

**COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
AUGUST 19, 2011 – 9:00 A.M.**

The Liquor and Beer Licensing Board met in regular session.

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

COMMUNICATIONS

1. City Prosecuting Attorney Jarrett Bennett entered his appearance on behalf of the City and stated a request has been made by the licensee that Item No. 20 be postponed to the Board meeting of October 21, 2011.

Motion by Kouba, second by Bursell, that Item No. 20 be postponed to the Board meeting of September 16, 2011, and not October 21, 2011 as requested. The motion unanimously carried. Absent, Ms. Frias.

Attorney Vince Linden entered his appearance on behalf of the applicant for Item No. 12 and requested the item be postponed to the Board meeting of September 2, 2011.

Motion by Kouba, second by Lloyd, that Item No. 12 be postponed to the Board meeting of September 2, 2011. The motion unanimously carried. Absent, Ms. Frias.

Senior Office Specialist Ellen Wagner stated the City Clerk's Office received a request from the applicant that Item No. 14 be postponed to the Board meeting of September 2, 2011.

Motion by Kouba, second by Lloyd, that Item No. 14 be postponed to the Board meeting of September 2, 2011. The motion unanimously carried. Absent, Ms. Frias.

MINUTES

2. Motion by Kouba, second by Lloyd, that the Minutes of the Board meeting of July 15, 2011 be approved as written. The motion unanimously carried. Absent, Ms. Frias.

CONSENT CALENDAR

3. The City Clerk's Office reported that boundaries were set for the following applications:

A-1. 2 South Ltd dba 2 South, 2 South 25th Street:

North: South side of Friendship Place extended
South: North side of Hagerman Street extended
East: West side of 20th Street extended
West: East side of 29th Street extended

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A-2. 7-Eleven, Inc. dba 7-Eleven Store #34921, 2350 Hancock Expressway:

North: South side of Copper Creek Drive extended
South: North side of Las Vegas Street extended
East: West side of Ventura Drive extended
West: East side of Circle Drive extended

A-3. 7-Eleven, Inc. dba 7-Eleven Store #35001, 911 South Circle Drive:

North: South side of Pinebrook Way extended
South: North side of Research Parkway extended
East: West side of Red Columbine Drive extended
West: East side of Summerhill Drive extended

A-4. El Paso Co. dba 7-Eleven Store #39472A, 4325 South Carefree Circle:

North: South side of Hide N Seek Lane extended
South: North side of Valli Vista Road extended
East: West side of Escapardo Way extended
West: East side of Academy Boulevard extended

A-5. Brother & Brother – CS, LLC dba Crave Real Burgers, 7465 North Academy Boulevard:

North: South side of Rusty Hinge Drive extended
South: North side of Wildwood Drive extended
East: West side of Bell Drive extended
West: East side of Kaleb Grove extended

A-6. Artful Living Investments, Inc. dba Painting with a Twist, 2834 Powers Boulevard:

North: South side of Whimsical Drive extended
South: North side of Bent Bar Road extended
East: West side of Preamble Point extended
West: East side of Inspiration Drive extended

A-7. Wine Garden, LLC dba Wine Garden, 1615 Silversmith Road:

North: South side of Coyote Willow Drive extended
South: North side of Weiskopf Point extended
East: West side of Paradise Ridge Court extended
West: East side of Diamond Rock Road extended

Motion by Lloyd, second by Bursell, that the Consent Calendar be approved. The motion unanimously carried. Absent, Ms. Frias.

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TRANSFER APPLICATIONS

4. **Application of CWS Liquor, LLC dba Frontier Liquor, to transfer the Retail Liquor Store License currently issued to Steve's Holiday Liquor Inc. dba Frontier Liquor, 3328 East Fountain Boulevard.**

Jasvir Chana was sworn and stated she is sole owner of the business.

Jawinder Chana was sworn.

Upon further consideration, Ms. Jasvir Chana requested the item be postponed to the Board meeting of September 2, 2011 so she may obtain legal representation.

Motion by Kouba, second by Nemeth, that this item be postponed to the Board meeting of September 2, 2011. The motion unanimously carried. Absent, Ms. Frias.

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5. **Application of FaerieTales, LLC dba FaerieTales Bake House and Catering, to transfer the Hotel and Restaurant Liquor License currently issued to Lawrence Chaperont, LLC dba Le Bistro, 1015 West Colorado Avenue.**

Lindsay and Martha Williamson were sworn.

