Eldridge. After coming out, Gallcia and Eldridge walked towards the back of the Del Mar, appearing to be going to one of the rooms. We

later found out that they did in-fact go in to room #9.

At approximately 0303 hours, approximately 40 minutes after arriving, Eldridge emerged from the room and began quickly walking southbound on Las Vegas Boulevard. At that point a patrol unit was requested to stop Eldridge so that a further investigation could be conducted on what appeared to have been an act of prostitution. Marked patrol unit 1A14, with Officer R. Horn P# 8089 and Officer D. Sigmund P# 8102, made the person stop.

Once stopped, the patrol officers interviewed Eldridge. Eldridge wrote a Voluntary Statement attesting to the fact that she was working as a prostitute. Eldridge stated in her statement that Gallcia picked her up in a cab and they went to the Del Mar. Eldridge stated that Gallcia paid her \$80 to "suck his dick". Eldridge stated that Gallcia was "one of her regulars". Eldridge stated that the reason that they chose the Del Mar was because it was hourly.

Gallcia did not emerge from the room until 0342 hours. Gallcia began walking southbound on Las Vegas Boulevard. At that time a patrol unit was requested to make a stop on Gallcia. Marked patrol unit 7D, Officer K. Collmar P# 6965 and Officer M. Prager P# 7307, made the stop.

Once stopped, Officer Collmar determined first that there was a language barrier because Gallcia only spoke Spanish. Officer Collmar called for a Spanish interpreter to come to the scene. Once the interpreter showed up, Gallcia admitted to her that he paid Eldridge \$60

for her sexual favors because he really liked her. Gallcia said he picked her up at Paradise and Flamingo. Gallcia wrote a Voluntary Statement in Spanish attesting to these statements.

That on 09 October, 2004, at approximately 0223 hours, we observed a white male adult dressed in a white dress shirt, brown vest, and brown pants getting out of Yellow cab # 1495. The male was bald with a goatee and glasses. The male, later identified as James McClendon, went into the office for approximately 3-4 minutes. When he exited, he walked over to pay the cab driver and walked to room 29. As McClendon was opening the door to the room, a female exited the back of the cab. The female was a black female adult, wearing a white sleeveless top, dark blue jeans, and white high heels. The two went into the room at 0227 hours.

McClendon emerged from the room at 0251 hours. McClendon began walking south on Las Vegas Boulevard. At that time a patrol unit was requested to make a stop on Gallcia. Marked patrol unit 7D, Officer K. Collmar P# 6965 and Officer M. Prager P# 7307, made the stop.

Once stopped, McClendon initially stated that he did not know what was going on and denied any acts of prostitution. After further questioning, McClendon said that he was drinking at the Stratosphere and saw the female. McClendon bought her a few drinks and said that he would pay her \$60. The female said she wanted to go lay down and they caught a cab. McClendon said he told the cab driver to take them to the Del Mar.

McClendon said they got the room at the Del Mar (#29) and the female began touching him. McClendon said he got nervous. McClendon said he did pay her \$60 and thought they were going to have sex. McClendon said that he got scared when she began touching him and he got up and left. McClendon filled out a Voluntary Statement attesting to these statements given.

The female did not leave the room until 0446 hours. Due to a shortage of free patrol officers at the time she left, we were unable to stop her for further investigation.

That on 09 October, 2004, at approximately 0400 hours, we observed a black convertible Mustang bearing South Carolina plate 185 4AU with three people inside. There were 2 males and 1 female. The male driver was wearing a gray sweatsuit with a white T-shirt and a black do-rag. The female passenger in the front seat had blond hair and was wearing a black shirt that was open in the front revealing a black bikini top, and a gray skirt. The male passenger in the back seat was a Hispanic male with dark hair wearing a blue baseball hat, white polo-style shirt, and blue jeans. The Mustang drove in and then turned around parking next to the office facing the street. The male driver pointed at the office and the female, later identified as Dawn Coffman, exited the vehicle and went inside the office. The male in the back seat got out also and went into the office after her. After about 5 minutes, Coffman got her things out of the Mustang and went with the Hispanic male to a room to the left of the office.

Coffman exited her room at 0446 hours and walked to the bus stop, on the sidewalk in

front of the Del Mar. Coffman met a black male adult at the bus stop wearing a black shirt and black pants. Coffman and the male talked for a few minutes then walked back to what appeared to be the same room she had just come from. After about 5 minutes, Coffman walked back out to the bus stop and sat down. At that point a patrol unit was requested to stop Coffman so that a further investigation could be conducted on what appeared to have been an act of prostitution. Marked patrol unit 1A14, Officer R. Horn P# 8089 and Officer D. Sigmund P# 8102, made the person stop.

Once stopped, Coffman stated that the driver of the black Ford Mustang was named "Brian". Coffman said that "Brian" called the Hispanic male over to the car and told him if he would rent the room, Coffman would give him sex in exchange. The Hispanic male agreed and Coffman went with him to the room. Coffman said that the black male she met at the bus stop had just wanted to use the bathroom and that's why she was only in there for a few minutes. Coffman said that she and the Hispanic male had sex, and then she was supposed to call "Brian" to also have sex with her, but he never answered his cell phone. Coffman wrote a Voluntary Statement attesting to these statements as well as making a video taped statement.

On the video taped statement, Coffman went on to say that "Brian" had brought her to the Del Mar to have sex with her for a couple of hours. "Brian" told her that she had to have sex with the Hispanic male first in order to get the room. Coffman said that the Hispanic male put on a condom, which she thought he had obtained from the front desk at the Del Mar, and had sex with her. Coffman explained about her previous encounters with pimps

that she has worked for, places she has worked as a prostitute, the way that pimps would take her money and threaten to kill her if she did not do as they say , and the streets that she usually works.

The Hispanic male was unable to be stopped for further investigation because there were no patrol units available to stop him.

That on 16 October, 2004, at approximately 0320 hours, your Affiants observed a Checker cab# 1725 pull into the driveway and stop in front of the office. A white male, wearing a white print short sleeve shirt and blue jeans, got out of the cab along with a black female wearing a brown jumpsuit. They walked to the Del Mar motel office holding hands and the female was leading the way. After leaving the office, they all went into a room at 0325 hours.

At approximately 0353 hours, 33 minutes later, the two females came out of the room and got into Ace cab #2612. At that point a patrol unit was requested to stop the taxi cab so that a further investigation could be conducted on what appeared to be an act of prostitution. Marked patrol unit 1B3, Officer D. Starkes P# 6927, made the stop.

Once stopped, Officer Starkes interviewed the two subjects. The first female, identified as Suketa A. Upchurch, DOB: 09/08/73, ID# 1916801, wrote a voluntary statement admitting that she was, in fact, working as a prostitute and had picked up a "john". Upchurch said that she started "working" at about 2:00 am and met a guy at the Paris hotel along with her

friend. Upchurch said they went to the Del Mar "to have fun with a man that we met at the Paris". Upchurch also stated that she "sucked his penis". Upchurch said she goes to the Del Mar because "all the working girls go there and recommend it". Her friend, identified as Krista M. Smith, DOB: 06/27/86, ID# 1920594, also wrote a voluntary statement admitting she was also working as a prostitute. Smith said that the male paid them \$150 for oral sex. Smith also said she goes to the Del Mar because it is cheap and the other girls tell people to go there.

That on 16 October, 2004, at approximately 0423 hours, we observed Desert cab # 481 pull into the driveway of the Del Mar motel. Two white females got out of the cab along with a white male. The first female had long blond hair and was wearing a pink shirt with a denim skirt and high heels. The second female had long blond hair and was wearing a white t-shirt with light blue jeans and high heels. The male had brown hair and was wearing a black and gray striped shirt and blue jeans. The female with the white shirt on and the male went into the office to get the room while the other female with the pink shirt on stayed outside to make a phone call on her cell phone. After a few minutes, the three of them walked to the back of the motel and went in to one of the rooms.

At approximately 0435 hours, all three came out of their room. The male got into one taxi cab and left north on Las Vegas Blvd. The female with the white shirt on got into another cab and left south on Las Vegas Blvd. The female in the pink shirt ran across Las Vegas Blvd, talking on her cell phone. We then saw her run back across the street to the Del Mar. The female ran back west across Las Vegas Blvd. and went to the parking lot just to the

south of our location. At the same time, a dark gray Jeep Grand Cherokee pulled into the parking lot with a black male driving. The female got into the back seat on the driver's side. The Jeep had an Arizona license plate of 726 NAB. The Jeep went south on Las Vegas Blvd. At that point a patrol unit was requested to stop the taxi cab so that a further investigation could be conducted on what appeared to be an act of prostitution. Marked patrol unit 1B3, Officer Starkes, made the stop on the female with the white shirt in the taxi cab. Officer K. Bell made the stop on the Jeep Grand Cherokee.

Once stopped, Officer Starkes began to interview his subject. The female, identified as Michelle L. Murray, SSN: 542-77-8228, initially denied any kind of prostitution. After further questioning and interviews, Murray finally admitted to working as a prostitute. Murray wrote a voluntary statement about the events of the evening and went on to say that she and her friend met a "john" at the Circus Circus. The male agreed to pay \$200 to each of them for sex. Murray said they went to the Del Mar, where, once they were in the room, "he played with himself and I touched him while he looked at my tities". Murray's friend, identified as Brandi Sparks, ID# 1749572, was being interviewed by Officer Bell after he did the traffic stop on the Jeep. Sparks also initially denied having any involvement in prostitution related activities. Again, after further investigation and interviews, Sparks admitted to working as a prostitute. Sparks also wrote a voluntary statement. In the statement, Sparks stated that they met a customer who agreed to pay \$400. Sparks stated that "we gave him a little service". Sparks said that they picked up the male at the Circus Circus.

That on 23 October, 2004, at approximately 0400 hours, Officer D. Walton, P# 4525, while

working in a plain clothes capacity, dressed up in a dark feathered jacket, blue halter top, and a black skirt and went in to the Del Mar motel posing as a prostitute. Officer Walton came in to contact with a "Mike" who was the employee working behind the counter, renting out the rooms. Walton had asked to rent a room and inquired about the price. "Mike" stated that the price was \$35 for 2 hours, plus a \$5 key deposit which was returned when the key was brought back. Walton told "Mike" that she had a trick outside and that she was just going to give him a quick blowjob. "Mike" rented room #15 to Walton. Approximately 20 minutes later, Walton returned to the office with the key. Walton asked "Mike" that if she had her tricks coming in and out, would they have to wait long. "Mike" replied, "Whoa, whoa, whoa. Watch what you say when you say tricks. Ya know, I'm a good guy, I'm a good guy. You have to be discreet around here. Ya know, be discreet with that ya sayin', I don't, ya know, need, I don't really wanna know what's going on in those rooms."

Walton asked "Mike" if the rooms were safe at the Del Mar, "Mike" replied, "Well I don't know. I mean if you pick up a pervert and bring him back here, I don't know if he cuts ya up or murders you in the room, I have no control of that but for the most part, we have no trouble here." Mike also said, "When you come here, don't tell people behind the counter that 'cha got tricks on your dates, just come in, get your room, be very discreet and go there." Before Walton left, "Mike" asked her whether or not she had a pimp. Walton replied, "No." "Mike" then asked her if she came out here (Las Vegas) with another girl, to which she also replied, No. As Walton left, "Mike" said, "Okay, baby, you be careful, I'll see you again."

That on 11 November, 2004, at approximately 0145 hours, we observed two subjects exit the lodging area of the Del Mar and walk over to the front office, where it appeared they turned in their room key.

Subject #1 is described as a White female adult, with brown hair, a bright pink, furry jacket, black short skirt, and high heels. From my training and experience in dealing with prostitutes in the downtown area, specifically in the previous few months of conducting surveillance on the Del Mar, the females attire was consistent with that of a prostitute. The females age looked to be approximately 20 years of age.

Subject #2 is described as a Black male adult, dressed in business casual attire, with a button-up long sleeved shirt and dark colored slacks, and appeared to be about 40 years of age.

Due to the considerable difference in level of attire, the seemingly large age difference, and the fact that the females clothing was consistent with that of the numerous previous prostitutes who were stopped leaving the Del Mar, the decision was made to stop these two subjects for further investigation regarding whether an act of prostitution had just occurred.

The two subjects entered a Desert Cab # 497, and departed the Del Mar. We positioned our patrol vehicle behind their cab and conducted a vehicle stop on them near Las Vegas Blvd and Wyoming. Once the cab was stopped, the two subjects were asked to step out

of the vehicle and separated. Officer Parker spoke with the female, while I spoke with the male.

The male, identified as Brian Tyson, stated he was in town for a convention. When I asked who was the female he was with, he replied, "some girl I met." At that point I read him his Miranda rights and asked him if he understood. He said that he did. I also explained to him that he was not under arrest, but that I had some questions to ask him, and asked if he would cooperate. He agreed to answer my questions. I asked Tyson if he had paid the female for sex. He admitted that he had. Tyson stated that he paid the female \$300 (\$200 in cash and a \$100 casino chip), for both oral and regular sex.

When I asked him to explain to me how he came in to contact with the female, he stated that he had been at the Stratosphere gambling. He then stated that he had gotten in to a cab and asked the driver if there were any strip clubs to go to. The (unknown black male) driver said that he could take him to "a better place." The cab driver then proceeded to drive Tyson to a "motel-like" apartment. At the apartment, Tyson was introduced to the female. They agreed on \$300 as the price for sex, and the female made the decision to go to the Del Mar to carry out the sexual act. Once at the Del Mar, Tyson stated that the female gave him "head and sex." Tyson said that when they were done, the female called a taxi to come pick them up. Tyson wrote out a voluntary statement attesting to these facts.

The female was identified as Erin Reid. After Officer Parker asked Reid to identify herself,

he asked her where she worked. Reid replied by saying, "at the bigger hotels on the strip." Officer Parker then asked her, "what do you do there?" Reid stated that she was a "working girl." Parker then asked Reid, "Are you working tonight?" and Reid stated, "Yes." Officer Parker then asked where she had picked up Tyson. Reid openly admitted that a cabdriver had come to her apartment at approximately 0100 hours, and stated that he was a friend of Mikes (another cab driver known to her from previous acts of prostitution). The driver told her that he had a "date" in his cab, and that the date was a "conventioner." After meeting Tyson, Reid stated that she suggested they go to the Del Mar. After stopping to get something to eat at a Carls Jr., they went to the Del Mar, where Reid gave Tyson a "blowjob w/ condom and sex" in exchange for \$300. Reid then went on to say that she uses the Del Mar for her acts of prostitution up to 5 times a week. Reid wrote out a voluntary statement attesting to these facts.

That on 11 November, 2004, at approximately 0312 hours, we observed two subjects arrive at the Del Mar motel in a taxi cab. Subject #1 is identified as a white female adult, with blonde hair, a black tank-top with lace trim, blue jeans and high heels, approximately 25 years of age. Subject #2 is described as an elderly White male adult, with gray hair and wearing a gray business suit, approximately 55 years old.

These two subjects were seen renting a room from the Del Mar night employee. At approximately 0349 hours, the two subjects were seen emerging from their room and entering the Del Mar office, seemingly to turn in their room key. The two subjects then waited out in-front of the Del Mar, for a cab to pick them up. They were picked up by

Desert Cab #462.

Due to the seemingly extreme difference in age, the considerable difference in attire, and the short duration of the room rental (all factors consistent with acts of prostitution), we conducted a vehicle stop on these two subjects.

We positioned our patrol vehicle behind their cab and conducted a vehicle stop on them near Las Vegas Blvd and Wyoming. Once the cab was stopped, the two subjects were asked to step out of the vehicle and separated. Officer Parker spoke with the female, while I spoke with the male.

The male, identified as Gaylord Vogler, quickly admitted that he had paid the female \$200 for oral sex. Vogler also stated that he had prostate cancer, and was unable to "finish" with the female. Vogler stated that he had met the female at the Imperial Palace and that she was the one who decided to go to the Del mar to carry out their act of prostitution. Vogler wrote out a voluntary statement attesting to these facts.

The female, eventually identified as Kirstyn Engstrom, was very evasive, uncooperative, and untruthful with us from the onset of the investigation. Engstrom initially gave us false information regarding her true identity. After further investigation, it was revealed that she already had (1) outstanding bench warrant for Soliciting/Engaging in Prostitution and (1) outstanding bench warrant for Loitering for the purpose of Prostitution.

Nearly 100 percent of the stops conducted by patrol officers, resulted in an admission by one or both of the parties, to having just participated in some act of prostitution. This success rate would lead a reasonable person to believe that any citizen would readily be able to identify those that are engaging, or about to engage in some act of prostitution; with this amount of prostitution observed, it is certainly reasonable to believe that both the ownership and management of the Del Mar know that prostitutes frequently use the Del Mar as a place to have sex for money, and in-fact encourage it by offering hourly rentals, free condoms, and free lubrication. When Del Mar employees were contacted by undercover officers and confronted with their prostitution intentions, the Del Mar employees only asked the undercover officer to be quiet about her intentions. The Del Mar still had no problems renting the room to her, even with the knowledge that she only intended to use the room for an act of prostitution.

NRS 201.380 specifically states that "It shall be unlawful for any owner, or agent of any owner, or any other person to keep any house of ill fame, or to let or rent to any person whatever, for any length of time whatever, to be kept or used as a house of ill fame, or resort for the purposes of prostitution, any house, room or structure situated within 400 yards of any schoolhouse or schoolroom used by any public or common school in the State of Nevada, or within 400 yards of any church, edifice, building or structure erected for and used for devotional services or religious worship in this state."

That "The Little White Wedding Chapel", a place used for devotional services, specifically marriages, is located at 1301 S. Las Vegas Blvd; well within the 400 yards specified by

NRS 201.380.

That a reasonable person would believe that the ownership and management of the Del Mar Motel would know that they are willingly renting out rooms to those conducting acts of prostitution.

NRS 201.390 specifically states that "It is unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or to make or use any entrance or exit way to any house of prostitution from the principal business street or thoroughfare of any of the towns of this state."

That there is only one driveway from which to ingress and egress from the Del Mar Motel, which is accessed only from Las Vegas Boulevard, one of the busiest streets in both the City of Las Vegas and Clark County.

Under the provisions of both 201.380 and 201.390, NRS 201.400, states that "evidence of general reputation is competent evidence as to the question of the ill fame of any house alleged to be so kept, and to the question of the ill fame of any person." Your Affiants believe that the reputation of the Del Mar, as a House of Prostitution, is well known not only with the owners and managers of the Del Mar, but the prostitutes, cab drivers, and the people (Johns) that seek out prostitution related services.

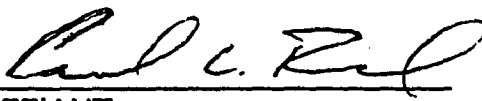
It is your Affiants' opinion, based on personal experience and having worked as police officers for the past 3 years, and having attended training seminars, and having interacted on a professional basis with numerous fellow vice detectives, that almost all persons who deal in prostitution, whether pimping or operating a House of Ill Fame, maintain records of some transactions including records of frequently used escort services, frequent visiting "call girls" and even of familiar taxi cab drivers who often "order" call girls for their customers. These records could be extremely sophisticated and elaborate; however, more often than not, readily identifiable as records maintained as part of the prostitution business, due to being lists of dates, names, phone numbers, business cards and/or advertising flyers.

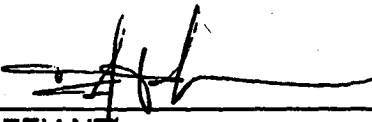
During the surveillance, it was quite common to see one male go in to the main office and speak with the manager, only to have a female which was accompanying that same male, go in to one of the Del Mar Motel room's with a completely different male, only to return back outside 20-40 minutes later. For the same reason that a retailer must maintain records, so must the motel offices. These records may provide proof of knowingly dealing with pimps and/or prostitutes, as well as identify individuals that may deal with the Del Mar Motel to have their "Escort" service be called by Del Mar Motel management or employees if any patrons request a prostitute or other female "company".

Your Affiants also pray that this Honorable Court authorize the service of this Search Warrant at any hour of the day or night. The reason for this request is that the majority of the surveillance that your Affiants have conducted have been during the nighttime hours,

and this is when the majority of known acts of prostitution were conducted. Your Affiants know through their experience that it is common for prostitutes to conduct their business at night due to the cover of darkness, as well as surplus and availability of customers.

WHEREFORE, Affiant requests that a Search Warrant be issued directing a search for and seizure of the aforementioned items at the location set forth herein at any hour of the day or night.

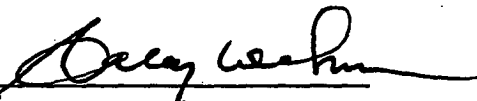

AFFIANT


AFFIANT

Reviewed by Deputy District Attorney:


Via telephone

SUBSCRIBED AND SWORN to before me this 12th day of November, 2004.


JUDGE

Ref: Search Warrant
Del Mar Motel
1411 S. Las Vegas Blvd
Las Vegas, Clark County, NV 89104

weekday

Sunday 11:30 pm / Friday noon

weekend

Friday noon / Sunday 11:30 pm

1hr	n/a	\$35
2hrs	-\$35	\$50
3hrs	-\$40	\$65
4hrs	-\$45	\$80
5hrs	-\$50	\$100
extra hour	\$10	\$20

***Jacuzzi Room* 2hrs \$65**

extra hour \$20

elk 10/04

Submitted at City Council

Date 5/4/05 Item # 62
PK # 4

Com Count

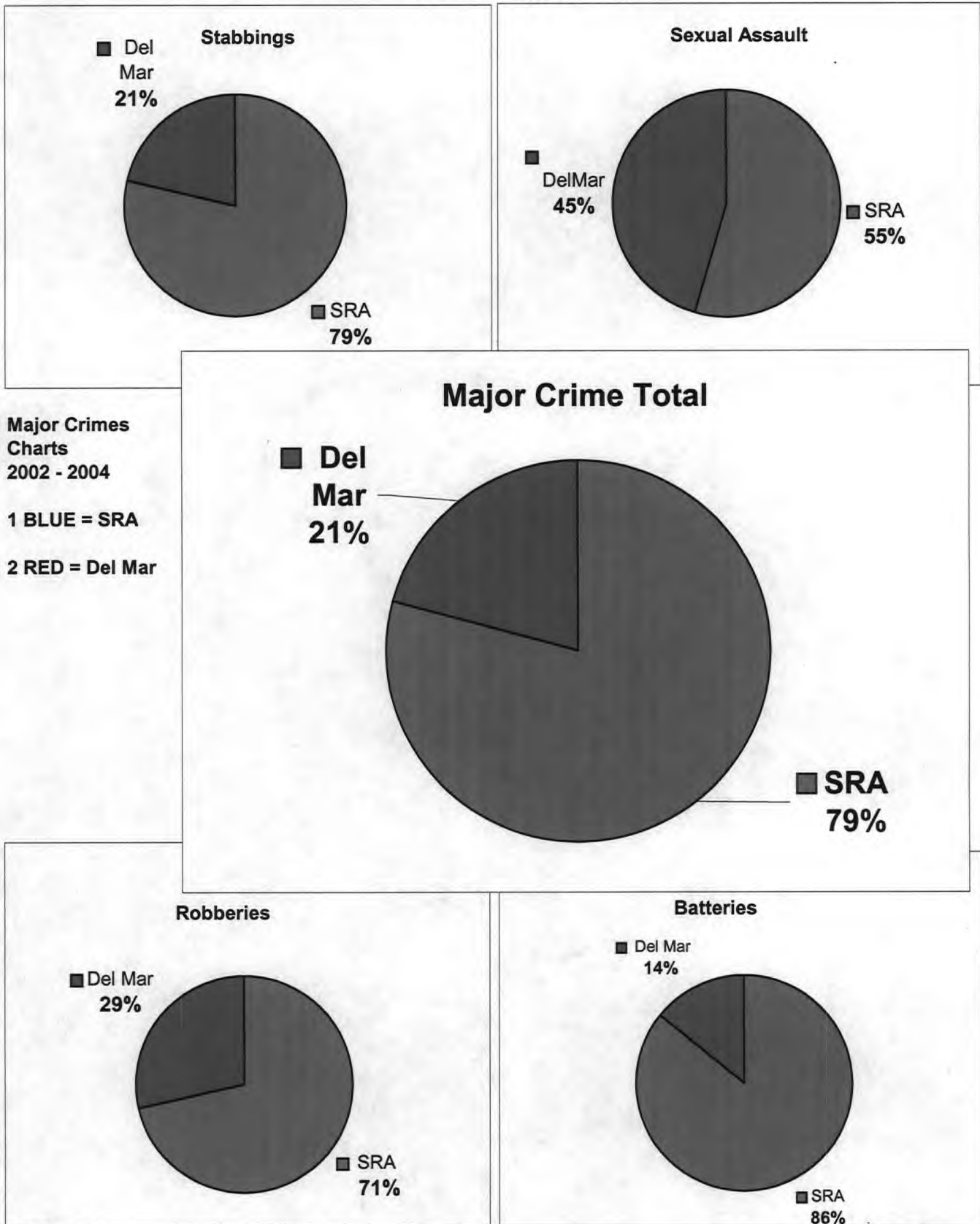
1 - part	15 -
2 - part	14 -
3 - part 11/3	13 -
4 - part 11/4	12 -
5 - J.W 11-4	11 -
6 - LC 11-5	10 -
7 - part 11/7	9 -
8 - part 11/9	8 -
9 - LC 11/11	7 -
10 - LC 11/12	6 -
11 -	5 -
12 -	4 -

Submitted at City Council

Date 5/4/05 Item #62

Ex. #5

Major Crime Categories 2002 - 2004



Major Crimes
Charts
2002 - 2004

1 BLUE = SRA

2 RED = Del Mar

CHART 1

Submitted at City Council

Date 5/4/05 Item #62
Ex. #6

**Total Major Crimes Calls for Service & Officer Initiated Events
in SRA K308
2002-2004**

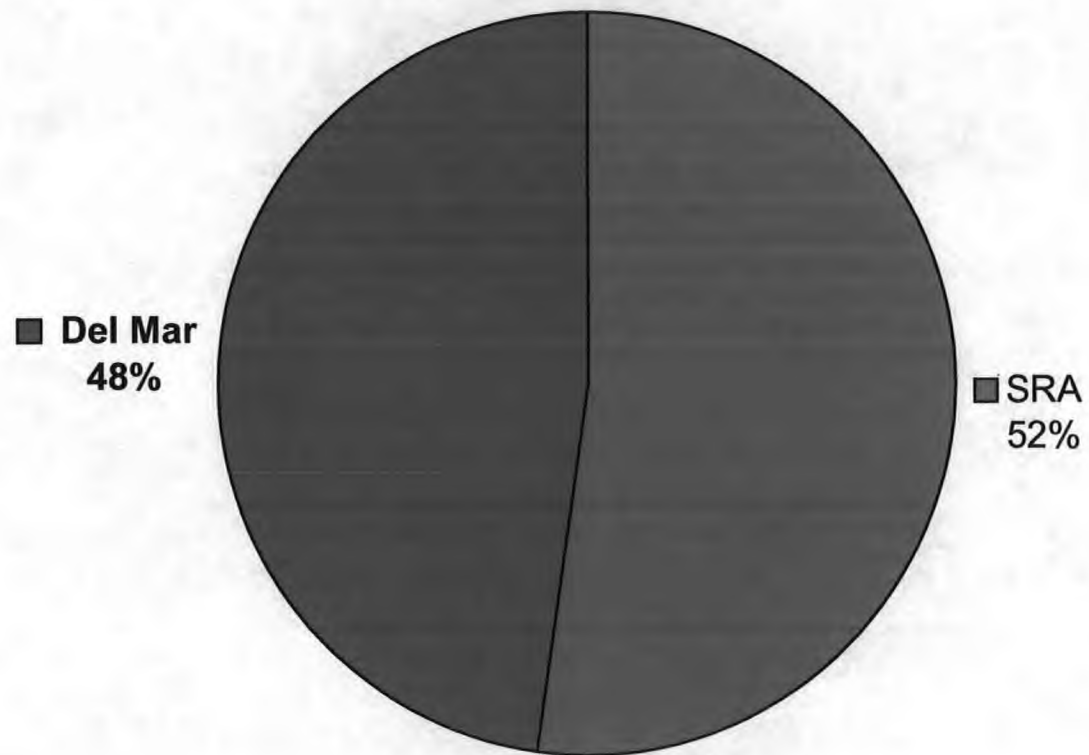


Chart 3

Comparison of Hourly & Non-Hourly Hotels

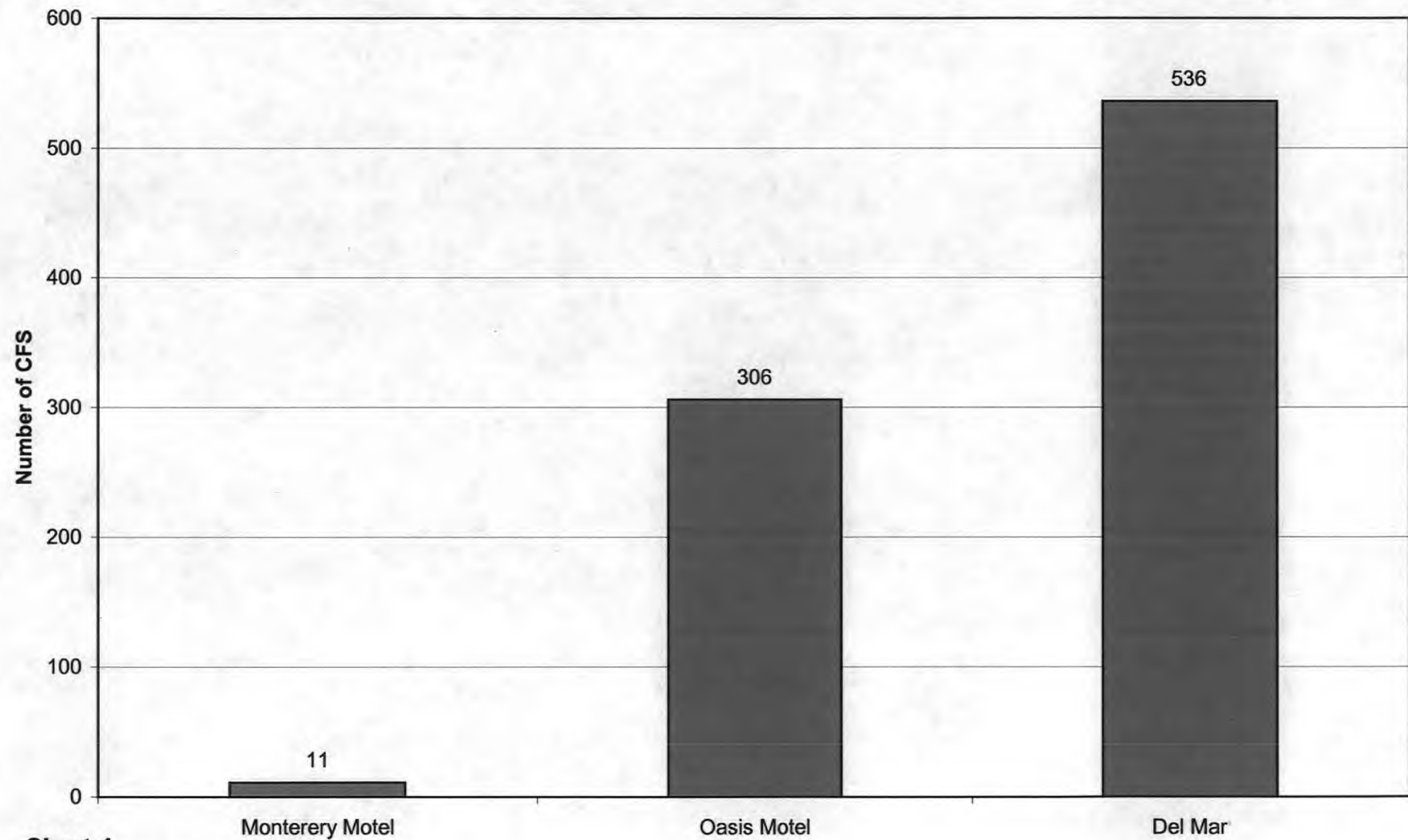


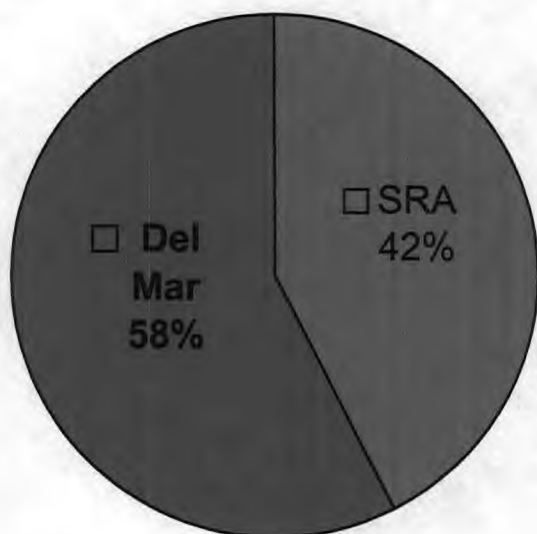
Chart 4

Officer Initiated Charts 2002 - 2004

1 Red = SRA

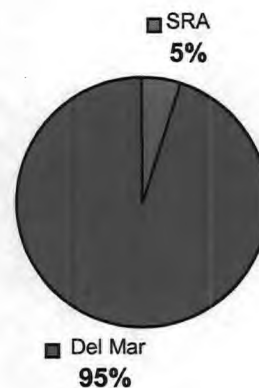
2 BLUE = Del Mar

Total Officer Initiated Activity

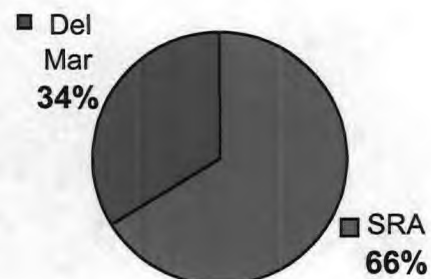


Total calls are from 462, 463, 467, 468, 469

Pedestrian Stops



Vehicle Stops



Criminal Investigation

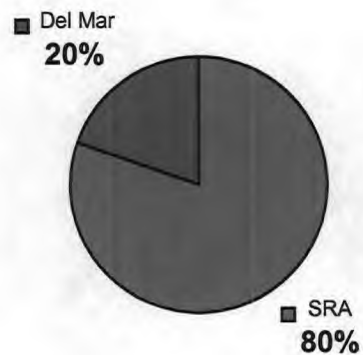


Chart 2

Las Vegas Blvd Motel Comparisons 2002 - 2004

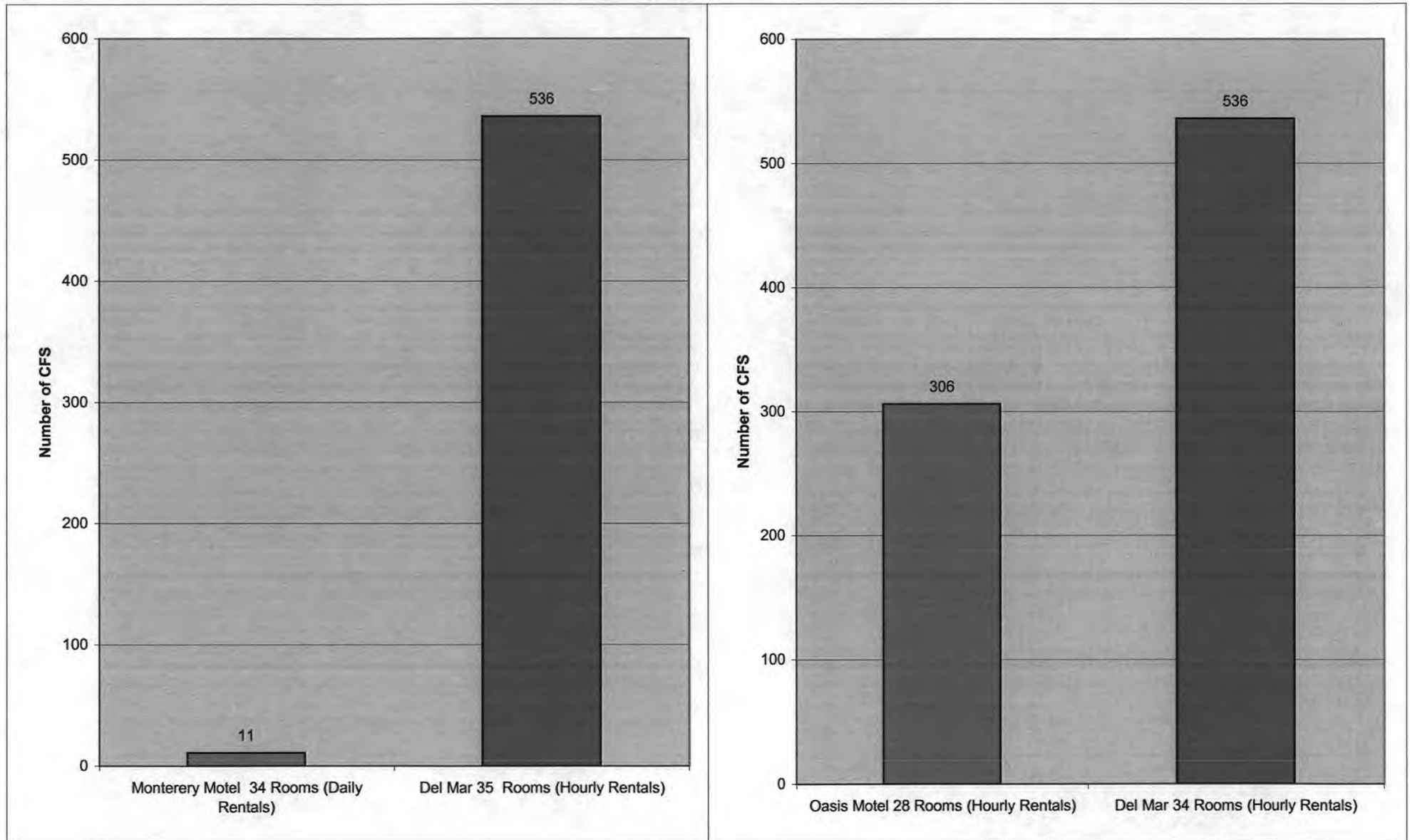


Chart 5

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

Item 62 – Hearing, discussion and possible action regarding complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

Appearance List:

APPEARANCES:

OSCAR GOODMAN, Mayor

WILLIAM HENRY, CLV Sr. Litigation Counsel

GREGORY MILLS, Attorney, representing Edgar Wrenn

JEROME MOONEY, Attorney, representing Edgar Wrenn

CLYDE DeWITT, Attorney, representing Edgar Wrenn

GARY REESE, Councilman

BRAD JERBIC, City Attorney

JIM DiFIORE, Manager, Business Services

CHAD RUSSELL, Detective, Las Vegas Metropolitan Police Department

BEVERLY BRIDGES, Chief Deputy City Clerk

LARRY BROWN, Councilman

LAWRENCE WEEKLY, Councilman

STEVE WOLFSON, Councilman

ERIC FRICKER, Sergeant, Las Vegas Metropolitan Police Department

UNIDENTIFIED FEMALE SPEAKER

UNIDENTIFIED MALE SPEAKER

BARBARA JO RONEMUS, City Clerk

RICHARD SHIVES, Del Mar employee

DOREEN WALTON, Detective, Las Vegas Metropolitan Police Department

LAURA CODY, Officer, Las Vegas Metropolitan Police Department

STAVROS ANTHONY, Captain of Vice Narcotics, Las Vegas Metropolitan Police Department

EDGAR WRENN, Owner of Del Mar Motel

MICHAEL MACK, Councilman

***CITY COUNCIL MEETING OF
MAY 4, 2005***

VERBATIM TRANSCRIPT – Item 62

31 RECESS: 11:54 & 1:03 - 1:12

32 (10:31 - 1:59)

33 1-3229/2-1/3-1/4-1

34

35 3 hours 28 minutes

36

37 Typed by: Lean Coleman

38 Proofed by: Stacey Campbell

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

39 **MAYOR GOODMAN**

40 All right folks, because of – my schedule, I have a prior obligation that I'm committed to where
41 I have to leave at 11:30, I'm going to call forward Item Number 62, which is going to be a
42 hearing. I'm going to ask the students who are very mature, but nevertheless youngsters for all
43 intents and purposes, to excuse themselves from the dias here and going to tell the folks in the
44 audience that there may be testimony and there may be graphics which will be explicit and one
45 that, perhaps, one would not want children to be watching. I want to give you an ample
46 opportunity if anybody's watching this on TV or watching a rerun of it, that this is the time that
47 that admonition should go into affect.

48 So at this time, I'm going to call Item 62. This is a hearing, discussion and possible action
49 regarding complaints seeking disciplinary action against Edgar Wrenn and Elsie Wrenn, doing
50 business as Del Mar Resort Motel at 1411 Las Vegas Boulevard South, Las Vegas, Clark
51 County, Nevada, for violations of Title 6 and 10 of the Las Vegas Municipal Code and NRS
52 Chapter 201.

53 The City Attorney is recommending revocation of motel license number MO, or I guess that's
54 M0800091-5-0002202. It won't be necessary that everybody stand throughout this presentation,
55 what we could do is we could have the attorneys tell us who's representing whom, then I'm
56 going to ask the City Attorney to make an initial opening statement capsulizing (sic) what the
57 issues are and what relief it (sic) seeking. I will then give the attorney for Del Mar Resort Motel
58 the opportunity to make an opening statement at that time or you can reserve it until such time as
59 the City is, has completed its presentation of the, of its case.

60 All right. So at this time, I'll ask Mr. Henry to identify himself and be happy to hear from you.

61

62 **WILLIAM HENRY**

63 Thank you, Mayor, I'm William Henry, the City, City's Senior Litigation Counsel. As – a
64 preliminary matter, I'd like to lodge with the Clerk, proof of notice of today's hearing, which
65 was given to the licensee and to counsel for the licensee in a timely fashion.

66

67 **MAYOR GOODMAN**

68 All right. And, if the licensee's attorney would please identify himself.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

69 **GREGORY MILLS**

70 Yes, my name is Gregory Mills, I represent Edgar Wrenn along with co-counsel, Clyde DeWitt
71 and co-counsel Jeremy (sic) Mooney, Your Honor.

