

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**DECEMBER 3, 2014 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of December 3, 2014 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

**ROLL CALL**

Present: Board Members Mike Ferris, Doris Harrison, Charles Pullaro, Jr. and Tom Rose. Absent: Board Member Don DiFatta. Also Present—Assistant City Attorney Lisa Macchietto and Deputy City Clerk Lori Bravo-Neff.

**APPROVAL OF MINUTES**

Mr. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of November 19, 2014. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENTS TO REGULAR AGENDA**

Mr. Pullaro, seconded by Mr. Ferris, moved to move Items 12 & 13 to the beginning of the Regular Agenda. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**  
Mr. Tandoori LLC, Inc. d/b/a Mr. Tandoori, 310 S. Victoria Avenue, Suites C & D  
Sachiko Pyon d/b/a Suehiro Japanese Restaurant, 631 N. Main Street  
William Coppola, Inc. d/b/a Magpie's, 229 S. Union Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**  
Mary M. Gifford d/b/a Gil's Westside Tavern, 2202 W. 16<sup>th</sup> Street  
Damon Runyon Repertory Theatre Co., Inc. d/b/a Damon Runyon Repertory Theatre, 611 N. Main Street  
Brillante, LLC d/b/a La Favorita, 119 W. B Street
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS-OFF-PREMISES CONSUMPTION-TOTAL OF 18 RENEWALS**  
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #201, 3918 Hollybrook Lane  
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #208, 1103 N. Elizabeth Street  
Mini Mart Inc. d/b/a Loaf 'N Jug #2, 2050 Lake Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #25, 4800 Thatcher Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #28, 120 S. Santa Fe Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #34, 33 Montebello Road  
Mini Mart Inc. d/b/a Loaf 'N Jug #37, 3980 Ivywood Lane  
Mini Mart Inc. d/b/a Loaf 'N Jug #38, 1002 Bonforte Boulevard  
Mini Mart, Inc. d/b/a Loaf 'N Jug #52, 2405 W. Northern Avenue  
Mini Mart, Inc. d/b/a Loaf 'N Jug #65, 2119 E. 4<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'N Jug #67, 1525 W. 4<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'N Jug #70, 4001 Jerry Murphy Road  
Mini Mart, Inc. d/b/a Loaf 'N Jug #71, 1201 W. 17<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'N Jug #73, 2202 W. 18<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'N Jug #78, 2120 Oakshire Lane  
Mini Mart, Inc. d/b/a Loaf 'N Jug #79, 420 Eagleridge Boulevard  
Mini Mart, Inc. d/b/a Loaf 'N Jug #84, 1104 Pueblo Boulevard Way  
Mini Mart, Inc. d/b/a Loaf 'N Jug #93, 905 W. Highway 50

**CONSENT AGENDA (CONTINUED)**

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- 4 CLUB LIQUOR LICENSE RENEWALS-TOTAL OF 2 RENEWALS**  
Fraternal Order of Eagles d/b/a Fraternal Order of Eagles #145, 1615 S. Prairie Avenue  
American GI Forum d/b/a American GI Forum of Pueblo, 207 W. Northern Avenue
- 5 CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 3 RENEWALS**  
Mr. Tandoori LLC, Inc. d/b/a Mr. Tandoori, 310 S. Victoria Avenue, Suites C & D  
Damon Runyon Repertory Theatre Co., Inc. d/b/a Damon Runyon Repertory Theatre, 611 N. Main Street  
Brillante, LLC d/b/a La Favorita, 119 W. B Street
- 6 REPORT OF CHANGES: CHANGE OF MANAGER-CLUB LIQUOR LICENSE-AMERICAN GI FORUM D/B/A AMERICAN GI FORUM OF PUEBLO, 125 HECTOR PLACE (NEW MANAGER NICOLAS ROMERO REPLACES LUIS VAZQUEZ-CONTES)**
- 7 REPORT OF CHANGES: CHANGE OF MANAGER-MINI MART, INC. D/B/A LOAF 'N JUG #65, 2119 E. 4<sup>TH</sup> STREET (NEW MANAGER TIMOTHY COMISKEY REPLACES GEORGE PADILLA)**
- 8 REPORT OF CHANGES: CHANGE OF MANAGER-MINI MART, INC. D/B/A LOAF 'N JUG #70, 4001 JERRY MURPHY ROAD (NEW MANAGER SHYLAMARIE RILEY REPLACES RON PFEIFF)**

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

**REGULAR AGENDA**

Note: Items #12 and 13 were read into the record and acted upon with one motion.

- 12 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) CONTINUED FROM 11/19/14 AT THE REQUEST OF CONFLICTS COUNSEL**
- 13 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) CONTINUED FROM 11/19/14 AT THE REQUEST OF CONFLICTS COUNSEL**

Owner/Licensee Richard Ray Gonzales, 22 Briarwood Circle was sworn in.

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department. Ms. Sikes stated that she and the licensee had arrived at a proposed stipulated agreement.

Mr. Gonzales explained he was current with and had all the required licenses; however, he did not have them displayed on the dates the officer came in to his establishment. Ms. Sikes asked Mr. Gonzales if he had signed the stipulated agreement and Mr. Gonzales acknowledged doing so.

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Ms. Sikes then read the *Stipulated Findings and Order* into the record for the Board's consideration. The findings and order state that the licensee stipulates and admits that on September 18, 2014, he did not have a valid state and city sales tax license posted on the premises; and on October 14, 2014, he did not have a valid City liquor license posted on the premises in violation of Section 12-47-301(4)(a) of the Colorado Liquor Code. The findings further state that the licensee stipulates and agrees to a suspension of its liquor license for a period of one (1) day, which shall be held in abeyance for a period of one calendar year from the date of the Order.

Mr. Pullaro, seconded by Mr. Rose, moved to accept the stipulation.

The Board then held a brief discussion. Mr. Ferris wondered whether or not one (1) day was enough of a sanction. Chairwoman Harrison stated she agreed with Mr. Ferris especially since this occurred not just once, but twice. Mr. Gonzales stated he felt someone had tampered with the display case and assured the Board that he had reinforced the locked case where he posts his licenses noting that on the second visit from the police, a different type of license was missing than what was missing on the first visit. He further explained one day may not be a lot to other establishments; however, it was to his. Chairwoman Harrison advised Mr. Gonzales to be sure to take better care of these types of matters in the future. The Board then cast their vote.

Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**9 REPORT OF CHANGES: CHANGE OF CORPORATE STRUCTURE-J & CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 4<sup>TH</sup> STREET (NEW PRESIDENT WENDY JEAN HALL REPLACES MICHAEL J. VALDEZ)**

New president, Wendy J. Hall, 2323 Meadowlark Lane was sworn in. Also present was Charles Hall, who stated he was Mrs. Hall's husband and that he was present to help Mrs. Hall answer questions if need be. Mr. Hall, also of 2323 Meadowlark Lane, was then sworn in.

For the record, it was determined that there was no one present in opposition to this change of corporate structure.

Mrs. Hall answered questions from the Board. She explained 21 years ago she was charged with DUI and possession of a dangerous drug. The DUI charge was reduced to DWAI. Mrs. Hall further explained she worked for a veterinarian, and with regard to the drug charge, it was dropped to a misdemeanor as she was in possession of prescription dog medication. She completed all court-ordered sanctions. Mrs. Hall has previously worked for a liquor-licensed establishment and stated that license was never suspended, revoked or otherwise reprimanded for violating any liquor licensing statutes or regulations. Mrs. Hall stated she used personal savings to enter into possession of the premises; she is the sole officer. At the present time, she employs 3 employees who were employed by the previous corporate officer. To her knowledge, these employees do not have criminal backgrounds but stated she will conduct background investigations on these employees as soon as possible. Mrs. Hall described approved forms of identification. She explained her policy for checking the age of their patrons will be to ask for identification if the patron looks under the age of 35. Mrs. Hall stated it will be mandatory for all employees to attend a Seller & Server Training program.

