

**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, JANUARY 15, 2014, 2:00 P.M.**

**HEARING OFFICER MICHAEL GRATTAN**

**I. CALL TO ORDER**

The meeting was called to order at 2:01 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. Safeway Stores 46, Inc. dba Safeway Store #1533, 2901 F Road, Grand Junction, CO 81504, 3.2% Beer Retail Off Premises

No one was present representing the applicant.

The application for renewal for Safeway Stores 46, Inc. dba Safeway Store #1533 was found to be in order and approved.

2. Feather Petroleum Company dba Stop N Save No. Three, 723 Horizon Drive, Grand Junction, CO 81506, 3.2% Beer Retail Off Premises

No one was present representing the applicant.

The application for renewal for Feather Petroleum Company dba Stop N Save No. Three was found to be in order and approved.

3. Orchard Mesa Dragon Treasure, Inc. dba Dragon Treasure II, 2740 Hwy. 50, Suite 101, 102, & 103, Grand Junction, CO 81503, Beer and Wine

No one was present representing the applicant.

The application for renewal for Orchard Mesa Dragon Treasure, Inc. dba Dragon Treasure II was found to be in order and approved.

4. KMG Enterprises, Inc. dba Boston's The Gourmet Pizza, 2404 F Road, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for KMG Enterprises, Inc. dba Boston's The Gourmet Pizza was found to be in order and approved.

5. Los Reyes Restaurant, Inc. dba Los Reyes Restaurant, 811 S. 7<sup>th</sup> Street, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Los Reyes Restaurant, Inc. dba Los Reyes Restaurant was found to be in order and approved.

### **III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH LATE FILING**

1. The Palette dba The Palette, 205 Colorado Avenue, Grand Junction, CO 81501, Beer and Wine – **Filed 21 Days late in the City Clerk's Office**

No one was present representing the applicant.

Officer Grattan accepted the letter provided by the applicant stating the reason for the late filing.

The application for renewal with late filing for The Palette dba The Palette was found to be in order and approved.

### **IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH AN OUTDOOR DINING LEASE AND WITH LATE FILING**

1. Trust Trifecta Enterprises, LLC dba Naggy McGee's Irish Pub, 359 Colorado Avenue #103, Grand Junction, CO 81501, Hotel and Restaurant – **Filed 20 Days late in the City Clerk's Office**

Ms. Kemp advised that David Keech, Grand Junction Police Officer, is present to address concerns for the Police Department and also stated that the Fire Department reported that violations were found and is requesting a conditional approval to allow time to conduct a re-inspection to verify compliance.

Brian Oliver, General Manager for Naggy McGee's Irish Pub, was present.

Hearing Officer Grattan disclosed that he was in a contentious piece of litigation with Mr. Hayes, Managing Member of Trust Trifecta Enterprises, LLC as the opposing party. It had nothing to do at all with Naggy McGee's Irish Pub and asked if anyone has any objections to him ruling on this matter. There were no objections.

Officer Keech advised that he just wanted to raise some awareness of some of the incidents that have been going on at Naggy McGee's Irish Pub. He has been informed about the intoxicated state of some of the patrons when they leave and visibly intoxicated people have been observed being served alcohol. He recommended that security people keep the intoxicated people out of the establishment, don't let them in when they appear to be intoxicated. He suggested they consider some remedial training for the bartenders to ensure they can identify visibly intoxicated people. City Attorney Shaver asked Officer

Keech how many times he has had contact with staff or on duty managers. Officer Keech said five or six times. City Attorney Shaver asked if any of those were with Mr. Oliver. Officer Keech said no. Mr. Oliver said that they have implemented a few things to correct any of those problems and slow down any issues. They no longer let anyone enter the building ½ hour before last call. A policy has been implemented to pay for taxi cab rides home for people who are intoxicated.

