

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
AUGUST 7, 2019 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of August 7, 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 City Clerk Brenda Armijo.

APPROVAL OF MINUTES

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to continue approval of the Minutes of the Regular Meeting of June 19, 2019 to August 21, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to continue approval of the Minutes of the Regular Meeting of July 17, 2019 to August 21, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

ELECTION OF CHAIRPERSON

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to nominate Jan Shafer as Chairperson of the Pueblo Liquor & Beer Licensing Board. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

ELECTION OF VICE-CHAIRPERSON

Mr. Tony Pullaro, seconded by Ms. Shafer, moved to nominate Ashley Sowinski as Vice-Chairperson of the Pueblo Liquor & Beer Licensing Board. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

CONSENT AGENDA

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1 HOTEL AND RESTAURANT LIQUOR LICENSE – RENEWALS – THREE RENEWALS

Angelo's Pizza Parlor And-a-More', Inc. d/b/a Angelo's Pizza Parlor And-a-More', 105 E. Riverwalk

Cactus Flower, Inc. d/b/a Cactus Flower Restaurant, 4610 N. Elizabeth Street
Grahams Grill 3, LLC d/b/a Grahams Grill, 2149 Jerry Murphy Road

2 TAVERN LIQUOR LICENSE – RENEWALS – FOUR RENEWALS

SILGLO Inc. d/b/a Aloha Glorya, 313 N. Main Street
DE BG Inc. d/b/a The Spotlight, 211 W. Northern Avenue
DJ Inc. d/b/a Tsunami Sushi Bar Wok & Grill, 326 S. Union Avenue
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, Inc., 1339 E. Routt Avenue

3 FERMENTED MALT BEVERAGE LICENSE FOR OFF PREMISES CONSUMPTION – RENEWAL – ONE RENEWAL

Dillon Companies, LLC d/b/a King Soopers #43, 102 West 29th Street

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- 4 RETAIL LIQUOR STORE LIQUOR LICENSE – RENEWALS – TWO RENEWALS**
Tito Flames, Inc. d/b/a Flame Liquors, 2225 Lake Avenue
Ezequiel Nava d/b/a Zeke's Lake Avenue Liquors, 2601 Lake Avenue
- 5 CABARET LICENSE – RENEWALS – FIVE RENEWALS**
SILGLO Inc. d/b/a Aloha Glorya, 313 N. Main Street
Iron Horse Bar & Grill Inc d/b/a Iron Horse Bar & Grill, 717 N. Main Street
DE BG Inc. d/b/a The Spotlight, 211 W. Northern Avenue
DJ Inc. d/b/a Tsunami Sushi Bar Wok & Grill, 326 S. Union Avenue
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, Inc., 1339 E. Routt Avenue
- 6 PERMIT APPLICATION & REPORT OF CHANGES – CHANGE OF MANAGER (FERMENTED MALT BEVERAGE) – DILLON COMPANIES, LLC D/B/A KING SOOPERS #43 (BILL SWAGGER REPLACES SHANNON JONES)**
- 7 REPORT OF CHANGES – CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP – TAVERN LIQUOR LICENSE – SILGLO INC. D/B/A ALOHA GLORYA (REMOVE PHILLIP SILVA DUE TO DEATH)**
- 8 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION — RETAIL LIQUOR STORE LIQUOR LICENSE: SUPER LIQUORS LLC D/B/A SUPER LIQUORS LLC, 25 RED CREEK SPRINGS ROAD, (CURRENTLY LICENSED TO REGENCY LIQUOR INC D/B/A REGENCY LIQUOR, LICENSE EXPIRES JUNE 26, 2020)**

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

REGULAR AGENDA

- 9 NEIGHBORHOOD SURVEY: NEW FERMENTED MALT BEVERAGE LICENSE FOR ON PREMISES CONSUMPTION – PUEBLO BULLS HOCKEY CLUB, INC. D/B/A PUEBLO BULLS HOCKEY CLUB, INC., 100 N. GRAND AVENUE**

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to receive the survey and set the hearing for September 4, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

- 10 NEIGHBORHOOD SURVEY: NEW HOTEL AND RESTAURANT LIQUOR LICENSE – RUBY'S L.L.C. D/B/A RUBY'S, 100 BROADWAY AVENUE**

Members Heather Graham and Vivian Hutto were in attendance.

