Local Liquor Licensing Authority - Minutes
Wednesday, September 28, 2011

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. Banks and Associate City Attorney Mary Lynn Benham were also present.

Approval of Minutes of August 24, 2011

The Authority approved the minutes of August 24, 2011.

Transfer of Ownership – PKA, LLC dba Thai Gold Restaurant from Tony’s There Inc. dba Tony Rigatoni’s Pizza & Pasta, 714 14th St., Golden

The Authority admitted the application into evidence and approved the Transfer of Ownership of the Hotel and Restaurant Liquor License to PKA, LLC dba Thai Gold Restaurant from Tony’s There Inc. dba Tony Rigatoni’s Pizza & Pasta, 714 14th St., Golden.

Show Cause Hearing - Empanada Express Inc., 2600 East Street, Unit G, Golden

City Prosecutor Benham stated that the City and the Licensee have reached a stipulation and that the licensee admits it did sell alcoholic beverages to a person under the age of twenty-one years. She noted that this is a new licensee and a first violation. 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. Isabel Campos, owner, was present to answer questions.

The Authority accepted the Joint Stipulation Agreement and its stated conditions as submitted by the City and Empanada Express Inc., 2600 East Street, Unit G, Golden, and ordered that the licensee receive 5 days suspension with 3 days being held in abeyance for 12 months, and 2 days to be served on 20 and 21 October, 2011, with the condition that no other violations occur within the next 12 months.

Show Cause Hearing - EIO Farm Fresh Foods, LLC dba Garden Grill, 18301 W. Colfax Ave. #A106, Golden

City Prosecutor Benham stated that the City and the Licensee have reached a stipulation and that the licensee admits it did sell alcoholic beverages to a person under the age of twenty-one years. She noted that this is a first violation for this licensee since the license was issued approximately three years ago. 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. Alan Bader, owner, was present to answer questions.

The Authority was also asked to accept and approve a petition submitted by the licensee to pay a fine in lieu of suspension.

The Authority accepted the Joint Stipulation Agreement and its stated conditions as submitted by the City and EIO Farm Fresh Foods, LLC d/b/a Garden Grill, 18301 W. Colfax Ave. #A106, Golden, and ordered that the licensee receive 4 days suspension with 3 days being held in abeyance for 12 months, and 1 day to be served on 9 October, 2011, with the condition that no other violations occur within the next 12 months.

The Authority also accepted the petition to pay a fine in lieu of suspension submitted by EIO Farm Fresh Foods, LLC d/b/a Garden Grill, 18301 W. Colfax Ave. #A106, Golden, and ordered the petitioner to serve the 1 day suspension, if the petitioner fails to pay the imposed fine of $200.00 by 8 October 2011.

Show Cause Hearing - Golden City Brewery LLC d/b/a Golden City Brewery, 920 1/2 12th St., Bldg. 3, Golden

City Prosecutor Benham stated that the City and the Licensee have reached a stipulation and that the licensee admits it did sell alcoholic beverages to a person under the age of twenty-one years. 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. Janine Sturdavant, owner, was present to answer questions.

The Authority accepted the Joint Stipulation Agreement and its stated conditions as submitted by the City and Golden City Brewery LLC d/b/a Golden City Brewery, 920 1/2 12th St., Bldg. 3, Golden, and ordered that the licensee receive 6 days suspension with 4 days being held in abeyance for 12 months, and 2 days to be served on 23 and 24 October, 2011, with the condition that no other violations occur within the next 12 months.

Show Cause Hearing - Music Hall Productions Inc. d/b/a Heritage Square Music Hall, Heritage Square Unit D103, Golden

City Prosecutor Benham stated that the City and the Licensee have reached a stipulation and that the licensee admits it did sell alcoholic beverages to a person under the age of twenty-one years. She reviewed the proposed conditions stated in the stipulation agreed to by the licensee and actions taken by the licensee to avoid future violations including dismissing the bartender who also served an underage employee in April, stating that the stipulation would serve the interests of the City and the licensee. Connie Helsley, owner, was present to answer questions.

The Authority accepted the Joint Stipulation Agreement and its stated conditions as submitted by the City and Music Hall Productions Inc. d/b/a Heritage Square Music Hall, Heritage
Square Unit D103, Golden, and ordered that the licensee receive 6 days suspension with 5 days held in abeyance for 12 months, 1 day to be served as well as the 3 days held from previous suspension all to be served on 1, 2, 3 and 4 February, 2012, with the condition that no other violations occur within the next 12 months.

Requests to change November Liquor Licensing Authority Meeting date to November 9, 2011 and December Liquor Licensing Authority Meeting date to December 7, 2011

The Authority approved the requests to change the November Liquor Licensing Authority Meeting date to November 9, 2011 and the December Liquor Licensing Authority Meeting date to December 7, 2011.

