COLORADO SPRINGS, COLORADO COUNCIL CHAMBERS – CITY HALL 107 NORTH NEVADA AVENUE SEPTEMBER 7, 2012 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

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

COMMUNICATIONS

1. There was no action was taken on this item.

TRANSFER APPLICATIONS

2. Application of Bren's Place In Back Inc. dba The Place In Back, to transfer the Tavern Liquor License currently issued to Hauner Enterprises LLC dba The Place In Back, 2370 Academy Place.

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

Brenda Fontaine, President and sole owner, was sworn and stated she has worked in the industry 29 years, operating three taverns since 1996; that the lease term is three years; that she is investing \$101,000 of which said funds were derived from personal savings in the amount of \$41,000 and a loan from the previous owner in the amount of \$60,000; that the establishment is 2,000 square feet; that she is familiar with the Liquor Code; that all employees will receive formal alcohol training.

In response to a question from Mr. Bursell, Ms. Fontaine stated she was charged in March 2012 with a DUI and in 2011 with domestic violence; that she has completed all sentencing imposed.

Motion by Kouba, second by Frias, that the application of Bren's Place In Back Inc. dba The Place In Back, to transfer the Tavern Liquor License currently issued to Hauner Enterprises LLC dba The Place In Back, 2370 Academy Place, be approved as it appears all criteria has been met. The motion unanimously carried.

3. Application of Driftwood Special Servicing LLC dba Crowne Plaza Colorado Springs, to transfer the Hotel and Restaurant Liquor License currently issued to 2886 F & B Operating Company dba Crowne Plaza Colorado Springs, 2886 South Circle Drive.

Attorney Robert Dill entered his appearance on behalf of the applicant and stated the hotel is in receivership; that the prior licensee lost possession of the premises in June, 2012, and a lease was granted to Driftwood who has continued operation of the business; that the hotel

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has approximately 500 rooms and 215 employees; that Debbie Cook is the operating manager; that Driftwood operates about 34 hotels in the United States.

Debbie Cook, Operating Manager, was sworn and stated she has worked in the hotel industry over 20 years; that she oversees staff training and the hotel finances; that she is TIPS trained; that the corporation has been operating approximately 15 years.

Motion by Bursell, second by Frias, that the application of Driftwood Special Servicing LLC dba Crowne Plaza Colorado Springs, to transfer the Hotel and Restaurant Liquor License currently issued to 2886 F & B Operating Company dba Crowne Plaza Colorado Springs, 2886 South Circle Drive, be approved as it appears all criteria has been met.

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4. <u>Application of LDS Holdings, LLC dba Club Tomorrow, to transfer the Hotel and Restaurant Liquor License currently issued to Yong Yon Davis dba Kung Music Bar, 3768 Astrozon Boulevard.</u>

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

Lewis Skull was sworn and stated he is sole owner and member of the corporation; that he is a pilot, but nearing retirement; that he has no prior experience in the sale of alcohol beverages, but attended formal alcohol training and is now a certified TIPS trainer; that he is investing \$28,000 in the business of which said funds were derived from personal savings. He stated the restaurant is Asian themed with Karaoke entertainment in the evenings in a separate room from the restaurant; that he has been operating with a temporary permit since July 2012; that there are three employees in addition to him.

The Board expressed concern that Mr. Skull would be absent from the establishment due to his current employment, and Mr. Skull stated he is at the establishment 50-60 hours a week.

In response to Chairman Stephens, Mr. Skull stated the previous business was open about six months prior to his purchase; that he has no relationship with the previous licensee.

Hyun Son was sworn and stated his wife was owner of the club for four years prior to Yong Yon Davis who is transferring the business to Mr. Skull; that Yong Davis, currently owes money to his wife and he; that he requests a transfer of the license not be approved until the money due them is repaid.

In response to questions from Mr. Linden, Mr. Son stated Randy Torbet is the attorney for his ex-wife Keon He Yi; that his wife sold the business to Yong Yon Davis who currently owes money to them; that he does not have paperwork today, to verify the money is owed.

Mr. Linden stated paperwork in the file indicates the money was paid and it was signed by Keon He Lee. He stated Mr. Torbet represents Mr. Son's ex-wife, but has no association with Mr. Son.

Mr. Skull stated the dispute of funds were between the previous owners.

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Mr. Linden stated he believes the debt is between prior owners and irrelevant to the transfer application before the Board.

Motion by Clauss, second by Frias, that the application of LDS Holdings, LLC dba Club Tomorrow, to transfer the Hotel and Restaurant Liquor License currently issued to Yong Yon Davis dba Kung Music Bar, 3768 Astrozon Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried.

APPLICATION HEARINGS

5. <u>Application of BMB Restaurants, LLC dba Dickey's Barbecue Pit for a Hotel and</u> Restaurant Liquor License at 1466 Garden of the Gods Road, Suite 160.

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

Robert and Barbara Rusnak were sworn.

Mr. Rusnak stated his wife and he are co-owners of the business; that the lease term is five years; that they have no prior experience in the sale of alcohol but they, as well as their employees, have attended formal alcohol training; that \$135, 000 is being invested in the business of which said funds were derived from personal savings. He stated the establishment is approximately 1,900 square feet and seats 26; that there is a 16' x 12' patio area which seats 14. He stated the patio will be enclosed by a 3' to 4' wrought iron fence and will not be accessible except from inside the premises; that after reviewing the patio diagram, it was discovered that the patio area should be changed from the left corner of the restaurant to the right corner; that the dimensions, entry or exit will not change; that the inside premises will not be affected by the change. He stated they have no criminal history.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 142 favoring, 6 opposing, and 2 no opinion signatures.

Motion by Clauss, second by Kouba, that the application of BMB Restaurants, LLC dba Dickey's Barbecue Pit for a Hotel and Restaurant Liquor License at 1466 Garden of the Gods Road, Suite 160, be approved as it appears all criteria has been met; that the described amendment to the patio area be accepted and a new diagram be submitted to the City Clerk's Office prior to forwarding the application to the Colorado Department of Revenue. The motion unanimously carried.

Mr. Linden clarified for the record that alcohol would not be served on the patio area until the license was approved and the patio built in accordance with the diagram.

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6. Application of La Bella Vita Restaurant, LLC dba La Bella Vita for a Hotel and Restaurant Liquor License at 4475 Northpark Drive.

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Attorney Scott Evans entered his appearance on behalf of the applicant.

Sue Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 162 favoring, 6 opposing, and 2 no opinion signatures.

Tiziano Cestari was sworn and stated he and Giuliano Casulli are co-owners of the business; that in 2007 he was charged with a DUI which he has satisfied the sentencing imposed; that Mr. Casulli has no criminal history. He stated approximately \$80,000 was invested in the business of which said funds were derived from his personal savings in the amount of \$15,000, \$40,000 from the personal savings of Mr. Casulli, and a loan from Amadeo Barsotti in the amount of \$25,000; that the lease term is three years; that the establishment is 4700 square feet and seats 180; that Mr. Casulli and he have several years experience in the industry; that Mr. Casulli previously co-owned a business in Arlington, TX from 1984 to present and recently sold the business to move to Colorado and open this business. He stated the employees, Mr. Casulli and he have attended formal alcohol training.

Motion by Clauss, second by Frias, that the application of La Bella Vita Restaurant, LLC dba La Bella Vita for a Hotel and Restaurant Liquor License at 4475 Northpark Drive, be approved as it appears all criteria has been met. The motion unanimously carried.

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At 11:00 A.M., there being no further business, the

BOARD ADJOURNED

Cindy N. Conway, CMC Deputy City Clerk