

[Bracketed] material is that portion being deleted
Underlined material is that portion being added

BILL NO. _____

SUMMARY: A liquor and gaming ordinance to amend sections 8.04.090 and 8.04.010.100 to delete the requirements for a gaming establishment key employee to eliminate redundancy with State Gaming Control Board requirements; to amend section 8.04.010.005 to remove the requirement for a key employee application; to amend section 8.04.010.060 to remove the term “finding of suitability” to eliminate redundancy with section 8.04.050 which requires an investigation of all gaming license applicants; and to amend sections 8.04.010.001, 8.04.010.005, 8.04.050, 8.04.110 and 8.04.125 to remove the term “finding of suitability.”

ORDINANCE NO.

(of Clark
County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.04 SECTIONS 8.04.090 AND 8.04.010.100 TO DELETE THE REQUIREMENT FOR A GAMING ESTABLISHMENT “KEY EMPLOYEE” TO ELIMINATE REDUNDANCY WITH THE STATE GAMING CONTROL BOARD REQUIREMENTS; TO AMEND SECTION 8.04.010.005 TO REMOVE THE REQUIREMENT FOR A KEY EMPLOYEE APPLICATION; TO AMEND SECTION 8.04.010.060 TO REMOVE THE TERM “FINDING OF SUITABILITY” TO ELIMINATE REDUNDANCY WITH 8.04.050 WHICH REQUIRES AN INVESTIGATION OF ALL GAMING LICENSE APPLICANTS; TO AMEND SECTIONS 8.04.010.001, 8.04.010.005, 8.04.050, 8.04.110 AND 8.04.125 TO REMOVE THE TERM “FINDING OF SUITABILITY”; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Title 8, Chapter 8.04, Section 8.04.090 of the Clark County Code is hereby deleted as follows:

[8.04.090 Key employees. (A) Any executive, employee, agent, officer or director of a gaming licensee having the power to exercise a significant influence over decisions concerning any part of the operation of a gaming licensee is a key employee.

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

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

(D) The licensee shall, within thirty days after receipt of the notice requiring a finding of suitability of any key employee, present the key employee application to the director or provide documentary evidence that such key employee is no longer employed by the licensee. Application, investigation, and payment of fees shall be made in accordance with requirements of Sections 8.04.100, 8.04.110, and 8.04.120.

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

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

SECTION 2. Title 8, Chapter 8.04, Section 8.04.010.100 of the Clark County

Code is hereby deleted as follows:

[8.04.010.100 Key employee. "Key employee" means any individual having the power to exercise a significant influence over decisions concerning any part of the operation of a gaming establishment. If other than the licensee, this individual will be empowered to make decisions on behalf of the licensee on a twenty-four-hour-a-day basis. In the absence of the licensee, a key employee must either be on the premises or available for immediate contact on a twenty-four-hour-per-day basis.]

SECTION 3. Title 8, Chapter 8.04, Section 8.04.010.005 is hereby amended to read as follows:

8.04.010.005 Application. "Application" means a written request containing complete and accurate information required by the applicable regulation for the issuance of a county gaming license, [finding of suitability, approval as a key employee,] or for approval of any act or transaction for which board approval is required or permitted by county gaming regulations.

SECTION 4. Title 8, Chapter 8.04, Section 8.04.010.060 of the Clark County Code is hereby amended to read as follows:

[8.04.010.060 Finding of suitability. "Finding of suitability" means that after investigation, a person is found to comply with the requirements of this chapter which are prerequisite to involvement with a gaming license. This chapter authorizes the board to require that certain persons who are directly or indirectly involved with gaming licenses be found suitable for such involvement so long as that relationship continues. A finding of suitability relates only to the specific involvement for which it is made. If the nature of the involvement changes from that for which the applicant has been found suitable, or if, in the judgment of the board, new information concerning the applicant's suitability has

suitability by the board.]

SECTION 5. Title 8, Chapter 8.04, Section 8.04.010.001 of the Clark County Code is hereby amended to read as follows:

8.04.010.001 Applicant. "Applicant" means any person who has applied for or is about to apply for a county gaming license [or finding of suitability].

SECTION 6. Title 8, Chapter 8.04, Section 8.04.010.005 of the Clark County Code is hereby amended to read as follows:

8.04.010.005 Application. "Application" means a written request containing complete and accurate information required by the applicable regulation for the issuance of a county gaming license, [finding of suitability, approval as a key employee,] or for approval of any act or transaction for which board approval is required or permitted by county gaming regulations.

SECTION 7. Title 8, Chapter 8.04, Section 8.04.050 of the Clark County Code is hereby amended to read as follows:

8.04.050 Qualifications for license [or finding of suitability]. (A) Any person whom the board determines is qualified to receive a gaming license [or finding of suitability in any capacity under the provisions of this chapter,] having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the county, may be issued such gaming license [or finding of suitability]. The burden of proving qualification to receive any gaming license [or finding of suitability] is on the applicant.