



City of Colorado Springs

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

Meeting Minutes - Draft Liquor and Beer Licensing Board

Friday, October 2, 2015

9:00 AM

City Council Chambers

1. Call to Order

Chairman Kouba called the meeting to order at 9:00 A.M., opened the meeting as a regular session, and stated that a quorum was present with no Board Members being absent.

Present 7 - Joseph Gorman, Jaswinder Grewal, Dianne Holmes, Gregory Howard, Randall Kouba, Ian Lee, and Dennis Moore

2. Minutes

- 2.A.** [M2015-09-18](#) Approval of the Minutes of the Liquor and Beer Licensing Board meeting of September 18, 2015.

Attachments: [2015-09-18 Liquor Board Meeting Minutes](#)

Mr. Gorman recused himself from this item.

Motion by Moore, seconded by Howard, that the Minutes of the Liquor and Beer Licensing Board meeting of September 18, 2015 be approved as written. The motion passed by a vote of:

Aye: 6 - Grewal, Holmes, Howard, Kouba, Lee, and Moore

Recused: 1 - Gorman

3. Communications

The City Clerk's Office reported a request to take Item Nos. 9B and 8 out of order after the approval of the Consent Calendar.

4. Neighborhood Boundary Consent Calendar

- 4.A.** [B-29760](#) Whistle Pig Brewing Company, LLC d/b/a Whistle Pig Brewing Company for a new Brew Pub License at 1838-1840 Dominion Way.

Attachments: [B-29760 - Whistle Pig Brewing Company - Neighborhood Boundary](#)

- 4.B.** [B-29781](#) JC Holdings, LLC d/b/a Golden Flame Hot Wings for a new Hotel and Restaurant Liquor License at 5865 Stetson Hills Boulevard, #120-140.

Attachments: [B-29781 - Golden Flame Hot Wings - Neighborhood Boundary](#)

- 4.C. [B-29783](#) KJR Enterprises, Inc. d/b/a Fab'Rik Colorado Springs for a new Beer and Wine License at 5278 N. Nevada Avenue, #130.

Attachments: [B-29783 - Fab'Rik - Neighborhood Boundary](#)

- 4.D. [B-29788](#) Bar-K, LLC d/b/a Bar-K for a new Tavern Liquor License at 124 E. Costilla Street.

Attachments: [B-29788 - Bar-K - Neighborhood Boundary](#)

- 4.E. [B-29790](#) Bear on the Range (GOG), LLC d/b/a Black Bear Diner for a new Hotel and Restaurant Liquor License at 1340 Garden of the Gods Road.

Attachments: [B-29790 - Black Bear Diner - Neighborhood Boundary](#)

Approval of the Neighborhood Boundary Consent Calendar

Motion by Moore, seconded by Holmes, that the Neighborhood Boundary Consent Calendar be approved as written. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

9. Suspension/Revocation Hearings

- 9.B. [S-719112-A](#) Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Angie's Liquor, LLC d/b/a Angie's Liquor at 1109 S. Chelton Road.

Attachments: [S-719112-A - Angies Liquor](#)

Chairman Kouba called this item out of order.

Chief Prosecution attorney Michael Curran entered his appearance on behalf of the City.

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

Mr. Curran stated that the City and the Licensee have reached a stipulated agreement reflecting an admission of violation as outlined in the Order to Show Cause for sales to minor, and submitted a proposed Finding, Conclusion and Order that mirrors the stipulated violations and penalty. The proposed order contemplates a 15 day suspension with 5 active days to be served with 10 days held in abeyance for one year, and an imposition of 3 active days previously held in abeyance from a September 19, 2014 suspension order, for

a total of 8 active suspension days to be served.

Mr. Linden confirmed the Licensee's understanding and conditions of the stipulated agreement, stated that the Licensee had pro-actively completed the certified training required by the stipulated agreement on September 29, 2015, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the Board accept the Stipulated Agreement and adopt the Findings, Conclusion and Order suspending the Retail Liquor Store License issued to Angie's Liquor, LLC d/b/a Angie's Liquor at 1109 S. Chelton Road for 15 days, with 10 days held in abeyance for one year, and 8 days active suspension including 3 days from the prior violation to be served beginning October 2, 2015 at 12:00 P.M. and ending October 10, 2015 at 12:00 P.M., and that the Licensee provide training to all employees engaged in the sale of alcohol beverages through a State approved Responsible Alcohol Beverage Vendor trainer with proof of training submitted to the City Clerk's Office within 75 days. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

8. New Business

8.A. [15-00608](#) Approval of new petition formats by Liquor Licensing Professionals.

