

Special Town Council Meeting

January 29, 2019

2:00 PM

Town Council Chambers

Chair: Pete Muldoon

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. CALL TO ORDER AND ROLL CALL

II. EXECUTIVE SESSION

- A. Recess to executive session to consider or receive any information classified as confidential by law according to W.S. 16-4-405(a)(ix).

III. APPEAL OF DENIED BUSINESS LICENSE

- A. BYG, LLC
- B. Wyoming Investigation Consultants

IV. ADJOURN

Please note that at any point during the meeting, the Chairman or Mayor may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: December 24, 2018

MEETING DATE: January 29, 2019

SUBMITTING DEPARTMENT: Clerk

DEPARTMENT DIRECTOR: Roxanne Robinson

PRESENTER: Sandy Birdyshaw

SUBJECT: Appeal of a Denied Renewal of a Business License (BYG LLC)

STATEMENT/PURPOSE

To address an appeal of a denied business license renewal by BYG, LLC, represented by Elisabeth Trefonas.

BACKGROUND/ALTERNATIVES

On November 8, 2018, BYG LLC submitted a business license renewal application for a retail business at 50 West Broadway. The application was properly received by staff along with the application fee of \$100. Upon receipt, the application was forwarded to the Planning and Building Department, Fire Department, and Police Department for review. The application and departmental review comments were forwarded to the Finance Director, serving as the Town's Risk Manager for final review. Based on information received from the Police Department, the Risk Manager discussed such with the Town Clerk and on December 11th, a memo was forwarded to the Town Manager recommending denial of the renewal.

On December 13, 2018, the Town Manager sent a letter to BYG LLC informing them of the denial. Section 5.12.115 of the Jackson Municipal Code permits a denied applicant to appeal the decision of staff to the Mayor and Town Council within ten days of the date the decision letter was mailed.

On December 21, 2018, an appeal was properly submitted within the allotted timeframe by Trefonas Law PC, representing BYG LLC.

Section 5.12.115 of the Jackson Municipal Code also provides that the Mayor and Town Council will hear the appeal within thirty days of the date the appeal was filed, to uphold or reverse staff's decision of denial.

ATTACHMENTS Business License Renewal Application, Town Manager Decision Letter, Appeal Letter

FISCAL IMPACT The Town returned \$63 to BYG LLC (\$100 application fee, less \$37 processing fee).

STAFF IMPACT The staff impact of upholding the denial of the license is minimal. Staff has cumulatively spent a notable amount of time reviewing the application, considering the denial, contacting the applicant, arranging for the special meeting, and conducting the special meeting for the appeal. The staff impact of reversing the denial would be that the license fee would need to be collected and the license issued.

LEGAL REVIEW Complete.

RECOMMENDATION

Staff recommends upholding the denial based on the Chief of Police recommendation and review by the Risk Manager, Town Clerk, and Town Manager.

SUGGESTED MOTION

I move to uphold staff's recommendation to deny the renewal of a business license for BYG, LLC.

Date: 11/8/18License #: 7331

New Application

☒ Updated Information

Town of Jackson
Business License Application
PO Box 1687, Jackson, Wyoming 83001
Phone: (307)733-3932
Fax: (307)739-0919
www.townofjackson.com

DENIED

Instructions: All information on both sides of this form must be fully completed. Failure to complete any item will delay the processing of your application. All payments shall be made at the time of application and shall be non-refundable, unless an application is denied. If the Town denies a business license application, the entire fee, less a \$37.00 application fee, will be refunded. An application for a business license must be submitted and approved by the Town before the business can begin operations.

