COLORADO SPRINGS, COLORADO COUNCIL CHAMBERS CITY HALL - 107 N. NEVADA AVE. AUGUST 6, 2010 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Ms. Abrams, Mr. Kouba. Ms. Lloyd, and Mr. Wright. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth. In the absence of Chairman Stephens and Vice-Chairman Nemeth, Mr. Kouba presided. Also present, Acting Board Legal Advisor Kenny Hodges.

COMMUNICATIONS

1. Attorney Vince Linden entered his appearance on behalf of the applicant for Item No. 7 and requested the Item be postponed to the Board meeting of August 20, 2010.

Motion by Wright, second by Lloyd, that Item No. 7 be postponed to the Board meeting of August 20, 2010. the motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

City Prosecuting Attorney Kyle Sauer requested Item No. 10 be withdrawn from the agenda.

Motion by Lloyd, second by Wright, that Item No. 10 be withdrawn from the agenda. the motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

MINUTES

2. Approval of the Minutes of the Board Meeting of July 16, 2010.

Motion by Wright, second by Abrams, that the Minutes of the Board meeting of July 16, 2010 be approved as written. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

CONSENT CALENDAR

- 3. The City Clerk's Office reports that boundaries were set for the following application:
- A-1. Adelaida B. Isaac dba Red Horse Karaoke and Sports Bar, 2030 South Academy Boulevard:

North: South side of Verde Drive extended South: North side of Sonoma Drive extended

East: West side of Hunting Meadows Circle extended

West: East side of Ventura Drive extended

Motion by Wright, second by Abrams, that the Consent Calendar be approved. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

LIQUOR AND BEER LICENSING BOARD MEETING - AUGUST 6, 2010

TRANSFER APPLICATIONS

4. Application of The Flow of Mexico, LLC dba The Flow of Mexico, to transfer the Hotel and Restaurant Liquor License currently issued to MGJJS, Inc., dba The Little Havana Cuba & Mexican Cuisine, 16 East Bijou Street.

Idalia Flores was sworn and stated she has no criminal history; that \$15,000 is being invested in the business which was derived from personal savings; that the lease term is two years; that she has attended formal training; that when customers are seated in the patio area, an employee will be present to ensure no alcohol is removed from the premises. She stated her husband Jose Luis Flores owns 50%, she owns 48% and their son Horacio Flores owns 2% of the corporation.

Motion by Wright, second by Lloyd, that the application of The Flow of Mexico, LLC dba The Flow of Mexico, to transfer the Hotel and Restaurant Liquor License currently issued to MGJJS, Inc., dba The Little Havana Cuba & Mexican Cuisine, 16 East Bijou Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

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5. Application of Singh Stores, Inc., dba Everyday 5703 to transfer the Off-Premises Consumption Only 3.2% Beer License, currently issued to Super America LLC dba Everyday Stores, 1823 North Circle Drive.

Gurbinder Virk was sworn and stated he is sole owner of the business; that he currently owns two other 3.2% Beer licensed stores; that \$40,000 is being invested in the business which was derived from personal savings; that the lease term is five years.

Julie Collins was sworn and stated she has been the Manager at the store for three years; that all employees have been trained in the sale of alcohol beverages.

Motion by Wright, second by Lloyd, that the application of Singh Stores, Inc., dba Everyday 5703 to transfer the Off-Premises Consumption Only 3.2% Beer License, currently issued to Super America LLC dba Everyday Stores, 1823 North Circle Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

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6. <u>Application of Hunjan, LLC dba J's Liquor, to transfer the Retail Liquor Store License</u> currently issued to Har Dunn, Inc., dba J's Liquor, 31 East Fillmore Street.

Jaspal Hunjan and Gurpreet Chana were sworn.

Mr. Hunjan stated \$300,000 is being invested in the business which was derived from a SBA loan in the amount of \$220,000 and personal savings in the amount of \$80,000; that his wife and he are co-owners and have attended formal training in the sale of alcohol beverages; that both he and his wife have managed 7-11 stores; that the lease term is 10 years.

