

Minutes of the Extraordinary Meeting of the Liquor Licensing Board of Grand Cayman, held on Friday, 14th January 2011 at the Customs Headquarters, Owen Roberts Drive, George Town, to conduct the following business:-

Present were: Mr. Mitchell Welds - Chairman
 Mrs. Bernice Richards - Member
 Mrs. Christine Guilfoyle - Member
 Ms. Tammy Welds - Member
 Ms. Natasha Bodden - Acting Executive Secretary

1. Meeting called to order.

The meeting was called to order at 9:00 am by Chief Inspector Richard Barrow of the Royal Cayman Islands Police Service. Accompanying CI Barrow to the meeting was Superintendent Marlon Bodden

2. Chairman's comments and opening remarks.

The Chairman welcomed everyone to the meeting and outlined the procedures. He also welcomed Mr. Dalton Watler and Ms. Natasha Bodden. Ms. Bodden was filling in for Ms. Marva Scott, who was bereavement leave. The Chairman offered condolences on behalf of Board to Ms. Scott on the death of her father and he thanked the Liquor Inspector, Mr. Ernesto Carter, for his assistance with the administrative duties.

3. Confirmation of Minutes.

- a) Confirmation of the Minutes of the 9th December 2010 quarterly session.
- b) Confirmation of the Minutes of the 15th December 2010 extraordinary meeting.

Confirmation of the Minutes listed above was deferred until a later date.

4. Matters arising.

5. New applications

- a) **Mr. Robert Hamaty – Tortuga Rum Company No.2, 260 North Sound Road, George Town, Block 20B, Parcel 232.**

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. Hamaty began his presentation by reminding Board Members that he has been operating Package Duty Free and Retail Tasting Liquor Licenses at his

North Sound location since 1996. He said it is difficult to cater to tourist from the cruise ships who will ask for drinks between 8 and 9:00 am in the mornings. He went on to say that they are currently operating the duty free section from 9:00 am to 6:00 pm and the cabana he's planning on setting up is similar to those used in Grenada. Mr. Hamaty pointed out that his Package Duty Paid license is operated from 9:00 am to 7:00 pm and his intentions are to set up on cruise ship days whereby they'll be serving in plastic or disposable cups. He explained that he is seeking the Music & Dancing License to play soft background music only however; he is considering steel pan music also. Mr. Hamaty confirmed there will be no night functions at this location.

Decision: **GRANTED. Liquor sales restricted to cruise ship passengers only.**

b) Mr. Robert Hamaty – Tortuga Liquors, 843 North West Point Road, West Bay Road, Block 1C, Parcel 1.

For: A Package Liquor License.

For: A Retail Liquor License.

For: A Music & Dancing License.

Mr. Hamaty told the Board that the Package Duty Free License at this location is working well however; since the recession and high prices on the cruise ships, most passengers purchase goods to take on board. He said business is good at the North West Point store but, there is a need for a Package Duty Paid License. He confirmed there will be a gazebo at this location. He also asked for opening times of 8:00 am to 6:00 pm for this Package License as he would like to operate it in the same manner as the Royal Watler Cruise Terminal store. Mr. Hamaty said these times will work well when the daylight time changes.

Decision: **GRANTED. Liquor sales restricted to cruise ship passengers only.**

c) Mr. Roland Schoefer – Roland's Garden/Roland's Beer Garden, 52 Lawrence Blvd, West Bay Road.

For: A Retail Liquor License.

For: A Music & Dancing License.

Mr. Schoefer appeared before the Board and confirmed that food is served in his beer garden area from 11:00 am to 12 midnight and he would like to serve wine along with minimum choices of rum. He said he will open on Sundays for dinner only and closed on Mondays. Mr. Schoefer added that music played will be soft background classical music and there are security cameras on site.

Decision: **GRANTED**

d) Mr. Michael Alberga – Tiki Beach, West Bay Road North, Block 11B, Parcel 61.

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. Alberga began by saying that Mr. Garth Ebanks is the current license holder for Tiki Beach and Osetra Bay provides management for the facility. He said the business has been successful and they cater to both locals and tourists for weddings and other events. Mr. Alberga added that besides a change of licensee request, there are no other changes to the licenses at this time and Mr. Ebanks will be asking that his licenses be transferred to another location.

