INVESTIGATIVE REPORT

AREA OF CONCERN

LVMPD: Pending

Business License: The Department of Business License has no area of concern.

OWNERSHIP

Fresh Berry, Inc., a Nevada Corporation, dba Wellbeing In The Box, is the licensee.

   Officers of the Corporation:
   
   Yen L. Song 100% Ownership/Sole Officer/Director

LOCATION HISTORY

The first liquor license at 2555 S. Jones Boulevard, Las Vegas, Nevada 89146, was a Retail Beer & Wine License in conjunction with a Category 2 Restaurant License and it was approved on October 25, 1999 in the name of Concord Sierra Restaurants, Inc, dba Round Table Pizza, owned 100% by John C. Klacking. It went out of business December 31, 2000 and the location has not had a liquor license since that time.

On November 3, 2003, a business under the name of Monica’s BBQ, owned by Donald A. Dunn (50%) and Monica M. Dunn (50%), was approved for a category 2 restaurant license at 2555 S. Jones Boulevard, Las Vegas, Nevada 89146, and subsequently went out of business August 10, 2007. The location did not have a liquor license.

This will be the second liquor license at this location as a Retail Beer & Wine License in conjunction with a Category 2 Restaurant License located at 2555 S. Jones Boulevard, Las Vegas, Nevada 89146, owned by Yen L. Song doing business as Wellbeing In The Box. The location received a category 2 restaurant license November 15, 2007.

LOCATION SUITABILITY

The location is zoned C-1, and there are two schools and one church within 1,500 feet of the applicant’s business location.

The Odyssey Charter Schools located at 2251 S. Jones Boulevard, Las Vegas, Nevada 89146 is located approximately 1,145 feet from the applicant’s business location. The school is affiliated with the Clark County School District and consists of grades K-12.

The Cornerstone Christian Fellowship Church and the Cornerstone Christian Academy & Pre-School located at 5825 Eldora Avenue, Las Vegas, Nevada 89146, are located approximately 1,300 feet from the applicant’s business location.

Clark County Code 8.20.450(a) states it is unlawful for licensees to sell, serve, give away or
distribute alcoholic liquors within 1,500 feet of a church, school, or children’s public playground. Clark County Code 8.20.450(a) states the board may deny any application for a liquor license if it deems the place or location is unsuitable for the sale or service of liquor and/or is within 1,500 feet of a church, school, or a children’s public playground. However, after a public hearing, if the Board determines that the issuance of the liquor license and/or gaming license will not impair the health, safety, or welfare of the community, the location may be approved.

A public hearing is scheduled April 7, 2009 for distance to the above schools and church.

On December 19, 2008, Agent Theriault conducted an inspection and determined that the location met all the requirements of a category 2 restaurant for which the code deems suitable for a Retail Beer and Wine Liquor License. There are approximately thirty-two (32) restaurant seats at this 1,875 square foot location. There is no outside dining or service of alcohol.

There are eight (8) liquor licenses at seven (7) locations within 1,500 feet of the applicant's location. (See attached density survey.)

**NOTIFICATIONS OF PUBLIC HEARING**

Clark County Code 8.20.450(a) states it is unlawful for licensees to sell, serve, give away or distribute alcoholic liquors within 1,500 feet of a church, school, or children’s public playground. Clark County Code 8.20.450(a) states the board may deny any application for a liquor license if it deems the place or location is unsuitable for the sale or service of liquor and/or is within 1,500 feet of a church, school, or a children’s public playground. However, after a public hearing, if the Board determines that the issuance of the liquor license and/or gaming license will not impair the health, safety, or welfare of the community, the location may be approved.

A public hearing is required because of the distance to Odyssey Charter Schools located at 2251 S. Jones Boulevard, Las Vegas, Nevada 89146. The school is located approximately **1,145 feet** from the applicant’s location.

A public hearing is required because of the distance to the Cornerstone Christian Fellowship Church and the Cornerstone Christian Academy & Pre-School located at 5825 Eldora Avenue, Las Vegas, Nevada 89146. They are located approximately **1,300 feet** from the applicant’s business location.

A Public Hearing is scheduled for April 7, 2009 for distance to the church and the schools.

A Notice of Public Hearing was faxed to Odyssey Charter Schools on February 25, 2009.

A Notice of Public Hearing was faxed to the Cornerstone Christian Fellowship Church and the Cornerstone Christian Academy & Pre-School on February 25, 2009.
A Notice of Public Hearing was faxed to the Clark County School District on February 25, 2009, because of its relationship with Odyssey Charter Schools.

On February 25, 2009, copies of all of the Notices of Public Hearing were faxed to Hyunchoon Kim, CPA, and he signed a receipt for the notices and acknowledged that the applicant, Yen L. Song, must appear at the public hearing on April 7, 2009 and he stated that Yen L. Song will be at the public hearing.

On February 25, 2009, Agent Theriault spoke on the telephone with Sarah Hwang (daughter who is fluent in English and works in the restaurant) and advised her of the public hearing scheduled for April 7, 2009. We discussed the remaining process of licensure and the required appearance of Yen L. Song at the public hearing. We discussed the need for Yen L. Song to bring a person fluent in English to assist if necessary with the language difference. She stated that she will attend the meeting with Yen L. Song (her mother).

**KEY EMPLOYEE**

Yen L. Song is the Key Employee for Liquor at this location.

**LEASE AGREEMENT**

On September 1, 2007, a lease agreement was entered into by and between Mei Fang Wang (landlord) and Fresh Berry, Inc (tenant), for an initial term of five (5) years. There are three options to extend the lease beyond the initial term and each is for a five (5) year period of time.

The leased location consists of approximately 1,875 square feet and is known as 2555 S. Jones Boulevard, Suite F-3, Las Vegas, Nevada.

**OTHER DEPARTMENTAL APPROVALS**

- Current Planning granted approval on December 4, 2008.
- Building Department granted approval on December 16, 2008.
- Fire Department granted approval on November 15, 2007.
- Health Department granted approval August 31, 2007.
- State Gaming – There is no gaming at the location.

**ADDITIONAL LICENSES AT THE LOCATION**

<table>
<thead>
<tr>
<th>Type of License</th>
<th>License Number</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant</td>
<td>2001138.702</td>
<td>Licensed</td>
</tr>
</tbody>
</table>
INVESTIGATIVE CONFERENCE

On December 19, 2008, Agent Theriault met at the location at 2555 S. Jones Boulevard, Las Vegas, Nevada 89146 with Yen L. Song and Sarah Hwang (daughter who is fluent in English) and briefed them on all sections of the Clark County Code applicable to a Retail Beer and Wine Liquor License. The applicant signed a receipt for copies of the reprint of Chapter 8.20 of the Clark County Code, Master Employee List, and Alcohol Awareness Training data and acknowledged that she was fully briefed upon those sections of the code, including the grounds for disciplinary action and acknowledged acceptance of the duties of a licensee.

RECOMMENDATION

It is RECOMMENDED the Board APPROVE the suitability of the location for a Retail Beer and Wine Liquor License in conjunction with a category 2 restaurant based on the outcome of the public hearing.

Report Date: __________________________ March 10, 2009
Investigated By: Gail Gordon for Jon Theriault, Special Agent
Reviewed By: Gail Gordon, Supervising Special Agent