

City of Elko)
County of Elko)
State of Nevada)

SS September 27, 2019

The City Council of the City of Elko, State of Nevada met for a special meeting beginning at 2:00 p.m., Tuesday, September 27, 2019.

This meeting was called to order by Mayor Reece Keener.

CALL TO ORDER

ROLL CALL

Mayor Present: Mayor Reece Keener

Council Present: Councilwoman Mandy Simons
 Councilman Robert Schmidlein
 Councilman Chip Stone
 Councilman Bill Hance

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Kelly Wooldridge, City Clerk
 Bob Thibault, Civil Engineer
 Ben Reed Jr., Police Chief
 Ty Trouten, Police Captain
 Jacob Eisinger, Police Detective
 Tom Coyle, Deputy City Attorney
 Dave Stanton, City Attorney
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

The following agenda item contains detailed testimony regarding an appeal to Council. Attention was given to include as much discussion on this item as possible, but the wording is not verbatim.

I. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Consideration of an appeal from Nualla LLC d/b/a Cabo and its members and principals, including but not limited to Acela Ceja and Carlos Nunez, of the City of Elko's notice of "Non-Renewal of Liquor License," which liquor license expires on September 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Nualla LLC d/b/a Cabo is currently on probation, resulting from prior Liquor Code violation(s). On August 29, 2019, the City of Elko provided a "Notice of Non-Renewal of Liquor License" to the members and principals of Nualla LLC d/b/a Cabo based on the grounds set forth therein. A copy of the notice has been included in the agenda packet for review. CC

Mayor Keener noted the appellant, Acela Ceja, was present. He asked her if she had legal counsel representing her.

Acela Ceja answered she did not.

Mayor Keener said she will be representing herself. He asked City Attorney Tom Coyle to begin the hearing.

Tom Coyle, Deputy City Attorney, said there were a few housekeeping items they needed to go through as they begin the hearing. Initially, the City will name three witnesses for the appeal hearing, Detective Jake Eisinger, City Clerk, Kelly Wooldridge and Police Chief, Ben Reed. Before the hearing could be held, we are required under NRS Chapter 241, to prove up, especially the 241 notices, proof of service. He handed that document to the Clerk at that time (Exhibit "A"). That document does show that the non-renewal notice was served on the licensee on August 30th of this year.

Mayor Keener asked Attorney Coyle to pull the microphone closer to him so that those listening on the internet can hear better.

Attorney Coyle continued the notice of non-renewal was served personally on August 30th of this year. The 241 notices that permit the City to discuss the character, competence, misconduct, etc., the person, was served on Acela Ceja on September 17, 2019, Carlos Nunez on September 17, 2019, and Danny Hoang, he's not one of the named licensees in this particular matter but his conduct would certainly be a potential for some testimony today so they served him as well. Prior to starting with the appellant's testimony, he asked Mr. Mayor that he would request from the appellant to name her perspective witnesses. He would put Mr. Mayor as the presiding officer of the appeal hearing on notice that the City intends to object to any disclosure of the confidential source that provided video evidence in this matter and to any discussions of the character, competence, or misconduct of individuals that were not served the 241 notices. Then finally, he was handing out at that time, which he had previously given to the appellant, an exhibit packet for each Councilmember (Exhibit "B"), which during the testimony they anticipate there will be many references to the documents contained therein, and thought it would be appropriate for each Councilmember to have that so they can follow along. At this point it is an appeal hearing and it's appropriate to hear from the appellant. He asked that she be sworn in as a witness and to provide her testimony from the seat designated for witnesses so she could be recorded.

Mayor Keener asked Ms. Ceja to sit at the furthest seat and Kelly Wooldridge swore her in.

Mayor Keener asked if people watching online could see the seat that Ms. Ceja was sitting in. If not they may want her to switch places.

Diann Byington, Recording Secretary, indicated that the camera did see Ms. Ceja.

Mayor Keener asked Ms. Ceja to state her name and address for the record.

Acela Ceja answered 449 Railroad Street.

Mayor Keener said, for the record, she will be representing herself.

Ms. Ceja answered she would.

Mayor Keener asked if she had any witnesses here with her that she would be calling.

Ms. Ceja answered she did not, no.

Mayor Keener said he knew in a hearing like this, it's really kind of an extraordinary circumstance to have a hearing to begin with of this nature, and it's even more extraordinary that to not have legal counsel to help represent you. Do you understand the charges that you are facing with respect to your business license and have you had a chance to review what the City Attorney has provided in terms of the evidence?

Ms. Ceja answered she did. Unfortunately it was just too close of a timeframe to get anything with a legal counsel.

Mayor Keener asked if she had a statement to make as it pertains to her appeal.

Ms. Ceja said that as of May he (Carlos Nunez) wasn't operating. He was supposed to buy her out and it wasn't happening so, in turn she bought him out. She does have a buyer but it has to be in a working process. He doesn't want it stopped if he is going to purchase it. The only reason Carlos was there was because he was working off a debt that he owes to her, so he was just playing for free. They had been separated for quite a while and he's been unable to pay on anything so that's the way he was working off some of the debt that he has on her. He is no longer, she sent a copy of the state business license where he's... He wouldn't sign off of it until he was completely paid off. Now that he's paid off, he signed off of it and he is no longer in it. In fact, he is not even allowed in the building. She wanted Council to hear her out and reconsider not giving the business license. This was his actions and not hers. She does not condone them. Until she saw the video, she did not believe it was true. She had questions of the identity but the video was clear. She could not deny that part. This is, essentially, the only way... She doesn't have another job other than this so this is the only way she provides for her children.

Mayor Keener thanked her for that. He asked if Council had some questions for the appellant.

Attorney Coyle had some questions. In Exhibit 1 was the appeal document. In that she admits that she was still on probation from the previous liquor license disciplinary matter, correct?

Ms. Ceja answered correct.

Attorney Coyle said, also in that exhibit, you admit that the actions asserted against Nuala are a violation of that probation agreement, correct?

Ms. Ceja answered correct.

Attorney Coyle asked if she would agree pursuant to the terms of the agreement that the fact of your prior discipline can be considered in a later disciplinary action for a period of five years.

Ms. Ceja answered she wasn't aware...

Attorney Coyle said if you look at exhibit 2 for the disciplinary agreement, page 7 paragraph 10, it describes the violation admitted here may be considered in determining the appropriate level of discipline in any subsequent business license or liquor license disciplinary action against the business or the license, or acts or omissions which occurred within 60 months of the Council approval of the agreement. Do you see that on page 9 of the packet?

Ms. Ceja answered yes she saw it. She saw some of the pictures and got sidetracked.

Attorney Coyle said the agreement was signed by Ms. Ceja, correct?

Ms. Ceja answered correct.

Attorney Coyle added, and also by Carlos?

Ms. Ceja answered correct.

Attorney Coyle said at that time he was a managing member of Nuala LLC?

Ms. Ceja answered on paper, yes.

Attorney Coyle said when you look at the factual basis set forth in the notice of non-renewal, which begins on page 11, exhibit number 3, paragraph A, Factual Basis, do you contest any of the factual basis that is set forth there?

Ms. Ceja asked number 11?

Attorney Coyle said yes, page 12, paragraph A, the Factual Basis sent out on the notice of non-renewal.

Ms. Ceja answered she does but she wants council to consider that these were not her actions.

Mr. Coyle said not hers individually?

Ms. Ceja said he is no longer anywhere in the business.

Attorney Coyle asked if she admits that she viewed the video evidence that the City references in that paragraph.

Ms. Ceja answered yes.

Attorney Coyle added and that it shows that Carlos Nunez engaged in possessing and using cocaine in another liquor license establishment in the City of Elko?

Ms. Ceja said it looked like cocaine. She wouldn't know.

Attorney Coyle said Nuala LLC is the owner of the business entity that runs the Cabo bar?

Ms. Ceja answered yes.

Attorney Coyle said, Cabo is a fictitious name for Nuala?

Ms. Ceja answered yes.

Attorney Coyle said at present, the members of Nuala are just herself?

Ms. Ceja answered yes.

Attorney Coyle asked have there been changes made to the members in the past one year.

Ms. Ceja answered Carlos was out. He's never been in Cabo but they were working on getting him out of Nuala since about late April. They currently have a new accountant, the new manager going on too.

Attorney Coyle said the document she attached to her appeal document shows she is the only manager.

Ms. Ceja answered correct.

Attorney Coyle asked if that is the only change that has happened.

Ms. Ceja answered yes, just changed their personnel altogether.

Attorney Coyle said that is dated September 6, 2019 if you look at page 4.

Ms. Ceja answered correct.

Attorney Coyle asked is that when it actually became official.

Ms. Ceja answered yes.

Attorney Coyle said that is approximately two weeks after she received the notice of non-renewal, correct?

Ms. Ceja answered yes. She went in to talk to Debbie (Henseler, Business License Technician) and that was when she received a copy. She was not aware of Carlos being served with a document until then.

Attorney Coyle asked, other than that attachment to the appeal document that she filed, she had given the City any notice of any changes with Nuala prior to that time.

Ms. Ceja answered she didn't. She was unaware that she needed to.

Attorney Coyle said she says she bought out Carlos.

Ms. Ceja answered correct.

Attorney Coyle asked what percentage of an owner was he when she bought him out?

Ms. Ceja answered he was 49(%).

Attorney Coyle said, in the appeal document she states that Mr. Nunez is removed from Nuala LLC by reason of that document that she filed.

Ms. Ceja answered yes.

Attorney Coyle asked what precisely does that mean to her if he has been removed.

Ms. Ceja answered that he has no place, no action, no reason to be in the business. He has zero to do, whatsoever, in running there, being there.

Attorney Coyle asked if he has an ownership interest.

Ms. Ceja answered no.

Attorney Coyle asked if she has fully paid him off.

Ms. Ceja answered he has been paid off, yes.

Attorney Coyle said if you look at page 78, which would be found in exhibit no. 10 that shows another filing with the Secretary of State that shows he was a manager or managing member at that time, correct?

Ms. Ceja answered correct. This was when she was still working on the paperwork.

Attorney Coyle said that continued in force and effect until you filed this new document on September 16, 2019.

Ms. Ceja said if you also could take into consideration that the Secretary of State did website changes at the end of July to early August so they are 6-8 weeks behind. It took about 7 weeks for this document to occur because she had to change the business lawyer as well.

Attorney Coyle asked when was it submitted to the Secretary of State.

Ms. Ceja answered she would have to go with her lawyer. She is dealing with Gerber now and not Katie McConnell. She is no longer the business lawyer. But they had to submit the registered agent first before they could do anything about it.

Attorney Coyle asked if there was a buyout agreement that she has with Carlos in writing.

Ms. Ceja answered no, not with her. She didn't bring it.

Attorney Coyle asked how about Nuala. Is there some sort of an agreement with Carlos on that in writing?

Ms. Ceja answered there is, in writing, but she didn't have it with her. But she could provide.

Attorney Coyle asked if there were any entity formalities that were entered, like resolutions or minutes of meetings where he was bought out.

Ms. Ceja said it's all in the folder but she didn't bring it. He has... We had to go through the proper procedure.

Attorney Coyle asked if she knew when the effective date of the buyout agreement was.

Ms. Ceja answered the date that they changed the... The date they removed it which would...

Attorney Coyle said the 9/16 date.

Ms. Ceja answered the 9/16. He wouldn't sign before then. He had already received payments for it but he wouldn't sign off completely he was 100% bought off.

Attorney Coyle asked while he was listed as a managing member, as they saw on page 78, he had management responsibilities for Cabo, is that correct?

Ms. Ceja answered not since August, no April. He was working as a DJ'ing to pay off the debt. Whatever she was going to pay for a DJ he was paying her. Or she wasn't paying the DJ, if that makes sense.

Attorney Coyle asked if that was reflected in anything in writing.

Ms. Ceja answered yes.

Attorney Coyle asked what that would be.

Ms. Ceja answered she would have to provide a letter and bring it later this afternoon. Just the DJ'ing contract. He was a contracted DJ. And that was all his operations were there.

Attorney Coyle asked prior to him becoming a contract DJ, he had management responsibilities? And the City was never advised of any change of his responsibilities when that occurred, correct?

Ms. Ceja answered no.

Attorney Coyle asked if she would agree he was the primary manager at Cabo from April 25, 2018 until they made that change.

Ms. Ceja answered yes.

Attorney Coyle asked when did he become an owner of the business.

Ms. Ceja answered when they started it in 2016. She believed it was April.

Attorney Coyle asked, in 2016, back when they had the license with her and Tino Ayala.

Ms. Ceja said yes.

Attorney Coyle asked if he had the 49% then.

Ms. Ceja answered no, they shared the 50%.

Attorney Coyle said on page 52, you made a liquor license application, and in Paragraph 6 it says to name all owners, partners, corporate officers, members, etc. He is not on that list on your application, correct?

Ms. Ceja asked if that was for the liquor license.

Attorney Coyle said this is page 52, your liquor license application.

Ms. Ceja answered ya, he wasn't going to be on the liquor license.

Attorney Coyle asked it says name all owners, correct? And members, correct?

Ms. Ceja answered correct.

Attorney Coyle said the same with page 84. This was the next time she applied for a liquor license for Cabo. This time it solely lists her but he was also an owner at that time, correct?

Ms. Ceja answered of the LLC, yes.

Attorney Coyle said the LLC is licensee, correct?

Ms. Ceja answered correct.

Attorney Coyle said since the change where he became a contract DJ, Mr. Nunez, how often was he permitted in the establishment.

Ms. Ceja answered now he is no longer permitted but before it was Thursday, Friday and Saturday.

Attorney Coyle said those were the only days of your operation.

Ms. Ceja indicated yes.

Attorney Coyle said she is saying sometime in April you made that change.

Ms. Ceja answered yes.

Attorney Coyle said and from April until September 16th of this year, he was allowed in as the DJ.

Ms. Ceja answered ya.

Attorney Coyle said when he was allowed on the premises, were you present at all times he was present.

Ms. Ceja answered no.

Attorney Coyle said as the contract DJ, what activities was he permitted to do with regard to the business.

Ms. Ceja answered play music.

Attorney Coyle asked if that was it.

Ms. Ceja answered that's it.

Attorney Coyle asked if she was aware of him performing any other duties?

Ms. Ceja answered no, just every once in a while he would help the girls with the ice machine for beverages but that is what the other guys do as well.

Attorney Coyle said other guys being?

Ms. Ceja answered securities.

Attorney Coyle said that ordinarily just a DJ wouldn't be doing that, correct?

Ms. Ceja answered correct but sometimes when she hires Arturo or anybody else, they will do the same. They will see the girls struggling with something heavy and they will help them out.

Attorney Coyle asked if she was aware of him performing any other activities, such as purchasing alcohol.

Ms. Ceja asked at the establishment?

Attorney Coyle said yes.

Ms. Ceja answered no.

Attorney Coyle asked are you aware that a licensee cannot sell alcohol purchased from other retailers; that they must obtain that from distributors?

Ms. Ceja answered yes.

Attorney Coyle asked if she recalled being involved in the liquor license for Cabo from April 2016 to July 2017.

Ms. Ceja answered yes.

Attorney Coyle said at that point you were listed as 50% owner with another individual.

Ms. Ceja answered yes.

Attorney Coyle asked if she recalled in November 2016, receiving a letter regarding complaints of cleanliness concerning the bar premises.

Ms. Ceja answered yes. It was outside by the garbages and they got that. And also about the cleanliness, they have been, even with the new garbage cans, establishing that lot, they are still having to clean it this weekend before the murals were painted. She has a couple of guys just help power wash the walls and everything for them. They cleaned up the whole alleyway. They have done that a few times.

Attorney Coyle asked if she was aware during that same timeframe, that the liquor license of Cabo was revoked on July 21 of 2017.

Ms. Ceja answered yes.

Attorney Coyle said that was due to failure to pay the license fee, is that correct.

Ms. Ceja answered correct.

Attorney Coyle asked do you recall during that timeframe, with that ownership, that there were late water and sewer payments a total of 12 times.

Ms. Ceja answered yes.

Attorney Coyle said that there were seven shutoff notices to Cabo during that timeframe.

Ms. Ceja answered yes.

Attorney Coyle said and at least one shutoff occurred.

Ms. Ceja answered yes.

Attorney Coyle said regarding the current license situation, where Carlos was this 49% owner, do you remember when you obtained that license.

Ms. Ceja answered yes.

Attorney Coyle asked when was that.

Ms. Ceja said she doesn't remember exact dates but she thought it was May 2018 when they finished doing the remodeling and all that stuff.

Attorney Coyle said since that time, would it be correct to say that you've had one late liquor license payment.

Ms. Ceja answered yes.

Attorney Coyle said and one prior liquor license disciplinary matter that resulted in the probation agreement.

Ms. Ceja answered yes.

Attorney Coyle asked if she recalled that they have had 12 late payments on water bills and sewer bills since July 2018.

Ms. Ceja answered yes.

Attorney Coyle said and the water has been shut off twice during that timeframe.

Ms. Ceja answered yes. It wasn't really supposed to be her responsibility. She was going to be bought out. That was the initial agreement that she was going to be bought out. So she dropped her responsibilities and she also had some medical issues she had to attend. She was hardly in Elko for that.

Attorney Coyle said there were two shutoffs.

Ms. Ceja said yes, there was. With the new accountant they have... They grabbed the computer and all the paperwork and they have the new accountant and he is going to be in charge of mailing out the payments and everything.

Attorney Coyle asked who is the new accountant.

Ms. Ceja said she forgot his name right now.

Attorney Coyle asked when was he hired.

Ms. Ceja answered he was hired 2 or 3 months ago.

Attorney Coyle said since she has been an owner/licensee of Cabo, did she recall how many times she has had meetings with the Chief of Police concerning issues at Cabo.

Ms. Ceja answered yes.

Attorney Coyle asked how many times would you estimate.

Ms. Ceja asked if he meant including when they were doing the liquor license.

Attorney Coyle answered no.

Ms. Ceja answered 2 or 3, then for the liquor license and then special events.

Attorney Coyle asked if she was aware that Cabo has some issues with the State Department of Taxation at this time.

Ms. Ceja answered yes and that is getting resolved as well.

Attorney Coyle said in looking at exhibit 4, which begins on page 14, do you know what is shown in exhibit 4?

Ms. Ceja answered she actually met with the guy last week and they are working with him, or he is working them to resolve this.

Attorney Coyle asked the person that this states?

Ms. Ceja answered yes.

Attorney Coyle asked would it be correct where he, in the September 26, 2019 letter, says there is an outstanding tax balance of \$10,000 plus dollars.

Ms. Ceja answered yes.

Attorney Coyle said and that returns have not been filed for sales tax for the periods ending August 31, 2018, October 31, 2018 and July 31, 2019.

Ms. Ceja answered yes and the agreement is that they are doing it monthly and every month they are doing the monthly payment plus a back payment, and if possible, more than one month at a time.

Attorney Coyle said they have actually filed a lien which is shown on page number 16, is that correct?

Ms. Ceja answered yes.

Attorney Coyle said there is an agreement to make the payments. Was there an agreement to actually file the returns that are missing?

Ms. Ceja answered yes. And when they received the documents back from Carlos and the person that was doing the books for him, it was basically all in a box. They have to do the separation of weeks, months and years. They are in the process and entering it all in because, for whatever reason, the computer they were using crashed and they didn't have any of the information in the computer.

Attorney Coyle said the lien is actually filed against Nuala, is that correct?

Ms. Ceja answered yes.

Attorney Coyle said on the following page, it looks like a sister lien that is filed but it is actually against your name, Acela Ceja.

Ms. Ceja asked where that was.

Attorney Coyle answered page 17. That is a lien against you personally, correct?

Ms. Ceja answered yes.

Attorney Coyle asked have you ever seen Carlos Nunez serve alcohol at Cabo.

Ms. Ceja answered no.

Attorney Coyle asked if that was never part of his duties.

Ms. Ceja answered no. They always have two to three bartenders there. And her. She hadn't been there for a long time. When they get their jump on the bar.

Attorney Coyle asked she hasn't been there for a long time.

Ms. Ceja answered no.

Attorney Coyle asked how long would she estimate.

Ms. Ceja answered she was there for a while. It's months at a time. A few weeks ago and then to check on the girls. But she is rarely there. She has to go to Salt Lake a lot for medical issues so she is hardly here in Elko.

Attorney Coyle asked since Carlos Nunez was changed to just a DJ, what is the arrangement for a manager there.

Ms. Ceja said, Danni, one of the bartenders. She is the one performing the managing duties, helping her to order stock and all that stuff. She's the manager.

Attorney Coyle said that was all he had, Mr. Mayor.

Mayor Keener asked if there were any questions, Council, for the appellant.

Councilman Schmidtlein stated he had a couple questions. Acela, what was the specific date that you filed with the Secretary of State on the change. This year you filed with the Secretary of State. You said you had seven weeks to file previous. So what was the specific date you filed?

Ms. Ceja answered that was the September date when they actually did that part. They couldn't change Kati because she was just too busy. She had to change the registered agent and to do that she went to Gerber. That's what they said, that there was going to be a six to eight week delay because they are behind due to their program change. The website change.

Councilman Schmidtlein asked if Carlos was still on the license as a managing member on May 16, 2019.

Ms. Ceja answered he was on there, yes.

Councilwoman Simons asked what license they are talking about. The liquor license or the business license?

Councilman Schmidtlein clarified the business.

Ms. Ceja said the LLC. The Nuala.

Attorney Coyle said just for clarification, that is the liquor license.

Mayor Keener said you do have a copy of the liquor license here in the packet. What page is that on?

Attorney Coyle answered it is on exhibit No. 7, which is page 33.

Councilwoman Simons said because there was a failure to list his name on the liquor license but he was on the business license, correct?

Attorney Coyle stated he didn't believe it was on the business license either. This is Cabo, which is Nuala and Acela.

Councilwoman Simons said the Cabo liquor license.

Attorney Coyle said yes.

Councilman Schmidtlein said he wanted to make himself clear. He had an understanding on one of the items. She mentioned Carlos never served alcohol in the establishment.

Ms. Ceja said no, he wasn't a bartender.

Councilman Schmidtlein said in 2018 or 2019, or both?

Ms. Ceja answered both.

Councilman Stone asked if he ever had a bar card.

Ms. Ceja answered she didn't believe so.

Councilman Stone asked if it would be appropriate for him to ask who the buyer is that is looking to buying the establishment, who would be a future owner.

Councilman Schmidtlein said it would be irrelevant at this time.

Councilwoman Simons asked what document is he on for this business. Ms. Ceja is on all the documents. Which documents is listed on for this business?

Ms. Ceja answered the LLC.

Councilwoman Simons repeated that he is listed on the LLC.

Ms. Ceja said no, not anymore but he was.

Councilwoman Simons said he has never been on the Cabo business license or liquor license.

Ms. Ceja said no.

Attorney Coyle said the business license application is found on page 73. The business license is found on page 81 if you want to review them.

Councilwoman Simons noted it says name all owners, partners but his name isn't on there. That was her question.

Councilman Schmidtlein said but he was a partner.

Councilwoman Simons restated that he was a partner in 2018.

Councilman Schmidtlein said and 2019 if he understood that correctly.

Councilman Hance had no questions at that time.

Mayor Keener said if there were no further questions for the appellant then they would move on with the City's witnesses, is that correct?

Attorney Coyle answered yes. He called Detective Jake Eisinger. Kelly Wooldridge swore him in.

Mayor Keener asked him to state his name and address of the Police Department for the record.

Mr. Eisinger stated Jacob Eisinger, 1448 Silver Street.

Attorney Coyle asked what is his occupation.

Mr. Eisinger answered he is a Police Detective for the City of Elko Police Department.

Attorney Coyle asked how long have you been so employed?

Mr. Eisinger answered since February 2012.

Attorney Coyle asked are you familiar with an individual named Carlos Nunez?

Mr. Eisinger answered yes he was.

Attorney Coyle asked is this person associated with a liquor license in the City of Elko.

Mr. Eisinger answered yes he is.

Attorney Coyle asked what establishment was that.

Mr. Eisinger answered that's the Cabo bar.

Attorney Coyle said directing your attention to May 16th of this year, did you initiate and investigation involving that individual?

Mr. Eisinger answered yes he did.

Attorney Coyle asked where was the location of the investigation.

Mr. Eisinger answered it originated out of Cowboys Bar.

Attorney Coyle asked if he went to Cowboys bar.

Mr. Eisinger answered yes he did.

Attorney Coyle asked what was observed there.

Mr. Eisinger answered a one dollar bill. Inside the one dollar bill was cocaine.

Attorney Coyle asked where was that one dollar bill found.

Mr. Eisinger answered it was located on a bar table inside the bar.

Attorney Coyle asked as far as saying that there was cocaine present, how is that confirmed.

Mr. Eisinger answered he used a presumptive narcotics identification kit to test the substance. And the presumptive tested positive for cocaine.

Attorney Coyle asked how is cocaine categorized in the Nevada Law.

Mr. Eisinger answered it is a schedule one controlled substance, meaning that it has no medical use and is highly addictive.

Attorney Coyle asked how is possession and use of cocaine treated in Nevada Law.

Mr. Eisinger answered it is a felony crime in the State of Nevada.

Attorney Coyle asked at some point did you observe video of how that substance came to be at that location.

Mr. Eisinger answered yes he did.

Attorney Coyle asked can you describe what you observed in the video.

Mr. Eisinger answered based on the appearance of the video, it appears that Carlos and another gentleman, specifically Carlos, produced the cocaine and throughout the contents of the video, consumed the cocaine.

Attorney Coyle asked how many persons were present.

Mr. Eisinger answered four.

Attorney Coyle asked did they all consume.

Mr. Eisinger answered yes.

Attorney Coyle asked did you provide to him any photographs of what you are describing.

Mr. Eisinger answered yes he did.

Attorney Coyle said if you would look at exhibit 5, beginning on page 18, can you describe what is being depicted in that exhibit.

Mr. Eisinger answered in this picture you see Carlos is sitting on a couch inside Cowboys bar. He has an object in his hand. It is believed to be cocaine. It appears that he is handing it off to another individual.

Attorney Coyle asked if that was on page 19.

Mr. Eisinger answered yes. Page 18 in his packet just says exhibit 5.

Attorney Coyle said page 20, what is depicted there.

Mr. Eisinger answered page 20 is Carlos opening the bindle or the package.

Attorney Coyle asked would that be the package containing the cocaine.

Mr. Eisinger answered yes.

Attorney Coyle asked what is depicted on page 21.

Mr. Eisinger answered page 21 would be a picture of Carlos using his pinkie finger to ingest cocaine through his nose.

Attorney Coyle asked what is depicted on page 22.

Mr. Eisinger answered page 22 would be all four of them around a circle. It's kind of hard to tell in this photograph, but Carlos has a one dollar bill in his hand.

Attorney Coyle said page 23.

Mr. Eisinger said page 23 would be the dollar bill found with the cocaine inside of it when he went to Cowboys.

Attorney Coyle asked, these still photographs, are they from the video.

Mr. Eisinger answered yes they are.

Attorney Coyle asked do they accurately depict what was shown in the video.

Mr. Eisinger answered yes.

Attorney Coyle asked did you contact any of the participants in the video to determine if what you were seeing was accurate.

Mr. Eisinger answered yes he did.

Attorney Coyle asked who he contacted.

Mr. Eisinger answered he contacted two of the individuals in there. One of them being Danny Hoang.

Attorney Coyle asked if he was a licensee or one of the licensees of Cowboys.

Mr. Eisinger answered yes he is.

Attorney Coyle asked if he confirmed the date and time in the video.

Mr. Eisinger answered yes he did.

Attorney Coyle asked did he confirm that it was showing cocaine use by him and others.

Mr. Eisinger answered yes he did.

Attorney Coyle asked did you contact one of the females in the video.

Mr. Eisinger answered yes he did.

Mr. Coyle asked did she confirm the same things basically.

Mr. Eisinger answered yes she did.

Attorney Coyle asked did you prepare a written report concerning this investigation and that interview with the female.

Mr. Eisinger answered yes he did.

Attorney Coyle asked is that accurately shown in exhibit 6. If you would look at that and the pages following. It is a redacted version.

Mr. Eisinger answered yes the interview with the female report would be an accurate depiction starting on page 30.

Attorney Coyle asked what about your investigative report. Is that also contained in exhibit 6?

Mr. Eisinger answered yes it is. That is an accurate depiction starting on page 25.

Attorney Coyle asked did you yourself serve Mr. Nunez with the notice of this meeting.

Mr. Eisinger answered he did not himself.

Attorney Coyle asked are you aware of which officer at the Police Department did.

Mr. Eisinger answered yes. Sergeant Locuson and Officer Bogden.

Attorney Coyle asked did he have a discussion with them of the circumstances of that service.

Mr. Eisinger answered yes, he spoke with Sergeant Locuson about the service.

Attorney Coyle asked what is your understanding as to how they were able to serve that individual.

Mr. Eisinger answered they had gone down to Cabo to catch Carlos at the bar. They were told by a bar employee that Carlos had to run to the store to purchase tequila for the bar and that he would be back within about 20-30 minutes. Sergeant Locuson had to go to another call. He came back after he finished that call. He was again told by a bar employee that Carlos had to go to Smiths to purchase more items for the bar and that he would be back relatively quickly. Sergeant Locuson waited an approximate 20 minutes. An individual approached Sergeant Locuson as he was parked in the downtown parking corridor and advised Sergeant Locuson that Carlos was at his place of residence. Sergeant Locuson then drove up to Carlos' place of residence where Carlos answered the door and he was served his notice.

Attorney Coyle said he would pass the witness.

Mayor Keener asked if there were any questions from the board. He asked Ms. Ceja if she had any questions of the witness.

Ms. Ceja indicated she did not have any questions.

Mayor Keener said the witness was excused.

Attorney Coyle called the City Clerk, Kelly Wooldridge.

Kelly Wooldridge took the witness stand and Diann Byington swore her in.

Mayor Keener asked her to state her name and address for the record.

Ms. Wooldridge stated Kelly Wooldridge, 1751 College Avenue.

Attorney Coyle asked what is your occupation.

Ms. Wooldridge answered she is the City Clerk for the City of Elko.

Attorney Coyle asked how long have you been so employed.

Ms. Wooldridge answered since June 2018.

Attorney Coyle asked what duties do you have under the City Code regarding liquor licenses.

Ms. Wooldridge answered for liquor licenses, the City Clerk is responsible to take the application once the liquor license is filed and then turn the application over to the Chief of Police for investigation. The City Clerk also may issue a temporary license for the liquor license application upon approval from the Chief during the investigation period. The City Clerk issues the license after the approval of the City Council. The City Clerk issues quarterly renewal notices and collects the quarterly fees. We also will send out late notices in certified mail if the liquor licenses are late. The City Clerk will issue a non-renewal notice according to code if the applicant licensee or licensed business is in violation of any provision of the code. The City Clerk can also take complaints regarding the business and follow-up regarding possible remedies.

Attorney Coyle asked with regards to the business licenses, you maintain the records and files for both the business license and the liquor license.

Ms. Wooldridge answered correct.

Attorney Coyle asked in this case, did you issue the notice of non-renewal to Nuala LLC, dba Cabo.

Ms. Wooldridge answered yes.

Attorney Coyle asked is a copy of that notice found in exhibit 3 of the exhibit packet.

Ms. Wooldridge answered yes.

Attorney Coyle asked can you describe for the Council what you based your decision on to issue this non-renewal notice.

Ms. Wooldridge answered the non-renewal notice was issued on information that she had received from Chief Reed regarding the violation of the agreement that was dated March 26, 2019. That Ms. Ceja was not actively participating in the management of the bar. That Mr. Nunez had provided a controlled substance on a different liquor licensee holder at the Cowboys bar after hours, and that Mr. Nunez was in possession of a controlled substance on another liquor licensee's premises and that Mr. Nunez was leaving the controlled substance remnants in the liquor license premises. Cabo had a pattern of late liquor license payments, as well as, a pattern of late water and sewer payments with shut off notices.

Attorney Coyle asked the liquor license for Nuala, is that found in exhibit 7.

Ms. Wooldridge answered yes.

Attorney Coyle asked were you aware of the members of Nuala LLC at the time the license was obtained.

Ms. Wooldridge answered yes because part of the business license application includes a printout from the Secretary of State's office for the state business application. It lists the members of the LLC.

Attorney Coyle asked if that was both Carlos Nunez and Acela Ceja.

Ms. Wooldridge answered yes.

Attorney Coyle asked if Nualla LLC dba Cabo operate with other members for a period of time prior to this.

Ms. Wooldridge answered yes they did. They operated from April 14, 2016 to July 21, 2017. On the application that had Florentino Ayala and Acela. They were both 50% members.

Attorney Coyle asked how long were they operating that business.

Ms. Wooldridge answered until July 21, 2017.

