

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
OCTOBER 5, 2011 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of October 5, 2011 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meetings of August 17 and September 21, 2011. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO CONSENT AGENDA

Mr. Pullaro, seconded by Mr. Rose, moved to remove Item #6 (Alcohol Beverage Tastings Permit application renewal for 80/Twenty Wines) and continue the matter to October 19, 2011. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-TOTAL OF 2 APPLICATIONS**
Ney Family Enterprise, Inc. d/b/a Tea Palace II, 1212 W. 4th Street
GMRI, Inc. d/b/a Olive Garden Italian Restaurant #1708, 3240 N. Elizabeth Street
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 5 APPLICATIONS**
Suds Tavern, LLC d/b/a Frankie's Suds Tavern, 2500 Lake Avenue
GLT, INC. d/b/a Greenlight Tavern, 227 N. Santa Fe Avenue
Josephine Glavich, Inc. d/b/a Eilers Place, 326 E. Mesa Avenue
101, LLC d/b/a The 101, 101-103 N. Union Avenue
Legends, LLC d/b/a Legends, 1023 S. Pueblo Boulevard
- 3 3.2% BEER LICENSE APPLICATION- RENEWAL-CONSUMPTION OFF PREMISES-MINI MART, INC. D/B/A LOAF 'N JUG #87, 4125 W. NORTHERN AVENUE**
- 4 CLUB LIQUOR LICENSE APPLICATION-RENEWALS-TOTAL OF 2 APPLICATIONS**
American Legion Post 2, 701 West 9th Street
American GI Forum, 125 Hector Garcia Place
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
CJEM LLC, d/b/a 80/Twenty Wines, 415 N. Greenwood Avenue, Suite C
Vintage Wine & Liquors, Inc. d/b/a Vintage Wine & Liquors, 1765 S. Pueblo Boulevard
- 6 REMOVED FROM AGENDA**
- 7 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
101, LLC d/b/a The 101, 101-103 N. Union Avenue
Legends, LLC d/b/a Legends, 1023 S. Pueblo Boulevard

CONSENT AGENDA (CONTINUED)

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- 8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – SOUTHERN COLORADO COMMUNITY FOUNDATION, 101 W. FIRST STREET, SUITE 240 EVENT MANAGER: MARGARET A. RICHARDS (EVENT TO BE HELD OCTOBER 30, 2011- ADDRESS OF EVENT: 615 HUNTER DRIVE, PUEBLO, CO)**

VOTE ON CONSENT AGENDA ITEMS:

Mr. Pullaro, seconded by Mr. Ferris, moved to approve the Consent Agenda as read into the record. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA

- 9 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-LATE RENEWAL – PUEBLO LODGING, LLC D/B/A PUEBLO HOLIDAY INN & DILLON’S RESTAURANT & LOUNGE, 4530 DILLON DR.**

Donna Bonty, Director of Sales & Beverage, 2732 Greenwood, was sworn in and answered questions from the Board. The Board asked Ms. Bonty why this license was allowed to expire and not renewed in a timely manner. Ms. Bonty read from a letter from owner Craig Spieker. Mr. Spieker explained that the renewal got lost among other paperwork and assured the Board this will not happen again. Mr. Ferris reminded Ms. Bonty the importance of renewing in a timely manner and warned the Board could take other action in the future should this happen again.

Mr. Ferris, seconded by Mr. Rose, moved to approve the renewal of this license. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 10 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—HOTEL & RESTAURANT LIQUOR LICENSE-ANGELO’S PIZZA PARLOR AND A MORE’, INC. D/B/A ANGELO’S PIZZA PARLOR AND A MORE’, 105 E. RIVERWALK**

Owner Debbie Foresta, 28 Aberdeen Bluffs was sworn in and answered questions from the Board. Ms. Foresta briefly described the proposed change to their existing licensed premises which will now add a permanent bar and storage in the lower level. Ms. Foresta explained the storage area will be locked and is not accessible to the public. Chairwoman Harrison inquired about the routing sheet and Ms. Foresta explained she had obtained initial sign-offs however, final signatures could not be obtained until the work was complete. Ms. Foresta stated once she has obtained the approval from the City and State for the modification and the work is complete, she will submit a completed routing sheet.

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

- 11 REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE-MUGGSY’S INN, INC. D/B/A MUGGSY’S INN, 115 E. RIVERWALK, UNIT A (NEW CORPORATE VICE-PRESIDENT & 25% STOCKHOLDER RYAN DEAN SEYBOLD)**

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New corporate Vice-President Ryan Seybold, 5517 Timeless View, Colorado Springs, CO was sworn in and answered questions from the Board. The moral character of Mr. Seybold was satisfactory to the Board. Mr. Seybold has never held or worked in or for a liquor-licensed establishment; personal funds were used to enter into possession of the premises. Mr. Seybold explained his business partner in this venture is Joe Herbert and Mr. Herbert does not have a criminal history. Mr. Seybold described approved forms of identification and stated his policy for checking the age of their patrons would be to ask for identification from everyone, regardless of age. Mr. Seybold explained they have scheduled someone from the private sector to conduct Liquor Awareness training and will become certified.

