

**LIQUOR AND BEER MEETING  
LOCAL LICENSING AUTHORITY  
CITY OF GRAND JUNCTION, COLORADO  
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5<sup>TH</sup> STREET**

**MINUTES  
WEDNESDAY, AUGUST 21, 2013, 1:00 P.M.**

**HEARING OFFICER MICHAEL GRATTAN**

**I. CALL TO ORDER**

The meeting convened at 1:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

**II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

1. El Tapatio, LLC dba El Tapatio, 1145 North Avenue, Grand Junction, CO 81501, Grand Junction, CO 81501, Hotel and Restaurant – **Continued from August 7, 2013**

Francisco and Claudia Espinoza, owners, were both present. They brought Ms. Erica Jaramillo as their interpreter for this hearing.

Hearing Officer Grattan said that he had received an email from Ms. Peterson that the Health Department was asking for another continuance. Ms. Kemp read a summary of the phone conversation between Monique Mull from Mesa County Health Department and Ms. Peterson. Ms. Mull said El Tapatio is one step worse than they were at the last hearing. They have already received one fine with the civil penalty. The Health Department is still working with them and will do another inspection before September 4, 2013. The owner must attend an Enforcement meeting with the Health Department and a second fine will be attached to that penalty. If they are not in compliance before September 4, 2013, there will be a third fine, and then the next step would be to revoke their license.

Mr. Espinoza said that he would not be able to attend the September 4, 2013 meeting due to being out of the country for a family emergency.

Hearing Officer Grattan said to have someone present to represent him would be fine also and continued this until September 4, 2013. [The application was subsequently changed to September 18, 2013.]

2. Grand International Buffet, Inc., dba Grand International Buffet, 2504 Hwy 6 & 50, Ste. 500, Grand Junction, CO 81505, Beer and Wine – **Continued from July 17, 2013**

No one was present representing the applicant. Ms. Kemp reported all of the violations with the Fire Department were corrected.

The application for renewal for Grand International Buffet, Inc. dba Grand International Buffet was found to be in order and approved.

3. Hong Luong, Inc. dba Bamboo City, 2472 Patterson Road, #2, Grand Junction, CO 81505, Beer and Wine

No one was present representing the applicant. Ms. Kemp reported the inspections are in compliance except for the Health Department and they are asking for a conditional approval until they can re-inspect.

Hearing Officer Grattan approved the renewal conditionally that they come into compliance with the Health Department.

4. DOS, Inc. dba Dos Hombres Restaurant, 421 Brach Drive, Grand Junction, CO 81507, Hotel and Restaurant

Mr. Scott Howard, President/Owner, was present.

The application for renewal for DOS, Inc. dba Dos Hombres Restaurant was found to be in order and approved.

### **III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH OUTDOOR DINING LEASES**

1. 314 Main, LLC dba Dream Café, 314 Main Street, Grand Junction, CO 81501, Hotel and Restaurant with Outdoor Dining Lease

Mr. Scott Howard remained and introduced himself as a member of the LLC.

The application for renewal for 314 Main, LLC dba Dream Café was found to be in order and approved along with the Outdoor Dining Lease.

2. Knaysi Enterprises, Inc. dba Pablo's Pizza, 319 Main Street, Grand Junction, CO 81501, Beer and Wine with the Outdoor Dining Lease

No one was present representing the applicant.

The application for renewal for Knaysi Enterprises, Inc. dba Pablo's Pizza was found to be in order and approved along with the Outdoor Dining Lease.

3. Weside Delicatessen, Inc. dba The Winery Restaurant, 642 Main Street, Grand Junction, CO 81501, Hotel and Restaurant with Outdoor Dining Lease

Mr. Stephen Thoms, President, was present.

Ms. Kemp reported all reports were in compliance but the Health Department.

Mr. Thoms said that he is waiting for a response from the Health Department on the definition of "rare" when it comes to prime rib. There are new regulations

and it was not made clear on that definition. Mr. Thoms doesn't expect there to be any other issues in regards to the Health Department as he has always been in compliance.

Hearing Officer Grattan approved the renewal and outdoor dining lease subject to a satisfactory report by the Health Department.

