

**PUEBLO LIQUOR & BEER LICENSING BOARD**

**MINUTES -- REGULAR MEETING**

**CITY HALL -- COUNCIL CHAMBERS**

**April 17, 2013 – 6:00 P.M.**

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of April 17, 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. Pullaro, seconded by Mr. Rose, moved to approve the minutes of the Regular Meeting of March 20<sup>th</sup>, 2013 and April 3rd, 2013. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**AMENDMENTS TO REGULAR AGENDA**

Mr. Pullaro, seconded by Mr. Rose, moved to amend the Regular Agenda by adding Item #18 – regarding Northern Avenue Liquors, Inc. d/b/a Northern Avenue Liquor, 213 W. Northern Avenue- petition to pay a fine in lieu of suspension. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**CONSENT AGENDA**

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATION-RENEWAL-ROJAS, INC. D/B/A ROJAS RESTAURANTE MEXICANO, 126 E. 4<sup>TH</sup> STREET**
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 2 RENEWALS**  
Peachee-Lewis, Inc. d/b/a Lakeview Bar, 2330 Lake Avenue  
Christopher Rodriguez d/b/a 1549 E. Evans Avenue
- 3 CABARET LICENSE APPLICATION-RENEWAL- GLT, INC. D/B/A GREENLIGHT TAVERN, 227 N. SANTA FE AVENUE**
- 4 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR– THE ASSISTANCE LEAGUE OF PUEBLO, INC., MAILING ADDRESS: 515 N. CHESTER AVENUE, EVENT MANAGER: PAMELA ROBERTS, (EVENT TO BE HELD MAY 18TH, 2013. ADDRESS OF EVENT: 515 N. CHESTER AVENUE)**
- 5 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR LICENSE– PUEBLO CRIMESTOPPERS, INC., MAILING ADDRESS: P.O. BOX 21, EVENT MANAGER: TOM BRUSS, (EVENTS TO BE HELD JUNE 7TH, 14TH, 21ST, & 28TH, 2012. ADDRESS OF EVENTS: 100 BLOCK WEST “B” STREET)**

***Note: When Item #5 was read into the record, Board Member Rose stated he would be abstaining from voting on the Consent Agenda due to a potential conflict of interest.***

Mr. Pullaro, seconded by Mr. DiFatta, moved to approve the Consent Agenda as read. Roll Call: Ayes—DiFatta, Ferris, Harrison and Pullaro. Motion passed on a vote of 4-0 with Mr. Rose abstaining.

REGULAR AGENDA

MEETING  
NUMBER

**6 NEIGHBORHOOD SURVEY: NEW TAVERN LIQUOR LICENSE-GLOBAL SPECTRUM, L.P.  
D/B/A MEMORIAL HALL THEATER, #1 CITY HALL PLACE**

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 tavern liquor license for premises to be known as *Memorial Hall Theater*.

Mr. Rose, seconded by Mr. DiFatta, moved to receive the survey and set the hearing for May 1<sup>st</sup>, 2013. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**7 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR– THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A ST. FRANCIS XAVIER CHURCH, MAILING ADDRESS: 611 LOGAN AVENUE, EVENT MANAGER: VICTOR FARIAS, (EVENTS TO BE HELD MAY 31ST–JUNE 2, 2013. ADDRESS OF EVENT: 1725 SPRUCE STREET)**

**ITEM #7 WAS MOVED TO THE END OF THE AGENDA DUE TO THE ABSENCE OF THE APPLICANT**

Mr. DiFatta, seconded by Mr. Ferris, moved to place this item at the end of the agenda. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**8 HEARING: TRANSFER OF OWNERSHIP—TAVERN LIQUOR LICENSE–RIVERWALK RESTAURANT AND LOUNGE, LLC D/B/A RIVERWALK RESTAURANT AND LOUNGE, 219 S. GRAND AVENUE, (CURRENTLY LICENSED TO RIVERWALK SENATE RESTAURANT & LOUNGE, LLC D/B/A THE SENATE, LICENSE EXPIRES APRIL 19, 2013)**

