

**CITY OF NAMPA  
ALCOHOL LICENSE REVIEW COMMITTEE  
City Hall – Council Chambers  
July 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 Chief of Staff Rick Hogaboam, Lieutenant Jamie Burns, City Clerk Deborah Rosin, Planning and Zoning Director Rodney Ashby. Building Safety Director Patrick Sullivan absent.

Also in attendance was City Attorney Joe Borton.

❖ **(1) New Business** ❖

**Item #1-1.** - Chairman Burns presented the request to **approve the ARC Minutes of June 30, 2021.**

**MOVED** by Burns and **SECONDED** by Ashby to **approve the ARC Minutes of June 30, 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 follow points violations:

- Firehouse Sports Pub, 423 East Karcher Road.

The Nampa Police Department arrested an impaired driver confirmed to have been consuming alcoholic beverages at Firehouse Sports Pub, 423 E Karcher Rd, an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4573 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 07-02-2021 at approximately 11:25 pm, Corporal Poore of the Nampa Police Department arrested an impaired driver who he had observed leaving the Firehouse Sports Pub parking lot, located at 423 E Karcher Rd, in the City of Nampa, County of Canyon. In his probable cause affidavit, Corporal Poore indicated he observed a 2011 Chrysler 300 leave the Getaway Bar and proceed down Karcher Rd to Northside Blvd. Corporal Poore's probable cause for stopping the Chrysler was speeding and failure to maintain its lane of travel. After Corporal Poore stopped the Chrysler, he contacted the male driver where he indicated he could smell the odor of an alcoholic beverage coming from inside of the vehicle. The male driver was the sole occupant. Corporal Poore indicated the driver had the odor of an alcoholic beverage coming from his person, bloodshot glassy eyes and his speech was slurred. The male driver admitted to consuming an alcoholic beverage at the Firehouse Pub. The male driver showed lack of balance, memory, and coordination on all of the Standardized Field Sobriety Tests administered. The male driver provided two valid breath samples for Corporal Poore, .210/.201 BrAC (Breath Alcohol Content). The male was transported and booked into the Canyon County Jail for excessive driving under the influence (Title 18, Chapter 80, 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 may be required by this Section. .5 to 1 Point.
2. Probation Violation: a license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). .5 to 2.0 Points.
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 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. 1.0 to 4.0 Points.
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. 1.0 to 3.5 Points.
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. 4.0 to 6.5 Points.
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. 4.0 to 6.5 Points.
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. .5 to 2.0 Points.
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. 1.0 to 3.5 Points.
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 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. .5 to 2.0 Points.
13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Points.
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. .5 to 1.5 Points.
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. .5 to 1.5 Points.
17. General Violations: All other violations of law or the City Code. .5 to 3.5 Points.
18. Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and

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circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 to 4.0 points.

Committee members discussed the incident.

**MOVED** by Hogaboam and **SECONDED** by Rosin that there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation. 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 Rosin to assess 1 point on the licensee record for 12 months, no probation and the training to be completed within a timeframe to be determined by Lieutenant Jamie Burns. If the training is completed the point assessment will be removed from the record. 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 following points violations:

- Getaway Bar & Grill – 512 12<sup>th</sup> Avenue Road (12:51 a.m.)

The Nampa Police Department arrested an impaired driver confirmed to have been consuming alcoholic beverages at Getaway Bar and Grill, 512 12th Ave Road, an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4573 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 07-02-2021 at approximately 12:51 am, Corporal T. Poore of the Nampa Police Department arrested an impaired driver who he had observed leaving the Getaway Bar and Grill parking lot, located at 512 12th Ave Road, in the City of Nampa, County of Canyon. In his probable cause affidavit, Corporal Poore indicated he observed a black, 2014 Ford Fusion leave the Getaway Bar and Grill parking lot and proceed westbound on E Dewey Ave, crossing over 12th Ave Road. Corporal Poore's probable cause for stopping the Ford was failing to maintain its lane of travel and for speeding. After Corporal Poore stopped the Ford, he contacted the female driver where he indicated he could smell the odor of an alcoholic beverage coming from inside of the vehicle. The female driver was the sole occupant. Corporal Poore indicated the driver had the odor of an alcoholic beverage coming from her person, bloodshot glassy eyes, slurred speech, and admitted to consuming alcoholic beverages at the Getaway Bar and Grill. The female driver showed lack of balance, memory, and coordination on all of the Standardized Field Sobriety Tests administered. The female driver provided two valid breath samples for Corporal Poore, .207 / .198 BrAC (Breath

