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4 **STATE OF NEVADA**

5 **BEFORE THE NEVADA GAMING COMMISSION**

6 STATE GAMING CONTROL BOARD,)

7 Complainant,)

8 vs.)

9 SNICK'S PLACE, INC., dba)
10 SNICK'S PLACE;)
11 DOMINICK RALPH VITALE,)

Respondents.)

COMPLAINT

12 The State of Nevada, on relation of its State Gaming Control Board (BOARD),
13 Complainant herein, by and through its counsel, CATHERINE CORTEZ MASTO, Attorney
14 General, by JOHN S. MICHELA, Deputy Attorney General, hereby files this Complaint for
15 disciplinary action against RESPONDENTS pursuant to Nevada Revised Statute (NRS)
16 463.310(2) and alleges as follows:

17 1. Complainant, BOARD, is an administrative agency of the State of Nevada duly
18 organized and existing under and by virtue of chapter 463 of NRS and is charged with the
19 administration and enforcement of the gaming laws of this state as set forth in Title 41 of NRS
20 and the Regulations of the Nevada Gaming Commission.

21 2. SNICKS PLACE, INC., dba SNICK'S PLACE (SNICK'S PLACE), located at 1402
22 South 3rd Street, Las Vegas, Nevada holds a restricted gaming license.

23 3. SNICK'S PLACE is a corporation incorporated under the laws of Nevada.

24 4. DOMINICK RALPH VITALE (VITALE) is the sole shareholder, officer, and director of
25 SNICK'S PLACE, and is licensed as such.

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RELEVANT LAW

5. The Nevada Legislature has declared under NRS 463.0129(1) that:

(a) The gaming industry is vitally important to the economy of the State and the general welfare of the inhabitants.

(b) The continued growth and success of gaming is dependent upon public confidence and trust that licensed gaming and the manufacture, sale and distribution of gaming devices and associated equipment are conducted honestly and competitively, that establishments which hold restricted and nonrestricted licenses where gaming is conducted and where gambling devices are operated do not unduly impact the quality of life enjoyed by residents of the surrounding neighborhoods, that the rights of the creditors of licensees are protected and that gaming is free from criminal and corruptive elements.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations and activities related to the operation of licensed gaming establishments, the manufacture, sale or distribution of gaming devices and associated equipment and the operation of inter-casino linked systems.

(d) All establishments where gaming is conducted and where gaming devices are operated and manufacturers, sellers and distributors of certain gaming devices and equipment, and operators of inter-casino linked systems must therefore be licensed, controlled and assisted to protect the public health, safety, morals, good order and general welfare of the inhabitants of the State, to foster the stability and success of gaming and to preserve the competitive economy and policies of free competition of the State of Nevada.

NRS 463.0129(1)(a), (b), (c) and (d).

6. The Nevada Gaming Commission has full and absolute power and authority to limit, condition, restrict, revoke or suspend any license, or fine any person licensed, for any cause deemed reasonable. See NRS 463.1405(4).

7. The Nevada Gaming Commission may also place "such conditions as it may deem necessary in the public interest upon any registration, finding of suitability or approval for which application has been made." NRS 463.220(3).

8. The BOARD is authorized to observe the conduct of licensees in order to ensure that the gaming operations are not being conducted in an unsuitable manner. See NRS 463.1405(1).

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1 9. This continuing obligation is repeated in Nevada Gaming Commission Regulation
2 5.040, which provides as follows:

3 A gaming license is a revocable privilege, and no holder
4 thereof shall be deemed to have acquired any vested rights therein or
5 thereunder. The burden of proving his qualifications to hold any
6 license rests at all times on the licensee. The board is charged by
7 law with the duty of observing the conduct of all licensees to the end
8 that licenses shall not be held by unqualified or disqualified persons
9 or unsuitable persons or persons whose operations are conducted in
10 an unsuitable manner.

11 Nev. Gaming Comm'n Reg. 5.040.

12 10. Nevada Gaming Commission Regulation 5.010 provides as follows:

13 1. It is the policy of the commission and the board to require
14 that all establishments wherein gaming is conducted in this state be
15 operated in a manner suitable to protect the public health, safety,
16 morals, good order and general welfare of the inhabitants of the State
17 of Nevada.

18 2. Responsibility for the employment and maintenance of
19 suitable methods of operation rests with the licensee, and willful or
20 persistent use or toleration of methods of operation deemed
21 unsuitable will constitute grounds for license revocation or other
22 disciplinary action.

