

1 again say just like the Perry brothers came to me and said,
2 well, Bob, can we get the license, because they have a stake
3 in this because of the lease they have.

4 You know, I said, well, things can be straightened
5 out and the place can be opened up again with a license. Who
6 knows how long he is going to be in there. I don't know.
7 And then you bring up other points today, enough for me to
8 say it is going to have to at least be continued, the
9 suspension will have to be continued.

10 THE CHAIRMAN: We have a motion from Miller and a
11 second by Commissioner Flanagan to uphold the previous
12 decision. Is there any further discussion?

13 MARK JOSEPH PHILLIPS: Since there is a legal
14 secretary here, I'm going to take this opportunity. For the
15 record, I'm Mark Joseph Phillips, a resident of Virginia
16 City, and this is from the Attorney General's Office, Nevada
17 Department of Justice. This is the Attorney General's
18 Opinion Number 2006-04 addressed to the Honorable Harold
19 Swafford, Storey County District Attorney, dated August 1st,
20 2006.

21 There is four pages here. First page, "Question.
22 May the Storey County District Attorney contract with a
23 licensed Nevada attorney to handle litigation and advise the
24 Commission without deputizing the attorney?"

1 "Conclusion. The Storey County District Attorney
2 may not contract with a licensed Nevada attorney to handle
3 litigation or advise the Storey County Commission without
4 deputizing the attorney as set forth in NRS 252.070." It is
5 signed Marta A. Adams.

6 This is a certified copy from Harold Swafford's
7 office dated 7/16/07. It has got my notarized signature, no
8 date on that. Donna M. Gibney was the notary.

9 Mr. Gunderson, have you been deputized as a, by the
10 District Attorney in Storey County?

11 MR. GUNDERSON: I'm not going to answer your
12 questions.

13 MARK JOSEPH PHILLIPS: Which should be recorded at
14 the Recorder's Office here in Storey County.

15 MR. GUNDERSON: Sir, it is time for public comment.

16 MARK JOSEPH PHILLIPS: I would suggest,
17 Mr. Gunderson, that you have no right to be here today giving
18 legal advice to this Commission for the record.

19 THE CHAIRMAN: Thank you. Any further discussion?

20 CHRIS ARNOLD: Good afternoon. My name is
21 Chris Arnold. I'm a registered voter here in Storey County,
22 a resident of Lockwood. I don't know what all of the hubbub
23 is. That is kind of why I'm here today.

24 I just know that Ingrid has been a fantastic

1 neighbor to Lockwood residents for many years, and I know
2 that closing her business down would hurt a lot of Lockwood
3 residents in a number of ways. I can't give you, I don't
4 have time and knowledge of all of the things that they have
5 done. I think it would be a detriment to our community to
6 shut Ingrid down and not give her the chance to get squared
7 up with you. Thank you.

8 THE CHAIRMAN: Thank you. Further discussion?
9 All of those in favor of the motion by Mr. Miller?

10 SHERIFF MILLER: Aye.

11 COMMISSIONER FLANAGAN: Aye.

12 COMMISSIONER KERSHAW: Aye.

13 THE CHAIRMAN: For the record, Mr. Miller,
14 Mr. Flanagan, and Mr. Kershaw are ayes.

15 Next on the agenda is Discussion/Action:
16 Continuation of suspension or revocation of the Old Bridge
17 Ranch brothel license issued to David Burgess, pursuant to
18 Storey County Code 5.16.180 and 5.16.190.

19 Can you explain, briefly, Mark, on why this is on
20 there? It kind of seems like it is the same as the other, or
21 one is a suspension and one is a revocation. I don't even
22 know if you had that put on there.

23 MR. GUNDERSON: I wasn't responsible, Mr. Chairman,
24 for the agenda items. What is on the agenda is license

1 action on the brothel, the business license, and the liquor
2 license to either continue the suspension or revoke.

3 PAT WHITTEN: Mr. Chairman, if I might?

4 THE CHAIRMAN: I'm sorry, go ahead.

5 PAT WHITTEN: For the record, Pat Whitten, County
6 Manager. I am responsible for the items as they appear on
7 the agenda, although I did consult with Ms. Guenaga in
8 Mr. Gunderson's office.

9 I believe the expected sequence or the structural
10 sequence that we were trying to achieve was to provide for a
11 public hearing on the matter as Mr. Picker had requested on
12 the brothel license first, followed by then the second agenda
13 item was actually the action item or intended to be the
14 action item where you could either suspend or continue the
15 suspension or revoke on the brothel, and then a similar
16 process followed on the liquor and escort, I believe. That
17 was the intent of the four items as they appear.

18 THE CHAIRMAN: Okay. What is the Board's flavor,
19 suspension or is this going to be an actual revocation for
20 the brothel license?

