Wednesday, February 23, 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 2:00 p.m.

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

Approval of Minutes of January 26, 2011

The Authority approved the minutes of January 26, 2011.

Renewal - YDF Enterprises LLC d/b/a Foss Building Wine & Spirits, 1224 Washington Avenue, Golden

Mike Zeller, owner, and Dave Shuey, manager, were 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. Mr. Shuey stated that the conditions of the Stipulation have been fulfilled in regard to verifying employee attendance at alcohol awareness training, and noted that the licensee had recently passed a police department compliance check. The Authority approved the renewal.

Public Hearing continued - New Hotel and Restaurant Liquor License - The Marcelos Inc. d/b/a Marcelos Mexican Restaurant, 109 N. Rubey Drive, Unit I, Golden, CO 80403

Carl Ream, attorney, appeared on behalf of the applicant and stated that further search did not locate any additional information on past civil judgments for owner Grace Montoya. He noted that the Individual History Record for Grace Montoya had been amended as requested to correct noted errors.

City Attorney Benham stated that the city does not oppose the application.

Hearing Officer Carberry read into the record an email from Chris Higgins, a regular at the restaurant, which stated support for approval of the liquor license.

The following members of the public also appeared before the Authority and stated support for approval of the license: Crystal Ramsey, Barry Tagart, Judith Miller, and Roger Carlin.

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 Hotel and Restaurant 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.

Show Cause Hearing - Ace Hi Tavern Company d/b/a Ace Hi Tavern, 1216 Washington Ave., 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 there has been one prior violation during the past fifty years that the licensee has held the license. She reviewed the proposed conditions stated in the stipulation agreed to by the licensee, stating that the stipulation would serve the interests of the City and the licensee.

Gerald J. Devitt, attorney for the licensee, and Sidney Stillman, owner, were present to answer questions. Mr. Devitt explained that the bartender did ask for ID but misread the birth date year. He stated that the licensee’s employees will participate in further training. He also noted that the licensee has installed a system to scan and track IDs.

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 Ace Hi Tavern Company d/b/a Ace Hi Tavern, 1216 Washington Ave., Golden, and ordered that the licensee receive 6 days suspension with 4 days being held in abeyance for 6 months, and 2 days to be served on 12 and 13 March, 2011, with the condition that no other violations occur within the next 6 months.

The Authority also accepted the petition to pay a fine in lieu of suspension submitted by Ace Hi Tavern Company d/b/a Ace Hi Tavern, 1216 Washington Ave., Golden, and ordered the petitioner to serve the 2 days suspension, if the petitioner fails to pay the imposed fine of $580.91 by 4 March 2011.

Renewal - Ace Hi Tavern Company d/b/a Ace Hi Tavern, 1216 Washington Ave., Golden

The Authority approved the renewal for Ace Hi Tavern Company, stating that item #5 on the renewal would need to be corrected to reflect the outcome on the suspension of the license
relative to the ruling on the violation. Mr. Stillman stated the renewal would be corrected as requested.

Other Matters

There were no other matters.

Adjournment

There being no further business to come before the Authority, the meeting adjourned at 2:30 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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Kendra L. Carberry
Hearing Officer