

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
FEBRUARY 19, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of February 19, 2014 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

Present: Board Members Don DiFatta, Doris Harrison, Mike Ferris, Charles Pullaro, Jr. and Tom Rose. Also Present—Assistant City Attorney Bob Jagger, Assistant City Attorney Lisa Macchietto and Deputy City Clerk Lori Bravo-Neff.

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. Ferris, moved to continue the approval of the minutes of the Regular Meeting of February 5th, 2014 to the February 19th meeting. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
Papa Jose's, Inc. d/b/a Papa Jose's Union Café, 320 S. Union Avenue
RT Denver Franchise, LP d/b/a Ruby Tuesday, 4150 N. Freeway
- 2 TAVERN LIQUOR LICENSE APPLICATION-RENEWALS-TOTAL OF 3 RENEWALS**
Planet 86, LLC d/b/a Planet 86, 215-217 E. Northern Avenue
Parise's Restaurant & Lounge, Inc. d/b/a Parise's Lounge, 430 W. 30th Street
Ruth Fern Fransua d/b/a Al's Ninety Six, 2100 E. 4th Street
- 3 3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES-RENEWALS-TOTAL OF 2 RENEWALS**
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #204, 2402 S. Prairie Avenue
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #214, 615 Eagleridge Boulevard
- 4 CABARET LICENSE APPLICATIONS-RENEWAL- PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE**

Mr. Rose, seconded by Mr. DiFatta, moved to approve the Consent Agenda as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA

- 5 NEIGHBORHOOD SURVEY: NEW CABARET LICENSE- WRONG NOTE, LTD. D/B/A THE DOWNTOWN BAR, 103 CENTRAL PLAZA**

Neighborhood Surveyor Don Vest, 516 Lincoln was sworn in and presented to the Board the demographics and map of the defined neighborhood for issuance of a new Cabaret License for premises known as *The Downtown Bar*.

Mr. DiFatta, seconded by Mr. Ferris, moved to receive the survey and set the hearing for March 5th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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6 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE– THE BAILEY & DANAHER COMPANY, LLC D/B/A THE CARRIAGE HOUSE RESTAURANT, 406 W. 15TH STREET

Neighborhood Surveyor Don Vest, still under oath, presented to the Board the demographics and map of the defined neighborhood for issuance of a new Hotel & Restaurant Liquor license for premises to be known as *The Carriage House Restaurant*.

Mr. Ferris, seconded by Mr. Rose, moved to receive the survey and set the hearing for March 5th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

7 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE/NEW CABARET LICENSE– J MICHAEL’S, LLC D/B/A JMICHAEL’S UNION AVENUE PUB, 325 S. UNION AVENUE

Neighborhood Surveyor Don Vest, still under oath, presented to the Board the demographics and map of the defined neighborhood for issuance of a new Tavern Liquor license/new Cabaret license for premises to be known as *JMichael’s Union Avenue Pub*.

Mr. DiFatta, seconded by Mr. Rose, moved to receive the survey and set the hearing for March 5th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

8 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-CLUB LIQUOR LICENSE-PUEBLO COUNTRY CLUB, 3200 8TH AVENUE (NEW PRESIDENT DOUG PROAL REPLACES PAUL SPARROW)

New president Doug Proal, 691 W. Calle de Caballos, was sworn in and answered questions from the Board. The moral character of Mr. Proal was satisfactory to the Board. Mr. Proal stated he was the president of the Country Club in 2005 so he has previously worked in a liquor-licensed establishment; they have never had a violation. Mr. Proal stated they employ approximately 20 employees and that number doubles in warmer weather. They do conduct background checks on their management team but not on their seasonal employees. To his knowledge these employees do not have criminal histories. Mr. Proal described approved forms of identification and explained their policy for checking the age of their patrons is to check their I.D. every time they order alcohol. Mr. Proal explained their general manager has attended a Seller/Server Training course and they also have ongoing training sessions with their management team.

Mr. Rose, seconded by Mr. Ferris, moved to approve this Change of Corporate Structure. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

9 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER’S REGISTRATION- HOTEL & RESTAURANT LIQUOR LICENSE-NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET (NEW MANAGER ANGELA QUINTANA REPLACES VINAY SHELAR)

New manager Angela Quintana, 908 E. 2nd Street, was sworn in and answered questions from the Board. Ms. Quintana explained she received a deferred sentence and paid restitution on an insurance issue with Medicaid. She has previously worked in a liquor-licensed establishment and stated there were never any violations at that establishment during the time she worked there. They employ 5

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employees in the bar and to her knowledge, these employees do not have criminal histories. They do conduct background investigations on their bartenders. Ms. Quintana stated the bartender asks for an I.D. every time someone wishes to purchase alcohol. Some of their employees have taken an on-line training course in Seller/Server training.

Mr. DiFatta, seconded by Mr. Ferris, moved to approve this Change of Manager. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

10 HEARING: NEW RETAIL LIQUOR STORE LIQUOR LICENSE– LAKE PUEBLO LIQUORS, LLC D/B/A LAKE PUEBLO LIQUORS, 4315 THATCHER AVENUE

Bruno Ramos, 1680 N. Bonita Drive, Pueblo West, CO was sworn in and answered questions from the Board. The moral character of Mr. Ramos was satisfactory to the Board. Mr. Ramos has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in his application. Mr. Ramos stated he used personal savings to enter into possession of the premises. He stated initially, he will not employ any employees until he gets established. Mr. Ramos described what an approved I.D. is and stated his policy for checking the age of his patrons will be to ask for identification from anyone who appears to be 35 years of age or younger or if he has any doubt about their age. Mr. Ramos stated he has read the liquor code and regulations and visited the State's website, but if need be, he will attend a Seller/Server training course. Mr. Ferris strongly recommended he do so.

