



1 NGC 19-05

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5 **STATE OF NEVADA**

6 **BEFORE THE NEVADA GAMING COMMISSION**

7 NEVADA GAMING CONTROL BOARD,

8 Complainant,

9 vs.

10 FABES, LLC, dba STATESIDE LOUNGE;  
11 and LUCA FABIAN BARTOLINI,

12 Respondents.

**COMPLAINT**

13 The State of Nevada, on relation of its NEVADA GAMING CONTROL BOARD  
14 (BOARD), Complainant herein, by and through its counsel, AARON D. FORD, Attorney  
15 General, and EDWARD L. MAGAW, Senior Deputy Attorney General, hereby files this  
16 Complaint before the Nevada Gaming Commission (NGC or Commission) for disciplinary  
17 action against Respondents FABES, LLC, dba STATESIDE LOUNGE (STATESIDE), and  
18 LUCA FABIAN BARTOLINI (BARTOLINI), Respondents herein, pursuant to Nevada  
19 Revised Statute (NRS) 463.310(2), and alleges as follows:

20 **JURISDICTION**

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

25 2. Respondent STATESIDE, located at 931 North Las Vegas Boulevard, Las Vegas,  
26 Nevada 89101, currently holds a restricted gaming license, and, as such, is charged with  
27 the responsibility of complying with all of the provisions of the Nevada Gaming Control Act  
28 and the Regulations of the Commission.

1 3. Respondent BARTOLINI is currently licensed as the sole member and manager  
2 of Respondent FABES, LLC, and, as such, is charged with the responsibility of complying  
3 with all of the provisions of the Nevada Gaming Control Act and the Regulations of the  
4 Commission.

5 4. On or about July 8, 2019, upon BARTOLINI's notification to the BOARD of the  
6 voluntary cessation of gaming operations at STATESIDE, the BOARD placed  
7 STATESIDE's and BARTOLINI's respective licenses on administrative hold.

8 **INTRODUCTION**

9 5. On June 25, 2019, the BOARD initiated an investigation of STATESIDE due to  
10 an increase in violent crime at the location, including a homicide.

11 6. The investigation revealed that the STATESIDE and its owner, BARTOLINI,  
12 failed to take proactive steps to address and ameliorate high rates of gang and criminal  
13 activity at the STATESIDE, despite intervention, advice, and warnings from the Las Vegas  
14 Metropolitan Police Department (LVMPD) regarding those issues.

15 7. By not taking such steps, STATESIDE and its owner, BARTOLINI, reneged on  
16 their duty to ensure the safety of STATESIDE's patrons.

17 8. Such failure, as set forth in this Complaint, constitutes an unsuitable method of  
18 operation and provides the basis for disciplinary action against STATESIDE, and its owner,  
19 BARTOLINI.

20 **RELEVANT LAW**

21 9. The Nevada Legislature set forth the importance of the gaming industry to the  
22 State of Nevada and its responsibility to the State's inhabitants in NRS 463.0129(1), which  
23 reads in relevant part as:

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

26 (b) The continued growth and success of gaming is  
27 dependent upon public confidence and trust . . . . that  
28 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 . . . .

1 (c) Public confidence and trust can only be maintained by  
2 strict regulation of all persons, locations, practices, associations  
3 and activities related to the operation of licensed gaming  
4 establishments . . . .

5 (d) All establishments where gaming is conducted and where  
6 gaming devices are operated . . . must therefore be licensed,  
7 controlled and assisted to protect the public health, safety,  
8 morals, good order and general welfare of the inhabitants of the  
9 State, to foster the stability and success of gaming and to  
10 preserve the competitive economy and policies of free  
11 competition of the State of Nevada.

12 NRS 463.0129(1)(a)-(d).

13 10. To ensure proper oversight and control over the gaming industry, the Nevada  
14 Legislature has granted the Commission "full and absolute power and authority to limit,  
15 condition, restrict, revoke or suspend any license . . . or fine any person licensed . . . for any  
16 cause deemed reasonable by the Commission." NRS 463.1405 (4).

17 11. The BOARD is authorized to observe the conduct of licensees in order to  
18 ensure that gaming operations are not being operated in an unsuitable manner or by an  
19 unqualified or unsuitable person. NRS 463.1405(1) and Nev. Gaming Comm'n Reg. 5.040.