72

73 **MAYOR GOODMAN**

74 Okay. Welcome gentlemen. Thank you. All right, while Mr. Henry makes his opening remarks,
75 Mr. Wrenn, you can certainly have a seat, there's no problem with that and –

76

77 **GREGORY MILLS**

78 Your Honor, we have a preliminary matter that I'll let Jeremy (sic) address.

79

80 **MAYOR GOODMAN**

81 Certainly.

82

83 **JEROME MOONEY**

84 Jerome Mooney, Your Honor. Mr. Mayor, I'm afraid on our preliminary matter, we're doing
85 what, the last time out here you were hoping we would not be doing, which is asking that this
86 matter be reset because we have not received all of the discovery and the information that is
87 necessary to properly represent Mr. Wrenn and Mr. Wrenn's interests before this – Council. It
88 was discovered, first of all, the City did, I think – in good faith, the day after Your Honor ordered
89 them to do so, and in accordance with what they said they would do, provide all of the police
90 reports and a lot of material to – Mr. Mills with regards to what had happened. It was observed
91 as a result of that though that there was some videos that had been made and videos that had
92 been taken. Mr. Mills requested those videos. The City Attorney didn't even have the videos at
93 that point and time. As of Monday afternoon, the City disclosed that it had a, approximately a
94 nine to ten minute video that it had prepared, which is a, excerpts from what turns out to be about
95 nine to twelve hours of video that was taken, which includes actual, not just video of people, of
96 things happening but it also includes video of specific interviews with individuals. The nine
97 minute video that they prepared shows things going on and then has snippets in picture, in
98 picture of various interviews that are happening.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

99 Includes also, statements taken from people who are not previously disclosed in the other
100 evidence, in the other materials that were given. New people that have now popped up who
101 apparently gave these video statements, whose names are not represented in the police reports
102 that we have. In order to properly represent the – Del Mar business and Mr. Wrenn, we really
103 need an opportunity to see these interviews that were taken. Particularly since a lot of these
104 people are essentially in the wind and the, all that may be available is the – video interviews that
105 the police made with respect to these people to augment what is in most cases, a single paragraph
106 or a couple of paragraphs of a written statement that they took down from those people at the
07 time.

108

109 **MAYOR GOODMAN**

110 Are you able to represent to me and the Council at this time that there's any exculpatory material
111 in the videos that you have not looked at?

112

113 **JEROME MOONEY**

114 We don't know what's in them. We haven't seen them.

115

116 **MAYOR GOODMAN**

117 All right. I'm gonna ask Mr. Henry, have you seen the videos that formed the basis for the
118 abridged version?

119

120 **WILLIAM HENRY**

121 I have not and they've never been in my possession. And as to the motion, I would note first of
122 all, that the City Code does not provide anywhere for discovery in these matters. As a matter of
123 courtesy and custom, we have always had an open file and we've provided what we have. And, I
124 would also note, and I think that this is important, is although I wasn't here for the last hearing, I
125 was in Washington DC, I came back a few days later and since then, there has been no request
126 made to me or to my office as far as I know, either written or oral, asking for these materials. I
127 got, for the first time, a tape made by the Metropolitan Police, which, in essence, is made for
128 instructional purposes to show to businesses, Monday afternoon at about three. And, within the

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

129 hour, I called Mr. Mills, told him that I had it and that I had a copy available for him. He said he
130 would pick it up and he picked it up – I think, the next day at noon.

131 So, one, there isn't a legal basis for discovery and two, I don't believe that this request for a
132 continuance based on not getting something that was never in my possession is made in good
133 faith because the, this is the first time the request was made. If it'd been made three weeks ago,
134 or longer, when I was back from Washington DC, I could have produced it and you wouldn't be
135 facing this motion.

136

37 **MAYOR GOODMAN**

138 All right.

139

140 **JEROME MOONEY**

141 Well, couple things with regard to that. We're not suggesting that the City has acted, that the
142 City Attorneys Office has acted in bad faith, I don't think they have. I don't think they knew
143 about this video and – all of these things until very close in time.

144

145 **MAYOR GOODMAN**

146 With – all due respect, I think that the law is clear on this that unless the City Attorney has
147 possession of it, then he has no obligation to go out and get the – underlying data. That's, that
148 would have been your responsibility, with all due respect. You could've subpoenaed somebody
149 from Metro to get these tapes and we're gonna go forward.

150

151 **JEROME MOONEY**

152 Just let me make one other comment for the record then, with regard to that. He said there's no
153 legal basis, Nevada Municip, or Las Vegas Municipal Code, Section 6-88-090B, does provide a
154 respondent for this type of a proceeding the right to the cross examination of opposing witnesses.
155 Since what we are going to have happen in the course of this proceeding, which is about to
156 begin, is going to be police officers repeating hearsay statements from other people where there
157 is in fact video interviews that were done. We maintain that we're going to be denied the

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

158 opportunity to cross examine the opposing witnesses, which is in essence the hearsay declarant
159 that we're not having an opportunity to – deal with here.

160

161 **MAYOR GOODMAN**

162 I appreciate the position.

163

164 **JEROME MOONEY**

165 Thank you.

66

167 **MAYOR GOODMAN**

168 Thank you. All right. The motion is denied and can we hear your opening statement please?

169

170 **WILLIAM HENRY**

171 My opening statement is very short, Your Honor. I appear today representing the Department of
172 Business Licensing. It is their contention and their allegation –

173

174 **MAYOR GOODMAN**

175 Is your – mic on?

176

177 **WILLIAM HENRY**

178 It is.

179

180 **MAYOR GOODMAN**

181 Okay.

182

183 **WILLIAM HENRY**

184 It's their contention and their allegation in – the complaint before you, that at least from the 26th
185 of September, two thousand and four, through the 22nd of January, two thousand and five; your
186 licensee operated the Del Mar Motel in a criminal fashion as a public nuisance. Specifically,
187 operating the hotel on a business plan that was intended to make money from facilitating the

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

188 continuous criminal enterprise of prostitution. That's why we're here. That's what certainly the
189 bulk of the City's evidence that you'll hear today will go to. I want to make it clear that we are
190 not here, nor is it alleged anywhere in the complaint, that they have somehow broken the law
191 because they have offered hourly rates. That may have induced prostitutes to come to their
192 business, but that in itself is not illegal.

193

194 **MAYOR GOODMAN**

195 All right. Thank you. Mr. Mills or, other counsel?

96

197 **CLYDE DeWITT**

198 Thank you, Your Honor. As a housekeeping matter, I think where we are is –

199

200 **COUNCILMAN REESE**

201 We need his name.

202

203 **MAYOR GOODMAN**

204 Yes, please state your name for the record. Please state your name.

205

206 **CLYDE DeWITT**

207 Oh, I'm sorry, Clyde DeWitt.

208

209 **MAYOR GOODMAN**

210 Thank you.

211

212 **CLYDE DeWITT**

213 As a housekeeping matter, what we have here is a license which was to expire on April 30th of
214 two thousand and five. The power to administratively extend it exists and I think it was extended
215 until the conclusion of the hearing today. An application for renewal was timely filed and has
216 not been acted on. So, I – think this is more a question of whether to grant the renewal than it is
217 to revoke the license. As it stands, the extension will expire at the conclusion of this hearing and

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

218 either the Council will order the renewal granted or – not and – very importantly, of course, the –
219 options of the Council here go beyond simply denying it or granting it. The Municipal Code
220 allows the Council to place conditions on the license as everyone I'm sure knows.

221 And, this is something that we intend to advance here because of what happened. The evidence
222 will show that Mr. Wrenn is – a retired gentleman who, he and his wife purchased this property
223 in 1970 or early '70s. They operated it by way of managers. Mr. Wrenn will testify that he's a
224 retired pilot; he retired at that point because his health was no longer sufficient to pass the
225 airman's physical. He's now 82 years old. His, he's always operated through a manager that
26 he's hired, I mean, he's basically now a retired person, his son-in-law now operates it. For years,
227 he's always cooperated with Metro if they want to do room stings, which we'll talk about. He's
228 always, his instructions through his manager to the desk operators were, if they want to come and
229 do a room sting, give 'em a free room, do whatever they want.

230 In November, mysteriously for the first time in ten years, a call from the City came to Mr.
231 Wrenn's accountant to send in his Schedule C from his tax return because for some reason, they
232 were auditing his room tax and his warehouse tax returns. Then a few weeks later, the first news
233 he heard of this was they executed a search warrant, looked for a lot of things that they didn't
234 find because they weren't there and he's now discovered, only very recently, how, what exactly
235 it was and – will testify that he's prepared to do things to deal with the problem. The Vice
236 department didn't come up to him before this started and sit down with him and say, you know,
237 you've got a real problem here. You've got too many prostitutes running in and out of this place.
238 He will testify to what we all know which is prostitutes run in and out of every hotel in this town
239 on a regular basis. But, he's prepared to do what he can to contain the problem as best that he
240 can with conditions on his license.

241 And, there are some other things that will suggest what this is really all about and we'll see what
242 develops when the witnesses testify.

243

244 **MAYOR GOODMAN**

245 Okay. Yes, Councilman Reese.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

246 **COUNCILMAN REESE**

247 Point of order, please. I would like our City Attorney to put on record, okay, Mr. DeWitt
248 mentioned their renewal of the license, I have no problem, I want – it on the record ‘cause I do
249 have a problem, okay, on the renewal if it was due on the – 30th and we – they – agreed that we
250 could have them a temporary license until this time. I’m ready to move on the renewal of that
251 license; I can deny that. And then we’ll go with the – suspension of the license while we’re here
252 for. I mean, I think we have to have a, know what we’re doin’ here before we go any further.

253

54 **MAYOR GOODMAN**

255 All right. Mr. Jerbic.

256

257 **BRAD JERBIC**

258 I understand the question. The, there is a license currently in effect for the Del Mar Motel. It’s
259 my understanding that that license will not continue beyond today if it is revoked. So the proper
260 action for the Council to take today, based on the City Attorney’s recommendation, is to revoke
261 or not to revoke. You can consider under the Code other alternatives, but Councilman if you
262 choose to revoke the license today, you will revoke the existing license and there will be no
263 renewal beyond this period by the Department of Business Licensing.

264

265 **WILLIAM HENRY**

266 Councilman Reese, if I might.

267

268 **MAYOR GOODMAN**

269 Let me ask Mr. Jerbic this. So we have unlike in other situation where there would be a license
270 of – with some longevity to it, where we have other alternatives such as placing conditions or
271 suspending, you’re saying we have one of two choices here, either to revoke or to not revoke.

272

273 **BRAD JERBIC**

274 I was merely trying to, I – might not have articulated very well. I was merely trying to state that
275 if you revoke, you don’t have to worry about the issue of the Business Licensing Department

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

276 reissuing the license. An act of revocation would terminate any reissuing of the license beyond
277 today. You can, of course, under the Code, decide to do something less than revocation. Even
278 though the recommendation is for revocation, the Code allows you, as Mr. DeWitt correctly
279 pointed out, to impose conditions or to impose fines or combinations of those.

280

281 **MAYOR GOODMAN**

282 Alright. On the existing license which expires –

283

84 **BRAD JERBIC**

285 That's today, that's correct. If you chose not to revoke today, if you chose to do one of those
286 other things, the six-month extension, because this is a license that's renewed every six months.
287 The six-month renewal period would kick in with whatever conditions and/or fine you would
288 impose.

289

290 **MAYOR GOODMAN**

291 Okay. I –

292

293 **COUNCILMAN REESE**

294 But we did – I want it on record, we did – extend the existing license from the 30th until today,
295 which is, I think, four or five days.

296

297 **MAYOR GOODMAN**

298 Right. So we're – going to be addressing the issue of this license.

299

300 **CLYDE DeWITT**

301 It's actually the same license that's been in effect, renewed many times –

302

303 **MAYOR GOODMAN**

304 Yeah, okay. This –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

305 **CLYDE DeWITT**

306 – since the early 1970's.

307

308 **MAYOR GOODMAN**

309 But – our consideration will be to this license that's presently in effect today.

310

311 **CLYDE DeWITT**

312 Okay.

13

314 **BRAD JERBIC**

315 Mr. Difiore will be up here in just a moment, I think, and he'll make that record on that.

316

317 **MAYOR GOODMAN**

318 Okay

319

320 **WILLIAM HENRY**

321 If I could add one thing. There is a license in existence now. What you are agendaed for, under
322 the Open Meeting Law, is to take discipline against that license or not. Talk about you're here
323 today to decide whether or not to renew it or not is, in my opinion, an effort to muddy the record
324 and –

325

326 **MAYOR GOODMAN**

327 Well, we're not going to do that. We're –

328

329 **WILLIAM HENRY**

330 – reposition the hearing.

331

332 **MAYOR GOODMAN**

333 I've made the position clear, and that is we're talking about this license and that's what we're
334 gonna be deciding today. Alright, so we're ready to begin. Thank you for your opening

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

335 statements.

336

337 **CLYDE DeWITT**

338 Thank you, your Honor.

339

340 **MAYOR GOODMAN**

341 Mr. Henry, you want to call your first witness.

342

43 **WILLIAM HENRY**

344 Jim DiFiore.

345

346 **MAYOR GOODMAN**

347 And what we'll do, Council, as far as objections are concerned, let's have one attorney just do
348 the objections on each witness. You're able to switch on other witnesses, but let's just keep one
349 attorney objecting to each witness.

350

351 **WILLIAM HENRY**

352 Your name's Jim DiFiore, and you're the manager of the Business Licensing Division of the
353 Department of Finance for the City of Las Vegas?

354

355 **JIM DiFIORE**

356 That is correct.

357

358 **WILLIAM HENRY**

359 Are you familiar with the complaint on file on this agenda item?

360

361 **JIM DiFIORE**

362 Yes I am.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

363 **WILLIAM HENRY**

364 Directing your attention to the first page of the complaint that alleges that Edgar Wrenn and Elsie
365 Wrenn hold a particular motel license. Is that correct?

366

367 **JIM DiFIORE**

368 That is correct.

369

370 **WILLIAM HENRY**

71 Your Honor, at this time, I'd ask to lodge with the Clerk a certified copy of a death certificate
372 that shows that Elsie Wrenn passed away some time ago.

373

374 **MAYOR GOODMAN**

375 Alright fine.

376

377 **CLYDE DeWITT**

378 So stipulated.

379

380 **MAYOR GOODMAN**

381 Alright, very good, that's admitted.

382

383 **WILLIAM HENRY**

384 I have no further questions.

385

386 **MAYOR GOODMAN**

387 Alright, any cross examination?

388

389 **CLYDE DeWITT**

390 I have no questions.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

391 **MAYOR GOODMAN**

392 Alright, you're excused, Mr. DiFiore. Next witness please.

393

394 **CLYDE DeWITT**

395 He may be excused, your Honor.

396

397 **WILLIAM HENRY**

398 Officer Russell, please. Would you state your name and spell your last name for the Clerk,
99 please.

400

401 **CHAD RUSSELL**

402 Chad Russell, r-u-s-s-e-l-l.

403

404 **WILLIAM HENRY**

405 You're a Metropolitan Police Officer?

406

407 **CHAD RUSSELL**

408 That's correct.

409

410 **WILLIAM HENRY**

411 During two, the years two thousand and –

412

413 **MAYOR GOODMAN**

414 I think I'm gonna do this. I have no problem with the particular witness, but I think if we're
415 gonna hear testimony today, we should have the witnesses sworn in.

416

417 **BEVERLY BRIDGES**

418 Do you swear to tell the truth, the whole truth and nothing but the truth?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

419 **CHAD RUSSELL**

420 I do.

421

422 **MAYOR GOODMAN**

423 Thank you.

424

425 **COUNCILMAN REESE**

426 Thank you, Bev.

27

428 **WILLIAM HENRY**

429 Your Honor, if we're gonna to do that, we probably should have all the witnesses sworn, and so
430 can I bring Mr. DiFiore back up?

431

432 **MAYOR GOODMAN**

433 Sure.

434

435 **WILLIAM HENRY**

436 Have a seat in the front row.

437

438 **CLYDE DeWITT**

439 Your Honor, the – representative of the Clerk's office, I'll stipulate to his testimony. I don't
440 have a problem with that.

441

442 **MAYOR GOODMAN**

443 I think just for the record, we'll swear him in, thank you.

444

445 **JEROME MOONEY**

446 This guy has the search warrant (inaudible) –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

447 **BEVERLY BRIDGES**

448 Do you swear to tell the truth, the whole truth and nothing but the truth?

449

450 **JIM DiFIORE**

451 I do.

452

453 **JEROME MOONEY**

454 (Inaudible) – it's up to you.

55

456 **MAYOR GOODMAN**

457 Alright basically would your testimony been the same now that you're under oath?

458

459 **JIM DiFIORE**

460 Yes it would've been.

461

462 **MAYOR GOODMAN**

463 Have a seat, will you please, thank you.

464

465 **WILLIAM HENRY**

466 Officer Russell. Let's see, you've been sworn?

467

468 **MAYOR GOODMAN**

469 Yes.

470

471 **WILLIAM HENRY**

472 You're a Metropolitan Police Officer?

473

474 **CHAD RUSSELL**

475 Correct.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

476 **CHAD RUSSELL**

477 Correct.

478

479 **WILLIAM HENRY**

480 During the years two thousand and four and two thousand and five, did you participate in an
481 investigation of the Del Mar Motel?

482

483 **CHAD RUSSELL**

484 I did.

485

486 **WILLIAM HENRY**

487 Is that establishment located at 1411 Las Vegas Boulevard South, Las Vegas, Clark County,
488 Nevada?

489

490 **CHAD RUSSELL**

491 It is.

492

493 **WILLIAM HENRY**

494 During the course of that investigation, did you along with other officers conduct surveillances
495 of the people coming and going from the Del Mar?

496

497 **CHAD RUSSELL**

498 Yes we did.

499

500 **WILLIAM HENRY**

501 And would you tell the Council, just very briefly, where you were and how you did that.

502

503 **CHAD RUSSELL**

504 The surveillances were conducted from directly across the street, it was a place that used to be
505 the name of The Bottle Collectors. We were on the roof of the, that building.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

506 **WILLIAM HENRY**

507 Did you utilize some equipment?

508

509 **CHAD RUSSELL**

510 We did. We utilized a – digital camcorder.

511

512 **WILLIAM HENRY**

513 And with this camcorder, did you make certain films of people coming and going?

514

515 **CHAD RUSSELL**

516 We did.

517

518 **WILLIAM HENRY**

519 During the course of your investigation, did you ask other officers to stop vehicles that people
520 were riding in as they left the Del Mar?

521

522 **CHAD RUSSELL**

523 Yes, several.

524

525 **WILLIAM HENRY**

526 And after the stops were made, did you interview some of these people?

527

528 **CHAD RUSSELL**

529 I did.

530

531 **WILLIAM HENRY**

532 And were these interviews likewise videotaped?

533

534 **CHAD RUSSELL**

535 Some of them were, some of them weren't. It was up to basically whoever we were

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

536 interviewing, if they volunteered to go on videotape to be interviewed, then we would videotape
537 them.

538

539 **WILLIAM HENRY**

540 Is the location of the Del Mar in the Downtown Area Command?

541

542 **CHAD RUSSELL**

543 It is.

44

545 **WILLIAM HENRY**

546 And were these videotapes used to create a videotape for purposes of showing the tape to
547 merchants in the Downtown Area Command to show them part of the crime problem in this area
548 of Las Vegas?

549

550 **CHAD RUSSELL**

551 Yes, the project actually started out as, it was intended to be a training video for business owners
552 in those areas where they could identify prostitutes, call us. We have a program developed
553 where business owners can call an officer directly to bring any problems to their attention, drug
554 related type problems, which are often associated with prostitution. So, our initial intention was
555 just to create a training video for business owners. After doing some initial surveillance and
556 some videotaping, we found that every time we would began surveilling a prostitute, we would
557 always end up back at the Del Mar. Whether they started off somewhere else and were driven to
558 the Del Mar or would stand out in front of the Del Mar and then go in and get a room, everything
559 led us back to the Del Mar. And that's really what initiated this investigation on the Del Mar.

560

561 **WILLIAM HENRY**

562 Did you deliver a copy of this training tape to the Communications Department of the City of
563 Las Vegas Monday afternoon?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

564 **CHAD RUSSELL**

565 I did not.

566

567 **WILLIAM HENRY**

568 Do you have knowledge that it was delivered?

569

570 **CHAD RUSSELL**

571 Not personally.

72

573 **WILLIAM HENRY**

574 Can you tell the Council what's on the tape?

575

576 **CHAD RUSSELL**

577 Are you referring to the nine minute –

578

579 **WILLIAM HENRY**

580 The nine-minute tape.

581

582 **CHAD RUSSELL**

583 Basically, it's a culmination of video showing prostitutes arriving and departing the Del Mar, and

584 it also has portions of interviews with certain, with – the prostitutes that volunteered to be

585 videotaped with most of the profanity removed.

586

587 **WILLIAM HENRY**

588 Is there an interview at the beginning of the tape with the housekeeper?

589

590 **CHAD RUSSELL**

591 Yes there is.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

592 **WILLIAM HENRY**

593 And is there an interview at the end of the tape with the desk clerk?

594

595 **CHAD RUSSELL**

596 There is.

597

598 **WILLIAM HENRY**

599 Your Honor, at this time, I'd ask the tape be played.

600

601 **JEROME MOONEY**

602 We would object, Your Honor.

603

604 **MAYOR GOODMAN**

605 What basis?

606

607 **JEROME MOONEY**

608 Couple of reasons for it. Primarily, this infomercial that's been created, to admit it into evidence
609 would essentially violate the due process rights of – our client because it is, in fact, just that, it's
610 an infomercial. It's nine minutes which is extracted in snippets from some nine hours of – other
611 materials. It has, it's, they've created it for some other purpose, obviously, as the testimony
612 went. There's music behind, it has picture in picture, we've been given no opportunity to see or
613 review the materials that it came from, didn't know that it existed until late on Monday. We've
614 got no opportunity to find out what the context of these are. In fact, a glaring example of the
615 difficulty with regards to this is, it ends with the question that's made to the manager about does
616 he think that management has knowledge. He thinks for a little while and – then starts to say
617 something, and we get a little bit of answer and then he, it's cut off at that point before we get
618 what's obviously going to be a qualifying kind of answer that – comes out.

619 It, even though the regular rules of evidence don't apply in this kind of – a hearing, it is still
620 incumbent, I think, upon the Council to only allow into evidence materials which have
621 evidentiary value and which are clearly not misleading and don't have the huge potential for

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

622 being misleading. We've had no opportunity to see what other materials should be included
623 from these tapes to put what's in the tape in – appropriate context. We've got no opportunity, as
624 we indicated according to Las Vegas Municipal Code, to cross examine any of the people
625 making the hearsay statements that are included on these – tapes.

626

627 **MAYOR GOODMAN**

628 Let me ask Mr. Henry this question. The complaint that we're considering today is specific and
629 allegations concerning prostitution taking place on particular dates, with particular individuals
630 who are alleged to be prostitutes. Are those persons depicted on the tape?

631

632 **WILLIAM HENRY**

633 Not necessarily, Your Honor.

634

635 **MAYOR GOODMAN**

636 So this tape would be sort of a overall, as to what you think is happening there but not
637 necessarily per, pertinent to the allegations that are before us today?

638

639 **WILLIAM HENRY**

640 No, it is pertinent to the allegations.

641

642 **MAYOR GOODMAN**

643 Well, when I say pertinent, I'm talking about specific to the allegations that are happening today.
644 For instance, in September 26th we're told, or on October the second, we're told that a particular
645 person admitted to being a prostitute, stated she was there for a particular reason. Another
646 person admitted to being a prostitute, stated she was there for another reason, that kind of thing.
647 Are we going to be having any of those specifics shown on the tapes.

648

649 **WILLIAM HENRY**

650 Yes, Your Honor.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

- VERBATIM TRANSCRIPT - Item 62

651 **MAYOR GOODMAN**

652 Alright, well, I'm going to let them play the tape, and that we'll give it whatever value th – you
653 know I see some people shaking their heads. This is not a criminal proceeding, Sir. This is an
654 administrative proceeding and whatever's gonna be helpful to the Council is gonna be allowed
655 here today. And there are other remedies that could have taken place. There was no motion that
656 I saw, which was made to suppress the tape prior to today. And, I understand you got it on short
657 notice, but the representation from the City Attorney is he got it on short notice too. So whatever
658 value we feel is worth on the tape, we're gonna see it now. (Videotape shown for approximately
59 40 seconds)

660

661 **WILLIAM HENRY**

662 Thank you, Your Honor.

663

664 **MAYOR GOODMAN**

665 Could you put it on hold for a second, please? Could you put it on hold? (Videotape stopped)
666 Let me ask you this. So I want to understand your position, and I want you to be, make it fully
667 for the record. Now you knew that Mary Nile was somebody who was gonna be asked a
668 question?

669

670 **JEROME MOONEY**

671 No, Your Honor. We've learned about Mary Nile for the first time. She is not included in any
672 of the materials that were provided to –

673

674 **MAYOR GOODMAN**

675 No no, my question is when you got the tape on Tuesday, yesterday – did you make any effort at
676 all to contact, do you know, did you make any effort at all to contact Mary Nile?

677

678 **JEROME MOONEY**

679 I would have to ask Mr. –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

680 **GREGORY MILLS**

681 She doesn't work there, Your Honor. We didn't have time to get –

682

683 **JEROME MOONEY**

684 Alright, fair enough, thank you.

685

686 **WILLIAM HENRY**

687 Your Honor, if I could comment on that. Contrast that to the fact that yesterday they generated

688 their own subpoena for a Metropolitan Police Captain who commands the Vice Department,

689 served it yesterday afternoon on Risk Management and compelled his appearance here today.

690

691 **MAYOR GOODMAN**

692 Well that's legitimate.

693

694 **WILLIAM HENRY**

695 It is legitimate, but I want you to contrast that effort to the lack of effort to produce Mary Niles.

696

697 **MAYOR GOODMAN**

698 Well they said she's not employed there anymore. They had a day and a half, but we're gonna

699 see this for whatever it's worth. It may not be worth two cents but – (Videotape resumed for

700 approximately four minutes and forty-five seconds)

701

702 **WILLIAM HENRY**

703 I don't have control of it, you'll have to speak. (Videotape stopped)

704

705 **MAYOR GOODMAN**

706 – (inaudible) for purposes of the tape.

707

708 **WILLIAM HENRY**

709 Your Honor, I would ask you to instruct the communications people, if they can, to fast forward

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

710 to the last minute, which is an interview with the desk clerk, Mike, who is repeatedly referred to
711 in the complaint.

712

713 **MAYOR GOODMAN**

714 Alright, I'll – do that. Is that it?

715

716 **WILLIAM HENRY**

717 Yes.

718

719 **MAYOR GOODMAN**

720 Alright. (Videotape resumed for approximately one minute and 15 seconds)

721

722 **MAYOR GOODMAN**

723 Okay, that's it. Well that's, that can be stricken. We're not gonna consider that, the ads we're
724 not gonna consider.

725

726 **WILLIAM HENRY**

727 No, not at all, I wouldn't ask you to.

728

729 **MAYOR GOODMAN**

730 Alright, alright that's all.

731

732 **WILLIAM HENRY**

733 Office Russell, of the five girls interviewed, did, were you present for the interviews shown on
734 the tape of the first two?

735

736 **CHAD RUSSELL**

737 I was.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

738 **WILLIAM HENRY**

739 And indeed is the second one, Stephanie Cachiatorre, who's referred to at Line 26 of Page 3 of
740 the complaint?

741

742 **CHAD RUSSELL**

743 Yes.

744

745 **WILLIAM HENRY**

746 As to the last three girls, were they interviewed by a Metropolitan Police Lieutenant?

747

748 **CHAD RUSSELL**

749 They were.

750

751 **WILLIAM HENRY**

752 What's his name, please?

753

754 **CHAD RUSSELL**

755 Lieutenant Steve Herpolsheimer.

756

757 **WILLIAM HENRY**

758 Would you spell that, please, for the clerk? Try.

759

760 **CHAD RUSSELL**

761 H-e-r-p-o-l-s-h-e-i-m-e-r

762

763 **WILLIAM HENRY**

764 And is he present here in Council Chambers today and available to be called as a witness by the
765 respondents?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

766 **CHAD RUSSELL**

767 He is.

768

769 **WILLIAM HENRY**

770 Thank you. Allow me then to direct your attention to the complaint starting at Page 3 Line 7.

771 There're certain allegations in there about interviews you conducted with people on September

772 26, two thousand and four. Are they all true and correct?

773

774 **CHAD RUSSELL**

775 They are.

776

777 **WILLIAM HENRY**

778 Going to Line 15, there're certain allegations in there about interviews you conducted with

779 people on October 2nd, two thousand and four. Are they all true and correct?

780

781 **CHAD RUSSELL**

782 They are.

783

784 **WILLIAM HENRY**

785 Going to Page 4 Line 5, there're certain allegations in the complaint referring to interviews that

786 you conducted with people beginning on October 3rd, two thousand and, or on October 3rd, two

787 thousand and four. Are they true and correct?

788

789 **CHAD RUSSELL**

790 They are.

791

792 **WILLIAM HENRY**

793 Directing your attention to Line 24 of Page 4 of the Complaint, beginning at that line, there're

794 certain allegations in there concerning interviews you conducted with people on October 9 two

795 thousand and four. Are they true and correct?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

796 **CHAD RUSSELL**

797 They are.

798

799 **WILLIAM HENRY**

800 Going to Page 5, directing your attention to Line 5, beginning at that line, there're certain
801 allegations in the complaint concerning interviews you concern, you conducted with people on
802 October 16, two thousand and four. Are they true and correct?

803

804 **CHAD RUSSELL**

805 They are.

806

807 **WILLIAM HENRY**

808 Going to Line 24 on the same page, that – that line begins certain allegations concerning
809 interviews that you conducted with people on November 11th. Are those allegations true and
810 correct?

811

812 **CHAD RUSSELL**

813 They are.

814

815 **WILLIAM HENRY**

816 Other than there, those dates, were there any dates where you were surveilling the Del Mar?

817

818 **CHAD RUSSELL**

819 Well, as, just part of our patrol procedures, it's very common for myself and all of the patrol
820 officers in the Downtown Area Command to frequently drive past the Del Mar or – conducts,
821 conduct stops in and around the Del Mar.

822

823 **WILLIAM HENRY**

824 Have you ever seen, have you ever seen anybody since September 26, two thousand and four
825 check into the Del Mar with luggage?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

826 **CHAD RUSSELL**

827 Never.

828

829 **WILLIAM HENRY**

830 How long have you been a police officer?

831

832 **CHAD RUSSELL**

833 For, a little over three and a half years.

834

835 **WILLIAM HENRY**

836 Based on your training and experience and education, did you ever form the opinion that anyone
837 you saw checking into the Del Mar wa, were regular guests as opposed to prostitutes and their
838 customers?

839

840 **CHAD RUSSELL**

841 No. In fact, of all –

842

843 **MAYOR GOODMAN**

844 There's no, there's no question, no question.

845

846 **WILLIAM HENRY**

847 On November 13th, two thousand and four, did you along with other officers serve a search
848 warrant at the Del Mar?

849

850 **CHAD RUSSELL**

851 We did.

852

853 **WILLIAM HENRY**

854 And as you were waiting to do that, were you listening to the radio?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

855 **CHAD RUSSELL**

856 We were.

857

858 **WILLIAM HENRY**

859 Did you hear a call concerning a battery or a robbery at the Del Mar?

860

861 **CHAD RUSSELL**

862 Yes. While we were –

863

864 **JEROME MOONEY**

865 Objection, irrelevant, this isn't about –

866

867 **WILLIAM HENRY**

868 I'm just laying foundation, and I just want a yes or no answer.

869

870 **MAYOR GOODMAN**

871 Alright, objection sustained. Don't laugh at me, Mr. Henry, or else you're gonna –

872

873 **WILLIAM HENRY**

874 I'm – I'm not laughing at you, Your Honor. During the course of your operations at the Del Mar
875 on November 13, two thousand and four, did you encounter a man that you subsequently learned
876 was named Richard Shives? It's your robbery victim.

877

878 **CHAD RUSSELL**

879 Oh, yes we did.

880

881 **WILLIAM HENRY**

882 And did Mr. Shives appear to be injured? Just yes or no.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

883 **CHAD RUSSELL**

884 Yes.

885

886 **WILLIAM HENRY**

887 And did you determine whether or not Mr. Shives was an employee of the Del Mar?

888

889 **CHAD RUSSELL**

890 We did.

891

892 **WILLIAM HENRY**

893 And was he?

894

895 **CHAD RUSSELL**

896 He was.

897

898 **WILLIAM HENRY**

899 Thank you. When you executed the search warrant, did you seize certain items?

900

901 **CHAD RUSSELL**

902 We saw several items, yes.

903

904 **WILLIAM HENRY**

905 Okay, but did you see, search, take certain items?

906

907 **CHAD RUSSELL**

908 We did.

909

910 **WILLIAM HENRY**

911 Pursuant to the search warrant?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

912 **CHAD RUSSELL**

913 Absolutely.

914

915 **WILLIAM HENRY**

916 Was one of those items a trophy?

917

918 **CHAD RUSSELL**

919 It was.

20

921 **WILLIAM HENRY**

922 Could one of the officers in the back bring the trophy, please. I'm showing you an item. Is this
923 the trophy that you seized?

924

925 **CHAD RUSSELL**

926 That is.

927

928 **WILLIAM HENRY**

929 And does it bear an inscription on it?

930

931 **CHAD RUSSELL**

932 It does.

933

934 **WILLIAM HENRY**

935 From top to bottom, would you read the inscription to the City Council, please.

936

937 **CHAD RUSSELL**

938 It says, New times number one in Las Vegas 1996, best hotel with hourly rates, the Del Mar.

939

940 **WILLIAM HENRY**

941 Thank you. Did you find when you were executing the search warrant, boxes of condoms behind

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT - Item 62

942 the front desk of the Del Mar?

943

944 **CHAD RUSSELL**

945 Yes, a few of them.

946

947 **WILLIAM HENRY**

948 A few boxes?

949

50 **CHAD RUSSELL**

951 A few boxes, yes.

952

953 **WILLIAM HENRY**

954 Yes. And did you seize those?

955

956 **CHAD RUSSELL**

957 We did.

958

959 **WILLIAM HENRY**

960 Would you bring those present, forward, please?

961

962 **FEMALE SPEAKER IN AUDIENCE**

963 I know all them ain't condoms. The Health Department ain't got no condoms.

964

965 **UNIDENTIFIED MALE SPEAKER**

966 This one (inaudible), this one.

967

968 **FEMALE SPEAKER IN AUDIENCE**

969 They got 'em in colors.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

970 **WILLIAM HENRY**

971 Are these four boxes the boxes of condoms that you seized?

972

973 **CHAD RUSSELL**

974 They are.

975

976 **WILLIAM HENRY**

977 I note that one of them appears to be open.

78

979 **CHAD RUSSELL**

980 Yes.

981

982 **WILLIAM HENRY**

983 Was it open when you seized it?

984

985 **CHAD RUSSELL**

986 It was.

987

988 **WILLIAM HENRY**

989 And was it also partially empty?

990

991 **CHAD RUSSELL**

992 It was.

993

994 **WILLIAM HENRY**

995 Do you have anything you want to say.

996

997 **UNIDENTIFIED MALE SPEAKER**

998 No.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

- VERBATIM TRANSCRIPT - Item 62

999 **WILLIAM HENRY**

1000 Okay. Thank you, Your Honor, I have no further questions with this witness.

1001

1002 **MAYOR GOODMAN**

1003 Alright, thank you, Mr. Henry. Cross examination, please.

1004

1005 **JEROME MOONEY**

1006 Thank you, Mayor. Officer Russell, in obtaining your search warrant, did you prepare a, an
1007 affidavit?

1008

1009 **CHAD RUSSELL**

1010 We did.

1011

1012 **JEROME MOONEY**

1013 And in the affidavit, did you outline things that you thought that you might find that you were
1014 going to be looking for, and if the search was authorized?

1015

1016 **CHAD RUSSELL**

1017 We did.

1018

1019 **JEROME MOONEY**

1020 And do you have a copy of your affidavit with you?

1021

1022 **CHAD RUSSELL**

1023 I do not.

1024

1025 **WILLIAM HENRY**

1026 Your Honor, this is to lay the foundation to suppress this -

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1027 **JEROME MOONEY**

1028 No it's not.

1029

1030 **WILLIAM HENRY**

1031 It's not an appropriate hearing for it.

1032

1033 **MAYOR GOODMAN**

1034 He hasn't said that, he's asking questions about an affidavit, and the witness says he doesn't have
1035 the affidavit with him.

1036

1037 **JEROME MOONEY**

1038 Do you recall indicating in your affidavit that you had worked as a police officer for the past
1039 three years?

1040

1041 **CHAD RUSSELL**

1042 Sure.

1043

1044 **JEROME MOONEY**

1045 Do you recall indicating in your affidavit that you attended training seminars with regards to the
1046 subject matter of which you were looking for?

1047

1048 **CHAD RUSSELL**

1049 Yes.

1050

1051 **JEROME MOONEY**

1052 And what you were looking for is evidence, here we go, this would help, turn to Page 27, if you
1053 would, of a –

1054

1055 **MAYOR GOODMAN**

1056 Do you have an extra copy, Council?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1057 **WILLIAM HENRY**

1058 I can look over his shoulder, Your Honor.

1059

1060 **MAYOR GOODMAN**

1061 No, I'd – I'd like to see it.

1062

1063 **WILLIAM HENRY**

1064 You'd like to see it.

65

1066 **JEROME MOONEY**

1067 I, that was the only extra, I guess we could put it up on the, the overhead.

1068

1069 **WILLIAM HENRY**

1070 It won't show print.

1071

1072 **JEROME MOONEY**

1073 It won't show print? Oh, okay.

1074

1075 **MAYOR GOODMAN**

1076 Alright.

1077

1078 **JEROME MOONEY**

1079 Do we have another copy?

1080

1081 **MAYOR GOODMAN**

1082 We'll do without it.

1083

1084 **JEROME MOONEY**

1085 You read the first paragraph of that?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1086 **CHAD RUSSELL**

1087 Yes.

1088

1089 **JEROME MOONEY**

1090 And do you see where you said in there that having attended training seminars and having
1091 interacted on a professional basis with numerous fellow Vice detectives, that almost all persons
1092 who deal in prostitution whether pimping or operating a house of ill fame, maintain records of
1093 some transactions including records of frequency, frequently used escort services. Do you see
1094 that, where – you said that in there?

1095

1096 **CHAD RUSSELL**

1097 I do.

1098

1099 **JEROME MOONEY**

1100 And people who are actively involved in promoting prostitution, this is one of the things that you
1101 would expect them to have if they're operating a house of ill fame, if they are in the process of
1102 actively assisting in prostitution. Isn't that right, officer?

1103

1104 **CHAD RUSSELL**

1105 Yes.

1106

1107 **JEROME MOONEY**

1108 And when you conducted the exercise of the, the search warrant, at the premises of the Del Mar
1109 Motel, you didn't find any records of frequently used escort services, did you?

1110

1111 **CHAD RUSSELL**

1112 No.

1113

1114 **JEROME MOONEY**

1115 And then you went on to further say frequently visiting call girls, you see where that is also one

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

1116 of the things that you indicated you would expect to find?

1117

1118 **CHAD RUSSELL**

1119 I do.

1120

1121 **JEROME MOONEY**

1122 And, in fact, if somebody had regular relationships with – people, you would expect to find
1123 records with regards to who those people were in the management to records?

24

1125 **CHAD RUSSELL**

1126 Correct. We only got that from the interviews.

1127

1128 **JEROME MOONEY**

1129 Okay, and in fact, you didn't find any records in the search?

1130

1131 **CHAD RUSSELL**

1132 No written records.

1133

1134 **JEROME MOONEY**

1135 (Inaudible) the visiting call girls. And then the next one that you said familiar taxi cab drivers
1136 who often order girls to their customers, do you see that?

1137

1138 **CHAD RUSSELL**

1139 Right.

1140

1141 **JEROME MOONEY**

1142 In fact, people who engage in actively promoting prostitution will often have arrangements
1143 worked out with people like taxicab drivers or even desk clerks at hotels, and people of that
1144 nature. Will they not?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1145 **CHAD RUSSELL**

1146 Sure.

1147

1148 **MAYOR GOODMAN**

1149 Council.

1150

1151 **JEROME MOONEY**

1152 And –

53

1154 **MAYOR GOODMAN**

1155 I don't want to ruin your – rhythm here, but Mayor Pro Tem had a question.

1156

1157 **COUCILMAN REESE**

1158 I had – a question. You're talking, I'm sorry. I had a question. You're talking, you're asking
1159 the witness a question about records. If they're paying by cash, and whoever's paying, would
1160 they – ask names if they're just giving cash, like you give a name John Doe or Sarah Smith, so it
1161 wouldn't be records, if –

1162

1163 **JEROME MOONEY**

1164 But, maybe –

1165

1166 **COUCILMAN REESE**

1167 – if it's – a cash transaction, though?

1168

1169 **JEROME MOONEY**

1170 I'm sorry, I didn't mean to in, to interrupt you. Maybe I should clarify then, what the nature is.
1171 The materials that – you were looking for when you were looking for records related to escort
1172 services, it was contact information so that the people who were operating a house of prostitution
1173 can interact with that escort service to provide girls to – conduct their business at their
1174 establishment. Isn't that why you looked for that kind of, of thing?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

---VERBATIM TRANSCRIPT -- Item 62

1175 **CHAD RUSSELL**

1176 No, really looking for their compliance for the laws establishing having to provide i.d. and put in
1177 the name and address of the occupant. People were more often than not putting in fake names in
1178 the records, which we did seize, their guest books, putting in fake names or them not requiring
1179 i.d. at all to -- check out these rooms. And, we did establish a relationship with them and Desert
1180 Cab, who is the only cab company at that time that they would call to pick up anybody leaving
1181 the Del Mar. If somebody ask for a cab, it would be Desert Cab that they would call. So, yeah,
1182 we did seize records establishing --

83

1184 **JEROME MOONEY**

1185 So that would be people leaving the establishment?

1186

1187 **CHAD RUSSELL**

1188 Correct.

1189

1190 **JEROME MOONEY**

1191 They would call Desert Cab. But going back, I think, to the Councilman's question and trying to
1192 clarify that, the frequently used escort services, in, information on frequently used escort services
1193 would be flyers that might recommend these -- people or other things that had numbers and
1194 contacts at the escort services. That's the sort of thing, information that you would expect to find
1195 in that kind of a location.

1196

1197 **CHAD RUSSELL**

1198 In addition to the other things that we found, yes.

1199

1200 **JEROME MOONEY**

1201 Sure, it's not just the record of people who come and stay in the establishment, it's records that
1202 would show that management is actively interacting with people who are going to send people to
1203 their establishment. That's what you're looking for, isn't it?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1204 **CHAD RUSSELL**

1205 Well, not necessarily not – we weren't using that as a way to establish of the relationship 'cause
1206 we already knew what the relationship was with the prostitutes. We were looking for that in
1207 addition to the other things that we knew we already had, such as the room registers not being
1208 kept properly, the use of the Desert Inn Cab.

1209

1210 **JEROME MOONEY**

1211 Yeah, they didn't have a, in fact, you discovered they didn't have a bound book where
1212 everybody that came in wrote down their name and place of residences as required by Municipal
1213 Code. Isn't that right?

1214

1215 **CHAD RUSSELL**

1216 They had a book. I don't know the details on the book. I wasn't the one that reviewed it, but I
1217 do know that in talking with the officers that did, it was not being kept properly, the records
1218 weren't –

1219

1220 **JEROME MOONEY**

1221 And – to your understanding, the Municipal Code requires a bound book where every guest that
1222 comes into a hotel for less than 30 days is required to write his name and place of residence.

1223

1224 **CHAD RUSSELL**

1225 Correct.

1226

1227 **JEROME MOONEY**

1228 So when the MGM didn't make me do that last night, they were actually in violation of
1229 Municipal Code, were they not?