Owner Paul Montez, 19 Barrington Court was sworn in and answered questions from the Board. The moral character of Mr. Montez was satisfactory to the Board. Mr. Montez previously held a liquor license and that license was never suspended, revoked or otherwise reprimanded for violating any liquor licensing statute or regulation. There are no silent partners not disclosed in this application. Mr. Montez stated he used personal funds to enter into possession of the premises. With respect to any officer or director with more than 10% interest, none have pled guilty to or been convicted of a crime other than a minor traffic offense. Mr. Montez stated he will employ 3-5 employees to start with and he is currently reviewing applications. He described approved forms of I.D. Mr. Montez stated their policy for checking the age of their patrons will be to check everyone regardless of age. They will attend the City/State Liquor Awareness class scheduled for June 14<sup>th</sup>, 2013.

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

The Board explained to Mr. Montez that he will need to submit a completed Routing Sheet. The Board also stated they do not have his fingerprint report back yet.

Mr. Ferris, seconded by Mr. DiFatta, moved to approve this transfer of ownership application contingent upon receipt of a completed Routing Sheet and a clear background investigation. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**9 HEARING: TRANSFER OF OWNERSHIP—CABARET LICENSE–RIVERWALK RESTAURANT AND LOUNGE, LLC D/B/A RIVERWALK RESTAURANT AND LOUNGE, 219 S. GRAND AVENUE, (CURRENTLY LICENSED TO RIVERWALK SENATE RESTAURANT & LOUNGE, LLC D/B/A THE SENATE, LICENSE EXPIRES APRIL 19, 2013)**

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Mr. Ferris explained the Board would take Administrative notice of the testimony given in Item #8.

Mr. Ferris, seconded by Mr. DiFatta moved to approve this transfer application contingent upon submittal of a completed Routing Sheet and clear background investigations Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**10 HEARING: TRANSFER OF OWNERSHIP—HOTEL & RESTAURANT LIQUOR LICENSE—DJ, INC. D/B/A TSUNAMI SUSHI BAR, WOK & GRILL, 324-326 S. UNION AVENUE, (CURRENTLY LICENSED TO CASA BISTECCA, LLC D/B/A CASA BISTECCA, LICENSE EXPIRES APRIL 18, 2013)**

Owner Ms. Seong Hee Son, 502 Washington Street, Canon City, CO and manager Mr. Seong Woo Son, 1920 O’Neal Avenue, were sworn in and answered questions from the Board. The moral character of Ms. Son was satisfactory to the Board. Mr. Son stated he had 2 DWAI charges in 2005 and completed all court-ordered requirements. Ms. Son has previously worked in a liquor-licensed establishment and in 2011 that license was suspended for sale to a minor. There are no silent partners not disclosed in this application. Ms. Son used personal funds to enter into possession of the premises. Mr. Son stated they will employ 5 employees and as of right now, they do not conduct background investigations. Mr. Son described approved forms of identification; their policy for checking the age of their patrons will be to ask for identification from anyone who looks under the age of 40. Mr. Son stated he and his sister, Ms. Son will provide liquor awareness training to their employees and they will also attend a class offered by the City and State.

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

The Board explained to the applicant that they will need to submit a completed Routing Sheet. The Board also stated they do not have their fingerprint reports back yet.

Mr. Pullaro, seconded by Mr. Ferris moved to approve this transfer application contingent upon submittal of a completed Routing Sheet and clear background investigations. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**11 HEARING: TRANSFER OF OWNERSHIP—CABARET LICENSE—DJ, INC. D/B/A TSUNAMI SUSHI BAR, WOK & GRILL, 324-326 S. UNION AVENUE, (CURRENTLY LICENSED TO CASA BISTECCA, LLC D/B/A CASA BISTECCA, LICENSE EXPIRES APRIL 18, 2013)**

Mr. Pullaro, seconded by Mr. Rose, moved to take Administrative notice of the testimony given in Item #10 and moved to approve the transfer application contingent upon submittal of a completed Routing Sheet and clear background investigations. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

**12 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR LICENSE-EASTSIDE WINE & LIQUOR, INC. D/B/A EASTSIDE WINE & LIQUOR, 723 E. 4TH STREET (POLICE CR# 13-3981, VIOLATION DATE: MARCH 2, 2013)**

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

Owner/Licensee Curtis Rodman, 515 Acero, was sworn in. Mr. Rodman acknowledged receipt of the communication and stated he had spoken to Ms. Sikes.

