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BILL NO. L-1-5-09-1

SUMMARY: A liquor and gaming ordinance to amend sections 8.04.100 and 8.20.020.165 to provide consistency for the fees charged to a key employee when they submit their application to the department.

ORDINANCE NO. _____
(of Clark County, Nevada)

A LIQUOR AND GAMING ORDINANCE TO AMEND TO AMEND TITLE 8, CHAPTER 8.04.100 OF THE CLARK COUNTY CODE TO UPDATE THE FEES CHARGED FOR A KEY EMPLOYEE OF A GAMING ESTABLISHMENT TO BE CONSISTENT WITH THE FEES CHARGED FOR A KEY EMPLOYEE OF A LIQUOR ESTABLISHMENT; CHAPTER 8.20.020.165 TO CLARIFY THE FEE FOR A KEY EMPLOYEE OF A LIQUOR ESTABLISHMENT AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

THE LIQUOR AND GAMING LICENSING BOARD OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 8, Chapter 8.04, Section 8.04.100 of the Clark County Code is hereby amended to read as follows:

8.04.100 Application--Content, procedures and fees. A gaming license is a privilege. It will not be issued for the operation of gambling games and devices unless the applicant for such license successfully carries the burden of establishing suitability to receive it. All applicants required to be licensed or obtain a finding of suitability shall make application therefor by application directed to the board and filed with the director.

(A) Application. The application shall be made to the board on forms furnished by the director in conformance with requirements of county gaming regulations. The application for license or determination of suitability shall request the following information:

(1) The name and business address of the proposed licensee;

- (2) The names and addresses of all owners of applicant's business premises;
- (3) The type of gaming license being applied for along with the description of the gambling games, devices and slot machines to be operated;
- (4) The type of business organization applicant comprises, and a complete explanation thereof together with a copy of pertinent supportive documentation;
- (5) The name, address, nature and percentage of interest of each person owning an interest in applicant's business and the name and address of the general manager and any other persons who establish or exercise control over policies for the operation of the business;
- (6) The names of all persons directly or indirectly interested in the business and the nature of such interest;
- (7) Applicant's family, residential, employment, education, military, and criminal history background, covering at least a ten-year period immediately preceding the date of filing of the application;
- (8) Applicant's financial statement and current and previous business activities and associates, covering at least a ten-year period immediately preceding the date of filing of the application;
- (9) Such other information and details as the board or director may require in order to properly discharge their responsibilities.

The applicant may satisfy the requirements of subdivisions (4) through (8) of this subsection by submitting to the director accurate and complete copies of all application documents supplied to the Nevada Gaming Commission or the State Gaming Control Board in conjunction with the gaming activity which is the subject of the county application.

The accuracy, completeness, and veracity of all application forms and supporting information and documents shall be attested to by the applicant.

(B) Procedures. Upon receipt of complete application documents, the director shall present the application to the board at its next regularly scheduled meeting. The board shall refer the application to the sheriff and may refer the petition to the district attorney and/or the director for investigation. The applicant shall be investigated in conformance with procedural requirements of 8.04.110.

(C) Application Fee. Each application for license filed pursuant to this chapter shall be accompanied by a fifty-dollar application processing fee. Each application for a finding of suitability as a key employee shall be accompanied by a [twenty-five] forty-five-dollar application processing fee. The application processing fee is nonrefundable and is in addition to other fees collected pursuant to this chapter.

(D) Application and Fee for Management Personnel Transfer. Upon transfer of any employee previously licensed or found suitable from one licensed gaming establishment to another, a letter from the gaming establishment to which the transfer is proposed to be made, setting forth the name, work classification and the previous approval of said employee shall be sufficient application to present to the board. A transfer fee of twenty-five dollars shall be paid for the same.

(E) At the time of filing, the applicant shall submit payment of the fees and taxes required pursuant to NRS 463.390 and Chapter 4.08 of this code. (Reg. G-58-80 § 13, 1980: Reg. G-50-79 § 6, 1979: Reg. G-11-61 § 10, 1961)

SECTION 2. Title 8, Chapter 8.20, Section 8.20.020.165 of the Clark County Code is hereby amended to read as follows:

8.20.020.165 Key employee. A "key employee" is:

(a) Any executive, employee, agent, officer or director of a liquor licensee having the power to exercise a significant influence over decisions concerning any part of the operation of a liquor licensee is a key employee;

(b) Whenever it is the judgment of the director, LVMPD, or a member of the board that the public interest will be served by requiring any key employee to obtain a finding of suitability to hold key employee status, the director shall serve upon the licensee notice to make application for key employee approval;

(c) Grounds for requiring a finding of suitability for a key employee which are deemed to be in the public interest include, but are not limited to, situations where the employee is new to the industry and/or new to the particular liquor establishment, or new to a position in which the employee has the authority and/or responsibility of a key employee as set forth in subsection (a) above, or when the board, for reasons concerning the employee's character, background, reputation, or associations, deems it in the public interest to require such finding of suitability;

(d) Each application for a finding of suitability as a key employee shall be accompanied by a forty-five-dollar application processing fee. The application processing fee is nonrefundable and is in addition to other fees collected pursuant to this chapter.

[(d)] (e) The licensee shall, within thirty days after receipt of the notice requiring a finding of suitability of any key employee, present the key employee application to the director or provide documentary evidence that such key employee is no longer employed by the licensee. An application, the investigation and payment of fees shall be made in accordance with requirements of Sections 8.20.025, 8.20.030, 8.20.080, and 8.20.120;

[(e)] (f) Any person notified by the director to make application pursuant to this section, may request the board to review the determination of that person's status with the

liquor licensee/applicant anytime within ten days after the filing of a completed application. An item will be submitted for the agenda of the next available regularly scheduled board meeting at which it may be lawfully scheduled after the applicant files the request for board action. In the event the board determines that the applicant is not a key employee or that the public interest and policies of the board do not require the approval of the key employee at that time, then the key employee applicant shall be allowed to withdraw his/her application and he/she may continue in his/her employment. In no event shall a request for review stay the obligation of the licensee to present the key employee's application within the thirty-day period herein prescribed;

[(f)] (g) Any liquor licensee employing a person in a key employee position after that person's disapproval by the board, or upon the employee's refusal to make application for key employee status after receiving notification to do so, shall be subject to disciplinary action as set out in Chapter 8.08;

[(g)] (h) Refusal of a key employee to make application for a finding of suitability, or his/her continued employment in a key position after disapproval by the board, shall be grounds for revocation of his/her work card pursuant to Chapter 8.24. (Ord. L-232-05 § 35, 2005)

SECTION 3. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 4. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners

voting for and against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 5th day of January, 2009.

PROPOSED BY: Commissioner Rory Reid

PASSED on the ___ day of _____, 2008.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

LIQUOR AND GAMING LICENSING BOARD
CLARK COUNTY, NEVADA

BY: _____
Chairman

ATTEST:

Shirley B. Parraguirre, County Clerk

This ordinance shall be in force and effect from and after the _____ day of _____, 2008.