



City of Colorado Springs

City Hall
107 N. Nevada Avenue
Colorado Springs, CO
80903

Meeting Minutes - Final Liquor and Beer Licensing Board

Friday, March 20, 2015

9:00 AM

City Council Chambers

1. Call to Order

Chairman Kouba called the meeting to order at 9:01 A.M., opened the meeting as a regular session, and stated that a quorum was present with Board Member Davis being absent. Mr. Davis arrived during the meeting.

Present 5 - Joseph Gorman, Dianne Holmes, Gregory Howard, Randall Kouba, and Charles J. Stephens

Absent 1 - Logan Davis

2. Minutes

- 2.A. [M2015-02-06](#) Approval of the Minutes of the Liquor Board meeting of February 6, 2015.

Attachments: [2015-02-06 Liquor Board Meeting Minutes](#)

Motion by Holmes, seconded by Howard, that the Minutes of the Liquor Board meeting of February 6, 2015 be approved as written. The motion passed by a vote of:

Aye: 5 - Gorman, Holmes, Howard, Kouba, and Stephens

Absent: 1 - Davis

- 2.B. [M2015-03-06](#) Approval of the Minutes of the Liquor Board meeting of March 6, 2015.

Attachments: [2015-03-06 Liquor Board Meeting Minutes](#)

Motion by Stephens, seconded by Holmes, that the Minutes of the Liquor Board meeting of March 6, 2015 be approved as written. The motion passed by a vote of:

Aye: 5 - Gorman, Holmes, Howard, Kouba, and Stephens

Absent: 1 - Davis

3. Communications

The was no action on this item.

4. Neighborhood Boundary Consent Calendar

- 4.A. [B-28897](#) Nippischtz, LLC d/b/a Burrowing Owl for a new Tavern Liquor

License at 1791 S. 8th Street, #H.

Attachments: [B-28897 - Burrowing Owl - Liquor Survey Boundary](#)

- 4.B.** [B-28925](#) B & D, Inc. & 7-Eleven, Inc. d/b/a 7-Eleven Store 36714A for a new 3.2% Beer Off Premises License at 2650 North Gate Boulevard.

Attachments: [B-28925 - 7-Eleven Store 36714A - Liquor Survey Boundary](#)

- 4.C.** [B-28960](#) Best Pizza, LLC d/b/a Mod Pizza for a new Beer and Wine License at 7447 N. Academy Boulevard.

Attachments: [B-28960 - Mod Pizza - Liquor Survey Boundary](#)

- 4.D.** [B-28946](#) Quick-Way Retail Associates II, LTD d/b/a Valero Diamond Shamrock for a new 3.2% Beer Off Premises License at 3808 E. La Salle Street.

Attachments: [B-28946 - Valero Diamond Shamrock - Liquor Survey Boundary](#)

- 4.E.** [B-28969](#) Strategic Restaurant Concepts, LLC d/b/a Bubba's 33 for a new Hotel and Restaurant Liquor License at 5807 Constitution Avenue.

Attachments: [B-28969 - Bubba's 33 - Liquor Survey Boundary](#)

- 4.F.** [B-719738](#) Nidan, Inc. d/b/a Mighty Culture Sports Bar & Grill for a Modification of Premises of the Hotel and Restaurant Liquor License at 2351 - 2361 Platte Place.

Attachments: [B-719738 - Mighty Culture Sports Bar & Grill - Liquor Survey Boundary](#)

Approval of the Neighborhood Boundary Consent Calendar

Motion by Stephens, seconded by Howard, that the Neighborhood Boundary Consent Calendar be approved. The motion passed by a vote of:

Aye: 5 - Gorman, Holmes, Howard, Kouba, and Stephens

Absent: 1 - Davis

5. Transfer Application Hearings

- 5.A. [T-722491](#) Application of Thai Basil Colorado Springs, LLC d/b/a Thai Basil to transfer the Beer and Wine License currently issued to Thai Basil Colorado Springs, Inc. d/b/a Thai Basil at 7882 N. Academy Boulevard.