#### **IV. APPLICATION FOR SPECIAL EVENTS PERMIT**

1. The Avalon Theatre Foundation, Inc., 2135 N. 7<sup>th</sup> Street, Grand Junction, CO 81501, Malt and Vinous, for EPIC Rides Grand Junction Off-Road on August 30, 2013 from 3:00 p.m. to 8:00 p.m. and August 31, 2013 from 10:00 a.m. to 8:00 p.m. at 4<sup>th</sup> Street between Main and Rood Avenue – **moved to the end of the agenda.**

Officer and

Event Manager: Robin Brown, 2352 E Road, Grand Junction, CO 81507

2. Mesa Developmental Services, 950 Grand Avenue, Grand Junction, CO 81501, Malt, Vinous, and Spirituous, for Calabash Festival on September 6, 2013 from 4:00 p.m. to 9:00 p.m. at 641 Struthers Avenue in the Amphitheater at Western Colorado Botanical Gardens.

Officer: Jeff Nichols, 678 Tahoe Circle, Grand Junction, CO 81506

Event Manager: Robert Haywood, 554 Garfield #7, Grand Junction, CO 81504

Mr. Robert Haywood, Event Manager, was present.

Ms. Kemp reported the paperwork was in order and the reports are in compliance.

City Attorney Shaver asked Mr. Haywood if he was familiar with the item marked with as Exhibit A (see attached). Mr. Haywood responded affirmatively. He said this was a questionnaire and affidavit for the Calabash Festival. Mr. Haywood described the "Annual Gourd Festival" with concert and they would like to sell beer and wine at their event. City Attorney Shaver asked how many years this event has been put on. Mr. Haywood said this will be the 4<sup>th</sup> year. City Attorney Shaver asked Mr. Haywood who signed the questionnaire. Mr. Haywood said Jeff Nichols. City Attorney Shaver asked Mr. Haywood if to his knowledge have there been any problems and how they will identify people over 21. Mr. Haywood said no there have not been any problems in the past and that attendees will be carded and anyone of age will be hand stamped. City Attorney Shaver asked who will be doing this and how many people do they expect. Mr. Haywood said he personally will check ID's, and they will have approximately 200 people from past history of the event.

Hearing Officer Grattan asked Mr. Haywood to describe Exhibit B (see attached), the diagram. Mr. Haywood said there would be temporary fencing around the natural area as in the past.

Police Officer David Keech asked about the map (Exhibit B) and if the alcohol will stay in the boundary. Mr. Haywood said yes. Officer Keech asked about the security, if it was volunteers or people from the security industry. Mr. Haywood said they are trained, bonded, and insured from the security industry.

Hearing Officer Grattan admitted Exhibits A and B into the record and found that under Colorado State Statutes 12-48-106, there is no evidence that the issuance of the permit would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He approved the application for a special events permit submitted by Mesa Developmental Services for the Calabash Festival for 2013.

## **V. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER**

1. Mimosa, Inc. dba Fairgrounds Wine and Liquor, 2771 B ½ Road, Grand Junction, CO 81503, Retail Liquor Store

Pursuant to Colorado Revised Statutes §12-47-901(1)(h)(I), it is unlawful to consume malt, vinous, or spirituous liquor in any public place except on a license premises permitted under this article to sell such liquor by the drink for consumption thereon.

Pursuant to Colorado Revised Statutes §12-47-407, it is unlawful to consume malt, vinous, or spirituous liquors at place where sold.

Pursuant to Regulation 47-900 of the State of Colorado Liquor and Beer Code of Regulations, it is unlawful for any employee or agent of such licensee to permit on the licensed premises loitering of a visibly intoxicated person.

It is alleged that on May 14, 2013, the Licensee, by and through its local President/Treasurer/Manager, Jery Sparks, consumed Smirnoff Kissed Caramel flavored Vodka shooters (50 ml bottles), Bud Light beer, and shooters of Fireballs (cinnamon liqueur) at the licensed premises and permitted himself to be visibly intoxicated on the licensed premises.

Mr. Jery Sparks, Owner, and his attorney Mr. Andrew Peters, were present. Mr. Peters explained the incident.

