

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
JULY 16, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of July 16, 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. Ferris, seconded by Mr. DiFatta, moved to approve the minutes of the Regular Meeting of July 2nd, 2014. 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**
Pueblo AB Investors and Seaview Investors, LLC d/b/a Courtyard by Marriott, Pueblo, 110 W. 1st Street
Pinelle's Bowlero Lanes, Inc. d/b/a Pinelle's Bowlero Lanes, 1000 W. 6th Street
- 2 **TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-GLOBAL SPECTRUM, LP D/B/A MEMORIAL HALL THEATER, 1 CITY HALL PLACE**
- 3 **3.2% BEER LICENSE APPLICATION-RENEWAL-OFF-PREMISES CONSUMPTION-CST METRO, LLC D/B/A CORNER STORE #1723, 1525 W. US HIGHWAY 50**
- 4 **CABARET LICENSE APPLICATION-RENEWAL - PUEBLO AB INVESTORS AND SEAVIEW INVESTORS, LLC D/B/A COURTYARD BY MARRIOTT, PUEBLO, 110 W. 1ST STREET**
- 5 **SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR-BOYS & GIRLS CLUBS OF PUEBLO COUNTY, MAILING ADDRESS: 2601 SPRAGUE AVENUE, EVENT MANAGER: MELANIE BRAVO, (EVENT TO BE HELD SEPTEMBER 12, 2014. ADDRESS OF EVENT: 701 S. PUEBLO BOULEVARD)**
- 6 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE-CLUB ICE, LLC D/B/A CLUB ICE, 2430 LAKE AVENUE, (CURRENTLY LICENSED TO CARL F. RODRIGUEZ D/B/A LITTLE JOE'S, LICENSE EXPIRES AUGUST 16, 2014)**
- 7 **PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-3.2% BEER LICENSE-VINTAGE WINE & LIQUORS, INC. D/B/A VINTAGE WINE & LIQUORS, 1765 S. PUEBLO BOULEVARD, NEW MANAGER JEREMY FELZIEN REPLACES JEFF DEPATIE)**
- 8 **PERMIT APPLICATION AND REPORT OF CHANGES - 3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES, CHANGE OF CORPORATE NAME/TRADE NAME CHANGE, CST METRO, LLC D/B/A CORNER STORE #1723, 1525 W. US HIGHWAY 50, (FORMERLY VALERO DIAMOND METRO, INC. D/B/A VALERO CORNER STORE #1723)**

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

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- 9 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) CONTINUED FROM JULY 2, 2014 FOR CLARIFICATION ON THE DRAWING OF THE LICENSED PREMISES**

New event manager Jeffrey D. Barela, 3920 Fairfield Lane, was sworn in and answered questions from the Board. Staff members of Holy Family Parish submitted a more detailed, clearer drawing of their proposed licensed premises. Mr. Barela explained the entire area of their licensed premises will be fenced in. There will be 2 liquor distribution points. Mr. Barela explained the security company they have hired will check identification at the entrance. If the guest is 21 years of age, and wants to purchase alcohol, they will be given a wristband.

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

- 10 PERMIT APPLICATION AND REPORT OF CHANGES: REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-RETAIL LIQUOR STORE LIQUOR LICENSE- VINTAGE WINE & LIQUORS, INC. D/B/A VINTAGE WINE & LIQUORS, 1765 S. PUEBLO BOULEVARD (REMOVING JEFF DEPATIE AS PRESIDENT AND KAREN DEPATIE AS SECRETARY TREASURER. MR. DEPATIE'S 91% STOCK AND MS. DEPATIE'S 9% STOCK GOES TO NEW PRESIDENT/OWNER JEREMY D. FELZIEN WHO WILL NOW BE 100% STOCKHOLDER AND SOLE OFFICER IN THIS ENTITY)**

New president/owner Jeremy Felzien, 931 S. Bayonne, Pueblo West, CO was sworn in and answered questions from the Board. Mr. Felzien explained he received a deferred sentence for DUI in 2007 and a DUI charge in 2013 in Colorado Springs, was dismissed. He previously held a liquor license and they received a 5-days suspension: 0-days served, 5-days held in abeyance for 1 year for sale to a minor in February 2013. There are no silent partners not disclosed in his application. Mr. Felzien stated he used personal savings to enter into possession of the premises. He currently employs 2 employees and to his knowledge, they do not have a criminal history. Mr. Felzien stated going forward; he will conduct background investigations on potential employees. He described approved forms of identification and explained his policy for checking the age of his patrons will be to ask for an I.D. if the customer looks under the age of 35-40. Mr. Felzien received an on-line certification in Seller/Server Training in June or July of 2013.

