WASHOE COUNTY

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CM/ACM	KS
Finance	DN
DA	✓
Risk Mgt.	N/A
HR	N/A
Other	N/A

STAFF REPORT
BOARD MEETING DATE: November 12, 2014

DATE: October 20, 2014

TO: Board of County Commissioners

FROM: Bob Webb, Planning Manager, Planning and Development Division
Community Services Department, 328-3623, bwebb@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Approve the State of Nevada Manufacturer's Brew Pub License, with recommendations contained in the staff report, for CMZ, LLC (Michael Connolly), dba Brewer's Cabinet, and if approved, authorize each Commissioner to sign the State of Nevada *Application for Manufacturer's License* with direction for the County Clerk to attest the license application. (Commission District 5.)

SUMMARY

Review and approve, with recommendations, the application for a State of Nevada Manufacturer's Brew Pub License submitted by CMZ, LLC (Michael Connolly), dba Brewer's Cabinet.

Pursuant to NRS 369.180, 369.190, and 369.200 and Washoe County Code (WCC) Sections 30.3331 and 30.3335, the Washoe County Commission shall approve or disapprove applications to engage in business as a brew pub in Washoe County.

Washoe County Strategic Objective supported by this item: Economic development and diversification.

PREVIOUS BOARD ACTION

No previous action.

BACKGROUND

Michael Connolly representing CMZ, LLC, dba Brewer's Cabinet, has applied for a State of Nevada Manufacturer's Brew Pub License to conduct a brew pub (production brewery) and associated bar business with package beer sales at 8565 White Fir Street, Units B-1 and B-1A, Reno, Nevada (APN 236-090-06). This will be a second location for the Brewer's Cabinet in Reno, the first location is at 475 South Arlington Avenue in

AGENDA ITEM # 7D1

Reno. The State application is dated September 24, 2014, and the Washoe County business license application (for processing the State application) is dated October 8, 2014.

Michael Connolly, Chris Kahl, and Zach Cage are listed on the applications as managers/owners of CMZ, LLC. All three have a 30% ownership interest in the Brewer's Cabinet. Additionally, Charlie Johnson is listed as having a 10% ownership interest in the Brewer's Cabinet.

CMZ, LLC has operated the Brewer's Cabinet at 475 South Arlington Avenue since 2012. The company plans to open a second location at 8565 White Fir Street in Reno to operate as an enhanced production brewery, and to serve as a bar serving beer and providing for package beer sales. The company has applied for general business, brew pub-manufacturing and beer bar, and package beer licenses from the City of Reno for the B-1 suite location only. The City of Reno planning staff has approved the license applications noting that the property is zoned MU/W4TC, that the applicant confirmed that bottling/canning will be under 10% of the floor area, that food processing is an allowed use, and that the standard operating hours are from 6 until 11.

The business is not located within the unincorporated County and will neither sell nor distribute intoxicating liquor in the unincorporated County. As such, pursuant to WCC Section 30.3333(2)(e)(4), the company is not required to obtain either a Washoe County business license or a Washoe County intoxicating liquor license. An FBI/State criminal history background inquiry is also not required of the managers/owners based on WCC Section 30.3333(4). However, pursuant to WCC Section 30.3333(2)(f), the managers/owners must disclose information pertaining to criminal convictions and moral character as required by NRS 369.190.

NRS 369.190(3) and WCC Section 30.160(1)(b)(1) specify that the County Commission "require satisfactory evidence that the applicant is a person of good moral character." All four owners (Michael W. Connolly, Christopher D. Kahl, Zachary T. Cage and Charles A. Johnson) completed the required *Liquor License Personal History* form. Mr. Kahl and Mr. Cage replied in the negative to any criminal convictions in the past 10 years or to any revocations of either a liquor license or work permit. Mr. Connolly and Mr. Johnson also replied in the negative to any revocations of either a liquor license or work permit. Mr. Connolly listed a conviction in 2007 for reckless driving. Mr. Johnson listed two convictions in 2009 for an expired registration and a pedestrian under the influence on a highway. All four owners also completed a *Child Support Compliance Statement/Exemption Form.* Mr. Kahl, Mr. Cage, Mr. Connolly, and Mr. Johnson all attested that each is not subject to a court order for the support of a child and all further attested that the company (CMZ, LLC) is exempt from the child support compliance regulations as a limited liability company. The convictions listed are 7 years old for Mr. Connolly and 5 years old for Mr. Johnson. There are no listed convictions since the current Brewer's Cabinet opened in 2012. Furthermore, none of the convictions are a disqualifying conviction as specified in WCC Section 30.160(a) for a County intoxicating

