COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
OCTOBER 7, 2011 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

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

COMMUNICATIONS

1. License Enforcement Officer Lee McRae requested consideration of an Extra Item Agenda relating to a Suspension/Revocation Hearing of the Retail Liquor Store License issued to Paul's Liquors, LLC dba Paul's Liquors, 2842 East Pikes Peak Avenue.

Extra Item No. 1

Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Paul's Liquors, LLC dba Paul's Liquors, 2842 East Pikes Peak Avenue.

City Prosecuting Attorney Brian Stewart requested the item be withdrawn; that an amended Show Cause order will be issued to the licensee.

Motion by Nemeth, second by Lloyd, that the item be withdrawn. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

CONSENT CALENDAR

2. The City Clerk's Office reports that boundaries were set and Temporary Permits were issued for the following applications:

A-1. Top Tier-Colorado, LLC dba HuHot Mongolian Grill, 5843 Constitution Avenue:

North: South side of Carefree Circle extended
South: North side of Victor Place extended
East: West side of Manassas Way extended
West: East side of Alteza Drive extended

B-1. Denver Management, Inc.
dba Doubletree Hotel World Arena
1775 East Cheyenne Mountain Boulevard

B-2. Conscious Table, LLC
dba Conscious Table
26 East Kiowa

B-3. Yong Yon Davis
dba Kung Music Bar
3768 Astrozon Boulevard

B-4. Lind and Cunningham LLC
dba Stadium Bar and Grill
6120 Barnes Road

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

TRANSFER APPLICATIONS

3. **Application of Bear on the Range, LLC dba Black Bear Diner, to transfer the Beer and Wine License currently issued to Black Bear Diner, LLC dba Black Bear Diner, 975 North Academy Boulevard**.

Attorney Larry Gaddis entered his appearance on behalf of the applicant.

Lucas Farnham was sworn and stated his wife Allyson Farnham and he are co-owners of the business; that he has managed a Black Bear Diner in Oregon since 2005; that he will attend formal alcohol training; that the lease term is five years; that $270,000 is being invested of which said funds were derived from a family trust in the amount of $160,000 and a loan in the amount of $110,000.

Motion by Bursell, second by Nemeth, that the application of Bear on the Range, LLC dba Black Bear Diner, to transfer the Beer and Wine License currently issued to Black Bear Diner, LLC dba Black Bear Diner, 975 North Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

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4. **Application of Durga Investments, Inc. and 7-Eleven, Inc. dba 7-Eleven Store 18999A, to transfer the 3.2% Off Premises Beer License currently issued to 7-Eleven Store dba 7-Eleven Store 18999, 3877 Astrozon Boulevard.**

Attorney Alan Dill entered his appearance on behalf of the applicant.

Kamal Mohan was sworn and stated his wife Sangeeta Mohan and he are co-owners of the business; that they and their employees will attend the alcohol training program required by the 7-Eleven Corporation; that $130,000 has been invested in the business of which said funds were derived from personal savings; that the lease term is five years; that he currently owns another 7-Eleven franchise.

Motion by Lloyd, second by Nemeth, that the application of Durga Investments, Inc. and 7-Eleven, Inc. dba 7-Eleven Store 18999A, to transfer the 3.2% Off Premises Beer License currently issued to 7-Eleven Store dba 7-Eleven Store 18999, 3877 Astrozon Boulevard, be

approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

MODIFICATION OF THE PREMISES

5. **Request by Hunjan, LLC dba J's Liquor, to Modify the Premises where liquor is sold at 31 East Fillmore Street.**

Jaspal Hunjan, licensee, was sworn and stated the request is to expand into the adjacent premises; that additional storage, shelving and parking will be added; that the premises will increase to a total of 3448 square feet. He stated a petition survey was conducted which resulted in 95 favoring, 0 opposing, and 0 no opinion signatures; that the survey was conducted at the store as well as surrounding businesses and an adjacent apartment complex.

Senior Office Specialist Ellen Wagner stated an audit of the survey resulted in the rejection of 45 signatures for various reasons.

Donald Pinello, 3001 N. Cascade Avenue, was sworn and spoke in opposition to the modification citing the following: non-conforming business, zoning concerns, homeless population is drinking outside of the store, and traffic concerns.

The Board stated the file indicates approval by the Zoning Department; that the Board has no authority to consider zoning matters; that they must be addressed by that Department.

Motion by Clauss, second by Lloyd, that the request by Hunjan, LLC dba J's Liquor, to Modify the Premises where liquor is sold at 31 East Fillmore Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

APPLICATION HEARING

6. **Application of El Paso Company and 7-Eleven, Inc., dba 7-Eleven Store 39472A, for a 3.2% Off Premises Beer License at 4325 South Carefree Circle.**

Attorney Alan Dill entered his appearance on behalf of the applicant.

Eugene Jones Sr. was sworn and stated his wife, his son and he are the corporate officers; that they also own two retail liquor stores and another 7-Eleven store in Colorado Springs; that $220,000 is being invested of which said funds were derived from personal savings. He stated the lease term is five years; that all employees have attended formal alcohol training.

Kelly Pietrs, Esquire Petitioning Services, was sworn and stated her company conducted the petition survey which resulted in 163 favoring, 30 opposing, and 7 no opinion signatures.

Motion by Clauss, second by Nemeth, that the application of El Paso Company and 7-Eleven, Inc., dba 7-Eleven Store 39472A, for a 3.2% Off Premises Beer License at 4325 South Carefree Circle, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

SUSPENSION/REVOCATION HEARING

7. **Suspension/Revocation Hearing concerning the Retail Liquor License issued to Paradise Liquor LLC dba South Nevada Liquor, 1107 South Nevada Avenue.**

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

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

____ was sworn as interpreter for the licensee.

Eun Sook Choi, licensee was sworn.

Mr. Sauer stated a Stipulation has been reached in this matter; that the licensee has admitted to the violation of sale to a minor; that the licensee was earlier charged on March 9, 2011 with sale to a minor; that the Stipulation provides 15 days suspension, 3 days active, and 12 days to be held in abeyance for one year pending future violations, with the condition that all members of the management team attend formal alcohol training within 60 days.

Mr. Linden stated this is the second violation by Ms. Choi's husband; that a 10 day jail sentence for the criminal matter of the sale has been imposed on Mr. Choi; that he has advised the licensee that future violations will most likely result in revocation of the license.

Motion by Bursell, second by Lloyd, that the Stipulation and Admission of Violation be accepted. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

Motion by Bursell, 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 future violations; that all members of the management team shall be required to attend formal alcohol training within 60 days; that the active suspension days shall begin at Midnight, October 7, 2011 and end at Midnight, October 11, 2011.

Following discussion by the Board, Mr. Bursell amended his motion to provide the active suspension time begin 12:00 Noon, October 7, 2011 and end at 12:00 Noon, October 11, 2011. The motion was seconded by Mr. Clauss. The motion unanimously carried. Absent, Ms. Frias and Mr. Kouba.

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At 11:15 a.m., motion by Bursell, second by Clauss**,** that the Board adjourn.

Cindy Conway, CMC
Interim City Clerk