Attorney Coyle asked were you present when Ms. Ceja testified today.

Ms. Wooldridge answered yes.

Attorney Coyle said we went through late payments and shut offs and all of those things. Was that accurate testimony?

Ms. Wooldridge answered yes.

Attorney Coyle asked as far as documentation for those late payments and shut offs, etc., is that contained in exhibit 9 of the exhibit packet.

Ms. Wooldridge answered yes.

Attorney Coyle asked with regard to the water and sewer payments from April 2016 to 2017, it's accurate to say they had 12 late payments and 7 shut offs. Is that correct?

Ms. Wooldridge answered yes. She thought they had 7 shut off notices and 2 actual shut offs.

Attorney Coyle asked what happened at the end of July 2017 with regard to that prior ownership and license.

Ms. Wooldridge answered the quarterly liquor licenses are paid quarterly and the quarterly liquor license payment was not made. They were noticed by certified mail that it was late and the payment was not made. The Clerk's Office sent a letter indicating that the liquor license was being revoked on July 21, 2017 for non-payment.

Attorney Coyle asked was it in fact revoked then.

Ms. Wooldridge answered yes it was.

Attorney Coyle asked what happened with regard to Cabo after that revocation.

Ms. Wooldridge answered it was her understanding they were closed during that time and there were a couple of instances that they wanted to re-open but were unable to do so due to the issues with State tax payments.

Attorney Coyle asked how did they get to the current license.

Ms. Wooldridge answered it was her understanding they were able to make the appropriate amount of payments that the State Tax would issue them a tax identification number. They had to go through the application process again where they filled out the business license application and the liquor license application and went through the investigation with the Chief and they were issued a license.

Attorney Coyle asked upon obtaining that license, you heard the testimony of Ms. Ceja concerning additional late payments and shut offs, etc., in her testimony, was that accurate.

Ms. Wooldridge answered yes.

Attorney Coyle asked would it be correct to say from July 2018 to current, there have been 12 late payments and 2 shut offs.

Ms. Wooldridge answered correct.

Attorney Coyle asked if she was aware of any other problems of Cabo in that timeframe with regard to other utilities.

Ms. Wooldridge answered she had been told but did not have any documentation of it, that they are also late on their sanitation payments.

Attorney Coyle asked with regard to their liquor license payments during that same timeframe, have they paid those timely.

Ms. Wooldridge answered she believed there had been one late payment during that time.

Attorney Coyle said backup documentation for... This is for exhibit 10?

Ms. Wooldridge answered yes it is.

Attorney Coyle said he wanted to refer her to exhibit 4 concerning the Department of Taxation. Do you recognize the documents contained in that beginning on page 14.

Ms. Wooldridge answered yes she did.

Attorney Coyle asked what was shown there, if she could advise the Council.

Ms. Wooldridge answered this is a letter we received from Department of Taxation upon our request for documentation. They indicate that the Nevada Department of Taxation shows and outstanding sales tax balance of \$10,735.10. Returns have not been filed for 8/31/18, 10/31/18 through 7/31/19.

Attorney Coyle said he passed the witness.

Mayor Keener asked Ms. Ceja if she had any questions of the witness at all.

Ms. Ceja indicated she did not.

Mayor Keener asked if there was anything from Council. He knows Kelly's department is very busy, that she stretches a thin staff a long way, what kind of impact does it have on her day to day operations and overall efficiency when you have businesses that are deficient in the timely payment of their fees in terms of their water bills and business licenses. What kind of impact does that have on your staff?

Ms. Wooldridge answered it does take up quite a bit of staff time in order to send out the certified letters, which by code we are not required to do but we do send out a certified letter for late payments. Actually, the one time they were late this last time they were late she asked Debbie, our Business License Technician, to call Ms. Ceja. We called her that day at 3:00 letting them know they needed to get it there by 5:00 or we were going to have to shut her down. It takes quite a bit of staff time. Also on the water side, they have to send out late notices and they go out and post notices on the door of the business. Then they have to schedule the water guys to go out and do the actual shut off. If they come in, which usually happens at the last minute, and pay, we have to contact them and say you don't need to do this shut off anymore. It is time consuming for staff.

Mayor Keener asked if you look at just that sector alone, of ours, is that very common for operators to chronically be late with payments.

Ms. Wooldridge answered no, not on all of them.

Mayor Keener asked if anybody else had questions. He thanked Ms. Wooldridge and excused her from the stand.

Attorney Coyle called Chief Reed to the stand. Kelly Wooldridge swore him in.

Mayor Keener asked him to state his name for the record.

Chief Reed answered Ben Reed, the Police Chief for the City of Elko. His address is 1448 Silver Street.

Attorney Coyle asked how long had he been so employed,

Chief Reed answered approximately 6 years.

Attorney Coyle asked what duties do you have under the City Code relative to liquor licensees.

Chief Reed answered lots of them. He wrote a few notes. To summarize, duties will include investigating liquor license applicants. Last time he checked we had about 85 to 90 of those City wide. Provide recommendations to the City Council as to approval or disapproval of formal licenses. Inspect premises. Meet with licensees. Issue warnings. Coordinate with the Clerk over all kinds of disciplinary matters. He issues Special Event Liquor Licenses, roughly 50 or so of those annually for special event liquor. They will investigate, issue and discipline bartender work permits which are intertwined in all of this because those bartenders work for those liquor licensees. He and his staff enforce all various provisions of the Elko Liquor Control Code. That's it in a nutshell.

Attorney Coyle asked under the liquor control code, which is found in Title 4 Chapter 5, what type of license is a liquor license in the city.

Chief Reed answered it is a privileged license.

Attorney Coyle asked in your understanding, what distinguishes a privileged license.

Chief Reed answered examples would be the liquor license, a brothel license. They are a privilege. You are privileged to possess them. In other words, it is not automatic. You just don't come in and fill out a form and walk away with some license. It is a privilege to possess one. They require conditions which are spelled out in the code to even get one and to maintain one. A level of trust from that privilege licensee holder; that they are going to abide by the various codes applicable to those licenses. In this case we are talking about a liquor license specifically. Like you said, Title 4, Chapter 5, in which the liquor licensees are responsible to perform various duties to hold that privilege license.

Attorney Coyle asked are there special concerns for public safety and welfare concerning liquor licensees in the City of Elko.

Chief Reed answered there are a ton of them. They are illuminated in 4-5-2A, specifically about public safety, morals, welfare of the public and protection of the public. His concerns have to do with over service of patrons, public intoxication that leads to fights and disorderly conduct. They have experience with everything going on surrounding liquor licensees in general to include sexual assaults, off premises, on premises, drug use, drug sales, illegal gaming, illegal prostitution, DUIs, minors being in bars, minors consuming alcohol, you name it.

Attorney Coyle asked if he was present during the testimony of Detective Eisinger and City Clerk Wooldridge.

Chief Reed answered yes sir.

Attorney Coyle asked also during the testimony of Ms. Ceja.

Chief Reed answered yes sir.

Attorney Coyle asked are you recommending to the Council that the liquor license of Nuala, dba Cabo, not be renewed.

Chief Reed answered correct.

Attorney Coyle asked with regard to Nuala, when they made the application, the only one listed as an owner was Acela Ceja. Do you recall that?

Chief Reed answered correct. This most recent liquor license application, yes.

Attorney Coyle asked your duties to investigate, would they include investigating anyone with a financial interest in the business.

Chief Reed answered correct unless required per the code as pointed out earlier.

Attorney Coyle said in this case there was no investigation of Carlos Nunez.

Chief Reed answered correct.

Attorney Coyle asked was that because he was not listed as a owner.

Chief Reed answered primarily, yes.

Attorney Coyle asked would that be like a material misrepresentation on the application.

Chief Reed answered yes, it would be. If he could add, the only thing, he found Ms. Ceja's testimony to be accurate except for one area that he would disagree with. That was the involvement of Carlos Nunez in operation of the business. He can say that they have numerous occasions from his staff that have been on scene over the last couple of years, without calling out

exact dates, when they have responded to calls for service or they have been down there for fights, this that and the other, or they have been there proactively on walk-throughs and security checks, and Carlos has been the manager or head of security or on point for running the business many, many times. They could pull up crime reports if they needed to and that would be documented. Patrol Officer responded and contacted Carlos Nunez, etc...

Attorney Coyle asked it was probably accurate in her testimony that she is rarely present.

Chief Reed answered he can't say that himself. He has not heard of her being present many times down there. He knows she has been present at times but if he had to guess that has probably been sporadic. As far as the day to day operations of actually being there during the night when they are busy, he can tell them maybe they are going to get there but he has had meetings with both of them about concerns of operation of the bar over the last couple of years. He is definitely in the mix. He can tell them that he, regarding his involvement, he is a signatory and agreed to the probationary agreement.

Attorney Coyle said March of this year.

Chief Reed said earlier this year in March. It was March 26, 2019 and signed as an individual and as a member or component of Nuala. That document is notarized. He also appeared before the Council. By his recollection, they both did and he appeared at the microphone right over hear at the next Council Meeting the first part of April in which he, in a nutshell, agreed to abide by the probationary terms and that there wouldn't be any future problems. That was earlier this year again.

Attorney Coyle asked prior to the appeal document, were you advised that his role had changed or that his ownership had changed.

Chief Reed answered no.

Attorney Coyle asked going back to that March 26th agreement, do you recall the events leading to that, the prior disciplinary action.

Chief Reed answered they had information at the Police Department that there was a minor, juvenile, he believed he was 16, who went to the bar, was allowed to enter, was allowed to be there for several hours, consumed at least one alcoholic beverage. They investigated that and proved it to be accurate. Eventually brought a formal disciplinary action against the liquor licencees which were both Acela Ceja and Carlos Nunez. He and other representatives of the City met with them prior to bringing them forth in a hearing before the Council and actually worked out an agreement in which they stipulated to that violation of the code and were placed on a probationary status. There were a number of other disciplinary measures they had to meet. Those are in that document which he knows is in the exhibits. The Council ratified that agreement at their next meeting. That avoided a hearing such as this.

Attorney Coyle asked during that investigation of that particular event of the minor entering Cabo, had there ever been discussions with Cabo from law enforcement before that happened.

Chief Reed answered there had been. Those discussions were from him meeting with Acela and her previous business partner when she owned the business, when they were the liquor licensees the first time. And then later he met with her a couple more times in 2017 and 2018 about concerns and operations of the bar and one of those occasions was with Carlos as well.

Attorney Coyle asked going back to the events leading up to the admitted violation in the disciplinary agreement, had law enforcement advised Mr. Nunez he could not have a minor in there. Had he sought permission to get this minor in there?

Chief Reed answered in a roundabout way. He didn't know if it was that exact minor but he contacted the patrol lieutenant just prior to that incident. He believed the incident with the minor happened back in November of 2018. He asked if it would be okay if he had allowed minors into the bar if they were somehow involved in the band or playing music. He was told that was not allowed per the code. He also asked a patrol officer prior to that in the field on a bar check and was directed to the lieutenant. He later asked the lieutenant and got the same answer both times. Afterwards the incident happened and they became aware of it. He asked twice, was told no and then essentially did it anyway. He thought that particularly egregious at the time for the reason Attorney Coyle pointed out but also due to the age of the individual. They weren't talking about something that they unknowingly, accidentally had a 20 something year old who got through with a fake ID and didn't know and you claim innocence. This was a 16 year old boy who was allowed to enter, stay and then consume. That led to the probationary period they had been talking about earlier this year in March.

Attorney Coyle asked with regard to pending criminal matters concerning these appellants, did he have any knowledge of that.

Chief Reed asked the cocaine issue or others?

Attorney Coyle referred him to exhibit 11 and asked him to address what is reflected there.

Chief Reed said he was familiar with this. Exhibit 11 starts off with a copy of a warrant of arrest for Carlos Nunez. It is a bench warrant. This warrant was just recently served, in fact, last week, Thursday night of last week. He was arrested and booked at the jail on this warrant. This warrant is a bench warrant out of Elko Justice Court for failure to appear back in July 2017. The original charges are two counts of NRS 624.750.2A. He did review this. It is misdemeanor violations of Nevada Revised Statute for essentially operating as a building contractor without a license. He was not familiar with the back story on this warrant.

Attorney Coyle said that was fine.

Chief Reed said it was brought by the state. They considered it pretty egregious apparently.

Attorney Coyle asked were you aware of an open prosecution with regard to Ms. Ceja.

Chief Reed answered he was.

Attorney Coyle asked what would be that charge in that particular case.

Chief Reed answered she has a pending criminal case in Elko County for battery. This stemmed from an investigation of an incident last fall 2018. It occurred at Walmart.

Attorney Coyle asked if it had not been adjudicated then.

Chief Reed answered it had not been adjudicated. A warrant was issued through the DA's Office on their case. She was arrested on March 4, 2019 on a misdemeanor charge of battery. They checked on that just a few days ago and it does not have a final disposition and that case is still pending. In fact, the DA asked for additional information. It has not been fully adjudicated.

Councilwoman Simons told Ms. Ceja that she would have a chance to cross examine.

Attorney Coyle asked are you aware of this claim from testimony that Ms. Ceja provided about a separation or something going on between herself and Mr. Nunez.

Chief Reed answered he has heard that from her several times before.

Attorney Coyle asked how long have you heard that.

Chief Reed answered a rough estimate 1 to 2 years. She's told that to him before that they are divorcing or in the process of a divorce, or splitting up or separated or something. Maybe 2 or 3 times she's told that to him when they have talked over the last couple of years. All of their talks have been formal at scheduled meetings regarding issues with the liquor license or her as an applicant.

Attorney Coyle asked how long has he been in charge of enforcing the Elko Liquor Control Code.

Chief Reed answered all six years.

Attorney Coyle asked did you have similar enforcement responsibilities in other jurisdictions before that.

Chief Reed answered similar. A portion of it when he was a Police Captain in another jurisdiction. Ultimately the buck did not stop at his desk, it stopped with the Chief but he was involved in the process.

Attorney Coyle asked considering the totality of the evidence and circumstances, in your opinion, does Nuala LLC or the appellant have the good moral character or satisfactory business responsibility required under our Elko Liquor Control Code.

Chief Reed answered no.

Attorney Coyle asked is there a lack of fitness to be a liquor licensee.

Chief Reed answered there is.

Attorney Coyle asked would there be grounds for discipline for late payments and other violations of the City Code.

Chief Reed answered there would be, yes.

Attorney Coyle asked would there be grounds to deny a license if they were applying for one for lack of business responsibility or a likelihood to lead to further violations of the code.

Chief Reed answered yes.

Attorney Coyle asked also for insufficient good moral conduct and satisfactory business responsibility.

Chief Reed answered yes. In fact, he thought they demonstrated here today... Each and every one of these things in itself is sufficient. We have a large variety and numerous instances in every direction here. From our standpoint, and just speaking freely, to remind the Council, one of the things he does in particular and have done since he became the Chief, is when new applicants for liquor licenses come in, and in particularly when they are applying for a liquor license for something that he would describe as difficult or sometimes hazardous, such as a bar, he meets with them, all of them. He hands them a copy of the liquor control code. He points out common ways in which they can get sideways of the code. He tries to give them some guidance on how to comply and what we expect at the Police Department. He thinks it's a worthy conversation. He thinks it's a two-way street. He points out they can assist them when they are doing their security checks if they have problems in the bars as well. He does that and then when he becomes aware of problems he typically meets with and maybe issue a warning. That was done a couple of times with Acela because she is in a unique circumstance of being the licensee on two go-arounds here with two other different people, with a revocation brought by their non-payment in between. There has been opportunity after opportunity to get this right is this point. By the time we end up asking for assistance from the Council, and at this time the appellant did, its late in the game and we have lots of egregious violations. You can pick one here. We have water issues, public safety, fire safety, cocaine use by one of the licensees. All of this that we are bringing up today, the new stuff was done while the licensees are already on probation from back in March. He doesn't know what else staff could have done to assist them in their successful business practices, but we are way beyond that.

Attorney Coyle said he would pass the witness.

Mayor Keener asked if the board had any questions of Chief Reed. Does the appellant have any questions of Chief Reed?

Ms. Ceja said Carlos' involvement was up until the last week of April. Before then he was involved. On her issue, she was under the assumption that it was thrown out because, she contested it. It was something that wasn't true. She was going to court for that and the lawyer said it was thrown out. The witness never showed and there wasn't enough evidence. The reason she was arrested was the Sheriff's Department was looking for her at the previous address. That's where they took the paperwork and they couldn't find her. When they went to her place of business, she was in Salt Lake for another appointment. When she came back that

was when she went to ask what it was about. They arrested her then and she was released the same day.

Attorney Coyle asked if there were questions for the Chief.

Ms. Ceja answered no.

Chief Reed said, for the Council's benefit, there were other criminal violations on behalf of the business owner with that privilege license. The information they received from the court just last week showed that wasn't completed to adjudication yet. As far as he knows, it is still pending. Our agency did investigate the original case and then it went to warrant.

Mayor Keener said if there is nothing, he dismissed Chief Reed. He asked Ms. Ceja if would like to add anything. Is there was anything she would like to rebut. Would she like to provide some closing arguments?

Ms. Ceja answered no. She thought everything else had been said. She didn't know what else to say after hearing all of this.

Mayor Keener thanked her and asked if Mr. Coyle had anything to add or do they go directly into deliberation.

Attorney Coyle said he had prepared a lengthy recap of all of the evidence and testimony before the Council. One thing beforehand, he offered into evidence for the Council formally, the exhibit packet that should be made part of the record. He thought as the Chief summarized in his testimony, the overall pattern and the serious conduct here. This sort of thing speaks for itself. We have a situation where these licensees are not of satisfactory business responsibility. He asked the appeal be denied and the notice of non-renewal be upheld by the City Clerk.

Mayor Keener said he referenced the exhibit packet, and for the benefit of those that are tuning in online, that contains high resolution photos of the evidence. He just wanted to state that plainly. We have a recommendation by the Elko Police Department of non-renewal, by our City Attorney and also by our Clerk's Office. Given that recommendation, it's a very high hurdle for an applicant to overcome that, however, when you complicate it by the fact that you are already on probation, it becomes almost an impossible thing to overcome. He has heard the evidence. He has been tracking this as a liaison with the Elko Police Department for a number of months and he heard everything he needs to hear to convince him beyond a reasonable doubt that there is no basis to renew this liquor license. He felt like we will be in another special hearing like this again. Look at all the staff time this has consumed; a tremendous amount of staff time. It is a black eye for all of the operators out there of bars and liquor establishments that operate them in responsible ways. He probably said more than enough. Any other board comments?

Councilman Hance said in looking back at the paperwork, the business license should have never have been issued in the first place, back on 4/20/2018 because the business license application was incomplete. It only shows one of the two owners even listed on the business license application. It goes downhill from there if you go through the rest of the paperwork. There is a lot of non-compliance at that point. Then along with all of the other incidents that have happened in there, he agreed that it was too much for a privilege license. It's hard to get a

business license, much less a privilege license, and maintain it legally. There are way too many issues in his opinion.

Councilman Schmidtlein said he wanted to point out a few things, mainly to Acela. Back in March 26, he went ahead and re-copied the transcript of what was said at the meeting. He pulled that up today. He wanted to make sure the licensees understood what they were signing. Do you recall us having that conversation at the last Council Meeting? So he said Acela and Carlos both said they understood what the agreement was. You understood what you were signing, correct?

Ms. Ceja answered correct.

Councilman Schmidtlein said he also went on to mention, and it has been mentioned several times tonight, that a liquor license is a privileged license. And you totally understood that as well. We can take disciplinary action at any given moment. "I hope they don't come back to the Council because, if so, they will revoke the license." Here we are today at another hearing, during a probation period of time. Does that make sense?

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Hance, with some of the findings in reference to a motion: a liquor license is a privilege license and the Elko Liquor Control Code is designated to require high standards to protect the public health, safety, morals and welfare, as the Chief indicated to today. Our code prohibits renewal of a license if there is any violation which impacts the licensed business or operation under 4-5-10G. Code does not permit an automatic renewal. There is not compliance with our Liquor Control Code. Licensees are required to be in a good moral character and satisfactory business responsibility under 4-5-6A and 4-5-13A. The licensees previously admitted violations of the Elko Liquor Control Code and entered into a probationary license status by stipulation as shown in the agreement regarding liquor licenses discipline dated March 26, 2019. Grounds for license discipline under 4-5-13A include late payments, violations of any Liquor Control Code or City Code or any law of the state or the United States regarding the sales, serving or dispensing of liquors, pertaining to the operation of the licensed business. Further grounds include a licensee unsatisfactory fitness and any ground that would be sufficient to deny a license, which includes business responsibilities and whether the issuance is likely to lead to further violations and good moral character and satisfactory business responsibilities. The evidence in testimony concerning past and present license payments, utility payments and shut-off history of the license, the cocaine incident wherein one member of the licensee at the time conducted such activities on a fellow liquor license premises, concerns regarding the composition of Nuala as licensee and the continued involvement of Nunez, and failures in delays in removing him from the licensed entity and activities, the unpaid state taxes, all of this, especially in light of a recent licensee discipline in March of this year, and that this license is currently on probation, are sufficient to show violations of our Liquor Control Code. A likelihood of further violations were the licensee be renewed and a lack of good moral character and/or satisfactory business responsibilities, and violations of the Liquor Control Code. The appeal is therefore denied and the decision of the City Clerk of not to renew the liquor license is upheld. The licensees' authority to conduct liquor license activities will end on Monday, September 30, 2019, at 11:59 p.m. and all liquor on the premises must immediately be removed from the premises at the time to be verified by the Elko Police Department.**

Mayor Keener asked if there was any public comment or would Ms. Ceja care to comment.

Ms. Ceja indicated she had no comment.

The motion passed unanimously. (5-0)

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

CITY OF ELKO
CITY COUNCIL AGENDA
SPECIAL SESSION
2:00 P.M., P.D.S.T., FRIDAY, SEPTEMBER 27, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

I. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Consideration of an appeal from Nualla LLC d/b/a Cabo and its members and principals, including but not limited to Acela Ceja and Carlos Nunez, of the City of Elko's notice of "Non-Renewal of Liquor License," which liquor license expires on September 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Nualla LLC d/b/a Cabo is currently on probation, resulting from prior Liquor Code violation(s). On August 29, 2019, the City of Elko provided a "Notice of Non-Renewal of Liquor License" to the members and principals of Nualla LLC d/b/a Cabo based on the grounds set forth therein. A copy of the notice has been included in the agenda packet for review. CC

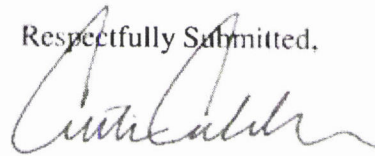
COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

NOTE: The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Curtis Calder", written in a cursive style.

Curtis Calder
City Manager

CITY OF ELKO
CITY COUNCIL AGENDA
SPECIAL SESSION
2:00 P.M., P.D.S.T., FRIDAY, SEPTEMBER 27, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

I. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Consideration of an appeal from Nualla LLC d/b/a Cabo and its members and principals, including but not limited to Acela Ceja and Carlos Nunez, of the City of Elko's notice of "Non-Renewal of Liquor License," which liquor license expires on September 30, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

Nualla LLC d/b/a Cabo is currently on probation, resulting from prior Liquor Code violation(s). On August 29, 2019, the City of Elko provided a "Notice of Non-Renewal of Liquor License" to the members and principals of Nualla LLC d/b/a Cabo based on the grounds set forth therein. A copy of the notice has been included in the agenda packet for review. CC

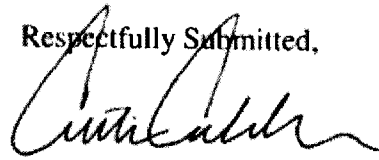
COMMENTS BY THE GENERAL PUBLIC

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ADJOURNMENT

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Curtis Calder', written over the printed name.

Curtis Calder
City Manager

**Nuala, LLC dba Cabo License Non-Renewal
Hearing 9-27/19
Proof of Service**

Attached are Proofs of Service documents showing service upon the Licensee(s), Nualla, LLC, Acela Ceja, and Carlos Nunez as follows:

1. Notice of Non-Renewal: served by personal service on August 30, 2019.
2. NRS 241.033/.034 Notice of Meeting, which may include discussion of competence etc. concerning Acela Ceja: served by personal service on September 17, 2019.
3. NRS 241.033/.034 Notice of Meeting, which may include discussion of competence etc. concerning Carlos Nunez: served by personal service on September 19, 2019.
4. NRS 241.033/.034 Notice of Meeting, which may include discussion of competence etc. concerning Danny Hoang: served by personal service on September 17, 2019.

Exhibit A

#2019-19721

CERTIFICATE OF PERSONAL SERVICE

I HEREBY CERTIFY that I am an officer of the Elko Police Department and that
I personally served the:

Notice of Non-Renewal of Liquor License

The notice/a copy of which is attached was served by:

Personal Delivery to Liquor Licensee, Cabo, Carlos Nunez,

at 449 Railroad St.

on the 30 day of Aug, 2019.

Dated this 30 day of August, 2019.

by: M. Larsen

Badge No.: 117

Print Name: MARTIN LARSEN

NOTICE OF NON-RENEWAL OF LIQUOR LICENSE

To: Nualla LLC d/b/a Cabo and its members and principals ("Licensee")(hereafter sometimes "Cabo")

420 Elm St. # 1

Elko, Nv, 89801

ATTENTION: This NOTICE OF NON-RENEWAL supersedes the renewal invoice dated 8/14/2019 sent to the Licensee. For the reasons stated in this Notice, the City will not renew the liquor license for Cabo and the liquor license for Cabo is automatically revoked for non-renewal, effective upon the expiration of Cabo's present liquor license on September 30, 2019.

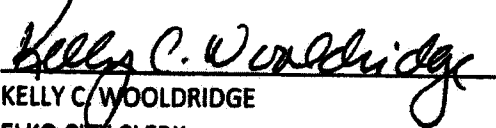
The grounds for this non-renewal of your license are as follows:

- A. **Factual Basis:** Recent prior violation resulting in probation (License Discipline Agreement dated March 26, 2019); uninvolved entity members not actively participating in management and suffering, allowing or permitting acts of primary management; Nunez (primary manager of Cabo) providing controlled substance on a different liquor licensed premises after hours for use in partying on or about May 16, 2019; Nunez participating in possession and use of controlled substance at the other liquor licensed premises; Nunez leaving controlled substance remnants in a liquor licensed premises; and/or Cabo pattern of late license payments and water service payments.
- B. **Relevant Code Provisions and Other Considerations**
 1. Public health, safety, morals and welfare of the City require the regulation and control of all persons who sell, serve or give away liquor. 4-5-2A.
 2. Liquor license is a privilege. 4-5-2A.
 3. Holder of liquor license must be in good standing. 4-5-2B.
 4. All persons who have management of the business are subject to investigation as may be necessary to protect the public good, welfare, safety, health and morals of the City inhabitants – requiring investigation of the moral character and business responsibility of the applicants. 4-5-4N.
 5. Licenses are prohibited unless each applicant is a person of good moral character and satisfactory business responsibility. 4-5-6A and 4-5-13A.
 6. Video and other evidence show or tend to show felonious conduct/behavior on a licensed premises and weigh unfavorably on moral character and satisfactory business responsibility.
 7. Previous violations are factors in licensing decisions. 4-5-9A and 4-5-13A. Cabo admitted a violation of the Liquor code and is presently in a probationary status.
 8. No license shall be automatically renewed if licensee not in compliance with state federal or local requirements or codes. 4-5-10.

9. Licensee actions, omissions and/or violations regarding a pattern of late payments on license fees (4-5-13A) and utility fees factor in determination of good moral character and/or unsatisfactory business responsibility.
10. Uninvolved business entity ownership interests – to the extent that other principals and members of the Licensee business entity have not actively engaged in business management, suffering or allowing or permitting the management and activities of the more culpable principal or member of the Licensee shows a lack of satisfactory business responsibility.
11. Violation of any provision of the liquor code. 4-5-13A3. Liquor code violated by licensee/applicant/manager not having requisite moral character or satisfactory business responsibility.
12. Named licensee commits acts sufficient for denial of applicant. 4-5-13A6. Application would have been denied by reason of lack of moral character and sufficient business responsibility.

You may contest this non-renewal by filing within 20 days of your personal service of this Notice of Non-Renewal with the City Clerk a written appeal and requesting a hearing before the City Council wherein the Council will uphold, modify or rescind the non-renewal of the license and/or determine any appropriate license discipline or conditions to place on the liquor license. Failure of the licensee to timely file an appeal or failure to appear at any subsequent appeal hearing shall be deemed an admission of the grounds set forth in this Notice of Non-Renewal and a waiver of any rights to contest the decision.

Dated this 29 day of August, 2019.


KELLY C WOOLDRIDGE
ELKO CITY CLERK

CERTIFICATE OF PERSONAL SERVICE

I HEREBY CERTIFY that I am an officer of the Elko Police Department and that I personally served the:

Notice of Meeting

The notice/a copy of which is attached was served by:

Personal Delivery to Liquor Licensee, Cabo, Acela Ceja,

at ELKO POLICE DEPARTMENT

on the 17th day of SEPTEMBER, 2019.

Dated this 17th day of SEPTEMBER, 2019.

by: 

Badge No: 159

Print Name: KYLE JONES

**NOTICE OF MEETING TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON PURSUANT TO NRS 241.033 AND
POSSIBLE ADMINISTRATIVE ACTION UNDER NRS 241.034**

September 16, 2019

VIA HAND DELIVERY

ACELA CEJA

***Re: Notice of Meeting to Consider Character, Misconduct, Competence of a Person And/Or
Possible Adverse Administrative Action Pursuant to NRS 241.033 and 241.034***

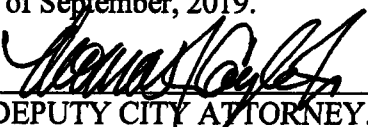
Dear Ms Ceja:

This NOTICE is in connection with an agenda item to consider possible action by the Elko City Council regarding your requested potential appeal of a decision not to renew your liquor license for the Cabo Bar, which may relate to or involve consideration of your character, alleged misconduct, physical or mental health and/or professional competence. The general topics being considered will be the activities related to the licensee's fitness to be a liquor licensee and what actions, if any, the City Council should take concerning the appeal. A previous Notice of Non-Renewal was sent to Nualla, LLC outlining the grounds for the City action. The City Council meeting/public hearing will be held at its City Council meeting on September 27th, 2019 at 2:00 p.m. at the location of 1751 College Avenue in Elko, Nevada. The meeting/public hearing is a public meeting, and you are welcome to attend and have an attorney or other representative of your choosing present during the meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, or professional competence.

The City Council may, without further notice, take administrative action against you at this meeting by making appropriate findings and orders concerning the above referenced items. The City Council will not go into closed session regarding this matter. This notice is provided to you under NRS 241.033 and NRS 241.034.

In the event you/Nualla, LLC fails to timely appeal the decision to not renew your liquor license, the City Council may elect not to hold the Council Meeting or the Council may determine at the meeting not hold the appeal hearing and the decision to not renew will become final.

Dated this 17th day of September, 2019.



THOMAS J. COYLE, JR, DEPUTY CITY ATTORNEY, CITY OF ELKO
530 Idaho Street, Elko, Nevada 89801 – Tel. (775) 738-8091

CERTIFICATE OF PERSONAL SERVICE

I HEREBY CERTIFY that I am an officer of the Elko Police Department and that I personally served the:

Notice of Meeting

The notice/a copy of which is attached was served by:

Personal Delivery to Liquor Licensee, Cabo, Carlos Nunez,

at 420 Elm St #1 Elko, NV 89801
on the 19 day of September, 2019.

Dated this 19 day of September, 2019.

by: M. Locusan

Badge No.: 117

Print Name: Matt Locusan

**NOTICE OF MEETING TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON PURSUANT TO NRS 241.033 AND
POSSIBLE ADMINISTRATIVE ACTION UNDER NRS 241.034**

September 16, 2019

VIA HAND DELIVERY

Carlos Nunez

***Re: Notice of Meeting to Consider Character, Misconduct, Competence of a Person And/Or
Possible Adverse Administrative Action Pursuant to NRS 241.033 and 241.034***


Dear Mr. Nunez:

This NOTICE is in connection with an agenda item to consider possible action by the Elko City Council regarding your potential requested appeal of a decision not to renew your liquor license for the Cabo Bar, which may relate to or involve consideration of your character, alleged misconduct, physical or mental health and/or professional competence. The general topics being considered will be the activities related to the licensee's fitness to be a liquor licensee and what actions, if any, the City Council should take concerning the appeal. A previous Notice of Non-Renewal was sent to Nualla, LLC outlining the grounds for the City action. The City Council meeting/public hearing will be held at its City Council meeting on September 27, 2019 at 2:00 p.m. at the location of 1751 College Avenue in Elko, Nevada. The meeting/public hearing is a public meeting, and you are welcome to attend and have an attorney or other representative of your choosing present during the meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, or professional competence.

