

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
JUNE 4, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of June 4, 2014 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

Present: Board Members Don DiFatta, Mike Ferris, Doris Harrison, 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. DiFatta, moved to approve the minutes of the Regular Meeting of May 21st, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 **TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-D J, INC. D/B/A TSUNAMI-SUSHI BAR, WOK & GRILL, 324/326 S. UNION AVENUE**
- 2 **3.2% BEER LICENSE APPLICATIONS-RENEWALS-OFF-PREMISES CONSUMPTION-TOTAL OF 3 RENEWALS**
Albertson's, LLC d/b/a Albertson's Food Center, #816, 1601 Highway 50 West
Albertson's, LLC d/b/a Albertson's #1837, 1545 S. Prairie Avenue
Wal-Mart Stores, Inc. d/b/a Walmart #842, 4200 Dillon Drive
- 3 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-OSCAR'S LIQUOR LANE, LLC D/B/A OSCAR'S LIQUOR, 838 S. PRAIRIE AVENUE**
- 4 **ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RENEWAL- OSCAR'S LIQUOR LANE, LLC D/B/A OSCAR'S LIQUOR, 838 S. PRAIRIE AVENUE**
- 5 **CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 3 RENEWALS**
GLT, Inc. d/b/a Greenlight Tavern, 227 N. Santa Fe Avenue
D J, INC. d/b/a Tsunami-Sushi Bar, Wok & Grill, 324/326 S. Union Avenue
Cosmo Bob's LLC d/b/a Cosmopolitan Club, 311 Baystate Avenue
- 6 **SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE- HARP FOUNDATION, MAILING ADDRESS: 125 RIVERWALK PLACE, EVENT MANAGER: CHRISTINE PITTMAN, (EVENT TO BE HELD JULY 4TH, 2014. ADDRESS OF EVENT: ALAN HAMEL AVENUE BETWEEN UNION AVENUE & SANTA FE, MAIN STREET BETWEEN RICHMOND AND D STREET AND PUEBLO RIVERWALK)**
- 7 **PERMIT APPLICATION AND REPORT OF CHANGES – 3.2% BEER LICENSE- CONSUMPTION OFF-PREMISES, CHANGE OF CORPORATE NAME: CST METRO, LLC D/B/A DIAMOND SHAMROCK CORNER STORE #4138, 601 W US HIGHWAY 50, (FORMERLY VALERO DIAMOND METRO, INC.)**
- 8 **PERMIT APPLICATION AND REPORT OF CHANGES – 3.2% BEER LICENSE- CONSUMPTION OFF-PREMISES, CHANGE OF CORPORATE NAME: CST METRO, LLC D/B/A DIAMOND SHAMROCK # 1171, 430 W. ABRIENDO AVENUE, (FORMERLY VALERO DIAMOND METRO, INC.)**

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

REGULAR AGENDA

- 9 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A MT. CARMEL CATHOLIC CHURCH, NEW EVENT MANAGER: RONALD MARTINEZ, (EVENTS TO BE HELD JULY 12TH & 13TH, 2014. ADDRESS OF EVENTS: 421 CLARK STREET)**

New event manager Ronald Martinez, 134 Princeton Street, was sworn in and answered questions from the Board. Mr. Martinez explained this is their annual church festival and the funds raised will be used for the operation of their parish. Mr. Martinez stated he will be responsible for supervising the event. There will be two liquor distribution points for this event and twelve persons will be selling/serving liquor. Mr. Martinez described the types of food that will be served and explained what approved forms of identification are. Their policy for checking the age of their patrons will be to ask for identification to verify the patron is 21 years of age. Mr. Martinez stated that more than likely, Titan Security will be hired to maintain order on the licensed premises and if not Titan Security, they will hire a security company who is both licensed and bonded. Liquor will not be allowed to be taken off the licensed premises. The licensed premises will be cordoned off with barriers to keep it secured.

Mr. Rose, seconded by Mr. Ferris moved to approve this Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 10 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE- BROKEN DOLLAR, INC. D/B/A BROKEN DOLLAR SALOON, 2301 LAKE AVENUE (NEW PRESIDENT PAMELA GALLEGOS REPLACES RICHARD GREEN AND NEW VICE PRESIDENT RALPH SANDERS REPLACES JOHNNA MCGILL)**

Note: Due to the absence of the applicant, this item was moved to the end of the agenda.

