

1
2
3
4 BEFORE THE CITY COUNCIL
5 OF THE CITY OF LAS VEGAS, NEVADA

6 * * *

7 IN THE MATTER OF:

8 DEPARTMENT OF COMMUNITY
9 DEVELOPMENT on behalf of the CITY OF
LAS VEGAS, NEVADA,

10 Petitioner,

11 vs.

12 DOLLAR EXPRESS PLUS LLC; FAY
13 TUCKER, Managing Member; and RAMON
WILLIAMS, Managing Member,

14 Respondents.
15

16 **COMPLAINT FOR DISCIPLINARY ACTION**

17 The DEPARTMENT OF COMMUNITY DEVELOPMENT, on behalf of the CITY OF
18 LAS VEGAS, NEVADA ("Department"), Petitioner, brings this Complaint for Disciplinary
19 Action against DOLLAR EXPRESS PLUS LLC, FAY TUCKER, Managing Member, and
20 RAMON WILLIAMS, Managing Member, whose place of business is located at 1012 West
21 Owens Avenue, Las Vegas, NV 89106, Respondents, and states:

22 Respondents DOLLAR EXPRESS PLUS LLC, FAY TUCKER, Managing Member, and
23 RAMON WILLIAMS, Managing Member, hold Business Licenses No. G67-06725 - General
24 Retail Sales and G68-03313 - Tobacco Dealer.

25 **SUMMARY OF ALLEGATIONS**

26 1. This is a complaint under Las Vegas Municipal Code (LVMC) 6.88.020
27 following an investigation by the Business Licensing Division into potential violations of LVMC
28 Title 6 by DOLLAR EXPRESS PLUS LLC, FAY TUCKER, and RAMON WILLIAMS.

2. DOLLAR EXPRESS PLUS LLC, FAY TUCKER, and RAMON WILLIAMS, was licensed to operate a store selling cleaning supplies, personal care, hardware, school supplies, party supplies, water, [and] juice, and cigarettes in the City of Las Vegas at 1012 West Owens Avenue, Las Vegas, NV 89106, under Business Licenses No. G67-06725 - General Retail Sales and G68-03313 - Tobacco Dealer.

STATEMENT OF FACTS

3. On May 19, 2019, a business license was approved for a general retail sales of "cleaning supplies, personal care, hardware, school supplies, party supplies, water, [and] juice," and a tobacco dealer license for cigarette sales."

4. On March 10, 2020, a business license application was submitted for "Get Active Foundation" at the same location, but different ownership, for a banquet hall license. However, it was denied by Fire Prevention on March 27, 2020 due to the active retail store occupying the space at the time.

5. On September 29, 2020, a business license field check was conducted to verify if the Dollar Express or the banquet hall business was operating at this location. The assigned license officer spoke to the owner of Dollar Express, Ramon Williams, who stated that he was attempting to add a banquet establishment to the back of his store. Mr. Williams communicated that he had more space than he knew what to do with, but has decided to put it on hold due to legal issues with the landlord. Mr. Williams was advised to contact Building & Safety to change the certificate of occupancy once he was ready to move forward.

6. On April 19, 2022, a field check was conducted after a complaint was received regarding Dollar Express operating without a valid business license. The complaint alleged that they had a door that led into an unlicensed hookah lounge. The licensee was issued a courtesy notice for operating on an expired license.

7. On June 1, 2022, a business card was left on a City vehicle's windshield advertising "Jam Down Hookah Lounge" located at the same address. A case was created to do a field check.

....

1 8. On June 2, 2022, a field check was conducted to address the unlicensed business
2 activity for "Jam Down Hookah Lounge." Dollar Express was found opened and operating. No
3 signage advertising Jam Down Hookah Lounge was found. At the rear of the suite, there was a
4 side entrance door where business licensing staff observed a couple of men and a pit bull dog
5 sitting inside of a warehouse like area (those men left immediately after staff entered the
6 establishment). Business Licensing staff spoke with the owner, Ramon Williams, who confirmed
7 that the business cards advertising the hookah lounge were his, but stated he was not currently
8 operating that business; just considering it. Mr. Williams indicated he gave the wrong business
9 cards to his employee to distribute, as it should have been the Dollar Express business cards
10 instead.

11 9. During the inspection, it was observed that the front of the establishment was
12 setup as a standard retail dollar store. However, there was an opening that lead to the rear of the
13 store, which was a large warehouse area with a pool table, a bar (no alcohol displayed at the
14 time), and a few round banquet style tables.