20 12. A person must not receive a license unless the Commission is satisfied that  
21 the applicant is a (1) "person of good character, honesty and integrity;" (2) "whose prior  
22 activities, . . . reputation, habits and associations do not pose a threat to the public interest  
23 of this State or to the effective regulation and control of gaming . . . or create or enhance  
24 the dangers of unsuitable . . . or illegal practices, methods ;" and (3) is in "all other respects  
25 qualified to be licensed . . . consistently with the declared policy of the State." NRS  
26 463.170(2).

27 13. Each licensee bears the continuing obligation to continue to meet such  
28 standards and qualifications, and failure to do so constitutes grounds for disciplinary  
action. NRS 463.170(8) and Nev. Gaming Comm'n Reg. 5.040.

14. The burden of proving a licensee's qualifications to continue to hold a license  
rests at all times on the licensee. Nev. Gaming Comm'n Reg. 5.040.

15. Nevada Gaming Commission Regulation 5.010(1) states that it is "the policy  
of the Commission and the Board to require that all establishments wherein gaming is

1 conducted in this state be operated in a manner suitable to protect the public health, safety,  
2 morals, good order and general welfare of the inhabitants of the State of Nevada.”

3 16. Nevada Gaming Commission Regulation 5.010(2) states that responsibility  
4 “for the employment and maintenance of suitable methods of operation rests with the  
5 licensee, and willful or persistent use or toleration of methods of operation deemed  
6 unsuitable will constitute grounds for license revocation or other disciplinary action.”

7 17. Nevada Gaming Commission Regulation 5.011 states, in relevant part, as  
8 follows:

9 1. The Board and the Commission deem any activity on the  
10 part of a licensee, registrant, or person found suitable by the  
11 Commission, or an agent or employee thereof, that is inimical to  
12 the public health, safety, morals, good order, or general welfare  
13 of the people of the State of Nevada, or that would reflect or tend  
14 to reflect discredit upon the State of Nevada or the gaming  
15 industry, to be an unsuitable method of operation and shall be  
16 grounds for disciplinary action by the Board and the Commission  
17 in accordance with the Nevada Gaming Control Act and the  
18 regulations of the Commission. The following acts or omissions,  
19 without limitation, may be determined to be unsuitable methods  
20 of operation:

21 (a) Failure to exercise discretion and sound judgment to  
22 prevent incidents which might reflect on the repute of the State  
23 of Nevada and act as a detriment to the development of the  
24 industry.

25 . . . .

26 (h) Failure to comply with or make provision for compliance  
27 with all federal, state, or local laws and regulations and with all  
28 conditions and limitations approved by the Commission relating  
to the operations of a licensed gaming establishment or other  
gaming business . . . .

. . . .

(k) Failure to conduct gaming operations in accordance with  
proper standards of custom, decorum, and decency, or permit a  
type of conduct in a gaming establishment that reflects or tends  
to reflect on the repute of the State of Nevada and act as a  
detriment to the gaming industry.

. . . .

2. The Commission, in the exercise of its sound discretion,  
may make its own determination as to whether or not a licensed  
gaming establishment or other gaming business has failed to

1 comply with a law or regulation described in paragraph (h) of  
2 subsection 1, but any such determination shall make use of  
3 established precedents when interpreting the applicable statute.  
Nothing in this section affects the right of a licensee to judicial  
review.

4 Nev. Gaming Comm'n Reg. 5.011(1)(a), (h), and (k), and (2).

5 18. Nevada Gaming Commission Regulation 5.030 provides as follows:

6 Violation of any provision of the Nevada Gaming Control Act or  
7 of these regulations by a licensee, the licensee's agent or  
8 employee shall be deemed contrary to the public health, safety,  
9 morals, good order and general welfare of the inhabitants of the  
10 State of Nevada and grounds for suspension or revocation of a  
11 license. Acceptance of a state gaming license or renewal thereof  
12 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 informed of the  
content of all such regulations, and ignorance thereof will not  
excuse violations.

13 Nev. Gaming Comm'n Reg. 5.030.

14 19. Nevada Revised Statute 463.310 states in relevant part as follows:

15 1. The Board shall make appropriate investigations:

16 (a) To determine whether there has been any violation of this  
chapter or chapter 462, 464, 465 or 466 of NRS or any regulations  
adopted thereunder.

17 (b) To determine any facts, conditions, practices or matters  
18 which it may deem necessary or proper to aid in the enforcement  
of any such law or regulation.

19 . . . .