Mr. Rose, seconded by Mr. DiFatta, moved to approve this change of corporate structure contingent upon information on the background check being consistent with Mr. Felzien's testimony. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 11 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-HOTEL & RESTAURANT LIQUOR LICENSE– RT DENVER FRANCHISE, LP D/B/A RUBY TUESDAY, 4150 N. FREEWAY (NEW MANAGER CHRISTINA LIVINGSTON REPLACES KATHERINE MASSEY)**

New manager Christina Livingston, 6601 Provincial Drive, Fountain, CO was sworn in and answered questions from the Board. Ms. Livingston explained she paid a fine in the State of Utah for possession of drug paraphernalia. She previously worked at Ruby Tuesday in Colorado Springs where they received a violation for sale to minor. Ms. Livingston explained the employee who caused the violation

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was immediately terminated. They employ 40 employees and none of these employees, to her knowledge, have a criminal history. Their policy for checking the age of their patrons is to ask for an I.D. from everyone, especially if that person looks under the age of 35. Ms. Livingston stated she went through a brief training program in Seller/Server Training. She also explained that during their employee orientation, they receive education on this matter. Ms. Livingston stated there are 3 other on-site managers in her absence. Board Member DiFatta encouraged Ms. Livingston to become certified.

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

12 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– EL ALAMO, LLC D/B/A EL ALAMO, 1305 E. ROUTT AVENUE (CONTINUED FROM JULY 2, 2014 AT THE REQUEST OF THE BOARD)

Owner Francisco Martinez, 23225 Hillside and manager Ariana Orozco, 7777 Larch, Denver, CO were sworn in.

Mr. Ferris explained to the applicant that this matter was continued from the July 2nd, 2014 meeting so that legal counsel could advise them whether or not there is a residency requirement for the manager since Ms. Orozco does not live in Pueblo. Mr. Ferris further stated they were informed there are no residency requirements.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the liquor license for El Alamo. 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 issuance of this license is supported by at least 14 businesses and 75 residents of the neighborhood or other parties in interest and there was no opposition.

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

13 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET, (CURRENTLY LICENSED TO QMT D/B/A THE GROVE TAVERN, LICENSE EXPIRES SEPTEMBER 20, 2014)

New owners Eric Apodaca, 1820 E. Orman Avenue and Johnathon Ayala, 3303 Fox Den Court were sworn in and answered questions from the Board. Mr. Apodaca explained he was involved in a disturbance in March 2011 but no charges were filed. The moral character of Mr. Ayala was satisfactory to the Board. Mr. Apodaca has never held or worked in or for a liquor-licensed establishment. Mr. Ayala previously worked in a liquor-licensed establishment and that license was never suspended, revoked or otherwise reprimanded for violating any liquor licensing statute or regulation. There are no silent partners or financial backers which have not been disclosed in their application. They will employ 4 employees. Both Mr. Apodaca and Mr. Ayala explained they have been TIPS certified for insurance purposes. Both owners described approved forms of identification. Mr. Ayala explained when they became TIPS certified, they were given a presentation on what they could do to guard against underage purchases of alcohol and their policy will be to ask for identification from

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anyone who appears under the age of 40. Mr. Apodaca used funds from a personal loan to enter into possession of the premises and Mr. Ayala used personal savings.

The Board held a brief discussion about the need for a sign-off from the Fire Department on their Routing Sheet. Mr. Ayala explained they needed to install a panic bar on a patio gate, which a welder is currently working on.

Ms. Macchietto noted for the record, there was no one present in the gallery indicating no opposition to the issuance of this license.

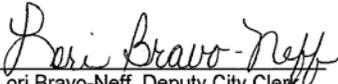
Mr. Pullaro, seconded by Mr. Rose, moved to approve this transfer of ownership pending receipt of a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

Mr. Pullaro, seconded by Mr. DiFatta, moved to approve the Findings and Order as read. 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 6:45 p.m.

Respectfully submitted,


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