

Municipal Judge, William E. Starks called the regular meeting of the Local Licensing Authority to order at 8:30 AM on the above date. Also present were: Assistant City Attorney, Teresa Ablao; Liquor Enforcement Officer, Jeff Mayers; and Secretary, Jeannie Weaver.

**1. MINUTES**                      The minutes of the September 20, 2012 meeting were approved as submitted.

**2. CONSENT AGENDA**

The items on the Consent Agenda did not require an appearance by the licensee and were approved by the Authority. The approved applications will be forwarded to the Department of Revenue for State approval and issuance of the licenses.

**RENEWALS**

- a.     Sweetheart Lanes Inc.  
       2320 North Lincoln Avenue  
       Tavern License Renewal  
       December 6, 2012 to December 6, 2013 **RENEWED**
  
- b.     Loveland Black Steer Restaurant, Inc. d/b/a Black Steer  
       436 North Lincoln Avenue  
       Hotel and Restaurant License Renewal  
       December 27, 2012 to December 27, 2013 **RENEWED**
  
- c.     Ten Enterprises LLC d/b/a Ten Aveda Salon and Spa  
       6045 Sky Pond Drive Ste. R-100  
       Beer and Wine License Renewal  
       December 5, 2012 to December 5, 2013 **RENEWED**
  
- d.     Steven Wargo d/b/a Country Side Liquors  
       109 East 37th Street  
       Retail Store License Renewal  
       December 6, 2012 to December 6, 2013 **RENEWED**
  
- e.     Miller Enterprises Inc. d/b/a Miller's Crossing Bar & Grill  
       3021 North Garfield Avenue  
       Hotel and Restaurant License Renewal  
       December 14, 2012 to December 14, 2013 **RENEWED**
  
- f.     Barneveldt, Inc. d/b/a McGraff's Restaurant  
       1602 East Eisenhower Blvd.  
       Hotel and Restaurant License Renewal  
       September 12, 2012 to September 12, 2013 **RENEWED**
  
- g.     Lone Star Steakhouse & Saloon of Colorado, Inc. d/b/a  
       Lone Star Steakhouse & Saloon  
       5330 Stone Creek Circle  
       December 11, 2012 to December 11, 2013 **RENEWED**
  
- h.     Bee's Incorporation d/b/a Taft Liquors

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1581 North Taft Avenue  
Retail Store License Renewal  
October 5, 2012 to October 5, 2013 **RENEWED**

### **3. REGULAR AGENDA – (Appearance Required)**

#### **RENEWALS**

Abbesolom Inc. d/b/a Liquor One of Loveland  
2231 West Eisenhower Blvd.  
Retail Store License Renewal  
November 27, 2012 to November 27, 2013

Arrega Asseged appeared to address the Authority and answer questions. Mr. Asseged stated that he and his wife had been trained some time ago through the Loveland Police Department but that his nephew had just started working there. The Authority recommended they attend the next class to familiarize them all with the liquor codes. There were no concerns from the City or the Police Department. The Authority approved the license renewal.

7-Eleven, Inc., d/b/a 7-11 Store #17142  
2081 West Eisenhower Blvd.  
3.2% Off-Premises Retail Beer License Renewal  
October 5, 2012 to October 5, 2013

Debra Franke appeared to address the Authority and answer questions. Ms. Franke described the corrective action she has taken to hire all new employees and provide computer-based alcohol server training for them. Ms. Franke will attend the next Police Department training class. There were no concerns from the City or the Police Department. The Authority approved the license renewal.

#### **MODIFICATION OF PREMISES**

Red Robin International, Inc. d/b/a  
Red Robin America's Gourmet Burgers & Spirits  
6005 Sky Pond Drive

The applicant has applied for a modification of premises to decrease the capacity by 20 seats. The premises was posted with a sign advertising the Public meeting as the law requires. Attorney Brian Proffitt appeared to address the Authority and answer questions. Mr. Proffitt described the modification as a "rebranding" which resulted in the loss of occupancy. The Authority questioned Ms. Ablao about the need for a Public Hearing. Ms. Ablao responded that a Public Hearing was not necessary. The Secretary described recent actions by the State in regard to modifications for changes in capacity. The Authority approved the modification of premises in accordance with the regulation and stated that the application and fee will be sent to the State for action on the application.

