

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

**MINUTES
WEDNESDAY, NOVEMBER 6, 2013, 2:00 P.M.**

I. CALL TO ORDER

The meeting convened at 2:00 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. Byzantium Holdings, LLC dba Ristorante Pantuso's, 755 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Byzantium Holdings, LLC dba Ristorante Pantuso's was found to be in order and approved.

2. El Mescal, Inc. dba Tequila's Family Mexican Restaurant, 2454 Highway 6 and 50, Suite 119 and 120, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

Ms. Kemp reported that the Fire Department found violations and a representative is present to discuss the violations and the Health Department found violations and are asking for a conditional approval.

Ronnie Edwards, representing the Grand Junction Fire Department, advised that the violations found were the same violations she has found every year and the owner of the establishment is not getting back to her. She requested a conditional approval of the renewal.

Heather Nara, Mesa County Health Department, said the establishment had significant violations but they are working towards correcting them, therefore a conditional approval would allow time for a follow-up inspection.

The application for renewal for El Mescal, Inc. dba Tequila's Family Mexican Restaurant was found to be in order and approved conditioned on satisfactory re-inspections by the Fire Department and the Health Department.

3. TMPTF8, Inc. dba Rib City Grill, 2830 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant – **this item was moved on the agenda and addressed after the Health Department representatives were present**

No one was present representing the applicant.

Hearing Officer Grattan disclosed that he was just retained for legal services by the owners of Rib City Grill, however, the matter has nothing to do with the Rib City Grill at 2830 North Avenue. City Attorney Shaver advised that he would waive any conflict of interest.

Ms. Kemp reported that the Fire Department found violations and a representative is present to discuss the violations and the Health Department found violations and are asking for a conditional approval.

Ronnie Edwards, representing the Grand Junction Fire Department, advised that the violations found were the same violations she has found every year and the owner of the establishment is not getting back to her. She requested a conditional approval of the renewal also.

Heather Nara, Mesa County Health Department, said the establishment had significant violations but they are working towards correcting them, therefore a conditional approval would allow time for a follow-up inspection.

The application for renewal for TMPTF8, Inc. dba Rib City Grill was found to be in order and approved conditioned on satisfactory re-inspections by the Fire Department and the Health Department.

4. Zen Garden, Inc., dba Zen Garden, 2886 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant – **Continued from October 16, 2013 – this item was moved on the agenda and addressed after the Health Department representatives were present**

Chiew Ham Chiou, owner of Zen Garden, was present.

Ms. Kemp reported that this was continued from October 16, 2013 due to outstanding issues with the Health Department.

Mr. Chiou stated that the Health Department was supposed to re-inspect after the first of November, but he has not seen them. He said they have corrected all of the violations.

Monique Mull, Mesa County Health Department, advised that they have been to the establishment many times to conduct re-inspections. Originally there were 11 violations and are now down to 6 violations. She advised of the various issues. There will be fines issued because they are now in the Civil Penalty process. City Attorney Shaver asked when the re-inspection will occur. Ms. Mull said within the next five days.

City Attorney Shaver recommended the application for renewal be continued until the next Liquor and Beer Meeting to allow time to resolve the issues.

Hearing Officer Grattan concurred and continued the application for renewal for Zen Garden, Inc., dba Zen Garden until the November 20, 2013 Liquor and Beer Meeting. He advised Mr. Chiou that if all issues are resolved and a letter has been received by the Health Department stating so, no one would have to be present at the November 20, 2013 meeting.

5. Thai Chili, Inc. dba Thai Chili & Pho, 2536 Rimrock Drive, Suite 700, Grand Junction, CO 81505, Hotel and Restaurant – **Continued from October 16, 2013 – this item was moved on the agenda and addressed after the Health Department representatives were present**

Mei Zhao, President of Thai Chili, Inc., was present.

Ms. Kemp reported that this was continued from October 16, 2013 due to outstanding issues with the Health Department.

Heather Nara, Mesa County Health Department, advised that the original inspection was conducted on October 8, 2013 and a big part of the significant violations were the lack of safety knowledge. At that time a compliance agreement was initiated with the establishment which required that the employees be educated and that there be a “person in charge” at all times who would monitor and educate employees when there was a lack of safety knowledge. A follow-up inspection was conducted on October 28, 2013 and there were still seven significant violations and no education had been provided to the employees or a person in charge at the establishment who could monitor and provide education to employees. She said that during an intervention last year, Mesa County Health Department Staff had provided education to Staff. This year’s inspections indicated that the education had not been applied in the facility. The owner, Mei Zhao, has taken some steps in getting leadership in the facility and has educated employees. A follow up inspection will be conducted to see if the violations have been corrected. City Attorney Shaver asked Ms. Nara if Ms. Zhao is the person in charge of establishing responsibility. Ms. Nara confirmed that to be true and also said that Ms. Zhao does not reside in Grand Junction and cannot monitor the conduct on a daily basis.