Mr. Rose stated he felt the purchase and stock sale agreement was confusing and asked for clarification as there were paragraphs in the agreement that were contradictory. Ms. Macchietto asked the Hall's whether or not closing had taken place and Mr. Hall stated it had. The Board held a discussion

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regarding the way this agreement was written, as it appeared as though the previous corporate officer would retain ownership until the Hall's had paid all fees in full. In this instance, the agreement indicates ownership is held by two separate individuals – Mrs. Hall and Michael Valdez. Mr. Hall explained that his wife and Mr. Valdez used the same attorney for this transaction and everything had been signed; the attorney was going to hold onto the stock certificate until Mrs. Hall was approved by the Board. He further explained the attorney will send the stock certificate to the Secretary of State and update all corporate officer information once Mrs. Hall is approved.

A discussion regarding the name change at this establishment, which had not been applied for or approved, was held. Mr. Hall stated the name change had been done by the former corporate officer and they were unaware that he had not gone through the proper channels to legally change the name. Mr. Hall stated once approved, they will remove this signage as the trade name is *Eastside Tavern*.

Mr. Rose, seconded by Mr. Ferris, moved to approve this change of corporate structure, contingent upon the applicant providing proof of the stock transfer within ten (10) days. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**10 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE– J & CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 4<sup>TH</sup> STREET (NEW MANAGER WENDY J. HALL REPLACES MICHAEL J. VALDEZ)**

Mr. Rose stated he would like for the Board to take administrative notice of the previous testimony given by Mrs. Hall in item #9.

Mr. Rose, seconded by Mr. Pullaro moved to approve this manager registration, contingent upon the outcome of the change of corporate structure. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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

Owners Darian Trujillo, 604 W. Mesa and Adrian Duran, 1819 Jerry Murphy were sworn in. Also present and sworn in was Dakota Lamoureux, 1910 St. Clair from DC Investigations. DC Investigations was hired by the licensee to circulate petitions on their behalf.

The Board 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.

Ms. Macchietto read the proposed Findings and Order for the Board's consideration which indicates issuance is supported by at least 34 businesses, and opposed by 3 businesses. Issuance is supported by at least 98 residents of the neighborhood or other parties in interest, and opposed by at least 5 residents of the neighborhood or other parties in interest, as evidenced by personal testimony at this hearing or by petition signatures received in evidence at this hearing.

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

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**14 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. 4<sup>TH</sup> STREET, (LIQUOR ENFORCEMENT DIVISION CR#14-5582)**

Chairwoman Harrison explained that this matter was set for hearing at the Liquor Board hearing held on November 19<sup>th</sup>, 2014. The owner, Lorrie Estrada was present at that meeting to ask the Board to give them until 12/3/14 to contact Conflicts Counsel to see if they could resolve this matter without going to a hearing. Chairwoman Harrison stated in light of the applicant failing to contact Conflicts Counsel, this matter would go to hearing as scheduled.

Mr. Rose, seconded by Mr. Ferris, moved to proceed with the hearing set for January 7<sup>th</sup>, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**OTHER BUSINESS**

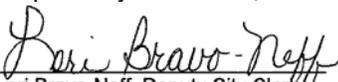
Citizen Clara Ybarra, 1544 E. Routt stated she was present as a follow-up to her first visit to the Board on October 15<sup>th</sup>, 2014 regarding her written complaint and copies of police reports she submitted to them at that time. Assistant City Attorney Lisa Macchietto explained to Ms. Ybarra that the Board is interested in pursuing an investigation into Sharky's Bar and that all documents submitted by Ms. Ybarra on 10/15/14, had been forwarded to the Police Department with a letter asking the Police Department to pursue an investigation and/or proceedings with any communication of violation to the Board. Ms. Macchietto stated she received a response from Deputy Chief Andrew McLachlan stating they are aware of the situation at Sharky's and plan on filing a liquor violation once they have a final charging determination from the District attorney's office on the criminal case.

Assistant City Attorney Carla Sikes was still present and addressed Ms. Ybarra. She explained that she will more than likely be the one who will be prosecuting this case on behalf of the Police Department. She explained that the evidence and the witnesses for the liquor violation will mirror the evidence and witnesses from the criminal case. She further explained that the Police Department cannot move forward with the liquor violation until the criminal case is closed. Ms. Sikes stated she would be more than happy to be a contact person for Ms. Ybarra.

Ms. Harrison asked for Ms. Ybarra's continued patience as this type of investigation could possibly take up to a year to resolve.

**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