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Underlined material is that portion being added

BILL NO. L-11-16-10-1

SUMMARY: A liquor and gaming ordinance to amend chapter 8.24 to eliminate redundancy for work card requirements for individuals registered pursuant to NRS 463.335 and ensure consistency in processing, denying, non-renewing, suspending or revoking work identification cards.

ORDINANCE NO.
L-250-10

(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 8, CHAPTER 8.24 TO ELIMINATE REDUNDANCY OF REQUIREMENT FOR WORK CARDS FOR INDIVIDUALS REGISTERED PURSUANT TO NRS 463.335 AND ENSURE CONSISTENCY IN PROCESSING, DENYING, NON-RENEWING, SUSPENDING OR REVOKING WORK IDENTIFICATION CARDS; 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 8.24 is hereby amended as follows:

8.24.010 - Definitions.

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

(A) "Applicant" means any person who has obtained a referral form [requested or is about to request] for the issuance or renewal of a work identification card.

(B) "Nongaming employee" means those employees required to have work cards pursuant to Sections 8.44.040 and. 8.32.070; all persons employed by a liquor licensee who are required to have a work card pursuant to Section 8.20.220; key employees of a

liquor licensee; bartenders or their functional equivalents, except for bartenders who are registered pursuant to NRS 463.335; employees of liquor caterers pursuant to Section 8.20.240 who are authorized by the owner(s) to exercise supervision and control of and to establish policies for the catered event; special event supervisors, pursuant to Section 8.20.020; security guards pursuant to Section 6.50.060 and NRS 648.060; and all employees, whether full or part-time, volunteer or trainee, paid or unpaid, who work or render services for the supervision of children under the age of eighteen at a gaming establishment, including but not limited to an accommodation facility or arcade.

(C) "Gaming licensee" means any entity which is licensed to operate any gaming.

(D) "Work identification card" means a card issued by the Las Vegas M
[m]etropolitan P[p]olice D[d]epartment authorizing the employment of the holder as a nongaming employee as defined in this section, in unincorporated Clark County.

8.24.020 - Work identification card required.

(A) It shall be unlawful for any establishment employing nongaming employees as defined by Section 8.24.010(B) to employ any person defined in said section unless such person is the holder of a valid work identification card issued in conformity with the provisions of Title 6, Chapter 6.10 of this code. this chapter. It shall be unlawful for any person to be employed as a nongaming employee as defined in Section 8.24.010 in or by a gaming, liquor, dancehall or escort establishment whether licensed as such or not, or to work as an escort unless such person has a valid work identification card. A work card is required for each specific establishment or business with which a person is employed or for which a person performs compensated services, and must be carried upon the person at all times said person is working or employed in the occupation and for the employer

for which the card was issued. The work identification card issued pursuant to this chapter shall not be defaced or modified by the employer or holder of the work identification card.

(B) All owners, key employees, officers, directors, managers of a limited liability company and stockholders actively engaging in the management and operation of a liquor business must obtain and be a holder of a valid work identification card as required pursuant to Section 8.20.220. The work identification card shall be carried upon the person at all times.

8.24.030 Procedure for obtaining work identification card [~~—Period valid—~~
Renewal.]

(A) Prior to the issuance of any work identification card for commencement of employment, renewal or replacement of a lost card, the applicant must obtain a referral slip from his prospective employer which shall be signed by the payroll officer or his prospective supervisor. The applicant shall complete the referral slip and then report to the fingerprint bureau of the Las Vegas metropolitan police department for the issuance of a work identification card. Each applicant for a work identification card shall be fingerprinted and photographed by the fingerprint bureau.

(B) A work identification card issued for nongaming employees as defined by Section 8.24.010(B) shall expire based upon the term limits guidelines established by the Las Vegas metropolitan police department and approved by the liquor and gaming licensing board.

(C) Any male or female applicant who, by reason of his or her appearance, causes the Las Vegas metropolitan police department's examiner to doubt the truth of his or her stated age, may be required to furnish satisfactory documented proof of his or her age.

(D) All minors under the age of seventeen years must submit, along with the application, a standard letter of approval to work, obtained from the Clark County department of family and youth services.

(E) Each establishment employing nongaming employees as defined in Section 8.24.010 shall designate a person, who shall be the payroll clerk or a supervisor, to be responsible for signing referral slips as provided by subsection A of this section and to examine each employee or prospective employee to determine that such person has a valid work identification card for such establishment. If the employing establishment determines that such nongaming employee has a valid work identification card, such establishment need not issue a referral slip to such employee; however, the employing establishment shall notify the Las Vegas metropolitan police department by mail within five days from the date the employee commences employment. The Las Vegas metropolitan police department shall make available to each employing establishment a postcard with blocks for the required information typed thereon and it shall be the duty of the payroll clerk or other designated supervisor of each establishment to fill in the information required on said card and mail it to the Las Vegas metropolitan police department within the prescribed time.

(F) Each applicant for a work identification card may be required by the Las Vegas metropolitan police department, or its designee, to furnish a birth certificate, alien registration card, or other reasonable identification card to prove such applicant's name,

age, place of birth, legal residence in the United States, or any other information which is required on the work identification card application.

(G) Each work identification card shall have a photograph of the employee affixed thereto.

8.24.040 - Temporary work identification form pending appeal [card for first ninety days].

Temporary work identification forms pending the disposition of an appeal shall be issued in accordance with Section 6.10.055. [Whenever a person obtains the issuance or renewal of a work identification card, or changes his place or location of employment, such card shall be deemed to be a temporary card only for the first ninety days following such issuance or renewal or change of place or location of employment.]

8.24.050 - Denial of work identification card—Appeal.

(A) The Sheriff of the Las Vegas M[m]etropolitan P[p]olice D[d]epartment may deny the issuance or renewal of a work identification card in accordance with Section 6.10.040 of this code. [pursuant to the procedures set forth for the following reasons:

(1) The applicant has failed to disclose, misstated or attempted to mislead the Las Vegas metropolitan police department or liquor and gaming licensing board with respect to any material fact contained in the application for a work identification card;

(2) The applicant has been convicted of any crime of moral turpitude, fraud, robbery, larceny, drug sales, prostitution, solicitation of prostitution, pandering or any act or crime against decency or morals or any act or crime which

is inimical to the declared policy of any chapter of this title, including, but not limited to any act within the definition of a sexually oriented escort;

(3) The applicant failed to comply with the provisions of any of the chapters of this title;

(4) The applicant's history discloses bad moral character, a bad reputation for truth, honesty or integrity, or if granting the work identification card would not comport with the peace, health, safety, convenience, good morals, or general welfare of the public;

(5) A work identification card of the applicant has previously been revoked or renewal thereof has been denied by the county of Clark or any other government entity. Specific crimes or grounds for nonissuance of a license listed in any chapter of this code take precedence over the general rule stated in this paragraph.]

(B) Any applicant aggrieved by a decision of the Director or the Sheriff of the Las Vegas Metropolitan Police Department with respect to the denial or refusal to renew a work identification card may appeal such decision in accordance with Section 6.10.050 of this code. [for error of law or fact within thirty days to the liquor and gaming licensing board by filing written notice of appeal with the director. Upon receipt of the written request for appeal, it shall be placed on the agenda of the next regular meeting of the liquor and gaming licensing board at which it may be lawfully scheduled after the applicant files a notice of appeal unless prohibited by subsection C below after review by the director or the director's designee.

Once properly placed on its agenda, the liquor and gaming licensing board may either hear the appeal or refer it to a hearing officer. The appellant has the burden to convince the liquor and gaming licensing board of his/her suitability for a work card to work in a privileged business. The liquor and gaming licensing board may grant the appeal if it has been furnished with satisfactory evidence of the good moral character of the applicant and if based upon the facts of the appeal it is convinced that the general welfare of the community will not be endangered by the employment of the person in that occupation. All parties shall be advised of the date, time and place of the hearing. The person aggrieved shall bring to the hearing all work cards issued to him/her. The notice of appeal shall contain a verified statement of all facts upon which the applicant relies to establish his/her suitability or any error of law or facts that relate to the denial or refusal of a work identification card. Upon the filing of such appeal, the Las Vegas metropolitan police department may issue a temporary work identification card which is revoked or becomes permanent upon final decision of the liquor and gaming licensing board.

