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3
4 STATE OF NEVADA

5 BEFORE THE NEVADA GAMING COMMISSION

6 STATE GAMING CONTROL BOARD,)
7 Complainant,)
8 vs.)
9 CONVENIENCE MART OF NEVADA, INC.,)
10 dba ST. TROPEZ CONVENIENCE MART;)
11 CONVENIENCE MART OF NEVADA, INC.,)
12 dba ST. TROPEZ LIQUOR STORE;)
13 RICHARD CARL RITZO; JOELLEN)
14 DARLING RITZO; KIMBERLY ANN)
ANTONACCI; BERNICE E. ANTONACCI)
TRUST; BERNICE ELIZABETH)
ANTONACCI,)
Respondents.)

COMPLAINT

15 The State of Nevada, on relation of its State Gaming Control Board (BOARD),
16 Complainant herein, by and through its counsel, CATHERINE CORTEZ MASTO, Attorney
17 General, by JOHN S. MICHELA, Deputy Attorney General, hereby files this Complaint for
18 disciplinary action against RESPONDENTS pursuant to Nevada Revised Statute (NRS)
19 463.310(2) and alleges as follows:

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

24 2. CONVENIENCE MART OF NEVADA, INC., dba ST. TROPEZ CONVENIENCE
25 MART and dba ST. TROPEZ LIQUOR STORE (TROPEZ), located at 4501 Paradise Road,
26 Suites A and B, Las Vegas, Nevada, holds two restricted gaming licenses.

27

Office of the Attorney General
Gaming Division
5420 Kliezke Lane, Suite 202
Reno, Nevada 89511

1 3. TROPEZ is a corporation incorporated under the laws of Nevada.

2 4. RICHARD CARL RITZO is licensed to hold a one-third, joint-tenant interest in
3 TROPEZ with JOELLEN DARLING RITZO.

4 5. JOELLEN DARLING RITZO is licensed to hold a one-third, joint-tenant interest in
5 TROPEZ with RICHARD CARL RITZO.

6 6. KIMBERLY ANN ANTONACCI is licensed to hold a one-third interest in TROPEZ
7 and is presently licensed as the Secretary and Treasurer of TROPEZ.

8 7. The BERNICE E. ANTONACCI TRUST is registered to hold a one-third interest in
9 TROPEZ.

10 8. BERNICE ELIZABETH ANTONACCI has been found suitable as the sole trustee
11 and beneficiary of the BERNICE E. ANTONACCI TRUST.

12 **RELEVANT LAW**

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

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

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

25 (c) Public confidence and trust can only be maintained by strict
26 regulation of all persons, locations, practices, associations and activities
27 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.

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

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

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1 11. The BOARD is authorized to observe the conduct of licensees in order to ensure
2 that the gaming operations are not being conducted in an unsuitable manner. See NRS
3 463.1405(1).

4 12. This continuing obligation is repeated in Nevada Gaming Commission Regulation
5 5.040, which provides as follows:

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

11 Nev. Gaming Comm'n Reg. 5.040.

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

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

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

18
19 Nev. Gaming Comm'n Reg. 5.010.

20 14. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as follows:

21 The board and the commission deem any activity on the part of
22 any licensee, his agents or employees, that is inimical to the public
23 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
24 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
25 the regulations of the board and the commission. Without limiting the
generality of the foregoing, the following acts or omissions may be
26 determined to be unsuitable methods of operation:

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1 8. Failure to comply with or make provision for compliance with all
2 federal, state and local laws and regulations pertaining to the operations
3 of a licensed establishment including, without limiting the generality of
4 the foregoing, payment of all license fees, withholding any payroll taxes,
5 liquor and entertainment taxes and antitrust and monopoly statutes.

6 Nev. Gaming Comm'n Reg. 5.011 (8).

7 15. Nevada Revised Statute 463.510 states, in relevant part, as follows:

8 1. The purported sale, assignment, transfer, pledge, exercise of
9 an option to purchase or other disposition of any security issued by a
10 corporation... which holds a state gaming license or which is a holding
11 company or an intermediary company for an entity that holds a state
12 gaming license is void unless approved in advance by the Commission.

13 NRS 463.510(1).

14 16. Nevada Gaming Commission Regulation 15.510.1-1 states:

15 (a) The terms "sale, assignment, transfer, pledge or other
16 disposition" used in NRS 463.510.1 extend to dispositions of any type of
17 ownership referred to in Regulation 15.482-6.

18 (b) Included within the meaning of the term "disposition" as used in
19 NRS 463.510.1 and the regulations thereunder are, without limitation, the
20 following:

21 (1) The granting of a proxy in respect of a security (other than a
22 proxy granted to a person who is licensed or found suitable to own
23 securities of the same corporation or securities of an affiliate of that
24 corporation), in which case the person to whom the proxy is granted is to
25 be regarded as the transferee.

