

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

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of July 6, 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. DiFatta, seconded by Mr. Ferris, moved to continue the approval of the June 15, 2011 minutes to the July 20th meeting. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

AMENDMENTS TO REGULAR AGENDA

Mr. DiFatta, seconded by Mr. Rose, moved to amend the Regular Agenda by moving Item 15 to the beginning of the Regular Agenda. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION- PINELLE'S BOWLERO LANES, INC. D/B/A PINELLE'S BOWLERO LANES, 1000 W. 6TH STREET**
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
Broadway Tavern & Grill, Inc. d/b/a Broadway Tavern & Grill, 127 Broadway Avenue
Ronald S. Nuñez d/b/a Nuñez, 313 W. Northern Avenue
- 3 3.2% BEER LICENSE- APPLICATION-RENEWAL-CONSUMPTION OFF PREMISES- VALERO DIAMOND METRO, INC. D/B/A VALERO CORNER STORE #1723, 1525 HWY. 50 WEST**
- 4 CABARET LICENSE APPLICATION-RENEWAL-QUINTO SOL ENTERPRISES, LLC D/B/A THE QUART HOUSE TAVERN, 310 W. NORTHERN AVENUE**

VOTE ON CONSENT AGENDA ITEMS:

Mr. DiFatta, 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 carried unanimously.

REGULAR AGENDA

- 15 COMMUNICATION FROM INTERIM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE- JOE'S BISTRO, LLC D/B/A JOE'S ITALIAN BISTRO, 310 S. VICTORIA AVENUE, (POLICE CR# 11-11079, VIOLATION DATE: JUNE 11, 2011)**

Attorney Jim Koncilja was present with the owner/licensee Ruzhdi Memeci. Mr. Koncilja explained to the Board that Mr. Memeci would be stipulating to the violation and gave a brief explanation

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regarding the circumstances surrounding the events of this night. Mr. Koncilja stated this violation occurred the weekend of the second "B Street Bash." He stated Mr. Memeci's sons were out of the country and in their absence, Mr. Memeci hired a number of temporary employees. Mr. Koncilja explained Mr. Memeci was not fully prepared for the volume of people that visited his establishment following the closing of the B Street Bash. Consequently, after the restaurant closed, a few employees stayed behind to help him clean up and when the police arrived, it was determined at least three temporary employees were consuming alcohol. Mr. Koncilja stated he did not think that Mr. Memeci understood that once the premises closed, alcohol could not be consumed. Mr. Koncilja stated that all the "regular servers" have completed the seller/server class, and while Mr. Memeci and his 3 sons have not attended a class of this nature, they are planning to do so.

Board members expressed concerns about the licensee receiving a liquor violation within a month of opening their establishment and also stated the licensee should be more familiar with the liquor code. Mr. Koncilja explained since Mr. Memeci's sons have been back there have not been any problems and there have been two more B Street Bash events since the night this violation occurred. Mr. Koncilja stated it has been explained to Mr. Memeci that once the establishment is closed, there can be no consumption of alcohol; the bar has to be cleaned and the premises vacated by 2 a.m. Mr. Koncilja also stated that Mr. Memeci had liquor licenses in other states but that Colorado was different and that Mr. Memeci truly values his liquor license and will do whatever he can to make sure this does not happen again.

Mr. Ferris, seconded by Mr. DiFatta, moved for 3 days suspension: 2 days held in abeyance for 1 year and 1 day served. 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. Ferris, seconded by Mr. DiFatta, moved to approve the Findings and Order as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

5 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE/NEW CABARET LICENSE– DONNA MARIE HART D/B/A ALL SEASONS CATERING EVENT CENTER, 112 W. 2ND STREET

Neighborhood Surveyor Don Vest, 516 Lincoln was sworn in and presented to the Board the demographics and map of the defined neighborhood for issuance of a new hotel & restaurant liquor license for premises to be known as *All Seasons Catering Event Center*.

Ms. Harrison seconded by Mr. Rose, moved to accept the survey and set the hearing for July 20, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison and Rose. Motion carried unanimously.