liquor license[1]. Based on the information provided on all four sets of forms, the time lapse since any listed convictions, no reported convictions since the first brew pub opened in 2012, and that the convictions are not disqualifying by County Code; staff has determined that all four owners are of "good moral character" and are suitable to hold the license under the provisions of State Law and County Code. All forms contain personal information, so are not included in this staff report but are available to the Board of County Commissioners upon request.

Since the business is not located in the unincorporated County and will not distribute intoxicating liquor to wholesale dealers in the unincorporated County, only the separate administrative processing fee for the State license application before the Washoe County Board of County Commissioners is required. The applicant paid the required $50 administrative processing fee established in the *Master Liquor License Fee Schedule* adopted by the Board of County Commissioners.

NRS 597.230 outlines several requirements for operating a brew pub in the State of Nevada. State law limits the total manufacturing of malt beverage to no more than 15,000 barrels from all the brew pubs operated by a person in a County in any calendar year [NRS 597.230(1)]. Additionally, brew pubs must conspicuously identify their premises as a "brew pub" [NRS 597.230(2)]; and may manufacture and store malt beverages on the premises of the brew pub, sell and transport their beverages to valid wholesale dealers, donate for charitable or nonprofit purposes malt beverage manufactured on the premises, sell at retail malt beverages manufactured on or off the premises for consumption on the premises, and/or sell at retail in packages sealed on the premises malt beverages manufactured on the premises for consumption off premise [NRS 597.230(3)]. Staff recommends that the requirements and restrictions established within NRS 597.230 be placed as recommendations on the Manufacturer's License application. If approved, staff will add the recommendations to the original copy of the State of Nevada Manufacturer's Brew Pub License application after it is signed by each County Commissioner and attested by the County Clerk.

FISCAL IMPACT

As noted earlier, the applicant paid the required $50 administrative processing fee (deposited in Washoe County liquor license revenues account number C105402-421200). There will be no other license fees collected by Washoe County for this business.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the State of Nevada Manufacturer's Brew Pub License, with recommendations contained in the staff report and as outlined below, for CMZ, LLC (Michael Connolly), dba Brewer's Cabinet, and if approved, authorize each Commissioner to sign the State of Nevada *Application for*

[1] The company is not applying for a Washoe County intoxicating liquor license; however, the County Code regulations provide the standard by which staff can evaluate convictions listed for any manager as part of the State's application process.

Manufacturer's License with direction for the County Clerk to attest the license application.

1. The Brewer's Cabinet may not manufacture more than 15,000 barrels of malt beverage from all brew pubs operated by the company in Washoe County in any calendar year.
2. The Brewer's Cabinet must conspicuously identify their premises at 8565 White Fir Street, Units B-1, Reno, Nevada as a brew pub.
3. The Brewer's Cabinet must adhere to the manufacturing, storage, donation and selling limitations outlined in NRS 597.230(3).

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

"Move to approve the State of Nevada Manufacturer's Brew Pub License, with recommendations contained in the staff report, for CMZ, LLC (Michael Connolly), dba Brewer's Cabinet, and to authorize each Commissioner to sign the State of Nevada *Application for Manufacturer's License* with direction for the County Clerk to attest the license application."

Attachments: A. Manufacturer's License application
B. Supporting NRS and Washoe County Code regulations

xc: CMZ, LLC, dba Brewer's Cabinet, 475 S. Arlington Ave., Unit 1C, Reno, NV 89501 (conn3333@gmail.com)
Nancy Ravert, Nevada Department of Taxation, 1550 E. College Parkway, Carson City, NV 89706 (nravert@tax.state.nv.us)
Amber Drlik, Business License Division, City of Reno, PO Box 1900, Reno, NV 89505 (drlika@reno.gov)

The Board of County Commissioners must forward the approved and signed Form LTD 6 05-14 application to the Nevada Department of Taxation (NRS 369.200).

