

PUEBLO LIQUOR & BEER LICENSING BOARD
MINUTES -- REGULAR MEETING
CITY HALL -- COUNCIL CHAMBERS
OCTOBER 2, 2013 – 6:00 P.M.

The Pueblo Liquor & Beer Licensing Board convened the Regular Meeting of October 2, 2013 at 6:00 p.m., with Chairwoman Doris Harrison presiding.

ROLL CALL

Present: Board Members Mike Ferris, Doris Harrison, Charles Pullaro, Jr. and Tom Rose. Absent: Board Member Don DiFatta. Also Present—Assistant City Attorney Bob Jagger 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 September 18th, 2013. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

CONSENT AGENDA

- 1 HOTEL & RESTAURANT LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 4 RENEWALS**
Global Spectrum Colo. LP d/b/a Pueblo Convention Center, 320 C. Main Street
GMRI, Inc. d/b/a Olive Garden Italian Restaurant #1708, 3240 N. Elizabeth Street
Kwak, Inc. d/b/a Sushi Garden, 3915 Ivywood Lane
Papa Bello Enterprises, Inc. d/b/a Rosario's at the Riverwalk, 101 S. Main Street, Units 200 & 201
- 2 TAVERN LIQUOR LICENSE APPLICATIONS-RENEWALS-TOTAL OF 3 RENEWALS**
Legends, LLC d/b/a Legends, 1023 S. Pueblo Boulevard
QMT, LLC d/b/a The Grove Tavern, 901 E. C Street
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue
- 3 CLUB LIQUOR LICENSE APPLICATION-RENEWAL- AMERICAN LEGION POST #2 D/B/A AMERICAN LEGION POST #2, 701 W. 9TH STREET**
- 4 RETAIL LIQUOR STORE LIQUOR LICENSE APPLICATIONS-RENEWALS- TOTAL OF 2 RENEWALS**
Marlin Associates, LLC d/b/a Coco-Man's Liquor, 1908-1910 E. 4th Street
Loco Liquors, Inc. d/b/a Loco Wines & Liquors, 125 S. Santa Fe Avenue
- 5 CABARET LICENSE APPLICATION-RENEWALS-TOTAL OF 3 RENEWALS**
Global Spectrum Colo. LP d/b/a Pueblo Convention Center, 320 C. Main Street
Legends, LLC d/b/a Legends, 1023 S. Pueblo Boulevard
Zaragoza Hall, Inc. d/b/a Zaragoza Hall, 1339 E. Routt Avenue

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

REGULAR AGENDA

- 6 **REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE: DE BG, INC. D/B/A THE SPOTLIGHT, 211 W. NORTHERN AVENUE (NEW PRESIDENT DARRELL J. ORTIZ REPLACES DARYL ESPINOZA. MR. ESPINOZA'S 100% INTEREST GOES TO SOLE OFFICER MR. ORTIZ) CONTINUED FROM SEPTEMBER 18TH, 2013 AT THE REQUEST OF THE BOARD**

Note: There was no one present on behalf of this item at the time it was called.

Mr. Pullaro, seconded by Mr. Ferris, moved to place items 6 & 7 at the end of the agenda. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 7 **PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – TAVERN LIQUOR LICENSE: DE BG, INC. D/B/A THE SPOTLIGHT, 211 W. NORTHERN AVENUE (DARRELL J. ORTIZ REPLACES DARYL ESPINOZA) CONTINUED FROM SEPTEMBER 18TH, 2013 AT THE REQUEST OF THE BOARD**

Note: This item was moved to the end of the agenda.

- 8 **ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RETAIL LIQUOR STORE LIQUOR LICENSE – MESA JUNCTION WINE & SPIRITS, INC. D/B/A MESA LIQUORS, 105 COLORADO AVENUE (PERMIT TO RUN CONCURRENTLY WITH LICENSEE'S LIQUOR LICENSE)**

Note: There was no one present on behalf of this item at the time it was called.