(License will be DELAYED and can potentially be DENIED if any information is incomplete)

Business Name: BYG LLC
D/b/a: _____
Nature of Business: Retail
Is the Business in your residence? Yes ☐ No ☒
Is the Business a: Corporation ☐ Partnership ☐ Sole Proprietorship ☒ (LLC)

Business Physical Address: Street & No: 50 W Broadway
Bldg. /Apt: 1 City: Jackson State: WY Zip Code: 83001

** Any change of location or Owners requires a new application and approval by the Town of Jackson **

Business Mailing Address: Street
Post Office Box: 11201 SW 1st City: Plantation State: FL Zip Code: 33325
Business Phone Number: (954) 577-5599
Fax/email address: 954-452-7553 Hava@actsoltoday.com

WY Sales Tax Number: [REDACTED]
Federal Employers ID Number or SSN: [REDACTED]

NAME AS IT APPEARS ON DRIVERS LICENSE	Driver's License # and State	Date of Birth
Gilad Shamir	[REDACTED]	[REDACTED]
Bar Boko BZA (Please provide copy)		
Yair Iarboni		

Have you ever been convicted of a felony? Yes ☐ No ☒

Will this Business be applying for Restaurant Liquor License? YES ☐ NO ☒

If Premise was previously occupied, was it a Residence ☐ Business ☒
If Business, What type: Retail

If property is rented/leased:
Name of the Owner: Pink Garter LLC
Owner's Mailing Address: 50 W Broadway, Jackson, WY 83001
Owner's Phone Number: 307-690-9318

Description of business:

RetailWhere is the parking provided for your business? Street ParkingHow many spaces are allocated to the business? 0Square Footage of business location: 1500 SqftIf restaurant, how many seats? -Number of Employees on payroll: Average 4-5Will you be posting a sign for your business? Yes ☒ No ☐Have you obtained all necessary permits/inspections/fees, as required by the Town of Jackson? ☒ Yes ☐ No

If not, please explain _____

*** The above questions **MUST** be completed in order for you application to be processed ***

Gilad Shamir do hereby swear and affirm the information I have supplied in this application is true and correct to the best of my knowledge. Further, I do hereby consent to the release of all medical, physical, criminal and any other information, including information of a confidential or privileged nature by any person(s) having such records for the purpose of checking my suitability to obtain the permit requested herein. I hereby release said persons, their organizations, and others from any liabilities or damage which may result from furnishing the requested information. A photocopy of this release is considered as valid as an original.

STATE OF ~~WISCONSIN~~ FloridaCOUNTY OF ~~TETON~~ Miami-Dade

SUSCRIBED AND SWORN TO BEFORE ME BY

This 13 day of Nov 2018

signature of applicant
Gilad Shamir
 Printed name of applicant
ALEJANDRO VAZQUEZ
 Notary Public, State of Florida
 Commission # GG 262585
 My comm. expires Aug. 26, 2022

Annual License Fees

Sales Tax Collecting Business 1 - 10 employees = \$100.00 11 - 49 employees = \$200.00 50 - 99 employees = \$300.00 100 + employees = \$500.00	Non-Sales Tax Collecting Businesses 1 - 10 employees = \$130.00 11 - 49 employees = \$290.00 50 - 99 employees = \$390.00 100 + employees = \$650.00	Ground Transportation \$100.00
Commercial Property Rental 1 or more rentals = \$100.00	Residential Rentals 3 or more rentals = \$100.00	Agent 0 employees = \$100.00

For Official Use Only – Please Do Not Write Below This Line

Business is: Home Occupation

Home Business

Other

Zoning: UC
BCUC2
NCUR
NC2AR
OPAC
RBSR
BPR
MHP

Business Physical Location: Within the Town Limits

In Teton County

Out of Teton County

Approving Department	Initials	Date Approved	Comments
Building Department			
Fire Department			
Planning Department			
Police Department	<u>PS</u>	<u>DENIED</u>	<u>11-19-18</u>
Finance Department			
License Fee	\$		
Prorated Fee	\$		
Date Paid			
Receipt Number			



ADMINISTRATION
LARRY PARDEE
TOWN MANAGER

*Mailed via USPS and emailed
to hava@actsoltoday.com*

December 13, 2018

BYG, LLC
Attention: Gilad Shamir
11201 SW 1st Street
Plantation, FL 33325

Dear Mr. Shamir:

Pursuant to Title 5.12 of the Jackson Municipal Code, the Town of Jackson denied the business license renewal application from BYG, LLC doing business at 50 West Broadway in Jackson, Wyoming.

Please feel free to contact the Town of Jackson with any questions at the numbers provided below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Pardee", is written over the word "Sincerely,".

Larry Pardee
Town Manager

www.jacksonwy.gov

**TREFONAS LAW, PC***Rise Up with Proven Counsel*

P.O. Box 2527, 80 E. Pearl Ave., Jackson WY 83001

Phone: 307-203-9019; Fax: 800-572-6458

www.TrefonasLaw.com

Received and Filedthis 21 day of December, 2018
at 4:25 p.m.**TOWN OF JACKSON****SANDRA P. BIRDYSHAW, Town Clerk**By: SB Birdyshaw via J. Clitwood**PERSONAL AND CONFIDENTIAL**

FACSIMILE TRANSMITTAL SHEET	
ATTN: Mayor Muldoon and Town Council	From: Elisabeth Trefonas
Facsimile: 307-739-0919	Date: December 21, 2018
Phone:	No. of Pages: 3 (including cover sheet)
RE: <i>Records Request</i>	
☒ For your Review ☒ Urgent ☒ Please Respond ☐ To be Filed	

Dear Mayor Muldoon and Town Council:

Attached please find the written request to appeal the denial of business license for BYG, LLC, doing business at 50 W. Broadway in Jackson WY. This letter was also submitted via email to both and sent USPS.

Sincerely,

ss://Elisabeth TrefonasElisabeth M. W. Trefonas, *Attorney at Law*

WY SBN 6-4168/ CA SBN 242533

THIS FACSIMILE AND ANY ATTACHMENTS MAY CONTAIN CONFIDENTIAL, PRIVILEGED, OR PROTECTED INFORMATION. ANY UNAUTHORIZED DISCLOSURE OR DISTRIBUTION IS PROHIBITED. IF THIS COMMUNICATION WAS SENT IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER.



ADMINISTRATION
LARRY PARDEE
TOWN MANAGER

*Mailed via USPS and emailed
to hava@actsoltoday.com*

December 13, 2018

BYG, LLC
Attention: Gilad Shamir
11201 SW 1st Street
Plantation, FL 33325

Dear Mr. Shamir:

Pursuant to Title 5.12 of the Jackson Municipal Code, the Town of Jackson denied the business license renewal application from BYG, LLC doing business at 50 West Broadway in Jackson, Wyoming.

Please feel free to contact the Town of Jackson with any questions at the numbers provided below.

Sincerely,

Larry Pardee
Town Manager

www.jacksonwy.gov



TREFONAS LAW, PC

Rise Up with Proven Counsel

P.O. Box 2527, 80 E. Pearl Ave., Jackson WY 83001

Phone: 307-203-9019; Fax: 800-572-6458

www.TrefonasLaw.com

December 21, 2018

Mayor Pete Muldoon and Town Council

PO BOX 1687

Jackson WY 83001

Fax: 307-739-0919

EMAIL: pmuldoon@jacksonwyo.gov; counsel@jacksonwyo.gov

Delivered via:

- ✓ U.S. Mail
- ✓ Private Courier
- ✓ Fax
- ✓ Email
- By hand

RE: Appeal of Business License Denial for BYG, LLC

Dear Mr. Mayor and Town Council:

I represent Mr. Gilad Shamir of BYG, LLC, doing business at 50 W. Broadway in Jackson, Wyoming. On December 13, 2018, he received a notice that Town Manager, Larry Pardee, was denying the company's application for a business license. (See Attached, letter dated December 13, 2018.)

Pursuant to Municipal Code section 5.12.115, Mr. Shamir, through undersigned council, submits this request in writing to appeal this decision. Mr. Shamir further requests that a hearing on this matter be set with the Mayor and Town Council within thirty (30) days, unless otherwise agreed by both parties. This request is timely made within ten (10) days of receiving notice of the denial and is submitted via facsimile, email, and with a hard copy delivered via United States Postal Service, addressed and postage prepaid.

