

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
OCTOBER 19, 2016 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of October 19, 2016 at 6:00 p.m. with Chairperson Doris Harrison presiding.

ROLL CALL

Present: Board Members Mike Ferris, Doris Harrison, Tom Rose, and Jan Shafer.

Absent: Board Member Charles Pullaro, Jr.

Also Present: Assistant City Attorney Lisa Macchietto and Deputy City Clerk Brenda Armijo.

APPROVAL OF MINUTES

Mr. Rose, seconded by Ms. Shafer, moved to dispense with the reading and approve the minutes of the Regular Meeting of October 5, 2016. Roll Call: Ayes — Ferris, Harrison, Rose and Shafer. Motion carried 4-0.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**
Paul Pachino d/b/a Mozart Restaurant, 1120 N. Main Street
- 2 TAVERN LIQUOR LICENSE APPLICATION – RENEWALS – TWO RENEWALS**
Nunez Lounge, LLC d/b/a Nunez Lounge, 313 W. Northern Avenue
The Senate, LLC d/b/a The Senate, 219 S. Grand Avenue
- 3 3.2% BEER LICENSE APPLICATION – RENEWAL – ONE RENEWAL**
7-Eleven, Inc. d/b/a 7-Eleven #17127S, 905 W. Northern Avenue
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
Big Bear Wine & Liquor, Inc. d/b/a Big Bear Wine & Liquor, 2037 S. Pueblo Boulevard
CJEM, LLC d/b/a 80/Twenty Wines, 415 N. Greenwood, Suite C
- 5 ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION – RENEWALS – TWO RENEWALS**
Big Bear Wine & Liquor, Inc. d/b/a Big Bear Wine & Liquor, 2037 S. Pueblo Boulevard
CJEM LLC d/b/a 80/Twenty Wines, 415 N. Greenwood, Suite C
- 6 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — TAVERN LIQUOR LICENSE: WILLIEBOYZ, LLC D/B/A THE BEER RUN, 1023 S. PUEBLO BOULEVARD, (CURRENTLY LICENSED TO LEGENDS, LLC D/B/A LEGENDS, LICENSE EXPIRES OCTOBER 11, 2016)**
- 7 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — HOTEL & RESTAURANT LIQUOR LICENSE: ONLY FRESH CONCEPTS INCORPORATED D/B/A CICERELLI'S PARK EAST STEAKHOUSE, 720 GOODNIGHT AVENUE, (CURRENTLY LICENSED TO T&D ENTERPRISES, LLC D/B/A PARK EAST RESTAURANT, LICENSE EXPIRES SEPTEMBER 24, 2017)**

CONSENT AGENDA continued

**MEETING
NUMBER**

- 8 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811J, 327 W. 8TH STREET, (CURRENTLY LICENSED TO KNMNH, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811A LICENSE EXPIRES NOVEMBER 29, 2016)**
- 9 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638J, 804 E. 4TH STREET, (CURRENTLY LICENSED TO CADERBUGG, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638A LICENSE EXPIRES NOVEMBER 12, 2016)**

Mr. Rose, seconded by Mr. Ferris, moved to approve the Consent Agenda as read. Roll Call: Ayes — Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

REGULAR AGENDA

- 10 HEARING: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811J, 327 W. 8TH STREET, (CURRENTLY LICENSED TO KNMNH, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811A LICENSE EXPIRES NOVEMBER 29, 2016)**

Mr. Ferris, seconded by Mr. Rose, moved to continue this item to the November 16, 2016 regular meeting. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

- 11 HEARING: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638J, 804 E. 4TH STREET, (CURRENTLY LICENSED TO CADERBUGG, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638A LICENSE EXPIRES NOVEMBER 12, 2016)**

Mr. Ferris, seconded by Mr. Rose, moved to continue this item to the November 16, 2016 regular meeting. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

- 12 COMMUNICATION FROM VALERIE PALUMBO, TAX AUDIT MANAGER, RE: ALLEGED SALES AND LODGERS TAX CODE VIOLATION – NEW VISION HOSPITALITY, LLC D/B/A CLARION HOTEL, 4001 N. ELIZABETH STREET. (DATE OF COMMUNICATION: JUNE 29, 2016) CONTINUED FROM JULY 20, 2016, SEPTEMBER 7, 2016 AND SEPTEMBER 21, 2016**

Regional Director of Operations Nadim Shah and Operations Manager Ashley Shrock were sworn in. Assistant City Attorney Linda Stanley representing the Sales Tax Division was also present.

Ms. Shafer, seconded by Mr. Ferris, moved to set this matter for hearing at the November 16, 2016 regular meeting. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

REGULAR AGENDA CONTINUED

**MEETING
NUMBER**

13 HEARING: COMMUNICATION FROM TROY DAVENPORT, ACTING CHIEF OF POLICE, RE: ALLEGED LIQUOR CODE VIOLATION – CRYSTAL MARTINEZ D/B/A SANCHOS BAR & GRILL, 628 E. 4TH STREET. (POLICE CR#16-015261, VIOLATION DATE: JULY 28, 2016)

At 6:30 p.m. the Board went into recess until 7:00 p.m. to wait for Office Pedraza of the Pueblo Police Department to arrive. He was instructed by the Assistant City Attorney to appear at that time. The hearing resumed at 7:00 p.m.

Crystal Martinez, 1649 Garwood Drive, Pueblo and Lawrence Garcia, 314 Kenwood Drive, Pueblo were sworn in. Assistant City Attorney Linda Stanley entered her appearance on behalf of the Police Department. Officer Manuel Pedraza, of the Pueblo Police Department, 200 S. Main Street, Pueblo was also sworn in.

Office Pedraza testified as to the events he witnessed which led to the alleged liquor code violation. Ms. Martinez was given an opportunity to ask Officer Pedraza questions. Mr. Garcia indicated that he was bartending on the night of the alleged violation and accepted full responsibility for the incident. Both sides rested and waived their closing arguments.

Mr. Rose, seconded by Mr. Ferris, moved to find that a violation occurred as to Count 1. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

Mr. Rose, seconded by Mrs. Shafer, moved to suspend the licensee's liquor license for a period of five (5) days, of which two (2) days shall be served. The remaining three (3) days will be held in abeyance for a period of one (1) calendar year from the date of the Order. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

The licensee indicated that she will file a petition to pay a fine in lieu of the suspension.

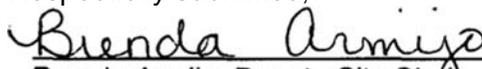
Mr. Rose, seconded by Mr. Ferris, moved that the license be actively suspended commencing on Friday, November 11, 2016 at 7:00 a.m. and ending on Sunday, November 13, 2016 at 2:00 a.m. Roll Call: Ayes – Ferris, Harrison, and Rose. Nays – Shafer. Motion carried 3-1.

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 as read. Roll Call: Ayes – Ferris, Harrison, Rose, and Shafer. Motion carried 4-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:37 p.m.

Respectfully submitted,


Brenda Armijo, Deputy City Clerk
City Clerk's Office