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

- 9 **HEARING: TRANSFER OF OWNERSHIP—HOTEL & RESTAURANT LIQUOR LICENSE: ELVA ERICKA ALEMAN D/B/A DELICIAS TAMALES Y TAQUERIA, 206 W. NORTHERN AVENUE, (CURRENTLY LICENSED TO LUPITA'S RESTAURANT, LLC D/B/A LUPITA'S RESTAURANT, LICENSE EXPIRES SEPTEMBER 25, 2013)**

New owner Elva Ericka Aleman, 3006 Hudson Street, Colorado Springs was sworn in. Also present with Ms. Aleman was Monica Claros, 2014 E. 5th Street. Ms. Claros was the translator for Ms. Aleman. Through the translator, it was determined the moral character of Ms. Aleman was satisfactory to the Board. Ms. Aleman has never held or worked in or for a liquor-licensed establishment. There are no silent partners not disclosed in her application. Ms. Aleman used personal funds to enter into possession of the licensed premises. She will employ 5 employees and none of these employees have pled guilty to or been convicted of a crime other than a minor traffic offense. She will conduct background checks on potential employees. Ms. Aleman described approved forms of identification. Board Member Ferris stated he was concerned because he did not feel Ms. Aleman was familiar with the liquor laws. When Ms. Aleman was asked if she would be willing to attend a Seller and Server Training Program from a State-approved vendor, Ms. Aleman stated she would be willing to take and pass a class of this nature. She was given a State-approved vendor list. Mr. Jagger explained to the applicant, if there is ever a violation, the Board would inquire at that point whether or not she had obtained this training, and if she hasn't, the Board would definitely take that fact into consideration when imposing a sanction. Ms. Aleman acknowledged that she understood this.

Mr. Ferris, seconded by Mr. Pullaro, moved to approve this transfer of ownership with a note that the applicant has agreed to further her education in alcohol awareness by taking a class at sometime in the future. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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- 10 HEARING: TRANSFER OF OWNERSHIP—TAVERN LIQUOR LICENSE: PIXIE STIXX ON THE RIVERWALK, LLC D/B/A PIXIE STIXX ON THE RIVERWALK, 115 E. RIVERWALK, UNIT 100, (CURRENTLY LICENSED TO THE SICILIAN OF PUEBLO, LLC D/B/A THE SICILIAN, LICENSE EXPIRED JULY 19, 2013)**

Owner Veronica Salaz-Austin, 1244 W. Camino Pablo Drive, Pueblo West, CO was sworn in. Chairwoman Doris Harrison explained to Ms. Salaz-Austin that the Board was concerned with the patio area of her licensed premises. Ms. Salaz-Austin explained her understanding of what was licensed by the previous owner. Following a discussion with the Board pertaining to the drawing and the configuration of the licensed premises, the Board requested that Ms. Salaz-Austin submit a clearer diagram; one that shows the type of barricades she intends to use and what the control mechanism will be to show how she will contain the premises.

Mr. Pullaro, seconded by Mr. Ferris, moved to continue this matter, and Item #11 to October 16th, 2013. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

- 11 HEARING: TRANSFER OF OWNERSHIP—CABARET LICENSE: PIXIE STIXX ON THE RIVERWALK, LLC D/B/A PIXIE STIXX ON THE RIVERWALK, 115 E. RIVERWALK, UNIT 100, (CURRENTLY LICENSED TO THE SICILIAN OF PUEBLO, LLC D/B/A THE SICILIAN, LICENSE EXPIRED JULY 19, 2013)**

This item was continued to October 16th, 2013.

Note: Item #6 was recalled at this point in time.

- 6 REPORT OF CHANGES-CHANGE OF CORPORATE STRUCTURE-TAVERN LIQUOR LICENSE: DE BG, INC. D/B/A THE SPOTLIGHT, 211 W. NORTHERN AVENUE (NEW PRESIDENT DARRELL J. ORTIZ REPLACES DARYL ESPINOZA. MR. ESPINOZA'S 100% INTEREST GOES TO SOLE OFFICER MR. ORTIZ)**

New president Darrell J. Ortiz, 1715 Palmer Avenue and out-going president Daryl Espinoza, 1215 Taylor Lane were sworn in.

Mr. Jagger explained to Mr. Espinoza that he could put the Board's concerns to rest if he could either confirm or deny whether or not all ownership in the corporation had been transferred to Mr. Ortiz. Mr. Espinoza did confirm that 100% ownership had transferred to Mr. Ortiz.

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this Change of Corporate Structure. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Note: Item #7 was recalled at this point in time.

- 7 PERMIT APPLICATION AND REPORT OF CHANGES-CHANGE OF MANAGER – TAVERN LIQUOR LICENSE: DE BG, INC. D/B/A THE SPOTLIGHT, 211 W. NORTHERN AVENUE (DARRELL J. ORTIZ REPLACES DARYL ESPINOZA) CONTINUED FROM SEPTEMBER 18TH, 2013 AT THE REQUEST OF THE BOARD**

Mr. Pullaro, seconded by Mr. Ferris, moved to approve this change of manager. Roll Call: Ayes—Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

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Note: Item #8 was recalled at this point in time.

8 ALCOHOL BEVERAGE TASTINGS PERMIT APPLICATION-RETAIL LIQUOR STORE LIQUOR LICENSE – MESA JUNCTION WINE & SPIRITS, INC. D/B/A MESA LIQUORS, 105 COLORADO AVENUE (PERMIT TO RUN CONCURRENTLY WITH LICENSEE’S LIQUOR LICENSE)

Owner Justin Holman, 3109 Country Club Drive was sworn in and answered questions from the Board.

Mr. Holman stated aside from himself, the manager, Shannon Speaks, will be serving alcohol during the alcohol beverage tastings events. Servers have completed a state-certified server training program and the certificates of such training were included in his application. Mr. Holman described the type and size of alcohol samples they will serve which will be 1 ounce or less samples of wine and beer and ½ ounce or less samples of spirituous liquor. The pours will be premeasured to ensure accuracy. Mr. Holman explained that samples will be provided in small plastic cups, to be consumed within the store only. Customers must be 21 years of age and tastings will not be offered if the customer appears visibly intoxicated. Mr. Holman stated approximately 200 customers visit the store per day and explained he really did not know how many patrons they would serve during the tastings events, possibly 50-100. He does not plan to do much advertising or promoting the tastings events other than on Facebook or at times in *The Chieftain*. They may also distribute flyers. They will obtain the alcohol beverages they will provide during the tastings events through licensed distributors. Ms. Speaks will be responsible for monitoring the number of samples served to each patron and will be able to ascertain whether or not a customer has previously been in the store earlier in the day.

Mr. Rose, seconded by Mr. Ferris, moved to approve this application for an Alcohol Beverage Tastings Permit. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Note: At this point in time, Chairwoman Harrison recused herself from the final agenda item due to a conflict of interest. Mr. Ferris acted as chairman of the meeting.

12 HEARING: RE COMMUNICATION FROM JACK C. DILKA, JR. & VELMA J. DILKA, LANDLORDS OF THE PROPERTY LOCATED AT 2501 LAKE AVENUE; COMMUNICATION 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

For the record, it was determined that the licensee, Jose Romero and his son, Joseph Romero, Jr. were present on behalf of this matter.

