

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**NOVEMBER 2, 2011 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 2, 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. DiFatta, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of October 19, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENTS TO CONSENT AGENDA**

Mr. DiFatta, seconded by Mr. Ferris, moved to remove the renewal of the tavern liquor license application of La Favorita from Item #2 and remove Item #5 (the renewal of the cabaret license application of La Favorita) from the consent agenda.  
Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 **HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-LATRONICA'S RESTAURANT, INC. D/B/A LATRONICA'S RESTAURANT & TAVERN, 1143 E. ABRIENDO AVENUE**
- 2 **TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**  
Muggsys, Inn Inc. d/b/a Muggsy's Inn, 115 E. Riverwalk #100  
HT Pueblo Properties, LLC d/b/a Ramada Pueblo, 4703 N. Freeway
- 3 **CLUB LIQUOR LICENSE APPLICATION-RENEWAL-FRATERNAL ORDER OF EAGLES D/B/A FRATERNAL ORDER OF EAGLES #145, 1615 S. PRAIRIE AVENUE**
- 4 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-K&D ENTERPRISES, INC. D/B/A TROY VILLAGE LIQUOR, 1732 CONSTITUTION ROAD**
- 5 **REMOVED FROM AGENDA**
- 6 **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 DECEMBER 31, 2011 ADDRESS OF EVENT: 426 N. SANTA FE AVENUE**
- 7 **PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER -CLUB LIQUOR LICENSE—FRATERNAL ORDER OF EAGLES D/B/A FRATERNAL ORDER OF EAGLES #145, 1615 S. PRAIRIE AVENUE (NEW MANAGER GARY FEARN REPLACES WILLIE RICK)**

**CONSENT AGENDA (CONTINUED)**

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**VOTE ON CONSENT AGENDA ITEMS:**

Mr. DiFatta, seconded by Mr. Ferris, 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**

**8 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE– PAUL PACHINO D/B/A MOZART RESTAURANT & LOUNGE, 1120 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 hotel & restaurant liquor license for premises to be known as *Mozart Restaurant & Lounge*.

Mr. Ferris seconded by Mr. Rose, moved to accept the survey and set the hearing for November 16, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**9 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) CONTINUED FROM OCTOBER 19, 2011 DUE TO THE ABSENCE OF THE APPLICANT**

Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to November 16, 2011 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**10 PERMIT APPLICATION AND REPORT OF CHANGES-MANAGER’S REGISTRATION- HOTEL & RESTAURANT LIQUOR LICENSE- RT DENVER FRANCHISE L.P. D/B/A RUBY TUESDAY, 4150 N. FREEWAY (NEW MANAGER: KATHERINE MASSEY REPLACES THOMAS THEIS)**

New manager Katherine Massey, 517 W. Pitkin was sworn in and answered questions from the Board. The moral character of Ms. Massey was satisfactory to the Board. Ms. Massey previously worked for a Ruby Tuesday establishment in Denver and there were never violations or reprimands for violating liquor licensing statutes or regulations. Ms. Massey stated they employ 50 employees – approximately 14 employees per work day. They run background investigations on managers and check references on their employees. Ms. Massey described approved forms of identification and stated they require an I.D. from anyone who appears to be 40 years of age or younger. Ms. Massey explained she is not certified in liquor awareness techniques and the Board encouraged Ms. Massey to get this type of training. Ms. Massey stated she will contact the City Clerk’s Office to obtain the information necessary to complete this training.

Mr. Rose, seconded by Mr. DiFatta, moved to approve this Manager Registration. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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- 11 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE –GOPEE, INC. D/B/A JOKER GRILL & BAR, 1705 SCHLEY (NEW PRESIDENT RAYMOND P. JIMENEZ REPLACES BRENDA VINCENT, NEW SECRETARY/TREASURER JUANITA L. JIMENEZ) CONTINUED FROM SEPTEMBER 21, 2011 AT THE REQUEST OF THE LIQUOR BOARD TO HAVE THE CITY CLERK’S OFFICE OBTAIN A SENTENCING ORDER AND MITTIMUS ON RAYMOND P. JIMENEZ**

Juanita Jimenez and Raymond Jimenez, both of 1029 Palo Alto were sworn in.

Mr. Jagger explained this matter was continued from a previous meeting in order to obtain the mittimus and sentencing order for a 1993 charge – which documents were obtained. Mr. Jagger stated he also felt it was necessary to obtain the mittimus and sentencing order for a 2010 case.

Deputy City Clerk Lori Bravo-Neff stated the City Clerk’s Office had been contacted by Mr. Jimenez who indicated he was going to resign from the corporation, therefore, obtaining the sentencing order for the 2010 case, may be a moot point. The Board explained to Mr. Jimenez, they would continue this matter to December 7, 2011 in which case, the City Clerk’s Office will either have enough time to obtain the court documents or he can submit his letter of resignation within the week.

Mr. Rose, seconded by Mr. Ferris, moved to continue this item to December 7, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 12 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER - TAVERN LIQUOR LICENSE—GOPEE, INC. D/B/A JOKER GRILL & BAR, 1705 SCHLEY (NEW MANAGER JUANITA L. JIMENEZ REPLACES BRENDA VINCENT) CONTINUED FROM SEPTEMBER 21, 2011 AT THE REQUEST OF THE LIQUOR BOARD**

Mr. Rose, seconded by Mr. DiFatta, moved to continue this item to December 7, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 13 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- BRILLANTE, LLC D/B/A LA FAVORITA, 119 W. B STREET, (POLICE CR# 11-17644, VIOLATION DATE: SEPTEMBER 9, 2011)**

Owner Anthony Nuñez, 1041 Lynn Drive was sworn in and answered questions from the Board. Mr. Nuñez acknowledged receipt of the police communication outlining the alleged violation.