Hearing Officer Grattan asked Ms. Nara what the Health Department is asking for. Ms. Nara advised that they are asking for continuance of the renewal because they had not had time to observe if the education was adequate and to verify that the violations have been corrected.

Hearing Officer Grattan asked Ms. Zhao who owns the establishment. Ms. Zhao said that she is the President of Thai Chili, Inc. Since she resides in Denver, her dad was managing the restaurant, however, she sees now that her dad does not understand due to the language barrier. She will have a leader in the kitchen and one in the restaurant to monitor to make sure that the food is good.

City Attorney Shaver asked Ms. Nara if a person was sufficiently identified that she could communicate with. Ms. Nara said that will be determined when she conducts a re-inspection the second week of November. Documentation has been provided that employees have taken the class on-line.

Hearing Officer Grattan asked Ms. Zhao if there is another way to ensure compliance. Ms. Zhao advised that she is looking for a manager that can translate to the Staff and monitor food safety. She has also asked Ms. Nara for food safety procedures written in Chinese to post in the kitchen. She said she will have to let employees go if they don't follow instructions.

Hearing Officer Grattan stated that it appears that the problem has been an ongoing problem with the establishment and is afraid that two weeks may not be enough time to take care of the significant issues. He asked for City Attorney Shaver's thoughts on the matter. City Attorney Shaver advised that if the problems continue to persist, the Authority is within its statutory ability to not renew the liquor license.

Ms. Zhao asked if she needs to be present on November 20th. Hearing Officer Grattan said that either she or a representative that preferably speaks English, needs to be present because of the significant problems.

Hearing Officer Grattan continued the application for renewal for Thai Chili, Inc. dba Thai Chili & Pho until the November 20, 2013 Liquor and Beer Meeting. He advised Ms. Zhao that if all issues are resolved and a letter has been received by the Health Department stating so, no one would have to be present at the November 20, 2013 meeting.

6. Inafuku, Inc. dba Suehiro Japanese Restaurant, 541 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Inafuku, Inc. dba Suehiro Japanese Restaurant was found to be in order and approved.

7. Conchita's Mexican Restaurant, LLC dba Conchita's Mexican Restaurant, 625 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

Ronnie Edwards, Grand Junction Fire Department, advised that this facility has not corrected violations from last year and requested conditional approval.

The application for renewal for Conchita's Mexican Restaurant, LLC dba Conchita's Mexican Restaurant was found to be in order and approved conditioned on a satisfactory re-inspection report from the Fire Department.

8. Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que, 2440 U.S. Highway 6 and 50, Grand Junction, CO 81505, Hotel and Restaurant

Shawna Shakespear, General Manager for Famous Dave's Bar B Que, was present.

The application for renewal for Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que was found to be in order and approved.

9. Wadsworth Old Chicago, Inc. dba Old Chicago, 120 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

Monica Etcheverry, General Manager for Old Chicago, was present.

Hearing Officer Grattan stated that he has received and reviewed a report from Officer Keech regarding issues at the establishment. Ms. Etcheverry said that she just received that report as well.

David Keech, Grand Junction Police Officer, advised that the venue is not a problem yet, but there are calls for Police service for fighting in the bar and intoxicated people that are requested to be removed, and in the parking lot and even driving away. He wanted to bring it to the attention of the Hearing Authority and the applicant so that it does not become a problem.

City Attorney Shaver asked Officer Keech to describe, for the record, the methodology of the graph that was attached to the report. Officer Keech explained that it is a timeline that looks back to 2012 through current date and shows the number of calls that appear for the various categories, i.e. violent, non-violent, and assist. The graph indicated that the number of calls increased in August 2012 and continues to increase to date.

Ms. Etcheverry explained that a remodel occurred at Old Chicago which opened up the bar more and business has increased, especially during football season. She advised that she encourages her Staff to call the Police on any incident or potential incident. She said they do a great job with responsible serving. Every employee takes a four hour in-house class on alcohol service from a trainer from their corporate offices in Denver.

City Attorney Shaver asked Officer Keech about the blue indicator on the graph. Officer Keech said that is where the venue calls for assistance which he encourages before something bad happens.

