Local Liquor Licensing Authority - Minutes  
Wednesday, August 24, 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 July 13, 2011

The Authority approved the minutes of July 13, 2011.

Corporate Report of Changes/Change of Manager of Record – YDF Enterprises LLC d/b/a Foss Building Wine & Spirits, 1224 Washington Avenue, Golden

Hearing Officer Carberry reviewed the request to approve a Corporate Report of Changes reflecting a change in corporate ownership and Change of Manager of Record from Glen Michael Zeller to Brittany Noel DeCarlo at Foss Building Wine & Spirits.

Brittany DeCarlo, owner, was present and answered questions of the Authority.

City Attorney Benham noted that the new owners had disclosed that they have family members employed in a wholesale wine and spirits distributor business. She stated that the City had no concerns about this matter.

The Authority approved the Corporate Report of Changes and Brittany DeCarlo as the new manager of Foss Building Wine & Spirits.

Transfer of Ownership/Modification of Premises – Sodexo America, LLC d/b/a Ben Parker Student Center from ARAMARK Educational Services, LLC d/b/a Ben Parker Student Union, 1600 Maple St., Golden

Jeff Lougee, registered manager, was present to answer questions of the Authority. Mr. Lougee explained the control plan, policies and procedures, noting that the expansion of alcohol premises to include the entire facility was being done so that more spaces, such as the ballrooms and café, could be utilized for catered events. He noted that Sodexo America operates concessions all over the world and has had no violations at any of its Colorado locations.

The Authority admitted the applications into evidence and approved the Modification of Premises application and Transfer of Ownership of the Hotel and Restaurant Liquor License to Sodexo America, LLC d/b/a Ben Parker Student Center from ARAMARK Educational Services.
Services, LLC d/b/a Ben Parker Student Union, 1600 Maple St., Golden.

Transfer of Ownership/Modification of Premises – Sodexo America, LLC d/b/a The Student Recreation Center from ARAMARK Educational Services, LLC d/b/a The Student Recreation Center, 1651 Elm St., Golden

Jeff Lougee, registered manager, was present to answer questions of the Authority. Mr. Lougee explained the control plan, policies and procedures, noting that the expansion of alcohol premises to include the entire facility was being done so that more spaces, such as the Lockridge Arena and concourse area in front, could be utilized for catered events. He noted that Sodexo America operates concessions all over the world and has had no violations at any of its Colorado locations.

The Authority admitted the applications into evidence and approved the Modification of Premises application and Transfer of Ownership of the Hotel and Restaurant Liquor License to Sodexo America, LLC d/b/a The Student Recreation Center from ARAMARK Educational Services, LLC d/b/a The Student Recreation Center, 1651 Elm St., Golden.

Request for Issuance of Order to Show Cause to Empanada Express Inc., 2600 East Street, Unit G
Golden

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 Section 12-47-901(1)(a.5)(I), which make it unlawful for any person, or person licensed to sell at retail under the Colorado Liquor Code, to sell or serve an alcohol beverage to a person under twenty-one years of age.

The Authority approved the issuance of a Notice of Order to Show Cause to Empanada Express Inc., 2600 East Street, Unit G, Golden, for hearing on September 28, 2011.

Request for Issuance of Order to Show Cause to EIO Farm Fresh Foods, LLC d/b/a Garden Grill, 18301 W. Colfax Ave. #A106, Golden

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 Section 12-47-901(1)(a.5)(I), which make it unlawful for any person, or person licensed to sell at retail under the Colorado Liquor Code, to sell or serve an alcohol beverage to a person under twenty-one years of age.

The Authority approved the issuance of a Notice of Order to Show Cause to EIO Farm Fresh Foods, LLC d/b/a Garden Grill, 18301 W. Colfax Ave. #A106, Golden, for hearing on September 28, 2011.
Request for Issuance of Order to Show Cause to Golden City Brewery LLC d/b/a Golden City Brewery, 920 1/2 12th St., Bldg. 3, Golden

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 Section 12-47-901(1)(a.5)(I), which make it unlawful for any person, or person licensed to sell at retail under the Colorado Liquor Code, to sell or serve an alcohol beverage to a person under twenty-one years of age.

The Authority approved the issuance of a Notice of Order to Show Cause to Golden City Brewery LLC d/b/a Golden City Brewery, 920 1/2 12th St., Bldg. 3, Golden, for hearing on September 28, 2011.

Request for Issuance of Order to Show Cause to Music Hall Productions Inc. d/b/a Heritage Square Music Hall, Heritage Square Unit D103, Golden

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 Section 12-47-901(1)(a.5)(I), which make it unlawful for any person, or person licensed to sell at retail under the Colorado Liquor Code, to sell or serve an alcohol beverage to a person under twenty-one years of age.

The Authority approved the issuance of a Notice of Order to Show Cause to Music Hall Productions Inc. d/b/a Heritage Square Music Hall, Heritage Square Unit D103, Golden, for hearing on September 28, 2011.

Resolution No. 1101 - A Resolution Of The Local Liquor Licensing Authority Of The City Of Golden, Colorado, Increasing Certain Local Liquor Licensing Fees

City Attorney Benham gave background on the request to consider a resolution to increase the city fees for new license applications to $1000, transfer of ownership, and change of location applications to $750, as well as the fee for renewal applications to $100, noting that documentation and analysis had been provided by the City Clerk’s office to reflect the current average time and cost to perform the tasks associated with liquor licensing. She stated that the proposed fee increases would bring the fees in line with the current fee schedule set by the Colorado Department of Revenue. The fees are established to cover actual and necessary expenses. She also stated that City Council had been apprised of the proposed fee increases and had not indicated any objections.

The Authority reviewed the data provided and approved for adoption Resolution No. 1101 - A Resolution Of The Local Liquor Licensing Authority Of The City Of Golden, Colorado, Increasing Certain Local Liquor Licensing Fees.
Other Matters

City Attorney Benham explained that several more requests for orders to show cause were being prepared, as well as a possible request to take emergency action to temporarily or summarily suspend a license, and proposed submitting those requests to the Hearing Officer administratively for her consideration outside of a public meeting. Hearing Officer Carberry stated that she would support such a process as a regular procedure, noting that licensees would still be afforded their opportunity for due process via public hearing. The city attorney stated she would do some further research on implementing the process and submit the requests upon conclusion of that research.

Adjournment

There being no further business to come before the Authority, the meeting adjourned at 3:04 p.m.

Susan M. Brooks, MMC
City Clerk

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

Approved by Licensing Authority:

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Hearing Officer Kendra Carberry