Wednesday, January 26, 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.

Consent Matters

a. Approval of Minutes of December 8, 2010

b. Change of Manager of Record to Joann Marie McCall– Dillon Companies Inc. d/b/a King Soopers #82, 17171 S. Golden Road, Golden

The Authority approved the consent matters.

Renewal - Marleez, Inc. d/b/a The Buffalo Rose, 1119 Washington Ave., Golden

The Authority reviewed the renewal, which had been held by the City Clerk’s office pending the outcome of the December 8, 2010 Show Cause Hearing. The renewal was in order and fees paid. The Authority approved the renewal.

Acceptance of Application for New Hotel and Restaurant Liquor License from Empanada Express Inc., 2600 East Street, Unit G, Golden, CO 80401. Set the public hearing date for March 23, 2011, establish the neighborhood to be surveyed and approve concurrent review of the application

Isabel Campos, owner, was present and stated she agreed with the designated survey area.

The Authority stated that the application was accepted, approved for concurrent review, the neighborhood to be surveyed was established as indicated on the submitted map, and the public hearing would be set for March 23, 2011 at 2:30 p.m.

Acceptance of Application for New Hotel and Restaurant Liquor License from Golden Skillet, LLC d/b/a Golden Skillet LLC, 807 13th Street, Golden, CO 80401. Set the public hearing date for March 23, 2011, establish the neighborhood to be surveyed and approve concurrent review of the application

Elizabeth Weber, owner, was present and stated she agreed with the designated survey area.

The Authority stated that the application was accepted, approved for concurrent review, the neighborhood to be surveyed was established as indicated on the submitted map, and the public
hearing would be set for March 23, 2011 at 2:30 p.m.

Public Hearing – New Retail Liquor Store License - Heritage Liquor LLC d/b/a Heritage Liquor, 750 Heritage Road, Golden, CO 80401

Hearing Officer Carberry called the public hearing to order.

Frank Oldham, attorney for applicant and Gurdeep Kumar, owner, were present and available to answer questions. Mr. Oldham gave background on the owner’s experience running a convenience store and in the sale of alcohol. He noted that as prior owner of a convenience store in Greeley, Mr. Kumar’s employee was cited for selling to an underage customer but it did not appear that the licensee was found in violation of the liquor code. He reviewed neighborhood survey results, and noted that Mr. Kumar has been TIPs trained.

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.

Don Marion, property manager for Golden Ridge Condominiums, was sworn in and stated that he believed Mr. Kumar to be an honest businessman and an asset to the community. Mr. Marion stated that the owner operates a family friendly “mom & pop” type store.

City Attorney Benham stated that the city would request that approval of the license be conditioned upon issuance of a Certificate of Occupancy by the city and completion of inspection of the proposed liquor licensed premises by the City Clerk’s staff, since the renovation of the current convenience store was not set to begin until the liquor license was approved.

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 Retail Liquor Store 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 issuance of a Certificate of
Occupancy by the city and completion of inspection of the proposed liquor licensed premises by the City Clerk’s staff.

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

Hearing Officer Carberry called the public hearing to order.

Carl Ream, attorney, appeared on behalf of the applicant.

City Attorney Benham stated that a previous application for a liquor license at this premise involving a different owner had been denied, but not because of the needs and desires of surrounding inhabitants.

Carol Johnson, Esquire Petitioning Services, 2792 S. Race Street, was sworn in and described the procedures for circulating the petitions. Residents and business owners were informed of the public hearing.

Grace Montoya, owner, was sworn in and answered questions of the Authority. She explained that she purchased the corporation from the previous owner Alberto Ovalle and that he has no involvement in the operation of the restaurant business. She stated that she has received TIPS training and staff will also be TIPS trained. The policy is to card everyone under the age of 35. She stated what the proper types of ID were, signs to look for to identify visibly intoxicated persons and the policy for contacting the police department if disturbances occur. She described financial problems she has had and the efforts to clear off those debts. She noted that omission of information on her application was unintentional and apologized for the errors. The licensee’s attorney stated he did not believe that civil judgments have bearing on good moral character considerations.

The Authority noted concerns reported by the police department as to whether the applicant would be able to uphold the responsibilities of a liquor license based on facts surrounding civil judgments not reported by the applicant, and a pattern of omission of information and errors in completion of application documents.

Hearing Officer Carberry stated that the public hearing for the New Hotel and Restaurant Liquor License - The Marcelos Inc. d/b/a Marcelos Mexican Restaurant, 109 N. Rubey Drive, Unit I, Golden, CO 80403, would be continued to the next meeting of the Authority to allow the applicant to provide copies of civil judgments filed since 1999 and to correct application errors.

Show Cause Hearing - Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West, 14799 W. 6th 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 have been no prior violations during the past eight months 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.

Marcia Burton-Miller, owner, stated that she recognizes the seriousness of the violation and agrees with the terms of the stipulation. She noted that all staff will participate in further training. She stated that employee Kendra Miller, who was cited for the violation, was a trusted employee, very remorseful about committing the violation, and had offered to resign. She has instead been retained as an employee after offering to be suspended for two weeks without pay, and she will attend training. Ms. Burton-Miller also stated that monthly staff meetings regularly occur to review policies, and all customers under age 40 are checked for ID. 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 Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West, 14799 W. 6th Ave, Golden, and ordered that the licensee receive 6 days suspension with 3 days being held in abeyance for 12 months, and 3 days to be served on 17, 18 and 19 February, 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 Rocky Mountain Swirl Inc. d/b/a Lighthouse Liquors West, 14799 W. 6th Ave, Golden, and ordered the petitioner to serve the 3 days suspension, if the petitioner fails to pay the imposed fine of $1,845.76 by 2 February 2011.

Other Matters

Hearing Officer Carberry stated that starting in March, the meetings of the Authority would convene at 2:30 p.m. on the fourth Wednesday of the month.

Adjournment

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

Susan M. Brooks, MMC
City Clerk

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

Kendra L. Carberry
Hearing Officer