### **4. PUBLIC HEARING**

#### **RENEWAL & TASTINGS PERMIT**

Warehouse Liquors West LLC  
1710 West Eisenhower Blvd. #9

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Retail Store License Renewal and Tastings Permit  
November 19, 2012 to November 19, 2013

The applicant has applied for a Tastings Permit for a Retail Liquor Store to dispense malt, vinous and spirituous liquors by the sample for consumption on the premises. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. Scott Schroeder appeared to address the Authority and answer questions. The Authority inquired about training of the servers and disposal of the leftover product. Mr. Schroeder stated that he would review the tastings rules and adhere to them. Ms. Ablao questioned Mr. Schroeder about Ben Lange's qualifications. Mr. Schroeder stated that Mr. Lange was no longer employed by the store. There were no other concerns from the City or the Police Department. The Authority approved the renewal and the Tastings Permit.

## **5. SHOW CAUSE HEARINGS**

The purpose of this hearing is to consider the suspension or revocation of said license for alleged violations by the Licensee; or by any of the agents, servants, or employees of said Licensee, of the provisions of the Colorado Liquor Code, or of any of the rules or regulations adopted pursuant thereto.

Wal-Mart Stores Inc d/b/a Wal-Mart #953  
1325 North Denver Avenue

Amber Munck, attorney appeared to address the Authority and answer questions. The Authority read the procedures into the record and reopened the show cause hearing to set aside the Stipulation and Order from the September 20, 2012 meeting. The motion to reopen was filed by the City when it was discovered that a fine in lieu of suspension was imposed for the Licensee in error because there was a previous violation at this location in the preceding two years. The Authority ordered a refund of the fine paid of \$720.34. Ms. Ablao read the proposed amended stipulation whereby one condition of the sanction for the Licensee to require TIPs training for the employees within 60 days would be removed and the Licensee would enter a no contest plea to the violation. Wal-Mart has already met that condition. The sanction is amended for the Licensee to serve a suspension of ten (10) days of its 3.2% Off Premises Beer License. Five (5) days of the suspension shall be held in abeyance for a period of one year from the date of approval of this stipulation by the Authority, provided that during said one year period there are no violations of the terms of this stipulation by the Licensee, and provided that there are no further violations of the Colorado Liquor Code or the Colorado Code of Regulations by the Licensee at the licensed premises. Five (5) days of the suspension shall be actively served by the Licensee. Ms. Munck stated that the time period to serve the five days suspension was left blank on the executed stipulation for the Authority's discretion. The Authority accepted the no contest plea to the violation by the Licensee and the stipulation imposing the sanction as written. The five days will be served from November 4, 2012 at 5 a.m. through November 9, 2012 at 5 a.m. The Licensee shall post the premises during the suspension with a sign inside and one facing outside the store. The signs are available from the City Clerk's Office. An appearance by the Licensee upon the next renewal of the license will also be required.

El Pueblito #2 d/b/a El Pueblito  
1499 West Eisenhower Blvd.

Rosalina Mireles appeared to address the Authority and answer questions. The Authority asked if the procedures from the preceding hearing could be incorporated into the record to reopen this hearing and set aside the Stipulation and Order from the September 20, 2012 meeting. A motion to reopen was filed

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by the City when it was discovered that a fine in lieu of suspension was imposed for the Licensee in error because there was a previous violation at this location in the preceding two years. Ms. Mireles agreed to incorporate the previously read procedures into the record and reopen the hearing. Ms. Ablao read the amended stipulation whereby the Licensee would voluntarily and knowingly admit to the violation and serve a suspension of fifteen (15) days of its Hotel and Restaurant Liquor License. Twelve (12) days of the suspension shall be held in abeyance for a period of one year from the date of approval of this stipulation by the Authority, provided that during said one year period there are no violations of the terms of this stipulation by the Licensee, and provided further that there are no further violations of the Colorado Liquor Code or the Colorado Code of Regulations by the Licensee at the licensed premises. Three (3) days of the suspension shall be actively served by the Licensee. The Authority accepted the admission to the violation by the Licensee and the stipulation imposing the sentence as written. The three days will be served from 12 a.m. on October 24, 2012 through 11:59 p.m. on October 26, 2012. The Licensee shall post the premises during the suspension with a sign inside and one facing outside the store. The signs are available from the City Clerk's Office. An appearance by the Licensee upon the next renewal of the license will be required.