Assistant City Attorney Carla Sikes was present on behalf of the City on this alleged liquor code violation. Ms. Sikes had Velma J. Dilka and Jack C. Dilka, Jr. state their names. Mr. Ferris then swore in Mr. and Mrs. Dilka whose address is 10 Strawflower Court. Ms. Sikes then questioned Mrs. Dilka explaining if there are any questions she would like to have Mr. Dilka answer, that he could do so. Mrs. Dilka stated she and her husband are the owners of the property located at 2501 Lake Avenue. This is a commercial property and the Dilka’s do not occupy the property with any type of business; they do manage this property. Mr. Dilka stated they have leased this property to Blue Moon Saloon at Pueblo, Inc. since 2006. The lease is a yearly lease running from May of one year to the end of April of the following year. Ms. Sikes presented *City Exhibit 1* to the Board which was a business lease between Mr. and Mrs. Dilka and Blue Moon Saloon, Inc. dated May 1, 2013 – April 30, 2014. Ms. Sikes asked if the licensee had complied with the terms of the lease, and Mr. Dilka stated they had not. Mr. Dilka

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explained the licensee was arrears on the rent in excess of \$7,000; that the licensee had not relinquished the property and that he (Mr. Dilka) had discovered that the licensee had removed all of their personal property. Mr. Dilka stated he then changed the locks on May 24th, 2013. Mr. Dilka further stated the business was not open; that he currently has a signed lease with another individual by the name of Vincent Henriques but that it is based on Mr. Henriques' ability to obtain a liquor license. Ms. Sikes asked Mr. Dilka to identify a document, which was marked as *City Exhibit 2*. Mr. Dilka explained it is the business lease he has entered into with Mr. Henriques. Ms. Sikes asked for *City Exhibit 1 and 2* be admitted into the record. The licensee's son, Joseph Romero, Jr. was given the opportunity to review these two documents. Ms. Sikes had no further questions for the Dilka's – nor did Mr. Romero.

Joseph Hugo Romero, Jr., 3420 Ivywood Lane was sworn in. Mr. Romero, Jr. stated they do not want to lose their liquor license and that they initially considered a change of location, however, now they have been talking with Mr. Henriques to perhaps transfer the license into his name and work with him. Mr. Romero, Jr. stated they did not remove anything from the bar that was not theirs. He further stated that this building is in desperate need of repair and explained the roof leaked causing \$17,000 in damage to his father's stereo equipment. Mr. Romero, Jr. stated he made the landlord aware of this damage and was told that it was not their problem. He stated they were open in February. Ms. Sikes then questioned Mr. Romero, Jr.

In answering Ms. Sikes' questions, Mr. Romero, Jr. stated they never received an eviction notice, but he did not dispute the fact that they are not currently in the property, nor do they have possession of the property. Mr. Romero, Jr. stated they are not doing business at this location and they haven't had possession of the premises since May 24th, 2013. Mr. Romero, Jr. stated they did not seek their landlord's permission to make any changes or alterations to the building. He stated they removed their belongings to have the place cleaned and when they returned, the locks had been changed. Mr. Romero, Jr. stated they have not paid what they were in arrears for in rent to the Dilka's and they are still currently in arrears in excess of \$7,000. Mr. Romero, Jr. stated he does understand that pursuant to the lease, if they are in default of any terms of the lease, that the landlord can terminate the lease. Ms. Sikes had no further questions for Mr. Romero, Jr.

With no further testimony to be given, Acting Chairman Ferris admitted Exhibits 1 & 2 and declared the hearing closed.

Mr. Rose, seconded by Mr. Pullaro, moved the licensee does not have possession of the property of 2501 Lake Avenue. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

Mr. Rose, seconded by Mr. Pullaro, moved to revoke the liquor license due to the fact the licensee does not have possession of the property. The Board held a brief discussion regarding the licensee's failure to maintain possession of the property. They then cast their votes.

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

Mr. Jagger read the proposed Findings and Order for the Board's consideration. The findings, in part state, "On or about the 24th day of May, 2013, said licensee violated section 12-47-303(3)(b) of the Colorado Liquor Code as follows: Licensee abandoned licensed premises. Licensed premises have been leased to another party."

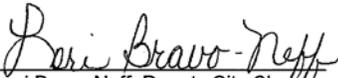
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Mr. Rose, seconded by Mr. Pullaro, moved to accept the Findings and Order as read. Roll Call: Ayes— Ferris, Harrison, Pullaro and Rose. Motion carried unanimously.

ADJOURN – With no further business to come before the Board, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,


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