

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**NOVEMBER 16, 2016 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 16, 2016 at 6:00 p.m. with Chairperson Doris Harrison presiding.

**ROLL CALL**

**Present:** Board Members Mike Ferris, Doris Harrison, Charles Pullaro, Jr., Tom Rose, and Jan Shafer.

**Absent:** None.

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

**APPROVAL OF MINUTES**

Ms. Shafer, seconded by Mr. Ferris, moved to dispense with the reading and approve the minutes of the Regular Meeting of November 2, 2016. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**AMENDMENTS TO REGULAR AGENDA**

Ms. Shafer, seconded by Mr. Ferris, moved to hear items 12, 13, and 14 following item 7. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**CONSENT AGENDA**

**1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION – RENEWALS – THREE RENEWALS**

Donna Hart d/b/a All Seasons Event Center, 112 West 2<sup>nd</sup> Street  
The Noodle Shop Colorado, Inc. d/b/a Noodles & Company, 825 W. US Hwy 50  
Tian Jin Inc. d/b/a Tian Jin Oriental Cuisine, 3400 W. Northern Avenue

**2 TAVERN LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**

Apollo Investments LLC d/b/a The Grove Tavern, 901 East C Street

**3 CLUB LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**

American Legion Post 2 d/b/a American Legion Post 2, 701 West 9<sup>th</sup> Street

**4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION – RENEWAL – ONE RENEWAL**

Hancor Investments, Inc. d/b/a J.R.'s Liquor, 721 N. Grand Avenue

**5 CABARET LICENSE APPLICATION – RENEWAL – ONE RENEWAL**

Donna Hart d/b/a All Seasons Event Center, 112 West 2<sup>nd</sup> Street

**6 PERMIT APPLICATION AND REPORT OF CHANGES – CHANGE OF TRADE NAME/DBA ONLY – 1020 LIQUORS LLC D/B/A EAGLE LIQUORS, 1020 EAGLERIDGE BOULEVARD, NEW TRADE NAME 1020 LIQUORS LLC D/B/A EAGLE LIQUORS & CIGARS**

Ms. Shafer, seconded by Mr. Ferris, moved to approve the Consent Agenda as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**REGULAR AGENDA continued**

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**7 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE – GRAHAMS GRILL II, LLC D/B/A GRAHAMS GRILL, 1749 S. PUEBLO BOULEVARD**

Mr. Pullaro, seconded by Mr. Rose, moved to accept the survey and set the hearing for December 7, 2016. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**8 HEARING: TRANSFER OF OWNERSHIP APPLICATION – TAVERN LIQUOR LICENSE – WILLIEBOYZ LLC D/B/A THE BEER RUN, 1023 PUEBLO BOULEVARD (CURRENTLY LICENSED TO LEGENDS, LLC D/B/A LEGENDS, LICENSE EXPIRES OCTOBER 11, 2016)**

Managing Member Dawn Cordova, 1523 Claremont Avenue, Pueblo was sworn in and answered questions from the Board. No one appeared in opposition to the application. The moral character and financial interest questions were directed to Ms. Cordova. The tavern currently employs two people. Background checks are not currently performed. Ms. Cordova listed approved forms of identification and gave examples. Every patron will be asked for identification every time they patronize the tavern. The moral character of the applicant was found to be satisfactory to the Board.

Mr. Rose, seconded by Mr. Ferris, moved to approve the Transfer of Ownership Application – Tavern Liquor License – Willieboyz, LLC d/b/a The Beer Run, 1023 Pueblo Boulevard. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

After further questioning by Ms. Macchietto concerning the Lease and Option document, Mr. Rose moved to allow Ms. Cordova to amend her application by removing this document. Motion seconded by Ms. Shafer. Roll Call: Ayes: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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, Pullaro, Rose, and Shafer. Motion carried 5-0.

**9 HEARING: TRANSFER OF OWNERSHIP APPLICATION – CABARET LICENSE – WILLIEBOYZ LLC D/B/A THE BEER RUN, 1023 PUEBLO BOULEVARD (CURRENTLY LICENSED TO LEGENDS, LLC D/B/A LEGENDS, LICENSE EXPIRES OCTOBER 21, 2016)**

Managing Member Dawn Cordova, 1523 Claremont Avenue remains sworn in. Administrative notice was taken by the Board for testimony previously given in this matter. No one appeared in opposition to the application.

Mr. Rose, seconded by Ms. Shafer, moved to approve the Transfer of Ownership Application – Cabaret License – Willieboyz LLC d/b/a The Beer Run, 1023 Pueblo Boulevard. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

REGULAR AGENDA continued

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

Mr. Rose, seconded by Ms. Shafer, moved to approve the Findings and Order as read. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**10 HEARING: 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)**

Corporate Officers Heath Cicerelli, Carie Cicerelli, and Ron Padilla, all of 475 W. Pin High Drive, Pueblo West were sworn in and answered questions from the Board. No one appeared in opposition to the application. The moral character and financial interest questions were directed to Mr. and Mrs. Cicerelli. The restaurant currently employs approximately 35 people with a possibility of employing up to 50 people. Background checks will be performed on potential employees. Each listed approved forms of identification and gave examples. All patrons appearing under the age of 40 will be asked for identification. The moral character of the applicants was found to be satisfactory to the Board.