1230

1231 **CHAD RUSSELL**

1232 I don't know.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

---VERBATIM TRANSCRIPT -- Item 62

1233 **JEROME MOONEY**

1234 Okay, never mind.

1235

1236 **WILLIAM HENRY**

1237 Your Honor, I'd note the MGM is in the County, not the City.

1238

1239 **MAYOR GOODMAN**

1240 That's -- we'll take -- notice of that.

.41

1242 **JEROME MOONEY**

1243 Okay, I'm sorry, I'm not that familiar where the county line might be.

1244

1245 **MAYOR GOODMAN**

1246 Well you should be.

1247

1248 **JEROME MOONEY**

1249 I should have been, Your Honor, but -- if they were in the City, then they would, suppose to have
1250 a bound book that you would have to write?

1251

1252 **CHAD RUSSELL**

1253 Yes.

1254

1255 **JEROME MOONEY**

1256 Even if I arrive by plane at McCarran and not stage coach. With regards to cab services, the only
1257 cab service that you found was, something that indicated that they always call the same cab
1258 service with regards to people who are going to be picked up at the establishment?

1259

1260 **CHAD RUSSELL**

1261 Correct.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1262 **JEROME MOONEY**

1263 But the, when you were conducting your surveillance on these seven different days, many
1264 different cabs would come, would arrive and bring people there?

1265

1266 **CHAD RUSSELL**

1267 Yes.

1268

1269 **JEROME MOONEY**

1270 And you, in fact, didn't establish any evidence that the people at the Del Mar had any financial
1271 arrangements worked out where they were paying any cab drivers to bring any people to their
1272 establishment?

1273

1274 **CHAD RUSSELL**

1275 No.

1276

1277 **JEROME MOONEY**

1278 In fact, in all of the interviews that you conducted with all of the girls that went there, the
1279 primary reason that they told you that they went there is because it had hourly rates and it was
1280 cheap.

1281

1282 **CHAD RUSSELL**

1283 Yes.

1284

1285 **JEROME MOONEY**

1286 And, in fact –

1287

1288 **CHAD RUSSELL**

1289 They were recommended to go there by other prostitutes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT - Item 62

1290 **JEROME MOONEY**

1291 (inaudible)

1292

1293 **CHAD RUSSELL**

1294 Yes.

1295

1296 **JEROME MOONEY**

1297 But when it came down to the primary reason is because it had hourly rates and it was cheap?

98

1299 **CHAD RUSSELL**

1300 Yes.

1301

1302 **JEROME MOONEY**

1303 And it wasn't because of any special financial arrangements that they had with the establishment

1304 or management or – the people that operated it?

1305

1306 **CHAD RUSSELL**

1307 Not that I was aware of, no.

1308

1309 **JEROME MOONEY**

1310 Okay, have you ever met Mr. Wrenn before?

1311

1312 **CHAD RUSSELL**

1313 I have not.

1314

1315 **JEROME MOONEY**

1316 And in the, all of the times that you were conducting your surveillance at this establishment, did

1317 you ever see Mr. Wrenn come in and out?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1318 **CHAD RUSSELL**

1319 Never.

1320

1321 **JEROME MOONEY**

1322 And I take it that during the times, you, the seven days that you conducted surveillance, that you
1323 had cameras running at least whenever there was any activity going on?

1324

1325 **CHAD RUSSELL**

26 Whenever we were actively doing surveillance, we were present with the cameras.

1327

1328 **JEROME MOONEY**

1329 Okay.

1330

1331 **CHAD RUSSELL**

1332 They weren't set up remotely.

1333

1334 **JEROME MOONEY**

1335 And you didn't – so you didn't just film an empty place, you only filmed when people were
1336 coming and going?

1337

1338 **CHAD RUSSELL**

1339 No, we, if it was empty, we would film when it was empty, but I can't recall a single time where
1340 it was empty.

1341

1342 **JEROME MOONEY**

1343 Okay, so you, but how many hours of surveillance video did you take?

1344

1345 **CHAD RUSSELL**

1346 I would guesstimate about six.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1347 **JEROME MOONEY**

1348 And that was done over seven different periods?

1349

1350 **CHAD RUSSELL**

1351 Approximately, yes.

1352

1353 **JEROME MOONEY**

1354 And each time you were there, you were there for approximately two to three hours?

55

1356 **CHAD RUSSELL**

1357 Probably a little more.

1358

1359 **JEROME MOONEY**

1360 So the six hours of video tape from the seven times that you were there, is a little less than one
1361 hour for each time you were there?

1362

1363 **CHAD RUSSELL**

1364 Correct.

1365

1366 **JEROME MOONEY**

1367 And you also then taped interviews with any of the people that you had stopped who agreed to be
1368 interviewed?

1369

1370 **CHAD RUSSELL**

1371 Correct.

1372

1373 **JEROME MOONEY**

1374 And do you recall how many people you videotaped interviews with?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1375 **CHAD RUSSELL**

1376 No, not an exact number, several – people.

1377

1378 **JEROME MOONEY**

1379 And used, I think you said you were not there for all of the –

1380

1381 **CHAD RUSSELL**

1382 That's correct.

83

1384 **JEROME MOONEY**

1385 – video interviews, but you were there for at least two of the video interviews?

1386

1387 **CHAD RUSSELL**

1388 I was there for more than that, but yes, on the video that you saw here, I was there for the first
1389 two of those at least.

1390

1391 **JEROME MOONEY**

1392 And in the course of video interview, that did, was not, you didn't interview all of the interaction
1393 with those individuals?

1394

1395 **CHAD RUSSELL**

1396 We videotaped the entire interview from beginning to end.

1397

1398 **JEROME MOONEY**

1399 But you had already been talking to those people before the interview took place?

1400

1401 **CHAD RUSSELL**

1402 Correct, obviously they had to agree to be videotaped in the first place.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1403 **JEROME MOONEY**

1404 And had they already written out their handwritten statements before the videotape –

1405

1406 **CHAD RUSSELL**

1407 Yes they had.

1408

1409 **JEROME MOONEY**

1410 – interview? So it was after the initial interview, after the handwritten statement, and then you

11 would take a video interview of these people?

1412

1413 **CHAD RUSSELL**

1414 If they so chose to.

1415

1416 **JEROME MOONEY**

1417 And how many hours of video interview do you have?

1418

1419 **CHAD RUSSELL**

1420 I would say all the interviews are probably less than an hour in length.

1421

1422 **JEROME MOONEY**

1423 Were of any of the people who gave video interviews arrested?

1424

1425 **CHAD RUSSELL**

1426 No. In fact, I don't recall anyone being arrested that we conducted stops on during this
1427 investigation, outside of a person that had, it was a drug related arrest.

1428

1429 **JEROME MOONEY**

1430 Yeah, you did discover somebody who gave you a false name because they had outstanding
1431 warrants. And then when you found out that they had outstanding warrants, you picked them up
1432 on the warrants?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1433 **CHAD RUSSELL**

1434 That's possible. I don't recall that specific incident, but –

1435

1436 **JEROME MOONEY**

1437 But other than that, everybody that was interviewed was let go.

1438

1439 **CHAD RUSSELL**

1440 Correct.

41

1442 **JEROME MOONEY**

1443 Even though they had admitted to violating the law?

1444

1445 **CHAD RUSSELL**

1446 That's correct.

1447

1448 **JEROME MOONEY**

1449 And prior to taking statements and getting them to give these interviews, was that part of the
1450 agreement that you made with them is look we're not going to arrest you, we're going to let you
1451 go your way if you give us this information?

1452

1453 **CHAD RUSSELL**

1454 No, there was no agreement like that. It wasn't our intent to arrest the prostitutes and the johns.
1455 Our investigation was on the Del Mar not the – individuals, the prostitutes or the johns
1456 themselves.

1457

1458 **JEROME MOONEY**

1459 And this award for the number one hourly hotel establishment, number one in Las Vegas 1996,
1460 that was found in the office of the hotel?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

- VERBATIM TRANSCRIPT --Item 62

1461 **CHAD RUSSELL**

1462 That's correct.

1463

1464 **JEROME MOONEY**

1465 So that was some nine years ago.

1466

1467 **CHAD RUSSELL**

1468 Okay.

69

1470 **JEROME MOONEY**

1471 Do you know whether in the nine years since the Del Mar Motel was awarded the number one
1472 hotel with hourly rates whether anybody from the police department has ever had any
1473 discussions with anybody in management about perceived problems at that establishment?

1474

1475 **CHAD RUSSELL**

1476 You mean besides us?

1477

1478 **JEROME MOONEY**

1479 Did you ever go over talk to management prior to exercising your search warrant?

1480

1481 **CHAD RUSSELL**

1482 No.

1483

1484 **JEROME MOONEY**

1485 Do you know of anybody prior to exercising the search warrant who ever went to Mr. Wrenn or
1486 any of the owners and said we think you got a problem here?

1487

1488 **CHAD RUSSELL**

1489 Not personally, no.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1490 **JEROME MOONEY**

1491 Now you were creating this videotape so that you would be able to work with owners of
1492 establishments to help them identify things that you thought they should not be doing, and to be
1493 able to solve some of the problems that were existing in the business communities, is that right?
1494

1495 **CHAD RUSSELL**

1496 That's, it started off like that, it then became an investigation on the Del Mar. So the footage
1497 shot from the roof was not – the intent of that was not created for business owners to learn to be
98 able to identify prostitutes. This was surveillance on the Del Mar.

1499

1500 **JEROME MOONEY**

1501 But the purpose in the video that you ultimately created, this little infomercial what we saw is
1502 something you planned on using with other business, businesses, or was it just made for this
1503 proceeding?
1504

1505 **CHAD RUSSELL**

1506 I'm not sure of its intended purpose. I know it was made of, for this – purpose. I believe –
1507

1508 **JEROME MOONEY**

1509 You're not the producer?
1510

1511 **CHAD RUSSELL**

1512 Correct.
1513

1514 **JEROME MOONEY**

1515 I didn't see any credits in there?
1516

1517 **CHAD RUSSELL**

1518 No, I didn't, I did not produce this video, no.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1519 **JEROME MOONEY**

1520 Okay. And do you know whether a Notice of Abatement of Nuisance has ever been served upon
1521 the Del Mar Hotel, Motel, in the twenty-four years that Mr. Wrenn has operated it?

1522

1523 **CHAD RUSSELL**

1524 I, not personally, no.

1525

1526 **JEROME MOONEY**

1527 Do you know of –

1528

1529 **COUNCILMAN REESE**

1530 If I could, If I could interrupt for just a second, please. I'm gonna ask City Attorney, Brad
1531 Jerbic, to come down here and sit. Mr. Goodman, Mayor Goodman had to leave, and I want Mr.
1532 Jerbic to be sitting here so he can kind of advise me on the proper procedures, if that's okay?

1533

1534 **JEROME MOONEY**

1535 No problems, Mr. Councilman.

1536

1537 **MAYOR PRO TEM REESE**

1538 Thank you very much. Brad, thank you.

1539

1540 **JEROME MOONEY**

1541 Are you aware of a procedure that exists within the Las Vegas area where individuals who face
1542 prosecutions for crimes including prostitution, particularly prostitution, can agree to remove
1543 themselves from certain parts of the – city?

1544

1545 **CHAD RUSSELL**

1546 Are you referring to the order-out?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1547 **JEROME MOONEY**

1548 The order-out.

1549

1550 **CHAD RUSSELL**

1551 Yes.

1552

1553 **JEROME MOONEY**

1554 And were you able to determine whether any of the people that you found at the Del Mar were
1555 subject to order-out proceed, proceedings?

1556

1557 **CHAD RUSSELL**

1558 I don't recall anybody being on the order-out that we stopped.

1559

1560 **JEROME MOONEY**

1561 Did you check?

1562

1563 **CHAD RUSSELL**

1564 A records check was conducted on every person that we stopped. I personally don't recall any,
1565 anyone being in violation of the order-out.

1566

1567 **JEROME MOONEY**

1568 And, by being at the Del Mar, a person would not be in violation of the order-out provisions,
1569 would they? It's not in an order-out zone, is it?

1570

1571 **CHAD RUSSELL**

1572 I'd have to look at an order-out map.

1573

1574 **JEROME MOONEY**

1575 And –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

1576 **CHAD RUSSELL**

1577 We carry with us.

1578

1579 **JEROME MOONEY**

1580 And in fact, if it's not in an order-out zone, people who are prostitutes and people who engage in
1581 that business who are ordered out of other regions of the -- City are going to end up in places like
1582 the Del Mar that are not in the order-out location. Isn't that got, one of the things that would take
1583 them towards those locations?

84

1585 **CHAD RUSSELL**

1586 That along with the hourly rates.

1587

1588 **JEROME MOONEY**

1589 Along with the hourly rates.

1590

1591 **CHAD RUSSELL**

1592 Right.

1593

1594 **JEROME MOONEY**

1595 And the cheap price.

1596

1597 **CHAD RUSSELL**

1598 Right.

1599

1600 **JEROME MOONEY**

1601 And are you aware of the fact that the -- Del Mar also provides free adult content along with its
1602 hourly rental?

1603

1604 **CHAD RUSSELL**

1605 Yes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1606 **JEROME MOONEY**

1607 And so a person renting a room would arguably have some entertainment available to them for
1608 the brief period of their rental, whether they were alone or with somebody?

1609

1610 **CHAD RUSSELL**

1611 Is that a question?

1612

1613 **JEROME MOONEY**

1614 Yes.

1615

1616 **CHAD RUSSELL**

1617 I –

1618

1619 **JEROME MOONEY**

1620 Isn't that true?

1621

1622 **CHAD RUSSELL**

1623 If you find that entertaining, then yes.

1624

1625 **JEROME MOONEY**

1626 Okay, supposing, and there are some people who appear to find that entertaining, are there not?

1627

1628 **CHAD RUSSELL**

1629 I imagine so.

1630

1631 **JEROME MOONEY**

1632 How long is your interview with the, with this – Mike person, the manager?

1633

1634 **CHAD RUSSELL**

1635 I think he was interviewed for maybe fifteen, twenty minutes, just thinking back.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1636 **JEROME MOONEY**

1637 Okay, and you asked him or somebody asked him, was that you doing – doing the interview?

1638

1639 **CHAD RUSSELL**

1640 I videotaped it. I didn't, I wasn't asking the questions.

1641

1642 **JEROME MOONEY**

1643 Who was asking the questions?

1644

1645 **CHAD RUSSELL**

1646 I believe it was Officer Levy, I believe.

1647

1648 **JEROME MOONEY**

1649 And when, one of the questions that was asked, the very last question that he's asked, is whether

1650 he had ever had any discussions about the prostitution situation or prostitution problems with the

1651 managers. Is that correct?

1652

1653 **CHAD RUSSELL**

1654 Yes.

1655

1656 **JEROME MOONEY**

1657 And – then by the way, there was another person that was in the chain of command between Mr.

1658 Wrenn and Mike, was there not?

1659

1660 **CHAD RUSSELL**

1661 That's correct. I believe his name is Ed Kamer.

1662

1663 **JEROME MOONEY**

1664 Okay, and this is the teacher that – there was a newspaper or some press about when – this thing

1665 first broke?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1666 **CHAD RUSSELL**

1667 Correct.

1668

1669 **JEROME MOONEY**

1670 So this school teacher was the person who worked for Mr. Wrenn and would have then been the
1671 direct supervisor of – Mike, the manager, who gave the statement.

1672

1673 **CHAD RUSSELL**

1674 Okay.

1675

1676 **JEROME MOONEY**

1677 Did you determine in the course of the interview when he said he had a conversation with
1678 somebody, the conversation we don't hear about, whether that individual was Mr. Kamer or
1679 whether it was Mr. Wrenn?

1680

1681 **CHAD RUSSELL**

1682 It was Mr. Kamer. In fact, just as recently as less than a month ago, I was approached by Mr.
1683 Butler while on another call at the El Cortez in which he walked up to me. He had recognized
1684 me from the service of the search warrant, and he pulled me to the side, said hey can I talk to you
1685 for a minute. I said sure, and he said listen I just want to let you know that, you know, it's – he
1686 said Ed at the time. He said, you know, Ed is the one that really pushes for, you know, catering
1687 towards the prostitutes. He says, you know, I – just work for them. I – go along with it, he says,
1688 but he's the one that's really set it up to invite the prostitutes in.

1689

1690 **JEROME MOONEY**

1691 And that was referring to Ed Kamer, not Ed Wrenn?

1692

1693 **CHAD RUSSELL**

1694 Correct, well, I guess you'd have to ask Mr. Butler.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

1695 **JEROME MOONEY**

1696 Okay, and you didn't ask him at that time?

1697

1698 **CHAD RUSSELL**

1699 No, I didn't.

1700

1701 **JEROME MOONEY**

1702 You didn't ask --

03

1704 **CHAD RUSSELL**

1705 I didn't realize they had the same first name.

1706

1707 **JEROME MOONEY**

1708 -- before, but you determined before, you determined in the earlier taped conversation that what,
1709 who he was talking to that he had the inter -- actions with him than Mr. Kamer?

1710

1711 **CHAD RUSSELL**

1712 Correct. As --

1713

1714 **JEROME MOONEY**

1715 And --

1716

1717 **CHAD RUSSELL**

1718 -- the son-in-law of the -- owner.

1719

1720 **JEROME MOONEY**

1721 And, of course, when -- Mr. Butler is approaching you in this subsequent conversation, he, at that
1722 point in time, he had some charges against him that stemmed from the -- search warrant?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1723 **CHAD RUSSELL**

1724 That's correct.

1725

1726 **JEROME MOONEY**

1727 So his self-serving comments to you may or may not have accurately reflected what was going
1728 on and may have been something he was saying in order to try to get better treatment of his
1729 circum, circumstances?

1730

1731 **CHAD RUSSELL**

1732 Sure, absolutely.

1733

1734 **JEROME MOONEY**

1735 Councilman, that's all the question I have of this witness at this time. We would ask that he
1736 remain subject to recall during the defense case and that if there's a break that he, when he
1737 comes back, he bring with him the map of the order-out zones.

1738

1739 **MAYOR PRO TEM REESE**

1740 Thank you. Before the witness leaves, are there any questions so far of anybody here?

1741

1742 **COUNCILMAN BROWN**

1743 Mayor, Mayor Pro Tem, if it's –

1744

1745 **MAYOR PRO TEM REESE**

1746 Councilman Brown.

1747

1748 **COUNCILMAN BROWN**

1749 – alright with Council, I'd – like our Clerk to get a copy of the affidavit. If we could just, if that
1750 won't hold up the proceedings.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1751 **JEROME MOONEY**

1752 I – have no objection.

1753

1754 **MAYOR PRO TEM REESE**

1755 Okay.

1756

1757 **JEROME MOONEY**

1758 And this –

59

1760 **MAYOR PRO TEM REESE**

1761 During – your cross examination, you asked about the trophy, and I was wondering why you
1762 didn't mention these boxes we have here in front of us?

1763

1764 **JEROME MOONEY**

1765 I'll ask him about the boxes.

1766

1767 **MAYOR PRO TEM REESE**

1768 Well yeah, I – would appreciate that.

1769

1770 **JEROME MOONEY**

1771 I mean the boxes are what they, these boxes contain boxes of condoms, do they not?

1772

1773 **CHAD RUSSELL**

1774 That's correct.

1775

1776 **MAYOR PRO TEM REESE**

1777 Did they, did the hotel buy them to resell for a profit or were they free gifts?

1778

1779 **JEROME MOONEY**

1780 Do you know why these were bought?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1781 **CHAD RUSSELL**

1782 They were given away to all the customers.

1783

1784 **JEROME MOONEY**

1785 People who wanted them could, would get them?

1786

1787 **MAYOR PRO TEM REESE**

1788 Yeah.

89

1790 **JEROME MOONEY**

1791 Is that correct?

1792

1793 **CHAD RUSSELL**

1794 Correct. I believe they leave them in the rooms now.

1795

1796 **JEROME MOONEY**

1797 And, are, there are other organizations around Las Vegas that give out condoms, aren't there?

1798

1799 **CHAD RUSSELL**

1800 I'm sure there are, health organizations.

1801

1802 **JEROME MOONEY**

1803 Do a lot of health organizations give them out?

1804

1805 **CHAD RUSSELL**

1806 Sure.

1807

1808 **JEROME MOONEY**

1809 Aren't there nightclubs, in fact, that – have them available for customers that are leaving?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1810 **CHAD RUSSELL**

1811 Not that I'm familiar with.

1812

1813 **JEROME MOONEY**

1814 You're not familiar with –

1815

1816 **CHAD RUSSELL**

1817 No.

18

1819 **JEROME MOONEY**

1820 – any nightclubs that do that?

1821

1822 **CHAD RUSSELL**

1823 No.

1824

1825 **JEROME MOONEY**

1826 Isn't, hasn't the health departments in this city and in this county been part of the movement to
1827 try to get people who are going to engage in sexual activity to use condoms?

1828

1829 **CHAD RUSSELL**

1830 Sure.

1831

1832 **JEROME MOONEY**

1833 This is a health item that we see here, is it not?

1834

1835 **CHAD RUSSELL**

1836 Sure.

1837

1838 **JEROME MOONEY**

1839 And if everybody use these when they engaged in sexual activity, particularly those who are

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1840 engaging in sexual activity outside established relationships, wouldn't that be a good thing for
1841 the city and county of Las Vegas? The county of Clark – County and the City of Las Vegas,
1842 wouldn't that be a good thing?

1843

1844 **CHAD RUSSELL**

1845 I don't know. I don't think it would necessarily be a good thing. It would be better than having
1846 unprotected sex, especially when with a prostitute.

1847

1848 **MAYOR PRO TEM REESE**

1849 Do we have any amount of how many we have here in these four boxes?

1850

1851 **JEROME MOONEY**

1852 Do you know?

1853

1854 **WILLIAM HENRY**

1855 The next – witness will testify to that.

1856

1857 **MAYOR PRO TEM REESE**

1858 Okay, that's fine.

1859

1860 **JEROME MOONEY**

1861 Do you know when these were purchased?

1862

1863 **CHAD RUSSELL**

1864 I do not.

1865

1866 **JEROME MOONEY**

1867 You aware of what the shelf life is on condoms?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

1868 **CHAD RUSSELL**

1869 I am not.

1870

1871 **JEROME MOONEY**

1872 Are you aware that people who buy things in bulk often get better prices?

1873

1874 **CHAD RUSSELL**

1875 Sure.

76

1877 **JEROME MOONEY**

1878 And do you ever go to warehouse stores where you might buy more than you're going to need

1879 for some period of time in some product because you know eventually you might use it up and

1880 you'll get a good price?

1881

1882 **CHAD RUSSELL**

1883 Yes.

1884

1885 **MAYOR PRO TEM REESE**

1886 I guess – the question, the reason I asked the question was just the implication that is here with

1887 the condoms, and it just, you know, to have somebody like this buy this many and have them

1888 there to give away is just, it makes me wonder, is all?

1889

1890 **JEROME MOONEY**

1891 Well I understand – that Councilman. I mean they are what they are; they've enjoyed bringing in

1892 these big boxes. By the way, you, you're aware there's a court order that these are supposed to

1893 be returned from –

1894

1895 **CHAD RUSSELL**

1896 I am not.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1897 **MAYOR PRO TEM REESE**

1898 Make sure we get a picture.

1899

1900 **JEROME MOONEY**

1901 And we have no problem with that. I mean they are what they are.

1902

1903 **MAYOR PRO TEM REESE**

1904 No further questions. Mr. Henry, call your next witness please.

05

1906 **WILLIAM HENRY**

1907 I just have a few questions.

1908

1909 **MAYOR PRO TEM REESE**

1910 Okay, cross examination.

1911

1912 **WILLIAM HENRY**

1913 Yes, and redirect it, if I might. Mr. Butler and Mike are one in the same, correct?.

1914

1915 **CHAD RUSSELL**

1916 Correct.

1917

1918 **WILLIAM HENRY**

1919 Mike Butler?

1920

1921 **CHAD RUSSELL**

1922 Yes.

1923

1924 **WILLIAM HENRY**

1925 Alright, and looking again at this Complaint at Page 3, let's go through some of the reasons that
1926 the prostitutes you interviewed said they went to the Del Mar.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1927 **CHAD RUSSELL**

1928 Okay.

1929

1930 **WILLIAM HENRY**

1931 On Page 3, Line 19 and 20, did Carla Lopez tell you she went there because it's cheap and only
1932 costs thirty-five dollars for two hours?

1933

1934 **CHAD RUSSELL**

35 She did.

1936

1937 **WILLIAM HENRY**

1938 And turning to Page 4, did Stephanie Cattiatore (sp.) who appeared on the film tell you that she
1939 was given condoms by the night manager desk clerk?

1940

1941 **CHAD RUSSELL**

1942 Yes.

1943

1944 **WILLIAM HENRY**

1945 And again on Page 4, did Robin Voat, v-o-a-t, tell you that she went to the Del Mar because the
1946 rooms are cheap?

1947

1948 **CHAD RUSSELL**

1949 Yes.

1950

1951 **WILLIAM HENRY**

1952 And on Page 5, –

1953

1954 **COUNCILMAN WEEKLY**

1955 We have 300 –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

1956 **WILLIAM HENRY**
1957 – did Eva –
1958
1959 **COUNCILMAN WEEKLY**
1960 We have three thousand –
1961
1962 **WILLIAM HENRY**
1963 – Eldridge –
64
1965 **COUNCILMAN WEEKLY**
1966 – four hundred and fifty-six –
1967
1968 **WILLIAM HENRY**
1969 – tell you that she went –
1970
1971 **COUNCILMAN WEEKLY**
1972 – condoms per box –
1973
1974 **WILLIAM HENRY**
1975 – to the motel because they offered –
1976
1977 **COUNCILMAN WEEKLY**
1978 – big boxes (inaudible) –
1979
1980 **WILLIAM HENRY**
1981 – hourly rates?
1982
1983 **CHAD RUSSELL**
1984 Yes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

1985 **COUNCILMAN WEEKLY**

1986 – hidden in the back, doin' the math.

1987

1988 **WILLIAM HENRY**

1989 By the way –

1990

1991 **MAYOR GOODMAN**

1992 That's good.

93

1994 **WILLIAM HENRY**

1995 By the way, did any of the prostitutes ever explain to you why they preferred to go to a place
1996 with hourly rates?

1997

1998 **CHAD RUSSELL**

1999 Yes.

2000

2001 **WILLIAM HENRY**

2002 What were you told?

2003

2004 **CHAD RUSSELL**

2005 We were told that it makes it easier for them, most of the time, when a john purchases a
2006 prostitute, it's usually for an hour. Going to an hourly motel assures them that they're gonna be
2007 out of that room in an hour because once that hour is up, the night manager would began calling
2008 the rooms and telling them you need to get out of the room. We need to prepare for the next
2009 guests, so for them, it was a matter of convenience so that they could ensure they would only
2010 spend an hour with a trick.

2011

2012 **WILLIAM HENRY**

2013 So if the prostitute gets the customer in and out, she can maximize the number of customers she
2014 sees in a night and the amount of money she makes?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2015 **CHAD RUSSELL**

2016 Correct, same thing with the renting out the rooms.

2017

2018 **WILLIAM HENRY**

2019 And finally on Page 5, Line 14, did Crysta Smith tell you that she went to the Del Mar because
2020 the rooms were cheap and other prostitutes tell, told her to go there?

2021

2022 **CHAD RUSSELL**

23 That's correct.

2024

2025 **WILLIAM HENRY**

2026 And on Page 6, did Erin Reid tell you that she went to the Del Mar up to five times a week.

2027

2028 **CHAD RUSSELL**

2029 That's correct.

2030

2031 **WILLIAM HENRY**

2032 Thank you. I've nothing further.

2033

2034 **COUNCILMAN WOLFSON**

2035 Mayor Pro Tem, may I ask a couple of questions?

2036

2037 **MAYOR PRO TEM REESE**

2038 Councilman Wolfson, please.

2039

2040 **COUNCILMAN WOLFSON**

2041 Thank you. Officer, whether or not the individual interviewees, the girls, the men, whatever,
2042 were videotaped or not, did you prepare police reports regarding all of the interviews that you or
2043 your colleagues conducted?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

2044 **CHAD RUSSELL**

2045 Yes, Councilman. Each person we interviewed filled out a written voluntary statement, and then
2046 I would synopsize those voluntary statements in an officer's report, which was conducted at the
2047 end of each surveillance.

2048

2049 **COUNCILMAN WOLFSON**

2050 And were those reports, both your officers' reports and the individual voluntary statements, if
2051 you will, forwarded over to the City Attorney's office as part of the package that you would have
52 delivered.

2053

2054 **CHAD RUSSELL**

2055 I believe they were.

2056

2057 **COUNCILMAN WOLFSON**

2058 And -- what I would like to ask Counsel is did you receive, and that's Counsel for the respondent,
2059 did you receive these voluntary statements and/or transcribed interviews?

2060

2061 **JEROME MOONEY**

2062 To the extent that they're in the materials. We have police reports of stops; we have the
2063 described interactions with those people; we have statements, hand written statements, or copies
2064 of the handwritten statements from a number of those individuals. We obviously don't have
2065 everything. If, in fact, a statement was taken or a report was done on every interview, because
2066 for example, the hotel maid who appears for the first time in the video that we saw earlier, there
2067 is no mention of her in any of the materials. So --

2068

2069 **COUNCILMAN WOLFSON**

2070 I understand that, but my question also is that in the Complaint that I'm sure you are in
2071 possession of, the Complaint mentions a number, I would guess, seven to 15 persons that were
2072 interviewed that are the subject of the allegations. Now, do you have those interviews of those
2073 people, most of those interviews of those people?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2074 **JEROME MOONEY**

2075 We have what purports to be the interviews with those people.

2076

2077 **COUNCILMAN WOLFSON**

2078 Okay, thank you.

2079

2080 **JEROME MOONEY**

2081 We don't know what else we're missing because we do know something's missing.

182

2083 **COUNCILMAN WOLFSON**

2084 You have subpoena power, don't you?

2085

2086 **JEROME MOONEY**

2087 Yes, we would have subpoena power. It's not too helpful though when you only have twenty-
2088 four hours.

2089

2090 **COUNCILMAN WOLFSON**

2091 Well this matter was before us a couple of weeks ago, and you, yourself, didn't appear, but one
2092 of your co-counsel did. So he was familiar with this Complaint two weeks ago. He was familiar
2093 with the names of persons that are mentioned in this Complaint two weeks ago, so he had the
2094 ability to issue subpoenas as recently as two weeks ago, did he not?

2095

2096 **MAYOR PRO TEM REESE**

2097 Councilman Wolfson, if I could, please. Just for the record, I think it's not two – weeks ago. I
2098 think it was a month ago, two meetings ago.

2099

2100 **COUNCILMAN WOLFSON**

2101 Okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

2102 **MAYOR PRO TEM REESE**

2103 It wasn't -- three weeks ago, it was, and I can be corrected there, but I think it was two meetings
2104 ago, right Roni? We held this in abeyance for thirty days.

2105

2106 **COUNCILMAN WOLFSON**

2107 Okay then, thank you Mayor Pro Tem. That -- makes my point even more is that you've had
2108 about thirty days of which to issue subpoenas for certain matters, did you not?

2109

10 **JEROME MOONEY**

2111 That -- is correct. I've talked, and Mr. Mills did make a informal request for the videos.
2112 Granted, it wasn't a subpoena. He made an informal request for the videos. The City Attorney's
2113 office didn't have them. He never got those, but he operated under the belief that everything that
2114 was contained within the package that Mayor Goodman had ordered the City to -- provide, and I
2115 saw -- the tape this morning of the last time we were here, and the Mayor said give them
2116 everything, give it to them tomorrow, and they said we'll give it to them tomorrow. And he had
2117 no reason to believe that there might have been any materials missing from this until a tape
2118 shows up on Monday afternoon --

2119

2120 **COUNCILMAN WOLFSON**

2121 I understand -- your point.

2122

2123 **JEROME MOONEY**

2124 -- which has -- things in it that he hasn't seen before.

2125

2126 **COUNCILMAN WOLFSON**

2127 I understand your point. Officer, your investigation did not began by targeting the Del Mar
2128 Hotel, Motel, did it?

2129

2130 **CHAD RUSSELL**

2131 No, not at all.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2132 **COUNCILMAN WOLFSON**

2133 Okay, your investigation began by doing some project, if you will, but the investigation led you
2134 as an investigating officer to conduct you believe that was occurring at the Del Mar Motel, and
2135 that's why you then focused your efforts on the Del Mar Motel. Would that be a fair
2136 characterization?

2137

2138 **CHAD RUSSELL**

2139 That's exactly what happened, Councilman.

40

2141 **COUNCILMAN WOLFSON**

2142 Were there any steps taken by you or your colleagues to communicate with the representatives of
2143 the Del Mar Hotel, whether it be the owner, Mr. Wrenn, or his relatives or any of the managers
2144 about trying to convince them to remove their hourly rental form of business?

2145

2146 **WILLIAM HENRY**

2147 Councilman, if I – can, I don't think this witness really knows, but my next witness, Sergeant
2148 Fricker, I believe can speak specifically to that question, and I intend to ask him that question.

2149

2150 **COUNCILMAN WOLFSON**

2151 Thank you very much. My final question is, and maybe it's best for the next witness. I'll know
2152 in a minute. How many other hourly rental hotels or motels are there in the city of Las Vegas, if
2153 you know?

2154

2155 **CHAD RUSSELL**

2156 Sergeant Fricker can better address this question, but I do know that there was one other, the
2157 Oasis, which I believe as of either last week or the week before last, had voluntarily agreed to
2158 cease operating on an hourly basis.

2159

2160 **COUNCILMAN WOLFSON**

2161 And is Sergeant Fricker the better person for me to ask –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

2162 **CHAD RUSSELL**

2163 Absolutely.

2164

2165 **COUNCILMAN WOLFSON**

2166 -- that question. Okay, thank you. Thank you, Mayor Pro Tem.

2167

2168 **WILLIAM HENRY**

2169 Just one thing, if I -- could. I would note that this matter was last before the City Council on
2170 April 6, and that Council for the respondent, Gregory Mills, receipted for a copy of the Notice of
2171 Hearing. And that, I believe that day, I think maybe even before that day, as a matter of informal
2172 discovery, that my office had provided all that we had in our possession to him, and I would tell
2173 you, Councilman Wolfson, that this Complaint was drafted off of the reports that I got from
2174 Metro, copies of which, all of which were given to the respondent either on the 6th or maybe
2175 even before the 6th.

2176

2177 **MAYOR PRO TEM REESE**

2178 Okay, are there any other questions?

2179

2180 **JEROME MOONEY**

2181 A couple of follow-ups.

2182

2183 **MAYOR PRO TEM REESE**

2184 Jerome, I don't, I didn't get your last name. I got Jerome down, what's your last --

2185

2186 **JEROME MOONEY**

2187 It's Mooney.

2188

2189 **MAYOR PRO TEM REESE**

2190 Mooney.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2191 **JEROME MOONEY**

2192 It's Mooney, Councilman.

2193

2194 **MAYOR PRO TEM REESE**

2195 Okay.

2196

2197 **JEROME MOONEY**

2198 M-o-o-n-e-y.

99

2200 **MAYOR PRO TEM REESE**

2201 Okay, just a couple of questions then please.

2202

2203 **JEROME MOONEY**

2204 Officer Russell, you indicated that some of these people had talked to you about this one-hour
2205 business. In fact, in many cases, the individual who would go in and rent the room would be the
2206 male companion that went along with the people. Is that right?

2207

2208 **CHAD RUSSELL**

2209 We saw both, it'd be the male or the female.

2210

2211 **JEROME MOONEY**

2212 Yeah, and the – motel didn't rent only for one hour. A person could actually rent for – longer
2213 than an hour when they went in and rented the room. Could they not?

2214

2215 **CHAD RUSSELL**

2216 I believe they had a nightly rental rate, and I think it was one forty-nine.

2217

2218 **JEROME MOONEY**

2219 Well, you could rent for two hours or you could rent for three hours.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2220 **CHAD RUSSELL**

2221 It was my understanding, what the prostitutes educated me on was that they didn't allow them to
2222 do that on the weekend. They, was one hour.

2223

2224 **JEROME MOONEY**

2225 But didn't you obtain – that, maybe that ought to be marked and admitted.

2226

2227 **BRAD JERBIC**

2228 Council, can you describe what you just handed to the witness, for the record.

2229

2230 **JEROME MOONEY**

2231 It appears to be a rate sheet for the cost of the – hotel.

2232

2233 **CHAD RUSSELL**

2234 Okay.

2235

2236 **JEROME MOONEY**

2237 Isn't that something that you got when you exercised your search warrant?

2238

2239 **CHAD RUSSELL**

2240 I don't –

2241

2242 **JEROME MOONEY**

2243 Maybe we could –

2244

2245 **CHAD RUSSELL**

2246 – specifically recall it –

2247

2248 **JEROME MOONEY**

2249 – put this up on –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2250 **CHAD RUSSELL**

2251 – but sure.

2252

2253 **WILLIAM HENRY**

2254 Yeah, why don't we just move it into evidence.

2255

2256 **JEROME MOONEY**

2257 Okay.

2258

2259 **MAYOR PRO TEM REESE**

2260 Could we go to the overhead, please? To the overhead, please.

2261

2262 **JEROME MOONEY**

2263 Maybe that's not gonna happen.

2264

2265 **CHAD RUSSELL**

2266 Like I said on the weekend, it was thirty-five dollars for one hour.

2267

2268 **JEROME MOONEY**

2269 And fifty dollars for two hours, so you get a break if you want to stay longer.

2270

2271 **CHAD RUSSELL**

2272 True.

2273

2274 **JEROME MOONEY**

2275 Or sixty-five dollars for three hours, so the – hourly, the cost per hour actually starts to go down
2276 a little bit.

2277

2278 **CHAD RUSSELL**

2279 Okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2280 **MAYOR PRO TEM REESE**

2281 Are there any, are there any questions from the Council members on this evidence that's being
2282 admitted? Thank you.

2283

2284 **JEROME MOONEY**

2285 Now, you indicated that the quotes that you put in the Complaint with regards to these people
2286 saying why they went there, or, in fact, what they told you. Carla Lopez, in fact, told you that it
2287 was cheap and only cost thirty-five dollars for two hours.

2288

2289 **CHAD RUSSELL**

2290 Correct.

2291

2292 **JEROME MOONEY**

2293 That's what she told you.

2294

2295 **WILLIAM HENRY**

2296 Your Honor, could Counsel refer to pages and lines –

2297

2298 **JEROME MOONEY**

2299 I'm sorry.

2300

2301 **WILLIAM HENRY**

2302 – to assist the witness?

2303

2304 **JEROME MOONEY**

2305 Page 3, Page 3, Line 17 through 20, that would be the – part that refers to Carla Lopez, is that
2306 right?

2307

2308 **CHAD RUSSELL**

2309 Correct.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2310 **JEROME MOONEY**

2311 Did Carla Lopez tell you that anybody at the Del Mar Hotel kicked back anything to her for
2312 bringing people there?

2313

2314 **CHAD RUSSELL**

2315 No.

2316

2317 **JEROME MOONEY**

18 And Robin Voat at Page 4, Lines 18 through 22, said that she went there because it usually has
2319 vacancies and the rooms are cheap. That's what she told you?

2320

2321 **CHAD RUSSELL**

2322 Correct.

2323

2324 **JEROME MOONEY**

2325 And did she ever tell you that anybody at the motel ever kicked anything back to her for bringing
2326 people there?

2327

2328 **CHAD RUSSELL**

2329 No, I can save you some time. None of them ever said that they got kicked back anything by the
2330 hotel.

2331

2332 **JEROME MOONEY**

2333 Okay, so there was no evidence of any kind that you found in your interviews with people and
2334 your search of the premises that ever indicated that the hotel ever kicked anything back to any of
2335 the – girls who might have rented rooms or cause people to rent rooms?

2336

2337 **CHAD RUSSELL**

2338 No, just that they were renting rooms tailored to pros –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

2339 **JEROME MOONEY**

2340 And there was no evidence that you found in any of your interviews or in the exercise of your
2341 search warrant that indicated that the hotel kicked back any payments to any cab drivers for ever
2342 bringing anybody there?

2343

2344 **CHAD RUSSELL**

2345 No.

2346

47 **JEROME MOONEY**

2348 And there was no evidence that you found in the course of your interviews or your – conduct of
2349 the search warrant or your investigation that indicated that the hotel ever paid anything to any
2350 third party to induce them to cause somebody, to – people to come to the hotel?

2351

2352 **CHAD RUSSELL**

2353 Correct.

2354

2355 **JEROME MOONEY**

2356 That's all I have.

2357

2358 **MAYOR PRO TEM REESE**

2359 Thank you. Just for, the young lady that just bought the little girl in, you may want to go outside.
2360 We are having some explicit type interrogation going on here.

2361

2362 **UNIDENTIFIED SPEAKER**

2363 They were in here earlier (inaudible).

2364

2365 **MAYOR PRO TEM REESE**

2366 As long as they know what's going on. I just – that's fine, thank you. Okay, Mr. Henry.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2367 **WILLIAM HENRY**

2368 Sergeant Fricker, please.

2369

2370 **JEROME MOONEY**

2371 Your Honor, we would again ask that this witness be subject to recall.

2372

2373 **MAYOR PRO TEM REESE**

2374 Thank you.

75

2376 **BRAD JERBIC**

2377 Mr. Henry and Mr. Mooney, before letting this witness go, does anybody want to move for the
2378 admission of any of the exhibits that you showed the Clerk?

2379

2380 **JEROME MOONEY**

2381 Yes, we would, I think there was a stipulation that be admitted. We would move, is there a
2382 marking on that exhibit?

2383

2384 **BARBARA JO RONEMUS**

2385 Yes, it's Item four.

2386

2387 **JEROME MOONEY**

2388 We would move to admit Item four.

2389

2390 **WILLIAM HENRY**

2391 And that's the room rates?

2392

2393 **BRAD JERBIC**

2394 That's the room rate. And, earlier there was an admission of the affidavit in support of the
2395 search warrant in this particular matter that was also given to the Clerk.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2396 **BARBARA JO RONEMUS**

2397 Item 3.

2398

2399 **BRAD JERBIC**

2400 And that's Item 3. Very good. Mr. Henry.

2401

2402 **WILLIAM HENRY**

2403 Would you state your name, please, and spell your last name for the Clerk?

2404

2405 **ERIC FRICKER**

2406 My name is Sergeant Eric Fricker, f-r-i-c-k-e-r.

2407

2408 **WILLIAM HENRY**

2409 How long have you been a Metropolitan Police Officer?

2410

2411 **ERIC FRICKER**

2412 Just over twenty-one years.

2413

2414 **MAYOR PRO TEM REESE**

2415 Excuse me, please, we're gonna have to go into a quick recess here.

2416

2417 **WILLIAM HENRY**

2418 Yeah.

2419

2420 **MAYOR PRO TEM REESE**

2421 We lost our quorum.

2422

2423 **WILLIAM HENRY**

2424 Let's have a seat.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2425 **MAYOR PRO TEM REESE**

2426 Could we have somebody come in from the back, please? I'm sorry, okay. Now, we'll go back
2427 into session, please. We have to maintain four at all times.

