

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**DECEMBER 7, 2011 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of December 7, 2011 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Mr. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of November 16, 2011. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENT TO CONSENT AGENDA**

Mr. Pullaro, seconded by Mr. Rose, moved to remove the renewal of PT's Wings & Ribs from Agenda Item #1 and move it to the end of the Regular Agenda as Item #19A. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**  
William Coppola, Inc. d/b/a Magpie's, 229 S. Union Avenue  
Sachiko Pyon d/b/a Suehiro Japanese Restaurant, 621 N. Main Street  
Brinker Restaurant Corporation d/b/a/ Chili's Grill & Bar, 5600 N. Elizabeth Street
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 6 RENEWALS**  
Big Daddy's Sunset Bowl, Inc. d/b/a Big Daddy's Sports Bar and Billiards, 4111 Club Manor Drive  
Charles A. Kinnard d/b/a Charlie's Tavern, 1601 W. 17<sup>th</sup> Street  
Mary Madelyn Gifford d/b/a Gil's Westside Tavern, 2202 W. 16<sup>th</sup> Street  
Damon Runyon Repertory Theatre Company, Inc. d/b/a Damon Runyon Repertory Theatre Co., 611 N. Main Street  
Jenn-CO, LLC d/b/a Two & Nine Bar & Grill, 2912 N. Elizabeth Street  
Grand Prix Restaurant & Lounge, LLC d/b/a Grand Prix Restaurant & Lounge, 615 E. Mesa Avenue
- 3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS-TOTAL OF 9 RENEWALS**  
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #201, 3918 Hollybrook Lane  
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #208, 1103 N. Elizabeth Street  
Mini Mart Inc. d/b/a Loaf 'N Jug #2, 2050 Lake Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #25, 4800 Thatcher Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #28, 120 S. Santa Fe Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #34, 33 Montebello Road  
Mini Mart Inc. d/b/a Loaf 'N Jug #37, 3980 Ivywood Lane  
Mini Mart Inc. d/b/a Loaf 'N Jug #38, 1002 Bonforte Boulevard  
Mini Mart, Inc. d/b/a Loaf 'N Jug #52, 2405 W. Northern Avenue
- 4 3.2% BEER LICENSE APPLICATION- CONSUMPTION ON-PREMISES-RENEWAL-PASS KEY HIGHWAY 50 WEST CORP. D/B/A PASS KEY HIGHWAY 50 WEST RESTAURANT, 1901 HIGHWAY 50 WEST**

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- 5 **CLUB LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**  
Pueblo Country Club d/b/a Pueblo Country Club, 3200 8<sup>th</sup> Avenue  
St. Joseph Society #7 KSKJ d/b/a St. Joseph Hall, 917 E. B Street  
Fraternal Order of Eagles d/b/a Steel City Aerie #3367, 704 Elmhurst
- 6 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-BETTY L. AMAYA D/B/A MESA LIQUOR STORE, 105 COLORADO AVENUE**
- 7 **CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**  
Big Daddy's Sunset Bowl, Inc. d/b/a Big Daddy's Sports Bar and Billiards, 4111 Club Manor Drive  
Damon Runyon Repertory Theatre Company, Inc. d/b/a Damon Runyon Repertory Theatre Co., 611 N. Main Street
- 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 #25, 4800 THATCHER AVENUE (NEW MANAGER DEBORAH KINGSTON REPLACES STORMY FRANK)**
- 9 **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 #34, 33 MONTEBELLO ROAD (NEW MANAGER KEN KOSHAK REPLACES DEBORAH DIETZ)**
- 10 **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 #37, 3980 IVYWOOD LANE (NEW MANAGER STORMY FRANK REPLACES SALLY MARTINEZ)**
- 11 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE/CABARET LICENSE—PUCO ASSOCIATES, LLC D/B/A PUEBLO MARRIOTT/CHARLIE B'S, 110 W. FIRST STREET (CURRENTLY LICENSED TO MA PUEBLO LLC & SAGE RESTAURANT MGR LLC D/B/A PUEBLO MARRIOTT, LICENSE EXPIRES FEBRUARY 4, 2012)**
- 12 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE/CABARET LICENSE—COLORADO HOSPITALITY SERVICES, INC. D/B/A VALUSTAY INN, 2001 N. HUDSON AVENUE, (CURRENTLY LICENSED TO YOUNG STAR PROPERTIES, LLC D/B/A VALUSTAY INN & SUITES, LICENSE EXPIRED NOVEMBER 6, 2011)**

**VOTE ON CONSENT AGENDA ITEMS:**

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

**REGULAR AGENDA**

- 13 **NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE/NEW CABARET LICENSE— MR. TANDOORI LLC, INC. D/B/A MR. TANDOORI, 310 S. VICTORIA AVENUE, SUITES C, D & H (CONTINUED FROM NOVEMBER 16, 2011 AT THE REQUEST OF THE LIQUOR & BEER LICENSING BOARD)**

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Neighborhood Surveyor Don Vest, 516 Lincoln was sworn in and presented to the Board the demographics and “revised” map of the defined neighborhood for issuance of a new hotel & restaurant liquor license for premises to be known as *Noodles & Company*.

