City of Colorado Springs

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

Meeting Minutes - Final
Liquor and Beer Licensing Board

Friday, August 7, 2015 | **9:00 AM** | **City Council Chambers**

1. Call to Order

Chairman Kouba called the meeting to order at 9:02 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. M2015-07-17 Approval of the Minutes of the Liquor and Beer Licensing Board meeting of July 17, 2015.

Attachments: 2015-07-17 Liquor Board Meeting Minutes

Motion by Moore, seconded by Howard, that the Minutes of the Liquor and Beer Licensing Board of July 17, 2015 be approved as written. The motion passed by a vote of:

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

3. Communications

The City Clerk's Office reported that here is a request to hear Item Nos. 7C and 7D immediately after Item No. 4 for potential stipulated agreements.

4. Neighborhood Boundary Consent Calendar

4.A. B-29213 Whistling Pines Gun Club West, Inc. d/b/a Whistling Pines Gun Club for a new Tavern Liquor License at 4750 Peace Palace Point.

Attachments: B-29213 - Whistling Pines Gun Club - Liquor Survey Boundary

Motion by Holmes, seconded by Gorman, that the Neighborhood Boundary for Whistling Pines Gun Club West, Inc d/b/a Whistling Pines Gun Club at 4750 Peace Palace Point be approved as written. The motion passed by a vote of:

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

4.B. B-29556 Coffee House Holdings, Inc. d/b/a Starbucks 17823 for a new Beer and Wine License at 5808 Barnes Road.

Attachments: B-29556 - Starbucks 17823 - Liquor Survey Boundary

The City Clerk's Office requested that this item be postponed to the Liquor and Beer Licensing Board meeting of August 21, 2015.

Motion by Holmes, seconded by Howard, that this item be postponed to the Liquor and Beer Licensing Board meeting of August 21, 2015.

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

7. Suspension/Revocation Hearings

7.C. S-706310 Suspension/Revocation hearing regarding the Retail Liquor Store License issued to John Sam, Inc. d/b/a Red Rock Liquors at 3139 W. Colorado Avenue.

Attachments: S-706310 - Red Rock Liquors Show Cause Order

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 a minor, and submitted a proposed Findings, Conclusion and Order that mirrors the stipulated violations and penalty.

Mr. Linden confirmed the Licensee's understanding and conditions of the stipulated agreement, and answered questions from the Board.

Motion by Gorman, seconded by Lee, that the Board accept the Stipulated Agreement and adopt the Findings, Conclusion and Order suspending the Retail Liquor Store License issued to John Sam, Inc. d/b/a Red Rock Liquors at 3139 W. Colorado Avenue for 15 days, with 12 days held in abeyance for one year, and 3 days active suspension to be served beginning August 7, 2015 at 12:00 P.M. and ending August 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

7.D. S-715362 Suspension/Revocation hearing regarding the Retail Liquor Store License issued to FRE, LLC d/b/a Weber Street Wines, Spirits and Craft Beers at 712 N. Weber Street.

Attachments: S-715362 - Weber Street Show Cause Order

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 a minor, and submitted a proposed Findings, Conclusion and Order that mirrors the stipulated violations and penalty.

Mr. Linden confirmed the Licensee's understanding and conditions of the stipulated agreement, and answered questions from the Board.

Motion by Gorman, seconded by Moore, that the Board accept the Stipulated Agreement and adopt the Findings, Conclusion and Order suspending the Retail Liquor Store License issued to FRE, LLC d/b/a Weber Street Wines, Spirits and Craft Beers at 712 N. Weber Street for 15 days, with 12 days held in abeyance for one year, and 3 days active suspension to be served beginning August 7, 2015 at 1:00 P.M. and ending August 10, 2015 at 1:00 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

5. Transfer Application Hearings

5.A. T-722842 Application of Summit Entertainment Centers, LLC d/b/a The Summit Interquest to transfer the Hotel and Restaurant Liquor License currently issued to Leiserv, LLC and Summit Entertainment Centers, LLC d/b/a Brunswick Zone XL Interquest at 1180 Interquest Parkway.

Attachments: T-722842 - The Summit Interquest

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

Dennis Schavietello was sworn and stated that he is a member and 21% owner of the business. Mr. Schavietello testified to the elements required for a transfer of the Hotel and Restaurant Liquor License, and answered questions from the Board.

Donald MacBrayne was sworn and stated that he is the operations manager for the business. Mr. MacBrayne testified to the elements required for a transfer of the Hotel and Restaurant Liquor License, and answered questions from the Board.

Motion by Holmes, seconded by Gorman, that the application of Summit Entertainment Centers, LLC d/b/a The Summit Interquest to transfer the Hotel and Restaurant Liquor License currently issued to Leiserv, LLC and Summit Entertainment Centers, LLC d/b/a Brunswick Zone XL Interquest at 1180 Interquest Parkway 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

5.B. T-722894 Application of Apro, LLC d/b/a Circle K #6496 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6496 at 4085 Beverly Street.