2428

2429 **WILLIAM HENRY**

2430 Out of an abundance of caution, I think you need to be sworn.

2431

2432 **MAYOR PRO TEM REESE**

33 Yes, Counsel.

2434

2435 **BARBARA JO RONEMUS**

2436 Do you swear to tell the truth, the whole truth and nothing (inaudible)?

2437

2438 **ERIC FRICKER**

2439 I do.

2440

2441 **BARBARA JO RONEMUS**

2442 Thank you.

2443

2444 **WILLIAM HENRY**

2445 Would you state your name and spell your last name for the Clerk, please?

2446

2447 **ERIC FRICKER**

2448 Yes, my name is Eric Fricker, f-r-i-c-k-e-r.

2449

2450 **WILLIAM HENRY**

2451 You're a sergeant of Metropolitan Police?

2452

2453 **ERIC FRICKER**

2454 Yes sir.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

2455 **WILLIAM HENRY**

2456 How long have you been a police officer?

2457

2458 **ERIC FRICKER**

2459 Almost twenty-one years.

2460

2461 **WILLIAM HENRY**

2462 The last several years have you been assigned to the Downtown Area Command?

63

2464 **ERIC FRICKER**

2465 Yes sir I have.

2466

2467 **WILLIAM HENRY**

2468 Is the Del Mar Motel within the Downtown Area Command?

2469

2470 **ERIC FRICKER**

2471 Yes sir it is.

2472

2473 **WILLIAM HENRY**

2474 Were you one of the officers that participated in the execution of a search warrant on November

2475 13, two thousand and four?

2476

2477 **ERIC FRICKER**

2478 Yes I was.

2479

2480 **WILLIAM HENRY**

2481 And were there certain items that were seized in that search warrant?

2482

2483 **ERIC FRICKER**

2484 Yes there were, under my direction.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2485 **WILLIAM HENRY**

2486 And did they include these four boxes of condoms?

2487

2488 **ERIC FRICKER**

2489 Yes they were.

2490

2491 **WILLIAM HENRY**

2492 Did you count or cause to be counted the number of condoms in these four boxes?

2493

2494 **ERIC FRICKER**

2495 I was present when they were counted, yes sir.

2496

2497 **WILLIAM HENRY**

2498 How many condoms are in these four boxes?

2499

2500 **ERIC FRICKER**

2501 The count shows eleven thousand nine hundred and fifty-five condoms as well as a handwritten
2502 note with a kind of a handwritten count in the open box.

2503

2504 **WILLIAM HENRY**

2505 Should that still be in the box?

2506

2507 **ERIC FRICKER**

2508 No sir, it was impounded separately.

2509

2510 **WILLIAM HENRY**

2511 Did you bring it with you today?

2512

2513 **ERIC FRICKER**

2514 I have a copy of that.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

— VERBATIM TRANSCRIPT — Item 62

2515 **WILLIAM HENRY**

2516 Can I see it, please?

2517

2518 **ERIC FRICKER**

2519 Yes sir.

2520

2521 **WILLIAM HENRY**

2522 So is this your count?

2523

2524 **ERIC FRICKER**

2525 That was inside the box in other handwriting, sir.

2526

2527 **CLYDE DeWITT**

2528 Your Honor, we'll stipulate that's how many are in there, and to avoid the bulk of putting them

2529 in all evidence that they're unused and according to the side of the box, expire in two thousand

2530 and eight, month of July.

2531

2532 **WILLIAM HENRY**

2533 Well, perhaps I didn't ask a very good question. Is this document the Metro count or a document

2534 that you found in the open box when you seized the open box?

2535

2536 **ERIC FRICKER**

2537 It's a document found inside the box that indicates as how many were taken out of certain days

2538 and times.

2539

2540 **WILLIAM HENRY**

2541 Alright. From this document, were you able to discern, on average, how many condoms were

2542 handed out at the Del Mar Motel per day?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2543 **ERIC FRICKER**

2544 Yes we were.

2545

2546 **WILLIAM HENRY**

2547 How many?

2548

2549 **ERIC FRICKER**

2550 A hundred and forty-four.

2551

2552 **WILLIAM HENRY**

2553 I'd ask this be marked and move the introduction.

2554

2555 **BRAD JERBIC**

2556 Any objection?

2557

2558 **CLYDE DeWITT**

2559 No.

2560

2561 **BRAD JERBIC**

2562 Let the record show it as admitted.

2563

2564 **WILLIAM HENRY**

2565 Are there other hourly rate or, are there other hotels that rent by the hour in the geographical
2566 zone containing the Del Mar Motel?

2567

2568 **ERIC FRICKER**

2569 There is not.

2570

2571 **WILLIAM HENRY**

2572 Have there been in past?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2573 **ERIC FRICKER**

2574 Yes there have been.

2575

2576 **WILLIAM HENRY**

2577 What hotels were those?

2578

2579 **ERIC FRICKER**

2580 The closest was the Oasis, which is located two blocks south.

81

2582 **WILLIAM HENRY**

2583 Did you have a conversation with the folks at the Oasis about how they, about their business
2584 plan?

2585

2586 **ERIC FRICKER**

2587 Yes I did, I went there personally.

2588

2589 **WILLIAM HENRY**

2590 Very briefly, what did you tell them and what did you ask them to do?

2591

2592 **ERIC FRICKER**

2593 I advised them, we were able to establish a link between prostitution and hourly rentals, and for
2594 the past three and a half (sic), three and a half years, we've been going hotel by hotel to advise
2595 them of the chronic nuisance statute.

2596

2597 **WILLIAM HENRY**

2598 And based on that, did they change their business plan and give up hourly rentals?

2599

2600 **ERIC FRICKER**

2601 Yes they did and remove the sign from the outside.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2602 **WILLIAM HENRY**

2603 Did you ever have a conversation with the management of the Del Mar Hotel, similar to the one
2604 you had with the Oasis?

2605

2606 **ERIC FRICKER**

2607 Yes I did. I directed six separate conversations with management of the Del Mar.

2608

2609 **WILLIAM HENRY**

2610 During what period of time, would you say?

2611

2612 **ERIC FRICKER**

2613 The first occurred in five twelve of '03, and that was by Ed Kamer, and he identified himself as
2614 the General Manager of the Del Mar.

2615

2616 **WILLIAM HENRY**

2617 Okay, well let's just go br – through all those by dates and who you talked to, and then we'll go
2618 back and get the substance of the conversation.

2619

2620 **ERIC FRICKER**

2621 On eleven thirteen '04, we again advised Ed Kamer and Mike Butler, that was the night of the
2622 search warrant, and myself, Lieutenant Herpel Shimer (sp.) and graveyard officers advising the
2623 problems at the Del Mar.

2624 On eleven sixteen, a few days later, Giovanni Minnaletti (sp.) and Officer Hancock, as well as
2625 Business Licensing advised him of the problems at Del Mar.

2626 On eleven eighteen, we got that one.

2627 On one twenty-two, Officer Kuzmack (sp.) and myself cited general management for the
2628 business practices.

2629 On three twenty-four, Officer Minnaletti (sp.) went back down again to try to convince them to
2630 do things otherwise, and they chose not to.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

2631 **WILLIAM HENRY**

2632 So this one twenty-two and three twenty-four are two thousand and five this year?

2633

2634 **ERIC FRICKER**

2635 That's correct, and we then advised Ed Kamer, Mike Butler, Marcel Harper, Laura Shannon,
2636 David Long, and a gentleman who we don't know who it is. He was Mike's replacement. All
2637 six of those identified themselves as management.

2638

2639 **WILLIAM HENRY**

2640 Have you been on duty in the last week?

2641

2642 **ERIC FRICKER**

2643 Yes I have.

2644

2645 **WILLIAM HENRY**

2646 Do you know whether or not the signage at the Del Mar has changed?

2647

2648 **ERIC FRICKER**

2649 I'm not aware of that sir.

2650

2651 **WILLIAM HENRY**

2652 Well, do they still ad -- advertise by the hour?

2653

2654 **ERIC FRICKER**

2655 Yes they do, and we make frequent phone calls to the property.

2656

2657 **WILLIAM HENRY**

2658 Okay. Have you or your officers noticed any changes in what's going on around the Del Mar
2659 since the 6th of April, when the disciplinary complaint was approved and served on the licensee?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2660 **ERIC FRICKER**

2661 No, no, sir we do have a slight increase in crime involving property where the past several month
2662 we have three additional burglaries on the property. We have one robbery, and we also have one
2663 thr, excuse me, make a correction, it's one auto theft, three, two, one – robbery and three
2664 burglaries.

2665

2666 **WILLIAM HENRY**

2667 I'm focused on prostitution related activity. Have you noticed any change since April 6th?

2668

2669 **ERIC FRICKER**

2670 No sir we haven't.

2671

2672 **WILLIAM HENRY**

2673 There was a question asked about whether or not the Del Mar is in the order-out corridor. Do
2674 you know whether or not it is?

2675

2676 **ERIC FRICKER**

2677 Yes sir, I do.

2678

2679 **WILLIAM HENRY**

2680 Is it?

2681

2682 **ERIC FRICKER**

2683 Clearly within the, it – the line ends, it takes all Las Vegas Boulevard all the way to Sahara, so
2684 it's clearly within zone.

2685

2686 **WILLIAM HENRY**

2687 In any of these conversations that you had going back to May of two thousand and three with
2688 management, did you tell them that they were in the order-out corridor for prostitutes?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

---VERBATIM TRANSCRIPT -- Item 62

2689 **ERIC FRICKER**

2690 No, I did not.

2691

2692 **WILLIAM HENRY**

2693 Okay, I have no further questions.

2694

2695 **CLYDE DeWITT**

2696 Clyde Dewitt for the respondent. Let me start with the order-out corridor. Apparently, you do
597 know what the boundaries of it are. Is that correct?

2698

2699 **ERIC FRICKER**

2700 The boundaries, the officers keep maps in their car because the boundaries encompass the
2701 majority of Downtown Area Command. They keep the maps because the streets change clearly
2702 throughout the City. But Las Vegas Boulevard is one of those that I am aware and -- knowledge
2703 of.

2704

2705 **CLYDE DeWITT**

2706 And it goes from Downtown to Sahara, right?

2707

2708 **ERIC FRICKER**

2709 That's the -- southern boundary, yes.

2710

2711 **CLYDE DeWITT**

2712 And Sahara, for the record, is the city limits?

2713

2714 **ERIC FRICKER**

2715 Correct.

2716

2717 **CLYDE DeWITT**

2718 And how far, either side of Las Vegas Boulevard, does it go roughly?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2719 **ERIC FRICKER**

2720 It varies, five blocks, sometimes it goes all the way down to Bruce, when you go further down on
2721 Fremont. So it really, there is, it – just goes the whole length.

2722

2723 **CLYDE DeWITT**

2724 Who determines the boundaries of the order-out corridor?

2725

2726 **ERIC FRICKER**

27 That I don't know.

2728

2729 **CLYDE DeWITT**

2730 What does it mean if a location is within the order-out corridor?

2731

2732 **ERIC FRICKER**

2733 What the order-out corridor means is that if – somebody is arrested for prostitution or ca,
2734 narcotic related charge, they're bought before a judge. The judge has the opportunity to afford
2735 them a voluntary entrance into that, and – what they do is they, re, they take the drug, the jail
2736 time and they don't have the jail time, they suspend it. So, it's a voluntary program that we've
2737 had mixed success with.

2738

2739 **BRAD JERBIC**

2740 For clarification, officer, the voluntary program requires that if they are to avoid jail time, they
2741 are to stay out of the order-out corridor, but for certain exceptions including work, church and
2742 things like that?

2743

2744 **ERIC FRICKER**

2745 Yes, Mr. Jerbic.

2746

2747 **CLYDE DeWITT**

2748 And so this is only if somebody's actually arrested for prostitution?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2749 **ERIC FRICKER**

2750 And narcotics.

2751

2752 **CLYDE DeWITT**

2753 And if, so a police officer can't unilaterally order somebody out?

2754

2755 **ERIC FRICKER**

2756 No, it is court ordered.

57

2758 **CLYDE DeWITT**

2759 Okay, and I don't mean to take the Council's time with this, but I really didn't know what it was

2760 for sure. I'd gotten conflicting information. So all of these prostitutes that were interviewed in

2761 connection with this could have been charged for soliciting for the purpose of prostitution and

2762 undergone that process, do – you think?

2763

2764 **ERIC FRICKER**

2765 No we could not.

2766

2767 **CLYDE DeWITT**

2768 Why not?

2769

2770 **ERIC FRICKER**

2771 We're not allowed to arrest for a misdemeanor not committed in our presence, and all were

2772 misdemeanors.

2773

2774 **CLYDE DeWITT**

2775 Okay. Are – you involved with the Vice Detail at all?

2776

2777 **ERIC FRICKER**

2778 Not at all.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2779 **CLYDE DeWITT**

2780 Have you ever served on the Vice Detail?

2781

2782 **ERIC FRICKER**

2783 I have not.

2784

2785 **CLYDE DeWITT**

2786 Okay. And a gentleman, Ed or Edgar Wrenn, do you know who that is?

87

2788 **ERIC FRICKER**

2789 I've never met him, but I am aware he's the owner.

2790

2791 **CLYDE DeWITT**

2792 Do you see him here today?

2793

2794 **ERIC FRICKER**

2795 I see him now, yes.

2796

2797 **CLYDE DeWITT**

2798 Have you ever seen him before?

2799

2800 **ERIC FRICKER**

2801 I have not.

2802

2803 **CLYDE DeWITT**

2804 Ever talk to him before on the phone, as far as you know?

2805

2806 **ERIC FRICKER**

2807 Nope.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2808 **CLYDE DeWITT**

2809 And obviously if you've never seen him, you never talk to him in person?

2810

2811 **ERIC FRICKER**

2812 I have not.

2813

2814 **CLYDE DeWITT**

2815 Okay. That's all I have.

16

2817 **MAYOR PRO TEM REESE**

2818 Thank you. Are there any questions of Mr. Fricker, Sergeant Fricker? Councilman –

2819

2820 **COUNCILMAN WOLFSON**

2821 Thank you.

2822

2823 **MAYOR PRO TEM REESE**

2824 – Wolfson.

2825

2826 **COUNCILMAN WOLFSON**

2827 Thank you, Mayor Pro Tem. Officer, a search warrant is normally used to acquire evidence for
2828 criminal investigation as well as other things, but many times, it's used to gather evidence to
2829 submit to a prosecutor so that they can consider bringing a criminal case. Has that happened as a
2830 result of this search warrant?

2831

2832 **ERIC FRICKER**

2833 Yes it has.

2834

2835 **COUNCILMAN WOLFSON**

2836 Has any prosecutor's office filed charges against persons as a result of the execution of the
2837 search warrant and as a result of your general investigation on this case?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2838 **ERIC FRICKER**

2839 Yes they have.

2840

2841 **COUNCILMAN WOLFSON**

2842 Is it public record?

2843

2844 **ERIC FRICKER**

2845 I would assume it is, sir, yes.

46

2847 **COUNCILMAN WOLFSON**

2848 Okay, I mean complaints have been filed?

2849

2850 **ERIC FRICKER**

2851 I'm aware of several, yes sir.

2852

2853 **COUNCILMAN WOLFSON**

2854 You stated a number of times that either you or other officers have engaged representatives from
2855 the Del Mar in conversations about changing their business practices. Were these always trips to
2856 the Del Mar Hotel itself?

2857

2858 **ERIC FRICKER**

2859 Yes they were.

2860

2861 **COUNCILMAN WOLFSON**

2862 Okay, so officers would respond and go into the lobby and speak with the manager as he's
2863 standing behind the desk?

2864

2865 **ERIC FRICKER**

2866 With two exceptions.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-- VERBATIM TRANSCRIPT -- Item 62

2867 **COUNCILMAN WOLFSON**

2868 And what are those exceptions?

2869

2870 **ERIC FRICKER**

2871 The first exception when we talked about two thousand and three, that one was under the
2872 direction and with the Council. Council sent Suzie Martinez down there with us, is what is Code
2873 Enforcement, and four rooms were shut down for health reasons at that time. The second
2874 incident during a search warrant, we indicated we wanted the owner of the property sent to us,
75 which at three or four in the morning, I forget what time it was, that Mr. Kamer came down and
2876 representative (sic). He represented himself as a man-- , one of the owners.

2877

2878 **COUNCILMAN WOLFSON**

2879 Okay, so he came down to the Del Mar, and you had discussions at that time?

2880

2881 **ERIC FRICKER**

2882 Yes sir, we did.

2883

2884 **COUNCILMAN WOLFSON**

2885 Here's my question. We're talking about a business that has been in operation for many many
2886 years, I'm going to assume is a profitable business, where you, as an investigating officer, have
2887 determined, and this is in my opinion, that there's a problem at this place. Why wouldn't you try
2888 and schedule a time and offer to Mr. Wrenn, who -- is perhaps an absentee owner or some of the
2889 managers or whatever, to come into your office and spend a couple or three hours in a business
2890 like setting where you can talk in a easier manner, I think, than confronting them at their motel
2891 when, you know, they're conducting business. Did you ever suggest a meeting where you can
2892 talk about these things in a more relaxed setting?

2893

2894 **ERIC FRICKER**

2895 Officer Michelle Royal (sp.) did at one of the visits, down there on the very first one they did.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2896 **COUNCILMAN WOLFSON**

2897 She suggested it?

2898

2899 **ERIC FRICKER**

2900 Yes sir.

2901

2902 **COUNCILMAN WOLFSON**

2903 And what was the reception she got to that suggestion?

04

2905 **ERIC FRICKER**

2906 In my presence, Mr. Kamer told her he knew what the law was and was only gonna do what the
2907 law allowed and nothing more. We had a hostile business owner and that is normally what our
2908 practice is, and we've had great success for the past three years with every business owner but
2909 this one. With a hostile business owner, we don't have a choice to bring them in the substation
2910 and try to sit down. They've made up their mind and we have no other choice but this.

2911

2912 **COUNCILMAN WOLFSON**

2913 Okay, I don't want to take a lot of time on this, but give me some examples of the other business
2914 owners that you've done this with and how that went down.

2915

2916 **ERIC FRICKER**

2917 We have one in the audience, down at Traveler's Motel, at 11th and Fremont. He rented three
2918 rooms by the hour, which he will tell you that was extremely, the lucrative part of the hourly
2919 rentals was incredible. He fought us for a long time and saw the light as we show him. We did
2920 surveillance on his property as well. Since then, he's been able to turn his business around, he
2921 has a better clientele and he has a much better job with his rooms, and we don't have the near of
2922 the crime problem we have at the Del Mar.

2923

2924 **COUNCILMAN WOLFSON**

2925 Mr. Henry, do you plan – on presenting that person as a witness?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT - Item 62

2926 **WILLIAM HENRY**

2927 I don't, but I can.

2928

2929 **COUNCILMAN WOLFSON**

2930 Thank you, Mayor Pro Tem.

2931

2932 **MAYOR PRO TEM REESE**

2933 Thank you. The witness is ex, excused.

34

2935 **BRAD JERBIC**

2936 Any questions of either counsel? Mr. Henry, to tie this up, and Mr. DeWitt, is that the
2937 conclusion of the testimony regarding the boxes that are, or the containers, that are at the
2938 podium, Mr. Henry?

2939

2940 **WILLIAM HENRY**

2941 No.

2942

2943 **MAYOR PRO TEM REESE**

2944 Call your next witness, please.

2945

2946 **WILLIAM HENRY**

2947 Richard Shives.

2948

2949 **MAYOR PRO TEM REESE**

2950 Roni, will you swear him in, please?

2951

2952 **BARBARA JO RONEMUS**

2953 Raise your right hand, and please state your name and title.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2954 **RICHARD SHIVES**

2955 Richard Shives. Richard Shives. Richard Shives.

2956

2957 **BARBARA JO RONEMUS**

2958 Would you just spell your last name, please.

2959

2960 **RICHARD SHIVES**

2961 S-h-i-v-e-s.

62

2963 **BARBARA JO RONEMUS**

2964 Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

2965

2966 **RICHARD SHIVES**

2967 I do.

2968

2969 **BARBARA JO RONEMUS**

2970 Thank you.

2971

2972 **WILLIAM HENRY**

2973 Mr. Shives, were you employed at the Del Mar Motel between the years 2000 and two thousand

2974 and four?

2975

2976 **RICHARD SHIVES**

2977 Yes sir.

2978

2979 **WILLIAM HENRY**

2980 Would you speak directly into the mic?

2981

2982 **RICHARD SHIVES**

2983 Yes sir.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

2984 **WILLIAM HENRY**

2985 Thank you. On November 13th, two thousand and four, were you the victim of a crime and were
2986 you injured at the Del Mar Motel?

2987

2988 **RICHARD SHIVES**

2989 Yes I was.

2990

2991 **WILLIAM HENRY**

92 And did Metropolitan police officers come and assist you and investigate that crime?

2993

2994 **RICHARD SHIVES**

2995 Yes they did.

2996

2997 **WILLIAM HENRY**

2998 During the years you were employed at the Del Mar, did you start out as a housekeeper and then
2999 go on to be the graveyard supervisor of housekeeping?

3000

3001 **WILLIAM HENRY**

3002 That's correct.

3003

3004 **WILLIAM HENRY**

3005 And would that be for a motel of about thirty-five rooms?

3006

3007 **RICHARD SHIVES**

3008 Yes sir.

3009

3010 **WILLIAM HENRY**

3011 Let's talk about your first couple of years there, 2000 through two thousand and two. Were
3012 there, was, were there peeping, people checking into the motel who were, what I'll call regular
3013 customers, they stayed the night, they brought luggage with them?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3014 **RICHARD SHIVES**

3015 We've had overnigheters during that time, but I don't remember seeing luggage.

3016

3017 **WILLIAM HENRY**

3018 Alright. In addition to those people, were there also people who you believed to be prostitutes

3019 and their customers who were renting by the hour?

3020

3021 **RICHARD SHIVES**

22 Yes sir.

3023

3024 **WILLIAM HENRY**

3025 In two thousand and two, did Edward Kamer become the manager?

3026

3027 **RICHARD SHIVES**

3028 I believe that's correct.

3029

3030 **WILLIAM HENRY**

3031 Did – things change in the – management of the hotel after he became the manager?

3032

3033 **RICHARD SHIVES**

3034 Yes it did.

3035

3036 **WILLIAM HENRY**

3037 For example, when, after he became the manager, did he have the lights inside and outside the

3038 rooms changed out?

3039

3040 **RICHARD SHIVES**

3041 Yes sir.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3042 **WILLIAM HENRY**

3043 What kind of lights did he have installed?

3044

3045 **RICHARD SHIVES**

3046 He had red light bulbs put inside the rooms and outside.

3047

3048 **WILLIAM HENRY**

3049 Were – there times when, as the housekeeping supervisor, you were requested to deliver
50 condoms to rooms?

3051

3052 **RICHARD SHIVES**

3053 Yes sir.

3054

3055 **WILLIAM HENRY**

3056 One or two or many times?

3057

3058 **RICHARD SHIVES**

3059 Many times.

3060

3061 **WILLIAM HENRY**

3062 Were there, is there one of those times that stands out in your mind?

3063

3064 **RICHARD SHIVES**

3065 Yes sir. I remember the desk clerk, Mike Butler, I believe is his last name, he asked me to take
3066 an individual box of condoms to one of the rooms, and I knocked on the door and said
3067 housekeeper, and they opened the door and there's three naked ladies standing there. She gave
3068 me a five dollar tip for the condoms and said thank you, and there was one naked guy in there.

3069

3070 **WILLIAM HENRY**

3071 Do these look like the condoms that the hotel had?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3072 **RICHARD SHIVES**

3073 Yes they are.

3074

3075 **WILLIAM HENRY**

3076 May the record reflect that I've taken a smaller box from one of the larger box, opened it up, and

3077 taken yet a smaller box from that box.

3078

3079 **CLYDE DeWITT**

80 No objection.

3081

3082 **WILLIAM HENRY**

3083 You want to put that one on the record? Does this small box contain, what, three condoms?

3084

3085 **RICHARD SHIVES**

3086 I believe so.

3087

3088 **WILLIAM HENRY**

3089 Did Edward, Ed, Edward Kamer ever talk to you about going to strip clubs?

3090

3091 **RICHARD SHIVES**

3092 Yes sir.

3093

3094 **WILLIAM HENRY**

3095 Did he tell you why he went to strip clubs?

3096

3097 **CLYDE DeWITT**

3098 Ob, objection, relevance.

3099

3100 **WILLIAM HENRY**

3101 It'll be evident.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3102 **RICHARD SHIVES**

3103 Yes he did.

3104

3105 **WILLIAM HENRY**

3106 What did he say?

3107

3108 **RICHARD SHIVES**

3109 He said he was going to advertise for customers for the Del Mar.

10

3111 **WILLIAM HENRY**

3112 Now you've told us November 13th was the day that you were injured, as the victim of a crime at
3113 the Del Mar. Some time after that, did you go back to work?

3114

3115 **RICHARD SHIVES**

3116 Yes I did.

3117

3118 **WILLIAM HENRY**

3119 And when you went back to work, did they have condoms behind the desk?

3120

3121 **RICHARD SHIVES**

3122 Not directly.

3123

3124 **WILLIAM HENRY**

3125 Were they handing out con, condoms to their customers as they checked in?

3126

3127 **RICHARD SHIVES**

3128 No sir.

3129

3130 **WILLIAM HENRY**

3131 Were you asked to deliver condoms to the rooms?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3132 **RICHARD SHIVES**

3133 Yes sir.

3134

3135 **WILLIAM HENRY**

3136 What were your instructions?

3137

3138 **RICHARD SHIVES**

3139 One box of condoms per room and four peppermints.

40

3141 **WILLIAM HENRY**

3142 One box condoms and four peppermints to every room?

3143

3144 **RICHARD SHIVES**

3145 Yes sir.

3146

3147 **WILLIAM HENRY**

3148 Sort of a turn down service for the Del Mar?

3149

3150 **RICHARD SHIVES**

3151 I don't know that.

3152

3153 **WILLIAM HENRY**

3154 Now if a room was –

3155

3156 **BRAD JERBIC**

3157 Mr. Henry. If you could just for clarification and – I think that last comment obviously is – not

3158 evidence. You've stated that the left boxes of condoms on the, in the, each bedroom but you

3159 have three different size boxes. Do you want to specifically identify what type of box was left in

3160 each bedroom?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3161 **WILLIAM HENRY**

3162 I believe he said the box containing three condoms, which would be the small box. Is that
3163 correct?

3164

3165 **RICHARD SHIVES**

3166 Yes sir.

3167

3168 **WILLIAM HENRY**

69 Now if a room was rented for an hour and then rented for another hour, would you be expected
3170 to go back in an hour and deliver, and – set it up with another box of condoms and four more
3171 peppermints?

3172

3173 **RICHARD SHIVES**

3174 Yeah whenever they checked out, you redid the room. You had to do it the same way again.
3175 You had to set it up the same way.

3176

3177 **WILLIAM HENRY**

3178 During your years at the Del Mar, did you ever see excited customers running naked from the
179 rooms?

3180

3181 **RICHARD SHIVES**

3182 Yes I have.

3183

3184 **WILLIAM HENRY**

3185 And what was going on?

3186

3187 **RICHARD SHIVES**

3188 They've gotten robbed by the prostitutes –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3189 **JEROME MOONEY**

3190 Do we have a foundation for when this was?

3191

3192 **WILLIAM HENRY**

3193 Well, in – the four years you were there, how many times do you think you saw this?

3194

3195 **RICHARD SHIVES**

3196 I can't give that exact answer, but it was quite frequent, frequently.

97

3198 **WILLIAM HENRY**

3199 Let's try. Would you see it at least once a month?

3200

3201 **RICHARD SHIVES**

3202 Absolutely.

3203

3204 **WILLIAM HENRY**

3205 Once a week?

3206

3207 **RICHARD SHIVES**

3208 I can't be sure on it.

3209

3210 **WILLIAM HENRY**

3211 So we'll leave it at once a month –

3212

3213 **RICHARD SHIVES**

3214 Yes sir.

3215

3216 **WILLIAM HENRY**

3217 – for the four years you were there?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3218 **RICHARD SHIVES**

3219 Five years.

3220

3221 **WILLIAM HENRY**

3222 Five years, alright. Thank you. I have no further questions.

3223

3224 **MAYOR PRO TEM REESE**

3225 Cross exa, cross examination, please.

26

3227 **JEROME MOONEY**

3228 Jerome Mooney, on behalf of respondent. These changes in procedure that occurred, happened

3229 in two thousand and two when Mr. Kamer took over as the –

3230

3231 **RICHARD SHIVES**

3232 Yes.

3233

3234 **JEROME MOONEY**

3235 – supervisor?

3236

3237 **RICHARD SHIVES**

3238 Yes sir.

3239

3240 **JEROME MOONEY**

3241 And was Mr. Kamer, in fact, your direct supervisor during the period of time from two thousand

3242 and two up through the current time?

3243

3244 **RICHARD SHIVES**

3245 Marshall was my direct supervisor.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3246 **JEROME MOONEY**

3247 So then Mr. Kamer would have been the direct supervisor of Marshall.

3248

3249 **RICHARD SHIVES**

3250 Yes sir.

3251

3252 **JEROME MOONEY**

3253 And, though the hotel still had all night rates available after two thousand and two, did it not?

54

3255 **RICHARD SHIVES**

3256 Yes they did.

3257

3258 **JEROME MOONEY**

3259 But you're saying after two thousand and two, most of the business transferred over into hourly
3260 customers?

3261

3262 **RICHARD SHIVES**

3263 Yeah short rates is what we called it.

3264

3265 **JEROME MOONEY**

3266 Okay. Did anybody from law enforcement ever come to you and say, you know, you need to
3267 change what you guys are doing out here?

3268

3269 **RICHARD SHIVES**

3270 No sir.

3271

3272 **JEROME MOONEY**

3273 And do you know who Mr. Wrenn is?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3274 **RICHARD SHIVES**

3275 Yes I do.

3276

3277 **JEROME MOONEY**

3278 And Mr. Wrenn and his deceased wife, you understood, were the owners of the establishment?

3279

3280 **RICHARD SHIVES**

3281 I only knew Mr. Wrenn.

.82

3283 **JEROME MOONEY**

3284 Mr. Wrenn?

3285

3286 **RICHARD SHIVES**

3287 Yes, yes sir, yes sir.

3288

3289 **JEROME MOONEY**

3290 And you understood that he has owned and been licensed to operate that establishment since

3291 1971?

3292

3293 **RICHARD SHIVES**

3294 I wasn't sure how long, but I know it was for a very long time.

3295

3296 **JEROME MOONEY**

3297 But it was Mr. Kamer, was the person who was – down there and was running things?

3298

3299 **RICHARD SHIVES**

3300 Yes he was. He had complete control of the Del Mar.

3301

3302 **JEROME MOONEY**

3303 You understood that Mr. Wrenn was and – is an elderly man?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3304 **RICHARD SHIVES**

3305 Yes sir.

3306

3307 **JEROME MOONEY**

3308 You never got any direct directions to do anything from Mr. Wrenn?

3309

3310 **RICHARD SHIVES**

3311 No. As far as I knew, he was retired.

12

3313 **JEROME MOONEY**

3314 I guess if you take one of these, you know how many of these boxes, three condom boxes, are in
3315 one of these other boxes?

3316

3317 **RICHARD SHIVES**

3318 No I don't.

3319

3320 **JEROME MOONEY**

3321 But, so you'd put these out and people could take the box and use it any way they wanted to?

3322

3323 **RICHARD SHIVES**

3324 The desk clerks would pass those out to the customers as they rented the room.

3325

3326 **JEROME MOONEY**

3327 So when –

3328

3329 **RICHARD SHIVES**

3330 And it –

3331

3332 **JEROME MOONEY**

3333 I'm sorry, go ahead.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3334 **RICHARD SHIVES**

3335 Until after recently, we started putting ‘em into the rooms, one per box.

3336

3337 **JEROME MOONEY**

3338 And when you say one per, it’s one of these three packs?

3339

3340 **RICHARD SHIVES**

3341 Yes sir.

3342

3343 **JEROME MOONEY**

3344 So you weren’t giving out individual condoms, you were giving out packages of three?

3345

3346 **RICHARD SHIVES**

3347 Yes sir.

3348

3349 **JEROME MOONEY**

3350 So that would, of course, impact how quickly you went through materials?

3351

3352 **RICHARD SHIVES**

3353 Yes sir.

3354

3355 **JEROME MOONEY**

3356 And I take it, nobody was told if you don’t use ‘em, bring ‘em back to us, they could take ‘em
3357 and keep ‘em?

3358

3359 **RICHARD SHIVES**

3360 No I wasn’t –

3361

3362 **JEROME MOONEY**

3363 Was, were adult videos also shown inside the rooms, were those available?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3364 **RICHARD SHIVES**

3365 Yes there was.

3366

3367 **JEROME MOONEY**

3368 So a person could check into a room and turn on the television and watch adult videos?

3369

3370 **RICHARD SHIVES**

3371 Yeah, all the rooms had Triple X movies.

72

3373 **JEROME MOONEY**

3374 What was the neighborhood like when you first went to work in 2000?

3375

3376 **RICHARD SHIVES**

3377 I thought it was pretty nice.

3378

3379 **JEROME MOONEY**

3380 And has the neighborhood started to change?

3381

3382 **RICHARD SHIVES**

3383 Yes it has.

3384

3385 **JEROME MOONEY**

3386 How is the neighborhood changing?

3387

3388 **RICHARD SHIVES**

3389 Basically fillin' up with drug users, drug dealers, prostitution. The crime rate is astronomical in
3390 my opinion.

3391

3392 **JEROME MOONEY**

3393 And does the neighborhood have an impact on the kind of customers that are going to come to a

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3394 hotel?

3395

3396 **RICHARD SHIVES**

3397 My personal opinion, I'd say yes.

3398

3399 **JEROME MOONEY**

3400 So if you're in an area where there's lots of drug activity and lots of prostitution goin' on, those
3401 people that are in the neighborhood are the ones that are more likely to come to your
02 establishment?

3403

3404 **RICHARD SHIVES**

3405 I would think so.

3406

3407 **JEROME MOONEY**

3408 Do you think that a improvement or clean up in that neighborhood could have a beneficial
3409 impact upon the clientele of the Del Mar?

3410

3411 **RICHARD SHIVES**

3412 I don't feel that I'm in that position to answer it.

3413

3414 **JEROME MOONEY**

3415 Okay, that's fair. Are there, are you aware of whether or not there's some development,
3416 redevelopment, that's goin' on that might lead to an improvement in the neighborhood?

3417

3418 **RICHARD SHIVES**

3419 No sir.

3420

3421 **JEROME MOONEY**

3422 Are you not aware of some condominiums that are being built in that area?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3423 **RICHARD SHIVES**

3424 Yes sir.

3425

3426 **JEROME MOONEY**

3427 Okay and – the condominiums that are being built, that would constitute a change in the nature

3428 of that neighborhood, would it not?

3429

3430 **RICHARD SHIVES**

31 Absolutely.

3432

3433 **JEROME MOONEY**

3434 And that could be a change in the character of the neighborhood for the better?

3435

3436 **RICHARD SHIVES**

3437 I would think so.

3438

3439 **JEROME MOONEY**

3440 You don't know when those are slated to be finished and opened do you?

41

3442 **RICHARD SHIVES**

3443 No sir.

3444

3445 **JEROME MOONEY**

3446 And, no more questions.

3447

3448 **MAYOR PRO TEM REESE**

3449 Are there any questions by the Council members?

3450

3451 **WILLIAM HENRY**

3452 Thank you.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-- VERBATIM TRANSCRIPT -- Item 62

3453 **RICHARD SHIVES**

3454 You're welcome.

3455

3456 **WILLIAM HENRY**

3457 I'd recall Sergeant Fricker.

3458

3459 **BRAD JERBIC**

3460 Mr. Henry and Mr. Mooney, it's twelve twenty, and I know the Council probably has this on
161 their mind. How many witnesses do you have left to go, Mr. Henry?

3462

3463 **WILLIAM HENRY**

3464 I have two short witnesses. They're, they are the undercover police officers.

3465

3466 **BRAD JERBIC**

3467 And that is after Sergeant Fricker?

3468

3469 **WILLIAM HENRY**

3470 After Sergeant Fricker.

3471

3472 **BRAD JERBIC**

3473 And council for Mr. Wrenn?

3474

3475 **CLYDE DeWITT**

3476 Two.

3477

3478 **BRAD JERBIC**

3479 Two witnesses.

3480

3481 **COUNCILMAN WOLFSON**

3482 Let's take a break.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3483 **CLYDE DeWITT**

3484 One might take a few minutes. The other one –

3485

3486 **BRAD JERBIC**

3487 No, nobody's trying to hurry anybody in making your record just –

3488

3489 **CLYDE DeWITT**

3490 No, but I – understand, you're just trying to do a little planning –

3491

3492 **MAYOR GOODMAN**

3493 There you go.

3494

3495 **CLYDE DeWITT**

3496 – in terms of taking a break.

3497

3498 **MAYOR GOODMAN**

3499 – that's it.

3500

3501 **BRAD JERBIC**

3502 Thank you.

3503

3504 **CLYDE DeWITT**

3505 I will probably occupy some time.

3506

3507 **COUNCILMAN REESE**

3508 A reminder, Mr. Fricker, you're still under oath.

3509

3510 **ERIC FRICKER**

3511 Yes sir.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3512 **WILLIAM HENRY**

3513 Sergeant, were you present here in Council Chambers and heard the questions put to Mr. Shives
3514 by counsel for the respondent about the Del Mar being in a high crime area and this causing the
3515 hotel problems?

3516

3517 **ERIC FRICKER**

3518 Yes sir, I was.

3519

3520 **WILLIAM HENRY**

3521 Did this interest you, this very question interest you enough to commission a statistical study of
3522 crime in the geographical area containing the Del Mar recently?

3523

3524 **ERIC FRICKER**

3525 Yes it was.

3526

3527 **WILLIAM HENRY**

3528 And did you prepare some pie charts of that?

3529

3530 **MAYOR PRO TEM REESE**

3531 Mr. Henry, does the defendant have that chart?

3532

3533 **WILLIAM HENRY**

3534 I'm about to give it to him, Your Honor, or pardon me, Mayor Pro Tem. I'm offering this as
3535 rebuttal evidence and this is why he hasn't had it before. I would like to give the Council and the
3536 City Attorney copies as well, so that they can follow along.

3537

3538 **MAYOR PRO TEM REESE**

3539 Roni, keep one for the record, please.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3540 **CLYDE DeWITT**

3541 I'm – on the face of it, I can't tell whether he'll be able to authenticate it or not, so I reserve the
3542 right to object to see –

3543

3544 **MAYOR PRO TEM REESE**

3545 Absolutely, that's fine.

3546

3547 **CLYDE DeWITT**

3548 – how he does.

3549

3550 **BRAD JERBIC**

3551 They'll be distributed just right now so that everybody can follow along, subject to Council's
3552 objection at the end, Mr. Henry.

3553

3554 **WILLIAM HENRY**

3555 I understand. Directing your attention to the first page of this document, which is in, five pages,
3556 entitled Major Crime Categories. There's a box in the center for major crime total, and this
3557 would refer to the geographical area that the Del Mar is in. Is that correct?

3558

3559 **ERIC FRICKER**

3560 That's correct.

3561

3562 **WILLIAM HENRY**

3563 And would you generally explain what that geographical area is.

3564

3565 **ERIC FRICKER**

3566 Generally, the entire city is set up into –

3567

3568 **WILLIAM HENRY**

3569 No, just the one for the Del Mar.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT -- Item 62

3570 **ERIC FRICKER**

3571 The Del Mar is roughly from Park Paseo to Oakey and about five blocks each, and it covers the
3572 entire front side of Las Vegas Boulevard.

3573

3574 **WILLIAM HENRY**

3575 Of that geographical area, what percentage of major crimes occur specifically at 1411 Las Vegas
3576 Boulevard South, the Del Mar Resort Motel?

3577

3578 **ERIC FRICKER**

3579 Twenty-one percent.

3580

3581 **WILLIAM HENRY**

3582 What percentage of stabbings occur at the motel?

3583

3584 **ERIC FRICKER**

3585 Twenty-one percent.

3586

3587 **WILLIAM HENRY**

3588 What percentage of sexual assault?

3589

3590 **ERIC FRICKER**

3591 Forty-five percent.

3592

3593 **WILLIAM HENRY**

3594 What percentage of robberies occur --

3595

3596 **ERIC FRICKER**

3597 Twenty --

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3598 **WILLIAM HENRY**

3599 – at the motel?

3600

3601 **ERIC FRICKER**

3602 Twenty-nine percent.

3603

3604 **WILLIAM HENRY**

3605 And what percentage of batteries occur at the motel?

3606

3607 **ERIC FRICKER**

3608 Fourteen percent.

3609

3610 **WILLIAM HENRY**

3611 The second page is entitled Officer Initiated Charts. Would you ex, explain what an office
3612 initiated call is?

3613

3614 **ERIC FRICKER**

3615 An officer initiated call is one of five calls, where if an officer sees crime, fruits of a crime, past,
3616 preter (sic), present or future, they make a stop, whether it's in vehicle, criminal follow-up or on
3617 foot.

3618

3619 **WILLIAM HENRY**

3620 The left hand box, does that indicate that fifty-eighty percent of all of the officer initiated calls
3621 occurs specifically at the Del Mar?

3622

3623 **ERIC FRICKER**

3624 Yes sir, they do.

3625

3626

3627

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3628 **CLYDE DeWITT**

3629 Could I – interject the fact that he’s not reading what it says on the – document here. He says
3630 officer initiated activity and he said calls, and I don’t know which he means.

3631

3632 **MAYOR PRO TEM REESE**

3633 That’s a good question.

3634

3635 **BRAD JERBIC**

36 Mr. Henry, do you want to clarify that?

3637

3638 **WILLIAM HENRY**

3639 I think I did. I – asked Sergeant Fricker to explain what it was, but I can ask him again. Would
3640 you explain what officer initiated activity is, please?

3641

3642 **ERIC FRICKER**

3643 There are five type of calls that encompass foot, vehicle or criminal follow-up that encompass
3644 that type of call.

3645

3646 **WILLIAM HENRY**

3647 And it’s still on Page two, the boxes in vertical array on the right, five percent of the calls for
3648 pedestrian stops at the, are at the Del Mar or pardon me, ninety-five percent of the calls for
3649 pedestrian stops are at the Del Mar?

3650

3651 **ERIC FRICKER**

3652 That’s correct.

3653

3654 **WILLIAM HENRY**

3655 Thirty-four percent of the vehicle stops are at the Del Mar?

3656

3657 **ERIC FRICKER**

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3658 Yes sir.

3659

3660 **WILLIAM HENRY**

3661 Twenty percent of your criminal investigations, all of your criminal investigations for that
3662 geographical area, are specifically at the Del Mar?

3663

3664 **ERIC FRICKER**

3665 Yes sir they are.

3666

3667 **WILLIAM HENRY**

3668 Turning to Page 3 –

3669

3670 **MAYOR PRO TEM REESE**

3671 Well Mr. Henry, I – think, you know, we – really appreciate the charts and all that stuff, but I
3672 think you can just, you know, we – can stop here if we – can. I just, I mean, I think we –
3673 understand what you're trying to get to here.

