

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**April 4, 2012 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 4, 2012 at 6:05 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. Ferris, seconded by Mr. DiFatta, moved to approve the minutes of the Regular Meeting of March 21, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENT TO REGULAR AGENDA**

Mr. Ferris, seconded by Mr. Rose, moved to move Items 7, 8, 15 & 16 to the end of the 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**

Mandarin, Inc. d/b/a Mandarin Restaurant, 240 W. 29<sup>th</sup> Street  
C&GT, Inc. d/b/a El Nopal Restaurant, 1435 E. Evans Avenue  
Geronimo's Inc. d/b/a Jorge's Sombrero Restaurant, 1319 E. Evans Avenue  
VZ2, LLC d/b/a Toni & Joe's Pizzeria, 106 Colorado Avenue

**2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS – TOTAL OF 6 APPLICATIONS**

Three Legged Dog, Inc. d/b/a The Cock & Bull Tavern, 325 S. Union Avenue  
J. Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida  
Riverside Bar & Grill of Pueblo, LLC d/b/a Riverside Bar & Grill, 4021 Jerry Murphy Road  
Olde Towne Carriage House, LLC d/b/a Olde Town Carriage House, 102 S. Victoria Avenue  
Gopee, Inc. d/b/a Joker Grill & Bar, 1705 Schley  
Sunset Bar & Grill, LLC d/b/a Sunset Bar & Grill, 2808 Thatcher Avenue

**3 BEER AND WINE LIQUOR LICENSE APPLICATION-RENEWAL-GOLDEN CHINA, INC. D/B/A CHINA RESTAURANT, 1600 HIGHWAY 50 WEST**

**4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL – EASTSIDE WINE & LIQUOR, INC. D/B/A EASTSIDE WINE & LIQUOR, 723 E. 4<sup>TH</sup> STREET**

**5 CABARET LICENSE APPLICATIONS-RENEWALS – TOTAL OF 3 APPLICATIONS**

J. Beatty Events, LLC d/b/a The River's Edge, 102 S. Oneida  
Olde Towne Carriage House, LLC d/b/a Olde Town Carriage House, 102 S. Victoria Avenue  
Gopee, Inc. d/b/a Joker Grill & Bar, 1705 Schley

**VOTE ON CONSENT AGENDA ITEMS:**

Mr. Ferris, 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**

**MEETING  
NUMBER**

- 6 PERMIT APPLICATION AND REPORT OF CHANGES-MANAGER'S REGISTRATION – HOTEL & RESTAURANT LIQUOR LICENSE-ON IN 2, INC. D/B/A WALKING STICK RESTAURANT, 4301 WALKING STICK BOULEVARD, (NEW MANAGER ANTHONY J. LANGONI, II REPLACES DAVID W. LEWIS)**

New manager Anthony J. Langoni, II, was sworn in and answered questions from the Board.

The moral character of Mr. Langoni was satisfactory to the Board. Mr. Langoni previously worked in a liquor-licensed establishment and that license never received a violation or reprimand for violating liquor licensing statutes or regulations. Mr. Langoni stated they will employ approximately 8-12 employees and to his knowledge, none of these employees have a criminal history. Mr. Langoni explained their current employees were hired before he became the manager. He will check references of potential employees hired in the future. Mr. Langoni described approved forms of identification and stated their policy for checking the age of their patrons will be to ask for identification if the patron appears to be 30 years of age or younger. Mr. Langoni stated he and his employees will attend Liquor Awareness Classes throughout the year and he was given a 2012 Class schedule. His attendance in particular was encouraged by the Board since he will be in a managerial position.

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

**ITEMS 7 & 8 WERE MOVED TO THE END OF THE AGENDA**

- 8A PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE-3 BELOW, LLC D/BA 3 BELOW, 224 S. UNION AVENUE**

Owner Tammy Weldon, 10 Goldsmith Court was sworn in and explained the proposed modification of premises to the Board. Ms. Weldon stated they would like to extend their licensed premises out to the street during the Wild, Wild West Fest. Ms. Weldon stated the additional area will be secured with 3'-4' high chain link fence. They will have security personnel posted at the entrance/exit. Ms. Weldon stated either she or the other owner, Rudy Ibarra, will be on-site during the event. Security personnel will check ID's and will make sure no one leaves or brings alcohol onto their licensed premises. Ms. Weldon explained that a wristband will be given to a patron if they are 21 years of age or older and alcohol will not be sold to an individual if they are not wearing a wristband.