6 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE – SOUTHERN COLORADO COMMUNITY FOUNDATION, 121 W. 1ST STREET, SUITE 240. EVENT MANAGER: MARGARET RICHARDS (EVENT TO BE HELD JULY 31, 2011. ADDRESS OF EVENT: 615 HUNTER DRIVE)

Event manager Margaret Richards, 120 LaRochelle, and Executive Director Doris Kester, 1531 Alexander Circle were sworn in and answered questions from the Board. Ms. Richards explained

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the roller derby is a fundraiser for their organization and the funds raised at this event will be used to fund the league. Ms. Richards stated she will be responsible for supervising the event and there is only one liquor distribution point. She stated that a maximum of 5 people will be selling/serving liquor and the type of food that will be served will be sold from the concession stand at the skating rink. Ms. Richards described approved forms of identification and stated their policy for checking the age of their patrons will be to require an I.D. and once it is determined that a patron is old enough to purchase or consume alcohol, they will be given a wristband. Ms. Richards explained she, rink staff and league volunteers will be assigned to maintain order on the licensed premises; alcohol will not be allowed to be taken off the licensed premises. Ms. Richards stated that the premises will be secured and all entrances/exits will be closely monitored.

Mr. Ferris, seconded by Ms. Harrison, moved to approve the Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

7 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE –GREATER PUEBLO CHAMBER FOUNDATION, 302 N. SANTA FE AVENUE. EVENT MANAGER: ROD SLYHOFF (EVENT TO BE HELD JULY 15 AND 16, 2011. ADDRESS OF EVENT: 3738 N. PUEBLO BOULEVARD – (PUEBLO MOTOR SPORTS COMPLEX)

Event manager Rod Slyhoff, 1242 Palmer, was sworn in and answered questions from the Board. Mr. Slyhoff stated this special event for which this application has been made is for the Rocky Mountain High Altitude Drag Races. He explained the net proceeds from the sale of alcohol will be used to enhance their tourism programs and promotions. Mr. Slyhoff stated he will be responsible for supervising the event and there is only one liquor distribution point. He stated there will be 4 people selling/serving liquor; that the type of food that will be served is concession-type food such as hot dogs and pretzels. Mr. Slyhoff described approved forms of identification and stated their policy for checking the age of their patrons will be to require an I.D. from everyone who enters the area where alcohol will be sold/consumed and will then be given a wristband if they are of legal age to purchase/consume alcohol. Mr. Slyhoff explained TNT Security has been hired to maintain order on the licensed premises; alcohol will not be allowed to be taken off the licensed premises. Mr. Slyhoff stated that the premises will be secured with a 6' high chain link fence; that there are 2 entrances/exits which will be closely monitored by TNT Security. Mr. Slyhoff explained that the bar staff is experienced and have attended a liquor awareness program.

Mr. Rose, seconded by Ms. Harrison, moved to approve the Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE –GREATER PUEBLO CHAMBER FOUNDATION, 302 N. SANTA FE AVENUE. EVENT MANAGER: ROD SLYHOFF (EVENT TO BE HELD AUGUST 5, 2011. ADDRESS OF EVENT: 3738 N. PUEBLO BOULEVARD – (PUEBLO MOTOR SPORTS COMPLEX)

Chairman Scaplo stated the Board would take administrative notice of the testimony given by Mr. Slyhoff in Item #7.

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Mr. DiFatta, seconded by Mr. Ferris, moved to approve the Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

9 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—HOTEL & RESTAURANT LIQUOR LICENSE-ANGELO'S PIZZA PARLOR & A MORE' INC. D/B/A ANGELO'S PIZZA PARLOR AND-A-MORE', 105 E. RIVERWALK (CONTINUED FROM JUNE 15, 2011 DUE TO THE ABSENCE OF THE LICENSEE)

Owner Debbie Foresta, 28 Aberdeen Bluffs was sworn in and answered questions from the Board. Board Member Harrison inquired about the routing sheet and explained a completed routing sheet would need to be submitted. Ms. Foresta briefly described the proposed changes to their existing licensed premises which will only affect the lower walk-out level of their establishment. The new addition will be contained with 3'-4' high railing which comes up to their existing licensed property. Ms. Foresta explained the modification does not involve crossing any public thoroughfare and adds additional outdoor square footage from the patio to approximately 10' from the waterway.

Ms. Harrison, seconded by Mr. Rose, moved to approve this modification contingent upon receipt of a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

10 HEARING: 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)

New managing members Brian McCain, 1617 Lake Avenue and Mark Mihelich, 201 Lamkin Street were sworn in and answered questions from the Board.

