

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; Officer Jeff Mayers and Secretary, Jeannie Weaver.

- 1. MINUTES**            The minutes of the August 15, 2013 Regular meeting and August 22, 2013 Special 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 - (Appearance not required)

- a.     Sofia's Bistro LLC d/b/a La Casa Bar & Grill (name changed 9/9/13)  
      1120 North Lincoln Avenue  
      Hotel and Restaurant License Renewal  
      October 21, 2013 to October 21, 2014            **RENEWED**
  
- b.     Loveland Spirits Inc. d/b/a Loveland Liquor  
      639 North Cleveland  
      Retail Store License Renewal  
      October 31, 2013 to October 31, 2014            **RENEWED**
  
- c.     Breakfast Club of Loveland Inc. d/b/a Loveland Breakfast Club  
      and Club Events  
      1451 North Boise Avenue  
      Hotel and Restaurant License Renewal  
      August 19, 2013 to August 19, 2014            **RENEWED**
  
- d.     Albertsons LLC d/b/a Albertsons Food Center #804  
      1451 West Eisenhower Blvd.  
      3.2% Off-Premises Retail Beer License Renewal and Manager Registration  
      August 24, 2013 to August 24, 2014            **RENEWED & APPROVED**

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

RENEWALS

- a.     Dillon Companies Inc. d/b/a King Soopers #44  
      253 East 29<sup>th</sup> Street  
      3.2% Off-Premises Retail Beer License Renewal  
      October 20, 2013 to October 20, 2014            **RENEWED**

Charles Trionfera appeared to address the Authority and answer questions. There were no concerns from the City or Police Department. The Authority approved the renewal.

SPECIAL EVENTS PERMITS

- a.     Engaging Loveland, Inc.  
      500 East 3<sup>rd</sup> Street (Civic Center Park)

The applicant applied for the Loveland OktoberFest event on September 20, 2013 from noon until 10 p.m. and September 21, 2013 from 11 a.m. until 10 p.m. This matter was continued from the August meeting. William Delmar and Russell Fruits appeared to address the Authority and answer questions. The Authority administratively approved a Special Event Permit for Colorado Youth Outdoors for September 21, 2013 that was submitted as an alternate plan for Oktoberfest, in case the Engaging Loveland permit wasn't approved. A stipulation was proposed by the City and accepted by Engaging Loveland, Inc.; however, the Civic Center location permission was revoked by the City Manager for the event. The Authority denied the Special Event Permit for Engaging Loveland, Inc.

- b. Hearts & Horses, Inc.  
815 14<sup>th</sup> Street SW (Rocky Mountain Center for Innovation and Technology

The applicant applied for the Annual Gala event on October 5, 2013 from 5 p.m. to midnight. Jan Pollema and Ginger Dodge appeared to address the Authority and answer questions. Ms. Pollema described the game, the food to be served and the Larimer County Sheriff's Posse as the monitors at the event. The Authority informed the applicant that workers monitoring the event should not be consuming alcohol while working. There were no concerns from the City or the Police Department. The Authority approved the Special Event Permit.

#### **4. SHOW CAUSE HEARINGS – posting and publication not required**

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 any of the rules or regulations adopted pursuant thereto. The Authority read the procedures for all the hearings into the record.

- a. Consignment Barn 66 d/b/a Tommy Gun's Hideout  
111 East 5<sup>th</sup> Street

Cassandra Breen appeared to address the Authority and answer questions. The Authority asked that in light of some last minute information filed with the Authority regarding the tavern's encroachment permit the matter be continued until the issue is fully reviewed by the parties. The City and Police Department had no objection to a continuance. The Authority continued the matter until October 17, 2013 at 8:30 a.m.

- b. Michael Bernard d/b/a Justine's Pizza  
1906 West Eisenhower Blvd.

Mike Bernard appeared to address the Authority and answer questions. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Ten days of the suspension will be held in abeyance for one year provided that the Licensee does not violate the Colorado Liquor Code or the Colorado Code of Regulations at the licensed premises during the year; agrees to have employees attend TIPS training with 60 days; and pay the fine in lieu of serving a 5 day suspension. Mr. Bernard admitted the violation, waived the right to a hearing and is eligible to pay the fine. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The fine was set at

Local Licensing Authority  
September 19, 2013

The Authority resumed the matter for Adelita's, Inc. Mr. Clark stated that in order to simplify the suspension for the staff and patrons, the Licensee proposes the following: To serve 30 days from October 20 through November 18, 2013 and 20 days consecutively from January 12 through January 31, 2014. The Authority accepted the days of service as proposed by the Licensee. The premises will be posted during the suspension for notice to the public with two signs, which are available from the City Clerk's Office. The Licensee will be required to appear at the next meeting for renewal of the license.


## 6. OLD BUSINESS/NEW BUSINESS

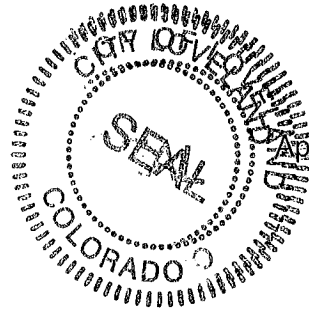
Ms. Ablao reviewed the affidavits last week for three violations that occurred and will be forthcoming for the Authority's consideration.

## 7. ADJOURNMENT

The next regularly scheduled Local Licensing Authority Meeting will be **October 17, 2013 at 8:30 AM** in the City Council Chambers. Having no further business, the meeting adjourned at 10:01 a.m.

Respectfully submitted,

  
Jeannie M. Weaver, Secretary



Approved:

  
William E. Starks, Municipal Judge  
Liquor Licensing Authority

\$200.00 and is due by 9/27/13 at the City Clerk's Office payable in cash or certified funds. The Licensee will be required to appear at the next meeting for renewal of the license.

- c. Adelita's Inc. d/b/a Adelita's Fine Mexican Food  
414 East 6<sup>th</sup> Street

Attorney Roger Clark appeared with Adella Chavez to address the Authority and answer questions. Ms. Ablao read the proposed stipulation whereby the Licensee would admit the violations and a 50 day suspension would be imposed. If within a year a violation of the Colorado Liquor Code or Colorado Code of Regulations occurs, the Licensee is aware that the City may seek revocation of the license. The Licensee also agrees to have employees attend TIPS training within 60 days and that alcohol beverages will not be sold when the kitchen is closed or full meals are not available. Ms. Chavez admitted the violation and waived the right to a hearing. The Authority accepted the stipulation and found that the admission is voluntary and not the result of any undue coercion. The Authority requested additional information from the parties to determine service of the 50 days. The City requested two 25-day periods to start within 30 days. Mr. Clark stated that retired Police and Liquor Enforcement Officer, Joe Berdin, will be conducting a training for the entire staff of the restaurant. The Licensee has also purchased an electronic ID machine for use by the employees to aid in checking ID's. Alcohol beverages will not be served unless meals are available when the person is served. A recess of the matter was taken to allow the Licensee to reach an acceptable scenario for serving the 50-day suspension.

## 5. PUBLIC HEARINGS – posting and publication required

### NEW LICENSES

- a. Blocky's Eatery, LLC d/b/a Blocky's Eatery  
285 East 29<sup>th</sup> Street, Suite A

The applicant applied for a new Hotel and Restaurant license. The Public Hearing date and neighborhood boundaries (N-43rd Street; S-Eisenhower Blvd.; E-Boise Ave.; and W-Chestnut Ave.) were sent to the applicant by certified mail on August 16, 2013. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires.

Attorney Nick Ores appeared to address the Authority and answer questions. The Authority read the procedures to be followed for the hearing. No other parties in interest appeared. Christopher Bailey was sworn in to testify. Mr. Bailey testified about his work experience, alcohol service training and how the survey of the neighborhood was performed. Ms. Ablao asked about Mr. Bailey's association with a former owner of another restaurant where he was employed. Mr. Bailey explained that he has no association with the person. Ms. Ablao also asked about the manager's background and disclosure of criminal history. Mr. Bailey described the incident and stated the failure to disclose was not intentional. There were no other parties in interest appearing. The Authority closed the Public Hearing and found that the adult inhabitants of the neighborhood desire the issuance of the license; the reasonable requirements of the neighborhood and the type of license being sought are not being met; the number, type and availability of liquor outlets located in or near the neighborhood do not preclude the issuance of the license; and the applicant is qualified to conduct the type of business proposed. The Authority approved the new license.