

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
OCTOBER 19, 2011 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of October 19, 2011 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meetings of October 5, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO REGULAR AGENDA

Mr. Rose, seconded by Mr. Ferris, moved to move Item #17 to the beginning of the Regular Agenda and to remove Item #19 pending receipt of a complete application. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
Tian Jin, Inc. d/b/a Tian Jin Oriental Cuisine, 3400 W. Northern Avenue
Table Services, LTD d/b/a La Renaissance, 217 E. Routt Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-COSMO BOB'S LLC, D/B/A COSMOPOLITAN CLUB, 311-315 BAYSTATE AVENUE**
- 3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF PREMISES-RENEWALS-TOTAL OF 2 RENEWALS**
Mini Mart, Inc. d/b/a Loaf 'N Jug #86, 2810 Troy Avenue
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #203, 550 E. Abriendo Avenue
- 4 BEER AND WINE LIQUOR LICENSE APPLICATION-RENEWAL-PARK FOOD, INC. D/B/A MIYAKE JAPANESE RESTAURANT, 4104 OUTLOOK BOULEVARD, SUITE 132D**
- 5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
Hancor Investments, Inc. d/b/a J.R.'s Liquor, 721 N. Grand Avenue
Hercules Enterprises, Inc. d/b/a Hercules Liquor, 112 Broadway Avenue
- 6 CABARET LICENSE APPLICATION-RENEWAL-DISABLED AMERICAN VETERANS D/B/A DAV STEEL CITY CHAPTER #39, 2850 O'NEAL AVENUE**
- 7 PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER-CLUB LIQUOR LICENSE-PUEBLO COUNTRY CLUB D/B/A PUEBLO COUNTRY CLUB, 3200 8TH AVENUE (NEW MANAGER ZOE GIRELLI REPLACES MARIA TODISCO)**

CONSENT AGENDA (CONTINUED)

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- 8 PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER- 3.2% BEER LICENSE- CONSUMPTION OFF PREMISES-MINI MART, INC. D/B/A LOAF 'N JUG #87, 4125 W. NORTHERN AVENUE (NEW MANAGER ADAM YOUNG REPLACES LANCE BROOKS)
- 9 REQUEST TO SURRENDER LIQUOR LICENSE: TAVERN LIQUOR LICENSE— IT'S PARTY TIME, INC. D/B/A PARTY TIME, 2601 E. 7TH STREET (AFFIDAVIT FOR SURRENDER OF CITY AND STATE LICENSES SUBMITTED TO CITY CLERK'S OFFICE ON OCTOBER 6, 2011)
- 10 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP—TAVERN LIQUOR LICENSE—IT'S PARTY TIME, INC. D/B/A WHITE HORSE INN, 628 E. 4TH STREET (CURRENTLY LICENSED TO DONALD RAUB D/B/A WHITE HORSE INN, LICENSE EXPIRES OCTOBER 21, 2011)

VOTE ON CONSENT AGENDA ITEMS:

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

REGULAR AGENDA

- 17 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-RACETRACK LIQUOR LICENSE- LAW DOG, LLC D/B/A SOUTHERN COLORADO GAMING & EVENT CENTER, 3215 LAKE AVENUE, (POLICE CR# 11-17572, VIOLATION DATE: SEPTEMBER 9, 2011)

Managing members Tiffany Moruzzi, 152 Bridle Trail and Craig Law, 1510 Lynn Meadows Drive were sworn in.

Assistant City Attorney Greg Styduhar entered his appearance and was present on behalf of the Police Department as Conflicts Counsel. Mr. Styduhar explained that the City and the Licensee entered into a stipulated agreement. Mr. Styduhar then read the agreement for the Board's consideration. The agreement states the licensee will receive 3 days suspension with no days served and 3 days held in abeyance for 1 year. Both Ms. Moruzzi and Mr. Law acknowledged this was the stipulated agreement they had entered into. Mr. Law explained that the employee had been fired and the altercation that had taken place was a result of a personal issue their employee had with the victim; that additional bonded security has been hired in addition to their existing bouncers and security personnel will patrol the parking lot.

