

FILED

JUL 20 2022

PETITION OBJECTING TO ADOPTION OF RULE

Lynn Maria Goyen
CLERK

NRS 237.100 provides that a business that is aggrieved by an ordinance, regulation, resolution or other type of instrument through which a governing body exercises legislative powers, except pursuant to Chapter 271, 278, 278A and 278B of NRS (herein a "Rule") adopted by the governing body may object to all or a part of the Rule by filing a petition. This petition form is provided to assist those who wish to object. The petition must be filed with the clerk/secretary of the local government at Clark Co. Government Center, 500 S. Nevada, within thirty
(30) days after the date on which the Rule was adopted. Grand Central Parkway

Petitioner's name: (Include name of the business or proposed business and whether it is a corporation, partnership, sole proprietorship, fictitious name):

Edmund Wehling

Petitioner's type of business:

Short-Term Rental

Petitioner's business location:

4443 E. Naples Dr.
Street

Las Vegas
City

Clark
County

Nevada 89169
State

Petitioner's mailing address: (If different from above):

3418 Oneida Way

Petitioner's telephone number: (702) 808 6000

Petitioner is objecting to the following:

That the 21 June 2022 Ordinance Agenda Item #78, File ID # 22-089
will destroy my STR 22-0896

(Identify the Rule to which petitioner is objecting and state whether it is an ordinance, resolution, regulation or other instrument. Please give number if known.)

The basis of the petitioner's objection is as follows:

- ☒ The governing body failed to prepare a business impact statement; or
☐ The business impact statement did not consider or significantly underestimated the economic effect of the adopted Rule.

The nature of the impact of the above rule on the petitioner's business is as follows: (Attach additional sheets if necessary):

Total destruction of business activity (as described
by NRS 237.040
See attached

By signing below, the signor of this petition certifies he is a duly authorize representative of the business identified above and has been authorized by that business to file this petition on behalf of the business.

Edmund Wehling
Business Name

By: [Signature]

Title of Signor: Owner of business

**ATTACHMENT TO PETITION OBJECTING TO THE ADOPTION OF ORDINANCE
DATED 21JUNE2022 AGENDA ITEM #78, FILE ID# 22-0896**

A. GENERAL VIOLATIONS OF NRS 237.030-237.150

- a. The Business Impact Statement (BIS) prepared by the Clark County Board of County Commissioners (BCC) and signed by the Clark County Manager fails to demonstrate basic understanding of this ordinance, its real intent, or the gravity of the negative effects the ordinance will impose on the home-sharing community (STRs)
 - i. Yet this is the purpose of creating a BIS.
 - ii. While only off-handedly recognizing that the intent of the pertinent ordinance is to DESTROY all but 2800 home sharing “businesses”, as defined both by Clark County and qualified by NRS 237.040 (“Business means a trade or occupation conducted for profit”).
 - iii. The County itself estimates there are 8,000-12,000 existing STRs, so by its own calculations the ordinance will destroy a MINIMUM of 5,200 businesses, but this is not stated by the BIS, even though NRS 237.030-237.150, which define the intent, design and content required in a BIS
 - iv. The declaration that home-sharing could ever be declared illegal because the law both violates property owners’ basic right to rent their property to whomever they choose and is completely arbitrary:
 - 1. What is the real difference between renting one’s property for 35 days or 15 days?
 - 2. While different laws are applied in processing evictions of a short-term (less than 30 days) vs. long-term (more than 30 days) tenants, this has not been an issue that either STRs or Clark County government has raised as causing problems.
 - 3. Few human economic activities are as ancient and generally accepted than sharing one’s home with travelers and I personally know of the practice in Clark County being accepted as early as 1950.
 - 4. What special right did the government of Clark County possess to outlaw this ancient human right and which generally accepted human right is next on its list to be eliminated? Eating the breakfast of one’s choice in the morning? Walking one’s dog?
 - 5. While stirring up common prejudices and stereotypes, the BCC has never presented any evidence that STR guests are more prone to engage in actual criminal activity, disturb neighborhoods more or be more likely to discard used condoms than Clark County long term renters. In fact, they are likely to discover that the opposite may be true.

- b. The BIS fails to acknowledge the wholesale DESTRUCTION of small business and that is completely contrary the very purpose of NRS 237.030-237-150 and of the Business Impact Statement itself:
 - i. The State law was created to PROTECT private business from government rulemaking excesses.
 - ii. Not only has the BCC been conducting a multi-year war against entrepreneurs, street entertainers, mom and pop businesses, innovators and any business disliked by the Wall Street corporate giants, but the real intent and actions of the BCC are to turn this state law on its head and use it as a weapon AGAINST people who home share:
 - 1. This is the REAL motivation of Clark County—which is too dishonest or afraid to acknowledge—whose fake BIS consistently contorts facts.
 - 2. Purposely diverts attention into areas that have nothing to do with actual BIS requirements.
 - 3. Grossly understates the business destruction, which the BIS subtly manipulates into neutral-sounding arguments.
- c. This duplicity of the BCC and the BIS authors has many causes including:
 - i. The millions of dollars in financial support provided by Nevada Resort Association (NRA) members to elected public officials. There is no question in my mind that this money has driven and still drives the animus of the BCC toward those perceived as competitors of NRA members:
 - 1. The casinos have stated as much to the press which subserviently calculates their “lost dollars” to STR operators.
 - 2. At least one member of the BCC, who benefits from the largesse of the Strip casinos, has stated that the intent of the June 21, 2022, ordinance is to direct tourist dollars to the Strip.
 - 3. Some of the more face-slapping provisions—such as the 2500 foot “dead zone” around each casino—of the ordinance can only be explained by the runaway avarice of the NRA, not any other logical explanation.
 - 4. Were the millions of dollars to be somehow removed from the discussion and actions of this ordinance, it could not be imagined that such an ordinance would ever be contemplated.
 - 5. They even are willing to forgo tens of millions of dollars that would be paid in taxes were just the existing STRs to be recognized and taxed.
 - ii. The basic orientation of the BCC is to maximize government involvement in every aspect of community life in Clark County, while creating endless problems for small private businesses and residents:
 - 1. Using every opportunity to increase taxes and regulations:
 - a. Forcing homeowners go out of their way merely to claim 3% property tax increases (vs. 8%).

- b. Regulations against innovative internet food delivery services.
 - c. Taxes on car-sharing (Turo, etc.).
 - 2. Diverting more than one billion dollars from public tax funds to projects championed by and benefiting members of the NRA.
 - 3. Eliminating small tourist-oriented enterprises to finance Airport wages.
 - 4. Charging a pittance to MGM for prime advertising space.
 - 5. Consciously refusing to remove even one of the many barriers against the creation of small businesses in Clark County.
- iii. The BCC opposes those businesses which the NRA opposes and then directly supports NRA projects:
 - a. It diverted tax monies to build a stadium which benefits primarily the resorts.
 - b. It forces the public to pay \$200,000,000 per year for Las Vegas Metropolitan Police Department to act as the private security company for the NRA members—at a cost to taxpayers, not NRA members.
- d. The fact that the BCC has gone out of its way to demonize STRs during the past several years to generate inaccurate and even false public opinion against STRs and obey the marching orders of the NRA.
- e. The BCC's use of the Nevada State Legislature's approval of Assembly Bill 363, AB 363, ordinance of June 21 to justify the latter when, in fact, the BCC (acting on behalf of the NRA) was the primary creator of AB363!
 - i. It used its legislative privileges to support the introduction through final passage of the bill:
 - 1. It sent at least 2 lobbyists to Carson City.
 - 2. These lobbyists even argued in favor of the AB 363 even when taking a declared "neutral position" in public.
 - 3. They and other County officials worked outside of the public hearings in conjunction with lobbyists of NRA and its individual members.
 - 4. And, after all that, the BCC takes the hypocritical position—when expedient—that it is merely following the mandates of AB 363 and "has no other choice".
 - ii. Both the BCC and its primary legislative puppet (Assemblywoman Rochelle Nguyen) have worked together, using each other, since she was elected in 2020.

B. SPECIFIC VIOLATIONS OF NRS 237.030-237.150: Note, these may not pertain specifically to my business, but the County, in its communications with me (Attachment #2), have made it clear that this petition must contain a listing of these.:

