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| In the Matter of the | } |
| Show Cause Hearing of, | } |
| | } |
| SAM ALDABBAGH | } |
| CAN CAN ROOM | } |
| BUSINESS LICENSE NUMBER: 1000001.835 | } |
| & | } |
| VIDEO CITY | } |
| BUSINESS LICENSE NUMBER: 1000112.146 | } |
| | } |
| | } |

DECISION
PURSUANT TO CLARK COUNTY
CODE, CHAPTER 6.04 AND 8.08

STATEMENT OF THE CASE

On December 16, 2021, Clark County Department of Business License (CCBL) issued a Notice of Show Cause Hearing on why the business licenses of Sam Aldabbagh, specifically The Can Can Room (License Number: 1000001.835) and Video City (License Number: 1000112.146) shall not be suspended, revoked, or non-renewed.

CCC 6.04.100 – states:

“Suspension—Revocation—Nonrenewal—Hearing—Limited license.

(a) The board or director may upon complaint, or upon its own motion, cite any licensee to appear before the board or the board's hearing officer at any time to show cause why the license of any licensee shall not be suspended, revoked or nonrenewed, and at or before the hearing, written charges shall be made against said licensee specifying therein the facts which form the basis of the charges.”

Clark County Code Chapter 6.160 sets out specific rules and regulations as to Erotic Dance Establishments that operate in Clark County, Nevada.

The December 16, 2021, letter details a number of alleged violations of Clark County Code (CCC), Nevada Revised Statute (NRS), and Governor’s Emergency Directives. Specifically, it alleges violations of CCC 6.04.105, NRS 76.100, CCC 6.160.120, CCC 6.160.110(c), CCC 6.160.110(h)(2)-(4), CCC 6.160.110(m), CCC 6.160.110(j), CCC 6.160.110(f), CCC 8.20.270, CCC 6.160.110(p), CCC 6.160.150, and the Governor’s COVID – 19 Emergency Directive 045.

Testimony was taken in this matter on March 2, 2022, and March 17, 2022, with closing arguments heard May 5, 2022. Mr. Aldabbagh was represented by Keith Galliher, George Kunz, and E. Brent Bryson and the Clark County Department of Business

License was represented by Sherry Rose and Jeffrey Rogan. Mr. Aldabbagh and Clark County submitted numerous exhibits and briefs in support of their respective positions.

The following witnesses were called to testify:

James Atchazo – Special Agent with Clark Clark Business License
James Downing - Detective with Las Vegas Metropolitan Police Dept.
R. Sisson – Detective with Las Vegas Metropolitan Police Dept.
Robert Chavez - Detective with Las Vegas Metropolitan Police Dept.
Mike Eddington - Detective with Las Vegas Metropolitan Police Dept.
Marcus Powell – Employee of Video City
Jillian Provenza – Dancer at the Can Can Room
Barbara Kellert – Manager at the Can Can Room
Sam Aldabbagh – Owner of Video City and Can Can Room

Sam Aldabbagh has owned and operated the businesses in question for over 40 years at the location of 3153-3155 S. Sammy Davis, Jr. Drive in Las Vegas, Clark County, Nevada. The Can Can Room is an exotic dance establishment and Video City sells DVD's.

The Las Vegas Metropolitan Police Department (LVMPD) investigated the Can Can Room/Video City in August of 2021 through November 2021 to determine if the Can Can Room and/or Video City were in violation of CCC and/or NRS.

CCBL sent one of its agents to the Can Can Room on December 10, 2021, to conduct a site check based on the information received from the LVMPD investigation.

Based on the LVMPD investigation and the CCBL site check, CCBL issued the Can Can Room and Video City the December 16, 2021, show-cause letter that is the subject of this hearing.

In the CCBL show-cause letter, the department lists 14 areas of concern that the department alleges were violations of existing law as it relates to Clark County business licenses.