Mr. DiFatta, seconded by Mr. Rose, moved to accept the stipulation as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 11 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE/NEWCABARET LICENSE– MAIN STREET BANQUET HALL, LLC D/B/A MAIN STREET BANQUET HALL, 209 N. MAIN 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 tavern liquor license/new cabaret license for premises to be known as *Main Street Banquet Hall*.

REGULAR AGENDA (CONTINUED)

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Mr. Ferris seconded by Mr. Rose, moved to accept the survey and set the hearing for November 2, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

12 ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RENEWAL-CJEM, LLC D/B/A 80/TWENTY WINES, 415 N. GREENWOOD AVENUE, SUITE C (CONTINUED FROM OCTOBER 5, 2011 AT THE REQUEST OF THE LIQUOR & BEER LICENSING BOARD)

Managing member/owner John E. Myers, 925 W. El Nido Drive, was sworn in and answered questions from the Board. Mr. Myers gave a brief review of his alcohol beverage tastings schedule which will take place every Saturday from 1 p.m. - 4 p.m. except holidays or the day before holidays (such as Christmas Eve and New Year's Eve). Tastings will also take place on the first Friday of the month from 4 p.m. – 6 p.m. Mr. Myers stated all of his employees are TIPS certified and there are approximately 30 participants at each tasting. Mr. Myers also stated he keeps a log-book of the tastings when they are held and stated the book contains the times, dates and server names. The Board asked Mr. Myers for clarification on ads they have observed throughout the year and expressed their concerns as it has appeared as though he has tastings off of his licensed premises. Mr. Myers assured the Board that this is not the case and explained that there have been a few local businesses that have featured his wines but these establishments purchase the wine from him and they are provided with very detailed receipts. He goes to the host establishments and talks about the wines and explains where the wines come from. Mr. Myers stated when he is asked where they can obtain the wine they have sampled, he explains to them the wine is available for purchase at his store and provides them with his store location. Mr. Myers explained that customers have also purchased wine from him and he has gone to their homes to talk about the wine; additionally, he has participated in fundraising events – invoiced from the distributor. Mr. Myers stated he realizes that they are not a bar.

Mr. Jagger re-summarized the Board's concerns and reminded Mr. Myers that alcohol beverage tastings, off of his licensed premises, are not permitted.

Mr. Pullaro seconded by Mr. Ferris, moved to the Alcohol Beverage Tastings Permit for 80/Twenty Wines. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

13 PERMIT APPLICATION AND REPORT OF CHANGES-MANAGER'S REGISTRATION-HOTEL & RESTAURANT LIQUOR LICENSE- AMREST, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 3428 N. ELIZABETH STREET (NEW MANAGER: CHRIS JONES REPLACES RICHARD HART)

Note: Due to the fact no one from the Applebee's was present, this item was moved to the end of the agenda.

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: RAWLINGS LIBRARY, 100 E. ABRIENDO AVENUE 2ND FLOOR) CONTINUED FROM OCTOBER 5, 2011 DUE TO THE ABSENCE OF THE APPLICANT

REGULAR AGENDA (CONTINUED)

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Event Manager Midori Clark, 612 W. 18th Street, was sworn in and answered questions from the Board. The special event for which this application has been made is for the “Book Lovers Black-Tie Ball.” Ms. Clark explained the cost per ticket is \$100 which more than covers the cost to attend the event and the excess funds is how this is a fundraising event for their organization. Ms. Clark will be responsible for supervising the event and TNT Security has been hired to maintain order on the licensed premises. There will be 1 liquor distribution point and 2 persons will be selling/serving liquor. Ms. Clark described approved forms of identification and explained that security personnel will be checking everyone’s I.D. She also described the types of food they will serve and Ms. Clark stated alcohol will not be allowed to be taken off the licensed premises. The premises are secure and Ms. Clark explained the 2nd floor media wing has been cleared out and roped off and this is where the event will be held. Security will be posted downstairs so that individuals not attending the event will not be allowed to go upstairs. Ms. Clark explained this will be a sit-down affair and they have received approximately 160 R.S.V.P’s.