Hearing Officer Grattan asked Mr. Oliver if he has seen the memorandum from Officer Keech regarding his concerns. Mr. Oliver said that he just received a copy of it. Hearing Officer Grattan said it identifies problems that he would consider quite significant. He believes that working with the Police Department can be quite beneficial to avoid reaching a high level of trouble. Mr. Oliver agreed with Hearing Officer Grattan and said the he definitely wants to be a responsible part of the community and it is important to him that the patrons come back the following day. They are working on reducing any of those issues.

Mr. Oliver handed Hearing Officer Grattan a repair order and invoice from Tri County Fire certifying all of the issues that were brought up by the Fire Department and he described the issues. City Attorney Shaver asked Mr. Oliver if the Fire Department has seen the invoice or been back into the establishment for a re-inspection. Mr. Oliver said no, they have not, he was planning on calling them the following day.

The application for Trust Trifecta Enterprises, LLC dba Naggy McGee's Irish Pub was found to be in order and approved conditioned on a satisfactory report from the Fire Department. Hearing Officer Grattan noted the letter provided by the applicant stating the reason for late filing showed good cause for the late filing.

**V. APPLICATION TO RENEW LIQUOR AND BEER LICENSE AND CHANGE IN TRADE NAME**

1. Providence Project, Inc. dba La Bamba Mexican Restaurant, 546 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Change Trade Name from La Bamba Mexican Restaurant to MX Tapas Bar Restaurante

Francisco Cervantes, owner of La Bamba Mexican Restaurant, was present.

The renewal for Providence Project, Inc. dba La Bamba Mexican Restaurant was found to be in order and approved.

The application for Change in Trade Name for Providence Project, Inc. dba La Bamba Mexican Restaurant to trade name MX Tapas Bar Restaurante was found to be in order and approved.

## **VI. APPLICATION FOR A SPECIAL EVENTS PERMIT**

1. Colorado Mesa University Foundation, 1100 N. 12<sup>th</sup> Street, Grand Junction, CO 81501 – Concert by the Grand Junction Rockestra on January 18, 2014 from 6:00 p.m. to 10:00 p.m., 1100 North Avenue, Grand Junction, CO 81501

President: Peggy Lamm, 507 Dove Ct., Grand Junction, CO 81507  
Event Mgr.: Calvin Hofer, 721 ½ Willow Creek Rd., Grand Junction, CO 81505

Calvin Hofer, Event Manager for Concert by the Grand Junction Rockestra, was present.

Hearing Officer Grattan disclosed that his daughter plays first alto saxophone in Dr. Hofer's band and asked if anyone sees any conflict with him hearing the matter. There was no conflict found.

Hearing Officer Grattan said that he was given a memorandum from Officer Keech on a previous Colorado Mesa University (CMU) Rockestra event which he entered into the record as Exhibit A. He asked Dr. Hofer if he has seen it. Dr. Hofer said he has not. Hearing Officer Grattan provided Dr. Hofer with a copy and allowed time for him to read it.

Officer Keech noted that he performed an operational check on the October 19, 2013 Rockestra event. He observed that there were no wrist banding or hand stamping being done and no identification was being checked as was indicated at the hearing for the event. During the visit, wrist banding and checking of identification started happening, although it did not appear that it was being taken seriously.

Hearing Officer Grattan asked Officer Keech what he is asking for. Officer Keech said he is just asking that the applicant place more emphasis on abiding by the rules that they have agreed to.

City Attorney Shaver asked Officer Keech about his statement in the memo about being approached by a young lady who was asking questions. Officer Keech said there was a young lady that was staff for the event and was checking identification asking about what identification is acceptable. It was obvious that she did not know what she was doing nor had she been trained on the six various types of identification that are acceptable. City Attorney Shaver asked Officer Keech if he had asked the young lady if she had training. Officer Keech said he did ask and she said she had training but had not understood it.

Hearing Officer Grattan entered in the Special Events Questionnaire into the record as Exhibit B and the diagram as Exhibit C.

City Attorney Shaver handed Dr. Hofer two documents and asked him if and how he was familiar with Exhibit B and whose signature is on it. Dr. Hofer said he was familiar with it because he completed it and it was his signature on the document. City Attorney Shaver asked Dr. Hofer if, by his signature, he

represents that the information contained in the document to be true and accurate. Dr. Hofer said yes.