The City Council may, without further notice, take administrative action against you at this meeting by making appropriate findings and orders concerning the above referenced items. The City Council will not go into closed session regarding this matter. This notice is provided to you under NRS 241.033 and NRS 241.034.

In the event you/Nualla, LLC fails to timely appeal the decision to not renew your liquor license, the City Council may elect not to hold the Council Meeting or the Council may determine at the meeting not hold the appeal hearing and the decision to not renew will become final.

Dated this 17th day of September, 2019.



THOMAS J. COYLE, JR., DEPUTY CITY ATTORNEY, CITY OF ELKO
530 Idaho Street, Elko, Nevada 89801 – Tel. (775) 738-8091

CERTIFICATE OF PERSONAL SERVICE

I HEREBY CERTIFY that I am an officer of the Elko Police Department and that I personally served the:

Notice of Meeting

The notice/a copy of which is attached was served by:

Personal Delivery to Liquor Licensee, Cowboys, Quoc "Danny" Hoang,

at WALMART (ELKO, NV)

on the 17th day of SEPTEMBER, 2019.

Dated this 17th day of SEPTEMBER, 2019.

by: 

Badge No.: 159

Print Name: KYLE JONES

**NOTICE OF MEETING TO CONSIDER CHARACTER, MISCONDUCT,
COMPETENCE OR HEALTH OF A PERSON PURSUANT TO NRS 241.033 AND
POSSIBLE ADMINISTRATIVE ACTION UNDER 241.034**

September 16, 2019

VIA HAND DELIVERY

QUOC "DANNY" HOANG

***Re: Notice of Meeting to Consider Character, Misconduct, Competence of a Person And/Or
Possible Adverse Administrative Action Pursuant to NRS 241.033 and 241.034***

Dear Mr. Hoang:

This NOTICE is in connection with an agenda item to consider possible action by the Elko City Council regarding your potential requested appeal of a decision not to renew your liquor license for the Cowboys Bar, which may relate to or involve consideration of your character, alleged misconduct, physical or mental health and/or professional competence. The general topics being considered will be the activities related to the licensee's fitness to be a liquor licensee and what actions, if any, the City Council should take concerning the appeal. A previous Notice of Non-Renewal was sent to Jaden Enterprises, LLC outlining the grounds for the City action. The City Council meeting/public hearing will be held at its City Council meeting on September 27th, 2019 at 2:00 p.m. at the location of 1751 College Avenue in Elko, Nevada. The meeting/public hearing is a public meeting, and you are welcome to attend and have an attorney or other representative of your choosing present during the meeting and present written evidence, provide testimony, and present witnesses relating to your character, alleged misconduct, or professional competence.

The City Council may, without further notice, take administrative action against you at this meeting by making appropriate findings and orders concerning the above referenced items. The City Council will not go into closed session regarding this matter. This notice is provided to you under NRS 241.033 and NRS 241.034.

In the event you/Jaden Enterprises, LLC fails to timely appeal the decision to not renew your liquor license, the City Council may elect not to hold the Council Meeting or the Council may determine at the meeting not hold the appeal hearing and the decision to not renew will become final.

Dated this 17th day of September, 2019.



THOMAS J. COYLE, JR., DEPUTY CITY ATTORNEY, CITY OF ELKO
530 Idaho Street, Elko, Nevada 89801 – Tel. (775) 738-8091

Nuala Liquor License Non-Renewal Appeal Hearing 9/27/19

Elko Exhibit Packet

- | | |
|-------------------|--|
| Exhibit 1 | Appeal Document – Page 1 |
| Exhibit 2 | Discipline Agreement – Page 5 |
| Exhibit 3 | Notice of Non-Renewal – Page 11 |
| Exhibit 4 | Department of Taxation Liens – Page 14 |
| Exhibit 5 | Still Pictures – Page 18 |
| Exhibit 6 | Police Report and Interview (Redacted) – Page 24 |
| Exhibit 7 | Nuala Liquor License – Page 33 |
| Exhibit 8 | City Clerk File Summary Regarding Cabo – Page 35 |
| Exhibit 9 | City Clerk File Cabo 4/14/16 to 7/21/17 – Page 38 |
| Exhibit 10 | City Clerk File Cabo 4/25/18 to Current – Page 71 |
| Exhibit 11 | Nunez Arrest Warrant and Booking Sheet – Page 106 |
| Exhibit 12 | Liquor Control Code – Page 109 |

Exhibit B

EXHIBIT "1"

Cabo

449 Railroad St.
Elko, Nv. 89801
(775)340-7858
cabobar2016@gmail.com

September 16, 2019

Acela Ceja

Owner, Nuala LLC/Cabo
1655 Clarkson Dr. #42
Elko, Nv. 89801

To whom it may concern,

Please accept this letter as notification that Carlos Nunez has been removed from Nuala LLC effective September 16, 2019. In addition, Carlos Nunez has not operated, managed or has had any part other than being a contracted DJ at Cabo as of May 1, 2019.

I deeply regret the unfortunate actions Carlos Nunez committed on or about May 16, 2019 that has consequently put Cabo's business licence in non-renewal status. These actions are not ones I condone or am in anyway apart of.

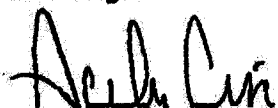
I am aware Cabo is still under probation and this has been a violation of it. I would like to have the opportunity to plead my case as well as to have the consideration to continue operating the business. Carlos Nunez and I, Acela Ceja are going through a divorce and I have a potential buyer that conditions are that the bar remain in an operational state.

Lastly I would like to add that with the help of our new accountant and manager we are taking care of all payments and debt accumulated thus far. We have been able to advance and make payments on them and will continue to amend and fix the payment patterns of the past.

Please note that attached is a copy of the amended State business licence.

Sincerely,

Acela Ceja



RECEIVED
SEP 17 2019 *pw*

CABO 2



BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov
www.nvsliverflume.gov

Annual or Amended List and State Business License Application

☒ ANNUAL ☐ AMENDED (check one)

List of Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

NUALA LLC
NAME OF ENTITY

NV20151679670

Entity or Nevada Business
Identification Number (NVID)

TYPE OR PRINT ONLY - USE DARK INK ONLY - DO NOT HIGHLIGHT

IMPORTANT: Read instructions before completing and returning this form.

Please indicate the entity type (check only one):

- ☐ Corporation
☐ This corporation is publicly traded, the Central Index Key number is:
- ☐ Nonprofit Corporation (see nonprofit sections below)
- ☒ Limited-Liability Company
- ☐ Limited Partnership
- ☐ Limited-Liability Partnership
- ☐ Limited-Liability Limited Partnership
- ☐ Business Trust
- ☐ Corporation Sole

Filed in the Office of <i>Barbara K. Cegavske</i> Secretary State Of Nevada	Business Number 20151679670 Filing Number 20150101107 Filed On 08/15/2015 10:30:32 PM Number of Pages 2
--	--

Additional Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers, may be listed on a supplemental page.

CHECK ONLY IF APPLICABLE

Pursuant to NRS Chapter 76, this entity is exempt from the business license fee.

- ☐ 001 - Governmental Entity
- ☐ 006 - NRS 680B.020 Insurance Co, provide license or certificate of authority number

For nonprofit entities formed under NRS chapter 80: entities without 501(c) nonprofit designation are required to maintain a state business license, the fee is \$200.00. Those claiming an exemption under 501(c) designation must indicate by checking box below.

- ☐ Pursuant to NRS Chapter 76, this entity is a 501(c) nonprofit entity and is exempt from the business license fee.
Exemption Code 002

For nonprofit entities formed under NRS Chapter 81: entities which are Unit-owners' association or Religious, Charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) are excluded from the requirement to obtain a state business license. Please indicate below if this entity falls under one of these categories by marking the appropriate box. If the entity does not fall under either of these categories please submit \$200.00 for the state business license.

- ☐ Unit-owners' Association ☐ Religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)

For nonprofit entities formed under NRS Chapter 82 and 80-Charitable Solicitation Information - check applicable box

Does the Organization intend to solicit charitable or tax deductible contributions?

- ☐ No - no additional form is required
- ☐ Yes - the "Charitable Solicitation Registration Statement" is required.
- ☐ The Organization claims exemption pursuant to NRS 82A 210 - the "Exemption From Charitable Solicitation Registration Statement" is required

****Failure to include the required statement form will result in rejection of the filing and could result in late fees.****



BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov
www.nvsilverflume.gov

Annual or Amended List and State Business License Application - Continued

Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

CORPORATION, INDICATE THE MANAGER:

ACELA CEJA

Name

USA

Country

1655 Carson Dr #42

Address

Elko

City

NV

State

89801

Zip/Postal Code

None of the officers and directors identified in the list of officers has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X Acela Ceja

Signature of Officer, Manager, Managing Member,
General Partner, Managing Partner, Trustee,
Subscriber, Member, Owner of Business,
Partner or Authorized Signer

UNSIGNED

Manager

Title

09/16/2019

Date

EXHIBIT "2"



ELKO POLICE DEPARTMENT

1448 Silver Street
Elko Nevada 89801
775.777.7310
775.738.1415 Fax
epd@elkocitynv.gov

Ben Reed, Jr.
Police Chief

December 19, 2018

COPY

Acela Ceja
Cabo
449 Railroad Street
Elko, Nevada 89801

RE: Liquor Law Violations

Dear Ms. Ceja,

This letter is to inform you of alleged violations of the Elko Liquor Control Code, which recently occurred at Cabo.

On November 3, 2018, Elko Police officers learned of an incident involving at least one 16 year-old minor and possibly others believed to be allowed into the Cabo bar in the later hours of November 2, 2018, or the early morning hours of November 3, 2018. Upon investigation of the incident, officers determined a 16 year-old minor had been performing in the band and consuming alcoholic beverages inside of the establishment. Furthermore, this incident constitutes violations of Elko City Codes 4-5-19 (A), 4-5-21 (A-1), 4-5-24, 4-5-25 (A), and 4-5-26 (A) and (B); and possibly others, on behalf of the liquor licensee.

All violations of the Elko Liquor Control Code are subject to penalties and / or discipline as stated in the code. The alleged violations listed above, and / or any future violations of the Elko Liquor Control Code, may result in a hearing before the Elko City Council.

If you have any questions regarding the above listed incident, please contact me at (775) 777-7315.

Cordially,

A handwritten signature in black ink, appearing to read "Ben Reed, Jr.", is written over the typed name.

Ben Reed, Jr.
Police Chief
Elko Police Department
City of Elko, Nevada

BR/tle

AGREEMENT REGARDING LIQUOR LICENSE DISCIPLINE

The undersigned hereby agree and stipulate as follows:

1. This settlement agreement ("Agreement") herein is subject to prior approval or ratification of the Elko City Council ("Council") and is in lieu of formal liquor license disciplinary proceedings under Title 4 Chapter 5 of the Elko City Code ("Liquor Control Code"). Both parties hereby waive any and all rights under Title 4 Chapter 5 to challenge the discipline set forth herein upon execution of this agreement by all parties and approval by the Council.
2. For purposes of this Agreement, "Licensee" or "Licensees" shall, unless otherwise expressly provided, mean any business entity, named licensee and/or any other principal identified upon the liquor license application of the above-stated licensee and all employees, agents, independent contractors and managers of said individuals or agents.
3. Licensee admits to a violation of Elko City Code 4-5-26 Knowingly Allowing Minor to Loiter in Bar Area on or about November 2, 2018. The penalty for the violation shall be as follows: a) a fine payable within ten (10) days, within ten (10) days of Council approval, to the City Clerk's office in the sum of \$1,000 ; and, b) probation, upon the conditions which follow hereafter, for a period of one year following the date of approval of this agreement by the City Council and execution of this agreement by Licensee. Any violations of this Agreement, the probation conditions set forth herein, the Liquor Control Code or other provisions of the Elko City Code by Licensee subsequent to this Agreement shall constitute grounds for further liquor license discipline, in addition to any other enforcement action by the City.
4. During the period of probation, Licensee must comply with the terms and conditions set forth herein. In the event the Licensee obtains a renewal during the probationary

Scanned

period, any such renewal will be subject to the terms of this agreement for the remaining probationary period.

5. For the period beginning April 14, 2019 through April 24, 2019 ("Closure Period"), Licensee shall close Nuala LLC, a Nevada limited liability company, dba Cabo Bar, located at 449 Railroad St. in Elko ("Business") from all business activities and further prohibit the public from entering the Business premises for any reason. The alcohol located on the Business premises ("Premises") during the Closure Period may be maintained on location provided that the Elko Police Chief or his designee approves of the storage and security measures on the Premises. Further, from the March 31, 2019 through April 30, 2019, except for the Closure Period described above, the Business shall fully close the bar and remove all patrons from the Premises on or before 2:00 a.m. each day.

6. During the period of probation, Licensee shall check identifications of all persons entering the Premises and shall immediately notify the Chief of Police or, if he is not available, an on-duty police officer, if any person under the age of twenty-one (21) will be permitted on the Premises for any purpose.

7. During the period of probation, Licensees present on the premises and performing employment or other duties in connection with the business shall not be under the influence of alcohol or drugs while on the premises. For purposes of this agreement, "under the influence" shall have same meaning as ascribed to that term in the DUI laws of the state of Nevada. This provision shall not impact any rights to testing otherwise permissible by law or any voluntary testing. Upon reasonable suspicion a police officer may request Licensee to submit to testing on the Premises and a refusal to submit to such testing shall be deemed to be a violation of the provision.

8. During the period of probation, Licensee shall provide for security at the premises to include: 1) personnel at all entrances and exits of the premises whenever the Licensee is in operation from the hours of 10:00 p.m. to until closure on all Fridays and Saturdays (A person shall not be required at any exit which is not allowed to be used as an entrance and which has a door which can only be opened from inside the premises that contains an alarm bar and does not violate any applicable fire code); and 2) security cameras installed which record the areas open to patrons while operating and the recordings of which are maintained for at least fifteen (15) calendar days and subject to review by any on-duty police officer upon request.

9. Within ten (10) days of Council approval of this Agreement, Licensee shall pay \$2,310 to the City Clerk to reimburse the City for legal fees incurred in connection with the matters underlying this Agreement.

10. The violation admitted herein may be considered in determining the appropriate level of discipline in any subsequent business license or liquor license disciplinary action against the Business or the Licensee for acts or omissions which occurred within sixty (60) months of the Council approval of this Agreement.

DATED this 26th day of March, 2019.

CITY OF ELKO

BY: 
Curtis Calder, City Manager

//

//

LICENSEE, Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar

Accla Ceja

By: Accla Ceja, Individually and as
Manager
449 Railroad Street
Elko, NV 89801

Carlos Nunez

By: Carlos Nunez, Individually and as
Manager
449 Railroad Street
Elko, NV 89801

STATE OF NEVADA)
)SS.
COUNTY OF ELKO)

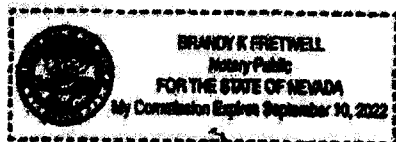
This instrument was acknowledged before me on March 26th, 2019, by CURTIS CALDER, as City Manager City of Elko.



Brandy K. Fretwell
NOTARY PUBLIC

STATE OF NEVADA)
)SS.
COUNTY OF ELKO)

This instrument was acknowledged before me on March 20th, 2019, by ACELA CEJA, Individually and as a Manager of Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar and CARLOS NUNEZ, Individually and as a Manager of Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar.



Brandy K. Fretwell
NOTARY PUBLIC

EXHIBIT "3"

NOTICE OF NON-RENEWAL OF LIQUOR LICENSE

To: Nualla LLC d/b/a Cabo and its members and principals ("Licensee")(hereafter sometimes "Cabo")

420 Elm St. # 1

Elko, Nv, 89801

ATTENTION: This NOTICE OF NON-RENEWAL supersedes the renewal invoice dated 8/14/2019 sent to the Licensee. For the reasons stated in this Notice, the City will not renew the liquor license for Cabo and the liquor license for Cabo is automatically revoked for non-renewal, effective upon the expiration of Cabo's present liquor license on September 30, 2019.

The grounds for this non-renewal of your license are as follows:

- A. **Factual Basis:** Recent prior violation resulting in probation (License Discipline Agreement dated March 26, 2019); uninvolved entity members not actively participating in management and suffering, allowing or permitting acts of primary management; Nunez (primary manager of Cabo) providing controlled substance on a different liquor licensed premises after hours for use in partying on or about May 16, 2019; Nunez participating in possession and use of controlled substance at the other liquor licensed premises; Nunez leaving controlled substance remnants in a liquor licensed premises; and/or Cabo pattern of late license payments and water service payments.
- B. **Relevant Code Provisions and Other Considerations**
 1. Public health, safety, morals and welfare of the City require the regulation and control of all persons who sell, serve or give away liquor. 4-5-2A.
 2. Liquor license is a privilege. 4-5-2A.
 3. Holder of liquor license must be in good standing. 4-5-2B.
 4. All persons who have management of the business are subject to investigation as may be necessary to protect the public good, welfare, safety, health and morals of the City inhabitants – requiring investigation of the moral character and business responsibility of the applicants. 4-5-4N.
 5. Licenses are prohibited unless each applicant is a person of good moral character and satisfactory business responsibility. 4-5-6A and 4-5-13A.
 6. Video and other evidence show or tend to show felonious conduct/behavior on a licensed premises and weigh unfavorably on moral character and satisfactory business responsibility.
 7. Previous violations are factors in licensing decisions. 4-5-9A and 4-5-13A. Cabo admitted a violation of the Liquor code and is presently in a probationary status.
 8. No license shall be automatically renewed if licensee not in compliance with state federal or local requirements or codes. 4-5-10.

9. Licensee actions, omissions and/or violations regarding a pattern of late payments on license fees (4-5-13A) and utility fees factor in determination of good moral character and/or unsatisfactory business responsibility.
10. Uninvolved business entity ownership interests – to the extent that other principals and members of the Licensee business entity have not actively engaged in business management, suffering or allowing or permitting the management and activities of the more culpable principal or member of the Licensee shows a lack of satisfactory business responsibility.
11. Violation of any provision of the liquor code. 4-5-13A3. Liquor code violated by licensee/applicant/manager not having requisite moral character or satisfactory business responsibility.
12. Named licensee commits acts sufficient for denial of applicant. 4-5-13A6. Application would have been denied by reason of lack of moral character and sufficient business responsibility.

You may contest this non-renewal by filing within 20 days of your personal service of this Notice of Non-Renewal with the City Clerk a written appeal and requesting a hearing before the City Council wherein the Council will uphold, modify or rescind the non-renewal of the license and/or determine any appropriate license discipline or conditions to place on the liquor license. Failure of the licensee to timely file an appeal or failure to appear at any subsequent appeal hearing shall be deemed an admission of the grounds set forth in this Notice of Non-Renewal and a waiver of any rights to contest the decision.

Dated this 29 day of August, 2019.


KELLY C. WOOLDRIDGE
ELKO CITY CLERK

EXHIBIT "4"



STEVE SISOLAK
Governor
JAMES DEVOLLD
Chair, Nevada Tax Commission
MELANIE YOUNG
Executive Director

**STATE OF NEVADA
DEPARTMENT OF TAXATION**

Web Site: <https://tax.nv.gov>

1550 College Parkway, Suite 115
Carson City, Nevada 89706-7937
Phone: (775) 684-2000 Fax: (775) 684-2020

LAS VEGAS OFFICE
Grant Sawyer Office Building, Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300 Fax: (702) 486-2373

RENO OFFICE
4600 Kietzke Lane
Building L, Suite 235
Reno, Nevada 89502
Phone: (775) 687-9999
Fax: (775) 688-1303

HENDERSON OFFICE
2550 Paseo Verde Parkway, Suite 180
Henderson, Nevada 89074
Phone: (702) 486-2300
Fax: (702) 486-3377

September 26, 2019

City of Elko
Attn: Debbie Henseler
Via electronic mail: buslic@elkocitynv.gov

To whom it may concern:

This letter is in response to an official request received from the City of Elko Business License Department on September 23, 2019, in conjunction with the Elko Police Department regarding the account status of Nuala DBA Cabo, which operates a night club at 449 Railroad Street in Elko Nevada.

The Nevada Department of Taxation currently shows an outstanding Sales tax balance of \$10,735.10, as well as returns not filed for Sales tax periods ending 8/31/18, and 10/31/18 through 7/31/19.

Should you require any further information, please contact Jason O'Brien at (775) 687-9975.

Sincerely,

Jason O'Brien, Revenue Officer II
Reno District Office – Nevada Department of Taxation

DOC # 741675

06/01/2018

08:08 AM

Official Record

Requested By
NEVADA DEPARTMENT OF TAXATION

Elko County - NV

D. Mike Smiles - Recorder

Page 1 of 1 Fee:
Recorded By: BT NPTT:

NO APN

Return to: Nevada Department of Taxation
1550 College Parkway, Suite 115
Carson City, Nevada 897067939
Phone: (775)684-2000CERTIFICATE OF AMOUNT OF TAX,
INTEREST AND PENALTIES DUE

Certificate No: 366412 Elko County

TID No: 1019765151

THE DEPARTMENT OF TAXATION of the State of Nevada hereby certifies that

NUALA

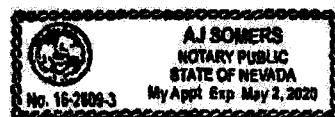
hereinafter referred to as taxpayer, is liable to the State of Nevada for amounts due from and required to be paid by the taxpayer and duly determined under the provisions of Chapters 360.473 of Nevada Revised Statutes, when applicable, for the period beginning on the 1st day of April 2016 and ending on the 31st day of July 2017 to wit: tax \$9,629.57; penalty \$1,047.95; interest \$1,328.90; returned check charge \$0.00; and fees \$0.00; the total amount is \$12,006.42; that further interest will accrue on any and all of the tax remaining unpaid after 06/30/2018, at the rate of .75 percent per month or fraction thereof; that the address of the taxpayer as it appears on the records of the Department is:

828 CARLIN CT
ELKO, NV 89801-4224

and that the Department of Taxation has complied with all the provisions of Chapters 360.473 of Nevada Revised Statutes, when applicable, in the determination of the amounts required to be paid. The undersigned hereby affirms that this document submitted for recording does not contain any personal information.

IN WITNESS WHEREOF, the said Department of Taxation has caused this Certificate to be executed.

Date: 06/01/2018

STATE OF NEVADA
Carson City } SSDEPARTMENT OF TAXATION
OF THE STATE OF NEVADA
Melanie Moffit
Melanie MoffitOn JUN 04 2018, personally appeared before me, a notary public, Melanie Moffit
who acknowledged that she executed the above instrument.*[Signature]*
Notary Public in and for State of Nevada

DOC # 741674

06/06/2018 09:46 AM

Official Record

Requested By
NEVADA DEPARTMENT OF TAXATION

Elko County - NV

D. Mike Swales - Recorder

Page 1 of 1 Fee:
Recorded By: ST RPTT:

NO APN

Return to: Nevada Department of Taxation
1650 College Parkway, Suite 116
Carson City, Nevada 897067939
Phone: (775)684-2000

741674

CERTIFICATE OF AMOUNT OF TAX,
INTEREST AND PENALTIES DUE

Certificate No: 388413 Elko County

TID No: 1012539148

THE DEPARTMENT OF TAXATION of the State of Nevada hereby certifies that

CEJA ACELA

hereinafter referred to as taxpayer, is liable to the State of Nevada for amounts due from and required to be paid by the taxpayer and duly determined under the provisions of Chapters 380.473 of Nevada Revised Statutes, when applicable, for the period beginning on the 1st day of April 2016 and ending on the 31st day of July 2017 to wit: tax \$9,629.57; penalty \$1,047.95; interest \$1,328.90; returned check charge \$0.00; and fees \$0.00; the total amount is \$12,006.42; that further interest will accrue on any and all of the tax remaining unpaid after 06/30/2018, at the rate of .75 percent per month or fraction thereof; that the address of the taxpayer as it appears on the records of the Department is:

828 CARLIN CT
ELKO, NV 89801-4224

and that the Department of Taxation has complied with all the provisions of Chapters 380.473 of Nevada Revised Statutes, when applicable, in the determination of the amounts required to be paid. The undersigned hereby affirms that this document submitted for recording does not contain any personal information.

IN WITNESS WHEREOF, the said Department of Taxation has caused this Certificate to be executed.

Date: 06/01/2018

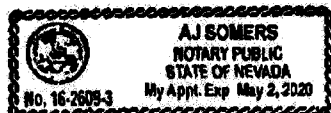
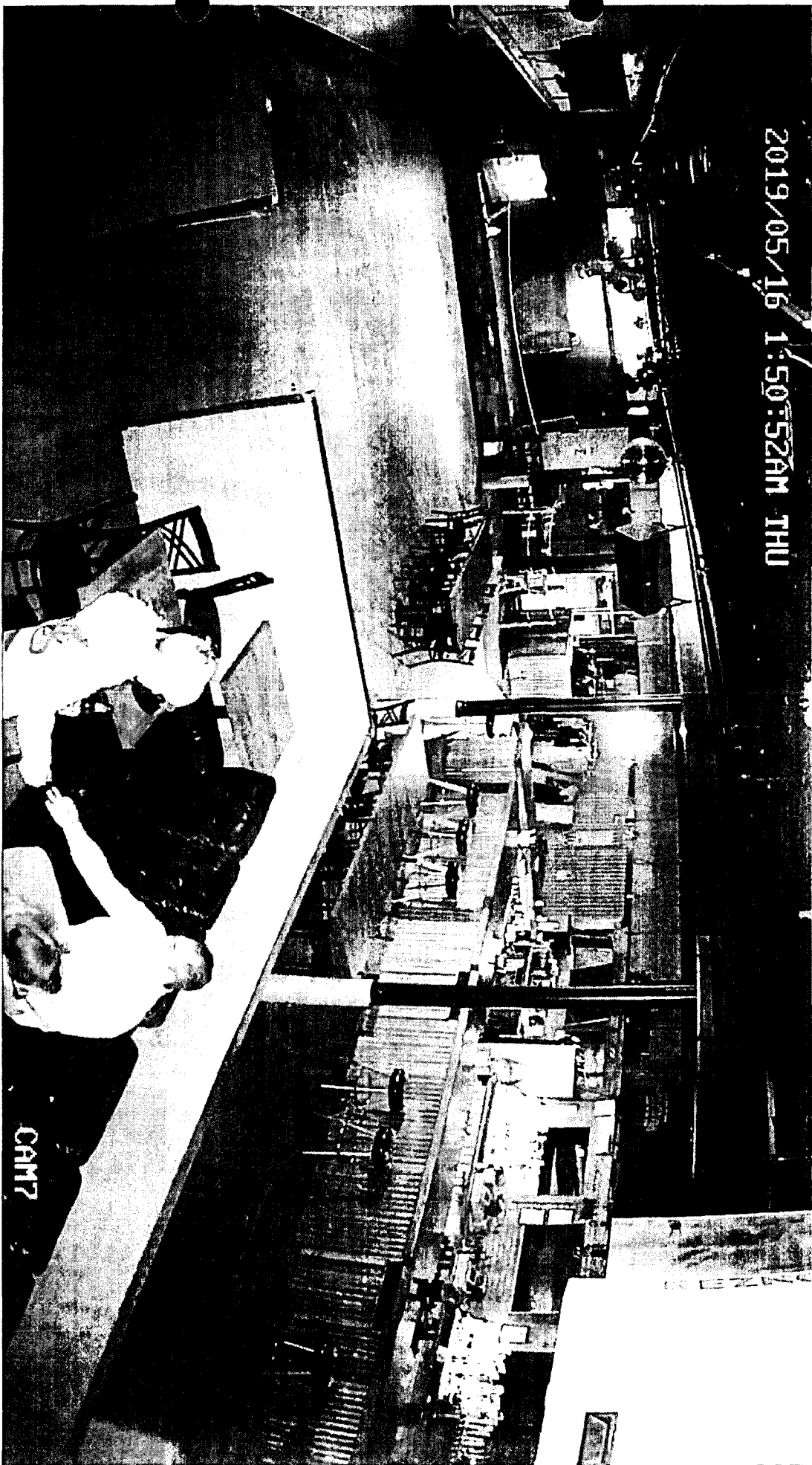
STATE OF NEVADA)
Carson City) SSDEPARTMENT OF TAXATION
OF THE STATE OF NEVADA
Melanie MoffitOn JUN 9 4 2018, personally appeared before me, a notary public, Melanie Moffit
who acknowledged that she executed the above instrument.
Notary Public in and for State of Nevada

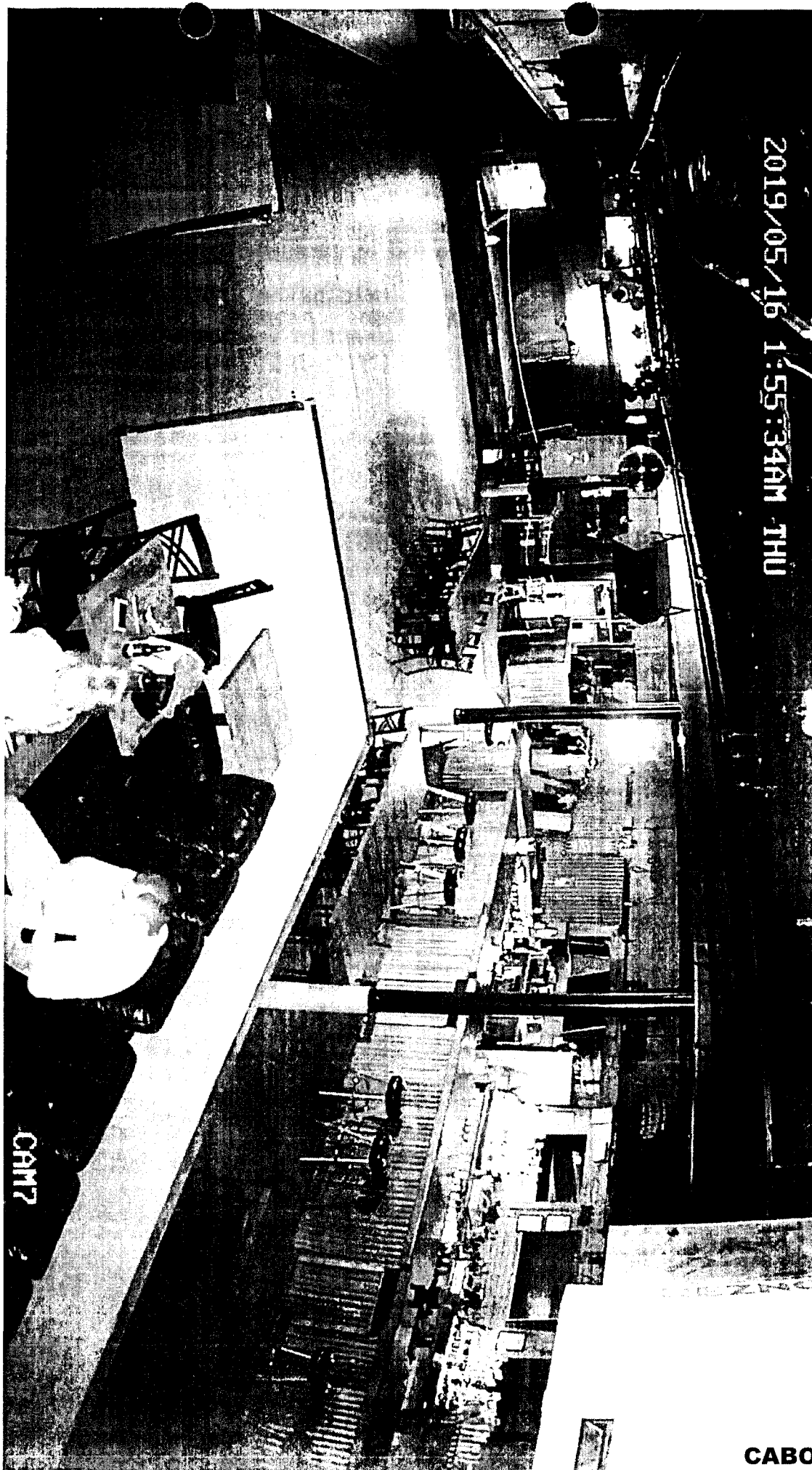
EXHIBIT "5"