Chairwoman Harrison explained to Mr. Nuñez that it is up to the Board to make a determination of whether or not there is probable cause that a violation occurred and whether they would proceed to a hearing with this matter.

Mr. Ferris, seconded by Mr. Rose, moved there is probable cause that a violation occurred. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Nuñez stated he would stipulate to the violation and was given the opportunity to present mitigation for the Board’s consideration. Mr. Nuñez explained that short of “patting down” his

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customers, he does not know what else he can do to prevent a customer from removing alcohol from the licensed premises. He stated he and his doormen try to be as vigilant as they possibly can especially at closing time. Mr. Nuñez stated he now has 2 security guards at the door instead of one: one inside – and one outside. He also stated he will not allow the individuals who removed the alcohol back in his establishment even though they told the officer this violation was their fault. Mr. DiFatta stated according to the officer's report, he observed the customers leave with alcohol, so he needs to exercise even more caution. Mr. Pullaro encouraged Mr. Nuñez to post signs stating that alcohol cannot be removed and Mr. Nuñez stated he will definitely do that.

Mr. Ferris, seconded by Mr. DiFatta, moved to impose 3-days suspension: 3 days served, 0 days held in abeyance. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration.

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

**14 HEARING: 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)**

Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to December 7<sup>th</sup>, 2011 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**15 HEARING: TRANSFER OF OWNERSHIP—CABARET 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) LICENSEE HAS REQUESTED A CONTINUANCE UNTIL DECEMBER 7, 2011**

Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to December 7<sup>th</sup>, 2011 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**16 HEARING: NEW TAVERN LIQUOR LICENSE– MAIN STREET BANQUET HALL, LLC D/B/A MAIN STREET BANQUET HALL, 209 N. MAIN STREET**

Applicant Douglas Hess, 6 Mirada Court, was sworn in and answered questions from the Board. The moral character of Mr. Hess was satisfactory to the Board. Mr. Hess stated he worked as a bartender in college; there are no silent partners not disclosed in his application. Mr. Hess has used personal funds to enter into possession of the premises. Although he has not yet hired his employees, he estimates he will employ 5-7 employees and he will conduct background checks on his potential employees. Mr. Hess described approved forms of identification and will request I.D. from anyone who appears to be 35-40 years of age and younger. He will take an on-line liquor awareness course.

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For the record, it was determined that there were people present who were in opposition to the issuance of this license.

The applicant explained he intends to rent out the banquet hall for events such as wedding receptions or graduation parties. They will not cater the food themselves, but the food can be prepared on-site. The Board explained to Mr. Hess, that in the event someone rents his hall and they do not hire a caterer, food must be available. Mr. Hess's application does contain a proposed food menu. He added they are not a "bar" and will have security in place. Mr. Hess stated the bartender will be responsible for checking identification and the Board advised Mr. Hess to have a system in place to have more than the bartender checking I.D's explaining should the bartender become too busy, it would be very difficult for the bartender to be 100% responsible for checking every customer's I.D. The applicant then submitted the petitions that were circulated on behalf of this application.

Petition circulator Damon Lombard-Gordan, 1618 Bunkerhill was sworn in. The Board reviewed the petitions and noticed that the majority of the petitions were incomplete and a lot of the petitions did not include the age of the person signing the petition. Mr. Lombard-Gordan stated he did not realize that listing an age was necessary; stating he thought it was optional.

The following individual was sworn in and spoke in support of the issuance of this license:

- Timothy Michael Burray, 2345 Old Cardinal Road – Caterer

The following individuals were present to speak in opposition to the issuance of this license. The City Clerk's Office verified that the addresses given were within the defined neighborhood according to the Neighborhood Survey.

Opponents were sworn in and cited their reasons for being opposed to the issuance of the license:

- Becky Higley, 127 N. Santa Fe Avenue – Business owner
- Bob Benvenuto, 211 W. 2<sup>nd</sup> Street, Unit 206 – Resident

At this point in the proceeding, Mr. Hess requested a continuance to November 16, 2011 so that he would have an opportunity to circulate new petitions.

Mr. Rose, seconded by Mr. Pullaro, moved to continue the hearing to November 16, 2011 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**17 HEARING: NEW CABARET LICENSE- MAIN STREET BANQUET HALL, LLC D/B/A  
MAIN STREET BANQUET HALL, 209 N. MAIN STREET**

Mr. Jagger explained that the Board cannot consider this application until a determination is made with regard to the issuance of the liquor license.

Mr. Rose, seconded by Mr. Ferris, moved to continue this matter to November 16<sup>th</sup>, 2011 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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**18 ADMINISTRATIVE HEARING TO CONSIDER A PROPOSED RULE RELATING TO  
PETITIONS SUBMITTED WITH RESPECT TO A TRANSFER OF LOCATION OF OR A  
NEW LIQUOR AND/OR BEER LICENSE**

Mr. Jagger explained that a copy of a proposed rule of the Liquor and Beer Licensing Authority relating to petitions submitted for a transfer of location or of a new liquor and/or beer license had been previously distributed to the Board for their consideration. He briefly described the necessary changes to the present format of the petitions if the Board adopts this rule which includes adding a paragraph to the bottom of the petition stating, "All Petitions offered by the proponents, opponents or other interested persons must be filed in the office of the City Clerk by twelve o'clock noon of the Monday proceeding the day on which the hearing upon the application shall be held before the Board." The "business" petitions added an additional statement stating, "To sign this petition, you must be 21 years of age or older and own or manage a business within in the Defined Neighborhood."

Mr. DiFatta, seconded by Mr. Ferris, moved to adopt the proposed rule change. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**ADJOURN** – With no further business to conduct, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

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