

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
JULY 18, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of July 18, 2012 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. Pullaro, moved to approve the minutes of the Regular Meeting of July 5, 2012. Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS –TOTAL OF 2 APPLICATIONS**
DJ's Steakhouse, LLC d/b/a DJ's Steakhouse, 4289 N. Elizabeth Street
Cactus Flower, Inc. d/b/a Cactus Flower, 4610 N. Elizabeth Street
- 2 TAVERN LIQUOR LICENSE APPLICATION-RENEWAL–DISABLED AMERICAN VETERANS D/B/A DAV STEEL CITY CHAPTER #39, 2850 O'NEAL AVENUE**
- 3 3.2% BEER LICENSE APPLICATION-RENEWAL- DILLON COMPANIES, INC. D/B/A KING SOOPERS #43, 102 W. 29TH STREET**
- 4 ARTS LIQUOR LICENSE-RENEWAL-SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, INC. D/B/A SANGRE DE CRISTO ARTS AND CONFERENCE CENTER, 210 N. SANTA FE AVENUE**
- 5 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– SOUTHERN COLORADO COMMUNITY FOUNDATION, MAILING ADDRESS: 121 W. 1ST STREET, SUITE 240, EVENT MANAGER: LISA VIGIL, (EVENT TO BE HELD AUGUST 12TH, 2012. ADDRESS OF EVENT: 615 HUNTER DRIVE)**
- 6 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE–KWAK, INC. D/B/A SUSHI GARDEN, 3915 IVYWOOD LANE (CURRENTLY LICENSED TO MOMO JAPANESE RESTAURANT, INC. D/B/A SUSHI GARDEN, LICENSE EXPIRES OCTOBER 11, 2012)**

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, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA

- 7 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 (PREVIOUSLY 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; CONTINUED FROM MAY 2ND, 2012 AT THE REQUEST OF THE ATTORNEY FOR THE APPLICANT**

Mr. DiFatta, seconded by Mr. Rose, moved to withdraw this application at the request of the applicant.
Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

- 8 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 (PREVIOUSLY LICENSED TO ROSARIO’S INC. D/B/A ROSARIO’S, LICENSE EXPIRED NOVEMBER 14, 2011) CONTINUED FROM APRIL 4TH, 2012 DUE TO THE ABSENCE OF CORPORATE OFFICERS; CONTINUED FROM MAY 2ND, 2012 AT THE REQUEST OF THE ATTORNEY FOR THE APPLICANT**

Mr. DiFatta, seconded by Mr. Rose, moved to withdraw this application at the request of the applicant.
Roll Call: Ayes—DiFatta, Harrison, Pullaro and Rose. Motion carried unanimously.

- 9 HEARING: TRANSFER OF OWNERSHIP APPLICATION—TAVERN LIQUOR LICENSE—WALTER A. APODACA D/B/A VETERAN’S TAVERN, 315 E. NORTHERN AVENUE (CURRENTLY LICENSED TO MARIA P. KREISER D/B/A VETERAN’S TAVERN, LICENSE EXPIRES JANUARY 11, 2013)**

Note: The applicant contacted the City Clerk’s Office to request a continuance but did not give a specific date for the continuance.

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

- 10 HEARING: NEW TAVERN LIQUOR LICENSE– THE SICILIAN OF PUEBLO, LLC D/B/A THE SICILIAN, 115 E. RIVERWALK #100**

Managing members/owners Domenic Mannino, 601 W. 29th Street and Salvatore Giacalone, 3109 Skyview were sworn in and answered questions from the Board.

The Board held a lengthy discussion with Mr. Mannino regarding the licensed premises. The Board asked for further clarification on the applicant’s drawing and wanted to make it abundantly clear to the applicant what the limited uses would be with regard to the public thoroughfare portion of the licensed premises. This clarification was also included in the Findings and Order, which in part, read:

“This application is granted subject to the following restrictions and conditions:

Licensee shall ensure that alcohol sold or consumed outdoors will be only in those areas indicated as outdoor “seating” areas on the Licensee’s submitted diagram. These areas do not include the pedestrian ramp and stairs separating the two outdoor seating areas – the public thoroughfare. The inclusion of the public thoroughfare in the licensed premises diagram is solely for the purpose of transporting alcohol beverages, and no sale or consumption shall occur on or within the public thoroughfare.”

Mr. Mannino stated he understood the uses of the public thoroughfare as far as including it as part of his licensed premises.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

The Board then asked Mr. Giacalone the Moral Character questions. The moral character of Mr. Giacalone was satisfactory to the Board. (Note: Mr. Mannino translated for Mr. Giacalone in this phase of questioning.) Mr. Giacalone stated he has worked at other liquor-licensed establishments and at least one of these establishments did receive a suspension for violating the liquor code. There are no silent partners or financial backers not disclosed in this application. Mr. Giacalone explained he borrowed the funds to enter into possession of the premises. With respect to any officers with 10% or more interest, none have pled guilty to or been convicted of a crime other than a minor traffic offense. Mr. Giacalone stated they will employ 28 employees and to his knowledge, they do not have criminal backgrounds. They do not conduct background investigations on potential employees. Mr. Giacalone described approved forms of identification. He stated their policy for checking the age of their patrons, will be to ask for an ID if the customer looks under the age of 35. Mr. Giacalone was given a copy of the City/State's 2012 Liquor Awareness Class schedule.

The moral character of Mr. Mannino was satisfactory to the Board. Mr. Mannino has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in this application. Mr. Mannino stated he borrowed the funds to enter into possession of the premises. With respect to any officers with 10% or more interest, none have pled guilty to or been convicted of a crime other than a minor traffic offense. Mr. Mannino stated they will employ 28 employees and to his knowledge, they do not have criminal backgrounds. They do not conduct background investigations on potential employees. Mr. Mannino described approved forms of identification. He stated their policy for checking the age of their patrons, will be to ask for an ID if the customer looks under the age of 35. Mr. Mannino stated he and his employees would attend a Liquor Awareness Class.

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 101 residents of the neighborhood or other parties in interest and opposed by no residents of the neighborhood or other parties in interest.

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

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

11 HEARING: NEW CABARET LICENSE– THE SICILIAN OF PUEBLO, LLC D/B/A THE SICILIAN, 115 E. RIVERWALK #100

The Board took administrative notice of the testimony given in Item #10. The certified proof of mailings of the Notice of Hearing was marked as Exhibit A.

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

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

The Board determined that issuance of this license is supported by at least 95 residents of the neighborhood or other parties in interest and opposed by at least 4 residents of the neighborhood or other parties in interest.

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

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

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:48 p.m.

Respectfully submitted,


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