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

- 9 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– JUNETEENTH ORGANIZATION OF PUEBLO, INC., MAILING ADDRESS: P.O. BOX 2335, EVENT MANAGER: DAVID T. WHITNEY, (EVENTS TO BE HELD JUNE 15, 16 & 17, 2012. ADDRESS OF EVENTS: BESSEMER PARK – NORTHERN & ORMAN AVENUE)**

Event Manager David T. Whitney, 13 Royal Crest, was sworn in and answered questions from the Board. Mr. Whitney explained the event for which this application was made is for the Juneteenth Celebration and the money raised will be used for college scholarships. He will be responsible for supervising the event and 15 of their members, in addition to private security will be assigned to

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

maintain order on the licensed premises. Mr. Whitney stated they are currently accepting bids for private security. Mr. Whitney stated there will be 2 liquor distribution points; he described approved forms of I.D. and explained ID's will be checked at the gate and they intend to ID everyone. Alcohol will not be allowed to be taken off the licensed premises which will be secured by chain link fence. Security personnel will be posted at all 4 entrances/exits to ensure the premises remain secure.

Mr. DiFatta, seconded by Mr. Rose, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**10 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– THE STATE HISTORICAL SOCIETY OF COLORADO D/B/A EL PUEBLO HISTORY MUSEUM, 301 N. UNION AVENUE, EVENT MANAGER: DEBORAH ESPINOSA, (EVENT TO BE HELD APRIL 27, 2012. ADDRESS OF EVENT: 301 N. UNION AVENUE)**

Event Manager Deborah Espinosa, 4450 Overton Road, was sworn in and answered questions from the Board. Ms. Espinosa explained the event for which this application was made is for the *Song of Pueblo* CD release party and the money raised will be used to fund various programs for their organization. She will be responsible for supervising the event. There will be 1 liquor distribution point and four persons will be selling/serving alcohol. Ms. Espinosa described the type of food that they will serve as “snacks” such as popcorn, chips & salsa – peanuts. She described approved forms of I.D. and explained guests must be 21 years of age to attend this event. Ms. Espinosa stated they have hired Advantage Security to maintain order on the licensed premises. Alcohol will not be allowed to be taken off the licensed premises which will be secured by having security personnel posted at all entrances/exits.

The Board expressed their concerns to Ms. Espinosa explaining there is a minimum food requirement, which from her description of what they would be serving, they did not meet. Ms. Espinosa amended her application to also include “store-purchased finger foods”, small sausages, cheese, carrots and other vegetables in addition to the snack foods previously listed.

Mr. Ferris, seconded by Mr. Rose, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO LODGE #90, THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, EVENT MANAGER: DONALD F. SPEAKS, (EVENT TO BE HELD APRIL 21-22, 2012. ADDRESS OF EVENT: 426 N. SANTA FE AVENUE)**

Event Manager Donald F. Speaks, 2415 Greenwood, was sworn in and answered questions from the Board. Mr. Speaks explained they have filed applications for three upcoming events: the event on 4/21/12 will be for a wedding reception; the event on 4/28/12 (see item #12) will be for a Quinceañera and the event on 6/9/12 (see item #13) will be for a graduation party. Mr. Speaks explained they raise money for their organization by renting their facility and the sale of alcohol at these events. Mr. Speaks stated he, Martinez Security & lodge officers will be responsible for supervising the events. There will be 3 liquor distribution points. Four persons will be selling/serving alcohol. Mr. Speaks described the type of foods that will be served at each event. He described approved forms of I.D. and explained their policy for checking the age of their patrons will be to ask for identification if a patron appears to be under the age of 35. Mr. Speaks

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

stated alcohol will not be allowed to be taken off the licensed premises. Lodge officers and Martinez Security will be present to maintain order on the licensed premises. Mr. Speaks explained that security personnel will circulate throughout the event so as to have a visible presence.

Mr. Pullaro, seconded by Mr. DiFatta, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 12 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO LODGE #90, THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, EVENT MANAGER: DONALD F. SPEAKS, (EVENT TO BE HELD APRIL 28-29, 2012. ADDRESS OF EVENT: 426 N. SANTA FE AVENUE)**

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

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 13 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO LODGE #90, THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, EVENT MANAGER: DONALD F. SPEAKS, (EVENT TO BE HELD JUNE 9-10, 2012. ADDRESS OF EVENT: 426 N. SANTA FE AVENUE)**