3674

3675 **WILLIAM HENRY**

3676 I appreciate that, Mayor Pro Tem, but it's my intention to offer this into evidence. Unless I lay a
3677 foundation for it, then I, in subsequent proceedings, I could have a problem. It wouldn't be
3678 accepted by the court.

3679

3680 **MAYOR PRO TEM REESE**

3681 That's – fine, contin, continue.

3682

3683 **WILLIAM HENRY**

3684 Turning to Page 3, total major crime calls for service and officer initiated, what were, would
3685 major crime calls be?

3686

3687 **ERIC FRICKER**

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3688 We usually call, classify a major crime as anything that involves violence or force of injury.

3689

3690 **WILLIAM HENRY**

3691 In that geographical area, are forty-eight percent of all the ge (sic), major crime calls specifically
3692 to the Del Mar?

3693

3694 **ERIC FRICKER**

3695 Yes sir they are.

3696

3697 **WILLIAM HENRY**

3698 Questions were asked about other hotels. On Page 4, do you compare two other motels to the
3699 Del Mar?

3700

3701 **ERIC FRICKER**

3702 Yes sir we do.

3703

3704 **WILLIAM HENRY**

3705 And would that be the Oasis and the Monterey?

3706

3707 **ERIC FRICKER**

3708 Yes.

3709

3710 **WILLIAM HENRY**

3711 During what years?

3712

3713 **ERIC FRICKER**

3714 Two thousand and two to two thousand and four.

3715

3716 **WILLIAM HENRY**

3717 And what are these number for, calls or?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3718 **ERIC FRICKER**

3719 Yes they are. These are only calls for service, not officer initiated activity.

3720

3721 **WILLIAM HENRY**

3722 So people at these, at the address for these motels calling the police and asking for service?

3723

3724 **ERIC FRICKER**

3725 That's correct.

726

3727 **WILLIAM HENRY**

3728 The first one's the Monterey Motel. Where's that located with, in relationship to the Del Mar?

3729

3730 **ERIC FRICKER**

3731 The Monterey is about three blocks south. It's add, exact address is 1133 South Las Vegas
3732 Boulevard.

3733

3734 **WILLIAM HENRY**

3735 During those years, how many calls did they have?

136

3737 **ERIC FRICKER**

3738 Eleven.

3739

3740 **WILLIAM HENRY**

3741 The next one's the Oasis, which we heard recently gave up hourly rent. Where's it located in
3742 relation to the Del Mar?

3743

3744 **ERIC FRICKER**

3745 1731 Las Vegas Boulevard South.

3746

3747

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

3748 **WILLIAM HENRY**

3749 North, south?

3750

3751 **ERIC FRICKER**

3752 North.

3753

3754 **WILLIAM HENRY**

3755 And then finally, there's the Del Mar. During, and what were the years?

'56

3757 **ERIC FRICKER**

3758 Two thousand and two through two thousand and four.

3759

3760 **WILLIAM HENRY**

3761 And the Monterey had eleven calls?

3762

3763 **ERIC FRICKER**

3764 Yes sir.

3765

/66 **WILLIAM HENRY**

3767 The Oasis had three hundred and six?

3768

3769 **ERIC FRICKER**

3770 Yes sir.

3771

3772 **WILLIAM HENRY**

3773 And the Del Mar had five hundred and thirty-six?

3774

3775 **ERIC FRICKER**

3776 Yes sir.

3777

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3778 **WILLIAM HENRY**

3779 And finally, the last of the five pages you have a Las Vegas Boulevard motel comparison?

3780

3781 **ERIC FRICKER**

3782 This is only trying to compare apples to apples. The first chart on your left shows the Monterey,
3783 which is a daily motel to the Oasis on the right. The second chart on the right hand side
3784 compares two hourly rental motels.

3785

'86 **WILLIAM HENRY**

3787 And what's the import of these charts? What do they show?

3788

3789 **ERIC FRICKER**

3790 It shows that if the place rented by the hour, the calls should be comparable to the chart on the le,
3791 correction, if they rented by the night, they should be comparable to the right, left. If they
3792 compared, if they did it by the hour, it should be comparable to the chart on the right.

3793

3794 **WILLIAM HENRY**

3795 So what you show is the Monterey that rented by the night had eleven calls for service in two
/96 thousand, between two thousand and two and two thousand and four. And the Del Mar that
3797 rented by the hour had five hundred and thirty-six?

3798

3799 **ERIC FRICKER**

3800 Yes sir.

3801

3802 **WILLIAM HENRY**

3803 And the chart on the right shows that the Oasis, that until recently rented by the hour as well, had
3804 three hundred and six calls for service, and the Del Mar had five hundred and thirty-six?

3805

3806 **ERIC FRICKER**

3807 Yes sir.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3808 **WILLIAM HENRY**

3809 Move the introduction of this document.

3810

3811 **MAYOR PRO TEM REESE**

3812 Thank you.

3813

3814 **BRAD JERBIC**

3815 Mr. DeWitt –

316

3817 **CLYDE DeWITT**

3818 May I –

3819

3820 **MAYOR PRO TEM REESE**

3821 Yes.

3822

3823 **CLYDE DeWITT**

3824 May I take the witness on voirdire –

3825

3826 **BRAD JERBIC**

3827 Please do.

3828

3829 **CLYDE DeWITT**

3830 – or cross examination. I suppose it's the same thing but this concerns the foundation?

3831

3832 **BRAD JERBIC**

3833 Please do.

3834

3835 **CLYDE DeWITT**

3836 This, all of these numbers on all of these pages are for a three-year period. January 1st, 2002 to

3837 December 31, two thousand and four?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3838 **ERIC FRICKER**

3839 Yes they were.

3840

3841 **CLYDE DeWITT**

3842 And where did the underlying information come from?

3843

3844 **ERIC FRICKER**

3845 Our crime, statistic analytical section.

346

3847 **CLYDE DeWITT**

3848 I don't see how this is possibly rebuttal. To me, this is an ambush. Basically, what he's done is,

3849 and very thorough studies, which may or not be accurate, and may or may not, tell us what

3850 they're advancing, they're telling us –

3851

3852 **MAYOR PRO TEM REESE**

3853 Well –

3854

3855 **CLYDE DeWITT**

3856 In order – to address something like that for, we would have to do some investigation determine,

3857 for example, I don't know anything about the Monterey Motel. There may be many, many other

3858 reasons why it has less crime, including where it is –

3859

3860 **MAYOR PRO TEM REESE**

3861 Well for, Mr. DeWitt, if I could, for the record then, I've been with the Council for 10 years, and

3862 Metro's always had this crime statistical department and anybody can call and get that, at least,

3863 the statistics at any time. And that's on any – section in the city of Las Vegas or – I would –

3864 probably – in Clark County.

3865

3866 **CLYDE DeWITT**

3867 I – am familiar with it.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3868 **MAYOR PRO TEM REESE**

3869 And they keep – a day by day, weekly, I get – a email at least once a week or sometimes twice a
3870 week showing where all the crime stats are in my ward.

3871

3872 **CLYDE DeWITT**

3873 I –

3874

3875 **MAYOR PRO TEM REESE**

3876 It – should be available to anybody at any time.

3877

3878 **CLYDE DeWITT**

3879 To – make my position clear, I'm not quarreling with, for example, chart five 11 versus 536, or
3880 whatever, I'm not quar, quarreling with the accuracy of their crime statistics because I'm –
3881 familiar with what they, because of another trial I had here. I'm familiar with how Metro does
3882 that, and – they do a good job of it, but the problem with crime statistics is, it's more than just
3883 numbers. You have to look at the other independent variables that might cause crime to be
3884 concentrated in one place and not another. I mean, for example, I think there's a bus stop in
3885 front of the Del Mar, and I, if I understand the second page right, pedestrian stops, well if there's
3886 a bus stop and there's only one bus stop in that whole corridor, that may be the explanation. I
3887 don't know, but the point is, there – this is, they're trying to put this very comprehensive thing
3888 that requires a great deal of analysis to – cross examine and to evaluate, not because of questions
3889 about the statistics but because – of questions about why the statistics are what they are. And it
3890 seems to me that the testimony of his previous witness concerning his impressions of the
3891 neighborhood, I don't think it's fair rebuttal to come back with five pages of crime studies that I
3892 could probably bring an expert on for three hours to talk about, and it would take an expert days
3893 to analyze these and tell me things like why, what other independent variables there are that
3894 might cause less crime to be at one hotel than another. I mean I have no idea what – the basis for
3895 that is, not the basis for the statistics, but the basis for the underlying data. For example,
3896 pedestrian stops again, all, most all of them at the Del Mar; is that perhaps because they've spent

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3897 the last three years zeroing in on it with this objective? I have no idea, but we, you – can't
3898 respond to something this complex –

3899

3900 **MAYOR PRO TEM REESE**

3901 Well I –

3902

3903 **CLYDE DeWITT**

3904 – off the cuff.

3905

3906 **BRAD JERBIC**

3907 Per, perhaps Mr. DeWitt, I could ask a question. Do you have any objection to the raw numbers
3908 themselves, as opposed to the relevancy as rebuttal evidence?

3909

3910 **CLYDE DeWITT**

3911 To the raw numbers, no, but – I have an objection to the relevancy because what he hasn't shown
3912 is any other basis for why this crime might be focused and not focused in another place. I mean,
3913 for all I know, for example, the Monterey –, Hotel, Motel, whatever it is, might be next door to
3914 the police station. And that would sure cut down on the crime, wouldn't it? So, and –

3915

3916 **BRAD JERBIC**

3917 Per –

3918

3919 **CLYDE DeWITT**

3920 – I don't know that, and there's –

3921

3922 **BRAD JERBIC**

3923 Perhaps I can assist you here. If I can inform the Council that according to the admissible facts
3924 under six point eight eight one one "O", the Council may take official notice of any generally
3925 accepted information or technical scientific matter or any other matter, which may judicially
3926 notice by the courts of this State. And then it goes on, talk about other kinds of information

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3927 admissible. To the extent that Councilman Reese put on the record that he is aware that Metro
3928 compiles crime statistics and maybe most of you are aware as well, you can consider the fact that
3929 Metro does considers crime statistics. To the extent that there was a representation about crime
3930 in the area, what it might be like without the Del Mar, what it might be like with condos, you
3931 may consider it only to the extent that it is rebuttal. I would note, for the record, that the crime
3932 statistics introduced are from 2002 to 2004, and the allegations in the Complaint are from 2004
3933 to 2005. I would urge you to keep those statistics separate from the Complaint. They are not
3934 alleged in the Complaint. The Council has no obligation to prove up these crime statistics nor to
3935 refute these crime statistics. They were introduced only for the limited purpose of rebutting to
3936 whatever limited extent that's relevant, the information that was introduced by Mr. Mooney on
3937 cross examination.

3938

3939 **CLYDE DeWITT**

3940 If the limited purpose –

3941

3942 **BRAD JERBIC**

3943 Is that somewhat helpful?

3944

3945 **CLYDE DeWITT**

3946 – is to call into question that one statement that was made on cross examination. In other words,
3947 so the Council may think, well he might have been wrong about that, I have less trouble with that
3948 than generally admitting this for the Council to look at it and – say, well gee, look at all these
3949 crime statistics because I will tell you, the Council, in general, I have no idea what the other
3950 causes of crime in one place and not another are. I mean, the example of what if this one hotel is
3951 next door to the police station, well, it doesn't say that here. I mean, it may not be, I have no
3952 idea, but, you know, there may be other reasons –

3953

3954 **BRAD JERBIC**

3955 I agree, Mr. DeWitt. This is not the – subject of the Complaint; it's nothing that you have to
3956 refute here today and –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

3957 **CLYDE DeWITT**

3958 Now, the – other problem with this I have is you can't unring a bell. And if – the Council in
3959 deliberating about what to do for, about this particular situation has this in front of them, I –
3960 recognize that these are all learned people and can probably do their best to do this, but it's pretty
3961 hard to ignore something that's right in front of you. And I don't think it should be admitted
3962 because it's – very, very little weight to rebut the rather meaningless answer that the one witness
3963 gave. The likelihood that it's gonna cause confusion and – create prejudice is much greater, and
3964 I just don't think this should be before the Council in this proceeding.

3965

3966 **BRAD JERBIC**

3967 I appreciate that.

3968

3969 **BRAD JERBIC**

3970 It's not gonna be introduced.

3971

3972 **WILLIAM HENRY**

3973 Can I be heard?

3974

3975 **BRAD JERBIC**

3976 If – you could, Mr. Henry, I – don't think it would be fair to introduce into, this into evidence at
3977 this time. I think an instruction of the Council would be appropriate, that is, to be considered for
3978 the limited purposes of rebuttal. It is not an allegation in the Complaint. It is to be considered
3979 for that limited purpose only. Do you have any more questions, Mr. Henry?

3980

3981 **WILLIAM HENRY**

3982 I have no more questions, but after this filibuster, I'd like to be heard on the issue of whether or
3983 not it's appropriate rebuttal.

3984

3985 **MAYOR PRO TEM REESE**

3986 Mr. Henry.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--- VERBATIM TRANSCRIPT -- Item 62

3987 **WILLIAM HENRY**

3988 I'd like to point out that I had called Sergeant Fricker and asked him certain questions before and
3989 had not got into these crime statistics. I had no intention to present them to the Council unless as
3990 rebuttal. That is, if there was testimony allude, elicited by the respondent, which we often hear
3991 in these matters, which is, it's not our fault; we are in a bad area. He then took Mr. Shives on
3992 cross examination and asked him questions outside the scope of the direct examination
3993 concerning about, this, and -- got answers that this was a bad area, and if the area changed, the
3994 Del Mar perhaps wouldn't have as many problems. That is when I, recalled Sergeant Fricker.

395

3996 **MAYOR PRO TEM REESE**

3997 I --

3998

3999 **WILLIAM HENRY**

4000 If he had not asked those questions --

4001

4002 **MAYOR PRO TEM REESE**

4003 Mr., Mr. Henry --

4004

4005 **WILLIAM HENRY**

4006 -- and more importantly --

4007

4008 **MAYOR PRO TEM REESE**

4009 I can -- certainly appreciate where you going, what you're saying. I know where the Del Mar is.
4010 I've been by there many, many times. I understand the -- severity of what they're saying about
4011 the neighborhood and all that. I have many calls up and down Fremont Street and -- along Las
4012 Vegas Boulevard, and I don't think that you can ask different businesses to clean up their act, to
4013 help us change the, I guess, what we perceive as a bad area. And I'm sure that I've heard today
4014 that they was asked many, many times to help clean up their -- part of -- Las Vegas Boulevard.
4015 And so far, they haven't shown me where they've done that. So, I -- won't allow this into the
4016 evidence, other than the statements made by both you and Mr. DeWitt.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4017 **WILLIAM HENRY**

4018 So the evidentiary ruling is that none of this comes into evidence?

4019

4020 **MAYOR PRO TEM REESE**

4021 No, just – informational only.

4022

4023 **COUNCILMAN WOLFSON**

4024 Mayor Pro Tem, may I make –

125

4026 **MAYOR PRO TEM REESE**

4027 Yes.

4028

4029 **COUNCILMAN WOLFSON**

4030 May I be heard, please?

4031

4032 **MAYOR PRO TEM REESE**

4033 Yes.

4034

4035 **COUNCILMAN WOLFSON**

4036 And I certainly respect what Mayor Pro Tem just said, but I want to draw everybody's attention
4037 to the Municipal Code, Section six point eight eight point "O" nine "O", which provides that this
4038 hearing need not be conducted according to the technical rules relating to evidence and witnesses
4039 and that any relevant evidence may be admitted. My personal perspective is, and I tend to agree
4040 with respondent's counsel, that the evidence that's in this document should only be received for
4041 limited purposes. In other words, it should be received but whatever weight we want to put on it
4042 is what this Council is going to determine. And then the second observation is counsel you've
4043 got the right to cross examine him on this.

4044

4045 **CLYDE DeWITT**

4046 I plan to.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4047 **COUNCILMAN WOLFSON**

4048 And – some of the things that you talk about, that these statistics are subject to different
4049 interpretations, I'm sure in just a minute you're gonna bring that out from this officer. So my
4050 recommendation, respectfully, would be that it's admitted for whatever weight we want to put on
4051 it.

4052

4053 **MAYOR PRO TEM REESE**

4054 That's what I'm saying and I'm saying informational only.

4055

4056 **CLYDE DeWITT**

4057 And for the record, my problem is certainly I can ask him things, and I suppose I could go on all
4058 afternoon and ask him all the little details of everything up and down that area and all. But what
4059 I would have done, had I known about this ahead of time, is to do some investigation of my own
4060 and find out things, and then I would be prepared to cross examine him. And I just want to make
4061 it clear to the Council that, to, what I would have done is – obtain somebody who –

4062

4063 **MAYOR PRO TEM REESE**

4064 Well, maybe – Mr. Mooney should have done the same thing then before the comments he made
4065 in cross examined, cross examining Mr. Snives (sic) then.

4066

4067 **CLYDE DeWITT**

4068 Well I wasn't expecting the – study in any event.

4069

4070 **MAYOR PRO TEM REESE**

4071 I wasn't expecting the comments that Mr. Sh, Mooney, said to Mr. Snives (sic) either though.

4072

4073 **CLYDE DeWITT**

4074 Well, let, I will – cross examine him so at least may I, maybe I can understand this. Let me ask
4075 you about officer initiated activity. You – use the word calls when you talked about that. Does
4076 that, when – , does the term officer initiated activity mean what it sounds like it means, which is

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4077 an officer pulled over a vehicle because it was violating a traffic law or an officer stopped an
4078 individual to investigate something, as opposed to the officer being called and going to
4079 investigate in response to the call from a complainant?

4080

4081 **ERIC FRICKER**

4082 That is the distinction, yes.

4083

4084 **CLYDE DeWITT**

4085 So the fact that 19 out of 20 pedestrian stops were, it says, at the Del Mar. I presume that means
4086 at that address, right?

4087

4088 **ERIC FRICKER**

4089 That specific address, yes.

4090

4091 **CLYDE DeWITT**

4092 So if a – pedestrian were stopped walking down the sidewalk in front of that particular location,
4093 that would be an officer initiated stop at that address?

4094

4095 **ERIC FRICKER**

4096 It may be, but I may caution you that these figures, based on our analytical section, are very low.
4097 And the reason for that is there's 14 different ways officers indicate on reports that Las Vegas
4098 Boulevard and this specific addresses is shown. So, according to our analytical section, these
4099 figures are very low compared to the actuality because they can't draw from the databases not
4100 put in specifically.

4101

4102 **CLYDE DeWITT**

4103 When you say the figures are low, what do you mean by that?

4104

4105 **ERIC FRICKER**

4106 Meaning the crime in this area is a lot higher than these figures show.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4107 **CLYDE DeWITT**

4108 Okay, well I was talking about the percentages?

4109

4110 **ERIC FRICKER**

4111 Okay.

4112

4113 **CLYDE DeWITT**

4114 For example, again, the stopping of pedestrian in front of the Del Mar Hotel, that would be a
4115 pedestrian stop at that address?

4116

4117 **ERIC FRICKER**

4118 As I previous stated, it could or it may not.

4119

4120 **CLYDE DeWITT**

4121 Where else could it be?

4122

4123 **ERIC FRICKER**

4124 Fourteen hundred block of Las Vegas Boulevard, 1411 Las Vegas Boulevard South, I could go
4125 on for 13 others. So there's a lot of different ways; these are only those that were indicated in
4126 our crime section that were on the property at 1411 South Las Vegas Boulevard.

4127

4128 **CLYDE DeWITT**

4129 Well, just looking at the five percent of, or the ninety-five percent of pedestrian stops that are
4130 indicated on that chart on the second page. For example, all of the people that came out of the
4131 Del Mar Motel in connection with this investigation would be included in that ninety-five
4132 percent, right?

4133

4134 **ERIC FRICKER**

4135 No they would not.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4136 **CLYDE DeWITT**

4137 Why not?

4138

4139 **ERIC FRICKER**

4140 Because they're included under blanket event number. The officers went out during an
4141 operation, and all stops conducted under that operation were under event number. So that would
4142 only indicate one stop, not forty-five, as the other officer indicated.

4143

4144 **CLYDE DeWITT**

4145 Okay, and we don't, we look, for example, pedestrian stops, this chart doesn't tell how many
4146 there were, it just says the percentage? And I'm not challenging you, I'm just trying –

4147

4148 **ERIC FRICKER**

4149 There were –

4150

4151 **CLYDE DeWITT**

4152 – to understand.

4153

4154 **ERIC FRICKER**

4155 – 288 pedestrian stops conducted between two thousand and two and two thousand and four.

4156

4157 **CLYDE DeWITT**

4158 And that is reflected on, what page?

4159

4160 **ERIC FRICKER**

4161 It's not reflected on those.

4162

4163 **CLYDE DeWITT**

4164 Oh, you have that in –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-- VERBATIM TRANSCRIPT -- Item 62

4165 **ERIC FRICKER**

4166 Those are my notes, yes.

4167

4168 **CLYDE DeWITT**

4169 Okay. In this SRA, tell me again, what, where it starts and where it ends?

4170

4171 **ERIC FRICKER**

4172 This specific SRA begins at Park Paseo, which is north of the hotel, and ends at Oakey and goes

173 approximately five blocks east of that.

4174

4175 **CLYDE DeWITT**

4176 How many blocks north and south is that?

4177

4178 **ERIC FRICKER**

4179 I, that would be, I don't know how many blocks that would be, I mean it would, your numbers.

4180 The eighteen hundred block to the eleven hundred block, so about seven.

4181

4182 **CLYDE DeWITT**

183 Oh okay, so seven blocks north and south, approximately?

4184

4185 **ERIC FRICKER**

4186 Approximately, yes.

4187

4188 **CLYDE DeWITT**

4189 And you're very familiar with what's up and down there from your patrols, aren't you?

4190

4191 **ERIC FRICKER**

4192 Somewhat familiar.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4193 **CLYDE DeWITT**

4194 And then, a few blocks east and west or only –

4195

4196 **ERIC FRICKER**

4197 – yes, just east.

4198

4199 **CLYDE DeWITT**

4200 So only east. Okay now, if you go east of Las Vegas Boulevard, beyond the – properties facing

201 Las Vegas Boulevard, what is the character of the – structures that – is residential commercial,
4202 whatever?

4203

4204 **ERIC FRICKER**

4205 Generally residential.

4206

4207 **CLYDE DeWITT**

4208 So the only commercial structures in that seven block area on one side of the street are on Las
4209 Vegas Boulevard?

4210

211 **ERIC FRICKER**

4212 That I'm aware of, yes.

4213

4214 **CLYDE DeWITT**

4215 Yeah, probably because the area behind it is zoned for residences only. Is that right?

4216

4217 **ERIC FRICKER**

4218 I don't know, I would assume.

4219

4220 **CLYDE DeWITT**

4221 Looking at it, it would appear that way. Is that fair?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

--VERBATIM TRANSCRIPT -- Item 62

4222 **ERIC FRICKER**

4223 I don't know how they zone the area.

4224

4225 **CLYDE DeWITT**

4226 But however they zone it, it's houses and apartments?

4227

4228 **ERIC FRICKER**

4229 That's what I've observed.

230

4231 **CLYDE DeWITT**

4232 Okay, now, in that seven block area, what other businesses are there?

4233

4234 **ERIC FRICKER**

4235 There's a multitude of businesses in that area. They encompass most of the wedding chapels in
4236 that area, several hotel/motels, is where there's just general use businesses.

4237

4238 **CLYDE DeWITT**

4239 In seven blocks?

240

4241 **ERIC FRICKER**

4242 Yes.

4243

4244 **CLYDE DeWITT**

4245 Okay, so, and -- we're only talking one side of the street, right?

4246

4247 **ERIC FRICKER**

4248 As I stated previously, yes.

4249

4250 **CLYDE DeWITT**

4251 Okay, so there's wedding chapels, how many of them are there?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4252 **ERIC FRICKER**

4253 I don't know.

4254

4255 **CLYDE DeWITT**

4256 About?

4257

4258 **ERIC FRICKER**

4259 I don't know.

260

4261 **CLYDE DeWITT**

4262 Not a source of a lot of calls for services?

4263

4264 **ERIC FRICKER**

4265 Yes they are.

4266

4267 **CLYDE DeWITT**

4268 Wedding chapels?

4269

270 **ERIC FRICKER**

4271 Yes they are.

4272

4273 **CLYDE DeWITT**

4274 What – do they call for service –

4275

4276 **ERIC FRICKER**

4277 It's called the Wedding Chapel Wars, it's made international attention. We get called there quite
4278 frequently.

4279

4280 **CLYDE DeWITT**

4281 Is that right? What happens in one of those?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

-VERBATIM TRANSCRIPT – Item 62

4282 **ERIC FRICKER**

4283 Generally, it's –

4284

4285 **MAYOR PRO TEM REESE**

4286 That's – irrelevant, that's –

4287

4288 **CLYDE DeWITT**

4289 That's – the problem I have with this because there's – so much, so many questions you can ask
'290 about this to try to zero in on – whether this is valid or not. And I won't –

4291

4292 **MAYOR PRO TEM REESE**

4293 I think –

4294

4295 **CLYDE DeWITT**

4296 – go further on it other than to make that observation.

4297

4298 **MAYOR PRO TEM REESE**

4299 I think you're being an attorney.

300

4301 **CLYDE DeWITT**

4302 I have no further questions.

4303

4304 **MAYOR PRO TEM REESE**

4305 Thank you.

4306

4307 **WILLIAM HENRY**

4308 I've nothing –

4309

4310 **MAYOR PRO TEM REESE**

4311 Any –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4312 **WILLIAM HENRY**

4313 – further.

4314

4315 **MAYOR PRO TEM REESE**

4316 Any other questions of Mr. Fricker?

4317

4318 **COUNCILMAN BROWN**

4319 Mayor Pro Tem?

4320

4321 **MAYOR PRO TEM REESE**

4322 Yes.

4323

4324 **COUNCILMAN BROWN**

4325 If I can. Sergeant, I apologize, that you spoke to this earlier, but just wanted to clarify. Some of
4326 the dialogue consisted of what Metro does in the downtown area, as far as working with business
4327 owners. And if you could just summarize what you had indicated Metro's attempts or interact,
4328 interaction with the ownership or management, as far as making them aware of some of the
4329 issues that have been noticed at the Del Mar.

4330

4331 **ERIC FRICKER**

4332 We suggested several of our – programs that are tried and true throughout other properties. We
4333 brought other property owners into the fold to try to get them to show him how to do his
4334 business. The second thing we did was called the IDL program, identify, detect and locate,
4335 where prior to somebody getting a room at the motel, they, notify the person coming in that a
4336 background check will be done and the police forman checks for warrants. That's visited on a
4337 daily basis by a patrol officer. The second thing we do is introduce them to the dope phone. The
4338 dope phone is a program we use in the whole Downtown Area Command, where if a property
4339 owner who's on business 24 hours a day, sees any type of drug or prostitution related activity,
4340 they would show us that, call us –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4341 **COUNCILMAN BROWN**

4342 This is, you're interacting with the Del Mar management?

4343

4344 **ERIC FRICKER**

4345 That's correct. As a matter of fact, the dope phone, phone number was hanging on the wall
4346 during the search warrant, and we never received a phone call from it, in spite of all the
4347 surveillance the other officers had done.

4348

349 **COUNCILMAN BROWN**

4350 And – as far as a number, how many of those type interactions would you say Metro had with the
4351 Del Mar management?

4352

4353 **ERIC FRICKER**

4354 Six.

4355

4356 **COUNCILMAN BROWN**

4357 Six, okay. That's all I need. I just, I missed that earlier number, thank you.

4358

359 **MAYOR PRO TEM REESE**

4360 Thank you, Councilman. Any other questions? You're excused.

4361

4362 **ERIC FRICKER**

4363 Thanks.

4364

4365 **WILLIAM HENRY**

4366 Can I have the Council's indulgence just one moment, please?

4367

4368 **CLYDE DeWITT**

4369 I – would like a couple of minutes also. I don't know if there's –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4370 **WILLIAM HENRY**

4371 I don't need to walk away. It's just –

4372

4373 **CLYDE DeWITT**

4374 Oh, okay.

4375

4376 **WILLIAM HENRY**

4377 Officer Walton

378

4379 **BARBARA JO RONEMUS**

4380 Would you, please, state your name and spell your name for the record.

4381

4382 **DOREEN WALTON**

4383 Doreen Walton, w-a-l-t-o-n.

4384

4385 **BARBARA JO RONEMUS**

4386 Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

4387

388 **DOREEN WALTON**

4389 Yes, I do, ma'am.

4390

4391 **BARBARA JO RONEMUS**

4392 Thank you.

4393

4394 **DOREEN WALTON**

4395 Okay.

4396

4397 **WILLIAM HENRY**

4398 You're a Metropolitan Police Officer?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4399 **DOREEN WALTON**

4400 Yes I am.

4401

4402 **WILLIAM HENRY**

4403 How long have you been a police officer?

4404

4405 **DOREEN WALTON**

4406 A little over 12 years.

07

4408 **WILLIAM HENRY**

4409 Were you so employed and on duty October 23rd, two thousand and four?

4410

4411 **DOREEN WALTON**

4412 Yes I was.

4413

4414 **WILLIAM HENRY**

4415 Directing your attention to Page 6 of the Complaint, starting at line 15. The evening hours of

4416 October 23rd, two thousand and four, did you operate in an undercover capacity, posing as a
17 prostitute?

4418

4419 **DOREEN WALTON**

4420 Yes, I was working with the Vice section, Sergeant Poyer and his squad.

4421

4422 **WILLIAM HENRY**

4423 Did you go to the Del Mar Resort Motel?

4424

4425 **DOREEN WALTON**

4426 Yes I did.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT -- Item 62

4427 **WILLIAM HENRY**

4428 Have you read the allegations made in the Complaint, starting at Page 6, Line 15 through Page 7,
4429 Line 8?

4430

4431 **DOREEN WALTON**

4432 Yes I have.

4433

4434 **WILLIAM HENRY**

35 These are certain allegations that have to do with the transaction between you and the desk clerk,
4436 Mike. Is that correct?

4437

4438 **DOREEN WALTON**

4439 Yes it is.

4440

4441 **WILLIAM HENRY**

4442 Are all of those allegations true and correct?

4443

4444 **DOREEN WALTON**

45 Yes they are.

4446

4447 **WILLIAM HENRY**

4448 As part of your conversation with Mike, the desk clerk, did you do something to identify yourself
4449 as a prostitute?

4450

4451 **DOREEN WALTON**

4452 Yes I did. I told Mike that when I, I had a trick outside and I wanted to get a room to perform
4453 oral sex and asked if I can get a discount if I was only there 20 minutes.

4454

4455 **WILLIAM HENRY**

4456 And what did he say to you?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4457 **DOREEN WALTON**

4458 At first he said, well – I'm a good guy, don't – talk like that. You know, don't come to the
4459 counter and put it out like that, basically, be more discreet. And he said that I could not get a
4460 discount for 20 minutes.

4461

4462 **WILLIAM HENRY**

4463 Did he refuse you service?

4464

65 **DOREEN WALTON**

4466 No he did not.

4467

4468 **WILLIAM HENRY**

4469 Did you go to a room then?

4470

4471 **DOREEN WALTON**

4472 Yes I did after I filled out any name I wanted to on the registration card 'cause I didn't have any
4473 i.d. with me.

4474

75 **WILLIAM HENRY**

4476 Did he ask you for i.d.?

4477

4478 **DOREEN WALTON**

4479 No.

4480

4481 **WILLIAM HENRY**

4482 After 20 minutes, did you come back from the room and give Mike the key?

4483

4484 **DOREEN WALTON**

4485 Yes I did.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4486 **WILLIAM HENRY**

4487 And was there a conversation between you and Mike, which is specifically set forth in the
4488 Complaint at the bottom of Page 6?

4489

4490 **DOREEN WALTON**

4491 Right, that's what, I had asked him if the, if I would be safe in the rooms, and Mike told me that,
4492 his reply was along the lines if I pick up a pervert and bring him to the room, and he cuts me up
4493 or murders me, then other than that, I should be safe.

94

4495 **WILLIAM HENRY**

4496 Did he inquire of you if you had a pimp?

4497

4498 **DOREEN WALTON**

4499 Yes he did. He was talking to another African American male behind the counter, and besides
4500 Mike, the other gentleman kept coming around, looking me up and down. And then he went
4501 back around, Mike came back, they whispered something, and then Mike inquired whether or not
4502 I had a pimp with me out here from New York. I told Mike I did not have a pimp. He made a
4503 face like he was surprised and said you don't have a pimp? I said no, and then he asked me if I
04 was out here by myself or with another female, and I told him alone.

4505

4506 **WILLIAM HENRY**

4507 Did you go back to the Del Mar on November 13, two thousand and four with another female
4508 officer of the Metropolitan Police, both of you posing in an undercover capacity as prostitutes?

4509

4510 **DOREEN WALTON**

4511 Yes we were.

4512

4513 **WILLIAM HENRY**

4514 And did you encounter Mike again?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4515 **DOREEN WALTON**

4516 Yes I did.

4517

4518 **WILLIAM HENRY**

4519 Did you have a conversation with him?

4520

4521 **DOREEN WALTON**

4522 Yes, I, well, he recognized me. I said hi to him. The conversation was that I was here with
23 another friend, which was the other undercover officer, and we were waiting on a date, a john,
4524 which is another words (sic) for a prostitute's date, and that he was at the Olympic Gardens, and
4525 we were just waiting on him. So we were trying to engage in conversation.

4526

4527 **WILLIAM HENRY**

4528 Did he show you any business cards?

4529

4530 **DOREEN WALTON**

4531 Yes, he put six of our Metro Vice business cards on the counter. He pointed to the star, and he
4532 said if I tell – you, he said, be careful of them, they're Vice. And if I, if you come in, and I give
33 you a code like go to another room, we don't have any rooms here, go to another motel, just
4534 leave. He said other girls in the past have questioned him and it looks obvious that he's telling
4535 people that Vice is on the property.

4536

4537 **WILLIAM HENRY**

4538 And did he give you and the other Metropolitan police officer a – box of condoms?

4539

4540 **DOREEN WALTON**

4541 Yes he did.

4542

4543 **WILLIAM HENRY**

4544 And I'm showing you what previously has been referred to as one of the small boxes that

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4545 contains three condoms. Does this appear similar to the box he gave you?

4546

4547 **DOREEN WALTON**

4548 Yes.

4549

4550 **WILLIAM HENRY**

4551 Referring you again specifically to Page 7 of the Complaint, starting at Line 9, are all of the
4552 allegations in the Complaint referring to November 13, two thousand and four, true and correct?

153

4554 **DOREEN WALTON**

4555 Yes they are. Also, the, both female officers were waiting –

4556

4557 **CLYDE DeWITT**

4558 Objection, non responsive.

4559

4560 **WILLIAM HENRY**

4561 While you were there, November 13, two thousand and four, were there things that interested
4562 you as a police officer other than what you have told us here today?

63

4564 **DOREEN WALTON**

4565 Yes.

4566

4567 **WILLIAM HENRY**

4568 Would you tell the Council what those things are, please?

4569

4570 **DOREEN WALTON**

4571 There was other girls waiting in line with very young girls dressed, through my experience on
4572 the streets, as prostitutes, with older gentlemen there. They were rushing, kissing on the guys,
4573 trying to get their rooms. And, excuse me, also, while we were waiting for our trick to get there,

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4574 which was another undercover officer, Mike offered us a Heineken. He put a beer on the
4575 counter; he opened it up and gave us two plastic cups.

4576

4577 **WILLIAM HENRY**

4578 Thank you. I have no further questions.

4579

4580 **CLYDE DeWITT**

4581 Do you know whether this Mike person still works behind the desk there?

582

4583 **DOREEN WALTON**

4584 I don't know that.

4585

4586 **CLYDE DeWITT**

4587 That's all I have.

4588

4589 **MAYOR PRO TEM REESE**

4590 Thank you. Are there any questions from the Council? Seeing none, Mr. Henry. (inaudible)
4591 excused.

92

4593 **WILLIAM HENRY**

4594 Thank you.

4595

4596 **DOREEN WALTON**

4597 Thank you.

4598

4599 **WILLIAM HENRY**

4600 Officer Cody.

4601

4602 **BARBARA JO RONEMUS**

4603 Please state your name and spell it for the record, please.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4604 **LAURA CODY**

4605 Laura Cody, c-o-d-y.

4606

4607 **BARBARA JO RONEMUS**

4608 Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

4609

4610 **LAURA CODY**

4611 I do.

4612

4613 **BARBARA JO RONEMUS**

4614 Thank you.

4615

4616 **WILLIAM HENRY**

4617 You're an officer of Metropolitan Police?

4618 **LAURA CODY**

4619 I am.

4620

4621 **WILLIAM HENRY**

22 How long have you been a police officer?

4623

4624 **LAURA CODY**

4625 For approximately four and a half years.

4626

4627 **WILLIAM HENRY**

4628 Were you on duty January 22nd, two thousand and five?

4629

4630 **LAURA CODY**

4631 Yes I was.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4632 **WILLIAM HENRY**

4633 And on that evening, were you acting in an undercover capacity posing as a prostitute?

4634

4635 **LAURA CODY**

4636 I was.

4637

4638 **WILLIAM HENRY**

4639 Did you go to the Del Mar Resort Motel?

40

4641 **LAURA CODY**

4642 Yes I did.

4643

4644 **WILLIAM HENRY**

4645 And when you went there, did, well let me ask this question first. Referring you to Page 8 of the
4646 Complaint, beginning on – line 11, there are a number of allegations made in the Complaint as to
4647 what happened while you were there on January 22nd, two thousand and five. Are all of those
4648 true and correct?

4649

50 **LAURA CODY**

4651 Yes they are.

4652

4653 **WILLIAM HENRY**

4654 While you were there, did you encounter a desk clerk by the name of David Long?

4655

4656 **LAURA CODY**

4657 Yes I did.

4658

4659 **WILLIAM HENRY**

4660 And did you have a conversation with him?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4661 **LAURA CODY**

4662 Yes.

4663

4664 **WILLIAM HENRY**

4665 Would you tell the Council, please, what he said to you and what you said to him?

4666

4667 **LAURA CODY**

4668 I had entered into the Del Mar with the – accompany of another undercover officer. I made it
4669 very well known to David Long that I was a prostitute. I told him that I was a working girl,
4670 which is street terminology for prostitute. Numerous times, I had pointed to my trick, who was
4671 another undercover officer. I routinely would grab the other un, undercover officer, hug on him,
4672 kiss him. I again then told David Long that I needed a room. David Long stated that he needed
4673 some sort of identification from me. I routinely told him that I didn't have any i.d. but that I
4674 would only be an hour because it was my intention to engage in prostitution with the undercover
4675 officer.

4676

4677 **WILLIAM HENRY**

4678 Did he let, did David Long let you check in?

79

4680 **LAURA CODY**

4681 Yes.

4682

4683 **WILLIAM HENRY**

4684 And did you show any identification?

4685

4686 **LAURA CODY**

4687 No I did not.

4688

4689 **WILLIAM HENRY**

4690 And you checked in under the name Tina W?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4691 **LAURA CODY**

4692 Yes.

4693

4694 **WILLIAM HENRY**

4695 Is there anything else that occurred while you were there that interested you as a police officer?

4696

4697 **LAURA CODY**

4698 No.

4699

4700 **WILLIAM HENRY**

4701 I have no further questions.

4702

4703 **MAYOR PRO TEM REESE**

4704 Thank you. Mr. Mooney.

4705

4706 **JEROME MOONEY**

4707 Have you had any interactions with Mr. Long, other than on January 22nd –

4708

4709 **LAURA CODY**

4710 No I did not.

4711

4712 **JEROME MOONEY**

4713 – of two thousand and five? Do you know an individual by the name of the Mr. Kame, Kamer?

4714

4715 **LAURA CODY**

4716 No I do not.

4717

4718 **JEROME MOONEY**

4719 Do you know Mr. Wrenn, who's back in the audience with the hat? Mr. Wrenn, would you stand

4720 up? Do you know him?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4721 **LAURA CODY**

4722 No I do not.

4723

4724 **JEROME MOONEY**

4725 You ever seen him?

4726

4727 **LAURA CODY**

4728 No sir.

729

4730 **JEROME MOONEY**

4731 See him on the property on January 22nd?

4732

4733 **LAURA CODY**

4734 No.

4735

4736 **JEROME MOONEY**

4737 And you say at first, this Mr. Long asked you for identification, but eventually you were able to

4738 talk him out of it?

39

4740 **LAURA CODY**

4741 This is correct.

4742

4743 **JEROME MOONEY**

4744 Nothing more.

4745

4746 **MAYOR PRO TEM REESE**

4747 Thank you. Are there any questions from the Council? Seeing none.

4748

4749 **WILLIAM HENRY**

4750 I do not have any further witnesses, sir, for their evidence.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4751 **MAYOR PRO TEM REESE**

4752 Okay, Mr. Mooney?

4753

4754 **JEROME MOONEY**

4755 I'll defer to Mr. DeWitt.

4756

4757 **MAYOR PRO TEM REESE**

4758 Mr. DeWitt.

759

4760 **CLYDE DeWITT**

4761 For this, I am going to need the copy of the search warrant affidavit. I'll give it back, but I, I'm
4762 going to need to refer to it.

4763

4764 **MAYOR PRO TEM REESE**

4765 Here's – a copy, Roni.

4766

4767 **CLYDE DeWITT**

4768 The – one that I turned in.

69

4770 **BARBARA JO RONEMUS**

4771 That's an extra copy.

4772

4773 **MAYOR PRO TEM REESE**

4774 Okay.

4775

4776 **CLYDE DeWITT**

4777 That's not the one. I – need the one that, 'cause I had some yellow markings on it. It has holes
4778 in it.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4779 **WILLIAM HENRY**

4780 Well, I – handed her the one you handed me.

4781

4782 **CLYDE DeWITT**

4783 And that's not it.

4784

4785 **WILLIAM HENRY**

4786 No, did you copy it?

787

4788 **MAYOR PRO TEM REESE**

4789 Yes.

4790

4791 **JEROME MOONEY**

4792 It's the one the witness was using.

4793

4794 **BARBARA JO RONEMUS**

4795 (inaudible)

4796

97 **CLYDE DeWITT**

4798 Right.

4799

4800 **MAYOR PRO TEM REESE**

4801 Do any of the council members have a –

4802

4803 **WILLIAM HENRY**

4804 Let me see.

4805

4806 **CLYDE DeWITT**

4807 That's it.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4808 **WILLIAM HENRY**

4809 Yeah, there we go.

4810

4811 **CLYDE DeWITT**

4812 – has holes in it.

