

**PUEBLO LIQUOR & BEER LICENSING BOARD**  
**MINUTES -- REGULAR MEETING**  
**CITY HALL -- COUNCIL CHAMBERS**  
**AUGUST 15, 2012 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of August 15, 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.

**AMENDMENT OF MINUTES**

Mr. Ferris, seconded by Mr. Rose, moved to amend the minutes of the Regular Meeting of August 1st, 2012 by changing the word “that” to “whether” in the second paragraph of Item #6. *(Note: Sentence now reads, “Mr. Styduhar explained to the Board they need to determine whether there is probable cause that a violation occurred.”)* Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**APPROVAL OF MINUTES**

Mr. Ferris, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of August 1st, 2012. 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**  
Blazin’ Wings, Inc. d/b/a Buffalo Wild Wings Grill & Bar, 5821 N. Elizabeth Street  
Don E. Gray and Gary Gray d/b/a Gray’s Coors Tavern, 515 W. 4<sup>th</sup> Street  
T & D Enterprises, LLC d/b/a Park East Restaurant, 720 Goodnight Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS–TOTAL OF 2 APPLICATIONS**  
Iron Horse Grill, Inc. d/b/a Iron Horse Bar & Grill, 717 N. Main Street  
Reggie W. Mauro d/b/a Red’s Alibi Lounge, 1107 S. Prairie Avenue
- 3 RETAIL LIQUOR STORE LIQUOR APPLICATIONS-RENEWALS-TOTAL OF 4 APPLICATIONS**  
Cho Cha, LLC d/b/a Shanty Liquor, 2212 E. 4<sup>TH</sup> Street  
Loco Liquors, Inc. d/b/a Loco Wines & Liquors, 125 S. Santa Fe Avenue  
Marlin Associates, LLC d/b/a Coco-Man’s Liquor, 1908-1910 E. 4<sup>th</sup> Street  
Tito Flames, Inc. d/b/a Flame Liquors, 2225 Lake Avenue
- 4 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**  
Iron Horse Grill, Inc. d/b/a Iron Horse Bar & Grill, 717 N. Main Street  
R&R Blues Limited d/b/a The Downbeat, 1335 E. Evans Avenue
- 5 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – SENIOR RESOURCE DEVELOPMENT AGENCY, PUEBLO, INC. D/B/A S.R.D.A., 230 N. UNION AVENUE, EVENT MANAGER: STEPHEN G. NAWROCKI (EVENT TO BE HELD SEPTEMBER 21<sup>ST</sup>, 22<sup>ND</sup>, AND 23<sup>RD</sup>, 2012. ADDRESS OF EVENT: 230 N. UNION AVENUE)**

**CONSENT AGENDA (CONTINUED)**

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- 6 REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—HOTEL & RESTAURANT LIQUOR LICENSE-DLT RESTAURANT GROUP, LLC D/B/A CARRIAGE HOUSE RESTAURANT AT ROSEMOUNT MUSEUM, 406 W. 15<sup>TH</sup> STREET (MEMBERS ISRAEL I. LUJAN AND MICHAEL DEGENHART RESIGNED FROM THE LLC; 100% SHAREHOLDER AND SOLE MEMBER CHRISTINE A. TUCKER)**

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

**REGULAR AGENDA**

- 7 HEARING: 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)**

New owner/corporate president Dae Ung Kwak, 4143 Outlook Boulevard, was sworn in and answered questions from the Board. Mr. Kwak explained he had to pay a fine and was required to perform community service for a DUI charge in Colorado Springs, CO in 1998. Mr. Kwak has never held or worked in or for a liquor-licensed establishment. There are no silent partners not disclosed in Mr. Kwak's application. Mr. Kwak stated he used personal savings to enter into possession of the premises. Mr. Kwak will employ 10-11 employees and to his knowledge, these employees do not have a criminal history; he will conduct background investigations on his potential employees. Mr. Kwak described approved forms of identification; he stated his policy for checking the age of his patrons will be to require an I.D. from anyone who appears under the age of 40. Mr. Kwak was previously given a copy of the City/State's 2012 Liquor Awareness class schedule and stated he and his employees will attend a training session.

