INVESTIGATIVE REPORT

AREA OF CONCERN

L. V. M. P. D. – None

Clark County Business License – None

OWNERSHIP

NEVADA RESTAURANT SERVICES, INC., A Nevada Corporation dba
DOTTY’S #39
7950 S. Rainbow Blvd.
Las Vegas, NV 89139

Richard Craig Estey, Shareholder, President, Secretary, Treasurer, Director, 100%

LOCATION HISTORY

This is the first liquor license in this newly constructed leased location.

LOCATION SUITABILITY

The location is zoned C-2, and there are no schools within 1,500 feet.

There is one (1) church within 1,500 feet of the applicant’s location.

Chaiya Meditation Monastery, 7925 Virtue Ct., Las Vegas, Nevada 89139 is a church location that is approximately 1,299 feet from the applicant’s location.

Clark County Code 8.20.450 (a) states licensees which sell, serve, give away or distribute alcoholic liquors cannot be located within 1,500 feet of a church or school unless the Board, after conducting a public hearing, determines that the issuance of the liquor license will not impair the health, safety or welfare of the community. A Public Hearing is scheduled to be held on March 3, 2009.

Special Agent Saenz conducted an inspection of the location and found it to be substantially completed but still under construction. In reviewing floor plans it was determined that this location will meet the requirements for a tavern liquor license, which the code deems suitable for a Class A Gaming License. This location will not be operating a restaurant and thus no barriers are required. The location consists of 4,012 square feet; with four (4) separate banks of slot machines totaling fifteen (15) slot machines. There are two separate restrooms at the location. Minors will not be allowed in the business and there will be a sign posted prohibiting the entry of minors.

There are (6) liquor licenses and one (1) gaming license at four (4) locations within 1,500 feet of the applicant. (See attached density survey).
Notifications of Public Hearing

On February 10, 2009, Special Agent Saenz contacted Barbara Hunter of Nevada Licensing Services, representing the applicant, and advised her that a public hearing would be conducted due to the fact that a church is located 1,300 feet from the applicant’s place of business. Special Agent Saenz also sent a letter of “Notice of Public Hearing” via fax to Barbara Hunter.

On February 10, 2009, Special Agent Saenz contacted via phone to U Zeyathuta, Master at Chaiya Meditation and Monastery that a public hearing is scheduled for March 3, 2009. Special Agent Saenz also sent a letter of “Notice of Public Hearing” via facsimile to Chaiya Meditation Monastery and personally handed Master U Zeyathuta a letter of “Notification of Public Hearing” which he signed and receipted for.

Commercial Center Ordinance

COMMERCIAL CENTER. "Commercial center" means a concentration of at east one hundred fifty thousand square feet of retail stores, including either (1) a retail store of not less than fifty thousand square feet, or (2) two retail stores each no less than thirty thousand square feet, all of which share a common parking lot with sufficient parking spaces as required by the Clark County department of comprehensive planning and the provisions of Title 30 of the Clark County Code. Such retail stores must be situated upon at least fifteen contiguous gross acres of land less dedications required by law. A gross acre is forty-three thousand five hundred sixty square feet. The square footage ascribed to any establishment licensed or pending licensure as a tavern shall not be included in the calculation of the total square footage requirement to meet the "commercial center" definition, nor shall a tavern be classified as a retail store. For the purposes of this section “retail” means the sale of goods and commodities to the ultimate consumers of such products.

A Commercial Center must meet the following requirements:

One hundred fifty thousand square feet of retail stores, including a retail store of not less than fifty thousand square feet, or (2) two retail stores each no less than thirty thousand square feet. (The applicant’s location is in the Southwest Marketplace, which has a total of 93,173 square feet of retail stores excluding the applicant’s location, and there is one (1) retail store, Smith’s Food and Drug Stores with a square footage of 65,400).

Share a common parking lot with sufficient parking spaces as required by the Clark County department of comprehensive planning and the provisions of Title 30 of the Clark County Code; (The Current Planning Department approved this location on January 12, 2009.)

The retail stores must be situated upon at least fifteen contiguous gross acres of land less dedications required by law; (Southwest Marketplace is comprised of 16.74 acres of land.) and
Square footage ascribed to any establishment licensed or pending licensure as a tavern shall not be included in the calculation of the total square footage requirement to meet the “commercial center” definition, nor shall a tavern be classified as the “anchor store.” *(Dotty’s #39 is a 4,012 square foot facility and the square footage of the applicant’s location was not included in calculation of the square footage of the commercial center.)*

**KEY EMPLOYEE**

A Key Employee has not been appointed at this time. The applicant’s representative has been made aware that activation of the licenses cannot begin until the key employee has submitted their application.

**LEASE AGREEMENT**

On July 24, 2007, a lease agreement was entered into between and between Windmill Retail LLC, a Nevada Limited Liability Company (landlord) and Nevada Services Inc., a Nevada Corporation, doing business under the name of Dotty’s, (tenant). The term of the lease is for ten (10) years from commencement with three (3) options to renew at five (5) years each.

On September 22, 2008, an addendum to the lease was entered into by and between Windmill Retail LLC, a Nevada Limited Liability Company and Nevada Restaurant Services Inc., doing business as Dotty’s. The addendum effectively changed the original application address from 7920 S. Rainbow Bl., Las Vegas, Nevada 89139 to 7950 S. Rainbow Bl. Las Vegas, Nevada 89139.

**OTHER DEPARTMENTAL APPROVALS**

- **Current Planning** - Approved on January 12, 2009
- **Building Department** - Pending
- **Fire Department** - Pending
- **Health Department** - Pending
- **State Gaming** – The applicant has applied for a State gaming license and is scheduled to be heard by the Nevada Gaming Commission on February 19, 2009.
INVESTIGATIVE REPORT
DOTTY’S #39
LIC #2001513.LIQ / 2001079.GAM
February 10, 2009

ADDITIONAL LICENSES AT THE LOCATION (Pending or Approved)

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</tr>
<tr>
<td>Tobacco Permit</td>
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INVESTIGATIVE CONFERENCE

Prior to final approval, Special Agent Saenz will conduct a liquor and gaming conference with the General Manager and Key Employee.

On February 10, 2009, Special Agent Saenz advised Barbara Hunter of Nevada Licensing Services, consultant for the applicant, that a Public Hearing will be conducted at the Board of County Commissioners on March 3, 2009, at 9:00 A.M., she was further advised appearance by the applicant or representative is required.

RECOMMENDATION

It is RECOMMENDED the Board APPROVE the suitability of the location for a Service Bar Liquor License in conjunction with a restaurant based on the outcome of the public hearing.

* * *

Report date: February 12, 2009 ________________ by Fred Saenz, Special Agent

Reviewed by: ________________________ Gail Gordon, Supervising Special Agent