COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL – 107 N. NEVADA AVENUE
APRIL 3, 2009 – 9:00 A.M.

The Board met in regular session.

There were present Chairman Turner, Ms. Abrams, Mr. Clauss, Mr. Kouba and Mr. Wright. Absent, Mr. Nemeth and Ms. Tarrant. Also present, Board Legal Advisor Marc Smith.

COMMUNICATIONS

1. License Enforcement Officer Milan Foster stated a request has been received to postpone Item No. 9 to the Board meeting of April 17, 2009.

   Motion by Wright, second by Clauss, that Item No. 9 be postponed to the Board meeting of April 17, 2009. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

CONSENT CALENDAR

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

A-1. Application of Store 39169AA, LLC and 7-Eleven 39169A, dba 7-Eleven 39169, 221 South 8th Street:

North:	South side of Boulder Street extended
South:	North side of Creek Crossing Street extended
East:	West side of Interstate 25 extended
West:	East side of Pyrite Terrace extended

A-2. Application of GMRI, Inc., dba Red Lobster #6355, 3510 New Center Point:

North:	South side of Montgomery Terrace extended
South:	North side of Escapardo Way extended
East:	West side of Haystack Drive extended
West:	East side of Escapardo Way extended

B-1. Paradise Liquor, LLC
dba South Nevada Liquor
1107 South Nevada Avenue

Motion by Kouba, second by Wright, that the Consent Calendar be approved. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

TRANSFER HEARINGS

3. **Application of Elsa G. Wilson, dba El Tenampa, to transfer the Hotel and Restaurant Liquor License currently issued to Cubanacan Restaurant, LLC, dba Cubanacan Restaurant, 208 North Union Boulevard.**

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

Elsa Wilson was sworn and stated she is the sole owner of the business and is investing $6,000 which was a gift from her mother; that she has attended formal training; that she has a five year lease and the establishment is 2500 square feet seating 120 persons; that in 2003, she was charged with a hit and run violation, driving without a license and cruelty to animals.

Motion by Wright, second by Clauss, that the application of Elsa G. Wilson dba El Tenampa, to transfer the Hotel and Restaurant Liquor License currently issued to Cubanacan Restaurant, LLC dba Cubanacan Restaurant, 208 North Union Boulevard, be approved, as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

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4. **Application of DDC Hotels, Inc., and Drury Hotels Company, LLC, dba Drury Inn-Pikes Peak, to transfer the Tavern Liquor License currently issued to Drury Inns, Inc., dba Drury Inn Pikes Peak, 8155 North Academy Boulevard.**

Attorney Adam Stapin entered his appearance on behalf of the applicant.

Amy Childers, Manager, was sworn and stated the transfer is due to a restructuring of corporate ownership; that DDC Hotels, Inc., own the real estate and Drury Hotels Company, LLC manages the hotel, therefore a joint licensing matter is before the Board; that there will be no changes in the operation; that all employees attend in-house training and alcohol is served only in the lobby area; that the establishment has no previous violations.

Motion by Clauss, second by Wright, that the application of DDC Hotels, Inc., and Drury Hotels Company, LLC, dba Drury Inn-Pikes Peak, to transfer the Tavern Liquor License currently issued to Drury Inns, Inc., dba Drury Inn Pikes Peak, 8155 North Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

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5. **Application of RMR Colorado, LLC, dba Black Eyed Pea to transfer the Hotel and Restaurant Liquor License currently issued to BEP Colorado Restaurants, LLC, dba Black Eyed Pea, 501 Garden of the Gods Road.**

Attorney Kelly Pietrs entered her appearance on behalf of the applicant.

Stephen Shaw was sworn and stated he is 35% owner of the corporation; that Marvin Laughlin owns 35% and Futuro Investments owns 30%; that $301,000 is being invested in the business; that he has operated with a Temporary Permit since December, 2008; that there will be no change in the operation of the establishment; that he has owned and operated Black Eyed Pea restaurants for 16 years; that the establishment is 5199 square feet and seats 185 persons; that he has a 12 year lease; that approximately 2% of the total sales are alcoholic beverages; that he has attended formal alcohol training classes.