Should you require any additional information, please feel free to contact me as listed above or via cell phone at (307) 231-4894. Thank you in advance for your attention to this important request.

Sincerely,

Law



TOWN OF JACKSON

TOWN COUNCIL

AGENDA DOCUMENTATION

PREPARATION DATE: January 9, 2019

MEETING DATE: January 29, 2019

SUBMITTING DEPARTMENT: Clerk

DEPARTMENT DIRECTOR: Roxanne Robinson

PRESENTER: Sandy Birdyshaw

SUBJECT: Appeal of a Denied Business License (Wyoming Investigation Consultants)

STATEMENT/PURPOSE

To address an appeal of a denied business license by Wyoming Investigation Consultants.

BACKGROUND/ALTERNATIVES

On November 8, 2018, Wyoming Investigation Consultants (WIC) submitted a business license application for a private investigation, bounty hunting, and repossession business within the Town of Jackson. The application was properly received by staff along with the application fee of \$130. Upon receipt, the application was forwarded to the Planning and Building Department, Fire Department, and Police Department for review. The application and departmental review comments were forwarded to the Finance Director, serving as the Town's Risk Manager for final review. Based on information received from the Police Department, the Risk Manager discussed such with the Town Clerk and on December 27th, a memo was forwarded to the Town Manager recommending denial of the business license.

On December 27, 2018, the Town Manager sent a letter to WIC informing them of the denial. Section 5.12.115 of the Jackson Municipal Code allows a denied applicant to appeal the decision of staff to the Mayor and Town Council within ten days of the date the decision letter was mailed.

On January 3, 2019, an appeal was properly submitted within the allotted timeframe by Mr. Dwight Posey representing WIC.

Section 5.12.115 of the Jackson Municipal Code also provides that the Mayor and Town Council will hear the appeal within thirty days of the date the appeal was filed, to uphold or reverse staff's decision.

ATTACHMENTS Business License Renewal Application, Town Manager Decision Letter, Appeal Letter

FISCAL IMPACT The Town returned \$93 to WIC (\$130 application fee, less \$37 processing fee).

STAFF IMPACT The staff impact of upholding the denial of the license is minimal. Staff has cumulatively spent a notable amount of time reviewing the application, considering the denial, contacting the applicant, arranging for the special meeting, and conducting the special meeting for the appeal. The staff impact of reversing the denial would be that the license fee would need to be collected and the license issued.

LEGAL REVIEW Complete.

RECOMMENDATION

Staff recommends upholding the denial based on the Chief of Police recommendation and review by the Risk Manager, Town Clerk, and Town Manager.

SUGGESTED MOTION

I move to uphold staff's recommendation to deny the Jackson Business License for Wyoming Investigations Consultants.

Date: 11-30-18
☒ New Application
☐ Updated Information

License #: 7450



Town of Jackson
Business License Application
PO Box 1687, Jackson, Wyoming 83001
Phone: (307)733-3932
Fax: (307)739-0919
www.townofjackson.com

DENIED

Instructions: All information on both sides of this form must be fully completed. Failure to complete any item will delay the processing of your application. All payments shall be made at the time of application and shall be non-refundable, unless an application is denied. If the Town denies a business license application, the entire fee, less a \$37.00 application fee, will be refunded. An application for a business license must be submitted and approved by the Town before the business can begin operations.