City Attorney Shaver asked Dr. Hofer to describe the nature of the proposed event. Dr. Hofer said it is a concert by the Grand Junction Rockestra in the Robinson Theater on the campus of Colorado Mesa University. City Attorney Shaver asked how many previous such concerts have been held. Dr. Hofer said six or seven. City Attorney Shaver asked if there have been any problems with those events, other than what Officer Keech has mentioned. Dr. Hofer said no. City Attorney Shaver asked Dr. Hofer what the procedures are for ensuring that only people of age 21 or older are served alcohol. Dr. Hofer said he will have two Staff members at the entrance to check identification which he didn't realize that they needed training as well as the servers who are serving the beer which he can remedy and have one person serving beer and one person checking identification. City Attorney Shaver asked Dr. Hofer if the information that Officer Keech presented was news to him. Dr. Hofer said yes, and explained that his people who were checking identification were late to arrive and the wrist bands were in a different room. Dr. Hofer will have more help for the proposed event so the problem should be remedied. Faculty members run the security in the lobby. City Attorney Shaver asked if anyone under the age of 21 was served at prior events. Dr. Hofer said no, not to his knowledge. City Attorney Shaver asked Dr. Hofer if they will be able to meet the requirements for the proposed event. Dr. Hofer said yes. City Attorney Shaver asked how many people are expected to attend the event and how many are consumers of alcohol. Dr. Hofer said around 500 attendees and he would say around 100 to 150 will consume alcohol.

City Attorney Shaver asked Dr. Hofer to describe the document marked Exhibit C. Dr. Hofer said it is a floor plan of Moss Performing Arts Center and marked in red is where alcohol can be consumed. There will be signs posted to make sure no one goes outside the boundary. The green asterisks are where staff members will be roaming the hall. There will be two TIPS trained servers, one of them checking identification and the other one serving.

Hearing Officer Grattan noted that he is very familiar with area as described in Exhibit C.

Hearing Officer Grattan asked Officer Keech if all he is asking is that the event be handled as represented on the questionnaire. Officer Keech said that is correct.

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 (it is a fine event which has been approved six or seven times previously), its location within the community (which he noted that multiple special event permits have been approved in the past at this venue), or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He noted that Dr. Hofer ensured that the event will be conducted as he has stated.

He found that the application for a special events permit submitted by Colorado Mesa University Foundation for the Grand Junction Rockestra on January 18, 2014 was in order and he approved it.

## **VII. APPLICATION FOR A CHANGE OF LOCATION**

1. Las Marias, Inc. dba Las Marias, 2692 Hwy 50 Spaces E & G, Grand Junction, CO 81503, Hotel and Restaurant

Moving to 118 S. 7<sup>th</sup> Street, Grand Junction, CO 81501

Maria Maestas, owner of Las Marias, was present.

Ms. Kemp advised that the Fire Department will sign off for the issuance of the Certificate of Occupancy when all requirements have been met and the Health Department is conducting a plan review and will advise when they conduct an opening inspection. Ms. Kemp read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver asked who conducted the survey. Ms. Maestas said she obtained 37 signatures when she circulated a survey form and one of her employees did the rest of the surveys. City Attorney Shaver asked if she believes the results that were read into the record are true and correct. Ms. Maestas said yes. City Attorney Shaver asked what days the survey was conducted. Ms. Maestas said that she conducted one on December 26, 2013. City Attorney Shaver asked if more than 9 homes were contacted as indicated in the results. Ms. Maestas said no, she did not even think about contacting homes, she just contacted businesses. City Attorney Shaver asked Ms. Maestas what she told her employee to say to people she contacted. Ms. Maestas told her to ask if they were 21 years of age, to tell people that they were planning on opening the restaurant on 7<sup>th</sup> and Main, and ask if they will agree to allow alcohol to be served. City Attorney Shaver asked if anyone was opposed. Ms. Maestas said no one was opposed.