23 Nev. Gaming Comm'n Reg. 5.010.

24 11. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as follows:

25 The board and the commission deem any activity on the part
26 of any licensee, his agents or employees, that is inimical to the public
27 health, safety, morals, good order and general welfare of the people
of the State of Nevada, or that would reflect or tend to reflect discredit
upon the State of Nevada or the gaming industry, to be an unsuitable
method of operation and shall be grounds for disciplinary action by
the board and the commission in accordance with the Nevada
Gaming Control Act and the regulations of the board and the
commission. Without limiting the generality of the foregoing, the
following acts or omissions may be determined to be unsuitable
methods of operation:

1. Failure to exercise discretion and sound judgment to
prevent incidents which might reflect on the repute of the State of
Nevada and act as a detriment to the development of the industry.

10. Failure to conduct gaming operations in accordance with
proper standards of custom, decorum and decency, or permit any
type of conduct in the gaming establishment which reflects or tends to

1 reflect on the reputé of the State of Nevada and act as a detriment to
2 the gaming industry.

3 Nev. Gaming Comm'n Reg. 5.011 (1) and (10).

4 12. Nevada Gaming Commission Regulation 5.030 provides as follows:

5 ***Violation of any provision of the Nevada Gaming Control Act***
6 ***or of these regulations by a licensee***, his agent or employee ***shall be***
7 ***deemed*** contrary to the public health, safety, morals, good order and
8 general welfare of the inhabitants of the State of Nevada and ***grounds***
9 ***for suspension or revocation of a license***. Acceptance of a state
10 gaming license or renewal thereof by a licensee constitutes an
11 agreement on the part of the licensee to be bound by all of the
12 regulations of the commission as the same now are or may hereafter be
13 amended or promulgated. ***It is the responsibility of the licensee to***
14 ***keep himself informed of the content of all such regulations, and***
15 ***ignorance thereof will not excuse violations.***

16 Nev. Gaming Comm'n Reg. 5.030 (emphasis added).

17 **COUNT ONE**

18 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)**

19 13. Complainant BOARD realleges and incorporates by reference as though set forth
20 in full herein paragraphs 1 through 12 above.

21 14. On or about April 29, 2008, two patrons of SNICK'S PLACE engaged in sexual
22 intercourse.

23 15. The action set out above took place in the public portion of SNICK'S PLACE. The
24 action set out above was in an area for which the bartenders on duty were responsible.

25 16. RESPONDENTS failed to prevent the action set out above.

26 17. This action reflects, or tends to reflect, by itself and in conjunction with the actions
27 contained in the other counts of this complaint, poorly on the reputation of gaming in the State
of Nevada.

18 18. RESPONDENTS' acts and failures to act as set out above are a violation of
19 Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable
20 method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming
21 Comm'n Regs. 5.010(2), 5.011 and 5.030.

COUNT TWO

VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)

19. Complainant BOARD realleges and incorporates by reference as though set forth in full herein paragraphs 1 through 18 above.

20. On or about April 30, 2008, one patron of SNICK'S PLACE masturbated another patron.

21. The action set out above took place in the public portion of SNICK'S PLACE. The action set out above was in an area for which the bartenders on duty were responsible.

22. RESPONDENTS failed to prevent the action set out above.

23. This action reflects, or tends to reflect, by itself and in conjunction with the actions contained in the other counts of this complaint, poorly on the reputation of gaming in the State of Nevada.

24. RESPONDENTS' acts and failures to act as set out above are a violation of Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011 and 5.030.

COUNT THREE

VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)

25. Complainant BOARD realleges and incorporates by reference as though set forth in full herein paragraphs 1 through 24 above.

26. On or about April 30, 2008, two patrons of SNICK'S PLACE performed oral sex on each other.

27. The actions set out above took place in the public portion of SNICK'S PLACE. The actions set out above were in an area for which the bartenders on duty were responsible.

28. RESPONDENTS failed to prevent the actions set out above.

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1 29. These actions reflect, or tend to reflect, by themselves and in conjunction with the
2 actions contained in the other counts of this complaint, poorly on the reputation of gaming in
3 the State of Nevada.

4 30. RESPONDENTS' acts and failures to act as set out above are a violation of
5 Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable
6 method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming
7 Comm'n Regs. 5.010(2), 5.011 and 5.030.

8 **COUNT FOUR**

9 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)**

10 31. Complainant BOARD realleges and incorporates by reference as though set forth
11 in full herein paragraphs 1 through 30 above.

12 32. On or about May 1, 2008, two patrons of SNICK'S PLACE completely disrobed
13 and one proceeded to masturbate the other.

14 33. The actions set out above took place in the public portion of SNICK'S PLACE. The
15 actions set out above were in an area for which the bartenders on duty were responsible.