The moral character of Mr. McCain was satisfactory to the Board. Mr. McCain stated he worked part-time for the previous owners and explained the liquor license had been suspended a couple of times for violating liquor licensing statutes or regulations. Mr. McCain stated there are no silent partners or financial backers not disclosed in this application; he used personal funds and funds from a loan to enter into possession of the premises. In addition to himself and Mr. Mihelich, they also currently employ a part-time bartender and 2 bouncers. Mr. McCain stated during the summer, they will hire additional help and to his knowledge, these employees have not pled guilty to or been convicted of a crime other than a minor traffic offense; they will conduct background investigations on their potential employees. Mr. McCain described approved forms of identification and explained they will check everyone's I.D. at the door and an employee will be at the door at all times. He also stated the bartender will check identification at the bar. Mr. McCain stated he has previously attended Liquor Awareness Classes and the bartender has as well.

The moral character of Mr. Mihelich was satisfactory to the Board. Mr. Mihelich stated he has never held a liquor license or worked in or for a liquor-licensed establishment. Mr. Mihelich used personal funds to enter into possession of the premises. In addition to himself and Mr. McCain, they also currently employ a part-time bartender and 2 bouncers; they will conduct background investigations on their potential employees. Mr. Mihelich explained the day-to-day operation of the establishment will be handled by Mr. McCain. Mr. Mihelich stated he will attend a Liquor Awareness Class and he was given a 2011 class schedule.

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For the record, it was established that there was no one present in opposition to this Transfer of Ownership.

Mr. Ferris, seconded by Ms. Harrison, moved to approve this transfer of ownership. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

11 HEARING: TRANSFER OF OWNERSHIP APPLICATION—CABARET 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)

For the record, it was established that there was no one present in opposition to this Transfer of Ownership.

Chairman Scaplo stated the Board would take administrative notice of the testimony given in Item #10.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve the transfer of ownership of the cabaret license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

12 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE— VZ2, LLC D/B/A TONI & JOE'S PIZZERIA, 106 COLORADO AVENUE

New managing members Jeremy VanZandt, 5103 Aramis; Larry Meyer and Joyce Meyer both of 643 Calle de Caballos, Pueblo West were sworn in and answered questions from the Board.

Mr. VanZandt explained he pled guilty to DWAI in June 2008 and was required to pay a fine. Mr. VanZandt stated he currently holds a liquor license and that license has never been suspended, revoked or otherwise reprimanded for violating any liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in this application; with respect to the other members who hold more than 10% interest, they have not pled guilty to or been convicted of a crime other than a minor traffic offense to his knowledge; he used personal savings to enter into possession of the premises. Mr. VanZandt stated they will employ 20-25 employees at this location and to his knowledge, these employees have not pled guilty to or been convicted of a crime other than a minor traffic offense; they will conduct background investigations on potential employees. Mr. VanZandt described approved forms of identification and explained their policy for checking the age of their patrons will be to require identification from anyone who appears to be under the age of 40. Mr. VanZandt stated he previously attended a Liquor Awareness Class.

The moral character of Larry Meyer was satisfactory to the Board. Mr. Meyer stated he has worked in or for a liquor-licensed establishment and that license has never been suspended, revoked or otherwise reprimanded for violating any liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in this application; with respect to the other members who hold more than 10% interest, Mr. VanZandt pled guilty to DWAI in 2008; he used personal savings to enter into possession of the premises. Mr. Meyer stated they will employ 20-25 employees at this location and to his knowledge, these employees have not pled guilty to or been convicted of a crime other than a minor traffic offense; they will conduct background investigations on potential employees. Mr. Meyer described approved forms of identification and explained their policy for checking the age of their patrons will be to require identification from

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anyone who appears to be under the age of 40. Mr. Meyer stated he attended the City/State Liquor Awareness Class held on June 8th.

The moral character of Joyce Meyer was satisfactory to the Board. Ms. Meyer stated she has worked in or for a liquor-licensed establishment and that license has never been suspended, revoked or otherwise reprimanded for violating any liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in this application; with respect to the other members who hold more than 10% interest, Mr. VanZandt pled guilty to DWAI in 2008; she used personal savings to enter into possession of the premises. Ms. Meyer stated they will employ 20-25 employees at this location and to her knowledge, these employees have not pled guilty to or been convicted of a crime other than a minor traffic offense; they will conduct background investigations on potential employees. Ms. Meyer described approved forms of identification and explained their policy for checking the age of their patrons will be to require identification from anyone who appears to be under the age of 40. Ms. Meyer stated she attended the City/State Liquor Awareness Class held on June 8th.