(License will be DELAYED and can potentially be DENIED if any information is incomplete)

Business Name: Wyoming Investigation Consultants
D/b/a: _____
Nature of Business: Private investigation, Security, Consulting, Representations
Is the Business in your residence? ☒ Yes ☐ No
Is the Business a: Corporation ☐ Partnership ☐ Sole Proprietorship ☒ LLC ☐ to virtual note

Business Physical Address: Street & No: 285 East Kent Ave.
Bldg. /Apt: A City: Jackson State: WY Zip Code: 83001

** Any change of location or owners requires a new application and approval by the Town of Jackson **

Business Mailing Address:
Post Office Box: 4724 City: Jackson State: WY Zip Code: 83001
Business Phone Number: (307) 400-2217
Fax/email address: WIC@outlook.com

WY Sales Tax Number: _____
Federal Employers ID Number or SSN: _____

NAME AS IT APPEARS ON DRIVERS LICENSE	Driver's License # and State	Date of Birth
(Please provide copy of Driver's License)		

Have you ever been convicted of a felony? Yes ☒ No ☐

Will this Business be applying for Restaurant Liquor License? ☐ YES ☒ NO

If Premise was previously occupied, was it a ☒ Residence ☐ Business
If Business, What type: _____

If property is rented/leased:
Name of the Owner: Tracy Lamb
Owner's Mailing Address: 285 E. Kent Ave., Jackson 83001
Owner's Phone Number: (307) 734-6178

Description of business:

Conduct Private Investigations, Bounty Hunting,
& Response Services
- Public Security

Where is the parking provided for your business? N/A

How many spaces are allocated to the business? N/A

Square Footage of business location: 3000 sq

If restaurant, how many seats? N/A

Number of Employees on payroll: N/A

Will you be posting a sign for your business? Yes ☒ No ☐

Have you obtained all necessary permits/inspections/fees, as required by the Town of Jackson? ☒ Yes ☐ No

If not, please explain N/A

*** The above questions MUST be completed in order for you application to be processed ***

I, Dwight Dwyer, do hereby swear and affirm the information I have supplied in this application is true and correct to the best of my knowledge. Further, I do hereby consent to the release of all medical, physical, criminal and any other information, including information of a confidential or privileged nature by any person(s) having such records for the purpose of checking my suitability to obtain the permit requested herein. I hereby release said persons, their organizations, and others from any liabilities or damage which may result from furnishing the requested information. A photocopy of this release is considered as valid as an original.

STATE OF WYOMING)

COUNTY OF TETON)

SUSCRIBED AND SWORN TO BEFORE ME BY

This 30 November 2018

Cynthia A. Riedel - Notary Public

County of
Teton



State of
Wyoming

My Commission Expires May 31, 2020

Dwight Dwyer
 Signature of Applicant

WITNESS my hand and official seal

Cynthia A. Riedel
 Notary Public

Annual License Fees

<u>Sales Tax Collecting Business</u>	<u>Non-Sales Tax Collecting Businesses</u>	<u>Ground Transportation</u>
1 - 10 employees = \$100.00	1 - 10 employees = \$130.00	<u>\$100.00</u>
11 - 49 employees = \$200.00	11 - 49 employees = \$290.00	
50 - 99 employees = \$300.00	50 - 99 employees = \$390.00	
100 + employees = \$500.00	100 + employees = \$650.00	
<u>Commercial Property Rental</u>	<u>Residential Rentals</u>	<u>Agent</u>
1 or more rentals = \$100.00	3 or more rentals = \$100.00	0 employees = \$100.00

For Official Use Only – Please Do Not Write Below This Line

Business is: Home Occupation

Home Business

Other

Zoning: UC
BC

UC2
NC

UR
NC2

AR
OP

AC
RB

SR
BP

R
MIIP

Business Physical Location: Within the Town Limits

In Teton County

Out of Teton County

Approving Department	Initials	Date Approved	Comments
Building Department	<u>h</u>	<u>12-5-18</u>	
Fire Department	<u>h</u>	<u>12-10-18</u>	
Planning Department	<u>P.L.</u>	<u>12-26-18</u>	
Police Department	<u>h</u>	<u>12-7-18</u>	<u>DENIED</u>
Finance Department			
License Fee	\$ <u>150.00</u>	<u>CL</u>	
Prorated Fee	\$		
Date Paid	<u>11-30-18</u>		<u>T</u>
Receipt Number			



BASIC USE PERMIT – HOME OCCUPATION SUPPLEMENTAL FORM
Planning & Building Department Planning Division

150 East Pearl Ave.
P.O. Box 1687
Jackson, WY 83001

ph: (307) 733-0520 or
(307) 733-0440
fax: (307) 734-3563
www.townofjackson.com

Please complete the following: (This form is required for anyone with a residential business address)

Name of Business: Wyoming Investigative Consultants

Business Address: 285 (A) East Pearl Ave. Jackson, WY, 83001

Business Contact Information: (Please Print)

Name: Chief Investigator, Dwight Posey II

Phone #: (307) 401-2210

Mailing Address: PO Box 4724, Jackson, WY 83001

Is this business conducted by a person living within the dwelling?

