INVESTIGATIVE REPORT

AREA OF CONCERN

L. V. M. P. D. – Pending

Clark County Business License – Pending

OWNERSHIP

Restaurant and Pupuseria Cabanas, LLC,
dba Restaurant and Pupuseria Cabanas

Members of the licensee:

50% Ortiz, Jose A. - Manager/Member
50% Ortiz, Maria E. - Manager/Member

LOCATION HISTORY

This is the first liquor license at the business address.

On January 12, 2009, an application was submitted for a Retail Beer and Wine Liquor License to be located 2520 S Eastern Ave., Unit C-D, Las Vegas, Nevada, 89169, under the ownership (50% each) of Jose A. Ortiz and Maria E. Ortiz, Restaurant and Pupuseria Cabanas, LLC, dba Restaurant and Pupuseria Cabanas

LOCATION SUITABILITY

The location is zoned C-2 and there are two (2) schools and one (1) public park as defined in Clark County Code Title 30 within 1,500 feet.

1. Valley High School, 2839 Burnham Ave. is a school as defined in Clark County Code (CCC) 8.20.450(5)(c) and is approximately **1010 feet** from this location.

2. K.O. Knudsen Middle School, 2400 Atlantic Ave. is a school as defined in CCC 8.20.450(5)(c) and is approximately **1335 feet** from this location

Pursuant to Clark County Code (CCC) 8.20.450(a) locations within one thousand five hundred feet of any entry to school property (gate, door, driveway, etc.) or place wherein a school is conducted or within one thousand five hundred feet of churches are deemed unsuitable locations. However, the code continues to state the Board may waive this restriction after holding a public hearing and determination that the proposed alcoholic liquor establishment will not impair the public health, safety and welfare of the community. A public hearing was not previously held; therefore, a public hearing is required.

On February 26, 2009, Special Agent Higgons conducted an inspection and determined that this location meets all requirements of a Category 2 Restaurant.
This 1933 square foot establishment has seating for fifty (50) patrons at tables and booths. There is no dining counter, bar area, lounge seating or gaming at this location.

The restaurant area has an open design with no separation features. There are six (6) tables and six (6) booths for patron seating. There is a central take-out counter for go-orders. Mr. Ortiz was reminded that dine-in food orders must be taken from the patron’s table and delivered to the table by a waiter or waitress (with/without alcohol). He is aware that anyone handling alcohol must be at least 21 years old and possess a valid alcohol awareness identification card while working.

On February 26, 2009, Agent Higgons informed Jose Ortiz and Maria Ortiz that all public safety approvals must be satisfied prior to selling liquor.

**Notification Of Public Hearing**

On March 2, 2009, a Notice of Public Hearing was successfully faxed to the following locations:

- Richard Lee Horton, SR/WA, CCSD Site Analyst (799-5436)
- Valley High School, 2839 Burnham Ave., Las Vegas, Nevada 89169 (799-1074)
- K.O. Knudsen Middle School, 2400 Atlantic Ave. (799-0157)

On March 2, 2009, Agent Higgons hand delivered a copy of the Notice of Public Hearing to Jose Ortiz who signed for a copy of the notice. He was notified that both applicants must appear at April 7, 2009 Public Hearing.

There are five (5) liquor licenses and two (2) gaming license at four (4) establishments within 1,500 feet of the applicant's location. (See attached density survey.)

**OUTSIDE DINING**

There is no outside dining at the license location.

**KEY EMPLOYEE**

Jose A. Ortiz and Maria E. Ortiz, Co-Managers/Co-Members are the Key Employees.

**LEASE AGREEMENT**

On March 17, 2006, an office lease agreement was entered into between Sahara-Eastern (lessor/landlord) and Antonio Macias (lessee/tenant) for 1933 sq. ft. of lease space known as 2520 S Eastern Ave., Unit C-D (3&4), Las Vegas, Nevada, 89169, to commence April 1, 2006, for a term of 60-months.

On December 14, 2007, a lease assignment agreement was entered into between Antonio Macias (assignor/prior tenant) and Jose Ortiz and/or Maria Ortiz (assignee/new tenant) for the transfer of the real property known as 2520 S Eastern Ave., Unit C-D (3&4), Las Vegas, Nevada, 89169, for the five (5) years remaining in the original lease term and agreements.
On January 1, 2008, a Lease Agreement was entered into between Sahara Eastern, H&L Realty Management Company (Landlord) and Jose Ortiz and/or Maria Ortiz, dba Restaurant and Pupuseria Cabanas, LLC (tenants) for a period of five (5) years for the 1933 sq. ft. property known as 2520 S. Eastern, Unit Las Vegas, NV 89169. There is an option to renew the lease for an additional term of five (5) years.

On October 29, 2008, a lease amendment was signed reflecting a corporate name change from Restaurant and Pupuseria Cabanas, to Restaurant and Pupuseria Cabanas, LLC, with the original 60-month lease terms remaining unchanged.

OTHER DEPARTMENTAL APPROVALS

- Current Planning: Approved on January 28, 2009
- Building Department: Approved on February 3, 2009
- Fire Department: Pending
- Health Department: Pending
- Gaming: There is no gaming at this leased location.

ADDITIONAL LICENSES AT THE LOCATION

<table>
<thead>
<tr>
<th>Type of License</th>
<th>License Number</th>
<th>Status</th>
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<td>Pending</td>
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INVESTIGATIVE CONFERENCE

On January 30, 2009, Agent Higgons met with Jose Ortiz at the location. Special Agent Higgons and Mr. Ortiz reviewed all sections of the Clark County Liquor Code applicable to a Retail Beer and Wine Liquor License. He signed for a copy of the reprint of C.C.C. 8.20, and a written summary of Liquor licensing requirements. He also signed a statement stating that he were fully briefed on those sections of the code and acknowledged acceptance of the requirements as a liquor licensee and key employee.

RECOMMENDATION

It is RECOMMENDED the Board APPROVE the application for Temporary Retail Beer and Wine Liquor Licenses based on the outcome of the public hearing.

Report date: March 11, 2009
Investigated by: D. Higgons, Special Agent, Operations
Reviewed by: Gail Gordon, Supervising Special Agent