20 2. If, after any investigation the Board is satisfied that

21 (a) A license, registration, finding of suitability, preliminary  
finding of suitability, pari-mutuel license or prior approval by the  
22 Commission of any transaction for which the approval was  
required or permitted under the provisions of this chapter or  
23 chapter 462, 464 or 466 of NRS should be limited, conditioned,  
suspended or revoked; or

24 (b) A person or entity which is licensed, registered, found  
suitable pursuant to this chapter or chapter 464 of NRS or which  
25 previously obtained approval for any act or transaction for which  
Commission approval was required or permitted under the  
26 provisions of this chapter or chapter 464 of NRS should be fined,  
the Board shall initiate a hearing before the Commission by  
27 filing a complaint with the Commission in accordance with NRS  
463.312 and transmit therewith a summary of evidence in its  
28 possession bearing on the matter and the transcript of testimony

1 at any investigative hearing conducted by or on behalf of the  
2 Board.

3 NRS 463.310(1)(a) and (b), and (2).

4 20. In response to a Complaint brought by the Board, NRS 463.310(4) provides in  
5 relevant part that the Commission may:

6 (a) Limit, condition, suspend or revoke the license of any  
7 licensed gaming establishment or the individual license of any  
licensee without affecting the license of the establishment;

8 . . . .

9 (d) Fine each person or entity or both, which is licensed,  
10 registered, found suitable . . . pursuant to this chapter or chapter  
464 of NRS . . . :

11 . . . .

12 (2) . . . not more than \$100,000 for each separate violation  
13 of the provisions of this chapter or chapter 464 or 465 of NRS or  
14 of the regulations of the Commission which is the subject of an  
15 initial complaint and not more than \$250,000 for each separate  
violation of the provisions of this chapter or chapter 464 or 465  
of NRS or of the regulations of the Commission which is the  
subject of any subsequent complaint.

16 NRS 463.310(4)(a) and (d)(2).

17 21. The phrase "licensed gaming establishment" is defined under NRS 463.0169  
18 as "any premises licensed pursuant to the provisions of this chapter wherein or whereon  
19 gaming is done."

20 22. Pursuant to NGC Regulation 1.145, the term "premises" means "land together  
21 with all buildings, improvements and personal property located thereon."

22 23. Pursuant to NGC Regulation 3.010, a place or location may be deemed  
23 unsuitable for the conduct of gaming operation, if, among other things, the premises lack  
24 adequate supervision or surveillance or is difficult to police. Nev. Gaming Comm'n Reg.  
25 3.010(4) and (5).

26 24. According to Las Vegas Municipal Code 6.86.030:

27 It is unlawful for any employer to employ a person who is  
28 required to have a work card unless such person has a valid work  
card for such employment. Each employer shall designate a

1 qualified agent to immediately complete referral slips and refer  
2 prospective employees requiring work cards to Metro. Prior to  
3 the referral slips being sent to Metro the qualified agent shall  
4 verify that all requested information regarding the prospective  
5 employees is included. The qualified agent shall also be  
6 responsible for notifying Metro within five days from the date  
7 that a new employee already possessing a valid work card  
8 commences employment.

9 25. Lastly, according to Las Vegas Municipal Code 6.86.180:

10 Employers of persons who are required to have work cards shall:

11 (A) Maintain and make available for inspection, during  
12 normal business hours, by Metro or the Department a list of all  
13 employees who have been employed in capacities that require a  
14 work card. The list must include the employee's name, work card  
15 number and date of expiration. The list must also include all  
16 current employees and all those employed during the previous  
17 three years; and

18 (B) Upon the employment of a person in a capacity allowed by  
19 his current work card, other than one in gaming, notify Metro,  
20 on the form provided by Metro, of the employment of that person  
21 in any capacity requiring a current work card, other than one in  
22 gaming, within five days of such employment.

### 23 BACKGROUND

#### 24 **A. Reported Gang and Criminal Activity at STATESIDE.**

25 26. On or about June 25, 2019, LVMPD informed the BOARD of ongoing issues it  
26 was having policing the STATESIDE. According to LVMPD, STATESIDE at the time was  
27 the most problematic location within LVMPD's Downtown Area Command. This was due  
28 to the amount of gang and criminal activity occurring on its premises. Those circumstances  
caused LVMPD to expend a considerable amount of resources to monitor and respond to  
issues at the location. LVMPD further indicated to the BOARD that it had repeatedly  
notified BARTOLINI of the ongoing issues and had instructed him to take proactive steps  
to address the issues, but such notifications were to no avail.

27 27. A few days earlier, on or about June 22, 2019, a homicide had occurred at the  
28 location. The incident began as a gang related altercation inside STATESIDE and then  
moved outside where 30 to 40 rounds round of gunfire were exchanged, ultimately resulting  
in the death of the victim.

...

...

