

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**MARCH 18, 2015 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of March 18, 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. Rose, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of March 4<sup>th</sup>, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-DO DROP INN, INC. D/B/A DO DROP INN, 1201 S. SANTA FE AVENUE**
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 6 RENEWALS**  
Circle, Inc. d/b/a Circle Tavern, 405 E. Northern Avenue  
Ruth Fern Fransua d/b/a Al's Ninety Six, 2102 E. 4<sup>th</sup> Street  
Olde Towne Carriage House, LLC d/b/a Olde Towne Carriage House, 102 S. Victoria Avenue  
J. Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida  
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street  
Broken Dollar, Inc. d/b/a Broken Dollar Saloon, 2301 Lake Avenue
- 3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS-TOTAL OF 2 RENEWALS**  
Pester Marketing Company d/b/a Alta Convenience #3107, 1350 E. 4<sup>th</sup> Street  
Pester Marketing Company d/b/a Alta Convenience #3113, 713 Pueblo Boulevard
- 4 RACE TRACK LIQUOR LICENSE APPLICATION-RENEWAL-LAW DOG, LLC D/B/A SOUTHERN COLORADO GAMING & EVENT CENTER, 3215 LAKE AVENUE**
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-JUN'S, INC. D/B/A NORWOOD DISCOUNT LIQUOR, 2103 N. NORWOOD AVENUE**
- 6 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**  
Olde Towne Carriage House, LLC d/b/a Olde Towne Carriage House, 102 S. Victoria Avenue  
J. Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida  
Law Dog, LLC d/b/a Southern Colorado Gaming & Event Center, 3215 Lake Avenue  
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
- 7 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE--PUEBLO CRIMESTOPPERS, INC., 200 S. MAIN STREET, EVENT MANAGER: TOM BRUSS, (EVENTS TO BE HELD JUNE 5<sup>TH</sup>, 12<sup>TH</sup>, 19<sup>TH</sup>, & 26<sup>TH</sup>, 2015. ADDRESS OF EVENTS: 100 BLOCK WEST "B" STREET)**

Mr. Rose, 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**

**MEETING  
NUMBER**

**8 NEIGHBORHOOD SURVEY: CABARET LICENSE– SUNSET INN BAR & GRILL, INC. D/B/A  
SUNSET INN BAR & GRILL, 2808 THATCHER 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 cabaret license for premises known as the *Sunset Inn Bar & Grill*.

Mr. Ferris, seconded by Mr. Rose, moved to accept the survey and set the hearing for April 1<sup>st</sup>, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**9 NEIGHBORHOOD SURVEY: CABARET LICENSE– ELVA ERICKA ALEMAN D/B/A DELICIAS  
TAMALES Y TAQUERIA, 206 W. NORTHERN AVENUE**

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 *Delicias Tamales y Taqueria*.

Mr. Pullaro, seconded by Mr. Rose, moved to accept the survey and set the hearing for April 1<sup>st</sup>, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**10 PERMIT APPLICATION AND REPORT OF CHANGES-MANAGER’S REGISTRATION-HOTEL &  
RESTAURANT LIQUOR LICENSE-APPLE COLORADO, LLC D/B/A APPLEBEE’S  
NEIGHBORHOOD GRILL & BAR, 4001 W. NORTHERN AVENUE (NEW MANAGER LORETTA  
DUNN REPLACES MICHELLE PITTS)**

New Manager Loretta Dunn, 205 S. Bailey Drive, Pueblo West and Area Director Jennifer Priest, 575 W. Slice Drive, Pueblo West were sworn in. The moral character questions were directed towards Ms. Dunn. The moral character of Ms. Dunn was satisfactory to the Board. Ms. Dunn stated she has never held a liquor license; however, she has worked for other liquor-licensed establishments. Ms. Dunn explained one establishment received a violation for sale to a minor but she was not the manager at the location receiving the violation. They employ 75 employees and the only employees they conduct background checks on are management employees. Ms. Dunn described approved forms of identification and explained their policy for checking the age of their patrons is to ask for identification from anyone who appears under the age of 40. Ms. Dunn stated all of their bartenders are certified through a TIPS training program. Ms. Priest explained they are working towards becoming a responsible vendor through the State.