4813

4814 **BARBARA JO RONEMUS**

4815 Okay, we will need that one back.

316

4817 **CLYDE DeWITT**

4818 Can we substitute a copy of this for the copy in the record?

4819

4820 **WILLIAM HENRY**

4821 It's already in.

4822

4823 **BARBARA JO RONEMUS**

4824 It's already stamped. It is stamped and entered.

4825

26 **CLYDE DeWITT**

4827 Alright, well I'll –

4828

4829 **WILLIAM HENRY**

4830 You'll have to give it back.

4831

4832 **CLYDE DeWITT**

4833 I'll return it when we're through.

4834

4835 **MAYOR PRO TEM REESE**

4836 What about the original?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4837 **WILLIAM HENRY**

4838 They're playing with us.

4839

4840 **CLYDE DeWITT**

4841 And I would recall Officer Russell.

4842

4843 **MAYOR PRO TEM REESE**

4844 Officer Russell. Would the witness please remember he's under, is under oath.

845

4846 **CHAD RUSSELL**

4847 I do.

4848

4849 **MAYOR PRO TEM REESE**

4850 Thank you.

4851

4852 **CLYDE DeWITT**

4853 Officer Russell, you, you're in the Vice division of Metro, right?

4854

55 **CHAD RUSSELL**

4856 No.

4857

4858 **CLYDE DeWITT**

4859 Have you been?

4860

4861 **CHAD RUSSELL**

4862 No.

4863

4864 **CLYDE DeWITT**

4865 Are you familiar with it?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4866 **CHAD RUSSELL**

4867 Not really.

4868

4869 **CLYDE DeWITT**

4870 Then I may not have too many questions for him. Are you familiar with how room stings work?

4871

4872 **CHAD RUSSELL**

4873 Not really.

4874

4875 **CLYDE DeWITT**

4876 That's all I have for him then.

4877

4878 **MAYOR PRO TEM REESE**

4879 Thank you. You're excused.

4880

4881 **CLYDE DeWITT**

4882 Can I have about two minutes, please?

4883

4884 **COUNCILMAN BROWN**

4885 I thought we were gonna take just a quick recess?

4886

4887 **MAYOR PRO TEM REESE**

4888 Why – don't we take a quick five minute recess and allow staff to freshen up. We'll – be in
4889 recess for five minutes.

4890

4891 **WILLIAM HENRY**

4892 Don't want the wrath of the Clerk.

4893

4894 **MAYOR PRO TEM REESE**

4895 Okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4896 **(END OF RELATED DISCUSSION)**

4897 **(RESUMED RELATED DISCUSSION)**

4898

4899 **MAYOR GOODMAN**

4900 Alright folks.

4901

4902 **WILLIAM HENRY**

4903 (Inaudible) that suggestion, but you can't do that.

4904

4905 **COUNCILMAN REESE**

4906 If we could, can I have the Council members come out, please.

4907

4908 **CLYDE DeWITT**

4909 I think we're finished with all these boxes.

4910

4911 **WILLIAM HENRY**

4912 If you have no use for them, I have no further use for them.

4913

4914 **CLYDE DeWITT**

4915 (inaudible) are they finished with the dollies?

4916

4917 **WILLIAM HENRY**

4918 Let's see, no, my dolly (inaudible).

4919

4920 **COUNCILMAN REESE**

4921 We have – a quorum. I'll call this session back to order and state for the record that Mr.

4922 Goodman is back, and he's going to be conducting the – hearing from here on out. And he will

4923 not be voting, though, as is, it is his intention, I'll let him explain. Mayor.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4924 **MAYOR GOODMAN**

4925 Yes – basically, I have to absent myself. I had a prior commitment –

4926

4927 **BARBARA JO RONEMUS**

4928 Mic not on.

4929

4930 **MAYOR GOODMAN**

4931 I had to absent myself, and I had a prior commitment, so I will not be able to vote on this since I

4932 missed a substantial portion of the morning testimony. But I will preside over the proceedings,

4933 try to move it along. So, Mr. DeWitt, let's get goin'.

4934

4935 **CLYDE DeWITT**

4936 Officer Stavros Anthony. See and I guess he stands here.

4937

4938 **JEROME MOONEY**

4939 His microphone (inaudible).

4940

4941 **CLYDE DeWITT**

4942 Yeah, (inaudible) okay. He can do that one.

4943

4944 **BARBARA JO RONEMUS**

4945 Please raise your right hand, state your name and, spell it please, for the record.

4946

4947 **STAVROS ANTHONY**

4948 Stavros, s-t-a-v –

4949

4950 **BARBARA JO RONEMUS**

4951 Just a second, there you go.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4952 **STAVROS ANTHONY**

4953 Stavros, s-t-a-v-r-o-s, last name's Anthony.

4954

4955 **BARBARA JO RONEMUS**

4956 Do you swear to, solemnly swear to tell the truth, the whole truth and nothing but the truth, so

4957 help you God?

4958

4959 **STAVROS ANTHONY**

960 Yes.

4961

4962 **BARBARA JO RONEMUS**

4963 Thank you.

4964

4965 **CLYDE DeWITT**

4966 What is your position, sir?

4967

4968 **STAVROS ANTHONY**

4969 I'm the Captain of Vice Narcotics for the Las Vegas Metropolitan Police Department.

70

4971 **CLYDE DeWITT**

4972 And how long have you held that position?

4973

4974 **STAVROS ANTHONY**

4975 I've been there for a year and a half.

4976

4977 **CLYDE DeWITT**

4978 And prior to that position, how long have you been a police officer?

4979

4980 **STAVROS ANTHONY**

4981 Twenty-five years June 2nd.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

4982 **CLYDE DeWITT**

4983 And I take it with that experience particularly in – the Vice Department, you're familiar with the
4984 activities that the Vice Department undertakes?

4985

4986 **STAVROS ANTHONY**

4987 Yes.

4988

4989 **CLYDE DeWITT**

4990 And that would be both presently and obviously you've learned what they did before you took on
4991 the position?

4992

4993 **STAVROS ANTHONY**

4994 Yeah, I had some knowledge of Vice activities, but I never worked in Vice until I went there as a
4995 Captain.

4996

4997 **CLYDE DeWITT**

4998 Would you explain to the Council, and I'm sure they probably already know this, but for the
4999 record, what is a room sting?

5000

5001 **STAVROS ANTHONY**

5002 It's actually called a room set-up. What we do is we'll go to a hotel; usually the hotels cooperate
5003 with us. We'll rent two rooms, and they'll comp the rooms for us. One room is for the
5004 detectives. We set up a – camera in the other room, so we can watch what's going on. The other
5005 room is where we have a detective. We'll either bring up a prostitute to that room or call an
5006 escort service. A prostitute will come up; they'll exchange information. And when we see the
5007 prostitution soliciting is done, then – we kind of bust out the room, go in and arrest her then
5008 bring the next one in.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5009 **CLYDE DeWITT**

5010 Other than the girl to your room services, or whatever it is that you might call, what did you call
5011 them, escort services or something, how else might you find prostitutes to try and get into this
5012 sting?

5013

5014 **STAVROS ANTHONY**

5015 It could be where, we find them in the hotel, in the casino area by the bar. We'll have detectives
5016 go down in the bar, casino area, they see a prostitute; they'll exchange information; they'll go up
5017 to the room. We get a better soliciting up in the room and once we get the soliciting on in the
5018 room, then we arrest them.

5019

5020 **CLYDE DeWITT**

5021 And do you sometimes get potential defendants, if you will, from the street, just street
5022 prostitutes?

5023

5024 **STAVROS ANTHONY**

5025 For a room set-up?

5026

5027 **CLYDE DeWITT**

5028 Yes.

5029

5030 **STAVROS ANTHONY**

5031 Normally, that's not the case. Street prostitutes normally, we can get the soliciting on in the
5032 street. There have been times where we have done room set-ups, but room set-ups are primarily
5033 to get prostitutes that are inside the hotel, casino or we'll call an escort service and have them to
5034 come to the room. That's usually how it works.

5035

5036 **CLYDE DeWITT**

5037 Now how about at the Del Mar Hotel? Have you ever, has your department ever conducted
5038 room set-ups there?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5039 **STAVROS ANTHONY**

5040 Yes we have.

5041

5042 **CLYDE DeWITT**

5043 And did the people there cooperate with you.

5044

5045 **STAVROS ANTHONY**

5046 Yes.

5047

5048 **CLYDE DeWITT**

5049 Were you personally involved in any of them?

5050

5051 **STAVROS ANTHONY**

5052 No.

5053

5054 **CLYDE DeWITT**

5055 As a supervisor, have you reviewed reports that came from them?

5056

5057 **STAVROS ANTHONY**

5058 No.

5059

5060 **CLYDE DeWITT**

5061 Okay. Do you – know on your watch, how many times you've done room set-ups at the Del Mar
5062 Motel?

5063

5064 **STAVROS ANTHONY**

5065 In the last year and a half, not very many. I just received this subpoena from you late last night.

5066 I tried to get some information to prepare for this, but that, I don't have. But they, we haven't

5067 done that many in the last year and a half that I've been there.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5068 **CLYDE DeWITT**

5069 Before this investigation, who knows what the situation may be now, but before this
5070 investigation, if you had asked to do a room set-up there, would you have expected any
5071 resistance?

5072

5073 **STAVROS ANTHONY**

5074 No.

5075

5076 **CLYDE DeWITT**

5077 Cooperation?

5078

5079 **STAVROS ANTHONY**

5080 Absolute cooperation, yes.

5081

5082 **CLYDE DeWITT**

5083 And is it a fair statement that you've done room set-ups at materially all of the major resort
5084 hotels up and down the strip?

5085

5086 **STAVROS ANTHONY**

5087 Yes.

5088

5089 **CLYDE DeWITT**

5090 I won't list them all, but I think everybody knows what they all are. That's – all I have.

5091

5092 **MAYOR GOODMAN**

5093 Alright, any redirect, how about recross, or any cross?

5094

5095 **WILLIAM HENRY**

5096 Captain, since you've combated Metro Vice, what's been, where have you focused your
5097 resources, against what problems?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5098 **STAVROS ANTHONY**

5099 Well, the Vice Detective from Metro has, we have 26 detectives, so obviously we have to
5100 prioritize what our – job is gonna be, what are response is gonna be. And the year and a half that
5101 I've been in there, our number one priority is juvenile prostitution; our second priority is juvenile
5102 pimps; our third priority is working the prostitutes on the street, we don't want them on the
5103 street; and then our fourth priority, we'll go into the hotel casinos and work the prostitutes there.
5104 After that, we do bookstores and escort services, that sort of things, but it's really the top four are
5105 the ones that we're working.

06

5107 **WILLIAM HENRY**

5108 I have no further questions.

5109

5110 **CLYDE DeWITT**

5111 The street prostitution on the area immediately south of downtown Las Vegas Boulevard, has it
5112 been a problem there, the time you've been –

5113

5114 **STAVROS ANTHONY**

5115 Immediately south of where?

16

5117 **CLYDE DeWITT**

5118 Well south of downtown going from, within the city, going from downtown to basically say the
5119 Stratosphere?

5120

5121 **STAVROS ANTHONY**

5122 Do we have street prostitution there?

5123

5124 **CLYDE DeWITT**

5125 Yes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5126 **STAVROS ANTHONY**

5127 Yes.

5128

5129 **CLYDE DeWITT**

5130 And you've made an effort to abate it?

5131

5132 **STAVROS ANTHONY**

5133 We – have, but again, we, it seems like we're spending more of our time in the County because

34 that's where we're seeing more street prostitution. But we do spend some time on Fremont

5135 Street and the Boulevard.

5136

5137 **CLYDE DeWITT**

5138 And it's still prevalent?

5139

5140 **STAVROS ANTHONY**

5141 Yes.

5142

5143 **CLYDE DeWITT**

44 That's all I have.

5145

5146 **MAYOR GOODMAN**

5147 Alright, next witness please. You're excused, Mr. Anthony.

5148

5149 **WILLIAM HENRY**

5150 Thank you, Captain.

5151

5152 **STAVROS ANTHONY**

5153 Thank you.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5154 **CLYDE DeWITT**

5155 Thank you. Yes he is. Edgar Wrenn.

5156

5157 **EDGAR WRENN**

5158 Very good.

5159

5160 **CLYDE DeWITT**

5161 (inaudible) sworn in here.

62

5163 **BARBARA JO RONEMUS**

5164 Would you please state your name and spell your name for the record.

5165

5166 **EDGAR WRENN**

5167 Edgar Wrenn.

5168

5169 **BARBARA JO RONEMUS**

5170 And spell your name.

5171

72 **EDGAR WRENN**

5173 Oh, e-d-g-a-r, w-r-e-n-n.

5174

5175 **BARBARA JO RONEMUS**

5176 Do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so
5177 help you God?

5178

5179 **EDGAR WRENN**

5180 I do.

5181

5182 **BARBARA JO RONEMUS**

5183 Thank you.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5184 **CLYDE DeWITT**

5185 Mr. Wrenn, you reside here in Clark County. Do you not?

5186

5187 **EDGAR WRENN**

5188 Yes.

5189

5190 **CLYDE DeWITT**

5191 And how old a man are you?

92

5193 **EDGAR WRENN**

5194 Eighty-one.

5195

5196 **CLYDE DeWITT**

5197 And do you own the Del Mar Motel?

5198

5199 **EDGAR WRENN**

5200 Yes.

5201

02 **CLYDE DeWITT**

5203 And I believe there's some limited liability company involved with that is there?

5204

5205 **EDGAR WRENN**

5206 It's a LLC, limited liability company.

5207

5208 **CLYDE DeWITT**

5209 And does that own the building itself?

5210

5211 **EDGAR WRENN**

5212 To the best of my knowledge.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5213 **CLYDE DeWITT**

5214 Who set that up for you?

5215

5216 **EDGAR WRENN**

5217 I give up, no, I don't know, my – an accountant set it up for me.

5218

5219 **CLYDE DeWITT**

5220 Okay. And your wife died in the 90's, did she not?

21

5222 **EDGAR WRENN**

5223 Yes '92.

5224

5225 **CLYDE DeWITT**

5226 Now just a very quick bit of background. You – were in the Navy for 12 years and retired?

5227

5228 **EDGAR WRENN**

5229 Yes, correct, yes.

5230

31 **CLYDE DeWITT**

5232 And do you get any retirement pension from the Navy?

5233

5234 **EDGAR WRENN**

5235 No.

5236

5237 **CLYDE DeWITT**

5238 And then you were a pilot for New York Airways –

5239

5240 **EDGAR WRENN**

5241 Yes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5242 **CLYDE DeWITT**

5243 – is that correct? And how long did you do that?

5244

5245 **EDGAR WRENN**

5246 About 14 years.

5247

5248 **CLYDE DeWITT**

5249 And when did you stop doing that?

50

5251 **EDGAR WRENN**

5252 In 1970.

5253

5254 **CLYDE DeWITT**

5255 And why was that?

5256

5257 **EDGAR WRENN**

5258 I fail (sic) my flight physical.

5259

60 **CLYDE DeWITT**

5261 Okay. Now did you and your wife move to Las Vegas then?

5262

5263 **EDGAR WRENN**

5264 Yes, I lost my income, so I had to make other arrangements, so we came to Las Vegas.

5265

5266 **CLYDE DeWITT**

5267 And what did you do to make a living once you moved here?

5268

5269 **EDGAR WRENN**

5270 I bought the Del Mar Motel.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5271 **CLYDE DeWITT**

5272 Now how were you able to buy that?

5273

5274 **EDGAR WRENN**

5275 From money that we had saved while I worked, and also we sold our house in New York.

5276

5277 **CLYDE DeWITT**

5278 So you, did you finance some of it?

79

5280 **EDGAR WRENN**

5281 The hou, the building, the motel?

5282

5283 **CLYDE DeWITT**

5284 Yes.

5285

5286 **EDGAR WRENN**

5287 Oh yes, the great bulk of it.

5288

89 **CLYDE DeWITT**

5290 How much did you put down?

5291

5292 **EDGAR WRENN**

5293 Fifty thousand.

5294

5295 **CLYDE DeWITT**

5296 Did you have any of your savings left after you did that?

5297

5298 **EDGAR WRENN**

5299 Twenty.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5300 **CLYDE DeWITT**

5301 Okay. And over the years, have – you, and when she was alive, your wife, been directly
5302 involved in the management of the hotel?

5303

5304 **EDGAR WRENN**

5305 Yes, mostly for the first seven years or so, yeah.

5306

5307 **CLYDE DeWITT**

08 So that would get us into the late 70's?

5309

5310 **EDGAR WRENN**

5311 Yes, sounds right.

5312

5313 **CLYDE DeWITT**

5314 Were you still involved when they started putting x-rated movies there?

5315

5316 **EDGAR WRENN**

5317 Yes.

18

5319 **CLYDE DeWITT**

5320 Why did you do that?

5321

5322 **EDGAR WRENN**

5323 It was a substantial economic turndown in Las Vegas, and it particularly hit the small motels.

5324 And we were on the verge of bankruptcy, so I had to do something, and that's what I ended up
5325 doing.

5326

5327 **CLYDE DeWITT**

5328 And – since then, you've kind of bowed out of the direct management of the –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5329 **EDGAR WRENN**

5330 Yeah, I – never did participate too much. We had managers and maintenance men almost all
5331 away along the line. Periodically, the maintenance men were inadequate, and I would go down
5332 and help them out. And I kept the books for a period of time, then my wife kept the books for a
5333 period of time. And then I kept them after she passed away, then we passed the books over to
5334 the managers, and now I do zilch.

5335

5336 **CLYDE DeWITT**

37 And you – and your wife had – a daughter?

5338

5339 **EDGAR WRENN**

5340 Yes.

5341

5342 **CLYDE DeWITT**

5343 What's her name?

5344

5345 **EDGAR WRENN**

5346 Sandra.

47

5348 **CLYDE DeWITT**

5349 And is she married?

5350

5351 **EDGAR WRENN**

5352 Yes.

5353

5354 **CLYDE DeWITT**

5355 Who is she married to?

5356

5357 **EDGAR WRENN**

5358 Edward Kamer.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5359 **CLYDE DeWITT**

5360 And does Edward Kamer work for you in contention (sic) with the hotel?

5361

5362 **EDGAR WRENN**

5363 Yes, he's the manager of the motel at this time and has been for the past three years, I believe.

5364

5365 **CLYDE DeWITT**

5366 Who was the manager before that?

67

5368 **EDGAR WRENN**

5369 Own – let's see, Roger O'Neil.

5370

5371 **CLYDE DeWITT**

5372 And what happened to him?

5373

5374 **EDGAR WRENN**

5375 He, I guess he stole money in all directions, cost me about a quarter of a million bucks.

5376

77 **CLYDE DeWITT**

5378 And, so you did away with him –

5379

5380 **EDGAR WRENN**

5381 Yes.

5382

5383 **CLYDE DeWITT**

5384 – when you found out about that? And has Edward Kamer been –

5385

5386 **EDGAR WRENN**

5387 Yes, he's very – proficient. He bought the business up from very little to substantial.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5388 **CLYDE DeWITT**

5389 Since he took over, how often do you have any involvement in the business at all?

5390

5391 **EDGAR WRENN**

5392 Very little, if any.

5393

5394 **CLYDE DeWITT**

5395 How –

96

5397 **EDGAR WRENN**

5398 Pol, policy sometimes.

5399

5400 **CLYDE DeWITT**

5401 How often do you – go there?

5402

5403 **EDGAR WRENN**

5404 I would say maybe six times a year, something of that sort.

5405

06 **CLYDE DeWITT**

5407 How often do you get together with Mr. Kamer?

5408

5409 **EDGAR WRENN**

5410 Quite often. We go out to eat say twice a week with my daughter.

5411

5412 **CLYDE DeWITT**

5413 Okay, is it for the purpose of talking about –

5414

5415 **EDGAR WRENN**

5416 Well, it's primary social, but the motel comes up from time to time, yeah.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5417 **CLYDE DeWITT**

5418 Yeah, every time?

5419

5420 **EDGAR WRENN**

5421 No, not every time, no.

5422

5423 **CLYDE DeWITT**

5424 It's fair to say you probably go out to dinner with your daughter and her husband twice a week

25 even if the motel weren't there?

5426

5427 **EDGAR WRENN**

5428 Of course, yeah.

5429

5430 **CLYDE DeWITT**

5431 Do you know about – room stings that they did in your motel?

5432

5433 **EDGAR WRENN**

5434 Room scenes?

35

5436 **CLYDE DeWITT**

5437 Stings, or what the police go in the room to try to catch prostitutes?

5438 **EDGAR WRENN**

5439 Oh room stings?

5440

5441 **CLYDE DeWITT**

5442 Yes.

5443

5444 **EDGAR WRENN**

5445 Okay, I don't hear too well folks. Yes, I'm pretty familiar with that, from Kamer, he explained it

5446 to me and the people down there I run into, yes.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5447 **CLYDE DeWITT**

5448 And is it the policy to cooperate with the police department anytime they want it?

5449

5450 **EDGAR WRENN**

5451 Yeah, it was almost 25 years ago when they started coming to the motel and – performing their
5452 stings. And from there on end, I told all the people in the motel that it was no charge for this,
5453 and they've been coming now for over 20 years. I assumed about twice a month, but what the
5454 other, what the officer said once he was here shows that's what, they don't come that often.

55

5456 **CLYDE DeWITT**

5457 Would you really have a way of knowing if you didn't ask?

5458

5459 **EDGAR WRENN**

5460 If I didn't what?

5461

5462 **CLYDE DeWITT**

5463 If you didn't ask, would you have a way of knowing how often they do it?

5464

65 **EDGAR WRENN**

5466 Oh no, of course not.

5467

5468 **CLYDE DeWITT**

5469 Not something you and Mr. Kamer talk about regularly?

5470

5471 **EDGAR WRENN**

5472 Yeah, once now and then, yes.

5473

5474 **CLYDE DeWITT**

5475 Okay. Now when was, no let me ask you one other question. You, your hotel, you know from
5476 the days you, kept the books does, pays room tax, right?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5477 **EDGAR WRENN**

5478 Yes.

5479

5480 **CLYDE DeWITT**

5481 What – is, how is the room tax work, for the record?

5482

5483 **EDGAR WRENN**

5484 Room tax is a percentage of the price of the room and it continually appears to be going up like

85 all other taxes. And you just, add it up at the end of the month and fill out the form and send the
5486 money in.

5487

5488 **CLYDE DeWITT**

5489 It – doesn't have to do with your profit, it's just your income, how much people pay for rooms?

5490

5491 **EDGAR WRENN**

5492 Exactly, that's the only, it's, that's the only yard, yardstick, is the price of the room.

5493

5494 **CLYDE DeWITT**

95 And you also, the hotel pays a warehouse tax I believe?

5496

5497 **EDGAR WRENN**

5498 No, that's, it was a misnomer. What happens is if you buy – property, let's say you bought – 20

5499 television sets. You only used 10 of them in the year. You had 10 of them left over for the next

5500 year, and there is some kind of a warehouse tax on that.

5501

5502 **CLYDE DeWITT**

5503 Who takes care of that?

5504

5505 **EDGAR WRENN**

5506 Bookkeeper.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5507 **CLYDE DeWITT**

5508 Okay. Did, have you ever been audited in connection with the – room tax payments?

5509

5510 **MAYOR GOODMAN**

5511 Mr. DeWitt, may I ask you, what is the relevance of this, as to what's before the Council?

5512

5513 **CLYDE DeWITT**

5514 Two more questions and you're gonna see what happens. He will explain that he hasn't been

15 audited in years and years and years, and all of a sudden two weeks before they executed the

5516 search –

5517

5518 **MAYOR GOODMAN**

5519 But what is – the relevance of that?

5520

5521 **CLYDE DeWITT**

5522 Because I – think there's – more to this than just trying to – a

5523

5524 **MAYOR GOODMAN**

25 Do you want to make an offer of proof?

5526

5527 **CLYDE DeWITT**

5528 Yeah, let me do that.

5529

5530 **MAYOR GOODMAN**

5531 Alright, go ahead.

5532

5533 **CLYDE DeWITT**

5534 Let me do 'cause it's only two questions.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5535 **MAYOR GOODMAN**

5536 Okay.

5537

5538 **CLYDE DeWITT**

5539 Were you audited recently?

5540

5541 **EDGAR WRENN**

5542 No. Recently, well yeah, what happened was the last audit was 10 years after the audit before

43 that. There was a 10-year lapse before the last time we were audited. We were audited, I think,

5544 pretty close to just before all this action started.

5545

5546 **CLYDE DeWITT**

5547 A couple of weeks?

5548

5549 **EDGAR WRENN**

5550 I would say, yeah, well you got the note, you got the dates there, yeah.

5551

5552 **CLYDE DeWITT**

53 Would it be No, November 4th, does that reflect a –

5554

5555 **EDGAR WRENN**

5556 I don't know – a hard date, no.

5557

5558 **CLYDE DeWITT**

5559 But a couple of weeks before –

5560

5561 **EDGAR WRENN**

5562 Well that's – what my bookkeeper gave you, didn't she?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5563 **CLYDE DeWITT**

5564 Yes.

5565

5566 **EDGAR WRENN**

5567 Well that's the number, sure.

5568

5569 **CLYDE DeWITT**

5570 Okay. That's my offer of proof. I think it's – relevant to this because the City of Las Vegas did,
71 requested his income tax return two weeks before –

5572

5573 **MAYOR GOODMAN**

5574 I know, but what does that have to do with the – Complaint before us, which alleges prostitution?

5575

5576 **CLYDE DeWITT**

5577 It shows that there may – be a motivation –

5578

5579 **MAYOR GOODMAN**

5580 That's too speculative, okay, let's move on to something else. Let's talk about what's in the
81 Complaint.

5582

5583 **CLYDE DeWITT**

5584 I will. When is the first time you really understood what the allegations about this Complaint in
5585 this investigation were?

5586

5587 **EDGAR WRENN**

5588 After the raid or search.

5589

5590 **CLYDE DeWITT**

5591 How did you find out about it?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5592 **EDGAR WRENN**

5593 Ed told me about it.

5594

5595 **CLYDE DeWITT**

5596 Okay, and did you realize at the time that there were – hotel clerks cooperating with prostitutes?

5597

5598 **EDGAR WRENN**

5599 No, no.

00

5601 **CLYDE DeWITT**

5602 When did you find out about that?

5603

5604 **EDGAR WRENN**

5605 Well, when I read the report of this, of the raid, you know.

5606

5607 **CLYDE DeWITT**

5608 And – is there a more recent event that really brought it home to you?

5609

10 **EDGAR WRENN**

5611 No, I don't know what you're referring to.

5612

5613 **CLYDE DeWITT**

5614 Does a videotape have anything to do with it?

5615

5616 **EDGAR WRENN**

5617 Oh sure, yes, of course, yeah.

5618

5619 **CLYDE DeWITT**

5620 When did you first watch the video, you saw the videotape today didn't you?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5621 **EDGAR WRENN**

5622 Yeah, I saw it. I think yesterday was the first time I saw the tape.

5623

5624 **CLYDE DeWITT**

5625 And then you saw them play some of it here in –

5626

5627 **EDGAR WRENN**

5628 Yes I did.

29

5630 **CLYDE DeWITT**

5631 Okay. Did that have the effect of making you realize that the problem was more significant –

5632

5633 **EDGAR WRENN**

5634 Oh yes, it was quite a surprise, definitely yes.

5635

5636 **CLYDE DeWITT**

5637 And it was the videotape that was really the surprise, is that correct?

5638

39 **EDGAR WRENN**

5640 No, the whole thing. I think the fact that the desk clerks performed as they did, I thought was

5641 surprising. And, of course, they don't have no supervision; they are on at night by themselves.

5642 Like during the day, it's an entirely different operation.

5643

5644 **CLYDE DeWITT**

5645 What's happened to the two desk clerks that were –

5646

5647 **EDGAR WRENN**

5648 Well, they're no longer desk clerks, but I feel an obligation to them, so I kept them on as room
5649 cleaners.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5650 **CLYDE DeWITT**

5651 Okay, so they're basically room maids or cleaners –

5652

5653 **EDGAR WRENN**

5654 Yes.

5655

5656 **CLYDE DeWITT**

5657 – or whatever?

58

5659 **EDGAR WRENN**

5660 Yes, yes.

5661

5662 **CLYDE DeWITT**

5663 And that's the two people that they were talking about –

5664

5665 **EDGAR WRENN**

5666 Yes.

5667

68 **CLYDE DeWITT**

5669 – cooperated with the prosti, with the undercover prostitute?

5670

5671 **EDGAR WRENN**

5672 Yes.

5673

5674 **CLYDE DeWITT**

5675 Okay.

5676

5677 **EDGAR WRENN**

5678 They're both nice people; they just very cooperative, and I guess they got carried away with

5679 cooperativeness.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5680 **CLYDE DeWITT**

5681 Once you watched the videotape and talked about it to people, have – you decided that you think
5682 you're prepared to, that you'd like to cooperate with Metro and with the City to try to do
5683 something to deal with –

5684

5685 **EDGAR WRENN**

5686 Well we –

5687

5688 **CLYDE DeWITT**

5689 – prostitution problem?

5690

5691 **EDGAR WRENN**

5692 We have, we had cooperated with Metro for over the past 20 years. They had all the rooms they
5693 wanted at no price anytime they wanted them –

5694

5695 **CLYDE DeWITT**

5696 And –

5697

5698 **EDGAR WRENN**

5699 – for as long as they wanted them.

5700

5701 **CLYDE DeWITT**

5702 And if you think additional, if the Council thinks that additional regulations are necessary to help
5703 curtail that, let me ask you the question a different way.

5704

5705 **EDGAR WRENN**

5706 Alright.

5707

5708 **CLYDE DeWITT**

5709 Are you – prepared to really do something to get the prostitutes out of there?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5710 **EDGAR WRENN**

5711 Of course.

5712

5713 **CLYDE DeWITT**

5714 Do you want 'em?

5715

5716 **EDGAR WRENN**

5717 No (inaudible), I think they're negative as far as business is concerned. We do a tremendous

5718 volume; I don't think people realize this. You never brought up the volume either. We perform

5719 a service to an awful lot of people. These prostitutes are just a percentage of the action, and I

5720 think we'd be better off without them, because if you're in a clean place, most of our people are

5721 just the citizens of Las Vegas. And, of course, many of those people would hesitate to come to a

5722 place where they obviously can see prostitutes or operating, you know. So, we'd be better off

5723 financially without them. They're not an enticement at all.

5724

5725 **CLYDE DeWITT**

5726 Okay, pass the witness.

5727

28 **EDGAR WRENN**

5729 Is that it? Oh –

5730

5731 **CLYDE DeWITT**

5732 He may have some questions.

5733

5734 **EDGAR WRENN**

5735 – oh, my friend. My – middle name is Henry.

5736

5737 **WILLIAM HENRY**

5738 Well my middle name's Patrick.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5739 **EDGAR WRENN**

5740 Okay.

5741

5742 **WILLIAM HENRY**

5743 In any event, I am –

5744

5745 **MAYOR GOODMAN**

5746 Won't you put the mic on, Mr. Henry.

'47

5748 **WILLIAM HENRY**

5749 I am one of the City's lawyers, and I would like to ask you some questions –

5750

5751 **EDGAR WRENN**

5752 Of course.

5753

5754 **WILLIAM HENRY**

5755 – if I could. You've told us that Edward Kamer is your son-in-law?

5756

57 **EDGAR WRENN**

5758 Yes.

5759

5760 **WILLIAM HENRY**

5761 When did he marry your daughter? How long ago?

5762

5763 **EDGAR WRENN**

5764 I would say about five years.

5765

5766 **WILLIAM HENRY**

5767 And when did he become the manager of your –

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5768 **EDGAR WRENN**

5769 I – would say about three years.

5770

5771 **WILLIAM HENRY**

5772 Around two thousand and two?

5773

5774 **EDGAR WRENN**

5775 Okay, yeah.

'76

5777 **WILLIAM HENRY**

5778 You pay him a salary?

5779

5780 **EDGAR WRENN**

5781 A salary?

5782

5783 **WILLIAM HENRY**

5784 Yes.

5785

86 **EDGAR WRENN**

5787 Yes.

5788

5789 **WILLIAM HENRY**

5790 How much?

5791

5792 **EDGAR WRENN**

5793 We started out at \$40,000.

5794

5795 **WILLIAM HENRY**

5796 How much is it now?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5797 **EDGAR WRENN**

5798 A hundred and five. He tripled the business.

5799

5800 **WILLIAM HENRY**

5801 Did he tell you what changes he made to triple the business?

5802

5803 **EDGAR WRENN**

5804 Yes, he, currently what he's doing, which is some of the most effective stuff he's ever done, is
5805 radio advertising out of California. Catches them, it catches the tourists on the other end of the
5806 line, and that substantially increased the gross at the Del Mar.

5807

5808 **WILLIAM HENRY**

5809 What is the gross at the Del Mar?

5810

5811 **EDGAR WRENN**

5812 The gross, I don't know the gross. I can tell you the profit.

5813

5814 **WILLIAM HENRY**

15 Alright.

5816

5817 **EDGAR WRENN**

5818 Okay, last year we did a half of million dollars.

5819

5820 **WILLIAM HENRY**

5821 In profit?

5822

5823 **EDGAR WRENN**

5824 In profit.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5825 **WILLIAM HENRY**

5826 And that's because of the substantial increases that Mr. Kamer generated –

5827

5828 **EDGAR WRENN**

5829 Yes.

5830

5831 **WILLIAM HENRY**

5832 – for you?

5833

5834 **EDGAR WRENN**

5835 Yes. We were doing about two hundred thousand before he came along.

5836

5837 **WILLIAM HENRY**

5838 I think you told us that it's your practice to go to the business about six times a year?

5839

5840 **EDGAR WRENN**

5841 Yeah, roughly, yes.

5842

43 **WILLIAM HENRY**

5844 After Mr. Kamer took over, did you notice that the lights in the rooms and the lights outside the

5845 rooms had been replaced with red lights?

5846

5847 **EDGAR WRENN**

5848 Yes, his idea with the red light was a soft light. In other words, he wanted the room, he wanted it

5849 to be soft inside the room. I didn't notice there were red lights outside. Are they outside also? I

5850 don't think so.

5851

5852 **WILLIAM HENRY**

5853 That was the testimony of the witness.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5854 **EDGAR WRENN**

5855 Okay, maybe he's correct, but I don't believe that. He wanted put a soft light inside. Since then,
5856 the red lights have been changed to blue 'cause I think blue is, I don't know, more soothing than
5857 red.

5858

5859 **WILLIAM HENRY**

5860 Were you a naval aviator?

5861

5862 **EDGAR WRENN**

5863 Yes.

5864

5865 **WILLIAM HENRY**

5866 By my calculation, you might have started in 1944?

5867

5868 **EDGAR WRENN**

5869 Very good.

5870

5871 **WILLIAM HENRY**

5872 Back then, at least, did you have a common understanding what it meant to see a red light
5873 outside a room in –

5874

5875 **EDGAR WRENN**

5876 Yes, yes.

5877

5878 **WILLIAM HENRY**

5879 – a motel?

5880

5881 **EDGAR WRENN**

5882 I think the whole world does, a red light district, of course, and I think Holland, they have the
5883 most famous red light district.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5884 **WILLIAM HENRY**

5885 Advertising for prostitution?

5886

5887 **EDGAR WRENN**

5888 Absolutely, and I don't believe we had red lights outside, as I'm telling you, I'm not sure.

5889

5890 **WILLIAM HENRY**

5891 Alright.

5892

5893 **EDGAR WRENN**

5894 But they weren't for the purpose of attracting prostitutes. The main purpose he put the red lights
5895 in, he wanted a soft light in the room.

5896

5897 **WILLIAM HENRY**

5898 Okay.

5899

5900 **EDGAR WRENN**

5901 And at the time, I said to myself, a red light, that's kind of unhhh, you know, but I didn't say
5902 anything to him because you don't want to discourage everybody.

5903

5904 **WILLIAM HENRY**

5905 Now did you notice that the sign advertising the hotel –

5906

5907 **EDGAR WRENN**

5908 Yes.

5909

5910 **WILLIAM HENRY**

5911 – your – motel?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5912 **EDGAR WRENN**

5913 Yeah, yeah.

5914

5915 **WILLIAM HENRY**

5916 Del Mar.

5917

5918 **EDGAR WRENN**

5919 Yeah.

5920

5921 **WILLIAM HENRY**

5922 Prominently advertises hourly rates?

5923

5924 **EDGAR WRENN**

5925 Yes.

5926

5927 **WILLIAM HENRY**

5928 Was that a change that Mr. Kamer made?

5929

30 **EDGAR WRENN**

5931 No, we always had it, what is wrong with hourly rates? That mystifies me, it's the law.

5932

5933 **WILLIAM HENRY**

5934 I'm just asking you a question.

5935

5936 **EDGAR WRENN**

5937 Okay, sorry, I thought I could learn something.

5938

5939 **WILLIAM HENRY**

5940 It's not my place to testify.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5941 **MAYOR GOODMAN**

5942 Okay.

5943

5944 **EDGAR WRENN**

5945 Okay.

5946

5947 **MAYOR GOODMAN**

5948 Well, let's move it on.

5949

5950 **WILLIAM HENRY**

5951 You were aware that the police raided the Del Mar on November 13th, two thousand and four,
5952 weren't you?

5953

5954 **EDGAR WRENN**

5955 Yes.

5956

5957 **WILLIAM HENRY**

5958 There were newspaper articles, weren't there?

5959

5960 **EDGAR WRENN**

5961 I – don't get the newspaper.

5962

5963 **WILLIAM HENRY**

5964 Alright. After –

5965

5966 **EDGAR WRENN**

5967 I saw it – on television, and I went down to the motel, and I read the report.

5968

5969 **WILLIAM HENRY**

5970 Did you take charge, find out what was going on and put a – stop to it?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

5971 **EDGAR WRENN**

5972 Yes. We took the people off that made the mistakes at the – night clerks, and we wrote written
5973 instructions much stronger than the old written instructions. And we told them – what we're
5974 telling them is don't violate the laws. It's almost something we shouldn't have to tell them.

5975

5976 **WILLIAM HENRY**

5977 Did you take Mr. Kamer off as the manager, after November 13th?

5978

5979 **EDGAR WRENN**

5980 No. I didn't think he was directly involved, is he?

5981

5982 **WILLIAM HENRY**

5983 And did you increase the frequency with which you went to the hotel to make sure that you put a
5984 stop to what was going on?

5985

5986 **EDGAR WRENN**

5987 Mr. Kamer did do that. He went down more frequently, yes.

5988

89 **WILLIAM HENRY**

5990 Did you go down more frequently?

5991

5992 **EDGAR WRENN**

5993 No, no.

5994

5995 **WILLIAM HENRY**

5996 I have no further questions.

5997

5998 **EDGAR WRENN**

5999 Okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6000 **MAYOR GOODMAN**

6001 Mr. DeWitt, do you have any other questions of Mr. Wrenn?

6002

6003 **EDGAR WRENN**

6004 No.

6005

6006 **MAYOR GOODMAN**

6007 Alright, I have a couple. Mr. Wrenn?

708

6009 **EDGAR WRENN**

6010 Yes.

6011

6012 **MAYOR GOODMAN**

6013 When you bought the motel, what – was it called?

6014

6015 **EDGAR WRENN**

6016 The Del Mar. It's been the Del Mar since 1952.

6017

118 **MAYOR GOODMAN**

6019 Okay, what, there are triple x's that are up on the – sign, are there not?

6020

6021 **EDGAR WRENN**

6022 Now, but when I, you're talking about when I first bought the –

6023

6024 **MAYOR GOODMAN**

6025 No, but –

6026

6027 **EDGAR WRENN**

6028 A – motel, okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6029 **MAYOR GOODMAN**

6030 There are triple x's up there?

6031

6032 **EDGAR WRENN**

6033 Yes they are.

6034

6035 **MAYOR GOODMAN**

6036 Okay, when did those go on?

6037

6038 **EDGAR WRENN**

6039 I would say 20 years ago.

6040

6041 **MAYOR GOODMAN**

6042 And what was the purpose of putting up triple x's of the Del Mar?

6043

6044 **EDGAR WRENN**

6045 To show the – class of movie that we were showing. There's different classes of adult movies.

6046

47 **MAYOR GOODMAN**

6048 So it's for the movies that – the triple x went up?

6049

6050 **EDGAR WRENN**

6051 Yeah, that has a triple, that is a – an official designation, triple x.

6052

6053 **MAYOR GOODMAN**

6054 Alright, thank you.

6055

6056 **EDGAR WRENN**

6057 Okay.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

- VERBATIM TRANSCRIPT - Item 62

6058 **MAYOR GOODMAN**

6059 Okay, next witness, please.

6060

6061 **COUNCILMAN BROWN**

6062 Is he excused?

6063

6064 **MAYOR GOODMAN**

6065 You're excused sir.

6066

6067 **EDGAR WRENN**

6068 What's that?

6069

6070 **MAYOR GOODMAN**

6071 You're excused. Thank you.

6072

6073 **EDGAR WRENN**

6074 Thank you.

6075

6076 **MAYOR GOODMAN**

6077 Thank you.

6078

6079 **EDGAR WRENN**

6080 Thank you for all your attention.

6081

6082 **MAYOR GOODMAN**

6083 Thank you, sir.

6084

6085 **CLYDE DeWITT**

6086 Thirty seconds, please. We rest.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6087 **MAYOR GOODMAN**

6088 Alright the – licensee rests. Do you have any rebuttal?

6089

6090 **WILLIAM HENRY**

6091 I do not, Your Honor.

6092

6093 **MAYOR GOODMAN**

6094 Alright, then that concludes the presentation of the evidence, and we'll hear, because you have
795 the burden of proof, Mr. Henry, you'll go first, please.

6096

6097 **WILLIAM HENRY**

6098 Your Honor, several hours ago, I told this Council that the Complaint alleged and set forth, in
6099 essence, facilitating the continuous criminal enterprise of prostitution, and by virtue of doing
6100 that, these folks were a public nuisance. That's all set forth in the Complaint. All of the
6101 testimony I would submit has supported that. The body of the Complaint in – first instance, its
6102 interviews with prostitutes and their – customers, but, every bit the tone and tenor of everything
6103 they said was corroborated by two Metropolitan police officers who went in undercover as
6104 prostitutes.

05 Officer Russell told this Council that in the time that he was surveilling the Del Mar, he didn't
6106 believe that he had ever seen a legitimate customer check in, that they had all been, in his
6107 estimate, prostitutes, and their customers. Tellingly I thought he said he'd never seen anyone
6108 check in with luggage. But some might say that this is a police operation, whether it's the film,
6109 the hearsay, the undercover police officers.

6110 But a former employee, Richard Shives of the Del Mar, who on November 13th, a day he
6111 remembers well, was seriously injured as the victim of a crime there, the same day that the
6112 search warrant was executed, came before this Council and explained that he had seen a change
6113 in the Del Mar, starting with Mr. Kamer, in two thousand and two. That before, there'd been a
6114 mixture of regular customers and prostitutes and johns. After two thousand and two, it was all
6115 prostitutes and johns. And his testimony was very graphic, whether it was talking about
6116 changing all the lights out with red light bulbs after Mr. Kamer appeared, or him delivering, that

**CITY COUNCIL MEETING OF
MAY 4, 2005**

---VERBATIM TRANSCRIPT – Item 62

6117 is, Mr. Shives', condoms to the rooms. And one graphic incident that he recalled very well with
6118 three naked women and a naked man there and getting a tip for delivering the – condoms. Mr.
6119 Kamer telling him that he frequented strip clubs so that he could drum up business for the Del
6120 Mar. And then finally, him explaining that after the police raided the place on November 13th,
6121 the same day that he was seriously injured, he went back to work. And when he went back to
6122 work, there weren't condoms behind the desk anymore. The custom wasn't for the prostitutes to
6123 get the condoms when they checked in, but rather the custom was that he was required to do
6124 something of a turn down service for the rooms at the Del Mar, leaving sometimes on an hourly
125 basis, a box of three condoms and four peppermints on the bed of each room.

