

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
SEPTEMBER 17, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of September 17, 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 September 3, 2014. 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**
GMRI, Inc. d/b/a Olive Garden Italian Restaurant #1708, 3240 N. Elizabeth Street
Cuautla, Inc. d/b/a 3 Margaritas VIII, 3620 N. Freeway Road
Big Daddy's Sunset Bowl, Inc. d/b/a Big Daddy's Sunset Bowl, 1227 S. Prairie Avenue
Kwak, Inc. d/b/a Sushi Garden, 3915 Ivywood Lane
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS TOTAL OF 4 RENEWALS**
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue
Disabled American Veterans d/b/a DAV Steel City Chapter #39, 2850 O'Neal Avenue
Josephine Glavich, Inc. d/b/a Eiler's Place, 326 E. Mesa Avenue
Rollco, Inc. d/b/a Russ's Deluxe Tavern, 407 N. Santa Fe Avenue
- 3 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
Marlin Associates, LLC d/b/a Coco-Man's Liquor, 1908-1910 E. 4th Street
Loco Liquors, Inc. d/b/a Loco Wines and Liquors, 125 S. Santa Fe Avenue
- 4 CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 2 RENEWALS**
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue
Disabled American Veterans d/b/a DAV Steel City Chapter #39, 2850 O'Neal Avenue
- 5 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE- PUEBLO CITY-COUNTY LIBRARY DISTRICT, EVENT MANAGER: MIDORI CLARK, (EVENT TO BE HELD OCTOBER 25TH, 2014. ADDRESS OF EVENT: 100 E. ABRIENDO AVENUE)**

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

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6 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE– T.O. WINGS #4, LLC D/B/A WING STOP, 3414 N. ELIZABETH STREET

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 Hotel & Restaurant Liquor License for premises to be known as *Wing Stop*.

Mr. Pullaro, seconded by Mr. Rose, moved to receive the survey and set the hearing for October 1, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

7 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE/NEW CABARET LICENSE– SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, INC. D/B/A SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, 210 N. SANTA FE AVENUE

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 Tavern Liquor License/new Cabaret License for premises to be known as *Sangre de Cristo Arts and Conference Center*.

Mr. Rose, seconded by Mr. Ferris, moved to receive the survey and set the hearing for October 1, 2014. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO ELKS LODGE #90, THE BENEVOLENT & PROTECTIVE ORDER OF ELKS OF THE UNITED STATE OF AMERICA, EVENT MANAGER: TED CLEMENT, (EVENTS TO BE HELD SEPTEMBER 27TH, 2014 AND OCTOBER 4TH, 2014) ADDRESS OF EVENTS: 426 N. SANTA FE AVENUE

Event Manager Ted Clement, 712 S. Bellflower, Pueblo West, CO was sworn in and answered questions from the Board. Mr. Clement explained they have made application for two events and the proceeds raised at these two events will be used for their operating expenses. Mr. Clement and other officers from the Elks will be responsible for supervising the events. There will only be one liquor distribution point at both events and 1-2 persons will be selling/serving liquor. Mr. Clement explained at the 9/27 event, they will have sandwiches available and at the 10/4 event, the individuals who are renting their hall for a wedding reception, will have a catered dinner. Their policy for checking the age of their patrons will be to ask for identification from anyone who looks to be under the age of 35. At the first event, officers of their club will be assigned to maintain order on the licensed premises and at the second event; they require the lessee to hire a security company. Club officers will also be available to make sure order is maintained. Alcohol will not be allowed off the licensed premises. Mr. Clement explained these events will be held in the basement level of their establishment and the exits will be monitored by their officers. The Board suggested to Mr. Clement, that for their 9/27/14 event, they may want to consider using wristbands as an extra precaution to guard against selling or serving to minors.

