LOCAL LICENSING AUTHORITY

Minutes
August 7, 2013

ROLL CALL

The Regular Meeting of the Broomfield Local Licensing Authority was called to order by Vice-Chairperson Claussen at 5:30 p.m., August 7, 2013, in the Council Chambers of the City and County Building.

Present:	Mr. Ken Claussen Mr. Leon Murray Mayor Pro-Tem Greg Stokes
Absent:	Mr. David Beacom Councilmember Kevin Jacobs Ms. Janice Mohr, Alternate Councilmember Todd Schumacher, Alternate
Also present were:	Assistant City & County Attorney Erika Delaney Lew Administrative Analyst / Deputy Clerk Judy Keiser

DISPOSITION OF MINUTES

There being no corrections or additions, the Minutes of the Regular Meeting of July 3, 2013, stand approved.

LOCAL LICENSING AUTHORITY BUSINESS

(a) Dillon Companies, Inc. d/b/a King Soopers #89 - Change of Manager - 3.2% Beer License for Off-Premises Consumption

Margaret Dussex, Manager, was present on behalf of the Applicant.

The Authority acknowledged receipt of the notice of Change of Manager. No motion by the Authority was required.

(b) Quail Creek Wine & Spirits, Inc. d/b/a Quail Creek Wine & Spirits - Change of Manager - Retail Liquor Store License

Charles Perna, Manager, was present on behalf of the Applicant, and responded to Authority member questions.

The Authority acknowledged receipt of the notice of Change of Manager. No motion by the Authority was required.

(c) Valero Diamond Metro, Inc. d/b/a Corner Store #1129 - Change of Manager - 3.2% Beer License for Off-Premises Consumption

Michelle Harding, Manager, was present on behalf of the Applicant.

The Authority acknowledged receipt of the notice of Change of Manager. No motion by the Authority was required.

(d) Twin Restaurant Broomfield, LLC d/b/a Twin Peaks Restaurant - Manager Registration - Hotel and Restaurant License

Vice-Chairperson Claussen advised that, according to Staff, this matter has been withdrawn by the Applicant and Michael Sands will not be the registered manager at this location. The Licensee will be submitting a new Manager Registration application.

(e) Old Chicago of Colorado, Inc. d/b/a Old Chicago - Manager Registration - Hotel and Restaurant License

Courtney Mowrey, Director of Licensing & Contracts for CraftWorks Restaurants & Breweries Group, was present on behalf of the new Manager, Scott Parrill, due to a scheduling conflict.

> AUTHORITY MEMBER STOKES MOVED AND AUTHORITY MEMBER MURRAY SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE OF OLD CHICAGO OF COLORADO, INC. D/B/A OLD CHICAGO LOCATED AT 1280 EAST 1ST AVENUE IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY AND STOKES VOTING AYE.

(f) American Multi-Cinema, Inc. d/b/a AMC Theatres Flatiron Crossing 14 - Manager Registration - Tavern License

Renae Spargo, Manager, was present on behalf of the Applicant. Ms. Spargo advised that business is so good, reservations are now recommended on weekends.

> AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER STOKES SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE OF AMERICAN MULTI-CINEMA, INC. D/B/A AMC THEATRES FLATIRON CROSSING 14 LOCATED AT 61 W. FLATIRON CROSSING DRIVE IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY AND STOKES VOTING AYE.

(g) Woodland Bay Corporation d/b/a Liquor Star - Renewal - Retail Liquor Store License

Michael Vu, employee and husband of Tuyen Phuong Vu, Owner, was present on behalf of the Applicant. Responding to Authority member inquiry, Mr. Vu advised that he was personally responsible for the March 2013 violation, selling to a person under 21. He was sick that day, became distracted, and sold to a minor. The store received a 19-day suspension with 12 days held in abeyance and payment of a fine in lieu of 7 days suspension. Mr. Vu stated that the store has been in business for almost two years and this was the first violation.