Attachments: [LLP - Neighborhood Business Petition](#)
[LLP - Neighborhood Residence Petition](#)
[LLP - Patrons and Traveling Public Petition](#)

Susan Duffy Schwall of Liquor Licensing Professionals presented petition formats for the Board's consideration, including Residential and Business petitions that reflects the City's format with additional reason columns, and a Patrons and Traveling Public Petition intended to reflect the desires of patrons that may or may not live in a specific defined neighborhood boundary. Ms. Duffy Schwall requested approval of the format only, and not the process or applicability of any Patrons and Traveling Public Petition on any future application hearing, and answered questions from the Board.

Motion by Moore, seconded by Gorman, that the new Residential and Business Petition formats by Liquor Licensing Professionals be approved. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

Motion by Gorman, seconded by Moore, that the Board approve the new Patrons and Traveling Public Petition format by Liquor Licensing Professionals, with the addition of an indicator by each name entry whether each signor is in the neighborhood boundary or not in accordance with Rule 8.01, and to highlight the petition title to clearly differentiate the format from the standard Neighborhood Boundary Petition format. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

5. Transfer Application Hearings

- 5.A. [T-723307](#) Application of 310-B 8th Street, LLC d/b/a 8th Street Lounge to transfer the Tavern Liquor License currently issued to Paul Seung B Han d/b/a Paul's at 310 S. 8th Street, #B.

Attachments: [T-723307 - 8th Street Lounge](#)

Attorney Damon Cassens entered his appearance on behalf of the applicant.

Fred Collazo was sworn and stated that he is the 100% owner and manager of the business. Mr. Collazo testified to the elements required for the transfer of the Tavern Liquor License, and answered questions from the Board.

Motion by Gorman, seconded by Grewal, that the application of 310-B 8th Street, LLC d/b/a 8th Street Lounge to transfer the Tavern Liquor License currently issued to Paul Seung B Han d/b/a Paul's at 310 S. 8th Street, #B be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

6. Modification of the Premises

- 6.A. [M-715092](#) Application of Pizzeria Rustica, LLC d/b/a Pizzeria Rustica for a Modification of Premises of the Hotel and Restaurant Liquor License at 2527 W. Colorado Avenue.

Attachments: [M-715092 - Pizzeria Rustica](#)

David Brackett was sworn and stated that he is the 100% owner and member of the business. Mr. Brackett testified to the elements required for a Modification of Premises of the Hotel and Restaurant Liquor License, and answered questions from the Board.

Eva Garretson of Liquor Licensing Professionals was sworn and stated that the company conducted a petition survey of the defined neighborhood area which resulted in 72 favoring, 2 opposing, and 0 no opinion signatures.

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

Motion by Gorman, seconded by Lee, that the application of Pizzeria Rustica, LLC d/b/a Pizzeria Rustica for a Modification of Premises of the Hotel and Restaurant Liquor License at 2527 W. Colorado Avenue be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

- 6.B. [M-718239](#) Application of Locals Food & Drink, LLC d/b/a The Rabbit Hole for a Modification of Premises of the Hotel and Restaurant Liquor License at 101 N. Tejon Street, #100.

Attachments: [M-718239 - The Rabbit Hole](#)

Vince Linden entered his appearance on behalf of the Licensee, and requested a postponement of this item to the Liquor Board meeting of October 16, 2015.

Motion by Holmes, seconded by Howard, that this item be postponed to the Liquor and Beer Licensing Board meeting of October 16, 2015. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

- 6.C.** [M-720840](#) Application of Red Cellar Door Wine & Spirits, LLC d/b/a The Wine Gallery Wine & Spirits for a Modification of Premises of the Retail Liquor Store License at 5903 Delmonico Drive.