Decision: **GRANTED**

e) Mr. Michael Alberga – The White House, Bodden Town, Block 43D, Parcel 146.

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. Alberga told the Board this property was damaged by Hurricane Ivan and he had purchased it for \$3 million. He said it is a great facility for the tourists and it is a great area for the cruise ship passengers when the ships are docked at Spotts. Mr. Alberga confirmed the premises is located across from the Bodden Town Police Station and the building can accommodate conferences and conventions. He said lunch and liquor can be served from the pool area as the market conditions does not allow the restaurant to open every night. He went on to say there is sufficient parking space at the business and cruise ship passengers will come there by bus. Mr. Alberga advised that they don't plan to open daily unless there are ships in port and there is a possibility of opening some nights but, being able to open every day will take some months. He added that the gazebo and kitchen have to be completed and Government is in support of him opening soon. Following a question from CI Barrow on music played in the close proximity of the grave yard where funerals are held, Mr. Alberga said music will be played indoors and outdoors but, they won't be supplying loud music unless it's a wedding or some other function taking place.

Decision: **GRANTED**

f) Ms. Lucille Barnes – Meringue Town Liquor Store, Boilers Road, Building 60A, Block 14BJ, Parcel7, George Town.

For: A Package Liquor License.

Ms. Barnes was present and Attorney John Furniss spoke on her behalf. Mr. Furniss said they are seeking permission to operate from 10:00 am to 7:00 pm

as Ms. Barnes would like to relocate her mini market to the building's second floor and utilize Unit 1 as a liquor store. He said security is provided at the building on a daily basis and cameras are also installed for further monitoring. Mr. Furniss indicated that requests are being received from the tourists and locals as well who would like to purchase alcohol while they're in the area.

Decision: **GRANTED. The Board agreed to granted opening hours of 9:00 am to 6:00 pm, Monday to Saturday.**

g) Ms. Kendra S. Stuck – Skipper's Grill, Bodden Town Road, Block 44B, Parcel 398.

For: A Provisional Retail Liquor License.
For: A Music & Dancing License.

Ms. Stuck began her presentation by telling Members that this will be a family oriented facility with decks under the grape trees and they will be offering a nice cuisine. She said they also have plans to operate a bed and breakfast in North Side. Ms. Stuck advised they would like to open from 8:00 am to 4:00 pm and would like to serve breakfast to their early morning guests, which would also include the serving of mimosas or bloody mary's to persons that drink early. When asked by Board Member Bernice Richards about Sunday hours, Ms. Stuck said they plan to open on this day from 12 noon to 12 midnight. She added that they will be open the normal hours as other licensees but, would take whatever the Board decides on.

Objectors Geila and Hendrik Frederick appeared before the Board and Mrs. Frederick indicated that this was the first time they heard Ms. Stuck's plans. She said they are the owners of the personal beach property next to Ms. Stuck's property and although Ms. Stuck mentioned a family oriented environment at her facility, the opening hours asked for are quite lengthy and since alcohol will be served, this does not fit in to a family atmosphere. Mrs. Frederick said they are concerned about the behaviour of locals and tourists alike consuming alcohol in the area and she is even more concerned for her mother who is currently being inconvenienced at the same beach. She said a bed and breakfast set up without alcohol and music is acceptable but, she didn't see the value of Ms. Stuck's business in that area. She stated that the area in question is zoned medium residential. Mrs. Frederick pointed out that they have not seen the plans for Ms. Stuck's project and questioned where the kayaking will be kept as they own the beach.