16 34. RESPONDENTS failed to prevent the actions set out above.

17 35. These actions reflect, or tend to reflect, by themselves and in conjunction with the
18 actions contained in the other counts of this complaint, poorly on the reputation of gaming in
19 the State of Nevada.

20 36. RESPONDENTS' acts and failures to act as set out above are a violation of
21 Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable
22 method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming
23 Comm'n Regs. 5.010(2), 5.011 and 5.030.

24 **COUNT FIVE**

25 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)**

26 37. Complainant BOARD realleges and incorporates by reference as though set forth
27 in full herein paragraphs 1 through 36 above.

1 38. On or about May 1, 2008, two patrons of SNICK'S PLACE crawled across the bar.
2 One was completely naked, and the other was wearing only underwear. As the patron
3 wearing only underwear crawled across the bar, the bartender pulled the patron's underwear
4 down. The second patron to crawl across the bar met the first patron to crawl across the bar
5 at the end of the bar where the first patron performed oral sex on the second patron while
6 talking to the bartender.

7 39. The actions set out above took place in the public portion of SNICK'S PLACE. The
8 actions set out above were in an area for which the bartenders on duty were responsible.

9 40. RESPONDENTS failed to prevent the actions set out above.

10 41. These actions reflect, or tend to reflect, by themselves and in conjunction with the
11 actions contained in the other counts of this complaint, poorly on the reputation of gaming in
12 the State of Nevada.

13 42. RESPONDENTS' acts and failures to act as set out above are a violation of
14 Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable
15 method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming
16 Comm'n Regs. 5.010(2), 5.011 and 5.030.

17 **COUNT SIX**

18 **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)**

19 43. Complainant BOARD realleges and incorporates by reference as though set forth
20 in full herein paragraphs 1 through 42 above.

21 44. Based on a witnessing patron's voluntary written statement, on or about June 22,
22 2008, a patron of SNICK'S PLACE performed oral sex on another patron.

23 45. The action set out above took place in the public portion of SNICK'S PLACE. The
24 action set out above was in an area for which the bartenders on duty were responsible.

25 46. RESPONDENTS failed to prevent the action set out above.

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48. RESPONDENTS' acts and failures to act as set out above are a violation of Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011 and 5.030.

COUNT SEVEN

VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1) and (10)

49. Complainant BOARD realleges and incorporates by reference as though set forth in full herein paragraphs 1 through 48 above.

50. Based on a participating patron's voluntary written statement, on or about June 22, 2008, the patron of SNICK'S PLACE exposed his genitals and then went into the women's restroom with two other patrons and participated in various sexual activities.

51. All activities set out above, with the exception of the allegations taking place in the women's restroom, took place in the public portion of SNICK'S PLACE. All activities set out above were in areas for which the bartenders on duty were responsible.

52. RESPONDENTS failed to prevent any of the actions set out above.

53. These actions reflect, or tend to reflect, by themselves and in conjunction with the actions contained in the other counts of this complaint, poorly on the reputation of gaming in the State of Nevada.

54. RESPONDENTS' acts and failures to act as set out above are a violation of Nevada Gaming Commission Regulation 5.011 (1) and (10). This constitutes an unsuitable method of operation, and, as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011 and 5.030.

WHEREFORE, based upon the allegations contained herein which constitute reasonable cause for disciplinary action against RESPONDENTS, pursuant to NRS 463.310,

1 and Nevada Gaming Commission Regulations 5.010 and 5.030 the STATE GAMING
2 CONTROL BOARD prays for the relief as follows:

3 1. That the Nevada Gaming Commission serve a copy of this Complaint on
4 RESPONDENTS pursuant to NRS 463.312(2);

5 2. That the Nevada Gaming Commission fine RESPONDENTS a monetary sum
6 pursuant to the parameters defined at NRS 463.310(4) for each separate violation of the
7 provisions of the Nevada Gaming Control Act or the Regulations of the Nevada Gaming
8 Commission;

9 3. That the Nevada Gaming Commission take action against RESPONDENTS' license
10 or licenses pursuant to the parameters defined in NRS 463.310(4); and

11 4. For such other and further relief as the Nevada Gaming Commission may deem just
12 and proper.

13 DATED this 29th day of December, 2008.

14 STATE GAMING CONTROL BOARD

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16 DENNIS K. NEILANDER, Chairman

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18 MARK A. CLAYTON, Member

19 

20 RANDALL E. SAYRE, Member

21 Submitted by:

22 CATHERINE CORTEZ MASTO
23 Attorney General

24 By: 

25 JOHN S. MICHELA
26 Deputy Attorney General
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