

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

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

ROLL CALL

Present: Board Members Charles Pullaro, Tony Pullaro, Jan Shafer, and Ashley Sowinski.

Absent: Board Member Mo Montgomery.

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

APPROVAL OF MINUTES

Mr. Charles Pullaro, seconded by Mr. Tony Pullaro, moved to approve the Minutes of the Regular Meeting of February 6, 2019 as distributed. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to continue approval of the Minutes of the Regular Meeting of February 20, 2019 to March 20, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

CONSENT AGENDA

**MEETING
NUMBER**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
Do Drop Inn, Inc. d/b/a Do Drop Inn, 1201 S. Santa Fe Avenue
GFZ, LLC d/b/a Gray's Coors Tavern, 515 West 4th Street
- 2 TAVERN LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
Circle, Inc. d/b/a Circle Tavern, 405 E. Northern Avenue
Steel City Tavern Inc. d/b/a Steel City Tavern, 1335 E. Evans Avenue
- 3 FERMENTED MALT BEVERAGE LICENSE FOR OFF PREMISES CONSUMPTION – RENEWALS – ONE RENEWAL**
Leevers Supermarkets, Inc. d/b/a Save-A-Lot Pueblo, 1110 Bonforte Boulevard
- 4 LODGING & ENTERTAINMENT LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Southern Colorado Theatre Company d/b/a Steel City Theatre Company, 241 S. Santa Fe Avenue
- 5 CABARET LICENSE – RENEWAL – TWO RENEWALS**
Cosmo Bob's LLC d/b/a Cosmopolitan Club, 311 Baystate Avenue
Steel City Tavern Inc. d/b/a Steel City Tavern, 1335 E. Evans Avenue
- 6 RATIFICATION OF THE BOARD'S APPROVAL WITH RESPECT TO AMENDMENT OF THE DATES FOR SUSPENSION TO BE SERVED IN MARCH 2019 FOR FJM, LLC D/B/A FIRST AND MAIN BAR AND GRILL**

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Consent Agenda as distributed. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

REGULAR AGENDA

**MEETING
NUMBER**

7 HEARING 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.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a suspension of any reissued liquor license. The reissued liquor license shall be suspended for a period of fourteen (14) days, of which ten (10) days shall be imposed and four (4) days held in abeyance.

The ten (10) days imposed suspension shall be served within four (4) months from the date of any reissuance of the liquor license and the dates of suspension shall be set by the Board at the time of any reissuance. The Licensee may petition to pay a fine in lieu of the suspension, but such fine may only be calculated using months during which the Licensee was operating and lawfully selling liquor.

The remaining four (4) days suspension shall be held in abeyance for a period of twelve (12) months from the date of license reissuance. If the Board finds probable cause for an additional violation during that period, the four (4) days held in abeyance shall be imposed upon the Licensee without the need for a new hearing.

Should Licensee's liquor license not be reissued, these Stipulated Findings and Order will be moot and will not provide the basis for an appeal of the Board's decision not to reissue. These Stipulated Findings and Order shall not be considered an endorsement for reissuance of the Licensee's liquor license, and Licensee shall not rely on these Stipulated Findings and Order nor assume reissuance of its liquor license is guaranteed.

This stipulation shall not prohibit Licensee from transferring any reissued 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 March 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 April 20, 2020.

REGULAR AGENDA (Continued)

**MEETING
NUMBER**

- 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. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the Stipulated Findings and Order as read and to continue this matter to May 15, 2019 for further proceedings. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

8 HEARING 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. Administrative Notice was taken by the Board for testimony given in the previous matter.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the Stipulated Findings and Order as read and to continue this matter to May 15, 2019 for further proceedings. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

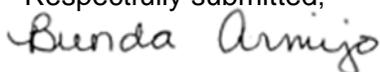
9 PERMIT APPLICATION & REPORT OF CHANGES – MODIFICATION OF PREMISES — LODGING AND ENTERTAINMENT LIQUOR LICENSE – GLOBAL SPECTRUM COLO, L.P. D/B/A PUEBLO CONVENTION CENTER

General Manager Kevin Ortiz, 178 Alhambra Drive, Pueblo, CO was sworn in and answered questions from the Board. This permanent modification of premises adds the expansion of the Pueblo Convention Center to the existing licensed premises. The outdoor patio space is secured by permanent fencing.

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to approve the Report of Changes – Modification of Premises – Global Spectrum Colo, L.P. d/b/a Pueblo Convention Center. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 6:29 p.m.

Respectfully submitted,



Brenda Armijo, CMC
Acting City Clerk