Attachments: [M-720840 - The Wine Gallery Wine & Spirits](#)

Cindy Reiman was sworn and stated that she is the 100% owner and manager of the business. Ms. Reiman testified to the elements required for the Modification of Premises of the Retail Liquor Store License, and answered questions from the Board.

Susan 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 77 favoring, 4 opposing, and 3 no opinion signatures.

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

Motion by Gorman, seconded by Howard, that the application of Red Cellar Door Wine & Spirits, LLC d/b/a The Wine Gallery Wine & Spirits for a Modification of Premises of the Retail Liquor Store License at 5903 Delmonico Drive be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

Suspension/Revocation Hearings - Continued

- 9.C.** [S-713897](#) Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Kamp Beverages, LLC d/b/a Pikes Peak Park Liquors at 2831 E. Fountain Boulevard.

Attachments: [S-713897 - Pikes Peak Park Liquor](#)

Chairman Kouba called this item out of order.

Chief Prosecution attorney Michael Curran entered his appearance on behalf of the the City.

Attorney Damon Cassens entered his appearance on behalf of the licensee.

Mr. Curran stated that the City and the Licensee have reached a stipulated agreement reflecting an admission of violation as outlined in the Order to Show Cause for sales to minor, and submitted a proposed Finding, Conclusion and Order that mirrors the stipulated violations and penalty.

Hyong Kamp, 100% owner of the Licensee, was sworn and confirmed the Licensee's understanding and conditions of the stipulated agreement, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the Board accept the Stipulated Agreement and adopt the Findings, Conclusion and Order suspending the Retail Liquor Store License issued to Kamp Beverages, LLC d/b/a Pikes Peak Park Liquors at 2831 E. Fountain Boulevard for 10 days, with 9 days held in abeyance for one year, and 1 day active suspension to be served beginning October 2, 2015 at 12:00 P.M. and ending October 3, 2015 at 12:00 P.M., and that the Licensee provide training to all employees engaged in the sale of alcohol beverages through a State approved Responsible Alcohol Beverage Vendor trainer with proof of training submitted to the City Clerk's Office within 75 days. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

7. New Application Hearings

- 7.A. [N-29213](#)** Application of Whistling Pines Gun Club West d/b/a Whistling Pines Gun Club for a new Tavern Liquor License at 4750 Peace Palace Point.

Attachments: [N-29213 - Whistling Pines Gun Club](#)

Vince Linden entered his appearance on behalf of the applicant.

Joyce Holmes was sworn and stated that she is the 50% owner and manager of the business. Ms. Holmes testified to the elements required for a new Tavern Liquor License, stated that the business is a private members only club, stipulated that no member or guest will be allowed to consume alcohol beverages and then proceed to the firing range for the remainder of the day, that there will be a two-drink maximum for all alcohol beverage service, that no firearms will be allowed on the liquor licensed premises, and answered questions from the Board.

Robert Holmes was sworn and stated that he is the 50% owner and president of the business. Mr. Holmes testified to the elements required for a new Tavern Liquor License, outlined the procedures established for control of the proposed liquor licensed premises on the second floor and the adjacent firing range on the ground floor, and answered questions from the Board.

Mr. Linden introduced 13 photo exhibits into evidence depicting the facility and surroundings.

Susan Duffy Schwall of Liquor License Professionals was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary area which resulted in 98 favoring, 54 opposing, and 14 no opinion signatures. Ms. Duffy Schwall introduced 2 photo exhibits into evidence depicting an aerial view of the neighborhood and a view of the upper level of the building, and outlined the process used to conduct the surveying of the neighborhood including a Patrons and Traveling Public petition poll.

The City Clerk's Office presented its audit of the business and residence petitions which resulted in no variance to the signatures presented.

Motion by Gorman, seconded by Moore, that the application of Whistling Pines Gun Club West d/b/a Whistling Pines Gun Club for a new Tavern Liquor License at 4750 Peace Palace Point be approved, as it appears all criteria have been met, with the stipulated conditions that there be a two-drink maximum for each patron, that the alcohol beverage service be restricted to private club members and their guests only, that no firearms be allowed in the licensed premises, and that those being served alcohol beverages will not be subsequently allowed into the firing range(s) for the remainder of the day. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

- 7.B. [N-29629](#)** Application of Mariscos Altamar, LLC d/b/a Mariscos Altamar for a new Hotel and Restaurant Liquor License at 3105 S. Academy Boulevard, #C.

