

Local Licensing Authority
January 16, 2014

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, Tree Ablao; and Secretary, Jeannie Weaver.

1. MINUTES The minutes of the December 19, 2013 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. Thunder Mountain Hooters, LLC d/b/a Thunder Mountain Hooters
 4230 Byrd Drive
 Hotel and Restaurant License Renewal and Manager Registration
 January 22, 2014 to January 22, 2015 **RENEWED & APPROVED**

- b. Carino's Italian Kitchen, Inc. d/b/a Carino's Italian
 1455 Rocky Mountain Avenue
 Hotel and Restaurant License Renewal
 February 21, 2014 to February 21, 2015 **RENEWED**

- c. Top Hat Lounge, Inc. d/b/a Top Hat Lounge
 125 East 5th Street
 Tavern License Renewal
 March 3, 2014 to March 3, 2015 **CONT'D TO 2/20/14**

- d. Chipotle Mexican Grill, Inc. d/b/a Chipotle Mexican Grill #780
 1569 Fall River Drive, Ste. 105
 Hotel and Restaurant License Renewal
 March 15, 2014 to March 15, 2015 **RENEWED**

- e. Associated Veterans of Loveland
 305 North Cleveland Avenue
 Club License Renewal
 February 25, 2014 to February 25, 2015 **RENEWED**

- f. Cyclone Enterprises Corp. d/b/a Scotty O'Brian's
 237 East 4th Street
 Tavern License Renewal
 March 6, 2014 to March 6, 2015 **PULLED FROM CONSENT**

- g. Loveland Golf Center Inc.
 2115 West 29th Street
 Optional Premises License Renewal
 February 28, 2014 to February 28, 2015 **RENEWED**

- h. Roberto Tarin d/b/a Taqueria Rancho Alegre 3

- 251 14th Street SE
Hotel and Restaurant License Renewal
February 22, 2014 to February 22, 2015 **RENEWED**
- i. Next Door Tapas, Inc. d/b/a Next Door Food and Drink
222 East 4th St. Ste. 100
Hotel and Restaurant License Renewal
February 21, 2014 to February 21, 2015 **RENEWED**
- j. Loveland Catering Co. Inc. d/b/a Embassy Suites Loveland
4705 Clydesdale Parkway
Hotel and Restaurant with Optional Premises
February 23, 2014 to February 23, 2015 **RENEWED**
- k. Aibbeg Enterprises & 7-Eleven Inc. d/b/a 7-Eleven Store 39082B
1509 East Eisenhower Blvd.
3.2% Off-Premises Retail Beer License Renewal
February 1, 2014 to February 1, 2015 **RENEWED**
- l. El Pueblito #2 Inc. d/b/a El Pueblito
1499 W. Eisenhower Blvd.
Hotel and Restaurant License Renewal
February 21, 2014 to February 21, 2015 **RENEWED**

3. REGULAR AGENDA – (Appearance Required)

RENEWALS

Cyclone Enterprises Corp. d/b/a Scotty O'Brian's
237 East 4th Street
Tavern License Renewal
March 6, 2014 to March 6, 2015 **RENEWED**

Brian Miller appeared to address the Authority and answer questions. Ms. Ablao pulled the renewal to inform the Licensee that the books and records of the establishment should be kept on the premises and that a follow up inspection would be done. Mr. Miller stated that he would insure compliance with the Liquor Code. There were no other concerns by the City or Police Department. The Authority approved the renewal. The application will be mailed to the Department of Revenue for issuance of the license.

Adelita's Inc. d/b/a Adelita's Fine Mexican Food
414 East 6th Street
Hotel and Restaurant License Renewal
December 30, 2013 to December 30, 2014 **RENEWED**

Adella Chavez appeared to address the Authority and answer questions. Ms. Chavez requested a change in the dates of service of the suspension of the liquor license. Ms. Ablao stated that the terms of the stipulation were agreed to by the parties prior to the meeting when the terms were accepted by the Authority. The City was satisfied with the agreement and confirmed that those terms should remain the same. The Authority denied the request. There were no other concerns from the City. The Authority

approved the license renewal. The application will be mailed to the Department of Revenue for issuance of the license.

Kum & Go #933
115 Knobcone Drive
3.2% Off-Premises Retail Beer License Renewal & Manager Registration
March 22, 2014 to March 22, 2015

Diana Pacheco appeared to address the Authority and answer questions. The Authority requested that the show cause hearing for this Licensee proceed before further consideration of these items.

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.

- a. Kum & Go #933
115 Knobcone Drive

The Authority read the procedures to be followed for the hearing. Ms. Pacheco stated she understood the procedures. 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 untrained employees attend TIPS training with 60 days; and actively serve a five day suspension. Ms. Pacheco admitted the violation and waived the right to a hearing. The Authority accepted the admission finding it is voluntary and not the result of any undue coercion. The stipulation was also accepted and the penalty imposed as written. The Licensee will serve the 5 day suspension from January 18-22, 2014 and post the premises for public notice during the suspension 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. The manager registration was approved and the renewal was continued to the next meeting or until receipt of the updated violation listing from the corporate office.

- b. Zensai
198 East 29th Street

Jay Um appeared to address the Authority and answer questions. Ms. Alao 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 of the Colorado Code of Regulations at the licensed premises during the year; agrees to have untrained employees attend TIPS training with 60 days; and serve a five day suspension by paying a fine in lieu of suspension. Mr. Um questioned the time period for attendance at the training by his employees. Ms. Ablao agreed to extend the time period to 180 days. The fine was determined by Ms. Ablao to be \$200 after examination of the records presented by the Licensee. Mr. Um admitted the violation and waived the right to a hearing. The Authority accepted the admission, finding it is voluntary and not the result of any undue coercion, and imposed the penalty as written in the stipulation. The Authority set the deadline for payment of the fine by January 24, 2014. The Licensee will be required to appear at the next meeting for renewal of the license.

- c. Elevation Liquor
1904 West Eisenhower Blvd.

Shane Schroeder appeared to address the Authority and answer questions. Ms. Alao 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 untrained employees attend TIPS training with 60 days; and serve a five day suspension by paying a fine in lieu of suspension. The fine was determined by Ms. Ablao to be \$1,929.00 after examination of the records presented by the Licensee. Mr. Schroeder admitted the violation and waived the right to a hearing. The Authority accepted the admission, finding it is voluntary and not the result of any undue coercion, and imposed the penalty as written in the stipulation. The Authority set the deadline for payment of the fine by January 24, 2014. The Licensee will be required to appear at the next meeting for renewal of the license.

5. PUBLIC HEARING – Posting and Publication required

- a. NEW LICENSE AND TASTINGS PERMIT

S. I. Flats, Inc. d/b/a Mrs. Torrelli's Wine Flat
534 North Cleveland Avenue

The applicant applied for a new Retail Store Liquor license and Tastings Permit. The Public Hearing date and neighborhood boundaries (N – E. 19th Street; S – Fire Engine Red Street; E – Boise Avenue; and W – N. Duffield Avenue) were sent to the applicant by certified mail on December 13, 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 Richard Ball appeared to represent the applicant. The Authority read the procedures for the hearing and admitted the Secretary's files into the record. There were no other parties in interest appearing. The persons testifying were sworn in by the Authority. Applicant, Sean Johnson came forward to address the Authority and answer questions. He testified as to his experience, how he will operate the business and his past alcohol service training. Mr. Ball asked Mr. Johnson about conducting the survey of the neighborhood. Mr. Johnson stated he conducted the survey with the help of two neighbors, obtaining 265 signatures with one person in opposition due to abhorrence of alcohol and two persons not qualified. Rod Brubacher from the Inglenook restaurant came forward to testify in favor of the applicant. Clay Caldwell from mo' Betta Gumbo also testified in favor of the applicant. A letter of recommendation from a former employer, Valley of the Wind Winery, in support of Mr. Johnson, was submitted for the record with no objection by the City. In closing, Mr. Ball requested that the Authority to approve the license and tastings permit. Ms. Ablao asked about completion of construction at the building. Mr. Johnson stated construction was underway and the opening date would be around Valentine's Day. There were no other parties in interest appearing. The Authority found the following: the adult inhabitants of the neighborhood desire the issuance of the license; the reasonable requirements of 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 tastings permit and new license conditionally upon completion of the final inspections.

6. OLD BUSINESS/NEW BUSINESS

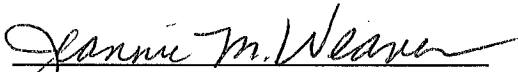
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The Authority directed that show cause hearings may be held earlier than noticed if the City and the Licensee have reached a disposition and are ready to proceed. An amended agenda can then be prepared and posted to notice the public.

The next regularly scheduled Local Licensing Authority Meeting will be **February 20, 2014 at 8:30 AM** in the City Council Chambers.

Having no further business to come before the Authority, the meeting was adjourned at 9:39 A.M.

Respectfully submitted,



Jeannie M. Weaver, Secretary





William E. Starks, Municipal Judge
Liquor Licensing Authority