COLORADO SPRINGS, COLORADO COUNCIL CHAMBERS CITY HALL - 107 N. NEVADA AVE. SEPTEMBER 3, 2010 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

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

COMMUNICATIONS

1. Attorney Vince Linden entered his appearance on behalf of the licensee and requested Item No. 6 be postponed to the Board meeting of September 17, 2010.

Motion by Kouba, second by Abrams, that Item No. 6 be postponed to the Board meeting of September 17, 2010. The motion unanimously carried.

<u>MINUTES</u>

2. <u>Approval of the Minutes of the Special Board Meeting of August 13, 2010 and Regular</u> Board meetings of August 6, 2010 and August 20, 2010.

Motion by Clauss, second by Lloyd, that the Minutes of the Special Board Meeting of August 13, 2010 and the Regular Board meetings of August 6, 2010 and August 20, 2010, be approved as written. The motion unanimously carried.

CONSENT CALENDAR

- 3. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued for the following applications:
- A-1. CHS Hospitality, LLC dba The Holy Cow Pub and Grill, 5885 Stetson Hills Boulevard #120:

North: South side of Vallecito Drive extended
South: North side of Iron Horse Trail extended
East: West side of Tomiche Drive extended
West: East side of Silo Ridge extended

A-2. Guillermo Alvarado dba Cucuru. 2332 West Colorado Avenue:

North: South side of Uintah Street extended

South: North side of East St. Vrain Street extended

East: West side of Cresta Road extended
West: East side of Langmeyer Street extended

A-3. Smoker King, Inc., dba Smoker King, Inc., 1951 West Uintah Street:

North: South side of Koshare Street extended

South: North side of 19th Street extended

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East: West side of Marlstone Place extended

West: East side of 25th Street extended

B-1. Big Dawg Saloon, Inc., dba Gee Cues Sportsbar 3906 East San Miguel

Motion by Clauss, second by Nemeth, that the Consent Calendar be approved. The motion unanimously carried.

MODIFICATION OF THE PREMISES

4. Request by 2886 F & B Operating Co, LLC dba Crowne Plaza Colorado Springs, to Modify the Premises where liquor is served at 2886 South Circle Drive.

Fahmi Sukhan, Director of Food and Beverage, was sworn and stated the request is to provide a temporary modification outside of the existing licensed premises for an event being held September 11 to 15, 2010; that barricades will be erected to ensure no alcohol is taken outside of the area; that the alcohol will only be sold inside the current premises; that the event will be from 10:00 a.m. to 7:00 p.m. daily.

Motion by Kouba, second by Nemeth, that the request by 2886 F & B Operating Co., LLC dba Crowne Plaza Colorado Springs, to Modify the Premises where liquor is served at 2886 South Circle Drive, be approved. The motion unanimously carried.

SUSPENSION/REVOCATION HEARINGS

5. Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Lake Liquors, Inc., dba Lake Liquors, 501 South Union Boulevard.

City Prosecuting Attorney Kyle Sauer entered his appearance on behalf of the City and stated a Stipulation has been reached in this matter which provides an admission of violation for sale to a minor on March 18, 2010; that the proposed suspension is 15 days, 3 days active, and 12 days to be held in abeyance for a period of one year pending future violations; that the licensee had a violation of the same type in October, 2009.

Attorney Howard Morrison entered his appearance on behalf of the licensee and stated the licensee agrees to the proposed Stipulation.

Motion by Wright, second by Clauss, that the Stipulation and Admission of Violation be accepted. The motion unanimously carried.

Warren Cosgrove, licensee, was sworn and stated he admits to the violation of a sale to a minor; that as a result of the violation, the employee was terminated and all other employees will attend formal training; that he agrees to the proposed suspension pursuant to the Stipulation.

Motion by Wright, second by Nemeth, that the Findings and Conclusion be adopted providing 15 days suspension, 3 days active, and 12 days to be held in abeyance for one year pending

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future violations; that the active days suspension shall begin today, September 3, 2010 at 12:00 Noon and end Monday, September 6, 2010 at 12:00 Noon. The motion unanimously carried.

Mr. Morrison requested the Board approve a Fine in Lieu of Suspension.

Motion by Wright, second by Kouba, that a fine be accepted in lieu of the three days active suspension; that the suspension days held in abeyance per the Findings and Conclusion will be applicable for a period of one year pending future violations. The motion unanimously carried.

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6. <u>Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Hunju Corporation dba Schnapp's Box Liquors, 2515 South Chelton Road.</u>

SEE ACTION TAKEN EARLIER IN THE MEETING.

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7. <u>Suspension/Revocation Hearing concerning the Tavern Liquor License issued to All Flash and No Cash, Inc., dba Copperhead Road, 3330 North Academy Boulevard.</u>

Attorney William Holtz entered his appearance on behalf of the licensee.

City Prosecuting Attorney Kyle Sauer entered his appearance on behalf of the City and stated a Stipulation has been reached in this matter which provides an admission of violations relating to conduct of the establishment on February 20, 2010 and May 5, 2010; that the proposed suspension is 20 days, 10 days active, and 10 days to be held in abeyance for a period of one year pending future violations.

In response to a question from Mr. Kouba. Mr. Sauer stated Count 1 relates to an employee who was charged criminally and found guilty of harassment of a customer in court; that it is his understanding the employee was terminated.

In response to a question from Mr. Wright, Mr. Sauer stated Count 2 related to sale to a visibly intoxicated person; that a Warning Letter was previously issued to the licensee for sale to a minor, which was taken into consideration when drafting the Stipulation.

Mr. Wright expressed concern that the licensee is absent from today's hearing; that it appears the licensee made an assumption that the Fine in Lieu of Suspension would be granted without appearing to defend themselves or be questioned by the Board, noting that this is the third violation of the licensee in one year.

Motion by Clauss, second by Nemeth, that the Stipulation and Admission of Violations be accepted.

Ayes: Abrams, Clauss, Lloyd, Nemeth

Noes: Kouba, Stephens, Wright

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Absent: None

Chairman Stephens declared the motion carried.

Motion by Clauss, second by Nemeth, that the Findings and Conclusion be adopted providing 20 days suspension, 10 days active, and 10 days to be held in abeyance for one year pending future violations; that a fine be accepted in lieu of the 10 days active suspension; that the suspension days held in abeyance per the Findings and Conclusion will be applicable for a period of one year pending future violations.

Ayes: Abrams, Clauss, Lloyd, Nemeth Noes: Kouba, Stephens, Wright

Absent: None

Chairman Stephens declared the motion carried.

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City Clerk Kathryn Young announced the cancellation of the October 1, 2010 Board meeting.

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At 10:00 a.m., motion by Kouba, second by Clauss, that the Board adjourn.

Cindy N. Conway, CMC Deputy City Clerk