Kum & Go LC d/b/a Kum & Go #933  
115 Knobcone Drive

District Store Manager, Brock Brown and Store Manager, Stephanie Macela appeared to address the Authority and answer questions. The Authority asked if the procedures read into the record from the preceding show cause hearing could be incorporated into the record of this hearing. Mr. Brown agreed. The Authority questioned Mr. Brown about missing the previous month's meeting. Mr. Brown explained that it was due to a lack of communication from the corporate office and a change in management. The Secretary informed the Authority that the corporate office had not registered Ms. Macela as the General Manager. The Authority recommended that Ms. Macela register as soon as possible. Ms. Ablao read the stipulation whereby the Licensee would voluntarily and knowingly admit to violating C.R.S. 12-47-901(1)(a.5)(I) by serving alcohol to a minor on June 1, 2012. The Licensee shall serve a suspension of fifteen (15) days of its 3.2% Off-Premises Beer License. Ten (10) days of the suspension shall be held in abeyance for a period of one year from the date of approval of this stipulation by the Authority, provided that during said one year period there are no violations of the terms of this stipulation by the Licensee, and provided further that there are no further violations of the Colorado Liquor Code or the Colorado Code of Regulations by the Licensee at the licensed premises. Five (5) days of the suspension shall be actively served by the Licensee. The Licensee is eligible and agrees to pay a fine in lieu of five (5) days active suspension. Ms. Ablao stated that after reviewing the books from the Licensee, the fine is \$200.00. The Authority accepted the admission to the violation by the Licensee and the stipulation imposing the sentence as written. The \$200.00 fine is due and payable in cash or certified funds by 5 p.m. on October 31, 2012 at the City Clerk's Office. An appearance by the Licensee upon the next renewal of the license will be required.

#### RENEWAL AND SHOW CAUSE HEARING

Empire Dim Sum Seafood Restaurant d/b/a Empire Hibachi  
265 E 29<sup>th</sup> Street #A  
Beer and Wine License Renewal and Show Cause  
October 5, 2012 to October 5, 2013

The Licensee did not appear. The Authority stated that this matter was scheduled for show cause hearing at the last meeting in September and the Licensee did not appear. Since that meeting, the Authority found that the business had closed and a new business will be relocating to that address. Ms. Ablao stated that since evidence in the file indicated that the certified mailing of the show cause notice was signed for and received by the Licensee and along with the affidavit of show cause from Officer Mayers, she would ask that the License be revoked. The Authority reviewed the affidavit by a preponderance and asked if the City feels any additional evidence is necessary. Ms. Ablao did not believe any further evidence was necessary. The Authority found that the City established that the Licensee has violated C.R.S. 12-47-901(1)(a.5)(I) by serving alcohol to a minor on June 1, 2012 and sustains the allegation. The License was revoked and an Order will be prepared to send to the State. Certified mail will be sent to the Licensee's last known address as notice of the revocation of the License. The License fee paid for the renewal is refundable because the license was not issued. The Secretary will process the refund.

## 6. OLD BUSINESS/NEW BUSINESS

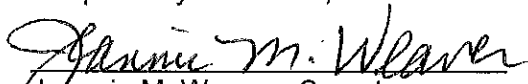
The Authority stated that the State appears to have changed their policy on Modification of Premises; however, the City will continue acting on the applications that are received. The Secretary reviewed recent correspondence from the State regarding a backlog in processing applications and standardization of the rule review process requiring suspension of any rule review activity by the Liquor Enforcement Division at this time with the exception of Regulation 47-408.

Ms. Ablao stated that Ms. Citino will be covering the November meeting in her absence.

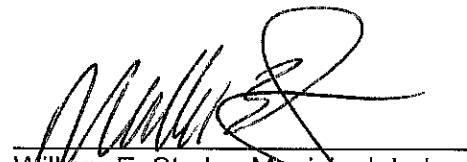
The next regularly scheduled Local Licensing Authority meeting will be November 15, 2012 at 8:30 a.m.

Having no further business to come before the Authority, the meeting was adjourned at 9:29 A.M.

Respectfully submitted,

  
Jeannie M. Weaver, Secretary

Approved:

  
William E. Starks, Municipal Judge  
Liquor Licensing Authority