21 COMMISSIONER FLANAGAN: Wasn't it a motion to
22 suspend?

23 THE CHAIRMAN: Which was, the previous meeting was
24 for a suspension.

1 COMMISSIONER FLANAGAN: Then I think the Sheriff's
2 motion was to suspend.

3 THE CHAIRMAN: Okay. So it is suspended at this
4 time and there will be potential revocation hearings later
5 today, is that correct?

6 COMMISSIONER FLANAGAN: That is my understanding.

7 THE CHAIRMAN: So this one there will be no action
8 taken on it at this time.

9 The next one, Discussion/Action: Public hearing on
10 Emergency Suspension Order of the Old Bridge Ranch Liquor and
11 Escort Business License issued to David Burgess pursuant to
12 Storey County Code 5.04.110. This hearing was verbally
13 requested by Marc Picker, Esquire, on behalf of David Burgess
14 during the May 19, 2008 Commission Meeting.

15 Mr. Picker, would you like to come up and speak on
16 behalf of that?

17 MR. PICKER: I'm sorry?

18 THE CHAIRMAN: Would you like to speak on behalf of
19 the next discussion item?

20 MR. PICKER: I think I would just rather than doing
21 it, I will just repeat and ask that all of it be considered
22 as what my previous -- I think I addressed both the liquor
23 license and brothel license in the previous presentation, so
24 I would ask that you consider all of that in deciding on how

1 to handle the liquor license. And, for the record,
2 Marc Picker on behalf of David Burgess.

3 THE CHAIRMAN: Any comments from the Board?

4 SHERIFF MILLER: Mr. Chairman, I believe it is the
5 same issue. I believe that we can make a motion, I will make
6 a motion to suspend the liquor license and proceed on it.

7 THE CHAIRMAN: We have a motion. Do we have a
8 second?

9 COMMISSIONER FLANAGAN: I will second it.

10 THE CHAIRMAN: Flanagan seconded it. Any further
11 discussion?

12 MARK JOSEPH PHILLIPS: This is now
13 Discussion/Action: Public hearing on the Emergency
14 Suspension Order of the Old Bridge Ranch Liquor and Escort
15 Business License. This is third on the agenda. For the
16 record, I'm Mark Joseph Phillips.

17 For the record, I need to be clear about this, that
18 the minutes of the May 19th Commissioners' Meeting were
19 unable to me this morning to review this agenda item, and I
20 was here, I was here on May 19th, Sheriff Miller. There was
21 serious, serious allegations about the way you handled, you
22 and your posse handled the suspension of the liquor license,
23 which should be part of public record, which I was unable to
24 obtain as of this morning, so I would suggest that there be

1 no action on this agenda item. Thank you.

2 THE CHAIRMAN: Okay. Any further discussion? We
3 have a motion and a second for suspension. All in favor of
4 suspension?

5 SHERIFF MILLER: Aye.

6 COMMISSIONER FLANAGAN: Aye.

7 COMMISSIONER KERSHAW: Aye.

8 THE CHAIRMAN: Mr. Miller, Mr. Flanagan, and
9 Mr. Kershaw are ayes. It will stay suspended.

10 And, again, I'm guessing that this, we already
11 voted on a suspension, so I don't think there is any reason
12 to have the next action/discussion on here, so Board comment?

13 John, do you have any comment?

14 COMMISSIONER FLANAGAN: No, I don't have any.

15 THE CHAIRMAN: Vice Chairman Kershaw?

16 COMMISSIONER KERSHAW: Well, I think enough has
17 been brought up to look at during the suspension and still,
18 again, I would look for solutions, because, as Chris said, my
19 neighbor, I know that Ingrid has done a lot, but this isn't
20 about Ingrid. This is about David Burgess. That is the
21 problem. That is it.

22 THE CHAIRMAN: Thank you. We are adjourned.

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1 STATE OF NEVADA)
2) Ss.
3 STOREY COUNTY)

4 I, CORRIE L. WOLDEN, an Official Reporter of the
5 State of Nevada, in and for Storey County, DO HEREBY CERTIFY;

6 That I am not a relative, employee or independent
7 contractor of counsel to any of the parties; or a relative,
8 employee or independent contractor of the parties involved in
9 the proceeding, or a person financially interested in the
10 proceeding;

11 That I was present for the Storey County Commission
12 hearing on June 6, 2008, and took verbatim stenotype notes of
13 the proceedings had upon the matter captioned within, and
14 thereafter transcribed them into typewriting as herein
15 appears;

16 That the foregoing transcript, consisting of pages
17 1 through 55, is a full, true and correct transcription of my
18 stenotype notes of said proceedings.

19 DATED: At Reno, Nevada, this 15th day of June,
20 2008.

21 _____
22 CORRIE L. WOLDEN, CSR #194, RPR, CP
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