

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
APRIL 1, 2015 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 1, 2015 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. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of March 18th, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 5 RENEWALS**
Tea Palace II, Inc. d/b/a Tea Palace II, 1212 W. 4th Street
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road
Bagabagel & Deli, Inc. d/b/a D.C.'s on B Street, 115 W. B Street
Geronimo's Inc. d/b/a Jorge's Sombrero Restaurant, 1319 E. Evans Avenue
C>, Inc. d/b/a El Nopal Restaurant, 1435 E. Evans Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
John & Jeanne's Star Bar, LLC d/b/a John & Jeanne's Star Bar, 300 Spring Street
Riverwalk Restaurant and Lounge, LLC d/b/a Riverwalk Restaurant and Lounge, 219 S. Grand Avenue
Peachee Lewis, Inc. d/b/a Lakeview Bar, 2330 Lake Avenue
- 3 3.2% BEER LICENSE APPLICATION- CONSUMPTION OFF-PREMISES-RENEWAL-WESTERN CONVENIENCE STORES, INC. D/B/A WESTERN CONVENIENCE STORE #135, 3201 LAKE AVENUE**
- 4 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road
John & Jeanne's Star Bar, LLC d/b/a John & Jeanne's Star Bar, 300 Spring Street
Riverwalk Restaurant and Lounge, LLC d/b/a Riverwalk Restaurant and Lounge, 219 S. Grand Avenue
Cosmo Bob's LLC d/b/a Cosmopolitan Club, 311-315 Bay State Avenue
- 5 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE-RIVERWALK RESTAURANT & LOUNGE, LLC D/B/A RIVERWALK RESTAURANT & LOUNGE, 219 S. GRAND AVENUE (MEMBER PAUL K. MONTEZ RECEIVED 25% STOCK FROM JOSEPH MONTEZ. PAUL MONTEZ NOW OWNS 75% OF THE STOCK IN THIS ENTITY AND JOSEPH MONTEZ – 25%)**
- 6 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE-RIVERWALK RESTAURANT & LOUNGE, LLC D/B/A RIVERWALK RESTAURANT & LOUNGE, 219 S. GRAND AVENUE (REQUESTING TEMPORARY MODIFICATION TO BEGIN ON MAY 14TH, 2015 THROUGH MAY 17TH, 2015)**
- 7 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE-PEACHEE-LEWIS, INC. D/B/A LAKEVIEW BAR, 2330 LAKE AVENUE (NEW PRESIDENT HENRY W. JOHNSTON REPLACES CAROL JOHNSTON DUE TO HER DEATH ON MARCH 3RD, 2015. MRS. JOHNSTON'S 50% STOCK GOES TO HENRY W. JOHNSTON WHO IS NOW 100% SHAREHOLDER AND SOLE OFFICER)**

CONSENT AGENDA (CONTINUED)

**MEETING
NUMBER**

- 8 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- PEACHEE-LEWIS, INC. D/B/A 2330 LAKE AVENUE, (NEW MANAGER HENRY W. JOHNSTON REPLACES CAROL JOHNSTON)
- 9 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE-HARP FOUNDATION, MAILING ADDRESS: 125 RIVERWALK PLACE, EVENT MANAGER: CHRISTINE PITTMAN, (EVENTS TO BE HELD JUNE 5TH – 6TH, 2015. ADDRESS OF EVENTS: ALAN HAMEL AVENUE BETWEEN UNION AVENUE & SANTA FE AVENUE; MAIN STREET BETWEEN RICHMOND AVENUE & D STREET; RICHMOND AVENUE BETWEEN MAIN STREET AND THE ALLEY; MECHANIC STREET FROM SANTA FE AVENUE TO RICHMOND AVENUE; RIVERWALK AREAS IN BETWEEN)
- 10 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—ZIVIJO, LLC D/B/A STACKS BAR & GRILL, 2100 E. EVANS AVENUE, (CURRENTLY LICENSED TO JUDITH A. & DANIEL K. TIHOVICH D/B/A KOZY KORNER, LICENSE EXPIRED MARCH 24TH, 2015)
- 11 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—3.2% BEER LICENSE—CONSUMPTION OFF PREMISES: KZI, INC. D/B/A GO-FER CONVENIENCE, 550 E. ABRIENDO AVENUE, (CURRENTLY LICENSED TO J.R.'S COUNTRY STORES, INC. D/B/A J.R.'S COUNTRY STORE NO. 203, LICENSE EXPIRES DECEMBER 17TH, 2015)
- 12 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—3.2% BEER LICENSE—CONSUMPTION OFF PREMISES: KZI, INC. D/B/A GO-FER CONVENIENCE, 1103 N. ELIZABETH STREET, (CURRENTLY LICENSED TO J.R.'S COUNTRY STORES, INC. D/B/A J.R.'S COUNTRY STORE NO. 203, LICENSE EXPIRES DECEMBER 17TH, 2015)

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

REGULAR AGENDA

- 13 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A ST. FRANCIS XAVIER CHURCH, 1725 SPRUCE STREET, NEW EVENT MANAGER: PATRICIA MUNIZ, (EVENT TO BE HELD JUNE 5TH, 2015. ADDRESS OF EVENT: 1725 SPRUCE STREET)

Event Manager Patricia J. Muniz, 118 Deauville Avenue was sworn in and answered questions from the Board. Ms. Muniz explained the special event for which this application has been made is for their annual church festival. The funds raised from the sale of alcohol will be used to pay for church maintenance and for their religious education program. Ms. Muniz stated she will be responsible for supervising the event. There is only one liquor distribution point and a total of 5-10 persons will be selling/serving liquor. Ms. Muniz briefly reviewed the types of food that will be served; she described approved forms of identification. She explained their policy for checking the age of their patrons will be to ask for identification from everyone and those patrons that are 21 and older, will be given a wristband. Ms. Muniz stated they will only allow a customer to purchase 2 beers at a time. They have hired Titan Security to maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises. The entire licensed-premises will be secured with orange snow fencing.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

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

14 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-CLUB LIQUOR LICENSE-AMERICAN G.I. FORUM, 125 HECTOR GARCIA PLACE (NEW COMMANDER DAVID A. MARRERO REPLACES NICK ROMERO)

New commander, David Marrero, 1521 Fremont Avenue, was sworn in and answered questions from the Board. The moral character of Mr. Marrero was satisfactory to the board. Mr. Marrero stated he has worked at several veteran organizations, all holding a liquor license. He further stated he is currently the manager at the G.I. Forum in Pueblo West. He stated their employees consist of members of their club. Mr. Marrero described approved forms of identification and their patrons are the members of the G.I. Forum; should they have a special event at their club, they ask for identification from anyone who appears under the age of 30. Mr. Marrero was provided with a copy of the Seller and Server Training schedule.

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

15 HEARING: CABARET LICENSE– SUNSET INN BAR & GRILL, INC. D/B/A SUNSET INN BAR & GRILL, 2808 THATCHER AVENUE

Mr. Rose, seconded by Mr. DiFatta, moved to continue this matter to April 15th, 2015 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

16 HEARING: CABARET LICENSE– ELVA ERICKA ALEMAN D/B/A DELICIAS TAMALES Y TAQUERIA, 206 W. NORTHERN AVENUE

Owner Elva Ericka Aleman, 208 W. Northern Avenue and Jose Gonzalez, 2826 Acero Avenue were sworn in. Mr. Gonzalez was the translator for Ms. Aleman.

Present in opposition to the issuance of this license was Michael Occhiato, 11 Harrogate Terrace. Mr. Occhiato was also sworn in.

Through the translator, it was determined the moral character of Ms. Aleman was satisfactory to the Board. Ms. Aleman currently holds the liquor license for this establishment. There are no silent partners not disclosed in her application. Ms. Aleman used personal funds to enter into possession of the licensed premises. She employs 6-10 employees and none of these employees have pled guilty to or been convicted of a crime other than a minor traffic offense. She will conduct background checks on potential employees. Ms. Aleman described approved forms of identification.

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 petitions were marked as *Exhibit A*.

Mr. Occhiato was then given an opportunity to present his testimony. Mr. Occhiato explained he owns the lot adjacent to this establishment and he has concerns about the parking situation and the extra

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

traffic that will result if this license is granted. He also expressed his concern about the potential liability should someone fall, etc.

When asked why Ms. Aleman was applying for a cabaret license, Mr. Gonzalez explained they have karaoke and did not want to run the risk of receiving a violation should a customer begin to dance. Mr. Gonzalez stated they would be willing to fence their property if Mr. Occhiato felt that would help. Mr. Occhiato stated he was agreeable to discussion with the applicant/licensee. With no further testimony to be given, the record and hearing was closed.

Mr. DiFatta, seconded by Mr. Rose, 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.

The Board encouraged the licensee to work with Mr. Occhiato and be a considerate neighbor.

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 15 businesses and is opposed by no (0) businesses or other parties in interest; and it is supported by at least 256 residents of the neighborhood or other parties in interest and is opposed by 3 residents or other parties in interest. The order also included the license being granted contingent upon receipt of a completed and approved routing sheet.

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

17 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– MARUI LI D/B/A WONDERFUL BISTRO CHINESE CUISINE, 4602 N. ELIZABETH STREET, #120 (CONTINUED FROM MARCH 4TH AND MARCH 18TH 2015 AT THE REQUEST OF THE APPLICANT

New owner Marui Li, 2111 Aztec Drive and his assistant Marianne White, 3018 Denver 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.

The moral character of Mr. Li was satisfactory to the board. Mr. Li stated he has previously worked in/for a liquor-licensed establishment in Alaska and there were never any violations at that establishment. He stated he used personal savings to enter into possession of the premises. Mr. Li stated he currently employs 3 employees. Ms. White stated they hope to employ more in the future. Mr. Li explained his current employees are family members and a friend but he will conduct background investigations on potential employee. Mr. Li described approved forms of identification and stated they will ask for identification from anyone who appears under the age of 40. Mr. Li was provided with a copy of the Seller and Server Training schedule.

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. She also stated that 199 residents and 60 businesses, who had signed their petitions, were out of the area so they would not be included in the final count. The petitions were marked as *Exhibit A*.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Mr. Ferris, seconded by Mr. DiFatta, moved to approve this application for a new hotel & restaurant liquor license. 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 27 businesses and is opposed by no (0) businesses or other parties in interest; and it is supported by at least 80 residents of the neighborhood or other parties in interest and is opposed by no (0) residents or other parties in interest. The order also included the license being granted contingent upon receipt of a completed and approved routing sheet.

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

18 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-CHRISTOPHER RODRIGUEZ D/B/A SHARKY'S BAR, 1549 E. EVANS AVENUE (POLICE CASE REPORT #15-4193, VIOLATION DATE: MARCH 1ST, 2015)

Ms. Harrison explained the Board received a letter from Christopher Rodriguez acknowledging receipt of the communication and requesting that this matter be consolidated with his hearing scheduled for May 6th, 2015. Ms. Sikes stated that Mr. Rodriguez had also contacted her and stated that was indeed Mr. Rodriguez's intention.

Mr. Pullaro, seconded by Mr. Ferris, moved to receive the communication, find there is probable cause supporting the violation, and set this matter for hearing on May 6th, 2015 to be consolidated with his other matter. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

19 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (POLICE CASE REPORT #15-4580 VIOLATION DATE: MARCH 7TH, 2015)

Ms. Sikes explained that she had spoken to Mr. Gonzales and discussed a possible stipulation; however, Mr. Gonzales was unable to appear at the meeting tonight. Ms. Sikes stated that Mr. Gonzales had also contacted Ms. Bravo-Neff to request the continuance.

