

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
DECEMBER 21, 2011 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of December 21, 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, Assistant City Attorney Greg Styduhar and Deputy City Clerk Lori Bravo-Neff.

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of December 7, 2011. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENT TO CONSENT AGENDA

Mr. Rose, seconded by Mr. Ferris, moved to remove Item #6 (Modification of Premises for Riverside Bar & Grill of Pueblo, LLC d/b/a Riverside Bar of Pueblo) from the consent agenda and move the item to the beginning of the Regular Agenda. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS

Carino's Italian Kitchen, Inc. d/b/a Carino's Italian, 5700 N. Elizabeth Street
Steven P. Baker and Kevin D. Baker d/b/a Primetime Sports Emporium, 118 W. 7th Street

2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 5 RENEWALS

Maria P. Kreiser d/b/a Veteran's Tavern, 315 E. Northern Avenue
Broken Dollar, Inc. d/b/a Broken Dollar Saloon, 2301 Lake Avenue
E.J.S., Inc. d/b/a Fairway Inn, 521 S. Pueblo Boulevard
J T Concepts, Inc. d/b/a Rainbow Café & Bar, 309 N. Santa Fe Avenue
J.D.'s Klamm Shell, Inc. d/b/a JD's Klamm Shell, 424 W. Northern Avenue

3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS-TOTAL OF 13 RENEWALS

Safeway Stores 46, Inc., d/b/a Safeway Store #3714, 617 W. 29th Street
Safeway Stores 46, Inc., d/b/a Safeway Store #3715, 1322 E. 8th Street
Safeway Stores 46, Inc., d/b/a Safeway Store #3729, 1231 S. Prairie Avenue
Mini Mart, Inc. d/b/a Loaf 'n Jug #65, 2119 E. 4th Street
Mini Mart, Inc. d/b/a Loaf 'n Jug #67, 1525 W. 4th Street
Mini Mart, Inc. d/b/a Loaf 'n Jug #70, 4001 Jerry Murphy Road
Mini Mart, Inc. d/b/a Loaf 'n Jug #71, 1201 W. 17th Street
Mini Mart, Inc. d/b/a Loaf 'n Jug #73, 2202 W. 18th Street
Mini Mart, Inc. d/b/a Loaf 'n Jug #78, 2120 Oakshire Lane
Mini Mart, Inc. d/b/a Loaf 'n Jug #79, 420 Eagleridge Boulevard
Mini Mart, Inc. d/b/a Loaf 'n Jug #84, 1104 Pueblo Boulevard Way
Mini Mart, Inc. d/b/a Loaf 'n Jug #93, 905 W. Highway 50
Mini Mart, Inc. d/b/a Loaf 'n Jug #202, 1818 N. Norwood Avenue

CONSENT AGENDA (CONTINUED)MEETING
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- 4 CABARET LICENSE APPLICATIONS-RENEWALS – E.J.S., INC. D/B/A FAIRWAY INN, 521 S. PUEBLO BOULEVARD
- 5 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 #79, 420 EAGLERIDGE BOULEVARD (NEW MANAGER ART LUCERO REPLACES DALE FARMER)
- 7 REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE-FIRST AND MAIN BAR & GRILL, LLC D/B/A FIRST AND MAIN BAR & GRILL, 117 N. MAIN STREET (VICE-PRESIDENT TERRI L. MARTINEZ RESIGNED; PRESIDENT WILLIAM E. UMLAND NOW HOLDS 100% OF SHARES)

VOTE ON CONSENT AGENDA ITEMS:

Mr. Rose, seconded by Mr. DiFatta, 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

- 6 PERMIT APPLICATION AND REPORT OF CHANGES-MODIFICATION OF PREMISES – TAVERN LIQUOR LICENSE-RIVERSIDE BAR & GRILL OF PUEBLO, LLC D/B/A RIVERSIDE BAR OF PUEBLO, 4021 JERRY MURPHY ROAD (LICENSEE PROPOSES TO EXPAND EXISTING AREA INTO ADJOINING SUITE TO USE AS A GAME ROOM, OCCUPYING 4019 & 4021 JERRY MURPHY ROAD)

Owner Stephanie Spinuzzi, 1915 N. Elizabeth, was sworn in and explained the proposed modification of premises to the Board. Ms. Spinuzzi explained she has taken over the next retail space and wanted this expansion to allow for more pool tables. The entrance will stay the same and there are two sets of restroom facilities.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the Modification of Premises contingent on submittal of a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 8 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – HOTEL & RESTAURANT LIQUOR LICENSE-CARINO’S ITALIAN KITCHEN, INC. D/B/A CARINO’S ITALIAN, 5700 N. ELIZABETH STREET (NEW MANAGER STEFANIE SELLERS REPLACES RALPH MOLINAR)

New manager Stefanie Sellers, Pueblo West, CO, was sworn in and answered questions from the Board. The moral character of Ms. Sellers was satisfactory to the Board. She has previously managed other Olive Garden Restaurants and there were never violations or reprimands, at those locations, for violating liquor licensing statutes or regulations while she was employed as the manager. Ms. Sellers stated they employ 60 employees and to her knowledge, these employees do not have criminal histories. They conduct background investigations on their managers only. Ms. Sellers 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 40. Ms. Sellers stated she will become certified by way of an on-line serve-safe training program and that she and several other managers attended the most recent City/State liquor awareness training session.

