

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
NOVEMBER 19, 2014 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 19, 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. Rose, moved to approve the minutes of the Regular Meeting of November 5, 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**
LaTronica's Restaurant, Inc. d/b/a LaTronica's Restaurant & Tavern, 1143 E. Abriendo Avenue
Donna M. Hart d/b/a All Seasons Catering Event Center, 112 W. 2nd Street
- 2 **TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
GLT, Inc. d/b/a Greenlight Tavern, 227 N. Santa Fe Avenue
Charles A. Kinnard d/b/a Charlie's Tavern, 1601 W. 17th Street
- 3 **RETAIL LIQUOR STORE LIQUOR LICENSE RENEWALS-HERCULES ENTERPRISES, INC. D/B/A HERCULES LIQUOR, 112 BROADWAY AVENUE**
- 4 **CABARET LICENSE APPLICATION-RENEWAL- DONNA M. HART D/B/A ALL SEASONS CATERING EVENT CENTER, 112 W. 2ND STREET**
- 5 **REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE-DISABLED AMERICAN VETERANS D/B/A DAV STEEL CITY CHAPTER #39, 2850 O'NEAL AVENUE (NEW COMMANDER TIM W. FRESQUEZ REPLACES RICKY L. GARCIA)**
- 6 **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, 210 N. SANTA FE AVENUE, EVENT MANAGER: LORRIE MARQUEZ, (EVENTS TO BE HELD NOVEMBER 29TH; DECEMBER 5TH, 12TH, 13TH, AND 27TH, 2014. ADDRESS OF EVENTS: 210 N. SANTA FE 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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- 7 **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, NEW EVENT MANAGER: ANITA MAXINE VIGIL, (EVENT TO BE HELD DECEMBER 6TH, 2014) ADDRESS OF EVENT: 426 N. SANTA FE AVENUE**

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New event manager Anita Maxine Vigil, 1615 E. 11th Street, was sworn in and answered questions from the Board. This application has been made for the rental of their hall for a Christmas party. Ms. Vigil explained the monies raised at the event will go to their general fund. Ms. Vigil will be responsible for supervising the event. There is one liquor distribution point and there will be 2 bartenders selling/serving liquor. Ms. Vigil stated this event will be catered by an outside, licensed caterer. She explained their policy for checking the age of their patrons will be to ask for identification from anyone who appears under the age of 35. Ms. Vigil stated, in addition to herself, 2 security guards will be hired to maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises. The premises are secured as there is only one point of entry/exit and security guards will be posted at this door. The Board held a brief discussion to clarify the type of food that will be served as well as clarification on the entrance and emergency exits.

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

8 HEARING: NEW TAVERN LIQUOR LICENSE– WINE DOWN BY THE RIVER, LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE (CONTINUED FROM NOVEMBER 5TH, 2014 AT THE REQUEST OF THE BOARD)

Mr. Rose, seconded by Mr. Ferris, moved to open the hearing to receive further evidence. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

New owners Betty Jo Velarde, 4595 E. Hindsdale Place, Centennial, CO; Michael Velarde, 31 Altadena Drive, Pueblo, CO and Louie Rivera, 1700 Bassett St. #1013, Denver, CO were 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.

Mr. Velarde was present to provide additional information on his criminal record. He explained he owned a business and was hired by an individual to do a construction project. Mr. Velarde stated he cashed the check and purchased material to do the project. He started the job, and worked one, but due to 2-days of inclement weather, he did not show up to work. He stated he tried to explain to the person who hired him that he could not do outside electrical work. Mr. Velarde stated he was told not to finish the job but that the individual, who hired him, wanted a refund for all the materials Mr. Velarde purchased for the job. Mr. Velarde stated he felt it was “a wash” as the person had all the building materials and he did not refund any money. He failed to appear and a previous deferred DWAI charge was revoked. This resulted in a theft/fraud charge since he did not return the money. He wore an ankle monitor for 180-days and made restitution.

Seeing there was no additional testimony, the hearing was closed.

Mr. Rose, seconded by Mr. DiFatta, moved to approve this application 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 into the record for the Board's consideration which indicates Issuance of this license is supported by at least 9 businesses, and opposed by 0 businesses. Issuance is supported by at least 143 residents of the neighborhood or other parties in interest, and opposed by at least 0 residents of the neighborhood or other parties in interest, as

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evidenced by personal testimony at this hearing or by petition signatures received in evidence at this hearing.

Mr. Rose, 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.

9 HEARING: NEW CLUB LIQUOR LICENSE– PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE D/B/A PUEBLO LODGE NO. 19, LOYAL ORDER OF MOOSE, 1929 N. NORWOOD AVENUE (CONTINUED FROM NOVEMBER 5TH, 2014 AT THE REQUEST OF THE APPLICANT)

Club administrator Ed Martinez, 2221 S. Prairie and club officer (governor) Joe Rivera, 35 Dick Trefz were 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.

Chairwoman Harrison briefly acknowledged receipt of a letter that was sent to the Board by a party stating their opposition to the issuance of this license.

Mr. Martinez explained he was convicted of distribution of cocaine in Pueblo in 1989 and was incarcerated in a federal penitentiary for 49 months; the moral character of Mr. Rivera was satisfactory to the Board. Mr. Martinez previously held a liquor license in the 80's and worked for the Moose Lodge when they were in Pueblo West; Mr. Rivera stated he too worked in a liquor-licensed establishment. There were never any violations at any of these establishments. There are no silent partners not disclosed in their application. Both officers explained they obtained the funds necessary to enter into possession of the premises by selling their building in Pueblo West. All of their employees are club volunteers. Both officers described approved forms of identification and both officers are TIPS trained. Mr. Martinez explained their fraternal organization has their own TIPS trainers and anyone who works behind the bar, must be TIPS trained. The Board then held a brief discussion with Mr. Martinez regarding clarification of his criminal record. Mr. Martinez mentioned that part of the application packet included a special dispensation letter which is addressed to him from the general governor of the Loyal Order of Moose. The letter grants his membership because of the life he has led since his conviction and because of his devoted service to the fraternity. Mr. Rivera stated he has known and worked beside Mr. Martinez for a number of years and that he could vouch for Mr. Martinez' excellent service to their organization. Mr. Ferris stated he felt Mr. Martinez had turned his life around since this conviction.

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. The applicant requested that the petitions be admitted into the record and were marked as Exhibit A. The hearing was then closed.

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

Ms. Macchietto read the proposed Findings and Order into the record for the Board's consideration which indicates issuance of this license is supported by at least 9 businesses, and opposed by 0 businesses. Issuance is supported by at least 143 residents of the neighborhood or other parties in interest, and opposed by at least 0 residents of the neighborhood or other parties in interest.

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Mr. DiFatta, 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.

10 HEARING: NEW CABARET LICENSE– A&D BILLIARDS, INC. D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE

Mr. Ferris, seconded by Mr. Rose, moved to continue this matter to December 3rd, 2014 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

11 COMMUNICATION FROM ANDREW F. MCLACHLAN, ACTING CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (POLICE CR#14-17188, VIOLATION DATE: SEPTEMBER 13, 2014)

Mr. Pullaro, seconded by Mr. Rose, moved to continue this matter to December 3rd, 2014 at the request of the City Attorney's Office. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

12 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (POLICE CR#14-19092, VIOLATION DATE: OCTOBER 14, 2014)

Mr. Pullaro, seconded by Mr. Rose, moved to continue this matter to December 3rd, 2014 at the request of the City Attorney's Office. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

13 COMMUNICATION FROM LORI BRAVO-NEFF, DEPUTY CITY CLERK RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-IT'S PARTY TIME, INC. D/B/A WHITE HORSE INN, 628 E. 4TH STREET, (LIQUOR ENFORCEMENT DIVISION CR#14-5582)

President Lorrie Estrada was present on behalf of this matter. Ms. Estrada stated she would like to request a continuance to December 3rd, 2014 in order to reach Ms. Sikes, Conflicts Counsel.

Chairwoman Harrison explained to Ms. Estrada that the Board would act on the communication.

Mr. Rose, seconded by Mr. Ferris, there is probable cause that a violation has occurred and moved to set the matter for hearing on January 7th, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

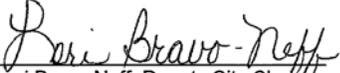
Chairwoman Harrison explained to Ms. Estrada that the Board would give her until December 3rd to contact Ms. Sikes to determine whether or not a stipulation can be reached, however, if they failed to do so, the Board would proceed with the hearing on January 7th.

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ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,


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