Alcohol Content). The female was transported and booked into the Canyon County Jail for excessive driving under the influence (Title 18, Chapter 80, 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 may be required by this Section. .5 to 1 Point.
2. Probation Violation: a license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). .5 to 2.0 Points.
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 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. 1.0 to 4.0 Points.
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. 1.0 to 3.5 Points.
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. 4.0 to 6.5 Points.
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. 4.0 to 6.5 Points.
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. .5 to 2.0 Points.
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. 1.0 to 3.5 Points.
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 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. .5 to 2.0 Points.
13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Points.
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. .5 to 1.5 Points.
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. .5 to 1.5 Points.
17. General Violations: All other violations of law or the City Code. .5 to 3.5 Points.

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18. Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 to 4.0 points.

Committee members discussed the incident.

**MOVED** by Hogaboam and **SECONDED** by Ashby that there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license violation. 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 Ashby to assess 1 point to remain on the licensee record for 12 months, no probation and that training be completed within a timeframe to be determined by Lieutenant Jamie Burns. If the training is completed the point assessment will be removed from the record. 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 follow points violations:

- Getaway Bar & Grill – 512 12<sup>th</sup> Avenue Road (1:10 a.m.)

The Nampa Police Department arrested an impaired driver confirmed to have been consuming alcoholic beverages at Getaway Bar and Grill, 512 12th Ave Road, an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4573 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 07-02-2021 at approximately 1:10 am, Officer Renner of the Nampa Police Department arrested an impaired driver who he had observed leaving the Getaway Bar and Grill parking lot, located at 512 12th Ave Road, in the City of Nampa, County of Canyon. In his probable cause affidavit, Officer Renner indicated he observed Silver Ram 1500 leave the Getaway Bar and Grill parking lot and proceed onto 12th Ave Road. Officer Renner's probable cause for stopping the Ram was for an improper turn (failing to turn into the closest most available lane) when exiting the Getaway Bar parking lot. After Officer Renner stopped the Ram, he contacted the male driver where he indicated he could smell the odor of an alcoholic beverage coming from inside of the vehicle. The male driver was the sole occupant. Officer Renner indicated the driver had the odor of an alcoholic beverage coming from his person, bloodshot glassy eyes and admitted to consuming alcoholic beverages at the Getaway Bar and Grill. The male driver showed lack of

balance, memory, and coordination on all of the Standardized Field Sobriety Tests administered. The male driver provided two valid breath samples for Officer Renner, .126/.114 BrAC (Breath Alcohol Content). The male was transported and booked into the Canyon County Jail for driving under the influence (Title 18, Chapter 80, 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 may be required by this Section. .5 to 1 Point.
2. Probation Violation: a license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). .5 to 2.0 Points.
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 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. 1.0 to 4.0 Points.
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. 1.0 to 3.5 Points.
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. 4.0 to 6.5 Points.
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. 4.0 to 6.5 Points.
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. .5 to 2.0 Points.
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. 1.0 to 3.5 Points.
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 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. .5 to 2.0 Points.
13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Points.
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. .5 to 1.5 Points.
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. .5 to 1.5 Points.

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17. General Violations: All other violations of law or the City Code. .5 to 3.5 Points.
18. Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 to 4.0 points.

Committee members discussed the incident.

**MOVED** by Hogaboam and **SECONDED** by Rosin that there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license 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 assess 1 point to remain on the licensee record for 12 months and 6 months probation. 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 follow points violations:

- TNT Dynamite Bar & Grill – 817 E. Karcher Road.

The Nampa Police Department arrested an impaired driver confirmed to have been consuming alcoholic beverages at TNT Dynamites Bar and Grill, 817 E. Karcher Road an establishment licensed to sell liquor, beer, and/or wine, where possible violations of Nampa City Ordinance No. 4573 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 07-02-2021 at approximately 2334 PM, Officer Tucker of the Nampa Police Department arrested an impaired driver who he had observed leaving the TNT Dynamite Bar and Grill parking lot, located at 817 E Karcher Road, in the City of Nampa, County of Canyon. In his probable cause affidavit, Officer Tucker indicated he observed a White 2004 Volvo leave the TNT Dynamite Bar and proceed down Franklin Blvd and west on Karcher Rd near Delta Dr. The vehicle was traveling west on E Karhcer Rd at 40 MPH in a marked 35 MPH zone. After Officer Tucker stopped the Volvo, he contacted the female driver where he indicated he could smell the odor of an alcoholic beverage coming from inside of the vehicle. The female driver was the sole occupant. Officer Tucker indicated the driver had the odor of an alcoholic beverage coming from her person and bloodshot glassy eyes. After stopping the vehicle Officer Tucker could see, what he described as an alcoholic beverage in the center console of the vehicle. As he spoke to the female driver, she became combative and fled. A pursuit ensued down E Karcher Rd to