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

Mr. Pullaro, seconded by Mr. DiFatta, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 14 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO CHAMBER OF COMMERCE, EVENT MANAGER: ROD SLYHOFF, (EVENT TO BE HELD APRIL 13, 2012. ADDRESS OF EVENT: GATEWAY PARK AT HARP; RICHMOND AVENUE & CENTRAL MAIN STREET TO SANTA FE AND SOUTH TO GRAND AVENUE)**

Event Manager Rod Slyhoff, 1242 Palmer Avenue, was sworn in and answered questions from the Board. Mr. Slyhoff explained the event for which this application has been filed is to host a welcome dinner for the State Democratic Convention. Mr. Slyhoff stated he will be responsible for supervising the event. There will be 2 liquor distribution points. Eight persons per shift will be selling/serving alcohol. Mr. Slyhoff described the type of food that will be served as well as approved forms of I.D. Mr. Slyhoff explained their policy for checking the age of their patrons will be to ask for identification if a patron appears to be under the age of 30. Patrons will be given a wristband to prove they are of age to consume/purchase alcohol. Mr. Slyhoff stated TNT Security will be assigned to maintain order on the licensed premises. Security personnel will be posted at each entrance/exit as well as at the bar. Mr. Slyhoff explained the premises will be secured by interlocking, crowd-control fencing.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Mr. Rose, seconded by Mr. Ferris, moved to approve this application for a Special Events Permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**ITEMS 15 & 16 WERE MOVED TO THE END OF THE AGENDA**

**17 HEARING: 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)**

New owner/manager Xiu Xia Du, 3 Cambridge was sworn in and answered questions from the Board. Also present to assist Ms. Du as interpreter was Jessica Horton, 2015 N. Highland. Ms. Horton was also sworn in. The moral character of Ms. Du was satisfactory to the Board. She has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in her application. Ms. Du explained she borrowed the funds necessary to enter into possession of the premises from her friend and after brief clarification, it was determined the previous owner, by way of a promissory note was the lender. She will employ 4 employees and these employees do not have criminal histories. She will not conduct background investigations on potential employees. Ms. Du described approved forms of identification and stated the policy for checking the age of their patrons, will be to ask for identification from anyone who wants to consume alcohol. Ms. Du stated she and her employees will attend a Liquor Awareness class offered by the City/State and was given a copy of the 2012 class schedule. *(Note: Ms. Du was able to answer the questions with very little assistance from Ms. Horton.)*

For the record, it was determined there was no one present in opposition to this transfer of ownership.

Mr. DiFatta, seconded by Mr. Rose, moved to approve this transfer of ownership contingent on submittal of a promissory note. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**18 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—CASA BISTECCA, LLC D/B/A CASA BISTECCA, 326 S. UNION AVENUE (CURRENTLY LICENSED TO ZIPPERS, LLC D/B/A CJ'S GRILL, LICENSE EXPIRED MARCH 1, 2012)**

New owner/manager Anna Marie Baca, 920 Willowcrest was sworn in and answered questions from the Board. The moral character of Mrs. Baca was satisfactory to the Board. Mrs. Baca has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in her application. Mrs. Baca explained she used personal funds to enter into possession of the premises. She anticipates employing approximately 30 employees and to her knowledge, these employees do not have criminal histories. She will conduct background investigations on potential employees. Mrs. Baca described approved forms of identification and stated the policy for checking the age of their patrons, will be to ask for identification from anyone who appears to be under the age of 40. Mrs. Baca stated she and her employees will attend a Liquor Awareness class offered by the City/State and was given a copy of the 2012 class schedule. Mrs. Baca stated she will make it a requirement that her employees attend the training.

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

For the record, it was determined there was no one present in opposition to this transfer of ownership.

Board Member Ferris explained to Mrs. Baca that she will need to go to the Police Department to have her fingerprints redone due to the fact that the F.B.I. rejected the original submission. It was also noted that a completed Routing Sheet still needed to be submitted in order for this application to be complete.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve this transfer of ownership contingent on Mrs. Baca being re-printed and the submittal of a completed Routing Sheet. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**19 HEARING: TRANSFER OF OWNERSHIP APPLICATION—CABARET LICENSE—CASA BISTECCA, LLC D/B/A CASA BISTECCA, 326 S. UNION AVENUE (CURRENTLY LICENSED TO ZIPPERS, LLC D/B/A CJ'S GRILL, LICENSE EXPIRED MARCH 1, 2012)**

Chairwoman Harrison stated the Board would take administrative notice of the testimony given in Item #18.

For the record, it was determined there was no one present in opposition to this transfer of ownership.