- 11 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE- J AND CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 7TH STREET (NEW PRESIDENT MICHAEL J. VALDEZ REPLACES JAMES YOUNG AS SOLE OFFICER AND 100% SHAREHOLDER) CONTINUED FROM MAY 21, 2014 AT THE REQUEST OF THE BOARD**

New president Michael J. Valdez, 2707 E. 13th Street was sworn in and answered questions from the Board. Mr. Valdez acknowledged receipt of the letter from the City Clerk's Office, dated May 27th, 2014, which outlined his criminal history. Chairwoman Harrison explained to Mr. Valdez that his criminal record disclosed information that he had not disclosed in his application and asked him to address the charges listed in the letter. Mr. Valdez stated he was not proud of his past and he had made a lot of mistakes. He gave a detailed review of the charges as cited in the letter. He then stated that his last arrest occurred approximately 13 years ago. Mr. Valdez stated he realized the problems that he was creating for himself was because he was drinking and so he stopped drinking in 2001. Mr. Valdez stated he left the country in 2003 to work as a civilian for the Department of Defense and worked alongside of the members of the U.S. military in Iraq, Afghanistan and Egypt until September of 2013. He further explained he sustained a severe back injury prompting him to return to the United States.

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Mr. Valdez stated he is aware of the bad reputation that this bar had in the past and during the time he has run the bar, he has eliminated the bad environment and now closes at 10 p.m. He has also installed a good security system. Mr. Valdez stated his goal is to create a safe neighborhood bar for the community. He 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. Valdez stated he used personal funds to enter into possession of the premises. He currently employs 4 employees and he will conduct background investigations on potential employees. His policy for checking the age of his patrons will be to ask for identification if the patron looks to be under the age of 45. He does not allow anyone under the age of 21 in the establishment. Mr. Ferris encouraged Mr. Valdez to become certified through an approved vendor Seller and Server training program.

When asked if he felt he would have issues working in a liquor environment, considering his past issues with alcohol, Mr. Valdez stated he views this venture as a way to make a living. He stated he has changed and regrets his past.

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

12 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- J AND CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 7TH STREET (NEW MANAGER MICHAEL J. VALDEZ REPLACES JAMES YOUNG) CONTINUED FROM MAY 21, 2014 AT THE REQUEST OF THE BOARD

Mr. Ferris, seconded by Mr. Rose, moved to take administrative notice of the testimony given in item #11 and moved to approve this manager's registration. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

13 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE- EL ALAMO, LLC D/B/A EL ALAMO, 1305 E. ROUTT AVENUE (CONTINUED FROM MAY 21ST, 2014 AT THE REQUEST OF CONFLICTS COUNSEL)

Owners George Villarreal, 1305 E. Routt and Francisco Martinez, 23225 Hillside were sworn in. It was noted that Mr. Villarreal would act as translator for Mr. Martinez since Mr. Martinez primarily speaks Spanish.

Present in opposition to the issuance of this license was Conflicts Counsel Carla Sikes. Ms. Sikes explained that the Police Department recommended denial of the application based on the background investigation they performed and she was present to represent the Police Department.

Mr. Martinez explained he was charged with DWAI in 1996. Mr. Villarreal stated he currently has a DUI and disorderly conduct charge pending in Brighton, CO from August 11, 2013. He stated the disorderly conduct charge will be dismissed as the police presumed he was fighting with his brother-in-law. Mr. Villarreal stated he also received a DUI and an assault charge when he was younger. When asked if he had a problem with alcohol, Mr. Villarreal stated he quit drinking last August and explained he has a child on the way and has to make positive changes in his life to do better. He stated he will do whatever he needs to do to see to it that this business succeeds because this is his job as well. He further explained that due to an assault charge he received when he was younger; it has prevented him from getting numerous jobs. He stated he has attended court-ordered alcohol classes as well.

