

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**MAY 20, 2015 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of May 20, 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 Acting Deputy City Clerk, Daryl Payne.

**APPROVAL OF MINUTES**

Mr. Rose, seconded by Mr. DiFatta, moved to dispense with the reading and approve the minutes of the Regular Meeting of May 6, 2015. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENTS TO CONSENT AGENDA**

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 1 RENEWAL**  
VZ2, LLC d/b/a Toni & Joe's Pizzeria, 106 Colorado Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**  
Deborah L. Barnett d/b/a Pirate's Cove, 105 Central Plaza  
J and CD, Inc. d/b/a Eastside Tavern, 721 E. 4<sup>th</sup> Street  
A&D Billiards, Inc. d/b/a Classic Q's, 1715 S. Prairie Avenue  
FRS, Inc. d/b/a The Hangar, 100 W. 23<sup>rd</sup> Street
- 3 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- PLANET 86, LLC D/B/A PLANET 86, 215-217 E. NORTHERN AVENUE (MANAGING MEMBER VICTOR E. NAVARRO REPLACES SARAH PINO)**
- 4 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- JOHN & JEANNE'S STAR BAR, LLC D/B/A JOHN & JEANNE'S STAR BAR, 300 SPRING STREET (NEW MANAGER JEANNE GALLEGOS REPLACES JUAN GALLEGOS)**
- 5 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—SADDLEBACK STEAKHOUSE AND LOUNGE CORP., D/B/A SADDLEBACK STEAKHOUSE, 1007 W. 6TH STREET, (CURRENTLY LICENSED TO SHOWTIME ENTERTAINMENT & DINING COMPLEX INC/D/B/A SHOWTIME ENTERTAINMENT & DINING COMPLEX, LICENSE EXPIRES JUNE 5, 2015)**

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

**REGULAR AGENDA**

- 6 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE- TAVERN LIQUOR LICENSE, JOHN & JEANNE'S STAR BAR, LLC D/B/A JOHN & JEANNE'S STAR BAR, 300 SPRING STREET (NEW MEMBER CHARITY ALCON, REPLACES JUAN GALLEGOS)**

**MEETING  
NUMBER**

(6 Continued)

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

New LLC Member, Charity Alcon, 424 W. Grant Avenue, was sworn in. The moral character questions were answered by Ms. Alcon. She declared she has not worked in a liquor-licensed establishment and described approved forms of identification. Ms. Alcon stated the Corporate Change of Structure was needed with the passing of Mr. Gallegos.

Mr. DiFatta, seconded by Mr. Ferris, moved to Approve the Report Of Changes-Change Of Corporate Structure- Tavern Liquor License, John & Jeanne's Star Bar, LLC d/b/a John & Jeanne's Star Bar. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**7 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE- TAVERN LIQUOR LICENSE, SIR ROBERTS, INC. D/B/A SIR ROBERTS, 1130 W. 13<sup>TH</sup> STREET (NEW PRESIDENT CHARLENE CHAPPELL, 100% STOCKHOLDER, REPLACES ROBERT CHAPPELL AND NEW VICE PRESIDENT RICK CHAPPELL REPLACES ROBERT CHAPPELL)**

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

New Vice President, Rick Chappell, 44 Purdue was sworn in. Mr. Chappell stated the Corporate Change of Structure was necessitated with the passing of Mr. Robert E. Chappell. Also, it was found during filing of the paperwork that Mr. Robert G. Chappell had passed away years before but was not removed from the Corporation. Ms. Chappell was assuming the presidency of the Corporation and himself, Rick Chappell was taking over the vice presidency. All stock transfer went to Ms. Chappell who became the 100% shareholder. Mr. Chappell answered moral character questions from the Board. Mr. Chappell said he had work at Sir Roberts as a utility worker. Mr. Ferris asked Mr. Chappell to describe an Identification Card and policy for checking IDs. Mr. Chappell was unable to clearly describe the details of an Identification Card.