1           28.    Following the homicide, LVMPD and the City of Las Vegas Business License  
2 Enforcement Office (LVBL) temporarily suspended STATESIDE's business license, closing  
3 the business until July 8, 2019.

4           29.    Between January 1, 2018 through June 25, 2019, LVMPD had a total of 72  
5 calls to the address where STATESIDE is located. Of these calls, nine involved violent  
6 crimes and three involved property crimes.

7           30.    During the above time frame, neither STATESIDE nor BARTOLINI reported  
8 any criminal or police activity to the BOARD.

9           31.    The following is a list of the significant gang and criminal activity that  
10 occurred at or was connected to STATESIDE as noted by LVMPD:

11           a.    **November 9, 2018 – Battery** – LVMPD responded to Valley Hospital  
12 to speak to the victim of a battery that occurred inside STATESIDE. The female victim told  
13 LVMPD that she got into an argument with an unknown male while she was gambling.  
14 The victim stated that the male struck her in the face several time and she fell to the floor,  
15 where the male perpetrator attempted to choke her. When interviewed by LVMPD, the  
16 bartender on duty at the time stated that she heard the incident but did not see it.

17           b.    **December 8, 2018 – Gang-Affiliated Event** – On December 3, 2018,  
18 LVMPD Central Intelligence Unit (CIU) detectives received information that a gang-  
19 affiliated event, advertised as a concert, was scheduled to take place at STATESIDE on  
20 December 8, 2018. Information about the event had been circulated throughout the known  
21 gang member community. On December 5, 2018, LVMPD CIU detectives contacted  
22 BARTOLINI about the planned concert and the known gang members who would be  
23 performing in it. The detectives warned BARTOLINI about the potential for violence, and  
24 BARTOLINI agreed to cancel the event.

25           c.    **January 5, 2019 – Gang Activity** – A citizen contacted LVMPD CIU  
26 to report that a member of a local gang was hanging out at STATESIDE and selling cocaine  
27 inside the business. The citizen indicated that the individual may have had a gun. LVMPD  
28 CIU's investigation revealed that STATESIDE had become a popular gathering spot for



1 local gang members after two other gathering spots closed. LVMPD CIU detectives learned  
2 that STATESIDE often hosted hip-hop concerts and open mic nights featuring local musical  
3 artists. These events drew large groups of gang-affiliated clientele. LVMPD CIU detectives  
4 found photos of gang member inside the STATESIDE on various social media sites.

5 d. **January 17, 2019 – Gang-affiliated Funeral Event** – LVMPD CIU  
6 detectives learned that members of a gang planned to meet at STATESIDE following the  
7 funeral of one of their fellow gang members. LVMPD informed BARTOLINI of the planned  
8 event and he agreed to close STATESIDE for the evening.

9 e. **March 15, 2019 – Motorcycle Gang Party** – LVMPD Special  
10 Investigations Section (SIS) detectives contacted BARTOLINI regarding an advertised St.  
11 Patrick's Day party for an outlaw motorcycle gang at STATESIDE. BARTOLINI decided to  
12 cancel the event, and cooperated by agreeing to rope off his parking lot to dissuade gang  
13 members from loitering on the property.

14 f. **March 31, 2019 – Gang Fight** – A citizen contacted LVMPD CIU  
15 detectives to report a gang fight occurring inside STATESIDE. The citizen stated that  
16 several gang members were loitering inside and outside STATESIDE when a fight broke  
17 out between multiple individuals inside the bar, many of whom had guns. The fight moved  
18 outside the bar, but when LVMPD officers arrived, the individuals with guns ran back into  
19 the bar. The citizen stated that members of two gangs had been frequenting the bar over  
20 the previous several weeks, and that BARTOLINI had been catering to them.

21 g. **June 3, 2019 – Gang Activity** – LVMPD CIU detectives received  
22 information that members of several rival gangs were hanging out at STATESIDE,  
23 creating the potential for violence. LVMPD CIU conducted surveillance of STATESIDE,  
24 confirmed that the information was correct, and requested the LVMPD patrol units conduct  
25 a bar check. When the LVMPD patrol officers arrived, the patrons fled.

26 h. **June 8, 2019 – Gang Activity** – LVMPD officers conducted  
27 surveillance inside STATESIDE for over an hour after observing the parking lot to be full  
28 of members of an outlaw motorcycle gang. LVMPD patrol units entered the STATESIDE

1 parking lot in three marked patrol vehicles with emergency lights activated. At that time,  
2 the members of the outlaw motorcycle gang present in the parking lot left.