FINDINGS OF FACT & CONCLUSIONS OF LAW

- I. **AREAS OF CONCERN 1 & 2:** That the Can Can Room and Video City operated without a valid Nevada Secretary of State Business License in violation of CCC 6.04.105 and NRS 76.100.
 - i. Documentation submitted during the hearing demonstrated that Sam Aldabbagh did indeed have State Business Licenses for the businesses and that CCBL department agreed to the authenticity of said documents rendering Areas of Concern 1 and 2 moot.

- II. **AREA OF CONCERN 3:** That the Can Can Room failed to properly maintain books and records, including a master list of employees, and make them available for inspection upon request by LVMPD in violation of CCC 6.160.120

Findings of Fact: Evidence produced at the hearing from a site visit by LVMPD on November 13, 2021, provided a partially completed, one-page form, that had various employees listed. The Ordinance details *all books and records* are to be kept and shall be open to inspection. Testimony was conflicted as to whether additional code-compliant records were kept behind a locked door, in the possession of the owner, or in the possession of the owner's attorney. Regardless of where additional records were located, records to prove compliance with CCC 6.160.120 were not produced on November 13, 2021, and were not produced as evidence during this hearing.

Conclusions of Law: CCC 6.160.120 states:

"All books and records required to be kept pursuant to this chapter shall be open to inspection by the LVMPD or department employees during the hours when the erotic dance establishment is open for business. The purpose of such inspection shall be to determine whether the books and records meet the requirements of this title."

While the Can Can Room presented the one partially completed document and detailed throughout the hearing that the records exist, the ordinance contemplates *all books and records at the time of the inspection*. The Can Can Room failed to produce sufficient evidence demonstrating that the records were kept and/or open to inspection. Thus, the Can Can Room is found to be in violation of CCC 6.160.120.

- III. **AREA OF CONCERN 4:** That the Can Can Room employees were working without a valid Work Identification Card in violation of CCC 6.160.080.

Findings of Fact: Evidence produced at the hearing from a site visit by LVMPD on November 13, 2021, included a photograph of a work card that purported to be the work card of Tricia Erickson. The one-page Can Can Room employee list produced at the hearing contained the name "Tricia." The work card itself was clearly altered, as the name appearing on the card looked as if it was written over after the original name had been erased or whited out. LVMPD confirmed that the ID number on the card was in fact registered to a different person, not Tricia Erickson. Evidence was also presented that Tricia Erickson was an employee of Video City and not the Can Can Room, thus begging the question of why her name appeared on the employee list of the Can Can Room.

Conclusions of Law: CCC 6.160.180 states: "No person shall work at an erotic dance establishment as a dancer, bar personnel, waiter/waitress, manager, or security guard without a valid work identification card." The Can Can Room violated CCC 6.160.080 by failing to have an employee have a valid work card.

IV. **AREA OF CONCERN 5:** That the Can Can Room uses Video City to circumvent the requirement for employees of the Can Can Room to have Work Identification Cards.

Findings of Fact: Evidence produced at the hearing established that the Can Can Room and Video City exist in the same building. While there are two different entrances, both establishments are accessible from either entrance. At the hearing, licensee argued that Tricia Erickson was not an employee of the Can Can Room, but rather Video City, so she did not need a valid work card. However, the evidence shows that Erickson was, in fact, an employee of the Can Can Room, as discussed under "Area of Concern 4," above. Licensee acknowledged that individuals that cannot obtain a work card for the Can Can Room may be offered a position at Video City. The owner's business model is to hire employees to work for Video City until a valid work card is obtained for them to work at the Can Can Room. Video City must operate at a financial loss based on the evidence presented that it sells/rents very few videos.

Conclusions of Law: CCBL argues that Video City exists solely to avoid the work card requirement for employees of the Can Can Room. To demonstrate this, CCBL points out that, when accused of having an employee (Erickson) of the Can Can Room without a valid work card, the licensee argued and presented evidence to suggest she worked at Video City, thus not needing a valid work card. Further, CCBL points out that Video City operates at a financial loss and argues that, therefore, Video City must only exist to circumvent the law.