2019/05/16 1:50:52AM THU



CAM7

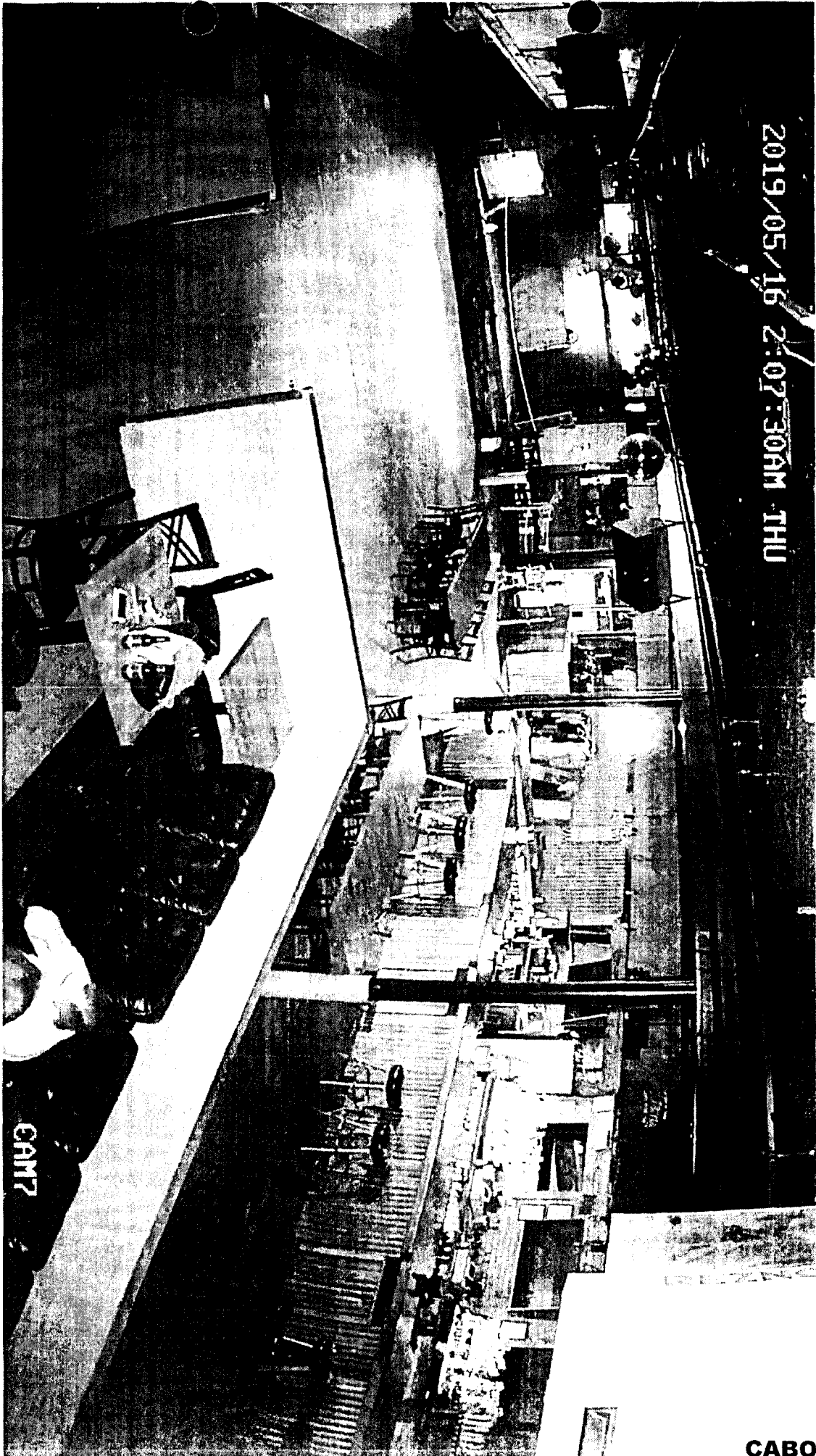
2019/05/16 1:55:34AM THU



CAM7

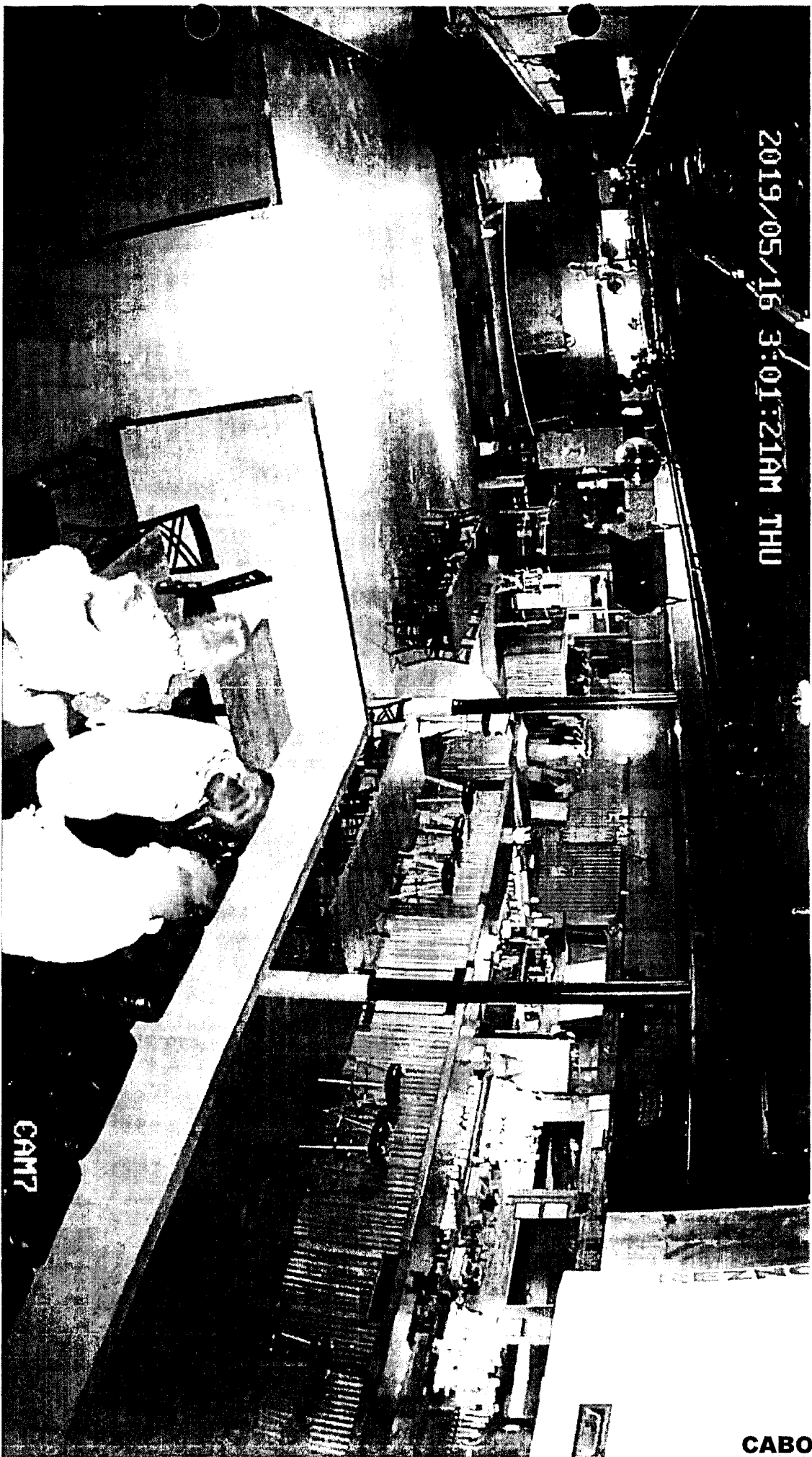
CABO 20

2019/05/16 2:07:30AM THU



CAM7

2019/05/16 3:01:21AM THU



CAM7



CABO 23

EXHIBIT "6"

NEVADA DEPARTMENT OF PUBLIC SAFETY
INVESTIGATION DIVISION
Case Opening Report

CASE NUMBER: 19I000505

NATURE: Narcotics Investigation

OFFENSE(S): Cont Subs. Possess. Cocaine -

DATE REPORTED: 08/07/2019

DATE ASSIGNED : 08/07/2019

DATE ARRESTED : No Arrest Reported



DATE THIS REPORT: 08/08/2019



ASSIGNED UNIT: Elko Narcotics Task Force

ASSIGNED INVESTIGATOR: Eisinger J W

CURRENT STATUS: Active

JUDICIAL STATUS:


REPORTING OFFICER SIGNATURE

APPROVED BY SIGNATURE


PRINTED NAME

PRINTED NAME


DATE

DATE

ATTENTION - OFFICIAL USE ONLY
DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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SECONDARY DISSEMINATION PROHIBITED

Dissemination is restricted to Criminal Justice agencies and authorized non-criminal justice agencies only. Secondary dissemination to unauthorized agencies or persons is prohibited by Privacy and Security Laws.

RELEASED TO: _____

RELEASED BY (NDII): _____

NAME INVOLVEMENTS

Complainant

NAME: ELKO NARCOTICS TASK FORCE,

ADDRESS: ELKO, NV

PHONE: (775)753-1310

Suspect(s)

NAME: NUNEZ, CARLOS

ADULT - - SEX: MALE - HAIR: BLACK - EYES: BROWN

ADDRESS: 449 RAILROAD ST, CABO BAR ELKO, NV

PHONE:

NAME: HOANG, QUOC V

ADULT - - SEX: MALE - HAIR: BROWN - EYES: BROWN

ADDRESS:

PHONE: NOT SPECIFIED

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RELEASED TO: _____

RELEASED BY (NDI): _____

Report RE: Case Opening (#19I000505)

Report written by: Jake Eisinger, Detective, I1054

Date report written: August 7, 2019

DETAILS:

On May 16, 2019,

At approximately 1600 hours, Det. Eisinger

showed Det. Eisinger and Gaylor a table with empty Coors beer bottles and empty plastic cups sitting on the table. Also on the table was a folded dollar bill. Inside the dollar bill was a white powdery substance. Based on Det. Eisinger's training and experience the white powdery substance appeared to be cocaine.

Det. Eisinger took photographs of the table and the dollar bill as it was shown to Det. Eisinger. Det. Eisinger unfolded the dollar bill and photographed the white powdery substance sitting inside the dollar bill. Det. Eisinger collected the dollar bill and suspected cocaine.

COWBOYS owner Danny HOANG, Carlos NUNEZ (Owner of Cabo Bar) and two females inside the bar after closing sitting at the table where the white powdery substance was located. In the video you can see times where it appears the two females, NUNEZ, and HOANG are using cocaine multiple times. The time stamp on the video shows May 16, 2019.

Det. Eisinger placed the white powdery suspected cocaine and dollar bill in temporary evidence storage at the ECU Office. The suspected cocaine was later NIK Tested and presumptively tested positive for cocaine.

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RELEASED TO: _____

RELEASED BY (NDI): _____

On July 30, 2019, HOANG met with Det. Eisinger at the ECNU office. During the interview Det. Eisinger brought up the morning of May 16, 2019. HOANG denied using cocaine but stated NUNEZ and the two females were the ones using the cocaine.

When asked how the cocaine got introduced HOANG stated he was drinking at Goldie's bar when he began speaking with the two females who were hanging out with NUNEZ. One of the females was talking about wanting some cocaine. HOANG told NUNEZ one of the females wanted cocaine. HOANG stated NUNEZ told them to give him 30 minutes.

HOANG stated they all later went over to his bar (Cowboys) and continued to drink and the females along with NUNEZ started to use the cocaine.

On August 7, 2019, Det. Eisinger reviewed the surveillance footage. Using the time stamp on the HOANG walks through the front door of Cowboys at 0142 hours and lets NUNEZ and the two females in the back door to the bar.

From 0142 hours until 0458 hours you can see HOANG, NUNEZ, and the two females drinking and dancing. Based on Det. Eisinger's training it appears all four individuals are using cocaine during that time period.

Investigation Continues

EVIDENCE:

Item 1: 0.20 net grams of cocaine

Location Recovered: located and recovered on May 16, 2019, by Detective Jake Eisinger in Cowboys Bar located at 442 Idaho Street, Elko, Nevada.

Weight and Presumptive Test: On August 7, 2019, Det. Eisinger used a certified Mettler PM2000 scale and received a net weight of 0.20 grams. On August 7, 2019 Det. Eisinger utilized a "G" NIK test and received a presumptive positive test for Cocaine.

Item 2: One dollar bill with cocaine residue

Location Recovered: located and recovered on May 16, 2019, by Detective Jake Eisinger in Cowboys Bar located at 442 Idaho Street, Elko, Nevada.

CONTROL AND CUSTODY:

Items 1-2 remained in the control and custody of Detective Jake Eisinger until it could be booked in the DPS-ID evidence vault on August 7, 2019.

Detective Jake Eisinger, 11054, Thu Aug 08 16:29:49 PDT 2019

ATTENTION - OFFICIAL USE ONLY

DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____

RELEASED BY (NDI): _____

NEVADA DEPARTMENT OF PUBLIC SAFETY
INVESTIGATION DIVISION
Supplemental Progress Report

CASE NUMBER: 19I000505

NATURE: Narcotics Investigation

OFFENSE(S): Cont Subs, Possess, Cocaine -

DATE REPORTED: 08/07/2019

DATE ASSIGNED : 08/07/2019

DATE ARRESTED : No Arrest Reported

DATE THIS REPORT: 09/24/2019

ASSIGNED UNIT: Elko Narcotics Task Force

ASSIGNED INVESTIGATOR: Eisinger J W

CURRENT STATUS: Active

JUDICIAL STATUS:


REPORTING OFFICER SIGNATURE

Eisinger
PRINTED NAME

9/24/19
DATE


APPROVED BY SIGNATURE

Scott S. Smith
PRINTED NAME

9/24/19
DATE

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DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____

RELEASED BY (NDI): _____

Report RE: Case Supplement (#19I000505)

Report written by: Jake Eisinger, Detective, I1054

Date report written: September 24, 2019

DETAILS:

On August 21, 2019 at approximately 1340 hours, Detective Jake Eisinger with the Elko Combined Narcotics Unit met with _____ in reference to the investigation of illicit controlled substance use at Cowboys Bar on May 16, 2019.

The interview was audio and video recorded and was conducted at the Elko Police Department.

The following in summary are the details of the interview with

Det. Eisinger showed _____ a photo of Carlos NUNEZ and Danny HOANG sitting on a couch together in Cowboys Bar on May 16, 2019. _____ said the men in the picture were "Carlos" and "Danny".

Det. Eisinger asked how she knew NUNEZ and HOANG and, _____ stated she goes to the bars sometimes. _____ stated she just knew them both from the bars.

When asked if she recognized where the photo was from, _____ answered she thought it was Cowboys.

Det. Eisinger asked _____ if she remembered the morning the picture was from, _____ answered she does not remember a lot of mornings.

Det. Eisinger showed _____ a photo of _____ and asked if she knew who she was. _____ replied, _____ Det. Eisinger asked what last name was and _____ answered _____

Det. Eisinger explained to _____ the picture of _____ was also from Cowboys and asked if she and _____ go out together often. _____ said, "Yes, we have." _____ stated she vaguely remembers that night and said she thinks she may have been there.

_____ pointed at the picture of NUNEZ and HOANG and stated she believed NUNEZ is the owner of Cabo and HOANG is the owner of COWBOYS.

Det. Eisinger told _____ he was pretty confident she was there and showed her a picture of HOANG, NUNEZ, _____, and herself all sitting on the couch together.

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DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____

RELEASED BY (NDI): _____

Det. Eisinger asked if she remembers that morning. stated, "Yea".

Det. Eisinger asked if she has any idea of what is going on and said "Yea, I do". Det. Eisinger explained to he had no intentions of her being in any trouble. Det. Eisinger explained he understands when people drink, they do stupid things.

Det. Eisinger explained to the issue he has is people are pointing fingers at other people that are selling drugs and poisoning our community. said she understood that. Det. Eisinger explained the goal is to go after the people that routinely sell drugs in our community and poison our community.

Det. Eisinger showed a picture to of cocaine on a U.S. one dollar bill. Det. Eisinger asked If she was familiar with this and she stated "Yea".

Det. Eisinger asked if she was an avid cocaine user and said she wasn't. stated she wasn't going to lie, that she has used cocaine and if cocaine is there, it's there, but she hasn't gone out in a few weeks now. said she doesn't go out looking for cocaine but, if cocaine is there and it's offered (Meaning she will use cocaine).

Det. Eisinger asked to tell him about that morning. said she barely remembers that morning and things are a little hazy. stated she had to ask what happened when they left Cowboys.

Det. Eisinger asked if she knew there was cocaine being used there. (Meaning at Cowboys) said "Oh yea". said she wasn't going to "sit here and lie when there are pictures."

Det. Eisinger asked if she knew who brought the cocaine. said she did not know who brought the cocaine and stated , "Doesn't really go out looking for cocaine either and she is way busler".

Det. Eisinger stated he had an idea of who brought the cocaine and he needed her to fill in some of the pieces of that day that he doesn't already have the answer to. said she really didn't know if it was HOANG or NUNEZ and she would feel really horrible if it was them for sure because she really doesn't know.

Det. Eisinger asked if it was HOANG or NUNEZ and she said, "Oh for sure", because, she and had gotten off of work and started to go to the bars.

Det. Eisinger asked if knew where she was at before they ended up at Cowboys. said she was pretty sure they went to Silver Dollar and then went over to either Goldie's or maybe the Tiki Hut.

stated she wasn't sure where they saw HOANG but she remembers HOANG saying they could drink at his bar.

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DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____

RELEASED BY (NDI): _____

stated the evening/morning is still hazy and she doesn't remember a whole lot.

Det. Eisinger concluded the interview at approximately 1400 hours.

Investigation Continues

Detective Jake Eisinger, I1054, Tue Sep 24 21:17:28 PDT 2019

ATTENTION - OFFICIAL USE ONLY

DEPARTMENT OF PUBLIC SAFETY, INVESTIGATIONS DIVISION

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RELEASED TO: _____

RELEASED BY (NDI): _____

EXHIBIT "7"



**City of Elko
Liquor License**

Business Name: CABO

Location: 449 RAILROAD ST

License #: 30055

Class: RETAIL LIQUOR

Issue Date: 7/1/2019

Expiration Date: 9/30/2019

License Type: Liquor

**CABO
420 ELM ST #1
Elko, NV 89801**

**ACELA CEJA
449 RAILROAD ST
Elko, NV 89801**

EXHIBIT "8"

CABO – NUALLA LLC 449 RAILROAD ST.

Cabo Business & Liquor License April 14, 2016 – July 21, 2017

- Owners Florentino Ayala -I 50%; Acela Ceja – 50%
- Initial Application approved in April 14, 2016
- Liquor License is paid quarterly. From 2016-2017 Cabo had 4 late payments.
- Complaints regarding perimeter of the bar not being cleaned according to code. Sent them a letter November 3, 2016
- The liquor license was revoked on July 21, 2017 for non-payment.

Water/Sewer Payments from April 2016 – July 2017

- 12 Late Payments
- 7 Shut Off
- Highest Amount owed: \$528
- A shut off occurs after 2 delinquent months and one current month of non-payment pursuant to the City of Elko Water and Sewer Delinquency and Disconnect Policy.

IT IS MY UNDERSTANDING THEY TRIED TO OPEN FROM JULY 21, 2017 – APRIL 25, 2018 BUT WERE UNABLE TO GET THEIR NUMBER FROM STATE TAXATION UNTIL THEY PAID OFF THE STATE TAX BILL.

Cabo Business Liquor License April 25, 2018 to Current

- Owner Nualla LLC - Acela Ceja and Carlos Nunez
- Application approved 4/25/2018.
- Liquor License is paid quarterly. Cabo has had one late payment
- There was one complaint alleging a 16 year old was served alcohol. This resulted in a discipline agreement that included a fine of \$1000 and probationary license for one year. Probation terms included a closure of the bar from April 14, 2019 – April 24, 2019, all ID must be checked at the door and police called if a minor enters, Licensees shall not be under the influence of alcohol or drugs while on the premises, security is required from 10:00 p.m. – Closure on Friday and Saturday, patrons can only enter through one door, security cameras must be installed to record areas open to patrons, Cabos must reimburse City legal fees of \$2310.

Cabo's Water/Sewer Bill from July 2018 - Current

- 12 Late Payments
- 2 Shut Offs
- Currently Owes 119.36
- Highest Amount Owed: 433.74
- A shut off occurs after 2 delinquent months and one current month of non-payment pursuant to the City of Elko Water and Sewer Delinquency and Disconnect Policy.

Cowboys – Jaden Enterprises LLC 442 Idaho Street

Business and Liquor License

- Owner: Mai Burrows
- Initial Application for business approved November 20, 2017
- Initial Application for Liquor approved
- While they had a temporary license and back ground checks were being completed, there was a complaint from EPD that Danny Hoang was witnessed drunk while working the bar on two occasions. City Council directed a meeting was held with Mr. Hoang, Ms. Burrows, Chief of Police, City Clerk, and a Vietnamese interpreter to review the liquor control code and nature of a privileged license. The license was then issued.
- There are no late payments for licensing
- There are 5 late payments for water billing and one shut off that occurred 9/10/2019.

EXHIBIT "9"

CABO April 14, 2016 – July 21, 2017

- **Business License Information**
- **Liquor License Information**
- **Water Billing Transaction Statement**



10573

CITY OF ELKO
BUSINESS LICENSE APPLICATION
1751 COLLEGE AVE. ELKO, NV 89801 www.elkocitynv.gov
PHONE: (775)777-7138 FAX: (775)777-7129 EMAIL: buslic@elkocitynv.gov

This application is for new businesses wishing to operate within the City limits of Elko only, please legibly print or type the information. Return the application to the office listed above.

1. Type of Business Entity: Sole Proprietor ☐ S. Corp ☐ Privately Held Corp. ☐ Partnership ☐ Limited Liability Partnership ☒ Limited Liability Company ☐ Other ☐
2. Corporate Name QUAI LLC
Corporate Telephone _____
3. Federal Tax Identification Number _____
4. Nevada State Business License Number NV20151679670
5. Corporate Address 952 Idaho St. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code
6. Doing Business in Nevada as: Cabo
Business Telephone: _____ Cellular Telephone: _____
Email: _____ Fax: _____
7. Mailing Address 1056 Dotta Dr. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code
8. Physical Address 449 Railroad St. ELKO NV 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code

9. Name of All Owner(s), Partners, Corporate Officers, Members, etc. Attach additional sheets if necessary			
Owner, Partner, Officer, Member, etc (Last, First, MI)	Residence Address		
<u>Ayala, Florentino (NMN)</u>	<u>1056 Dotta Dr. ELKO, NV. 89801</u>		
Title _____	Percent Owned <u>50%</u>	City, State, Zip <u>ELKO NV. 89801</u>	Residence Phone _____
Manager owner			
<u>Cejia, Acela</u>	<u>142 Adams St. ELKO, NV. 89801</u>		
Title _____	Percent Owned <u>50%</u>	City, State, Zip <u>ELKO NV 89801</u>	Residence Phone _____
Manager owner			
Owner, Partner, Officer, Member, etc (Last, First, MI)	Residence Address		
Title _____	Percent Owned _____	City, State, Zip _____	Residence Phone _____
Owner, Partner, Officer, Member, etc (Last, First, MI)	Residence Address		
Title _____	Percent Owned _____	City, State, Zip _____	Residence Phone _____

10. Describe the Nature of Your Business in Detail. Include any State License Numbers i.e. Contractor's, Cosmetologist, Realtors, etc.: Bar-Alcoholic beverage retailer

11. If you have acquired the business from another owner or have changed the name of the business please list prior owner and/or prior name.

Previous Owner Pedro and Juanita Gacha
Previous Business Name Cantina el Ausente

12. I declare under penalty of perjury that the information provided is true, correct and complete to the best of my knowledge and belief and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing.		
<u>Fluorino Gale</u>	<u>Florentino Ayala</u>	<u>3/29/2016</u>
Signature/Original	Print Name & Title	Date
<u>Nicola Ceja</u>	<u>ACELA Ceja</u>	<u>3/29/2016</u>
Signature/Original	Print Name & Title	Date

entered 3/30/16
emailed for inspections 3/30/16 Health OK Mike

Business Name Cabo

CHILD SUPPORT INFORMATION

Please mark the appropriate response.

- ☒ I am not subject to a court order for the support of a child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or
- ☐ I am subject to a court order for the support of one or more children and am not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Please note at the bottom of this form, if said business is a partnership or corporation.

Thank you in advance for your cooperation in this matter.

☐ My business is a partnership or corporation.

Arda Cize
Signature of Applicant

3/29/2016
Date

C. Penalty.

1. If any license provided for by this Chapter is unpaid for more than thirty (30) days after the due date, a penalty of twenty-five (25%) of the annual fee shall be added and collected by the City Clerk or his/her designee.
2. If any license provided for by this Chapter is unpaid for more than sixty (60) days after the due date, a penalty of fifty percent (50%) of the annual fee shall be added and collected by the City Clerk or his/her designee.

D. City Attorney to Bring Suit for Delinquent License. The Board of Supervisors may at any time direct the City Attorney to bring a civil action in the name of the City for the recovery of the applicable business license fee against any person who engages in, conducts or carries on any business, game, profession or exhibition for which a license is required by the provisions of this Chapter without procuring such license and paying the prescribed license tax.

E. Refunds. All licenses shall be issued for the period of time set forth in this Chapter and no license shall be entitled to a refund of any portion of the fee paid by reason of the termination of the licensed activity prior to the expiration of the time for which the license was issued.

4-1-10 RENEWAL OF BUSINESS LICENSE:

- A. Application for Renewal. One month before the expiration date of any business license, the City Clerk or his/her designee shall send a business license renewal application to all business licensed in the City. The application and appropriate business license fee must be returned to the City Clerk's office prior to the expiration date of the business license. Failure to notify any licensed business shall not be held to waive the requirement to file a renewal application or pay the license fee, and the actual receipt of such notice is in no way required.
- B. One month after the expiration date of any license, the City Clerk or his/her designee shall send a second notice and include an assessment of the twenty five percent (25%) penalty on the reported gross revenues.
- C. Two months after the expiration date of any license, the City Clerk or his/her designee shall send a third and final notice and include an assessment of the fifty percent (50%) penalty.
- D. All expired licenses in excess of sixty (60) days delinquency shall be served with a notice of such penalty and intent of City to publish in the local newspaper as operating without a business license in accordance with the provisions set forth in this Chapter.
- E. A notice of delinquency shall be served upon a licensee by delivery to the person at the business premises licensed, if the person is present. If the person is not present, service may be made by delivery to the person in actual charge of the premises at the time of service. If the business is closed, service may be made by mailing by certified mail with return receipt requested, the same to the person at the mailing address for the business as the same is shown on the current business license and by posting upon the front door. Delivery is effective upon a date of delivery or posting and mailing as the case may be.
- F. Report of Gross Revenues of the Business Required. Where the license fee for a renewed business license is calculated upon the gross revenues of the business, the applicant must state, under oath, the amount of business in terms of gross revenues which he did in the preceding year.

In the case of business making sales and rendering services, the gross revenue from both sales and services shall be considered the equivalent of gross sales.

The City Clerk or his/her designee may examine or cause to be examined, the books and accounts of any business required to file a renewal application for the purpose of verifying the amount of gross receipts reported for such business.

Any person who willfully files a false statement of gross sales/receipts shall be guilty of a misdemeanor and punishable as hereinafter in this code provided.

- G. Issuance of Business License by City Clerk. Upon approval of the application for renewal of a business license, and upon collection of the appropriate business license fee, The City Clerk or his/her designee shall issue the business license to the applicant.

I have read and agree to abide by the ordinances set forth as an Elko City Business Licensee.

Hale Ciza
SIGNATURE

3/29/2016
DATE

STATE OF NEVADA, DIVISION OF INDUSTRIAL RELATIONS
AFFIRMATION OF COMPLIANCE
WITH MANDATORY INDUSTRIAL INSURANCE REQUIREMENTS
(Instructions with Definitions are located on reverse side)

Business Name (include any name doing business as) <u>NUALALIC Cabo</u> Business Address <u>449 Railroad St.</u>	Type of Business <u>Bar</u> <u>EIKO</u> City	Business Telephone Number <u>NV</u> State <u>89801</u> Zip Code
Federal Identification No. <u>4</u>	Social Security No.	Contractor's Board License No.
Name of Principal Owner (Please Print) <u>IOSG Dotte Dr.</u>	Principal Owner's Address <u>EIKO</u> City	Principal Owner's Telephone No. <u>NV</u> State <u>89801</u> Zip Code

Identified as: (Complete one section only)

- () That the above identified business has obtained industrial workers' compensation insurance as required by Chapter 616A to D, inclusive, of the Nevada Revised Statutes (NRS):

Effective Date of Coverage

Account Number

- ☒ That the above identified business is not subject to the provisions of Chapter 616A to D, inclusive, of the Nevada Revised Statutes, due to a statutory exemption or as a business which has no employees nor hires any independent contractor or subcontractor.

- () That the above identified business has a valid certificate of self-insurance pursuant to Chapter 616A to D, inclusive, of Nevada Revised Statutes.

Effective Date

Certificate Number

I declare that I have the authority to act on behalf of the above described business, and am applying for a license to operate said business as a(n): () Individual () Sole Proprietor () Partnership () Corporation

Name of Applicant (Please Print)

Applicant's Telephone No.

Applicant's Residence Address

City

State

Zip Code

I do hereby affirm that the above information is true and correct.

DATED this 29th day of March, 2016

Acila Ciga
Signature of Applicant (To be signed in the presence of the business license office employee) Applicant's Title
Shanel Ober Elko City
Witness Signature - (Business License Office Employee) Name of City or County

If unable to sign this document in the presence of a Business License Employee, the Applicant's signature must be notarized.

SUBSCRIBED and SWORN to before me on this _____ day of _____, 20____.

NOTARY PUBLIC

D-25(1) (rev 3-91)

SECRETARY OF STATE



NEVADA STATE BUSINESS LICENSE

NUALA LLC

Nevada Business Identification # NV20161679670

Expiration Date: November 30, 2016

Shanell Owen

From: cejaacela <cejaacela@yahoo.com>
Sent: Tuesday, March 29, 2016 7:29 PM
To: Shanell Owen
Cc:
Subject: Cabo

Nevada Business Registration Form

**Taxpayer
Information**

**Taxpayer Address
Information**

**Taxpayer Owner
Information**

**Sales & Use Tax
Information**

**Prev. Business
Information**

**Registration
Fees**

**Review &
Submit**

Registration Confirmation

The following is a summary of the information entered in this Nevada Business Registration application. Most businesses should be registered for Use Tax (see Tax Types below) unless the business is registered for Sales Tax or if the business does not have a physical presence in Nevada. Please note that at this time you can only apply for Sales Tax, Certificate of Authority, Use Tax, and Tire Tax online. If you indicated "Yes" to any questions that direct you to contact the Department of Taxation, you must do so or you may not be registered for all taxes required. Failure to contact the Department of Taxation does not relieve you of possible tax liability. To review the application prior to submission, click on any of the registration tabs.

Please note, you can only pay on-line those fees associated with the Sales tax permit. All non-cash security deposits must be mailed to the Department of Taxation.

Business Name NUALA

Tax Types Sales and Use Tax

Primary Location 950 Idaho St Elko NV 89801

Additional Locations 449 Railroad St. Elko NV 89801

Total payable to complete
registration online: \$15.00

Calculated Security Deposit amount: \$0.00

I have read and understand the above information. I wish to continue with the online application process. I understand that I must complete the process and receive a Confirmation Number in order for my application to be filed. Under Penalty of Perjury, all information provided is true and accurate to the best of my knowledge.

Print this page and the next page, which includes your confirmation number, for your records and as proof of compliance with the Department of Taxation for local city/county licensing requirements.

Thank You for using Nevada Tax! State Agency Online Privacy Policy.

Sent from my Samsung Galaxy smartphone.

Debbie Henseler

From: Joshua Carson
Sent: Wednesday, April 06, 2016 8:16 AM
To: Debbie Henseler
Cc: Ted Schnoor
Subject: Cabo Bar

Good morning Debbie,

Cabo bar has been inspected and satisfied all fire and building inspection items.

Please sign off for building and fire.

Thanks!

Joshua Carson
Fire marshal
Elko Fire Department



Nevada Department of Health and Human Services Nevada State Health Division

Food Service Establishment Inspection V4

Non-Compliant

Set Up Information	Inspection	Other Information
Establishment Number : Establishment Name : Cabo Primary Contact Phone: Fax: E-Mail:	Inspection : Food Service Establishment Inspection V4 Type: Ownership Change Date: 04/14/2016 10:47:51 Stop Date: 04/14/2016 11:09:18 Inspector: Michael Oravetz Score: 100 / 100 : 100%	

LEGAL NOTIFICATION		Points	Total	Percent
		0	0	0%

LEGAL NOTIFICATION				
Question	Answer	Points	Total	Percent
Category Total Based on an inspection this day, the items marked on this report identify the violation in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in immediate suspension of your permit. An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for correction of violations.	OK	0	0	0%

FOODBORNE ILLNESS RISK FACTORS & PUBLIC HEALTH INTERVENTIONS		Points	Total	Percent
		75	75	100%

FOODBORNE ILLNESS RISK FACTORS & PUBLIC HEALTH INTERVENTIONS	
Comments Old establishment was Cantina El Asiente. No remodeling or structural changes were conducted with the change of ownership. This bar will be open only on the weekends. New owner is Acela Ceba.	

GOOD RETAIL PRACTICES		Points	Total	Percent
		75	75	100%

GOOD RETAIL PRACTICES	
Comments The operator is currently working with a contractor for a remodel. The remodel will not be initiated until later this year. The operator will notify EHS to submit plans for the remodel when they are ready.	

GENERAL COMMENT		Points	Total	Percent
		25	25	100%

GENERAL COMMENT		Points	Total	Percent
		0	0	0%

GENERAL COMMENT		Points	Total	Percent
		0	0	0%



**CITY OF ELKO
BUSINESS LICENSE**

Business Name: CABO

Location: 449 RAILROAD ST

License #: 10573

Class: BAR

Issue Date: 5/1/2017

Expiration Date: 4/30/2018

License Type: Business License

**CABO
828 CARLIN CT
Elko, NV 89801**

**NUALA LLC
449 RAILROAD ST
Elko, NV 89801**



City of Elko

1751 College Ave

Elko, NV 89801

Phone: 775-777-7138

Fax: 775-777-7129

check
did not clear

Business License Delinquent Notice

7/3/2017

☐ If you are no longer conducting business in Elko City please check this box, sign on bottom and return form

CABO
828 CARLIN CT
Elko, NV 89801

License Type: Business License
License #: 10573
License Renewal #: 2017-00001068
Location: 449 RAILROAD ST
Activity: LQ RTL,

This is your third and final notice to renew your Elko City Business License which expired 4/30/2017, resulting in a penalty of 50% of the total amount due. Failure to renew immediately may result in your business being listed in the local paper as not having a license and revocation. Remit payment with 50% penalty immediately. Please contact the City at the number shown above for any changes to your license or business information.

Note: If any business is not in compliance with state, local, or federal requirements, renewals may be returned pending compliance.

Fee Schedules

Gross Receipts In Elko City	\$0-\$25,000 = \$34.50	_____	\$225,001-\$250,000 = \$172.50	_____
	\$25,001-\$50,000 = \$55.20	_____	\$250,001-\$300,000 = \$207.00	_____
	\$50,001-\$100,000 = \$69.00	✓ 103.50	\$300,001-\$350,000 = \$241.50	_____
	\$100,001-\$200,000 = \$103.50	_____	\$350,001-\$400,000 = \$276.00	_____
	\$200,001-\$225,000 = \$138.00	_____	\$400,001-\$500,000 = \$310.50	_____
	Over \$500,000 = \$310.50 plus \$6.90 for each full \$50,000 over \$500,000	_____		_____

For Motels/Hotels, Residential Rentals and RV Spaces please refer to the following fees based on number of rentals for period end date listed above.

Apartments Lodging & RV's	3 - 5 Units = \$20.70	_____	51 - 75 Units = \$103.50	_____
	6 - 15 Units = \$34.50	_____	76 - 150 Units = \$172.50	_____
	16 - 25 Units = \$48.60	_____	151 - 300 Units = \$310.50	_____
	26 - 50 Units = \$69.00	_____	301 Units or Over = \$517.50	_____

For Utility Companies please refer to the following fees based on gross receipts for period end date listed above.

Utility Companies	\$0-\$200,000 = \$1,200.00	_____	\$300,001-\$400,000 = \$3,450.00	_____
	\$200,001-\$300,000 = \$1,725.50	_____	\$400,001-\$500,000 = \$3,630.00	_____
		_____	Over \$500,000 = \$4,200.00	_____

For Banks and Savings/Loan Associations please refer to the following fee for period end date listed above

\$55.20 per million dollars of average deposits or fraction thereof with a minimum of \$55.20 per bank or branch per year. A tabulation setting forth total deposits in banks, associate or branch on the last day of each previous (4) calendar year quarters must be submitted along with your fee of \$ _____

Sign and return this form

Signature: Acile Cuy

Date: July 17 2017



**CITY OF ELKO
BUSINESS LICENSE**

Business Name: CABO
Location: 449 RAILROAD ST
License #: 10573
Issue Date: 4/14/2016
License Type: Business License

Class: BAR
Expiration Date: 4/30/2017

**CABO
1056 DOTTA DRIVE
ELKO, NV 89801**

**NUALA LLC
449 RAILROAD ST
Elko, NV 89801**



City of Elko, Nevada
Liquor License Application
1751 College Avenue
Elko, NV 89801
Phone (775)777-7138 Fax (775)777-7129

30033

Information on this form must be printed or typed.

1. Check all that apply: ☒ New License ☐ Change in Location ☐ Change in Name ☐ Change in Mailing Address
other

2. Business Name (dba) to be shown on the license: Cabo
Business Telephone: _____ Cellular Telephone (775)340-7858
Fax: _____

3. Mailing Address 950 Idaho St. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code

4. Physical Address 449 Railroad St. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code

5. Type of Business Entity: ☐ Sole Proprietor ☐ S. Corp ☐ Privately Held Corp. ☐ Partnership
☒ Limited Liability Partnership ☒ Limited Liability Company

6. Name of All Owner(s), Partners, Corporate Officers, Members, etc. to be listed on the license. Attach additional sheets if necessary

Avala, Florentino, NMN Owner 50%
Name (Last, First, MI) Title (Owner, Officer, Member, etc.) Percent Owned

1056 Dotta Dr. ELKO NV. 89801 _____
Residence Address City, State, Zip Residence Phone

Ceja, Acela Owner 50%
Name (Last, First, MI) Title (Owner, Officer, Member, etc.) Percent Owned

142 Adams St. ELKO NV 89801 _____
Residence Address City, State, Zip Residence Phone

Name (Last, First, MI) Title (Owner, Officer, Member, etc.) Percent Owned

Residence Address City, State, Zip Residence Phone

7. Class of License: Retail

PAID APR 26 2016

8. Fee: 222.00 (One quarterly fee must be paid upon receipt of application and is non-refundable.)

I certify the information provided in this application is true, correct and complete to the best of my knowledge and belief. If partnership more than one signature is required.

[Signature] Gale 4/15/2016
Signature/Original Print Name & Title Date

[Signature] Acela Ceva owner 3/29/2016
Signature/Original Print Name & Title Date

This form must be signed by the Chief of Police below:

[Signature] 4-26-16
ELKO CITY POLICE DEPT.
1401 COLLEGE AVE. ELKO, NV 89801
775-777-7310

For Police Department Use Only:

Is applicant applying for a Temporary Liquor License? yes ☒ no ☐
Please Initial cmw

Date Temporary Liquor License Effective April 26, 2016 to May 26, 2016
May 26, 2016 to June 26, 2016 BA
CABO 52

Business
&
Liquor



Changes to an existing Business License Application

This application is for current Elko City Business Licensees requesting changes to their current license, please legibly print or type the information. This form cannot be used when requesting a deletion of an owner. Return to the address below.

Business Name: Cabo

License # 10573
30033

Please check the applicable box.

☐ **Business Name Change Request:**
Previous Business Name

New Business Name

☐ **Change of Physical Business Address**

(Inspections will be required for businesses located within city limits not in your home.) Approval form must be attached.

Previous Business Address

New Business Address

☒ **Change of Mailing Address**

Previous Mailing Address

1056 Dotta Dr.
Elko NV 89801

New Phone Number:

New Mailing Address

828 Carlin Ct.
Elko NV 89801

☐ **Entity Change (Structure)**

Previous Entity

New Entity

Sole Proprietor ☐

Partnership ☐

Sole Proprietor ☐

Partnership ☐

S. Corp ☐

LLC ☐

S. Corp ☐

LLC ☐

Privately Held Corp ☐

LLP ☐

Privately Held Corp ☐

LLP ☐

☐ **Additional Owner(s)** This form cannot be used when requesting a deletion of an owner.

Name

Percent Owned

Residence Address

Residence Phone

☐ **Adding or deleting business type(s)**

Previous Business type(s)

New Business type(s)

Signatures: Please sign acknowledging the change. All new additional owners must also sign. Attach extra page(s) if necessary.

I declare under penalty of perjury that the information provided is true, correct and complete to the best of my knowledge and belief and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forge instrument for filing.

Acela Ceja
Signature Current Owner

ACELA CEJA
Print Name

11/8/16
Date

Signature Current Owner

Print Name

Date

Signature New Owner

Print Name

Date

Signature New Owner

Print Name

Date



ELKO POLICE DEPARTMENT

Ben Reed, Jr.
Police Chief

1448 Silver Street
Elko, Nevada 89801
775.777.7310
775.738.1415 Fax
www.elkocity.com

DATE: June 10, 2016
TO: Curtis Calder, City Manager
FROM: Ben Reed, Jr., Police Chief *BR*
SUBJECT: Retail Liquor License Application in the name of Cabo, located at 449 Railroad Street, Elko, NV 89801.

On April 15, 2016, Florentino Ayala and Acela Ceja made application for a Retail Liquor License in the name of Cabo, located at the above address.

Mr. Ayala and Ms. Ceja have successfully completed the required background investigation.

I am requesting the Elko City Council approve the request for a Retail Liquor License to Cabo located at 449 Railroad Street, Elko, NV 89801.

BR/tlc

CC: Mayor Chris Johnson



**City of Elko
Liquor License**

Business Name: CABO

Location: 950 IDAHO ST

License #: 30033

Class: RETAIL LIQUOR

Issue Date: 7/1/2016

Expiration Date: 9/30/2016

License Type: Liquor

CABO
950 IDAHO ST
Elko, NV 89801

AYALA/CEJA
950 IDAHO ST
Elko, NV 89801

6-30-16
pd. 222⁰⁰
✓ 1016-

*Due to the length of time it took to get
their background check they had to pay
another quarter & get their license.*



City of Elko
Business License Department
1751 College Ave.
Elko, NV 89801
Phone (775)777-7138
Fax (775)777-7129
Email: buslic@ci.elko.nv.us

November 3, 2016

Cabo
C/O Nuala Inc.
1056 Dotta Dr.
Elko, NV 89801

Dear Ms. Ceja,

We have recently received a complaint that the outside perimeter of your business has not been cleaned according to Elko City Code 4-5-18. We ask that you please abide by the code which states that: All license holders shall remove all bottles, cans, trash, broken glass, debris and bodily fluids from adjoining City sidewalks, alleyways and rights-of-way upon closing or by 7:00 a.m., whichever is earlier, on each day licensee is open.

If you have any questions, please contact Shanell Owen, City Clerk, at 775-777-7126.

Sincerely,

Debbie Henseler
Debbie Henseler
Elko City Licensing Technician

Cc: Shanell Owen, City Clerk
Scott Wilkinson, Assistant City Manager
Ben Reed, Police Chief



City of Elko Liquor License

Business Name: CABO

Location: 950 IDAHO ST

License #: 30033

Class: RETAIL LIQUOR

Issue Date: 10/1/2016

Expiration Date: 12/31/2016

License Type: Liquor

CABO
950 IDAHO ST
Elko, NV 89801

AYALA/CEJA
950 IDAHO ST
Elko, NV 89801

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com

5978 4364 8185
 7012 3050 0000 0506 2107

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$16.67

Postmark
Here

✓ 1023
 PAID OCT 14 2016

quent Notice

*you are no longer conducting business in Elko City please check
 is box, sign on bottom and return form*

Sent to CABO
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

License Type: Liquor
 License #: 30033
 License Renewal #: 2016-00000461
 Location: 950 IDAHO ST
 Activity: LIQ RET,

Your Elko City Liquor License was due on 9/30/2016, resulting in a penalty of 10% of the total amount due. Please remit payment for the period ending 12/31/2016 with the penalty, immediately. Failure to renew this license may result in revocation of the license. Remit this form with payment to the address shown above. Please disregard if payment has been made.

Billing Amounts

Charge Description
 Retail Liquor

Amount Due
 \$222.00

Penalty Due
 Total Due

\$22.20
 \$244.20

Sign and return this form with payment to the address shown above.

Signature: Debra C. Cize

Date: Oct. 14, 2016



**City of Elko
Liquor License**

Business Name: CABO

Location: 449 RAILROAD ST

License #: 30033

Class: RETAIL LIQUOR

Issue Date: 7/1/2017

Expiration Date: 9/30/2017

License Type: Liquor

**CABO
828 CARLIN CT
Elko, NV 89801**

**AYALA/CEJA
449 RAILROAD ST
Elko, NV 89801**



City of Elko

1751 College Ave

Elko, NV 89801

Phone: 775-777-7138

Fax: 775-777-7129

Liquor License Delinquent Notice

5/15/2017

☐

If you are no longer conducting business in Elko City please check this box, sign on bottom and return form

CABO
828 CARLIN CT
Elko, NV 89801

License Type: Liquor
License #: 30033
License Renewal #: 2017-00000266
Location: 449 RAILROAD ST
Activity: LIQ RET,

Your Elko City Liquor License was due on 7/5/2017, resulting in a penalty of 10% of the total amount due. Please remit payment for the period ending 9/30/2017 with the penalty, immediately. Failure to renew this license may result in revocation of the license. Remit this form with payment to the address shown above. Please disregard if payment has been made.

Billing Amounts

Charge Description
Retail Liquor
Delinquent Penalty

Amount Due
\$222.00
\$22.20

Total Due \$244.20

Sign and return this form with payment to the address shown above.

Signature: _____

Acile Caje

Date: _____

July 17, 2017



City of Elko Liquor License

Business Name: CABO

Location: 449 RAILROAD ST

License #: 30033

Class: RETAIL LIQUOR

Issue Date: 1/1/2017

Expiration Date: 3/31/2017

License Type: Liquor

CABO
828 CARLIN CT
Elko, NV 89801

AYALA/CEJA
449 RAILROAD ST
Elko, NV 89801

952 9805 0002 0251 5102

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$

☐ Return Receipt (electronic) \$

☐ Certified Mail Restricted Delivery \$

☐ Adult Signature Required \$

☐ Adult Signature Restricted Delivery \$

Postage \$ 16.46

Total Postage and Fees \$

Sent To CABO

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

Postmark Here

quent Notice

Cash
PAID JAN 17 2017

you are no longer conducting business in Elko City please check
 's box, sign on bottom and return form

License Type: Liquor
 License #: 30033
 License Renewal #: 2017-00000091
 Location: 449 RAILROAD ST
 Activity: LIQ RET,

Your Elko City Liquor License was due on 12/31/2016, resulting in a penalty of 10% of the total amount due. Please remit payment for the period ending 3/31/2017 with the penalty, immediately. Failure to renew this license may result in revocation of the license. Remit this form with payment to the address shown above. Please disregard if payment has been made.

Billing Amounts

Charge Description
 Retail Liquor
 Delinquent Fee

Amount Due
 \$222.00
 \$22.20

Total Due
Based on last year's charges

\$244.20

Sign and return this form with payment to the address shown above.

Signature: _____

Date: _____

**City of Elko**

1751 College Ave

Elko, NV 89801

Phone: 775-777-7138

Fax: 775-777-7129

PAID APR 11 2017*CASH***Liquor License Delinquent Notice**

2/16/2017

☐ *If you are no longer conducting business in Elko City please check this box, sign on bottom and return form***CABO**
828 CARLIN CT
Elko, NV 89801**License Type:** Liquor
License #: 30033
License Renewal #: 2017-00000174
Location: 449 RAILROAD ST
Activity: LIQ RET,

Your Elko City Liquor License was due on 4/5/2017, resulting in a penalty of 10% of the total amount due. Please remit payment for the period ending 6/30/2017 with the penalty, immediately. If not paid by April 17, 2017 the license will automatically be revoked. Remit this form with payment to the address shown above. Please disregard if payment has been made.

Billing Amounts**Charge Description**
Retail Liquor
Delinquent Fee**Amount Due**
\$222.00
\$22.20**Total Due****\$244.20****Sign and return this form with payment to the address shown above.****Signature:** _____**Date:** _____




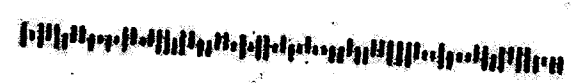


City of Elko Liquor License

Business Name: CABO
Location: 449 RAILROAD ST
License #: 30033
Issue Date: 4/1/2017
License Type: Liquor
Class: RETAIL LIQUOR
Expiration Date: 6/30/2017

CABO
828 CARLIN CT
Elko, NV 89801

AYALA/CEJA
449 RAILROAD ST
Elko, NV 89801

USPS TRACKING® SALT LAKE CITY  9590 9401 0183 5234 5595 47			First-Class Mail Postage & Fees Paid USPS Permit No. G-10
United States Postal Service			
<p>* Sender: Please print your name, address, and ZIP+4® in this box*</p> <p> City of Elko Business License Department 1751 College Avenue Elko, NV 89801</p>			
			



CITY OF ELKO
Office of the City Clerk

Website: www.elkocity.com
Email: cityclerk@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7126 • Fax (775) 777-7129

July 21, 2017

Cabo
Florentino Ayala
Acela Ceja
828 Carlin Ct.
Elko, NV 89801

SUBJECT: CABO LIQUOR AND BUSINESS LICENSE

Dear Mr. Ayala and Ms. Ceja,

Please be advised that your quarterly liquor license was due on July 1, 2017 and late on July 6, 2017. The City notified you via telephone conversation on July 17th that if payment was not made by 5:00 p.m. that you would no longer have a liquor license. The business license for Cabo expired on April 30, 2017 and was in a 50% penalty phase as of July 1, 2017. The City received payment by check for both the liquor license and business license and penalties on July 17, 2017 at approximately 4:45 p.m. The check payment for Cabo's Liquor and Business License was returned to the City of Elko for Insufficient Funds (Attachment #1) from the bank on July 21, 2017. Per City Code 4-5-10 and 4-5-12 (Attachment #2), your liquor license is hereby **REVOKED** due to nonpayment. All liquor business operations must cease immediately.

Additionally, the following must be completed immediately:

- A. All liquor must be removed from the premises and an inspection scheduled with the Elko Police Department for compliance.
- B. A \$20.00 return check fee must be paid to the City of Elko by cash or credit card by 5:00 p.m., Monday, July 24, 2017.

In order to reopen the Cabo liquor establishment, you will be required to reapply for a Liquor License and Business License through the Business License Department and must be in full compliance with all local, state and federal requirements.

If you have any questions, please contact me at (775) 777-7126.

Sincerely,

Shanell Owen, MMC
City Clerk/Treasurer

Cc: Debbie Henseler, Licensing Technician
Ben Reed, Elko City Police Chief

CABO 65

ATTACHMENT #1

Print

Close

Account Number: MICR Acct. #: Routing #:
Check #: 1017 Store #: 0000000000 Type: Return Return Reason: NSF - Not Sufficient Funds
Amount: \$347.70 Date: 07/20/2017 Sequence #: 1099000989

Front:

1017

Cabo
449 Railroad St.
Elko, Nevada 89801
(775)340-7858 or (775)340-7909

July 17, 2017

City of Elko \$ 347.70
Three Hundred Forty Seven 70/100

NEVADA STATE BANK
THE GOOD TO YOUR FUTURE
PO BOX 500 LAS VEGAS, NV 89102
www.usbank.com

The Business & Liquor License Acute Care

Back:

PAID TO THE ORDER OF
U.S. BANK OF NEVADA
ELKO, NV
FOR DEPOSIT ONLY
CITY OF ELKO

4-5-10: ISSUANCE AND CONTENTS OF LICENSE:

- A. **Certificate Of License:** Upon the granting of any application pursuant to this chapter, the applicant shall receive a liquor license certificate, issued by the city clerk, pursuant and subject to the provisions of this chapter, and any terms, conditions or restrictions contained in the license certificate itself. The license certificate shall set forth, among other things, the following:
1. The name of all persons to whom it is issued. If the license is issued under a fictitious name, the license shall set forth, in addition to the fictitious name, the name or names of each of the persons conducting the business under the fictitious name. If it is issued to a corporation, the license shall set forth, in addition to the name of the corporation.
 2. The location, by street and number, of the premises for which the license is issued;
 3. The date of commencement, which will be the date of issuance and date of termination which will be the last day of the quarter year in which it was granted, subject to revocation, cancellation, suspension, restriction and conditioning, pursuant to this chapter;
 4. The particular class of liquor license and of liquors that the licensee is authorized to sell.
- B. **Term:** The license shall be for one quarter.
- C. **Renewal:** The city clerk shall issue a renewal notice prior to the expiration of the liquor license, except as otherwise provided in this chapter. The failure of the city clerk to notify any licensee of the requirement to file a renewal application or to pay the license fee shall not relieve the licensee of those or any other requirements, and the actual receipt of a renewal notice is not a condition precedent to the need to apply for or the issuance of a renewal. Subject to all provisions of this chapter, if at the end of a quarter the licensee holds a valid, unexpired license which has not been revoked, suspended, restricted, conditioned or terminated, such license shall automatically renew for the next quarter without application to the city council upon timely payment of the required license fees and penalties, if any, within the time specified in this chapter; provided, no license shall automatically renew if the licensee is not in compliance with all federal, state and local requirements, including all city requirements. Such renewal license, if renewed automatically pursuant to the preceding sentence, shall be on the same terms and conditions as the original license and subject to all provisions of this chapter as if granted after application to the city council.
- D. **Nonrenewal Due To Noncompliance:** A license that is not renewed because it does not comply with federal, state or local requirements, to include any requirement contained in this chapter or the license certificate, or because of nonpayment of any required fees, shall thereupon be automatically revoked.
- E. **Acceptance Of Conditions:** Any licensee receiving a license pursuant to the provisions of this chapter shall be deemed to have accepted the same with all the duties, obligations, restrictions, limitations and other provisions of this chapter as part and parcel of said license, and subject to the faithful compliance with the promises, agreements and representations set forth in the application for such license, without other or further notice, and without each or any of such provisions being specifically incorporated in the license granted.

F. **Temporary License:** In special or unusual circumstances and in order to prevent undue hardship, the city clerk, with approval of the chief of police, may, upon application therefor, issue a "temporary license" pending the processing of a regular liquor license; provided, however, that at the time any such temporary license is issued by the city clerk, a full and complete application for a regular liquor license shall be on file with the city clerk; further provided, a temporary license shall only be issued if the licensee or any business association with respect to which the licensee is an owner, partner, member, officer, director or shareholder has not had a liquor license revoked within five (5) calendar days of the date of application for the temporary license; and, further provided, all required fees, to include delinquent fees, shall have been paid. Such license shall be valid for thirty (30) days or until approval or denial of the final application by the city council for a regular liquor license, whichever occurs first. At least one quarterly license fee pursuant to section 4-5-12 of this chapter must be paid at the time of issuance of the temporary license.

G. **Elko City Code Compliance:** No liquor license may be issued or renewed pursuant to this chapter if the applicant, licensee or licensed business is in violation of any provision of this code which impacts the licensed business or operation thereof. (Ord. 777, 9-10-2013)

4-5-12: SCHEDULE OF FEES:

A. **Payment Of Fees; Refunds:** All fees may be paid up to one year in advance; but in no event shall a fee be for less than a quarter. No refunds of any portion of a license fee paid in advance shall be made nor shall any portion of a fee paid in advance be transferable.

B. **Sales Of Soft Drinks:** A valid license under this chapter authorizes the licensee to sell soft drinks in connection with the business for which the license is issued.

C. **Amount Set By Resolution:** The schedule of fees to be paid for licenses shall be set by resolution of the city council.

D. **When Payable:** License fees shall be due and payable January 1, April 1, July 1 and October 1 of each year for each following quarter. Any license fee which has not been paid on or before the fifth day of the month in which it becomes due shall be increased by a penalty of ten percent (10%), which shall be added to the fee and collected with the fee prior to the issuance of any license hereunder. When any license fee is paid by mail, the postmarked date on the envelope shall be presumed to be the date on which the license fee was paid. If the license fee and penalty have not been paid on or before the fifteenth day of the month in which the license fee becomes due, any right to renew a license without application to the city council shall be forfeited and shall forthwith terminate at the time of the close of the city office on the fifteenth day of such month, and at such time the liquor license for the business to which the delinquent license fee relates shall be automatically revoked and the business shall immediately cease all liquor sales. This provision shall not be construed to permit the operating of any business to which this chapter applies for any length of time whatever without having in full force and effect a proper license issued by the city with all fees therefor fully paid, nor shall it be construed to extend the expiration date of any license, nor to prevent the city council from taking any action to suspend, restrict, condition or terminate the license for any reason permitted under this chapter, including nonpayment of fees. (Ord. 777, 9-10-2013)

Transaction Statement

Service Address

449 RAILROAD ST
Elko, NV 89801

Remit To Address

Elko Municipal Water Department
1751 College Ave.
ELKO, NV 89801

Mailing Address

LIEN FOUR FORTY NINER CLUB
MICHAEL JENNINGS
1122 CALVADOS DR
SPARKS, NV 89434

Account Number

Amount Due

\$341.59

Account Number From - Through

4/26/2016 - 7/21/2017

Service Address

449 RAILROAD ST
Elko, NV 89801

Services

Water Flat
Sewer Flat
Stormwater
Street lights

\$0.00

Date	Type	Amount	Running Balance	Description
05/02/2016	Bill	\$119.36	\$119.36	Due Date 05/16/2016
06/01/2016	Late Fee ✓	\$1.79	\$121.15	
06/01/2016	Bill	\$119.36	\$240.51	Due Date 06/16/2016
07/01/2016	Late Fee ✓	\$3.58	\$244.09	
07/01/2016	Bill	\$119.36	\$363.45	Due Date 07/16/2016
07/12/2016	Shut Off ✱	\$100.00	\$463.45	
07/13/2016	Payment	(\$400.00)	\$63.45	Charge
08/01/2016	Bill	\$119.36	\$182.81	Due Date 08/16/2016
08/31/2016	Late Fee ✓	\$2.74	\$185.55	
09/01/2016	Bill	\$119.36	\$304.91	Due Date 09/16/2016
09/30/2016	Late Fee ✓	\$4.53	\$309.44	
10/01/2016	Bill	\$119.36	\$428.80	Due Date 10/17/2016
10/11/2016	Shut Off ✱	\$100.00	\$528.80	
10/14/2016	Payment	(\$528.80)	\$0.00	Check
11/01/2016	Bill	\$119.36	\$119.36	Due Date 11/16/2016
12/01/2016	Late Fee ✓	\$1.79	\$121.15	
12/01/2016	Bill	\$119.36	\$240.51	Due Date 12/16/2016
01/01/2017	Late Fee ✓	\$3.58	\$244.09	
01/03/2017	Bill	\$119.36	\$363.45	Due Date 01/17/2017
01/10/2017	Shut Off ✱	\$100.00	\$463.45	

Transaction Statement

Date	Type	Amount	Running Balance	Description
01/11/2017	Payment	(\$221.15)	\$242.30	Cash
01/31/2017	Late Fee	\$2.13	\$244.43	
01/31/2017	Bill	\$119.36	\$363.79	Due Date 02/16/2017
03/01/2017	Late Fee	\$5.42	\$369.21	
03/01/2017	Bill	\$119.36	\$488.57	Due Date 03/16/2017
03/14/2017	Payment	(\$249.00)	\$239.57	Cash
03/14/2017	Shut Off*	\$100.00	\$339.57	
03/31/2017	Late Fee	\$3.59	\$343.16	
03/31/2017	Bill	\$119.36	\$462.52	Due Date 04/17/2017
04/11/2017	Shut Off*	\$100.00	\$562.52	
04/12/2017	Payment	(\$221.00)	\$341.52	Cash
04/30/2017	Late Fee	\$3.62	\$345.14	
04/30/2017	Bill	\$119.36	\$464.50	Due Date 05/16/2017
05/31/2017	Late Fee	\$6.91	\$471.41	
05/31/2017	Bill	\$119.36	\$590.77	Due Date 06/16/2017
06/13/2017	Shut Off*	\$100.00	\$690.77	
06/15/2017	Payment	(\$360.00)	\$330.77	Cash
06/30/2017	Late Fee	\$3.46	\$334.23	
06/30/2017	Bill	\$119.36	\$453.59	Due Date 07/17/2017
07/11/2017	Shut Off*	\$100.00	\$553.59	
07/14/2017	Payment	(\$212.00)	\$341.59	Cash

\$341.59

Account Number

EXHIBIT "10"

CABO April 25, 2018 - Current

- **Business License Information**
- **Liquor License Information**
- **Water Billing Transaction Statement**
- **Notice of Non-Renewal**
- **Letter of Appeal**



Soft open 4/27/18 - She understands this may Not happen
10982
CITY OF ELKO
BUSINESS LICENSE APPLICATION
1751 COLLEGE AVE. ELKO, NV 89801 www.elkocitynv.gov
PHONE: (775) 777-7138 FAX: (775) 777-7129 EMAIL: buslic@elkocitynv.gov
Open Date 5/4/18

This application is for new businesses wishing to operate within the City limits of Elko only, please legibly print or type the information. Return the application to the office listed above.

1. Type of Business Entity: Sole Proprietor ☐ S. Corp ☐ Privately Held Corp. ☐ Partnership ☐
Limited Liability Partnership ☐ Limited Liability Company ☒ Other ☐
2. Corporate Name Nuala LLC
Corporate Telephone (775) 738-1951
3. Federal Tax Identification Number _____
4. Nevada State Business License Number 950 Idaho St.
5. Corporate Address 950 Idaho St. Elko NV 89801
Address City State Zip Code
6. Doing Business in Nevada as: Care
Business Telephone: _____ Cellular Telephone: _____
Email: Cabalar Fax: _____
7. Mailing Address 828 Carlin Ct. Elko NV 89801
Address City State Zip Code
8. Physical Address 449 Railroad St. Elko NV 89801
Address City State Zip Code

9. Name of All Owner(s), Partners, Corporate Officers, Members, etc. Attach additional sheets if necessary
CEJA ACELA Owner
Name (Last, First, MI) Title Percent Owned
828 Carlin Ct. Elko NV 89801
Residence Address, City, State, Zip
Phone Number
Name (Last, First, MI) Title Percent Owned
Residence Address, City, State, Zip Phone Number
Name (Last, First, MI) Title Percent Owned
Residence Address, City, State, Zip Phone Number

10. Describe the Nature of Your Business in Detail. Include any State License Numbers i.e. Contractor's, Cosmetologist, Realtors, Etc.: Bar
11. If you have acquired the business from another owner or have changed the name of the business, please list prior owner and/or prior name. Previous Owner _____
Previous Business Name _____
12. _____

Property Owner Signature (if other than Applicant) Print Name Date
I declare under penalty of perjury that the information provided is true, correct and complete to the best of my knowledge and belief and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing.
ACELA owner 4/20/2018
Signature/Original Print Name & Title Date
Signature/Original Print Name & Title Date
Signature/Original Print Name & Title Date

DUTIES AS AN ELKO CITY BUSINESS LICENSEE

Please read and sign on the back page.

The following information pertains to the Elko City Business License Ordinance regarding your duties as a licensee and the payment and renewal process. Please read this and sign that you understand and agree to the contents. This includes only significant portions of the ordinance; the entire ordinance is available at your request.

4-1-12 DUTIES OF LICENSEE AND INSPECTION AUTHORITY OF CITY PERSONNEL

- A. Duties of licensee. Every licensee under this Chapter shall:
1. Ascertain and at all times comply with all Federal, State, County and/or Municipal laws, ordinances and regulations applicable to such licensed business.
 2. Prominently display the business license in licensee's place of business.
 3. Permit all reasonable inspections of his business and examination of his books by public authorities so authorized by law.
 4. Avoid all unlawful, improper or unnecessary acts, practices or conditions in the conduct of his business which do or may effect the public health, morals or welfare or constitute a public nuisance.
 5. Refrain from operating the licensed business in the City after expiration of the license or in such cases where the license is revoked, canceled, or suspended.
- B. Inspection authority of City Personnel. The City Clerk, Building Official, Fire Marshall, City Planner and the Chief of Police and their respective designees are authorized to make all investigations reasonably necessary for the enforcement of this Chapter and shall have the authority to inspect licensees, their business records, or premises to determine and enforce compliance with this Chapter. All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:
1. Those for which a license is required.
 2. Those for which a license was issued and which, at the time of inspections, are operating under said license.
 3. Those for which the license has been revoked, canceled, or suspended.

4-1-13 GROUNDS FOR SUSPENSION, CANCELLATION OR REVOCATION OF BUSINESS LICENSE:

Any business license issued pursuant to the provisions of the Chapter may be suspended, canceled or revoked for good cause by the Board of Supervisors.

- A. CAUSE. Good cause for such suspension, cancellation or revocation shall include, but is not limited to:
1. The existence of unsanitary conditions, noise, disturbances, or other conditions at, near or in the premises which causes or tends to create a public nuisance or which may injuriously affect the public health, safety or welfare.
 2. The commission of, or permitting or causing the commission of, any act in the operation of the business which is prohibited by any ordinances, rule or law of the City, State or Federal government.
 3. Fraudulent practices and misrepresentation in the operation of the business.
 4. Concealment or misrepresentation in procuring the business license.
 5. The business for which the license has been issued is unlawful or is prohibited by any ordinance, code, rule or law of the City, State of Nevada or Federal Government.
 6. The license was issued by mistake or is in violation of any of the provisions of this Chapter.
 7. The premises used to conduct said business has been condemned, declared a fire hazard or declared unsafe for business occupancy to applicable building and fire codes.
 8. The use of the premises for the business license violates the zoning ordinances or regulations of the City.

4-1-9 PAYMENT OF BUSINESS LICENSE FEES

- A. When Payable. All regular business license fees shall be paid in full in advance upon the original issuance of the business license and annually thereafter at the office of the City Clerk in legal currency of the United States.
- B. Daily License. Daily licenses provided in this Chapter shall be due and payable in advance. The daily license shall cover a period of 12:00 midnight to 12:00 midnight of the next day.

C. Penalty.

1. If any license provided for by this Chapter is unpaid for more than thirty (30) days after the due date, a penalty of twenty-five (25%) of the annual fee shall be added and collected by the City Clerk or his/her designee.
2. If any license provided for by this Chapter is unpaid for more than sixty (60) days after the due date, a penalty of fifty percent (50%) of the annual fee shall be added and collected by the City Clerk or his/her designee.

D. City Attorney to Bring Suit for Delinquent License. The Board of Supervisors may at any time direct the City Attorney to bring a civil action in the name of the City for the recovery of the applicable business license fee against any person who engages in, conducts or carries on any business, game, profession or exhibition for which a license is required by the provisions of this Chapter without procuring such license and paying the prescribed license tax.

E. Refunds. All licenses shall be issued for the period of time set forth in this Chapter and no license shall be entitled to a refund of any portion of the fee paid by reason of the termination of the licensed activity prior to the expiration of the time for which the license was issued.

4-1-10 RENEWAL OF BUSINESS LICENSE:

- A. Application for Renewal. One month before the expiration date of any business license, the City Clerk or his/her designee shall send a business license renewal application to all business licensed in the City. The application and appropriate business license fee must be returned to the City Clerk's office prior to the expiration date of the business license. Failure to notify any licensed business shall not be held to waive the requirement to file a renewal application or pay the license fee, and the actual receipt of such notice is in no way required.
- B. One month after the expiration date of any license, the City Clerk or his/her designee shall send a second notice and include an assessment of the twenty five percent (25%) penalty on the reported gross revenues.
- C. Two months after the expiration date of any license, the City Clerk or his/her designee shall send a third and final notice and include an assessment of the fifty percent (50%) penalty.
- D. All expired licenses in excess of sixty (60) days delinquency shall be served with a notice of such penalty and intent of City to publish in the local newspaper as operating without a business license in accordance with the provisions set forth in this Chapter.
- E. A notice of delinquency shall be served upon a licensee by delivery to the person at the business premises licensed, if the person is present. If the person is not present, service may be made by delivery to the person in actual charge of the premises at the time of service. If the business is closed, service may be made by mailing by certified mail with return receipt requested, the same to the person at the mailing address for the business as the same is shown on the current business license and by posting upon the front door. Delivery is effective upon a date of delivery or posting and mailing as the case may be.
- F. Report of Gross Revenues of the Business Required. Where the license fee for a renewed business license is calculated upon the gross revenues of the business, the applicant must state, under oath, the amount of business in terms of gross revenues which he did in the preceding year.
- In the case of business making sales and rendering services, the gross revenue from both sales and services shall be considered the equivalent of gross sales.
- The City Clerk or his/her designee may examine or cause to be examined, the books and accounts of any business required to file a renewal application for the purpose of verifying the amount of gross receipts reported for such business.
- Any person who willfully files a false statement of gross sales/receipts shall be guilty of a misdemeanor and punishable as hereinafter in this code provided.
- G. Issuance of Business License by City Clerk. Upon approval of the application for renewal of a business license, and upon collection of the appropriate business license fee, The City Clerk or his/her designee shall issue the business license to the applicant.

I have read and agree to abide by the ordinances set forth as an Elko City Business Licensee.

Dele C. [Signature]
SIGNATURE

4/18/2018
DATE

STATE OF NEVADA, DIVISION OF INDUSTRIAL RELATIONS
AFFIRMATION OF COMPLIANCE
WITH MANDATORY INDUSTRIAL INSURANCE REQUIREMENTS
(Instructions with Definitions are located on reverse side)

Cabo
Business Name (include any name doing business as) Bar Business Telephone Number 81801
449 Railroad Type of Business Bar State NV Zip Code 89501
Business Address City
Federal Identification No. Social Security No. Contractor's Board License No.
Name of Principal Owner (Please Print) Principal Owner's Telephone No.
Principal Owner's Address City State Zip Code

Identified as: (Complete one section only)

☐ That the above identified business has obtained industrial workers' compensation insurance as required by Chapter 616A to D, inclusive, of the Nevada Revised Statutes (NRS):

Effective Date of Coverage

Account Number

☒ That the above identified business is not subject to the provisions of Chapter 616A to D, inclusive, of the Nevada Revised Statutes, due to a statutory exemption or as a business which has no employees nor hires any independent contractor or subcontractor.

☐ That the above identified business has a valid certificate of self-insurance pursuant to Chapter 616A to D, inclusive, of Nevada Revised Statutes.

Effective Date

Certificate Number

I declare that I have the authority to act on behalf of the above described business, and am applying for a license to operate said business as a(n): ☐ Individual ☐ Sole Proprietor ☐ Partnership ☐ Corporation

Name of Applicant (Please Print)

Applicant's Telephone No.

Applicant's Residence Address

City

State

Zip Code

I do hereby affirm that the above information is true and correct.

DATED this 20 day of April, 2018

Arcela C. C. Arcela C. C. Owner
Signature of Applicant (to be signed in the presence of the business license office employee) Applicant's Title
Dawn M. Beyer City of Elko
Witness Signature - (Business License Office Employee) Name of City official

If unable to sign this document in the presence of a Business License Employee, the Applicant's signature must be notarized.

SUBSCRIBED and SWORN to before me on this _____ day of _____, 20____.

NOTARY PUBLIC

D-25(1) (Rev. 2007)

SECRETARY OF STATE



NEVADA STATE BUSINESS LICENSE

NUALA LLC

Nevada Business Identification # NV20151679670

Expiration Date: November 30, 2018

In accordance with Title 7 of Nevada Revised Statutes, pursuant to proper application duly filed and payment of appropriate prescribed fees, the above named is hereby granted a Nevada State Business License for business activities conducted within the State of Nevada.

Valid until the expiration date listed unless suspended, revoked or cancelled in accordance with the provisions in Nevada Revised Statutes. License is not transferable and is not in lieu of any local business license, permit or registration.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of State, at my office on April 19, 2018

Barbara K. Cegavske

Barbara K. Cegavske
Secretary of State

You may verify this license at www.nvsos.gov under the Nevada Business Search.

License must be cancelled on or before its expiration date if business activity ceases.
Failure to do so will result in late fees or penalties which by law cannot be waived.

INITIAL/ANNUAL LIST OF MANAGERS OR MANAGING MEMBERS AND STATE BUSINESS LICENSE APPLICATION OF:

NUALA LLC

NAME OF LIMITED-LIABILITY COMPANY

FOR THE FILING PERIOD OF

NOV. 2017

TO

NOV. 2018

USE BLACK INK ONLY - DO NOT HIGHLIGHT

****YOU MAY FILE THIS FORM ONLINE AT www.nvsilverflume.gov****

☐ Return one file stamped copy. (If filing not accompanied by order instructions, the stamped copy will be sent to registered agent.)

IMPORTANT: Read instructions before completing and returning this form.

1. Print or type names and addresses, either residence or business, for all manager or managing members. A manager, or if none, a Managing Member of the LLC must sign the form. **FORM WILL BE RETURNED IF UNSIGNED.**

2. If there are additional managers or managing members, attach a list of them to this form.

3. Return completed form with the fee of \$100.00. A \$75.00 penalty must be added for failure to file this form by the deadline. An annual list received more than 90 days before its due date shall be deemed an amended list for the previous year.

4. State business license fee is \$200.00. Effective 2/1/2016, \$100.00 must be added for failure to file form by deadline.

5. Make your check payable to the Secretary of State.

6. **Online Copies:** If requested above, one file stamped copy will be returned at no additional charge. To receive a certified copy, enclose an additional \$30.00 per certification. A copy fee of \$3.00 per page is required for each additional copy generated when ordering 2 or more file stamped or certified copies. Appropriate instructions must accompany your order.

7. Return the completed form to: Secretary of State, 202 North Carson Street, Carson City, Nevada 89701-4301, (775) 684-5708.

8. Form must be in the possession of the Secretary of State on or before the last day of the month in which it is due. (Postmark date is not accepted as receipt date.) Forms received after due date will be returned for additional fees and penalties. Failure to include annual list and business license fees will result in rejection of filing.

ANNUAL LIST FILING FEE: \$100.00 LATE PENALTY: \$75.00 (if filed late)

BUSINESS LICENSE FEE: \$200.00 LATE PENALTY: \$100.00 (if filed late)

CHECK ONLY IF APPLICABLE AND ENTER EXEMPTION CODE IN BOX BELOW

☐ Pursuant to NRS Chapter 70, this entity is exempt from the business license fee. Exemption code: 001

NRS 70.020 Exemption Codes

001 - Governmental Entity

006 - NRS 680B.020 Insurance Co.

NOTE: If claiming an exemption, a notarized Declaration of Eligibility form must be attached. Failure to attach the Declaration of Eligibility form will result in rejection, which could result in late fees.

NAME ACELA CEJA	MANAGER OR MANAGING MEMBER		
ADDRESS 828 CARLIN COURT	CITY ELKO	STATE NV	ZIP CODE 89801
NAME CARLOS NUNEZ	MANAGER OR MANAGING MEMBER		
ADDRESS 828 CARLIN COURT	CITY ELKO	STATE NV	ZIP CODE 89801
NAME	MANAGER OR MANAGING MEMBER		
ADDRESS	CITY	STATE	ZIP CODE
NAME	MANAGER OR MANAGING MEMBER		
ADDRESS	CITY	STATE	ZIP CODE

None of the managers or managing members identified in the list of managers and managing members has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of a manager or managing member in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 205.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X CARLOS NUNEZ

Signature of Manager, Managing Member or Other Authorized Signature

Title

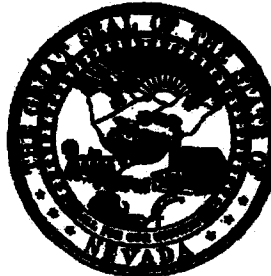
MANAGER

Date

4/19/2018 4:11:11 PM

Nevada Secretary of State List Managers
Revised: 7-1-17

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH



4150 TECHNOLOGY WAY, SUITE 101
CARSON CITY, NEVADA 89703

Post Conspicuously

OFFICIAL PERMIT

No. EL-02-13364

ACELA CEJA

Name of Applicant

Operator of

CABO

Name

ELKO, NV

at

Location

is granted a permit to operate the following:

DRINKING ESTABLISHMENT (BAR)

This establishment when inspected did comply with the public health laws of Nevada, and the rules, regulations, and codes of the State Division of Health in effect on this date.

This permit is not transferable and must be conspicuously displayed. It is subject to revocation at any time this establishment is not maintained or is not operated in a sanitary manner, and in accordance with Nevada statutes, and with rules, regulations, and codes of the State Division of Health. This permit becomes null and void upon the expiration date.

This permit will expire 04/30/2017

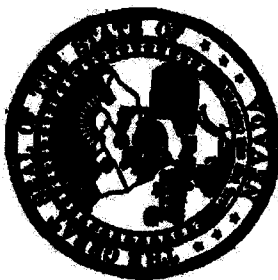
By

Cindy L. Ulch

Official

CABO 79

NEVADA DIVISION OF PUBLIC AND BEHAVIORAL HEALTH



727 FAIRVIEW DRIVE, SUITE D
CARSON CITY, NEVADA 89801

OFFICIAL PERMIT No. EL-003-13364

ACELA CEJA & FLORENTINO AYALA
Name of Applicant

CABO
Name

at 449 RAILROAD STREET, ELKO, NV 89801

is granted a permit to operate the following:

Permit Description: FOOD ESTABLISHMENT (BAR/SERVICE BAR)

Conditions of Permit: No restrictions

This establishment when inspected did comply with the public health laws of Nevada, and the rules, regulations, and codes of the State Division of Health in effect on this date.

It is subject to revocation at any time if this establishment is not maintained or is not operated in a sanitary manner, and in accordance with Nevada rules, regulations, and codes of the State Division of Health. This permit becomes null and void upon the expiration date.

This permit will expire: 5-20-2018

By [Signature] Chief



**CITY OF ELKO
BUSINESS LICENSE**

Business Name: CABO
Location: 449 RAILROAD ST
License #: 10982
Issue Date: 4/25/2018
License Type: Business License

Class: BAR
Expiration Date: 4/30/2019

**CABO
828 CARLIN CT
Elko, NV 89801**

**NUALA LLC
449 RAILROAD ST
Elko, NV 89801**



**CITY OF ELKO
BUSINESS LICENSE**

Business Name: CABO
Location: 449 RAILROAD ST
License #: 10982
Issue Date: 5/1/2019
License Type: Business License

Class: BAR
Expiration Date: 4/30/2020

CABO
828 CARLIN CT
Elko, NV 89801

NUALA LLC
449 RAILROAD ST
Elko, NV 89801

*Mailing address
updated by
Manager*



City of Elko
 1751 College Ave
 Elko, NV 89801
 Phone: 775-777-7138
 Fax: 775-777-7129

PAID
 APR 1 2019

Business License Renewal

3/14/2019

☐ If you are no longer conducting business in Elko City please check this box, sign on bottom and return form

CABO
 828 CARLIN CT
 Elko, NV 89801

License Type: Business License
 License #: 10982
 License Renewal #: 2019-00000980
 Location: 449 RAILROAD ST
 Activity: RETAIL

It is time to renew your business license with Elko City, which expires 4/30/2019. Please remit payment on or before the expiration date using the fees shown below for the year ending 4/30/2019. Use the gross sales schedule for all businesses unless your business falls in one of the other categories shown. Please contact the City at the number shown above for any changes to your license or business information. For any other changes please contact the licensing department at the number above.

Note: If any business is not in compliance with state, local, or federal requirements, renewals may be returned pending compliance.
Any business located in the City of Elko may require Fire Department Inspections. Please check with Fire Department prior to the renewal of your license. Phone Number -775-777-7345

Fee Schedules

Gross Receipts in Elko City	\$0-\$25,000 = \$34.50	_____	\$225,001-\$250,000 = \$172.50	_____
	\$25,001-\$50,000 = \$55.20	_____	\$250,001-\$300,000 = \$207.00	_____
	\$50,001-\$100,000 = \$69.00	_____	\$300,001-\$350,000 = \$241.50	_____
	\$100,001-\$200,000 = \$103.50	✓	\$350,001-\$400,000 = \$276.00	_____
	\$200,001-\$225,000 = \$138.00	_____	\$400,001-\$500,000 = \$310.50	_____
	Over \$500,000 = \$310.50 plus \$6.90 for each full \$50,000 over \$500,000	_____		_____

For Motels/Hotels, Residential Rentals and RV Spaces please refer to the following fees based on number of rentals for period end date listed above.

Apartments Lodging & RV's	3 - 5 Units = \$20.70	_____	51 - 75 Units = \$103.50	_____
	6 - 15 Units = \$34.50	_____	76 - 150 Units = \$172.50	_____
	16 - 25 Units = \$48.60	_____	151 - 300 Units = \$310.50	_____
	26 - 50 Units = \$69.00	_____	301 Units or Over = \$517.50	_____

For Utility Companies please refer to the following fees based on gross receipts for period end date listed above.

Utility Companies	\$0-\$200,000 = \$1,200.00	_____	\$300,001-\$400,000 = \$3,450.00	_____
	\$200,001-\$300,000 = \$1,725.50	_____	\$400,001-\$500,000 = \$3,630.00	_____
		_____	Over \$500,000 = \$4,200.00	_____

For Banks and Savings/Loan Associations please refer to the following fee for period end date listed above

\$55.20 per million dollars of average deposits or fraction thereof with a minimum of \$55.20 per bank or branch per year. A tabulation setting forth total deposits in banks, associate or branch on the last day of each previous (4) calendar year quarters must be submitted along with your fee of \$_____

Sign and return this form:

Signature:

Date: 4-1-2019



City of Elko, Nevada
Liquor License Application
1751 College Avenue
Elko, NV 89801
Phone (775)777-7138 Fax (775)777-7129

Information on this form must be printed or typed.

1. Check all that apply: ☐ New License ☐ Change in Location ☐ Change in Name ☐ Change in Mailing Address
other

2. Business Name (dba) to be shown on the license: Cabo
Business Telephone _____ Cellular Telephone _____
Fax _____

3. Mailing Address 828 Carlin Ct. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code

4. Physical Address 449 Railroad St. ELKO NV. 89801
Street Number, Direction (N, S, E, W) Name, Suite, Unit Or Apt. City, State, Zip Code

5. Type of Business Entity: ☐ Sole Proprietor ☐ S. Corp ☐ Privately Held Corp. ☐ Partnership
☒ Limited Liability Partnership ☐ Limited Liability Company

6. Name of All Owner(s), Partners, Corporate Officers, Members, etc. to be listed on the license. Attach additional sheets if necessary

<u>CEVA ACEVA</u>	<u>Owner</u>	
Name (Last, First, MI)	Title (Owner, Officer, Member, etc.)	Percent Owned
<u>828 Carlin Ct.</u>	<u>ELKO NV. 89801</u>	
Residence Address	City, State, Zip	Residence Phone

	Title (Owner, Officer, Member, etc.)	Percent Owned
Name (Last, First, MI)		
Residence Address	City, State, Zip	Residence Phone

	Title (Owner, Officer, Member, etc.)	Percent Owned
Name (Last, First, MI)		
Residence Address	City, State, Zip	Residence Phone

7. Class of License: Retail

8. Fee: 222.00 (One quarterly fee must be paid upon receipt of application and is non-refundable.)
cash PAID MAY - 7 2018

I certify the information provided in this application is true, correct and complete to the best of my knowledge and belief. If partnership more than one signature is required.

<u>Dele Cera</u>	<u>ACEVA owner</u>	<u>4/18/2018</u>
Signature/Original	Print Name & Title	Date

Signature/Original	Print Name & Title	Date
--------------------	--------------------	------

This form must be signed by the Chief of Police below:

<u>Ben Ruff</u>	<u>ELKO POLICE DEPT.</u>	Date: <u>MAY 7, 2018</u>
<u>ELKO CITY POLICE DEPT.</u>		
<u>1401 COLLEGE AVE. ELKO, NV 89801</u>		
<u>775-777-7310</u>		

RE-INSTATED FOR TEMPORARY MAY 31, 2018 THROUGH JUNE 14, 2018

For Police Department Use Only:
Is applicant applying for a Temporary Liquor License? yes OMW no _____
Please Initial

Date Temporary Liquor License Effective MAY 7, 2018 to JUNE 6, 2018

REMOVED MAY 22, 2018 BEN RUFF MAY 7, 2018

CABO 84



ELKO POLICE DEPARTMENT

Ben Reed, Jr.
Police Chief

1448 Silver Street
Elko, Nevada 89801
775.777.7310
775.738.1415 Fax
www.elkocity.com

DATE: June 1, 2018
TO: Curtis Calder, City Manager
FROM: Ben Reed, Jr., Police Chief *BR/01*
SUBJECT: Retail Liquor License Application in the name of Cabo, located at 449 Railroad Street, Elko, NV 89801.

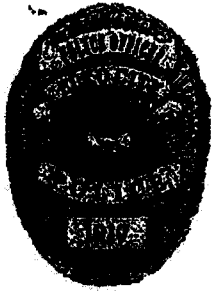
On April 18, 2018, Acela Ceja made application for a Retail Liquor License in the name of Cabo, located at the above address.

Ms. Ceja has successfully completed the required background investigation.

I am requesting the Elko City Council approve the request for a Retail Liquor License to Cabo located at 449 Railroad Street, Elko, NV 89801.

BR/tle

CC: Mayor Chris Johnson



ELKO POLICE DEPARTMENT

Ben Reed, Jr.
Police Chief

1448 Silver Street
Elko, Nevada 89801
775.777.7310
775.738.1415 Fax
www.elkocity.com

DATE: May 14, 2018
TO: Curtis Calder, City Manager
FROM: Ben Reed, Jr., Police Chief *BR*
SUBJECT: Retail Liquor License Application in the name of Cabo, located at 449 Railroad Street, Elko, NV 89801.

On April 18, 2018, Acela Ceja made application for a Retail Liquor License in the name of Cabo, located at the above address.

Ms. Ceja has successfully completed the required background investigation.

I am requesting the Elko City Council approve the request for a Retail Liquor License to Cabo located at 449 Railroad Street, Elko, NV 89801.

BR/tlc

CC: Mayor Chris Johnson

Denied



ELKO POLICE DEPARTMENT

1448 Silver Street
Elko Nevada 89801
775.777.7310
775.738.1415 Fax
epd@elkocitynv.gov

Ben Reed, Jr.
Police Chief

December 19, 2018



COPY

Acela Ceja
Cabo
449 Railroad Street
Elko, Nevada 89801

RE: Liquor Law Violations

Dear Ms. Ceja,

This letter is to inform you of alleged violations of the Elko Liquor Control Code, which recently occurred at Cabo.

On November 3, 2018, Elko Police officers learned of an incident involving at least one 16 year-old minor and possibly others believed to be allowed into the Cabo bar in the later hours of November 2, 2018, or the early morning hours of November 3, 2018. Upon investigation of the incident, officers determined a 16 year-old minor had been performing in the band and consuming alcoholic beverages inside of the establishment. Furthermore, this incident constitutes violations of Elko City Codes 4-5-19 (A), 4-5-21 (A-1), 4-5-24, 4-5-25 (A), and 4-5-26 (A) and (B); and possibly others, on behalf of the liquor licensee.

All violations of the Elko Liquor Control Code are subject to penalties and / or discipline as stated in the code. The alleged violations listed above, and / or any future violations of the Elko Liquor Control Code, may result in a hearing before the Elko City Council.

If you have any questions regarding the above listed incident, please contact me at (775) 777-7315.

Cordially,

Ben Reed, Jr.
Police Chief
Elko Police Department
City of Elko, Nevada

BR/tle



**City of Elko
Liquor License**

Business Name: CABO

Location: 449 RAILROAD ST

License #: 30055

Issue Date: 1/1/2019

License Type: Liquor

Class: RETAIL LIQUOR

Expiration Date: 3/31/2019

CABO
828 CARLIN CT
Elko, NV 89801

ACELA CEJA
449 RAILROAD ST
Elko, NV 89801

AGREEMENT REGARDING LIQUOR LICENSE DISCIPLINE

The undersigned hereby agree and stipulate as follows:

1. This settlement agreement ("Agreement") herein is subject to prior approval or ratification of the Elko City Council ("Council") and is in lieu of formal liquor license disciplinary proceedings under Title 4 Chapter 5 of the Elko City Code ("Liquor Control Code"). Both parties hereby waive any and all rights under Title 4 Chapter 5 to challenge the discipline set forth herein upon execution of this agreement by all parties and approval by the Council.
2. For purposes of this Agreement, "Licensee" or "Licensees" shall, unless otherwise expressly provided, mean any business entity, named licensee and/or any other principal identified upon the liquor license application of the above-stated licensee and all employees, agents, independent contractors and managers of said individuals or agents.
3. Licensee admits to a violation of Elko City Code 4-5-26 Knowingly Allowing Minor to Loiter in Bar Area on or about November 2, 2018. The penalty for the violation shall be as follows: a) a fine payable within ten (10) days, within ten (10) days of Council approval, to the City Clerk's office in the sum of \$1,000 ; and, b) probation, upon the conditions which follow hereafter, for a period of one year following the date of approval of this agreement by the City Council and execution of this agreement by Licensee. Any violations of this Agreement, the probation conditions set forth herein, the Liquor Control Code or other provisions of the Elko City Code by Licensee subsequent to this Agreement shall constitute grounds for further liquor license discipline, in addition to any other enforcement action by the City.
4. During the period of probation, Licensee must comply with the terms and conditions set forth herein. In the event the Licensee obtains a renewal during the probationary

period, any such renewal will be subject to the terms of this agreement for the remaining probationary period.

5. For the period beginning April 14, 2019 through April 24, 2019 ("Closure Period"), Licensee shall close Nuala LLC, a Nevada limited liability company, dba Cabo Bar, located at 449 Railroad St. in Elko ("Business") from all business activities and further prohibit the public from entering the Business premises for any reason. The alcohol located on the Business premises ("Premises") during the Closure Period may be maintained on location provided that the Elko Police Chief or his designee approves of the storage and security measures on the Premises. Further, from the March 31, 2019 through April 30, 2019, except for the Closure Period described above, the Business shall fully close the bar and remove all patrons from the Premises on or before 2:00 a.m. each day.

6. During the period of probation, Licensee shall check identifications of all persons entering the Premises and shall immediately notify the Chief of Police or, if he is not available, an on-duty police officer, if any person under the age of twenty-one (21) will be permitted on the Premises for any purpose.

7. During the period of probation, Licensees present on the premises and performing employment or other duties in connection with the business shall not be under the influence of alcohol or drugs while on the premises. For purposes of this agreement, "under the influence" shall have same meaning as ascribed to that term in the DUI laws of the state of Nevada. This provision shall not impact any rights to testing otherwise permissible by law or any voluntary testing. Upon reasonable suspicion a police officer may request Licensee to submit to testing on the Premises and a refusal to submit to such testing shall be deemed to be a violation of the provision.

8. During the period of probation, Licensee shall provide for security at the premises to include: 1) personnel at all entrances and exits of the premises whenever the Licensee is in operation from the hours of 10:00 p.m. to until closure on all Fridays and Saturdays (A person shall not be required at any exit which is not allowed to be used as an entrance and which has a door which can only be opened from inside the premises that contains an alarm bar and does not violate any applicable fire code); and 2) security cameras installed which record the areas open to patrons while operating and the recordings of which are maintained for at least fifteen (15) calendar days and subject to review by any on-duty police officer upon request.

9. Within ten (10) days of Council approval of this Agreement, Licensee shall pay \$2,310 to the City Clerk to reimburse the City for legal fees incurred in connection with the matters underlying this Agreement.

10. The violation admitted herein may be considered in determining the appropriate level of discipline in any subsequent business license or liquor license disciplinary action against the Business or the Licensee for acts or omissions which occurred within sixty (60) months of the Council approval of this Agreement.

DATED this 26th day of March, 2019.

CITY OF ELKO

BY: 
Curtis Calder, City Manager

//

//

LICENSEE, Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar

Acela Ceja
By: Acela Ceja, Individually and as
Manager
449 Railroad Street
Elko, NV 89801

Carlos Nunez
By: Carlos Nunez, Individually and as
Manager
449 Railroad Street
Elko, NV 89801

STATE OF NEVADA)
)SS.
COUNTY OF ELKO)

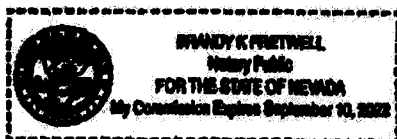
This instrument was acknowledged before me on March 26th, 2019, by CURTIS CALDER, as City Manager City of Elko.



Brandy K. Fretwell
NOTARY PUBLIC

STATE OF NEVADA)
)SS.
COUNTY OF ELKO)

This instrument was acknowledged before me on March 20th, 2019, by ACELA CEJA, Individually and as a Manager of Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar and CARLOS NUNEZ, Individually and as a Manager of Nuala LLC, a Nevada limited liability company, d/b/a Cabo Bar.



Brandy K. Fretwell
NOTARY PUBLIC



**CITY OF ELKO
BUSINESS LICENSE**

Business Name: CABO

Location: 449 RAILROAD ST

License #: 10982

Issue Date: 4/25/2018

Class: BAR

Expiration Date: 4/30/2019

License Type: Business License

CABO

828 CARLIN CT
Elko, NV 89801

NUALA LLC

449 RAILROAD ST
Elko, NV 89801

#2019-19721

CERTIFICATE OF PERSONAL SERVICE

I HEREBY CERTIFY that I am an officer of the Elko Police Department and that
I personally served the:

Notice of Non-Renewal of Liquor License

The notice/a copy of which is attached was served by:

Personal Delivery to Liquor Licensee, Cabo, Carlos Nunez,
at 449 Railroad St.
on the 30 day of Aug, 2019.

Dated this 30 day of August, 2019.

by: M. Jensen
Badge No.: 117
Print Name: MATTHEW JENSEN

NOTICE OF NON-RENEWAL OF LIQUOR LICENSE

To: Nualla LLC d/b/a Cabo and its members and principals ("Licensee")(hereafter sometimes "Cabo")

420 Elm St. # 1

Elko, Nv, 89801

ATTENTION: This NOTICE OF NON-RENEWAL supersedes the renewal invoice dated 8/14/2019 sent to the Licensee. For the reasons stated in this Notice, the City will not renew the liquor license for Cabo and the liquor license for Cabo is automatically revoked for non-renewal, effective upon the expiration of Cabo's present liquor license on September 30, 2019.

The grounds for this non-renewal of your license are as follows:

- A. Factual Basis:** Recent prior violation resulting in probation (License Discipline Agreement dated March 26, 2019); uninvolved entity members not actively participating in management and suffering, allowing or permitting acts of primary management; Nunez (primary manager of Cabo) providing controlled substance on a different liquor licensed premises after hours for use in partying on or about May 16, 2019; Nunez participating in possession and use of controlled substance at the other liquor licensed premises; Nunez leaving controlled substance remnants in a liquor licensed premises; and/or Cabo pattern of late license payments and water service payments.
- B. Relevant Code Provisions and Other Considerations**
1. Public health, safety, morals and welfare of the City require the regulation and control of all persons who sell, serve or give away liquor. 4-5-2A.
 2. Liquor license is a privilege. 4-5-2A.
 3. Holder of liquor license must be in good standing. 4-5-2B.
 4. All persons who have management of the business are subject to investigation as may be necessary to protect the public good, welfare, safety, health and morals of the City inhabitants – requiring investigation of the moral character and business responsibility of the applicants. 4-5-4N.
 5. Licenses are prohibited unless each applicant is a person of good moral character and satisfactory business responsibility. 4-5-6A and 4-5-13A.
 6. Video and other evidence show or tend to show felonious conduct/behavior on a licensed premises and weigh unfavorably on moral character and satisfactory business responsibility.
 7. Previous violations are factors in licensing decisions. 4-5-9A and 4-5-13A. Cabo admitted a violation of the Liquor code and is presently in a probationary status.
 8. No license shall be automatically renewed if licensee not in compliance with state federal or local requirements or codes. 4-5-10.

9. Licensee actions, omissions and/or violations regarding a pattern of late payments on license fees (4-5-13A) and utility fees factor in determination of good moral character and/or unsatisfactory business responsibility.
10. Uninvolved business entity ownership interests – to the extent that other principals and members of the Licensee business entity have not actively engaged in business management, suffering or allowing or permitting the management and activities of the more culpable principal or member of the Licensee shows a lack of satisfactory business responsibility.
11. Violation of any provision of the liquor code. 4-5-13A3. Liquor code violated by licensee/applicant/manager not having requisite moral character or satisfactory business responsibility.
12. Named licensee commits acts sufficient for denial of applicant. 4-5-13A6. Application would have been denied by reason of lack of moral character and sufficient business responsibility.

You may contest this non-renewal by filing within 20 days of your personal service of this Notice of Non-Renewal with the City Clerk a written appeal and requesting a hearing before the City Council wherein the Council will uphold, modify or rescind the non-renewal of the license and/or determine any appropriate license discipline or conditions to place on the liquor license. Failure of the licensee to timely file an appeal or failure to appear at any subsequent appeal hearing shall be deemed an admission of the grounds set forth in this Notice of Non-Renewal and a waiver of any rights to contest the decision.

Dated this 29 day of August, 2019.