15 10. Business licensing staff explained that separate privileged licenses would be
16 required for the hookah and liquor activity. Mr. Williams was advised to cease all unlicensed and
17 unpermitted events. A correction notice for violation of LVMC 6.02.060(A) (1) & (2) for the
18 unlicensed business activity was issued.

19 11. On July 18, 2023, LVMPD Special Investigations Section (SIS) contacted the
20 Business Licensing that they had received information from LVMPD Bolden Area Command
21 (BAC) that Dollar Express Plus was hosting parties in their warehouse space. They were going
22 out to investigate due to a flyer indicating they host parties every Friday with food, music, and
23 admission fees at the door. LVMPD SIS requested assistance from Business Licensing
24 Compliance Officers. After researching our system, it was determined the store was operating
25 unlicensed due to failure to pay their business license renewal fees, which had expired the
26 licenses and fees had been sent to collections at that time.

27 12. On July 19, 2023, business licensing staff, LVMPD SIS team, and Nevada
28 Department of Taxation Compliance Investigator met onsite and jointly conducted an inspection.

1 The business was opened and operating. Inside they made contact with Ramon Williams, when it
2 was brought to his attention that he was unlicensed. He disputed it stating, "He had licenses and
3 may have just missed the current quarter." Business licensing staff explained to him that the non-
4 payment of fees expired his licenses, and that this visit was due to the advertised hookah lounge
5 and event activity, as well as the unlicensed business operation. Mr. Williams stated he was not
6 operating a lounge; he was educated several times that advertising constituted conducting
7 business.

8 13. A physical inspection was conducted of the rear area of the business. Inside was a
9 large bar area with alcohol, a pool table, big screen TV with extensive seating available, a hand
10 written sign advertising food and drink specials located on the bar. During the inspection, Mr.
11 Williams was observed retrieving a bag of pills. The investigator from the Nevada Department of
12 Taxation confiscated all the alcohol and tobacco products. A physical inspection of the front
13 retail business identified drug paraphernalia for sale at the register counter display case. A
14 review of the products on the shelves for sale identified several of the food items were about two
15 years past the printed sell by date of 2021. A sign was observed posted at the register offering
16 event venue services. A correction notice for violations of LVMC 6.02.060(A)(1), unlicensed
17 business activity, LVMC 6.50.280, unlawful advertising, sale of alcohol & 6.50.455(A),
18 unlawful storage of alcohol. *See Exhibit 1.*

19 14. As of November 2023, the referenced establishment site is currently vacant.
20 However, the Director has an obligation to address conduct that is harmful to the public health,
21 safety, welfare, morals and peace of our community. Therefore the Department wishes to
22 proceed with the formal complaint concerning the aforementioned licenses and their holder,
23 Ramon Williams. This action is based on Mr. William's blatant disregard for the laws and the
24 overall safety for the general public who work and or live in this community.

25 **SUBSTANTIVE LAW**

26 15. Under LVMC 6.02.330, a licensee may be subject to disciplinary action by City
27 Council for good cause, which may include the following:

28

1 (A) The licensee or any of its principals is engaged, or has
2 commenced, instituted, advertised, aided, carried on, continued or
3 engaged, in a business, trade or profession without having obtained
4 a valid license, an approval for suitability, a permit or a work card
5 when such person knew that one was required or under such
6 circumstances that such person reasonably should have known one
7 was required, or has solicited, encouraged, caused or procured
8 another to do so;

9

10 (G) The premises on which the business is conducted do
11 not satisfy local, State or Federal law or regulations which pertain
12 to the activity which is actually engaged in;

13 (H) The business activity constitutes, promotes, causes,
14 allows, fosters, aids, or otherwise enables a private nuisance,
15 public nuisance or chronic nuisance, or has been or is being
16 conducted in an unlawful, illegal or impermissible manner,
17 including but not limited to causing, allowing, promoting,
18 fostering, aiding, enabling, exercising deliberate ignorance towards
19 or failing to abate a private nuisance, public nuisance or chronic
20 nuisance;

21 (I) Substantial information exists which tends to show that
22 the licensee or any of its principals is dishonest or corrupt;

23 (J) The licensee, any of its principals, their employees or
24 those acting on their behalf failed to cooperate with the Director's
25 efforts to enforce the provisions of this Code.

26 16. Respondents DOLLAR EXPRESS PLUS LLC, FAY TUCKER, and RAMON
27 WILLIAMS, should be subject to disciplinary action by the City Council under LVMC 6.06.250,
28 which provides:

(A) A licensee may be subject to disciplinary action as set
forth in Sections 6.02.330 through 6.02.360.