It is clear why this was an "area of concern" to CCBL. However, licensee provided evidence of a valid business purpose to operate Video City. Video City appears to provide for future employees at the Can Can Room once a valid work card is received. Further, it is reasonable that a business that has existed for decades may be repurposed instead of closed when facing financial loss. Further, evidence of one example of claiming a Can Can Room employee without a valid work card was a Video City employee does not show a pattern. While concerning, the evidence presented does not prove that Video City exists only to circumvent the work card requirements.

- V. **AREAS OF CONCERN 6, 7, & 8:** That employees of the Can Can Room allowed undercover LVMPD detectives to touch their bodies, to include the breasts and buttocks of the employees and to lay down on a bed and have sexual intercourse simulated by rubbing up against the undercover detective's genitalia in violation of CCC 6.160.110(h)(1)-(4) and CCC 6.160.100(m).

Findings of Fact: Evidence produced at the hearing detailed several encounters between employees of the Can Can Room and undercover officers in August of 2021. The LVMPD officers testified that during VIP private dance sessions, the dancers allowed the officers to touch their bodies to include their breasts and buttocks, simulated sexual intercourse, and allowed the officers to lay flat during the dances/performances. In fact, the officers testified that it was the dancers/employees who placed the officers' hands in the inappropriate areas. Despite this credible testimony, the Can Can Room vehemently denies the allegations and alleges the testimony concerning the inappropriate touching is a complete fabrication made up by LVMPD. There was no video of the incidents. Licensee argues that if the owner had been made aware of the allegations at the time, he would have been able to save the surveillance video from the dates in question and prove that the officers were lying. The owner testified that his video surveillance equipment is only able to store 30 days of footage and he was not notified of the alleged violations until after 30 days had passed. Additionally, the owner advances the theory that the fabrications were a continuation of a conspiracy that was initiated by owner's landlord to evict owner from his lease arrangement at his current location.

Conclusions of Law: CCC 6.160.110(h)(1)-(4) states: "An erotic dance establishment licensee shall not knowingly permit, allow, or encourage any employee, including but not limited to any dancer, to do any of the following on the licensed premises for the purpose of arousing or gratifying the sexual desires of any person:

1. Use or permit any part of his or her body, to make contact with the anus, pubic region, genitals, or female breasts of any other person;
2. Use or permit his or her anus, pubic region, genitals or female breast(s) to make contact with any other person except that while dancing, dancers in erotic dance establishment licensed for the sale of alcoholic beverages may allow their clothed anus, pubic region, and genitals to make contact with a patron's leg(s), excluding the patron's feet, as long as there is no contact that is otherwise prohibited in this section; and that while dancing in an erotic dance establishment not licensed for the sale of alcoholic beverages, dancers may allow their unclothed anus, pubic region, and genitals to make contact with a patron's leg(s), excluding the patron's feet, as long as there is not contact that is otherwise prohibited in this section;

3. Use or permit his or her buttocks to make contact with the face, hands, anus, genitals or female breasts of any other person; or
4. Perform any lewd activity or any sexual acts which are prohibited by law.
5. For the purpose of this section:
 - a. "Contact" shall include contact which occurs whether a person is clothed or unclothed or by means of any other object.
 - b. "Lewd/lewd activity" is defined as (a) the showing or display of the human male or female genitals, pubic area, or anus with less than a fully opaque covering (applicable only to erotic dance establishments licensed for the sale of alcoholic beverages), or the showing of the covered male genitals in a discernibly turgid state for the purposes of arousing or gratifying the sexual desire of any person; (b) The touching of one's own or another person's clothed or unclothed human male and female genitals, pubic area, anus, or female breast(s) for purposes of arousing or gratifying the sexual desire of any person. Exceptions to this subsection (b) are that the clothed (for dancers dancing in an erotic dance establishment licensed for the sale of alcoholic beverages) or unclothed (for dancers dancing in an erotic dance establishment not licensed for the sale of alcoholic beverages) anus, pubic region, and genitals of a dancer may touch the leg(s) of a patron as described in subsection (h)(2) of this section and a dancer may touch her own clothed or unclothed breasts, for purposes of arousing or gratifying the sexual desire of any person; or (c) Any actual act of sexual intercourse, while clothed or unclothed, that involves but may not be limited to the following types of contact: genital-genital, oral-genital, anal-genital, or oral-anal, with or between person of the same sex or opposite sex, any actual act of masturbations, or any actual or simulated act of bestiality or sadomasochistic abuse.
 - c. CCC 6.160.110(m) states: "An erotic dance establishment shall not knowingly permit, allow, or encourage any patron to use any part of his or her body, to make contact with the breasts, anus, pubic region or genitals of any employee, including but not limited to any dancer for the purposes of arousing or gratifying the sexual desire of any person. This does not, however, prohibit the contact that is permitted by subsection (h) of this section."

