

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
APRIL 2, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 2, 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 Lisa Macchietto and Deputy City Clerk Lori Bravo-Neff.

APPROVAL OF MINUTES

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

AMENDMENTS TO REGULAR AGENDA

Mr. Rose, seconded by Mr. Ferris moved to add Item #13A to the Regular Agenda for a discussion with the applicant of Lake Pueblo Liquors, LLC d/b/a Lake Pueblo Liquors, 4315 Thatcher Avenue. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Tea Palace II, Inc. d/b/a Tea Palace II, 1212 W. 4th Street
Bagabagel & Deli, Inc. d/b/a D.C.'s on B Street
C>, Inc. d/b/a El Nopal Restaurant, 1435 E. Evans Avenue
Mexi-Deli, Inc. d/b/a Mexi-Deli, 215 E. Abriendo Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
Peachee-Lewis, Inc. d/b/a Lakeview Bar, 2330 Lake Avenue
Polito, Inc. d/b/a Beer Barrel, 2113 E. Evans Avenue
Christopher Rodriguez d/b/a Sharky's Bar, 1549 E. Evans Avenue
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS-OFF-PREMISES CONSUMPTION-TOTAL OF 6 RENEWALS**
Western Convenience Stores, Inc. d/b/a Western Convenience Stores, Inc. #135, 3201 Lake Avenue
Pester Marketing Company d/b/a Alta Convenience #3104, 725 W. Northern Avenue
Pester Marketing Company d/b/a Alta Convenience #3107, 1350 E. 4TH Street
Pester Marketing Company d/b/a Alta Convenience #3109, 2102 Norwood Avenue
Pester Marketing Company d/b/a Alta Convenience #3113, 723 Pueblo Boulevard
Wal-Mart Stores, Inc. d/b/a Walmart #1001, 4080 W. Northern Avenue
- 4 3.2% BEER LICENSE APPLICATION-RENEWAL-ON-PREMISES CONSUMPTION-RUNYON SPORTS COMPLEX COMMISSION, INC. D/B/A THE BULLPEN, 400 STANTON AVENUE**
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-VILLAGE WINE & SPIRITS, INC. D/B/A VILLAGE WINE & SPIRITS, 3037 N. ELIZABETH STREET**
- 6 CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 2 RENEWALS**
J Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida
Riverwalk Restaurant and Lounge, LLC d/b/a Riverwalk Restaurant and Lounge, 219 S. Grand Avenue

REGULAR AGENDA (CONTINUED)

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- 7 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE-OLDE TOWNE CARRIAGE HOUSE, LLC D/B/A OLDE TOWNE CARRIAGE HOUSE, 102 S. VICTORIA AVENUE (NEW MANAGER DOUGLAS E. STOUT REPLACES MARK E. STOUT) CONTINUED FROM MARCH 5TH, 2014
- 8 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-CLUB LIQUOR LICENSE-PUEBLO COUNTRY CLUB, 3200 8TH AVENUE (NEW MANAGER ROBERT HUCKELS REPLACES ZOE GIRELLI)
- 9 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-3.2% BEER LICENSE-WAL-MART STORES, INC. D/B/A WALMART #1001, 4080 W. NORTHERN AVENUE (NEW MANAGER JESSE DAUENHAUER REPLACES LLOYD FELIX)
- 10 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—RETAIL LIQUOR STORE LIQUOR LICENSE—NICK'S GOODTIME LIQUOR, INC. D/B/A NICK'S GOODTIME LIQUOR, 3637 BALTIMORE AVENUE, (CURRENTLY LICENSED TO RICHARD M. BASSI D/B/A NORTHSIDE LIQUOR, LICENSE EXPIRES APRIL 5, 2014)
- 11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—ROSEMOUNT MUSEUM, EVENT MANAGER: JACKIE BOTTINI, (EVENT TO BE HELD AUGUST 15, 2014. ADDRESS OF EVENT: 419 W. 14TH STREET)
- 12 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE— PUEBLO CRIMESTOPPERS, INC., MAILING ADDRESS: P.O. BOX 21, EVENT MANAGER: TOM BRUSS, (EVENTS TO BE HELD JUNE 6TH, 13TH, 20TH, & 27TH, 2014. ADDRESS OF EVENTS: 100 BLOCK WEST "B" STREET)

Mr. Pullaro, 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

- 13A DISCUSSION WITH THE APPLICANT OF LAKE PUEBLO LIQUORS, LLC D/B/A LAKE PUEBLO LIQUORS, 4315 THATCHER AVENUE

Present on behalf of this matter was the new owner/applicant Bruno Ramos, 1680 N. Bonita Drive, Pueblo West. Mr. Ramos was sworn in and answered questions from the Board.