Form LTD 6 05-14

APPLICATION FOR MANUFACTURER'S LICENSE

9/24, 2014

Honorable Board of County Commissioners:

Washoe County, ☐ Reno (City or Town) Nevada

In accordance with the provisions of NRS, Chapter 369, as amended, the undersigned hereby applies for a license for

Brew Pub ☐

(Type of license(s) – see page 3)

In the State of Nevada, for the fiscal year ending June 30, 2015 a remittance covering the license fees from the 1st day of July ☐ 1, 2014 to the 30th day of June, 2015 is enclosed (not less than one quarter of a year).

The following information is also set forth: Federal EIN: 45-2936726

(1) Name of firm CMZ, LLC

(2) Doing business as Brewer's Cabinet

Located at 8565 White Fir Unit B1 & B1A Reno, NV 89523 (Physical Address)

Phone (775) 348-7481

Mailing address 475 S. Arlington Ave Unit 1C Reno, NV 89501

E-mail address conn3333@gmail.com

(3) The applicant is: Limited Liability Company

(a) A corporation? Yes ☐ No ☐ Organized under the laws of what state? NV When? August ☐ 8, 2011

Qualified to do business in Nevada? Yes ☑ No ☐ When August ☐ 8, 2011

Names and addresses of following officers (attach list if additional space required):

President:

Vice President:

Secretary:

Treasurer:

Manager(s) Michael Connolly 945 N. University Park Loop Reno, NV 89512

Chris Kahl 50 N. Sierra St Reno, NV 89501

Zach Cage 1233 S. Arlington Ave, Reno, NV 89509

Resident Agent: Maupin, Cox, & Legoy 4785 Caughlin Parkway Reno, NV 89519

(b) A partnership? Yes ☐ No ☐ Is agreement recorded? Yes ☐ No ☐

Where? N/A

Names and addresses and official position, if any, of partners (attach list if additional space is required):

(c) Operating under a fictitious firm name? Yes☑ No ☐ Is statement recorded? Yes☑ No ☐

Where? City of Reno

Names, addresses and official positions, if any, of all persons interested in the business:

(attach list if additional space is required) See Attached also

Michael Connolly	945 N. University Park Loop Reno, NV 89512	Owner/COO
Chris Kahl	50 N. Sierra St Reno, NV 89501	Owner/CEO
Zach Cage	1233 S. Arlington Ave. Reno, NV 89519	Owner

(d) An individual? Yes ☐No ☐ N/A

(e) Has any individual who is interested, financially or otherwise, in the applicant's business, ever been convicted of a violation of Federal or any state liquor laws? Yes☐ No ☑

If so, furnish (attach list if additional space is required):

Name	*Address Where convicted*	*When*
		Choose Month 20
		Choose Month 20
		Choose Month 20

(f) Is any person listed on this manufacturer's application engaged in the business of importing, wholesaling or retailing alcoholic beverages? (See attached copy of NRS 597.210)Yes☑ No ☐

If so, what percent, name and location of business See % See attached

(4) References:

Name	*Address*
Patti Meals, Executive Dir. CareChest	7910 N. Virginia st Reno, NV 89506
Scott Shanks, Dickson Commercial	333 Holcomb Ave. Reno, NV 89502
Matt Polley, Owner of The Jungle	252 West 1st st. Reno, NV 89501
Caleb Cage, Exe Dir of Veterans Serv	5460 Reno Corporate Dr. Suite 131 Reno, NV 89511

(5) Has applicant a county license? Yes ☐No ☑ A city or town license? Yes ☑No ☐ Pending Reno

Not Required

Signed

Title Owner 775 846 9638

[2]

Rev 8-19-14

Remarks and recommendations by the County Commissioners:

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The application of .....

is hereby (approved) (disapproved) this..... day of ..... 20 .....

Board of County Commissioners:

Chairman .....

Member.....

Member.....

Member.....

Member.....

ATTEST:

....., County Clerk

Type of Licenses

SCHEDULE OF LICENSE FEES

Brewpub	$75.00
Winemaker	75.00
Brewer	75.00
Instructional Wine Making Facility	75.00
Craft Distillery	75.00
Rectifier	550.00

NRS 369.310 License fees: Due dates; payment of proportionate part.