Lindsay Williamson stated she and Martha Williamson are co-owners of the business; that they have owned a catering business for the past six years; that neither of them have a criminal history; that \$40,000 is being invested of which said funds were derived from their catering business; that the establishment was previously Le Bistro Restaurant and is approximately 1600 square feet; that the lease term is one year; that the restaurant seats 45 persons inside and 48 on the patio.

Mr. Kouba requested the applicant be directed to attend a formal alcohol training class.

Motion by Bursell, second by Nemeth, that the application of FaerieTales, LLC dba FaerieTales Bake House and Catering, to transfer the Hotel and Restaurant Liquor License currently issued to Lawrence Chaperont, LLC dba Le Bistro, 1015 West Colorado Avenue, be approved as it appears all criteria has been met; that the applicant and employees attend formal alcohol training. The motion unanimously carried. Absent, Ms. Frias.

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6. **Application of Dajeda, LLC dba Canyon Crest Liquors, to transfer the Retail Liquor Store License currently issued to One Booja LLC dba Canyon Crest Liquors, 4935 Centennial Boulevard #E.**

Daniel Kim was sworn and stated he is sole owner of the business; that his employees and he have attended formal alcohol training; that \$880,000 is being invested of which \$580,000 was

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derived from a SBA loan, \$270,000 from personal savings, and \$30,000 from a promissory note with the seller. He stated the store is approximately 3190 square feet and the lease term is 10 years.

Motion by Clauss, second by Nemeth that the application of Dajeda, LLC dba Canyon Crest Liquors, to transfer the Retail Liquor Store License currently issued to One Booja LLC dba Canyon Crest Liquors, 4935 Centennial Boulevard #E, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

MODIFICATION OF THE PREMISES

7. **Request by Dona Y Perez Corporation dba Jorge's, to Modify the Premises where liquor is served at 2727 West Colorado Avenue.**

George Ayala was sworn and stated he has owned and operated the business for four years; that the business was closed in February, 2011 for remodeling of the building and relocation of the service areas; that remodeling costs are anticipated to be approximately \$500,000; that he owns the building which consists of two floors, but the second floor is not licensed.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP was sworn and stated her company conducted the petition survey which resulted in 90 favoring, 2 opposing, and 1 no opinion signature.

Motion by Kouba, second by Nemeth, that the request by Dona Y Perez Corporation dba Jorge's, to Modify the Premises where liquor is served at 2727 West Colorado Avenue, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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8. **Request by Texas Roadhouse Holdings, LLC dba Texas Roadhouse, to Modify the Premises where liquor is served at 595 South 8th Street.**

Robert Auw was sworn and stated the request is to add an outside patio area that seats approximately 24 persons, with a surrounding split rail fence; that there will be an outside gate access; that the property is owned by the corporation and all servers are TIPS certified.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 65 favoring, 1 opposing, and 0 no opinion signatures.

The Board expressed concern that the patio area will be accessible at the front door entrance of the restaurant, and cautioned the licensee to ensure the area is adequately monitored to alleviate the potential of alcohol being passed over the fence.

Motion by Bursell, second by Kouba, that the request by Texas Roadhouse Holdings, LLC dba Texas Roadhouse, to Modify the Premises where liquor is served at 595 South 8th Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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9. **Request by Stargazers Theatre and Event Center, LLC dba Stargazers Theatre and Event Center, to Modify the Premises where liquor is served at 10 South Parkside Drive.**

John Hooton was sworn and stated the request is to authorize a one day modification of the premises on September 8, 2011 for an outdoor concert event; that there will be two separate beer garden areas, two stages and 15 local bands; that extra duty police officers will be hired and a dozen staff will oversee the service of alcohol; that a use permit was approved by the Zoning Department and a noise permit has been issued.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 71 favoring, 7 opposing, and 1 no opinion signature.

Motion by Clauss, second by Nemeth, that the request by Stargazers Theatre and Event Center, LLC dba Stargazers Theatre and Event Center, to temporarily Modify the Premises where liquor is served at 10 South Parkside Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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10. **Request by Ruach Enterprises International, Inc. dba South Liquor Mart, to Modify the Premises where liquor is sold at 1701 South Academy Boulevard.**

Mike Mikolatis was sworn and stated the request is to expand into the adjacent space of approximately 3300 square feet; that with the expansion, the store size will be approximately 10,000 square feet; that the previous liquor store that operated at this location was originally licensed for both premises, however, the store was reduced for financial reasons; that a tasting area will also be added.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 49 favoring, 3 opposing, and 0 no opinion signatures.

Motion by Kouba, second by Lloyd, that the request by Ruach Enterprises International, Inc. dba South Liquor Mart, to Modify the Premises where liquor is sold at 1701 South Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

APPLICATION HEARINGS

11. **Application of Hong & YP, Inc. dba Sushi Rakkyo, for a Hotel and Restaurant Liquor License at 9502 North Union Boulevard, Suite 100.**

Attorney Vince Linden entered his appearance on behalf of the applicant.

Sun Nathan was sworn as interpreter.

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Young Hong was sworn and through the interpreter stated he is sole owner and shareholder; that he is investing \$100,000 which was derived from personal savings; that he previously owned a restaurant in Aurora, Colorado for three years and prior to that owned a restaurant in California for six years; that the lease term is five years; that the establishment is 2916 square feet and seats 85 persons; that he has attended formal alcohol training.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 141 favoring, 6 opposing, and 5 no opinion signatures.

Motion by Bursell, second by Clauss, that the application of Hong & YP, Inc. dba Sushi Rakkyo, for a Hotel and Restaurant Liquor License at 9502 North Union Boulevard, Suite 100, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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12. **Application of Bassi, LLC dba India Palace Restaurant, for a Hotel and Restaurant Liquor License at 5644 North Academy Boulevard.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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13. **Application of Mikey's Bar & Grill, LLC dba Mikey's Bar & Grill, for a Tavern Liquor License at 4348 Montebello Drive.**

Majken Dons Jakobsen Wade was sworn and stated she is sole owner and shareholder; that \$100,000 is being invested of which said funds were derived from personal savings; that she has 11 years experience in the restaurant and liquor industry; that she has attended formal alcohol training; that the lease term is 15 years; that the establishment is approximately 2800 square feet and seats 69 persons.

Susan Duffy Schwall, Liquor Licensing Professionals, LLP stated her company conducted the petition survey which resulted in 148 favoring, 6 opposing, and 8 no opinion signatures.

Motion by Clauss, second by Lloyd, that the application of Mikey's Bar & Grill, LLC dba Mikey's Bar & Grill, for a Tavern Liquor License at 4348 Montebello Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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14. **Application of Wine Garden, LLC dba Wine Garden, for a Retail Liquor Store License at 1615 Silversmith Road.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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15. **Application of 7-Eleven, Inc. dba 7-Eleven Store 34921, for a 3.2% Off Premises Beer License at 2350 Hancock Expressway.**

Attorney Alan Dill entered his appearance on behalf of the applicant for Item Nos. 15 and 16 and stated testimony relating to the business ownership is applicable to both items.

Francis Alan Niccoli, corporate Field Consultant, was sworn and stated the cashiers will attend in-house formal alcohol training; that the store is approximately 2400 square feet; that \$507,000 is being invested of which said funds were derived from existing corporate funds; that the anticipated opening date is September, 2011.

Kelly Pietrs, Esquire Petitioning, was sworn and stated her company conducted the petition survey which resulted in 153 favoring, 10 opposing, and 1 no opinion signature.

Motion by Lloyd, second by Nemeth, that the application of 7-Eleven, Inc. dba 7-Eleven Store 34921, for a 3.2% Off Premises Beer License at 2350 Hancock Expressway, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

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16. **Application of 7-Eleven, Inc. dba 7-Eleven Store 35001, for a 3.2% Off Premises Beer License at 911 South Circle Drive.**

Mr. Niccoli stated the store is approximately 2400 square feet and currently under construction; that the store is anticipated to open November, 2011; that approximately \$504,800 is being invested of which said funds were derived from existing corporate funds; that the testimony of Item No. 15 is relevant to training and business operations.

Kelly Pietrs, Esquire Petitioning, was sworn and stated her company conducted the petition survey which resulted in 103 favoring, 11 opposing, and 5 no opinion signatures.

Motion by Kouba, second by Bursell, that the application of 7-Eleven, Inc. dba 7-Eleven Store 35001, for a 3.2% Off Premises Beer License at 911 South Circle Drive, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias.

