

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**March 7, 2012 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of March 7, 2012 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 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 February 15, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENT TO REGULAR AGENDA**

Mr. Rose, seconded by Mr. DiFatta, moved to move Item #14 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 4 APPLICATIONS**  
MaLaTa, Inc. d/b/a Felice's Pizzeria, 1725 W. Pueblo Boulevard  
University Stop, LLC d/b/a McCarthy's Otherside, 2149 Jerry Murphy Road  
Mexi Deli, Inc. d/b/a Mexi Deli, 215 E. Abriendo Avenue  
GMRI, Inc. d/b/a Red Lobster, #482, 3306 N. Elizabeth Street
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 APPLICATIONS**  
Circle, Inc. d/b/a Circle Tavern, 405 E. Northern Avenue  
East Coast Pizza of Pueblo, LLC d/b/a East Coast Pizza, 1638-1644 US Highway 50  
First and Main Bar & Grill, LLC d/b/a First and Main Bar & Grill, 117 N. Main Street  
Quinto Sol Enterprises, LLC d/b/a Quart House Tavern, 310 W. Northern Avenue
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS-CONSUMPTION OFF-PREMISES-TOTAL OF 4 APPLICATIONS**  
Pester Marketing Company d/b/a 1<sup>st</sup> Stop1, 1350 E. 4<sup>th</sup> Street  
Pester Marketing Company d/b/a 1<sup>st</sup> Stop2, 2102 Norwood Avenue  
Pester Marketing Company d/b/a 1<sup>st</sup> Stop3, 723 S. Pueblo Boulevard  
Pester Marketing Company d/b/a 1<sup>st</sup> Stop4, 725 W. Northern Avenue
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-JUN'S INC. D/B/A NORWOOD DISCOUNT LIQUOR, 2103 N. NORWOOD AVENUE**
- 5 CABARET LICENSE APPLICATIONS-RENEWALS – TOTAL OF 2 APPLICATIONS**  
MaLaTa, Inc. d/b/a Felice's Pizzeria, 1725 W. Pueblo Boulevard  
University Stop, LLC d/b/a McCarthy's Otherside, 2149 Jerry Murphy Road

**CONSENT AGENDA (CONTINUED)**

**MEETING  
NUMBER**

- 6 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—TEA PALACE II, INC. D/B/A TEA PALACE II, 1212 W. 4<sup>TH</sup> STREET (CURRENTLY LICENSED TO NEY FAMILY ENTERPRISE, INC. D/B/A TEA PALACE II, LICENSE EXPIRES OCTOBER 30, 2012)
- 7 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE/CABARET LICENSE—CASA BISTECCA, LLC D/B/A CASA BISTECCA, 326 S. UNON AVENUE (CURRENTLY LICENSED TO ZIPPERS, LLC D/B/A CJ'S GRILL, LICENSE EXPIRED MARCH 1, 2012)
- 8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE— THE HARP FOUNDATION, 200 W. 1<sup>ST</sup> STREET, SUITE 312, EVENT MANAGER: KEVIN ORTIZ (EVENTS TO BE HELD JUNE 8 & 9, 2012. ADDRESS OF EVENTS: GRAND AVENUE BETWEEN UNION AVENUE AND SANTA FE, MAIN STREET BETWEEN RICHMOND AVENUE AND “D” STREET, RICHMOND AVENUE BETWEEN MAIN STREET AND THE ALLEY AND THE RIVERWALK AREA IN BETWEEN)
- 9 PERMIT APPLICATION AND REPORT OF CHANGES: REQUEST TO CHANGE TRADE NAME: UNIVERSITY STOP, LLC D/B/A McCARTHY'S OTHERSIDE, 2149 JERRY MURPHY ROAD (NEW TRADE NAME: ANDY MAC'S)

**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**

- 14 COMMUNICATION FROM LUIS VELEZ, CHIEF OF POLICE RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-COSMO BOB'S LLC D/B/A COSMOPOLITAN CLUB, 311-315 BAYSTATE AVENUE (POLICE CR#12-1946, VIOLATION DATE: JANUARY 28, 2012)

Owner Patricia Fawkes, 623 Tyler was sworn in.

