

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
OCTOBER 17, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of October 17, 2012 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

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

APPROVAL OF MINUTES

Mr. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of October 17th, 2012. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 **HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 5 APPLICATIONS**
Cuatla, Inc. d/b/a 3 Margaritas VIII, 3620 N. Freeway Road
Wild Wings USA LLC d/b/a PT's Wings & Ribs, 1749 S. Pueblo Boulevard
The Noodle Shop, Co.-Colorado, Inc. d/b/a Noodles & Company, 825 W. US Highway 50
Donna Marie Hart d/b/a All Season's Catering Event Center, 112 W. 2nd Street
Paul Pachino d/b/a Mozart Restaurant & Lounge, 1120 N. Main Street
- 2 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-HANCOR INVESTMENTS, INC. D/B/A/ J.R.'S LIQUOR, 721 N. GRAND AVENUE**
- 3 **CABARET LICENSE APPLICATION-RENEWAL-DONNA MARIE HART D/B/A ALL SEASON'S CATERING EVENT CENTER, 112 W. 2ND STREET**
- 4 **SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR – PUEBLO PERFORMING ARTS GUILD, INC., MAILING ADDRESS: P.O. BOX 1480, PUEBLO, CO - EVENT MANAGER: HEATHER THOMPSON (EVENT TO BE HELD NOVEMBER 2, 2012, ADDRESS OF EVENT: 301 N. UNION AVENUE)**
- 5 **PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-HOTEL & RESTAURANT LIQUOR LICENSE: BLAZIN WINGS, INC. D/B/A BUFFALO WILD WINGS GRILL & BAR, 5821 N. ELIZABETH STREET (NEW TRADE NAME: BUFFALO WILD WINGS)**

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

REGULAR AGENDA

- 6 **PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – TAVERN LIQUOR LICENSE-CDE BILLIARDS, LLC D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE (NEW MANAGER CHESTER EASTON REPLACES SHELLY KEARNS)**

At the time this item was called, no one was present.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Mr. Rose, seconded by Mr. Ferris moved to move Item #6 to the end of the agenda. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

7 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – HOTEL & RESTAURANT LIQUOR LICENSE-GLOBAL SPECTRUM COLORADO LP D/B/A PUEBLO CONVENTION CENTER, 320 CENTRAL MAIN STREET (NEW MANAGER BRIAN HOFFMAN REPLACES DEAN DENNIS)

New manager Brian Hoffman, 4739 Eagleridge Circle, was sworn in and answered questions from the Board. The moral character of Mr. Hoffman was satisfactory to the Board. He stated he previously worked in/for liquor-licensed establishments and those liquor licenses were never suspended or revoked for violating liquor licensing statutes or regulations. They employ 8 full-time and 44 part-time employees and they conduct extensive background investigations on all employees. Mr. Hoffman stated none of their employees have ever pled guilty to or been convicted of a crime other than a minor traffic offense. He described approved forms of identification and explained their policy for checking the age of patrons is to have their food & beverage banquet managers check the identification of their patrons and depending on the event will place a wristband on them. He stated these food & beverage managers are TIPS certified and although he has attended Liquor Awareness training before moving to Colorado, he will become certified in Colorado. Mr. Hoffman was also given a copy of the City/State's 2012 class schedule.

Mr. Ferris, seconded by Mr. Rose, moved to approve this change of manager. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

8 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– PAPA BELLO ENTERPRISES, INC. D/B/A ROSARIO'S AT THE RIVERWALK, 101 S. MAIN STREET, UNITS 200 & 201

At the time this item was called, no one was present.

Mr. Pullaro, seconded by Mr. Ferris moved to move this item to the end of the agenda. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Note: Mr. Easton arrived at the meeting at this point in time.

6 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – TAVERN LIQUOR LICENSE-CDE BILLIARDS, LLC D/B/A CLASSIC Q'S, 1715 S. PRAIRIE AVENUE (NEW MANAGER CHESTER EASTON REPLACES SHELLY KEARNS)

Owner/new manager Chester Easton, 75 Purdue was sworn in and answered questions from the Board. The moral character of Mr. Easton was satisfactory to the Board. Prior to holding ownership in this establishment, Mr. Easton never held or worked in or for a liquor-licensed establishment. They employ 7 employees and none of these employees have pled guilty to or been convicted of a crime other than a minor traffic offense. He described approved forms of identification and explained their policy for checking the age of their patrons is to request identification from anyone who appears under the age of 35. Mr. Easton stated he and his employees would attend the City/State's next Liquor Awareness class. He was given a copy of the City/State's 2012 class schedule.

Mr. Rose, seconded by Mr. Ferris, moved to approve this change of manager. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Note: Applicant Papa Bello Enterprises, Inc. arrived at the meeting at this point in time.

8 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– PAPA BELLO ENTERPRISES, INC. D/B/A ROSARIO'S AT THE RIVERWALK, 101 S. MAIN STREET, UNITS 200 & 201

New manager Jeremy Aragon, 1501 E. 17th Street and owner James Wheeler, 300 W. Orange Heights Lane, Corona, CA were sworn in. Also present with the applicant was their attorney, Rudy Reveles.

Chairwoman Harrison explained to the applicant that the Board would like to enter into the record, photos taken of the patio area of the proposed licensed premises. Mr. Styduhar stated the photos of the patio area were provided by Staff. After a brief review of the photos, the applicant did not object to the photos being made a part of the record and acknowledged the photos were a fair representation of the patio area of the proposed licensed premises. The photos were marked as *Exhibit C*.