Mr. Rose seconded by Mr. DiFatta, moved to accept the survey and set the hearing for December 21, 2011. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

**14 REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—CLUB LIQUOR LICENSE-B.P.O.E. OF USA D/B/A B.P.O.E. PUEBLO LODGE #90, 426 N. SANTA FE AVENUE, (NEW CORPORATE PRESIDENT ROBERT L. FRITZEL REPLACES KATHLEEN KENICK)**

New president/exalted ruler Robert L. Fritzel, 10 Stanford, was sworn in and answered questions from the Board. The moral character of Mr. Fritzel was satisfactory to the Board. Mr. Fritzel previously worked for the Elks as a past exalted ruler and stated their license has never received a violation or reprimand for violating liquor licensing statutes or regulations. Mr. Fritzel stated they employ 7 employees and 5 of these employees work in the bar. To his knowledge, these employees do not have criminal histories. They do conduct background investigations on their employees who are also members. Mr. Fritzel described approved forms of identification and explained their policy for checking the age of their patrons is to ask for an I.D. if the patron/guest looks to be under the age of 35. Mr. Fritzel stated their club members have to be 21 years of age and they are very conscientious when it comes to checking identification if a member's guest looks under the age of 35. Mr. Fritzel also stated their managers check identification and the managers must become certified in a serve-safe training program.

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

**15 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE –GOPEE, INC. D/B/A JOKER GRILL & BAR, 1705 SCHLEY (NEW PRESIDENT JUANITA L. JIMENEZ REPLACES BRENDA VINCENT) CONTINUED FROM NOVEMBER 2, 2011 AT THE REQUEST OF THE APPLICANT)**

New president Juanita L. Jimenez, 1029 Palo Alto, was sworn in and answered questions from the Board. The moral character of Ms. Jimenez was satisfactory to the Board. Ms. Jimenez worked in a grocery store many years ago and stated that license never received a violation or reprimand for violating liquor licensing statutes or regulations. There are no silent partners not disclosed in her application; Ms. Jimenez is the sole officer in this corporation. Ms. Jimenez stated she used personal funds & earnings from running this establishment to enter into possession of the premises. She will employ 3-4 employees and stated these employees do not have criminal histories. She does not conduct background investigations on her employees however; she stated she will employ family members. Ms. Jimenez described approved forms of identification and explained her policy for checking the age of the patrons is to ask for I.D. from every patron and at a minimum, they will request I.D. from anyone who looks to be under the age of 30-40. Ms. Jimenez stated she will attend a Liquor Awareness Class and was given a copy of the 2011 and 2012 class schedules.

Mr. Pullaro, seconded by Mr. Rose, moved to approve this Change of Corporate Structure. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

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**16 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 NOVEMBER 2, 2011 AT THE REQUEST OF THE APPLICANT)**

Ms. Jimenez, still under oath was present.

Chairwoman Harrison stated the Board would take administrative notice of the testimony given by Ms. Jimenez in Item #15.

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

**17 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 EXPIRED OCTOBER 21, 2011) CONTINUED FROM NOVEMBER 2, 2011 AT THE REQUEST OF THE APPLICANT**

New owner/corporate president Lorie Estrada, 224 E. 3<sup>rd</sup> Street and corporate secretary/manager Donald Raub, 9 Alamo Road were sworn in and answered questions from the Board. Ms. Estrada stated she pled guilty to a misdemeanor assault charge in 1991 and had recently taken care of a couple of warrants for Failure to Appear. Ms. Estrada has previously worked in liquor-licensed establishments in the City of Pueblo and stated the licenses at these establishments never received violations or reprimands for violating liquor licensing statutes or regulations while she was in their employ. There are no silent partners not disclosed in their application and Ms. Estrada stated she used funds from an inheritance to enter into possession of the premises. They will employ 3 employees and stated to her knowledge, these employees do not have criminal histories. Ms. Estrada stated they do not conduct background investigations on their employees, however, in the future, they intend to. She described approved forms of identification and explained their policy for checking the age of their patrons is to ask for I.D. from anyone who looks to be under the age of 40. Ms. Estrada stated she and their employees have already attended a Liquor Awareness Class.

The Board then questioned Mr. Raub. Mr. Raub stated he pled guilty to possession of a controlled substance in 1987 in California and received a 3-year suspended sentence. Mr. Raub has previously worked in liquor-licensed establishments and has held a liquor license in the City of Pueblo and stated the licenses at these establishments never received violations or reprimands for violating liquor licensing statutes or regulations while he was in their employ. There are no silent partners not disclosed in their application and Mr. Raub stated he used personal funds and financial backing from Ms. Estrada to enter into possession of the premises. They will employ 3 employees and stated they do conduct background investigations on their employees and since Ms. Estrada is new, she was not aware of that fact. Mr. Raub described approved forms of identification and explained their policy for checking the age of their patrons is to ask for I.D. from anyone who looks to be under the age of 40. Mr. Raub stated he and their employees have already attended a Liquor Awareness Class and as a matter of fact, he attends the City's class once a year.