Ms. Stuck responded and confirmed there will be only decking on the property and she is within the proper radius of what is required. She said the place will be family oriented and the serving of alcohol in this environment will not be of any harm to the surrounding residents. She pointed out that the Bodden Town Police Station is nearby and there will not be any loud music. Ms. Stuck said the decking will be situated in the middle of the property and they

plan to have steel pan music outdoors. Board Member Christine Guilfoyle asked how can loud music, especially steel pans, be controlled in a residential area. She also wanted to know where the kayaking will be kept. Ms. Stuck's reply to the last query was they will be stored on the property across the street. Mr. Dalton Watler spoke on the use of a public beach across from Ms. Stuck's property and said there were some concerns about pedestrians crossing the street to access the beach for kayaking and snorkeling. He said having a liquor license might draw certain types of individuals and he asked what measures are in place for security. Ms. Stuck said she, along with her husband, will ensure that unwanted persons are removed from the premises.

Mrs. Frederick addressed the Board again and asked that it respect her mother's concerns as an elderly citizen in the community.

Decision: **NOT GRANTED**

h) Mr. Lloyd C. Parchment – Southern Spice Restaurant, Baytown Plaza, Unit #2, George Town.

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. Parchment told the Board that this restaurant operates from 11:30 am to 10:30 pm daily and they had originally leased a liquor license from Mr. Burns Rankine. He said Mr. Rankine has plans to relocate his license elsewhere, hence their reason for seeking their own. He stated they wish to obtain a Retail Liquor License and a Music & Dancing License so it's basically just a change in the licenses at the establishment.

Decision: **GRANTED**

i) Mr. Alva Suckoo Jr – Kingston Hot, 74 Breezy Way, George Town.

For: A Provisional Retail Liquor License.
For: A Music & Dancing License.

Attorney John Meghoo spoke on behalf of Mr. Alva Suckoo Jr. Mr. Suckoo later appeared at the meeting. Mr. Meghoo said the proposal is for a Caribbean style restaurant with a concentration on jerk and Caribbean cuisine. Mr. Suckoo added that he would like to be able to serve alcoholic beverages at his new restaurant. Mrs. Guilfoyle asked if the facility was already built and Mr. Suckoo confirmed that the building is there but, some more work is needed and he has to obtain Planning permission. Mrs. Guilfoyle had a query on the restaurant being a disturbance to neighbours. Mr. Suckoo said there will mostly be jazz entertainment on the inside.

Decision: **GRANTED**

j) Mr. Joseph A. Imparato – The Plaza, 894 West Bay Road, Building D, Block 12C, Parcel 427.

For: A Provisional Retail Liquor License.
For: A Music & Dancing License.

Mr. Imparato reminded the Board of the licenses he currently holds. He said starting in March 2011, a new plaza will be constructed with major firms and other businesses in the complex. He also mentioned there will be a 2500 sq.ft restaurant in the plaza and 198 parking spaces will be available. Mr. Imparato said he is applying for a Package Liquor License to operate a liquor store and the Retail Liquor License is needed for the restaurant. When questioned by Mrs. Guilfoyle about who his tenants will be, Mr. Imparato's reply was that 2 or 3 were proposed but, he was not certain at that time. He said the liquor store will be on the ground floor and restaurant on the other two floors.

Decision: **GRANTED**

k) Mr. Joseph A. Imparato – Plaza Liquors, 894 West Bay Road, Building A, Unit 7A, Block 12C, Parcel 427.

For: A Provisional Package Liquor License.

Supt. Bodden enquired about security and CCTV involvement for the plaza. Mr. Imparato advised that security will be on hand with the cameras operating at all times.

Decision: **GRANTED**

l) Mr. Christian Sorensen – Cayman Crystal Caves, North Side, Block 57E, Parcel 55 & Midland East, Block 58A, Parcel 30.

For: A Provisional Retail Liquor License.

Mr. Sorensen advised that his license held previously for this project had expired in 2005. He said the project was not completed and he got sidetracked over the years after Hurricane Ivan. Mr. Sorensen proceeded to point out the caves on drawings submitted and said that his reason for getting involved with this venture was because he felt this would be a great project for Cayman. He spoke about similar operations in Barbados and said Cayman would benefit from this attraction since it has cruise ship passengers. He pointed out that in addition to it being a cave attraction, it will also be a nature tour as well. Mr. Sorensen advised that food and drinks will be provided at the location. Supt. Bodden asked about safety and emergency evacuation arrangements and Mr. Sorensen stated that the area is close to the North Side Clinic in addition to the Frank Sound Fire Station. He added that the facilities staff will be trained in CPR. Supt. Bodden reminded him of the need to have proper evacuation procedures in place. Mrs. Richards

asked Mr. Sorensen if there is full access to the cave at the moment. He said there are some issues with a parcel of land nearby and this should soon be resolved. When asked by Supt. Bodden about liability insurance for the project, Mr. Sorensen advised that he was working along with his father on the insurance matters. Mr. Watler had a query on the size of the caves and Mr. Sorensen told him some are 30 ft high, there are 50 acres of land and 10 acres of this will be for tourist attractions so no wildlife will be destroyed. Mr. Watler said he was happy with the proposed project but, there were some concerns, especially for the safety of the tourists and protecting the environment. Mr. Sorensen acknowledged the importance of controlling how many persons are permitted to go on tours at once. He also mentioned meeting with DEH. CI Barrow referred to the same operations in Barbados and said he was not aware of any safety issues but, there were some concerns with visitors drinking while they were on tour.

Decision: **GRANTED**

m) Mr. Michael Gooden – West Shore Center, Unit # 26, West Bay Road.

For: A Retail Liquor License.

For: A Music & Dancing License

Mr. Gooden told the Board that he was the former owner of Macumba Lounge but, it was not his wish to lease a license from someone else any longer. He indicated that he would like to obtain his own license and he has never had any major problems during the past two years that he has operated under another licensee's licenses. He continued by saying that he opens and close in accordance with the law and his business is enjoyed by both locals and tourists. Mr. Gooden said the music played at his place is not vulgar, mostly in video format and played at a moderate level. He confirmed there is a dress code in effect and his busiest night is Latin Night on Fridays which goes on until 2:00 am. Mr. Gooden pointed out that his clientele is of a mature and professional nature and his security level is very high. He said music played on Sundays is low romantic music and he also mentioned the Liquor Inspector's presence who checks occasionally to ensure that he's complying with the law. Supt. Bodden reminded Mr. Gooden on being selective with his descriptive words. The Chairman had a query on the permitted hours being asked for and Mr. Gooden confirmed that they would be the same as Macumba's hours. He said he plans to open at 4:00 pm on Sundays. When asked by Mrs. Richards if he was changing the business's name from Macumba to Mango's, Mr. Gooden's reply was yes.

Decision: **GRANTED**

n) Mr. Richard Schweiger – Island Innovation, Morgan's Harbour, West Bay Beach North East, Block 9A, Parcel 12B.

For: A Retail Liquor License.

For: A Music & Dancing License

Mr. Schweiger reminded members he had been leasing licenses from Ms. Leonor Yates for the past five years and he would like to now obtain his own. He explained that his restaurant is located next to the Calypso Grill Restaurant and music played there is mostly when weddings are taking place. He also said he had spoken with Ms. Yates however; she did not indicate at that time whether or not she was relocating her licenses to another location.

Decision: **GRANTED**

o) Mr. Texroy Fisher – Myrtle’s Restaurant, Queenscourt Plaza, West Bay Road.

For: A Retail Liquor License for liquor sales to complement catering purposes only.

Mr. Fisher began by informing Members that he had spoken to Mr. Carter in relation to also applying for a Music & Dancing License in addition to being allowed to operate until 3:00 am. He said he had to cater for Christmas parties and other functions over the holidays and was asked to provide alcohol on more than one occasion. He indicated that he is losing out on business because of not having a mobile license to complement his catering and would like to be able to provide better services for his customers. The Chairman enquired about the 3:00 am closing and Mr. Fisher explained that he sometimes have to hire musicians to accompany his catering at private functions that lasts until 3:00 am. He said football and social clubs will also ask for extended times at their functions when he’s providing catering.

Decision: **GRANTED. The Board also agreed to grant the Music & Dancing License. The request for a 3:00 am closing was denied.**

p) Mrs. Barbara Liberty – Liberty’s Restaurant, 140 Rev. Blackman Road, West Bay.

For: A Retail Liquor License for liquor sales to complement catering purposes only.

Applicant not present.

