

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
May 2, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of May 2, 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 Meetings of April 4th and April 18th, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENT TO REGULAR AGENDA

Mr. Rose, seconded by Mr. Ferris, moved to move Items 13 & 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 3 APPLICATIONS**
Showtime Entertainment & Dining Complex, Inc. d/b/a Showtime Entertainment & Dining Complex, 1007 W. 6th Street
Rojas, Inc. d/b/a Rojas Restaurante Mexicano, 126 E. 4th Street
Brooklyn Pueblo Corporation d/b/a Manhattan's Pizza Parlor and More, 1110 Hwy. 50 West
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS – TOTAL OF 3 APPLICATIONS**
CDE Billiards, LLC d/b/a Classic Q's, 1715 S. Prairie Avenue
Wrong Note, Ltd. d/b/a The Downtown Bar, 103 Central Plaza
Deborah Barnett d/b/a Pirate's Cove, 105 Central Plaza
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS-CONSUMPTION OFF-PREMISES-TOTAL OF 2 APPLICATIONS**
Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #1171, 430 W. Abriendo Avenue
Valero Diamond Metro, Inc. d/b/a Diamond Shamrock Corner Store #4138, 601 Highway 50 West
- 4 BEER AND WINE LIQUOR LICENSE APPLICATION-RENEWAL-EAT NOW, LLC D/B/A BINGO BURGER, 405 N. UNION AVENUE**
- 5 CABARET LICENSE APPLICATIONS-RENEWALS – TOTAL OF 2 APPLICATIONS**
Showtime Entertainment & Dining Complex, Inc. d/b/a Showtime Entertainment & Dining
Deborah Barnett d/b/a Pirate's Cove, 105 Central Plaza
- 6 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE–LA GENTE YOUTH SPORTS, INC., MAILING ADDRESS: 2804 E. 12TH STREET, EVENT MANAGER: ZACHARY VALDEZ, (EVENTS TO BE HELD JUNE 1ST-3RD, 2012. ADDRESS OF EVENTS: 1200 JUAN MADRID AVENUE)**
- 7 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO BIKER BASH, INC., MAILING ADDRESS: 4605 CASTOR DRIVE, EVENT MANAGER: CHARLES PURCELL, (EVENTS TO BE HELD JUNE 2ND & 3RD, 2012. ADDRESS OF EVENTS: 215 CANAL STREET)**

CONSENT AGENDA (CONTINUED)

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- 8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO CHAMBER OF COMMERCE, MAILING ADDRESS: 302 N. SANTA FE DRIVE, EVENT MANAGER: ROD SLYHOFF, (EVENTS TO BE HELD MAY 17TH-MAY 20TH, 2012. ADDRESS OF EVENTS: 1ST & UNION TO B STREET, D & C FROM VICTORIA TO MAIN, GRAND FROM 1ST TO MAIN, CONVENTION CENTER OVERFLOW PARKING, PUEBLO PLAZA, CITY PARKING LOT (OLD HEALTH DEPARTMENT)
- 9 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – HOTEL & RESTAURANT LIQUOR LICENSE-AMREST, LLC D/B/A APPLEBEE’S NEIGHBORHOOD GRILL & BAR, 4001 W. NORTHERN AVENUE (NEW MANAGER JENNIFER PRIEST REPLACES TODD UNWIN) MS. PRIEST APPEARED BEFORE THE BOARD ON APRIL 6, 2011 AS THE NEW MANAGER AT THIS LOCATION, WAS TRANSFERRED TO THE APPLEBEE’S ON N. ELIZABETH IN JANUARY, 2012 AND IS NOW BEING TRANSFERRED BACK TO THIS LOCATION (4001 W. NORTHERN)

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

- 13 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) CONTINUED FROM APRIL 4TH, 2012 DUE TO THE ABSENCE OF CORPORATE OFFICERS

Rudy Reveles, Attorney for the applicant was present with Corporate President Russell Ianne, 1502 Lynn Meadows Drive. Mr. Ianne was sworn in.

Mr. Reveles was present to request a continuance stating they needed additional time to prepare ownership and financial information so that a more complete application could be submitted.

Mr. Styduhar wanted to ensure that the applicant had a sufficient understanding that once their temporary permit expires, they will no longer be able to serve alcohol beverages since they were previously granted a one-time approval for a 60-days extension of their temporary permit. **(Note: The 60-days extension of the temporary permit expires on June 25th, 2012.)** Both Mr. Reveles and Mr. Ianne stated they understood this.

Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to July 18th, 2012 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 14 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) CONTINUED FROM APRIL 4TH, 2012 DUE TO THE ABSENCE OF CORPORATE OFFICERS

REGULAR AGENDA (CONTINUED)

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Mr. DiFatta, seconded by Mr. Rose, moved to continue this matter to July 18th, 2012 at the request of the applicant. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

10 NEIGHBORHOOD SURVEY: NEW CABARET LICENSE– COSMO BOB’S LLC D/B/A COSMOPOLITAN CLUB, 311 BAYSTATE 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 cabaret license for premises known as the *Cosmopolitan Club*.