Marketplace. The female driver slowed and continued down to Midland Blvd and then north on Midland to Cherry Ln. The vehicle continued to Middleton Rd and Cherry Ln where Officers were able to take the female driver into custody. The female driver refused to perform Standardized Field Sobriety Tests. Officer Tucker as able to secure a blood draw warrant after speaking with a judge. Officer Tucker did state in his report the female admitted to consuming alcoholic beverages at the TNT establishment as well as leaving with the drink she ordered form the bar that was in her vehicle. After a blood draw was performed, the female was transported and booked into the Canyon County Jail for driving under the influence – refusal (Title 18, Chapter 80, Idaho Code), eluding (Title 49, Chapter 14, Idaho Code), open container by driver (Title 23, Chapter 5, Idaho Code), possession of a controlled substance (Title 37, Chapter 27, Idaho Code), possession of drug paraphernalia (Title 37, Chapter 27, Idaho Code), and resist and obstruct (Title 18, Chapter 7, 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 may be required by this Section. .5 to 1 Point.
2. Probation Violation: a license violation arising during a probationary period, as applied to a licensee in Subsection 5-12-17(II)(D)(6). .5 to 2.0 Points.
3. Alcohol Regulations: Any action or conduct which violates any provision of federal, state, or local law with respect to the manufacture, sale, distribution, solicitation, or use of alcoholic beverages. .5 to 2.0 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. 1.0 to 4.0 Points.
6. Controlled Substances: Any action or conduct which violates any provision of Title 37, Chapter 27, Idaho Code. 1.0 to 3.5 Points.
7. Prostitution: Any action or conduct which violates any provision of Title 18, Chapter 56, Idaho Code. 4.0 to 6.5 Points.
8. Human Trafficking: Any action or conduct which violates any provision of Title 18, Chapter 86, Idaho Code. 4.0 to 6.5 Points.
9. Gambling: Any action or conduct which violates any provision of Title 18, Chapter 38, Idaho Code. .5 to 2.0 Points.
10. Assault and Battery: Any action or conduct which constitutes assault or battery actions and violates any provision of Title 18, Chapter 9, Idaho Code. 1.0 to 3.5 Points.
11. Sex Crimes: Any action or conduct which violates any provision of Title 18, Chapters 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. .5 to 2.0 Points.



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13. Open Containers: Allowing a person to exit the licensed premises while possessing an open container of alcoholic beverage. .5 to 1.5 Points.
14. Right-of-Way Encroachment: The licensee violates any provision of a right-of-way encroachment license. .5 to 1.5 Points.
15. Hours of Operation: The licensee violates hours of operation as defined in Section 5-12-13, Nampa City Code. .5 to 1.5 Points.
16. Property Maintenance: The licensee violates the International Property Maintenance Code, as adopted by Title 4, Chapter 11, Nampa City Code. .5 to 1.5 Points.
17. General Violations: All other violations of law or the City Code. .5 to 3.5 Points.
18. Site Specific DUI: A patron of a Licensee that receives a DUI in Nampa City limits immediately following his/her leaving the Licensed premises, and under facts and circumstances that give law enforcement credible evidence that the cause of the DUI was alcohol consumed from the licensed premises. 1.0 to 4.0 points.

Committee members discussed the incident.

**MOVED** by Burns and **SECONDED** by Hogaboam that there is probable cause to believe that a licensee or an employee or agent of a licensee committed a license 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 Ashby to assess 2 points to remain on the licensee record for 12 months, 6 months' probation and training be completed within a timeframe be determined by Lieutenant Jamie Burns. 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 Hogaboam to **adjourn** the **meeting** at 4:27 p.m. The Chairman asked all in favor say aye with all Committee Members present voting **AYE**. The Chairman declared the MOTION CARRIED

Passed this 25th day of August 2021.

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CHAIRMAN BURNS

ATTEST:

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NAMPA CITY CLERK

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