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this transfer of ownership application with the thought in mind, the applicant attend a Liquor Awareness Class. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 8 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE—DE BG, INC. D/B/A THE SPOTLIGHT, 211 W. NORTHERN AVENUE (POLICE CR# 12-11147, VIOLATION DATE: JUNE 10, 2012)**

Licensee Daryl Espinoza, 1215 Taylor Lane, was sworn in.

Assistant City Attorney Carla Sikes was present on behalf of the Police Department as Conflicts Counsel. Ms. Sikes explained to the Board that she had spoken to Mr. Espinoza and they have reached a stipulated agreement. Ms. Sikes then read the proposed stipulated findings and order for the Board's consideration.

The findings and order indicate the Licensee stipulated to the violation and admitted that on June 10th, 2012 at approximately 1:45 a.m., a disturbance occurred on the licensed premises and the Licensee

**REGULAR AGENDA (CONTINUED)**

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failed to report the disturbance to the Police Department. The proposed stipulated sanction calls for the liquor license to be suspended for three consecutive days.

When Chairwoman Harrison asked the Licensee if he was okay with the stipulation, Mr. Espinoza stated it was his understanding that the past licensee's violation history would also go against him and so even though he signed the stipulated findings and order, he didn't necessarily agree with it.

Mr. Styduhar explained to Mr. Espinoza that if this case went to hearing, the Board would be considering the alleged violation as set forth in the Order to Show Cause. He stated he believed what Chairwoman Harrison was asking him, is if he wished to stipulate to the violation as set forth in the stipulated findings and order.

Ms. Sikes clarified, in her discussion with Mr. Espinoza, she had explained to Mr. Espinoza that the Police Department and she, as their Counsel, would have to prove this particular case and when they asked for a sanction, they would ask the Board to consider the previous violation and the fact the violation occurred within the 1-year probationary period from the previous violation. She further added there is a difference between a violation and a sanction.

Mr. Styduhar explained to Mr. Espinoza that the Police Department would present their evidence and the Board would decide whether or not they would consider it. Mr. Espinoza stated he was confused and said he thought the previous owner's stipulation from their last violation, would be imposed against him at this point in time. Initially, Mr. Espinoza stated he did not want to stipulate to this violation, but following further discussion and clarification, then reconsidered and stated he would go with the stipulated agreement he had previously signed.

Mr. Rose, seconded by Mr. Ferris, moved to accept the stipulated agreement as read by Ms. Sikes and understood by Mr. Espinoza. Prior to casting their votes, the Board held a discussion.

The Board felt that Mr. Espinoza was aware of the fact that he needed to call the Police, but mandated on his own not to call. The Board also stated that as a responsible bar owner, the Licensee should have called the police as a situation inside the establishment had escalated into a stabbing outside the establishment. Board members stated they would like the stipulated agreement to include that the owner becomes certified in Liquor Awareness Training in a timely manner.

At this time, a brief discussion was held to consider withdrawing the motion made by Mr. Rose and Mr. Ferris' second on the motion so that the condition of requiring the Licensee to become certified in Liquor Awareness training could be added to the proposed stipulated findings and order. Mr. Styduhar explained prior to that happening, he would remind the Board that they were considering a stipulation so both parties would have to stipulate to the conditions. He stated if the Board has concerns and has arrived at a consensus, perhaps the Board could take a short recess to determine whether that is something both the Licensee and the Police Department would like to consider and then the stipulation could be tendered again.

Mr. Rose, seconded by Mr. Ferris, moved to withdraw his previous motion. The Board then took a recess at 6:35 p.m.

The meeting reconvened at 6:43 p.m.

**REGULAR AGENDA (CONTINUED)**

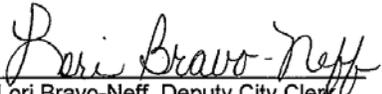
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Ms. Sikes explained to the Board, she had an opportunity to speak to Mr. Espinoza and he had agreed to attend an Alcohol Awareness Class and become certified and cause all of his employees to attend Alcohol Awareness classes no later than December 31<sup>st</sup>, 2012. Ms. Sikes stated this was added to the proposed stipulated findings and order as “4a” and was initialed by her and Mr. Espinoza.

Mr. Rose, seconded by Mr. Ferris, moved to accept the stipulation as stated by Ms. Sikes (3-days suspension plus certification of Mr. Espinoza in Alcohol Awareness and attendance of employees in Alcohol Awareness.) 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 7:50 p.m.

Respectfully submitted,

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