

**COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVE.
AUGUST 2, 2010 – 1:00 P.M.**

The Liquor and Beer Licensing Board met in special called session.

There were present: Chairman Stephens, Ms. Abrams, Mr. Clauss, Mr. Kouba, Ms. Lloyd, and Mr. Nemeth. Absent, Mr. Wright. Also present, Board Legal Advisor Kenny Hodges.

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1. **Request for summary suspension of the Hotel and Restaurant Liquor License issued to Mayra Garcia dba Club Shots, 3958 North Academy Boulevard.**

City Prosecuting Attorney Anthony Moore entered his appearance on behalf of the City and stated as a result of a large disturbance that occurred on July 29, 2010, the City is requesting Summary Suspension of the license.

In response to questions from Mr. Moore:

Colorado Springs Police Officer Rebecca Smith was sworn and stated on May 22, 2010, she met with Francisco Quiroz who identified himself as Manager and Alan Garcia, the owner's son regarding disturbances occurring at the establishment. She stated they discussed the potential of gang presence and how implementing a dress code may be helpful to keep the establishment orderly; that she was told that a rap concert was scheduled for May 26, 2010 and security staff would be present; that when they indicated an anticipated 400 persons at the concert, she advised them to consider hiring more security. She stated she spoke with Mr. Quiroz about a week later, and he indicated the Police Department hadn't called him yet, but she had told them to call her.

In a response to a question from Mr. Nemeth, Officer Smith stated she does not believe the security personnel were hired from a professional agency.

In response to questions from Mr. Moore:

El Paso County Sheriff's Office Detective Greg Young was sworn and stated he is currently assigned to the City's VNI unit; that on May 26, 2010 he was at the establishment and upon requesting food was told by staff that no food was available; that he observed people with shirts indicating "security"; that he also observed patrons passing around what appeared to be marijuana and no one was stopping the patrons. He stated he spoke with Francisco Quiroz who identified himself as manager.

In response to a question from Mr. Clauss, Detective Young stated there appeared to be 100 to 200 patrons at the establishment on that evening.

In response to a question from Ms. Abrams, Detective Young stated there were approximately 12 bar type tables in the establishment and other patrons were standing.

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In response to questions from Mr. Moore:

Colorado Springs Police Officer Jackson Andrews was sworn and stated went to the establishment in June, 2010 to speak with management regarding gang presence, and offered to give a presentation to staff of different ways to manage gang member presence, but the licensee never contacted him; that when at the establishment, it appeared there was drug dealing going on; that when he was in the parking lot one evening, officers surveyed each vehicle and found that the majority of vehicles had alcohol inside; that he has been to the establishment three to four times.

In response to questions from Mr. Moore:

Colorado Springs Supervisor of the Alcohol Tobacco and Firearms Rob McCloy was sworn and stated he was at the establishment July 29, 2010; that after 2:00 a.m., he observed several vehicles and 30 to 40 individuals took their shirts off and stood on vehicles waving hand signs and making comments to other persons; that it did not appear that there were physical conflicts at that time. He stated one to two security staff was observed near the front doors of the establishment, but they never came outside; that approximately 100 to 200 people were in the parking lot when a fight broke out; that when the Police arrived, people began to leave the parking lot.

In response to questions from Mr. Moore:

Colorado Springs Police Officer Melissa Reynolds was sworn and stated she was at the establishment on July 29, 2010 at approximately 12:45 a.m. after receiving a call for service; that upon arriving at the establishment, she received a call from dispatch that the women fighting had left, but while she still at the establishment, she observed another group of women arguing approximately 20 feet from the door; that she and another officer tried to break up the argument, and one of the women was put into a police vehicle and arrested for obstruction; that a rap concert was being held that evening; that when she was about to leave the establishment at 1:30 a.m., the manager of the establishment asked if they would stay until closing and she informed them they could not; that she left the establishment and received another service call to go to the establishment at about 2:00 a.m.; that dispatch indicated approximately 100 to 200 people were reported to be in the parking lot and would not disperse; that when she pulled into the parking lot she observed six to seven individual fights occurring in the parking lot; that there appeared to be 250 to 300 persons; that no one was listening to the Police Officers when they were requesting everyone to leave; that she called for medical assistance for someone who had been injured; that one officer was hurt by someone in the parking lot; that it took about 20 to 30 minutes before they could get the people under control. She stated additional units were called and approximately 30 officers arrived upon the call for assistance; that staff of the establishment said there were approximately six security personnel and 500 patrons were in the establishment; that foggers were used to disperse the crowd and most of the crowd dispersed in 45 minutes to an hour; that a few people were arrested; that when speaking to the staff, they indicated another rap concert was scheduled for this coming Wednesday.

