

**COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS – CITY HALL
107 NORTH NEVADA AVENUE
APRIL 5, 2013 – 9:00 A.M.**

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Mr. Clauss, Mr. Davis, Ms. Frias, Mr. Gorman, and Ms. Holmes. Members Absent: Mr. Nemeth. Also present: Board Legal Advisor Marc Smith.

COMMUNICATIONS

1. License Enforcement Officer Lee McRae stated that the applications referenced in boundary items 3-A and 3-E have been withdrawn.

MINUTES

2. Motion by Frias, second by Clauss, that the Minutes of the Board meeting of March 15, 2013 be approved as written. The motion unanimously carried. Absent: Mr. Nemeth.

CONSENT CALENDAR

3. The City Clerk's Office reports that boundaries were set for the following applications:
 - A. Shadow Enterprises, Inc. dba Cleats Bar and Grill, 6624 Delmonico Drive:
North: South side of Split Oak Lane extended
South: North side of Pulpit Rock Circle South extended
East: West side of Mark Dabling Boulevard extended
West: East side of Carved Terrace extended
 - B. TJ Liquor, LLC dba TJ Liquor, 5158 Centennial Boulevard:
North: South side of Butternut Trail extended
South: North side of Garden of the Gods Road extended
East: West side of Pinon Glen Circle extended
West: East side of Majestic Drive extended
 - C. Phantom Canyon Brewing Company dba Phantom Canyon Brewing Company, 2 East Pikes Peak Avenue:
North: South side of Willamette Avenue extended
South: North side of Cimarron Street extended
East: West side of Corona Street extended
West: East side of Chestnut Street extended

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D. Rare Enterprises, Inc. dba Rocco's Italian Restaurant, 3802 Maizeland Road:

North: South side of Parkmoor Village Road extended
South: North side of Constitution Avenue extended
East: West side of Winding Circle extended
West: East side of Carlton Avenue extended

E. Kum & Go, LC dba Kum & Go #669, 6735 North Carefree Circle:

North: South side of Centerville Drive extended
South: North side of Heather Glen Drive extended
East: West side of McEwan Street extended
West: East side of Tutt Boulevard extended

Motion by Holmes, second by Clauss, that the Consent Calendar be approved with the exception of items 3-A and 3-E. The motion unanimously carried. Absent: Mr. Nemeth.

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TRANSFER APPLICATIONS

4. **Application of CH, LLC dba Cheyenne Trail Liquors to transfer the Retail Liquor Store License currently issued to Cheyenne Trail Liquors, LLC dba Cheyenne Trail Liquors, 1703 South 8th Street.**

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

Mahias Bhattarai was qualified and sworn to interpret the Hindi language.

Harpreet Chana was sworn and stated that he is the 100% owner/member of the LLC; that he has a 5 year lease for the 4200 square foot premises; that he has invested \$533,800, of which said funds were derived from a \$401,800 SBA loan and a \$132,000 gift from a relative; that he has experience in the industry from working at his uncle's liquor store; that he has received certified training; that he has 2 additional employees that have also received certified training; and that all persons appearing under the age of 40 are required to show ID and is verified by a scanner.

Satvinder Chana was sworn and stated that he owns Oddones Liquor; that the applicant has worked in his liquor store for the last three years; and that he had given a gift to his nephew, Harpreet Chana, to help him start the business, with no repayment expected.

Jaspal Hunjan was sworn and stated that he owns J's Liquor; that he is a relative of Harpreet Chana; and spoke in support of the applicant's moral character.

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Motion by Clauss, second by Frias, that the application of CH, LLC dba Cheyenne Trail Liquors to transfer the Retail Liquor Store License currently issued to Cheyenne Trail Liquors, LLC dba Cheyenne Trail Liquors, 1703 South 8th Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Nemeth.

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5. **Application of Hawk Corp dba Bob's Liquor to transfer the Retail Liquor Store License currently issued to TSJ Properties, Inc. dba Bob's Liquors, 3519 North El Paso Street.**

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

Andrew Wilkins was sworn and stated that he is the 100% owner/president; that he has invested \$489,000, of which said funds were derived from a \$380,000 SBA loan and the balance from personal savings and retirement accounts; that possession of the premises is by ownership of property which was included in the business purchase price; that he has no previous experience with the sale of alcoholic beverages, but he and all the employees have attended certified training; that he also worked with the previous owner to get additional training prior to the transfer; and that the basement to be licensed is for storage only and not accessible to customers.

Motion by Clauss, second by Frias, that the application of Hawk Corp dba Bob's Liquor to transfer the Retail Liquor Store License currently issued to TSJ Properties, Inc. dba Bob's Liquors, 3519 North El Paso Street, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Nemeth.

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NEW APPLICATION HEARING

6. **Application of Tokyo, Inc. dba Tokyo Joe's for a Hotel and Restaurant Liquor License at 7495 North Academy Boulevard.**

William Wildberger was sworn and stated that he is the vice president and corporate counsel of the applicant; that this is the first of other Tokyo Joe's restaurants planned for the community; that liquor is sold and served from the cash register area only; that typically there is no more than 5% alcohol sales in the other 24 licensed locations in other Colorado jurisdictions; that the corporate training program has been updated and modified as a result of prior violations; that employees who fail to check IDs and receive violations are terminated; that the applicant has invested \$450,000, of which said funds were derived from existing corporate and revolving credit accounts; that they have a 10 year lease for the 1075 square foot premises; and that there is a master file with the State for the ownership structure.

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Rae Ramirez was sworn and stated that she will be the manager of this location; that she has been with Tokyo Joe's for three years; that she has received certified training as well as the in house corporate training; that all customers requesting alcohol must provide ID; that there is a two drink limit; and that the POS system has a reminder date for checking IDs.

Carol Johnson, Esquire Petitioning, was sworn and stated her company conducted the petition survey which resulted in 162 favoring, 12 opposing, and 2 no opinion signatures.

In response to questions from the Board, Ms. Ramirez stated that she has previous management experience with Tokyo Joe's; that the patio will be controlled by visual inspection; and that the patio is fenced and gated.

In response to questions from the Board, Mr. Wildberger stated that the prior violations did not have the benefit of the new POS system with the date reminder.

Motion by Clauss, second by Frias, that the application of Tokyo, Inc. dba Tokyo Joe's for a Hotel and Restaurant Liquor License at 7495 North Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent: Mr. Nemeth.

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At 10:05 A.M., there being no further business, the

BOARD ADJOURNED



Sarah B. Johnson
City Clerk