The Board proceeded to the moral character questions. Mr. Aragon stated in 1998 or 1999, he had to pay a \$100 fine for possession of cannabis; Mr. Wheeler stated approximately 30 years ago he received probation, in California, for a conflict with a business partner. Mr. Aragon has previously worked in various liquor-licensed establishments and those licenses were never suspended or revoked for violating any liquor licensing statutes; Mr. Wheeler stated he previously worked for an establishment (consumption off-premises) and there were never any violations at that location. Regarding the question of whether or not there were any silent partners or financial backers not disclosed in the application, Mr. Wheeler explained this is a publically-traded company and no one holds more than 5% of the business stock. Mr. Wheeler further stated he has 100% control over the direction of the company. He stated he initially funded the public company and is now in the process of closing on a \$52.5 million common financing loan for the public company. Also, the landowner at this location (101 S. Main Street) established a \$500,000 line of credit to open this establishment. Mr. Wheeler stated this entity will be supported by the parent company as well. They will employ 19-20 employees. When asked if any of their employees had ever pled guilty to or been convicted of a crime other than a minor traffic offense, Mr. Wheeler stated he didn't know, that his food & beverage director, Mike Dierksen, would know those particulars. He stated they do conduct background investigations on their employees, especially on the "liquor side." Mr. Aragon described approved forms of identification and explained their policy for checking the age of their patrons is to request an I.D. from anyone who looks 35 years of age or younger. Mr. Aragon stated he is planning on attending the December 11th, 2012 class and he will also have their employees attend a City/State Liquor Awareness class. He was given a copy of the 2012 class schedule. Board Member Ferris stated he would like to see Mr. Aragon become certified in Alcohol Awareness and serving techniques.

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

Mr. Reveles asked the Board if they had any other questions regarding employees and background checks as he wanted to be very thorough on that issue. He stated he felt it was very important especially when people are seeking employment and often, people are going to have had some type of run-in with the law. He stated they do not want that or expect that and did not want it to interfere with a properly run restaurant. Mr. Styduhar explained that the concern of the Board is that the licensee is in compliance with the statutes which indicate that good moral character & reputation of employees is a consideration for the Board. Mr. Reveles stated he would like to supplement the record on this issue and stated that many of their employees came from a prior liquor-licensed premise in Pueblo and had

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

received their training at that point. The previous location had received a violation and it is a priority of this (new) establishment to be in compliance with State liquor laws.

The Board had questions with regard to the drawing of the licensed premises. The building owner, Adolph Padula, was present and stated he felt he could address the Board's concerns.

Adolph Padula, 4202 St. Andrews Drive was sworn in and answered questions from the Board. Mr. Padula explained that the door to the elevator is locked and will only be open during business hours. There will be a hostess to monitor the foyer area which is included in the drawing of the proposed licensed premises. Mr. Padula explained the bottom portion of the patio area will be "roped off." There was a portion on the drawing, bordering the patio and sidewalk of the outdoor patio area that was amended to better reflect a straight line from pillar to pillar. Mr. Reveles explained there will also be a gate which will prevent patrons from going down the bottom stair area. Mr. Wheeler stated there will a movable type barrier which will prevent patrons from taking alcohol across the public thoroughfare. Mr. Reveles stated it will be something that is very obvious to patrons that they are not to cross this area.

The Board also reviewed the regulations with the applicant regarding carrying alcohol across the public right-of-way explaining that the inclusion of the public thoroughfare is solely for the purpose of transporting alcohol to the customers.

The Board then reviewed the petitions. Present on behalf of the applicant, with regard to petition circulation was Dan Corsentino. The business petitions were collectively marked as *Exhibit A* and the residential petitions were collectively marked as *Exhibit B*.

Dan Corsentino, 301 N. Main Street was sworn in. Mr. Corsentino discussed some of the issues he encountered when attempting to obtain signatures on the petitions. He stated there was a lack of access to some of the residents in the area due to gated or locked access. Chairwoman Harrison and Board Member Rose explained to Mr. Corsentino why some of the businesses were excluded from their count – such as some of the businesses failed to list their business name or business address.

Mr. Pullaro, seconded by Mr. Rose, moved to approve the issuance of this liquor license contingent on all employees becoming certified in Liquor Awareness training; receipt of clear CBI/FBI background checks; installation of gates in the patio area; and that no alcohol will be carried across the public thoroughfare by patrons.

Before the Board cast their votes, Board Member Ferris stated to Board Member Pullaro that his recommendation was that only the manager, Jeremy Aragon, become certified in Liquor Awareness. Mr. Reveles stated they objected to the requirement that all employees must become certified in Liquor Awareness. Mr. Styduhar asked the Board to please keep in mind that the applicant has an issue with the requirement of all employees becoming certified.

Roll Call: Ayes— Harrison, Pullaro and Rose. Nays: Ferris. Motion passed on a vote of 3-1.

Mr. Styduhar read the proposed Findings and Order for the Board's consideration which in part indicates the issuance of this license is supported by at least 197 residents of neighborhood or other parties in interest and opposed by at least 3 residents of the neighborhood or other parties in interest. Additionally, the application was granted with restrictions and conditions, which in part read, "Manager shall obtain certification for alcohol service as well as all employees."

REGULAR AGENDA (CONTINUED)

**MEETING
NUMBER**

Mr. Rose, seconded by Mr. Ferris, moved to modify the Findings and Order stating that only the manager (Jeremy Aragon) become certified within 60-days and not all employees need to become certified. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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

Following the conclusion of the hearing, Mr. Styduhar asked to speak to the Board. He explained to the Board, that one concern as a quasi-judicial Board is consistency, especially if there are conditions being applied to a licensee. He asked the Board to please keep this in mind and explained unless there is compelling reason; a licensee should not be singled out. Mr. Styduhar stated he felt it was appropriate that the Board amended the proposed Findings and Order.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,


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