Meeting

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.

Consent Matters

a. Approval of Minutes of August 29, 2012

b. Change of Registered Manager – Sodexo America LLC, d/b/a Ben Parker Student Center, 1600 Maple St., Golden

The Authority approved the consent matters.

Show Cause Hearings - Grappa Inc. d/b/a Grappa Mediterranean Bistro & Café D’Oro, 1027 Washington Avenue, Golden, CO

City Attorney Benham stated that the city had submitted a request for approval of an order dismissing the August 29, 2012, order to show cause and to vacate the notice of hearing re: suspension or revocation pertaining to an employee matter. The employee who was found to have a criminal history background was no longer employed by the licensee. Ms. Benham stated the licensee had been cooperative in the investigation of the matter and had indicated having no prior knowledge of the employee’s background at the time of hiring. The Authority approved the request and the matter was dismissed.

On a second show cause matter, City Prosecutor Benham stated that the City and the Licensee have reached a stipulation and that the licensee admits that on April 1, 2012, its agent, representative, or employee sold, served, or distributed alcohol beverages for consumption on the premises between the hours of 2 a.m. and 7 a.m. She noted that this is a second violation for this licensee. She reviewed the proposed conditions stated in the stipulation agreed to by the licensee and actions taken by the licensee to avoid future violations, stating that the stipulation would serve the interests of the City and the licensee. Bruce Gordon, attorney for licensee, and owner Maurice Couturier, were present to answer questions.

The Authority accepted the Joint Stipulation Agreement and its stated conditions as submitted by the City and Grappa Inc. d/b/a Grappa Mediterranean Bistro & Café D’Oro, 1027 Washington Avenue, Golden, and ordered that the licensee receive 6 days suspension with 2 days being held in abeyance for 12 months, and 4 days to be served on 5, 6, 7 and 8 October, 2012, with the condition that no other violations occur within the next 12 months.
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Request for Fine in Lieu of Suspension by Grappa Inc. d/b/a Grappa Mediterranean Bistro & Café D’Oro, 1027 Washington Avenue, Golden, CO

Grappa Inc. d/b/a Grappa Mediterranean Bistro had submitted a petition to the Authority requesting to pay a fine in lieu of serving the suspension imposed by the Authority at today’s meeting.

Bruce Gordon, attorney, spoke on behalf of the licensee to answer questions of the Authority. Mr. Gordon noted that the fine in lieu of suspension provides an economic and disciplinary consequence to the licensee without penalizing the employees who did not commit the violation. He further noted that all employees have undergone or will undergo additional outside alcohol training.

The Authority accepted and granted the petition to pay a fine in lieu of suspension submitted by Grappa Inc. d/b/a Grappa Mediterranean Bistro & Café D’Oro, 1027 Washington Avenue, Golden, and ordered the petitioner to serve the 4 days suspension, if the petitioner fails to pay the imposed fine of $1214.88 by 5 October 2012.

Renewal - Grappa Inc. d/b/a Grappa Mediterranean Bistro & Café D’Oro, 1027 Washington Avenue, Golden, CO

The Authority approved the renewal, requesting the licensee to correct item #5 to reflect today’s action on the licensee’s suspension. The requested correction was made.

Request for Issuance of Order to Show Cause to Marleez, Inc. d/b/a The Buffalo Rose, 1119 Washington Ave., Golden

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts, as summarized in the proposed Order to Show Cause, are legally sufficient to establish probable cause that Marleez, Inc., has violated the following laws, rules, or regulations:

a. Colorado Liquor Code Section 12-47-301(7), C.R.S., which requires a licensee to "report each transfer or change of financial interest in the license" to the Local Licensing Authority "within thirty days after the transfer or change";

b. Colorado Liquor Regulation (1 C.C.R. 203-2) No. 47-304(A) and (D), which requires a licensee to report "[a]ny transfer of capital stock or any change in principal officers or directors of any corporation holding a [liquor] license" to the Local Licensing Authority "within thirty (30) days after such transfer or change" on forms supplied by the Colorado Department of Revenue, and to "submit the names, addresses, and individual history records for any new officer, director, or stockholder acquiring 10% or more outstanding capital stock, as well as the corporate minutes verifying the transactions"; and

c. Colorado Liquor Regulation (1 C.C.R. 203-2) No. 47-310(D), which requires that all information submitted to the Local Licensing Authority shall be given "fully, faithfully, truthfully, and fairly."

The following documents were also entered as exhibits:

Exhibit A. Application documents from city files showing only two owners listed
Exhibit B. A copy of a transcript of sworn testimony by Mr. Pusateri given on August 10, 2012, wherein Mr. Pusateri asserts his one-third ownership in Marleez, Inc., and his involvement in "major decisions" by Marleez, Inc.

Exhibit C. A copy of a letter dated February 12, 2012, from Stuart Borne, an attorney representing Mr. Pusateri, asserting that Mr. Pusateri has been a shareholder owner for over 10 years in Marleez, Inc., and that he holds 30,000 shares of stock in Marleez, Inc.; and

Exhibit D. A copy of a stock certificate dated January 1, 2005, issued by Marleez, Inc., to Michael Pusateri for 30,000 shares of stock;

The Authority approved the issuance of a Notice of Order to Show Cause to Marleez, Inc. d/b/a The Buffalo Rose, 1119 Washington Ave., Golden, for hearing on October 26, 2012 at 2:00 p.m.

Other Matters

City Assistant Attorney Benham noted that subpoenas would be submitted to the Authority for issuance in the Buffalo Rose matter.

Adjournment

There being no further business to come before the Authority, the meeting adjourned at 3:05 p.m.