The Local Liquor Licensing Authority of the City of Golden, County of Jefferson, State of Colorado, met in the Council Chambers, City Hall, at 911 10th Street, Golden, Colorado at the hour of 2:30 p.m.

Hearing Officer Kendra L. Carberry, presiding, called the meeting to order. Deputy City Clerk Andrea L. De Luca and Associate City Attorney Mary Lynn Benham were also present.

Approval of Minutes of June 24, 2013

The Authority approved the minutes of June 24, 2013.

Renewal - Canyon Point Wine & Spirit Inc. d/b/a Canyon Point Wine & Spirit, 103 N. Rubey D. #1 & 2, Golden

Anny Misook Jang, owner, accompanied by her son Matthew Ro, was present to answer questions of the Authority, relative to the renewal coming before the Authority since the licensee had a violation during the preceding year. The Authority approved the renewal.

Renewal - Golden City Brewery, LLC d/b/a Golden City Brewery, 920 1/2 12th Street, Building 3, Golden

Janine Sturdavant, owner, was present to answer questions of the Authority, relative to the renewal coming before the Authority since the licensee had a violation during the preceding year. Ms. Sturdavant stated that the conditions of the Stipulation have been fulfilled and all employees have attended training. She also provided a list of additional steps the licensee has taken to ensure no further violations occur. The Authority approved the renewal.

Public Hearing - Brew Pub Liquor License - Barrels and Bottles LLC d/b/a Barrels and Bottles Brewery, 600 12th St., Unit 180, Golden

Hearing Officer Carberry called the public hearing to order.

Abigail and Zachary George, owners and LLC members, were sworn in and available to answer questions. They described the procedures for circulating the petitions. Residents and business owners were informed of the public hearing. The applicant explained their procedures for checking ID and stated that employees will be attending alcohol awareness training.

Hearing Officer Carberry invited any interested parties in the audience to comment on the application, provided that they are an adult residing for at least six months in the relevant neighborhood; or they are an owner or manager of a business located in the relevant neighborhood.

Hearing Officer Carberry closed the public hearing and reviewed the applicant’s request.

The Local Licensing Authority of the City of Golden, Colorado, based on the evidence presented at the public hearing, adopted the following Findings and Conclusions:
1. That the Local Licensing Authority finds that the applicant is qualified to hold a Brew Pub Liquor License.

2. That the Local Licensing Authority finds that the needs of the neighborhood are not currently being satisfied.

3. That the Local Licensing Authority finds that the inhabitants of the relevant neighborhood desire that this license be granted.

Based on the foregoing Findings and Conclusions, Kendra Carberry as Hearing Officer for the Local Licensing Authority for the City of Golden, Colorado, granted approval for the issuance of the license herein applied for, conditioned upon compliance with a request for additional financial information from State Liquor Enforcement, completion of inspection of the proposed liquor licensed premises by the City Clerk’s staff, and receipt of a Certificate of Occupancy from the City of Golden Chief Building Official.

Renewal Hearing - Compadres, Inc. d/b/a Tequila’s Family Mexican Restaurant, Inc., 17535 S. Golden Road, Golden

City Prosecutor Benham appeared on behalf of the City.

No one appeared on behalf of the licensee.

City Prosecutor Benham stated that the Notice of Renewal Hearing (“Notice”) was issued by the Authority on June 24, 2013. The Notice set the hearing for July 24, 2013, at 2:30 p.m. in City Council Chambers at Golden City Hall, 911 10th Street, Golden, Colorado, 80401. This notice was presented as Exhibit 1.

Deputy City Clerk De Luca testified she served the Notice on the Licensee by placing the Notice in the U.S. mail, first class postage prepaid, on June 25, 2013, addressed to the location of the licensed establishment, and to the care of owner Anselmo Munoz at Tequila’s Family Mexican Restaurant located at 12391 W. 64th Ave., Arvada CO 80004, and to Licensee’s registered agent’s address. The Notice mailed to the licensed establishment was returned by the postal service as undeliverable.

The Deputy City Clerk further testified that a notice of the renewal hearing was physically posted on the licensed premises at 17535 S. Golden Road on or before July 10, 2013, to be continuously posted at that location until July 25, 2013, to comply with C.R.S. § 12-47-302(1). An affidavit attesting to the posting of this notice was presented as Exhibit 2.

Deputy City Clerk De Luca also testified that the Licensee submitted its renewal application to the Authority on March 25, 2013. The license was due to expire on that same date. The renewal application submitted on March 25, 2013 indicated that Licensee had legal possession of the premises by ownership. The renewal application was presented as Exhibit 3.
Previous renewal applications submitted by Licensee to the Authority indicated that the Licensee had legal possession of the premises by lease. A copy of the last fully executed, valid lease was presented as Exhibit 4.

Because of the discrepancy between the current renewal application and previous renewal applications, the Deputy City Clerk testified that she requested that Licensee provide either proof of Licensee’s ownership of the licensed premises or a current valid lease for the licensed premises. A copy of an email containing this request was presented as Exhibit 5.

After multiple requests by the Deputy City Clerk for a valid lease agreement and correction of the renewal application, Licensee provided a “Commercial Lease” for the licensed premises showing a new landlord, Dos Amigos, LLC. However, neither the landlord nor Licensee had executed the Commercial Lease. A copy of this “Commercial Lease” was presented as Exhibit 6.

As of July 24, 2013, Licensee still had not submitted a corrected renewal application or complete, fully executed lease to the Authority.

The Authority summarized the following violations:

Pursuant to C.R.S. § 12-47-302(1), a licensee must submit its renewal application not less than 45 days prior to the date of the license expiration. However, the Authority may waive this 45-day requirement for good cause shown by Licensee. The Authority finds that Licensee has failed to demonstrate good cause as to why the Authority should waive the 45-day requirement for submittal of its renewal application in this case.

Pursuant to C.R.S. § 12-47-302, the Authority may refuse to renew any license for “good cause.” Good cause, for the purpose of a denying a license renewal, includes a finding that the licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado Liquor Code or rules promulgated thereunder. C.R.S. § 12-47-103(9). The Authority finds that Licensee has failed to provide evidence of its possession of the licensed premises as required by C.R.S. § 12-47-301(3)(b), and that Licensee’s failure to provide evidence of possession of the licensed premises renders Licensee’s renewal application incomplete in violation of Colorado Liquor Regulation 47-303(B).

Hearing Officer Carberry stated that there was good cause for non-renewal with the two unrefuted violations.

The Authority ordered that the application for renewal of the Hotel and Restaurant Liquor License submitted by Compadres, Inc. d/b/a Tequila’s Family Mexican Restaurant, Inc., 17535 S. Golden Road, Golden, be denied.

**Other Matters**

There were no other matters.

**Adjournment**

There being no further business to come before the Authority, the meeting adjourned at 3:47 p.m.
Local Licensing Authority
July 24, 2013
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Susan M. Brooks, MMC
City Clerk

Andrea L. De Luca, CMC, Deputy City Clerk
Secretary to the Local Licensing Authority

Approved by Licensing Authority:

Kendra L. Carberry
Hearing Officer