Mr. Rose reread a portion of the moral character questions asked of Mr. Ramos at his appearance before the Board on February 19th, 2014; more specifically, "Have you ever pled guilty to, been convicted of, or received a deferred sentence with respect to any crime other than a minor traffic offense prior to, or since completing this application?" Mr. Rose explained, at the hearing Mr. Ramos had answered, "No"; however, since receiving his criminal history information back, it suggests otherwise. Mr. Ramos explained that he did have a domestic violence charge in the 1990's stating he believed this charge was expunged from his record. He stated he now understands that while it has been expunged, it is not expunged from Law Enforcement and that he was not trying to hide anything.

REGULAR AGENDA (CONTINUED)

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Mr. Ramos stated in retrospect, he should have disclosed this. Following a brief discussion with the Board, and seeing no further testimony to be given, the Board acted upon the following motion:

Mr. Rose, seconded by Mr. DiFatta, moved to amend the Individual History Record of Bruno Ramos to reflect this charge. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

13 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE-DAMON RUNYON REPERTORY THEATRE CO. INC. D/B/A DAMON RUNYON REPERTORY THEATRE, 611 N. MAIN STREET (NEW SECRETARY MELISSA RITTER REPLACES KAREN RICE AND NEW TREASURER MARTHA PADILLA REPLACES SYLVIA FANCHER)

New secretary Melissa Ritter, 2602 Jones and new treasurer Martha Padilla, 319 E. Stardust, Pueblo West, CO were sworn in and answered questions from the Board.

The moral character of Ms. Ritter & Ms. Padilla was satisfactory to the Board. Ms. Ritter has previously worked in liquor-licensed establishments and to her knowledge, there was never a violation at those establishments while she was in their employ; Ms. Padilla has not ever held, or worked in or for a liquor-licensed establishment. Both Ms. Ritter & Ms. Padilla stated they employ 2 full-time employees and 1 part-time employee and to their knowledge, these employees do not have a criminal history. They do conduct background investigations on potential employees. Both Ms. Ritter & Ms. Padilla described approved forms of identification. Ms. Ritter explained she attended a Seller/Server training program in 2009; Ms. Padilla, has not. (*Note: Both Ms. Ritter & Ms. Padilla have signed up to take the City/State class scheduled for May 30th, 2014.*)

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

14 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE-PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE (NEW MANAGING MEMBER ADAM BALTAZAR RUIZ REPLACES ARMANDO VIDRIO AS SOLE MANAGING MEMBER AND 100% STOCKHOLDER)

There was no one present on behalf of this matter.

Mr. Ferris, seconded by Mr. Rose, moved to continue this matter. (Matter will be continued to May 7th, 2014.) Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

15 HEARING: NEW TAVERN LIQUOR LICENSE– WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK, 101 S. MAIN STREET, UNIT 202 & 204-CONTINUED FROM MARCH 19TH, 2014 AT THE REQUEST OF THE APPLICANT

REGULAR AGENDA (CONTINUED)

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Owner Adolph Padula, 4202 St. Andrews Drive and petitioner Dan Corsentino, 301 N. Main Street were sworn in.

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

Mr. Pullaro stated to Mr. Padula the Board had already asked him the moral character questions at the last meeting and explained that Mr. Padula will also need to submit a completed Routing Sheet. Mr. Pullaro then explained that the Board will now address the matter of the petitions that had been circulated on behalf of this application. The Board then reviewed the petitions which were previously distributed to the Board. The circulated petitions were entered into the record and were collectively marked as *Exhibit A*.

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. DiFatta moved to approve this application for a new tavern liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates that the issuance of this license is supported by at least 96 businesses and 65 residents of the neighborhood or other parties in interest and opposed by at least 1 business and none of the 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 completed and approve Routing Sheet*.

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

16 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) REQUEST MADE BY CONFLICTS COUNSEL TO CONTINUE THIS MATTER TO APRIL 16, 2014

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to April 16, 2014. 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 6:35 p.m.

Respectfully submitted,


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