Attachments: [T-722491 - Thai Basil](#)

Attorney Leo Zongbang Li entered his appearance on behalf of the applicant.

Shuyan Wang was qualified and sworn as an interpreter of the Mandarin Chinese language.

Jin Xien Lin was sworn and stated that she is the 100% Owner and Registered Manager of the business. Ms. Lin testified to the elements required for the transfer of the Beer and Wine License, and answered questions from the Board.

Motion by Stephens, seconded by Holmes, that the application of Thai Basil Colorado Springs, LLC d/b/a Thai Basil to transfer the Beer and Wine License currently issued to Thai Basil Colorado Springs, Inc. d/b/a Thai Basil at 7882 N. Academy Boulevard be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 6 - Davis, Gorman, Holmes, Howard, Kouba, and Stephens

- 5.B. [T-722569](#) Application of Mount View, LLC d/b/a Acme Bar & Grill to transfer the Hotel and Restaurant Liquor License currently issued to Mormar, Inc. d/b/a Estela's Mexican Restuarant at 925 S. 8th Street.

Attachments: [T-722569 - Acme Bar & Grill](#)

Attorney Vince Linden entered his appearance on behalf of the applicant, and requested a postponement of this item to the Liquor Board meeting of April 3, 2015.

Motion by Davis, seconded by Howard, that this item be postponed to the April 3, 2015 Liquor Board meeting. The motion passed by a vote of:

Aye: 6 - Davis, Gorman, Holmes, Howard, Kouba, and Stephens

6. New Application Hearings

- 6.A. [N-28762](#) Application of Ragain Sports, LLC d/b/a Colorado Springs Switchbacks FC for a new Optional Premises Liquor License at 6303 Barnes Road.

Attachments: [N-28762 - Colorado Springs Switchbacks FC](#)

Attorney Vince Linden entered his appearance on behalf of the applicant.

Nick Ragain was sworn and stated that he is the General and Registered Manager for the business. Mr. Ragain testified to the elements required for a new Optional Premises Liquor License, and answered questions from the

Board.

Sue Duffy Schwall of Liquor Licensing Professional was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary which resulted in 150 favoring, 9 opposing, and 2 no opinion signatures.

The City Clerk's Office presented its audit of the petition survey which resulted in no variance to the signatures submitted.

Mr. Linden outlined the reason for amending the application license type and qualifications for an Optional Premises Liquor License.

Motion by Davis, seconded by Stephens, that the application of Ragain Sports, LLC d/b/a Colorado Springs Switchbacks FC for a new Optional Premises Liquor License at 6303 Barnes Road be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 6 - Davis, Gorman, Holmes, Howard, Kouba, and Stephens

- 6.B.** [N-28767](#) Application of Shae's, LLC d/b/a Shae's for a new Hotel and Restaurant Liquor License at 2521 W. Colorado Avenue, #101.

Attachments: [N-28767 - Shea's](#)

Attorney Vince Linden entered his appearance on behalf of the applicant.

Ashley Harter was sworn and stated that she is the 100% Owner and Registered Manager of the business. Ms. Harter testified to the elements required for a new Hotel and Restaurant Liquor License, and answered questions from the Board.

Sue Duffy Schwall of Liquor Licensing Professionals was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary which resulted in 142 favoring, 6 opposing, and 6 no opinion signatures.

The City Clerks Office presented its audit of the petition survey which resulted in no variance to the signatures submitted.

Motion by Holmes, seconded by Howard, that the application of Shae's, LLC d/b/a Shae's for a new Hotel and Restaurant Liquor License at 2521 W. Colorado Avenue, #101 be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 6 - Davis, Gorman, Holmes, Howard, Kouba, and Stephens

- 6.C.** [N-28850](#) Application of Iron Bird Brewing Co d/b/a Iron Bird Brewing for a new Brew Pub Liquor License at 402 & 404 S. Nevada Avenue.

Attachments: [N-28850 - Iron Bird Brewing](#)

Attorney Vince Linden entered his appearance on behalf of the applicant.

Aaron Celusta was sworn and stated that he is the President and 50% Owner of the company. Mr. Celusta testified to the elements required for a new Brew Pub Liquor License, and answered questions from the Board.