Attachments: T-722984 - Circle K #6496

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Christa Hess was sworn and stated that she is the regional manager for the applicant, including this location. Ms. Hess testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Motion by Holmes, seconded by Howard, that the application of Apro, LLC d/b/a Circle K #6496 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6496 at 4085 Beverly Street 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

5.C. T-722985 Application of Apro, LLC d/b/a Circle K #6497 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6497 at 4310 Fountain Boulevard.

Attachments: T-722985 - Circle K #6497

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Christa Hess was sworn and stated that she is the regional manager for the applicant, including this location. Ms. Hess testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Motion by Gorman, seconded by Holmes, that the application of Apro, LLC d/b/a Circle K #6497 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6497 at 4310 Fountain Boulevard 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

5.D. T-722986 Application of Apro, LLC d/b/a Circle K #6501 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6501 at 4315 N. Academy Boulevard.

Attachments: T-722986 - Circle K #6501

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Christa Hess was sworn and stated that she is the regional manager for the applicant, including this location. Ms. Hess testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Motion by Howard, seconded by Gorman, that the application of Apro, LLC d/b/a Circle K #6501 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6501 at 4315 N. Academy Boulevard 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

5.E. T-722987 Application of Apro, LLC d/b/a Circle K #6513 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6513 at 507 Garden of the Gods Road.

Attachments: T-722987 - Circle K #6513

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Christa Hess was sworn and stated that she is the regional manager for the applicant, including this location. Ms. Hess testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the application of Apro, LLC d/b/a Circle K #6513 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6513 at 507 Garden of the Gods Road 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

5.F. T-722988 Application of Apro, LLC d/b/a My Goods Market #6531 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6531 at 2790 N. Powers Boulevard.

Attachments: T-722988 - My Goods Market #6531

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Christa Hess was sworn and stated that she is the regional manager for the applicant, including this location. Ms. Hess testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Motion by Gorman, seconded by Moore, that the application of Apro, LLC d/b/a My Goods Market #6531 to transfer the 3.2% Beer Off-Premises License currently issued to Convenience Retailer, LLC d/b/a Conoco/Circle K #6531 at 2790 N. Powers Boulevard 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

7.B. S-703149 Suspension/Revocation hearing regarding the Retail Liquor Store

License issued to Ryan C Enterprises, Inc. d/b/a Cheyenne Mountain Liquors at 730 Cheyenne Meadows Road.

Attachments: S-703149 - Cheyenne Mountain Liquors Show Cause Order

Chairman Kouba called this item out of order.

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

Attorney Damen 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 a minor, and submitted a proposed Findings, Conclusion and Order that mirrors the stipulated violations and penalty.

Mr. Cassens confirmed the Licensee's understanding and conditions of the stipulated agreement, and answered questions from the Board.

Motion by Gorman, seconded by Moore, that the Board accept the Stipulated Agreement and adopt the Findings, Conclusion and Order suspending the Retail Liquor Store License issued to Ryan C Enterprises, Inc. d/b/a Cheyenne Mountain Liquors at 730 Cheyenne Meadows Road for 10 days, with 9 days held in abeyance for one year, and 1 day active suspension to be served beginning August 7, 2015 at 12:00 P.M. and ending August 8, 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

Transfer Application Hearings - Continued

5.G. T-722956 Application of VGlitzke, Inc. and 7-Eleven, Inc. d/b/a 7-Eleven Store 35337A to transfer the 3.2% Beer Off-Premises License currently issued to 7-Eleven, inc. d/b/a 7-Eleven Store 35337 at 2825 Briargate Boulevard.

Attachments: T-722956 - 7-Eleven Store 35337A

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Vicki Glitzke was sworn and stated that she is the President and 100% owner of the co-applicant, VGlitzke, Inc. Ms. Glitzke testified to the elements required for the transfer of the 3.2% Beer Off-Premises License and answered questions from the Board.

Jason Lazaroni, 7-Eleven Field Consultant for the area, which includes this store, was sworn, but did not testify.

Motion by Gorman, seconded by Grewal, that the application of VGlitzke, Inc.

and 7-Eleven, Inc. d/b/a 7-Eleven Store 35337A to transfer the 3.2% Beer Off-Premises License currently issued to 7-Eleven, inc. d/b/a 7-Eleven Store 35337 at 2825 Briargate Boulevard 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

5.H. T-723099 Application of Cheyenne Mountain Zoological Society and Service Systems Associates, Inc. d/b/a Cheyenne Mountain Zoo to transfer the Optional Premises Liquor License currently issued to Cheyenne Mountain Zoological Society d/b/a Cheyenne Mountain Zoological Park at 4250 Cheyenne Mountain Zoo Road.

Attachments: T-723099 - Cheyenne Mountain Zoo

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Todd Langfield was sworn and stated that he is the area General Manager for the co-applicant, Service Systems Associates, Inc. Mr. Langfield testified to the elements required for the transfer of the Optional Premises License, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the application of Cheyenne Mountain Zoological Society and Service Systems Associates, Inc. d/b/a Cheyenne Mountain Zoo to transfer the Optional Premises Liquor License currently issued to Cheyenne Mountain Zoological Society d/b/a Cheyenne Mountain Zoological Park at 4250 Cheyenne Mountain Zoo Road 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. New Application Hearings

6.A. N-29357 Application of Circle K Stores, Inc. d/b/a Circle K Store #2703294 for a new 3.2% Beer Off-Premises License at 1255 Academy Park Loop.