Decision: **NOT GRANTED**

q) Mr. Delroy Campbell – Campbell’s Restaurant & Bar, 65 Portland Road, George Town.

For: A Retail Liquor License.

For: A Music & Dancing License.

Mr. Campbell advised that he has owned the building for the past 30 years and he is seeking his own license after Mr. James Moore held licenses at the said location previously. He said he's not making a profit from the importation of seafood and coffee and having a liquor license might help. He also confirmed that all plans were passed and the premises was inspected however; it was not presently operational. Mr. Campbell said he would like to re-open as a restaurant and bar with opening hours of 10:00 am to 12 midnight, Monday to Saturday and closed on Sundays.

Decision: **GRANTED**

r) Mr. Roger Freeman – Eden Rock Diving Center, 124 South Church Street, George Town.

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. Freeman said he wants to run a restaurant and bar as part of the family business. He told the Board his plans are to enhance Eden Rock to keep both tourists and locals entertained. Mr. Freeman stated that upstairs is now being used for storage but, will eventually be turned into a dive shop. Mr. Watler said it's good to see young Caymanians fulfilling their parents' dreams in the family business and he commended Mr. Freeman for his will to go forward. When questioned about parking, Mr. Freeman confirmed a number of 12 parking spaces with the option of renting additional spaces next door. He said the majority of his catering will be to cruise ship passengers.

Decision: **GRANTED**

s) Mr. Ishmael DaSilva - Enigma Cocktail Lounge & Karaoke Bar, Baytown Plaza, Units 3 & 4, George Town.

For: A Retail Liquor License.
For: A Music & Dancing License.

Mr. DaSilva indicated they had financial arrangements pertaining to a lease with the licenses. He said [REDACTED] is the senior financial member and it was suggested that the licenses be taken out in Mr. DaSilva's name since he is the front runner at the business however; [REDACTED] had submitted information previously and he didn't want Mr. DaSilva as the sole licensee. Mr. DaSilva spoke on [REDACTED] involvement and said he [REDACTED] has the ability to move the licenses elsewhere or the licenses can also be held in abeyance until the Board decides what to do with the existing license before granting another for the same location. Mr. Welds said there would be concerns about the same category of license at the same location for two different licensees. Mr. DaSilva said he understood his application would be dealt with at this meeting while awaiting references and payment afterwards.

Decision: **GRANTED**

t) Ms. Joanne Rutty - Camana Bay, Unit 4B-1A, West Bay Road.

For: A Retail Liquor License.
For: A Music & Dancing License.

Applicant not present.

Decision: **NOT GRANTED**

u) Ms. Joanne Rutty - 266 Eastern Ave, George Town, Block 13D Parcel 425.

For: A Retail Liquor License for liquor sales to complement catering purposes only.

Applicant not present.

Decision: **NOT GRANTED**

v) Mr. Cleveland Dilbert – Big Daddy’s #2, 63 Dorcy Drive, Foster’s Plaza, George Town.

For: A Retail “Tasting” Liquor License.

Mr. Dilbert said he is seeking four tasting licenses in order to assist with the sale of wine in the stores for at least one day of the week to allow tasting and to offer samples to customers.

Decision: **GRANTED**

w) Mr. Cleveland Dilbert – Big Daddy’s #3, The Falls, West Bay Road.

For: A Retail “Tasting” Liquor License.

Decision: **GRANTED**

x) Mr. Cleveland Dilbert – Big Daddy’s #4, Buckingham Square, West Bay Road.

For: A Retail “Tasting” Liquor License.

Decision: **GRANTED**

y) Mr. Cleveland Dilbert – Big Daddy’s Liquors & Snacks, 233 West Bay Road.

For: A Retail “Tasting” Liquor License.

Decision: **GRANTED**

6. Deferred new applications

a) Mr. Eric Vagniez – Conch Shell Business Park, 490 North Sound Road, Block 20B, Parcel 317H2, George Town.

For: A Retail Liquor License.

Applicant not present.

Decision: **NOT GRANTED**

b) Mr. Duane Ebanks – 115 Hell Road, West Bay.

For: A Package Liquor License.

