

PUEBLO LIQUOR & BEER LICENSING BOARD

MINUTES -- REGULAR MEETING

CITY HALL -- COUNCIL CHAMBERS

March 20, 2013 – 6:00 P.M.

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

CONSENT AGENDA

1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 5 RENEWALS

Mexi Deli, Inc. d/b/a Mexi Deli, 215 E. Abriendo
Tea Palace II, Inc. d/b/a Tea Palace II, 1212 W. 4th Street
Do Drop Inn, Inc. d/b/a Do Drop Inn, 1201 S. Santa Fe Avenue
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road
Bagabagel & Deli, Inc. d/b/a D.C.'s on B Street, 115 W. B Street

2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS

Blue Moon Saloon at Pueblo, Inc. d/b/a Jose Paisano's, 2501 Lake Avenue
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
First and Main Bar & Grill, LLC d/b/a First and Main Bar & Grill, 117 N. Main Street
Polito, Inc. d/b/a Beer Barrel, 2113 E. Evans Avenue

3 3.2% BEER LICENSE APPLICATIONS- CONSUMPTION OFF-PREMISES-RENEWALS TOTAL OF 2 RENEWALS

Wal-Mart Stores, Inc. d/b/a Walmart #1001, 4080 W. Northern Avenue
Runyon Sports Complex Commission, Inc. d/b/a The Bullpen, 400 Stanton Avenue

4 BEER AND WINE LIQUOR LICENSE APPLICATION-RENEWAL-GOLDEN CHINA, INC. D/B/A CHINA RESTAURANT, 1600 HWY 50 WEST

5 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION- RENEWAL-VILLAGE WINE & SPIRITS, INC. D/B/A VILLAGE WINE & SPIRITS, 3037 N. ELIZABETH STREET

6 CABARET LICENSE APPLICATIONS-RENEWALS- TOTAL OF 4 RENEWALS

Cosmo Bob's, LLC d/b/a Cosmopolitan Club, 311-315 Baystate Avenue
Blue Moon Saloon at Pueblo, Inc. d/b/a Jose Paisano's, 2501 Lake Avenue
Pueblo Union Depot, Inc. d/b/a Pueblo Union Depot, 132 W. B Street
University Stop, LLC d/b/a Andy Mac's, 2149 Jerry Murphy Road

7 PERMIT APPLICATION AND REPORT OF CHANGES-REQUEST TO CHANGE TRADE NAME-HOTEL & RESTAURANT LIQUOR LICENSE: ON IN 2, INC. D/B/A WALKING STICK RESTAURANT, 4301 WALKING STICK BOULEVARD (NEW TRADE NAME: AJ'S AT WALKINGSTICK)

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

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- 8 COMMUNICATION FROM ACTING CHIEF OF POLICE MICHAEL L. BENNETT RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET (POLICE CR# 13-2092, VIOLATION DATE: FEBRUARY 2, 2013) CONTINUED FROM THE MARCH 6TH, 2013 LIQUOR BOARD MEETING**

Owners Jay D. Johnson and Jennifer Johnson, 125 Lake Avenue, were sworn in.

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department. Ms. Sikes stated that she and the licensee have arrived at a proposed stipulated agreement and stated that the proposed stipulation was for both violations. (Referring to the violation in Item #9.) Ms. Sikes stated the licensee has taken steps to correct this problem and felt the stipulated agreement would suffice.

Mr. Johnson reviewed with and held a discussion with the Board regarding a list of the changes explaining what measures they have taken to prevent this type of violation from happening again. The "Policy, Procedures and Steps to Prevent Liquor Code Violations" list was entered into the record and marked as *Exhibit A*.

Ms. Sikes then read the *Stipulated Findings and Order* into the record for the Board's consideration. The findings and order state that the licensee stipulated to the violation and admitted that on February 2nd and February 17th an employee of the licensee allowed a patron to remove alcohol from the licensed premises. The licensee also stipulated and agreed to a suspension of its liquor license for a period of three days of which no days shall be imposed. The three days will be held in abeyance for a period of one year.

Mr. Pullaro, seconded by Mr. DiFatta, moved to accept the stipulation for both violations as read by Ms. Sikes. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 9 COMMUNICATION FROM ACTING CHIEF OF POLICE MICHAEL L. BENNETT RE: ALLEGED LIQUOR CODE VIOLATION-HOTEL & RESTAURANT LIQUOR LICENSE-SHORTY'S BACKYARD, LLC D/B/A SHORTY'S MAIN ST. GRILLE, 727 N. MAIN STREET (POLICE CR# 13-3136, VIOLATION DATE: FEBRUARY 17, 2013) CONTINUED FROM THE MARCH 6TH, 2013 LIQUOR BOARD MEETING**

SEE ITEM #8

- 10 HEARING 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)**

Owner Marguerite Crowell-Even, 25750 Hillside Road was sworn in.

Assistant City Attorney and Conflicts Counsel, Carla Sikes was present on behalf of the City Sales Tax Division. Ms. Sikes explained that she and Ms. Crowell-Even had reached a stipulation for a sanction and reminded the Board that Ms. Crowell-Even was previously before the Board last year for this same issue. On September 5th, 2012, the licensee entered into a stipulation for a violation of 3-days suspension: 0-days served, 3-days held in abeyance for 1 year for being delinquent on sales tax for the time frame of January 2011 – April 2011. Ms. Sikes explained that just one month after this stipulation

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was entered, Ms. Crowell-Even has not filed any tax returns for October 2012-December 2012. Ms. Sikes stated Ms. Crowell-Even told her that she is trying to sell her bar and that is one of the reasons the City Attorney's Office felt that 3-days suspension was in order. Ms. Sikes stated she has explained to Ms. Crowell-Even that if she is back before the Board again, they City will go for revocation of her license.

Note: Mr. Rose was excused at approximately 6:45 p.m. - prior to the end of this matter being heard.

When asked whether or not she has filed or paid these outstanding taxes, Ms. Crowell-Even stated they are scheduled to pay these taxes on Friday. Ms. Crowell-Even explained due to an on-going family issue and the financial hardship this has caused her and the fact that a new bar has opened, this has really caused them to experience some very hard economic times. She stated they have had their electricity shut off and are struggling just to keep the doors open. She explained she is trying to sell her bar; and she again stated she will get caught up with October-December 2012 taxes by 3:00 p.m. on Friday.

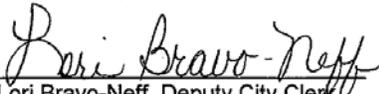
Ms. Sikes stated she wanted to reiterate to the licensee that the money collected in taxes should be held in a "trust fund" and does not belong to the licensee. She then read the *Stipulated Findings and Order* into the record for the Board's consideration. The Stipulated Findings & Order indicate that the licensee stipulated to the violation and admitted that she failed to timely file sales and use tax returns and to remit the taxes owed as required for the period October through December 2012. The licensee also stipulated and agreed to a suspension of its liquor license for a period of 3-days of which 3-days shall be imposed.

Mr. Styduhar explained to the licensee the stipulated agreement/suspension, does not release her from the responsibility of paying her taxes.

Mr. DiFatta, seconded by Mr. Ferris, moved to accept the stipulation as presented by Ms. Sikes. Roll Call: Ayes—DiFatta, Ferris, Harrison and Pullaro. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:05 p.m.

Respectfully submitted,


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