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

15 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – PUEBLO PERFORMING ARTS GUILD, INC., MAILING ADDRESS: P.O. BOX 1480, PUEBLO, CO - EVENT MANAGER: HEATHER THOMPSON (EVENT TO BE HELD NOVEMBER 4, 2011, ADDRESS OF EVENT: 301 N. UNION AVENUE)

Event Manager Heather Thompson, 1009 Berkley, was sworn in and answered questions from the Board. The special event for which this application has been made is for their “Day of the Dead Event.” Ms. Thompson explained the sale of tickets will raise money for programming for their organization. Ms. Thompson will be responsible for supervising the event and TNT Security has been hired to maintain order on the licensed premises. There will be 1 liquor distribution point and 2 persons will be selling/serving liquor. Ms. Thompson described approved forms of identification and the types of food they will serve. She explained if a patron is old enough to purchase alcohol, their hand would be stamped and if they were not of age, a wristband would be placed on these patrons. The Board suggested to Ms. Thompson that they give a wristband to the patrons who are old enough to purchase alcohol as it would be very easy for a minor to remove their bands. The Board also commented on how easy it is to transfer ink to someone else’s hand simply by re-moistening the ink. Ms. Thompson stated she had not given this enough consideration and would follow the Board’s suggestions. Ms. Thompson stated alcohol will not be allowed to be taken off the licensed premises. The premises are secure and Ms. Thompson explained the security will be posted at both the front and back doors. The Board advised Ms. Thompson to make the determination that a patron is of age at the point of entry. Ms. Thompson stated they were anticipating 200 potential attendees.

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

16 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 NOVEMBER 27, 2011 ADDRESS OF EVENT: 426 N. SANTA FE AVENUE (BASEMENT ONLY))

REGULAR AGENDA (CONTINUED)

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Events Manager Veronica Ortega, 5127 Sonoma Drive was sworn in and answered questions from the Board. The special event for which this application has been made is for an Auxiliary pork roast dinner. Ms. Ortega explained the sale of tickets will raise money to help fund the day-to-day operations of their organization. Ms. Ortega will be responsible for supervising the event and Martinez Security has been hired to maintain order on the licensed premises. Ms. Ortega 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; additionally, their board members will also check identifications and constantly do so. Ms. Ortega 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 front or back doors of the building without identification and stated the 5th Street entrance will be open to the public and someone will be posted at the door to watch that entry.

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

18 HEARING - NEW RETAIL LIQUOR STORE LIQUOR LICENSE- BIG BEAR WINE & LIQUOR, INC. D/B/A BIG BEAR WINE & LIQUOR, INC., 2037 S. PUEBLO BOULEVARD (CONTINUED FROM OCTOBER 5, 2011 IN ORDER FOR THE BOARD TO REVIEW THE PETITIONS

With regard to this matter Mr. Jagger explained for the record, that Mr. DiFatta will not be participating.

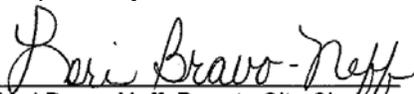
Owner/Corporate Officer Brian Lucas, 3124 Bobcat Lane, Alan Lucas, Sr., 1918 Newton and Dan Corsentino, owner of *Dan Corsentino Private & Investigative Security Consultants* located at 301 N. Main were sworn in.

13 *Still seeing no one present from Applebee's, Chairwoman Harrison ordered this item continued to November 2, 2011. (No vote taken)*

19 THIS ITEM WAS REMOVED FROM THE AGENDA

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

Respectfully submitted,


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