Attachments: N-29357 - Circle K Store #2703294

Board member Grewel recused himself from this item.

Attorney Kevin Coates entered his appearance on behalf of the applicant.

Eva Garretson of Liquor License Professionals was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary which resulted in 109 favoring, 14 opposing, and 9 no opinion signatures.

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

Richard Allsbrook was sworn and stated that he is the Circle K area manager, which includes this location. Mr. Allsgood testified to the elements required for a new 3.2% Beer Off-Premises License, and answered questions from the Board.

Joy Tomlinson, Store Manager, and Steve Maieda, District Manager for Circle K, were sworn but did not testify.

Motion by Gorman, seconded by Holmes, that the application of Circle K Stores, Inc. d/b/a Circle K Store #2703294 for a new 3.2% Beer Off-Premises License at 1255 Academy Park Loop be approved, as it appears all criteria have been met. The motion passed by a vote of:

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

Recused: 1 - Grewal

6.B. N-29380 Application of Belakay, Inc. d/b/a Nolan's Fire Station #3 for a new Hotel and Restaurant Liquor License at 817 W. Colorado Avenue.

Attachments: N-29380 - Nolan's Fire Station #3

Attorney Kent Freudenberg entered his appearance on behalf of the applicant.

Eva Garretson of Liquor Licensing Professionals was sworn and stated that her company conducted a petition survey of the defined neighborhood boundary which resulted in 121 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.

Johnny Nolan was sworn and stated that he is the President and 100% owner of the company. Mr. Nolan testified to the elements required for a new Hotel and Restaurant Liquor License, and answered questions from the Board.

Motion by Gorman, seconded by Howard, that the application of Belakay, Inc. d/b/a Nolan's Fire Station #3 for a new Hotel and Restaurant Liquor License at 817 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.C. N-29414 Application of Soccer Haus Management Company d/b/a Soccer Haus Management Company for a new Beer and Wine License at 4845 List Drive.

Attachments: N-29414 - Soccer Haus Management Company

John Riding, CEO of the applicant requested a postponement of this item to the Liquor Board meeting of 9/18/2015.

Motion by Moore, seconded by Howard, to postpone this item to the Liquor Board meeting of September 18, 2015. The motion passed by a vote of:

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

Suspension/Revocation Hearings - Continued

7.A. S-702536 Suspension/Revocation hearing regarding the Retail Liquor Store License issued to Santos & Tammy Huizar d/b/a The Liquor Spot

at 2831 N. Nevada Avenue.

Attachments: S-702536 - The Liquor Spot Show Cause Order

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

Co-Owner/Licensee Santos Huizar 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. Huizar indicated that the Licensee wished to proceed without an attorney.

Mr. Curran outlined the facts of the sale to minor violation on May 27, 2015.

Colorado Springs Police Department Sergeant Keith Wrede was sworn and testified as to the events occurring on May 27, 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 May 27, 2015.

City Exhibit 2 was admitted into evidence and viewed, a CD disk containing video clip of CI purchase on May 27, 2015.

City Exhibit 3 was admitted into evidence, a photograph of the alcohol beverage purchased by CI (Burnett's Peach Vodka) on May 27, 2015.

City Exhibit 4 was admitted into evidence, a photograph of store clerk/licensee selling product to CI on May 27, 2015.

City Exhibit 5 was admitted into evidence, a photocopy of July 8, 2015 court disposition of criminal summons 15M17618 for Sale to Minor by Santos Huizar, III on May 27, 2015.

City Exhibit 6 was admitted into evidence, a photocopy of original liquor license application for Santos & Tammy Huizar dated December 23, 1999.

City Exhibit 7 was admitted into evidence, a photocopy of liquor license renewal application for Santos & Tammy Huizar dated November 13, 2014.

Mr. Huizar admitted that the violation occurred as alleged in the Order to Show Cause and Notice of Hearing.

Motion by Gorman, seconded by Lee, that the Board finds the Licensee guilty of the violation, and 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 the City requests a suspension of 15 days, with 12 days held in abeyance for one year, and 3 days to be actively

served, with required certified training, and required posting of the premises pursuant to State Liquor Regulation 47-600(F).

Motion by Gorman, seconded by Lee, that the Retail Liquor Store License issued to Santos & Tammy Huizar d/b/a The Liquor Spot at 2831 N. Nevada Avenue be suspended for 15 days, with 12 days held in abeyance for one year, and 3 days active suspension to be served beginning August 7, 2015 at 1:00 P.M. and ending August 10, 2015 at 1:00 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. Adjourn.

At 11:52 A.M., there being no further business, the Board Adjourned.

Lee McRae, License Enforcement Officer.