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Motion by Lloyd, second by Wright, that the application of Hunjan, LLC dba J's Liquor, to transfer the Retail Liquor Store License currently issued to Har Dunn, Inc., dba J's Liquor, 31 East Fillmore Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

APPLICATION HEARINGS

7. <u>Application of MEG 123, LLC dba II Postino for a Hotel and Restaurant Liquor License at 123 East Pikes Peak Avenue.</u>

SEE ACTION TAKEN EARLIER IN THE MEETING.

8. <u>Application of Rumi's Kabob, LLC dba Rumi's Kabab for a Hotel and Restaurant Liquor License at 36 East Bijou Street.</u>

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Shams Forough was sworn and stated he is sole owner of the business; that he has owned the restaurant approximately 11 months; that \$50,000 is being invested in the business of which said funds were derived from personal savings; that the lease term is three years; that he has attended formal alcohol beverage training; that the establishment is 1200 square feet.

Susan Duffy Schwall, Liquor Licensing Professionals, stated her company conducted the petition survey which resulted in 144 favoring, 1 opposing, and 3 no opinion signatures.

Motion by Wright, second by Abrams, that the application of Rumi's Kabob, LLC dba Rumi's Kabab for a Hotel and Restaurant Liquor License at 36 East Bijou Street, be approved, as it appears all criteria has been met. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

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9. <u>Application of Tapateria, LLC dba Tapateria, for a Hotel and Restaurant Liquor License</u> at 2607 West Colorado Avenue.

David Brackett was sworn and stated he and his wife are co-owners of the business; that the establishment seats 35 and the patio seats 20; that he has owned Pizzeria Rustica for two years; that he and his wife have attended formal alcohol beverage training and will require staff to attend formal training; that \$40,000 is being invested in the business of which said funds were derived from personal savings; that the patio is enclosed by a four foot fence.

Susan Duffy Schwall, Liquor Licensing Professionals, stated her company conducted the petition survey which resulted in 158 favoring, 10 opposing, and 0 no opinion signatures.

Motion by Lloyd, second by Abrams, that the Application of Tapateria, LLC dba Tapateria, for a Hotel and Restaurant Liquor License at 2607 West Colorado Avenue, be approved, as it appears all criteria has been met. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

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SUSPENSION/REVOCATION HEARINGS

10. Suspension/Revocation Hearing concerning the Hotel and Restaurant Liquor License issued to Mac Acquisition, LLC dba Romano's Macaroni Grill, 2510 Tenderfoot Hill Street.

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11. <u>Suspension/Revocation Hearing concerning the Tavern Liquor License issued to The Golden Cue, Inc., dba Golden Cue, 2790 South Hancock Expressway.</u>

City Prosecuting Attorney Kyle Sauer entered his appearance on behalf of the City.

Attorney Gary Dailey entered his appearance on behalf of the licensee.

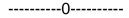
Mr. Sauer stated a Stipulation has been reached in this matter; that the licensee agrees to the violation of sale to an underage person; that the Stipulation provides 15 days suspension, three days active and 12 days to be held in abeyance for a period of one year pending future violations; that because the licensee had five days held in abeyance from a previous violation, those days will be activated for a total of eight days active suspension.

Motion by Wright, second by Abrams, that the proposed Stipulation and Agreement be accepted. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.

Mr. Dailey requested the active days suspension begin at Midnight today due to scheduled product deliveries.

Ms. Abrams stated she would not agree to Midnight, but would agree to a 5:00 p.m. closure.

Motion by Wright, second by Abrams, that the Findings and Conclusion be adopted providing a suspension of 15 days, three days active, with the activation of five days previously held in abeyance from prior violations for a total of eight days active suspension, and 12 days to be held in abeyance for a period of one year pending future violations beginning at 5:00 p.m. August 6, 2010 through 5:00 p.m., August 14, 2010. The motion unanimously carried. Absent, Chairman Stephens, Mr. Clauss and Mr. Nemeth.



At 10:25 a.m., motion by Wright, second by Abrams, that the Board adjourn.

Cindy N. Conway, CMC Deputy City Clerk