

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
APRIL 15, 2015 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 15, 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. Ferris, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of April 1st, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
DJ, Inc. d/b/a Tsunami Sushi Bar Wok & Grill, 324 & 326 S. Union Avenue
Riverside Bar & Grill of Pueblo, LLC d/b/a Riverside Bar of Pueblo, 4021 Jerry Murphy Road
- 2 3.2% BEER LICENSE APPLICATION-CONSUMPTION OFF-PREMISES-RENEWAL-WAL-MART STORES, INC. D/B/A WALMART #1001, 4080 W. NORTHERN AVENUE**
- 3 RETAIL LIQUOR LICENSE APPLICATION-RENEWAL-REGENCY LIQUOR, INC. D/B/A REGENCY LIQUOR, 25 RED CREEK SPRINGS ROAD**
- 4 CABARET LICENSE APPLICATION-RENEWAL- DJ, INC. D/B/A TSUNAMI SUSHI BAR WOK & GRILL, 324 & 326 S. UNION AVENUE**

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

REGULAR AGENDA

- 5 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—JUNETEENTH ORGANIZATION OF PUEBLO, INC., MAILING ADDRESS: P.O. BOX 2335, NEW EVENT MANAGER: LAWRENCE D. DEPRIEST, (EVENT TO BE HELD JUNE 20TH, 2015. ADDRESS OF EVENT: BESSEMER PARK-715 CENTRAL AVENUE)**

Event Manager Lawrence D. DePriest, 4903 Briarcrest Drive was sworn in and answered questions from the Board. Mr. DePriest explained their organization is hosting a Juneteenth Celebration. The funds raised from the sale of alcohol will be used for college scholarships. Mr. DePriest stated he and 5 members of their board of directors will be responsible for supervising the event. There are two liquor distribution points and 4-5 persons will be selling/serving liquor. Mr. DePriest briefly reviewed the types of food that will be served; he described approved forms of identification. Mr. DePriest stated they have hired Titan Security to maintain order on the licensed premises. They also have volunteers to help maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises. The premises are secured and the exits and gates will be closely monitored.

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

REGULAR AGENDA (CONTINUED)

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6 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-HOTEL & RESTAURANT LIQUOR LICENSE- APPLE COLORADO, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 3428 N. ELIZABETH STREET, (NEW MANAGER MICHAEL DEAN HERMAN REPLACES TODD UNWIN)

New Manager Michael D. Herman, 2714 Ontario Street and Area Director Jennifer Priest, 575 W. Slice Drive, Pueblo West were sworn in. The moral character questions were directed towards Mr. Herman. Mr. Herman explained he was convicted of child abuse resulting in death in 2004 and briefly described the details of this incident. He was sentenced to 10-years, but served 8 years. Mr. Herman stated he has never held a liquor license; however, he has worked in liquor-licensed establishments. Mr. Herman explained this Applebee's location did receive a violation for sale to a minor but he was not the manager at the time of the violation. Ms. Priest stated all of their bartenders were certified through a TIPS training program immediately following that violation. They employ approximately 60-70 employees and the only employees they conduct background checks on are management employees. Mr. Herman described approved forms of identification and explained their company policy for checking the age of their patrons is to ask for identification from anyone who appears under the age of 30, however, they prefer to I.D. anyone who looks under the age of 40. Ms. Priest explained she has been recertified in Seller/Server Training and she will be responsible for educating their employees.

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

7 HEARING: 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)

New owner Edward R. Kocman, 8 Duke Street, was sworn in and answered questions from the Board.

For the record, it was determined there was no one present in opposition to this transfer of ownership.

Mr. Kocman explained he was charged with DWAI in 1997, in Pueblo, CO. He stated he was required to pay fines, attend alcohol classes and complete community service. He has previously worked in a liquor-licensed establishment and that establishment never received a suspension, revocation or was otherwise reprimanded for violating any liquor licensing statutes or regulations. Mr. Kocman stated he obtained the funds necessary to enter into possession of the premises through a loan and personal savings. He hopes to employ between 6-10 employees at this establishment once he is ready to open for business. Two of these employees were employed by the previous owner and to his knowledge; these employees do not have criminal backgrounds. He stated he will not conduct background checks, but will rely on personal references. Mr. Kocman described approved forms of identification and explained his policy for checking the age of their patrons will be to ask for identification regardless of age. Mr. Kocman stated he is not certified, but he has 2 employees who are Serve-Safe certified. It was explained to Mr. Kocman that he still needs to submit his routing sheet.

Mr. DiFatta, seconded by Mr. Ferris, moved to approve this transfer of ownership, contingent upon submittal of a completed routing sheet to the City Clerk's Office. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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Mr. Rose, seconded by Mr. Ferris, moved to approve this transfer of ownership. 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.

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

8 HEARING: 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)

Owner Michael Bright, 3276 Greensborough Drive, Highlands Ranch, CO was sworn in and answered questions from the Board.

For the record, it was determined there was no one present in opposition to this transfer of ownership.

The moral character of Mr. Bright was satisfactory to the Board. Mr. Bright has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in his application; Mr. Bright is 100% owner. Mr. Bright stated he used personal savings to enter into possession of the premises. He employs 3 full-time employees and 1 part-time employee at this establishment. The Board briefly questioned Mr. Bright about the manager, Matthew Lund's criminal history. All questions pertaining to Mr. Lund were answered to the Board's satisfaction. Mr. Bright stated he will conduct background checks on potential employees. Mr. Bright described approved forms of identification and explained they have signs displayed saying that everyone will be asked for an I.D. Mr. Bright also stated, that at the time an employee is hired, they must also sign an "alcohol and tobacco" agreement as a condition of employment. Mr. Bright stated he was given the information regarding the Seller and Server Training schedule and will be sending employees to receive training.

Mr. Ferris, seconded by Mr. Rose, moved to approve this transfer of ownership. 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.

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

9 HEARING: 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. 208, LICENSE EXPIRES FEBRUARY 16TH, 2016)

Mr. Ferris, seconded by Mr. Rose, moved to take administrative notice of the previous testimony (in Item #8) and approve this transfer of ownership. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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Ms. Macchietto read the proposed Findings and Order for the Board's consideration.

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

10 HEARING: CABARET LICENSE– SUNSET INN BAR & GRILL, INC. D/B/A SUNSET INN BAR & GRILL, 2808 THATCHER AVENUE (CONTINUED FROM APRIL 1ST, 2015 AT THE REQUEST OF THE APPLICANT)

Charles A. Chavez and Gerda H. Chavez, 5329 Costa Mesa Drive were sworn in. Also sworn in was Dakota Lamoureux of DC Investigations, 1910 St. Clair. DC Investigations was employed by the licensee to circulate the petitions needed in order to obtain this license. The moral character of both officers was satisfactory to the Board. Mrs. Chavez stated, prior to holding the liquor license at this establishment, she had never held or worked in or for a liquor-licensed establishment. Mr. Chavez explained he worked for a liquor distributorship. There are no silent partners or financial backers not disclosed in their application. Mr. and Mrs. Chavez stated they used personal savings to enter into possession of the premises. Mrs. Chavez stated they currently employ 19-20 employees. Mrs. Chavez described approved forms of identification and explained she is pretty strict with their employees with regard to ensuring they check everyone's I.D. regardless of age. Mrs. Chavez stated they have been in business for 30-plus years and she educates the employees herself regarding the Seller and Server Training. Mr. Chavez explained they used to have bands play at their establishment; however, they quit hiring bands to play until they could obtain a cabaret license.

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. Pullaro, seconded by Mr. Ferris, moved to approve this application for a new cabaret 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 5 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 at least 11 residents or other parties in interest.

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

11 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) CONTINUED FROM APRIL 1ST, 2015

Ms. Sikes explained that she had spoken to the Sales Tax Division regarding the status of the audit being conducted on this licensee. Ms. Sikes stated that the Sales Tax Division will need to the end of the month to complete the audit and gave a brief report on the findings of the audit thus far.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to May 6, 2015. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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12 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ, RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET (POLICE CASE REPORT #15-4756, VIOLATION DATE: MARCH 10TH, 2015)

Owners Eric Apodaca, 1820 E. Orman Avenue and Johnathon Ayala, 3303 Fox Den Court 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 the owners if they had had an opportunity to contact Ms. Sikes which Mr. Ayala stated they had. Ms. Sikes explained they were not able to reach a stipulation so that this matter should be set for hearing. Mr. Ayala stated that he was of the understanding that their previous stipulated agreement of 3-days suspension, also included this violation. Ms. Sikes explained to the Board that they could set the matter for hearing which would afford them more time to see if they could reach a stipulation.

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

13 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-WILD WINGS USA, LLC D/B/A THE DRAFT SPORTS BAR & GRILL, 4065 CLUB MANOR DRIVE (POLICE CR#14-23998, VIOLATION DATE: DECEMBER 26, 2014)

Ms. Sikes explained the hearing currently set should be vacated and set for a special meeting. Ms. Sikes stated she had conferred with the licensee and the attorney for the licensee

Mr. Ferris, seconded by Mr. Rose, moved to reset this matter for a special meeting to be held on July 21st, 2015 at 9 A.M. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

14 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-WILD WINGS USA, LLC D/B/A THE DRAFT SPORTS BAR & GRILL, 4065 CLUB MANOR DRIVE (POLICE CR#14-24055, VIOLATION DATE: DECEMBER 28, 2014)

Mr. Ferris, seconded by Mr. Rose, moved to reset this matter for a special meeting to be held on July 21st, 2015 at 9 A.M. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

OTHER BUSINESS

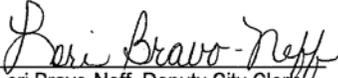
The Board wanted the following information on the record. They expressed their thanks and appreciation to Ms. Bravo-Neff for all the help she has provided to them – both individually and as a Board. They also wished her well in retirement.

REGULAR AGENDA (CONTINUED)

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ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,


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