

Local Licensing Authority
November 21, 2013

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 and Secretary, Jeannie Weaver.

1. MINUTES The minutes of the October 17, 2013 Regular 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. Loveland Black Steer Restaurant Inc. d/b/a Black Steer
436 N. Lincoln Avenue
Hotel & Restaurant License Renewal
December 27, 2013 to December 27, 2014 **RENEWED**

- b. Wadsworth Old Chicago Inc. d/b/a Old Chicago
1436 Hahns Peak Drive
Hotel & Restaurant License Renewal
January 22, 2014 to January 22, 2015 **RENEWED**

- c. Rock Bottom Restaurants, Inc. d/b/a
Rock Bottom Restaurant & Brewery
6025 Sky Pond Drive
Hotel & Restaurant License Renewal
January 17, 2014 to January 17, 2015 **RENEWED**

- d. Noodle Shop Co. of Colorado Inc. d/b/a Noodles & Company
1550 Fall River Drive #190
Hotel & Restaurant License Renewal
January 17, 2014 to January 17, 2015 **RENEWED**

- e. Dorothy and Gregory Skroch d/b/a
Dorothy's Catering
2248 West 1st Street
Beer & Wine License Renewal
December 6, 2013 to December 6, 2014 **RENEWED**

- f. Burks Tavern LLC d/b/a Burks Tavern
118 East 4th Street
Tavern License Renewal
December 9, 2013 to December 9, 2014 **RENEWED**

- g. Serious Texas BBQ III, LLC d/b/a Serious Texas BBQ III
201 West 71st Street
Hotel & Restaurant License Renewal
December 21, 2013 to December 21, 2014 **RENEWED**

- h. BPOE Lodge Loveland Lodge #1051 Inc. d/b/a
Loveland Lodge #1051
103 East 4th Street
Club License Renewal and Manager Registration
December 30, 2013 to December 30, 2014 **RENEWED**
- i. Generations Bar LLC d/b/a Generations Wine & Martini Bar
127 West 4th Street
Hotel & Restaurant License Renewal
December 5, 2013 to December 5, 2014 **RENEWED**
- j. Bent Fork Grill Loveland LLC d/b/a Bent Fork the Grill
5971 Sky Pond Drive, Ste. C-106
Hotel & Restaurant License Renewal
January 17, 2014 to January 17, 2015 **RENEWED**
- k. Ten Enterprises LLC d/b/a Ten Aveda Salon and Spa
6045 Sky Pond Drive, Ste R-100
Beer & Wine License Renewal
December 5, 2013 to December 5, 2014 **RENEWED**
- l. Dillon Companies, Inc. d/b/a King Soopers #74
1275 Eagle Drive
3.2% Off-Premises Retail Beer License Renewal
November 10, 2013 to November 10, 2014 **RENEWED**

3. REGULAR AGENDA – (Appearance Required)

RENEWALS

- a. Chillers, LLC d/b/a Chillers
128 East 4th Street
Hotel & Restaurant License Renewal
October 4, 2013 to October 4, 2014

This matter was continued from the October 17, 2013 meeting. The Licensee did not appear at this time.

NEW LICENSE – CONDITIONAL APPROVAL FOLLOW UP

- a. Taqueria Los Comales, LLC d/b/a Taqueria Los Comales
1518 N. Madison Avenue, Units A & B

On August 15, 2013, approval of the Hotel and Restaurant License was conditional upon the applicant coming into zoning code compliance with the site development standards for screening of the mechanical equipment that was installed on the ground and roof of the restaurant by August 30, 2013 under terms of the temporary certificate of occupancy. No evidence of final inspection approval had been received by the Authority. Efrain Lemus appeared to address the Authority and answer questions. Mr. Lemus explained that due to the flood it was hard to get a contractor to complete the work at the restaurant. The work has been completed and the inspections

done were satisfactory. The Authority approved and signed the new license application for submittal to the Department of Revenue for issuance of the license.

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. Loveland Spirits Inc. d/b/a Loveland Liquor
639 North Cleveland Avenue

James Kernaghan 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 within 60 days; and serve up to five days suspension. Mr. Kernaghan admitted the violation, waived the right to a hearing and explained why the violation occurred and asked for a three day suspension. Ms. Ablao stated that this violation was the second within two years and although it wasn't aggravated in her opinion she would ask for five days suspension. The Authority accepted the stipulation finding that it is voluntary and not the result of any undue coercion. The Authority felt that the violation was aggravated and set the penalty at 5 days suspension to be served from January 7, 2014 thru January 11, 2014. The premises will be posted during the suspension for notice to the public with two signs, available from the City Clerk's Office. The Licensee will be required to appear at the next meeting for renewal of the license.

- b. CJ's Patio Grill Inc. d/b/a CJ's Patio Grill
1331 Eagle Drive

Tom Modlich appeared to address the Authority and answer questions. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 20 day suspension will be imposed. Fifteen 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 within 60 days; and serve five days active suspension. Mr. Modlich admitted the violation and waived the right to a hearing. The Authority accepted the stipulation finding that it is voluntary and not the result of any undue coercion. The Authority stated that the 5 day suspension is to be served from January 3, 2014 thru January 7, 2014. The premises will be posted during the suspension for notice to the public with two signs, available from the City Clerk's Office. The Licensee will be required to appear at the next meeting for renewal of the license.

- c. BC Grille Inc. d/b/a Baja Cactus Grille
119 East 4th Street

Christen French 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 within 60 days; and pay the fine of \$755.00 in lieu of serving the five days suspension. Ms. French admitted the violation and waived the right to a hearing.

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The Authority accepted the stipulation finding that it is voluntary and not the result of any undue coercion. The Authority imposed the penalty as written in the stipulation and congratulatorily recognized the Licensee for publically admitting the violation using social media. The premises will be posted during the suspension for notice to the public with two signs, available from the City Clerk's Office. The Licensee will be required to appear at the next meeting for renewal of the license.

RENEWALS

- a. Chillers, LLC d/b/a Chillers
128 East 4th Street
Hotel & Restaurant License Renewal
October 4, 2013 to October 4, 2014 **RENEWED**

The Authority recalled the renewal matter. Marlene Boulton appeared to address the Authority and answer questions. She reported that progress has been made by the restaurant to complete the requirements of the letter she received from the Planning Division within 60 days from November 13, 2013. The Fire Inspector is preparing a report also. The Authority approved the renewal of the license. Ms. Ablao asked the Licensee to contact the Community Safety Division of the Fire Authority for reinspection when all the requirements have been met. Ms. Boulton agreed to the request.

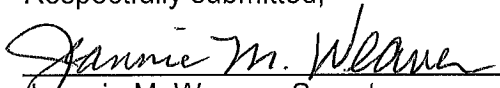
5. OLD BUSINESS/NEW BUSINESS

Ms. Weaver came forward to address the Authority and answer any questions on the cost analysis prepared by the City Clerk's Office. The Authority thanked the Liquor Enforcement team and Clerk's Office for the work done to prepare the analysis.

6. ADJOURNMENT

The next regularly scheduled Local Licensing Authority Meeting will be **December 19, 2013 at 8:30 AM** in the City Council Chambers. Having no further business, the meeting adjourned at 9:35 a.m.

Respectfully submitted,


Jeannie M. Weaver, Secretary



Approved:


William E. Starks, Municipal Judge
Liquor Licensing Authority