Mr. Ebanks appeared before the Board and was represented by Attorney Waide Dacosta. Mr. Ebanks said he had previously applied for a Package Liquor License based on requests from tourists and locals alike. He said he has been unable to make bigger sales because of not having the proper license. Mr. Ebanks indicated that customers will be allowed to purchase six packs but, not cases and he intends to sell the new local rum called Seven Fathom. He said the the business was previously viewed as just catering to tourists and a company had approached him about selling duty free products.

Mr. DaCosta addressed the mention of an objection and Mr. Ebanks advised that he had no knowledge of an objection of 19th November 2010 showing the date of the Liquor Licensing receipt stamp as 24th December 2010. Mr. DaCosta spoke about the law in relation to the filing of objections and they had concerns about when the objection was actually dated. Mr. Welds pointed out that the agenda for the Board's meeting was re-advertised in the newspapers on 31st December. Mr. DaCosta said the issue was that the objection was dated before the re-advertisement. The Chairman agreed with this point and ruled that the objector did not meet the set requirements and the objection was not taken into account.

When asked by Mrs. Guilfoyle to summarize his case, Mr. Ebanks reiterated that he had originally applied for a Package Liquor License to please the local public and tourists. He said security will be present to ensure that persons purchase their liquor and leave the premises.

The objector, Mr. Clint E. Ebanks, acknowledged that he did not call to confirm if the fax he sent on 19th November was received by the Liquor Licensing Office.

Decision: **GRANTED. Liquor sales restricted to cruise ship passengers only.**

7. Variations

a) Mrs. Judy Deslandes – JD’s Liquor Store, Batabano Plaza, West Bay.

For: Permission to make alterations to the licensed premises.

Decision: **NOT GRANTED**

b) Mr. Garth Ebanks – The Tiki Bar, West Bay Road North, Block 11B, Parcel 61.

For: The change of location of a Retail Liquor License and a Music & Dancing License to West Bay North East, Block 9A, Parcel 77, adjacent to Osetra Bay.

Decision: **GRANTED**

c) Mr. Shelby Carlos – Carlos & Martin’s Tex-Mex Cantina, Seven Mile Shops, West Bay Road.

For: The change of license category from Restaurant to Retail.

Decision: **GRANTED**

d) Walter & Vasilaya Mustin – The Thai House Restaurant of Grand Cayman, Elizabethan Square, Units #104 & 105, George Town.

For: The change of licensee of a Retail Liquor License and a Music & Dancing License to Mrs. Yajai Rodrigues.

Decision: **GRANTED**

8. Deferred variations

a) Mr. Raymond Hydes – Boatswain’s Beach (Cayman Turtle Farm), 825 North West Point Road, West Bay.

For: Permission to sell liquor and play music starting from 8:00 am, Monday to Saturday.

Mr. Hydes explained that he was given a mandate by the company’s Board of Directors to find ways to increase revenue and since they are receiving cruise ship passengers from 7:45 am in the mornings due to the daylight savings time, they thought it best to apply for a change in operating hours. He said 30% of their customers ask for alcohol during the early hours. He also mentioned that they were not interested in seeking extended hours on Fridays since the Board was not minded to entertain certain events due to occurring incidents.

Decision: **GRANTED**

9. Ratification of Chairman's decision (Section 13)

a) Ms. Jacqueline Doak – Ortanique, Camana Bay, West Bay Road.

For: Permission to extend the licensed premises to include the use of outdoor seating areas.

For: Permission to operate from 11:00 am on Sundays.

Ms. Doak was present and told Members that they are getting frequent requests for Ortanique to cater on the Camana Bay property. She said out of the six licenses granted to Camana Bay, only two are currently operating. Mr. Welds reminded her that variation requests can be submitted for both restaurants at the facility and Ms. Doak confirmed that she would be asking for both Ortanique's and Michael's Genuine Food & Drink.

Decision: **RATIFIED**

10. Any other business

a) Objection to the applications for Ms. Kendra S. Stuck.

OBJECTION HEARD

11. Announcement of decisions

12. Adjournment

Mitchell Welds, Cert. Hon., JP
Chairman
Liquor Licensing Board (Grand Cayman)