Q/N

Provide a brief description of your business: **(REQUIRED):**

Public Servant
Private Investigations
Security Guarding / Fugitive Enforcement
Repossessions

Is anyone residing off-premises employed on the premises of the home?

Y/N

Where is parking provided? N/A

Is the home occupation less than 25% of the home's habitable floor area?

N/A Y/N

If yes, what is the square footage devoted to the home occupation? _____

Will any signage displayed be less than 2 square feet and attached to the home?

Y/N

Will you ensure there is no window display or other public display of merchandise or material? Q/N

Will you need to park vehicles other than your personal vehicle?

Y/N

Will you need to store equipment on site?

Y/N

Where will this equipment be stored? N/A

Applicant's Signature: [Signature]

Date: 30, November 2018



ADMINISTRATION
LARRY PARDEE
TOWN MANAGER

*Mailed via USPS and emailed
to wic@outlook.com*

December 27, 2018

Wyoming Investigation Consultants
Attention: Dwight Posey
PO Box 4724
Jackson WY 83002

Dear Mr. Posey:

Pursuant to Title 5.12 of the Jackson Municipal Code, the Town of Jackson denied the business license application to provide private investigations, bounty hunting, and repossessions under the name of Wyoming Investigation Consultants in Jackson, Wyoming.

Please feel free to contact the Town of Jackson with any questions at the numbers provided below.

Sincerely,

A handwritten signature in blue ink, which appears to read "Larry Pardee", is written over the word "Sincerely,".

Larry Pardee
Town Manager

From: [Larry Pardee](#)
To: [Sandy Birdyshaw](#)
Cc: [Todd Smith](#)
Subject: FW: "Appeal Request.docx" with you in OneDrive
Date: Thursday, January 3, 2019 4:22:05 PM

Hi Sandy

FYI here is Mr. Posey II, appeal letter attached.

Thank You

Larry Pardee

Town Manager

Town of Jackson

P.O. Box 1687

Jackson, WY 83001

(307) 733-3932 x1108

lpardee@jacksonwy.gov

From: Dwight Posey II <WICJH@outlook.com>
Sent: Thursday, January 3, 2019 3:47 PM
To: Larry Pardee <lpardee@jacksonwy.gov>
Subject: "Appeal Request.docx" with you in OneDrive

Respectfully,

Wyoming Investigative Consultants

P.O. Box 4724

Jackson, Wyoming 83001

(307) 401-2210

From: Dwight Posey II <WICJH@outlook.com>
Sent: Thursday, January 3, 2019 2:00 PM
To: Dwight Posey II
Subject: I shared "Appeal Request.docx" with you in OneDrive

Mr. Pardee,
Please review my written appeal and forward your response to WICJH@outlook.com. In your written letter, I noticed the "JH" is missing in my email address that your response was forwarded to.

Please review my request and note that I am grateful for your response and attention to the issue of my licensing. Most towns in Wyoming do not even require a license for this type of Agency; however, Jackson does and in order for me to continue to live out my dream of being here, I will need this license approved. I am no better than anyone else in this world, but I know that I'm not a "dishwasher" also. I'm a Private Investigator by nature and having this license is required for me to live here. I humbly request that you reconsider your previous decision on my licensing and note that I have 10 years previous licensing in the State of Alabama and can provide you with documentation asserting that fact if needed. Thank you, Sir, for your diligent response!

V/R,

Dwight Posey II