Mr. Jagger explained there was a condition attached to this license that no application for transfer of the license shall be approved by the Board if the transferee, or member, manager or shareholder thereof, is related or controlled by Phil Silva, Glorya Silva or any member of their

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immediate family. Both Ms. Estrada and Mr. Raub stated for the record, they are not related to the Silva's.

For the record, it was determined that there was no one present in opposition to this transfer of ownership. Seeing no one wishing to speak, Chairwoman Harrison declared the hearing closed.

Mr. Pullaro, seconded by Mr. Rose, moved to approve this transfer of ownership. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration which included the condition that neither licensee shall be related to or controlled by Phil Silva, Gloria Silva or any member of their immediate family.

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

**18 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 EXPIRED OCTOBER 21, 2011) CONTINUED FROM NOVEMBER 2, 2011 AT THE REQUEST OF THE APPLICANT**

Lorie Estrada and Donald Raub, still under oath, were present. Chairwoman Harrison stated the Board would take administrative notice of the testimony given in Item #18.

For the record, it was determined that there was no one present in opposition to the issuance of this license. Seeing no one wishing to speak, Chairwoman Harrison declared the hearing closed.

Mr. Rose, seconded by Mr. DiFatta, moved to approve the issuance of this cabaret license subject to the condition of the liquor license. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

**19 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE— THE NOODLE SHOP, CO. – COLORADO, INC. D/B/A NOODLES & COMPANY, 825 US HIGHWAY 50 WEST**

Registered Manager Todd Anerino, Colorado Springs, CO; Petition circulator Max Scott-Oedipus, Inc. and Kim DeLuca-Corporate Contract Counsel, Westminster, CO were sworn in and answered questions from the Board. The moral character of Mr. Anerino was satisfactory to the Board. Mr. Anerino has previously worked for a liquor-licensed establishment and stated that license has never received a violation or reprimand for violating liquor licensing statutes or regulations. Ms. DeLuca stated there are no silent partners not disclosed in this application; she explained that Noodles & Company has a \$40 million dollar credit agreement with the Bank of America and draws from that to open new restaurants; with respect to any officers or directors or any other partners, members or shareholders with more than 10% interest, none have pled guilty to or been convicted of a crime other than a minor traffic offense. Mr. Anerino stated they will employ approximately 24 employees. Ms. DeLuca explained that background investigations are conducted on general managers, assistant managers and shift managers. Mr. Anerino described approved forms of identification and stated their policy for checking the age of their patrons will be to ask for identification if their patron appears to be 40-years of age or younger. Mr. Anerino explained their managers have already received Liquor Awareness training class and their employees also attend an in-house serve-safe program. Due to the great expense, only managers become certified. For

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

Mr. Scott gave an overview of the work he has done over the course of his 40+ years in business. He stated he was retained by Noodles & Company to complete the petitioning process for this license application and he provided testimony on the petitioning methodology and his results. The petitions, previously distributed and reviewed by the Board were collectively marked as Exhibit A. The Board determined that issuance of this license is supported by at least 121 residents of the neighborhood or other parties in interest and opposed by at least 4 residents of the neighborhood or other parties in interest.

Mr. DiFatta, seconded by Mr. Rose, moved to accept the petitions and approve the issuance of this license. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

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

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

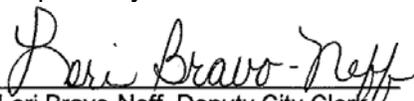
**19A HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-LATE RENEWAL-WILD WINGS USA, LLC D/B/A PT'S WINGS N' RIBS, 1747 S. PUEBLO BOULEVARD (LICENSE EXPIRED NOVEMBER 6, 2011; RENEWAL WAS SUBMITTED NOVEMBER 28, 2011 AFTER BEING NOTIFIED BY THE CITY CLERK'S OFFICE)**

Owner Michael Colarelli, 1747 S. Pueblo Boulevard and his accountant, Tami Corneilson, 931 W. Pitkin were sworn in. Chairwoman Harrison asked Mr. Colarelli to explain to the Board why he had allowed his liquor license to expire. Mr. Colarelli stated, "It was an honest mistake" and that both he and Ms. Corneilson had their calendars marked with the incorrect date of when the paperwork for the renewal needed to be submitted. Mr. Colarelli stated this has never happened before. Chairwoman Harrison explained to Mr. Colarelli that from November 6<sup>th</sup> to the present, he has been operating illegally and wondered if he realized the consequences he might have had to face if law enforcement had gone to his establishment with his expired license; additionally, Ms. Harrison stated the late fee to renew his license was quite costly to him. Ms. Harrison cautioned Mr. Colarelli to renew his license when he is supposed to in the future.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the renewal of this license. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

**ADJOURN** – With no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,



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