Ms. DeLayne Merritt, City Staff Attorney, was present. Ms. Merritt stated that a stipulation had been agreed to. Mr. Sparks by agreeing to this stipulation would affect one prior plea agreement signed by Mr. Sparks on May 16, 2012. The City informed Mr. Peters and Mr. Sparks that by entering into a plea agreement for the current violations, the remaining twelve days suspension held in abeyance in the May 16, 2012 plea agreement may be reinstated. Ms. Merritt said the agreement does reinstate the twelve days suspension held in abeyance in the May 16, 2012 agreement as a penalty for violating the terms and conditions of such agreement. The Licensee violated the agreement by receiving the new violations of the Colorado Revised Statutes, State of

Colorado Liquor Enforcement Division, and the Regulations. The Licensee shall serve twelve days of active suspension from 12:01 a.m. on the 1<sup>st</sup> day of January, 2014 until 11:59 p.m. on the 12<sup>th</sup> day of January, 2014 for violating the terms and conditions of that agreement. The Licensee agrees to forty-five days suspension of its license as a penalty for its violations of the Colorado Revised Statutes, State of Colorado Liquor Enforcement Division, and Regulations and to be actively suspended for two days from 12:01 a.m. on the 13<sup>th</sup> day of January, 2014 until 11:59 p.m. on the 14<sup>th</sup> day of January, 2014. Forty-three days of the suspension shall be held in abeyance for a period of one year from the date of the approval of this Agreement by the Local Licensing Authority. The Licensee had two prior City of Grand Junction violations for sale to persons under the age of 21 years of age in 2007 and 2011. Mr. Sparks agrees to complete a Level I Alcohol/Drug Awareness Class within 90 days and provide proof to the Local Licensing Authority. Mr. Sparks also agrees to provide training for staff in regards to the violations. If the Licensee fails to comply with the terms, the forty-three day suspension held in abeyance shall be served.

Mr. Sparks felt the forty-three days held in abeyance was harsh. Hearing Officer Grattan advised Mr. Sparks he could choose not to agree and can request a hearing. Mr. Sparks asked if the forty-three days will go away after one year. Ms. Merritt and Hearing Officer Grattan said yes as long as there are no further violations.

Hearing Officer Grattan asked Mr. Sparks and Mr. Peters if they want the stipulation entered into the record as an order of the Authority. Both agreed.

Hearing Officer Grattan signed the stipulation and asked Ms. Kemp to deliver it in accordance with the certificate of mailing.

The meeting recessed at 1:34 p.m. to give the applicants for the Avalon Theatre Foundation a chance to arrive the meeting. The meeting reconvened at 1:46 p.m.

## **VI. APPLICATION FOR SPECIAL EVENTS PERMIT - Continued**

1. The Avalon Theatre Foundation, Inc. 2135 N. 7<sup>th</sup> Street, Grand Junction, CO 81501, Malt and Vinous, for EPIC Rides Grand Junction Off-Road on August 30, 2013 from 3:00 p.m. to 8:00 p.m. and August 31, 2013 from 10:00 a.m. to 8:00 p.m. at 4<sup>th</sup> Street between Main and Rood

Officer and  
Event Manager: Robin Brown, 2352 E Road, Grand Junction, CO 81507

Ms. Robin Brown, Event Manger, was present.

City Attorney Shaver asked Ms. Brown if she was familiar with the questionnaire Exhibit A (see attached). Ms. Brown said yes, she completed it. City Attorney Shaver asked if that was her signature and if the information contained was true and accurate. She responded yes.

Ms. Brown described how this came about with the Avalon Foundation Board being involved with the event. They will provide beer sales for the bike ride and receive all proceeds. This is the first year for this event.

City Attorney Shaver asked Ms. Brown to look at Exhibit B (see attached) and describe the area. Ms. Brown described the area, the setup, and the security that will be provided by Lonestar Security. She explained how they will be checking ID's, the steps security will take and after ID's are checked wristbands will be worn by purchaser. Conducting the identification and beer sales are separate activities.

Officer Keech asked about the security. Ms. Brown said there would be six total, one roaming and the rest guarding. He suggested more than one roaming. Ms. Brown said there will be a number of volunteers roaming as well who will be trained.

