

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

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of July 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 Brenda Armijo.

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. DiFatta, moved to dispense with the reading and approve the Minutes of the Regular Meeting of June 1, 2015. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL AND RESTAURANT LIQUOR LICENSE APPLICATION – RENEWAL – TONE INC, D/B/A MI RANCHITO II, 525 S. PUEBLO BOULEVARD**
- 2 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE (CONSUMPTION OFF PREMISES): CADERBUGG, INC. AND 7-ELEVEN, INC., D/B/A 7-ELEVEN STORE #20638A, 804 E. 4TH STREET, (CURRENTLY LICENSED TO 7-ELEVEN INC. D/B/A 7-ELEVEN STORE #20638, LICENSE EXPIRES JANUARY 31, 2016)**
- 3 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION – TAVERN LIQUOR LICENSE: J&CD INC., D/B/A CHUG-A-MUG, 1501 E. EVANS AVENUE (CURRENTLY LICENSED TO CAPRITTA’S INC. D/B/A CAPRITTA’S OASIS, LICENSE EXPIRES APRIL 3, 2016)**
- 4 SPECIAL EVENTS PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR LICENSE – THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A HOLY FAMILY PARISH, 2827 LAKEVIEW AVENUE, EVENT MANAGER: JEFFREY D. BARELA (EVENTS TO BE HELD JULY 25 – 26, 2015.)**
- 5 PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER – 3.2% BEER LICENSE – CST METRO, LLC D/B/A CORNER STORE #1723, 1525 HWY. 50 WEST (NEW MANAGER TABITHA VELASQUEZ REPLACES MICHAEL RAE)**

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 5-0.

REGULAR AGENDA

- 5A NEIGHBORHOOD SURVEY: NEW BEER AND WINE LIQUOR LICENSE – COFFEE HOUSE HOLDINGS, INC. D/B/A STARBUCKS 13492, 700 EAGLERIDGE BOULEVARD**

Mr. Rose, seconded by Mr. Ferris, moved to remove this matter from the agenda. Roll Call: Ayes — DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

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6 HEARING: TRANSFER OF OWNERSHIP APPLICATION —TAVERN LIQUOR LICENSE – THE SENATE, LLC, D/B/A THE SENATE, 219 S. GRAND AVENUE, (CURRENTLY LICENSED TO RIVERWALK RESTAURANT AND LOUNGE, LLC D/B/A RIVERWALK RESTAURANT AND LOUNGE, LICENSE EXPIRES MAY 8, 2016)

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

The Senate, LLC Managing Members, Kenneth Sciacca, 1 Remington Court, and Gena Rosales, 929 Alexander Circle were sworn in. Both answered questions from the Board. Mr. Sciacca and Ms. Rosales described an approved ID and explained their policy for checking the age of their patrons. Identification will be asked for from anyone who appears to be under the age of 30.

Mr. Sciacca presented Certificates of Alcohol Safety Training for him and Ms. Rosales for completing the StateFoodSafety.com Alcohol Server Training Course. These Certificates were accepted by the Board and entered into evidence as Exhibit A.

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the Transfer of Ownership Application – Tavern Liquor License – The Senate, LLC d/b/a The Senate. 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. DiFatta, seconded by Mr. Ferris, moved to approve the Findings and Order. Roll Call: Ayes — DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

7 HEARING: TRANSFER OF OWNERSHIP APPLICATION — CABARET LICENSE – THE SENATE, LLC, D/B/A THE SENATE, 219 S. GRAND AVENUE, (CURRENTLY LICENSED TO RIVERWALK RESTAURANT AND LOUNGE, LLC D/B/A RIVERWALK RESTAURANT AND LOUNGE, LICENSE EXPIRES MAY 8, 2016)

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

The Senate, LLC Managing Members, Kenneth Sciacca, 1 Remington Court, and Gena Rosales, 929 Alexander Circle, were previously sworn in. Mr. Ferris asked to take administrative action of the previous testimony to determine moral character.

The applicants were asked if they had anything further to present to the Board. Both applicants indicated they had nothing further to add.

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the Transfer of Ownership Application – Cabaret License – The Senate, LLC d/b/a The Senate. 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. DiFatta, 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—RETAIL LIQUOR STORE LIQUOR LICENSE – 1020 LIQUORS LLC D/B/A EAGLE LIQUORS, 1020 EAGLERIDGE BOULEVARD, (CURRENTLY LICENSED TO SL PUEBLO, LLC D/B/A EAGLE LIQUORS, LICENSE EXPIRES FEBRUARY 10, 2016)

Mr. Pullaro, seconded by Mr. DiFatta, moved to continue this matter to August 19, 2015 at the request of the applicant. Roll Call: Ayes — DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

9 HEARING RE: ALLEGED LIQUOR CODE VIOLATION – TAVERN LIQUOR LICENSE – RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE, (DATE OF COMMUNICATION MAY 6, 2015) CONTINUED FROM JUNE 17, 2015

Assistant City Attorney Carla Sikes entered her appearance representing the Sales Tax Division. Also present was Valerie Palumbo, Tax Audit Manager for the Sales Tax Division. The licensee, Mr. Gonzales, was not present.

For the record, Deputy City Clerk Brenda Armijo read the record of service. Ms. Macchietto stated that the licensee was properly served with the Order to Show Cause and Notice of Hearing and that the hearing could proceed. She also stated that the licensee had submitted the paperwork necessary to surrender his City and State liquor licenses and that this was the first consideration before the Board.

Ms. Macchietto asked Ms. Sikes if she would like to make a statement. Ms. Sikes stated that the City would like to proceed with the hearing and requested that the Board issue a finding of poor moral character against Mr. Gonzales.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the Surrender of City Liquor License. Roll Call: Ayes – Pullaro. Nays: DiFatta, Ferris, Harrison, and Rose. Motion failed 1-4.

Ms. Macchietto read the violations into the record. Ms. Sikes then submitted copies of the Petition to Pay Fine in Lieu of Suspension with attachments, Sales Tax Returns Analysis, Notice of Final Determination Assessment – Demand for Payment, and a Communication dated May 6, 2015. Exhibits 1 – 4 were admitted into evidence.

Valerie Palumbo, 130 Central Main Street, was sworn in and gave testimony as to her position within the Sales Tax Division and her responsibilities as Tax Audit Manager. She also provided detailed testimony as to the audit performed concerning the licensee and the analysis conducted with that information.

The Board then held a discussion. Ms. Sikes gave a brief closing statement. She requested that the Board find Mr. Gonzales of poor moral character and asked that his liquor license be revoked.

Mr. Ferris, seconded by Mr. DiFatta, moved that a violation has occurred with respect to Count 1, Count 2, and Count 3. Roll Call: Ayes – DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

Mr. Ferris, seconded by Mr. DiFatta, moved to immediately revoke the Tavern Liquor License of Richard Ray Gonzales d/b/a Pixie Inn and direct Assistant City Attorney Carla Sikes to contact the Pueblo Police Department to enforce that the Pixie Inn cease serving alcohol effective today. Roll Call: Ayes – DiFatta, Ferris, Harrison, Pullaro, and Rose. Motion carried unanimously.

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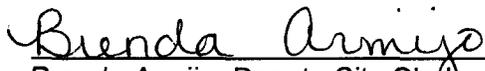
A ten minute recess was called to allow preparation of the Findings and Order. The meeting was reconvened at 7:15 p.m.

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

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the Findings and Order. 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 7:26 p.m.

Respectfully submitted,



Brenda Armijo, Deputy City Clerk
City Clerk's Office