

**CITY OF NAMPA
ALCOHOL LICENSE REVIEW COMMITTEE
City Hall – Council Chambers
April 28, 2021**

Chairman Lieutenant Jamie Burns called the meeting to order at 3:00 p.m.

Committee Member Rosin took Roll with the following committee members in attendance Building and Safety Director Patrick Sullivan, Chief of Staff Rick Hogaboam, Lieutenant Jamie Burns, City Clerk Deborah Rosin. Committee member Planning and Zoning Director Rodney Ashby was absent.

❖ **(1) New Business** ❖

Item #1-1. - Chairman Burns presented the request to **approve the ARC Minutes of March 31, 2021.**

MOVED by Sullivan and **SECONDED** by Hogaboam to **approve the ARC Minutes of March 31, 2021.** The Chairman asked for a roll call vote with all Committee Members present voting **YES.** The Chairman declared the

MOTION CARRIED

Item #1-2. - Chairman Burns presented the request to **discuss any recent violations requiring action.**

Lieutenant Burns presented a staff report explaining alcohol license violation incident report:

The Nampa Police Department responded to the **Agave Cantina**, 1516 1st Street South, an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4503 may have occurred. The following is an incident report prepared to be reviewed by the Committee for possible city ordinance and/or license violations.

Nampa Police Incident Report Details

On 03-24-2021 at approximately 11:58 pm, numerous Nampa Police Department officers responded to the area of the Agave Cantina, 1516 1st Street South, in the City of Nampa, County of Canyon, for a call of a man with a firearm. As officers were responding, they were told the suspect had walked up to a group of people who were outside of the Agave Cantina and brandished the firearm. The suspect then walked into the Agave Cantina establishment.

Once officers arrived on scene, it was determined the aggravated assault did occur outside of the establishment in the parking lot. Officers entered the Agave Cantina and contacted the aggravated assault suspect, as well as others who were identified as being involved in the incident. When officers attempted to identify the suspect, it was determined he had no form of identification. The suspect was later positively identified as being a 19-year-old who told police he had been consuming alcoholic beverages inside of the Agave Cantina. Contact was made with the Agave

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Cantina bar tenders who were asked how they identified the suspect consuming alcoholic beverages in their establishment. Both told police they looked at his ID when he came into the establishment.

The male suspect was arrested and charged with felony aggravated assault (Title 18, Chapter 9, Idaho Code), providing false information to a peace officer (Title 18, Chapter 54, Idaho Code), and minor consuming alcoholic beverages (Title 23, Chapter 6, Idaho Code).

Both Agave Cantina bartenders were charged with dispensing an alcoholic beverage to a person under the age of 21(Title 23, Chapter 6, Idaho Code).

Chapter 5-12-17: Denials of License Applications and Revocations of Licenses

Subsection: 5-12-17(II)(B):

1. Training: Failure of a licensee, its officers, managers, employees, and agents to undergo training as required under Subsection 5-12-17(II)(D)(3) & (6).

1 Point

2. Probation Violation: An additional license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6).

2 Points

3. Alcohol Regulations: Any action or conduct with violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages.

1.5 Points

4. Homicides: Any homicide offense under Title 18, Chapter 40, Idaho Code.

6.5 Points

5. Weapons: Any action or conduct which violates any provision of Title 18, Chapter 33, Idaho Code.

3 Points

6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code.

3.5 Points

7. Prostitution: Any action or conduct with violates any provision of Title 18, Chapter 56, Idaho Code.

6.5 Points

8. Human Trafficking: Any action or conduct with violates any provision of Title 18, Chapter 86, Idaho Code.

6.5 Points

9. Gambling: Any action or conduct with violates any provision of Title 18, Chapter 38, Idaho Code.

2 Points

10. Assault and Battery: Any action or conduct with violates any provision of Title 18, Chapter 9, Idaho Code.

3.5 Points

11. Sex Crimes: Any action or conduct with violates any provision of Title 18, Chapter 15 and 66, Idaho Code.

6.5 Points

12. Occupancy: Exceeding Occupancy load for the premises as stated on the occupant load limit sign posted in the premises or failing to post the occupant load limit sign for the premises in a conspicuous place near the main exit or exit access doorway of the premises.

1.5 Points

13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage.

1.5 Points

14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license.

1 Point

15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code.

1.5 Points

16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code.

1 Point

17. General Violations: All other violations of law or the City Code.

1 Point

After reviewing Chapter 5-12-17, Subsection (II)(B), of the Nampa City Code, I am submitting to the Alcohol Review Committee the above incident report to review to determine if probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation. After my review of the incident report, I agree two areas of the point system listed above should be considered, 2 points for a probation violation as well as 1.5 points for an alcohol regulation violation.

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Committee members asked questions and made comments.

MOVED by Hogaboam and **SECONDED** by Rosin to **approve the assessed points of 2 points for the probation violation and 1.5 points for alcohol regulation violation.** The Chairman asked for a roll call vote with all Committee Members present voting **YES**. The Chairman declared the

MOTION CARRIED

MOVED by Hogaboam and **SECONDED** by Burns to **revoke the alcohol license due to the combined points of seven which put them in the Major category.** The Chairman asked for a roll call vote with all Committee Members present voting **YES**. The Chairman declared the

MOTION CARRIED

❖ **(2) Unfinished Business** ❖

Item #2-1. - Chairman Burns presented the request to **review and discuss the proposed Code changes to Title 5 Chapter 12 of the Nampa City Code – Alcohol Beverage Control**

Point Range and violation for DUI tied to over service at an establishment were discussed.

MOVED by Hogaboam and **SECONDED** by Burns to have the attorney **move forward with the range in points and have points violations tied to DUI for over service at establishments and have the notifications also be sent certified.** The Chairman asked for a roll call vote with all Committee Members present voting **YES**. The Chairman declared the

MOTION CARRIED

MOVED by Burns and **SECONDED** by Sullivan to **adjourn the meeting** at 4:11 p.m. The Chairman declared the

MOTION CARRIED

Passed this ??? day of ??? 2021.

CHAIRMAN BURNS

ATTEST:

NAMPA CITY CLERK