

PUEBLO LIQUOR & BEER LICENSING BOARD

MINUTES -- REGULAR MEETING

CITY HALL -- COUNCIL CHAMBERS

February 20, 2013 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of February 20, 2013 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. Ferris, moved to approve the minutes of the Regular Meeting of February 6, 2013. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-MALATA, INC. D/B/A FELICE'S PIZZERIA, 1725 W. PUEBLO BOULEVARD**
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
EJS, Inc. d/b/a Fairway Inn, 521 S. Pueblo Boulevard
Three Legged Dog, Inc. d/b/a Cock & Bull Tavern, 325 S. Union Avenue
- 3 CABARET LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**
EJS, Inc. d/b/a Fairway Inn, 521 S. Pueblo Boulevard
Malata, Inc. d/b/a Felice's Pizzeria, 1725 W. Pueblo Boulevard
- 4 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES: PESTER MARKETING COMPANY D/B/A 1ST STOP #3104, 725 W. NORTHERN AVENUE (NEW TRADE NAME: ALTA CONVENIENCE #3104)**
- 5 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES: PESTER MARKETING COMPANY D/B/A 1ST STOP #3107, 1350 E. 4TH STREET (NEW TRADE NAME: ALTA CONVENIENCE #3107)**
- 6 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES: PESTER MARKETING COMPANY D/B/A 1ST STOP #3109, 2102 NORWOOD (NEW TRADE NAME: ALTA CONVENIENCE #3109)**
- 7 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-3.2% BEER LICENSE-CONSUMPTION OFF-PREMISES: PESTER MARKETING COMPANY D/B/A 1ST STOP #3113, 723 PUEBLO BOULEVARD (NEW TRADE NAME: ALTA CONVENIENCE #3113)**
- 8 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-RETAIL LIQUOR STORE LIQUOR LICENSE: HANARI INC. D/B/A TREASURE ISLAND LIQUOR, 1210 S. PRAIRIE AVENUE (NEW TRADE NAME: PUEBLO LIQUOR)**

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- 9 TEMPORARY PERMIT APPLICATION: TRANSFER OF OWNERSHIP—TAVERN LIQUOR LICENSE—PUEBLO SIDE POCKET, INC. D/B/A SIDE POCKET, 4111 CLUB MANOR DRIVE, (CURRENTLY LICENSED TO BIG DADDY’S SUNSET BOWL, INC. D/B/A BIG DADDY’S SPORTS BAR & BILLIARDS)
- 10 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—THE HARP FOUNDATION, MAILING ADDRESS: 125 RIVERWALK PLACE, EVENT MANAGER: KEVIN ORTIZ, (EVENTS TO BE HELD JUNE 7TH & JUNE 8TH, 2013. ADDRESS OF EVENT: ALAN HAMEL AVENUE BETWEEN UNION AVENUE AND SANTA FE; MAIN STREET BETWEEN RICHMOND AVENUE AND “D” STREET; RICHMOND AVENUE BETWEEN MAIN STREET AND THE ALLEY AND THE RIVERWALK AREA IN BETWEEN)

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

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- 11 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE—NOVO KOLO TAMBURICA FEDERATION, INC. D/B/A OKOLITZA TAMBURITZANS, MAILING ADDRESS: 31447 DANIEL ROAD, EVENT MANAGER: SUE MIKETA, (EVENT TO BE HELD MARCH 2ND, 2013. ADDRESS OF EVENT: 301 N. UNION AVENUE)

Susan Miketa, Event Manager, 31447 Daniel Road was sworn in and answered questions from the Board. Ms. Miketa explained this is a “Heritage Dinner” fundraiser and the funds raised will be used to pay the airfare for 15 kids to travel to Croatia. In addition to Ms. Miketa, Tina McCrory, president of this organization and security will be responsible for supervising the event. There will be one liquor distribution point and a total of 4 individuals selling/serving liquor. (2 per each shift) Ms. Miketa described approved forms of ID and stated they will not hesitate to ask anyone for an ID. The bartenders will also ask for identification. Ms. Miketa explained they do not have a contract yet, however either *Titan Security* or *Advanced Security* will be assigned to maintain order on the licensed premises. Alcohol will not be allowed off the licensed premises. Ms. Miketa explained this is an inside event with only one entrance/exit. Upon entering the event, patrons will get a hand stamp if they are of legal age to purchase/consume alcohol.

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

- 12 TRANSFER OF OWNERSHIP APPLICATION—HOTEL & RESTAURANT LIQUOR LICENSE—PUEBLO AB INVESTORS, LLC AND SEAVIEW INVESTORS, LLC D/B/A COURTYARD BY MARRIOTT, PUEBLO, 110 W. 1ST STREET (CURRENTLY LICENSED TO PUCO ASSOCIATES, LLC D/B/A PUEBLO MARRIOTT/CHARLIE B’S, LICENSE EXPIRES DECEMBER 28, 2013)

Lyla Rentschler, registered manager, 2114 Chatalet Lane was sworn in and answered questions from the Board. Also present on behalf of this applicant was Attorney Nicholas Gradisar.

The moral character of Ms. Rentschler was satisfactory to the Board. Ms. Rentschler previously worked in a liquor-licensed establishment and that license was never suspended, revoked or otherwise

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reprimanded for violating liquor licensing statutes or regulations. They employ 55 employees in the hotel, 2 bartenders and 1 bar manager and room service server in the bar area. These employees have not pled guilty to or been convicted of a crime other than a minor traffic offense. Ms. Rentschler stated they do conduct background investigations on potential employees. Their policy for checking the age of their patrons is to ask for identification from anyone who appears to be 30-35 years of age or younger. Ms. Rentschler stated as a condition of employment, she and her employees are required to attend in-house Liquor Awareness classes. She will become certified.

Mr. Styduhar stated, for the record, that Staff has extensively reviewed the complete application packet submitted by the applicant and the applicant has demonstrated they have legal possession of the premises.

Mr. Rose, seconded by Mr. Ferris, moved to approve this transfer of ownership contingent on there being no inconsistencies in the background investigations. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

13 TRANSFER OF OWNERSHIP APPLICATION—CABARET LICENSE—PUEBLO AB INVESTORS, LLC AND SEAVIEW INVESTORS, LLC D/B/A COURTYARD BY MARRIOTT, PUEBLO, 110 W. 1ST STREET (CURRENTLY LICENSED TO PUCO ASSOCIATES, LLC D/B/A PUEBLO MARRIOTT/CHARLIE B’S, LICENSE EXPIRES DECEMBER 28, 2013)

Mr. Rose, seconded by Mr. DiFatta, moved to take administrative notice (of the testimony in Item #12) and approve this transfer of ownership. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

14 HEARING: NEW BEER & WINE LIQUOR LICENSE– BLUE OCEAN JAPANESE RESTAURANT, INC. D/B/A BLUE OCEAN JAPANESE RESTAURANT, 103 S. UNION AVENUE #110

Eun Hee Lee, owner, 187 S. Wiggins, Pueblo West, CO was sworn in and answered questions from the Board. Also present on behalf of this applicant was Attorney Carl Tamer and the owner’s husband, Hyon Su Kwak.

The moral character of Ms. Lee was satisfactory to the Board. Ms. Lee previously worked in a liquor-licensed establishment and that license was never suspended, revoked or otherwise reprimanded for violating liquor licensing statutes or regulations. There are no silent partners or financial backers not disclosed in her application. Ms. Lee stated she obtained a monetary gift from a family member to enter into possession of the premises. She will employ 4 employees and one employee has 2 DUI charges. The policy for checking the age of their patrons is to ask for identification from anyone who appears to be 40 years of age or younger. Ms. Lee stated she and her employees will attend the City/State Liquor Awareness class in April. She stated she was also trained in Colorado Springs.

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

The Board then reviewed the petitions which were previously distributed to the Board. Mr. Styduhar stated the circulated petitions will be entered into the record and were collectively marked as *Exhibit A*.

Chairwoman Harrison gave specific information as to how the Board arrived at the number of valid signatures on the petitions. The Board held a discussion with the applicant regarding these petitions. Mr. Kwak explained that both he and his wife (Ms. Lee) work morning and night and had a difficult time gathering signatures. Mr. Kwak stated they could not afford to hire anyone to go out to circulate the

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petitions for them so during the times they were not busy at the restaurant, he was the one who primarily circulated the petitions. Mr. Kwak stated he did not think it was going to be as difficult as it was. Mr. Tameler interjected that it was very difficult to get signatures from the residents in this area and also added that the premises were posted and it was also published in the newspaper. The Board indicated they understood why it was difficult obtaining residential signatures in this area, but were concerned with the lack of signatures from the surrounding businesses.

Mr. DiFatta moved, due to the good-faith effort shown by the applicant (*regarding the petition circulation*) to approve this beer, wine and liquor license. Motion failed for lack of a second.

Mr. Rose moved to approve this beer and wine license. Mr. DiFatta stated he would second the motion if Mr. Rose would also add “contingent upon there being no inconsistencies in the background checks.” Mr. Rose agreed. Prior to casting their votes, a discussion ensued regarding the efforts made by the applicant when circulating the petitions. Mr. Ferris voiced concerns of whether or not they would be setting precedence by accepting only half an effort. Mr. DiFatta reminded the Board about a former Italian restaurant in this same vicinity who had hired a detective agency to circulate their petitions and those petitioners only came up with approximately 3 in opposition to the issuance of that license. Mr. Rose stated the Board is also charged with meeting the needs and desires of the neighborhood when approving a liquor license and in light of the applicant’s petitions reflecting only one in opposition and no one being present in opposition, he was okay with approving the issuance of this license. The Board then cast their votes.

Roll Call: Ayes—DiFatta, Pullaro and Rose. Nays—Ferris and Harrison. Motion passed on a vote of 3-2.

Mr. Styduhar read the proposed Findings and Order for the Board’s consideration which indicate that the issuance of this license is supported by at least 34 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. DiFatta, seconded by Mr. Ferris, moved to take accept the Findings and Order. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

15 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-GINO’S LOUNGE, LLC D/B/A MARGUERITE’S AT TOG’S, 112 W. 7TH STREET (LICENSEE IS CURRENTLY DELINQUENT WITH RESPECT TO FILING SALES & USE TAX RETURNS FOR THE PERIODS OF OCTOBER 2012 THRU DECEMBER 2012)

No one was present on behalf of this licensee.

Mr. Ferris, seconded by Mr. Rose moved there is probable cause that a violation occurred and moved to set this matter for hearing on March 20th, 2013. 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 7:00 p.m.

Respectfully submitted,


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