City Attorney Shaver asked that Exhibits A and B be entered into the record.

Ms. Brown said she will bring by the Certificate of Insurance to the City Clerk's Office this week.

Hearing Officer Grattan found that under Colorado State Statutes 12-48-106, there is no evidence that the issuance of the permit would be injurious to the public welfare because of the nature of the special event, its location within the community, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He approved the application for a special events permit submitted by the Avalon Theatre Foundation, Inc. for the EPIC Rides Grand Junction Off-Road event.

## **VII. OTHER BUSINESS**

While the meeting was still going on Mr. Espinoza went to the Health Department and was upset that he needed to go out of the country for a family emergency and would not be able to meet with the Health Department for the Enforcement meeting before he left. Ms. Mull said they are not available this week before he was to leave and he will be gone for 2 weeks, so they would ask to continue until September 18, 2013 so Mr. Espinoza could leave the country. Ms. Peterson said she would relay this information to the Hearing Officer and City Attorney.

## **VII. ADJOURNMENT – 1:54 p.m.**

**NEXT REGULAR MEETING – September 4, 2013**

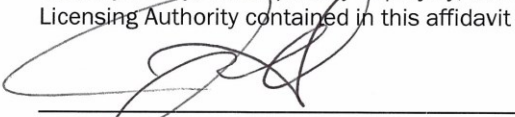
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### SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: Calabash Festival
2. How many attendees are expected at this event?  
200
3. Has the event been held in the past? If so, how many years?  
Yes, for the past four years.
4. Have there ever been any violations or citations issued during the event in the past?  
No
5. Describe the premises at which this event will take place.  
Amphitheater at the Western Colorado Botanical Gardens-A stage with open grass are for seating.
6. What type of security will be provided at this event?  
Volunteers
7. How many security personnel will be on hand?  
6
8. How will security personnel be identified?  
Shirts
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?  
The area has natural boundaries- the Colorado River and the Western Colorado Botanical Gardens
10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)  
At the bar area with hand stamps for those whose ID supports they are 21 or older.

11. How will the conduct and level of intoxication of attendees be monitored and by whom?  
 Security and those serving the wine and beer for the event will be watching and will address any issues.
- 
12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?  
 Yes
- 
13. What types of alternate beverages and food/snacks will be available?  
 We will have various food vendors on sight for our festival activities at the Botanical Gardens front lawn and at the Amphitheater.
- 
14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.  
 State Sales Tax License - 00415125-0000 City Sales/Use Tax License - 9223
- 

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.

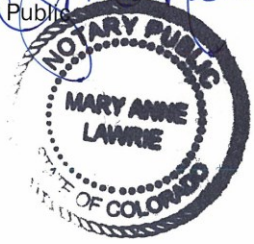
 Date 7/9/13  
 Applicant's Signature

STATE OF COLORADO )  
 COUNTY OF MESA ) SS.  
 CITY OF GRAND JUNCTION)

