

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
November 7, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 7, 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.

APPROVAL OF MINUTES

Mr. Rose, seconded by Mr. DiFatta, moved to approve the minutes of the Regular Meeting of October 17th, 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**
Big Daddy's Sunset Bowl, Inc. d/b/a/ Big Daddy's Sunset Bowl, 1227 S. Prairie Avenue
Tian Jin, Inc. d/b/a Tian Jin Oriental Cuisine, 3400 W. Northern Avenue
La Tronica's Restaurant, Inc. d/b/a La Tronica's, 1143 E. Abriendo Avenue
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 APPLICATIONS**
Cosmo Bob's LLC d/b/a Cosmopolitan Club, 311- Baystate Avenue
It's Party Time, Inc. d/b/a White Horse Inn, 628 E. 4th Street
GLT, Inc. d/b/a Greenlight Tavern, 227 N. Santa Fe Avenue
Brillante, LLC d/b/a La Favorita, 119 W. B Street
- 3 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS- TOTAL OF 3 APPLICATIONS**
7-Eleven, Inc. d/b/a 7-Eleven Store #17127, 905 W. Northern Avenue
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #201, 3918 Hollybrook Lane
J.R.'s Country Stores, Inc. d/b/a J.R.'s Country Store #208, 1103 N. Elizabeth Street
- 4 PASS KEY HIGHWAY 50 WEST CORP. D/B/A PASS KEY HIGHWAY 50 WEST RESTAURANT, 1901 HIGHWAY 50 WEST**
- 5 CLUB LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**
Fraternal Order of Eagles d/b/a Fraternal Order of Eagles #145, 1615 S. Prairie Avenue
Fraternal Order of Eagles d/b/a Steel City Aerie #3367, 704 Elmhurst Place
American GI Forum d/b/a American GI Forum, 125 Hector Place
- 6 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 APPLICATIONS**
Hercules Enterprises, Inc. d/b/a Hercules Liquor, 112 Broadway Avenue
Vintage Wine & Liquors, Inc. d/b/a Vintage Wine & Liquors, 1765 S. Pueblo Boulevard
K&D Enterprises, Inc. d/b/a Troy Village Liquor, 1732 Constitution Road
- 7 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 APPLICATIONS**
It's Party Time, Inc. d/b/a White Horse Inn, 628 E. 4th Street
Brillante, LLC d/b/a La Favorita, 119 W. B Street

CONSENT AGENDA (CONTINUED)

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- 8 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—APPLE COLORADO, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 3428 N. ELIZABETH STREET, (CURRENTLY LICENSED TO AMREST, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LICENSE EXPIRES APRIL 28, 2013)**
- 9 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—APPLE COLORADO, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, 4001 W. NORTHERN AVENUE, (CURRENTLY LICENSED TO AMREST, LLC D/B/A APPLEBEE'S NEIGHBORHOOD GRILL & BAR, LICENSE EXPIRES APRIL 29, 2013)**

Mr. Rose, 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

- 10 **SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—SANGRE DE CRISTO ARTS & CONFERENCE CENTER, INC., MAILING ADDRESS: 210 N. SANTA FE AVENUE, EVENT MANAGER: LORRIE MARQUEZ, (EVENT TO BE HELD NOVEMBER 15, 2012. ADDRESS OF EVENT: 4804 DILLON DRIVE)**

Event manager Lorrie Marquez, 3226 St. Clair Avenue and Jackie Henderson, 1088 S. Honeysuckle Drive, Pueblo West, CO, were sworn in and answered questions from the Board. The moral character of Ms. Marquez and Ms. Henderson was satisfactory to the Board. Ms. Henderson explained this event is a wine-pairing educational class where the attendees will learn what types of wines to serve with certain foods. Ms. Henderson stated John Meyer, owner of 80/Twenty Wines will be instructing the class and stated Mr. Meyer is TIPS certified. The funds raised will go directly to the Arts Center to fund more educational classes. Ms. Henderson, along with Rochelle Spooone, an employee of the Arts Center, will be responsible for supervising the event. Both Ms. Marquez and Ms. Henderson described the types of food that will be served and what approved forms of ID are. Ms. Henderson explained there will be one liquor distribution point and only Mr. Meyer will be serving the alcohol. Ms. Marquez stated they will check the I.D. of anyone who appears under the age of 30 and Ms. Henderson further explained that no one under the age of 21 is registered for this class. Currently, there are 12 registrants with a 50-registrant capacity. Ms. Henderson stated they are not actually hiring uniformed security officers since this is a pouring-type event and the quantities of alcohol will be very limited. Mr. Meyer will pour wine at the table and if there is any left-over wine, it will be poured out.

A brief discussion ensued regarding where the alcohol will be purchased and it was determined the applicant will purchase the alcohol from a licensed wholesaler and the event location is where delivery will be made.

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

- 11 **COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-RIVERSIDE BAR & GRILL OF PUEBLO, LLC D/B/A RIVERSIDE BAR OF PUEBLO, 4021 JERRY MURPHY ROAD, (POLICE CR# 12-11248, VIOLATION DATE: JUNE 11, 2012)**

REGULAR AGENDA (CONTINUED)

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Conflicts Counsel Attorney Carla Sikes was present on behalf of the Police Department. No one was present on behalf of the licensee.

Ms. Sikes stated she had spoken to the licensee and she felt there was not enough evidence to proceed with this case and requested the case be dismissed. Ms. Sikes stated she had also spoken to the victim in this case and the victim never told the licensee that she had been assaulted in the bar. Ms. Sikes further explained there was not a clear line of sight where the assault occurred. The victim left right away and there was no way for the bar owner to know that an assault had taken place. Ms. Sikes stated that the police detective assigned to the victim's assault case closed the case as the victim would not return phone calls. Additionally, the police officer who took the initial report was now retired.

Mr. DiFatta, seconded by Mr. Ferris, moved to Receive and File this communication. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

12 HEARING RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE—GOPEE, INC. D/B/A JOKER GRILL & BAR, 1705 SCHLEY (POLICE CR#12-16599, VIOLATION DATE: AUGUST 24, 2012)

Owner Juanita Jimenez was sworn in. Also present with Mrs. Jimenez was her son Raymond Jimenez and he was also sworn in.

Conflicts Counsel Attorney Carla Sikes was present on behalf of the Police Department. Ms. Sikes explained that the licensee had opted to stipulate to the violation of *after-hours consumption of alcohol* and also the *removal of alcohol from the licensed premises*. The licensee agreed to 3-days suspension, 3-days served without the possibility of paying a fine in lieu of the suspension.

Mr. Jimenez explained they have been closed for the past few weeks and he feels they will probably close permanently as the building requires a lot of repairs and the landlord is not willing to pay for the repairs. Chairwoman Harrison reminded the licensee to notify and properly close-out all City accounts and to bring their sales tax account current if they did decide to close. Mr. Jimenez stated they will be making a decision within the next two weeks.

Mr. Styduhar read the proposed Stipulated Findings and Order for the Board's consideration.

Mr. Ferris, seconded by Mr. Rose, moved to accept the licensee's stipulation to the violation for 3-days suspension, 3-days served. 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 6:46 p.m.

Respectfully submitted,


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