Mr. Pullaro, seconded by Mr. Rose, moved to approve this Change of Corporate Structure. Roll Call: Ayes—Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

**12 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—
TAVERN LIQUOR 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. Mr. Jagger explained to the Board that this matter should be continued to October 19, 2011 so that Mr. Herbert has an opportunity to submit a copy of the lease.

No vote taken.

**13 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR –
PUEBLO LODGE #90, THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF
THE UNITED STATES OF AMERICA, 426 N. SANTA FE AVENUE EVENT MANAGER:
VERONICA ORTEGA (EVENT TO BE HELD OCTOBER 15 2011 ADDRESS OF EVENT:
426 N. SANTA FE AVENUE (ENTIRE PREMISES), PUEBLO, CO)**

Events Manager Veronica Ortega, 5127 Sonoma Drive and Don Speaks, 2415 N. Greenwood were sworn in and answered questions from the Board. The special event for which this application has been made is for a wedding reception and a membership drive. The rental fee of the hall, and the bar sales will be used to help fund their organization. Ms. Ortega, Board Members and Martinez Security will be responsible for supervising the event and maintaining order on the licensed premises. There will be 3 liquor distribution points and 3 persons selling/serving liquor. Both Ms. Ortega and Mr. Speaks described approved forms of identification and explained their policy for checking the age of their patrons will be to ask for identification from anyone who appears to be 35 years of age and younger. Both Ms. Ortega and Mr. Speaks stated alcohol will not be allowed to be taken off the licensed premises. The premises are secure and Ms. Ortega explained that no one can enter the building without identification; that security will be posted at the 5th Street entrance and the other 2 entrances are locked and the only way to enter the building is by being rung in. Mr. Speaks explained the ballroom area will be used for the reception and the rest of the building will be used for the membership drive.

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

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- 14 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – PUEBLO CITY-COUNTY LIBRARY DISTRICT, 100 E. ABRIENDO AVENUE EVENT MANAGER: MIDORI CLARK (EVENT TO BE HELD OCTOBER 22, 2011 ADDRESS OF EVENT: 2ND FLOOR, RAWLINGS LIBRARY, 100 E. ABRIENDO AVENUE)

Note: Due to the fact no one from the Pueblo City-County Library District was present, this item was moved to the end of the agenda.

- 15 HEARING: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—ROJAS & ROJAS, LLC D/B/A GARLIC & ONIONS MEXICAN GRILL, 4333 THATCHER AVENUE (CURRENTLY LICENSED TO ROSARIO ROJAS AND JOSE VICTOR ROJAS D/B/A GARLIC AND ONIONS MEXICAN GRILL, LICENSE EXPIRED SEPTEMBER 13, 2011) – (CONTINUED FROM SEPTEMBER 21, 2011 AT REQUEST OF APPLICANT)

Owner Jesus M. Rojas, 4743 Eagleridge Circle was sworn in and answered questions from the Board. Mr. Rojas explained he plead guilty to a felony property damage in 2008 and explained to the Board, has to answer to a case manager with community corrections. He will satisfy all conditions of his sentence in July 2012. Mr. Rojas stated other than working at this establishment, he has never held or worked in or for a liquor-licensed establishment and they have never had a suspension or received a reprimand for a liquor violation. Mr. Rojas stated a bank loan was obtained to enter into possession of the premises. Seven of their employees sell or serve alcohol. Mr. Rojas described approved forms of identification and explained they require identification from anyone who appears to be 40 years of age or younger. Mr. Rojas stated he and his employees will attend a Liquor Awareness class and was given a copy of the class schedule.

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

- 16 HEARING: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—DJ'S STEAKHOUSE, LLC D/B/A DJ'S STEAKHOUSE, 4289 N. ELIZABETH STREET (CURRENTLY LICENSED TO RODGER D. HARPER, CPA AS RECEIVER D/B/A DJ'S STEAKHOUSE, LICENSE EXPIRES APRIL 13, 2012)

Owner Don Jelinski, 2500 Overton Road was sworn in and answered questions from the Board. The moral character of Mr. Jelinski was satisfactory to the Board. Mr. Jelinski stated he has held and worked in or for a liquor-licensed establishment and has never had a suspension or received a reprimand for a liquor violation. Mr. Jelinski stated personal funds were used to enter into possession of the premises. Mr. Jelinski stated he employs 12 employees and to his knowledge, these employees do not have criminal histories. Mr. Jelinski described approved forms of identification and explained they constantly check I.D's. Mr. Jelinski stated some of his employees have previously attended a Liquor Awareness class. He also was given a copy of the class schedule.