Officer Keech encouraged Ms. Etcheverry to possibly consider getting security during the busy times to monitor the crowd.

Hearing Officer Grattan encouraged Ms. Etcheverry to work with Officer Keech as much as possible.

The application for renewal for Wadsworth Old Chicago, Inc. dba Old Chicago was found to be in order and approved.

10. Myths and Legends, Inc. dba Quincy Bar & Grill, 609 Main Street, Grand Junction, CO 81501, Tavern

Tia O'Neill, General Manager for Quincy Bar & Grill, was present.

Hearing Officer Grattan stated that he has received and reviewed a report from Officer Keech regarding issues at the establishment and asked Ms. O'Neill if she has seen the report. Ms. O'Neill said that she just received that report as well.

Officer Keech explained the report. The calls for service were separated into violent and non-violent issues. He stated that in 2011 when Quincy Bar was a problem, he started working with Staff and teaching them responsible serving. The calls for service were brought down after that, but now the calls for service are increasing. The number of fights occurring is very significant, mostly outside the bar. The number of visibly intoxicated persons is way more than there should be. Many of the DUI's issued are people from Quincy Bar. He believes that the biggest problem is over-service in the bar. On Halloween, he walked into the bar at 2:15 a.m. and observed one employee was drinking and another had just lit up a marijuana joint, which should have not been happening after closing. He was asking for some authority to getting the bar back on track and becoming a good business.

Hearing Officer Grattan asked for some clarification on the bar graph provided with Officer's Keech's report about the numbers of violent and non-violent calls, and asked him if they were the number of calls just at Quincy's. Officer Keech said they were numbers of calls to all of the downtown bars.

City Attorney Shaver asked Officer Keech for clarification on the caption "Patrons Complaints on Staff" on Bar Graph #9. Officer Keech said that when a customer at a bar calls Police Dispatch, they may say something about the Staff at the bar and it is noted by dispatch. City Attorney Shaver asked if Officer Keech feels that the complaints may be contributing to the fights or assaults. Officer Keech said that those types of complaints are not substantiated to be true. City Attorney Shaver asked if Officer Keech feels that those types of complaints could lead to reasonable suspicion that the bar is not being properly managed. Officer Keech confirmed that to be true.

City Attorney Shaver asked if a citation was issued or a complaint was filed relative to the consumption of alcohol after lawful hours when Officer Keech made contact at Quincy Bar and Grill on October 31st. Officer Keech said he did not cite anyone at that point. The alcohol was disposed of right away. A memo was submitted for the record in the City Clerk's Office.

Ms. O'Neill said that she has been working with Officer Keech. She said the bar did have a rough summer, there were some staffing issues, and the volume of business boosted when Aftershock and Infinity closed. They have started offering free food in the late evening hours to encourage patrons to eat something instead of just drinking alcohol. The doors are now being closed at 1:00 a.m. to avoid other intoxicated bar patrons, they are working with their

distributor to provide cocktails that have the least amount of alcohol in them, and already intoxicated people are not allowed to enter the bar. She said probably one-third of the incidents that occur are because of someone being denied a drink or being asked to leave. They are trying to build a better clientele.

City Attorney Shaver asked Ms. O'Neill what their policy is on preventing over-service. Ms. O'Neill said that any staff member can make the call to refuse someone more drinks if they feel that they have had too much. All staff is advised when someone is cut off via radio communication.

City Attorney Shaver asked Ms. O'Neill what she plans to do. Ms. O'Neill stated that all of her Staff will go to the next liquor awareness class, they are looking for more experienced employees, they will continue to make drinks with not too much alcohol, they plan to raise prices of drinks so that people don't drink so much, and will offer vouchers for taxi services.

Officer Keech said that the radios have helped. He would like to see average calls for service like the other bars downtown have.

Hearing Officer Grattan asked Ms. O'Neill when the steps she is taking to reduce calls for service will help. Ms. O'Neill said hopefully in about two months.

Hearing Officer Grattan asked Officer Keech what he would like to see done. Officer Keech said perhaps a conditional approval and review in a set time period to see if Ms. O'Neill's ideas are working.

Hearing Officer Grattan said he is inclined to request a review in the very near future. City Attorney Shaver said that could be arranged but also, another way to know if the establishment is doing better would be for Officer Keech to start filing complaints and then it would create a different process.

The application for renewal for Myths and Legends, Inc. dba Quincy Bar & Grill was found to in order and approved. Hearing Officer Grattan also asked that a review be scheduled for the Liquor and Beer Meeting on January 15, 2014.