3 i. **June 22, 2019 – Homicide** – LVMPD responded to shots fired at  
4 STATESIDE and found the deceased victim, 48-year-old Michael Johnson, lying on the  
5 sidewalk on the east side of STATESIDE’s parking lot. At the time of the shooting, Johnson  
6 was an inactive member of a gang. The altercation began inside STATESIDE and then  
7 transferred outside where Johnson was shot several times. In all, 24 shots were fired.  
8 During and after the altercation, no one from the STATESIDE called 911.

9 **B. LVMPD’s Investigation of June 22, 2019 Homicide at STATESIDE.**

10 32. When first asked about the June 22, 2019, by LVMPD, BARTOLINI lied and  
11 stated the shooting had nothing to do with his bar, and he claimed that STATESIDE was  
12 closed at the time.

13 33. On the night of the homicide, BARTOLINI allowed LVMPD to enter  
14 STATESIDE to look for additional victims, but once LVMPD exited, he locked the door and  
15 left the scene prior to LVMPD completing its investigation of the scene on the night of the  
16 shooting.

17 34. After BARTOLINI’s departure, LVMPD once again needed access to  
18 STATESIDE to continue its investigation. LVMPD called BARTOLINI several times to  
19 return to the business. When LVMPD was able to speak to BARTOLINI, he once again lied  
20 and stated he was not present at STATESIDE at the time of the incident. When confronted  
21 with the lie, BARTOLINI eventually admitted he was there at the time of shooting. He  
22 then returned to STATESIDE and allowed LVMPD access thereto.

23 35. LVMPD asked BARTOLINI who was working at the time of the shooting. In  
24 response, BARTOLINI stated Employee One<sup>1</sup> was working security, checking  
25 identifications at the door, and monitoring the parking lot. Employee One, however, was  
26 not listed on STATESIDE’s Employee List and did not have a work card as required by Las  
27 Vegas Municipal Codes 6.86.030 and 6.86.180, respectively.

28 <sup>1</sup> Non-parties will be identified by their relation to Respondents and a Number.

1           36.    When LVMPD asked BARTOLINI for surveillance footage from inside the bar  
2 on the night of the homicide, BARTOLINI claimed no surveillance footage existed because  
3 a power surge had destroyed the Digital Video Recorder (DVR) on June 17, 2019, and he  
4 threw it away and did not replace it.

5           37.    Based on the totality of the circumstances, the lack of security, the failure to  
6 call the police, the possibility for future violence at the business, and because BARTOLINI  
7 lied to the investigating officers, LVMPD determined BARTOLINI failed to cooperate with  
8 the investigation and preserve the public health, safety, morals, good order, and/or general  
9 welfare within the City of Las Vegas, as required by Las Vegas Municipal Code 6.02.363.

10          38.    Because of this violation, LVMPD issued an emergency order, suspending  
11 STATESIDE's business license.

12          39.    LVMPD SIS detectives contacted the City of Las Vegas Business License  
13 Enforcements, which agreed with the temporary suspension, thus directing STATESIDE  
14 to remain closed until July 8, 2019.

15           **C.    BOARD Investigation of STATESIDE and BARTOLINI.**

16          40.    On or about June 25, 2019, the BOARD spoke with the landlord of  
17 STATESIDE and was informed that the landlord was about to terminate BARTOLINI's  
18 lease and start formal eviction proceedings.

19          41.    The landlord informed the BOARD that he had spoken to BARTOLINI on  
20 several occasions and warned him that STATESIDE's clientele had changed, and that the  
21 current clientele was problematic and gang affiliated.

22          42.    The landlord further informed the BOARD that he had told BARTOLINI that  
23 he should hire security and purchase a metal detection wand to ensure that patrons were  
24 not bringing weapons into STATESIDE. The landlord stated that BARTOLINI ignored the  
25 advice and never took steps to address the increasing presence of problematic patrons and  
26 gang members.

27          43.    On or about June 25, 2019, the BOARD also spoke with an officer with the  
28 City of Las Vegas Business License Enforcement. The officer indicated that his office was

1 preparing a disciplinary action against STATESIDE, which it would submit to the Las  
2 Vegas City Council for action.

3 44. The officer indicated that STATESIDE was one of the City of Las Vegas's most  
4 problematic business licensees, due to the high rate of crime at the location.

5 45. On or about June 25, 2019, the BOARD also spoke with a LVMPD SIS  
6 detective who informed the BOARD that STATESIDE had become a huge drain on LVMPD  
7 resources due to the high rate of gang and criminal activity at the location.

8 46. The detective indicated that STATESIDE had become a gathering place for  
9 members of certain street and motorcycle gangs, who had relocated to STATESIDE after  
10 the City of Las Vegas suspended the business license of another gang hangout.

11 47. The detective indicated that LVMPD invested many hours monitoring  
12 STATESIDE, conducting site checks, and educating BARTOLINI in an attempt to ensure  
13 the safety of employees and patrons. Despite these efforts, BARTOLINI continued to host  
14 gang-affiliated events.

15 48. The detective further indicated that LVMPD was working with the City of Las  
16 Vegas to seek a permanent suspension of STATESIDE's business license.

17 49. According to the detective, as part of the above mentioned efforts, LVMPD  
18 had met with BARTOLINI on a number of occasions and warned him that STATESIDE  
19 was attracting a criminal element and that it was being frequented by known gang  
20 members. The detective stated that BARTOLINI was always cooperative with LVMPD;  
21 however, he failed to take any steps to address the issues or to increase security.

22 50. In addition, the detective informed the BOARD that BARTOLINI repeatedly  
23 lied to several LVMPD officers on the night of the homicide, stating that he was not at  
24 STATESIDE at the time of the homicide, when, in fact, he was present and a possible  
25 witness to the incident.

26 51. On June 25, 2019, BOARD agents investigating STATESIDE confirmed that  
27 BARTOLINI had not reported the temporary closure of STATESIDE to the BOARD, nor  
28 ...

1 had he reported any of the incidents of police activity at the location or the homicide that  
2 occurred on June 22, 2019.

3 52. On July 2, 2019, the BOARD spoke with the landlord of STATESIDE who  
4 indicated that he had served an eviction notice on BARTOLINI for STATESIDE.

5 53. On July 2, 2019, agents of the BOARD attended a meeting at the offices of the  
6 City of Las Vegas Business License. In attendance at the meeting were representatives of  
7 LVMPD, the City of Las Vegas Business License Department, and the City of Las Vegas  
8 Department of Planning. Also present were BARTOLINI and his father.

9 54. During this meeting, BARTOLINI presented his plan to remedy the issues  
10 occurring at STATESIDE. He claimed that he had fully cooperated with LVMPD and  
11 shifted blame to others. He eventually admitted that his cooperation in addressing the  
12 issues at STATESIDE were reactive, and that he failed to take any proactive steps to  
13 address the ongoing issues at the location. He admitted that he had noticed the influx of  
14 business when the former business patronized by the gang-members had closed, but that  
15 he did not, at the time, realize that the new customers to STATESIDE were gang affiliated.

16 55. BARTOLINI further stated during the meeting that when LVMPD brought  
17 the gang issue to his attention, he stopped holding hip-hop events and talent shows, and  
18 that he had even closed the bar in response to information he received from LVMPD of a  
19 gang's intent to gather at STATESIDE after the funeral of one of its members.

20 56. BARTOLINI admitted during the meeting that he never hired security, that  
21 he did not purchase a metal detection wand, that he did not increase his surveillance  
22 coverage, and that he did not take any steps to ameliorate the gang and criminal activity  
23 occurring at STATESIDE. BARTOLINI further admitted that employees of STATESIDE  
24 never searched the purses of female patrons, despite being specifically told by LVMPD to  
25 do so, since many male gang members hide their guns in the purses of female associates.

26 57. As for the night of the homicide, BARTOLINI stated that he was in the office  
27 located right behind the bar inside STATESIDE at the time but claims that he did not hear  
28 the altercation. The other attendees at the meeting who were familiar with STATESIDE

1 (aside from BARTOLINI's father) found that claim to be unlikely given the location of the  
2 office and the fact that STATESIDE is small. When confronted by LVMPD about his  
3 original claim that he was not present at STATESIDE at the time of the shooting,  
4 BARTOLINI claimed his statement was a mistake, not a lie.

5 58. When asked by the BOARD at the meeting why he or his staff did not call 911  
6 to report the shooting, BARTOLINI stated that he was focused on the safety of his staff  
7 and customers and that he was used to the motel next door calling 911 to report any crime  
8 in the area.

9 59. When asked by the BOARD at the meeting why he or his staff did not report  
10 the homicide at STATESIDE to the BOARD, BARTOLINI did not have a reason; however,  
11 he claimed that he told the slot route operator that maintains his slot machines to report  
12 it.

13 60. When questioned by the BOARD about why he did not replace the DVR  
14 connected to his surveillance system after the power surge damaged it, BARTOLINI stated  
15 that it would have cost thousands of dollars to replace. When asked by the BOARD why he  
16 did not attempt to have the broken DVR repaired, BARTOLINI could not provide a reason.