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

The petitions circulated by the applicants were presented to the Board. The business petitions were marked as Exhibit 1; the residential petitions were marked as Exhibit 2; and a summary sheet was marked as Exhibit 3. The Board reviewed the petitions at length and determined that issuance of this license is supported by at least 346 residents of the neighborhood or other parties in interest and was opposed by at least 5 residents of the neighborhood or other parties in interest.

Chairman Scaplo closed the hearing.

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

**13 COMMUNICATION FROM ASSISTANT CITY ATTORNEY KURT G. STIEGELMEIER RE:
ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-OSWALDO
GUTIERREZ MONTOYA D/B/A PLANET 86, 215-223 E. NORTHERN AVENUE**

Victor Navarro, 1617 W. Northern Avenue and Eduardo Navarro, 1503 Lake Avenue were sworn in and were present at the request of and on behalf of the licensee, Oswaldo Gutierrez Montoya since Mr. Montoya was out-of-town. Victor Navarro explained they own the property that Mr. Gutierrez Montoya rented for premises known as *Planet 86*. Victor explained that he and Mr. Gutierrez Montoya went to the Sales Tax Division to get the necessary sign-off on the liquor license renewal form which would indicate that Planet 86 was current on their taxes but the Sales Tax personnel would not sign the renewal and was told it was because Planet 86 had not filed taxes for 2 years. Victor Navarro stated Mr. Gutierrez Montoya had been filing "zeroes" on his tax returns and explained that Planet 86 has been closed for several years now. Victor Navarro stated

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Mr. Gutierrez Montoya basically defaulted on the lease and could no longer pay his rent and since their restaurant (King Taco) was still in operation and the liquor license was for the whole building, he did not believe they were doing anything improper and that it was okay for his business to continue to sell alcohol. Chairman Scaplo explained that the liquor license is held by someone else and even though he owns the building, he cannot sell alcohol and it was a violation every time they sold alcohol.

Mr. Jagger explained this matter was brought before the Board by Conflicts Counsel with a request for non-renewal against Planet 86 for allowing another person (i.e. King Taco) to exercise their privileges granted under its liquor license and for failure to maintain possession of the licensed premises. Mr. Jagger explained to the Board if they are going to proceed with Conflict Counsel's request, they could also proceed with the non-renewal based on the fact the licensee has not been in operation for at least two years. Mr. Jagger explained the process for proceeding with the non-renewal action which would mean that a hearing would need to be held. It was clarified once again for the Navarro's, that they cannot sell alcohol. A brief discussion was held amongst the Board Members, Mr. Jagger and Victor Navarro regarding transferring the license. With all questions and concerns addressed, Chairman Scaplo entertained a motion for proceeding with the non-renewal process.

Mr. DiFatta, seconded by Ms. Harrison, moved to set this matter for hearing on August 17th, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

Note: At this point in the proceedings, Mr. Jagger took a moment to introduce new Conflicts Counsel Assistant City Attorney Carla Sikes.

14 COMMUNICATION FROM INTERIM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- BLUE MOON SALOON OF PUEBLO, INC. D/B/A JOSE PAISANO'S, 2501 LAKE AVENUE, (POLICE CR# 11-10605, VIOLATION DATE: JUNE 5, 2011)

Licensee Jose Romero and his son Joseph Romero, 3420 Ivywood Lane, were sworn in and acknowledged receipt of the police communication from the City Clerk's Office. Chairman Scaplo explained to the licensee that it is up to the Board to make a determination of whether or not there is probable cause that a violation occurred and whether or not the matter will be set for a hearing.

Ms. Harrison asked for an explanation from the licensee regarding the recent change made at their establishment. Joseph Romero explained an "L-shaped" wall configuration was erected in order to prevent minors and unwanted persons from just shouting into the bar. Joseph Romero explained they did not know they needed to get permission from the Board; they had gotten permission from their landlord. He also stated if the Board wished, they would be willing to remove the wall. Mr. Jagger read a segment from the liquor regulations regarding Modification of Premises. A brief discussion was held with regard to the new wall and the fact that the wall has limited the view the police have when entering the establishment and whether or not the wall has substantially altered the licensed premises.

Ms. Harrison, seconded by Mr. DiFatta, moved there is probable cause that a violation did occur and moved to set the matter for hearing. Roll Call: Ayes—Harrison and Scaplo. Nays-- DiFatta, Ferris and Rose. Motion failed on a vote of 2-3.

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The Board encouraged the Romero's to file the necessary paperwork for the modification.

Note: Ms. Harrison was excused from the meeting at this point in time.

