

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
FEBRUARY 6, 2019 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of February 6, 2019 at 6:00 p.m. with Chairperson Jan Shafer presiding.

ROLL CALL

Present: Board Members Mo Montgomery, Tony Pullaro, and Jan Shafer.

Absent: Board Members Charles Pullaro and Ashley Sowinski.

Also Present: Assistant City Attorney Kyle Aber and Acting City Clerk Brenda Armijo.

APPROVAL OF MINUTES

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the Minutes of the Regular Meeting of January 16, 2019 as distributed. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

CONSENT AGENDA

**MEETING
NUMBER**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE – RENEWALS – THREE RENEWALS**
Vessel Brewing Company LLC d/b/a Gold Dust Saloon, 217 S. Union Avenue
Papa Jose’s, Inc. d/b/a Papa Jose’s Union Café, 320 S. Union Avenue
Van Zandt, LLC d/b/a Toni & Joe’s Pizzeria, 2039 Columbia Drive
- 2 TAVERN LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Edward P. Sena d/b/a Sena’s Buffalo Bar, 414 W. Northern Avenue
- 3 BREW PUB LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Shamrock Brewing Company, Inc. d/b/a Shamrock Brewing Co., 108 W. 3rd Street
- 4 FERMENTED MALT BEVERAGE LICENSE FOR OFF PREMISES CONSUMPTION – RENEWALS – FIVE RENEWALS**
J.R.’s Country Store, Inc. d/b/a J.R.’s Country Store No. 204, 2402 S. Prairie Avenue
J.R.’s Country Store, Inc. d/b/a J.R.’s Country Store No. 214, 615 Eagleridge Boulevard
Love’s Travel Stops & Country Stores, Inc. d/b/a Love’s Travel Stop #226, 6470 N. Elizabeth Street
Target Corporation d/b/a Target Store T-0618, 3300 Dillon Drive
Walmart Inc d/b/a Wal-mart Market #5828, 2730 S. Prairie Avenue
- 5 FERMENTED MALT BEVERAGE LICENSE FOR ON PREMISES CONSUMPTION – RENEWAL – ONE RENEWAL**
Pass Key, Inc, d/b/a Pass Key, 518 E. Abriendo Avenue
- 6 RETAIL LIQUOR STORE LIQUOR LICENSE – RENEWALS – THREE RENEWALS**
Kum & Go Liquor LLC d/b/a Barrel Brothers Liquor, 2815 W. Pueblo Boulevard
Last Stop Liquor, Inc. d/b/a Last Stop Liquor, 609 W. 29th Street
HMC, LLC d/b/a Powder Keg Liquor, 2001 E. Evans Avenue
- 7 CABARET LICENSE – RENEWAL – ONE RENEWAL**
HAMKIM, Inc. d/b/a Clarion Inn, 4001 N. Elizabeth Street

CONSENT AGENDA (Continued)

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- 8 PERMIT APPLICATION AND REPORT OF CHANGES – CHANGE OF CORPORATE NAME – KUM & GO LIQUOR LLC D/B/A BARREL BROTHERS LIQUOR, 2815 W. PUEBLO BOULEVARD, NEW CORPORATE NAME BARREL BROTHERS LIQUOR LLC D/B/A BARREL BROTHERS LIQUOR**
- 9 PERMIT APPLICATION AND REPORT OF CHANGES – CHANGE OF TRADE NAME/DBA ONLY – CST METRO LLC D/B/A DIAMOND SHAMROCK CORNER STORE #4138, 601 W. US HWY 50, NEW TRADE NAME CST METRO LLC D/B/A CIRCLE K #2744138**

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the Consent Agenda as distributed. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

REGULAR AGENDA

- 10 PERMIT APPLICATION & REPORT OF CHANGES – MANAGER’S REGISTRATION – LODGING & ENTERTAINMENT LIQUOR LICENSE – GLOBAL SPECTRUM COLO L.P. D/B/A PUEBLO CONVENTION CENTER**

New General Manager Kevin Ortiz, 178 Alhambra Drive, Pueblo, CO was sworn in and answered questions from the Board. The moral character questions were directed to Mr. Ortiz. The Convention Center has 75-100 employees. There are no known convictions among employees and background checks are completed. Approved forms of identification were described and examples were given. The Convention Center’s policy is to check the identification of anyone appearing under age 40. The moral character of Mr. Ortiz was found to be satisfactory to the Board. Employees are ServSafe trained.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the Manager’s Registration (Lodging & Entertainment) for Global Spectrum Colo L.P. d/b/a Pueblo Convention Center. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

- 11 HEARING: NEW TAVERN LIQUOR LICENSE – JAMES R. TORRES AND JOSEPH M. TRUJILLO D/B/A HITO’S BAR, 310 W. NORTHERN AVENUE**

James R. Torres, 5000 Red Creek Springs Road, #5, Pueblo, CO and Joseph M. Trujillo, 620 West 14th Street, #2, Pueblo, CO were sworn in.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to continue this item to the February 20, 2019 Regular Meeting to allow time to repost the property. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

- 12 HEARING: NEW CABARET LICENSE – JAMES R. TORRES AND JOSEPH M. TRUJILLO D/B/A HITO’S BAR, 310 W. NORTHERN AVENUE**

Mr. Torres and Mr. Trujillo remain sworn in.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to continue this item to the February 20, 2019 Regular Meeting to allow time to repost the property. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

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13 HEARING: NEW FERMENTED MALT BEVERAGE LICENSE FOR OFF PREMISES CONSUMPTION – SAM’S WEST INC. D/B/A SAM’S CLUB #6549, 412 EAGLERIDGE BOULEVARD

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to place this item at the end of the agenda to allow time for a representative from Sam’s Club to appear. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

14 COMMUNICATION RE: ALLEGED LIQUOR CODE VIOLATION – FJM LLC D/B/A FIRST & MAIN BAR AND GRILL, 117 N. MAIN STREET (POLICE CR#18-025758, VIOLATION DATE: NOVEMBER 30, 2018)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Registered Manager Joseph Costanza, 86 Princeton Street, Pueblo, CO appeared on behalf of the applicant and was sworn in.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a suspension of its liquor license. The liquor license shall be suspended for a period of eleven (11) days, of which eight (8) days shall be imposed and three (3) days held in abeyance.

The eight (8) days imposed suspension shall be served within four (4) months from the date of this Order, and the dates of suspension shall be set by the Board. The Licensee may petition to pay a fine in lieu of the suspension.

The remaining three (3) days suspension shall be held in abeyance for a period of twelve (12) months from the date of this Order. If the Board finds probable cause for an additional violation during that period, the three (3) days held in abeyance shall be imposed upon the Licensee without the need for a new hearing.

This stipulation shall not prohibit Licensee from transferring the liquor license. However, any transferee shall take the license subject to the terms of this stipulation. Transferee shall serve any unserved days of the suspension as imposed by this stipulation and the Board, including any days held in abeyance upon future violation. Licensee shall inform any transferee of this stipulation and provide a copy to the transferee, and transferee shall sign a written document with the City Attorney stating it takes the license subject to this stipulation.

Special terms:

- a. On the date of this Order, Licensee must submit a Certificate of Good Standing, attached hereto as Exhibit A, signed by the Tax Audit Manager and attesting that all amounts due to the City are paid. Should the Licensee not submit the Certificate of Good Standing on the date of this Order, an additional two (2) days shall be imposed as suspension, except that these days must be served and a fine may not be paid in lieu thereof.
- b. By the 20th of each month, starting February 20, 2019, the Licensee shall submit a receipt to the City Attorney to demonstrate that the Licensee paid all City taxes for the preceding month. Should the Licensee fail to submit such evidence, the City Attorney may bring a complaint regarding such failure to the Board. Should the Board find probable cause to believe such evidence was not submitted, an additional two (2) days suspension will be

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imposed for each month where the Licensee failed to submit said evidence, without the need for a new hearing. The last date by which the Licensee will be required to submit such evidence will be November 20, 2019.