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to receive the survey and set the hearing for September 4, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

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11 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR LICENSE – LA GENTE YOUTH SPORTS, INC., 2804 E. 12TH STREET, EVENT MANAGER: ZACHARY VALDEZ, (EVENT TO BE HELD AUGUST 10, 2019. ADDRESS OF EVENT: 1502 E. ABRIENDO AVENUE)

Event Manager Zachary Valdez, 215 Hampton Court, Pueblo, CO was sworn in and answered questions from the Board. The special event permit is for the Steel City Music Fest. Minors will be allowed at the event. There will be three liquor distribution points with a total of 15 servers. Food vendor trucks will be on-site to provide food for purchase. Approved forms of identification were described and examples given. Security will check identification and wristbands will be utilized for bar patrons. Alfonso Tactile Security will provide 25 security guards. The site is secured by temporary construction fencing that is six to eight feet tall.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the Special Event Permit Application – Beer, Wine, and Spirituous Liquor – La Gente Youth Sports, Inc. Motion carried 4-0.

12 SPECIAL EVENT PERMIT APPLICATION – BEER, WINE & SPIRITUOUS LIQUOR LICENSE – LA GENTE YOUTH SPORTS, INC., 2804 E. 12TH STREET, EVENT MANAGER: ZACHARY VALDEZ, (EVENT TO BE HELD AUGUST 11, 2019. ADDRESS OF EVENT: MINERAL PALACE PARK, 1500 – 2100 SANTA FE AVENUE)

Event Manager Zachary Valdez remains sworn in and answered questions from the Board. The special event permit is for the Multi-Cultural Fest. There will be one liquor distribution point with a total of three servers. Food vendor trucks will be on-site to provide food for purchase. Approved forms of identification were described and examples given. Epic Events will provide security. There will be a serving tent and the site is secured by snow fencing.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the Special Event Permit Application – Beer, Wine, and Spirituous Liquor – La Gente Youth Sports, Inc. Motion carried 4-0.

13 PERMIT APPLICATION & REPORT OF CHANGES – MODIFICATION OF PREMISES — HOTEL & RESTAURANT LIQUOR LICENSE – VESSEL BREWING COMPANY LLC D/B/A GOLD DUST SALOON

Member Michael Mahan, 712 W. Pitkin Avenue, Pueblo, CO was sworn in and answered questions from the Board. This modification of premises will extend the licensed premises of the Gold Dust Saloon across the public right-of-way during the Chile and Frijoles Festival. The Gold Dust Saloon will add temporary employees for food service and dishwashing. Permanent employees only will serve liquor. Approved forms of identification were described and examples given. Security will be posted at the gate entrance at all times. The back entrance will be open. During peak event times there will be security at the back gate. Fencing and barricades will be utilized.

Mr. Charles Pullaro, seconded by Ms. Sowinski, moved to approve the Report of Changes – Modification of Premises – Vessel Brewing Company LLC d/b/a Gold Dust Saloon. Roll Call: Ayes — Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

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14 REPORT OF CHANGES – CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP – CLUB LIQUOR LICENSE – FRATERNAL ORDER OF EAGLES 145, 1615 S. PRAIRIE AVENUE (NEW PRESIDENT MIKE SALAS REPLACES KEN DEGRASSE, NEW PAST WORTHY PRESIDENT GENE VELASQUEZ REPLACES ROBERT LEE, NEW SECRETARY SHARON TAFOYA REPLACES GARY FEARN)

President Mike Salas, 3701 Brookfield Lane, Pueblo, CO; Past Worthy President Gene Velasquez, 859 E. Heron Avenue, Pueblo West, CO, and Secretary Sharon Tafoya, 20 La Habre Drive, Pueblo, CO were sworn in and answered questions from the Board. The Eagles have five employees and volunteers. Approved forms of identification were described and examples given. The club utilizes Dan Corsentino Security. Servers have attended the Liquor Awareness training provided by the City.

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to approve the Report of Changes – Club Liquor License – Fraternal Order of Eagles 145. Roll Call: Ayes — Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

15 HEARING: TRANSFER OF OWNERSHIP APPLICATION — TAVERN LIQUOR LICENSE: THE COVE, LLC D/B/A G-A-Y BAR, 105 CENTRAL PLAZA (CURRENTLY LICENSED TO DEBORAH BARNETT D/B/A PIRATE’S COVE, LICENSE EXPIRES JUNE 18, 2019)

Member Evan Hooten, 2330 Heatherdale Drive, Colorado Springs, CO was sworn in. Due to outstanding sales tax issues with the former owner, the Board continued the hearing to September 4, 2019.