Mr. Vu stated that he received TIPS training just over two years ago, but his wife has not yet attended training. There are no other employees at Liquor Star at this time. It was recommended that, as one of the conditions for approval of the renewal, Tuyen Phuong Vu must receive TIPS training, even though State Liquor Enforcement did not require training after the violation. Assistant City and County Attorney Delaney Lew recommended that the Licensee be allowed to attend the Broomfield Police Department's liquor service training, which should be at no cost since it was not the result of a local violation.

Responding to Member inquiry regarding the severity of the State's order for a first violation, Assistant City and County Attorney Delaney Lew advised that it is higher than what the Department of Revenue guidelines suggest for penalties on first offenses, but we do not have any control over how the State conducts their compliance checks or what kind of penalty they impose. She advised that it is the responsibility of the Licensee to discuss the terms with Liquor Enforcement. She confirmed that this is the first violation that Staff is aware of and the Licensee has stated that this is the first violation.

> AUTHORITY MEMBER STOKES MOVED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE RENEWAL OF THE RETAIL LIQUOR LICENSE FOR WOODLAND BAY CORPORATION D/B/A LIQUOR STAR, CONDITIONAL ON ALL EMPLOYEES ATTENDING THE NEXT AVAILABLE TRAINING OFFERED BY THE BROOMFIELD POLICE DEPARTMENT.

Discussion:

The Licensee might need to close the store if both employees are required to attend training at the same time. Assistant City and County Attorney Delaney Lew suggested that since the training is offered only quarterly, that renewal be conditional upon the Licensee completing the training within the next six to nine months. For the record, Attorney Delaney Lew stated that the State did not require the Licensee to do any additional training and they have already been duly punished for this violation.

Assistant City and County Attorney Delaney Lew recommended revising the Motion as follows:

> THAT THE LOCAL LICENSING AUTHORITY APPROVE THE RENEWAL OF THE RETAIL LIQUOR LICENSE FOR WOODLAND BAY CORPORATION D/B/A LIQUOR STAR, PROVIDED THAT BOTH PARTIES COMPLETE, AT NO CHARGE, THE BROOMFIELD POLICE DEPARTMENT LIQUOR SERVICE TRAINING IN THE NEXT SIX TO NINE MONTHS, AS THAT TRAINING IS ONLY QUARTERLY.
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> THE MOTION, AS REVISED, WAS SECONDED BY AUTHORITY MEMBER MURRAY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY AND STOKES VOTING AYE.

(h) Dillon Companies, Inc. d/b/a King Soopers #86 - Renewal - 3.2% Beer License

A representative was not present. This item was rescheduled for the September 4, 2013 Local Licensing Authority meeting. The Clerk will notify the Licensee.

(i) D&LG Enterprises, Inc. d/b/a Zoosters Pub & Pool Hall - Transfer of Ownership - Tavern License

Daniel and Lorraine Garcia were present on behalf of the Applicant. Mr. Garcia stated that he was a sales and marketing manager for 31 years, responsible for employees and revenue, so feels he has good management experience. Zoosters will be more of a pool hall than a bar, with many of the same customers there every night for pool leagues. It is an ongoing business that has been in Broomfield for about 18 years. Mr. Garcia advised that they will be attending the Broomfield Police Department training on September 8. Additionally, he will receive TIPS training on August 2 and Mrs. Garcia will receive training later in August as part of the Bartending Academy's curriculum. One future employee is TIPS trained and will be recertified. None of the previous employees will be staying after the transfer, but the manager will stay on to help with the transition and also plays in the pool league. Mr. Garcia reported that there have been no disturbances at Zoosters in recent history. The majority of revenue comes from the sale of alcohol, about 60% from beer. It is estimated that 20-25% of the revenue will come from pool. Zoosters will be opening on Saturdays and limited Sunday hours. There will be a server dedicated to only the tables during peak times.

> AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER STOKES SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE A TRANSFER OF OWNERSHIP OF THE TAVERN LICENSE FROM L.A.R. ENTERPRISES, INC. D/B/A ZOOSTERS TO D&LG ENTERPRISES, INC. D/B/A ZOOSTERS PUB & POOL HALL, WITH THE CONDITION THAT THE BACKGROUND INVESTIGATION REPORTS ARE RETURNED WITHOUT ANY PREVIOUSLY UNDISCLOSED RELEVANT CRIMINAL HISTORY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY, AND STOKES VOTING AYE.

(j) RJC Holdings d/b/a Rosati's Pizza - Application for a Beer and Wine License - Public Hearing

Vice-Chairperson Claussen opened the public hearing at 6:10 p.m. and advised that the purpose of the hearing was to permit all parties in interest an opportunity to be heard regarding the application submitted by RJC Holdings d/b/a Rosati's Pizza for a Beer and Wine License.

Assistant City and County Attorney Erika Delaney Lew reviewed the Staff memorandum and advised that the information submitted by the Applicant was offered as Exhibits A-1 through A-6 for purposes of the public hearing. Information provided by City Staff was also offered as Exhibits and listed in the Memorandum as Exhibits B-1 through B-3. Vice-Chairperson Claussen admitted Exhibits A-1 through A-6 and B-1 through B-3 since there were no objections.

Ryan Elmore, President, was present on behalf of the Applicant and was sworn in prior to testimony. Mr. Elmore testified that he and his wife have operated pizzerias for six years. Customers at their Broomfield location have been observed taking their pizza to the Corona's patio next door in order to have a drink with their meal, indicating the need for Rosati's Pizza to offer beer and wine.

There was no public testimony in opposition to this application.

Responding to Authority inquiry, Mr. Elmore advised that the liquor service training offered by the Frederick Police Department has been taken and there has not been a violation at the Frederick location since the liquor license was issued in August 2005. Rosati's Pizza will not serve liquor until all six front service employees are trained. Additionally, they will use a point of sale system that limits customers to three drinks. Mr. Elmore stated that Rosati's Pizza is a franchise based out of Chicago.

Vice-Chairperson Claussen admitted the Petition collected by the Owner as Exhibit A-7, since there were no objections. The Petition had approximately 45 signatures in support of the application and none opposed.

The public hearing was closed at 6:25 p.m.

Assistant City and County Attorney Delaney Lew presented amendments to the proposed Findings.

> AUTHORITY MEMBER STOKES MOVED AND AUTHORITY MEMBER MURRAY SECONDED THAT THE PROPOSED FINDINGS, AS AMENDED, BE ADOPTED. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY AND STOKES VOTING AYE.
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> AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER STOKES SECONDED THAT, HAVING REVIEWED THE EVIDENCE IN ITS ENTIRETY, THE AUTHORITY FINDS THAT THE APPLICANT HAS SUSTAINED ITS BURDEN OF SHOWING THAT THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE INHABITANTS WERE NOT SATISFIED BY EXISTING OUTLETS. ACCORDINGLY, THE APPLICATION IS APPROVED AND THE LICENSE WILL BE ISSUED PENDING ISSUANCE BY THE STATE, AND INSPECTION AND APPROVAL OF THE PREMISES BY THE CITY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY AND STOKES VOTING AYE.

PETITIONS AND COMMUNICATIONS

(a) GB Acquisition, Inc. d/b/a Gordon Biersch Brewery Restaurant - Change of Corporate Structure - Brew Pub License

The Local Licensing Authority noted receipt of the notice of Change of Corporate Structure. No motion by the Authority was required.

POLICE DEPARTMENT REPORT

No report was given.

CITY & COUNTY ATTORNEY'S REPORT

Assistant City and County Attorney Delaney Lew advised that the issue of who needs to attend Local Licensing Authority meetings will be brought before the Authority at the September 4, 2013 meeting for consideration. The procedures were last changed in 2009.

ADJOURNMENT

The meeting was adjourned at 6:39 p.m.

APPROVAL

Minutes Prepared by _____
Deputy City and County Clerk

Approved by _____
Chairperson