

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**JUNE 1, 2011 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of June 1, 2011 at 6:00 p.m., with Chairman Ralph Scaplo presiding.

**ROLL CALL**

Present: Board Members Don DiFatta, Mike Ferris, Doris Harrison, Tom Rose and Ralph Scaplo. Also Present—Assistant City Attorney Bob Jagger and Deputy City Clerk Lori Bravo-Neff.

**APPROVAL OF MINUTES**

Mr. Ferris, seconded by Ms. Harrison, moved to approve the minutes of the Regular Meeting of May 18, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

**AMENDMENTS TO CONSENT AGENDA**

Mr. Ferris, seconded by Mr. Rose, moved to remove the renewal for *Mi Pueblito* from Item #1 and continue this renewal to a later date. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**  
AVKE, Inc. d/b/a Cambria Suites, 150 S. Santa Fe Avenue  
McRid, Inc. d/b/a Gold Dust Saloon, 217 S. Union Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 APPLICATIONS**  
PF&R Corporation d/b/a Patsy's 425 S. Santa Fe Avenue  
Polito, Inc. d/b/a Beer Barrel, 2113 E. Evans Avenue  
SilGlo, Inc. d/b/a Club 21, 313 N. Main Street  
Carl F. Rodriguez d/b/a Little Joe's, 2430 Lake Avenue
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS-CONSUMPTION OFF-PREMISES-TOTAL OF 2 APPLICATIONS**  
Albertson's LLC d/b/a Albertson's #1837, 1545 S. Prairie Avenue  
Albertson's, LLC d/b/a Albertson's Food Center #816, 1601 Highway 50 West
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-OSCAR'S LIQUOR LANE, LLC D/B/A OSCAR'S LIQUOR, 838 S. PRAIRIE AVENUE**
- 5 ALCOHOL BEVERAGE TASTINGS PERMIT RENEWAL- OSCAR'S LIQUOR LANE, LLC D/B/A OSCAR'S LIQUOR, 838 S. PRAIRIE AVENUE**
- 6 CABARET LICENSE APPLICATIONS- RENEWALS – TOTAL OF 3 APPLICATIONS**  
PF&R Corporation d/b/a Patsy's 425 S. Santa Fe Avenue  
SilGlo, Inc. d/b/a Club 21, 313 N. Main Street  
Carl F. Rodriguez d/b/a Little Joe's, 2430 Lake Avenue

**CONSENT AGENDA (CONTINUED)**

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- 7 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: HOWARD GRIFFITH (EVENT TO BE HELD AUGUST 12<sup>TH</sup>, 13<sup>TH</sup> AND 14<sup>TH</sup>, 2011. ADDRESS OF EVENT: 2827 LAKEVIEW AVENUE)
- 8 SPECIAL EVENT PERMIT APPLICATION-FERMENTED MALT BEVERAGE (3.2% BEER) LICENSE – EAST SIDE NEIGHBORHOOD ASSOCIATION OF PUEBLO, 1901 E. 14<sup>TH</sup> STREET, EVENT MANAGER: EVA E. MONTOYA (EVENT TO BE HELD JUNE 12, 2011. ADDRESS OF EVENT: 837 DESERT FLOWER BOULEVARD-BIG LOTS PARKING LOT)
- 9 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION— TAVERN LIQUOR LICENSE–PHIL’S RADIATOR SERVICE, LLC D/B/A PHIL’S RADIATOR SERVICE, LLC, 109 E. “C” STREET (CURRENTLY LICENSED TO CODRECELL, LLC D/B/A PHIL’S RADIATOR SERVICE & BEER GARDEN, LICENSE EXPIRED APRIL 6, 2011)
- 10 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION— TAVERN LIQUOR LICENSE–JOSEPH J. TRUJILLO D/B/A PIXIE INN, 440 S. SANTA FE AVENUE (CURRENTLY LICENSED TO KIM L. GRIFFITH D/B/A PIXIE INN, LICENSE EXPIRES JULY 25, 2011)

**VOTE ON CONSENT AGENDA ITEMS:**

Mr. Ferris, seconded by Ms. Harrison, moved to approve the Consent Agenda as read into the record. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion passed by a vote of 5-0.

**REGULAR AGENDA**

- 11 COMMUNICATION FROM INTERIM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- LA PALMA NIGHTCLUB, LLC D/B/A LA PALMA, 2506 LAKE AVENUE, (POLICE CR# 11-8498, VIOLATION DATE: MAY 7, 2011)

Seeing no one present from this establishment, this item was moved to the end of the agenda.

- 12 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– BROOKLYN PUEBLO, CORP. D/B/A MANHATTAN’S PIZZA PARLOR AND MORE, 1110 HWY 50 WEST

Corporate officers/owners Joseph Costanza – 29286 Iris Road; Robert Carruth – 5321 Costa Mesa Drive; and Kenneth Jesik – 5622 Venezia Way were sworn in and answered questions from the Board.

The moral character of all three officers was satisfactory to the Board. Mr. Costanza and Mr. Carruth have previously held a liquor license and that license was never suspended, revoked or otherwise reprimanded for violation of any liquor licensing statute or regulation. Mr. Jesik has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in their application. All three officers stated they used personal savings to enter into possession of the premises. They employ 25-30 employees and to their knowledge their

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employees do not have a criminal history; they do not conduct background investigations on potential employees. All three officers stated their policy for checking the age of their patrons will be to request identification from anyone who wants to purchase alcohol. The officers stated they will attend a Liquor Awareness Class and were provided with a copy of the 2011 class schedule.

The petitions circulated by the applicants were presented. The residential petitions were marked as Exhibit A; the business petitions were marked as Exhibit B; a one-page summary sheet as Exhibit C and a two-page summary sheet as Exhibit D. The Board took a 20-minute recess to review the petitions. Upon reconvening, the Board determined that issuance of this license is supported by at least 128 residents of the neighborhood or other parties in interest and was opposed by 2 residents of the neighborhood or other parties in interest.

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

Chairman Scaplo closed the hearing.

Mr. DiFatta, seconded by Mr. Rose, moved to approve the issuance of this Hotel & Restaurant liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration.

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

**13 HEARING: CHANGE OF LOCATION: TAVERN LIQUOR LICENSE/NEW CABARET LICENSE– MUGGSY'S INN, INC. D/B/A MUGGSY'S INN, 115 E. RIVERWALK, UNIT A**

Owner Joseph Herbert, 5647 St. Charles River Drive was sworn in and answered questions from the Board. The moral character of Mr. Herbert was satisfactory to the Board. There are no silent partners not disclosed in his application and he explained he used personal investments to obtain the funds necessary to enter into possession of the premises. Mr. Herbert stated he will employ 10-15 employees and intends to do drug testing and background investigations on potential employees. Mr. Herbert described approved forms of identification and explained his policy for checking the age of their patrons will be to request ID from everyone who wants to purchase alcohol. Mr. Herbert stated he has attended a Liquor Awareness class and has one employee coming on board that he plans to send to a class.

The petitions circulated by the applicant were presented. The residential petitions were marked as Exhibit A and the business petitions were marked as Exhibit B. The Board recessed to review the petitions. Upon reconvening, the Board determined that issuance of this license is supported by at least 57 residents of the neighborhood or other parties in interest and was opposed by 1 resident of the neighborhood or other parties in interest.

A discussion regarding the drawing of the licensed premises was held. The Board voiced concern about an area on Mr. Herbert's proposed licensed premises referred to as *lower patio seating* and the fact that the public thoroughfare goes through it. The Board pointed out to Mr. Herbert that if a customer was to walk back towards the establishment with an alcohol beverage in their hand, that is a violation of the liquor code and a sanction could be imposed. Following further discussion, Mr.

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Herbert stated these were issues he had not considered and stated he would amend the drawing to remove this area. Also, there was a section referred to as the *common area* and since Mr. Herbert does not have exclusive possession of this area, this area could not be considered a part of his licensed premises. The drawing of the licensed premises was amended and the amendment was satisfactory to the Board.

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

Chairman Scaplo closed the hearing.

Ms. Harrison, seconded by Mr. DiFatta, moved to approve the change of location of this tavern liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration.

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

**14 HEARING: NEW CABARET LICENSE– MUGGSY'S INN, INC. D/B/A MUGGSY'S INN, 115 E. RIVERWALK, UNIT A**

Chairman Scaplo explained the Board would take Administrative Notice of the previous testimony given in Item #13.

Following a review of the petitions, it was determined that issuance of this license is supported by at least 60 residents of the neighborhood or other parties in interest and was opposed by 1 resident of the neighborhood or other parties in interest.

Ms. Harrison, seconded by Mr. DiFatta, moved to approve this application for a new cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration.

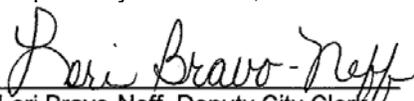
Ms. Harrison, seconded by Mr. Rose, moved to approve the Findings and Order as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

**11 COMMUNICATION FROM INTERIM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- LA PALMA NIGHTCLUB, LLC D/B/A LA PALMA, 2506 LAKE AVENUE, (POLICE CR# 11-8498, VIOLATION DATE: MAY 7, 2011)**

With the licensee still not present on behalf of this matter, the Board set it for hearing on August 17<sup>th</sup>, 2011.

**ADJOURN** – With no further business to conduct, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

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