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH OUTDOOR DINING LEASE

1. Buon Appetito, Inc. dba Il Bistro Italiano, 400 Main Street, Grand Junction, CO 81501, Hotel and Restaurant with Outdoor Dining Lease

No one was present representing the applicant.

The application for renewal with outdoor dining lease for Buon Appetito, Inc. dba Il Bistro Italiano was found to be in order and approved.

IV. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Grand Junction Lodge No. 270, Loyal Order of Moose, 567 25 ½ Road, Grand Junction, CO 81501, Malt, Vinous, and Spirituous, for the Jose Cano Quinceanera on November 9, 2013 from 5:00 p.m. to 11:45 p.m.

Officer and

Event Manager: Dennis Tobin, 2676 H Road, Grand Junction, CO 81506
Dennis Tobin, Officer and Event Manager, was present.

City Attorney Shaver handed Mr. Tobin two documents and asked if he has personal knowledge of the documents, and if so, how. Mr. Tobin said he does have knowledge because he filled out the forms. City Attorney Shaver asked whose signature is on the document marked with an "A". Mr. Tobin said that it is his own signature. City Attorney Shaver asked Mr. Tobin if, by the signature, he finds the document to be true and accurate. Mr. Tobin said yes. City Attorney Shaver asked Mr. Tobin to describe the event for the Authority. Mr. Tobin said that it is a Quinceanera a celebration for when a Hispanic teenager becomes a young lady. It is normally a younger group of people. City Attorney Shaver asked if the Loyal Order of Moose has held a similar event before. Mr. Tobin said this will be number 14 for this year. City Attorney Shaver asked how the alcohol service will be controlled in accordance with the law. Mr. Tobin said all of the bartenders are TIPS trained, there will be TIPS trained security on guard. City Attorney Shaver asked there will be enough security on duty for the amount of people expected. Mr. Tobin said it is recommended to have one security guard for every 50 people. City Attorney Shaver asked if that has been their practice for the previous events. Mr. Tobin said most of the time. City Attorney Shaver asked Mr. Tobin to describe the document marked "B". Mr. Tobin said it is a diagram of the Moose Lodge building at 567 25 ½ Road and the area outlined in red is the alcohol service area for the event. City Attorney Shaver asked Mr. Tobin how they will ensure the alcohol will stay in the designated area. Mr. Tobin said they guard all the entrances and exits. Three higher level officers of the Lodge check identifications and patrol the area and parking lot. City Attorney Shaver asked how they insure no alcohol is served to persons under lawful age. Mr. Tobin said they have someone observing the floor at all times and bathrooms are monitored as well. Hired security check the identification of everyone because they are experienced in checking Hispanic drivers licenses and armbands are placed on people who are of age to drink.

Hearing Officer Grattan found that pursuant to 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 (a Quinceanera), its location within the community (which he noted that special events permits have been approved for these type of events in the past for the Moose Lodge), it is an appropriate place for the event, or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He found that the application for a special events permit submitted by Grand Junction Lodge No. 270, Loyal Order of Moose for Jose Cano Quinceanera was in order and approved it.

V. OTHER BUSINESS

Hearing Officer Grattan asked that someone contact the Health Department and politely request that they are present at the beginning of the meeting. The Liquor and Beer Meeting always starts promptly at 2:00 p.m. City Attorney Shaver advised that he will contact Monique Mull, the supervisor.

VI. ADJOURNMENT

The meeting was adjourned at 3:20 p.m.

NEXT REGULAR MEETING – November 20, 2013

A

**SPECIAL EVENT PERMIT
QUESTIONNAIRE AND AFFIDAVIT**

1. Name of Event: Jose Cano Quinceñera
2. How many attendees are expected at this event?
200 estimate
3. Has the event been held in the past? If so, how many years?
Yes
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.
Main Hall - moose Lodge # 275 - 567 25 1/2 Rd
Grand Jet Co 81505 350 - posted capacity
6. What type of security will be provided at this event?
T.F.S. security
7. How many security personnel will be on hand?
three plus Lodge officers (3)
8. How will security personnel be identified?
uniforms + Lodge officers in Red Vests
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
Indoors
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.)
Drivers Licenses + ID Cards - wrist Bands

11. How will the conduct and level of intoxication of attendees be monitored and by whom?

Tips trained bartenders

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?

coffee, water, catered dinner/snacks

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.

00401369 state

4021224 city

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.

Dennis J. Tobin
Applicant's Signature

Date 10/10/13

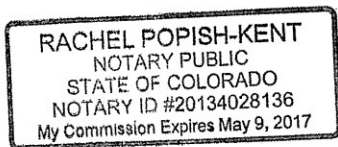
STATE OF COLORADO)
COUNTY OF MESA) SS.
CITY OF GRAND JUNCTION)

Subscribed and sworn to before me this 10th day of October, 20 13.

Witness my hand and official seal.

Rachel Popish-Kent
Notary Public

My commission expires May 9, 2017



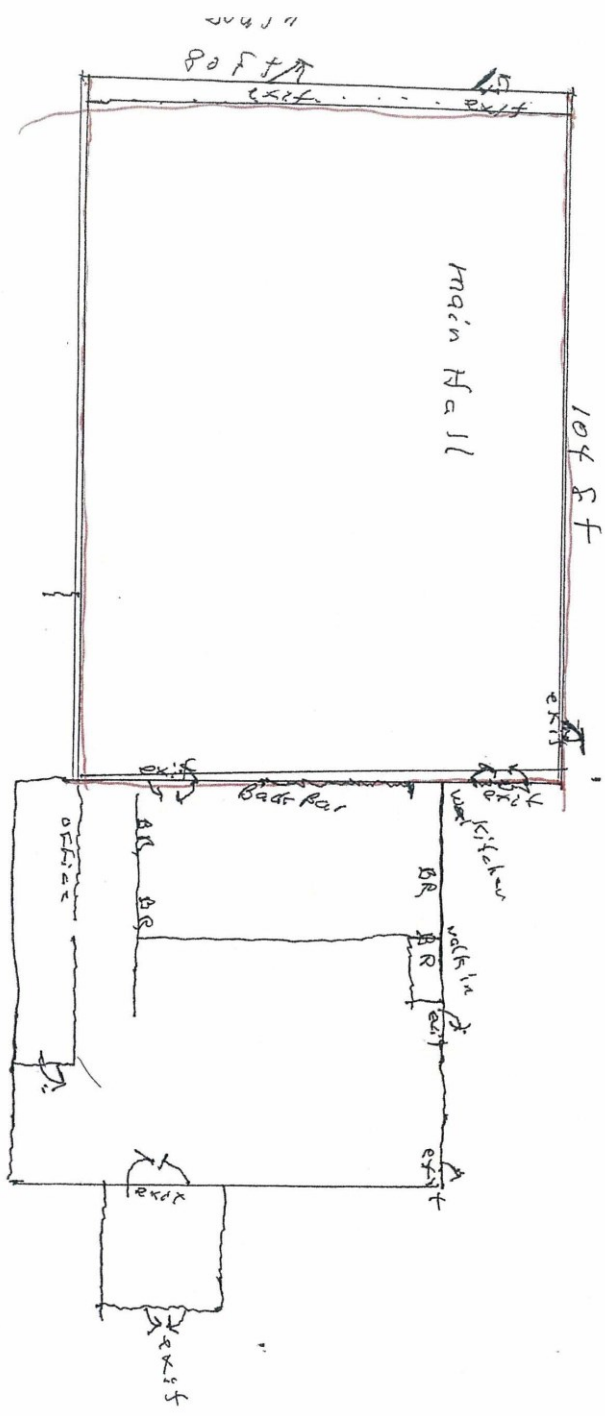
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West

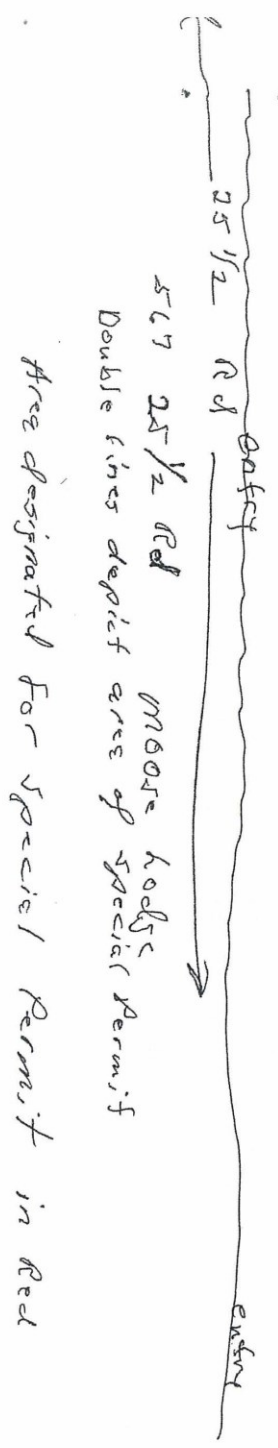
Parking

Parking

North



Parking



Area designated for Special Permit in Red