

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
JANUARY 21, 2015 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of January 21, 2015 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 January 7th, 2014. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
Brinker Restaurant Corporation d/b/a Chili's Grill & Bar, 5600 N. Elizabeth Street
New Vision Hospitality, LLC d/b/a Clarion Hotel, 4001 N. Elizabeth Street
Papa Jose's Inc. d/b/a Papa Jose's Union, 320 S. Union Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Kevin D. & Steven P. Baker d/b/a Primetime Sports Emporium, 118 W. 7th Street
Veteran's Tavern, Inc. d/b/a Veteran's Tavern, 315 E. Northern Avenue
JT Concepts, Inc. d/b/a Rainbow Café & Bar, 309 N. Santa Fe Avenue
- 3 BEER & WINE LIQUOR LICENSE APPLICATION-RENEWAL-BLUE OCEAN JAPANESE RESTAURANT, INC. D/B/A BLUE OCEAN JAPANESE RESTAURANT, 103 S. UNION AVENUE #110**
- 4 CLUB LIQUOR LICENSE APPLICATION-RENEWAL-AMERICAN LEGION D/B/A JAMES MCNEAL POST #163, 1328 E. EVANS AVENUE**
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Northern Avenue Liquors, Inc. d/b/a Northern Avenue Liquors, 213 W. Northern Avenue
THKim's, Inc. d/b/a Bonny Hy-Land Avenue, 1114 Bonforte Boulevard
Kum and Go Liquor, LLC d/b/a Barrel Brothers Liquor, 2815 W. Pueblo Boulevard
Last Stop Liquor, Inc. d/b/a Last Stop Liquors, 609 W. 29th Street
- 6 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
Wrong Note Ltd. d/b/a The Downtown Bar, 103 Central Plaza
New Vision Hospitality, LLC d/b/a Clarion Hotel, 4001 N. Elizabeth Street

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

REGULAR AGENDA

- 7 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE– 7TH STREET STATION, LLC D/B/A 7TH STREET STATION, 112 W. 7TH STREET**

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

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 for premises to be known as the *7th Street Station*.

Mr. Rose, seconded by Mr. Ferris, moved to accept the survey and set the hearing for February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

8 NEIGHBORHOOD SURVEY: NEW CABARET LICENSE– APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET

Neighborhood Surveyor Don Vest, still under oath, presented to the Board the demographics and map of the defined neighborhood for issuance of a new cabaret license for premises known as *The Grove Tavern*.

Mr. Ferris, seconded by Mr. Rose, moved to accept the survey and set the hearing for February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

9 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-PHIL'S RADIATOR SERVICE, LLC D/B/A PHIL'S RADIATOR SERVICE, LLC, 109 E. C STREET, (DATE OF COMMUNICATION 12/17/14)

There was no one present on behalf of this matter. Ms. Sikes stated that she had not been contacted by anyone from this establishment regarding the tax issue. Ms. Sikes also stated the communication indicates that the licensee was 2 months delinquent on their taxes.

Mr. Pullaro, seconded by Mr. Ferris, moved to receive the communication and set this matter for hearing on February 18th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

10 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-CHRISTOPHER RODRIGUEZ D/B/A SHARKY'S BAR, (DATE OF COMMUNICATION 12/17/14)

Owner Christopher Rodriguez, 102 W. Pitkin, was sworn in. Mr. Rodriguez acknowledged receipt of the communication from the City Clerk's Office. Chairwoman Harrison explained that the purpose of tonight's meeting is for the Board to determine whether or not there is probable cause to find that a violation occurred and whether the Board would proceed to a hearing on the matter. She then asked Mr. Rodriguez if he had had an opportunity to contact Ms. Sikes which he stated he had. Ms. Sikes explained they had reached a stipulation and read the *Stipulated Findings and Order* into the record. The findings and order state that the licensee stipulated and admitted that he failed to timely file sales tax returns for the months of March-April and September-October 2014. The licensee acknowledged that delinquencies in the payment of any state or local taxes may form the basis for a finding by the Board of poor moral character and poor record and such a finding by the Board, would render the licensee ineligible to hold a liquor license. Based upon these admissions, the licensee stipulated and agreed to a suspension of its liquor license for a period of 3-days, which would be held in abeyance for a period of 1 calendar year from date of the order.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Mr. Rose, seconded by Mr. Ferris, moved to accept the proposed stipulation.