REGULAR AGENDA (CONTINUED)

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

9 HEARING: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR 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)

New manager Dave Haning, 110 W. 1st Street was sworn in and answered questions from the Board. Also present on behalf of the applicant was Attorney Adam Stapen with the law firm of Dill Carr Stonbraker & Hutchings. Mr. Stapen explained the transfer of ownership was necessary due to a previous owner being foreclosed upon. He stated the floor plan will remain the same.

Mr. Haning stated he received a DUI charge over 35 years ago. Mr. Haning explained he has 36 years of previous manager experience in hotel operations and food & beverage operations and there were no violations at any of these establishments when he was in charge. They will employ approximately 70 employees of which 18-20 will sell/serve alcohol and to his knowledge, none of these employees have criminal histories. They will conduct background investigations on new employees but did not conduct them on the existing employees who worked for the previous owner. Mr. Haning 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. Haning explained it is a condition of employment to become certified in liquor awareness training and stated the Marriott takes this type of training very seriously.

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

Mr. Ferris, seconded by Mr. Rose, moved to approve the transfer of ownership contingent upon submittal of a completed Routing Sheet and approval from the State. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Jagger briefly explained that he had advised the Board to approve the transfer with the condition that the State Licensing Authority makes a specific determination that the applicant has possession of the premises and has met all requirements of the Colorado Liquor Code.

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 and Order as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

10 HEARING: TRANSFER OF OWNERSHIP APPLICATION—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)

Chairwoman Harrison stated the Board would take administrative notice of the testimony given in Item #9.

REGULAR AGENDA (CONTINUED)

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

11 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR 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)

Corporate Officer Bruce Rahmani, Northglenn, CO and new manager Jason Fehrman, 2712 E. 8th Street were sworn in and answered questions from the Board. Also present on behalf of the applicant was Attorney Clay Barnett with the law firm of Messner & Reeves.

The Board took administrative notice of the information contained in Mr. Rahmani's application and individual history. Mr. Rahmani gave a brief overview of his work experience in the hotel industry. He also explained that his management company took over this establishment by way of court-ordered receivership. Mr. Rahmani briefly described the work they have performed since taking over the hotel and also stated it took them approximately 2 months to vacate the former tenants.

The moral character of Mr. Fehrman was satisfactory to the Board. Mr. Fehrman explained he was employed for 5 years at the ValuStay under the previous ownership and there were several violations at the establishment which included removal of alcohol and after-hours consumption. He further stated he was not the supervisor when these violations occurred. They will employ approximately 3 employees and to his knowledge, none of these employees have criminal histories. They will conduct background investigations on new employees. Mr. Fehrman 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 40. Mr. Fehrman explained he is in the process of becoming TIPS certified in liquor awareness. The Board reminded the applicant that there is a food requirement and a brief discussion was held in regard to what types of food had to be available. Mr. Fehrman stated they will submit a menu to the City Clerk's Office.

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

Mr. Jagger briefly explained that he had advised the Board to approve the transfer with the condition that the State Licensing Authority makes a specific determination that the applicant has possession of the premises and has met all requirements of the Colorado Liquor Code.

Mr. Rose, seconded by Mr. DiFatta, moved to approve the transfer of ownership contingent upon submittal of a completed Routing Sheet, submittal of a food menu and approval from the State. 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. Rose, seconded by Mr. DiFatta, moved to accept the Findings and Order as read. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

12 HEARING: TRANSFER OF OWNERSHIP APPLICATION—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)

REGULAR AGENDA (CONTINUED)

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Chairwoman Harrison stated the Board would take administrative notice of the testimony given in Item #11.

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

13 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– MR. TANDOORI LLC, INC. D/B/A MR. TANDOORI, 310 S. VICTORIA AVENUE, SUITES C, D & H

Owner Amarjit Kandola, 310 S. Victoria Avenue; Head chef/assistant James Bernat, Littleton, CO and petition circulator Angel Pacheco, 2829 E. 16th Street were sworn in and answered questions from the Board.

The moral character of Mr. Kandola was satisfactory to the Board. Mr. Kandola has previously held liquor-licenses in Longmont, CO and those licenses never received a violation or reprimand for violating liquor licensing statutes or regulations. Mr. Kandola stated there are no silent partners not disclosed in his application; he explained that he has a personal line of credit and family members have also given him money to enter into possession of the premises. Mr. Kandola stated he will employ approximately 6-8 employees and he will conduct background investigations on these employees. Mr. Kandola described approved forms of identification and stated his policy for checking the age of his patrons will be to ask for identification if the patron appears to be 35-years of age or younger. Mr. Kandola explained he will receive TIPS training.

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

Ms. Pacheco provided testimony on the petitioning methodology and her results. The business petitions, previously distributed and reviewed by the Board were collectively marked as Exhibit A and the residential petitions were collectively marked as Exhibit B. The Board determined that issuance of this license is supported by at least 210 residents of the neighborhood or other parties in interest and opposed by at least 1 resident of the neighborhood or other parties in interest.

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

14 HEARING: NEW CABARET LICENSE– MR. TANDOORI LLC, INC. D/B/A MR. TANDOORI, 310 S. VICTORIA AVENUE, SUITES C, D & H

Chairwoman Harrison stated the Board would take administrative notice of the testimony given in Item #13.

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

REGULAR AGENDA (CONTINUED)

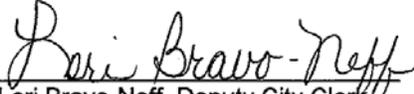
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Mr. Jagger read the proposed Findings and Order into the record for the Board's consideration.

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

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,


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