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Mr. Villarreal explained he & Mr. Martinez previously held a liquor license at this location under a temporary permit but was unable to complete the process due to various issues and there were never any violations. Mr. Villarreal explained that Mr. Martinez does not work in the restaurant on a daily basis. There are no silent partners not disclosed in their application. Both Mr. Martinez and Mr. Villarreal used personal savings to enter into possession of the premises. They employ 4-8 employees which as of now, primarily consist of family members. Both Mr. Villarreal and Mr. Martinez described approved forms of identification. Mr. Villarreal also stated they are waiting for RMC to provide a packet of material which comes with a video for proper methods of checking identification. Mr. Pullaro explained that applicants are strongly encouraged to attend a Seller-Server Training. Mr. Villarreal stated this is definitely something they would be interested in.

The Board then reviewed the petitions which were previously distributed to the Board. Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions.

Ms. Sikes was then given the opportunity to question the applicant, most specifically, Mr. Villarreal. Ms. Sikes showed the letter from the Police Department outlining Mr. Villarreal's criminal history to Mr. Villarreal and asked him if he had any reason to dispute the charges listed by the Police Department. He stated he did not. Ms. Sikes extensively reviewed the criminal history of Mr. Villarreal with Mr. Villarreal. Ms. Sikes then distributed copies of law enforcement reports to the Board and Mr. Villarreal and asked for them to be admitted into evidence. There was no objection by Mr. Villarreal. *Exhibit 1* was a copy of a report written by the Pueblo County Sheriff's Office which details an assault charge from 2006, resulting in serious bodily injuries (cerebral concussion) to an individual. Mr. Villarreal acknowledged that he pled guilty to 3rd degree assault in this case. Ms. Sikes next addressed *Exhibit 2* which was a copy of a report written by the Brighton Police Department on August 11th, 2013 and Mr. Villarreal acknowledged that this was the incident in which he stated he was wrestling with his brother-in-law but it was reported as someone fighting and choking someone on the ground in the parking lot behind a bar in Brighton. Mr. Villarreal acknowledged that he was charged with DUI – case currently pending. Ms. Sikes had no further questions

The applicant was given an opportunity to present rebuttal testimony. Mr. Villarreal explained with regard to the assault charge, he was not the only one fighting and that he was only protecting his sister. He stated he was the only one who got charged for it. Mr. Villarreal had no further testimony or evidence to give. Mr. Villarreal stated he did want the petitions submitted into evidence. The petitions were marked as *Exhibit A*.

Board Member DiFatta asked Ms. Sikes if the Police Department objected to Mr. Martinez. Ms. Sikes stated they did not object to Mr. Martinez as other than a 2012 dog-at-large charge, his offenses were at least 20 years old.

Mr. Villarreal offered to remove himself from the application as he just wants the business to succeed and asked the Board to consider this.

Ms. Sikes summarized her case by stating that the Police Department is recommending denial of the application based upon the criminal history of Mr. Villarreal. She stated Mr. Villarreal has a history and record of unlawful conduct including 4 DUI's, one of which is still pending along with a disorderly conduct charge; a 2nd degree assault case from 2006 in which he caused another person severe bodily injury resulting in cerebral concussion. She further stated his history demonstrates poor responsible

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behavior involving alcohol and his criminal history is relatively recent and is all relevant. Ms. Sikes also stated based upon his history, she believes that he would be lax in enforcing the liquor laws. Ms. Sikes stated she would not object to Mr. Villarreal removing himself from the application.

At this time the hearing was closed.

Mr. DiFatta, seconded by Mr. Pullaro, moved to continue this matter to July 2nd, 2014 so that the application could be amended removing Mr. Villarreal. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Villarreal asked if the Board would consider continuing this matter to June 18th, 2014. The Board stated if Mr. Villarreal could accomplish the amendments within this timeframe that would be acceptable.

Note: The Board took a short recess at 7:35 p.m. and reconvened at 7:40 p.m.

