

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**AUGUST 1, 2012 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of August 1, 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.

**ELECTION OF CHAIRPERSON**

Mr. DiFatta, seconded by Mr. Ferris, moved to nominate Doris Harrison as the Board Chairperson. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**ELECTION OF VICE-CHAIRPERSON**

Mr. Ferris, seconded by Ms. Harrison, moved to nominate Don DiFatta as the Board Vice-Chairperson. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

*Note: There were no other nominees for the position of Chairperson or Vice-Chairperson.*

**APPROVAL OF MINUTES**

Mr. DiFatta, seconded by Mr. Ferris, moved to approve the minutes of the Regular Meeting of July 18<sup>th</sup>, 2012. 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**  
Texas Roadhouse Holdings, LLC d/b/a Texas Roadhouse, 4707 Dillon Drive  
On In 2, Inc. d/b/a Walking Stick Restaurant, 4301 Walkingstick Boulevard  
Angelo's Pizza Parlor & A More', Inc. d/b/a Angelo's Pizza Parlor And-A-More', 105 E. Riverwalk  
Blazin' Wings, Inc. d/b/a Buffalo Wild Wings Grill and Bar, 5821 N. Elizabeth Street, Suite 150
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS–TOTAL OF 3 APPLICATIONS**  
Phil's Radiator Service, LLC d/b/a Phil's Radiator Service, 109 E. C Street  
Sir Roberts, Inc. d/b/a Sir Roberts, 1130 W. 13<sup>th</sup> Street  
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue
- 3 3.2% BEER LICENSE APPLICATIONS-RENEWALS- OFF-PREMISES CONSUMPTION - TOTAL OF 2 APPLICATIONS**  
Valero Diamond Metro, Inc. d/b/a Corner Store #1723, 1525 Highway 50 West  
Mini Mart, Inc. d/b/a Loaf 'N Jug #14, 1201 Pueblo Boulevard
- 4 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**  
Phil's Radiator Service, LLC d/b/a Phil's Radiator Service, 109 E. C Street  
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue  
Sir Roberts, Inc. d/b/a Sir Roberts, 1130 W. 13<sup>th</sup> Street

**CONSENT AGENDA (CONTINUED)**

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- 5      **AFFIDAVIT FOR SURRENDER OF CITY & STATE LIQUOR LICENSES-FRIENDLY YOUNG, INC. D/B/A ONE STOP LIQUOR, 2600 E 8<sup>TH</sup> STREET (LICENSEE SURRENDERED RETAIL LIQUOR STORE LIQUOR LICENSES TO THE CITY CLERK'S OFFICE JULY 17, 2012)**

**VOTE ON CONSENT AGENDA ITEMS:**

Mr. DiFatta, seconded by Mr. Rose, 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**

- 6      **COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-GINO'S LOUNGE, LLC D/B/A MARGUERITE'S AT TOG'S, 112 W. 7TH STREET (LICENSEE IS CURRENTLY DELINQUENT WITH RESPECT TO FILING SALES & USE TAX RETURNS FOR NOVEMBER 2011 THROUGH APRIL 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 WHICH WERE ALL FILED ON DECEMBER 2<sup>ND</sup>, 2011) (CONTINUED FROM JULY 5, 2012 AT THE REQUEST OF THE LICENSEE)**

*Note: There was no one present on behalf of the licensee.*

Carla L. Sikes, Assistant City Attorney/Conflicts Counsel was present on behalf of the Sales Tax Division. Ms. Sikes stated she had received a phone call from the licensee, Marguerite Crowell-Even prior to her scheduled appearance on 7/5/2012 and had explained to Ms. Sikes that she was out-of-state and would like this matter continued. This matter was continued to 8/1/2012 and Ms. Sikes explained to the Board that she has not heard back from the licensee even after calling and leaving a message for Ms. Crowell-Even. Ms. Sikes stated while Ms. Crowell-Even did get current on her delinquent taxes through May, 2012, there is some concern as this licensee has an on-going history of untimely and delinquent filings. Therefore, at the request of the Sales Tax Division, they would like a hearing to be scheduled.

Mr. Styduhar explained to the Board that they need to determine that there is probable cause that a violation occurred.

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

The hearing date was set for September 5, 2012.

- 7      **COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-LA PALMA NIGHTCLUB, LLC D/B/A LA PALMA NIGHTCLUB, 2506 LAKE AVENUE (CONTINUED FROM MAY 16, 2012 AT THE REQUEST OF THE LIQUOR AND BEER LICENSING BOARD)**

Licensee Maria Perez-Santillan was sworn in and present on behalf of this matter. Ms. Perez-Santillan acknowledged receipt of the police communication from the City Clerk's Office. Chairwoman Harrison explained to the licensee 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 or not the matter will be set for a hearing.

**REGULAR AGENDA (CONTINUED)**

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Mr. Pullaro, seconded by Mr. Rose, moved, based on the communication, there is probable cause that a violation did occur and moved to set the matter for hearing. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

The hearing was set for September 19, 2012.

**8 COMMUNICATION FROM LUIS VELEZ., CHIEF OF POLICE RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE- LA PALMA NIGHTCLUB, LLC D/B/A LA PALMA NIGHTCLUB, 2506 LAKE AVENUE, (POLICE CR# 12-13170, VIOLATION DATE: JULY 8, 2012)**

Licensee, previously sworn in was present on behalf of this matter. Ms. Perez-Santillan acknowledged receipt of the police communication from the City Clerk's Office. Chairwoman Harrison explained to the licensee 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 or not the matter will be set for a hearing.

Mr. Styduhar explained to the Board that there were two supplemental reports provided to the licensee prior to the start of this matter. Ms. Perez-Santillan did acknowledge receipt of those supplemental reports.

Mr. Rose, seconded by Mr. Ferris, moved, based on the communication, there is probable cause that a violation did occur and moved to set the matter for hearing. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Styduhar stated for purposes of efficiency, this matter could be set for hearing along with Item #7. The hearing date was set for September 19, 2012.

**ADJOURN** – With no further business to come before the Board, the meeting was adjourned at 6:13 p.m.

Respectfully submitted,

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