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department. Ms. Sikes stated the City and the licensee have arrived at a proposed stipulated agreement.

Ms. Sikes then read the proposed *Stipulated Findings and Order* into the record for the Board's consideration. The findings and order state that the licensee stipulated and admitted that on March 2, 2013, licensee and/or its employee, agent or representative sold alcohol to a minor in violation of Section 12-47-901(1)(a.5)(l) of the Colorado Liquor Code. The Findings and Order also reflected a sanction of: 5-days suspension: 2-days imposed, 3-days held in abeyance for 1 year.

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

**13 COMMUNICATION FROM CHIEF OF POLICE LUIS VELEZ RE: ALLEGED LIQUOR CODE VIOLATION-RETAIL LIQUOR STORE LIQUOR LICENSE-LAST STOP LIQUORS, INC. D/B/A LAST STOP LIQUORS, 609 W. 29TH STREET (POLICE CR# 13-3994, VIOLATION DATE: MARCH 2, 2013) (CONTINUED FROM APRIL 3RD, 2013 AT THE REQUEST OF CONFLICTS COUNSEL)**

Owner/Licensee Julian Garcia, 28 Archway, was sworn in. Also present with Mr. Garcia was his attorney Joseph Koncilja. Mr. Koncilja acknowledged the licensee's receipt of the communication and stated they had spoken to Conflicts Counsel.

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department. Ms. Sikes stated the City and the licensee have arrived at a proposed stipulated agreement.

Ms. Sikes then read the proposed *Stipulated Findings and Order* into the record for the Board's consideration. The findings and order state that the licensee stipulated and admitted that on March 2, 2013, licensee and/or its employee, agent or representative sold alcohol to a minor in violation of Section 12-47-901(1)(a.5)(l) of the Colorado Liquor Code. The Findings and Order also reflected a sanction of: 5-days suspension: 0-days imposed, 5-days held in abeyance for 1 year.

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

**14 COMMUNICATION FROM VALERIE A. PALUMBO, CITY OF PUEBLO SALES TAX AUDIT MANAGER RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSEGINO'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 OUTLINED IN THE COMMUNICATION DATED MARCH 27, 2013. LICENSEE HAS A HISTORY OF UNTIMELY AND DELINQUENT FILING OF SALES AND USE TAX RETURNS, WHICH ARE ALSO OUTLINED IN THIS COMMUNICATION)**

Assistant City Attorney/Conflicts Counsel, Carla Sikes was present on behalf of the Police Department.

REGULAR AGENDA (CONTINUED)

MEETING  
NUMBER

**Note:** *There was no one present on behalf of the licensee.*

Ms. Sikes stated she is aware we are here because of a communication and explained to the Board that the licensee has not filed any sales tax returns since September 2012. Ms. Sikes reminded the Board that the licensee was before the Board very recently and told the Board that she was going to pay these taxes; however that payment was never made. Ms. Sikes stated that neither she nor the Sales Tax Division has heard from the licensee with regard to this violation. Ms. Sikes stated the position the City will be seeking revocation of this liquor license.

Mr. Styduhar asked Ms. Sikes for clarification of the record, if the promise to make the payment was incorporated into the stipulation and Ms. Sikes acknowledged it was not.

Mr. Ferris, seconded by Mr. Rose, moved that a violation has occurred and moved to set this matter for a hearing.

Prior to the Board casting their votes, Mr. DiFatta asked if the Board could suspend this liquor license right now. Mr. Styduhar reviewed with the Board, the State regulation pertaining to *Temporary-summary suspension* and explained the statutes are not as clear as the regulation. He explained the circumstances in which the Board could act upon this temporary-summary suspension and further explained the temporary suspension cannot be for a period exceeding 15-days. Ms. Sikes stated that it had also been brought to her attention by the Finance Department, that the licensee has not paid any of its licensing fees for 2013, which includes a business license; therefore, the licensee is operating without a license. Ms. Sikes stated if the Board would like to entertain a summary suspension, the City would support that decision. With the Board's concerns addressed, they then cast their votes.