Motion by Wright, second by Abrams, that the application of RMR Colorado, LLC, dba Black Eyed Pea to transfer the Hotel and Restaurant Liquor License currently issued to BEP Colorado Restaurants, LLC, dba Black Eyed Pea, 501 Garden of the Gods Road, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

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6. **Application of RMR Colorado, LLC, dba Black Eyed Pea to transfer the Hotel and Restaurant Liquor License currently issued to BEP Colorado Restaurants, LLC, dba Black Eyed Pea, 887 North Academy Boulevard.**

Mr. Shaw stated testimony presented in Item No. 5 is also applicable to this item.

Motion by Wright, second by Abrams, that the application of RMR Colorado, LLC, dba Black Eyed Pea to transfer the Hotel and Restaurant Liquor License currently issued to BEP Colorado Restaurants, LLC, dba Black Eyed Pea, 887 North Academy Boulevard, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

MODIFICATION OF PREMISES

7. **Request by KSB, Inc., dba Kimball's Cinemas, 113 East Pikes Peak Avenue, to modify the premises where malt, vinous, and spirituous liquor is served.**

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

Kimball Bayles was sworn and stated he has held the liquor license for 13 years; that currently, the mezzanine at the theater is licensed and the proposed modification will be to license a new 50 seat theater and his current office.

Susan Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 106 favoring, 0 opposing, and 1 no opinion signatures.

Matthew Stevens, Manager, was sworn and stated he and the employees have attended formal training in the sale of alcoholic beverages.

Motion by Wright, second by Abrams, that the request by KSB, Inc., dba Kimball's Cinemas, 113 East Pikes Peak Avenue, to modify the premises where malt, vinous, and spirituous liquor is served, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

APPLICATION HEARINGS

8. **Application of Cheyenne Road Liquors, LLC, dba Cheyenne Road Liquors, for a Retail Liquor Store License at 100 East Cheyenne Road.**

Douglas Bergeron was sworn and stated he is President of the corporation.

Susan Duffy Schwall, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 122 favoring, 23 opposing, and 18 no opinion signatures.

Mr. Bergeron stated he is investing $50,000 in the business of which said funds were derived from personal savings; that he has a 10 year lease; that the store is 720 square feet; that he was in the insurance business for 25 years.

Motion by Clauss, second by Wright, that the application of Cheyenne Road Liquors, LLC, dba Cheyenne Road Liquors, for a Retail Liquor Store License at 100 East Cheyenne Road, be approved as it appears all criteria has been met.

Ayes: Clauss, Kouba, Turner, Wright
Noes: Abrams
Absent: Nemeth, Tarrant

Chairman Turner declared the motion carried.

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9. **Application of Keum W., LLC, dba Happy Landing Bar and Grill, for a Hotel and Restaurant Liquor License at 1677 Jet Wing Drive.**

SEE ACTION TAKEN EARLIER IN THE MEETING.

SUSPENSION/REVOCATION HEARING

10. **Suspension/Revocation Hearing concerning the Tavern Liquor License issued to Lee and Ki, Inc., dba Studio 719, 923 North Murray Boulevard.**

City Prosecuting Attorney Anthony Moore was sworn and stated a Stipulation has been reached in this matter; that the licensee has admitted to two violations of sale to a minor which occurred January 25, 2009; that the Stipulation provides 15 days suspension, all of which will be active suspension with 0 days held in abeyance; that the licensee previously

entered into an Admission of Guilt on October 17, 2008 for a violation that occurred in May, 2008 for failure to have food available on the premises and a violation that occurred in July, 2008 for sale to a minor.

Young Choi was sworn as interpreter for the licensee.

Keon Ho Lee, licensee, was sworn and through the interpreter stated he accepts the proposed Stipulation; that the employees have completed formal alcohol training classes.

Motion by Wright, second by Abrams, that the Stipulation providing 15 days suspension, all of which will be actively served, be accepted. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

Mr. Lee requested suspension begin Monday, April 6, 2009 as he has an event scheduled at the establishment tomorrow.

Mr. Wright stated this is the second appearance by the licensee in front of the Board and he would move that the Findings and Conclusion be adopted; that the 15 days active suspension begin today, April 3, 2009 and ending April 17, 2009. The motion was seconded by Mr. Clauss. The motion unanimously carried. Absent, Mr. Nemeth and Ms. Tarrant.

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At 11:00 a.m., motion by Wright, second by Abrams, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk