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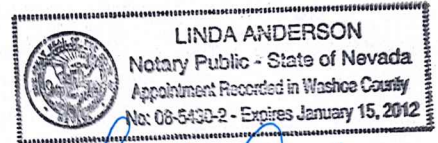
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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/12/2008 - 09/19/2008**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: *Krista M. Reese*  
**SEP 29 2008**



*Linda Anderson*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1384 NOTICE IS HEREBY GIVEN THAT: Bill No. 1563, Ordinance No.1384 entitled: AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 30 BY CLARIFYING THE REQUIREMENTS FOR FINGERPRINTING/BACKGROUND CHECKS, STANDARDIZING PROCEDURES AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO. (Bill No. 1563). PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse in Reno, Nevada, 75 Court Street, Reno, Washoe County, Nevada; and can be found on the County Clerk's website, [www.washoecounty.us/clerks](http://www.washoecounty.us/clerks). Such Ordinance was proposed on August 19, 2008 and passed and adopted at a regular meeting of the Washoe County Board of County Commissioners on September 9, 2008, by the following vote of the Board of County Commissioners: Those Voting Aye: Robert M. Larkin Jim Galloway Bonnie Weber David Humke Kitty Jung Those Voting Nay: None Those Absent: None This ordinance shall be in full force and effect from and after September 19, 2008, i.e., the date of the

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second publication of such ordinance by its title only. IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 594307 Sept. 12, 19, 2008

SUMMARY: An ordinance amending Washoe County Code at chapter 30 by clarifying the requirements for fingerprinting/ background checks, standardizing procedures and providing other matters properly relating thereto.

BILL NO. 15703

ORDINANCE NO. 1384

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 30 BY CLARIFYING THE REQUIREMENTS FOR FINGERPRINTING/ BACKGROUND CHECKS, STANDARDIZING PROCEDURES AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. The Washoe County Code is hereby amended by adding thereto the following three new sections which shall read as follows:

30.3951 Appeal of denial of gaming license.

1. If an application for a gaming license is denied or a gaming license is not renewed by the license division, the applicant or holder thereof shall be notified in writing of the reason or reasons therefor and may appeal that decision in writing to the board not later than 15 working days after service of the notice upon the applicant or holder in the manner prescribed in section 30.4201.

2. A failure to appeal the decision of the license division within 15 working days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

[\$1, Ord. No. XXXX]

30.3953 Hearing on appeal; decision of board.

1. When an appeal is filed, an appeal hearing shall be scheduled, taking into account agenda scheduling, at the next available board meeting and not more than thirty (30) days after receipt of the appeal.

2. After receiving testimony and evidence from the appellant and any other interested party, the board shall make findings of fact and render a decision affirming or reversing the license division's denial. The board may continue action until the next regularly scheduled meeting. The board's decision, and the reasons therefor, shall be provided in writing to the appellant within ten (10) working days of the board's action at the meeting.

3. For the purposes of Chapter 241 of NRS, a criminal history background check conducted by the sheriff is deemed an investigation into the character of the applicant, and the board

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may discuss the results thereof in closed session and consider action based on these discussions in open session.

[§1, Ord. No. XXXX]

30.3955 Judicial review. Any applicant for a gaming license aggrieved by the decision of the board may seek judicial review thereof and shall file a writ of mandamus within thirty (30) days of the board's decision at its meeting.

[§1, Ord. No. XXXX]

SECTION 2. Section 30.001 of the Washoe County Code is hereby amended to read as follows:

Merger of County Liquor Board  
and County Gaming Board

30.001 Merger of county liquor board and county gaming board; composition of merged board; functions; powers; voting; delegation.

1. Pursuant to NRS 244.352, the county liquor board and the county gaming board are hereby merged. The merged board is composed of the board of county commissioners and the sheriff and is named the county liquor and gaming board.

2. The merged board shall perform all of the functions and has all of the powers provided for each of the separate boards.

3. A majority of the members of the liquor and gaming board constitutes a quorum for the transaction of business.

4. A majority vote of the members of the liquor and gaming board present at a meeting governs in the transaction of all business.

5. The liquor and gaming board hereby delegates to the license division the powers enumerated in sections 30.010 to 30.510, inclusive, for the purposes of regulating gaming and intoxicating liquors in the unincorporated area of Washoe County, and of issuing intoxicating liquor and gaming licenses in Washoe County and its incorporated cities.

[§13, Ord. No. 827; A. Ord. No. 1139]

SECTION 3. Section 30.010 of the Washoe County Code is hereby amended to read as follows:

Regulation of Sales of Intoxicating Liquors

30.010 Definitions. As used in sections 30.010 to 30.3315, inclusive, unless the context otherwise requires:

1. "Alcohol" means any product of distillation of any fermented liquor, rectified either once or more often, whatever may be the origin thereof, and synthetic ethyl alcohol.

2. "Beer" means any liquor obtained by the alcoholic fermentation of an infusion or concoction of malt, barley and hops in drinking water.

3. "Board" means the liquor and gaming board of Washoe County.
4. "Cabaret" means a tavern having an orchestra or any type of live entertainment, or where dancing is permitted.
5. "Club" means any association of persons, whether incorporated or unincorporated, for the promotion of some common object, but not including associations organized for any commercial or business purpose.
6. "Internal review board" means a panel of three or more persons as authorized herein that is convened by the sheriff to hear and decide appeals of a denial by the sheriff of a work permit.
7. "Intoxicating liquor" means the four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage, and is synonymous with "alcoholic liquor" and "alcoholic beverage."
8. "Intoxicating liquor license" is used in sections 30.010 to 30.3315, inclusive, interchangeably with and to mean any of the following licenses:
  - (a) Cabaret license.
  - (b) Retail beer and wine license.
  - (c) Package beer license.
  - (d) Package liquor license.
  - (e) Tavern license.
9. "License division" means the business license staff and code enforcement personnel of the department of community development.
10. "Licensee" means any person to whom an intoxicating liquor license has been issued, and is used in sections 30.010 to 30.3315, inclusive, in the plural as well as the singular sense.
11. "Main bar" means a bar where intoxicating liquors are dispensed by the drink.
12. "Package beer establishment" means any place where beer is sold or otherwise lawfully distributed for consumption off premises.
13. "Package liquor establishment" means any place where intoxicating liquor is sold or otherwise lawfully distributed for consumption off premises.
14. "Person" means a natural person, firm, association, partnership, corporation or other entity.
15. "Retail beer and wine establishment" means any place where beer or wine is sold at retail by the drink to the general public.
16. "Service bar" means any bar where drinks are prepared for service only at tables in hotels, restaurants or casinos, and does not permit sales directly to the customers at such bar.
17. "Special events permit" means a license approved by the license division for the sale of intoxicating liquor at such locations as specified on the permit for a period of not more than 1 week.

18. "Spirits" means any liquor which contains alcohol obtained by distillation, mixed with drinkable water and other substances in solution, including rum, brandy, whiskey and gin.

19. "Tavern" means any place where intoxicating liquors are sold at retail by the drink to the general public.

20. "Wholesaler" means any person in possession of intoxicating liquors for the purpose of sales to package or retail outlets.

21. "Wine" means any intoxicating liquor obtained by the fermentation of natural sugar contents of fruits or other agricultural products containing sugar, including fortified wines such as port, sherry and champagne.

[§3 to 21, Liquor Board Ord. No. 5, §2, Ord. No. 1050; A. Ord. No. 1139]

SECTION 4. Section 30.130 of the Washoe County Code is hereby amended to read as follows:

30.130 Investigation of suitability; fees.

1. Upon receipt of an application for an intoxicating liquor license, the license division shall request the sheriff to conduct a criminal background check of the applicant pursuant to section 30.135, to determine whether cause for denial exists. The reasonable costs of the investigation shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation than is normally required. A list of fees set by the Sheriff for criminal background checks shall be posted in a place of clear public view.

2. The sheriff shall be given a reasonable amount of time to verify any information presented or ascertained. The officer or employee charged with the duty of making the investigation shall make a report thereon to the license division, favorable or otherwise, after receiving the application or a copy thereof.

3. It is the intent of this section that all investigations shall be completed within 90 days. If it is not possible for the sheriff to complete an investigation within 90 days after receipt of an application, the sheriff shall report that fact to the license division. The license division may order additional time, not to exceed 90 days, for the investigation. Any subsequent extensions of time must be approved by the board.

4. In addition to an investigation by the sheriff, the license division shall coordinate a review of each application by the appropriate County departments and other public agencies to determine whether it complies with all applicable requirements including, without limitation:

(a) Sections 30.245 and 30.250.

(b) Fire, health, water, sewer, building, and zoning requirements.

[§27, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 5. Section 30.135 of the Washoe County Code is hereby amended to read as follows:

30.135 Applicant to be fingerprinted; written response to questions. No intoxicating liquor license shall be issued for the operation of any liquor or beverage business unless each owner, officer, and director required to have a criminal history background check first presents himself within fourteen (14) days of filing a complete application for an intoxicating liquor license to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the license as may be required by the sheriff or the license division. Each owner, officer and director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a criminal history background investigation. The sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

[§28, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 6. Section 30.191 of the Washoe County Code is hereby amended to read as follows:

30.191 Appeal of denial of liquor license.

1. If an application for a liquor license is denied or a liquor license is not renewed by the license division, the applicant or holder thereof shall be notified in writing of the reason or reasons therefor and may appeal that decision in writing to the board not later than 15 days after service of the notice upon the applicant or holder in the manner prescribed in section 30.302.

2. A failure to appeal the decision of the license division within 15 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. No appeal may be taken from the decision of the license division to deny a temporary liquor license.

[§39, Liquor Board Ord. No. 5; A. Ord. No. 1139]

SECTION 7.

30.300 Procedure for suspension or revocation of licenses.

1. Any person who observes a violation of sections 30.010 to 30.3315, inclusive, may notify the sheriff, the license division,

or an official possessing citation powers applicable to the enforcement of land development regulations. Such notification shall be for the sole use of the notified official and the name and address of the person providing such notification shall be presumed confidential unless permission to disclose the name and address is given by that person or disclosure is required pursuant to a judicial proceeding.

2. Whenever it appears, whether by complaint of any person or otherwise, that a licensee is violating any of the provisions of this code, any other applicable law or any of the conditions of the license, the license division may commence proceedings to suspend or revoke such license in substantially the following manner:

(a) The license division shall conduct whatever investigation is necessary and, if warranted, prepare a complaint and cause it to be served in the manner provided in section 30.302.

(b) The complaint shall set forth the reasons alleged to constitute grounds for action. It shall be accompanied by a notice that a written answer must be filed with the license division not later than 7 working days in advance of the hearing, which period may be extended by the board only upon a showing of good cause. If the licensee fails to file an answer, the board shall presume the facts as set forth in the complaint are not contested.

(c) The answer must be made under oath and fully answer and respond to all allegations and specify all excuses or defenses of the licensee. The answer shall also contain the names, addresses and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations other than the place of business may be included only if no person is present at the place of business, but the persons at other locations must be within Washoe County and not be located more than 20 miles from the location of the business.

(d) The license division shall set a date and location for the hearing before the board and include that date and location in the complaint. Except in the case of an emergency, the date shall be not less than 30 working days after receipt of service of the complaint pursuant to section 30.302.

(e) Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated by the licensee pursuant to subsection 3.

[§69, Liquor Board Ord. No. 5; A Ord. No. 1139]

## SECTION 8.

### 30.302 Notice and service for appeal hearings, and for complaints, and for hearings for suspension and revocation of licenses.

1. Prior to the board holding a hearing for an appeal or for the suspension and revocation of a license, the license division



must serve written notice of the appeal hearing or written notice of the complaint for suspension and revocation. The license division must receive proof of service of the notice or complaint prior to the hearing. The written notice or complaint must include:

- (a) The date, time and location of the hearing;
- (b) A list of general topics concerning the person or licensee that will be considered by the board; and,
- (c) If applicable, the provisions in county code and regulation or policy for the board to hold a closed session pursuant to section 30.305.

2. Service of the complaint may be made by the license division or its agent by personal delivery:

- (a) If the licensee is an individual, upon that individual at the place of business;
- (b) If the licensee is a partnership, upon any of the partners whether general or limited, at the place of business; or
- (c) If the licensee is a corporation, upon the resident agent.

3. If service cannot be made as provided in subsection 2, then service may be made by leaving a copy of the complaint with an employee at the place of business or with a person of suitable age at the address as shown on the license for the licensee or any partner.

4. If service cannot be made as provided in subsections 2 or 3, then service may be made by posting a copy of the complaint in some conspicuous place on the premises and by mailing a copy to the address shown on the license for the licensee or any partners. Mailing shall be by U. S. mail with a request for acknowledgment of receipt and return if not delivered within 10 days after the first attempt.

5. If service cannot be made as provided in subsections 2, 3 or 4, then service may be made by publication in a newspaper of general circulation in the county of a notice that proceedings are being commenced to suspend or revoke the license. Such notice shall inform the licensee that a copy of the complaint is on file with the license division and that a copy may be obtained during normal business hours. A copy of the notice shall also be posted in a public place within the county.

6. Service shall be deemed completed upon personal delivery in the case of service made under subsections 2 or 3, upon posting and mailing in the case of service made under subsection 4 or upon publication and posting in the case of service made under subsection 5.

[§2, Ord. No. 827; A Ord. No. 1138]

## SECTION 9.

### 30.305 Hearing; determination and order.

1. At the time set for the hearing the appellant or licensee may appear either in person or by counsel authorized to practice law in the State of Nevada, or both. The hearing shall proceed

as determined by the chair and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for the revocation or suspension of the license. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation into the character of a licensee, and the board may discuss a license suspension or revocation based on the results thereof in closed session.

2. After receiving testimony from the appellant or licensee and any other interested party, the board shall in open session make findings of fact and order appropriate action. The board may continue the item, if necessary, to its next regularly scheduled meeting. The action of the board may include:

(a) A decision affirming or reversing the license division's denial; or,

(b) Revocation, suspension, reinstatement, or imposition of reasonable conditions necessary to insure the health, safety or welfare of the public. In the case of a suspension, the board shall specify any terms or conditions of the suspension.

3. Within 10 working days of the board's action, a written order of the board's action, and the reasons therefor, shall be served in the manner provided in section 30.302 on the appellant or the licensee or other persons identified in accordance with subsection 2(c) of section 30.300.

4. If the appellant or licensee fails to appear at the hearing and any action is ordered, there shall be no reopening or review of the proceedings before the board, except that if it subsequently appears to the satisfaction of the board that the appellant's or licensee's failure to answer or appear was due to matters beyond his control and not to inexcusable neglect on the part of the licensee, the hearing may be reopened or reviewed by the board.

5. Any applicant or licensee aggrieved by the action of the board may seek judicial review thereof within 30 days of the board's action. During the course of judicial review, any temporary license or license shall be continued until a decision is rendered by the district court.

[§71, Liquor Board Ord. No. 5; A Ord. No. 1139]

SECTION 10. Section 30.331 of the Washoe County Code is hereby amended to read as follows:

Work Permits for Employees of Intoxicating Liquor Licensees

30.331 Work permit required; exception.

1. Except as provided in subsection 2, any person who is employed as an employee or independent contractor of an intoxicating liquor licensee in the selling, serving or other disposition of intoxicating liquor must hold a current, valid work permit issued and administered by the sheriff in accordance with sections 25.0451 to 25.0459, inclusive, of this code and

sections 30.331 to 30.3315, inclusive.

2. No work permit is required of any person employed in a package beer or liquor establishment that is not a retail establishment, tavern, or cabaret.

[§42, Ord. No. 1139]

SECTION 11. Section 30.3311 of the Washoe County Code is hereby amended to read as follows:

30.3311 Grounds for denial or revocation of work permit. The sheriff shall deny, revoke, or refuse to renew a work permit for any of the reasons stated in section 25.0452 of this code or if the applicant or holder thereof has:

1. Not reached the age of 21 years.

2. Knowingly failed to comply with the provisions of sections 30.010 to 30.3315, inclusive, at a place of previous employment.

3. Been convicted within the past ten (10) years of any crime of moral turpitude, embezzlement or larceny against his employer or any other intoxicating liquor licensee, or any violation of any law pertaining to the sale or disposition of intoxicating liquor, or any other crime which is inimical to the declared policy of this county concerning the sale or disposition of intoxicating liquor.

4. Been identified as being a member or associate of organized crime, or as being of notorious and unsavory reputation.

5. Been placed and remains in the constructive custody of any federal, state, county or city law enforcement authority.

[§43, Ord. No. 1139]

SECTION 12. Section 30.395 of the Washoe County Code is hereby amended to read as follows:

Gaming Licenses and Regulations

30.395 Investigation, recommendation by license division, issuance.

1. Upon receipt of a completed application from the unincorporated area of the county, accompanied by proof that the applicant holds a valid license issued by the State of Nevada authorizing the particular games or devices at the specified location and a tender of the required fees, the license division may request the sheriff to conduct a criminal background check of the applicant to determine whether cause for denial exists.

(a) The applicant shall present himself within fourteen (14) days of filing a complete application for a gaming license to the sheriff for a complete set of fingerprint impressions. The applicant shall also provide the sheriff with written permission authorizing the sheriff to forward the impressions for a criminal history background investigation. The sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of

Investigation to determine whether a criminal history record exists for the person. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

(b) The reasonable costs of the investigation shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation than is normally required. A list of fees set by the Sheriff for criminal background checks shall be posted in a place of clear public view.

(c) The investigation should be completed in the shortest possible time, but the sheriff shall be given a reasonable amount of time to verify any information presented or ascertained. It is the intent of sections 30.335 to 30.430, inclusive, that all investigations be completed within 90 days. However, if it is not possible for the sheriff to complete an investigation within 90 days after receipt of the application, the sheriff shall report that fact to the license division. The license division may order additional time for the investigation, not to exceed 90 days. Any subsequent extensions of time must be approved by the board.

2. In addition to any investigation by the sheriff, the license division shall coordinate a review of each application from the unincorporated area of the county by the appropriate county departments and other public agencies to determine whether it complies with all applicable requirements including, without limitation:

(a) Section 30.405.

(b) Fire, health, water, sewer, building, and zoning requirements.

3. Upon the completion of any investigation conducted pursuant to subsections 1 and 2 of this section and after determining that the proposed gaming business will be conducted in compliance with law and that no cause for denial exists pursuant to section 30.410, the license division may issue the gaming license. The license division may deny an application or place conditions on a license to ensure compliance with this chapter and other applicable laws and regulations. If the license division denies an application, the reasons for denial shall be provided to the applicant in writing.

4. The license is valid for a period of 3 months provided that all subsequently required fees or reports are timely made.

[§16, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 13. Section 30.410 of the Washoe County Code is hereby amended to read as follows:

30.410 Grounds for refusal to grant, renew gaming license.

The license division may refuse to grant or to renew a gaming license to any applicant located within the unincorporated area of the county if it appears to the license division that:

1. The applicant or licensee is not a suitable person to hold a gaming license as provided in section 30.345.
2. The applicant or licensee has not properly and fairly conducted such slot machine, device or game.
3. The applicant or licensee has violated any of the provisions of this code or applicable state or federal law or has been convicted within the past ten (10) years of any illegal act which involves moral turpitude.

[§19, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139]

SECTION 14.

30.420 Procedure for suspension or revocation of licenses.

1. Any person who observes a violation of sections 30.335 to 30.430, inclusive, may notify the sheriff, the license division, or an official possessing citation powers applicable to the enforcement of land development regulations. Such notification shall be for the sole use of the notified official and the name and address of the person providing such notification shall be presumed confidential unless permission to disclose the name and address is given by that person or disclosure is required pursuant to a judicial proceeding.

2. Whenever it appears, by complaint of any person or otherwise, that a licensee is violating any provision of this code or any other applicable law or any of the conditions of the license, the license division may commence proceedings to suspend or revoke such license in substantially the following manner:

(a) The license division shall conduct whatever investigation is necessary and, if warranted, prepare a complaint and cause it to be served in the manner provided in section 30.4201.

(b) The complaint must set forth the reasons alleged to constitute grounds for action. It must be accompanied by a notice that a written answer must be filed with the license division not later than 7 working days in advance of the hearing, which period may be extended by the board only upon a showing of good cause. If the licensee fails to file an answer, the board shall presume the facts as set forth in the complaint are not contested.

(c) The answer must be made under oath and fully answer and respond to all allegations and specify all excuses or defenses of the licensee. The answer shall also contain the names, addresses and telephone numbers of at least two persons upon whom any future notices or process may be served during normal daytime business hours. Persons at locations other than the place of business may be included only if no person is present at the place of business, but the persons at other locations must be within Washoe County and not located more than 20 miles from the

location of the business.

(d) The license division shall also set a date and location for the hearing before the board and include that date and location in the complaint. Except in the case of an emergency, the date shall be not less than 30 working days after receipt of service of the complaint pursuant to section 30.4201.

(e) Any notices subsequent to that accompanying the complaint may be served on the licensee or any of those persons designated by the licensee pursuant to subsection 3.

[§25, Gaming Licensing Board Ord. No. 3; A Ord. No. 1139]

## SECTION 15.

### 30.4201 Notice and service for appeal hearings, and for complaints, and for hearings for suspension and revocation of licenses.

1. Prior to the board holding a hearing for an appeal or for the suspension and revocation of a license, the license division must serve written notice of the appeal hearing or written notice of the complaint for suspension and revocation. The license division must receive proof of service of the notice or complaint prior to the hearing. The written notice or complaint must include:

(a) The date, time and location of the hearing;

(b) A list of general topics concerning the person or licensee that will be considered by the board; and,

(c) If applicable, the provisions in county code and regulation or policy for the board to hold a closed session pursuant to section 30.4202.

2. Service of the complaint may be made by the license division or its agent by personal delivery:

(a) If the licensee is an individual, upon that individual at the place of business;

(b) If the licensee is a partnership, upon any of the partners whether general or limited at the place of business; or

(c) If the licensee is a corporation, upon the resident agent.

3. If the license division or its agent is unable to make service as provided in subsection 2, service may be made by leaving a copy of the complaint with an employee at the place of business or with a person of suitable age at the address as shown on the license for the licensee or any partner.

4. If the license division or its agent is unable to make service as provided in subsections 2 or 3, service may be made by posting a copy of the complaint in some conspicuous place on the premises and by mailing a copy to the address shown on the license for the licensee or any partners. Mailing shall be by U.S. mail with a request for acknowledgment of receipt and return if not delivered within 10 days of the first attempt.

5. If the license division or its agent is unable to make service as provided in subsections 2, 3 or 4, service may be made by publication in a newspaper of general circulation in the

county of a notice that proceedings are being commenced to suspend or revoke the license. Such notice shall inform the licensee that a copy of the complaint is on file with the license division and that a copy may be obtained during normal business hours. A copy of the notice shall also be posted in a public place within the county.

6. Service shall be deemed completed upon personal delivery in the case of service made under subsections 2 or 3, upon posting and mailing in the case of service made under subsection 4, or upon publication and posting in the case of service made under subsection 5.

[§65, Ord. No. 1139]

SECTION 16. Section 30.4202 of the Washoe County Code is hereby amended to read as follows:

30.4202 Hearing.

1. At the time set for the hearing the licensee may appear either in person or by counsel authorized to practice law in the State of Nevada, or both. The hearing shall proceed as determined by the chair and the burden shall be upon the county to establish, by a preponderance of the evidence, that good cause exists for the revocation, suspension or conditioning of the license. For the purposes of Chapter 241 of NRS, a criminal investigation or criminal history background check conducted by the sheriff is deemed an investigation into the character of the licensee, and the board may discuss a license suspension or revocation based on the results of such an investigation in closed session.

2. Upon the conclusion of the hearing and in open session, the board shall make findings of fact and order appropriate action. The board may continue action on the matter to its next regularly scheduled meeting if necessary. The action of the board may include revocation, suspension, reinstatement, or imposition of reasonable conditions necessary to insure the health, safety or welfare of the public. In the case of a suspension, the board shall specify any terms or conditions of the suspension.

3. Within 10 working days of the board's action at the meeting, a written copy of the board's order shall be delivered to the license division and served in any reasonable manner on the licensee or his designee, if available for service. If those persons are unavailable for service, the order shall be posted upon the business premises.

4. If the licensee fails to appear at the hearing and any action is ordered, there shall be no reopening or review of the proceedings before the board, except that if it subsequently appears to the satisfaction of the board that the licensee's failure to answer or appear was due to matters beyond his control and not to inexcusable neglect on the part of the licensee, the hearing may be reopened or reviewed by the board.

5. Any applicant or licensee aggrieved by the action of the

board may seek judicial review thereof within 30 days of the board's action. During the course of judicial review, any temporary license or license shall be continued until a decision is rendered by the district court.

[§66, Ord. No. 1139]

SECTION 17. Section 30.465 of the Washoe County Code is hereby amended to read as follows:

Work Permits for Gaming Employees

30.465 Applications; fees.

1. An applicant must file a work permit application with the sheriff, unless the liquor and gaming board has determined that it will no longer require such permits.

2. The application for a work permit shall be on a form prescribed by the state.

3. All applications shall be accompanied by written verification of employment provided by a gaming licensee.

4. Each application shall include written permission from the applicant authorizing the sheriff to forward the applicant's complete set of fingerprint impressions for a criminal history background investigation. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

5. Each application shall include, without limitation, the statement regarding child support required by NRS 244.33506 and NRS 463.3351 and the applicant's social security number, in accordance with NRS 244.33507 and NRS 463.3354.

6. The applicant for a gaming work permit will be charged a fee not to exceed \$75 to cover the actual investigative and administrative costs related to processing an application for such a permit. The applicant must pay the fee upon filing the application with the sheriff.

[§34, Gaming Licensing Board Ord. No. 3; A. Ord. No. 1139, 1194]

SECTION 18. Section 30.470 of the Washoe County Code is hereby amended to read as follows:

30.470 Screening of work permit applicant.

1. When an applicant files a work permit application with the sheriff, the sheriff shall screen the applicant to determine if the applicant is eligible for a temporary work permit. The screening process shall include:

(a) Review of the application to ensure that it has been properly completed;

(b) Confirmation of the applicant's identity by means of a government issued photo identification;



(c) An attempt to confirm the applicant's current mailing address through inquiry of the applicant;

(d) Review of all criminal records maintained by the sheriff which are permissible to use to determine the eligibility of the applicant for a work permit;

(e) Confirmation through the Nevada Criminal Justice Information System as to whether or not there is any outstanding warrant for the applicant's arrest; and

(f) Confirmation that the applicant executed an authorization to allow the sheriff to conduct an investigation of the applicant's criminal history and to obtain criminal records. When conducting a review of criminal records pursuant to subsection (1)(d), the sheriff may conduct a review of the criminal records maintained by the central repository for Nevada which are permissible to use to determine the eligibility of the applicant for a work permit.

2. The sheriff shall deny a work permit application if the sheriff determines during the screening process that the applicant has:

(a) Purposely failed to disclose, misstated or otherwise misled the sheriff with respect to any material fact contained in the application;

(b) Been convicted within the last three years of petit theft, larceny, fraud, embezzlement, insufficient fund-checks, or any other misdemeanor theft-related crime, or any crime related to the possession, use or transportation of narcotics or possession of narcotics related paraphernalia;

(c) Been convicted within the last eight years of a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;

(d) Been convicted of any offense involving or related to gambling, to include larceny related offenses committed against a gaming establishment; or

(e) Has any criminal charge pending which is a felony in this state or an offense in another state or jurisdiction which would be a felony if committed in this state.

Criminal case dispositions gathered pursuant to the screening process set forth in subsection (1), or disclosures made by the applicant on his work permit application, may be relied upon by the sheriff to make denial determinations. In the event the disposition of a criminal case remains unknown despite the screening process, the sheriff shall not rely on that case to deny a temporary work permit.

3. The sheriff may use discretion in applying the criteria for denial set forth in subsection (2) in limited circumstances. This discretion may be used by the sheriff in applying the criteria for denial only when the applicant holds a valid work permit issued before January 1, 2003, has continuously worked as a gaming employee since the issuance of the permit, and the criteria for denial requires a denial of a new work permit based

upon an event that occurred and was previously disclosed prior to the issuance of the work permit currently held by the gaming employee.

4. Except when the screening process is suspended pursuant to subsections (5) or (6), the sheriff shall obtain a complete set of fingerprints of the applicant. The sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person. The investigation need not be limited solely to consideration of the results of the report concerning the criminal history of the applicant. NRS 239B.010 provides that the county may request of and receive from the Federal Bureau of Investigation information on the background and person history of any person who has applied for a license as required by statute or local ordinance which it has the power to deny.

5. If the sheriff determines during the screening process that there is an outstanding warrant for the applicant's arrest, the screening process shall be suspended, the applicant shall not be charged a fee as prescribed in section 30.465, and a temporary work permit shall not be issued.

6. If the sheriff determines during the screening process that an applicant is not in compliance with a court order for child support, the screening process shall be suspended, the applicant shall not be charged a fee as prescribed in NRS 463.335(2), and a temporary work permit shall not be issued.

[§35, Gaming Licensing Board Ord. No. 3, A. Ord. No. 1194]

#### SECTION 19.

##### 30.480 Denial of temporary work permit upon failing screening process.

1. When an applicant submits a work permit application to the sheriff and the applicant is deemed ineligible for a temporary work permit after screening is completed in accordance with sections 30.470 to 30.475, inclusive, the sheriff shall not issue the applicant a temporary work permit. The sheriff shall notify the applicant of the criteria for denial relied upon in making such determination and that he may request the state gaming control board to review the denial in the manner prescribed by law no later than 30 days after receiving notice of the denial.