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

REGULAR AGENDA (CONTINUED)

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- 9-16 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE–SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, INC. D/B/A SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, EVENT MANAGER: LORRIE MARQUEZ, (8 EVENTS TO BE HELD SEPTEMBER 20th and 27th; OCTOBER 4th, 11th, 13th, 18th, 24th and 25th, 2014) ADDRESS OF EVENTS: 210 N. SANTA FE AVENUE)**

Event Manager Lorrie Marquez, 3226 St. Clair Avenue, was sworn in and answered questions from the Board. Ms. Marquez explained they will be holding eight events; the majority of the events are wedding receptions. Ms. Marquez stated that the rental fees support the Arts Center's programs. Ms. Marquez will be responsible for supervising the events. There will only be one liquor distribution point at seven of the events and two liquor distribution points at the 10/24 event. The number of persons selling/serving liquor will vary for each event between 1-6 persons. Ms. Marquez explained the individuals renting their ballroom will each have a catered dinner. Their policy for checking the age of their patrons will be to ask for identification from anyone who looks to be under the age of 35. They schedule 1 bartender per 100 guests at each event. TNT Security will be assigned to maintain order on the licensed premises at each event. Alcohol will not be allowed off the licensed premises. Ms. Marquez explained that security officers will be stationed at the entrances and exits to monitor the patrons attending each event to ensure no one takes alcohol out.

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

- 17 HEARING: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—RED LOBSTER RESTAURANTS, LLC D/B/A RED LOBSTER #0482, 3306 N. ELIZABETH STREET, (CURRENTLY LICENSED TO GMRI, INC. D/B/A RED LOBSTER #482, LICENSE EXPIRES APRIL 10, 2015)**

Attorney Brian Proffitt with the law firm of Foster, Graham, Milstein & Calisher LLP was present with registered manager Catherine L. Richardson of 4932 Warbler Court. Ms. Richardson was sworn in and answered questions from the Board.

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

The moral character of Ms. Richardson was satisfactory to the Board. Ms. Richardson stated she previously worked in a liquor-licensed establishment and that license was never suspended, revoked or reprimanded for violating any liquor licensing statutes or regulations. They employ between 74-82 employees and these employees do not have a criminal history to her knowledge. Ms. Richardson stated they do not conduct background checks on potential employees. Ms. Richardson described approved forms of identification and stated their policy for checking the age of their patrons is to request an I.D. if the patron looks under the age of 35. Ms. Richardson explained their managers and crew are trained *in-house* in Seller and Server Training.

Mr. Proffitt stated no changes will be made to the establishment because of this sale and that the community can count on the same great service they have come to expect.

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

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

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

18 HEARING: TRANSFER OF OWNERSHIP APPLICATION—RETAIL LIQUOR STORE LIQUOR LICENSE—JAMES MICHAEL RICCARDI D/B/A MESA JUNCTION WINE & SPIRITS, 105 COLORADO AVENUE, (CURRENTLY LICENSED TO MESA JUNCTION WINE & SPIRITS, INC. D/B/A MESA LIQUORS, LICENSE EXPIRES JULY 21, 2015)

New owner James Michael Riccardi, 1303 Landsdale Avenue, Landsdale, PA was sworn in and answered questions from the Board.

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

Mr. Riccardi explained in 1971 he received 1 year probation for possession of marijuana and in 2009 he received a gambling charge as a result of a vendor installing a machine in his bar that did not meet the legal requirements. He received an ARD (accelerated rehabilitation disposition) which is the equivalent of a deferred sentence in Colorado. Both of these incidents occurred in Pennsylvania. Mr. Riccardi stated he worked in a liquor-licensed establishment that belonged to his parents when he was younger, which he now owns. Mr. Riccardi stated there was an infraction at the bar in 1986 for sale to a minor and they paid a fine. There are no silent partners or financial backers not disclosed in his application. Mr. Riccardi stated he used personal funds from the sale of properties and savings to enter into possession of the premises. He is keeping the employees that are presently employed at this establishment and stated he will conduct background checks on potential employees. Mr. Riccardi described approved forms of identification and stated his policy for checking the age of their patrons will be to request an I.D. if the patron looks under the age of 35 and they will also use I.D. scanners. Mr. Riccardi is certified in Responsible Vendor training in Pennsylvania. Mr. DiFatta recommended to Mr. Riccardi that he also become certified in Colorado. Mr. Riccardi was given a City/State class schedule as well as a copy of the State's list of certified vendors.

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

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

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

19 HEARING: NEW RETAIL LIQUOR STORE LIQUOR LICENSE– M&M MIDTOWN LIQUOR, LLC D/B/A M&M MIDTOWN LIQUOR, 905 W. 4TH STREET

New owner Magdalena Rojas, 34 W. Hugo Drive, Pueblo West, CO was sworn in and answered questions from the Board.

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

REGULAR AGENDA (CONTINUED)

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The moral character of Ms. Rojas was satisfactory to the Board. Ms. Rojas stated she has previously worked in liquor-licensed establishments and those licenses were never suspended, revoked or reprimanded for violating any liquor licensing statutes or regulations. Ms. Rojas used personal savings to enter into possession of the premises. Ms. Rojas explained she will employ friends and family and stated she will conduct background checks on potential employees. Ms. Rojas described approved forms of identification and stated her policy for checking the age of their patrons will be to request an I.D. if the patron looks under the age of 35. The Board encouraged Ms. Rojas to attend Seller/Serving training and she was given a City/State class schedule as well as a copy of the State's list of certified vendors.

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.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the liquor license for M&M Midtown Liquor. 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 48 businesses and no businesses in opposition; and it is supported by at least 132 residents of the neighborhood or other parties in interest and there are at least 2 residents in opposition.

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

20 HEARING: NEW BREW PUB LIQUOR LICENSE– BRUES ALEHOUSE BREWING COMPANY, INC. D/B/A BRUES ALEHOUSE BREWING COMPANY, 120 RIVERWALK PLACE

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

New owners/officers Anthony Garcia and Marty Garcia, both of 21 Alta Loma Drive, were sworn in and answered questions from the Board. Board Member Ferris led a discussion regarding the diagram of the licensed premises and asked for clarification on a portion of the diagram. Following this brief discussion, Anthony Garcia amended the drawing as it was determined a portion of the diagram included a small section of land that was not their property.

The moral character of both officers was satisfactory to the Board. Neither officer has ever held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in their application. Both officers used personal savings to enter into possession of the premises. Anthony Garcia stated they will employ between 20-40 employees and they will conduct background checks on potential employees. Both officers described approved forms of identification and stated their policy for checking the age of their patrons will be to request an I.D. if the patron looks under the age of 35. The Board strongly encouraged the applicants to attend Seller/Serving training and they were given a City/State class schedule as well as a copy of the State's list of certified vendors.

The Board then reviewed the petitions which were previously distributed to the Board. Mr. Ferris expressed his concern regarding the low number of signatures obtained on these petitions.

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

Mr. Ferris moved to continue this hearing to October 1st, 2014 to allow the applicant more time to obtain more petition signature. Motion died for lack of a second.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve this liquor license contingent upon receipt of a completed Routing Sheet. Prior to casting their votes, the Board held a brief discussion citing their reasons why they believe there was not a higher number of residential signatures on the applicant's petitions and noting additionally, there was no one present in opposition. With no further concerns to address, the Board then cast their votes.

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 62 businesses and no businesses in opposition; and it is supported by at least 23 residents of the neighborhood or other parties in interest and there is at least 1 resident in opposition.

Mr. Ferris, 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.

**21 HEARING: NEW CABARET LICENSE– BRUES ALEHOUSE BREWING COMPANY, INC.
D/B/A BRUES ALEHOUSE BREWING COMPANY, 120 RIVERWALK PLACE**

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

Mr. Ferris stated he would like the Board to take administrative notice of the testimony and evidence in Item #20.

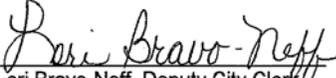
Mr. Ferris, seconded by Mr. DiFatta, moved to approve this cabaret license contingent upon receipt of a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates that issuance of this license is supported by at least 62 businesses and no businesses in opposition; and it is supported by at least 23 residents of the neighborhood or other parties in interest and there is at least 1 resident in opposition.

Mr. Ferris, seconded by Mr. Rose, moved to accept 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 7:50 p.m.

Respectfully submitted,


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