For the record, it was determined there was no one present in opposition to the issuance of this license.

The Board then reviewed the petitions which were previously distributed to the Board. The circulated petitions will be entered into the record and were collectively marked as *Exhibit 1*.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions.

Mr. Ferris, seconded by Mr. DiFatta moved to approve this Retail Liquor Store liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 194 residents of the neighborhood or other parties in interest and opposed by at least 4 residents of the neighborhood or other parties in interest. The Findings also state the application is granted subject to the following restrictions and conditions: Receipt of criminal record consistent with Mr. Ramos' Individual History Record and testimony of Mr. Ramos.

Mr. Ferris, seconded by Mr. DiFatta, moved to take accept the Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

11 HEARING: NEW TAVERN LIQUOR LICENSE– SOUTHERN COLORADO THEATRE COMPANY D/B/A STEEL CITY THEATRE COMPANY, 241 S. SANTA FE AVENUE

President of the Board of Directors David Garrett, 86 Kingsley Avenue and Manager Brandi Peterson, 1623 Stone Avenue were sworn in. Prior to answering questions from the Board, Mr. Jagger verified with Mr. Garrett that a tavern liquor license was the type of license they wished to apply for. He briefly explained the food requirements and explained they may need to apply for a cabaret license depending on how they conduct their performances. Mr. Garrett stated they would like to proceed with the Tavern

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Liquor License. Mr. Garrett also explained that their food menu has been expanded from the time they were applying for their Special Events Permits. He stated during that time, they did not have a food license and now they do. He stated food will be available during all performances. The moral character of Mr. Garrett was satisfactory to the Board. Mr. Garrett has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in his application. Mr. Garrett stated they used funds they've raised from past performances to enter into possession of the premises. He stated they will employ 10-15 employees. He stated they conduct background investigations on supervisory employees only. Mr. Garrett described what an approved I.D. is and stated his policy for checking the age of his patrons will be to ask for identification from anyone who appears to be 35 years of age or younger. Mr. Garrett stated he completed an on-line course and they will also have those in a supervisory capacity take this same course as well. He explained the course takes approximately 3 hours to complete and after the presentation, a test is given.

For the record, it was determined there was no one present in opposition to the issuance of this license.

The Board then reviewed the petitions which were previously distributed to the Board. The circulated petitions will be entered into the record and were collectively marked as *Exhibit 1*.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions.

Mr. Pullaro, seconded by Mr. Ferris moved to approve this new Tavern liquor license pending receipt of the Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 183 residents of the neighborhood or other parties in interest and was opposed by 0 residents of the neighborhood or other parties in interest.

Mr. Pullaro, seconded by Mr. Ferris, moved to take accept the Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**12 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT
MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR
LICENSE-FRANKY'S LIQUOR MART, INC. D/B/A FRANKY'S LIQUOR MART, 905 W. 4TH
STREET, (LICENSEE IS CURRENTLY DELINQUENT WITH RESPECT TO FILING SALES &
USE TAX RETURNS AND HAS A HISTORY OF UNTIMELY AND DELINQUENT FILING OF
SALES & USE TAX RETURNS)**

Owner Cheryl Gonzales, 2519 N. Greenwood was sworn in. It was explained to Ms. Gonzales that the attorney handling this case, did not have an opportunity to call Ms. Gonzales and she was given the option of either continuing this matter to March 19th or setting it for a hearing. Ms. Gonzales opted to have the case continued to March 19th.

Mr. Rose, seconded by Mr. DiFatta, moved to continue this matter to March 19th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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- 13 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE- NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET (LICENSEE IS CURRENTLY DELINQUENT WITH RESPECT TO FILING SALES & USE TAX RETURNS AND HAS FAILED TO PAY THE SALES & LODGERS TAX LIABILITY)**

Mr. DiFatta, seconded by Mr. Ferris, moved to Receive and File this communication. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 14 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET**

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the renewal of this liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 15 CABARET LICENSE APPLICATION-RENEWAL-NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET**

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the renewal of this cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 16 COMMUNICATION FROM DEPUTY CITY CLERK LORI BRAVO-NEFF, CITY OF PUEBLO CITY CLERK'S OFFICE RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- BROKEN DOLLAR, INC. D/B/A BROKEN DOLLAR, 2301 LAKE AVENUE**

Manager Pamela Gallegos, 2621 Cheyenne was sworn in. She stated she has spoken to Assistant City Attorney Carla Sikes regarding this matter. Mr. Jagger explained with the passing of her mother, Mercy Gallegos, they needed to report this and provide notice to the Board of the transfer of her interest in the corporation or change in the status of the principal officers or directors. He also stated that they are currently occupying property in their mother's name and they need to show they have possession of the premises.

Mr. Ferris, seconded by Mr. Pullaro, moved to continue this matter to March 19th, 2014 to allow the licensee time to resolve these issues. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,


Lori Bravo-Neff, Deputy City Clerk
City Clerk's Office