- c. Prior to any transfer of the license, Licensee must submit a signed document from the Tax Audit Manager and the City Attorney stating that all taxes and fees owed by the Licensee have been paid through the date of transfer. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document and signatures.
- d. Prior to any transfer of the license, the transferee must submit evidence that the transferee has obtained a City Sales Tax License for the business. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document.
- e. Prior to any transfer of the license, the transferee must submit a signed document from the Tax Audit Manager and the City Attorney stating that all taxes and fees owed by the transferee for any transferee-owned business within the City, have been paid through the date of transfer and the transferee is in good standing with the City for all accounts. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document and signatures.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the Stipulated Findings and Order as read and to continue this matter to February 20, 2019 for further proceedings. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

15 COMMUNICATION RE: ALLEGED SALES AND USE TAX VIOLATION – FJM LLC D/B/A FIRST & MAIN BAR AND GRILL, 117 N. MAIN STREET (VIOLATION DATE: FEBRUARY THROUGH OCTOBER 2018)

Mr. Costanza remains sworn in. Administrative Notice was taken by the Board for testimony given in the previous matter.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the Stipulated Findings and Order as read and to continue this matter to February 20, 2019 for further proceedings. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

16 RENEWAL HEARING: TAVERN LIQUOR LICENSE – FJM LLC D/B/A FIRST & MAIN BAR AND GRILL, 117 N. MAIN STREET

Mr. Costanza remains sworn in.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the renewal of the Tavern Liquor License for FJM LLC d/b/a First & Main Bar and Grill. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

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17 COMMUNICATION RE: ALLEGED LIQUOR CODE VIOLATION – APOLLO INVESTMENTS LLC D/B/A GROVE TAVERN, 901 EAST C STREET (POLICE CR#18-026343, VIOLATION DATE: DECEMBER 8, 2018)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Members Eric Apodaca, 1820 E. Orman Avenue, Pueblo, CO and Johnathon Ayala, 3243 Bighorn Court, Pueblo, CO were sworn in.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a suspension of its liquor license. The liquor license shall be suspended for a period of six (6) days, of which three (3) days shall be imposed and three (3) days held in abeyance.

The three (3) days imposed suspension shall be served within four (4) months from the date of this Order, and the dates of suspension shall be set by the Board. The Licensee must serve at least two (2) days of the suspension but may petition to pay a fine in lieu of the remaining one (1) day of suspension.

The remaining three (3) days suspension shall be held in abeyance for a period of twelve (12) months from the date of this Order. If the Board finds probable cause for an additional violation during that period, the three (3) days held in abeyance shall be imposed upon the Licensee without the need for a new hearing.

This stipulation shall not prohibit Licensee from transferring the liquor license. However, any transferee shall take the license subject to the terms of this stipulation. Transferee shall serve any unserved days of the suspension as imposed by this stipulation and the Board, including any days held in abeyance upon future violation. Licensee shall inform any transferee of this stipulation and provide a copy to the transferee, and transferee shall sign a written document with the City Attorney stating it takes the license subject to this stipulation.

The two-day suspension will be served Friday, February 15, 2019 and Saturday, February 16, 2019.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the Stipulated Findings and Order as read and to continue this matter to February 20, 2019 for further proceedings. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

18 COMMUNICATION RE: ALLEGED LIQUOR CODE VIOLATION – CRYSTAL MARTINEZ D/B/A SANCHO'S BAR, 628 EAST 4TH STREET (POLICE CR#18-025652, VIOLATION DATE: NOVEMBER 29, 2018)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Owner Crystal Martinez, 1649 Garwood Drive, Pueblo, CO was sworn in.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to set this matter for hearing at the February 20, 2019 Regular meeting. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

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19 COMMUNICATION RE: ALLEGED SALES AND USE TAX VIOLATION – CRYSTAL MARTINEZ D/B/A SANCHO'S BAR, 628 EAST 4TH STREET (VIOLATION DATE: NOVEMBER 2017 THROUGH OCTOBER 2018)

Ms. Martinez remains sworn in.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to set this matter for hearing at the February 20, 2019 Regular meeting. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

20 COMMUNICATION RE: ALLEGED SALES AND USE TAX VIOLATION – WINE DOWN BY THE RIVER LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE (VIOLATION DATE: NOVEMBER 2017 THROUGH OCTOBER 2018)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Michael Velarde, 12 Tamar Court, Pueblo, CO was sworn in.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a suspension of its liquor license. The liquor license shall be suspended for a period of eight (8) days, of which eight (8) days shall be imposed and none held in abeyance.