1. All license fees are due and payable on July 1 of each year. If not paid by July 15 of each year the license shall be canceled.
2. If any license is issued at any time during the year other than by July 15, the fee shall be for that proportionate part of the year that the licenser will be in effect, which in any event shall be for not less than one quarter of a year.
3. No license shall be dated other than on the first day of the month in which it is granted.

[3]

Rev 8-19-14

Supporting Nevada Revised Statutes
Manufacturer's Licenses

NRS 369.180 Required licenses; scope of licenses for instructional wine-making facilities and craft distilleries.

1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer's license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer's license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. A person who holds a license for a craft distillery:

(a) May engage in any activity authorized by NRS 597.235.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) "Craft distillery" has the meaning ascribed to it in NRS 597.200.

(d) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

[Part 2:160:1935; A 1945, 371; 1947, 645; 1943 NCL § 3690.02] + [3:160:1935; 1931 NCL § 3690.03] + [4:160:1935; 1931 NCL § 3690.04]—(NRS A 1975, 624; 1991, 109, 384; 1995, 1566; 2005, 1274; 2013, 2565)

NRS 369.181 Definitions. As used in NRS 369.180, unless the context otherwise requires:

1. "Alcoholic beverage" means any spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

(Added to NRS by 1975, 623; A 1985, 531)

NRS 369.190 Application for license.

1. An application for any of the licenses described in NRS 369.180 must be made to the board of county commissioners of the county in which the applicant maintains his or her principal place of business.

2. Each application must:

(a) Be made on such form as the Department prescribes.

(b) Include the name and address of the applicant. If the applicant is:

(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application must attach to the application:

(I) A certified copy of the certificate required by NRS 602.010 or any renewal certificate required by NRS 602.035.

(II) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license under the provisions of this chapter.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Be accompanied by the annual license fee required for the particular license for which application is made.

3. The board of county commissioners shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is a person of good moral character.

[5:160:1935; A 1945, 371; 1947, 645; 1943 NCL § 3690.05]—(NRS A 1959, 410; 1971, 585; 1975, 1705; 1981, 1010; 2001, 812)

NRS 369.200 Approval or disapproval of application by county commissioners; issuance of license; new hearing.

1. The board of county commissioners shall approve or disapprove applications. If an application is disapproved by the board of county commissioners, the board forthwith shall return the license fee accompanying the application to the applicant. If the board of county commissioners approves an application, the board shall forward it to the Department, together with the board's written approval thereof and the license fee accompanying the application.

2. Upon receipt thereof the Department shall review the application and approval, and, if no further objections are presented or known, shall issue the appropriate license to the applicant.

3. In its discretion, the Department may grant an applicant whose application has been disapproved a new hearing before the Department if it shall be made to appear to the Department that the decision of the board of county commissioners was arbitrary, unreasonable or unjust.

[6:160:1935; A 1947, 645; 1943 NCL § 3690.06] + [Part 12:160:1935; A 1945, 371; 1943 NCL § 3690.12]—(NRS A 1975, 1706)

NRS 597.200 Definitions. As used in NRS 597.190 to 597.250, inclusive, unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. "Craft distillery" means an establishment which:

(a) Manufactures distilled spirits from agricultural raw materials through distillation; and

(b) Is authorized to sell those distilled spirits pursuant to the provisions of this chapter.

4. "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

5. "Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

6. "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

7. "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

8. "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

9. "Supplier" has the meaning ascribed to it in NRS 597.140.

10. "Wine" has the meaning ascribed to it in NRS 369.140.

(Added to NRS by 1975, 623; A 1985, 531; 1991, 108; 1995, 1570; 2005, 1272, 1326; 2013, 2562)

NRS 597.210 Limitations on engaging in business of importing, wholesaling or retailing alcoholic beverages.

1. Except as otherwise provided in subsection 2 and NRS 597.240, a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not:

(a) Engage in the business of importing, wholesaling or retailing alcoholic beverages; or

(b) Operate or otherwise locate his or her business on the premises or property of another person engaged in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to NRS 597.235.