6126 I understand that the licensee has come before you and explained that he is an absentee licensee.
6127 And I understand that he's 81 years of age, although I would submit that from listening to his
6128 testimony, that his mind is as agile as anyone in this room, and he has as much energy as anyone
6129 in this room. And he explained to you that he had business problems until he put Mr. Kamer in.
6130 And Mr. Kamer, in 2002, turned the business around, and now Mr. Kamer makes a salary in six
6131 figures, and the licensee is making a half a million dollar profit last year, I believe is what he
6132 said. He knew about the light bulbs; he knew about the hourly rate; he knew on November 13th,
6133 when the place was arrested, what was going on. I would submit that the evidence is that he
6134 chose to turn a business that had a marginal profit structure for many years into a business that
.35 made a lot of money by putting his son-in-law in with a new business plan. And that business
6136 plan was hourly rates, whores and johns only, and run as many of them in and out as possible in
6137 a 24-hour period. But it really does not matter if he did not know that, and I would submit the
6138 strong circumstance is that he did.

6139 Your City code, 602035, makes him, as a licensee, subject to disciplinary action for the acts or –
6140 omissions done by principals, managers or employees. And Mr. Kamer was certainly his
6141 manager and Mike Butler, who was in the film and who was referred to in the Complaint, was
6142 certainly his employee.

6143 Another attorney in my office referred to this is, the evidence establishing that this business was
6144 a hot pillow motel. He was wrong. I would submit to you that the evidence establishes that it's a
6145 whorehouse. And I would ask you to take discipline against the license and revoke it because the
6146 reality is this licensee, in order to get his profits up to half a million dollars a year, took your

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6147 business license for a motel and turned it into 12,000 condoms that were being handed out in
6148 three packs.

6149

6150 **MAYOR GOODMAN**

6151 Alright, thank you. Mr. DeWitt.

6152

6153 **CLYDE DeWITT**

6154 There's no question that this is a sexy motel, and it's not against the law to have a sexy motel.

155 And it's not against the law to have a hotel that happens to be rented out in periods of time under
6156 a day. It has low lights; it has mirrors on the wall or ceilings or whatever in the rooms, and
6157 things like that, blue lights inside the rooms. There seems to be a dispute about whether there
6158 were red – lights outside the rooms or not, or if there were, my client didn't know about it. And
6159 red lights means, I think what he was talking about, is there's a prostitute in here for sale, come
6160 on in, and that's clearly what was not going on there.

6161 Nuisance. If you look at Chapter nine point zero four of your Code, it essentially sets up a
6162 procedure where if there's a nuisance, the City has the mechanism and should ordinarily fire a
6163 warning shot. And allow the person responsible or the owner of the property, I should say,
6164 'cause that's not necessarily who's responsible, to abate the nuisance and correct the problem.
65 And, what the City Attorney is trying to do is –, ride around that, and – go to the license
6166 revocation mechanism, never mind the fact that the Council has the authority to place conditions
6167 on the license and do other things short of revoking it.

6168 Condoms go back to the fact that it's a sexy business, and let's face it, people who find each
6169 other in Las Vegas, if they engage in unsafe sex, and everybody knows that that happens on a
6170 non-commercial basis all the time. What goes on here, stays here. It happens all the time. And
6171 if people are gonna do that, they should do it with condoms. And my client did something
6172 responsibly; this is a sexy hotel where people are gonna come here who just met each other, and
6173 they should have condoms available to them. Prostitutes all have condoms! They carry – 'em
6174 around with 'em, everybody knows that, and I don't have to call a witness to tell you that.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

---VERBATIM TRANSCRIPT – Item 62

6175 Business problems? No. He was, before Mr. Kamer took over, he was making \$200,000 a year,
6176 profit, and he was gettin' another two hundred and fifty thousand dollars stolen from him by his
6177 predecessor.

6178

6179 **WILLIAM HENRY**

6180 Your Honor, that's no way in, no where in evidence.

6181

6182 **MAYOR GOODMAN**

183 Okay.

6184

6185 **CLYDE DeWITT**

6186 Yes it is.

6187

6188 **MAYOR GOODMAN**

6189 Alright, let's – put it this way. It's up to us to discern what the evidence is.

6190

6191 **CLYDE DeWITT**

6192 I – and I'd – I would particularly point out to his testimony that the previous manager, before Mr.

93 Kamer, stole two hundred and fifty thousand dollars from him, and that was profit he never
6194 realized; it went out the side door.

6195 Now, a new business plan? Yeah, he did. He put radio advertising in California. People in
6196 Spanish language, I guess he said, people driving up here listen to the radio, hear the
6197 advertisements, hey, that's a place we can go. People who drive – up here just to gamble, have a
6198 little fun, they want to get some sleep or maybe engage in a little sex, and that's okay.

6199 So what the City Attorney wants to do is unceremoniously deprive Mr. Wrenn of everything he's
6200 built up in his entire life, and I don't think that's fair. I really don't think that's fair. I think it is
6201 fair to – call him for his word. He said I don't want prostitutes in there. Get 'em out, okay, put
6202 some conditions on the license that gets them out. I would suggest, better than that, be a little
6203 creative here. Issue a temporary license for 45 days, order the, order my client to meet in good
6204 faith with the Metro Vice division to try and formulate an agreed set of conditions on the license.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6205 And I'm sure, to some extent, they can be agreed upon, maybe change the sign, maybe whatever.
6206 And come back here, a couple of City Council meetings from now, and maybe we can come and
6207 say we've agreed on some conditions, maybe the City Attorney will be relentless. But at least
6208 we will say well we talked to the Vice squad, and here's what the conditions they wanted were,
6209 and we're prepared to accept them, or we're prepared to accept all but this one because we think
6210 it's unreasonable and here's why, but you can decide whether it's reasonable or not.
6211 Rather than just cutting off, I mean, if – he loses his license, the only thing he can do is bulldoze
6212 the motel and sell his property, or he'll sell it to somebody else, who's gonna not change the
6213 character of it. I mean, let's face it, this building is not gonna turn into a casino resort. I – think
6214 Mr. Wrenn should have an opportunity to correct his problems. I think he recognizes them; I
6215 think he went into shock when he watched that video or infomercial, as I would call it. And he
6216 realized the magnitude of the problem. He didn't realize there was that much of that stuff going
6217 on there, and I think part of it was, look, blood's thicker than water. So okay, son-in-law, do the
6218 best you can; take care of the problem. And it's hard to – take your son-in-law by the throat and
6219 say you gotta clean this up, you gotta change this. It's – just, it's human nature, and Mr. Wrenn
6220 is not a hard headed guy. He's a nice old man, and I don't think his livelihood and his life
6221 savings and everything else should be unceremoniously stripped from him. I think he should be
6222 given a chance to fix the problem and to run a business like the other ones that the witnesses
6223 didn't complain about anymore.

6224

6225 **MAYOR GOODMAN**

6226 Alright, thank you, sir. Alright. Thank you very much for the presentation. I – think that's
6227 sufficient. Thank you very much everybody for your participation here. Councilman Reese.

6228

6229 **COUNCILMAN REESE**

6230 Do we have any comments?

6231

6232 **MAYOR GOODMAN**

6233 Any comments from the Council before Councilman Reese makes a motion? Yes, Councilman
6234 Mack.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6235 **COUNCILMAN MACK**

6236 Thank you, Your Honor. I had the privilege a few weeks ago, I've done it a few times since I've

6237 been Council member to do a drive along with Metro, and it was amazing to me. I wanted to

6238 focus in on the east side of Las Vegas Boulevard, Fremont Street. We went through naked city.

6239 And when I went through my briefing, the whole focus of the briefing really revolved around the

6240 Del Mar Hotel, or Motel I should say.

6241 And as I sat up here and pitch so hard for our more cops initiative to go forward to the County

6242 Commission through the State legislature, I sit here and I see so much time, so much resource,

6243 dedicated to this business that seems to be a problem in the area. So, you know, I know, Your

6244 Honor, Council members who represent this area, we have a lot of great things happening in our

6245 Downtown, and we have crime. Crime is prevalent. I went, I saw a lot of drug activity; I saw a

6246 lot of stuff happening in the Downtown area that our resources are being spent at the Del Mar

6247 Motel. And, I believe that we need to put our resources at keeping our tourists safe, keeping

6248 drugs and crime out of our Downtown, and of course, prostitution. Seems to me that the root of

6249 all these problems has to do with every time you open up the yellow pages, the largest section in

6250 the yellow pages is escort companies, entertainment companies that are not regulated by the City

6251 but are regulated by the County. So maybe, Your Honor, we could have some dialogue with our

6252 County Commissioners over there about somehow restricting or doing away with having

6253 licensed escort companies because they are just fronts for prostitution, and it's just blatant. I

6254 have, I pity and passion, for a business that's trying to comply by the law, but on the same token,

6255 it seems that this business has been taking advantage of the situation.

6256 I did a google search, and those that don't know what a google search is, a internet web search,

6257 and I typed in Del Mar Las Vegas prostitution. And number two on here came up world sex

6258 guide document Las Vegas, the best in Del Mar on Las Vegas Boulevard, which has ra, hourly

6259 rates, regarding prostitution in Las Vegas, world sex guide dot org Las Vegas. Your Honor, it's

6260 prevalent. I think world renowned that the Del Mar is known for this type of activity, and I –

6261 would not be able to support a continuance of this business license.

6262

6263 **MAYOR GOODMAN**

6264 Alright, would anybody else like to be heard before Councilman Reese makes a motion?

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6265 Alright, Councilman Reese.

6266

6267 **COUNCILMAN REESE**

6268 Thank you, Your Honor. First of all, I would like to thank everybody for being understanding of
6269 the severity of this item, the need to make sure we hear all of the evidence. I want to thank Mr.
6270 DeWitt, Mr. Mooney and Mr. Mills, also want to thank Metropolitan Police Department, as well
6271 as Mr. DiFiore from our office, for presenting this to the City Council today in a – manner, I
6272 think which shows the severity of this – problem.

73 Mr. Wrenn, I listened to your – testimony, and I can certainly sympathize. I didn't agree with
6274 Mr. DeWitt when he was talking about hugging and embracing prostitution in the city of Las
6275 Vegas. And I believe that's you – mentioned about the son-in-law. I think if I had a son-in-law
6276 and – I was doing things that was against the law, and I know you said, prostitution is prevalent
6277 in Las Vegas but it's not legal. It's not legal in the city of Las Vegas or in Clark County, I don't
6278 think. It might be in a couple of counties in the state of Nevada, but it's not legal here in Las
6279 Vegas. I – listened to there is no, the cabs don't get tipped for taking people there, I understand
6280 that. I understand the clerks not giving kick backs.

6281 I understood from Mr. Wrenn that most people that was on the tape, that we – watched wasn't
6282 fired or wasn't reprimanded, they were just put into a – lesser position. I think if I had a business
83 and it was being run like that, I would have fired them on the spot. I – can sympathize with them
6284 when they need jobs. They could get jobs where they abide by the law.

6285 I understand the red lights, the blue lights. We – under oath, we was told that there was red
6286 lights inside and outside. I would take that as truth. And as far as I'm concerned, where I grew
6287 up, we had a house of prostitution 15 miles away, and it was called the Red Light. It was, and
6288 everybody that was going to high school knew what it was, and what was meant there, and what
6289 we – you could buy there.

6290 I really think that having the Del Mar in my ward, I have had Code Enforcement go out there a
6291 couple of times and try to get them to comply with keeping the rooms up to standards. I think –
6292 that we have tried many, many times to work with the Del Mar. Mr. Kemper (sic) was told back
6293 in November, and under oath, we heard officers testifying that from November to now, things
6294 haven't changed. They're still, giving away condoms in the rooms for their, people that rent the

**CITY COUNCIL MEETING OF
MAY 4, 2005**

- VERBATIM TRANSCRIPT – Item 62

6295 rooms. I also understand that a lot of the people come in and pay cash. I – understand the staff
6296 going in and having to – clean up after people every hour at this location. And I can really see
6297 why the profits went up. I still don't think that we need to have something like this this close to
6298 our Downtown area where the Mayor, as well as every member at this City Council, is trying to
6299 redevelop an area that has been down trodden. I – hate to hear things stated that my ward is a –
6300 haven for this type of behavior. When they were talking about the order-out ordinance, I could
6301 have told Mr. DeWitt all about the order-out ordinance because I was the Councilman that
6302 introduced the out, order-out ordinance, and I was the one to have the first boundaries
03 established in my ward.

6304 I know that all the City staff, as well as people from Metropolitan Police Department, they want
6305 Downtown to be a thriving economic boom for the Redevelopment Area. And having something
6306 like this in this area, I don't think it's gonna be possible, **so my motion today is gonna be for**
6307 **revocation of this license following staff's recommendation.**

6308

6309 **MAYOR GOODMAN**

6310 Alright, that's a motion. Let's vote, please. Post. Motion carries. **(Motion carried**
6311 **UNANIMOUSLY with GOODMAN abstaining because he was absent for most of the**
6312 **discussion on this item.)** Thank you. Alright, Ms. Ronemus, what item are we up to now?

13

6314 **BARBARA JO RONEMUS**

6315 We are now on Item 56.

6316

6317 **MAYOR GOODMAN**

6318 Fifty-six, okay, we'll call Item 56.

6319

6320 **COUNCILMAN REESE**

6321 Your Honor, if I may, make another statement too.

6322

6323 **MAYOR GOODMAN**

6324 Excuse me.

**CITY COUNCIL MEETING OF
MAY 4, 2005**

VERBATIM TRANSCRIPT – Item 62

6325 **COUNCILMAN REESE**

6326 Can I make another comment?

6327

6328 **MAYOR GOODMAN**

6329 Yeah, certainly, yeah.

6330

6331 **COUNCILMAN REESE**

6332 I – definitely, I – really want to thank those members that – was here on other items prior to this
133 item, sitting here and being very polite and not – rushing, ra, raising a ruckus. I think it's very
6334 important that, the (inaudible) we pulled this item forward, the need for it, and I just want to
6335 thank you for your understanding.

6336

6337 **MAYOR GOODMAN**

6338 Alright, thank you.

6339

(END OF DISCUSSION)

6340 /lc;sc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005**DEPARTMENT: FINANCE & BUSINESS SERVICES****DIRECTOR: MARK R. VINCENT**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Sabah Shoshani, dba Bells Market, 720 West Owens Avenue, Sabah H. Shoshani, 100% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted at meeting: Metro Calls for Service Data Sheets
3. Submitted at meeting: Metro Pictures of Activity at Bells Market

MOTION:

WEEKLY - APPROVED the license, authorizing MR. DiFIORE to unilaterally pull the license and cease sales of beer and wine, pending submission by MR. DiFIORE of his material to the City Attorney's Office in order to file a complaint before the City Council, if MR. SHOSHANI violates any of the following conditions: 1) a review of conditions at the Council meeting of 9/21/2005; 2) employment by the applicant of a licensed security firm to address the cluster of people in the parking lot; 3) installation of video surveillance system to aid in monitoring activity inside and outside the store; 4) posting of signs inside and outside the store notifying patrons of the video surveillance system; and 5) cooperation with Metro and the hired security company to enforce the trespassing of undesirables and to enforce the no loitering and no alcohol consumption regulations within 1,000 feet of this establishment - UNANIMOUS

MINUTES:

NOTE: This matter was trailed until the arrival of the applicant's attorney.

The applicant was present, accompanied by his attorney DAVID CROSBY.

JIM DiFIORE, Manager, Business Services, deferred to STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), to update the Council. DETECTIVE RODD reported that this matter has been reviewed several times. There has been a rise in calls for service, which is ostensibly alarming; however, those calls have been made by the owner, manager, and other employees summoning police assistance. Which is the correct recourse. Although, Metro would prefer that the owner take remedial measures that would prevent Metro from having to respond.

MAYOR GOODMAN verified with DETECTIVE RODD that MR. SHOSHANI has been very

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

cooperative and forthcoming about the nature of the calls for service. DETECTIVE RODD added that MR. SHOSHANI has a very good relationship with the officers patrolling the area.

MR. DiFIORE interjected that the temporary license was issued two times and could no longer be issued. He suggested a permanent license be issued with the following conditions: 1) a review of conditions at the Council meeting of 9/21/2005; 2) the applicant shall employ a licensed security firm to address the cluster of people in the parking lot; 3) the applicant shall install a video surveillance system to aid in monitoring activity inside/outside the store; 4) the applicant shall post signs inside/outside the store notifying patrons of the video surveillance system; and 5) the applicant shall work with Metro and his hired security company to enforce the trespassing of undesirables and to enforce the no loitering and no alcohol consumption regulation within 1,000 feet of this establishment.

COUNCILMAN WEEKLY expressed his opposition to issuing a permanent license, stating that MR. SHOSHANI is very kind and cooperative and brings needed services to the neighborhood; however, he has not done anything to address the huge loitering problem at this location. The magnitude of loitering is a real concern to COUNCILMAN WEEKLY, given that youth are involved and given the alcoholic beverage sales.

CITY ATTORNEY JERBIC advised that the Code does not allow the issuance of a temporary license more than twice. The Council has three options: 1) to issue an unconditional license; 2) to issue a license with conditions; or 3) to deny the license. COUNCILMAN WEEKLY verified with CITY ATTORNEY JERBIC that any violations of the conditions would validate revocation of the license. CITY ATTORNEY JERBIC added that any violations could be brought before the Council for review, and the Council could revoke the license if it determines a violation took place.

ATTORNEY CROSBY indicated that MR. SHOSHANI is in concurrence with the conditions as outlined, as he is willing to do anything within his capacity to resolve the loitering problems. Any improvements will help his business.

COUNCILMAN WEEKLY stressed that the type of activity taking place at this location really bothers him, to the point where he felt uncomfortable issuing the permanent license. He opted to hold this matter for two weeks. MR. DiFIORE pointed out that the license would expire the following day at midnight. CITY ATTORNEY JERBIC interjected that, with MR. SHOSHANI'S consent, the Council could authorize MR. DiFIORE to shut the liquor license down, upon MR. DiFIORE'S finding of a violation of a condition, until the Council could hear the complaint. MAYOR GOODMAN explained that MR. SHOSHANI in essence would be getting a conditional permanent license. After conferring with MR. SHOSHANI, ATTORNEY CROSBY concurred with this condition.

MR. RODD interjected that the security company currently in place is ineffective. MR. SHOSHANI needs to understand that he needs to hire a reputable, effective security firm given COUNCILMAN WEEKLY'S concerns and that MR. SHOSHANI'S business could be shut down.

CITY ATTORNEY JERBIC affirmed that such a condition is legal. He clarified that, if there is a violation of any condition, MR. DiFIORE could unilaterally pull the license, pending submission of his material to the City Attorney's Office to file a complaint before the City Council. The Council could

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

then consider the complaint, and, if approved, a hearing could be scheduled within 60 days. MR. SHOSHANI'S business would remain closed until the hearing. MAYOR GOODMAN explicated that the store would remain open; however, beer and wine sales would cease. ATTORNEY CROSBY also concurred with this condition.

(2:08 - 2:09/2:36 - 2:53)

4/-906/4-1987

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Sabah Shoshani, dba Bells Market, 720 West Owens Avenue

On May 5, 2004, the City Council granted temporary approval of this license subject to a six-month review due to department concerns. On November 3, 2004, the City Council granted an extension of the temporary with an additional six-month review at the request of Councilman Weekly.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

LLV041023002259 **720 W OWENS AV 416B** ALL OF THEM ARE BMAS NO WEAPS SEEN ON H ST SIDE NEXT TO BELLS MARKET..HAVE APPROX 30 GANG MEMBERS OUT THERE ARGUING & PR AFRAID WILL B A 416 SUBJECTS CLEARED OUT. EMPLOYEE THINKS T HAT THERE MAY BE PROBLEMS LATER. CLERK/JAMES 0006420269

LLV050226001419 **720 W OWENS AV 411A** TL 5, LS EB, WHT TOYT TACOMA PU NV/913RVK, OCCP BY BMA,40'S,6',BLK HAIR,WHT BB CAP,WHT SHIRT, DRIVER WRNG WHT UNLV SHIRT, DRK PANTS, PR HAS HIM ON VIDEO, DRIVER IS PRIOR TRESP FOR 414A ATTEMPT 04 TOYT TRU CLUB CAB/NINYO & MOORE/6700 PARADISE STE #E EXP 0405 //1117 REQ FWD INFO TO AUTO THEFT JIMMY/EMP 6420269

LLV050411002908 **720 W OWENS AV 416B** IN PLOT 10 BMA'S BTWN 17-24YOA..HANGING AROUND IN THE PLOT PR REQ DRIVE BY JONAS PROSPER/EMPLY SAME 7022756142

LLV041005000909 **720 W OWENS AV 441** WIRING & PIPING CUT TO A/C & COOLERS, & GAS PUMP HOSES SLASHED / APPROX \$5,000 WORTH DAMAGES POSS MAY HAVE SUSP ON SURV VIDEO TAPE JIMMY SHOSHANI 6420269

LLV041021002345 **720 W OWENS AV 416B** ALONG 20 SUBS IN PLOT LOITERING NEG 408/446/WEAPS REQ DRIVE THRU TO MOVE BOTH UNITS JIMMY/EMP 6420269

LLV050226000999 **720 W OWENS AV 416B** SUBJ SELLING FOOD FRM TACO CART IN PLOT ACR STR..HEALTH DEPT/METRO BEEN OUT ON SUBJ IN PAST : VELCO GAS STN ALEX/EMPL 6490055

LLV050302001829 **720 W OWENS AV 416B** ON SE CRNR OF PLOT,, #1, WFA ,5'6,,MED BLD, GRYISH/BLK HR,WHI JKT,BLU PNTS #2 BMA,5'6,MED#,BLK JKT, BLU SHORTS, HAS CRUTCHES POSS DRINKING/ NEG 446 NEG WEAPS PR REQ OFCR MOVE ALONG C4 1357 JIMMY SHOSHANI/EMP 6420269

LLV040916002728 **720 W OWENS AV 416B** IN FRT OF BIZ.. 15-16 BMAS & 2 BFAS..

ONE POSS ARMED W/BUTTER KNIFE.. YELLING & SCREAMING TRYING TO
PROVOKE EACH OTHER TO 416.. NFD,NFI 3W64 ALL PARTIES ARE H 2024 HRS
DARYL/SEC 200 SPECTRUM BL CEL3743505

LLV041203002477 720 W OWENS AV 414 38/ PR HAS KEYS TO SCOOTER, ADV'D
SUSP WOULD BE WALKING W/ THE SCOOTER UNK RACE MALE TOOK SCOOTER
WHILE PR WAS IN BIZ.. TL/5 NB ON H ST RED SCOOTER . CONT PR IN BIZ
1810HRS BIZ POSS HAS VIDEO 1810HRS CLARENCE WINTERBOWER 720 W
OWENS AV 0006420269

LLV050328003022 720 W OWENS AV 416A GRP JUVS FRNT OF BIZ REF TO
LEAVE,,CONT PRBLM W/SAME JUVS 911 CALL TIME/DDMM: 20:21 28/ 5-6 BMJ'S,
12YO-TEENS,,,,JUVS THRT'G PR AND OTHER EMPLYS,,,NEG WEAPS SEE
JIMMY/MGR

LLV050307002970 720 W OWENS AV 416B IFO MARKET.. 10 SUBJS LOITERING &
REF TO LEAVE// UNK 408/446/WEAPS NEED AUTH DRIVER OF VEH FROM ALAMO
RAC 1931 HRS UNOCCD IN FRNT OF BIZ RUNNING NO ONE KNEW WHO WAS
DRIVING 1936 01/PER ALAMO RAC / VEH WAS TO BE RETURNED AT 1900 HRS//VEH
WAS RENTED TO A FEMALE /PR WILL BE CALLING BACK TO VERIFY THIS IS
METRO BEFORE ANY FURTHER INFO - NAME OF RENTER - WILL BE GIVEN OUT
1940 01/ALAMO RAC / VEH RENTER ANTOINETTE CLARK 2661 CHURCHILL
PH#510-9467 OLN#1701172293 & ADDITIONAL DRIVER ANTHONY GREEN BOTH
LOCAL ALAMO RAC ENR W/ TOW ETA TRAVEL TIME FROM SC ETA 30 OR LESS
/1955 REC FROM ALAMO/ ALAMO TOW UNAVAIL/ REQ EWING TOW TO 6855
BERMUDA - EWING ADV'D ENR 2010 OMAR/EMP TOW/ PROPERTY OMAR/EMP
7026420269

LLV050309002157 720 W OWENS AV 416B OUTSIDE BIZ....APPRX 10 SUBJS
GATHERED.....PR WANTS SUBJS MOVED ALONG ...***PR DOES NOT WANT TO BE
CONTACTED OR MENTIONED**** SUBJS LEAVING EMP/JIMMY 7026420269

LLV050324001383 720 W OWENS AV 416B BMA, INS BIZ THREATENING
EMPLOYEES, SUSP 50 YO, 6', AVE BLD, BLU COAT, JEANS, NEG WEAPS, UNK
408/446 2W4 OUT ON SUBJ AT VEGAS/OWENS 1222 HRS 2W4/ OUT AT VA CLINICE
916 W OWENS 1223 HRS CLERK

LLV050405002358 720 W OWENS AV 416B 8-10 BMAS HANGING AROUND BY

GAS PUMP....REF TO LEAVE....PR AFRAID THEY WILL START TROUBLE... C/4
OUT W/ CITES / 1708 JONAH/EMP 7026420269

LLV050415000677 **720 W OWENS AV 406** TO BIZ, INT CHKD 40/ADV DELAY /
0653 ADMIN CHAN 0737 2W54 REQ ID FOR PRINTS / 0737// SUSPECTS GOT AWAY
WITH ABOUT \$22,000 IN CASH AND PHONE CARDS. ACCESS MADE THROUGH
REAR DOOR. EMP/JIMMY 6045665

LLV041001002527 **720 W OWENS AV 413A** Initial Traffic Stop by LV3W66 18:54:41 on
10/01/04 BMA 40 BLEEDING FROM HEAD 416 OCCURED OTHER HALF G BUREN BMA
WHI SHIRT BLU JEANS OTHER HALF CROSSING JACKSON ST POSS ARMED W/413A
FD ENR NOW EB ON MONROE FROM G SHORT BMA SB ON G THEN EB ON
MONROE PER CAR TO CAR SKIN BALD WHI SHIRT JEANS LITE BLU LONG PANTS
3W56 AT JACKSON/G ST NOW WIT SAY SUSP HAS ON LITE BLUE SWEATPANTS
NEG JEANS AFFIRMATIVE ON 1 ON 1 1909 REQ PT 2006 2 WITNESSES, KNIFE
NOT FOUND MED 492 RE FUSED.



Submitted at City Council
Date 5/4/05 Item #163















AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a Six Month Review of an Auctioneer License, J. P. King Auction Company, Inc., dba J. P. King Auction Company, Inc., 108 Fountain Avenue, Gadsden, Alabama, Jerry C. King, Dir, Pres, Auctioneer, 25%, James S. King, Dir, Exec VP, Auctioneer, 25%, Christie K. Ray, Dir, Secy, Auctioneer, 25% - Alabama

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of an Auctioneer License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE - APPROVED extending the temporary license another six months (11/2/2005) - **UNANIMOUS**

MINUTES:

JENNIFER ROBERTS, Lionel, Sawyer, and Collins, 300 S. Fourth Street, appeared representing the applicant.

JIM DiFIORE, Manager, Business Services, was present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), reported that there were some violations with regard to company practices undertaken in California, which led to an audit and review of the business activities. During the six-month-review period, the company was audited again and Metro found no more indiscretions or any indication that further violations had occurred. MR. DiFIORE recommended extension of the temporary license for another six months.

(2:09 - 2:11)

4-948

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of an Auctioneer License, J. P. King Auction Company, Inc., dba J. P. King Auction Company, Inc., 108 Fountain Avenue, Gadsden, Alabama

On November 3, 2004 the City Council granted temporary approval of this license subject to a six-month review at the request of the department in order to monitor this company's compliance with the California Department of Real Estate Stipulation.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License, Jie Wu, db at Superior Foot Massage, 2221 Paradise Road, Jie Wu, 100% - Ward 3 (Reese)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License.

RECOMMENDATION:

Recommend the City Council uphold the denial.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Jie Wu

MOTION:

REESE - DENIED as recommended - motion carried with GOODMAN voting NO and TARKANIAN and MACK not voting

MINUTES:

MAYOR GOODMAN read Items 65 and 66.

BING JI, owner of Superior Foot Massage, JIE WU, and XIN LI WANG were present, accompanied by ALEX YOUNG, court-certified interpreter.

JIM DiFIORE, Manager, Business Services, indicated that the reasons for denial on Items 65 and 66 mirror each other. He gave an overview of the details involving the appellants and the reasons for denial, as indicated in the Agenda Memo included in the backup for each item.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), added that, when the applicants were questioned during separate interviews about the documents submitted, they each admitted they knew the school did not exist and that the documents accompanying the applications were false.

MAYOR GOODMAN asked the applicants why false documents were submitted. Through the interpreter, the applicants indicated they did not know the school was not certified.

DETECTIVE RODD referenced a document the applicants represented as proof of 500 hours of training in reflexology, which is a pre-requisite for obtaining a reflexology license. MAYOR GOODMAN asked why the applicants went to a different school. The interpreter answered for MR. JI that he received notice from City Business Services that the Atlanta Massage Training Center was not certified. The

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

applicants then decided to go to a certified school in California to obtain certification. MR. DiFIORE added that the applications were denied because they were incomplete. The transcripts for the school in California show that the applicants were enrolled between July 26, 2004, and October 26, 2004, which means that the application made on the Atlanta Massage Training Center was made during the time they were in school in California. By way of the interpreter, MR. JI indicated that they were in school before they graduated.

MR. JI further explained that a gentleman claiming to be with the Atlanta Massage Training Center in Atlanta offered to train the applicants in Las Vegas for a two-week period. The gentleman showed him a diploma and certification. He paid \$600 for each applicant's two-week training, after which the gentleman was to forward a training diploma to each applicant. That diploma was used for the first license application. Subsequently, Business Services informed the applicants that the diploma was not valid. MS. WU and MS. WONG tried to get a graduation certificate. In summary, MR. JI remarked that there was a miscommunication during the interview with Metro because the interpreter Metro used spoke Cantonese and the applicants speak Mandarin. He felt that he and the applicants are the victims, because the Atlanta Massage Training Center was not certified. He urged the Council to give the applicants another chance and approve the licenses. DETECTIVE RODD countered that Metro's interpreter speaks both Cantonese and Mandarin.

MAYOR GOODMAN felt that the Council should be consistent and give the applicants another opportunity since their employer is speaking on their behalf and willing to take a risk by hiring them. COUNCILMAN REESE stated that the employer was involved in the application process and falsifying information. MR. DiFIORE indicated that MR. JI was fully aware of the process. DETECTIVE RODD opined that the actions these applicants took are a direct assault on the City. The investigation process requires complete honesty and full disclosure to Metro, so it can bring that information to the Council to make an informative decision on whether an applicant has the character and suitability to obtain a license.

DETECTIVE RODD pointed out that the Municipal Code requires that reflexology practitioners attend an institution to obtain certification; these applicants contracted someone from an institution that is not accredited to come to an off-site place.

MR. DiFIORE explained the practice of reflexology to the Mayor.

MAYOR GOODMAN stressed that he would feel more comfortable if the applicants understood English.

(2:11 - 2:30)

4-1020

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License, Jie Wu, db at Superior Foot Massage, 2221 Paradise Road

On September 21, 2004, Ms. Jie Wu submitted an application for a reflexology practitioner license. On September 28, 2004, Ms. Wu was notified by letter that her application was denied due to the incompleteness of her application. Ms. Wu had submitted a diploma from the Atlanta Massage Training Center dated June 24, 2003; however, our office was unable to authenticate the existence and licensing of this center through calls placed to the City of Atlanta business licensing, Fulton County business licensing and the State of Georgia.

Ms. Wu then submitted a certificate from the Acupuncture and Massage Institute of America dated October 26, 2004. Her application was referred to the Las Vegas Metropolitan Police Department for investigation pursuant to LVMC 6.69.070 on November 22, 2004.

On January 24, 2005, the Special Investigations Section submitted a police report with an area of concern. The Police Report reflected that Ms. Wu had admitted she did not have any training when she submitted the original diploma from the Atlanta Massage Training Center and that she was well aware that she was providing false credentials.

Based on the above, the Department denied this license on March 23, 2005, as provided in Las Vegas Municipal Code 6.02.090(A), which states, in pertinent part:

“...The Director may:

(A) Deny an applicant a license if:

(1) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application...

and

(5) The applicant or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for suitability, a permit or work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or any of its principals.

Las Vegas Municipal Code provides an applicant the right to appeal a decision of the Director within thirty days to the City Council. Attached is a letter from Jie Wu requesting an appeal of the denial of the license.

**Jie Wu
2221 Paradise Road
Las Vegas, Nevada 89104**

April 1, 2005

Mr. Jim DiFiore, Manager
Business Services Division
Department of Finance & Business Services
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

2005 APR - 8 A 11: 58
RECEIVED
FINANCE AND
BUSINESS SERVICES

Re: Reflexology Practitioner – License No. R11-94607-L-111984

Dear Mr. DiFiore:

I am in receipt of your letter dated March 23, 2005 wherein you denied my license as a reflexology practitioner, as referenced above.

Please consider this letter as an appeal of this denial. I request an appearance before the City Council at their next regularly scheduled meeting.

Thank you. Since my English is limited, if you have questions please call Bing Ji at 737-0880.

Respectfully,


Jie Wu

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License, Xin Li Wang, db at Superior Foot Massage, 2221 Paradise Road, Xin Li Wang, 100% - Ward 3 (Reese)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License.

RECOMMENDATION:

Recommend the City Council uphold the denial.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Xin Li Wang

MOTION:

REESE - DENIED as recommended - motion carried with GOODMAN voting NO and TARKANIAN and MACK not voting

MINUTES:

BING JI, owner of Superior Foot Massage, JIE WU, and XIN LI WANG were present, accompanied by ALEX YOUNG, court-certified interpreter.

JIM DiFIORE, Manager, Business Services, and STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), were present.

NOTE: See Item 65 for all related discussion.

(2:11 - 2:30)

4-1020

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Reflexology Practitioner, Appeal of Denial of Business License, Xin Li Wang, db at Superior Foot Massage, 2221 Paradise Road

September 21, 2004, Ms. Xin Li Wang submitted an application for a reflexology practitioner license. On September 28, 2004, Ms. Wang was notified by letter that her application was denied due to the incompleteness of her application. Ms. Wang had submitted a diploma from the Atlanta Massage Training Center dated June 24, 2003; however, our office was unable to authenticate the existence and licensing of this center through calls placed to the City of Atlanta business licensing, Fulton County business licensing and the State of Georgia.

Ms. Wang then submitted a certificate from the Acupuncture and Massage Institute of America dated October 26, 2004. Her application was referred to the Las Vegas Metropolitan Police Department for investigation pursuant to LVMC 6.69.070 on November 22, 2004.

On January 24, 2005, the Special Investigations Section submitted a police report with an area of concern. The Police Report reflected that Ms. Wang had admitted she did not have any training when she submitted the original diploma from the Atlanta Massage Training Center and that she was well aware that she was providing false credentials.

Based on the above, the Department denied this license on March 23, 2005, as provided in Las Vegas Municipal Code 6.02.090(A), which states, in pertinent part:

"...The Director may:

(A) Deny an applicant a license if:

- (1) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application...**
- and**
- (5) The applicant or any of its principals has been subject, in any jurisdiction, to disciplinary action of any kind with respect to a license, an approval for suitability, a permit or work card to the extent that such disciplinary action reflects upon the qualification, acceptability or fitness of the applicant or any of its principals.**

Las Vegas Municipal Code provides an applicant the right to appeal a decision of the Director within thirty days to the City Council. Attached is a letter from Xin Li Wang requesting an appeal of the denial of the license.

**Xinli Wang
2221 Paradise Road
Las Vegas, Nevada 89104**

April 1, 2005

2005 APR - 8 A 11: 58
RECEIVED
FINANCE AND
BUSINESS SERVICES

Mr. Jim DiFiore, Manager
Business Services Division
Department of Finance & Business Services
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

Re: Reflexology Practitioner – License No. R11-94607-L-111984

Dear Mr. DiFiore:

I am in receipt of your letter dated March 23, 2005 wherein you denied my license as a reflexology practitioner, as referenced above.

Please consider this letter as an appeal of this denial. I request an appearance before the City Council at their next regularly scheduled meeting.

Thank you. Since my English is limited, if you have questions please call Bing Ji at 737-0880.

Respectfully,


Xinli Wang

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, Lucky Champ, Inc., dba Lucky Champ, Inc., 1420 West Bonanza Road, Vinay Baway, Dir, Pres, Secy, Treas, 100% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for consideration of a temporary license while the applicant is undergoing a background investigation by the Las Vegas Metropolitan Police Department. The applicant has been previously investigated and approved by the City Council on October 20, 1999 to hold a Beer/Wine/Cooler Off-sale License and continues to hold this license today.

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Vinay Bawa

MOTION:

WEEKLY - APPROVED the temporary license with a six-month (11/2/2005) review, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with **TARKANIAN** not voting

MINUTES:

The applicant was not present.

JIM DiFIORE, Manager, Business Services, reported that the applicant moved to West Charleston and leased the premises to another applicant. The applicant has been licensed for a little over a year. This matter involves a new application for this location. The requirements for consideration of a temporary approval were met. He suggested approval as recommended with a six-month review.

(2:30 - 2:31)

4-1735

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, Lucky Champ, Inc., dba Lucky Champ, Inc., 1420 West Bonanza Road

The applicant is requesting approval of a temporary license as provided by LVMC 6.06.051, which reads as follows:

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on April 22, 2005. Based on the fact that the applicant was previously investigated and approved by the City Council on October 20, 1999 to hold a beer/wine/cooler off-sale license and continues to hold this license today as well as a review of SCOPE printouts from LVMPD, the City of North Las Vegas and Henderson, we have determined he is preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

In the event the Special Investigations Section, Las Vegas Metropolitan Police Department, should develop an area of concern with this applicant this item will be brought back before the Council for appropriate action.

To:

Dated: April 22/2005

City Of Las Vegas
Dept of Finance and Business Services
Privileged License Section
3rd Floor, City Hall
400 Stewart Avenue
Las Vegas, Nevada, 89101

Attention: Debbie Outland

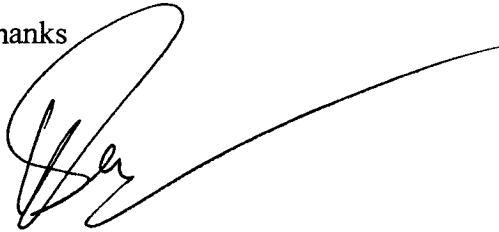
Ref: Champ Gas Station and Convenience Store at
1420 West Bonanza, Las Vegas, Nevada, 89106

Dear Debbie,

Thanks for taking the time to talk with me, as you know, my tenant, Melva D Boyd
Moved out on April 15/2005 and closed the business, I would appreciate, if I can get the
Beer and Wine License and Business License for the above location immediately, so I
can reopen the Gas Station and Convenience store.

I am also attaching the copy of the Lease which was signed between Melva D Boyd and
my self, Please let me know if you need any other information,
Thanks for all your help, I really need to reopen as soon as possible.

Thanks

A handwritten signature in black ink, appearing to read 'V. Bawa', with a long, sweeping horizontal line extending to the right.

Vinay Bawa
President
Lucky Champ Inc
4030 West Charleston Blvd
Las Vegas, Nevada, 89102
702-812-3464

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding approval of issuance of a purchase order for RMV1 Multibay Meter multispace parking meters - Department of Detention and Enforcement - Award recommended to: REINO PARKING SYSTEMS (\$63,710 - Municipal Parking Enterprise Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$63,710.00
☒ Budget Funds Available	Dept./Division:	Detention & Enforcement
☐ Augmentation Required	Funding Source:	Municipal Parking EF

PURPOSE/BACKGROUND:

This request provides for the purchase of RMV1 Multibay Meter multispace parking meters for on-street parking in the area of the Regional Justice Center.

This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(a) Items which may only be contracted from a sole source.

PCC: G Leaf

POC: Bob Levin - (972) 547-6629

CFN: 050608

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for RMV1 Multibay Meter multispace parking meters in the amount of \$63,710 to Reino Parking Systems.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED as recommended - UNANIMOUS

MINUTES:

MARK VINCENT, Director, Finance and Business Services, deferred to KAREN COYNE, Detention and Enforcement, who made a presentation. She indicated that she oversees the Parking and Enforcement Division and opined that it is time to move forward with the plan to install multi-space parking meters in the area of the Regional Justice Center. The suggested technology offers the ability to take cash/coin, debit/credit card, use of cellular phone to pay for additional time, and text messaging. She recommended purchasing 15 meters.

COUNCILMAN WOLFSON questioned the cost of a standard meter. MS. COYNE indicated that the single-space meters cost \$500.

(2:31 - 2:35)

4-1789

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: LEISURE SERVICES

DIRECTOR: BARBARA JACKSON

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action to name a park located at Elkhorn and Fort Apache - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the monthly Parks and Recreation Advisory Commission meeting held April 13, 2005, the park naming subcommittee submitted the name Winding Trails Park for the 5.6 acre park site located at Elkhorn and Fort Apache. A vote by the Board was approved to recommend the name to City Council.

RECOMMENDATION:

Staff recommends City Council approval

BACKUP DOCUMENTATION:

None

MOTION:

MACK - APPROVED Winding Trails Park - UNANIMOUS

MINUTES:

BILLY BASTIAN, Deputy Director, Leisure Services, reviewed the information under the Purpose/Background section and concurred with the recommended name.

COUNCILMAN MACK appreciated staff's efforts in naming the parks. The residents are looking forward to using the parks involved in Items 69-73.

(10:12 - 10:13)

1-2261

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: LEISURE SERVICES

DIRECTOR: BARBARA JACKSON

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action to name a park located at Horse Road and Bradley Road - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the monthly Parks and Recreation Advisory Commission meeting held April 13, 2005, the park naming subcommittee submitted the name of Bradley Bridle Horse Park for the 4.8 acre park site located at Horse Road and Bradley Road. A vote by the Board was unanimous to recommend the name to City Council.

RECOMMENDATION:

Staff recommends City Council approval

BACKUP DOCUMENTATION:

None

MOTION:

MACK - APPROVED Bradley Bridle Park - UNANIMOUS

MINUTES:

BILLY BASTIAN, Deputy Director, Leisure Services, reviewed the information under the Purpose/Background section and concurred with the recommended name.