(B) A principal approved for suitability may be subject to
disciplinary action by the City Council for good cause, which may
include, but is not limited to:

(1) The application is incomplete or contains false,
misleading or fraudulent statements with respect to any
information required in the application;

(2) The principal fails to satisfy any qualification or
requirement imposed by this Code, or other local, State or Federal
law or regulation pertaining to the particular approval for
suitability sought or held;

(3) The principal illegally resides in the United States;

1 (4) The principal is or has engaged in a business, trade or
2 profession without a valid license, permit, approval for suitability
3 or work card when he knew that one was required or under such
circumstances that he reasonably should have known one was
required;

4 (5) The principal has been subject, in any jurisdiction, to
5 disciplinary action of any kind against a license, permit, approval
6 for suitability or work card to the extent that such disciplinary
action reflects on the qualification, acceptability or fitness to be
approved for suitability;

7 (6) The principal has committed acts which would
8 constitute a crime involving moral turpitude or involving any
9 Federal, State or local law or regulation relating to the same or a
10 similar business. For purposes of this Paragraph, a crime involving
11 moral turpitude is one that necessarily involves any of the
following: an intent to defraud; intentional dishonesty for personal
gain; intentional causing of serious injury to another person; the
sale of narcotics or possession of narcotics with intent to sell; or a
sexual offense as described in NRS 179D.097;

12 (7) When substantial information exists which tends to
13 show that the principal is dishonest or corrupt;

14 (8) The principal lacks sufficient financial, technical or
15 educational ability or experience to conduct or perform the activity
for which approval for suitability is sought;

16 (9) The principal, or his or her employees or those acting
17 on their behalf, violates any condition upon which approval for
suitability was granted;

18 (10) The principal has engaged in deceptive practices upon
the public; or

19 (11) The principal suffers from a legal disability under the
20 laws of the State.

21 17. Respondents DOLLAR EXPRESS PLUS LLC, FAY TUCKER, and RAMON
22 WILLIAMS, should be subject to disciplinary action by City Council under LVMC 6.02.330(A),
23 (G), (H), (I) and (J). Based on the facts already substantiated and the seriousness of the City's
24 LVMC violations, the Business Licensing Division requests disciplinary action by City Council
25 against the Dollar Express Plus, LLC in the form of the permanent revocation of the business
26 licenses.

27 18. Based on the facts already substantiated and the seriousness of the City code
28 violations, the Business Licensing Division of the Department of Community Development

requests disciplinary action by the City Council against DOLLAR EXPRESS PLUS LLC, FAY TUCKER, and RAMON WILLIAMS in the form of revocation of their business licenses.

STANDARD OF EVIDENCE

19. LVMC 6.88.090 provides:

(A) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted.

(B) The respondent shall have the right to call and examine witnesses on his own behalf, cross examine opposing witnesses, introduce exhibits and evidence relevant to the issues of the case, and offer rebuttal evidence.

(C) The respondent may be called and examined by the City.

(D) The Clerk shall have the power to issue subpoenas for witnesses to appear to give testimony.

PENALTY

20. LVMC 6.02.360 provides:

Upon a showing of good cause and in the discretion of the City Council, disciplinary action against a holder may take the form of cancellation, revocation, refusal to renew, suspension, imposition of conditions or restrictions or civil fine in an amount not to exceed one thousand dollars for each day that the violation which forms the subject matter of the complaint that recommends such disciplinary action is demonstrated to have been in existence, or any combination of such actions, as the particular situation may require. The Council may also impose against the licensee the actual costs incurred, and a reasonable amount for attorney's fees, resulting from the imposition of disciplinary action. The disciplinary actions available in this Section shall be in addition to, and not exclusive of, any other civil or criminal remedy which otherwise might be available

WHEREFORE, the Petitioner respectfully requests the City Council to:

A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing at which the Respondents shall appear and show cause why the licenses that are the subject of this Complaint should not be suspended or revoked, or other disciplinary action taken; or

....

....

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

B. Grant such other and further relief as the Council deems appropriate.

DATED this ____ day of January, 2024.

RESPECTFULLY SUBMITTED:


By:



SENT T. FLOYD, Director
Community Development

JEFFRY M. DOROCAK
City Attorney

By:



JOHN A. CURTAS
Deputy City Attorney
Nevada Bar No. 1841
495 South Main Street, Sixth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS