



Meeting Date: 6/20/2018

Mission Statement

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play. Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

CITY OF FERNLEY CITY COUNCIL MEETING STAFF REPORT

REPORT TO: Mayor & City Council

REPORT THRU: Daphne Hooper, City Manager

REPORT BY: **Kim Swanson, City Clerk**

REVIEWED BY: Brandi Jensen, City Attorney

AGENDA ITEM: **Discussion and Possible Action on the Hearing of Revocation for BL17-5371 issued to Federal National Mortgage Association pursuant to Fernley Municipal Code 10.01.19 Denial, probation, suspension, revocation of standard business license; grounds; procedure; immediate suspension; cease and desist orders.**

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

RECOMMENDED ACTION BY CITY COUNCIL

“I move to revoke business license BL17-5371 issued to Federal National Mortgage Association for failure to comply with provisions of FMC Title 10, Chapter one, Business and License Regulations.”

Key Points:

1. The City Clerk’s office issued business license #17-5371 to Federal National Mortgage Association after a complete application was submitted.
2. City Clerk’s Office received notification of a Judgement from Anthony R. Sassi with Aldridge/Pite, LLP law firm stating Mr. Willis is permanently enjoined from using the name Federal National Mortgage Association. The judgement also states that any business license is void, or no force and effect, cancelled and rescinded.
3. Fernley Municipal Code 10.01.19 was followed pursuant to the suspension and revocation process.

POLICY REFERENCE

Nevada Statutes:

Fernley Municipal Code: Title 10, Chapter 1, Business and License Regulations.

Policies & Procedure Manual: N/A

Community Assessment: N/A

Other:

SUPPORTING INFORMATION

On September 5, 2017 Clarence Moses Willis submitted the paperwork for a business license. All of the required paperwork was completed according to Fernley Municipal Code 10.01.05 Application for License.

The business license was approved by City Council on September 20, 2017.

On May 2, 2018 the City Clerk's office received a notification of Final Judgement from Anthony R. Sassi with Aldridge/Pite, LLP law firm representing Federal National Mortgage Association. On page 4 of the judgement, it states that Mr. Willis is permanently enjoined from using the name in the future and states that any business license is void, or no force and effect, cancelled and rescinded.

Fernley Municipal Code Section 10.01.19 (2) outlines the Probation, Suspension or Revocation process. This process was followed.

On May 17, 2018 both standard and certified letters were sent to the address listed on the business license. The letter gave Mr. Willis five business to remedy the violation by furnishing proof of an updated State of Nevada business license and/or Fictitious Firm Name filing in a name other than Federal National Mortgage Association or his business license would be suspended and face possible revocation.

Mr. Willis failed to comply. Therefore, the business license for Federal National Mortgage Association was suspended on June 7th at 5pm.

On June 11, 2018 another set of letters were sent notifying Mr. Willis that the license for Federal National Mortgage Association was suspended and he was no longer allowed to conduct business in the City. The letter also informed him the Hearing of Revocation would take place at the City Council Meeting scheduled for July 18, 2018 at 5:00 pm. This letter further informed Mr. Willis that he has the right to present evidence in opposition of the revocation.

As of the time this staff report was submitted, Mr. Willis has not reached out to the City Clerk's office.

FMC 10.01.19(5) outlines the process for a Hearing of revocation. This process is as follows:

Hearing of revocation. In order to revoke a business license under this title, the council shall conduct a hearing to determine whether to revoke the license. The council shall permit any interested party, including the business licensee, to testify or otherwise submit evidence in favor of or opposition to the revocation. The council shall consider all the evidence presented and

cause to have entered in the minutes its findings, stating specifically any causes for revocation found by the council and enter its order in the minutes. The order of the city council shall be binding. The failure by the licensee to appear at the time of hearing and place designated for the hearing shall, in and of itself, constitute sufficient grounds for revocation of the license. There shall be no reopening or review of the proceedings by the council, except when it subsequently appears to the satisfaction of the city council that the licensee's failure to appear was due to matters beyond his control, and not through negligence on the part of licensee.

If the City Council votes in favor of revoking the business license, a Notice of Revocation will be issued to the business licensee with 10 days following the hearing.

FINANCIAL INFORMATION

FISCAL IMPACT:

1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? Yes
3. If Budgeted, Which Line Item/Account?
100-320-100 BUSINESS LICENSE FEES

FISCAL SYNOPSIS:

A \$75.00 loss in revenue. The fee for a home-based business license