

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
November 21, 2012 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of November 21, 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. DiFatta, seconded by Mr. Ferris, moved to continue the approval of the minutes of the Regular Meeting of November 7th, 2012 to December 5th, 2012. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

AMENDMENTS TO REGULAR AGENDA

Mr. DiFatta, seconded by Mr. Rose moved to remove Item #8 from the Regular Agenda. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

(Note Re Item #8: Club Manor Sports Bar & Entertainment, LLC d/b/a Club Manor Sports Bar & Entertainment, 4065 Club Manor Drive-This licensee's liquor license expired on August 18, 2012 and the opportunity for late renewal also passed. Licensee no longer held a liquor license therefore, the hearing listed in Item #8 was not held.)

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWALS TOTAL OF 2 RENEWALS**
Rojas & Rojas, LLC d/b/a Garlic & Onions Mexican Grill, 4333 Thatcher Avenue
PUCO Associates, LLC d/b/a Pueblo Marriott/Charlie B's, 110 W. 1ST Street
- 2 CABARET LICENSE APPLICATION-RENEWAL- PUCO ASSOCIATES, LLC D/B/A PUEBLO MARRIOTT/CHARLIE B'S, 110 W. 1ST STREET**

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

REGULAR AGENDA

- 3 NEIGHBORHOOD SURVEY: NEW HOTEL & RESTAURANT LIQUOR LICENSE/NEW CABARET LICENSE– SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET**

Neighborhood surveyor Don Vest, 516 Lincoln was sworn in. Mr. Vest presented the demographics and map of the defined neighborhood for issuance of a new hotel & restaurant liquor license for premises to be known as *Shorty's Main St. Grille*.

Mr. Pullaro, seconded by Mr. Rose, moved to accept the survey and set the hearing for December 5th, 2012. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

REGULAR AGENDA (CONTINUED)

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4 REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—HOTEL & RESTAURANT LIQUOR LICENSE- D/B/A ANGELO'S PIZZA PARLOR & A MORE', INC. D/B/A ANGELO'S PIZZA PARLOR AND-A-MORE, 105 E. RIVERWALK (NEW TREASURER & 25% STOCKHOLDER ERIC WALKER; NEW 19% STOCKHOLDER RICHARD FORESTA)

New corporate officers Eric Walker, 5044 Thrush and Richard Foresta, 28 Aberdeen Bluffs were sworn in and answered questions from the Board.

Mr. Walker stated he was convicted of DWAI in 1997. He has never held or worked in or for a liquor-licensed establishment. There are no silent partners or financial backers not disclosed in their application. Mr. Walker stated he obtained a bank loan to enter into possession of the premises. They employ approximately 22 employees and Mr. Walker stated he did not know whether or not any of their employees have ever pled guilty to or been convicted of a crime other than a minor traffic offense. He stated they do check references of potential employees. Mr. Walker stated he did not know what an approved form of ID is. Board Member Ferris was deeply concerned about Mr. Walker being in the liquor industry and not know what approved identification is. He strongly recommended that Mr. Walker become certified in Liquor Awareness since he is going to be managing this establishment and he should be able to pass that knowledge on to his employees. Mr. Styduhar explained while there is merit to Mr. Ferris' concern, the Board's main focus should be on the moral character of the individual. A brief discussion ensued with Board members expressing disbelief about Mr. Walker not knowing what approved identification is and they cited various forms of approved ID to Mr. Walker. Mr. Walker stated their policy for checking the age of their patrons is to ask for ID if the patron looks under the age of 40. Mr. Walker stated they will attend a Liquor Awareness class and a copy of the class schedule was provided.

The Board then questioned Mr. Foresta. The moral character of Mr. Foresta was satisfactory to the Board. Mr. Foresta has previously held a liquor license and indicated they received a violation for sale to a minor. There are no silent partners or financial backers not disclosed in their application. Mr. Foresta stated he used personal savings to enter into possession of the premises. They employ approximately 25-30 employees and stated they do check references of potential employees. Mr. Foresta described approved forms ID. Mr. Foresta stated their policy for checking the age of their patrons is to ask for ID if the patron looks 21 years of age or younger. Board Member Ferris cautioned Mr. Foresta about using 21 years of age as their basis for checking identification stating they need to be very careful so as not to serve to a minor. With all questions and concerns addressed, the Board cast their vote.

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

5 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – HOTEL & RESTAURANT LIQUOR LICENSE-ANGELO'S PIZZA PARLOR & A MORE', INC. D/B/A ANGELO'S PIZZA PARLOR AND-A-MORE, 105 E. RIVERWALK (NEW MANAGER ERIC WALKER REPLACES RICHARD FORESTA)

New manager Eric Walker, still under oath, was present. Mr. Walker stated he plans on taking a Liquor Awareness Class.

Board Chairwoman Harrison stated the Board would take administrative notice of the testimony Mr. Walker gave in Item #4.

REGULAR AGENDA (CONTINUED)

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

6 HEARING: 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)

Kevin Coates, attorney with the law firm of Dill & Dill was present on behalf of the applicant. Also present with Mr. Coates were the managers of both Applebee's locations who were both sworn in: Lynn McKenzie, 2022 Pepperwood Drive and Jennifer Priest, 575 W. Slice Drive.

Mr. Coates explained the transition of Apple America Group, LLC and stated that a master file was approved by the State. He stated nothing is changing and this transition involves several states. Mr. Coates also asked the Board to take administrative notice of the testimony both managers have previously given to the Board somewhat recently.

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

7 HEARING: 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)

This item was read into the record.

Kevin Coates, attorney with the law firm of Dill & Dill and the managers of both Applebee's locations were still present on behalf of the applicant.

It was noted there was no one present in opposition to this transfer of ownership for this matter or for Item #6.

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

8 REMOVED FROM THE AGENDA

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