(Added to NRS by 1975, 623, 1463; A 1991, 109, 384; 1995, 1570; 2005, 1273, 1326; 2013, 2563)

NRS 597.230 Operation of brew pub.

1. In any county, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to chapter 279 of NRS;

(b) In any historic district established in that county pursuant to NRS 384.005;

(c) In any retail liquor store as that term is defined in NRS 369.090; or

(d) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

A person who operates one or more brew pubs may not manufacture more than 15,000 barrels of malt beverages for all the brew pubs he or she operates in that county in any calendar year.

2. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

3. A person who operates a brew pub pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of the brew pub and:

(1) Sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(2) Donate for charitable or nonprofit purposes and transport the malt beverages manufactured on the premises in accordance with the terms and conditions of a special permit for the transportation of the malt beverages obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

(b) Sell at retail malt beverages manufactured on or off the premises of the brew pub for consumption on the premises.

(c) Sell at retail in packages sealed on the premises of the brew pub, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

(Added to NRS by 1991, 383; A 1995, 1570, 1571; 2011, 743, 1298; 2013, 2563)

Supporting Washoe County Code
Brew Pub Licenses

Washoe County Chapter 30
Intoxicating Liquor and Gaming Licenses and Regulations

30.160 Issuance of license by license division; denial for unsuitability; not renewing license; suspension; revocation.

1. The license division may grant or deny the application for an intoxicating liquor license or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. A denial of a license must be based upon a finding by the license division that any applicant on any license or any licensee, whether an individual, partnership, or corporation, is unsuitable for the issuance of an intoxicating liquor license.

(a) Board issued liquor licenses. To better define the policy of the intoxicating liquor provisions of this chapter, the following persons are declared not to be suitable for the issuance of a liquor license:

(1) A person who has been convicted within the past ten (10) years of:

(i) A felony or other crime which under the laws of this state would amount to a felony.

(ii) Any crime of which fraud or intent to defraud was any element whether committed in this state or elsewhere.

(iii) Buying or receiving stolen property.

(iv) Unlawful entry of a building.

(v) A gross misdemeanor, or equivalent conviction in another state, or unlawful possession, use or distribution of controlled substances or dangerous drugs.

(vi) Illegal use, carrying, possession, or display of a pistol or other dangerous weapon.

(2) A person who has indicated intemperate habits by his past conduct, including a conviction during the five years preceding the date of application which involved the operation of a motor vehicle while under the influence of intoxicating liquor or controlled substances or dangerous drugs.

(3) A person under the age of 21 years.

(4) A person who has failed to disclose, misstated or otherwise attempted to mislead the license division or the sheriff with respect to any material fact contained in any application for a license.

(5) A person who has concealed or refused to disclose any material fact in any investigation or inquiry by the license division or the sheriff.

(6) A person who has been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.

(7) A person who has been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

(8) A person who has had a liquor license or work permit revoked or committed any act which is a ground for the revocation of a liquor license or work permit or would have been a ground for revoking his liquor license or work permit within the last ten years.

(9) A person who has willfully violated the provisions of NRS 369.630, as amended, pertaining to alcoholic beverage awareness programs more than 3 times in any 24-month period.

(10) A person whom the license division determines is not a suitable person, having due consideration for the proper protection of the public health, safety, morals, good order and general welfare of the inhabitants of the county.

(b) Department liquor licenses. In reviewing a department application for a wholesaler or wholesale dealer, importer, brewpub, brewery, or instructional winemaking facility license, the commissioners shall approve or disapprove applications.

(1) The commissioners shall examine all applications filed with it, and shall require satisfactory evidence that the applicant is a person of good moral character. If the applicant does not have a current and valid county intoxicating liquor license, or is not concurrently applying for a new county intoxicating liquor license, the applicant shall submit a statement listing any prior criminal convictions within the past 10 years.

(2) If an application is disapproved by the commissioners, the license division shall promptly return the license fee accompanying the application to the applicant.

(3) If the commissioners approve an application, the license division shall forward it through the applicant to the department, together with the commissioner's written approval thereof and the license fee accompanying the application.

(c) Pursuant to NRS 244.350, the license division will not issue an intoxicating liquor license to a place where, in the judgment of the license division, the sale or disposition may tend to create or constitute a public nuisance, or where by the sale or disposition of liquor a disorderly house or place is maintained.