Patrons are also prohibited from allowing or using their hands, face, pubic region, genitals, or anus from making contact with the buttocks of any employee, including but not limited to any

cabaret entertainer, for the purposes of arousing or gratifying the sexual desire of any person.

Except in cases of medical or emergency purposes, patrons must remain in a vertical position from the waist up at all times her or she is receiving or viewing a dance or performance by any dancer.

For the purpose of this section:

“Contact” shall include contact which occurs whether a person is clothed or unclothed or by means of any other object.

The officers’ testimony was credible. While video footage would have either corroborated and/or disproven the officers’ testimony, there is no requirement in the ordinance that LVMPD video record their investigations. Also, since it was an undercover investigation, it would have been unreasonable to require LVMPD to inform the owner of the investigation until the investigation was concluded. To believe that the LVMPD officers were lying, one must believe in a grand conspiracy, that the owner’s landlord, Siegel Plaza West, LLC had the ability to control an LVMPD undercover operation and to direct the officers’ testimony. It was apparent from the evidence introduced at the hearing that the owner of the Can Can Room was involved in a heavily contested separate legal action with Siegel involving the property in question at Sammy Davis, Jr. Drive. It also appears from the evidence that the Siegel Group may have initiated the complaint with LVMPD that started the undercover operation in question. However, there is no actual proof or evidence that Siegel Group forced and/or manipulated LVMPD officers to lie. Licensee advances evidence of campaign contributions by the Siegel Group to the Clark County Sheriff and Clark County District Attorney, but that alone is not proof of a grand conspiracy. Campaign contributions are commonly given for a number of reasons other than current commercial goals. There is no direct evidence that the Siegel Group donated money for the purpose of closing the down Can Room via an LVMPD investigation, and it would be far too attenuated to draw such a conclusion from the circumstantial evidence of campaign contributions.

The Can Room owner also advances the argument that, if in fact the inappropriate touching occurred, he had no knowledge of the interactions. Knowingly is defined in CCC 6.160.110 as “having an actual knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry. It does not require any knowledge of the unlawfulness of any act or omission.”

It is quite possible that the owner had no knowledge of the acts in question, as he was not present at the time, no non-law enforcement witness testified they saw the encounter live or through the video surveillance, and there is conflicting evidence on how often the manager checks in during the VIP sessions to know what was going on in the VIP rooms. Evidence was introduced at the hearing that all employees/dancers are trained in the "1-2-3 Rule." Rule 1: If a patron violates the touching rules they are warned by the employee/dancer to stop; Rule 2: If it happens again, the manager notifies the patron of the violation and asks them to stop; and Rule 3: If it happens a third time, they are escorted off the premises.

While the owner may have had no actual knowledge of the encounters in question, the "1-2-3 Rule" must exist for a reason. There must be numerous encounters between patrons and dancers where the patrons are not familiar with Clark County Code and are not experts in the nuances of the rules and regulations governing exotic dance establishment in Clark County and attempt to touch the dancers. Minor breaches of the ordinance must, by definition, take place often. The existence of the "1-2-3 Rule" gives rise to an inference that a breach of Clark County Code is common in the Can Can Room's ordinary course of business. The Code does not require actual knowledge of the violations, but that the owner needs to have a reason to know or a belief or ground for belief which should warrant further inspection to assure no deliberate breaches of the code occur. Willful, or negligent, ignorance cannot relieve licensee of the requirements of CCC. Here, it is clear that licensee was aware that this kind of conduct would likely occur, giving reason and belief that would warrant regular "further inspection or inquiry."

While the "1-2-3 Rule" is a valid way to encourage adherence to the Code, here the testimony was not that the patrons/undercover officers initiated the touching, but it was the dancers who violated the "1-2-3 Rule" by placing the officers' hands on their body themselves. The conduct at the Can Can Room was encouraging violation of CCC.

Also troubling is the violation of CCC 6.160.110(m) allowing and/or encouraging the undercover detectives to lay flat during the dances and/or performances. Evidence showed that there was a bed in at least one of the private VIP rooms. A bed in a private VIP room invites violations of CCC 6.160.110(m). There is no valid reason to have a bed in a VIP room. Instead, the presence of a bed advertises that it is acceptable for the patron to lay down flat in violation of CCC.

Based on the foregoing, the Can Can Room is found to have violated CCC 6.160.110(h)(1)-(4) and CCC 6.160.110(m).

- VI. **AREA OF CONCERN 9:** That the private dance rooms at the Can Can Room are obscured and not visible immediately and completely in violation of CCC 6.160.110(j).

Findings of Fact: The owner testified that he was one of the first in Clark County to place video recording technology in these types of establishments. Evidence showed that all the private rooms have video cameras. Additionally, information was provided that the manager is always within several feet of the private dance rooms and routinely checks in on the performances. There was testimony that there is a central location of video equipment on the property, as well as at the owner's house. However, evidence was hazy as to whether they are monitored in real time while the establishment is open.

Conclusion of Law: CCC 6.160.110(j) states: "All dancing shall take place within an area which is visible immediately and completely from one or more of the following areas, either by direct observation or by means of electronic monitors that must provide instant, real-time visibility: (i) upon entrance to the establishment's premises; (ii) from at least one security station that has a fixed location; or (iii) from a service bar area located on the licenses' premises. No erotic dancing shall be visible to the outside sidewalk or street areas. The use of electronic monitors to satisfy the requirements of this subsection (j) must be located in one central location."

A strict reading of the ordinance requires the ability to provide instant, real-time visibility, but does not necessarily require evidence that they are monitored in real time.

While LVMPD officers testified that they never saw the main video location, and never verified if the cameras were operational, there was significant testimony throughout this hearing that video tape surveillance exists, so it appears that the Can Can Room is compliant with the ordinance and no breach is found of CCC 6.160.110(j)

- VII. **AREA OF CONCERN 10:** That an employee of the Can Can Room was previously arrested for solicitation/engaging in prostitution and was seen exiting the business on August 13, 2021.

Findings of Facts: Evidence adduced at the hearing showed that LVMPD officers saw an individual who was previously arrested for soliciting prostitution leave the Can Can Room on August 13, 2021. There was no evidence obtained at that time that she was an employee of the Can Can Room on that date. However, the employee in question testified at the hearing and acknowledged she had been working at the Can Can Room but that her arrest for soliciting prostitution was reduced to a trespass. She

further acknowledged that she, in fact, had been previously convicted of soliciting prostitution, but that was in 2016.

Additional testimony described an encounter between an undercover officer and one of the dancers in August of 2021, wherein the discussion between the officer and the dancer/employee went as follows: “how much extra do I have to pay to get more than a lap dance”, to wit the dancer replied: “that’s prostitution, hunny, I don’t do that.”

Conclusion of Law: CCC 6.160.090 speaks to the qualifications of work identification card application and issuance, specifically CCC 6.160.090(b)(2) states: “The sheriff of the Las Vegas Metropolitan Police Department or his authorized designee shall deny the issuance or renewal of a work identification card for this chapter for the following reason: That applicant has committed any crime involving fraud, consumer fraud or intent to defraud, prostitution, solicitation of prostitution, or has violated the law regarding fraudulent advertising within *two years* of this specific work identification card.” (Emphasis added).