17 **D. Permanent Closure of STATESIDE.**

18 61. On or about July 3, 2019, BARTOLINI contacted the BOARD and informed it  
19 that he intended to surrender the property on which STATESIDE is located to the landlord.

20 62. Around the same time, BARTOLINI contacted the City of Las Vegas Business  
21 License Department and informed them that he was not going to reopen STATESIDE.

22 63. On July 8, 2019, BARTOLINI arrived at the BOARD's office in Las Vegas to  
23 voluntarily surrender STATESIDE's gaming license.

24 64. In response, the BOARD placed administrative holds on both BARTOLINI's  
25 and STATESIDE's licenses.

26 ...

27 ...

28 ...

**COUNT I**  
**VIOLATION OF NRS 463.170(8) AND/OR**  
**NGC REGULATIONS 5.011(1)(a) AND/OR (k)**

1  
2  
3       65.    The BOARD realleges and incorporates the above paragraphs by reference as  
4 though set forth in full herein.

5       66.    STATESIDE and/or BARTOLINI failed to exercise a proper level of control  
6 over the business operation at the location and permitted dangerous conditions to exist  
7 putting the safety of the public, employees, and patrons at risk.

8       67.    STATESIDE's and/or BARTOLINI's business operation catered to gang  
9 members and/or individuals with criminal histories and/or who engaged in criminal  
10 activities.

11       68.    STATESIDE and/or BARTOLINI failed to take necessary measures to ensure  
12 the safety and security of STATESIDE's patrons and employees.

13       69.    STATESIDE and/or BARTOLINI repeatedly ignored recommendations made  
14 by LVMPD to improve safety and security at the location.

15       70.    The incidents at STATESIDE described in this Complaint and STATESIDE's  
16 and/or BARTOLINI's business operation lead to LVMPD having to expend considerable  
17 resources to monitor the location and to address the incidents that occurred thereat.  
18 STATESIDE was considered the most problematic location within LVMPD's Downtown  
19 Area Command due to the high volume of gang and criminal activity at the location.

20       71.    STATESIDE and/or BARTOLINI knew, or should have known, of the  
21 dangerous conditions their business operation created, and failed to take adequate  
22 measures to prevent them.

23       72.    The incidents and the failure to take reasonable measures to ensure the safety  
24 and security of STATESIDE's employees and patrons constitute failures on the part of  
25 STATESIDE and/or BARTOLINI to continue to meet the applicable standards and  
26 qualifications necessary to hold a gaming license in violation of NRS 463.170(8).

27       73.    STATESIDE's and/or BARTOLINI's failure to prevent and/or take the  
28 necessary steps to prevent the above-described incidents from occurring, either in whole or

1 in part, constitutes a failure to exercise discretion and sound judgment to prevent incidents  
2 which might reflect on the repute of the State of Nevada and act as a detriment to the  
3 development of the gaming industry in violation of NGC Regulation 5.011(1)(a).

4 74. STATESIDE's and/or BARTOLINI's failure to prevent and/or take the  
5 necessary steps to prevent the above-described incidents from occurring, constitutes a  
6 failure to conduct gaming operations in accordance with proper standards of custom,  
7 decorum, and/or decency, and/or reflects or tends to reflect on the repute of the State of  
8 Nevada and acts as a detriment to the gaming industry in violation of NGC Regulation  
9 5.011(1)(k).

10 75. The failure to comply with NRS 463.170(8) and/or NGC Regulation 5.011(1)(a)  
11 and/or (k) is an unsuitable method of operation and provides grounds for disciplinary action  
12 against STATESIDE and/or BARTOLINI. *See Nev. Gaming Comm'n Reg. 5.010(2) and*  
13 *5.030.*

14 **COUNT II**  
15 **VIOLATION OF NRS 463.170(8) AND/OR**  
16 **NGC REGULATION 5.011(a)**

17 76. The BOARD realleges and incorporates the above paragraphs by reference as  
18 though set forth in full herein.

19 77. During LVMPD's investigation of the homicide that occurred on the premises  
20 of STATESIDE on or about June 22, 2019, BARTOLINI lied to LVMPD officers and  
21 detectives, claiming that he was not present at STATESIDE at the time of the shooting,  
22 when in fact he was.

23 78. BARTOLINI's failure to be truthful in responding to inquiries from LVMPD  
24 demonstrates a lack of honesty and candor on his part. Such failure demonstrates a lack of  
25 discretion and sound judgment on the part of BARTOLINI and constitutes an unsuitable  
26 method of operation in violation of NGC Regulation 5.011(1)(a).