Hearing Officer Grattan said that the number of homes that were contacted is a very low number; however the number of businesses contacted is very high. The designated area is primarily a business area; therefore he was inclined to accept the survey results given the nature of the community and fact that the proposed location has previously been licensed for alcohol service. City Attorney Shaver agreed and also added the truthfulness of the applicant for not contacting more homes.

There was no one present in opposition to the application.

Hearing Officer Grattan found that the application for a change in location for a hotel and restaurant liquor license submitted by Las Marias, Inc. dba Las Marias was in order and approved subject to satisfactory reports from the Fire and Health Departments. He noted that, setting aside the low number of residential responses and given the very high number of commercial

responses, the nature of the location, and the fact that the premises have been licensed previously, that approval is appropriate.

## **VIII. APPLICATIONS FOR NEW LICENSES – RESOLUTION, FINDINGS AND DECISION**

1. Volleys, LLC dba Volleys, 304 / 330 North Avenue, Grand Junction, CO 81501, Tavern

Member: David Herek, 211 W. Alexander Street, Valley, NE 68064

Member: Doria Herek, 211 W. Alexander Street, Valley, NE 68064

Member: Paul Herek, 355 ½ School Ridge Road, Unit B, Grand Junction, CO 81507

Paul Herek and Doria Herek, members of Volleys, LLC, were present.

Ms. Kemp advised that CBI/FBI reported a DUI for Ms. Herek in 1980 and the Individual History Record has been amended to disclose that. The Fire Department will sign off for the issuance of the Certificate of Occupancy when all requirements have been met, and the Health Department is conducting a plan review and will advise when they conduct an opening inspection. Ms. Kemp read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver asked who conducted the survey. Mr. Herek said that he did. City Attorney Shaver asked if he believes the results that were read into the record are true and accurate. Mr. Herek said yes. City Attorney Shaver asked about the 41 “no answers”. Mr. Herek said that there was a lot of homes that no one answered the door, even though there was someone home. City Attorney Shaver asked if he went back to the “no answers”. Mr. Herek said he did, to some of them. City Attorney Shaver asked when the survey was conducted and asked if he tried to time it when people would be expected to be home. Mr. Herek said yes, he tried to vary the dates and hours. He went out on different weekdays and on a Sunday. City Attorney Shaver asked Mr. Herek what he said to the people he contacted. Mr. Herek said that he told people that he and his parents are opening a business in the area, they will be serving alcohol, and per City requirements, they are petitioning the neighborhood. He carried a site plan with him to show people what was going on and advising them that it is going to be an outdoor sand volleyball facility with leagues in the evenings, there will be four courts. They will be serving barbeque, beer, and some liquor. City Attorney Shaver asked if anyone from either the residences or the businesses were opposed. Mr. Herek said no.

Hearing Officer Grattan asked for more information about the facility. Mr. Herek said there will be four sand volleyball courts, six co-ed leagues, they will run on the hour from 6:30 p.m. to 9:30 p.m.

Ms. Herek asked how they could educate themselves on identifying fake identification cards. Hearing Officer Grattan advised that there is training specific to that issue. Ms. Kemp advised that there is a flyer right outside the

courtroom for the next Alcohol Server Responsibility Training which is Tuesday, February 11, 2014.

There was no one present in opposition to the application.

Hearing Officer Grattan found that the application for a new tavern liquor license submitted by Volleys, LLC dba Volleys was in order and approved it conditioned on satisfactory reports from the Fire Department and the Health Department. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

2. La Salsa Restaurant & Bar, LLC dba La Salsa, 1224 N. 25<sup>th</sup> Street, Grand Junction, CO 81501, Hotel and Restaurant

Owner/Manager: Nestor Sanabria, 424 32 Road, #10, Clifton, CO 81520

Owner: Lorenzo Lopez, 1800 Main Street, #A7, Grand Junction, CO 81501

Owner: Francisco Lopez, 1800 Main Street, #A7, Grand Junction, CO 81501

Nestor Sanabria, Owner/Manager of La Salsa, and Fabiola Espinoza, circulator of the survey, were present.

