

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 August 21, 2014 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.     Dream Machines Events Inc.  
       4270 Byrd Dr.  
       Optional Premise Renewal License  
       October 6, 2014 to October 6, 2015                    **RENEWED**
  
- b.     Chillers, LLC d/b/a Chillers  
       128 E. 4th Street  
       Hotel and Restaurant License Renewal, Manager Registration &  
       Corporate Report of Changes  
       October 4, 2014 to October 4, 2015                    **PULLED OFF CONSENT**

This item was removed from the Consent Agenda by the Authority.

- c.     Dillon Companies Inc. d/b/a King Soopers #44  
       253 E. 29th Street  
       3.2% Off-Premises Retail Beer License Renewal  
       October 20, 2014 to October 20, 2015                    **RENEWED**
  
- d.     Dillon Companies Inc. d/b/a King Soopers #74  
       1275 Eagle Drive  
       3.2% Off-Premises Retail Beer License Renewal  
       November 10, 2014 to November 10, 2015                    **RENEWED**

**3. REGULAR AGENDA – (Appearance Required)**  
**CONSIDERATION OF ITEMS REMOVED FROM THE CONSENT AGENDA**

- b.     Chillers, LLC d/b/a Chillers  
       128 E. 4th Street  
       Hotel and Restaurant License Renewal, Manager Registration &  
       Corporate Report of Changes  
       October 4, 2014 to October 4, 2015                    **CONT'D TO 10-16-14**

The Authority recalled the Renewal for Chillers, LLC. Tom Hamblin appeared to address the Authority and answer questions. The Authority informed Mr. Hamblin that the Agreement for Purchase and Sale of a Business submitted with the applications indicates that there has been a change in ownership. The Local

Licensing Authority directed the new majority owner to file a Transfer of Ownership for consideration at the next regular meeting.

#### RENEWALS

- a. G-N-K-S, LLC d/b/a George's Pizza and Gyros  
104 East 29th Street  
Hotel and Restaurant License Renewal  
August 22, 2014 to August 22, 2015 **RENEWED**

George Keramidis appeared to address the Authority and answer questions. The Authority asked about new employees and the training provided. Mr. Keramidis explained that there have been changes in staff so they will be attending the alcohol server training in December. There were no other concerns by the City or the Police Department and the Authority approved the renewal.

- b. Loveland Spirits Inc. d/b/a Loveland Liquor  
639 N. Cleveland Ave.  
Liquor Store License Renewal  
October 31, 2014 to October 31, 2015 **RENEWED**

James Kernaghan appeared to address the Authority and answer questions. The Authority asked about new employees and the training provided. Mr. Kernaghan said that two employees had been fired as a result of the violation and the new employee hired had attended the training class on September 14. There were no other concerns by the City or the Police Department and the Authority approved the renewal.

#### 4. SHOW CAUSE HEARING

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. Safeway Store Forty Six Inc. d/b/a Safeway Store #914  
2321 West Eisenhower Blvd.

Attorney Stephen Lee appeared with Caleb Liberatore. The Authority read the procedures to be used for the hearing. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Eight 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 an approved alcohol server training class within 60 days; and serve a 7 day suspension by paying a fine in lieu of suspension. Ms. Ablao stated that the increase to a 7 day suspension was due to a previous violation in 2010. Ms. Ablao stated that the Licensee had provided and she reviewed the financial records to determine a fine of \$408. The Licensee 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 proposed stipulation. Mr. Lee requested an extension of the time period for training of the employees to the end of the year so that the employees could attend the City's scheduled training in December. The Authority granted the extension to December 31, 2014 and amended the stipulation. Mr. Lee asked if his law firm could issue a check for the fine in lieu of sending a certified check. The Authority stated that the statute requires payment in the

form of certified funds, a cashier's check or cash. The Authority directed the fine of \$408 be paid no later than October 3, 2014 and set the seven (7) days of active suspension to start at 12:01 a.m. on October 19 to 11:59 p.m. on October 25, 2014, which will be vacated upon payment of the fine. The Authority directed the Licensee to appear at the next renewal hearing.

