

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
MAY 15, 2019 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of May 15, 2019 at 6:00 p.m. with Chairperson Jan Shafer presiding.

ROLL CALL

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

Absent: None.

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

APPROVAL OF MINUTES

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Minutes of the Regular Meeting of May 1, 2019 as distributed. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

CONSENT AGENDA

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- 1 HOTEL AND RESTAURANT LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
AVKE, Inc. d/b/a Springhill Suites, 150 S. Santa Fe Avenue
VZ2, LLC d/b/a Toni & Joe’s Pizzeria, 106 Colorado Avenue
- 2 FERMENTED MALT BEVERAGE LICENSE – RENEWAL – ONE RENEWAL**
Pester Marketing Company d/b/a Alta Convenience #6256, 300 W. Northern Avenue
- 3 BEER AND WINE LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Eat Now, LLC d/b/a Bingo Burger, 405 N. Union Avenue
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Kwon’s Liquors, Inc. d/b/a Lang’s Liquor, 2143 Jerry Murphy Road
- 5 LODGING AND ENTERTAINMENT LIQUOR LICENSE – RENEWAL – ONE RENEWAL**
Global Spectrum, L.P. d/b/a Memorial Hall Theater, 1 City Hall Place
- 6 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR –
CULTURAL ALLIANCE OF PUEBLO, 215 S. VICTORIA AVENUE, EVENT MANAGER
ZACHARY VALDEZ (EVENT TO BE HELD MAY 31, 2019. ADDRESS OF EVENT:
PUEBLO CITY PARK, 800 GOODNIGHT AVENUE)**

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Consent Agenda as distributed. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

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7 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR – PROTECTORS OF ABUSED CHILDREN, 2252 DIAMOND DRIVE, EVENT MANAGER RANDY CLARK (EVENT TO BE HELD MAY 18, 2019. ADDRESS OF EVENT: 3733 N. PUEBLO BOULEVARD

President Christopher Gale, 2252 Diamond Drive, Pueblo, CO and Event Manager Randy Clark, 983 S. Dawnview Drive, Pueblo West, CO were sworn in and answered questions from the Board. There will be two liquor distribution points with two servers at each station. The concession food menu will be available for purchase. Approved forms of identification were described and examples given. All bar patrons will have their identification checked and color coded wristbands will be utilized. Mr. Clark will be in charge of security. There will be a security team comprised of eight members of the Protectors of Abused Children and eight from Pueblo Motorsports Park for a total of 16.

The amended diagram was admitted into evidence as Exhibit A. The Board would like the Protectors of Abused Children to submit an updated Certificate of Good Standing.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the special events permit application for Protectors of Abused Children contingent upon receipt of an updated Certificate of Good Standing. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

8 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR – PUEBLO CHAMBER OF COMMERCE, 302 N. SANTA FE AVENUE, EVENT MANAGER ROD SLYHOFF, (EVENT TO BE HELD JUNE 6, 2019. ADDRESS OF EVENT: THE ALLEY BETWEEN UNION AVENUE AND VICTORIA AVENUE AND B STREET AND C STREET INCLUDING THE PRIVATE PARKING AREAS)

President and Event Manager Rod Slyhoff, 104 San Carlos Road, Unit P, Pueblo , CO was sworn in and answered questions from the Board. There will be one liquor distribution point with four servers at each station. Complimentary food items will be available along with items available for purchase from food trucks. Approved forms of identification were described and examples given. All bar patrons will have their identification checked at the liquor distribution point. All attendees will enter from the entry point on B Street. There will be an exit located at C Street. Alfonso Tactical Security will be providing eight to ten guards that will provide security at the bar and walking the area.

Ms. Montgomery, seconded by Ms. Sowinski, moved to approve the special events permit application for the Pueblo Chamber of Commerce. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

9 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR – PUEBLO CRIME STOPPERS, INC., 200 S. MAIN STREET. EVENT MANAGER MARK MCMAHAN, (EVENT TO BE HELD JUNE 14, 21, AND 28, 2019. ADDRESS OF EVENT: PUEBLO RIVERWALK – MAIN STREET TO SANTA FE AVENUE – CONFLUENCE AREA WEST OF ALAN HAMEL)

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Event Manager Mark McMahan, 2410 Cliffmoor Lane, Pueblo, CO and Chuck Granato, 28223 Gale Road, Pueblo, CO were sworn in and answered questions from the Board. There will be four liquor distribution points with six servers per station. There will be two food vendors on site selling hamburgers, hot dogs, sausage sandwiches, and pizza. Approved forms of identification were described and examples given. Epic Security will be on site along with six sheriff's deputies. The area will be secured with bike railing.

Mr. Tony Pullaro, seconded by Ms. Montgomery, moved to approve the special events permit application for Pueblo Crime Stoppers, Inc. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

10 HEARING: NEW HOTEL AND RESTAURANT LIQUOR LICENSE – MAK ENTERPRISES INC. D/B/A MAKs, 2535 LAKE AVENUE

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

Amit Khanna, 2002 N. Elizabeth Street, Pueblo, CO was sworn in and answered questions from the Board. The Moral Character and Financial questions were directed to Mr. Khanna. Maks is open from 6:00 a.m. until 9:00 p.m. and has 6-7 employees. Approved forms of identification were described and examples given. All persons wishing to purchase liquor will have their identification checked. The moral character of the applicant is acceptable to the Board.

