

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
NOVEMBER 4, 2020 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 4, 2020 at 6:00 p.m. with Chairperson Jan Shafer presiding.

ROLL CALL

Present: Board Members Liz Chapman, Steve Cornetta, Tony Pullaro, Tom Rose, and Jan Shafer.

Absent: None.

Also Present: Assistant City Attorney Kyle Aber, Assistant City Attorney, Trevor Gloss, Deputy City Clerk Belinda Kimball, Code Enforcement Manager Karen Willson, Pueblo City County Health Department Employee Ryan Tessman.

APPROVAL OF MINUTES

Ms. Chapman, seconded by Mr. Pullaro, moved to approve the Minutes of the Regular Meeting of October 21, 2020. Roll Call: Ayes — Chapman, Cornetta, Pullaro, Rose, and Shafer. Motion carried 5-0.

CONSENT AGENDA

MEETING NUMBER

- 1 HOTEL AND RESTAURANT LIQUOR LICENSE – RENEWALS – FOUR RENEWAL**
Apollonia West, LLC, d/b/a Bistoro, 109 Central Plaza
Graham's Grill II, LLC, d/b/a Grahams Grill, 1749 South Pueblo Boulevard
Mr. Tandoori, LLC, d/b/a Mr. Tandoori, 310 South Victoria Avenue, Unit C
Red Lobster Restaurants, LLC, d/b/a Red Lobster #0482, 3306 North Elizabeth Street
- 2 TAVERN LIQUOR LICENSE – RENEWALS – FOUR RENEWALS**
Charles A Kinnard, d/b/a Charlies Tavern, 1601 West 17th Street
Club Ice, LLC, d/b/a Club Ice, 2430 Lake Avenue
Rojas and Rojas, LLC, d/b/a Garlic and Onions, 4333 Thatcher Avenue
Reggie W Mauro, d/b/a Red's Alibi, 1107 South Prairie Avenue
- 3 FERMENTED MALT BEVERAGE LIQUOR LICENSE – RENEWALS – THREE RENEWALS**
Mini Mart, Inc., d/b/a Loaf N' Jug #86, 2810 Troy Avenue
Mini Mart, Inc., d/b/a Loaf N' Jug #165, 4125 West Northern Avenue
Mini Mart, Inc., d/b/a Loaf N' Jug #203, 2419 North Elizabeth Street
- 4 BEER AND WINE LIQUOR LICENSE - RENEWAL -- ONE RENEWAL**
Park Food, Inc., d/b/a Miyake Japanese Restaurant, 4104 Outlook Boulevard
- 5 CLUB LIQUOR LICENSE - RENEWAL – ONE RENEWAL**
Silglo, Inc., d/b/a Aloha Glorya, 313 North Main
Iron Horse Bar & Grill, Inc., d/b/a Iron Horse Bar & Grill, 717 North Main Street
- 6 RETAIL LIQUOR STORE LIQUOR LICENSE RENEWAL - ONE RENEWAL**
Sai Vinayak, Inc., d/b/a Soco Liquor Mart, 4410 Dillon Drive

CONSENT AGENDA, CONTINUED

**MEETING
NUMBER**

- 7 ALCOHOL BEVERAGE TASTINGS PERMIT RENEWAL - ONE RENEWAL**
Sai Vinayak, Inc., d/b/a Soco Liquor Mart, 4410 Dillon Drive
- 8 CABARET LICENSE - RENEWALS - TWO RENEWALS**
A & D Billiards, Inc., d/b/a Classic Q's, 1715 South Prairie Avenue
Club Ice, LLC, d/b/a Club Ice, 2430 Lake Avenue

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

REGULAR AGENDA

- 9 HEARING: NEW HOTEL AND RESTAURANT LIQUOR LICENSE – DEE TACKO, LLC, D/B/A DEE TACKO, 123 NORTH MAIN STREET**

For the record, it was determined there were two people present that wished to get further clarification regarding the issuance of this license. Robin Cope, 211 W. 2nd Street, Pueblo, CO was sworn in and asked questions of the board regarding the cabaret, and hotel and restaurant license. Ms. Cope was concerned about hard alcohol being served and the noise disruption from music. Mr. Jay Powell, 119 Central Plaza, Pueblo, CO was sworn in and wanted to ensure the owner was aware the decibel level for the music that will be playing at the Restaurant.