There is no evidence that the employee in question had her work card denied or revoked. Her solicitation of prostitution conviction stems from an incident more than two years prior to the events that took place during this investigation.

The Can Can Room is found not to be in violation of CCC as it pertains to this issue.

VIII. **AREA OF CONCERN 11:** That employees of the Can Can Room allowed the consumption of alcohol on the premises in violation of CCC 6.160.110(f) and CCC 8.20.270.

Findings of Fact: Testimony from LVMPD officers described their ability to bring alcohol in plastic cups into the Can Can Room. An employee of the Can Can Room told the officers that alcohol was not allowed inside, but they could sneak it in, or “If I don’t see it, it’s not there.” In fact, officers testified that an employee of the Can Can Room advised them that they could go next door to a liquor store and purchase alcohol there. Officers did so and the employee of the liquor store offered them red plastic cups along with their purchase. There is also testimony that employees of the Can Can Room did ask the officers to remove the alcohol from the premises and leave it outside. There is no evidence that alcohol was ever sold inside the establishment.

Conclusion of Law: CCC 6.160.110(f) states: “no erotic dance establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any intoxicating liquor, or any beverage represented as containing any alcohol, upon the premises of the licensee without a valid liquor license. Erotic dance establishments offering nude entertainment are ineligible to receive a liquor license.”

Employees asking the officers to remove the alcohol from the premises is appropriate and required by code. The concerning part is that officers were able to bring alcohol inside in the first place, especially since employees of the Can Can Room spelled out for the officers how to get away with it. The law is clear that erotic dance establishments offering nude entertainment are ineligible to have alcohol on the premises. A topic which will be discussed in more detail in Area of Concern 12 is the issue of a sign. As stated earlier, many customers of these types of establishments are likely unaware of the rules and regulations of erotic dance clubs, and specifically, why some clubs may serve alcohol and others do not. A sign at the front door that reads “Alcoholic Liquor Is Not Sold Here” would aid the establishment in its ability to comply with the alcohol code. Allowing alcohol into the establishment in the first place and then asking for it to be removed is not in compliance with code, therefore a violation of CCC 6.160.110(f) is found.

IX. AREA OF CONCERN 12: That the Can Can Room failed to post mandatory signage required by CCC 6.160.110(p).

Findings of Fact: LVMPD officers testified that that they did not see a posted sign compliant with Clark County Code. There is no evidence in any of the photographs submitted that a sign was posted. Photographs of the front door show there was no sign posted in that area. The owner said there were signs in the entry way area of the establishment and behind the bar.

Conclusions of Law: CCC 6.160.110(p) states; “All erotic dance establishments licensed pursuant to this chapter which are not licensed to sell alcoholic beverages pursuant to Chapter 8.20 shall post at each entrance door, and not more than five inches above each entrance doorway if no door is present during hours of operation, and in at least three places behind the bar a sign with letters not less than three inches high stating:

"ALCOHOLIC LIQUOR IS NOT SOLD HERE"
"PROSTITUTION IS UNLAWFUL"

The letters must be black on a yellow background and the sign at each entrance door and behind the bar must be between four and six feet above

floor level. Each sign must be located and illuminated sufficient to be visible by a person with normal eyesight or eyesight corrected to 20/20, thirty feet from the sign.”

Of all the code requirements on erotic dance establishments, this one seems to be the easiest to follow. Place a sign at the front door reading: Alcoholic liquor is not sold here, and Prostitution is unlawful. Yet, at the Can Can Room there is no sign in compliance. Even if evidence may show that there were signs in the entry way area, there is no evidence that any signs comply with the ordinance, which requires a sign at the front door and no higher than five inches above the door. A violation of CCC 6.160.110(p) is found.

- X. **AREA OF CONCERN 13:** That a security guard at the entrance to the establishments worked without a security Guard Identification Card in violation of CCC 6.160.150.