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

**11 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– MARUI LI D/B/A WONDERFUL  
BISTRO CHINESE CUISINE, 4602 N. ELIZABETH STREET, #120 (CONTINUED FROM MARCH  
4<sup>TH</sup>, 2015 AT THE REQUEST OF THE APPLICANT**

Mr. Ferris, seconded by Mr. Rose, moved to continue this matter to April 1<sup>st</sup>, 2015 at the request of the applicant. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

**12 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-BROOKLYN PUEBLO CORPORATION D/B/A MANHATTAN'S PIZZA PARLOR AND MORE, 1110 HWY 50 WEST (DATE OF COMMUNICATION FEBRUARY 26, 2015)**

Owner Robert Carruth, 5321 Costa Mesa Drive, was sworn in. Mr. Carruth 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. Carruth 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 proposed *Stipulated Findings and Order* into the record. The findings and order, in part, state that the licensee stipulated and admitted that he failed to timely file sales tax returns for the months of September and December 2014 and failed to pay penalties and interest for filing late returns for October and November 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 shall be held in abeyance for a period of one calendar year from the date of the order.

The Board held a brief discussion with Mr. Carruth and recommended various methods he could use so that he could potentially avoid being short of funds to pay his taxes. Chairwoman Harrison stated she felt the sanction imposed was lenient and violations of this type, in the future, could potentially be more severe. Mr. Carruth stated he understood.

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

**13 COMMUNICATION FROM VALERIE A. PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-PAPA BELLO ENTERPRISES, INC. D/B/A ROSARIO'S AT THE RIVERWALK, 101 S. MAIN STREET, UNITS 200 & 201 (DATE OF COMMUNICATION FEBRUARY 26, 2015)**

Brenda Pace, 22 Verdosa Drive was sworn in. Ms. Pace 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 Ms. Pace if she had had an opportunity to contact Ms. Sikes which she stated she had. Ms. Sikes explained Ms. Pace was not authorized to enter into a stipulation and that the actual licensee resides in California. Ms. Sikes asked the Board to set this matter for a hearing. Ms. Sikes further explained that with the additional time, she would converse with the licensee and more than likely, they could come back with a proposed stipulated agreement.

Mr. Rose, seconded by Mr. Ferris, moved to receive the communication, finds there is probable cause that a violation occurred and to set this matter for hearing on April 1<sup>st</sup>, 2015. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

**14 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (POLICE CR#15-3685, VIOLATION DATE: FEBRUARY 20, 2015)**

Owner Johnathon Ayala, 3303 Fox Den Court and Paul Nicks, head of security at The Grove, 321 W. Pitkin were sworn in. Mr. Ayala 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. Ayala 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 proposed *Stipulated Findings and Order* into the record. Ms. Sikes explained the findings and order cover this matter (CR#15-3685) and also the communication from February 22<sup>nd</sup>, 2015 (Item #14, CR#15-3771). The findings and order, in part, state that the licensee stipulated and admitted that it applied for a cabaret license within the City of Pueblo, but was denied by this Board on February 18, 2015, 2-days prior to the first violation. Licensee stipulates and admits that it should have taken additional steps to insure that a cabaret was not operated on the premises in order to comply with this Board's decision. The licensee stipulated and agreed to a suspension of its liquor license for a period of 5-days: 2-days served and the licensee could apply for a fine in lieu of suspension. Mr. Ferris stated he would like to see 3-days suspension imposed rather than two days. Mr. Ayala had no objection to this amendment to the stipulated findings and order.

Mr. Ferris, seconded by Mr. Rose, moved to approve the amended stipulation: 5-days suspension, 3-days imposed, 2-days held in abeyance for 1-year. Prior to the vote, the Board held a brief discussion.

The Board explained to Mr. Ayala that they felt the actions of the licensee showed no regard for them or their denial of their application for a cabaret license. They also advised Mr. Ayala to be a better neighbor; to stay in control of his establishment and for the owners to spend more time at the establishment rather than relying on others to run it. Mr. Nicks briefly reviewed his security experience with the Board. With no further comments, the Board members then cast their votes.

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

**15 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (POLICE CR#15-3771, VIOLATION DATE: FEBRUARY 22, 2015)**

Chairwoman Harrison explained the Board would take administrative notice of the Findings and Order read in the previous item.

Mr. Pullaro, seconded by Mr. Ferris, moved to take administrative notice of the Findings and Order read in Item #14. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**16 HEARING ON 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) CONTINUED FROM FEBRUARY 18, 2015**

There was no one present on behalf of the licensee. Ms. Sikes explained that the City had reached a

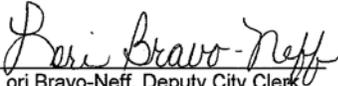
**REGULAR AGENDA (CONTINUED)**

proposed stipulation, however, since no one was present to represent the licensee, she would like for this matter to be continued and a notice sent to the licensee. Ms. Sikes stated the notice should explain that the licensee is running the risk of the stipulation being withdrawn by the City Attorney's Office.

Mr. Rose, seconded by Mr. Ferris, moved to continue this item to April 1<sup>st</sup>, 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 7:00 p.m.

Respectfully submitted,

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