Managing Member Juan Herrera, 123 North Main Street, Pueblo, CO was sworn in and answered questions from the Board. The Moral Character and Financial questions were directed to Mr. Herrera. There are currently ten to fifteen employees with no known convictions. Background checks will not be conducted on prospective employees. Approved forms of identification were described, and examples given. Everyone will have their identification checked. The applicant and employees have completed the virtual Liquor Awareness Training offered by the City of Pueblo. The moral character of the applicant is acceptable to the Board. To address the concerns of the citizens that appeared, Mr. Herrera assured the citizens the establishment will be a restaurant open until 9:00 p.m. or 10:00 p.m., will offer 4-6 types of beer and have “freskaritas” – there will not be mixed drinks or shots. Additionally, the applicant has bought a decibel reader today and tested the music – it is at 60-70 decibels – the same level as what traffic is.

Petitions were admitted into evidence as Exhibit A.

Mr. Pullaro, seconded by Ms. Chapman, moved to approve the new Hotel and Restaurant Liquor License – Dee Tacko, LLC d/b/a Dee Tacko, 123 N. Main Street. Roll Call: Ayes — Chapman, Cornetta, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

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

REGULAR AGENDA, CONTINUED

**MEETING
NUMBER**

10 HEARING: NEW CABARET LICENSE –DEE TACKO, LLC, D/B/A DEE TACKO, 123 NORTH MAIN STREET

Administrative Notice of the Testimony and Exhibits from prior hearing.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the new Cabaret License – Dee Tacko, LLC d/b/a Dee Tacko, 123 N. Main Street. Roll Call: Ayes — Chapman, Cornetta, Pullaro, Rose, and Shafer. Motion carried 5-0.

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

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

11 HEARING RE: ALLEGED LIQUOR CODE VIOLATION - B G & T, LLC, D/B/A BROADWAY TAVERN AND GRILL, 127 BROADWAY AVENUE. (CODE ENFORCEMENT VIOLATIONS. VIOLATION DATES: 08/21/20, 09/10/20, 09/29/20, 10/09/20, 10/15/20, AND 10/22/20).

Assistant City Attorney Trevor Gloss entered his appearance on behalf of the City of Pueblo. Owner Greg Frankmore, 216 Colorado Avenue, Pueblo, CO was sworn in.

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 fifteen (15) days, of which eight (8) days shall be imposed and seven (7) days held in abeyance.

The eight (8) 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 seven (7) 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, including but not limited to any violation of an executive order or public health order, the seven (7) days held in abeyance shall be imposed upon the Licensee without the need for a new hearing.

Licensee stipulates and agrees that all owners, registered managers, and staff shall undergo training regarding compliance with the existing executive orders issued by the Governor and public health orders relating to liquor licensed businesses. Training shall occur within the one (1) week of this Order. Licensee may conduct its own training but will confer with the Pueblo Department of Public Health and Environment and Pueblo Code Enforcement as to the content of the training and the changes required of the business in order to become compliant with said executive orders and public health orders.

This Order shall be admissible in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses Licensee may have against such complaint or investigation) shall specifically not be at issue in the proceeding against Licensee for failure to comply with this Order. In the event an alleged violation of this Order is taken to hearing and the Board determines the allegations are proven,

REGULAR AGENDA, CONTINUED

**MEETING
NUMBER**

11, Continued

or Licensee enters into a stipulation in lieu of a hearing where it admits such allegations, the Board shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the Board determines that the allegations are unproven, then no further action will be taken, and this Order shall remain operative and in full force and effect.

Licensee expressly acknowledges and agrees that it has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature, meaning, and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.

Licensee hereby knowingly and voluntarily waives its right to appeal this disposition.

Upon execution by the parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.

Mr. Cornetta, seconded by Ms. Chapman, moved to approve the Stipulated Findings and Order as read and to continue this matter to November 18, 2020 for further proceedings Roll Call: Ayes — Chapman, Cornetta, Rose, and Shafer (Pullaro Recused). Motion carried 4-0.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 6:59 p.m.

Respectfully submitted,



Belinda Kimball
Deputy City Clerk