27 79. BARTOLINI's failure to be truthful in responding to inquiries from LVMPD  
28 constitutes a failure by BARTOLINI to continue to meet the applicable standards and  
qualifications necessary to hold a gaming license in violation of NRS 463.170(8).



1 80. The failure to comply with NRS 463.170(8) and/or NGC Regulation 5.011(1)(a)  
2 is an unsuitable method of operation and provides grounds for disciplinary action against  
3 BARTOLINI. See Nev. Gaming Comm'n Reg. 5.010(2) and 5.030.

4 **COUNT III**  
5 **VIOLATION OF NRS 463.170(8) AND/OR**  
6 **NGC REGULATION 5.011(1)(a), (h) AND/OR 5.011(k)**

7 81. The BOARD realleges and incorporates the above paragraphs by reference as  
8 though set forth in full herein.

9 82. During its investigation of the homicide that occurred on the premises of  
10 STATESIDE on or about June 22, 2019, LVMPD discovered that the employee working  
11 security at STATESIDE:

12 a. Was not included on STATESIDE's employee list in violation of Las Vegas  
13 Municipal Code 6.86.030; and

14 b. Did not possess a work card required for his position in violation of Las Vegas  
15 Municipal Code 6.86.030.

16 83. Compliance with the above Codes is the responsibility of STATESIDE and/or  
17 BARTOLINI.

18 84. Failure to comply with the Las Vegas Municipal Code, as set forth herein,  
19 constitutes a failure by STATESIDE and/or BARTOLINI to continue to meet the applicable  
20 standards and qualifications necessary to hold a gaming license in violation of NRS  
21 463.170(8).

22 85. Failure to comply with the Las Vegas Municipal Code, as set forth herein,  
23 constitutes a failure by STATESIDE and/or BARTOLINI to exercise discretion and/or  
24 sound judgment to prevent incidents which might reflect on the repute of the State of  
25 Nevada and act as a detriment to the development of the industry in violation of NGC  
26 Regulation 5.011(1)(a).

27 86. Failure to comply with the Las Vegas Municipal Code, as described herein,  
28 constitutes a failure by STATESIDE and/or BARTOLINI to comply with or make provisions

...

1 for compliance with all federal, state, and local laws and regulations pertaining to the  
2 operation of a licensed gaming establishment in violation of NGC Regulation 5.011(1)(h).

3 87. Failure to comply with the Las Vegas Municipal Code, as described herein,  
4 constitutes a failure by STATESIDE and/or BARTOLINI to conduct gaming operations in  
5 accordance with proper standards of custom, decorum, and/or decency, and/or reflects or  
6 tends to reflect on the repute of the State of Nevada and act as a detriment to the gaming  
7 industry in violation of NGC Regulation 5.011(1)(k).

8 88. The failure to comply with NRS 463.170 and/or NGC Regulation 5.011(1)(a),  
9 5.011(1)(h), and/or 5.011(1)(k) is an unsuitable method of operation and provides grounds  
10 for disciplinary action against STATESIDE and/or BARTOLINI. *See Nev. Gaming Comm'n*  
11 *Reg. 5.010(2) and 5.030.*

12 **PRAYER FOR RELIEF**

13 WHEREFORE, based upon the allegations contained herein, which constitute  
14 reasonable cause for disciplinary action against STATESIDE and BARTOLINI, pursuant  
15 to NRS 463.310 and/or NGC Regulations 5.010, 5.011, and/or 5.030, the Board prays for  
16 the relief as follows:

17 1. That the Commission serve a copy of this Complaint on STATESIDE and  
18 BARTOLINI pursuant to NRS 463.312(2);

19 2. That the Commission fine STATESIDE and BARTOLINI 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 Commission;

22 3. That the Commission take action against STATESIDE's and BARTOLINI's  
23 licenses pursuant to the parameters defined in NRS 463.310(4); and

24 ...

25 ...

26 ...

27 ...

28 ...

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

3 DATED this 24<sup>th</sup> day of February, 2020.

4 NEVADA GAMING CONTROL BOARD

5   
6 SANDRA MORGAN, Chairwoman

7   
8 TERRY JOHNSON, Member

9   
10 PHILIP KATSAROS, Member

11 Submitted by:

12 AARON D. FORD  
13 Attorney General

14 By: 

15 Edward L. Magaw (NV Bar No. 9111)  
16 Senior Deputy Attorney General  
17 Gaming Division  
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