The Board then held a brief discussion and it was during this discussion they learned that Mr. Rodriguez is currently delinquent with November & December 2014 sales tax as well. Mr. Ferris stated he would like to see Mr. Rodriguez get current with all taxes before he would vote to accept the proposed stipulation and to impose a deadline in which that should happen. Ms. Sikes stated she is okay with this stipulation because if Mr. Rodriguez failed to remain current with his taxes, another communication would be brought before the Board which could result in going for a revocation of his license. Mr. Rodriguez stated he would go back to Sales Tax by next week to take care of the rest of these issues. The Board then explained to Mr. Rodriguez they would give him until January 30th to get current with all tax issues. Mr. Rose then withdrew his motion and Mr. Ferris withdrew his second. Mr. Rose then made a new motion.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

The Board told Mr. Rodriguez they would see him back here on February 4th, 2015.

11 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (DATE OF COMMUNICATION 12/17/14)

Owner Richard Ray Gonzales, 22 Briarwood Circle, was sworn in. Mr. Gonzales acknowledged receipt of the communication from the City Clerk's Office. Chairwoman Harrison explained that the purpose of tonight's meeting is for the Board to determine whether or not there is probable cause to find that a violation occurred and whether the Board would proceed to a hearing on the matter. She then asked Mr. Gonzales if he had had an opportunity to contact Ms. Sikes which he stated he had not. Ms. Sikes explained the licensee is currently delinquent with July-November 2014 taxes and stated she did not know whether or not he had filed his December taxes yet. Ms. Sikes further explained that Mr. Gonzales had a recent violation that he was before the Board on for failure to have his licenses posted on the licensed premises which was for a 1-day suspension and was held in abeyance for 1 year. Ms. Sikes stated she would still be able to talk to Mr. Gonzales in regard to this matter.

Mr. Ferris, seconded by Mr. Rose, moved to receive the communication, finds there is probable cause that a violation occurred and moved to set the matter for hearing on February 18th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Chairwoman Harrison explained to Mr. Gonzales that it would be a good idea for him to contact Ms. Sikes prior to this date. Mr. Gonzales stated he would contact her.

12 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-JT CONCEPTS, INC. D/B/A RAINBOW CAFÉ & BAR, 309 N. SANTA FE AVENUE, (DATE OF COMMUNICATION 12/17/14)

There was no one present on behalf of this matter. Ms. Sikes stated she has spoken to the licensee of regarding the tax issues and they have reached a stipulation; however, the owner was unable to attend the meeting as he was out-of-town. She further stated she did not have a problem continuing this matter to February 4th.

Mr. Pullaro, seconded by Mr. Rose, moved to continue this matter to February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

13 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR LICENSE-TITO FLAMES, INC. D/B/A FLAME LIQUORS, 2225 LAKE AVENUE, (DATE OF COMMUNICATION 12/17/14)

Owner Paul Esquibel, 2016 Driftwood, was sworn in. Mr. Esquibel acknowledged receipt of the communication from the City Clerk's Office. Chairwoman Harrison explained that the purpose of tonight's meeting is for the Board to determine whether or not there is probable cause to find that a violation occurred and whether the Board would proceed to a hearing on the matter. She then asked Mr. Esquibel if he had had an opportunity to contact Ms. Sikes which he stated he had. Ms. Sikes explained they had reached a stipulation and read the *Stipulated Findings and Order* into the record. The findings and order state that the licensee stipulated and admitted that he failed to timely file sales tax returns for the months of May-June; August; and October 2014. The licensee acknowledged that delinquencies in the payment of any state or local taxes may form the basis for a finding by the Board of poor moral character and poor record and such a finding by the Board, would render the licensee ineligible to hold a liquor license. It further states any future failure to timely file and pay state or local taxes will be aggressively pursued by the City Sales Tax Division to include a request that the Board find the licensee of poor moral character and poor record and revoke its liquor license. Ms. Sikes stated the licensee is current now but only paid prior to talking to her after he received a copy of the communication. She explained the City did not pursue a suspension.

Mr. Rose, seconded by Mr. Ferris, moved to accept the proposed stipulation. The Board then held a discussion.

Mr. Esquibel stated he is current with all tax issues. He stated he does acknowledge that he did not timely file his taxes. He also stated at one point he had a credit on his account however, it was explained to Mr. Esquibel by a Sales Tax employee that this credit could not be applied towards the payment of his taxes unless he expressly said to do so. Mr. Esquibel stated going forward, he will make every attempt to be diligent with his tax payments. Mr. Ferris initially stated he did not believe this was a violation. Mr. Rose stated the licensee should be timely in filing his taxes. Ms. Sikes explained that the licensee has a history of paying late explaining that Mr. Esquibel did not pay his January taxes until August. She also stated he did stipulate and admit that he failed to timely file. The Board then cast their votes.