Request for Issuance of Order to Show Cause to Compadres, Inc. d/b/a Tequila’s Family Mexican Restaurant, Inc., 17535 S. Golden Road, Golden, CO 80401.

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Regulation 47-918(A) of 1 C. C. R. 203-2, Colorado Liquor Code Regulations, which, in part, makes it unlawful for any liquor licensee to permit the removal from the licensed premises of any alcohol beverages in sealed or unsealed containers.

The Authority approved the issuance of a Notice of Order to Show Cause to Compadres, Inc. d/b/a Tequila’s Family Mexican Restaurant, Inc., 17535 S. Golden Road, Golden, for hearing on October 26, 2011.

Request for Issuance of Order to Show Cause to Maverick’s Oakpit Grill, LLC d/b/a Maverick’s Oakpit Grill, 1301 Washington Ave., Unit 120, Golden, CO 80401

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Sections 12-47-901(1)(a.5)(I) and 12-47-901(5)(a)(I), C.R.S., which, in part, make it unlawful for any person to serve or sell at retail any alcoholic beverage to any person under the age of twenty-one years, and Regulation 47-700(A) of the Colorado Liquor Code Regulations (1 C.C.R. 203-2), which, in part, requires a liquor licensee to permit inspection of the licensed premises by peace officers for the purpose of inspection or investigation, and Regulation 47-304(A)(3) of the Colorado Liquor Code Regulations (1 C.C.R. 203-2), which, in part, requires a licensee incorporated as a limited liability company to report any transfer of membership interest or any change in managers within 30 days of such change.

The Authority approved the issuance of a Notice of Order to Show Cause to Maverick’s Oakpit Grill, LLC d/b/a Maverick’s Oakpit Grill, 1301 Washington Ave., Unit 120, Golden, for hearing on October 26, 2011.
Request for Issuance of Order to Show Cause to Chris Chew, LLC d/b/a Valero One Stop, 17540 S. Golden Road, Golden, CO 80401

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Sections 12-47-901(1)(a.5)(I) and 12-47-901(5)(a)(I), C.R.S., which, in part, make it unlawful for any person to serve or sell at retail any alcoholic beverage to any person under the age of twenty-one years.

The Authority approved the issuance of a Notice of Order to Show Cause to Chris Chew, LLC d/b/a Valero One Stop, 17540 S. Golden Road, Golden, for hearing on October 26, 2011.

Request for Issuance of Order to Show Cause to Dillon Companies, Inc. d/b/a King Soopers Div. 82, 17171 S. Golden Road, Golden, CO 80401

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Sections 12-47-901(1)(a.5)(I) and 12-47-901(5)(a)(I), C.R.S., which, in part, make it unlawful for any person to serve or sell at retail any alcoholic beverage to any person under the age of twenty-one years.

The Authority approved the issuance of a Notice of Order to Show Cause to Dillon Companies, Inc. d/b/a King Soopers Div. 82, 17171 S. Golden Road, Golden, for hearing on November 9, 2011.

Request for Issuance of Order to Show Cause to Have Fun, Inc. d/b/a Pizza Hut Restaurant, 17540 S. Golden Road, Golden, CO 80401

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Sections 12-47-901(1)(a.5)(I) and 12-47-901(5)(a)(I), C.R.S., which, in part, make it unlawful for any person to serve or sell at retail any alcoholic beverage to any person under the age of twenty-one years.

The Authority approved the issuance of a Notice of Order to Show Cause to Have Fun, Inc. d/b/a Pizza Hut Restaurant, 17540 S. Golden Road, Golden, for hearing on November 9, 2011.

Request for Issuance of Order to Show Cause to The Marcelos, Inc. d/b/a Marcelos Mexican Restaurant, 109 N. Rubey Drive, #1, Golden, CO 80401

The Authority reviewed the memorandum provided by Assistant City Attorney Mary Lynn Benham, which stated that the facts in the proposed Order to Show Cause are legally sufficient to establish probable cause that the licensee has violated Colorado Liquor Code Sections 12-
47-901(1)(a.5)(I) and 12-47-901(5)(a)(I), C.R.S., which, in part, make it unlawful for any person to serve or sell at retail any alcoholic beverage to any person under the age of twenty-one years.

The Authority approved the issuance of a Notice of Order to Show Cause to The Marcelos, Inc. d/b/a Marcelos Mexican Restaurant, 109 N. Rubey Drive, #1, Golden, for hearing on November 9, 2011.

Other Matters

There were no other matters.

Adjournment

There being no further business to come before the Authority, the meeting adjourned at 3:38 p.m.

Susan M. Brooks, MMC
City Clerk

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Andrea L. Banks, Deputy City Clerk
Secretary to the Local Licensing Authority

Approved by Licensing Authority:

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Hearing Officer Kendra Carberry