COLORADO SPRINGS, COLORADO
COUNCIL CHAMBERS
CITY HALL - 107 N. NEVADA AVE.
JUNE 18, 2010 – 9:00 A.M.

The Liquor and Beer Licensing Board met in regular session.

There were present: Chairman Stephens, Ms. Abrams, Mr. Kouba. Ms. Lloyd, Mr. Nemeth and Mr. Wright. Absent, Mr. Clauss. Also present, Board Legal Advisor Ken Hodges.

COMMUNICATIONS

1. There was no action taken on this item.

MINUTES

2. **Approval of the Minutes of the Board Meeting of June 4, 2010.**

Motion by Lloyd, second by Wright, that the Minutes of the Board meeting of June 4, 2010 be approved as written. The motion unanimously carried. Absent, Mr. Clauss.

CONSENT CALENDAR

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

A-1. E & C Enterprises, Inc., dba Rudy's Little Hideaway, 945 South 8th Street:

North: South side of Cimarron Street extended
South: North side of Parkview Boulevard extended
East: West side of Conejos Street extended
West: East side of Sirius Drive extended

A-2. BJ's Restaurants, Inc., dba BJ's Restaurant & Brewhouse, 5150 North Nevada Avenue:

North: South side of Tech Center Drive extended
South: North side of Elmwood Drive extended
East: West side of Stanton Road extended
West: East side of Popes Valley Drive extended

A-3. MEG 123, LLC dba Il Postino, 123 East Pikes Peak Avenue:

North: South side of Saint Vrain Street extended
South: North side of Moreno Avenue extended
East: West side of El Paso Street extended
West: East side of Spruce Street extended

A-4. Rudy's Texas Bar-B-Q, LLC dba Rudy's Country Store & Bar-B-Q, 315 South 31st Street:

North: South side of Pikes Peak Avenue extended
South: North side of Bott Avenue extended
East: West side of 25th Street extended
West: East side of Ridge Road extended

Motion by Abrams, second by Kouba, that the Consent Calendar be approved. The motion unanimously carried. Absent, Mr. Clauss.

TRANSFER APPLICATION

4. **Application of K R Management Co. dba Krown Liquor to transfer the Retail Liquor Store License currently issued to H Plaza LLC dba Celebrations, 2850 South Academy Boulevard, Ste. 120.**

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

Kevin Lee was sworn and stated he has previous experience in operating a retail store in Fountain, Colorado; that he has attended formal alcohol training classes; that he was cited recently cited for purchasing alcohol from another retail store; that he is investing $42,400 of which said funds were derived from personal savings; that he and his father will operate the store.

In response to a question from Mr. Wright, Mr. Lee stated he has sold the interest he had in Ridge Liquor in Fountain, Colorado.

In response to a question from Mr. Wright, Mr. Linden stated the Colorado Department of Revenue, Liquor Enforcement, has indicated a Show Cause will be issued to the applicant depending upon today's decision by the Board.

Motion by Kouba, second by Nemeth, that the application of K R Management Co. dba Krown Liquor to transfer the Retail Liquor Store License currently issued to H Plaza LLC dba Celebrations, 2850 South Academy Boulevard, Ste. 120, be approved as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss.

MODIFICATION OF THE PREMISES

5. **Application of Eastside Aerie #3260 F.O.E. dba Eastside Aerie to Modify the Premises where liquor is served at 1830A North Academy Boulevard.**

Rebecca Duncan, Trustee of Eastside Aerie, was sworn and stated the request is for an expansion of the premises into a portion of the adjacent premises; that the licensee owns the center where the club is located. She stated 1299 square feet will be added to the current premises which is currently operated as a billiard store; that the billiard store is reducing its size and the club is expanding into it; that the billiard store intends to close at the end of the year and the licensee will apply to license the entire premises.

Sylvie Cimino, Liquor Licensing Professionals, was sworn and stated her company conducted the petition survey which resulted in 81 favoring, 5 opposing, and 6 no opinion signatures.

Motion by Kouba, second by Abrams, that the application of Eastside Aerie #3260 F.O.E. dba Eastside Aerie to Modify the Premises where liquor is served at 1830A North Academy Boulevard, be approved, as it appears all criteria has been met. The motion unanimously carried. Absent, Mr. Clauss.

SUSPENSION/REVOCATION HEARINGS

6. **Suspension/Revocation Hearing concerning the Tavern Liquor License issued to Kuhndog Inc., dba Spanky's Grill, 445 G Cheyenne Mountain Boulevard.**

City Prosecuting Attorney Scott Patlin entered his appearance on behalf of the City and stated a Stipulation has been reached in this matter; that the licensee has admitted to the violations of CRS 12-47-301(8) for failure to register a manager, and Liquor Code Regulation 47-306, change of trade name without prior approval.

Martin Kuhn, licensee, was sworn and stated he accepts the Stipulation.

Mr. Patlin stated the Stipulation provides for 15 days suspension, 3 days active and 12 days to be held in abeyance for a period of one year pending future violations.

Motion by Wright, second by Nemeth, that the Stipulation and Agreement be accepted. The motion unanimously carried. Absent, Mr. Clauss.

Motion by Wright, second by Nemeth, that the Findings and Conclusion be adopted suspending the license for 15 days, 3 days active and 12 days to be held in abeyance for a period of one year pending future violations; that the active days suspension shall begin immediately. The motion unanimously carried. Absent, Mr. Clauss.

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7. **Suspension/Revocation Hearing concerning the Tavern Liquor License issued to CWDT, Inc., dba Cowboys, 25 North Tejon Street.**

Mr. Patlin entered his appearance on behalf of the City and stated the City is requesting postponement of this item until the Board meeting of August 20, 2010 due to the availability of witnesses to testify. He stated the City and licensee are attempting to reach an agreement in this matter.

Mr. Linden entered his appearance on behalf of the licensee and stated he has agreed to continue until the August 20, 2010 Board meeting.

Motion by Kouba, second by Nemeth, that this item be postponed to the Board meeting of August 20, 2010 with the understanding that if a Stipulation is reached, the matter will be scheduled for an earlier Board meeting. The motion unanimously carried. Absent, Mr. Clauss.

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8. **Suspension/Revocation Hearing concerning the Retail Liquor Store License issued to Lake Liquors, Inc., dba Lake Liquors, 501 South Union Boulevard.**

Mr. Patlin entered his appearance on behalf of the City and requested this item be withdrawn as service of the Show Cause was not accomplished.

Motion by Nemeth, second by Wright, that this item be withdrawn. The motion unanimously carried. Absent, Mr. Clauss.

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At 12:30 p.m., motion by Nemeth, second by Wright, that the Board adjourn.

Cindy N. Conway, CMC
Deputy City Clerk