Mr. Rose, seconded by Mr. Ferris, moved to receive the communication, find there is probable cause supporting the violation and to set the hearing for May 20th, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

20 PETITION TO PAY FINE IN LIEU OF SUSPENSION – RICHARD R. GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE (LICENSEE PETITIONING TO PAY \$400.00 FINE IN LIEU OF 2-DAYS SUSPENSION)

Ms. Sikes explained she had spoken to the Sales Tax Division regarding the audit currently being conducted on this licensee. Ms. Sikes stated the licensee has not been very cooperative with the Sales Tax Division. Ms. Sikes stated that she had also been told that the person who handles the records for this establishment would not be available for 6-8 weeks. She further stated that the Sales Tax Division

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

had given Mr. Gonzales until today to submit the requested records and that Mr. Gonzales had failed to comply with that request. Ms. Sikes stated that the Sales Tax Division was not happy with the cooperation they've received from the licensee. She stated at this point, she would recommend that the option of the fine in lieu of suspension be denied, whereby the suspension would then be imposed. Ms. Bravo-Neff stated that it may be possible that Mr. Gonzales does not realize that this audit was being conducted at the Board's request, especially since Mr. Gonzales had paid the \$400 fine in lieu of active suspension, thinking he had satisfied the violation. With all questions and concerns addressed, the Board then cast their vote.

Mr. DiFatta, seconded by Mr. Rose, moved to direct Staff to provide notice to Mr. Gonzales requiring compliance with the directive from the Sales Tax Division, or the previously agreed upon suspension would be imposed and to continue this matter until April 15, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

21 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 MARCH 18, 2015 DUE TO THE ABSENCE OF THE LICENSEE

Manager Cherie Pearson, 2604 Weir Avenue, Colorado Springs, CO, appeared on behalf of the licensee.

Ms. Sikes explained that the licensee resides in California, but had sent a letter authorizing Ms. Pearson to appear on his behalf. 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 and use tax returns for the months of July through 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 shall be held in abeyance for a period of one calendar year from the date of the order and any further violations occurring prior to this 1-year period, may result in the 3-days suspension being imposed.

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

22 HEARING 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) CONTINUED FROM MARCH 18TH, 2015 AT THE REQUEST OF THE BOARD

Brenda Pace, 22 Verdosa Drive, appeared on behalf of the licensee. Ms. Pace explained that she assists the licensee with bookkeeping and helps facilitate paperwork for the licensee.

Ms. Sikes explained that the licensee resides out-of-state, however, she had received an e-mail authorizing Ms. Pace to appear on his behalf. Ms. Sikes explained they had reached a stipulation and

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

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 and use tax returns for the month of December 2014; failed to pay penalties and interest for filing late returns for October and November 2014; and failed to obtain a business license for 2015. 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 and any further violations occurring prior to this 1-year period, may result in the 3-days suspension being imposed.

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

23 HEARING 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) CONTINUED FROM JANUARY 21ST, 2015

Ms. Sikes stated that the City would like to continue this matter again as she feels most issues will be resolved.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to June 3, 2015 at the request of the City. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

24 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-SILGLO, INC. D/B/A ALOHA GLORYA 313 N. MAIN STREET, (DATE OF COMMUNICATION 2/4/15)

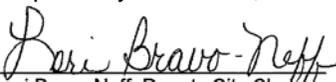
Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to June 3, 2015 at the request of the City. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

25 PETITION TO PAY FINE IN LIEU OF SUSPENSION APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (LICENSEE PETITIONING TO PAY \$600.00 FINE IN LIEU OF 3-DAYS SUSPENSION)

Mr. DiFatta, seconded by Mr. Ferris, moved to grant the petition to pay a fine in lieu of suspension. 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 7:44 p.m.

Respectfully submitted,


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