16 HEARING RE: ALLEGED LIQUOR CODE VIOLATION- TAVERN LIQUOR LICENSE: 3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE, (POLICE CR#11-6871, VIOLATION DATE: APRIL 14, 2011)

Licensee Tammy Weldon, 10 Goldsmith was sworn in. Also present with Ms. Weldon was employee Matthew Medina, 2829 Acero. Mr. Medina was also sworn in at this time.

Officer Nolan Welsh and Officer Jeremy Mathews, 200 S. Main Street were sworn in.

Officer Welsh fully described his involvement and investigation with regard to the allegation of the licensee failing to immediately report a disturbance on April 14, 2011 at approximately 1:20 a.m. Officer Welsh stated when he arrived at the establishment, he contacted the general manager Matthew Medina who explained to him that there had been two males inside the bar causing a disturbance, fighting and who had also broken several beer bottles. Officer Welsh stated that Mr. Medina stated he kicked these individuals out of the bar and the two males continued to fight outside. Mr. Medina told Officer Welsh that he had told these two males that if they did not leave, he was going to call the police and at this point in time, these individuals left. Officer Welsh stated when he checked with Police Dispatch to see whether or not the disturbance had been called in, he was informed that no calls had been received by the establishment. Officer Welsh stated that Mr. Medina filled out and signed a sworn statement form. The sworn statement form was marked as *Exhibit 1*. There was no objection to the submittal of the exhibit by the licensee. The Board questioned Officer Welsh as did the licensee.

Officer Mathews briefly described his involvement and investigation with regard to this case. He explained that he had spoken to individuals who had been involved in a hit and run traffic accident and this is when he learned that there had been a fight at *3 Below*. He then went to the establishment. The Board questioned Officer Mathews as did the licensee. When asked by the licensee how he defined a disturbance, Officer Mathews stated it was a breach of the peace and anything that will lead up to a fight, which in this case, bottles were broken, the individuals had to be separated and which actions led to a fight outside as well.

The licensee was given the opportunity to call their witnesses, however, they stated they did not have anyone to call.

Matthew Medina was questioned by the Board. He explained they call the Police for walk-throughs especially when there establishment is full. He stated he did not feel threatened on this night and described his definition of a disturbance which he stated was when an argument between two patrons escalates and need to be separate and do not respond to his verbal commands. He stated he asked the guy to leave and escorted the guy out. When asked what their policy is for when they feel they need to call the police, he replied when they feel that an altercation is threatening to other customers or employees or there is an actual physical altercation. The Board pointed out that Mr. Medina had to separate these individuals, that beer bottles were broken and that these individuals continued to argue even outside and that Mr. Medina had told them if they did not leave, he was going to call the police. Mr. Jagger reviewed the section from the Municipal Code regarding disorderly conduct for the Board.

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Tammy Weldon explained they have taken the initiative to educate their staff and that Mr. Medina attempted to take steps to prevent the incident from escalating. Ms. Weldon stated they are not intimidated by the Police and they want them at their establishment and try to meet the standards of the law.

The Board held a brief discussion with the officers and asked them under what circumstances they want an establishment to call the police. Officer Mathews stated if an argument ensues between two individuals and when asked to leave, they leave, then they do not need to be called. If the individuals do not leave, then they do want to be called. Mr. Ferris asked if an establishment is “penalized” for calling the police too many times and Officer Mathews replied “no.”

With no further testimony or witnesses to be called, Chairman Scaplo closed the hearing.

Mr. Rose, seconded by Mr. Ferris moved that a violation did occur. Roll Call: Ayes—DiFatta, Ferris, Rose and Scaplo. Motion carried unanimously.

Mr. Rose, seconded by Mr. Ferris, moved for 3 days suspension will all 3 days held in abeyance for 1 year. Roll Call: DiFatta, Ferris, Rose and Scaplo. Motion carried unanimously.

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

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

17 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL- 3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE

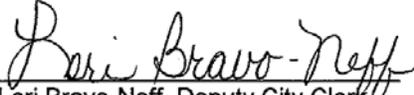
Mr. Rose, seconded by Mr. Ferris, moved to approve the renewal. Roll Call: Ayes—DiFatta, Ferris, Rose and Scaplo. Motion carried unanimously.

18 CABARET LICENSE APPLICATION-RENEWAL- 3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE

Mr. Rose, seconded by Mr. DiFatta, moved to approve the renewal. Roll Call: Ayes—DiFatta, Ferris, Rose and Scaplo. Motion carried unanimously.

ADJOURN – With no further business to conduct, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,


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