- a. Failure to even mention the most egregious provision of the rule—i.e., the blanket elimination of all STR activity in any of the tens of thousands of homes located within the 600-700 acres surrounding each casino:
 - i. It should be noted that this is a land-use taking issue without compensating affected landowners.
 - ii. No affected property owner was even sent notice that the BCC was intending to hand over to the casino industry at least one decision regarding the use of their supposed PRIVATE property.
 - iii. It is, therefore, disingenuous at best (more likely, totally corrupt) for the BCC to maintain that its hands are tied, and it must obey the mandates of AB 363.
 - iv. This provision does affect my STR.
 - v. This provision is based on no other logic than being presented as a plainly illogical demand of the NRA:
 - 1. For example, wouldn't a casino more likely to be patronized more from an STR close to it rather than an STR located (because of this and other distance requirements) in the hinterlands?
 - 2. What does the lack of mention in the BIS say about its constitutionality?
 - vi. The resounding silence in the BIS regarding the existence of this provision alone invalidates the BIS.
 - vii. Finally, the use of the BIS by the BCC as a weapon against small business, when the whole purpose of the BIS is to protect and support small business, provides additional reasons for denying its validity and viability as an authentic BIS.
- b. Not only did the BCC not consider methods of reducing potential economic burdens on businesses, but it:
 - i. Applied the strictest possible economic burdens in every regulation because it is obvious, and even stated, that at least some of its members want to DESTROY STRs. Some examples are:
 - 1. The 1000-foot separation between STRs vs the 660 feet proposed by AB 363.
 - 2. The requirement that owners be available 24 hours per day for the most mundane issues and respond within one hour. Does the owner or the CEO of MGM must respond within that period or any period to truly serious events in their accommodations, such as a homicide or suicide.
 - 3. STR owners cannot have an interest in more than one STR. MGM's owners have several multi-billion-dollar hotels. Why wouldn't this be regarded as a vastly more serious threat to the public interest.

4. Can't transfer ownership. Not only can members of the NRA sell for whatever capital gain they have created, but the paid-off BCC doesn't even require them to pay the State Real Property Transfer Tax. STR owners can't benefit one dime from their business efforts and expertise—yet they all pay the transfer tax.
 5. Most, if not all, the onerous regulations of the ordinance are applied even against STR operators who are living in the home they might be renting. It should be assumed, if the owner is living there and is subject to in-person evaluations every time he or she hosts a guest, that the home is sufficiently clean and safe for guests.
- ii. To reiterate, the reasons that BCC members have imposed these outlandish requirements is because they want (and have even stated that they have the intent) to DESTROY every possible STR operation.
- c. The BCC in its BIS did a very unfair summary of the responses of the public to its BIS and even goes so far in its public pronouncements to pretend that another previous (and more manipulated) survey of public opinion is the response to the BIS.
 - i. It uncritically evaluates the 14 favorable responses.
 - ii. It tears apart the 107 responses that criticize the "rule" and failed to even include at least one more negative response (mine).
 - d. It fails to provide accurate economic data which is required by BIS standards, such as:
 - i. Something as basic as the number of businesses they intend to destroy.
 - ii. The actual economic impact that the rule will have on thousands of STR owners, preferring instead to shed tears over the relative peanuts that platforms such as Airbnb will lose.
 - iii. The actual amount of tax money that Clark County will lose by failing to simply license all existing STR's (in the hundreds of millions of dollars).
 - iv. Here is the juvenile response of the BCC to the "Adverse Effects" (which will really result in loss of properties, homelessness, care of elderly parents, suicides, loss of middle-class American life style, and loss of hundreds of millions of dollars): "Due to the limitations on the number of short-term rental units that will be eligible for a license and the distance restriction contained in the proposed ordinance many existing short-term rental units will be unable to obtain a license.";
 - v. That response illustrates the lack of caring for community members, the willingness to steal the business and income from small people and hand it over to some of the largest Wall Street companies in the world, thus removing dollars from local enterprise and community.
 - vi. Hopefully, someone will document in another "Wall Street movie" that illustrates the economic devastation ("Adverse Effects") highlighting the uncaring images of the 7 self-serving "public officials" who are carrying out this impending debacle.

- e. Not only does the BIS fail to mitigate harm to existing businesses, but it also seeks to increase harm at every corner and opportunity as explained briefly above.
 - i. This is because the NRA and its handmaiden, the BCC, want to crush and destroy the owners of STRs.
 - ii. The shortsighted demand of the ordinance for action by its payees and minions, could break apart the 70-year-old synergistic effect of community/resort cooperation and compatibility. I can remember my parents being called starting in the early 1950's to please host visitors in our house so they wouldn't have to spend the 100-degree night in their car. They never cared that the visitors spent the bulk of their money in the casinos and not at our house.
- f. These should be concerns for the BCC. They are being ignored to produce purposely a one-dimensional, defective BIS which clearly denies the potential upside of STRs.

Conclusions:

- A. This BIS is irreparably deficient AND violates NRS 237.030-237.150 in numerous ways.
- B. The ordinance destroys my business.
- C. The ordinance will harm future mass events such as Formula One, EDC and the Superbowl which attract far more visitors than those who can be accommodated by the remaining accommodations. This could damage Las Vegas' tourism reputation.