2. If the state gaming control board determines that the criteria for denial was not properly applied by the sheriff and the applicant is eligible for a temporary work permit, upon notification to the sheriff of the state gaming control board's determination, the sheriff shall issue a temporary work permit to the applicant.

3. Failure of the applicant to seek review of the sheriff's determination that he is not eligible for a temporary work permit pursuant to this section shall be deemed to be an admission that the denial is well founded and such failure precludes

administrative or judicial review.

[§37, Gaming Licensing Board Ord. No. 3; A Ord. Nos. 1050, 1139, 1194]

SECTION 20. Section 30.487 of the Washoe County Code is hereby amended to read as follows:

30.487 Gaming work permit records.

1. The following information is presumed confidential and shall be used or disseminated by the sheriff in accordance with subsection 2 and 3:

(a) Information contained in an application for a gaming work permit while an investigation is pending;

(b) The complete set of impressions of the applicant;

(c) Information received from a check of local police records or from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or holder of a gaming work permit;

(d) A list of all persons to whom work permits have been issued or denied; and

(e) Other records compiled by the sheriff regarding an applicant or holder of a gaming work permit.

2. The sheriff may use or disseminate the information listed in subsection 1 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of sections 30.431 to 30.510, inclusive, and as otherwise specifically authorized by law. The sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

3. Any record of the sheriff that shows that the applicant or holder of a gaming work permit has been convicted of a crime in another state must show, if the information is available, whether the crime was a misdemeanor, gross misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

4. Any provision of this section which is inconsistent with or in conflict with any requirement of the Gaming Control Act, NRS 463.335, NRS 463.120 or NRS 179A.100, shall be deemed superseded by such provision.

[§2, Ord. No. 1194]

SECTION 21. Section 30.520 of the Washoe County Code is hereby amended to read as follows:

Confidentiality of Records

30.520 Confidentiality of records regarding intoxicating liquor and gaming licenses.

1. The following information is presumed confidential and

shall be used and disseminated by the license division and the sheriff in accordance with subsections 2 and 3:

(a) Information contained in an application for an intoxicating liquor license or gaming license while an investigation is pending;

(b) The complete set of impressions taken in accordance with sections 30.135 and 30.395;

(c) Information received from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or licensee; and

(d) Other records compiled by the license division or the sheriff regarding an applicant or licensee while an investigation is pending.

2. The license division or the sheriff may use or disseminate the information listed in subsection 1 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of chapters 25 and 30. The license division and the sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

3. Any record of the license division or the sheriff that shows that the applicant or licensee has been convicted of a crime in another state must show whether the crime was a misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[§76, Ord. No. 1139]

SECTION 22. Section 30.525 of the Washoe County Code is hereby amended to read as follows:

30.525 Confidentiality of records regarding works permits for employees of intoxicating liquor licensees and gaming employees.

1. The following information is presumed confidential and shall be used and disseminated by the sheriff in accordance with subsections 2 and 3:

(a) Information contained in an application for a work permit for an employee of an intoxicating liquor licensee or a gaming employee while an investigation is pending;

(b) The complete set of fingerprint impressions taken in accordance with section 25.0455 of this code and section 30.470;

(c) Information received from the Central Repository of Nevada Records or the Federal Bureau of Investigation regarding a criminal history background check of an applicant or work permit holder; and

(d) Other records compiled by the sheriff regarding an applicant or work permit holder while an investigation is pending.

2. The sheriff may use or disseminate the information listed

in subsection 1 as part of a criminal investigation, judicial proceeding, or administrative proceeding, or in the proper administration of chapters 25 and 30. The sheriff shall disseminate the information only to authorized representatives of criminal justice, judicial, and administrative entities.

3. Any record of the sheriff that shows that the applicant or work permit holder has been convicted of a crime in another state must show whether the crime was a misdemeanor, felony, or other class of crime as classified by the state in which the crime was committed. In a disclosure of the conviction, reference to the classification of the crime must be based on the classification in the state where it was committed.

[§77, Ord. No. 1139]

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 19 th day of August, 2008.

Proposed by Commissioner Hummke:

Passed on the 9 th day of Sept., 2008.

Vote:

Ayes: Harkin, Weber, Hummke, Galloway, Jung

Nays: None

Absent: None



ATTEST:

Amy L. Harvey, Chief Deputy  
for Amy Harvey  
County Clerk

Robert M. Larkins

Chairman  
Washoe County Commission

This ordinance shall be in force and effect from and after the 19 th day of Sept., 2008.