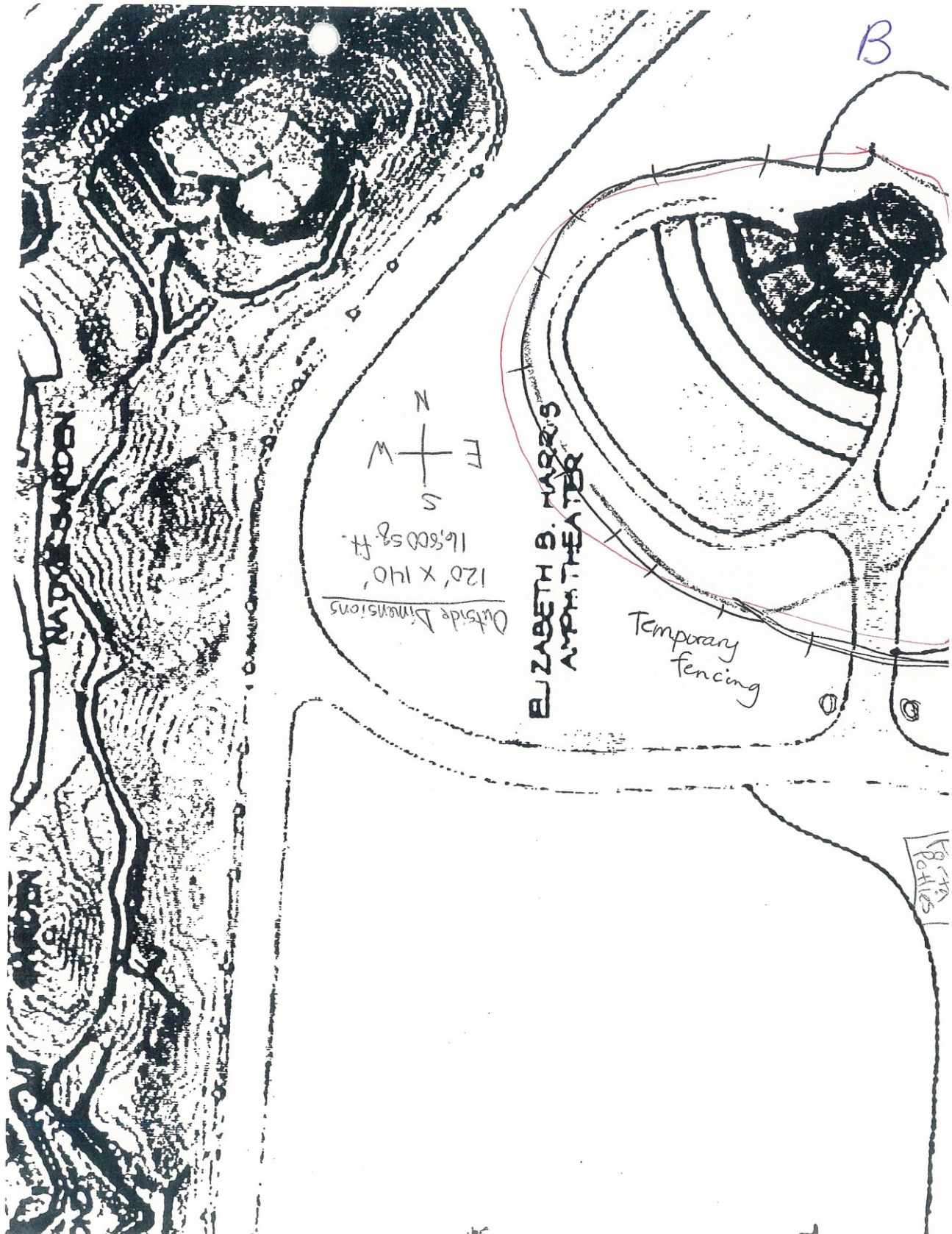
Subscribed and sworn to before me this 9TH day of JULY, 20 13.

Witness my hand and official seal.

 My commission expires 01.23.14  
 Notary Public







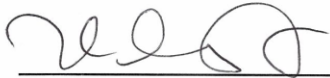
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## SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: EPIC Rides Grand Junction Off-Road. This application is specifically for a beer/wine garden
  
2. How many attendees are expected at this event?  
Approximately 600 riders and 3000 total attendees at the event, with fewer attending the beer garden
  
3. Has the event been held in the past? If so, how many years?  
No. This is the first annual.
  
4. Have there ever been any violations or citations issued during the event in the past?  
Not applicable.
  
5. Describe the premises at which this event will take place.  
Beer/wine concession will be at the NW corner of 4th and Main. The beer/wine garden will be on 4th, bordered to the north from alley to alley and south from each corner of Main. Both 4th and Main will be closed during the event
  
6. What type of security will be provided at this event?  
We will hire security from Lone Star Security or similar professional security company.
  
7. How many security personnel will be on hand?  
Four security personnel will work all hours that the beer/wine garden is open.
  
8. How will security personnel be identified?  
Security personnel will be in uniform at all times.
  
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?  
The borders of the beer/wine garden will be defined by pedestrian barricades. All 4 entrances to the beer/wine garden will be posted with security personnel, plus signs stating "No liquor beyond this point"
  
10. What method will be used in checking identification for proper age of attendees (i.e., at the door, at the bar, etc.) and how will underage patrons be identified so as not to be served alcohol beverages (i.e., stamp or mark on the hand, etc.)  
All attendees to the festival wishing to buy beer/wine will receive a wristband after being checked for proper ID.  
Security personnel and volunteers will patrol the secured area to ensure all beer/wine drinkers are wristbanded

11. How will the conduct and level of intoxication of attendees be monitored and by whom?  
 Security personnel, staff, and volunteers of the festival will all monitor participants of the festival and beer/wine  
 \_\_\_\_\_  
 garden. Security and staff will contact Grand Junction police if necessary.  
 \_\_\_\_\_
12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?  
 Yes.  
 \_\_\_\_\_  
 \_\_\_\_\_
13. What types of alternate beverages and food/snacks will be available?  
 Food, water, and soft drinks will be available nearby in Downtonw restaurants.  
 \_\_\_\_\_  
 \_\_\_\_\_
14. Has a State and City Sales Tax Number been initiated by you or a member of your organization? If so, provide those numbers in the space provided.  
 Yes, ~~State 98-03544. We use the City of Grand Junction's certificate of exemption for sales and use tax.~~  
 \_\_\_\_\_  
 \_\_\_\_\_

I hereby certify, under penalty of perjury, that the information provided to the Grand Junction Liquor Licensing Authority contained in this affidavit is true and accurate to the best of my knowledge.



Applicant's Signature

Date

July 31, 13

STATE OF COLORADO )  
 COUNTY OF MESA ) SS.  
 CITY OF GRAND JUNCTION)

Subscribed and sworn to before me this 31 day of July, 20 13.

Witness my hand and official seal.



Notary Public

My commission expires

7/7/2016



My Commission Expires 07/07/2016



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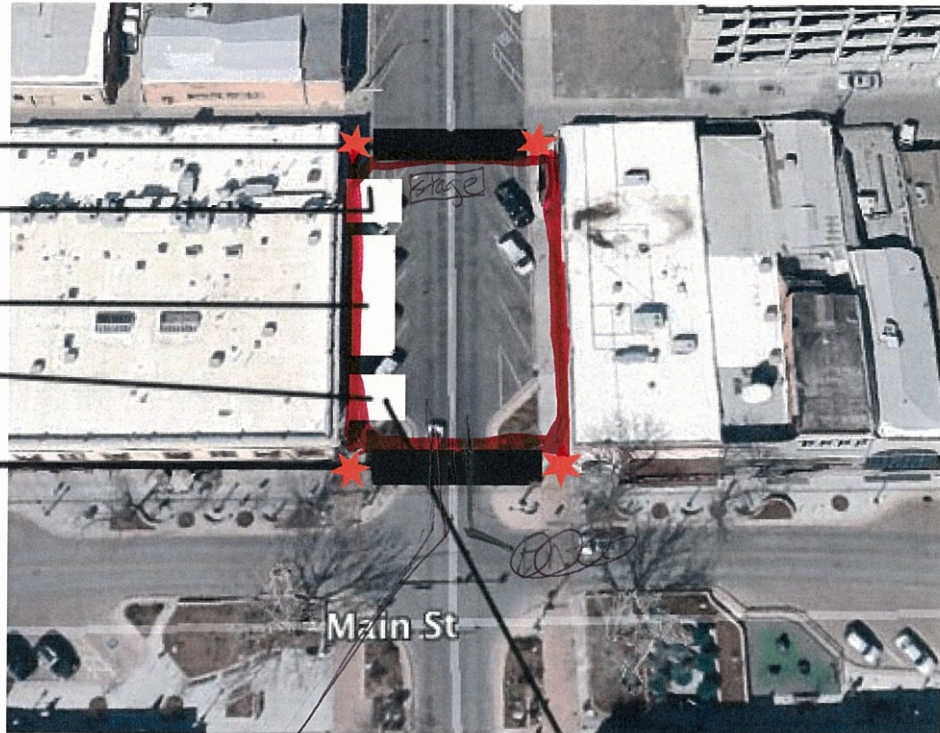
Pedestrian  
barricades

Ice truck/  
deliveries

Beer/wine sales

ID check/  
wristbands

Pedestrian  
barricades



Permit posted here

★ Security personnel locations

entrance + exits as well

*entrance + exits*