INVESTIGATIVE REPORT

AREA OF CONCERN

L. V. M. P. D. – The Police Department has not yet completed their investigation.

OWNERSHIP

Nicolas J. Santucci, sole proprietor, dba Capos

LOCATION HISTORY

**January 31, 1995** – the Liquor and Gaming Licensing Board (the Board) initially approved this location for a Limited Retail Beer and Wine Liquor License and Outside Service of Alcohol under the ownership of Las Vegas Wings, Inc., dba Hooters after conducting a Public Hearing distance to churches and school.

**April 28, 1995** – the Board approved this location for a Retail Beer and Wine Liquor License and Outside Service of Alcohol under the ownership of Las Vegas Wings, Inc., dba Hooters.

**April 28, 1995** – the Board approved this location for a Class A Slot Machine for ten (10) machines under the ownership of United Coin Machine Co.

The Department of Business License received an application for an 80% Sale of Stock. The applicant remained Las Vegas Wings, Inc.

**January 30, 1998** – the Board approved the application for a Retail Beer and Wine Liquor License and Outside Service of Alcohol under the ownership of Las Vegas Wings, Inc., dba Hooters, which included the 80% Sale of Stock.

**April 26, 2000** – United Coin ceased operation of the gaming at this location.

**April 26, 2000** – the Board approved this location for a Class A Slot Machine for ten (10) machines under the ownership of Capado Gaming Corporation.

**December 31, 2006** – Capado Gaming Corporation ceased the operation of the slot machines at this location. There has not been gaming at the location since this date and informed the Department that the establishment was no longer in operation.

**November 6, 2008** – the Department received an application for Supper Club and Service Bar Liquor Licenses under the ownership of Nicolas J. Santucci.
LOCATION SUITABILITY

The location is zoned C-2, and there are four (4) churches and one (1) school within 1,500 feet of the location. The Church of Latter Day Saints, 2245 Lindell, Road, Las Vegas, Nevada, 89146 is located approximately 1,260 feet from the applicant’s location.

First Korean Baptist Church, 2625 Westwind Road, Las Vegas, Nevada, 89146 is located approximately 760 feet from the applicant’s location.

Cornerstone Academy, 5825 Eldora Avenue, Las Vegas, Nevada, 89146 is a school located approximately 1,450 feet from the applicant’s location.

Pursuant to Clark County Code (CCC) 8.20.450(a) locations within 1,500 feet of a school or church are deemed unsuitable locations. However, the location may be found suitable after a public hearing is held, and it is the Board’s determination that the location will not impair the public health, safety and welfare of the community.

Daybreak Christian Fellowship, 2550 Duneville Street, Suite B, Las Vegas, Nevada 89146 is a church approximately 350 feet from the applicant’s establishment and is a church located in a commercial center.

World International Ministries, 2560 Duneville Street Suite 103 Las Vegas, Nevada 89146 is a church located approximately 460 feet from the applicant’s establishment and is a church located in a commercial center.

Pursuant to CCC 8.20.450(a)(3) locations within one thousand five hundred feet of a church are deemed unsuitable locations. However CCC 8.20.450(a)(C) states these distance restrictions shall not apply to churches located in shopping centers, commercial complexes or industrial complexes. Daybreak Christian Fellowship and World International Ministries are located in a commercial complex; therefore a public hearing is not required.

Notifications of Public Hearing

On February 3, 2009, Notices of Public Hearing were delivered to Cornerstone Academy and First Korean Baptist Church and The Church of Latter Day Saints.

The location is being license under Supper Club Ordinance L 217.04.

On January 30, 2009, Special Agent Pates met with the applicant, Nicolas J. Santucci and determined that this 5,000 square foot establishment has seating for eighty-two (82) patrons at tables and booths; which allows for a maximum of eight (8) seats at the bar based on one (1) bar seat for every eight (8) restaurant seats and one (1) lounge seat for every five (5) restaurant seats
for maximum of twenty-one (21) lounge seats. The lounge area currently has seating for twelve (12) patrons. There will be no gaming at this establishment.

The main entrance into the establishment is located on the east side of the building. The bar/lounge area is located to the south of the entrance and is enclosed by the building on the south and east side. The kitchen encloses the bar on the north side. The dining area is located on the south side of entrance, which separates it from the bar/lounge. (See attached diagram and photos)

There are six (6) liquor licenses and one (1) gaming license at four (4) establishments within 1,500 feet of the applicant's location. (See attached density survey.)

OUTSIDE DINING

The outside dining area consists of seating for approximately sixteen (16) to twenty (20) patrons. The patio is enclosed on three sides by a three and one-half (3½)-foot wooden fence. The building encloses the remaining side. Access to the patio is from the interior of the establishment. (See attached diagram. Photos will be provided.)

KEY EMPLOYEE

Nicholas J. Santucci, sole proprietor, will be the Key Employee for Liquor at this location.

LEASE AGREEMENT

On November 1, 2008 a lease agreement was entered into between Dalacas 1995 Trust/Eleni Dalacas, Trustee: Nick and Georgia Dalacas (Landlord) and Elite Management Services, Inc., dba Capos Restaurant (Tenant) for a term of five (5) years. There are no options to renew the lease.

On December 24, 2008 an Assignment of the November 1, 2008 lease was entered into between Elite Management Services, Inc., (Assignor) and Nicholas Santucci, an individual, (Assignee) and Nick Dalacas, Georgia Dalacas, individuals and the Dalacas 1995 Trust (Landlord). The Assignee accepts all right, title and interest in the Lease.

OTHER DEPARTMENTAL APPROVALS

- Current Planning - Approved on December 30, 2008
- Building Department – Approved on December 31, 2008
- Fire Department – Approved on December 31, 2008
- Health Department – Approved on December 31, 2008
- State Gaming – There is no gaming at this location
ADDITIONAL LICENSES AT THE LOCATION (Pending or Approved)

<table>
<thead>
<tr>
<th>Type of License</th>
<th>License Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supper Club Restaurant</td>
<td>2000204.701</td>
<td>Licensed</td>
</tr>
</tbody>
</table>

INVESTIGATIVE CONFERENCE

On January 30, 2009, Agent Pates met at the location with Nicholas J. Santucci, sole proprietor, General Manager, and Key Employee. He reviewed all sections of the Clark County Code applicable to Supper Club and Service Bar Liquor Licenses. He receipted for a copy of the reprint of C.C.C. 8.20, and a written summary of Liquor licensing requirements. Mr. Santucci signed a statement that he was fully briefed on those sections of the code and acknowledged acceptance of the requirements as a liquor licensee and key employee.

During the January 30, 2009, conference Special Agent Pates advised Mr. Santucci that the application for the temporary license would appear on the February 17, 2009, Clark County Liquor and Gaming Licensing Board agenda and because a public hearing is required a representative for the business must be at the meeting. Mr. Santucci stated that he would be at the meeting.

RECOMMENDATION

It is RECOMMENDED the Board APPROVE the suitability of the location for Supper Club and Service Bar Liquor Licenses based on the outcome of the public hearing.

* * *

Report date: January 30, 2009
Investigated by: Gail Gordon, Supervising Special Agent
Reviewed by: Allison Gigante, Assistant Operations Manager