26 (2) Any transfer or disposition, whether or not for value, of any
27 interest in the profits or proceeds (including, without limitation, interest
payments, dividends and other distributions by the issuer of a security)
realized from the holding or disposition of a security.

Nev. Gaming Comm'n Reg. 15.510.1-1.

17. Nevada Gaming Commission Regulation 8.030 provides, in relevant part, as
follows:

1. Except as and to the extent provided in these regulations
pertaining to emergency situations, no individual who is the owner of any
interest in a licensed gaming operation shall in any manner whatsoever
transfer any interest therein to any person, firm or corporation not then an
owner of an interest therein, and no such transfer shall become effective
for any purpose until the proposed transferee or transferees shall have

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1 made application for and obtained all licenses required by the Nevada
2 Gaming Control Act and these regulations, or have been found to be
individually qualified to be licensed, as appropriate.

3 Nev. Gaming Comm'n Reg. 8.030(1).

4 18. Nevada Gaming Commission Regulation 8.060 provides, in relevant part, as
5 follows:

6 1. Except as provided in these regulations pertaining to emergency
7 situations, or in subsection 2, or on approval of the commission, no person
8 who proposes to acquire an interest in any licensed gaming operation, in a
9 licensee, or in a holding company shall take any part whatever, as an
10 employee or otherwise, in the conduct of such gaming operations or in the
operation of the establishment at which such gaming operations are
conducted while his application for a license or for approval to acquire
such interest is pending.

11 Nev. Gaming Comm'n Reg. 8.060(1).

12 19. Nevada Gaming Commission Regulation 15.482-6 states:

13 A person shall be deemed to own, hold or have a security of, or
14 interest in, a corporation or other form of business organization if such
15 person or any associate of such person has a record or beneficial
interest therein.

16 Nev. Gaming Comm'n Reg. 15.482-6.

17 20. Nevada Revised Statute 463.530 states, in relevant part, as follows:

18 All officers and directors of a corporation, other than a publicly
19 traded corporation, which holds or applies for a state gaming license
20 must be licensed individually... A person who is required to be licensed
by this section shall apply for a license within 30 days after he becomes
an officer or director...

21 NRS 463.530.

22 21. Nevada Revised Statute 463.540 states, in relevant part, as follows:

23 After licensing pursuant to NRS 463.170, a corporation, other than
24 a publicly traded corporation:

25 1. Before it may issue or transfer any security to any person, shall
26 file a report of its proposed action with the Board and Commission, which
27 report must request the approval of the Commission...

1 2. Shall file a report of each change of the corporate officers and
2 members of its board of directors with the Board and Commission within
30 days after the change becomes effective...

3 NRS 463.540.

4 22. Nevada Gaming Commission Regulation 15.530-1 provides, in relevant part, as
5 follows:

- 6 1. Except as provided in subsection 2, each individual must be
7 licensed before they may:
8 (a) Own an equity security issued by a corporate licensee, or
9 (b) Hold any security issued by a corporate licensee which gives the
holder voting rights in the corporation.

10 Nev. Gaming Comm'n Reg. 15.530-1.

11 23. Nevada Revised Statute 463.585 provides, in relevant part, as follows:

12 1. If a corporation... applying for or holding a license is or becomes a
13 subsidiary, each holding company... with respect thereto must:

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15 c) If it is a . . . trust . . . it must register with the Commission. . . .

16 NRS 463.585(1)(c).

17 24. Nevada Gaming Commission Regulation 5.030 provides as follows:

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

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

25 BACKGROUND

26 25. On or about February 22, 1990, the Nevada Gaming Commission approved
27 TROPEZ to do business as ST. TROPEZ CONVENIENCE MART. At that time, RICHARD

1 CARL RITZO, KIMBERLY ANN ANTONACCI, and Anthony Joseph Antonacci, Sr., were the
2 sole shareholders of TROPEZ – each with a one-third interest.

3 26. On or about January 23, 1992, the Nevada Gaming Commission approved
4 TROPEZ to do business as ST. TROPEZ LIQUOR STORE. At that time, RICHARD CARL
5 RITZO, KIMBERLY ANN ANTONACCI, and Anthony Joseph Antonacci, Sr., were the sole
6 shareholders of TROPEZ – each with a one-third interest.

7 27. Some time prior to December 20, 2000, JOELLEN DARLING RITZO married
8 RICHARD CARL RITZO. On or about December 20, 2000, JOELLEN DARLING RITZO and
9 RICHARD CARL RITZO became joint-tenants in the one-third share of TROPEZ previously
10 held solely by RICHARD CARL RITZO.