In response to a question from Mr. Nemeth, Officer Reynolds stated she did not see any guns or knives.

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In response to a question from Chairman Stephens, Officer Reynolds stated she had observed people wearing gang colors earlier in the evening, but was unable to identify specific gang members.

In response to a question from Mr. Clauss, Officer Reynolds stated she did not observe any security personnel when she arrived at the establishment; that they have tried to meet with the owners about security to no avail; that they recommended a professional security company be hired; that everytime a rap concert was held, more patrons and more disturbances occurred.

In response to questions from Ms. Abrams, Officer Reynolds stated there are several doors leading inside the establishment; that the parking lot is to the south of the club and runs east to west; that it appears only one door is used to exit the establishment.

Mr. Moore stated the City believes the community is in danger of threats to the public health if the club continues to operate; that there are apparent deliberate and willful violations occurring in an establishment which is operating as a nightclub rather than a hotel and restaurant as the license was issued; that the concerts themselves were held in conflict with a hotel and restaurant license; that security staff working at an hotel and restaurant establishment is not a typical practice;. He stated the Police Department had discussed concerns with the licensee regarding the music, security, patrons, and gang presence. He stated on May 26, 2010 earlier raised concerns occurred which security staff did not help to contain; that marijuana was observed to be in the premises; that on July 29, 2010, disturbances occurred where several individuals, including police officers, were injured; that the disturbance required the assistance of 30 police officers to contain the crowd; that the Board also has reasonable grounds to believe deliberate and willful violations occurred on May 27, 2010 where no food was available on the premises; that he requests the Board take necessary action and summarily suspend the license, and call a special meeting for a Suspension/Revocation hearing of the liquor license on August 13, 2010.

Chairman Stephens stated while the Board has a regularly scheduled meeting on August 6, 2010, it appears there is not an appropriate amount of time to serve the Show Cause Order on the licensee, and Mr. Moore replied that is correct; that he would like to Show Cause the licensee and provide adequate time for service.

Mr. Kouba stated the actions of the establishment is of concern to the Board; that the issues of public safety extend throughout the City of Colorado Springs, because it is a safety concern of the entire City when officers are required to leave their assigned areas to respond to this establishment, and he would support a summary suspension.

Chairman Stephens stated testimony heard today gives reason to believe the establishment is operating as a tavern and in looking at the floor plan, there was knowing and willful behavior on the part of the licensee to not operate lawfully; that several times officers spoke with management about policies and practices that could be implemented in efforts to change that behavior; that one officer testified that management told him that they knew it was a rough crowd but still did not stop it from happening.

Ms. Lloyd stated she agrees there was a willful and deliberate act of disregard for the law.

Motion by Kouba, that in accordance with Rule 20 of the Liquor and Beer Licensing Board Rules, the Board approve a summary suspension for a maximum of 15 days and immediately

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cease and desist all operations until a Show Cause Hearing is before the Board; that there are reasonable grounds to believe the health, safety and welfare of the city is affected and constitute an immediate danger; that the licensee is guilty of willful and deliberate violation; that the Board Legal Advisor is requested to draft a Findings and Conclusion Order. The motion was seconded by Mr. Clauss. The motion unanimously carried. Absent, Mr. Wright.

Motion by Kouba, that in accordance with the Findings and Conclusions, it is ordered to immediately cease and desist all operations until a Show Cause Hearing is heard by the Board; that the Show Cause be heard August 13, 2010 at 9:00 a.m., in the Council Chambers of City Hall. The motion was seconded by Ms. Abrams. The motion unanimously carried. Absent, Mr. Wright.

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At 2:35 p.m., the Board adjourned.

**Cindy N. Conway, CMC
Deputy City Clerk**