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

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- 14 ***Still seeing no one present from the Pueblo City-County Library District, Chairwoman Harrison ordered this item continued to October 19, 2011. (No vote taken)***
- 17 **HEARING - NEW RETAIL LIQUOR STORE LIQUOR LICENSE– BIG BEAR WINE & LIQUOR, INC. D/B/A BIG BEAR WINE & LIQUOR, INC., 2037 S. PUEBLO BOULEVARD**

Owners/Corporate Officers Brian Lucas, 3124 Bobcat Lane; Alan Lucas, II, 5936 Reba Court; Jacquelyn Seybold, 5517 Timeless View, Colorado Springs, CO; and Cindy Lucas, 1918 Newton Road were sworn in and answered questions from the Board. The moral character of all officers was satisfactory to the Board. The only officer in the corporation who has ever worked in or for a liquor-licensed establishment is Alan Lucas, II. All officers testified they do not have any silent partners or financial backers not disclosed in their application and all officers used personal funds to enter into possession of the premises. All officers testified they will employ 15-20 employees and will conduct background investigations on potential employees. All officers described approved forms of identification and stated they will request I.D. from anyone who appears to be 30-35 years of age or younger; the corporate officers will receive liquor awareness training from Oedipus, Inc. whom they found on the State's website as an approved trainer.

Mr. Alan Lucas, Sr., 1918 Newton was sworn in and gave a brief presentation to the Board. Mr. Lucas explained they will be a family-run retail business. He explained they intend to build a retail liquor store with 27 parking places available; their building will be equipped with a state-of-the art security system in addition to hiring security to monitor the building. Mr. Lucas explained there will be five points of access to the building which will help to alleviate traffic issues. He stated their building will be aesthetically-pleasing, clean and well-lit with properly trained staff/personnel. Mr. Lucas stated their building is a \$1.2 million dollar project and he feels they will provide a different offering of alcohol choices with different marketing.

Dan Corsentino, Owner of *Dan Corsentino Private & Investigative Security Consultants* located at 301 N. Main was sworn in. Mr. Corsentino submitted the petitions that he and his employees had circulated on behalf of the applicant. The business petitions were marked as *Exhibits A-E*; and the residential petitions were marked as *Exhibits F-O*. Mr. Corsentino gave a brief overview of their petitioning process and explained that the City's neighborhood survey suggested there are 68 active businesses within the defined geographic area when in actuality; there are only 47 current operational businesses. In Mr. Corsentino's closing, he stated the canvass that was conducted was objective, accurate and reflected the wishes of the people that had signed their petitions.

Attorney David Lytle, entered his appearance. Mr. Lytle explained he represented opponents Karen DePatie; the owners of Sushi Garden and Dr. Avila. Mr. Lytle gave a brief presentation and explained to the Board that the applicant intends to open a liquor store that has over 8,000 square feet of public space and is being modeled after another liquor store on the north side. He also offered clarification on the number of residents age 21 and over as Mr. Corsentino indicated in his overview there were only 405. The Board did not have any questions for Mr. Lytle.

Karen DePatie, 25 Altadena, was sworn in and answered questions from Mr. Lytle. Ms. DePatie explained she owns and manages rental property at 2111 Chatalet and has a financial interest in Vintage Wine & Liquors. Ms. DePatie submitted the petitions she had circulated in opposition to the issuance of this license. The residential petition packets were marked as *Exhibits 1-6* and the business petition packet was marked as *Exhibit 7*. Ms. DePatie briefly reviewed for the Board the composition of residential homes in the ¼ mile radius from the proposed cite of this new retail

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liquor store; she also stated Vintage Wine & Liquors, Regency Liquor, Pueblo Boulevard Discount Liquor, Prairie Liquors, Treasure Island Liquor and Oscar Liquors are all within a couple of miles of the applicant's proposed licensed establishment and stated she feels that the area is being adequately served by the already existing retail liquor stores.

There were no objections to the submittal of the applicant's or the opposition's petitions.

Mr. Lytle distributed synopsis of case law which cited various cases of the Colorado Supreme Court upholding the actions of different Boards denying issuance of retail liquor stores. (Not entered as exhibits)

The following individuals were present to **speak in opposition** to the issuance of this liquor store and expressed their viewpoints as to why they did not want this establishment:

- John Betts, 2135 Norman Lane, Apt. 1. Mr. Betts did not sign a petition
- Jason Burback, 2530 Vinewood Lane. Mr. Burback did not sign a petition
- Christine Bernal, 2033 Vinewood Lane. Ms. Bernal did not sign a petition
- Mark Williams, 2126 Chautard. Mr. Williams did sign a petition

At this point in the proceedings, Mr. Lucas called a rebuttal witness. This individual was sworn in to **speak in favor** of the issuance of this license and stated she felt this business would be an asset to her business as well as to the community:

- Sandy Reinsch, 119 Brentwood Drive. Ms. Reinsch did not indicate whether or not she had signed a petition.

With all questions and concerns being addressed, Chairwoman Harrison closed the record.

Mr. Alan Lucas, Sr., Attorney David Lytle and Dan Corsentino were given the opportunity to make closing statements to the Board.

Mr. Jagger explained that the Board would continue this matter to October 19, 2011 in order to have an ample opportunity to review all of the petitions submitted.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to October 19, 2011. Roll Call: Ayes—Ferris, Harrison, Rose and Scaplo. Motion carried unanimously.

ADJOURN – With no further business to conduct, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,


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