11 28. On or about April 29, 2002, RICHARD CARL RITZO and JOELLEN DARLING
12 RITZO obtained a divorce.

13 29. On or about May 18, 2001, Anthony Joseph Antonacci died. BERNICE
14 ELIZABETH ANTONACCI obtained Anthony Joseph Antonacci's one-third share of TROPEZ
15 through the probate process. The BOARD was not notified of Anthony Joseph Antonacci's
16 death until August 10, 2001. BERNICE ELIZABETH ANTONACCI did not file an application
17 as executrix of Anthony Joseph Antonacci's estate within 30 days of his death. The Nevada
18 Gaming Commission approved BERNICE ELIZABETH ANTONACCI as executrix on or about
19 January 24, 2002, and registered the BERNICE E. ANTONACCI TRUST as a shareholder
20 with a one-third interest in TROPEZ on or about September 23, 2002. The Nevada Gaming
21 Commission also found BERNICE ELIZABETH ANTONACCI suitable to be trustee/beneficiary
22 of the BERNICE E. ANTONACCI TRUST on or about September 23, 2002.

23 30. On or about September 21, 2006, the Nevada Gaming Commission approved
24 KIMBERLY ANN ANTONACCI's pledge of stock in TROPEZ to J & D Financial Services, Inc.
25 and gave her permission to grant a possessory security interest in the stock to J& D Financial
26 Services, Inc. KIMBERLY ANN ANTONACCI had pledged her stock and granted the

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1 possessory security interest prior to obtaining the necessary approval from the Nevada
2 Gaming Commission.

3 31. From May 18, 2001, to November 13, 2007, no living person was licensed as a
4 director of TROPEZ or had applied for licensure as a director of TROPEZ.

5 32. On or about November 13, 2007, BERNICE ELIZABETH ANTONACCI filed an
6 application for licensure as president and director of TROPEZ. BERNICE ELIZABETH
7 ANTONACCI requested permission to withdraw this application. The BOARD referred the
8 request to withdraw the application and the application back to staff on or about October 8,
9 2008.

10 33. Presently, no person is licensed as a director of TROPEZ, and no applications to
11 be licensed as a director are pending other than BERNICE ELIZABETH ANTONACCI's
12 application, as referenced in paragraph 32.

13 **COUNT ONE**

14 **VIOLATION OF NEVADA REVISED STATUTE 463.530 and/or 463.540**

15 34. Complainant BOARD realleges and incorporates by reference as though set forth
16 in full herein paragraphs 1 through 33 above.

17 35. On or about September 21, 2006, RICHARD CARL RITZO was licensed as
18 President of TROPEZ.

19 36. On or about June 28, 2007, BERNICE ELIZABETH ANTONACCI became
20 President of TROPEZ.

21 37. On or about November 13, 2007, BERNICE ELIZABETH ANTONACCI filed an
22 application to be licensed as President of TROPEZ. BERNICE ELIZABETH ANTONACCI
23 was required to file her application no later than July 30, 2007. November 13, 2007 is
24 approximately 106 days beyond the statutorily mandated application period.

25 38. On or about November 16, 2007, TROPEZ filed an NGC-9 form with the BOARD,
26 indicating that RICHARD CARL RITZO had been replaced by BERNICE ELIZABETH
27 ANTONACCI as President of TROPEZ.

1 39. RESPONDENTS' actions as set out above are a violation of NRS 463.530 and/or
2 NRS 463.540. This constitutes an unsuitable method of operation, and, as such, is grounds
3 for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011(8), and 5.030.

4 **COUNT TWO**

5 **VIOLATION OF NEVADA REVISED STATUTE 463.530 and/or 463.540**

6 40. Complainant BOARD realleges and incorporates by reference as though set forth
7 in full herein paragraphs 1 through 39 above.

8 41. On or about February 18, 2008, the TROPEZ held a stockholders' meeting.

9 42. At the stockholders' meeting, RICHARD CARL RITZO was elected as
10 President/Director, JOELLEN DARLING RITZO was elected as Treasurer/Director, and
11 Edward Antonacci was elected as Secretary/Director. None of these individuals have ever
12 been licensed as a director of TROPEZ. In addition, JOELLEN DARLING RITZO has never
13 been licensed as an officer of TROPEZ, RICHARD CARL RITZO is not presently licensed as
14 an officer of TROPEZ, and Edward Antonacci has never been licensed for any position with
15 the TROPEZ. To date, none of these individuals have filed appropriate applications with the
16 BOARD.