SUSPENSION/REVOCATION HEARINGS

17. **Suspension/Revocation Hearing concerning the Retail Liquor Store license issued to Empire Liquors Inc., dba Empire Liquors, 3381 North Academy Boulevard.**

Prosecuting Attorney Jarrett Bennett entered his appearance on behalf of the City.

Joseph Surat, licensee, was sworn and stated both violations occurred by the same employee, who has been prohibited from working as a cashier.

Mr. Bennett stated a Stipulation has been reached in this matter; that the licensee has admitted guilt of sale to an underage person; that this is the second violation of the same type by the licensee in one year; that the stipulation provides 15 days suspension, 3 days active,

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and 12 days to be held in abeyance for a period of one year pending future violations; that all employees will be required to attend formal alcohol training within 90 days.

Motion by Kouba, second by Nemeth, that the Stipulation be accepted. The motion unanimously carried. Absent, Ms. Frias.

Motion by Kouba, 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 a period of one year pending future violations; that the licensee and employees are required to complete formal alcohol training within 90 days; that the active days suspension commence today, August 19, 2011 at 2:00 p.m. and end at 1:59 p.m., August 22, 2011. The motion unanimously carried. Absent, Ms. Frias.

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18. **Suspension/Revocation Hearing concerning the Retail Liquor Store license issued to B Street Liquors, Inc., dba Neighbors Liquors, 5044 North Academy Boulevard.**

Prosecuting Attorney Brian Stewart entered his appearance on behalf of the City.

Sun Nathan introduced herself as interpreter for the licensee.

Myong Lee, licensee, was sworn and through the interpreter, stated her husband sold alcohol to a minor in April, 2011 and the recent violation for sale to a minor was by an employee.

Mr. Stewart stated a Stipulation has been reached in this matter; that the licensee has admitted guilt of sale to an underage person; that this is the second violation of the same type by the licensee this year; that the previous violation occurred in April, 2011; that the stipulation provides 15 days suspension, 3 days active, and 12 days to be held in abeyance for a period of one year pending future violations; that all employees will be required to attend formal alcohol training within 90 days.

Motion by Clauss, second by Nemeth, that the Stipulation be accepted. The motion unanimously carried. Absent, Ms. Frias.

Motion by Clauss, 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 a period of one year pending future violations; that the licensee and employees are required to complete formal alcohol training within 90 days; that the active days suspension commence today, August 19, 2011 at 2:00 p.m. and end at 1:59 p.m., August 22, 2011. The motion unanimously carried. Absent, Ms. Frias.

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19. **Suspension/Revocation Hearing concerning the 3.2% Off Premises Beer License issued to Satamann Inc., & 7-Eleven Inc., dba 7-Eleven Store #22613A, 3004 West Colorado Avenue.**

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Prosecuting Attorney Brian Stewart entered his appearance on behalf of the City.

Attorney George Vasholtz entered his appearance on behalf of the licensee.

Mr. Stewart stated a Stipulation has been reached in this matter; that the licensee has admitted guilt of sale to an underage person in June, 2011; that this is the second violation of the same type by the licensee in one year; that the previous violation occurred in March, 2011; that the stipulation provides 15 days suspension, 3 days active, and 12 days to be held in abeyance for a period of one year pending future violations; that all employees will be required to attend formal alcohol training within 90 days.

Mr. Vasholtz stated the licensee admits guilt of sale to an underage person; that the employee responsible for the sale was terminated. He stated a new policy has been implemented which requires the beer cooler remain locked and purchases are not allowed without an employee checking identification and obtaining the keys to open the cooler.

Motion by Bursell, second by Nemeth, that the Stipulation be accepted. The motion unanimously carried. Absent, Ms. Frias.

Motion by Bursell, 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 a period of one year pending future violations; that the licensee and employees are required to complete formal alcohol training within 90 days; that the active days suspension commence today, August 19, 2011 at 2:00 p.m. and end at 1:59 p.m., August 22, 2011. The motion unanimously carried. Absent, Ms. Frias.

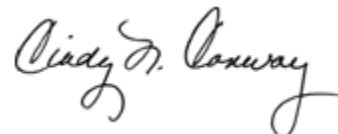
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20. **Suspension/Revocation Hearing concerning the Hotel and Restaurant Liquor license issued to Colorado Springs Hooters, Inc. dba Hooters, 750 Citadel Drive E.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

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At 12:15 p.m., motion by Clauss, second by Lloyd, that the Board adjourn.



Cindy Conway, CMC
Interim City Clerk