Petitions were admitted into evidence as Exhibit A.

Mr. Charles Pullaro, seconded by Mr. Tony Pullaro, moved to approve the new Hotel and Restaurant Liquor License – Maks Enterprises Inc. d/b/a Maks, 2535 Lake Avenue. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

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

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Findings and Order as read. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

11 FOR FURTHER PROCEEDINGS RE: LIQUOR CODE VIOLATION – ROSS LLC D/B/A WESTSIDE TAVERN, 2201 WEST 16TH STREET (POLICE CR#19-001842, VIOLATION DATE: JANUARY 25, 2019)

Member Andrew Ross, 2202 West 16th Street, Pueblo, CO was sworn in and answered questions from the Board. Due to a misunderstanding regarding which days the Westside Tavern was to be closed for suspension, Mr. Ross closed the Tavern on April 19 & 20, 2019. The suspension was to be served on April 26 & 27, 2019 and May 17 & 18, 2019. Mr. Ross provided receipts as proof that no business was conducted on April 19 & 20, 2019.

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The receipts were admitted into evidence as Exhibit A.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to accept the receipts as proof of suspension days served and vacate the suspension days on May 17 & 18, 2019. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

12 FOR FURTHER PROCEEDINGS RE: LIQUOR CODE 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)

Member Michael Velarde, 12 Tamar Court, Pueblo, CO was sworn in and answered questions from the Board. Mr. Velarde requests that his active suspension dates be moved to accommodate an event that was previously booked at his facility and to allow Mr. Velarde to compete maintenance on his establishment during the suspension.

Ms. Montgomery, seconded by Ms. Sowinski, moved to amend the days for active suspension per the Stipulated Findings and Order to May 24, 25, 26, 2019 and June 7 & 8, 2019. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

13 HOTEL AND RESTAURANT LIQUOR LICENSE – REISSUE – ONE REISSUE

Crystal Martinez d/b/a Sancho's Bar & Grill, 628 East 4th Street

Owner Crystal Martinez, 1649 Garwood Drive, Pueblo, CO was sworn in and answered questions from the Board.

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to approve the reissuance of the Hotel and Restaurant Liquor License for Crystal Martinez d/b/a Sancho's Bar & Grill, 628 East 4th Street. Roll Call: Ayes – Charles Pullaro. Nays – Montgomery, Tony Pullaro, Shafer, and Sowinski. Motion failed 1-4. The Hotel and Restaurant Liquor License will not be reissued.

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

The Hotel and Restaurant Liquor License for Sancho's Bar & Grill will not be reissued; therefore, there is no need to consider a petition to pay a fine in lieu of suspension or to assign days of active suspension for the license.

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

The Hotel and Restaurant Liquor License for Sancho's Bar & Grill will not be reissued; therefore, there is no need to consider a petition to pay a fine in lieu of suspension or to assign days of active suspension for the license.

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**16 COMMUNICATION RE: ALLEGED LIQUOR CODE VIOLATION – THE SENATE LLC
D/B/A THE SENATE, 219 S. GRAND AVENUE (POLICE CR#19-005917, VIOLATION
DATE: MARCH 23, 2019)**

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Member Ken Sciacca, 1 Remington Court, Pueblo, CO was sworn in.

Mr. Gloss read the Stipulated Findings and Order into the record for the Board's consideration.

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 four (4) days shall be imposed and two (2) days held in abeyance.

The four (4) 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 two (2) 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 two (2) days held in abeyance shall be imposed upon the Licensee without the need for a new hearing.

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Stipulated Findings and Order as read and continue this matter to June 19, 2019 for further proceedings. Roll Call: Ayes — Montgomery, Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 5-0.

**17 COMMUNICATION RE: ALLEGED LIQUOR CODE VIOLATION – WRONG NOTE LTD.
D/B/A THE SPIRIT HOUSE CABARET, 611 N. MAIN STREET (POLICE CR#19-007316,
VIOLATION DATE: APRIL 11, 2019)**

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Attorney at Law Doug Gradisar #34326 entered his appearance on behalf of the Licensee. Member Keith Avery, 2119 Chatalet Lane, Pueblo, CO was sworn in.

Mr. Gloss read the Assurance of Voluntary Compliance into the record for the Board's consideration.

Without admitting any violation of the above referenced provision, the Licensee, in order to resolve all issues brought forward by the investigators, states, affirms and assures that the Licensee will henceforth voluntarily comply with the following requirements:

- a. The Licensee and its employees shall not in any way advertise, imply, or otherwise suggest that the consumption of marijuana or marijuana products is permitted on the licensed premises.

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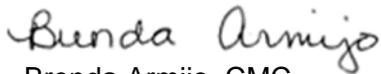
17 Continued

- b. For nine (9) months from the date of approval of this Assurance of Voluntary Compliance, the Licensee shall abide by the Colorado Liquor Code and all Pueblo Municipal Ordinances and not allow for violation thereof. Should the Board find probable cause for any violation by Licensee during the nine (9) months, such a finding shall be considered proof of Licensee's failure to comply with this agreement.

Ms. Montgomery, seconded by Mr. Tony Pullaro, moved to approve the Assurance of Voluntary Compliance as read. Roll Call: Ayes – Montgomery, Pullaro, Pullaro, and Shafer. Motion carried 4-0-1 (Sowinski recused herself from this matter).

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,



Brenda Armijo, CMC
Acting City Clerk