Findings of Fact: Photographs taken by LVMPD on November 13, 2021, show an individual seated at one of the entrances to the establishment with a baseball cap with the word Security written on the cap. From all appearances he gives the impression that he is a security guard for the business, yet witnesses from the Can Can Room claimed they did not who he was. Not only did the individual seated at the entrance to the establishment not have a work card, but he also had an active warrant for his arrest and LVMPD took him into custody.

Conclusion of Law: CCC 6.160.150 states: “Security guard identification cards. All security guards working in or employed by an erotic dance establishment must obtain a work identification card pursuant to Section 6.50.060. In addition to the grounds stated in Section 6.50.060, a work identification card may be denied for conviction of assault, battery, fraud, or conspiracy to commit any such crime.”

The individual was presented to patrons as if he were a security guard. If he were completely unrelated to the business, it is unreasonable to believe employees would have allowed him to be located at the entry acting like a security guard. For the business to claim to not know who he was lacks credibility. A violation of CCC 6.160.150 is found.

- XI. **AREA OF CONCERN 14:** That employees inside the Can Can Room were in violation of Nevada Governor’s COVID-19 Emergency Directive 045 by not wearing a face covering.

Findings of Fact: An investigator with the CCBL testified that on a site visit to the Can Can Room during December 2021, two employees were inside the establishments without facemasks, in violation of Nevada's Governor's COVID-19 Emergency Directive 45.

Conclusion of Law: Nevada Governor's COVID-19 Emergency Directive 45 was put in place to curb the spread of the coronavirus during the pandemic that started in 2020. While the violation appears to be technically true, there was (and is) substantial controversy surrounding the use of facemasks in this Country and this State. Thus, this violation does not weigh in the determination of discipline in the evaluation of this evidence.

DECISION

On December 16, 2021, the Department of Clark County Business License alleged 14 Areas of Concern/violations of law with respect to activity at the Can Can Room and Video City. Testimony during the hearing on the matter provided evidence to support 9 of the alleged violations. CCC 2.68.040 states in part: "The hearing officer may recommend that the complaint be dismissed, or that the board accept a settlement offer, or condition, suspend or revoke a license."

Throughout this hearing, the licensee has complained that this entire investigation has been orchestrated by his landlord, the Siegel Group, and that LVMPD's entire investigation is a fabrication. While the investigation may have been initiated by the complaints from Siegel, the conspiracy theory rings hollow. There are clearly violations. Despite the licensee taking the singular approach of alleging fabrication and denying violations, it became evident that there may be several reasons that the businesses fell out of compliance. It is obvious from the facts adduced in this case that the licensee over the last several months, or perhaps years, has had a difficult time maintaining consistency and/or flourishing in his businesses. He has been involved in a heated legal dispute with his landlord over the continuation of his lease. The COVID-19 pandemic caused his business to be shut down. At a previous show-cause hearing the license was revoked, hence the business was closed again, and then reinstated and opened again. And then finally, after the latest reopening, either he could find no dancers to hire or there were no customers walking through the door. LVMPD's own investigation documented how many times they tried to visit the business only to find it closed. Even when it was open, LVMPD found no actual customers inside. None of this is an excuse to skirting the law, but it would provide an explanation as to some of the lapses in judgment and violations of the code.

CCBL believes the only appropriate remedy for these violations is revocation. CCBL points to numerous opportunities the licensee has been given in the past. Testimony provided during this hearing reveals that the licensee is already in the process of closing the businesses. The civil suit discussed throughout this case has been settled and one of

the conditions is vacating the premises. All the licensee's personal possessions must be removed from the building by the end of this month, May 2022.

It is not lost on this Hearing Officer that the licensee has held this license for over four decades and great deference is given to that fact. However, the violations found cannot be ignored. Perhaps the matter is moot, as the business is closing anyway. Nevertheless, based on the violations found during this hearing, Mr. Aldabbagh's business licenses are suspended for 7 months and 8 days, i.e., the rest of the 2022 calendar year.

Date

5/24/22


Drew R. Christensen, Esq.
Hearing Officer