KELLY C. WOOLDRIDGE
ELKO CITY CLERK

GARY E. DI GRAZIA
gdgrazia@frontier.net

THOMAS J. COYLE, JR.
tcoyle@frontier.net

DAVID M. STANTON
davidstanton@frontier.net

LAUREN A. LANDA
laurenlanda@frontier.com

LAW OFFICES
**GOICOECHEA, DI GRAZIA,
COYLE & STANTON, LTD.**
A PROFESSIONAL CORPORATION

OF COUNSEL
ROBERT B. GOICOECHEA
rgoicoeches@frontier.net

OF COUNSEL-RETIRED
P. MICHAEL MARFISI
marfisi@frontier.com

August 29, 2019

VIA CERTIFIED MAIL

Nualla LLC, d/b/a Cabo
420 Elm Street, #1
Elko, NV 89801

Attn: Carlos Nunez / Acela Ceja
Re: Cabo Liquor License

Dear Mr. Nunez and Ms. Ceja:

Enclosed herein is a courtesy copy of the Notice of Non-Renewal of Liquor License, which was served upon the licensee. So you are aware, the timeframe to which to respond shall be calculated from the date of personal service to one of the Licensees, not from the date of receipt of this letter. If you have questions or wish to discuss this, please contact me.

With best regards,




THOMAS J. COYLE, JR.

TJC/bkf
Enclosure

9. Licensee actions, omissions and/or violations regarding a pattern of late payments on license fees (4-5-13A) and utility fees factor in determination of good moral character and/or unsatisfactory business responsibility.
10. Uninvolved business entity ownership interests – to the extent that other principals and members of the Licensee business entity have not actively engaged in business management, suffering or allowing or permitting the management and activities of the more culpable principal or member of the Licensee shows a lack of satisfactory business responsibility.
11. Violation of any provision of the liquor code. 4-5-13A3. Liquor code violated by licensee/applicant/manager not having requisite moral character or satisfactory business responsibility.
12. Named licensee commits acts sufficient for denial of applicant. 4-5-13A6. Application would have been denied by reason of lack of moral character and sufficient business responsibility.

You may contest this non-renewal by filing within 20 days of your personal service of this Notice of Non-Renewal with the City Clerk a written appeal and requesting a hearing before the City Council wherein the Council will uphold, modify or rescind the non-renewal of the license and/or determine any appropriate license discipline or conditions to place on the liquor license. Failure of the licensee to timely file an appeal or failure to appear at any subsequent appeal hearing shall be deemed an admission of the grounds set forth in this Notice of Non-Renewal and a waiver of any rights to contest the decision.

Dated this 29 day of August, 2019.


KELLY C. WOOLDRIDGE
ELKO CITY CLERK

NOTICE OF NON-RENEWAL OF LIQUOR LICENSE

To: Nualla LLC d/b/a Cabo and its members and principals ("Licensee")(hereafter sometimes "Cabo")

420 Elm St. # 1

Elko, Nv, 89801

ATTENTION: This NOTICE OF NON-RENEWAL supersedes the renewal invoice dated 8/14/2019 sent to the Licensee. For the reasons stated in this Notice, the City will not renew the liquor license for Cabo and the liquor license for Cabo is automatically revoked for non-renewal, effective upon the expiration of Cabo's present liquor license on September 30, 2019.

The grounds for this non-renewal of your license are as follows:

- A. **Factual Basis:** Recent prior violation resulting in probation (License Discipline Agreement dated March 26, 2019); uninvolved entity members not actively participating in management and suffering, allowing or permitting acts of primary management; Nunez (primary manager of Cabo) providing controlled substance on a different liquor licensed premises after hours for use in partying on or about May 16, 2019; Nunez participating in possession and use of controlled substance at the other liquor licensed premises; Nunez leaving controlled substance remnants in a liquor licensed premises; and/or Cabo pattern of late license payments and water service payments.
- B. **Relevant Code Provisions and Other Considerations**
 1. Public health, safety, morals and welfare of the City require the regulation and control of all persons who sell, serve or give away liquor. 4-5-2A.
 2. Liquor license is a privilege. 4-5-2A.
 3. Holder of liquor license must be in good standing. 4-5-2B.
 4. All persons who have management of the business are subject to investigation as may be necessary to protect the public good, welfare, safety, health and morals of the City inhabitants – requiring investigation of the moral character and business responsibility of the applicants. 4-5-4N.
 5. Licenses are prohibited unless each applicant is a person of good moral character and satisfactory business responsibility. 4-5-6A and 4-5-13A.
 6. Video and other evidence show or tend to show felonious conduct/behavior on a licensed premises and weigh unfavorably on moral character and satisfactory business responsibility.
 7. Previous violations are factors in licensing decisions. 4-5-9A and 4-5-13A. Cabo admitted a violation of the Liquor code and is presently in a probationary status.
 8. No license shall be automatically renewed if licensee not in compliance with state federal or local requirements or codes. 4-5-10.

Cabo

449 Railroad St.
Elko, Nv. 89801

September 16, 2019

Acela Ceja

Owner, Nuala LLC/Cabo
1655 Clarkson Dr. #42
Elko, Nv. 89801

To whom it may concern,

Please accept this letter as notification that Carlos Nunez has been removed from Nuala LLC effective September 16, 2019. In addition, Carlos Nunez has not operated, managed or has had any part other than being a contracted DJ at Cabo as of May 1, 2019.

I deeply regret the unfortunate actions Carlos Nunez committed on or about May 16, 2019 that has consequently put Cabo's business licence in nonrenewal status. These actions are not ones I condone or am in anyway apart of.

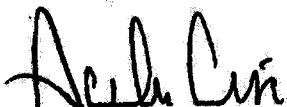
I am aware Cabo is still under probation and this has been a violation of it. I would like to have the opportunity to plead my case as well as to have the consideration to continue operating the business. Carlos Nunez and I, Acela Ceja are going through a divorce and I have a potential buyer that conditions are that the bar remain in an operational state.

Lastly I would like to add that with the help of our new accountant and manager we are taking care of all payments and debt accumulated thus far. We have been able to advance and make payments on them and will continue to amend and fix the payment patterns of the past.

Please note that attached is a copy of the amended State business licence.

Sincerely,

Acela Ceja



RECEIVED
SEP 17 2019 *fw*

CABO 100



BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov
www.nvsilverfume.gov

Annual or Amended List and State Business License Application

☒ ANNUAL ☐ AMENDED (check one)

List of Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

NUALA LLC
NAME OF ENTITY

NV20151679670

Entity or Nevada Business
Identification Number (NVID)

TYPE OR PRINT ONLY - USE DARK INK ONLY - DO NOT HIGHLIGHT

IMPORTANT: Read instructions before completing and returning this form.

Please indicate the entity type (check only one):

- ☐ Corporation
☐ This corporation is publicly traded, the Central Index Key number is:
- ☐ Nonprofit Corporation (see nonprofit sections below)
- ☒ Limited-Liability Company
- ☐ Limited Partnership
- ☐ Limited-Liability Partnership
- ☐ Limited-Liability Limited Partnership
- ☐ Business Trust
- ☐ Corporation Sole

Filed in the Office of <i>Barbara K. Cegavske</i> Secretary State Of Nevada	Business Number R033002015-3 Filing Number 20150161100 Filed On 09/16/2015 12:30:32 PM Number of Pages 2
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Additional Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers, may be listed on a supplemental page.

CHECK ONLY IF APPLICABLE

Pursuant to NRS Chapter 76, this entity is exempt from the business license fee.

- ☐ 001 - Governmental Entity
- ☐ 006 - NRS 680B.020 Insurance Co, provide license or certificate of authority number

For nonprofit entities formed under NRS Chapter 80: entities without 501(c) nonprofit designation are required to maintain a state business license, the fee is \$200.00. Those claiming an exemption under 501(c) designation must indicate by checking box below.

- ☐ Pursuant to NRS Chapter 76, this entity is a 501(c) nonprofit entity and is exempt from the business license fee.
Exemption Code 002

For nonprofit entities formed under NRS Chapter 81: entities which are Unit-owners' association or Religious, Charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c) are excluded from the requirement to obtain a state business license. Please indicate below if this entity falls under one of these categories by marking the appropriate box. If the entity does not fall under either of these categories please submit \$200.00 for the state business license.

- ☐ Unit-owners' Association ☐ Religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)

For nonprofit entities formed under NRS Chapter 82 and 88: Charitable Solicitation Information - check applicable box

Does the Organization intend to solicit charitable or tax deductible contributions?

- ☐ No - no additional form is required
- ☐ Yes - the "Charitable Solicitation Registration Statement" is required.
- ☐ The Organization claims exemption pursuant to NRS 82A 210 - the "Exemption From Charitable Solicitation Registration Statement" is required

****Failure to include the required statement form will result in rejection of the filing and could result in late fees.****



BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov
www.nvsilverflume.gov

Annual or Amended List and State Business License Application - Continued

Officers, Managers, Members, General Partners, Managing Partners, Trustees or Subscribers:

CORPORATION, INDICATE THE MANAGER:

ACELA CEJA

USA

Name

Country

1655 Clarson Dr #42

Elko

NV

89801

Address

City

State Zip/Postal Code

None of the officers and directors identified in the list of officers has been identified with the fraudulent intent of concealing the identity of any person or persons exercising the power or authority of an officer or director in furtherance of any unlawful conduct.

I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 238.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State.

X **Acela Ceja**

Manager

09/16/2019

Title

Date

**Signature of Officer, Manager, Managing Member,
General Partner, Managing Partner, Trustee,
Subscriber, Member, Owner of Business,
Partner or Authorized Signer** FORM WILL BE RETURNED IF

UNSIGNED

Licensee Service

License Type

License Number

Name

Go Advanced Reset New

Licensee Service

WACELADE 4
CCEBUTSTRT

Documents

Business

CARD

145 RAY ROW ST

City License

TOURALLEG

405 ELM ST

Outstanding Balance \$222.00

Business Hours

Business Activities / Industrial Codes

User-Defined Fields

Business Location History

Contractor Licenses

Transaction History

Date	Transaction Type	License	Total Amount
12-17-2018	License Charges Billed - All	Liquor - 30055	
12-17-2018	Payments	Liquor - 30055	\$222.00
11-15-2018	License Charges Billed	Liquor - 30055	\$222.00
09-27-2018	License Charges Billed - All	Liquor - 30055	
09-27-2018	Payments	Liquor - 30055	\$222.00
08-14-2018	License Charges Billed	Liquor - 30055	\$222.00
08-14-2018	License Charges Billed	Liquor - 30055	\$222.00
07-15-2018	License Charges Billed - All	Liquor - 30055	
07-15-2018	Payments	Liquor - 30055	\$244.20
07-06-2018	App's Renewal and Renewal C	Liquor - 30055	\$72.20
06-13-2018	Payments	Liquor - 30055	\$222.00
06-06-2018	License Charges Billed	Liquor - 30055	\$0.00
05-08-2018	License Charges Billed	Liquor - 30055	\$222.00
05-14-2018	License Charges Billed	Liquor - 30055	\$222.00
04-01-2018	Payments	Liquor - 30055	\$222.00
02-15-2018	License Charges Billed	Liquor - 30055	\$222.00

Transaction Statement

Service Address

449 RAILROAD ST
Elko, NV 89801

Remit To Address

Elko Municipal Water Department
1751 College Ave.
ELKO, NV 89801

Mailing Address

CABO
420 ELM ST #1
ELKO, NV 89801

Account Number

Amount Due

\$119.36

Account Number

From - Through

7/1/2018 - 9/17/2019

Service Address

449 RAILROAD ST
Elko, NV 89801

Services

Water Flat
Sewer Flat
Stormwater
Street lights

Beginning Balance

\$119.36

Date	Type	Amount	Running Balance	Description
07/31/2018	Late Fee	\$1.79	\$121.15	
07/31/2018	Bill <i>late</i>	\$119.36	\$240.51	Due Date 08/16/2018
08/22/2018	Payment	(\$240.51)	\$0.00	Charge
08/31/2018	Bill <i>late</i>	\$119.36	\$119.36	Due Date 09/17/2018
09/27/2018	Late Fee	\$1.79	\$121.15	
09/28/2018	Bill <i>late</i>	\$119.36	\$240.51	Due Date 10/16/2018
10/18/2018	Payment	(\$150.00)	\$90.51	Charge
10/31/2018	Late Fee	\$1.36	\$91.87	
10/31/2018	Bill <i>late</i>	\$119.36	\$211.23	Due Date 11/16/2018
11/29/2018	Late Fee	\$3.15	\$214.38	
11/30/2018	Bill <i>late</i>	\$119.36	\$333.74	Due Date 12/17/2018
12/11/2018	Shut Off *	\$100.00	\$433.74	
12/12/2018	Payment	(\$320.00)	\$113.74	Cash
12/31/2018	Late Fee	\$0.21	\$113.95	
12/31/2018	Bill <i>late</i>	\$119.36	\$233.31	Due Date 01/16/2019
01/31/2019	Late Fee	\$3.50	\$236.81	
01/31/2019	Bill	\$119.36	\$356.17	Due Date 02/19/2019
02/27/2019	Payment	(\$356.17)	\$0.00	Charge
02/28/2019	Bill	\$119.36	\$119.36	Due Date 03/18/2019
03/19/2019	Payment	(\$119.36)	\$0.00	Charge

Transaction Statement

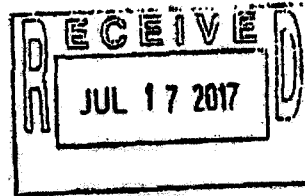
Date	Type	Amount	Running Balance	Description
03/28/2019	Bill <i>late</i>	\$119.36	\$119.36	Due Date 04/16/2019
04/30/2019	Late Fee	\$1.79	\$121.15	
04/30/2019	Bill <i>late</i>	\$119.36	\$240.51	Due Date 05/16/2019
05/30/2019	Late Fee	\$3.58	\$244.09	
05/30/2019	Bill <i>late</i>	\$119.36	\$363.45	Due Date 06/17/2019
06/10/2019	Payment	(\$240.51)	\$122.94	Check
06/27/2019	Late Fee	\$1.84	\$124.78	
06/27/2019	Bill <i>late</i>	\$119.36	\$244.14	Due Date 07/16/2019
07/31/2019	Late Fee	\$3.63	\$247.77	
07/31/2019	Bill <i>late</i>	\$119.36	\$367.13	Due Date 08/16/2019
08/13/2019	Shut Off *	\$100.00	\$467.13	
08/16/2019	Payment	(\$467.13)	\$0.00	Cash
08/28/2019	Bill <i>late</i>	\$119.36	\$119.36	Due Date 09/16/2019

Total Due

\$119.36

Account Number

EXHIBIT "11"

**ORIGINAL**

CASE:

DEPT:

**IN THE JUSTICE COURT OF ELKO TOWNSHIP
COUNTY OF ELKO, STATE OF NEVADA****RECEIVED****JUL 16 2017****STATE CONTRACTORS BOARD
RENO OFFICE****THE STATE OF NEVADA,**

Plaintiff,

vs.

BENCH WARRANT**CARLOS NUNEZ,**

Defendant.

THE STATE OF NEVADA to any Sheriff, Policeman, or other Peace Officer in this State: CARLOS NUNEZ, sentenced for the crime(s) of: COUNT 1, Engage in Contractor Business, NRS 624.750.2a / NOC 52085, and COUNT 2, Engage in Contractor Business, NRS 624.750.2a / NOC 52085

has FAILED TO APPEAR BEFORE THE ELKO JUSTICE COURT ON JULY 6, 2017 FOR ATTORNEY STATUS HEARING, AS ORDERED.

You are therefore commanded to arrest the above-named defendant and bring said defendant before this Court forthwith, or if this Court has adjourned, deliver the defendant unto the custody of the Sheriff of Elko County, Nevada. TO BE EXECUTED EITHER DURING THE DAY OR NIGHT.

Bail set in the amount of NO BAIL HOLD.

Given, by Order of the Court, under my hand 14 day of July, 2017

ELIAS D. GOICOECHEA
JUSTICE OF THE PEACE

LKA: 828 CARLIN CT, ELKO, NV 89801

SSN: DOB: RACE: White
SEX: Male HGT: 5'11" WGT: 220 HAIR: Black EYES: Brown

NEVADA STATE

AGENCY: CONTRACTOR'S BOARD

AGENCY NO.:

JAIL:

BOOKING NO.:

STATE OF NEVADA ONLY WARRANT



Elko County Sheriff's Office

Booking Sheet for Inmate

RLS TS D63

Name #:

Name: NUNEZ, CARLOS

Address: 420 ELM ST

ELKO, NV 89801

Born: SACATECAS, MM



Personal Identification

Drivers Lic:

State: NV

Home Phone:

Local ID:

Work Phone:

Soc. Sec.:

Physical Description

DOB:

Eyes: BRO

Complexn:

Race: W

Glasses:

Build:

Sex: M

Hair: BLK

Ethnic:

Hgt: 5'11"

Hair Style:

Wgt: 230

Beard:

Alias: CARLOS NUNEZ-SANCHEZ (1335459)

Assigned Housing: Cell A1

Current Location: Cell A1

Property Bag: E1.B26

Booking Date: 23:45:00 09/19/19

Booked By: Adkins B E

Arrested By: Bogdan J C

No Active Holds Located

Ref #	Case #	Description	Arr Agency	CRT	Bail Amt	Bail Type	DSP	PCN	Sent
12CR009074E		53006 199.335.2c1: FTA AFTER BAIL, MISD CRIME (M)	ELPD	ELJC	\$0.00	NB			0

NUNEZ, CARLOS

Name #28320DOB: 03/09/80



CABO 108

EXHIBIT "12"

Chapter 5

ELKO LIQUOR CONTROL CODE

4-5-1: DEFINITIONS:

Whenever used in this chapter, the following words shall have the meanings ascribed in this section, unless the context clearly indicates a different meaning:

ALCOHOLIC BEVERAGE: As used in this chapter, the term "alcoholic beverage" shall have the same meaning as the term "liquor".

APPEAL: The right of the licensee or applicant to request a hearing before a specified city official or the city council upon denial of or any other action adversely affecting a liquor license.

APPLICANT: A natural person, partnership, association, firm, company, corporation or other legal entity applying for a liquor license.

APPLICATION FOR A LIQUOR LICENSE: A formal request, utilizing a form provided by the city, that a person submits to the city for the purpose of requesting a liquor license.

BEER: Any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water.

BREW PUB: An establishment which manufactures beer and sells beer beverages at retail and not made available for wholesale.

BREW PUB LICENSE: A license issued by the city which permits the manufacturing and sales of beer by the licensee at the premises specified in the license for consumption on the licensee's premises.

CATERER'S LIQUOR LICENSE: A license issued by the city which is only effective if issued in addition to an existing retail liquor license, retail beer and wine license, or brewpub license, permitting the giving, selling or serving of beer, wine and liquor by the drink by the caterer licensee for private events on the premises of the caterer or at specified locations within the city of Elko.

CHURCH: A building, structure or place owned or occupied by a religious organization that is used primarily for religious worship.

CITY: The city of Elko, Nevada.

CITY CLERK: The city clerk of the city of Elko, Nevada, or the said clerk's deputy.

CITY COUNCIL: The city council of the city.

EXPIRATION: The date upon which a liquor license expires.

FEE: Any monies required by law to be paid to obtain or renew a liquor license.

FRATERNAL, SOCIAL AND CIVIC CLUB LICENSE: A license issued by the city, which permits the licensee therein designated to serve, sell or give liquors to the licensee's bona fide members and their

guests only for consumption of the licensee's premises specified in the license. This license shall not permit the licensee to conduct or operate any public bar or place for the sale, serving or delivery of any liquor to the general public.

INTOXICATION: A condition in which a person's mental and physical faculties are impaired because of the ingestion of liquor or other substances so as to diminish the person's ability to think and act in a way in which an ordinary prudent person in full possession of his or her faculties and using reasonable care would think and act in like circumstances.

LICENSE: Unless otherwise stated, a liquor license.

LICENSE CERTIFICATE: A document issued by the city stating that a person has a liquor license, together with any conditions or restrictions which apply to that liquor license.

LIQUOR: Beer, wine, gin, whiskey, cordials, ethyl alcohol or rum, and every liquor or solid, patented or not, containing one-half of one percent (0.5%) or more of alcohol by volume and which is used for beverage purposes.

LIQUOR LICENSE: Except as otherwise stated in this chapter or the license certificate, a privilege granted by the city to an applicant pursuant to this chapter permitting the applicant to give, sell or serve all or specified types of liquor within the city limits while it is in effect, subject to any conditions or restrictions contained in this chapter and/or the license certificate.

MINOR: A natural person, male or female, under the age of twenty one (21) years.

PACKAGE: Any container or receptacle used for holding liquor, which container or receptacle is corked or sealed.

PACKAGED LIQUOR LICENSE: A license issued by the city which permits the sale of liquor in packages by the licensee at the premises specified in the license, for consumption off the licensee's premises.

PERSON: A natural person, partnership, association, company, corporation, fraternal, civic or social clubs and all other types of organizations.

PREMISES: A distinct and definite locality, including a room, shop, building or other area with discrete boundaries.

PRIVATE EVENT: A gathering in the city limits which is not open to the public that will include the selling, serving or giving away of alcoholic beverages.

PUBLIC SCHOOL: A publicly funded school or preschool, specifically grades prekindergarten through grade 12.

QUARTER: One-fourth ($\frac{1}{4}$) of the year, beginning respectively on January 1, April 1, July 1 and October 1 of each year.

REGULAR LIQUOR LICENSE: A liquor license that is not a temporary liquor license.

RENEWAL: The granting of the privilege of a licensee to continue to use an existing liquor license for a definite period of time.

RETAIL: The sale for use or consumption and not for resale.

RETAIL BEER AND WINE LIQUOR LICENSE: A license issued by the city, which permits the sale of beer and wine in packages, or by the drink by the licensee at the premises specified in the license, for consumption on or off of the licensee's premises.

RETAIL LIQUOR LICENSE: A license issued by the city, which permits the sale of liquor, in packages, or by the drink by the licensee at the premises specified in the license, for consumption on or off the licensee's premises.

REVOCATION OF A LIQUOR LICENSE: The automatic cancellation of a liquor license pursuant to this chapter.

SACRAMENTAL: The use of liquor that is part of a formal religious act or ceremony and that is considered sacred as a spiritual sign or symbol by that religion.

SAMPLE: An amount of liquor that is only of such quantity as is reasonably necessary to provide a taste, not to exceed one-half ($1/2$) ounce of liquor.

SERVER OF ALCOHOL: Any person who gives, sells or serves any liquor to another person for consumption.

SPECIAL EVENT: For purposes of this chapter only, an event consisting of a gathering within the city limits at a location shown on the license application or license certificate, open to the general public, which includes the selling, serving or giving away of liquor.

SPECIAL EVENTS BEER AND WINE LIQUOR LICENSE: A license issued by the city which permits the sale, serving or giving away of beer and/or wine only by the licensee at a special event, with the duration of said license not to exceed a period of one week.

SPECIAL EVENTS LIQUOR LICENSE: A license issued by the city which permits the sale, serving or giving away of liquor by the licensee at a special event, with the duration of said license not to exceed a period of one week.

SUSPENSION OF A LIQUOR LICENSE: The temporary cancellation of a liquor license by the city pursuant to this chapter.

TERMINATION OF A LIQUOR LICENSE: The permanent cancellation of a liquor license by the city pursuant to this chapter.

WHOLESALE LIQUOR LICENSE: A license issued by the city, which permits the sale of beer and wine only, or liquors in packages by the licensee, to a person holding a valid, current, retail liquor license or a wholesale liquor license issued by the city, but not the direct sale to a consumer or the general public.

WINE: Any alcoholic beverage obtained by fermentation of the natural content of fruits or other agricultural products containing sugar and including, without limitation, port, sherry and champagne. (Ord. 777, 9-10-2013)

4-5-2: LICENSE REQUIRED; EXCEPTIONS:

A. The public health, safety, morals and welfare of the inhabitants of the city require the regulation and control of all persons who sell, serve or give away liquor, to include persons engaged in the business of liquor sales. Obtaining a liquor license is a privilege subject to the regulations and

conditions which are or may be imposed pursuant to this chapter. A liquor license may, without limitation, be revoked for violating such regulations or conditions.

- B. It shall be unlawful for any person to sell, offer for sale, keep for sale, serve, give away, furnish or distribute, or cause or permit to be sold, offered or kept for sale, served, given away, furnished or distributed, any kind of liquor in the city limits, unless such person has first applied for, paid all license fees for, received and is the holder in good standing of the proper license or licenses required by this chapter; provided, however, that this section shall not apply to the following:
1. Liquor served by a private family in its residence as part of its family or social life;
 2. The use of liquor for sacramental purposes;
 3. Liquor used during church sponsored events and church sponsored social gatherings held on church premises;
 4. The use, sale or dispensing of liquor by any doctor, apothecary or pharmacist who uses alcohol or liquor for or in compounding medicine or for medicinal or scientific purposes;
 5. The employees of a person who holds a valid, unexpired license pursuant to this chapter, while acting within the course of his employment;
 6. A private event, not open to the public, such as a company party or a wedding. (Ord. 777, 9-10-2013)

4-5-3: CLASSES OF LICENSES:

- A. Specified: Under the provisions of this chapter, the following classes of licenses may be issued to qualified applicants therefor:
1. Retail liquor license.
 2. Retail beer and wine license.
 3. Wholesale liquor license.
 4. Wholesale beer and wine license.
 5. Packaged liquor license.
 6. Packaged beer and wine license.
 7. Fraternal, social and civic club license.
 8. Special events liquor license.
 9. Special events beer and wine liquor license.
 10. Caterer's liquor license. A caterer's liquor license shall only be issued and is only valid if the applicant has a valid retail liquor, retail beer and wine or brewpub license.
 11. Brewpub license.

- B. More Than One Class: Each person whose activities fall into more than one class of liquor licenses, as defined in this chapter, must apply for and receive a license for each class applicable before such person can operate in such class.
- C. Liquor License Additional: The liquor licenses required by this chapter shall be in addition to any other licenses required by any person by the city for conducting or carrying on any other business in connection with, or separate from the activities licensed under this chapter.
- D. Business Not Located In City Limits: A business not located in the city limits that wishes to sell, serve or give away liquor in connection with catering within the city limits may apply for a caterer's liquor license upon proof of an existing retail liquor license issued by the city, by the county of Elko, or by another governmental entity that subjects the licensee to requirements that are the same as or substantially equivalent to the corresponding requirements contained in this chapter. (Ord. 777, 9-10-2013)

4-5-4: APPLICATION FOR LICENSE; INFORMATION TO BE SHOWN:

An application for the licenses required by this chapter shall be made to the city council and filed with the city clerk. Each application shall:

- A. Form: Be made on such form as the city council shall describe;
- B. Name, Address Of Applicant: Include the name and address of the applicant, who shall be all persons having an interest in the business to be licensed. If the applicant is a partnership, the application shall include the name and addresses of all partners. If the application is a corporation, association or other organization, the application shall include the names and addresses of all officers, directors, stockholders and all other persons having an interest in the business to be licensed, and the address of the principal place of business of the corporation, and the name and address of the person or persons who shall have the active management of its business for which or in connection with which a license is desired (listing of stockholders may be dispensed with by the city council if stock has been sold to the general public);
- C. Classification; Location: Specify the class or classes of license desired; the location, by street and number, of the premises for which the license is sought and the name of the owner or owners of the premises where the business is to be operated;
- D. Child Support Information: Contain any child support information required by the state of Nevada.
- E. Department Of Taxation: Contain proof of any licensing or certificate of good standing required by the Nevada department of taxation.
- F. Health Department: Contain proof of approval by the Nevada state health department with respect to any required inspections.

- G. Industrial Insurance: Contain an affidavit verifying compliance with Nevada Revised Statutes chapters 616A through 617 pertaining to industrial insurance.
- H. City Departments: Except for a caterer's liquor license, contain verification by the city building department, fire marshal and planning department that the licensee's fixed place of business has met all applicable city code requirements.
- I. Additional Information As Requested: Be supplemented by such additional information or documents as the city council shall request from the applicant at any time, it being the duty of the applicant to supply all such information and documents;
- J. Fee: Be accompanied by the quarterly license fee required for each class of license for which application is made, which license deposit shall be nonrefundable;
- K. Signature And Verification: Be signed and verified by all persons who shall conduct or have any interest in the business activities for which a liquor license is required;
- L. Corporations Or Organizations: In the case of corporations, clubs or organizations with members, the application shall be verified by its president or secretary or the person who shall actively manage or conduct the business or activity for which a liquor license is required, if written authority from the corporation to make such application is filed with the city clerk with the application;
- M. Acceptance Of Terms By Applicant: Contain a statement that if such application is approved and a license issued, it will be accepted by the applicant subject to the terms, conditions and provisions of this chapter, and such other rules and regulations as may at any time hereafter be adopted or enacted by resolution or ordinance by the city council, and shall include a consent to and an acknowledgment of the power and authority of the chief of police, or any other authorized representative of the city, to enter the premises licensed and the principal office of any corporation, at any time during business hours for the purpose of examining the premises, or the books of account of said business, or the books and records of any corporate licensee to ascertain the truth or veracity of the statements made on the application and to determine if the terms, conditions and provisions of this chapter have been and are being complied with;
- N. Investigation: All liquor license applications shall be referred to the chief of police for investigation. The chief of police shall cause an investigation to be made of the moral character and business responsibility of the person or persons applying for a license, and of all persons who will be interested in the business for which a liquor license is required, and in the case of a corporation, its officers, directors, stockholders and the person or persons who shall have the management of the business for which or in connection with which the license is desired, together with an investigation of the location of the proposed place of business, and of such other matters as may be necessary to the protection of the public good, welfare, safety, health and morals of the inhabitants of the city. Upon completion of the investigation, the chief of police shall render a report of the investigation to the city council. (Ord. 777, 9-10-2013)

4-5-5: REFERRAL BY POLICE CHIEF TO CITY COUNCIL:

The police chief or the police chief's designee shall present each application to the city council at its first regular or special meeting after the filing of the application, completion of the investigation and submission of all other data as required in section 4-5-4 of this chapter. (Ord. 777, 9-10-2013)

4-5-6: CHARACTER AND BUSINESS RESPONSIBILITY:

- A. Required: No liquor license, except as otherwise provided in subsection 4-5-3D of this chapter, shall be issued to any person unless such person has an established place of business, or in the case of a special events license, a specific location under the control of such person for the period of the license, within a zone or area permitting such type of business, activity or license under this and all other ordinances of the city and unless each applicant is a person of good moral character and satisfactory business responsibility. In the event the applicant shall be a corporation or association, the officers, directors, managing agent and all persons who shall be active in the conduct of the business for which a liquor license is required all must be persons of good moral character and satisfactory business responsibility.
- B. Felony Conviction: No liquor license shall be issued hereunder to any person who has within ten (10) years from the date of the application been convicted of a felony either in this state or in any other state of the United States, or of any crime in any other state which is considered a felony under the laws of the state; provided, however, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction. In the case of any such conviction occurring after the license has been issued and received, the license may immediately be revoked, if such convicted felon be an individual licensee, and, if not, the partnership, corporation or association with which he is connected shall immediately discharge him, upon request of the city council, or their license may be revoked.
- C. Employee Felony Conviction: No person shall work or be employed in or in connection with the liquor business of a licensee hereunder who has been, or during employment is convicted of a felony unless the chief of police approves such employment. If the licensee fails to discharge such employee upon request by the chief of police, its license may be revoked. (Ord. 777, 9-10-2013)

4-5-7: LIQUOR SALE LOCATION:

- A. Except as otherwise provided in this chapter, it shall be unlawful for any person or association to sell, serve, give away or distribute liquor within one hundred feet (100') of any existing schoolhouse wherein public school is conducted, as measured from the point of distribution to the nearest exterior wall of a schoolhouse, provided, the foregoing prohibition shall not apply in the event a schoolhouse is subsequently placed within one hundred feet (100') of an existing business that sells, serves, gives away or distributes liquor.
- B. It shall be unlawful for any person or association to sell, serve, give away, or otherwise distribute any liquor outside the building described in the application of any drive-in business; provided, however, the city council may, for good cause shown, authorize the sale, service or other lawful distribution of liquor in specified enclosed or defined areas under the supervision, management and operation of a licensee; further provided, that the foregoing prohibition shall not apply to liquor served adjacent to a building if permitted by an outdoor dining permit.