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to continue the hearing until September 4, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

16 HEARING: TRANSFER OF OWNERSHIP APPLICATION — CABARET LICENSE: THE COVE, LLC D/B/A G-A-Y BAR, 105 CENTRAL PLAZA (CURRENTLY EXPIRES JUNE 18, 2019) LICENSED TO DEBORAH BARNETT D/B/A PIRATE’S COVE, LICENSE

Mr. Hooten remains sworn in. Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to continue the hearing until September 4, 2019. Roll Call: Ayes — Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

17 HEARING RE: ALLEGED LIQUOR CODE VIOLATION – J & C D, INC. D/B/A CHUG-A-MUG, 1501 E. EVANS AVENUE. (VIOLATION DATE: DECEMBER 2018 – MARCH 2019)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. President Wendy Hall, 2323 Meadowlark Lane, Pueblo, CO and Charles Hall, 2323 Meadowlark Lane, Pueblo, CO were sworn in. Mr. Gloss read the Stipulated Findings and Order into the record.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a file and pay the delinquent tax returns for December 2018 through July 2019 and all associated fees and fines by August 14, 2019. Should Licensee fail to pay all amounts due by August 14, 2019 at 5:00 p.m., the License will be automatically revoked on August 15, 2019 at 8:00 a.m.

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 seven (7) days, of which all seven (7) days shall be imposed.

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The seven (7) days-imposed suspension shall be served within four (4) months from the date of this Order. 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.

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. By August 14, 2019, 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 by August 14, 2019, the license will be revoked.
- b. By the 20th of each month, starting August 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.
- 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. Charles Pullaro, seconded by Mr. Tony Pullaro, moved to amend the Stipulation to remove section 6, approve the findings as amended, and continue this item to the September 4, 2019 hearing to allow the licensee time to file a Petition to Pay Fine in Lieu of Suspension. Roll Call: Ayes – Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

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18 HEARING RE: ALLEGED LIQUOR CODE VIOLATION – J & C D, INC. D/B/A EASTSIDE TAVERN, 721 EAST 4TH STREET. (VIOLATION DATE: MAY 2018 – JANUARY 2019)

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Wendy Hall and Charles Hall remain sworn in. Mr. Gloss read the Stipulated Findings and Order into the record.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to a file and pay the delinquent tax returns for May 2018 through July 2019 and all associated fees and fines by August 14, 2019. Should Licensee fail to pay all amounts due by August 14, 2019 at 5:00 p.m., the License will be automatically revoked on August 15, 2019 at 8:00 a.m.

In lieu of further proceedings and disciplinary action, Licensee stipulates and agrees to transfer the renewed liquor license by September 9, 2019 at 1:00 p.m. Should Licensee fail to transfer the License by September 9, 2019 at 1:00 p.m., the License will be automatically revoked on September 9, 2019 at 1:01 p.m.

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

Special terms:

- a. By August 14, 2019, 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 by August 14, 2019, the license will be revoked.
- b. 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.
- c. 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.
- d. 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. Sowinski, moved to approve the findings as read. Roll Call: Ayes – Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

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19 HEARING RE: ALLEGED LIQUOR CODE VIOLATION – A&D BILLIARDS, INC. D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE. (POLICE CR# 19-008998, VIOLATION DATE: MAY 4, 2019)

Mr. Tony Pullaro, seconded by Ms. Sowinski, moved to continue this item to the August 21, 2019 meeting per the licensee's request. Roll Call: Ayes – Pullaro, Pullaro, Shafer and Sowinski. Motion carried 4-0.

20 HEARING: TRANSFER OF OWNERSHIP APPLICATION — HOTEL AND RESTAURANT LIQUOR LICENSE: 1129 SPIRITS & EATERY LLC D/B/A 1129 SPIRITS & EATERY, 115 E. RIVERWALK, SUITE 100, (CURRENTLY LICENSED TO GRAHAMS GRILL LLC D/B/A GRAHAMS GRILL, LICENSE EXPIRES JUNE 9, 2019)

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

Members Jennifer Priest, 575 W. Slice Drive, Pueblo West, CO, James Cordova, 2408 Johnston Drive, La Junta, CO, Megan Cordova, 2408 Johnston Drive, La Junta, CO, Lindsey Hart, 33520 County Road 31, La Junta, CO, and Jarett Hart, 33520 County Road 31, La Junta, CO were sworn in and answered questions from the Board. The Moral Character and Financial questions were directed to the Members. The restaurant employs 15-20 people. It is unknown whether any employees have had prior convictions. Approved forms of identification were described and examples given. Anyone appearing under the age of 40 will have their identification checked. Employees will attend the Liquor Awareness training in October. The moral character of the applicants is acceptable to the Board.

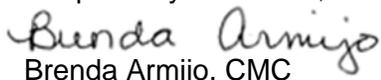
Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the transfer of ownership of the Hotel & Restaurant Liquor License – 1129 Spirits & Eatery LLC d/b/a 1129 Spirits & Eatery, 115 E. Riverwalk, Suite 100. Roll Call: Ayes – Pullaro, Pullaro, Shafer, and Sowinski. Motion carried 4-0.

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

Ms. Sowinski, seconded by Mr. Tony Pullaro, moved to approve the Findings and Order as read. 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 7:19 p.m.

Respectfully submitted,


Brenda Armijo, CMC
City Clerk