

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

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

**CONSENT AGENDA**

**1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWALS-TOTAL OF 2 RENEWALS**

Sachiko Pyon d/b/a Suehiro Japanese Restaurant, 631 S. Main Street  
William Coppola, Inc. d/b/a Magpie's, 229 S. Union Avenue

**2 TAVERN LIQUOR LICENSE APPLICATION-RENEWALS-TOTAL OF 6 RENEWALS**

Broken Dollar, Inc. d/b/a Broken Dollar Saloon, 2301 Lake Avenue  
Mary Madelyn Gifford d/b/a Gil's Westside Tavern, 2202 W. 16<sup>th</sup> Street  
Gino's Lounge, LLC d/b/a Marguerite's @ TOG's, 112 W. 7<sup>th</sup> Street  
Damon Runyon Repertory Theatre Co., Inc. d/b/a Damon Runyon Repertory Theatre Co., 611 N. Main Street  
Charles Allen Kinnard d/b/a Charlie's Tavern, 1601 W. 17<sup>th</sup> Street  
Jenn-CO, LLC d/b/a Two & Nine Bar & Grill, 2912 N. Elizabeth Street

**3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS-TOTAL OF 19 RENEWALS**

Safeway Stores 46, Inc., d/b/a Safeway Store #3714, 617 W. 29<sup>th</sup> Street  
Safeway Stores 46, Inc., d/b/a Safeway Store #3715, 1322 E. 8<sup>th</sup> Street  
Safeway Stores 46, Inc., d/b/a Safeway Store #3729, 1231 S. Prairie Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #2, 2050 Lake Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #25, 4800 Thatcher Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #28, 120 S. Santa Fe Avenue  
Mini Mart Inc. d/b/a Loaf 'N Jug #34, 33 Montebello Road  
Mini Mart Inc. d/b/a Loaf 'N Jug #37, 3980 Ivywood Lane  
Mini Mart Inc. d/b/a Loaf 'N Jug #38, 1002 Bonforte Boulevard  
Mini Mart, Inc. d/b/a Loaf 'N Jug #52, 2405 W. Northern Avenue  
Mini Mart, Inc. d/b/a Loaf 'n Jug #65, 2119 E. 4<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'n Jug #67, 1525 W. 4<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'n Jug #70, 4001 Jerry Murphy Road  
Mini Mart, Inc. d/b/a Loaf 'n Jug #71, 1201 W. 17<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'n Jug #73, 2202 W. 18<sup>th</sup> Street  
Mini Mart, Inc. d/b/a Loaf 'n Jug #78, 2120 Oakshire Lane  
Mini Mart, Inc. d/b/a Loaf 'n Jug #79, 420 Eagleridge Boulevard  
Mini Mart, Inc. d/b/a Loaf 'n Jug #84, 1104 Pueblo Boulevard Way  
Mini Mart, Inc. d/b/a Loaf 'n Jug #93, 905 W. Highway 50

**CONSENT AGENDA (CONTINUED)**

**MEETING  
NUMBER**

- 4 **CLUB LIQUOR LICENSE APPLICATION-RENEWAL-BPOE OF USA D/B/A B.P.O.E. PUEBLO LODGE #90, 426 N. SANTA FE AVENUE**
- 5 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS TOTAL OF 2 RENEWALS**  
Betty L. Amaya d/b/a Mesa Liquor Store, 105 Colorado Avenue  
THKIM'S d/b/a Bonny Hy-Land Liquor, 1114 Bonforte Boulevard
- 6 **CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 2 RENEWALS**  
Gino's Lounge, LLC d/b/a Marguerite's @ TOG's, 112 W. 7<sup>th</sup> Street  
Damon Runyon Repertory Theatre Co., Inc. d/b/a Damon Runyon Repertory Theatre Co., 611 N. Main Street
- 7 **TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP—TAVERN LIQUOR LICENSE/CABARET LICENSE—RICHARD RAY GONZALES D/B/A PIXIE INN, 440 S. SANTA FE AVENUE, (CURRENTLY LICENSED TO JOSEPH J. TRUJILLO D/B/A PIXIE INN, LICENSE EXPIRES JULY 26, 2013)**
- 8 **PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER- 3.2% BEER LICENSE- CONSUMPTION OFF PREMISES-MINI MART, INC. D/B/A LOAF 'N JUG #52, 2405 W. NORTHERN AVENUE (NEW MANAGER CHARLENE DURAN REPLACES JAMIE MILLER)**
- 9 **PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER- 3.2% BEER LICENSE- CONSUMPTION OFF PREMISES-MINI MART, INC. D/B/A LOAF 'N JUG #78, 2120 OAKSHIRE LANE (NEW MANAGER MARIA GONZALES REPLACES BRANDI MIKUS)**
- 10 **PERMIT APPLICATION AND REPORT OF CHANGES: CHANGE OF MANAGER- 3.2% BEER LICENSE- CONSUMPTION OFF PREMISES-MINI MART, INC. D/B/A LOAF 'N JUG #93, 905 W. HIGHWAY 50 (NEW MANAGER BRITTNEY ALLEN REPLACES GILBERT TRUJILLO)**