Attachments: [N-29629 - Mariscos Altamar](#)

David Quintanar was qualified and sworn as an interpreter of the Spanish language.

Ester Lopez was sworn and stated that she is the 100% owner and president of the company. Ms. Lopez testified to the elements required for a new Hotel and Restaurant Liquor License, and answered questions from the Board.

Ricardo Huerta of Servi Centro was sworn and stated that his company conducted a petition survey of the defined neighborhood area which resulted in 85 favoring, 3 opposing, and 10 no opinion signatures.

The City Clerk's Office presented its audit of the petition which resulted in one additional opposition signature.

Motion by Gorman, seconded by Grewal, that the application of Mariscos Altamar, LLC d/b/a Mariscos Altamar for a new Hotel and Restaurant Liquor License at 3105 S. Academy Boulevard, #C be approved, as it appears all criteria have been met. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

Suspension/Revocation Hearings - Continued

- 9.A. [S-1552](#)** Suspension/Revocation Hearing regarding the Retail Liquor Store License issued to Kim Y. and Bong S. Salvador d/b/a KS Liquor at 2060 S. Academy Boulevard.

Attachments: [S-1552 - KS Liquor](#)

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

Co-Owner/Licensee Kim Salvador was sworn and appeared pro-se. After being advised by the Chair of the Board of the Licensee's right to be represented by an attorney and to request a continuance to obtain the services of an attorney, Mr. Salazar indicated that

the Licensee wished to proceed without an attorney.

Colorado Springs Police Department Detective Chace Passanate was sworn and testified as to the events occurring on August 18, 2015, concerning and constituting the violation as alleged in the Order to Show Cause and Notice of Hearing.

City Exhibit 1 was admitted into evidence, a photograph of the Confidential Informant (CI) utilized in compliance audit of August 18, 2015.

City Exhibit 2 was admitted into evidence and viewed, a photograph of the alcohol beverage purchased by CI (Budweiser Beer) on August 18, 2015.

City Exhibit 3 was admitted into evidence, a photograph of store clerk/licensee selling product to CI on August 18, 2015.

City Exhibit 4 was admitted into evidence, a photocopy of September 29, 2015 court disposition of criminal summons 15M26718 for Sale to Minor by Kim Yoang Salvador on August 18, 2015.

Mr. Salvador stated no objection to the City exhibits, and admitted that the violation occurred as alleged in the Order to Show Cause and Notice of Hearing.

Motion by Gorman, seconded by Moore, to accept the admission of violation and find that the charge of Sale to Minor is sustained. The motion passed by a vote of:

Aye: 7 - Gorman, Grewal, Holmes, Howard, Kouba, Lee, and Moore

Mr. Curran stated that this case is aggravated by that fact that the person selling to the minor was the Licensee, and additionally that the two most recent prior violations for Sale to Minor were also made by the same Licensee.

City Exhibit 5 was admitted into evidence, a photocopy of August 21, 2014 court disposition of criminal summons 14M24908 for Sale to Minor by Kim Yoang Salvador on August 6, 2014.

City Exhibit 6 was admitted into evidence, a photocopy of May 12, 2009 court disposition of criminal summons 09M13367 for Sale to Minor by Kim Yoang Salvador on April 21, 2009.

Mr. Curran stated that the City requests a suspension of 60 days, with at least 30 of those days to be actively served.

Mr. Salvador stated no objection to the additional City exhibits, and stated that 30 days of closure would hurt his business and livelihood.

Motion by Gorman, seconded by Grewal, that the Retail Liquor Store License issued to Kim Y. and Bong S. Salvador d/b/a KS Liquor at 2060 S. Academy Boulevard be suspended for 60 days, with all 60 days of active suspension to be served beginning October 2, 2015 at 2:00 P.M. and ending December 1, 2015 at 2:00 P.M., and that during such active suspension, the Licensee shall post the notices described in Regulation 47-600(F) upon the licensed premises.

Aye: 6 - Gorman, Grewal, Holmes, Kouba, Lee, and Moore

No: 1 - Howard

10. Adjourn.

At 12:40 P.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer.