

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; Officer Luis Castellanos; and Secretary, Jeannie Weaver.

1. MINUTES The minutes of the January 16, 2014 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. El Cielo II LLC d/b/a El Cielo
2225 West Eisenhower Blvd.
Hotel and Restaurant License Renewal
March 31, 2014 to March 31, 2015 **RENEWED**

- b. Turner Limited d/b/a Studio Vino
426 North Lincoln Avenue
Beer and Wine License Renewal
March 13, 2014 to March 13, 2015 **RENEWED**

- c. Maggie & Kat, LLC d/b/a Boise Tavern
1475 Boise Avenue #4
Tavern License Renewal
January 11, 2014 to January 11, 2015 **REMOVED**

- d. Apple Colorado LLC d/b/a Applebee's Neighborhood Grill & Bar
213 East 29th Street
Hotel and Restaurant License Renewal
March 21, 2014 to March 21, 2015 **RENEWED**

- e. Apple Corporation d/b/a Canton Palace
3320 North Garfield Avenue
Hotel and Restaurant License Renewal
March 17, 2014 to March 17, 2015 **RENEWED**

- f. Alpine Management Inc. d/b/a Happy Hour Bar & Grill
281 A East 29th Street
Hotel and Restaurant License Renewal
February 26, 2014 to February 26, 2015 **RENEWED**

- g. Safeway Stores 46 Inc. d/b/a Safeway Store #914
2321 West Eisenhower Blvd.
3.2% Off-Premises Retail Beer License Renewal & Manager Registration
March 1, 2014 to March 1, 2015 **RENEWED**

- h. Safeway Stores 46 Inc. d/b/a Safeway Store #2915

- a. Kum & Go #995
1600 East Eisenhower Blvd.
3.2% On/Off-Premises Retail Beer License Renewal
March 25, 2014 to March 25, 2015 **RENEWED**

Victoria Brigham appeared to address the Authority and answer questions regarding training since the violation. The City and the Police department had no concerns. The Authority approved the renewal.

- b. B C Grille, Inc. d/b/a Baja Cactus Grille
119 East 4th Street
Hotel and Restaurant License Renewal
March 26, 2014 to March 26, 2015 **RENEWED**

Christen French appeared to address the Authority and answer questions regarding training since the violation. The City and the Police department had no concerns. The Authority commended the Licensee on the positive use of social media after the incident. The Authority approved the renewal.

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

Harrell Cross appeared to address the Authority and answer questions. Ms. Ablao stated that the Licensee was requested to appear because the encroachment permit for the patio area had expired and had not been renewed. If the Licensee doesn't have lawful possession of the premises, the liquor license cannot be renewed. Mr. Cross didn't renew the encroachment permit because he did not understand how it affected the liquor license. The Authority stated that the Licensee would need to contact Public Works to renew the encroachment permit or modify the premises to remove the patio area. Mr. Cross agreed to contact Dave DeBaere and renew the encroachment permit. The Authority continued the renewal to the March 20, 2014 Regular Meeting.

MODIFICATION OF PREMISES

- a. Dillon Companies, Inc. d/b/a King Soopers #44
253 East 29th Street

The premises was posted January 23, 2014 with a sign advertising the Public Meeting. The proposed modification consists of expansion of the licensed premises to add 12,943 square feet. Barb Osness and Robert Campanella appeared to address the Authority and answer questions. The Authority asked about the difference the expansion would make to the beer cooler section. Mr. Campanella responded that it would only add 4 feet to the open case where it is now. There were no questions from the City or the Police Department. The Authority approved the Modification of Premises.

TRANSFER OF OWNERSHIP

- a. La Casa Polucha, LLC d/b/a The Family Tree Restaurant
1120 N. Lincoln Avenue

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1450 Fall River Drive
Hotel and Restaurant License Renewal, Manager Registration and Show Cause Hearing
February 16, 2014 to February 16, 2015

Attorney Brian Proffitt and Jarad Habein appeared to address the Authority and answer questions. The Authority asked if there were any concerns with the renewal or manager registration. Hearing none, the renewal and registration were approved. 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 untrained employees attend TIPS training with 60 days; and is eligible to pay a fine in lieu of suspension. The fine was determined by Ms. Ablao to be \$305.00 after examination of the records presented by the Licensee. Mr. Proffitt 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. Mr. Proffitt asked for clarification on the training to only include "front of the house" personnel. Mr. Proffitt explained the violation and the State of Colorado Liquor Enforcement Division issue. Ms. Ablao stated that the City and Police Department were aware of the issue and are relying on servers to recognize vertical licenses as ineligible for alcohol service. The stipulation was accepted by the Authority and the penalty imposed as written. The Licensee will pay the fine by March 7, 2014 at the City Clerk's Office in cash, cashier's check or certified funds. The Licensee will be required to appear at the next meeting for renewal of the license.

- a. Mo' Betta Gumbo, Inc. d/b/a Mo' Betta Gumbo
141 East 4th Street
Hotel and Restaurant License Renewal and Show Cause Hearing
March 27, 2014 to March 27, 2015

Clay Caldwell appeared and stated he understood the procedures. 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 untrained employees attend TIPS training with 60 days; and is eligible to pay a fine in lieu of suspension in the amount of \$237. Mr. Caldwell admitted the violation and waived the right to a hearing but expressed concern about the message sent by the court to the terminated server. The Authority thanked and encouraged Mr. Caldwell to contact the District Attorney to express his concerns. The Authority accepted the admission finding it voluntary and not the result of any undue coercion. The stipulation was also accepted by the Authority and the penalty imposed as written. The Licensee will pay the fine by March 7, 2014 at the City Clerk's Office in cash, cashier's check or certified funds. The Licensee will be required to appear at the next meeting for renewal of the license. There were no concerns from the Police Department or City and the Authority approved the renewal.

- b. Smash Werks LLC d/b/a Smashburger
1419 North Denver Avenue

Brad Harris 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 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 is eligible to serve a five day suspension by paying a fine in lieu of suspension. The fine was determined by Ms. Ablao to be

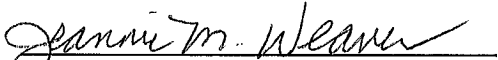
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requirement between fines. Ms. Ablao stated that it doesn't mandate it so the Authority still has the discretion.

The next regularly scheduled Local Licensing Authority Meeting will be **March 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 10:46 A.M.

Respectfully submitted,


Jeannie M. Weaver, Secretary



Approved:


William E. Starks, Municipal Judge
Liquor Licensing Authority