- b. SWH Mimi's Café LLC d/b/a Mimi's Cafe  
1450 Fall River Drive

Ms. Ablao stated that the Attorney had been delayed in traffic from Denver and would be late. The Authority delayed the item until the end of the agenda.

- c. Wal-Mart Stores Inc. d/b/a Wal-Mart #953  
1325 North Denver Avenue

Wal-Mart Regional Compliance Manager, Kevin Ayers and General Manager, Elizabeth Hernandez appeared to address the Authority and answer questions. Ms. Ablao stated that the Attorney for the Licensee had just contacted her and agreed to continue the matter to the meeting on October 16, 2014, to complete the negotiations. The Authority agreed to the continuance of the show cause hearing.

- d. Axtlan Inc. d/b/a 3 Margaritas  
1417 Cheyenne Avenue

Attorney Erika Kaiser appeared with Juan Galvan-Ramos. The Authority incorporated the previous reading of the procedures into the record. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Eight 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 an approved alcohol server training class within 60 days; and serve a 7 day suspension by paying a fine in lieu of suspension. Ms. Ablao asked for an amendment of the time period from "within 60 days" to "by December 31, 2014" and stated that the increase to a 7 day suspension was due to a previous violation in 2010. Ms. Ablao also noted that the Licensee had provided and she reviewed the financial records to determine a fine of \$831. The Licensee admitted the violation and waived the right to a hearing. Ms. Kaiser asked for an extension for employee training until the end of the year. 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 proposed stipulation with the amendment for training until December 31, 2014. The Authority directed the fine of \$831 be paid no later than October 3, 2014 and set the 7 days of active suspension to start at 12:01 a.m. on October 19 to 11:59 p.m. on October 25, 2014, which will be vacated upon payment of the fine. The Authority directed the Licensee to appear at the next renewal hearing.

- e. Kum & Go LC d/b/a Kum & Go #933  
115 Knobcone Drive

Diana Pacheco appeared to address the Authority and answer questions. The Authority incorporated the previous reading of the procedures into the record. Ms. Ablao stated this was a third violation and read the proposed stipulation whereby the Licensee will admit the violation and a 45 day suspension to include the 20 days of suspension previously held in abeyance shall be actively served and run concurrently during this suspension. The Licensee agrees to have untrained employees attend an approved alcohol server training class, as amended by the Authority to read, "no later than December 31, 2014." The premises will be posted with two suspension signs during the 45 days starting at 12:01 a.m.

on October 1, 2014 to 11:59 p.m. on November 14, 2014. The Licensee admitted the violation and waived the right to a hearing. The Authority directed the Licensee to appear at the next renewal hearing.

- f. Serious Texas BBQ III, LLC d/b/a Serious Texas BBQ III  
201 West 71<sup>st</sup> Street

Attorney Randy Williams appeared with Hunter Swanson and Blake Mote. The Authority incorporated the previous reading of the procedures into the record. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 15 day suspension will be imposed. Eight 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 license premises during the year; agrees to have untrained employees attend an approved alcohol server training class; and serve a 7 day suspension by paying a fine in lieu of suspension. Ms. Ablao asked for an amendment of the time period from "within 60 days" to "by December 31, 2014" and noted that the increase to a 7 day suspension was due to a previous violation in 2010. Ms. Ablao stated that the Licensee had provided and she reviewed the financial records to determine a fine of \$200. The Licensee 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 proposed stipulation with the amendment for training until December 31, 2014. The Authority directed the fine of \$200 be paid no later than October 3, 2014 and set the 7 days of active suspension to start at 12:01 a.m. on October 19 to 11:59 p.m. on October 25, 2014, which will be vacated upon payment of the fine. The Authority noted that the Licensee will be applying to renew the license within the next month and does not need to appear at the next renewal hearing.