Sue Duffy Schwall of Liquor Licensing Professionals was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary which resulted in 132 favoring 2 opposing, and 0 no opinion signatures.

The City Clerk's Office presented its audit of the petition survey which resulted in no variance to the signatures submitted.

In response to questions from the Board, Mr. Linden requested that the application be amended to include the basement area in the licensed premises for storage purposes, with no public access.

Motion by Holmes, seconded by Davis, that the application of Iron Bird Brewing Co d/b/a Iron Bird Brewing for a new Brew Pub Liquor License at 402 & 404 S. Nevada Avenue be approved on condition of an amended application and diagram being submitted to the City Clerk's Office to reflect the basement level to be licensed. The motion passed by a vote of:

Aye: 6 - Davis, Gorman, Holmes, Howard, Kouba, and Stephens

7. Suspension/Revocation Hearings

- 7.A.** [S-720215](#) Suspension/Revocation hearing concerning the Retail Liquor Store License issued to Freespirits Corp d/b/a Austin Bluffs Wine & Liquor at 4535 Austin Bluffs Parkway.

Attachments: [S-720215 - Austin Bluffs Wine & Liquor](#)

Chief Prosecuting Attorney Michael Curran entered his appearance on behalf of the City.

Shawan Nambiar entered his appearance as the 100% Owner of the Licensee, Freespirits Corp.

Colorado Springs Police Department Detective Keith Wrede was sworn and outlined the process for compliance audits on liquor licensed establishments. Detective Wrede testified to the events of the compliance audit for the licensee on February 5, 2015.

City Exhibit 1 was admitted into evidence, a photograph of the Confidential Informant.

City Exhibit 2 was admitted into evidence and viewed, two video clips of the sale transaction.

City Exhibit 3 was admitted into evidence, a photograph of the Bud Light Platinum that was purchased by the Confidential Informant.

Licensee Exhibit A was admitted into evidence, a photocopy of the criminal summons for the Sale to Minor.

City Exhibit 4 was admitted into evidence, a photocopy of the Liquor Compliance Audit Question List.

Mr. Nambiar presented the licensee's defense, and testified that the Sale to Minor did occur. In response to questions from Mr. Curran, Mr. Nambiar testified that a prior Sale to Minor occurred in October of 2014 by a different sales clerk whose employment was then terminated.

Motion by Stephens, seconded by Holmes, that the Board finds the violation of Sale to Minor on February 5, 2015 did occur and count 1 of the Order is upheld. The motion passed by a vote of:

Aye: 5 - Gorman, Holmes, Howard, Kouba, and Stephens

Absent: 1 - Davis

Mr. Curran summarized the City's concerns and suggested a 30 day suspension with 15 days of active suspension, with 15 days held in abeyance for one year.

Mr. Nambiar stated that he would not be able to afford being closed for 15 days.

Motion by Gorman, seconded by Stephens, that the Retail Liquor Store License issued to Freespirits Corp d/b/a Austin Bluffs Wine & Liquor at 4535 Austin Bluffs Parkway be suspended for 30 days, with 15 days held in abeyance for one year, and 15 consecutive days of active suspension to begin Friday, March 20, 2015 at 1:00 P.M., and end Saturday April 4, 2015 at 1:00 P.M. The motion passed by a vote of:

Aye: 5 - Gorman, Holmes, Howard, Kouba, and Stephens

Absent: 1 - Davis

8. Discussion Items

8.A. [15-00147](#) Code of Ethics and Conflict of Interest Review

Liquor Board Legal Advisor, Attorney Lindsay Rose, suggested that this item be postponed to the Liquor Board meeting of April 3, 2015 in order to include the two new Board Members that are scheduled to be appointed by the City Council on March 24, 2015.

Motion by Gorman, seconded by Howard, that this item be postponed to the Liquor Board meeting of April 3, 2015. The motion passed by a vote of:

Aye: 4 - Gorman, Holmes, Howard, and Kouba

Absent: 2 - Davis, and Stephens

9. Adjourn.

At 11:57 A.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer