

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 Jeff Mayers; and Secretary, Jeannie Weaver.

1. MINUTES The minutes of the March 20, 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. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #0645
2500 West Eisenhower Blvd.
Corporate and Trade Name Change, Manager Registration and
3.2% Off-Premises Retail Beer License Renewal
June 2, 2014 to June 2, 2015 **RENEWED**

- b. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #0698
1040 S. Lincoln Avenue
Corporate and Trade Name Change and
3.2% Off-Premises Retail Beer License Renewal
June 2, 2014 to June 2, 2015 **RENEWED**

- c. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #1130
3675 North Garfield Avenue
Corporate and Trade Name Change, Manager Registration and
3.2% Off-Premises Retail Beer License Renewal
June 2, 2014 to June 2, 2015 **RENEWED**

- d. Valero Diamond Metro, Inc. d/b/a Diamond Shamrock #1186
126 S. Taft Avenue
Corporate and Trade Name Change, Manager Registration and
3.2% Off-Premises Retail Beer License Renewal
June 2, 2014 to June 2, 2015 **RENEWED**

- e. Jerry Fan Inc. d/b/a Henry's Pub
234 East 4th Street
Hotel and Restaurant License Renewal
June 14, 2014 to June 14, 2015 **RENEWED**

- f. Big Red Wapiti Inc. d/b/a The Wapiti Colorado Pub
701 N. Clubhouse Drive
Optional Premises License Renewal
May 24, 2014 to May 24, 2015 **RENEWED**

- g. 7-Eleven Inc. d/b/a Seven Eleven Store No. 16712
1245 East Eisenhower Blvd.

3.2% Off-Premises Retail Beer License Renewal
April 18, 2014 to April 18, 2015 **RENEWED**

h. Boyd Lake Lodging, LLC d/b/a Residence Inn Loveland
5450 McWhinney Blvd.
Tavern License Renewal
May 18, 2014 to May 18, 2015 **RENEWED**

3. REGULAR AGENDA – (Appearance Required)

RENEWALS

a. Encore LLC d/b/a The Encore Lounge
314 East 4th Street
Tavern License Renewal
May 16, 2014 to May 16, 2015 **RENEWED**

Sebastian Birch appeared to address the Authority and answer questions. The remodeling work is now underway. Ms. Ablao informed the Licensee that the statute requires the work to be completed within two years of the license issuance or a new application would have to be filed. There were no other concerns and the Authority approved the renewal.

b. Ship of Fools Inc. d/b/a Sports Station
409 North Railroad Avenue
Hotel and Restaurant License Renewal and Manager Registration
May 29, 2014 to May 29, 2015 **RENEWED & CONT'D TO 5-15-14**

Daryl Gary appeared to address the Authority and answer questions. The Authority was not satisfied with the explanation given for the criminal history and continued the Manager Registration to have the owner appear at the next meeting on May 15, 2014.

c. Consignment Bar 66 d/b/a Artisan Hall
111 East 5th Street
Tavern License Renewal, Trade Name and Manager Registration
April 19, 2014 to April 19, 2015 **RENEWED & APPROVED**

Roland Demers and Tim Lee appeared to address the Authority and answer questions. Mr. Lee explained that he attended the City's training class and what has been done to provide alcohol server training for the employees in addition to requiring the class. There were no other concerns from the City or Police Department. The Authority approved the renewal, trade name change to "5th Street Bar Loveland" and manager change.

d. Jay & Young, Inc. d/b/a Zensai
198 East 29th Street
Hotel and Restaurant License Renewal
June 3, 2014 to June 3, 2015 **RENEWED**

Jay Um appeared to address the Authority and answer questions. Mr. Um explained the training his employees have taken and rules he made for the servers. There were no other concerns from the City or Police Department. The Authority approved the renewal.

SPECIAL EVENT PERMITS

- a. Thompson Valley Art League
2800 North Taft Avenue

The applicant submitted an application for the "Art in the Park" event on August 9, 2014 from 10 a.m. to 4:30 p.m. and August 10, 2014 from 10 a.m. to 3:30 p.m. Wilynn Formeller appeared to address the Authority and answer questions. New diagrams were submitted to indicate the dimensions of entrances and were approved. There will be 3-5 volunteers or security persons on site at all times. There were no other concerns from the City or the Police Department. The Authority approved the Special Event Permit.

4. PUBLIC HEARING – (posting and publication required)

ADDITION OF OPTIONAL PREMISES

- a. Ovations Food Services LP d/b/a Ovations Hot Dog Cart
5290 Arena Circle

An application was submitted for the addition of a 909,000 s.f. Optional Premises to an existing Hotel and Restaurant with Optional Premises License to hold events. The Authority read the procedures to be followed for the hearing. Phil Hossler appeared to address the Authority and answer questions. Mr. Hossler explained that the area will be used for a Polo event in October. The area will be fenced in with catering services in a tent and officers for security. Ms. Ablao stated that notice of the event would need to be filed at least 20 days in advance. There were no other concerns from the City or the Police Department. There were no other parties in interest appearing and the Authority approved the addition of the Optional Premises.