**14 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– GRAHAM'S GRILL, LLC
D/B/A GRAHAM'S GRILL, 115 E. RIVERWALK, UNIT 100**

New owner Heather Graham, 5 Pasadena was sworn in and answered questions from the Board. The moral character of Ms. Graham was satisfactory to the Board. Ms. Graham stated she previously worked in a liquor-licensed establishment and the license at that location, was never suspended, revoked or otherwise reprimanded for violating any liquor licensing statute or regulation. There are 2 investors, which she has disclosed in this application: Michael & Kim Finnerty. Ms. Graham explained she used the investment funds to enter into possession of the premises. She will employ 6-8 employees and explained she is hiring people she has previously known and does not believe they have a criminal history. Ms. Graham described approved forms of identification. Ms. Graham stated she attended the City/State Seller-Server Training course held on May 30th, 2014. She was also given a copy of the State's approved vendor list. Ms. Graham explained she will have a serving area outside on a small portion of the patio. (outlined in red on the drawing) She has also placed 2 signs on the patio area stating, "No Alcohol Beyond This Point."

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

Mr. Rose, seconded by Mr. Ferris moved to approve this Hotel & Restaurant 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. The findings indicate that the issuance of this license is supported by at least 60 businesses and 10 residents of the neighborhood or other parties in interest and opposed by no businesses or residents of the neighborhood or other parties in interest.

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

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15 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR LICENSE-HANARI, INC. D/B/A PUEBLO LIQUOR, 1210 S. PRAIRIE AVENUE (POLICE CR# 14-6075, VIOLATION DATE: APRIL 3RD, 2014)

Owner/Licensee Gene Horstman, 100 Parkside Lane was present and sworn in.

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department. Ms. Sikes stated the City and the licensee have arrived at a proposed stipulated agreement: 3-days suspension: 1-day imposed, 3-days held in abeyance for 1 year. Ms. Sikes stated that the licensee has not had a violation since taking over this business in 2010. Ms. Sikes also stated that the licensee is eligible to pay a fine in lieu of suspension.

Ms. Sikes then read the *Stipulated Findings and Order* into the record for the Board's consideration. The findings and order state in part: the licensee stipulates and admits that on April 3rd, 2014, the licensee (or his employee) allowed a patron to purchase and consume five (5) 50ml bottles of vodka on the premises; that the licensee (or his employee) stipulates and admits patron became visibly intoxicated; that the patron became belligerent with another patron and that it was the 2nd patron and not the licensee (or his employee) who contacted the Police.

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

16 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL- HANARI, INC. D/B/A PUEBLO LIQUOR, 1210 S. PRAIRIE AVENUE

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

17 COMMUNICATION FROM DEPUTY CITY CLERK LORI BRAVO-NEFF, CITY OF PUEBLO CITY CLERK'S OFFICE RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK, 101 S. MAIN STREET, UNITS 400 & 406

Vice-President Brad Padula, 7 Kalanchoe Court, was sworn in.

Assistant City Attorney/Conflicts Counsel, Carla Sikes stated she had no objection to the dismissal of this case due to the fact the licensee has submitted new documents to register a new manager.

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

18 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK, 101 S. MAIN STREET, UNITS 400 & 406

Mr. Ferris, seconded by Mr. DiFatta, moved to take administrative notice of Item #17 and approve this renewal. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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- 19 CABARET LICENSE APPLICATION-RENEWAL-WATERFRONT ON THE RIVERWALK, INC. D/B/A WATERFRONT ON THE RIVERWALK, 101 S. MAIN STREET, UNITS 400 & 406**

Mr. Ferris, seconded by Mr. DiFatta, moved to take administrative notice of Item #17 and approve this renewal. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 20 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) CONTINUED FROM APRIL 2ND, 2014 AND MAY 7TH, 2014 DUE TO THE ABSENCE OF THE APPLICANT**

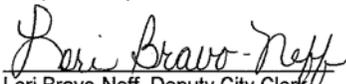
Ms. Harrison, seconded by Mr. Ferris, moved to set this matter for hearing on June 18th, 2014 for denial of application for failure to appear and proceed with the application. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 10 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE- BROKEN DOLLAR, INC. D/B/A BROKEN DOLLAR SALOON, 2301 LAKE AVENUE (NEW PRESIDENT PAMELA GALLEGOS REPLACES RICHARD GREEN AND NEW VICE PRESIDENT RALPH SANDERS REPLACES JOHNNA MCGILL)**

Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to June 18th, 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 8:10 p.m.

Respectfully submitted,


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