## 5. PUBLIC HEARINGS

The Authority changed the order of the Agenda for the following:

### CHANGE OF LOCATION

- a. B & E, LLC d/b/a Bentley's Liquor  
1763 Rocky Mountain Avenue

The application was filed to change the location of the Retail Liquor Store license from 1763 Rocky Mountain Avenue to 1775 Rocky Mountain Avenue. 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 Randy Williams appeared with Eric Santi to address the Authority and answer questions. The Authority read the procedures to be followed for the hearing. There were no other parties in interest appearing. The Authority opened the Public Hearing and swore in the witnesses, Max Scott and Eric Santi to testify. The Authority noted that the Colorado Code of Regulations 47-312 states that the application shall be filed on forms provided by the State and shall include the reason for the change of location. The form does not include an area to list the reason and therefore written findings for the record will be included. Mr. Williams questioned Mr. Santi regarding the operation of the retail store since January 2004. Mr. Santi testified that the reason for the change of location of the store is that the business at the location has doubled in size now with over 2000 residences within a quarter mile and he is simply trying to meet the needs of the growth in the area. The store is moving 20' from 1763 Rocky Mountain Avenue to 1775 Rocky Mountain Avenue to expand the floor space. Two new employees will attend the alcohol server training class in December. The tenant finish of the new location has not started but will require shut down of the store for one week. Max Scott of Oedipus, Inc. testified that he was retained by the Licensee to perform the survey of the neighborhood. Mr. Scott explained the procedure followed and

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asked for the petitions to be entered into the record. The Authority affirmed that they were part of the official file. Mr. Williams requested approval of the change of location. There were no other parties in interest appearing and no other concerns from the City or Police Department. The Authority closed the Public Hearing and made the following findings:

Change of location application per C.R.S. 12-47-301 for B & E, LLC d/b/a Bentley's Liquor

The matter came before the Local Licensing Authority for a change of location for the retail sales license for Bentley's Liquor from 1763 Rocky Mountain Avenue, Loveland, Colorado to 1775 Rocky Mountain Avenue, Loveland, Colorado.

Pursuant to Colorado Revised Statutes including but not limited to: 12-47-301, 12-47-311, Colorado Liquor Rules and Regulations including Regulation 47-312, Chapter 8 of the Loveland Municipal Code and the Local Licensing Rules of Procedure; the Local Licensing Authority FINDINGS:

The application was made upon forms prepared by the state licensing authority and are complete in every detail;

The Licensee has made known the reason for the requested change of location i.e. larger space and to allow a neighboring business to expand into the current location;

The reason for the proposed change does not conflict with the desires of the adult inhabitants and the reasonable requirements in the vicinity of the new location;

Upon application for the change of location, the matter was properly noticed as required by C.R.S. 12-47-311;

The new location is within the same city as the location for the original application was issued to be executed;

The new location does not appear to be within 500 feet of a public or parochial school, or principal campus of any college, university, or seminary;

The licensee has or appears will have lawful possession of the new location premises;

The new location appears to comply with all applicable zoning laws and regulations;

Based upon the original application for the license at the current location, the close proximity of the new location to the current location of just a few feet to the north of the current location, the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood as demonstrated by petitions, remonstrances, and otherwise, has established the continued support for the license and the support for the change of location as requested.

The Local Licensing Authority for the City of Loveland APPROVES the request for change of location for Bentley's Liquor from 1763 Rocky Mountain Avenue to 1775 Rocky Mountain Avenue, Loveland, Colorado CONDITIONED UPON the completion of the construction and successful passing of all related inspections upon completed construction of the new location.