17 43. Edward Antonacci has never filed any application, concerning any gaming entity,
18 with the BOARD nor been licensed by the BOARD in any capacity.

19 44. RESPONDENTS' actions as set out above are a violation of NRS 463.530 and/or
20 NRS 463.540. This constitutes an unsuitable method of operation, and, as such, is grounds
21 for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011(8) and 5.030.

22 **COUNT THREE**

23 **VIOLATION OF NEVADA REVISED STATUTE 463.510 and/or 463.540 and/or NEVADA**

24 **GAMING COMMISSION REGULATION 8.030 and/or 8.060 and/or 15.530-1**

25 45. Complainant BOARD realleges and incorporates by reference as though set forth
26 in full herein paragraphs 1 through 44 above.

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1 46. On or about February 19, 2008, BERNICE ELIZABETH ANTONACCI appointed
2 her son, Edward Antonacci, to exercise all of her powers as a shareholder, officer, and
3 director of TROPEZ and to vote her shares as he deems appropriate.

4 47. The BOARD has not received an application for disposition of the interest for which
5 the BERNICE E. ANTONACCI TRUST was registered and BERNICE ELIZABETH
6 ANTONACCI was found suitable as trustee and beneficiary.

7 48. RESPONDENTS' actions as set out above are a violation of Nevada Revised
8 Statute 463.510 and/or 463.540 and/or Nevada Gaming Commission Regulation 8.030 and/or
9 8.060 and/or 15.530-1. This constitutes an unsuitable method of operation, and, as such, is
10 grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2), 5.011(8) and
11 5.030.

12 **COUNT FOUR**

13 **VIOLATION OF NEVADA REVISED STATUTE 463.585 and/or 463.510 and/or 463.540**
14 **and/or NEVADA GAMING COMMISSION REGULATION 8.030 and/or 15.530-1**

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

17 50. On or about April 29, 2002, as part of the divorce decree concerning RICHARD
18 CARL RITZO and JOELLEN DARLING RITZO, the court with jurisdiction over the divorce
19 adopted the Property Settlement and Parenting Agreement which partitioned the one-third,
20 joint-tenant interest in TROPEZ held by RICHARD CARL RITZO and JOELLEN DARLING
21 RITZO into individual one-sixth interests.

22 51. Sometime after RICHARD CARL RITZO's and JOELLEN DARLING RITZO's
23 divorce in 2002, JOELLEN DARLING RITZO formed the JoEllen Darling Ritzo Family Trust.

24 52. On or about July 30, 2008, the BOARD received an NGC-9 form, filed by
25 RICHARD CARL RITZO, indicating that the former one-third interest in TROPEZ held by
26 RICHARD CARL RITZO and JOELLEN DARLING RITZO as joint-tenants had been split in
27

1 half into an one-sixth interest held by RICHARD CARL RITZO and an one-sixth interest held
2 by the JoEllen Darling Ritzo Family Trust.

3 53. The JoEllen Darling Ritzo Family Trust is an entity that has never applied for
4 licensure or registration with the BOARD. None of the trustees or beneficiaries have been
5 found suitable.

6 54. The BOARD has not received an application for disposition of the joint-tenant
7 interest for which RICHARD CARL RITZO and JOELLEN DARLING RITZO were licensed.

8 55. RESPONDENTS' actions as set out above are a violation of Nevada Revised
9 Statute 463.510 and/or 463.540 and/or 463.585 and/or Nevada Gaming Commission
10 Regulation 8.030 and/or 15.530-1. This constitutes an unsuitable method of operation, and,
11 as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2),
12 5.011(8) and 5.030.

13 WHEREFORE, based upon the allegations contained herein which constitute
14 reasonable cause for disciplinary action against RESPONDENTS, pursuant to NRS 463.310,
15 and Nevada Gaming Commission Regulations 5.010 and 5.030 the STATE GAMING
16 CONTROL BOARD prays for the relief as follows:

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

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

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

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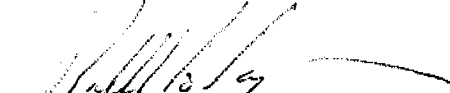
1 4. For such other and further relief as the Nevada Gaming Commission may deem just
2 and proper.

3 DATED this 19th day of March, 2009.

4 STATE GAMING CONTROL BOARD

5 

6 DENNIS K. NEILANDER, Chairman

7 

8 RANDALL E. SAYRE, Member


9 

10 MARK A. LIPPARELLI, Member

Submitted by:

11 CATHERINE CORTEZ MASTO
12 Attorney General

By:

13 
14 JOHN S. MICHELA
15 Deputy Attorney General
16 Gaming Division
17 (775) 850-4153