

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
August 21, 2013 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of August 21, 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 August 7th, 2013. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ELECTION OF CHAIRPERSON

Mr. DiFatta, seconded by Mr. Ferris, moved to nominate Doris Harrison as chairperson. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ELECTION OF VICE-CHAIRPERSON

Mr. Rose, seconded by Ms. Harrison, moved to nominate Don DiFatta as vice-chairperson. Roll Call: Ayes— DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 **HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Cactus Flower, Inc. d/b/a Cactus Flower, 4610 N. Elizabeth Street
DJ's Steakhouse, LLC d/b/a DJ's Steakhouse, 4289 N. Elizabeth Street
Chipotle Mexican Grill, Inc. d/b/a Chipotle Mexican Grill, 3230 N. Elizabeth Street
T&D Enterprises, LLC d/b/a Park East Restaurant, 720 Goodnight Avenue
- 2 **TAVERN LIQUOR LICENSE APPLICATION-RENEWAL-RONALD S. NUNEZ D/B/A NUNEZ LOUNGE, 702 E. MESA AVENUE**
- 3 **3.2% BEER LICENSE APPLICATIONS: OFF-PREMISES CONSUMPTION-RENEWALS-TOTAL OF 2 RENEWALS**
Dillon Companies, Inc. d/b/a King Soopers #43, 102 W. 29th Street
7-Eleven, Inc. d/b/a 7-Eleven #17127, 905 W. Northern Avenue
- 4 **RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATION-RENEWAL-TITO FLAMES, INC. D/B/A FLAME LIQUORS, 2225 LAKE AVENUE**
- 5 **REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE: 3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE (RESIGNATION OF MEMBER RUDY IBARRA. MR. IBARRA'S 25% INTEREST GOES TO SOLE MEMBER: TAMMY WELDON)**
- 6 **PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES— TAVERN LIQUOR LICENSE-3 BELOW, LLC D/B/A 3 BELOW, 224 S. UNION AVENUE (REQUESTING TEMPORARY MODIFICATION TO BEGIN ON SEPTEMBER 20TH, 2013 THROUGH SEPTEMBER 23RD, 2013)**

CONSENT AGENDA (CONTINUED)

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- 7 PERMIT APPLICATION & REPORT OF CHANGES- MODIFICATION OF PREMISES—
TAVERN LIQUOR LICENSE-RIVERWALK RESTAURANT & LOUNGE, LLC D/B/A
RIVERWALK RESTAURANT & LOUNGE, 219 S. GRAND AVENUE (REQUESTING
TEMPORARY MODIFICATION TO BEGIN ON SEPTEMBER 19, 2013 THROUGH
SEPTEMBER 22, 2013)
- 8 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR-SENIOR
RESOURCE DEVELOPMENT AGENCY, INC. D/B/A S.R.D.A., EVENT MANAGER: STEPHEN
G. NAWROCKI, (EVENTS TO BE HELD SEPTEMBER 20TH-SEPTEMBER 22ND, 2013.
ADDRESS OF EVENTS: 230 N. UNION AVENUE)
- 9 SPECIAL EVENTS PERMIT APPLICATION-BEER, WINE & SPIRITUOUS LIQUOR-PUEBLO
CHAMBER OF COMMERCE, EVENT MANAGER: ROD SLYHOFF, (EVENTS TO BE HELD
SEPTEMBER 19TH-SEPTEMBER 22ND, 2013. ADDRESS OF EVENTS: 1ST & UNION TO B
STREET, 1ST & GRAND TO UNION, ALAN HAMEL FROM UNION TO S. MAIN, C&D
STREETS FROM VICTORIA TO S. MAIN, CITY HALL & ANGELO'S PARKING LOTS, UNION
TO MAIN, CONVENTION CENTER OVERFLOW PARKING LOT BETWEEN UNION &
CENTRAL MAIN)

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

REGULAR AGENDA

- 10 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – HOTEL &
RESTAURANT LIQUOR LICENSE-CHIPOTLE MEXICAN GRILL, INC. D/B/A CHIPOTLE
MEXICAN GRILL, 3230 N. ELIZABETH STREET (NEW MANAGER PETER STROO
REPLACES JAMIELEE ROMERO)

New manager Peter Stroo, 44 Montebello Road was sworn in and answered questions from the Board. Mr. Stroo explained he had a DWAI charge in 2007 or 2008 and received a deferred sentence and probation for it. He has previously worked in liquor-licensed establishments and to this knowledge, none of these licenses have ever been suspended, revoked or otherwise reprimanded for violating any liquor licensing statute or regulation. Mr. Stroo stated they currently employ 20 employees and hope to hire an additional 10. They do conduct background investigations on potential employees. Mr. Stroo described approved forms of identification. Their policy for checking the age of their patrons is to request an I.D. from anyone who wishes to purchase alcohol. Mr. Stroo stated he is not certified in Seller and Serving Training but has quite a bit of on-the-job training. He also stated *Chipotle* does not require their employees to become certified. Board member Ferris strongly encouraged Mr. Stroo to consider becoming certified. Mr. Stroo was given a class schedule for the City/State Liquor Awareness Training, as well as the State's approved Vendor List regarding this type of training.

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

- 11 HEARING: TRANSFER OF OWNERSHIP—HOTEL & RESTAURANT LIQUOR LICENSE: EL
ALAMO, LLC D/B/A EL ALAMO, 1305 E. ROUTH AVENUE, (CURRENTLY LICENSED TO MI
PUEBLITO MEXICAN GRILL, INC. D/B/A MI PUEBLITO, LICENSE EXPIRED MAY 18, 2013)
CONTINUE FROM AUGUST 21, 2013 AT THE REQUEST OF THE APPLICANT

REGULAR AGENDA (CONTINUED)

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Owners George Villarreal, 1305 E. Routt Avenue and Francisco Martinez 23225 Hillside Road were sworn in and answered questions from the Board. Mr. Villarreal stated he had a DUI/DWAI charge in 2006 in El Paso County and received 30 days in jail and probation. Mr. Martinez had a DUI charge over 12 years ago. Mr. Villarreal has previously worked in liquor-licensed establishments and to this knowledge, none of these licenses have ever been suspended, revoked or otherwise reprimanded for violating any liquor licensing statute or regulation. Mr. Martinez has never worked in or for a liquor-licensed establishment. There are no silent partners not disclosed in their application. Mr. Villarreal & Mr. Martinez used personal savings to enter into possession of the licensed premises. They employ 5 employees and to their knowledge, these employees do not have criminal histories. They do not conduct background investigations on potential employees but will check references. Both Mr. Villarreal and Mr. Martinez described approved forms of identification. Mr. Villarreal stated they and their employees will attend an Alcohol Awareness Class and was given a class schedule for the City/State Liquor Awareness Training, as well as the State's approved Vendor List regarding this type of training.

Chairwoman Harrison asked Mr. Villarreal if he was aware that they did not have a current business license and that they are also behind on their taxes. She further explained that they were approved for 60-days extension on their temporary permit (which expired on August 17th) and that it had not been picked up from the City Clerk's Office. Board Member Pullaro suggested keeping the taxes separate from their operating expenses and Mr. Villarreal explained they initially started to do that, however, when they got their point of sale system installed, they had difficulties with the new system and did not keep the tax money separate.

Mr. DiFatta, seconded by Mr. Ferris, moved to approve this transfer of ownership, contingent upon a completed routing sheet (reflecting a sign-off from the Land Use Department for their business license) and getting current with their taxes. Roll Call: Ayes—DiFatta, Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

(Note: Mr. Villarreal acted as translator for Mr. Martinez)

At this point in the proceedings, Chairwoman Harrison recused herself from the meeting explaining there is a conflict of interest in that she knows the people involved in Item #12. Vice-chairman DiFatta conducted the remainder of the meeting.

12 COMMUNICATION FROM JACK C. DILKA, JR. & VELMA J. DILKA, LANDLORDS DATED JULY 17TH, 2013 RE: ALLEGED LIQUOR CODE VIOLATION-TAVERN LIQUOR LICENSE-BLUE MOON SALOON AT PUEBLO, INC. D/B/A JOSE PAISANO'S, 2501 LAKE AVENUE

Licensee Jose H. Romero and his son Joseph Romero, 3420 Ivywood Lane were present on behalf of this item and were sworn in.

Mr. Styduhar explained that this matter came before the Board in an unconventional manner as it came by way of letter from the purported landlord of the property at 2501 Lake Avenue. He explained the Board should consider this communication the same way as if the communication had been received from the Police Department or the Sales Tax Division. Mr. Styduhar further explained that the primary issue, as alleged within the letter, is a violation of the Liquor Code, particularly that part of the code that requires the licensee to have legal possession of the licensed premises at all times, by way of ownership, lease or written arrangement. He explained the Board's job today is to determine whether probable cause is supported.

REGULAR AGENDA (CONTINUED)

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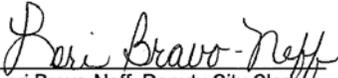
Mr. Ferris asked the licensee how long it had been since they had possession of the premises and Joseph Romero stated it has been since May (2013).

Mr. Ferris, seconded by Mr. Rose, moved there is probable cause that a violation has occurred. Roll Call: Ayes—DiFatta, Ferris, Pullaro and Rose. Motion carried unanimously.

The hearing was set for October 2nd, 2013.

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