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

14 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET, (DATE OF COMMUNICATION 12/11/14)

There was no one present on behalf of this matter. Ms. Sikes stated that no one had contacted her from this establishment. She also stated that this licensee has an on-going issue of delinquent filing and payment of taxes. Ms. Sikes stated the licensee did pay the principal on their account, but still owes penalties and interest. They are currently delinquent with their November 2014 taxes.

Mr. Ferris, seconded by Mr. Rose, moved to receive the communication, finds there is probable cause that a violation occurred and moved to set the matter for hearing on February 18th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

15 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE, (DATE OF COMMUNICATION 12/17/14)

There was no one present on behalf of this matter. Ms. Bravo-Neff explained the owner, Victor Navarro, had contacted the City Clerk's Office and requested a continuance to February 4, 2015 due to a family member's illness.

Ms. Sikes stated that a stipulation had been reached in regard to this matter.

Mr. Pullaro, seconded by Mr. Ferris, moved to continue this matter to February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

16 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-J & CD, INC. D/B/A EASTSIDE TAVERN, 721 E. 4TH STREET, (DATE OF COMMUNICATION 12/17/14)

Owner Wendy Hall, 2323 Meadowlark, was sworn in. Also present was Charles Hall, husband of the licensee. Mr. Hall, same address, was also sworn in. Mr. & Mrs. Hall acknowledged receipt of the communication from the City Clerk's Office. Chairwoman Harrison explained that the purpose of tonight's meeting is for the Board to determine whether or not there is probable cause to find that a violation occurred and whether the Board would proceed to a hearing on the matter. She then asked The Hall's if they had had an opportunity to contact Ms. Sikes which they stated they had. Ms. Sikes explained they had reached a stipulation and read the *Stipulated Findings and Order* into the record. The findings and order state that the licensee stipulated and admitted that he failed to timely file sales tax returns for the months of July and August 2014. The licensee acknowledged that delinquencies in the payment of any state or local taxes may form the basis for a finding by the Board of poor moral character and poor record and such a finding by the Board, would render the licensee ineligible to hold a liquor license. It further states any future failure to timely file and pay state or local taxes will be aggressively pursued by the City Sales Tax Division to include a request that the Board find the licensee of poor moral character and poor record and revoke its liquor license. Ms. Sikes explained there was a change of corporate structure recently and it appears that the months with delinquencies were not paid by the previous owner. Mr. Hall stated they came in and paid the delinquent taxes and assured the Board they will never be late again.

Mr. Rose, seconded by Mr. Ferris, moved to accept the proposed stipulation. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

17 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-IT'S PARTY TIME, INC. D/B/A WHITE HORSE INN, (DATE OF COMMUNICATION 12/17/14)

Owner Lorrie Estrada, 224 E. 3rd Street was sworn in and acknowledged receipt of the communication from the City Clerk's Office. Chairwoman Harrison explained that the purpose of tonight's meeting is for the Board to determine whether or not there is probable cause to find that a violation occurred and whether the Board would proceed to a hearing on the matter. Ms. Sikes explained she would like for this matter to be consolidated with the hearing previously set for February 4th, 2015. She stated she wanted to make sure Ms. Estrada was clear on this. Ms. Estrada stated she would be here then.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Mr. Ferris, seconded by Mr. Rose, moved to receive the communication, finds there is probable cause supporting the violation, consolidate this matter for hearing with the prior Order to Show Cause and Notice of Hearing dated from December 2014 and set the matter for hearing on February 4th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

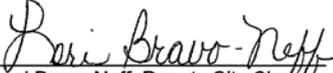
18 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-SILGLO, INC. D/B/A ALOHA GLORYA 313 N. MAIN STREET, (DATE OF COMMUNICATION 12/17/14)

There was no one present on behalf of this matter. Ms. Sikes explained that she had spoken to Glorya Silva who stated that she was ill and asked the Board to continue this matter to February 18th 2015 and further explained the City is requesting that another communication be issued to this licensee with regard to their continued involvement with the White Horse.

Mr. Pullaro, seconded by Mr. Ferris, moved to continue this matter to February 18th, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,


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