Mr. Ferris, seconded by Mr. DiFatta, moved to accept the survey and set the hearing for May 16th, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

11 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES— TAVERN LIQUOR LICENSE- CASA BISTECCA, LLC D/B/A CASA BISTECCA, 326 S. UNION AVENUE (REQUESTING TEMPORARY MODIFICATION BEGINNING ON MAY 18TH, 2012 THROUGH MAY 20TH, 2012)

Jerry Baca, 920 Willowcrest, was sworn in and explained their temporary, proposed modification of premises to the Board. Mr. Baca explained the Chamber of Commerce will have the back alley blocked off and they will block off the front area. They will use the parking lot located next to their building. Mr. Baca stated they will erect a 10' x 15' tent on the front portion of their building and there will be an additional bar in each proposed area. They will hire security guards to check I.D.'s and alcohol will not be allowed off the licensed premises; he and other family members will be responsible for supervising the event. Mr. Baca stated he will be submitting the revocable permit application on 5/3/2012. Mr. Baca was also reminded that he will need to obtain the necessary "sign-offs" on the routing sheet.

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this temporary modification of premises contingent upon submittal of a completed routing sheet and a revocable permit. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

12 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– THE ASSISTANCE LEAGUE OF PUEBLO, INC., MAILING ADDRESS: 515 N. CHESTER AVENUE, EVENT MANAGER: PAMELA ROBERTS, (EVENT TO BE HELD JUNE 23RD, 2012. ADDRESS OF EVENT: 515 N. CHESTER AVENUE)

New event manager Pamela Roberts, 179 E. Linden Avenue, Pueblo West, CO was sworn in and answered questions from the Board. Ms. Roberts explained funds raised at the event will fund various programs for their organization. Ms. Roberts stated she will be responsible for supervising the event; there is one liquor distribution point; 2 persons will be selling/serving alcohol. Ms. Roberts described the types of food they will serve and also described approved forms of identification. Officers of their organization will be assigned to maintain order on the licensed premises; alcohol will not be allowed to be taken off the licensed premises. The Board asked Ms. Roberts if they had allowed themselves enough time for their event and Ms. Roberts stated they had not taken set-up or closing into account. Ms. Roberts stated she would like to amend the times.

Mr. Rose, seconded by Mr. Ferris, moved to approve this Special Events Permit and amend the event time from 4-6 p.m. to 3-7 p.m. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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15 HEARING: NEW TAVERN LIQUOR LICENSE– JOHN & JEANNE’S STAR BAR, LLC D/B/A JOHN & JEANNE’S STAR BAR, 300 SPRING STREET

Owners Juan A. Gallegos and Jeanne A. Gallegos, 1305 E. 13th Street were sworn in and answered questions from the Board.

Mrs. Gallegos stated she plead guilty to two DUI charges and since the last charge in 2005, she has not consumed alcohol. Mrs. Gallegos has previously worked in a liquor-licensed establishment and that license was never suspended, revoked or reprimanded for violating any liquor licensing statute or regulation. There are no silent partners not disclosed in this application. Mrs. Gallegos stated they used personal funds to enter into possession of the premises. They will employ 4-5 employees and they will not conduct background investigations on their potential employees. Mrs. Gallegos described approved forms of identification.

Mr. Gallegos stated he plead guilty to assault and explained that he was shooting at light bulbs and not at a person. Mr. Gallegos previously held two liquor licenses and neither license was ever suspended, revoked or reprimanded for violating any liquor licensing statute or regulation. There are no silent partners not disclosed in this application. Mr. Gallegos stated they used personal funds to enter into possession of the premises. They will employ 4-5 employees and they will not conduct background investigations on their potential employees. Mr. Gallegos described approved forms of identification and explained their policy for checking the age of their patrons will be to require identification from anyone who appears to be under the age of 35. They will attend Liquor Awareness Classes and was given a 2012 class schedule. Mr. Gallegos stated 3 of their employees have previously attended this type of training.

For the record, it was determined 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 71 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. DiFatta, seconded by Mr. Ferris, moved to accept the petitions and approve the issuance of this Tavern Liquor license. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Styduhar read the proposed Findings and Order into the record for the Board’s consideration.

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

16 HEARING: NEW CABARET LICENSE– JOHN & JEANNE’S STAR BAR, LLC D/B/A JOHN & JEANNE’S STAR BAR, 300 SPRING STREET

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

The Board determined that issuance of this license is supported by at least 67 residents of the neighborhood or other parties in interest and opposed by at least 3 residents of the neighborhood or other parties in interest.

REGULAR AGENDA (CONTINUED)

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

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

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

- 17 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-RESTAURANT FIFTEEN TWENTYONE, LLC D/B/A RESTAURANT FIFTEEN TWENTYONE, 123 N. MAIN STREET (LICENSEE IS CURRENTLY DELINQUENT WITH FILING SALES & USE TAX RETURNS FOR NOVEMBER 2011 THROUGH FEBRUARY 2012 AND HAS A HISTORY OF UNTIMELY AND DELINQUENT FILING OF SALES AND USE TAX RETURNS INCLUDING BUT NOT LIMITED TO JANUARY 2011 THROUGH OCTOBER 2011)**

Owner Duy Pham, 123 N. Main Street, was sworn in and acknowledged receipt of the communication from the Sales Tax Division outlining the alleged violation.

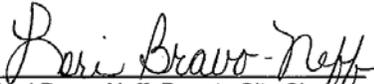
Chairwoman Harrison explained to Mr. Pham that it is up to the Board to make a determination of whether or not there is probable cause that a violation occurred and whether they would proceed to a hearing with this matter. For clarification purposes, Mr. Styduhar explained to the Board and to the licensee what options the licensee could consider which included either stipulating to the violation or setting the matter for hearing. Mr. Pham stated he understood these options.

Mr. Ferris, seconded by Mr. Rose, moved there is probable cause that a violation occurred. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Pham stated he did not want to stipulate to a violation and opted instead to set the matter for hearing. A hearing date was set for June 6, 2012.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,


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