5. 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 considered the items in the following order:

- a. P F Chang's China Bistro Inc. d/b/a P F Chang's China Bistro
5915 Sky Pond Drive

Attorney Brian Proffitt and Jennifer Wilson 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 and is eligible to pay a fine in lieu of suspension. The fine was determined by Ms. Ablao to be \$1,303.00 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. The stipulation was accepted by the Authority and the penalty imposed as written. The Licensee will pay the fine by May 2, 2014 at the City Clerk's Office in cash, cashier's check or certified funds. The

Licensee will not be required to appear at the next meeting for renewal of the license or next year as long as no other violations occur.

- b. Crossroad Holdings, LLC d/b/a The Boot Grill
4164 Clydesdale Parkway
Hotel and Restaurant License Renewal and Show Cause
April 21, 2014 to April 21, 2015

Mike Zapf and Jeff Krebs appeared to address the Authority and answer questions. The Authority asked if there were any concerns with the renewal. Hearing none, the Authority approved the renewal. 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 and is eligible to pay a fine in lieu of suspension in the amount of \$3,491. In-house training and attendance at the City's class by 22 employees has already taken place. Mr. Zapf admitted the violation and waived the right to a hearing. 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 was imposed as written. The Licensee will pay the fine by May 2, 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 renewal of the license. Officer Mayers stated that the Licensee should be aware of the capacity issue at the restaurant and that counters should be used for peak times occurring after sporting events.

- c. Kobe Sushi Inc. d/b/a Kobe Sushi
1569 Fall River Drive Ste. 169

Tim Lu 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 \$200 after examination of the records presented by the Licensee. Mr. Lu admitted the violation and waived the right to a hearing. He also stated he would have all ID's checked and not accept vertical ID's. The Authority accepted the admission, finding it is voluntary and not the result of any undue coercion. The penalty was imposed as written in the stipulation. The Authority set the deadline for payment of the fine by May 2, 2014. The Licensee will be required to appear at the 2015 renewal of the license.

- d. Taqueria Los Comales LLC d/b/a Taqueria Los Comales
1518 North Madison Avenue

Graciela Lucero 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 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 \$200.00 after examination of the records presented by the Licensee. Ms. Lucero admitted the violation and waived the right to a hearing. She also remarked that she and the manager were not present in the restaurant at the time of the violation due to a large delivery order. The Authority accepted the admission, finding it is voluntary and not the result of any undue coercion, and imposed the penalty as

Local Licensing Authority
April 17, 2014

written in the stipulation. The Authority set the deadline for payment of the fine by May 2, 2014. The Licensee will be required to appear at the November meeting for renewal of the license.

- e. Chillers, LLC d/b/a Chillers
128 East 4th Street

Marlene Boulton and Tom Hamblin appeared to address the Authority and answer questions. The Authority clarified the purpose of the hearing and the allegation that was made by the City. Ms. Ablao requested a recess for negotiation purposes while all the parties were present at the same time. The Authority granted the recess at 9:31 a.m.

The Authority reconvened the Show Cause Hearing at 9:46 a.m. Ms. Ablao asked for an extension to May 15, 2014 to allow the Licensee to complete the items necessary for compliance. The Authority had no objection to the continuance after clarifying that the Licensee understands the issue of loss of the premises which occurred when the encroachment permit insurance expired. Ms. Boulton will obtain a new certificate of insurance to submit to Public Works well in advance of May 15. If this is done, the Licensee will be in compliance and hopes that the City will withdraw the show cause motion. The Authority continued the hearing to May 15, 2014 at 8:30 a.m.

6. OLD BUSINESS/NEW BUSINESS

The Authority related that Senate Bill 54 concerning suspensions or revocations under the provisions of CRS 12-47-601 for fines in lieu of suspension was allowed not more than once every two years. By the Governor's signature on April 11, 2014, that prohibition has been removed and allows for additional latitude by giving the Authority the choice to impose a fine in lieu of suspension any time.

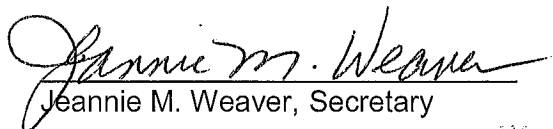
Officer Mayers informed the Authority that four affidavits will be forthcoming for show cause hearings in May as a result of a compliance check done April 10, 2014.

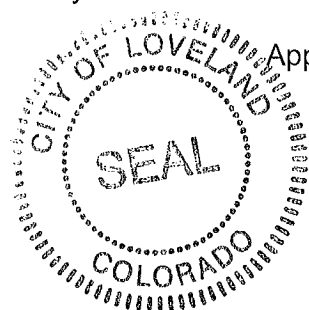
7. ADJOURNMENT

The next regularly scheduled Local Licensing Authority Meeting will be **May 15, 2014 at 8:30 AM** in the City Council Chambers.

Having no further business to come before the Authority, the meeting was adjourned at 10:06 A.M.

Respectfully submitted,


Jeannie M. Weaver, Secretary



Approved:


William E. Starks, Municipal Judge
Liquor Licensing Authority