The eight (8) days imposed suspension shall be served within four (4) months from the date of this Order, and the dates of suspension shall be set by the Board. The Licensee may petition to pay a fine in lieu of the suspension.

This stipulation shall not prohibit Licensee from transferring the liquor license. However, any transferee shall take the license subject to the terms of this stipulation. Transferee shall serve any unserved days of the suspension as imposed by this stipulation and the Board, including any days held in abeyance upon future violation. Licensee shall inform any transferee of this stipulation and provide a copy to the transferee, and transferee shall sign a written document with the City Attorney stating it takes the license subject to this stipulation.

Special terms:

- a. On the date of this Order, Licensee must submit a Certificate of Good Standing, attached hereto as Exhibit A, signed by the Tax Audit Manager and attesting that all amounts due to the City are paid. Should the Licensee not submit the Certificate of Good Standing on the date of this Order, an additional two (2) days shall be imposed as suspension, except that these days must be served and a fine may not be paid in lieu thereof.
- b. By the 20th of each month, starting February 20, 2019, the Licensee shall submit a receipt to the City Attorney to demonstrate that the Licensee paid all City taxes for the preceding month. Should the Licensee fail to submit such evidence, the City Attorney may bring a complaint regarding such failure to the Board. Should the Board find probable cause to believe such evidence was not submitted, an additional two (2) days suspension will be imposed for each month where the Licensee failed to submit said evidence, without the need for a new hearing. The last date by which the Licensee will be required to submit such evidence will be February 20, 2020.

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- c. Prior to any transfer of the license, Licensee must submit a signed document from the Tax Audit Manager and the City Attorney stating that all taxes and fees owed by the Licensee have been paid through the date of transfer. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document and signatures.
- d. Prior to any transfer of the license, the transferee must submit evidence that the transferee has obtained a City Sales Tax License for the business. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document.
- e. Prior to any transfer of the license, the transferee must submit a signed document from the Tax Audit Manager and the City Attorney stating that all taxes and fees owed by the transferee for any transferee-owned business within the City, have been paid through the date of transfer and the transferee is in good standing with the City for all accounts. The Board shall refuse any transfer, and no transfer of the license shall be valid, without submission of said document and signatures.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the Stipulated Findings and Order as read and to continue this matter to February 20, 2019 for further proceedings. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

21 RENEWAL HEARING: TAVERN LIQUOR LICENSE – WINE DOWN BY THE RIVER LTD. D/B/A WINE DOWN BY THE RIVER, 105 S. UNION AVENUE

Mr. Velarde remains sworn in.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the renewal of the Tavern Liquor License for Wine Down by the River Ltd. d/b/a Wine Down by the River. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

13 HEARING: NEW FERMENTED MALT BEVERAGE LICENSE FOR OFF PREMISES CONSUMPTION – SAM'S WEST INC. D/B/A SAM'S CLUB #6549, 412 EAGLERIDGE BOULEVARD

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

Attorney Kevin Coates, #25995 of Dill and Dill entered his appearance on behalf of the applicant. Max Scott, Oedipus, P.O. Box 1012, Lafayette, CO and Alvin Ellis, Manager of Sam's Club #6549, 1932 London Carriage Grove, Colorado Springs, CO were sworn in and answered questions from the Board. The moral character and financial questions were directed to Mr. Ellis. This Sam's Club has 170 employees, all have attended liquor training. There are no known convictions among employees and background checks are completed. Approved forms of identification were described and examples given. All persons wishing to purchase beer will have their identification checked. The moral character of the applicant was found to be satisfactory to the Board.

The petitions were admitted into evidence as Exhibit A. Traffic and Population Data was admitted into evidence as Exhibit B.

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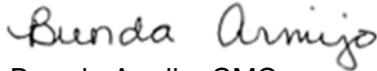
Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the new Fermented Malt Beverage License for Off Premises Consumption – Sam's West Inc. d/b/a Sam's Club #6549. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

Mr. Aber read the proposed Findings and Order for the Board's consideration.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the Findings and Order as read. Roll Call: Ayes — Montgomery, Pullaro, and Shafer. Motion carried 3-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,



Brenda Armijo, CMC
Acting City Clerk