Assistant City Attorney Carla Sikes explained to the Board that she had been contacted by the licensee and a stipulated agreement had been reached. Ms. Sikes explained on the night of January 28, 2012, the licensee had hosted a retirement party and had allowed dancing on the licensed premises known as the Cosmopolitan Club knowing that a cabaret license was necessary and they did not have the required license. The licensee stipulated to a 1-day suspension of their liquor license of which zero (0) days will be imposed and 1-day will be held in abeyance for 1 year. Ms. Sikes also explained the licensee understands the consequences if any further violations of this type were to occur again. Ms. Sikes explained the stipulation was being presented for the Board's consideration.

Mr. Styduhar read the proposed stipulated agreement entered into the record for the Board's consideration.

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

**REGULAR AGENDA (CONTINUED)****MEETING  
NUMBER****10 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE– PUEBLO BUSINESS SERVICES, INC. D/B/A BROADWAY CUP ‘N CORK, 100 BROADWAY AVENUE**

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 tavern liquor license for premises to be known as *Broadway Cup ‘N Cork*.

Due to the fact that the applicant, John Carleo, was present at the meeting, the Board briefly discussed his food menu with him. The Board was concerned about his menu lacking “sandwiches and light snacks.” Mr. Carleo explained in addition to his cheese & cracker plates and veggie plates, he would also be serving “tapas.” Mr. Carleo stated he will bring a copy of his menu to the City Clerk’s Office on 3/19/12 when he submits his petitions.

Mr. DiFatta, seconded by Mr. Rose, moved to accept the survey and set the hearing for March 21, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**11 TAVERN LIQUOR LICENSE APPLICATION-LATE RENEWAL-OXFORD BAR & GRILL, LLC D/B/A OXFORD BAR & GRILL, 419 N. SANTA FE AVENUE (LICENSE EXPIRED FEBRUARY 1, 2012; RENEWAL WAS SUBMITTED FEBRUARY 13, 2012)**

Owner John Baca, 2102 Northmoor, was sworn in and explained to the Board the reason he was late filing his liquor license renewal is he simply did not have the funds to do so. Mr. Baca stated he has been late with his rent and their business continues to dwindle. Mr. Ferris explained to Mr. Baca that technically he was operating without a license and Ms. Harrison pointed out that as a consequence of his late renewal, he had to pay a \$500 late fee. Mr. Baca asked the Board if they could refund the late fee and Mr. Styduhar explained this matter was out of the Board’s hands and briefly read from Article 12-47-302 (2)(a) which in part states that a “licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars . . .” The Board recommended to Mr. Baca that he put money aside each month to pay for his renewals in the future.

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

**12 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES— TAVERN LIQUOR LICENSE- MAIN STREET BANQUET HALL, LLC D/BA MAIN STREET BANQUET HALL, 209 N. MAIN STREET**

Owner Doug Hess, 6 Mirada Court was sworn in. Mr. Hess explained the proposed modification of premises to the Board. Mr. Hess explained he would like to add an additional 1200 square feet to the existing banquet hall. He stated this addition would help with the overflow and is connected to the existing licensed premises. Mr. Hess also explained that by finishing this section, they would be able to accommodate a buffet and serving area for caterers. He stated it would only be used part of the time.

Mr. Pullaro, seconded by Mr. DiFatta, 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.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

**13 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE –PHIL’S RADIATOR SERVICE, LLC D/B/A/ PHIL’S RADIATOR SERVICE, 109 E. C STREET (NEW MEMBER MARK A. LOVATO REPLACES MARK R. MIHELICH)**

New member, Mark A. Lovato, 3804 Hollybrook Lane was sworn in and answered questions from the Board. Mr. Lovato stated he was charged with DWI in 2004 in Pueblo. He received a deferred sentence, was ordered to alcohol classes and was ordered to perform community service. Mr. Lovato stated he has previously worked for, but never held a liquor license and to his knowledge, that license was never suspended, revoked or otherwise reprimanded for violating any liquor licensing statutes or regulations. There are no silent partners not disclosed in his application. Mr. Lovato stated he used personal savings to enter into possession of the premises. At the present time, he and his business partner, employ one other employee. Mr. Lovato described approved forms of identification. Mr. Lovato was given a copy of the 2012 Liquor Awareness class schedule and stated he would attend a class in June. Mr. Rose cautioned Mr. Lovato to be especially alert in the summertime to avoid liquor violations.

Mr. Rose, seconded by Mr. DiFatta, moved to approve this change in corporate structure. 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 6:47 p.m.

Respectfully submitted,

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