

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
SEPTEMBER 5, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of September 5, 2012 at 6:00 p.m., with Vice Chairman Don DiFatta presiding.

ROLL CALL

Present: Board Members Don DiFatta, Mike Ferris, Charles Pullaro, Jr. and Tom Rose. Absent: Board Member: Doris Harrison. 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 August 15th, 2012. Roll Call: Ayes—DiFatta, Ferris, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS –TOTAL OF 2 APPLICATIONS**
- 2 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS –TOTAL OF 2 APPLICATIONS**
Chipotle Mexican Grill, Inc. d/b/a Chipotle Mexican Grill 3230 N. Elizabeth Street
Lupita's Restaurant, LLC d/b/a/ Lupita's Restaurant, 208 W. Northern Avenue
- 3 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS–TOTAL OF 2 APPLICATIONS**
QMT, LLC d/b/a The Grove Tavern, 901 E. C Street
Main Street Banquet Hall, LLC d/b/a Main Street Banquet Hall, 205-209 N. Main St. Ste. 101
- 4 3.2% BEER LICENSE APPLICATIONS-OFF PREMISES CONSUMPTION-RENEWALS-TOTAL OF 3 APPLICATIONS**
Suncor Energy Sales, Inc. d/b/a Shell, 1812 Highway 50 West
Suncor Energy Sales, Inc. d/b/a Shell, 1201 Bonforte Boulevard
7-Eleven, Inc. d/b/a 7-Eleven #19169, 926 Lake Avenue
- 5 RETAIL LIQUOR STORE LIQUOR APPLICATION-RENEWAL-BIG BEAR WINE & LIQUOR, INC. D/B/A BIG BEAR WINE & LIQUOR, 2037 S. PUEBLO BOULEVARD**
- 5 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
Christopher Rodriguez d/b/a Sharky's Bar, 1549 E. Evans Avenue
Main Street Banquet Hall, LLC d/b/a Main Street Banquet Hall, 205-209 N. Main St. Ste. 101
- 6 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE-RIVERWALK SENATE RESTAURANT & LOUNGE, LLC D/B/A THE SENATE, 219 S. GRAND AVENUE (REQUESTING TEMPORARY MODIFICATION TO BEGIN ON SEPTEMBER 20, 2012 THROUGH SEPTEMBER 23, 2012)**
- 7 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—TAVERN LIQUOR LICENSE-3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE (REQUESTING TEMPORARY MODIFICATION TO BEGIN ON SEPTEMBER 21, 2012 THROUGH SEPTEMBER 23, 2012)**

CONSENT AGENDA (CONTINUED)

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- 8 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—
TAVERN LIQUOR LICENSE—CRYSTAL RAMOS & PEDRO GRANILLO D/B/A P.C'S PINK
PANTHER LOUNGE, 2430 LAKE AVENUE (CURRENTLY LICENSED TO CARL F.
RODRIGUEZ D/B/A LITTLE JOE'S, LICENSE EXPIRES AUGUST 16, 2013)
- 9 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—
RETAIL LIQUOR STORE LIQUOR LICENSE—SPANKY'S WINE & LIQUOR, LLC D/B/A
SPANKY'S LIQUOR WORLD, 1415 US HIGHWAY 50 WEST (CURRENTLY LICENSED TO
SPANKY'S LIQUOR WORLD, LLC D/B/A SPANKY'S LIQUOR WORLD, LICENSE EXPIRES
DECEMBER 6, 2012)
- 10 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—
TAVERN LIQUOR LICENSE—VETERAN'S TAVERN, INC. 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)

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

REGULAR AGENDA

- 11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR
LICENSE—BOYS & GIRLS CLUBS OF PUEBLO COUNTY, MAILING ADDRESS: 2601
SPRAGUE AVENUE, EVENT MANAGER: MELANIE BRAVO, (EVENT TO BE HELD
SEPTEMBER 28, 2012. ADDRESS OF EVENT: 701 S. PUEBLO BOULEVARD)

Event Manager Melanie Bravo, 2018 Court Street was sworn in and answered questions from the Board. Also present with Ms. Bravo was Tracy Kite, 809 W. Routt. Ms. Kite is the owner of the business, Epic Entertainment, where this event will be held. Ms. Bravo explained the event for which this application was made is for a miniature golf event and the money raised will be used to fund programs at the Boys & Girls Clubs of Pueblo County. She will be responsible for supervising the event along with other members of their staff. Ms. Kite explained that the facility will be closed to the general public on 9/28/12 and only individuals participating in the golf tournament will be allowed on the premises. There will be 1 liquor distribution point and two individuals will be selling/serving alcohol. Ms. Bravo described the type of food that will be served and described approved forms of I.D. She explained at the point of entry, designated staff members will be responsible for checking ID's and a wristband will be given to patrons so they can purchase alcohol. Ms. Kite stated she will have 6 of her employees on premises in addition to the staff members of the Boys & Girls Club to maintain order on the licensed premises. Alcohol will not be allowed to be taken off the licensed premises and the entire facility is enclosed by fencing so the licensed premises will be secure.

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

REGULAR AGENDA (CONTINUED)

**MEETING
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- 12 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-GINO'S LOUNGE, LLC D/B/A MARGUERITE'S AT TOG'S, 112 W. 7TH STREET (ON JULY 3RD, 2012 LICENSEE PAID DELINQUENT TAXES. LICENSEE WAS DELINQUENT 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 2ND, 2011)

Owner Marguerite Crowell-Even, 25750 Hillside Road was sworn in.

Assistant City Attorney and Conflicts Counsel, Carla Sikes was present on behalf of the City Sales Tax Division. Ms. Sikes explained that she and Ms. Crowell-Even had arrived at a proposed stipulated agreement. Ms. Sikes explained to the Board that Ms. Crowell-Even has paid her taxes to become current. She stated she had a discussion with Ms. Crowell-Even regarding the nature of the taxes and how essentially the taxes are a trust fund and non-payment of these taxes to the City is a violation of that trust. She also explained the importance of timely filing. Ms. Sikes stated that the licensee shared information with her that led to her believe this may have been an isolated event and in checking Ms. Crowell-Even's past records, it appeared she had been paying on time prior to this circumstance.

Ms. Sikes then read the *Stipulated Findings and Order* into the record for the Board's consideration. The Stipulated Findings & Order indicate that the licensee stipulated to the violation and admitted that she failed to timely file sales and use tax returns. The licensee also stipulated and agreed to a suspension of its liquor license for a period of three days of which no days shall be imposed. The three days will be held in abeyance for a period of one year.

Mr. Ferris, seconded by Mr. Pullaro, moved to accept the stipulation as presented by Ms. Sikes.

The Board held a brief discussion with Ms. Crowell-Even asking her what precautions she was taking to prevent this from happening again. Ms. Crowell-Even stated they had an employee who had stolen large sums of money and that the employee no longer has access to the bar. She also stated they have installed more surveillance cameras. Mr. Ferris explained to the licensee that the Board wants these assurances to protect her from the possibility of losing her liquor license. The Board then cast their votes.

Roll Call: Ayes—DiFatta, Ferris, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 6:40 p.m.

Respectfully submitted,


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