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

**20 PETITION TO PAY FINE IN LIEU OF SUSPENSION – CDE BILLIARDS, LLC D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE (LICENSEE PETITIONING TO PAY \$600 FINE IN LIEU OF 3-DAYS SUSPENSION)**

Mr. Pullaro, seconded by Mr. Ferris, moved to approve the licensee's petition to pay a fine in lieu of suspension. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**7 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE- OLDE TOWNE CARRIAGE HOUSE, LLC D/BA OLDE TOWNE CARRIAGE HOUSE, 102 S. VICTORIA AVENUE**

Doug Stout, 110 LaVista and Paul DePatie, 25 Alta Dena, members of the LLC, were sworn in.

Mr. Styduhar lead the discussion regarding this modification by reviewing Regulation 47-302(A)(5) which states, "5. *Nothing herein shall prohibit a licensee, who is otherwise not eligible for an optional premises permit or optional premises license, from modifying its licensed premises to include in the licensed premises a public thoroughfare, if the following conditions are met:*

- a. *The licensee has been granted an easement for the public thoroughfare for the purpose of transporting alcohol beverages.*
- b. *The public thoroughfare is authorized solely for pedestrian and non-motorized traffic.*
- c. *The inclusion of the public thoroughfare is solely for the purpose of transporting alcohol beverages between licensed areas, and no sale or consumption will occur on or within the public thoroughfare.*
- d. *Any other conditions as established by the local licensing authority."*

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Mr. Styduhar stated it is the City Attorney's opinion that the applicant has no possessory interest in the public thoroughfare. He further explained the Board's options would be to either continue the matter so that the applicant can amend their application to include the necessary documentation or to deny their request for modification.

Following a discussion with the Board, the licensee opted to continue the matter in order to work towards submitting a more complete application.

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

**8 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—  
TAVERN LIQUOR LICENSE-MUGGSY'S INN INC. D/BA MUGGSY'S INN, 115 E.  
RIVERWALK**

Corporate President, Joseph Herbert, 5647 St. Charles River Drive, was sworn in and answered questions from the Board.

Board member DiFatta asked for clarification from Mr. Herbert regarding the handicap ramp. He wanted to make sure that Mr. Herbert's proposed plan did not fence off this area and Mr. Herbert stated it would not be blocked off. Mr. Herbert explained only the lower patio area would be enclosed. He also described issues that were brought up by the Board when he initially submitted this proposed modification last fall and briefly explained that he has entered into a patio lease agreement with the HARP Authority. Mr. Herbert stated the lease spells out the use of this Riverwalk patio space.

**15 HEARING: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT  
LIQUOR LICENSE—PUEBLO ITALIAN MARKET, INC. D/B/A MAMA'S ITALIAN BISTRO  
& PRIME STEAK HOUSE, 2930 N. ELIZABETH STREET (CURRENTLY LICENSED TO  
ROSARIO'S INC. D/B/A ROSARIO'S, LICENSE EXPIRED DECEMBER 21, 2011)**

Present on behalf of the applicant was their attorney, Rudy Reveles. Also present was paralegal, Brenda Pace, 22 Verdosa Drive who was sworn in.

Due to the fact that neither one of the corporate officers were present to question with regard to moral character, the Board had no choice but to continue the hearing. The Board explained to Mr. Reveles in order to proceed with the transfer application, at least one officer should be present. Mr. Reveles explained Russell Ianne was ill and the other officer, Gina Austin, resides out-of-state. The Board requested that the moral character questionnaire be sent to Ms. Austin, notarized and returned to the City Clerk's Office which is standard practice if a corporate officer cannot be present. The Board also requested Mr. Ianne's presence at the next hearing.

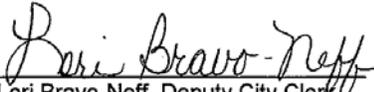
Mr. Ferris, seconded by Mr. Rose, moved to continue this hearing to May 2, 2012 so that an officer can be present and a notarized moral character questionnaire can be submitted. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**16 HEARING: TRANSFER OF OWNERSHIP APPLICATION—CABARET LICENSE—  
PUEBLO ITALIAN MARKET, INC. D/B/A MAMA'S ITALIAN BISTRO & PRIME STEAK  
HOUSE, 2930 N. ELIZABETH STREET (CURRENTLY LICENSED TO ROSARIO'S INC.  
D/B/A ROSARIO'S, LICENSE EXPIRED DECEMBER 21, 2011)**

Mr. Ferris, seconded by Mr. Rose, moved to continue this hearing to May 2, 2012. 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 8:55 p.m.

Respectfully submitted,

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