Roll Call: Ayes— Pullaro. Nays--DiFatta, Ferris, Harrison and Rose. Motion failed on a vote of 4-1.

Mr. DiFatta, seconded by Mr. Ferris, moved to receive this communication, make a finding of probable cause supporting the alleged violations, set the matter for hearing on May 1<sup>st</sup>, 2013, as well as temporarily suspend this liquor license until the Board considers that suspension on May 1<sup>st</sup>.

The Board held a discussion prior to voting. Mr. DiFatta stated he felt the licensee made commitments to the Board regarding payment of her outstanding taxes and that the Board's prior actions evidently did not "grab her attention" and feels this action will. For clarification, Mr. Styduhar read State Regulation 47-602 *Temporary-Summary Suspension* to the Board. Mr. Ferris stated he agrees that the summary suspension is warranted and is a just decision. Ms. Sikes stated she feels this action meets the prongs of this regulation and believes the licensee's actions are deliberate and willful; the licensee knows that these taxes are owed and the money she collects for taxes should be held in a trust fund for the City and not be used to pay for anything else.

The Board then cast their vote on the motion to impose a temporary-summary suspension.

Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Styduhar read the proposed Findings and Order and Notice of Hearing into the record for the Board's consideration.

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

**REGULAR AGENDA (CONTINUED)**

**MEETING  
NUMBER**

- 15 PETITION TO PAY FINE IN LIEU OF SUSPENSION – REGENCY LIQUOR, INC. D/B/A REGENCY LIQUOR, 25 RED CREEK SPRINGS ROAD (LICENSEE PETITIONING TO PAY \$912.36 FINE IN LIEU OF 2-DAYS SUSPENSION)**

Mr. Pullaro, seconded by Mr. Ferris, moved to accept the payment of the fine in lieu of suspension. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 16 PETITION TO PAY FINE IN LIEU OF SUSPENSION – SL PUEBLO, LLC D/B/A EAGLE LIQUORS, 1020 EAGLERIDGE BOULEVARD (LICENSEE PETITIONING TO PAY \$661.68 FINE IN LIEU OF 2-DAYS SUSPENSION)**

Mr. Rose, seconded by Mr. Ferris, moved to approve the petition to pay a fine lieu of suspension. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 17 PETITION TO PAY FINE IN LIEU OF SUSPENSION – BOLSA INVESTMENTS, INC. D/B/A PRAIRIE LIQUORS, 1659 S. PRAIRIE AVENUE (LICENSEE PETITIONING TO PAY \$1550.00 FINE IN LIEU OF 2-DAYS SUSPENSION)**

Mr. DiFatta, seconded by Mr. Rose, moved to accept the fine lieu of suspension. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 18 PETITION TO PAY FINE IN LIEU OF SUSPENSION – NORTHERN AVENUE LIQUORS, INC. D/B/A NORTHERN AVENUE LIQUORS, 213 W. NORTHERN AVENUE (LICENSEE PETITIONING TO PAY \$496.81 FINE IN LIEU OF 1-DAY SUSPENSION)**

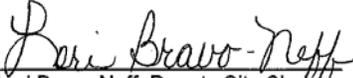
Mr. Ferris, seconded by Mr. Rose, moved to accept the fine lieu of suspension. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 7 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR– THE BISHOP OF PUEBLO, A CORPORATION SOLE D/B/A ST. FRANCIS XAVIER CHURCH, MAILING ADDRESS: 611 LOGAN AVENUE, EVENT MANAGER: VICTOR FARIAS, (EVENTS TO BE HELD MAY 31ST–JUNE 2, 2013. ADDRESS OF EVENT: 1725 SPRUCE STREET)**

Mr. DiFatta, seconded by Mr. Ferris, moved to continue this matter to May 1<sup>st</sup>, 2013 due to the absence of the applicant. 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 7:12 p.m.

Respectfully submitted,

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