2. Upon submittal of a verbal or written complaint of any person, the license division shall investigate the action of any licensee under the intoxicating liquor provisions of this chapter, and shall submit a report to the board detailing its findings. The board may then, upon its own motion, recommend the temporary suspension or permanent revocation of a license in accordance this chapter. Further, any license issued pursuant to the provisions of this chapter or any amendment thereof may be suspended, revoked, or not renewed for good cause. Good cause for such suspension, revocation, or not renewing includes, but is not limited to:

(a) The existence of unsanitary conditions, noise, disturbances and other conditions at, near or on the premises which cause or tend to cause or create a public nuisance or which injuriously affect the public health, safety or welfare;

(b) The commission of, or permitting or causing the commission of, any act in the operation of the business which act is made unlawful or is prohibited by any applicable law, ordinance, rule or regulation of any city, the county, the state, or the Federal Government;

(c) Fraudulent practices or misrepresentations in the operation of the business, or concealment or misrepresentation of a material fact in procuring the license;

(d) Knowingly permitting the licensed premises to be frequented by or to become the meeting place, hangout or rendezvous for known prostitutes, vagrants, persons described as undesirables in liquor operations or those who are known to engage in the illegal use or distribution of controlled substances or dangerous drugs or in any other illegal occupation or business. Any licensee permitting such conditions on the licensed premises may be subject to provisional suspension of his intoxicating liquor license pending elimination of the indicated violation. Proceedings for revocation of an intoxicating liquor license shall be initiated if the licensee fails to eliminate a violation of this subsection by taking affirmative corrective action within 10 days after the date of written notice of the existence of any such condition or violation;

(e) Willful violation of the provisions of NRS 369.630, as amended, pertaining to alcoholic beverage awareness programs more than 3 times in any 24-month period;

(f) If the licensee receives three or more notices of violation or civil penalties pursuant to chapter 125 in any 24-month period;

(g) Violation of any of the terms or conditions of the license;

(h) If the licensee sells liquor to a wholesaler or retailer who is not a holder of a proper license or permit in conformance with this chapter at the time of sale;

(i) If the licensee violates or causes or permits to be violated any of the provisions of this chapter;
(j) If the licensee commits any act which would be sufficient ground for the denial of an application for a license under this chapter.
3. Upon failure to tender any required fees for a period of 30 days after the due date, the license shall be automatically suspended without further notice or proceedings.
[§33, Liquor Board Ord. No. 5; A. Ord. Nos. 1139, 1509]

Importers, Wholesalers of Intoxicating Liquors;
Wine-making, Brew Pubs and Breweries

30.333 Definitions. The words and terms contained in this chapter shall have the meanings ascribed to them in NRS 369.010 to 369.180, inclusive.
[§29, Liquor and Gaming Board Ord. No. 1509]

30.3331 Application approval and license required for importers, wholesalers of intoxicating liquors, wine-making, brew pubs, craft distilleries, and breweries. In addition to the limitations imposed by NRS 597, as amended, a person shall not:
1. Import liquors into, engage in business as a wholesale dealer of wines and liquors in, and/or engage in business as a wholesale dealer of beer in Washoe County unless:
(a) He first secures board approval for the department application;
(b) Obtains an importer/wholesaler intoxicating liquor license if selling and/or delivering wines, liquors and/or beers to locations within the unincorporated portions of Washoe County; and/or,
(c) Obtains a county business license, if the business is located in the unincorporated portions of Washoe County.
2. Operate a winery in Washoe County, operate an instructional winemaking facility in Washoe County or export wine from Washoe County unless:
(a) He first secures board approval for the department application; and,
(b) Obtains a wine-maker's license and a county business license, if the business is located in the unincorporated portions of Washoe County.
3. Operate a brewpub and/or a brewery in Washoe County unless:
(a) He first secures board approval for the department application; and,
(b) Obtains a brew pub and/or brewery license and a county business license, if the business is located in the unincorporated portions of Washoe County.
4. Operate a craft distillery in Washoe County unless:
(a) He first secures board approval for the department application; and,
(b) Obtains a craft distillery license and a county business license, if the business is located in the unincorporated portions of Washoe County.
[§30, Liquor and Gaming Board Ord. No. 1509; A. Ord. No. 1522]

30.3333 Application for license; fees; inquiry.
1. A department application for any of the licenses described in section 30.3331 must be made to the license division if the applicant maintains a place of business in Washoe County.
2. Each application must:
(a) Be made on the form required by the department.
(b) Include the name and address of the applicant. If the applicant is:
(1) A partnership, the application must include the names and addresses of all partners.