- C. No application shall be granted or license issued authorizing or permitting the sale, service or distribution of any liquor within the prohibited areas specified in this section. (Ord. 777, 9-10-2013)

4-5-8: STATUS OF FRATERNAL, SOCIAL AND CIVIC CLUBS:

The city council shall be the sole judge as to whether or not any person, firm, company, association, partnership or corporation applying for a license as a fraternal, social or civic club, is a bona fide fraternal, social or civic club such as to qualify for a license under the provisions of this chapter. (Ord. 777, 9-10-2013)

4-5-9: APPROVAL OR DENIAL OF APPLICATION BY CITY COUNCIL:

- A. **Authority:** Except for temporary and special events liquor licenses, no liquor license shall be valid unless and until it is approved by the city council. The council may deny any application that fails to comply with the requirements of this chapter or that the city council determines is reasonably likely to result in a violation of this chapter if issued based upon such factors as the responsibility of the applicant in light of previous violations.
- B. **Number Limited:** The city council shall, by resolution, have the right to limit the number of licenses which may be issued based upon population as determined by any formula deemed sufficient by the city council, and to determine where and under what conditions liquor may be sold, served, given away or distributed within the city.
- C. **Probationary Period For New Licenses:** Any new license issued to a licensee shall be subject to an initial probationary period of six (6) months, during which time the license may be immediately terminated or suspended by the chief of police for any violation of this chapter or the certificate of license; provided, in the event of a termination or suspension by the chief of police, the licensee shall have an immediate right to appeal the decision of the chief of police to the city manager; further provided, the licensee shall have an additional right to appeal the decision of the city manager to the city council at the next regularly scheduled meeting for which notice may be given in accordance with the Nevada open meeting law. The licensee must provide written notice to the city clerk within ten (10) days of any adverse decision of the licensee's intent to appeal the decision, after which time all appeal rights shall be deemed waived if such notice is not so given. The foregoing probationary period and the requirements, terms and conditions applicable thereto shall be in addition to and not in lieu of all other applicable requirements in this chapter.
- D. **Fees:** All licensee fees paid pursuant to this chapter are nonrefundable, regardless of what action is taken by the city, to include the denial of an application for a liquor license by the city council. If the city council approves an application for a liquor license, the city council shall authorize the city clerk to issue such license upon full payment in advance of all license fees then required by this chapter. The license shall not be effective until issued and delivered to the applicant by the city.
- E. **Majority Vote Required:** It shall require a majority vote of all the members of the city council present at the meeting to approve or deny an application for a liquor license. Such action by the city council on any application shall be final.

F. Agreement To Comply: Any liquor license issued pursuant to this chapter shall constitute and be conclusive evidence of the applicant's agreement to comply with the provisions of this chapter, and to comply with the terms, conditions, representations and agreements set out in the application for a liquor license and any license certificate issued to the applicant hereunder.

G. Compliance With Federal And State Law: Any liquor license issued by the city must, in order to be valid, be at all times in compliance with all applicable requirements of federal and state law, together with any amendments thereto, including, without limitation, chapter 369 of the Nevada Revised Statutes. In the event of a conflict between the requirements of this chapter and the requirements of any applicable federal or state law, the requirements of the applicable federal or state law shall prevail. (Ord. 777, 9-10-2013)

4-5-10: ISSUANCE AND CONTENTS OF LICENSE:

A. Certificate Of License: Upon the granting of any application pursuant to this chapter, the applicant shall receive a liquor license certificate, issued by the city clerk, pursuant and subject to the provisions of this chapter, and any terms, conditions or restrictions contained in the license certificate itself. The license certificate shall set forth, among other things, the following:

1. The name of all persons to whom it is issued. If the license is issued under a fictitious name, the license shall set forth, in addition to the fictitious name, the name or names of each of the persons conducting the business under the fictitious name. If it is issued to a corporation, the license shall set forth, in addition to the name of the corporation.
2. The location, by street and number, of the premises for which the license is issued;
3. The date of commencement, which will be the date of issuance and date of termination which will be the last day of the quarter year in which it was granted, subject to revocation, cancellation, suspension, restriction and conditioning, pursuant to this chapter;
4. The particular class of liquor license and of liquors that the licensee is authorized to sell.

B. Term: The license shall be for one quarter.

C. Renewal: The city clerk shall issue a renewal notice prior to the expiration of the liquor license, except as otherwise provided in this chapter. The failure of the city clerk to notify any licensee of the requirement to file a renewal application or to pay the license fee shall not relieve the licensee of those or any other requirements, and the actual receipt of a renewal notice is not a condition precedent to the need to apply for or the issuance of a renewal. Subject to all provisions of this chapter, if at the end of a quarter the licensee holds a valid, unexpired license which has not been revoked, suspended, restricted, conditioned or terminated, such license shall automatically renew for the next quarter without application to the city council upon timely payment of the required license fees and penalties, if any, within the time specified in this chapter; provided, no license shall automatically renew if the licensee is not in compliance with all federal, state and local requirements, including all city requirements. Such renewal license, if renewed automatically pursuant to the preceding sentence, shall be on the same terms and conditions as the original license and subject to all provisions of this chapter as if granted after application to the city council.

- D. **Nonrenewal Due To Noncompliance:** A license that is not renewed because it does not comply with federal, state or local requirements, to include any requirement contained in this chapter or the license certificate, or because of nonpayment of any required fees, shall thereupon be automatically revoked.
- E. **Acceptance Of Conditions:** Any licensee receiving a license pursuant to the provisions of this chapter shall be deemed to have accepted the same with all the duties, obligations, restrictions, limitations and other provisions of this chapter as part and parcel of said license, and subject to the faithful compliance with the promises, agreements and representations set forth in the application for such license, without other or further notice, and without each or any of such provisions being specifically incorporated in the license granted.
- F. **Temporary License:** In special or unusual circumstances and in order to prevent undue hardship, the city clerk, with approval of the chief of police, may, upon application therefor, issue a "temporary license" pending the processing of a regular liquor license; provided, however, that at the time any such temporary license is issued by the city clerk, a full and complete application for a regular liquor license shall be on file with the city clerk; further provided, a temporary license shall only be issued if the licensee or any business association with respect to which the licensee is an owner, partner, member, officer, director or shareholder has not had a liquor license revoked within five (5) calendar days of the date of application for the temporary license; and, further provided, all required fees, to include delinquent fees, shall have been paid. Such license shall be valid for thirty (30) days or until approval or denial of the final application by the city council for a regular liquor license, whichever occurs first. At least one quarterly license fee pursuant to section 4-5-12 of this chapter must be paid at the time of issuance of the temporary license.
- G. **Elko City Code Compliance:** No liquor license may be issued or renewed pursuant to this chapter if the applicant, licensee or licensed business is in violation of any provision of this code which impacts the licensed business or operation thereof. (Ord. 777, 9-10-2013)

4-5-11: POSTING OF LICENSE; LICENSES NONTRANSFERABLE; CHANGE OF LOCATION:

Each license shall:

- A. Be posted in a conspicuous place in the premises for which it was issued.
- B. Be nontransferable, except that upon prior written consent of the city council, the location of the premises for which it was issued may be changed, provided there is no change in licenses.
- C. Be authority for the person or persons specifically named as licensees to transact the business or activity licensed thereunder. (Ord. 777, 9-10-2013)

4-5-12: SCHEDULE OF FEES:

- A. **Payment Of Fees; Refunds:** All fees may be paid up to one year in advance; but in no event shall a fee be for less than a quarter. No refunds of any portion of a license fee paid in advance shall be made nor shall any portion of a fee paid in advance be transferable.
- B. **Sales Of Soft Drinks:** A valid license under this chapter authorizes the licensee to sell soft drinks in connection with the business for which the license is issued.
- C. **Amount Set By Resolution:** The schedule of fees to be paid for licenses shall be set by resolution of the city council.
- D. **When Payable:** License fees shall be due and payable January 1, April 1, July 1 and October 1 of each year for each following quarter. Any license fee which has not been paid on or before the fifth day of the month in which it becomes due shall be increased by a penalty of ten percent (10%), which shall be added to the fee and collected with the fee prior to the issuance of any license hereunder. When any license fee is paid by mail, the postmarked date on the envelope shall be presumed to be the date on which the license fee was paid. If the license fee and penalty have not been paid on or before the fifteenth day of the month in which the license fee becomes due, any right to renew a license without application to the city council shall be forfeited and shall forthwith terminate at the time of the close of the city office on the fifteenth day of such month, and at such time the liquor license for the business to which the delinquent license fee relates shall be automatically revoked and the business shall immediately cease all liquor sales. This provision shall not be construed to permit the operating of any business to which this chapter applies for any length of time whatever without having in full force and effect a proper license issued by the city with all fees therefor fully paid, nor shall it be construed to extend the expiration date of any license, nor to prevent the city council from taking any action to suspend, restrict, condition or terminate the license for any reason permitted under this chapter, including nonpayment of fees. (Ord. 777, 9-10-2013)

4-5-13: CITY COUNCIL MAY SUSPEND, RESTRICT, TERMINATE OR CONDITION ANY LICENSE; GROUNDS; PROCEDURE:

- A. **Authority Of City Council:** The city council may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the action of any licensee under this chapter and shall have power to suspend for such a period of time as they deem advisable or terminate a license or place such restrictions and conditions upon a license as they shall deem necessary or advisable, for any one of the following acts or omissions:
1. The failure to make timely payment of license fees and penalties, or either of them; provided, however, no action by the city council shall be necessary in the event of nonpayment of license fees and penalties on or before the fifteenth day of the month in which they came due as provided in this chapter; or
 2. The misrepresentation of any material fact by the applicant in obtaining a license under this chapter; or
 3. If any one of the licensees named in a license violates or causes or permits to be violated any of the provisions of this chapter; or
 4. If any one of the licensees named in a liquor license violates or causes or permits to be violated any provision in this code which adversely affects the licensee's fitness to fulfill the requirements

of the liquor license or this chapter; or

5. If any manager, bartender, agent, servant, officer or employee of a licensee hereunder violates or causes or permits to be violated any of the provisions of this chapter, while acting in any way in connection with the licensee's business; or
 6. If any one of the licensees named in a license commits any act which would be sufficient ground for the denial of an application by such licensee for a license under this chapter; or
 7. If any one of the licensees named in a license or any manager, agent, bartender, servant, officer or employee of a licensee refuses to permit the chief of police, or any police officer, or any other duly authorized representative of the city, to visit and reasonably inspect every part and portion of the licensee's premises, or refuses or fails to furnish the chief of police, or any police officer or officer of the city, upon request with all facts and information within his knowledge concerning any offense committed in or about the premises and the parties involved and the witnesses thereto; or
 8. If any one of the licensees named in a license violates any of the agreements, conditions or terms contained in the application for a license, this chapter or the license issued pursuant hereto; or
 9. If any one of the licensees named in a license violates or causes or permits to be violated any ordinance of the city or any law of the state or of the United States Of America regulating the sale, serving or dispensing of liquors or pertaining to the operation of the licensed business; or
 10. If the licensee or any agent or employee thereof makes, causes or permits a sale or sales of any kind of liquor other than that authorized by the class of license the licensee holds.
- B. Citation To Appear: Except in cases of the automatic cancellation or revocation of a license as in this chapter provided, upon the filing with the city council of a verified complaint charging a licensee with the commission, within one year prior to the date of filing the complaint, of any act or omission which is cause for cancellation, suspension, revocation, restriction or conditioning of a license, the city council forthwith shall issue a citation directing the licensee, within twenty (20) days after service thereof upon the licensee, to appear by filing with the city council the licensee's verified answer to the complaint showing cause, if any the licensee has, why his license should not be terminated, suspended, restricted, or conditions placed thereon. Service of the citation with a copy of the complaint shall be made upon the licensee in one of the following manners:
1. By personal service upon any one or more of the persons named in the license as a licensee, service upon one licensee being deemed service upon and notice to all licensees named in the license, service to be made by the chief of police or any police officer of the city or by the county sheriff, or his deputy, or by any citizen of the United States over twenty one (21) years of age; or
 2. By mailing by depositing in the United States mail a copy of the citation with a copy of the complaint enclosed in a sealed envelope with postage thereon fully prepaid, addressed to the licensee at the latest address of record in the city clerk's office. Service shall be deemed complete upon the date of mailing. Without excluding other ways of proof, proof of service by mailing and the date thereof may be made by an affidavit of mailing or by proof of mailing by registered mail or certified mail.
 3. In case a corporation is a licensee, then such service above specified may be upon the president, or other head of the corporation, or the secretary, or managing agent, or any other officer thereof. In case of service by mailing, it may be addressed to the corporation or to any of the said officers, or managing agent thereof at the latest address of record in the city clerk's

office.

Failure of the licensee to answer within the time specified shall be deemed an admission by the licensee of the commission of the act or acts or omissions charged in the complaint and a waiver of all defenses the licensee may have to such charges. Upon such failure to answer, the city council shall revoke the license and shall give notice of such revocation by mailing a copy thereof, by United States mail in a sealed envelope with postage thereon fully prepaid, addressed to the licensee at the latest address of record in the office of the city clerk.

- C. **Hearing:** Upon the filing of an answer by the licensee, the city council shall fix the time and place for a hearing and give the licensee and the complainant not less than two (2) days' notice thereof. The notice may be served by depositing in the United States mail a copy of the notice enclosed in a sealed envelope with postage thereon fully prepaid, addressed to the licensee and to the complainant, respectively, at their latest address of record in the office of the city clerk. With the notice to the complainant, there shall be attached to or enclosed a copy of the answer. If either party has appeared by an attorney, notice shall be given to the attorney instead of to the party. In the event the city, the city council, the chief of police, the city attorney or any other city officer or representative acting by or on behalf of the city is the complainant, the notices to and service of answer upon the complainant herein called for shall be dispensed with.
- D. **Conduct Of Hearing; Decision:** At the hearing, the complainant and the licensee may appear in person or by attorney, or both, and present relevant evidence and witnesses. After the hearing is concluded and the matter submitted, the city council shall, at that meeting or at its next regularly scheduled meeting after such submission, render its decision, which must be made by the vote of a majority of the members present at the meeting:
1. Revoke or cancel the license;
 2. Suspend the license for such a period of time as the city council deems advisable;
 3. Place such restrictions upon the license, the licensee and/or the licensee's place of business as the city council deems advisable;
 4. Make the license and the continued force and effect thereof conditioned upon such terms and conditions as the city council shall deem advisable.
- If in the opinion of a majority of all the members elected as council members, the charges set forth in the complaint have not been established or proved, they shall dismiss the complaint.
- E. **Change In Time Restrictions:** The city council, may, upon stipulation of the complainant and the licensee, shorten or extend the times herein set in connection with notices, pleadings and hearings. (Ord. 777, 9-10-2013)

4-5-14: SUMMARY SUSPENSION OF LICENSE; GROUNDS; PROCEDURE:

- A. **Summary Suspension By Police Chief:** The police chief may summarily suspend any liquor license if the police chief determines that such suspension is:
1. Reasonably necessary to prevent imminent harm to persons or property due to one or more violations of this chapter by the licensee, including the violation of one or more conditions or

restrictions placed in a license certificate; or

2. Reasonably necessary to prevent the continuation of flagrant and intentional violations of this chapter upon the licensed premises by the licensee or the licensee's managers, agents and/or employees, including the violation of one or more conditions or restrictions placed in a license certificate.
- B. Duration: A summary suspension by the police chief shall be for only such period as is reasonably necessary to prevent imminent harm to persons or property and in no case shall exceed twelve (12) hours in duration.
- C. Notice: Upon summary suspension by the police chief, the police chief or the police chief's designee shall promptly provide the licensee or, if the licensee is not available, the licensee's manager, with written notice setting forth the appeal rights provided herein, together with contact information for the mayor or mayor pro tem, which contact information shall include telephone numbers and electronic mail addresses for the mayor or mayor pro tem.
- D. Appeal: Any licensee aggrieved by a summary suspension by the police chief shall have the right to immediately appeal the decision of the chief of police to the mayor or the mayor pro tem, which appeal may be communicated to the mayor or the mayor pro tem in writing, verbally, by electronic mail or by telephone. The mayor or mayor pro tem, upon receiving actual knowledge of the appeal from the licensee and the grounds therefor may affirm, modify or reverse the decision of the police chief.
- E. Liquor Sales Prohibited: During any period of suspension pursuant to this paragraph, the licensee shall cease all liquor sales otherwise permitted by the liquor license.
- F. Summary Suspension By City Council: Notwithstanding any other provision of this chapter, the city council may suspend summarily any license issued pursuant to this chapter in cases which are determined to be of an aggravated or flagrant violation of this chapter, or of the laws of the state relating to liquors; provided, however, that the city council shall not summarily suspend any license without first finding that such action is immediately necessary for the protection of public health, welfare, safety and/or morals of the public. Such order of suspension shall remain effective until further order of the city council. In the event of a suspension by the city council without prior notice, every licensee shall promptly be given notice in writing of the reason or reasons for such suspension, which shall include a clear and concise description of the acts or omissions upon which the suspension was based. The licensee shall be given an opportunity to be heard at the next regularly scheduled meeting of the city council for which an agenda has not yet been noticed pursuant to Nevada Revised Statutes 241.020, at which hearing the licensee may appear in person, or be represented by an attorney, or both, and present a reasonable number of witnesses and other evidence to show cause, if any there be, why the license should not be revoked, terminated, suspended or conditioned. Notices shall be served and given, the answer filed, and the hearing conducted in the manner and under the procedures provided in section 4-5-13 of this chapter. The licensee may waive the time specified for a hearing and such hearing may be held at any time agreed upon by the licensee and the city council. (Ord. 777, 9-10-2013)

4-5-15: REINSTATEMENT OF LICENSES:

Nothing herein shall prevent a person whose license has been previously terminated or suspended from applying for a reinstatement of the license; provided, the foregoing application for reinstatement shall not be submitted within six (6) months of the date the previous license was terminated or suspended. If a licensee has shown proper cause, the city council may, upon a unanimous vote, reinstate any license which has been previously terminated or suspended and may at such time also remove, change or modify all or any restrictions or conditions which have been set pursuant to this chapter, or may at such time impose any new restrictions or conditions upon the license it deems appropriate. (Ord. 777, 9-10-2013)

4-5-16: REVOCATION OF LICENSE THROUGH NONUSE AND CONTINUATION OF LICENSE FOLLOWING DEATH OF LICENSEE:

- A. **Revocation Through Nonuse:** In the event a holder of a license, other than one prevented or prohibited from operating by city council action, shall discontinue business for more than thirty (30) days without the specific approval of the city council, such license shall be revoked automatically, without action of the city council on the day following said thirty (30) day period.
- B. **Continuation Following Death Of Licensee:** In the event of the death of a licensee, the personal representative of the estate of the deceased licensee may continue to operate the business under the same license; provided, the personal representative must promptly, but in no case more than thirty (30) days after the death of the licensee, notify the city of the death of the licensee, apply for a new license, and thereafter pay all fees when due and otherwise comply with all requirements of this chapter. The continuation of a liquor license following the death of a licensee pursuant to this chapter shall in no event be for a period in excess of three (3) months. (Ord. 777, 9-10-2013)

4-5-17: LIGHTING REQUIREMENTS:

At all times while any premises licensed hereunder is open for business, the interior lighting therein shall be sufficient to make easily discernible upon immediately entering the main entrance the appearance and conduct of all persons and patrons in that portion of the premises where liquor is sold, served, delivered or consumed. In no event shall the intensity of such interior lighting be less than one foot (1') candlepower light when measured at a point thirty inches (30") from the floor wherever persons and patrons are sitting or standing within the premises. This section shall apply in all cases except in licensed establishments where floorshows are permitted under city ordinance. In such cases, the floor showroom lights may be dimmed only during the floorshow, and at the conclusion of each floorshow the lighting must then immediately be restored to the minimum standards of light intensity hereinbefore provided. (Ord. 777, 9-10-2013)

4-5-18: PROPERTY AND ADJACENT AREA CLEANUP:

All license holders shall remove all bottles, cans, trash, broken glass, debris, and bodily fluids from adjoining city sidewalks, alleyways and rights of way upon closing or by seven o'clock (7:00) A.M., whichever is earlier, on each day licensee is open. (Ord. 777, 9-10-2013)

4-5-19: SALES TO MINORS PROHIBITED:

- A. Prohibition: It shall be unlawful for any licensee or any bartender, manager, agent, or any other person employed by any licensee to sell, serve, give away, furnish or dispense any kind of liquor to any minor. For the purpose of this section, a person shall be deemed to be employed by a licensee if he or she purports to have the authority to make sales, whether actually receiving a wage or not.
- B. Defense: In any prosecution or proceeding for the suspension or revocation of any license based upon a violation of subsection A of this section, proof that the defendant licensee or his or her agent or employee, demanded and was shown, immediately prior to furnishing any liquor to a person under the age of twenty one (21) years, bona fide documentary evidence of majority and identity of such person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registered certificate issued under the federal selective service act, or an identification card issued to a member of the armed forces, is a defense to the prosecution or proceeding for the suspension or revocation of any license.
- C. Written Record: In any case where a licensee, or any person employed by a licensee, demands and is shown the documentary evidence of majority and identity specified in subsection B of this section, the licensee shall, at the time of being shown the documentary evidence, make a written record of at least the following information appearing on the identification document shown, which record shall be retained and reserved by the licensee for one year thereafter: the type of card or evidence shown; the government or subdivision or agency thereof issuing the evidence; the serial or identification number of the document; and the person's full name, age or birth date and description as it appears on the identification card. (Ord. 777, 9-10-2013)

4-5-20: EMPLOYMENT OF CERTAIN MINORS PROHIBITED AND CERTAIN MINORS PERMITTED:

It shall be unlawful for any licensee to employ any minor to sell or handle any liquor of any kind, or to permit any minor to handle such liquor in his or her place of business in any way, except that a person who has attained the age of sixteen (16) years but not yet eighteen (18) years, may be employed in a retail food store for the sale or disposition of liquor if he or she is supervised by a person who is eighteen (18) years of age or over, is an owner or employee of the business which sells or disposes of the liquor, and is actually present at the time the liquor is disposed of or sold, provided the liquor is in a sealed or corked container or receptacle; further provided, however, that grocery store, shopping center, and supermarket licensees affording "box boy" or other delivery service from the place of sale to the purchaser's delivery truck or other means of transporting the liquor, shall be responsible under the foregoing prohibition only until the sale is completed. Notwithstanding the foregoing prohibitions, minors may carry or transport liquors to the purchaser's delivery truck or other means of transporting the liquor, in which event such purchaser shall be deemed to have assumed full and complete ownership of and responsibility for such liquor at the time of delivery to the purchaser. (Ord. 777, 9-10-2013)

4-5-21: SALE OR FURNISHING OF LIQUOR TO MINOR, AIDING MINOR TO PURCHASE OR PROCURE LIQUOR PROHIBITED:

- A. Every person who knowingly:

1. Sells, gives or otherwise furnishes liquor to any person under the age of twenty one (21) years; or
2. Leaves or deposits any liquor in any place with the intent that the same shall be procured by any person under the age of twenty one (21) years; or
3. Furnishes, gives or causes to be given any money or thing of value to any person under the age of twenty one (21) years with the knowledge that the money or thing of value is to be used by the person under the age of twenty one (21) years to purchase or procure any liquor;

is guilty of a violation of this code.

B. Subsection A1 of this section does not apply to a parent, guardian or physician of the person under the age of twenty one (21) years. (Ord. 777, 9-10-2013)

4-5-22: FALSE IDENTIFICATION PROHIBITED:

- A. It shall be unlawful for any person, regardless of age, to counterfeit, forge, alter, erase or obliterate any card, writing, paper or document which bears the age of the holder or purported holder thereof, with the intention that such card, writing, paper or document should be used by a minor for the purpose of obtaining any alcoholic beverage or liquor, or to sell, lend or give away any such card, writing, paper or document to a minor which could be used by a minor for the purpose of obtaining any alcoholic beverage or liquor.
- B. It shall be unlawful for any minor to use or attempt to use or offer any counterfeit, forged, erased or obliterated card, writing, paper or document of the kind mentioned in subsection A of this section, or to verbally falsely represent his or her age, or to use or attempt to use any other person's identification documents, for the purpose of obtaining any alcoholic beverage or liquor from any person within the city. (Ord. 777, 9-10-2013)

4-5-23: PURCHASE BY MINOR PROHIBITED:

It shall be unlawful for any minor to purchase, obtain or receive in any manner within the city any liquor or alcoholic beverage of any kind from any person; except that at the direction and in the company of a parent or guardian, a minor may consume an alcoholic beverage in the residence of such parent or guardian; further, except that a minor may consume an alcoholic beverage for the purpose of following the direction of a licensed medical practitioner; or except that a minor may consume an alcoholic beverage for the purpose of participation in legitimate religious activities. (Ord. 777, 9-10-2013)

4-5-24: POSSESSION BY MINOR PROHIBITED:

It shall be unlawful for any minor to have in his or her custody or possession within the city any alcoholic beverage or liquor of any type or kind, except any sealed alcoholic beverage in the regular course of his or her legitimate employment. (Ord. 777, 9-10-2013)

4-5-25: CONSUMPTION BY MINOR PROHIBITED:

- A. It shall be unlawful for any minor to consume any kind of alcoholic beverage or liquor in or about the premises of any licensed establishment of the city or elsewhere within the city.
- B. It shall be unlawful for any minor to be in possession of any kind of alcoholic beverage or liquor through consumption anywhere in the city; except that at the direction and in the company of a parent or guardian, a minor may consume an alcoholic beverage in the residence of the parent or guardian; except that minor may consume an alcoholic beverage for the purpose of following the direction of a licensed medical practitioner; or except that a minor may consume an alcoholic beverage for the purpose of participation in legitimate religious activities. Possession by consumption shall consist solely of the assimilation of alcohol in the minor's body, and such crime shall not require proof of possession or control prior to consumption or proof of the act of swallowing an alcoholic beverage or liquor.
- C. It shall be unlawful for any minor who has consumed any kind of alcoholic beverage or liquor at the direction and in the company of a parent or guardian in the home, to leave the home and go out into the city while alcohol is still present in the minor's body. Such a minor shall be guilty of possession through consumption as provided for in subsection B of this section.
- D. For purposes of this section, any peace officer may detain any minor whom the officer encounters under circumstances which reasonably indicate that the minor has committed or is committing one of the crimes enumerated in subsections A through C of this section. At any time after this detention, the minor so detained shall be arrested if probable cause for an arrest appears. (Ord. 777, 9-10-2013)

4-5-26: LOITERING BY MINOR PROHIBITED:

- A. No minor shall spend time in or remain in the bar area of the premises of any licensee hereunder where liquors of any kind are sold or served.
- B. It shall be unlawful for any licensee hereunder, or the bartender, manager, agent or any other employee of any licensee, to knowingly allow or permit any minor to remain in the bar area of the premises of the licensee where liquor of any kind is sold or served.
- C. Nothing in subsections A and B of this section shall apply to:
 - 1. The areas, other than the bar and gaming areas, of the establishments wherein liquor of any kind is sold at a bar in an establishment which operates and maintains dining tables or booths or lunch counters, or hotel or motel accommodations, or other types of businesses separate from the bar; or
 - 2. Any grocery store or drugstore where liquor of any kind is not sold by the drink for consumption on the premises. (Ord. 777, 9-10-2013)

4-5-27: INTOXICATION OF LICENSEE, EMPLOYEES, PROHIBITED:

It shall be unlawful for any licensee under the provisions of this chapter, or any manager, bartender, servants, agents or other employees thereof, to be in an intoxicated condition in or about the licensee's business premises while performing his or her duties in connection with the business. (Ord. 777, 9-10-2013)

4-5-28: ESTABLISHMENT TO BE CLEAN AND ORDERLY; PRESENCE OF CERTAIN PERSONS PROHIBITED:

- A. Every licensee shall conduct and maintain his premises in a clean and orderly manner.
- B. It shall be unlawful for any licensee hereunder, or any bartender, manager, agent, employee of such licensee or any other person in charge of any saloon or bar, to knowingly allow or permit any of the following persons to remain on the licensee's premises or to sell or give, or to permit to be sold or given any liquor to any of the following:
 - 1. A person who is visibly intoxicated;
 - 2. Any person having, carrying or exhibiting any knife, gun, pistol or other deadly weapon;
 - 3. Any person whose conduct is tumultuous or offensive, or who is threatening, traducing, quarreling, challenging to fight, or fighting on or in the immediate vicinity of the licensee's premises.
 - 4. A person who provides liquor to another person who is visibly intoxicated.
- C. A person is visibly intoxicated if it can reasonably be determined through direct observation that the person's mental and physical faculties are impaired because of ingestion of liquor or drugs so as to diminish the person's ability to think and act in a way in which an ordinary prudent person in full possession of his or her faculties and using reasonable care, would think and act in like circumstances.
- D. Signs of visible intoxication may include, but are not limited to, one or more of the following clues which appear from the circumstances, provided they occur during or following the ingestion of liquor or drugs:
 - 1. Mood changes;
 - 2. Slurring or mistakes in speech;
 - 3. Irrational or nonsensical statements;
 - 4. Raised speaking voice;
 - 5. Clumsiness;
 - 6. Fumbling with change;
 - 7. Loss of balance or coordination;
 - 8. Swaying or staggering;

9. Confusion;
10. Lack of ability to hear or respond;
11. Bumping into or knocking over furniture;
12. Falling down;
13. Dozing while sitting at a bar or table;
14. Heavy eyelids;
15. Glassy eyes;
16. Crude behavior;
17. Vomiting;
18. Spilling drinks;
19. The inability to find one's mouth with drinking vessel;
20. Inappropriate sexual advances;
21. Aggression or belligerence; and/or
22. Inability to light a cigarette. (Ord. 777, 9-10-2013)

4-5-29: CIVIL JUDGMENT NO BAR:

No civil judgment, or any act or suit by the city attorney, the city clerk or the violator shall bar or prevent a prosecution for each and every violation of this chapter. (Ord. 777, 9-10-2013)

4-5-30: PENALTIES:

Every person violating any of the provisions of this chapter shall, upon conviction therefor, be punished as provided in title 1, chapter 3 of this code. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 777, 9-10-2013)

4-5-31: SEPARABILITY:

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. (Ord. 777, 9-10-2013)

4-5-32: POSTING OF NOTICE REQUIRED:

Any licensee under the provisions of this chapter must post in a conspicuous place in the premises for which the license is issued, the following notice to customers:

NOTICE TO CUSTOMERS

It is illegal for any bartender, manager, agent, employee or any other person in charge of a saloon or bar to knowingly allow or permit a person who is intoxicated to remain on the premises or to give or sell or to permit to be sold any liquor to a person who is intoxicated.

ELKO LIQUOR CONTROL CODE

(Ord. 777, 9-10-2013)

4-5-33: SPECIAL EVENTS LIQUOR LICENSE OR SPECIAL EVENTS BEER AND WINE LIQUOR LICENSE:

- A. Application: Any person in charge of giving away, selling or serving liquor during a "special event" which is scheduled to be held in the incorporated city limits, is open to the public and which is properly licensed and/or permitted, may apply to the city clerk for a special events liquor license or a special events beer and wine liquor license.
- B. Procedures: The applicant for a special events liquor license or a special events beer and wine liquor license shall follow the procedures set forth in section 4-5-4 of this chapter with regard to the preparing and filing of an application for such license.
- C. Name Of Responsible Person: The applicant shall designate a person responsible for serving alcohol during the event and shall provide the city clerk with that person's name, address and telephone number.
- D. Department Of Taxation: Contain proof of any licensing or certificate of good standing required by the Nevada department of taxation.
- E. Health Department: Contain proof of approval by the Nevada state health department with respect to any required inspections.
- F. City Departments: Contain verification by the fire marshal and police department that the licensee's fixed place of business has met all applicable city code requirements.
- G. Fee: The application shall be accompanied by the appropriate license fee for the period for which the special events liquor license or special events beer and wine liquor license is sought.
- H. Submission; Approval: The application shall be submitted to the city clerk or the deputy clerk and must be approved by the chief of police or assistant chief of police and either the city manager or assistant city manager or the city clerk or deputy clerk prior to issuance of the license by the city clerk or the city clerk's designee.

- I. Caterer's Liquor License Substitution: A caterer's liquor license shall not substitute for a special events liquor license or special events beer and wine liquor license.
- J. Restrictions And Conditions: The city may place appropriate restrictions or conditions on a special event liquor license or a special event beer and wine liquor license to the extent necessary for the protection of public health, safety and welfare.
- K. Appeal: If the special events liquor license or special events beer and wine liquor license application is rejected, or if the applicant disagrees with the restrictions or conditions placed on the license, the applicant shall have the right of appeal to the city council within twenty (20) days thereof. (Ord. 777, 9-10-2013)

4-5-34: CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES IN DESIGNATED AREAS OF CITY PARKS:

- A. Authority To Install Signs Prohibiting Consumption Or Possession Of Alcoholic Beverages: The city manager shall cause to be placed and maintained signs and/or control devices in areas of the city park system as approved by the city council to prohibit the consumption or possession of alcoholic beverages.
- B. Unlawful Consumption Or Possession Of Alcoholic Beverages: It is unlawful for any person to consume or have in possession any alcoholic beverage in any area of the city park system that has been designated by approved signs or control devices prohibiting the consumption or possession of any alcoholic beverage. (Ord. 777, 9-10-2013)