NOTE: See Item 69 for related discussion.

(10:13 - 10:14)

1-2318

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: LEISURE SERVICES

DIRECTOR: BARBARA JACKSON

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action to name a park located at Alexander and Tenaya Way - Ward 4 (Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the monthly Parks and Recreation Advisory Commission meeting held April 13, 2005, the park naming subcommittee submitted the name Barkin' Basin for the 7.75 acre park site located at Alexander and Tenaya Way. A vote by the Board was unanimous to recommend the name to City Council.

RECOMMENDATION:

Staff recommends City Council approval

BACKUP DOCUMENTATION:

None

MOTION:

BROWN - APPROVED Barkin' Basin - UNANIMOUS

MINUTES:

BILLY BASTIAN, Deputy Director, Leisure Services, reviewed the information under the Purpose/Background section and concurred with the recommended name.

NOTE: See Item 69 for related discussion.

(10:14)

1-2355

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: LEISURE SERVICES

DIRECTOR: BARBARA JACKSON

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action to name a park located at Grand Teton and Hualapai Way - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the monthly Parks and Recreation Advisory Commission meeting held April 13, 2005, the park naming subcommittee submitted the name Gilcrease Brothers Park for the 10 acre park site located at Grand Teton and Hualapai Way. A vote by the Board was approved to recommend the name to City Council.

RECOMMENDATION:

Staff recommends City Council approval

BACKUP DOCUMENTATION:

None

MOTION:

MACK - APPROVED Gilcrease Brothers Park - UNANIMOUS

MINUTES:

BILLY BASTIAN, Deputy Director, Leisure Services, reviewed the information under the Purpose/Background section and concurred with the recommended name.

COUNCILMAN MACK called forward BILL GILCREASE to honor him for all his and his brother's work with the Gilcrease Orchards. TED GILCREASE passed away this year. The name for this park is so apropos, and it is the least the City could do for all the good things the GILCREASES have done for this community.

MR. GILCREASE expressed his appreciation and on behalf of his brother. He is glad about opening another park, because children need more recreational areas in this Valley.

NOTE: See Item 69 for other related discussion.

(10:14 - 10:17)

1-2396

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: LEISURE SERVICES

DIRECTOR: BARBARA JACKSON

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on naming a park located at Fort Apache and Iron Mountain - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the monthly Parks and Recreation Advisory Commission meeting held April 13, 2005, the park naming subcommittee submitted the name Indian Hills Park for the 10.5 acre park site located at Fort Apache and Iron Mountain. A vote by the Board was unanimous to recommend the name to City Council.

RECOMMENDATION:

Staff recommends City Council approval

BACKUP DOCUMENTATION:

None

MOTION:

MACK - APPROVED Indian Hills Park - UNANIMOUS

MINUTES:

BILLY BASTIAN, Deputy Director, Leisure Services, reviewed the information under the Purpose/Background section and concurred with the recommended name.

NOTE: See Item 69 for related discussion.

(10:17)

1-2497

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Report and possible action on the Governor's Workforce Housing Initiative of Nevada (WHIN) regarding potential Bureau of Land Management sites for affordable housing - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Nevada State Housing Division has contacted the city of Las Vegas to inquire if the city would be willing to identify potential pieces of Bureau of Land Management (BLM) properties within the city limits which the city might consider for endorsement to the BLM that they be deeded to the State for the purpose of creating affordable housing.

RECOMMENDATION:

Receive report from Lon DeWeese of the State of Nevada Housing Division and direct staff to proceed in identifying potential BLM sites and develop a list of city specifications for development of each site to include affordable housing.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - ABEYANCE to 6/15/2005 - UNANIMOUS

MINUTES:

STEPHEN HARSIN, Deputy Director, Neighborhood Services, requested this matter be postponed because the individual that was invited to make a presentation had to leave.

(2:35 - 2:36)

4-1938

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: ADMINISTRATIVE**DIRECTOR: DOUGLAS A. SELBY**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****RESOLUTIONS:**

R-48-2005 - Discussion and possible action regarding a Resolution opposing the Adoption of Senate Bill 327 Transferring the Responsibility for the Construction and Maintenance of Benches and Bus Shelters for Public Mass Transportation from the Local Governments to the Regional Transportation Commission

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Senate Bill 327 would transfer the authority to provide for benches and shelters for passengers of public mass transportation from the City to the Regional Transportation Commission. The City has a long, successful history of providing for benches and shelters. If SB 327 is approved, the City would suffer loss of revenue and loss of control over City-owned rights-of way.

RECOMMENDATION:

Approval of the resolution.

BACKUP DOCUMENTATION:

Resolution No. R-48-2005

MOTION:

BROWN - APPROVED R-48-2005, with the acknowledgement that the City will procedurally address any issues SENATOR LEE has - UNANIMOUS

MINUTES:

DEPUTY CITY MANAGER FRETWELL indicated this resolution establishes a position for the City of Las Vegas in opposition to SB 327. In addition, it suggests that the way to resolve this measure is by having quarterly meetings with the Regional Transportation Commission to identify bus stop shelter sites that are in need of development. Bus stop shelters are erected through franchising to avoid those costs to the taxpayers and, at the same time, generate money for the City. However, the advertising revenue the franchisee receives has been dwindling over the last several years, thereby dwindling the City's revenues. The franchise that is in effect for the bus stop shelter assists in avoiding certain associated costs. She noted that the County Commission adopted a similar resolution at its recent meeting.

LARRY HAUGSNESS, Director, Field Operations, indicated the City generates about \$120,000 each year through the franchise agreement, which is very beneficial.

COUNCILMAN BROWN said that he spoke with SENATOR LEE, who sponsored SB 327, and assured him that the City would do everything procedurally possible to make sure some of the concerns he raised at the legislature are addressed. But COUNCILMAN BROWN also advised him that the City is opposed to any changes because the operation is working well. COUNCILMAN BROWN expressed

CITY COUNCIL MEETING OF: MAY 4, 2005

MINUTES - Continued:

his support of R-48-2005, but acknowledged that the City will procedurally address any issues.

COUNCILMAN MACK confirmed with MR. HAUGSNESS that the revenues were higher at one period. MR. HAUGSNESS added that at one time the contract required payment in a fixed amount for shelters. The existing contract with the two companies now requires a flat percentage rate.

COUNCILMAN MACK indicated his support for the resolution but felt that improvements could be made in maintaining the bus stop shelters and in cooperating with the other entities, as pointed out by SENATOR LEE in a previous discussion COUNCILMAN MACK held with him.

(2:53 - 3:00)

4-2762

**RESOLUTION OPPOSING THE ADOPTION OF SENATE BILL 327
TRANSFERRING THE RESPONSIBILITY FOR THE CONSTRUCTION
AND MAINTENANCE OF BENCHES AND SHELTERS
FOR PUBLIC MASS TRANSPORTATION FROM LOCAL GOVERNMENTS
TO THE REGIONAL TRANSPORTATION COMMISSION**

WHEREAS, the City is authorized under NRS Chapter 268 to provide for the construction and maintenance of benches and shelters for passengers of public mass transportation; and

WHEREAS, the City, at the present time, has provided for such benches and shelters at 1,057 locations within the City limits; and

WHEREAS, the majority of those benches and shelters are located within public rights-of-way that are owned by the City; and

WHEREAS, the responsibility and legal liability for the construction and safety of those facilities, as improvements within the City's rights-of-way, are assigned to the City; and

WHEREAS, the City has existing contracts with two franchisees that provide these benches and shelters at no cost to the taxpayers, with an estimated cost avoidance of \$4.5 million in capital costs; and

WHEREAS, Senate Bill 327 proposes to transfer the authority and responsibility for the construction and maintenance of benches and shelters for passengers of public mass transportation within the local rights-of-way to the Regional Transportation Commission (RTC); and

WHEREAS the City objects to abdicating control of the benches and shelters that it has provided for, along with corresponding rights-of-way, to the RTC; and

WHEREAS the Board of Directors of the RTC, in accordance with NRS 373.040, is comprised of representatives from the local units of government that are currently responsible for benches and shelters for mass transportation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council opposes the adoption of Senate Bill 327, and authorizes City representatives on the Board of Directors of the RTC to voice opposition to the adoption of the bill.
2. The City Council agrees to work with the member agencies of the RTC to establish an ad hoc working committee to meet on a quarterly basis with representatives of the RTC to identify

1 and resolve issues related to provision of benches and shelters for passengers of public mass
2 transportation.

3 PASSED, ADOPTED, AND APPROVED this 7th day of May, 2005.

4
5 CITY OF LAS VEGAS

6
7 BY 
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM

13 Val Steed 4-22-05
14 Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

BOARDS AND COMMISSIONS

ABEYANCE ITEM - Discussion and possible action on the appointment and reappointment of members to the Neighborhood Partners Fund Board for Fiscal Year 2006

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Neighborhood Partners Fund Board consists of 13 members and was created to review Neighborhood Partners Fund applications and recommend awards to the City Council. It is designed to assist citizens in improving the quality of life for City of Las Vegas neighborhoods and directly responds to two of the City Council's priorities: Support and encourage affordability, livability, and pride in our neighborhoods and provide an open government which allows access, participation, and respectful communication using traditional and technically advanced methods. This Board is being reconvened to review these applications and select the recipients for FY 2006. This appointment becomes effective April 30, 2005. Each member's term will expire April 30 of each year. Procedure for this Board is appointment by Mayor and City Council. This item was held in abeyance at the April 20, 2005 City Council meeting for the new appointment for the Ward 5 Neighborhood Representative.

RECOMMENDATION:

New Appointment: Ward 5 Neighborhood Rep-Jill Lindsey

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

WEEKLY - Motion to APPOINT JILL LINDSEY - UNANIMOUS

Clerk to notify

MINUTES:

There was no discussion.

(3:00)

4-3127

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 4, 2005, 2005

DEPARTMENT: CITY CLERK

ITEM DESCRIPTION: Discussion and possible action on the appointment and reappointment of members of the Neighborhood Partners Fund Board for Fiscal Year 2006

The Neighborhood Partners Fund Program grants up to \$5,000 to registered, neighborhood-based organizations for self-help projects that will improve the physical, public safety, cultural, recreational, or educational conditions of their neighborhood. The total amount available to disburse for these projects for FY2005-2006 is \$75,000. Registered neighborhood associations wishing to participate in the NPF program must submit a completed application by April 18, 2005. These applications will be reviewed by the NPF Board during May and June and a recommendation for funding will be made to Council in July 2005.

Registered neighborhood-based organizations have to match the city's grant contribution with volunteer time, in-kind donations of goods and services and/or financial contributions. Projects must be completed during fiscal year 2005-2006 and are required to take place within the boundaries of the registered neighborhood-based organization or areas immediately adjacent. The NPF program also requires neighborhood residents to be directly involved in all phases of the project. NPF cannot be used to fund the organization's operating budget or other city services.

Attached are the Department of Neighborhood Services' recommended appointments and reappointments.

FY 2005-2006 Neighborhood Partners Fund Board	
Representative	Proposed Name
Mayor or his designee	Rachel Gritton, City Hall
Ward 1 Staff Designee	Robin Munier, City Hall
Ward 1 Neighborhood Representative	Rolin Abrums 1921 Bonnie Avenue Las Vegas, NV 89102 384-3036 caesar@cox.net
Ward 2 Staff Designee	Audrie Dodge, City Hall
Ward 2 Neighborhood Representative	Charles Desiderio 1312 Bainberry Ridge Ln Las Vegas NV 89107 838-6431 236-6000 cell
Ward 3 Staff Designee	Loretta Arrington, City Hall
Ward 3 Neighborhood Representative	Allen Jacobsen 237 N. 20 th Street Las Vegas NV 89101 383-8629
Ward 4 Staff Designee	Darcy Hayes, City Hall
Ward 4 Neighborhood Representative	Lenny Taylor, 3432 Coconino Lane. Las Vegas, NV 89129 656-1779/531-1816
Ward 5 Staff Designee	Ricki Barlow, City Hall
Ward 5 Neighborhood Representative	Jill Lindsey 623 Harrison Avenue Las Vegas, NV 89106-3018 643-1949
Ward 6 Staff Designee	Lisa Campbell, City Hall
Ward 6 Neighborhood Representative	Ronni Council 6621 Cowboy Trail Las Vegas, NV 89131 274-2208

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2005-18 - Updates the City's drought plan ordinance to reflect a change in terminology from "drought emergency" to "drought critical." Sponsored by: Councilman Larry Brown

Fiscal Impact:

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

PURPOSE/BACKGROUND:

On March 2, 2005, the City Council approved a revision to the Southern Nevada Water Authority's Drought Plan. Among other things, the revised plan requires a change in terminology from "drought emergency" to "drought critical." This bill will revise the City's drought plan ordinance accordingly.

RECOMMENDATION:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 4/19/2005 Recommending Committee.

First Reading - 4/6/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-18

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5765 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(3:00 - 3:01)

4-3173

BILL NO. 2005-18

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE CITY'S DROUGHT PLAN ORDINANCE TO REFLECT A CHANGE IN TERMINOLOGY FROM "DROUGHT EMERGENCY" TO "DROUGHT CRITICAL," AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Margo Wheeler, Director of Planning and Development

Summary: Updates the City's drought plan ordinance to reflect a change in terminology from "drought emergency" to "drought critical."

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 14, Chapter 11, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14.11.020: For purposes of this Chapter, the following terms shall have the meanings ascribed to them, unless the context requires otherwise:

"Community Use Recreational Turf" refers to any private or public park facility consisting of a turf-dominated, multi-purpose recreational area that:

(1) Has at least two acres and no dimension less than one hundred feet; or

(2) Is a field that is programmable for athletic or other recreational events.

"District" means the Las Vegas Valley Water District.

"Drought" means a condition in which the combination of many complex factors acting and interacting with the environment results in water supplies not being replenished normally. For purposes of this Chapter, a "drought" occurs when existing water supplies cannot meet established demands for a period of time.

"Drought Alert" refers to a second-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

["Drought Emergency"] "Drought Critical" refers to a third-level drought declaration of the Board of Directors of the Southern Nevada Water Authority based upon current or projected reductions in the community's renewable water supply.

"Drought Watch" refers to a first-level drought declaration of the Board of Directors of the Southern

1 Nevada Water Authority based upon current or projected reductions in the community's renewable
2 water supply.

3 "No Drought" refers to a condition where no drought declaration of the Board of Directors of the
4 Southern Nevada Water Authority is in effect.

5 "Non-potable water" means water not suitable for drinking.

6 "Potable" water means water suitable for drinking.

7 "Raw Water" means non-potable water diverted from a natural source, subjected to minimal or no
8 treatment, and delivered to a user for subsequent treatment or use.

9 "Reclaimed Water" means municipal wastewater that has been treated to meet all applicable federal,
10 state and local standards for use in approved applications, including without limitation landscape
11 irrigation, construction and industrial cooling. For purposes of this Chapter, "reclaimed water" and
12 "recycled water" are equivalent terms.

13 "Resort Hotel" means any building or group of buildings that is maintained as and held out to the
14 public to be a hotel where sleeping accommodations are furnished to the transient public and that has:

15 (1) More than two hundred rooms available for sleeping accommodations;

16 (2) At least one bar with permanent seating capacity for more than thirty patrons that serves
17 alcoholic beverages sold by the drink for consumption on the premises;

18 (3) At least one restaurant with permanent seating capacity for more than sixty patrons that
19 is open to the public twenty-four hours each day and seven days each week; and

20 (4) A gaming area within the building or group of buildings.

21 "Service Rules" means the service rules that have been adopted by the District.

22 "Southern Nevada Water Authority" or "SNWA" means the organization by that name that has been
23 formed by cooperative agreement among local agencies to address Southern Nevada's water needs on
24 a regional basis.

25 "Spray irrigation" means the application of water by means of sprinklers or other devices that disperse
26 droplets of water through the air.

27 "Water Use Reduction Plan" means a document or documents to be submitted by or on behalf of an
28 applicant in connection with a request to exempt fountains or water features from the prohibitions

1 contained in this Chapter. The term includes a plan that is modeled after the Water Efficiency and
2 Drought Response Plan outline or similar document that may have been approved for use by the
3 District or the City Manager.

4 "Xeriscape" means a type of landscaping that incorporates drought-tolerant and low water-use plants
5 with an organic or inorganic surface mulch layer as a water-efficient alternative to traditional turfgrass
6 landscaping.

7 SECTION 2: Title 14, Chapter 11, Section 30, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **14.11.030:** (A) The Drought plan adopted by the SNWA in February 2003 and approved by the
10 City Council in March 2003, and any amendments adopted by SNWA, shall serve as the basis for
11 adopting this Chapter, and as a guideline in its interpretation. The drought plan was adopted in order
12 to preserve, protect and encourage the conservation of water resources. The plan describes different
13 stages of water supply conditions as follows:

- 14 (1) No drought;
- 15 (2) Drought watch;
- 16 (3) Drought alert;
- 17 (4) Drought [emergency.] critical.

18 (B) The provisions of this Chapter shall apply whenever a drought watch, drought
19 alert or drought [emergency] critical condition has been declared by the Board of Directors of SNWA
20 and remains in effect. Unless the context otherwise requires, whenever a provision of this Chapter
21 does not specify whether it applies to a drought watch, drought alert or drought [emergency] critical
22 condition, the provision shall apply when any of those conditions are in effect. In the event of conflict
23 between the provisions of this Chapter and other applicable ordinances, regulations or the Service
24 Rules, the most stringent provisions will prevail. However, with respect to any provision of the
25 Service Rules that is less stringent than the provisions of this Chapter, the District may enforce that
26 provision instead.

27 (C) In the case of a drought [emergency.] critical condition, the provisions of this
28 Chapter pertaining to a drought alert shall continue to apply. However, based upon the

1 recommendations of SNWA and a citizens advisory committee, the City shall have the authority to
2 adopt additional restrictions that are deemed necessary in order to protect the public health, safety and
3 welfare. Upon the adoption and publication of those additional restrictions, they shall become binding
4 on water users within the City.

5 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
6 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
7 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
8 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
9 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
10 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
11 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
12 invalid or ineffective.

13 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

17 APPROVED:

18
19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Val Steep 3-23-05
26 Date
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2005, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15

ATTEST:

16

17

BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MAY 4, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2005-19 - Adopts the International Energy Conservation Code, 2003 Edition, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," as replacements for the Model Energy Code, 1992 Edition, and the Supplemental Document amending that code. Proposed by: Paul Wilkins, Director of Building and Safety

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Model Energy Code has been replaced by the International Energy Conservation Code. This bill will adopt the 2003 Edition of the International Energy Conservation Code, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," in place of the Model Energy Code.

RECOMMENDATION:

ADOPTION at 5/4/2005 City Council meeting pursuant to the 4/19/2005 Recommending Committee.

First Reading - 4/6/2005; First Publication - 4/23/2005

BACKUP DOCUMENTATION:

Bill No. 2005-19

MOTION:

WOLFSON - Second Reading and BILL ADOPTED as First Amendment as Ordinance No. 5766 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

PAUL WILKINS, Director, Building and Safety, was present.

CHIEF DEPUTY CITY ATTORNEY VAL STEED recommended a first amendment making the effective date 8/1/2005.

(3:01 - 3:02)

4-3211

BILL NO. 2005-19

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THE INTERNATIONAL ENERGY CONSERVATION CODE, 2003 EDITION, ALONG WITH THE DOCUMENT ENTITLED "2003 SOUTHERN NEVADA INTERNATIONAL ENERGY CONSERVATION CODE AMENDMENTS," AS REPLACEMENTS FOR THE MODEL ENERGY CODE, 1992 EDITION, AND THE SUPPLEMENTAL DOCUMENT AMENDING THAT CODE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Paul Wilkins, Director of Building and Safety

Summary: Adopts the International Energy Conservation Code, 2003 Edition, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," as replacements for the Model Energy Code, 1992 Edition, and the Supplemental Document amending that code.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 16, Chapter 52, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16.52.010: Those certain documents, three copies of which are on file in the Office of the City Clerk and are designated as follows, are adopted by reference as if set forth herein in full:

(A) The publication entitled ["The Model Energy Code, 1992 Edition," as published by the Council of American Building Officials,] "International Energy Conservation Code, 2003 Edition," as published by the International Code Council, as Part 1 of this Chapter; and

(B) The document entitled ["A Supplemental Document Amending the Model Energy Code, 1992 Edition,"] "2003 Southern Nevada International Energy Conservation Code Amendments," which adds to, deletes from and amends the [Model Energy Code, 1992 Edition,] "International Energy Conservation Code, 2003 Edition," as Part 2 of this Chapter.

SECTION 2: The document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," referred to in Section 1 of this Ordinance, is attached hereto.

SECTION 3: The document entitled "A Supplemental Document Amending the Model Energy Code, 1992 Edition," is hereby repealed.

SECTION 4: Ordinance No. 5636 of the City of Las Vegas, which adopted the 2003

1 Edition of the International Building Code and the City of Las Vegas Amendments to the 2003
2 International Building Code, is hereby amended as set forth in Section 5 of this Ordinance.

3 SECTION 5: Subsection 1301.1.1 of the International Building Code is deleted in its
4 entirety and replaced with a new Subsection 1301.1.1, reading as follows:

5 **1301.1.1 Criteria.** Buildings shall be designed and constructed in accordance with the
6 International Energy Conservation Code, 2003 Edition, and the "2003 Southern Nevada
7 International Energy Conservation Code Amendments," as adopted by Chapter 16.52 of the
8 Las Vegas Municipal Code.

9 SECTION 6: Ordinance No. 5636 of the City of Las Vegas, which adopted the 2003
10 Edition of the International Residential Code and the City of Las Vegas Amendments to the 2003
11 International Residential Code, is hereby amended as set forth in Section 7 of this Ordinance.

12 SECTION 7: Section N1101 of the International Residential Code, including its
13 constituent subsections, is deleted in its entirety and replaced with a new Section N1101, together with
14 a new Subsection N1101.1 and a new Subsection N1101.1.1, reading as follows:

15 **SECTION N1101 GENERAL**

16 **Subsection N1101.1 Scope.** This section governs the design and construction of buildings
17 for energy efficiency.

18 **Subsection N1101.1.1 Criteria.** Buildings shall be designed and constructed in accordance
19 with the International Energy Conservation Code, 2003 Edition, and the "2003 Southern
20 Nevada International Energy Conservation Code Amendments," as adopted by Chapter 16.52
21 of the Las Vegas Municipal Code.

22 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
23 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
24 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
25 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
26 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
27 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
28 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,

1 invalid or ineffective.

2 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

6 APPROVED:

7

8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steef 3-23-05
14 Date

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2005, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

24

25

26

27

28

2003

SOUTHERN NEVADA

INTERNATIONAL ENERGY CONSERVATION CODE

AMENDMENTS

February 1, 2005

JURISDICTIONS CONSIDERING ADOPTION:

Clark County
4701 W. Russell Rd.
Las Vegas, Nevada 89118
(702) 455-3030
Inspections 455-8040

City of Las Vegas
731 S. 4th Street
Las Vegas, Nevada 89155
(702) 229-6251
Inspections 229-2071

Boulder City
401 California Ave.
Boulder City, NV. 89005
(702) 293-9282

City of Mesquite
10 East Mesquite Blvd.
Mesquite, NV, 89027
(702) 346-2835

North Las Vegas
2266 Civic Center Dr.
North Las Vegas, NV 89030
(702) 633-1577
Inspections 633-1576

City of Henderson
240 Water Street
Henderson, NV 89015
(702) 267-3600
Inspections 267-3900

PREFACE

This document comprises the Southern Nevada Amendments to the 2003 International Energy Conservation Code as published by the International Code Council (ICC). It was developed by the jurisdictions listed on the cover page, the Association of General Contractors (AGC) and the Southern Nevada Home Builders Association (SNHBA) as a document to be adopted by reference. These provisions are not code unless adopted and codified by governmental jurisdictions. These amendments are not intended to prevent the use of any material or method of construction not specifically prescribed herein, provided any alternates have been approved and its use authorized by the building official. This document is available to be adopted as code by any jurisdiction without permission or approval from the jurisdictions listed on the cover page.

Section 101.1 Title (p.1)

Revise section 101.1 as follows:

101.1 Title These regulations shall be known as the *Energy Conservation Code* of Southern Nevada, and shall be cited as such. It is referred to herein as “this code.”

Section 107.3 (p.4)

Add a new section that reads as follows:

107.3 Referenced Codes. Where this code refers to other codes not adopted by the jurisdiction, the applicable code adopted by the jurisdiction shall govern.

Section 202 Definitions (p.6 -9)

Revise the definition of “Conditioned Space” by adding a second sentence that reads as follows:

Conditioned Space: A heated or cooled space, or both, within a building and, where required, provided with humidification or dehumidification means so as to be capable of maintaining a space condition falling within the comfort envelope set forth in ASHRAE 55. Supplemental heating required for the protection of wet fire protection systems (freeze protection to 42 degrees) or the sole use of evaporative cooling does not fall within the scope of this definition.

Revise Section 202 by adding the following definitions:

Sign. An interior or exterior lighted device used to impart way-finding, identifications or promotional information to the viewer. Signs include, but are not limited to business identification, location maps, gaming boards, sports scoreboards, and slot carousels identifiers.

Task Lighting. Lighting devices, either plug and cord connected or hard wired, 6 feet or less above the work surface that provides lighting for a particular work surface or task.

Table 302.1 Exterior Design Conditions (p.11)

Table 302.1 is amended to read as follows:

**Table 302.1
Exterior Design Conditions^d**

Condition	Value
Winter ^a , Design Dry-bulb (°F)	27 °F
Summer ^a , Design Dry-bulb (°F)	106 °F
Summer ^a , Design Wet-bulb (°F)	66 °F
Degree Days Heating ^b	2238
Degree Days Cooling ^b	3213
Climate Zone ^c	5B

For SI: °C = [(°F)-32]/1.8.

- The outdoor design temperature shall be selected from the columns of 97½ percent values for winter and 2½ percent values for summer from tables in the ASHRAE *Fundamental Handbook*. Adjustments shall be permitted to reflect local climates, which differ from the tabulated temperatures, or local weather experience determined by the code official.
- The degree-days heating (base 65 °F) and cooling (base 65 °F) shall be selected from NOAA "Annual Degree Days to Selected Bases Derived from the 1971-2000 Normals," data available from adjacent military installations, or other source of local weather data acceptable to the code official.
- The climate zone shall be selected from the applicable map provided in Figures 902.1(1) through 902.1(51) in Chapter 9 of this code.
- For elevations greater than 6000 feet, see local jurisdiction for design conditions.

Section 402.2.2.1 Orientation for groups of buildings. (p.13)

Revise section 402.2.2.1 to read as follows:

402.2.2.1 Orientation for groups of buildings. The worst possible orientation of the proposed design, in terms of annual energy use, considering north, east, south, and west orientations, shall be used to represent groups of otherwise identical designs (including reversed or mirror plans).

Section 402.3.3 Site Energy (p.16)

Revise Section 402.3.3 to read as follows:

402.3.3 Site Energy. The different energy sources shall be compared on the basis of source energy use at the site where: 1kWh = 3 x 3,413 Btu's. (= 10,239 Btu's.)

Section 502.1.1 Moisture Control (p.17)

Revise section 502.1.1 by adding the following exception:

502.1.1 Moisture Control. The design shall not create a condition of accelerated deterioration from moisture condensation. Frame walls, floors and ceilings not ventilated to allow moisture to escape shall be provided with an approved vapor retarder having a permeance rated of 1 perm (5.7×10^{-11} kg/Pa s m²) or less, when tested in accordance with the desiccant method using Procedure A of ASTM E 96. The vapor retarder shall be installed on the warm-in-winter side of the thermal insulations.

Exceptions:

1. In construction where moisture or its freezing will not damage the materials.
2. Where the county in which the building is being constructed is considered a hot and humid climate area and identified as such in Figures 902.1 (1) through 902.1(51) in Chapter 9 of this code.
3. Where other approved means to avoid condensation in unventilated framed wall, floor, roof and ceiling cavities are provided.
4. Frame walls, floors and ceilings in jurisdictions in Zone 5b (Crawl space floor vapor retarders are not exempted.)

Table 502.2 Heating and Cooling Criteria (p.18)

Table 502.2 is amended to read as follows:

**Table 502.2
Heating and Cooling Criteria^a**

Element	Mode	Detached One- and Two-Family Dwellings	Group R-2, R-4 or Townhouses
		U ₀	U ₀
Walls	Heating or cooling	0.19	0.27
Roof/Ceiling	Heating or cooling	0.37	0.37
Floors over unheated spaces	Heating or cooling	0.07	0.07
Heated slab on grade ^{b,f}	Heating	R-value = 6	R-value = 6
Unheated slab on grade ^{c,d,f}	Heating	R-value = 0	R-value = 0
Basement wall ^{e,i}	Heating or cooling	U-factor = 0.15	U-factor = 0.15
Crawl space wall ^{e,i}	Heating or cooling	U-factor = 0.14	U-factor = 0.14

For SI: 1 Btu/hr-ft²-°F = 5.678 W/(m²-K), °C=[(°F)-32]/1.8

- For projects where the building official has determined that the Climate Data is not consistent with that of the Las Vegas Valley, values shall be determined by using the graphs [Figures 502.2.(1), 502.2(2), 502.2(3), 502.2(4), 502.2(5) and 502.2(6)] using HDD determined by either the building official or a creditable climate source.
- There are no insulation requirements for heated slabs in locations having less than 500 HDD.
- There are no insulation requirements for unheated slabs in locations having less than 2,500 HDD.
- Slab edge insulation is not required for unheated slabs in areas of very heavy termite infestation probability in accordance with Section 502.2.1.4 and as shown in Figure 502.2.(7).
- Basement and crawl spaces wall U-factors shall be based on the wall components and surface air film. Adjacent soil shall not be considered in the determinations of the U-factor.
- Typical foundation insulation techniques can be found in the DOE *Building Foundation Design Handbook*.

Table 502.2.5 Prescriptive Envelope Component Criteria Additions and Replacement Windows for Existing Detached One- and Two-Family Dwellings (p.39)

Table 502.2.5 is amended to read as follows:

Table 502.2.5
Prescriptive Envelope Component Criteria
Additions and Replacement Windows for Existing
Detached One- and Two-Family Dwellings

Heating Degree Days	Maximum	Minimum					
	Fenestration U-factor ^c	Ceiling R-value ^{a,c}	Wall R-value ^c	Floor R-value	Base-ment Wall R-value ^b	Slab perimeter R-value and depth ^c	Crawl space wall R-value ^d
0-1,999	0.75	R-26	R-13	R-11	R-5	R-0	R-5
2,000 – 3,999	0.50	R-30	R-13	R-19	R-8	R-0	R-10
4,000 - 5,999	0.40	R-38	R-18	R-21	R-10	R-9, 2 ft.	R-19
6,000 – 8,499	0.35	R-49	R-21	R-21	R-11	R-13, 4 ft.	R-20
8,500 – 12, 999	0.35	R-49	R-21	R-21	R-19	R-18, 4 ft.	R-20

For S.I. 1 foot = 304.8 mm

- a. "Ceiling R-value" shall be required for flat or inclined (cathedral) ceilings. Floors over outside air shall meet "Ceiling R-value" requirements.
- b. Basement wall insulation shall be installed in accordance with Section 502.2.2.1.6
- c. Slab perimeter insulations shall be installed in accordance with Section 502.2.1.4. An additional R-2 shall be added to "Slab perimeter R-value" in the table if the slab is heated.
- d. "Crawl space wall R-value" shall apply to unventilated crawl spaces only. Crawl space insulation shall be installed in accordance with Section 502.2.1.5.
- e. Sunroom additions shall be required to have a maximum fenestration U-factor of 0.50 in locations with 2,000 – 12,999 HDD. In locations with 0 -5,999 HDD, the minimum ceiling R-value shall be R-19 and the minimum wall R-value shall be R-13. In locations with 6,000 - 12,999 HDD, the minimum ceiling R-value shall be R-24 and the minimum wall R-value shall be R-13.

Section 701.1 Scope (p.51)

Revise section 701.1 as follows:

701.1 Scope. Commercial buildings shall meet the requirements of ASHRAE/IESNA 90.1 including "Addendum g to the ASHRAE/IESNA Standard 90.1-2001".

Exception: Commercial buildings that comply with Chapter 8.

Table 802.2(1) Building Envelope Requirements Window and Glazed Door Area 10 Percent or Less of Above Grade Wall Area (p.54)

Revise Table 802.2(1) by adding the following information:

Table 802.2(1)

Building Envelope Requirements^{a through e}

Window and Glazed Door Area 10 Percent or Less of Above Grade Wall Area

Element	Condition/Value		
Skylight (U-factor)	1		
Slab or below-grade wall (R-value)	R-0		
Windows and glass doors	SHGC	U-factor	
PF < 0.25	Any	Any	
0.25 ≤ PF < 0.50	Any	Any	
PF ≥ 0.50	Any	Any	
Roof Assemblies (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-19	R-14	
Metal joist/truss	R-19	R-15	
Concrete slab or deck	NA	R-14	
Metal Purlin with thermal block	R-25	R-15	
Metal Purlin without thermal block	X	R-15	
Floor over outdoor air or unconditioned space (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-11	R-5	
Metal joist/truss	R-11	R-6	
Concrete slab or deck	NA	R-5	
Above-grade walls (R-value)	No Framing	Metal framing	Wood framing
Framed			
R-value cavity	NA	R-11	R-11
R-value continuous	NA	R-0	R-0
CMU, ≥ 8 in, with integral insulation			
R-value cavity	NA	R-0	R-0
R-value continuous	R-0	R-0	R-0
Other masonry walls			
R-value cavity	NA	R-0	R-0
R-value continuous	R-0	R-0	R-0

For SI: 1 inch = 25.4 mm

- For Climate Zones, other than 5B, refer to Tables 802.2(5) through 802.2(37).
- "NA" indicates the condition is not applicable.
- An R-value of zero indicates no insulation is required.
- "Any" indicates any available product will comply.
- "X" indicates no complying option exists for this condition.

Table 802.2(2) Building Envelope Requirements Window and Glazed Door Area Greater than 10 Percent But Not Greater Than 25 Percent or Less of Above Grade Wall Area (p. 55)

Revise Table 802.2(2) by adding the following information:

Table 802.2(2)

Building Envelope Requirements^{a through e}

Window and Glazed Door Area Greater than 10 Percent But Not Greater Than 25 Percent or Less of Above Grade Wall Area

Element	Condition/Value		
Skylight (U-factor)	1		
Slab or below-grade wall (R-value)	R-0		
Windows and glass doors	SHGC	U-factor	
PF < 0.25	0.6	Any	
0.25 ≤ PF < 0.50	0.7	Any	
PF ≥ 0.50	Any	Any	
Roof Assemblies (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-25	R-19	
Metal joist/truss	R-25	R-20	
Concrete slab or deck	NA	R-19	
Metal Purlin with thermal block	R-30	R-20	
Metal Purlin without thermal block	X	R-20	
Floor over outdoor air or unconditioned space (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-11	R-5	
Metal joist/truss	R-11	R-6	
Concrete slab or deck	NA	R-5	
Above-grade walls (R-value)	No Framing	Metal framing	Wood framing
Framed			
R-value cavity	NA	R-11	R-11
R-value continuous	NA	R-0	R-0
CMU, ≥ 8 in, with integral insulation			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0
Other masonry walls			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0

For SI: 1 inch = 25.4 mm

- For Climate Zones, other than 5B, refer to Tables 802.2(5) through 802.2(37).
- "NA" indicates the condition is not applicable.
- An R-value of zero indicates no insulation is required.
- "Any" indicates any available product will comply.
- "X" indicates no complying option exists for this condition.

Table 802.2(3) Building Envelope Requirements Window and Glazed Door Area Greater than 25 Percent But Not Greater Than 40 Percent or Less of Above Grade Wall Area (p.56)

Revise Table 802.2(3) by adding the following information:

Table 802.2(3)

Building Envelope Requirements ^{a through e}

Window and Glazed Door Area Greater than 25 Percent But Not Greater Than 40 Percent or Less of Above Grade Wall Area

Element	Condition/Value		
Skylight (U-factor)	1		
Slab or below-grade wall (R-value)	R-0		
Windows and glass doors	SHGC	U-factor	
PF < 0.25	0.4	0.7	
0.25 ≤ PF < 0.50	0.5	0.7	
PF ≥ 0.50	0.6	0.7	
Roof Assemblies (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-25	R-19	
Metal joist/truss	R-25	R-20	
Concrete slab or deck	NA	R-19	
Metal Purlin with thermal block	R-30	R-20	
Metal Purlin without thermal block	X	R-20	
Floor over outdoor air or unconditioned space (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-11	R-5	
Metal joist/truss	R-11	R-6	
Concrete slab or deck	NA	R-5	
Above-grade walls (R-value)	No Framing	Metal framing	Wood framing
Framed			
R-value cavity	NA	R-11	R-11
R-value continuous	NA	R-0	R-0
CMU, ≥ 8 in, with integral insulation			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0
Other masonry walls			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0

For SI: 1 inch = 25.4 mm

- For Climate Zones, other than 5B, refer to Tables 802.2(5) through 802.2(37).
- "NA" indicates the condition is not applicable.
- An R-value of zero indicates no insulation is required.
- "Any" indicates any available product will comply.
- "X" indicates no complying option exists for this condition.

Table 802.2(4) Building Envelope Requirements Window and Glazed Door Area Greater than 40 Percent But Not Greater Than 50 Percent or Less of Above Grade Wall Area (p. 57)

Revise Table 802.2(4) by adding the following information:

Table 802.2(4)

Building Envelope Requirements ^{a through e}

Window and Glazed Door Area Greater than 40 Percent But Not Greater Than 50 Percent or Less of Above Grade Wall Area

Element	Condition/Value		
Skylight (U-factor)	1		
Slab or below-grade wall (R-value)	R-0		
Windows and glass doors	SHGC	U-factor	
PF < 0.25	0.4	0.7	
0.25 < PF < 0.50	0.5	0.7	
PF ≥ 0.50	0.6	0.7	
Roof Assemblies (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-25	R-19	
Metal joist/truss	R-25	R-20	
Concrete slab or deck	NA	R-19	
Metal Purlin with thermal block	R-30	R-20	
Metal Purlin without thermal block	R-38	R-20	
Floor over outdoor air or unconditioned space (R-value)	Insulation between framing	Continuous insulation	
All-wood joist/truss	R-11	R-5	
Metal joist/truss	R-11	R-6	
Concrete slab or deck	NA	R-5	
Above-grade walls (R-value)	No Framing	Metal framing	Wood framing
Framed			
R-value cavity	NA	R-13	R-11
R-value continuous	NA	R-3	R-0
CMU, ≥ 8 in, with integral insulation			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0
Other masonry walls			
R-value cavity	NA	R-11	R-11
R-value continuous	R-5	R-0	R-0

For SI: 1 inch = 25.4 mm

- For Climate Zones, other than 5B, refer to Tables 802.2(5) through 802.2(37).
- "NA" indicates the condition is not applicable.
- An R-value of zero indicates no insulation is required.
- "Any" indicates any available product will comply.
- "X" indicates no complying option exists for this condition.

Section 802.3.2 Curtain wall, storefront glazing and commercial entrance doors.
(p.58)

Revise section 802.3.2 by adding the following exception.

Section 802.3.2 Curtain wall, storefront glazing and commercial entrance doors. Curtain wall, storefront glazing and commercial-glazed swinging entrance doors and revolving doors shall be tested for leakage at 1.57 pounds per square foot (psf) (75 Pa) in accordance with ASTM E 283. For curtain walls and storefront glazing, the maximum air leakage rate shall be 0.3 cubic feet per minute per square foot (cfm/ft²) (5.5m³/h*m²) of fenestration area. For commercial glazed swinging entrance doors and revolving doors, the maximum air leakage rate shall be 1.00 cfm/ft² (18.3m³/h*m²) of door area tested in accordance with ASTM E 283.

Exception: Site constructed storefront glazing and commercial entrance doors that are weather-stripped or sealed in accordance with Section 802.3.3

Section 803.2.3.1 Temperature Controls (p. 59)

Revise section 803.2.3.1 to read as follows:

803.2.3.1 Temperature Controls. Each heating and cooling system shall have at least one solid state programmable thermostat or be connected to a Direct Digital Control system. The thermostat or Direct Digital Control system shall have the capability to set back or shut down the system based on the day of the week and time of day, and provide a readily accessible manual override that will return to the pre-setback or shutdown schedule without reprogramming.

Section 803.2.9 Piping insulation (p.64)

Revise section 803.2.9 by adding the following exception:

803.2.9 Piping insulation. All piping serving as part of a heating or cooling system shall be thermally insulated in accordance with Section 803.3.7.

Exception: Condensation lines for simple HVAC systems and supply/ drain lines for Evaporative Coolers where temperatures can not drop below freezing.

Section 805.2.2.2 Automatic lighting shutoff. (p.74)

Revise section 805.2.2.2 by adding the following exception:

805.2.2.2. Automatic lighting shutoff. Buildings larger than 5,000 square feet (456 m²) shall be equipped with an automatic control device to shut off lighting in those areas. This automatic control device shall function on either:

1. A scheduled basis, using time-of-day, with an independent program schedule that controls the interior lighting areas that do not exceed 25,000 square feet (2323 m²) and are not more than one floor; or
2. An unscheduled basis by occupant intervention.

Exception: In buildings where the nature of the business activity is to be open 24 hours, as determined by the Building Official, automatic lighting shutoff is not required.

Section 805.5.1 Total connected interior lighting power. (p.75)

Revise Section 805.5.1 by adding the following exceptions:

Section 805.5.1 Total connected interior lighting power. The total connected interior lighting power (watts) shall be the sum of the watts of all interior lighting equipment as determined in accordance with Section 805.5.1.1 through 805.1.1.4.

Exceptions: The connected power associated with the following lighting equipment is not included in calculating total connected lighting power.

1. Specialized medical, dental and research lighting.
2. Professional sports arena playing field lighting.
3. Display lighting for exhibits in galleries, museums and monuments.
4. Guestroom lighting in hotels, motels, boarding houses or similar buildings.
5. Emergency lighting automatically off during normal building operation.
6. Theatrical or stage lighting where live performances are held.
7. Gaming areas.
8. Interior signs with a source efficacy of at least 45 lumens per watt, LED, neon, or cold cathode sources.
9. Task lighting.

Section 805.6 Exterior Lighting. (p.75)

Revise Section 805.6 by adding the second exception:

805.6 Exterior lighting. When the power for exterior lighting is supplied through the energy service to the building, all exterior lighting other than low-voltage landscape lighting, shall have a source efficacy of at least 45 lumens per watt.

Exceptions:

1. Where approved because of historical, safety, signage or emergency considerations.
2. Light Emitting Diode (LED) neon and cold cathode are acceptable exterior lamp sources.

Section 805.7 Electrical energy consumption (p.75)

Revise section 805.7 by adding the following exception:

805.7 Electrical energy consumption. In buildings having individual dwelling units, provision shall be made to determine the electrical energy consumed by each tenant by separately metering individual dwelling units.

Exception: Dwelling units with a transient occupancy such as timeshares.