Ms. Kemp advised that a Conditional Use Permit was approved by the Planning Commission on Tuesday, January 14, 2014 subject to the applicant restriping the parking lot by July 14, 2014. CBI/FBI reported a DUI for Mr. Sanabria in 2009 and the Individual History Record has been amended to disclose that. The Fire Department will sign off for the issuance of the Certificate of Occupancy when all requirements have been met. Ms. Kemp read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver asked Mr. Sanabria if he finds the results of the survey that Ms. Kemp read to be true and accurate. Mr. Sanabria said yes. City Attorney Shaver asked who conducted the survey. Mr. Sanabria said it was Fabiola Espinoza who conducted the survey. City Attorney Shaver asked Ms. Espinoza if she finds the results of the survey that Ms. Kemp read to be true and accurate. Ms. Espinoza indicated that it was true and accurate. City Attorney Shaver asked Ms. Espinoza when the survey was conducted and to tell how it was conducted. Ms. Espinoza conducted the survey on several dates; she walked from house to house and business to business asking for signatures. City Attorney Shaver asked if she contacted 76 houses. Ms. Espinoza said she contacted more but there were a lot that didn't answer the door. She was in her uniform and it was cold so she just moved onto the next house. City Attorney Shaver asked if anyone opposed out of all of the contacts that were made to both residents and businesses. Ms. Espinoza said that no one was opposed; she also told everyone about the restaurant and showed them a menu. City Attorney Shaver asked Ms. Espinoza about the uniform and where she worked. Ms. Espinoza said La Salsa.



Hearing Officer Grattan asked if the restaurant is open. Mr. Sanabria said yes. It was confirmed that no alcohol was being served.

City Attorney Shaver asked if the petitions were left at the restaurant for people to sign. Ms. Espinoza said no, she went out to get the signatures.

Hearing Officer Grattan asked Ms. Kemp what the Fire Department had reported. Ms. Kemp advised that they said they will inspect and sign off on the Certificate of Occupancy but that was obviously incorrect since the restaurant is open. Ms. Kemp said she will ask the Fire Department to report again. Hearing Officer Grattan asked Mr. Sanabria when the restaurant opened. Mr. Sanabria said December 20, 2013. Hearing Officer Grattan asked if the Health Department conducted their inspection prior to opening. Mr. Sanabria said yes, two weeks prior to opening.

Hearing Officer Grattan expressed concern about the DUI that Mr. Sanabria received in 2009. City Attorney Shaver asked Mr. Sanabria if he has had any problems since. Mr. Sanabria said no.

Hearing Officer Grattan found that the application for a new hotel and restaurant liquor license submitted by La Salsa Restaurant & Bar, LLC dba La Salsa was in order and approved it subject to a satisfactory report from the Fire Department. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

## **IX. OTHER BUSINESS**

1. Review Boomers LLC dba Boomers, 436 Main Street, Grand Junction, CO 81501, Tavern – Review Status

Chester Allen, owner of Boomers, was present.

Ms. Kemp advised that Mr. Allen came to the City Clerk's office with prospective new owners who will be applying for a transfer of ownership of the liquor license approximately two weeks prior, but she has not received the paperwork yet.

Hearing Officer Grattan asked Mr. Allen what the status is. Mr. Allen said the prospective new owners are going through the legal process of establishing a LLC and are working out the lease. Hearing Officer Grattan asked when that will occur. Mr. Allen said they were hoping within a couple of weeks. Mr. Allen asked for a one month extension to complete the transfer.

City Attorney Shaver asked Ms. Kemp if the current license is approaching two years. Ms. Kemp advised that she does not have that information with her. Mr. Allen confirmed that to be true, but it has not opened yet. City Attorney Shaver advised that therein lies the problem from a legal perspective for the Authority. City Attorney Shaver asked Mr. Allen if the prospective owners will be filing the application with Ms. Kemp. Mr. Allen said he assumes so because they are

setting up the LLC. City Attorney Shaver asked if the license will be transferred to a Lessee. Mr. Allen said yes.