(2) A corporation, association or other organization, the application must include the names and addresses of the president, vice president, secretary and managing officer or officers.

(3) A person carrying on or transacting business in this state under an assumed or fictitious name, the person making the application shall attach thereto:

(i) A certified copy of the certificate required by NRS 602.010 concerning assumed or fictitious names for businesses.

(ii) A certificate signed by an officer of the corporation or by each person interested in, or conducting or carrying on such business, or intending so to do, and acknowledged before a person authorized to take acknowledgments of conveyances of real property, indicating the name of the authorized representative whose signature may be required on the license.

(c) Specify the location, by street and number, of the premises for which the license is sought.

(d) Specify the location, by street and number, of the premises where the intoxicating liquor is to be stored, if different from the business office location.

(e) Be accompanied by the appropriate fee(s) as follows:

(1) A department license fee for the particular license for which application is made as set forth in NRS 369.300.

(2) For those businesses located within the unincorporated portions of Washoe County, a County business license application and accompanying fee as set forth in the master business license fee schedule adopted by the county and in chapter 25 of this Code.

(3) For those businesses selling or distributing intoxicating liquor in the unincorporated portions of Washoe County, a County intoxicating liquor license fee for the particular license for which application is made as set forth in the master liquor license fee schedule adopted by the county and in this chapter.

(4) For those businesses not located within the unincorporated portions of Washoe County nor selling or distributing intoxicating liquor in the unincorporated portions of Washoe County and, therefore, not required to obtain either a County business license or a County intoxicating liquor license, the license division shall collect an administrative processing fee as stipulated in the master liquor license fee schedule adopted by the county to process the application before the commissioners.

(f) The applicant shall disclose information pertaining to criminal convictions and moral character as required by NRS 369.190.

3. Within a reasonable time after receiving a fully completed application and all applicable fees, the license division shall place the application on an agenda of the commissioners. The application shall not be placed on the commission's agenda until the results of the inquiry required by subsection 4 are received by the license division.

4. Upon receipt of a complete application and prior to its consideration by the Commission, the license division shall request the sheriff to conduct a FBI/State criminal history inquiry in accordance with this chapter. Businesses not located within the unincorporated portions of Washoe County, nor selling or distributing intoxicating liquor in the unincorporated portions of Washoe County, are exempt from the requirements of this subsection for an inquiry.

[§31, Liquor and Gaming Board Ord. No. 1509]

30.3335 <u>Approval or disapproval of department application by county commissioners; issuance of license; grounds for disapproval.</u>

1. The commissioners shall approve or disapprove department applications. If an application is disapproved by the commissioners, the license division forthwith shall return the county and department license fees accompanying the application to the applicant. The license division shall retain the administrative processing fee, if collected. If the commissioners approve an

application, the license division shall forward it through the applicant to the department, together with the commissioners' written approval thereof and the department license fee accompanying the application. If such an approval is made, the license division shall retain the county administrative processing fee and/or county business license fee, if applicable, and/or the county intoxicating liquor license fee, if applicable, for deposit into the general fund. The appropriate county licenses shall not be issued unless the department first issues the department license.

2. The commissioners shall disapprove an application for any of the reasons listed in the intoxicating liquor provisions of this chapter or if it determines the applicant is not a suitable person for approval of such a license in accordance with the criteria in this chapter.

[§32, Liquor and Gaming Board Ord. No. 1509]

30.3337 Contents of license. Every license issued under the intoxicating liquor provisions of this chapter shall set forth:

1. The name of the person to whom it is issued.
2. The location, by street and number, of the premises for which the license is issued.
3. The particular class of liquor or liquors that the licensee is authorized to sell.

[§33, Liquor and Gaming Board Ord. No. 1509]