Mr. Ferris, 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**

- 11 **REPORT OF CHANGES- CHANGE OF CORPORATE STRUCTURE—TAVERN LIQUOR LICENSE-WRONG NOTE LTD. D/B/A THE DOWNTOWN BAR, 103 CENTRAL PLAZA, (NEW PARTNERS: KEITH AVERY, BRIAN PALOMAR, MIGUEL PALOMAR AND MARTHA PALOMAR REPLACE DEREK TOWNLEY. NEW PARTNERS EACH HOLD 25% OF THE STOCK)**

New members Keith Avery, 821 Westacres Avenue; Brian Palomar, 821 Westacres Avenue; Miguel and Martha Palomar, both of Arvada, CO were all sworn in and answered questions from the Board. The moral character of all members was satisfactory to the Board. The only member to ever work in or for a liquor-licensed establishment was Mr. Avery and that license was never suspended or revoked for violating liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in their application. Miguel and Martha Palomar are the only members making a monetary

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Investment in this entity and they obtained the necessary funds to enter into possession of the premises from their I.R.A.'s. They will employ 2-3 employees: one who was hired by the previous owner and one who is an acquaintance. They will conduct background checks on future employees. Mr. Avery described approved forms of I.D. Brian Palomar stated they will check the I.D.'s of all of their patrons. Mr. Avery stated at a minimum, they will ask for an I.D. if the patron appears to be under the age of 40. They will attend the City/State Liquor Awareness class scheduled for 12/11/2012.

Mr. Pullaro, seconded by Mr. DiFatta moved to approve this liquor application.

Before the Board cast their vote on this item, Mr. Styduhar stated this was a change of corporate structure and asked Mr. Pullaro if he would like to consider amending his motion.

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

**12 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – TAVERN LIQUOR LICENSE- WRONG NOTE LTD. D/B/A THE DOWNTOWN BAR, 103 CENTRAL PLAZA, (NEW MANAGER KEITH AVERY REPLACES DEREK TOWNLEY)**

Board Chairwoman Harrison stated the Board would take administrative notice of the testimony given by Mr. Avery in Item #11.

Mr. Pullaro, seconded by Mr. Ferris, moved to take administrative notice of the previous testimony and approve this change of manager. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**13 HEARING: NEW HOTEL & RESTAURANT LIQUOR LICENSE– SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET,**

Owners/members Jay D. Johnson and Jennifer Johnson, both of 125 Lake Avenue were sworn in and answered questions from the Board. The moral character of both members was satisfactory to the Board. They currently hold another liquor license and that license has never been suspended or revoked for violating liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in their application. Mr. and Mrs. Johnson stated they used personal savings to enter into possession of the premises. They will employ approximately 15 employees, some of which are family members. They will check references but will not conduct background investigations; both members described approved forms of I.D. Mrs. Johnson stated their bartenders will check all customer's I.D.'s before selling an alcohol beverage to them and Mr. Johnson stated they will check everyone's identification. Both Mr. and Mrs. Johnson previously attended the City/State's liquor awareness class and they intend to send employees to Liquor Awareness classes in the future.

The Board then reviewed the petitions which were previously distributed to the Board. The business petitions were collectively marked as *Exhibit A* and the residential petitions were collectively marked as *Exhibit B*. It was determined that the issuance of this license is supported by at least 156 residents of the neighborhood or other parties in interest and opposed by at least 1 resident of the neighborhood or other parties in interest.

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

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Mr. Rose, seconded by Mr. DiFatta, moved to approve the issuance of this liquor license contingent upon submittal of a completed routing sheet and return of the background checks with no issues. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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

Mr. Rose, seconded by Mr. Ferris moved to accept the Findings and Order. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**14 HEARING: NEW CABARET LICENSE– SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET,**

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

Mr. Styduhar explained to the Board that the City Clerk's Office previously received the proof of mailings of the hearing notices and they were collectively marked as *Exhibit A*. It was determined that the issuance of this license is supported by at least 156 residents of the neighborhood or other parties in interest and opposed by at least 1 resident of the neighborhood or other parties in interest.

Mr. Rose, seconded by Mr. Ferris, moved to take Administrative Notice of the previous testimony (given in Item #13) and approve this application for a cabaret license. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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

Mr. Rose, seconded by Mr. Ferris moved to approve the Findings and Order. 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 6:40 p.m.

Respectfully submitted,

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