(C) Applicants denied by the Las Vegas metropolitan police department or his designee with respect to the denial or refusal to renew a work identification card may not appeal such decision to the liquor and gaming licensing board if:

(1) The decision is due to conviction of specific crimes or specific grounds for nonissuance of the work identification card listed in any section of the Nevada Revised Statutes; denials pursuant to these provisions may only be appealed to the State District Court;

(2) The decision is due to conviction of specific crimes or specific grounds for nonissuance of the work identification card listed in any section of the Clark

County Code within seven years or one year (see Clark County Code 6.04.005) from the date of the conviction of the specified crime or act of moral turpitude;

(3) The applicant fails to provide a written verified statement as to any specific errors of law or fact that were the basis for the denial or nonrenewal of the work identification card;

(4) The applicant fails to file the verified written notice of appeal with the director within thirty days from the date of denial or nonrenewal of work identification card.

Applicants whose appeals are denied pursuant to subsections (C)(1), (2), (3) or (4) of this section, shall be notified by letter to the address provided by them in the verified written notice of appeal. Thereafter, any additional appeal as to denial or nonrenewal of a work identification card shall only be made to a court of competent jurisdiction.]

8.24.060 - Suspension—Revocation.

(A) Any work identification card issued pursuant to the provisions of this chapter may be suspended or revoked by the Sheriff of the Las Vegas Metropolitan Police Department or liquor and gaming licensing board [, with or without the recommendation of the sheriff of the Las Vegas metropolitan police department,] in accordance with Section 6.10.045 of this code.

[after notice and hearing, if subsequent to the issuance or renewal of a work identification card it is determined that any of the grounds in Section 8.24.050 for denial or refusal to renew a work identification card exists. In addition to the above, an escort work card may be revoked for any ground stated in Section 8.32.070.]

(B) Any person aggrieved by a decision of the Director or the Sheriff of the Las Vegas Metropolitan Police Department with respect to the revocation or suspension of a work identification card may appeal such decision in accordance with Section 6.10.050 of this code. [The Clark County sheriff or his designee may, upon good cause, suspend or revoke the work identification card upon ten days notice to any person committing any act which is grounds for denial of a work identification card. Such revocation or suspension notice shall contain information regarding the appeal and stay of such notice as is provided in Section 8.08.210 of the Clark County Code.]

8.24.080 - Fees.

Each applicant for the issuance of a work identification card thereof shall pay a service fee in accordance with Section 6.10.070 of this code. [equivalent to the cost of issuance thereof as established by the Las Vegas metropolitan police committee on fiscal affairs to the sheriff of the Las Vegas metropolitan police department prior to the card issuance.

In addition to the above service fee, a junket representative shall pay to the Las Vegas metropolitan police department an investigation fee as established by the Las Vegas metropolitan police committee on fiscal affairs. A renewal or transfer of active junket representative work cards shall require a service fee as established by the Las Vegas metropolitan police committee on fiscal affairs.

In the event of the loss of work identification card or expiration renewal an additional service fee as established by the Las Vegas metropolitan police committee on fiscal affairs shall be charged.]

8.24.090 - Employer records.

The employers of employees required to hold identification work cards shall keep an up-to-date master list of all such employees disclosing name and identification numbers at the licensed location. Said list shall be available at all times for the inspection by licensing officials and officers of Las Vegas M[m]etropolitan P[p]olice D[d]epartment.

8.24.100 - Violation—Penalties.

Any person violating any of the provisions of this chapter shall be subject to suspension, restriction, revocation or fine as set out in Sections 6.10.090, 8.20.570, 8.08.030 and 8.04.290 of this code. [and shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county jail for a term of not more than six months, or by any combination of such fine and imprisonment. Whenever in this chapter any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a violation of this chapter. Any day of any violation of this chapter continues shall constitute a separate offense.]

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and publication thereof by title only, together with the names of the County Commissioners voting for and against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the 16th day of November, 2010.

PROPOSED BY: Commissioner Rory Reid

PASSED on the 7th day of December, 2010.

AYES: Susan Brager

Lawrence L. Brown III

Chris Giunchigliani

Steve Sisolak

Lawrence Weekly

NAYS: None

ABSTAINING: None

ABSENT: Tom Collins

Rory Reid

THE LIQUOR AND GAMING
LICENSING BOARD OF CLARK
COUNTY, NEVADA

BY: Lawrence Weekly
Chairman

ATTEST:

Diana Alba
DIANA ALBA, County Clerk

This ordinance shall be in force and effect from and after the 21st day of
December, 2010.