

PUEBLO LIQUOR & BEER LICENSING BOARD

MINUTES -- REGULAR MEETING

CITY HALL -- COUNCIL CHAMBERS

March 21, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of March 21, 2012 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of March 7, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison and Pullaro. Motion carried unanimously.

AMENDMENT TO REGULAR AGENDA

Mr. DiFatta, seconded by Mr. Rose, moved to move Item #8 to the beginning of the Regular Agenda. Roll Call: Ayes—DiFatta, Ferris, Harrison and Pullaro. Motion carried unanimously.

CONSENT AGENDA

1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS – TOTAL OF 3 APPLICATIONS

Do Drop Inn, Inc. d/b/a Do Drop Inn, 1201 S. Santa Fe Avenue
Mad Hatter Bar & Grille, LLC d/b/a Mad Hatter Bar & Grille, 1929 N. Norwood Avenue
Bagabagel & Deli, Inc. d/b/a D C's on B Street, 115 W. B Street

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

Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
Peachee-Lewis, Inc. d/b/a Lakeview Bar, 2330 Lake Avenue

3 RACETRACK LIQUOR LICENSE APPLICATION-RENEWAL – LAW DOG, LLC D/B/A SOUTHERN COLORADO GAMING & EVENT CENTER, 3215 LAKE AVENUE

4 3.2% BEER LICENSE APPLICATIONS-RENEWALS-CONSUMPTION OFF-PREMISES – TOTAL OF 2 APPLICATIONS

Western Convenience Stores, Inc. d/b/a Western Convenience Stores, Inc. #135, 3201 Lake Avenue
Black Diamond Petroleum, Inc. d/b/a Konvenience Korner, 2046 Lake Avenue

5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS – TOTAL OF 2 APPLICATIONS

Regency Liquor, Inc. d/b/a Regency Liquor, 25 Red Creek Springs Road
Village Wine & Spirits, Inc. d/b/a Village Wine & Spirits, 3037 N. Elizabeth Street

6 CABARET LICENSE APPLICATIONS-RENEWALS – TOTAL OF 2 APPLICATIONS

Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
Law Dog, LLC d/b/a Southern Colorado Gaming & Event Center, 3215 Lake Avenue

VOTE ON CONSENT AGENDA ITEMS:

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

REGULAR AGENDAMEETING
NUMBER**8 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-CDE BILLIARDS, INC. D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE, (POLICE CR# 11-23862, VIOLATION DATE: DECEMBER 10, 2011)**

Owners Shelly Kearns, 423 S. Maher, Pueblo West and Chester Easton, 75 Purdue were sworn in.

Assistant City Attorney Carla Sikes explained to the Board she was present to represent the Police Department and stated that a stipulated agreement had been reached. Ms. Sikes read the proposed stipulated agreement into the record for the Board's consideration. The Findings and Order, in part, read, "the licensee stipulates and admits that on December 10, 2011, a fight broke out on the licensed premises, that Licensee or its employees failed to report the disorderly conduct to the Police Department immediately, that the fight moved outside the premises and escalated, resulting in shots being fired and a patron being injured." The licensee agreed to 5-days suspension: 3-days served, 2-days held in abeyance for 1 calendar year.

Mr. Rose, seconded by Mr. DiFatta, moved to accept the stipulated agreement as read and a brief discussion was held before the Board voted on the motion.

Ms. Kearns stated patrons had called in the disturbance on their cell phones and everyone "scattered" and were crouching down when the shots were fired. Mr. Ferris explained to Ms. Kearns that it is imperative that an employee or a manager of the establishment call in the disturbance. He also cautioned the licensee to not let an incident escalate to the point that it did before calling the police. Ms. Sikes commented that the Police would rather receive too many calls than no call at all. Mr. Ferris explained to the licensee they were eligible to pay a fine in lieu of suspension since they had no previous violations. The Board then cast their votes.

Roll Call: Ayes—DiFatta, Ferris, Harrison and Pullaro. Motion carried unanimously.

7 HEARING: NEW TAVERN LIQUOR LICENSE – PUEBLO BUSINESS SERVICES, INC. D/B/A BROADWAY CUP 'N CORK, 100 BROADWAY AVENUE

Owner John A. Carleo, 446 Dittmer Avenue, was sworn in and answered questions from the Board.

The moral character of Mr. Carleo was satisfactory to the Board. Mr. Carleo is currently a member of an LLC holding a liquor license in Pueblo and that license has never received a violation or reprimand for violating liquor licensing statutes or regulations. Mr. Carleo stated there are no silent partners not disclosed in his application; he explained that he used personal funds to enter into possession of the premises. With respect to any members or shareholders with more than 10% interest, none have pled guilty to or been convicted of a crime. Mr. Carleo stated they will employ approximately 5 employees and to his knowledge, none of these employees have a criminal history. Mr. Carleo explained their current employees are either family members or long-time acquaintances. He will conduct background investigations on future potential employees. Mr. Carleo 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 30-years of age or younger. Mr. Carleo explained he previously attended Liquor Awareness training. He was given a 2012 Class schedule and was encouraged by the Board to have his employees attend this type of training. Chairwoman Harrison mentioned the new food menu provided to the Board since the last meeting is sufficient.

REGULAR AGENDA

**MEETING
NUMBER**

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

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 120 residents of the neighborhood or other parties in interest and opposed by at least 3 residents of the neighborhood or other parties in interest.

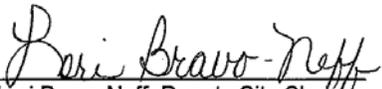
Mr. Ferris, seconded by Mr. DiFatta, moved to accept the petitions and approve the issuance of this Tavern Liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison and Rose. Motion carried unanimously.

Mr. Styduhar 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, Harrison, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 6:30 p.m.

Respectfully submitted,


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