Mr. Ferris, seconded by Mr. Rose, moved to approve the Transfer of Ownership Application – Hotel & Restaurant Liquor License – Only Fresh Concepts Incorporated d/b/a Cicerelli's Park East Steakhouse, 720 Goodnight Avenue. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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 as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**11 HEARING: TRANSFER OF OWNERSHIP APPLICATION – CABARET 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 AUGUST 17, 2017)**

Corporate Officers Heath Cicerelli, Carie Cicerelli, and Ron Padilla remain sworn in. Administrative notice was taken by the Board for testimony previously given in this matter. No one appeared in opposition to the application.

Mr. Ferris, seconded by Mr. Rose, moved to approve the Transfer of Ownership Application – Cabaret License – Only Fresh Concepts Incorporated d/b/a Cicerelli's Park East Steakhouse, 720 Goodnight Avenue. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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 as read. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**REGULAR AGENDA continued**

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**12 HEARING: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811J, 327 W. 8<sup>TH</sup> STREET, (CURRENTLY LICENSED TO KNMNH, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 23811A LICENSE EXPIRES NOVEMBER 29, 2016) CONTINUED FROM OCTOBER 19, 2016**

Attorney Kevin Coates of Dill & Dill, entered his appearance on behalf of client 7-Eleven, Inc. Field Representative Alan Niccoli, 10353 Mount Lincoln Drive, Peyton representing 7-Eleven, Inc. was sworn in and answered questions from the Board. No one appeared in opposition to the application. Due to 7-Eleven, Inc. being a co-licensee on the current liquor license, the moral character and financial interest questions were not reviewed. It was explained that the transfer of ownership application is to facilitate the transfer of the liquor license solely back to 7-Eleven, Inc.

Ms. Shafer, seconded by Mr. Ferris, moved to approve the Transfer of Ownership Application – 3.2% Beer License – 7-Eleven, Inc. d/b/a 7-Eleven Store 23811J, 327 W. 8<sup>th</sup> Street. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

Ms. Shafer, seconded by Mr. Ferris, moved to approve the Findings and Order as read. Roll Call: Ayes — Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**13 HEARING: TRANSFER OF OWNERSHIP APPLICATION — 3.2% BEER LICENSE: 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638J, 804 E. 4<sup>TH</sup> STREET, (CURRENTLY LICENSED TO CADERBUGG, INC. & 7-ELEVEN, INC. D/B/A 7-ELEVEN STORE 20638A LICENSE EXPIRES NOVEMBER 12, 2016) CONTINUED FROM OCTOBER 19, 2016**

Attorney Kevin Coates of Dill & Dill, representing 7-Eleven, Inc. remains as attorney of record. Field Representative Alan Niccoli, 10353 Mount Lincoln Drive, Peyton representing 7-Eleven, Inc remains sworn in. Administrative notice was taken by the Board for previous testimony given in this matter. No one appeared in opposition to the application.

Ms. Shafer, seconded by Mr. Rose, moved to approve the Transfer of Ownership Application – 3.2% Beer License – 7-Eleven, Inc. d/b/a 7-Eleven Store 20638J, 804 E. 4<sup>th</sup> Street. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

Ms. Shafer, seconded by Mr. Rose, moved to approve the Findings and Order as read. Roll Call: Ayes – Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**14 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, SEPTEMBER 21, 2016, AND OCTOBER 19, 2016**

REGULAR AGENDA continued

Operations Manager Ashely Deines, Clarion Hotel, 2237 40<sup>th</sup> Lane, Avondale was sworn in. Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City.

Mr. Gloss read the Stipulated Findings and Order into the record. The Licensee stipulates and agrees to a suspension of its liquor license for a period of six (6) days, of which zero (0) days shall be imposed. The six (6) days of suspension shall be held in abeyance for a period of one (1) calendar year from the date of the Order.

Mr. Pullaro, seconded by Ms. Shafer, moved to accept the Stipulated Findings and Order as proposed. Roll Call – Nays: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion failed 5-0.

After discussion, Mr. Pullaro, seconded by Mr. Rose, moved to withdraw the previous motion. Roll Call – Ayes: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

Mr. Rose, seconded by Ms. Shafer, moved to amend the previous motion to suspension of the liquor license for a period of nine (9) days, of which three (3) days shall be imposed. The remaining six (6) days of the suspensions shall be held in abeyance for a period of one (1) calendar year from the date of the Order. The licensee shall also be required to file and pay taxes for April and May 2016 by December 15, 2016.

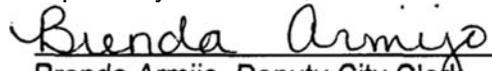
After further discussion, Mr. Rose, seconded by Mr. Ferris, moved to accept the amended motion as previously stated. Roll Call: Ayes: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

Trevor Gloss read the amended Stipulated Findings and Order into the record. In addition to the provisions listed above, the three-day suspension shall be served beginning December 15, 2016 at 5:00 p.m. and ending on December 18, 2016 at 5:00 p.m.

Mr. Pullaro, seconded by Ms. Shafer, moved to approve the amended Stipulated Findings and Order as read. Roll Call: Ayes: Ferris, Harrison, Pullaro, Rose, and Shafer. Motion carried 5-0.

**ADJOURN** – With no further business to come before the Board, the meeting was adjourned at 7:44 p.m.

Respectfully submitted,

  
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Brenda Armijo, Deputy City Clerk  
City Clerk's Office