

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

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of July 2, 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. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of June 18th, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO CONSENT AGENDA

Mr. DiFatta, seconded by Mr. Rose, moved to add Item #3A to the Consent Agenda (re: Change of Corporate Structure for Barrel Brothers Liquor, 2815 W. Pueblo Boulevard) Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-GUS' PLACE, LLC D/B/A GUS' PLACE, 1201 ELM STREET
- 2 3.2% BEER LICENSE APPLICATION-RENEWAL-OFF-PREMISES CONSUMPTION-DILLON COMPANIES, INC. D/B/A KING SOOPERS #43, 102 W. 29TH STREET
- 3 ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RENEWAL- MESA JUNCTION WINE & SPIRITS, INC. D/B/A MESA LIQUORS, 105 COLORADO AVENUE
- 3A REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-RETAIL LIQUOR STORE LIQUOR LICENSE- KUM & GO LIQUOR, LLC D/B/A BARREL BROTHERS LIQUOR, 2815 W. PUEBLO BOULEVARD (REMOVING JEREMY D. FELZIEN AS VICE-PRESIDENT. MR. FELZIEN'S 50% STOCK GOES TO PRESIDENT ADAM L. FELZIEN WHO WILL NOW BE 100% SHAREHOLDER AND SOLE OFFICER IN THIS ENTITY)

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

REGULAR AGENDA

- 4 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A HOLY FAMILY PARISH, EVENT MANAGER: JEFFREY D. BARELA, (EVENTS TO BE HELD AUGUST 8-10, 2014. ADDRESS OF EVENTS: 2827 LAKEVIEW AVENUE)

New event manager Jeffrey D. Barela, 3920 Fairfield Lane, was sworn in and answered questions from the Board. The event for which this application has been made is for Holy Family Parish's annual church festival. Mr. Barela explained all proceeds raised go to the church. Both Mr. Barela and Fr. Tomas Basto will be responsible for supervising the event. There will be 2 liquor distribution points.

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There will be 5-6 volunteers from the church selling/serving liquor. Mr. Barela described the types of food that will be served and approved forms of identification. Their policy for checking the age of their patrons will be to ask for identification if the customer appears under the age of 30. The church will hire a private security to maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises and the premises will be secured by barricades/fencing and security.

The Board asked Mr. Barela for clarification on the diagram and following a brief discussion, it was decided this matter would be continued to the next meeting.

Mr. Ferris, seconded by Mr. DiFatta, moved to continue this matter to July 16th so that a clearer drawing can be submitted. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**5 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-
HOTEL & RESTAURANT LIQUOR LICENSE– APPLE COLORADO, LLC D/B/A
APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 4001 W. NORTHERN AVENUE (NEW
MANAGER MICHELLE PITTS REPLACES JENNIFER PRIEST)**

New manager Michelle Pitts, 4914 Warbler Court was sworn in and answered questions from the Board. The moral character of Ms. Pitts was satisfactory to the Board. She has never held or worked in or for a liquor-licensed establishment. The restaurant employs 60 employees. Ms. Pitts explained the only ones who undergo a background investigation, are the managers. Their policy for checking the age of their patrons is to ask for identification from anyone who appears under the age of 35. Ms. Pitts has completed a Seller/Server training course and their employees are required to take a course and pass a test before they can serve.

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

**6 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– EL ALAMO, LLC D/B/A EL
ALAMO, 1305 E. ROUTT AVENUE (CONTINUED FROM JUNE 4TH, 2014 AT THE REQUEST
OF THE APPLICANT)**

Note: This hearing was closed at the June 4th, 2014 meeting. Due to the resignation of member/manager George Villarreal, it was necessary to name a new individual as manager.

Mr. Rose, seconded by Mr. DiFatta moved to reopen the hearing to take additional testimony. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

New manager Ariana Orozco, 7070 Larch Drive, Denver, CO was sworn in. Also present and sworn in was owner-Francisco Martinez, 23225 Hillside. Ms. Orozco stated she could interpret for Mr. Martinez if necessary.

Ms. Orozco stated she has never 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. She has never worked in or for a liquor-licensed establishment. The restaurant employs a total of 6 employees and to her knowledge, these employees do not have criminal histories. Ms. Orozco

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described approved forms of identification; their policy for checking the age of their patrons is to ask anyone who appears under the age of 35 for their I.D. Ms. Orozco explained they have made arrangements with RMC to instruct their employees in Seller/Server training once they are approved for a liquor license. Ms. Orozco explained she is a part-time school teacher and teaches in Denver, CO 4-days a week. She further explained she will be here every other week. Mr. Rose asked Ms. Orozco to briefly describe what her responsibilities as manager would entail and asked how she would supervise when she would not be here part of the time. Ms. Orozco explained there are other “leads” who will supervise in her absence. She stated they have installed cameras and she will be calling when she is not at the restaurant. She further explained she can access the POS from her home. In the description Ms. Orozco gave to the Board of her responsibilities, she did not mention who would be ordering alcohol and Mr. Rose asked her who would be responsible for ordering alcohol for the restaurant. Ms. Orozco stated that is also one of her responsibilities.

Present to speak in favor of the issuance of this license was building owner Walter Terrones, 28759 Gale Road. Mr. Terrones was sworn in. He explained as part of the contract he has entered into with this entity, he reserved the right to monitor the licensed premises. Mr. Terrones explained he previously held a liquor license at this location since 1990. He further stated he would be able to help manage the establishment when Ms. Orozco was not present.

The Board held a brief discussion regarding whether or not there are residency requirements for a registered manager and asked Ms. Macchietto to check into this.

With no additional questions or testimony, the hearing was closed.

Mr. Ferris asked when they would discuss the amended application.

Mr. Rose, seconded by Mr. Ferris moved to reopen the hearing to hold this discussion. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Martinez was asked if he understood what had taken place regarding the amendments made to the application. Mr. Martinez, through the interpretation given by Ms. Orozco stated that the other member of the LLC, George Villarreal, had resigned making him the sole member. He understood that the license would be issued to only him.

Mr. Rose, seconded by Mr. Pullaro, moved to continue this matter to July 16th for the purposes of deliberating the residency requirement of the manager and for receipt of the criminal history record from CBI/FBI on Ms. Orozco. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

7 ORDER TO SHOW CAUSE & NOTICE OF HEARING: 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 MAY 7TH, 2014 JUNE 2ND, 2014 AND JUNE 16TH, 2014 DUE TO THE ABSENCE OF THE APPLICANT

Mr. DiFatta, seconded by Mr. Ferris, moved to withdraw this application at the request of the applicant and receive and file the communication. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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OTHER BUSINESS

Mr. Ferris stated he wanted to take a moment to publicly commend *Texas Roadhouse* for their initiative in certifying 6 of their employees in Seller/Server Training. All Board members agreed with Mr. Ferris.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:00 p.m.

Respectfully submitted,



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