Mr. Ferris, seconded by Mr. Pullaro, moved to approve the Report Of Changes-Change Of Corporate Structure- Tavern Liquor License, Sir Roberts, Inc. d/b/a Sir Roberts, contingent upon Mr. Chappell receiving a TIPS certification through a State approved vendor within 60 days. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**8 PERMIT APPLICATION AND REPORT OF CHANGES: MANAGER'S REGISTRATION-TAVERN LIQUOR LICENSE- SIR ROBERTS, INC. D/B/A SIR ROBERTS, 1130 W. 13<sup>TH</sup> STREET (NEW MANAGER RICK CHAPPELL REPLACES ROBERT CHAPPELL)**

Mr. Ferris stated he would like for the Board to take administrative notice of the previous testimony given by Mr. Chappell in previous item.

Mr. Ferris, seconded by Mr. Rose, moved to approve this manager registration for Tavern Liquor License, Sir Roberts, Inc. d/b/a Sir Roberts, contingent upon the applicant receiving a TIPS certification through a State approved vendor within 60 days. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

**9 HEARING: TRANSFER OF OWNERSHIP APPLICATION TAVERN LIQUOR LICENSE–FJM, LLC, D/B/A FIRST & MAIN BAR AND GRILL, 117 N. MAIN STREET, (CURRENTLY LICENSED TO FIRST AND MAIN BAR & GRILL, LLC D/B/A FIRST AND MAIN BAR & GRILL, LICENSE EXPIRES APRIL 16, 2015)**

Members, Joseph Costanza, 86 Princeton Street and Frank Molinaro, 27907 Cumbres Drive, were sworn in and answered questions from the Board. Member Michael Milyard, 25450 Hillside Road, was not present.

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

Mr. Costanza explained he has worked in a liquor licensed premises (Manhattan's Pizza Parlor And More) that has received a suspension for violating liquor licensing statutes or regulations. The moral character of the members present was determined to be good. Mr. Costanza described approved forms of identification and explained their policy for checking the age of their patrons will be those appearing under 30-35 years of age. Mr. DiFatta, seconded by Mr. Rose moved to Approve the transfer of ownership. Mr. Ferris asked if there was a purchase agreement for the business. After clarification the applicants were asked to provide an Assets Purchase Agreement. Mr. Difatta with approval of Mr. Rose withdrew his motion.

Mr. Ferris moved to continue the transfer of ownership to the June 3, 2015 meeting. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Nays: Difatta. Motion carried 4-1.

**10 HEARING: NEW CABARET LICENSE– APOLLO INVESTMENTS, LLC D/B/A THE GROVE TAVERN, 901 E. C STREET**

Apollo Investments, LLC, Member, Johnathon Ayala, 3303 Fox Den Ct. and DC Investigations, Dakota Lamoureaux, 1910 St. Clair were sworn in. Mr. Ayala stated the business has received 3 violations of the Liquor Code in 2015. The moral character of applications was satisfactory to the Board. Mr. Lamoureaux stated DC Investigations circulated petitions for Apollo Investments, LLC. 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 in designated neighborhood were marked as *Exhibit A*. The petitions in community were marked as *Exhibit B*.

Mary and Mike Foderaro, 313 Palm Street, appeared and were sworn by the Board in opposition to the issuance for the new Cabaret License. Mrs. Foderaro, said after hearing the testimony, she wasn't opposing the issuance of the license but the neighborhood does want assurance the tavern will continue a good working relationship with the neighborhood as has been displayed recently.

Mr. Rose, seconded by Mr. Ferris, moved to approve the application for a new cabaret license for Apollo Investments, LLC. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

(10 Continued)

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 48 businesses and is opposed by no (0) businesses or other parties in interest; and it is supported by at least 83 residents of the neighborhood or other parties in interest and is opposed by at least 4 residents or other parties in interest in the neighborhood. Issuance of this license is supported by no businesses and is opposed by no (0) businesses or other parties in interest of the community; and it is supported by at least 105 residents of the community or other parties in interest and is opposed by no residents or other parties in interest in the community.

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.

**11 HEARING: NEW CABARET LICENSE– 7<sup>TH</sup> STREET STATION, LLC D/B/A 7<sup>TH</sup> STREET STATION, 112 W. 7<sup>TH</sup> STREET**

David Clark, 7<sup>TH</sup> Street Station, LLC, Member, 695 Dumont Drive, Pueblo West was sworn in.

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

Mr. Clark has previously worked at a Liquor Licensed Premise and was unaware of any violations for the establishment. The moral character Mr. Clark was deemed good to the Board. Mr. Clark stated petitions circulated. 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. Difatta, seconded by Mr. Rose, moved to approve the application for a new cabaret license for 7<sup>TH</sup> Street Station, LLC. 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 44 businesses and 40 residents and is opposed by no (0) businesses, residents, or other parties in interest; in the designated neighborhood.

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

**12 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE- 7<sup>TH</sup> STREET STATION, LLC D/B/A 7<sup>TH</sup> STREET STATION, 112 W. 7<sup>TH</sup>**

David Clark, 7<sup>TH</sup> Street Station, LLC, Member, 695 Dumont Drive, Pueblo West, was previously sworn in. Mr. Difatta asked to take administrative action of the previous testimony to determine moral character. Mr. Clark stated the modification of the premises was to allow for a sidewalk café. Mr. Gary Cooper, 216 Archer Drive, Pueblo West, was sworn in. Mr. Cooper clarified for the board the diagram of the premises and stated the applicant has applied and received a revocable permit from the City of Pueblo and the area extends no farther than a current awning so as not to interfere with the public right of way.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

(12 Continued)

Mr. DiFatta, seconded by Mr. Rose, moved to Permit Application and Report of Changes: Modification of Premises -Tavern Liquor License- 7<sup>th</sup> Street Station, LLC d/b/a 7<sup>th</sup> Street Station. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**13 HEARING 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 7<sup>TH</sup>, 2015)**

Owner Ray Gonzales, 22 Briargate Circle, Police Officer, Jacob Alfonso, 200 S. Main, and Sergeant, James Olonia, 200 S. Main, were sworn in.

Assistant City Attorney and Conflicts Counsel, Carla Sikes was present on behalf of the City Police Department. Ms. Sikes asked for the Police Report #15-4580 to be entered and marked as Exhibit 1 and the Officer Alfonso Body Camera video from March 7, 2015 to be marked Exhibit 2.

Officer Alfonso began testimony stating he was conducting area Bar checks. Sergeant, James Olonia was assisting Officer Alfonso at the Pixie Inn. A video was reviewed from the body camera worn Officer Alfonso. Ms. Sikes asked if Officer Alfonso talked with any security from the Pixie Inn. Officer Alfonso stated he talked with an individual identified as Joseph Rico security/bouncer working for the Pixie Inn. Officer Alfonso encountered an incoherent individual, Daniel Nava, who appeared to be in need of medical attention. Mr. Nava was transported to Parkview Hospital by AMR. As Mr. Nava was being readied for transport, he was identified as being under age for the consumption of alcohol. Officer Alfonso stated he contacted Mr. Nava at the hospital, later in the evening, and Mr. Nava stated he was working for the firm conducting the event as identified by credentials around his neck. Sergeant Olonia testified about his involvement with this incident. He stated he talked with security about checking identification for the event. Sergeant Olonia testified he believed Mr. Nava was intoxicated from alcohol and under the influence of a drug.

Mr. Gonzales stated he was at the Pixie Inn working until 11:00 to 11:30pm. He testified a special all age event was being held at the Pixie Inn starting at 7:00pm and ending at 1:00am. The company that was putting on the event was responsible for security for the event held in an enclosed outside back area from the tavern. Mr. Gonzalez stated he encountered an individual who he thought to be Daniel Nava earlier in the evening and did not allow him access into the tavern.

Mr. Gonzales stated Mr. Rico who was in charge of security for the Pixie Inn had been fired after this incident.

Mr. Ferris moved to find a violation of Count 2 as stated in the Order to Show Cause. The motion died for a lack of second. Mr. Rose motioned to find a violation occurred on Count 1 and Count 2, seconded by Ms. Harrison. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Nays: Ferris. Motion carried 4-1.

Ms. Harrison, seconded by Mr. Pullaro moved for a 10 day suspension beginning May 31, 2015 at 5:00pm and ending June 10, 2015 at 5:00pm. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Nays: DiFatta. Motion carried 4-1.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

(13 Continued)

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

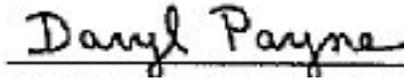
Ms. Harrison, seconded by Mr. Rose, moved approve the Findings and Order. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**14 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 5/6/15)**

Ms. Harrison, seconded by Mr. DiFatta, moved to continue the communication to the June 17, 2015 meeting. 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 9:55 p.m.

Respectfully submitted,

  
\_\_\_\_\_, CMC  
Acting Deputy City Clerk