The Authority recessed the Public Hearings and recalled the Show Cause Hearing for:

- b. SWH Mimi's Café LLC d/b/a Mimi's Cafe  
1450 Fall River Drive

Attorney Brian Proffitt appeared with Jared Habein to address the Authority and answer questions. The Authority incorporated the previous reading of the procedures into the record. Ms. Ablao read the proposed stipulation whereby the Licensee will admit the violation and a 25 day suspension will be imposed. The Licensee will serve 5 days of active suspension consecutively with 10 days from the previous violation's suspension. Twenty 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 agrees to have untrained employees attend an approved alcohol server training class within 60 days. Ms. Ablao asked for an amendment of the time period from "within 60 days" to "by December 31, 2014" and noted that in recognition of the unique circumstances of the violation, the City offered a five day suspension instead of seven days. The Licensee admitted the violation waived the right to a hearing and explained the circumstances of the violation. 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 proposed stipulation with the amendment for training until December 31, 2014. The premises will be posted with two suspension signs during the 15 days starting at 12:01 a.m. on October 1, 2014 to 11:59 p.m. on October 15, 2014. The Authority directed the Licensee to appear at the next renewal hearing.

#### NEW LICENSE

- a. Teriyaki Planet 2 LLC d/b/a Sushi Akai  
1421 East Eisenhower Blvd.

The application was filed for a new Beer and Wine license. The Public Hearing date and neighborhood boundaries (N-E. 29<sup>th</sup> Street; S-East 1<sup>st</sup> Street; E-Sculptor Drive; and W-North Garfield Avenue) were sent to the applicant by certified mail on July 31, 2014. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. The Authority read the procedures to be followed for the hearing. Mrs. Jae Youn Kim and Mr. Hyung Kim appeared to address the Authority and answer questions. There were no other parties in interest appearing. The Authority opened the Public Hearing and swore in Mr. and Mrs. Kim to testify as to their experience in the industry and how the restaurant will be managed. Mr. Kim testified that he performed the survey of the neighborhood by gathering signatures from business owners and residents within the neighborhood boundaries. Mr. Kim said his wife attended the City's server training on September 14 and after the other servers are hired, they will attend the training in December. There were no other concerns from the City or Police Department. The Authority closed the Public Hearing and 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 conditionally approved the new license upon completion of the final inspections by the Building Division and Fire and Police Departments.

A brief recess was taken at this time.

The Authority reconvened the meeting to resume hearing the remaining agenda items.

- b. Origins Loveland LLC d/b/a Origins Wine Bar & Wood Fired Pizza  
500 North Lincoln Avenue

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The application was filed for a new Hotel and Restaurant license. The Public Hearing date and neighborhood boundaries (N-Eisenhower Blvd.; S-14<sup>th</sup> St. SW/Hwy 402; E-Boise Avenue; and W-North Duffield Avenue) were sent to the applicant by certified mail on August 8, 2014. The premises was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires. The Authority incorporated the previous reading of the procedures into the record. Jeff Noffsinger appeared to address the Authority and answer questions. There were no other parties in interest appearing. The Authority opened the Public Hearing and swore in Mr. Noffsinger to testify as to his experience in the industry and how the restaurant will be managed. Mr. Noffsinger testified that he and his partner performed the survey of the neighborhood by gathering signatures from business owners and residents within the neighborhood boundaries. Twenty employees will be hired and will attend the alcohol server training class in December. There were no concerns from the City or the Police Department and there were no other parties in interest appearing. The Authority closed the Public Hearing and 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 conditionally approved the new license upon completion of the final inspections by the Building Division and Fire and Police Departments.

#### 5. OLD BUSINESS/NEW BUSINESS


There will be three show cause hearings in October.

#### 6. ADJOURNMENT

The next regularly scheduled Local Licensing Authority Meeting will be **October 16, 2014 at 8:30 AM** in the City Council Chambers.

Having no further business to come before the Authority, the meeting was adjourned at 10:48 A.M.

Respectfully submitted,

  
Jeannie M. Weaver, Secretary  
Teresa G. Andrews, City Clerk



  
William E. Starks, Municipal Judge  
Liquor Licensing Authority