Hearing Officer Grattan asked who owns the building. Mr. Allen said that he and his wife own the building.

City Attorney Shaver was concerned that if the license hits the two year idle mark, there is an irrefutable presumption that the license is abandoned. Hearing Officer Grattan feels that it would not be abandoned because Mr. Allen is present and has been present previously. Hearing Officer Grattan asked Mr. Allen if he knows how long it has been. Mr. Allen said he believes it could be close to two years. Ms. Kemp advised that she believes the two years of the issuance of the license is more than 90 days from this day.

Hearing Officer Grattan asked that this item be set for review in two months on March 19, 2014 and he asked that Mr. Allen attend that meeting.

2. Myths and Legends, Inc. dba Quincy Bar & Grill, 609 Main Street, Grand Junction, CO 81501, Tavern – Review Conduct of Establishment

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

Hearing Officer Grattan read a memo from Officer Keech regarding the conduct of the establishment and entered it into the record as Exhibit A.

City Attorney Shaver asked Officer Keech if all of the incidents reported in the memo have happened since November 13, 2013. Officer Keech said that is correct.

Ms. O'Neill advised that they have been working on several different programs that she mentioned at the last meeting to bring down the alcohol consumption of the guests and to be aware of any over-service. She has hired new security staff, she has been informed by the owner that she can increase staffing for security and hire a person to keep the empty glasses and bottles picked up to keep potential weapons out of the way. She will get with Officer Keech to give the new staff some training. They have purchased larger glassware to encourage slower consumption. Customers are more compliant when asked to leave. Ms. O'Neill said that she has seen a big improvement.

City Attorney Shaver asked if Mr. Lloyd is still the owner of Quincy Bar & Grill. Ms. O'Neill said yes. City Attorney Shaver asked if Ms. O'Neill has brought up the concerns to Mr. Lloyd and what has he said. Ms. O'Neill said she has and Mr. Lloyd has told her to do whatever she needs to do to rectify the situations.

City Attorney Shaver asked Ms. O'Neill if she has a security plan. Ms. O'Neill said she does and she has re-written all of the policies and procedures for security. City Attorney Shaver asked if any of the new personnel are experienced. Ms. O'Neill said yes, all but one.

City Attorney Shaver asked Ms. O'Neill how many security personnel they have. Ms. O'Neill said that she has five on the weekends and she will bring it up to six.

City Attorney Shaver asked if there is a policy in place for staff consuming alcohol while on duty. Ms. O'Neill said there is zero tolerance; no alcohol is allowed to be consumed while on duty. City Attorney Shaver asked about consumption after hours. Ms. O'Neill said no consumption after hours is allowed at all.

Hearing Officer Grattan asked Officer Keech if he has seen any improvements. Officer Keech said yes, they are definitely trying; there have been less calls for intoxicated people causing problems in that general area, but the downtown area overall has been quiet the last month. He feels that Quincy's staff have been slow intervening; they could be more proactive and watch closer, paying attention to what's going on, and looking at body language to determine intoxication.

Hearing Officer Grattan said he does appreciate all of the effort that is being taken, but he is concerned that the troubles could become worse than they have been. Ms. O'Neill advised that they do not take the problems lightly and are constantly trying to better things.

Hearing Officer Grattan stated that he does not want to see anyone get hurt and asked that this item be reviewed again on April 16, 2014.

3. Crossroads Wine & Spirits, LLC dba Crossroads Wine & Spirits, Retail Liquor Store – Discussion Regarding Application Received for a Modification of Premises

Hearing Officer Grattan advised that he had received an email from Ms. Kemp regarding an application for modification of premises from Crossroads Wine & Spirit to reduce the size of the premises. The owner has asked that the survey process be waived which he is open to that request, but not based on the letter the owner provided as he doesn't think it is sufficient by itself.

City Attorney Shaver asked Ms. Kemp if they have actually filed the modification or are they just anticipating the modification. Ms. Kemp stated that the applicant has filed the application and required documentation requesting the modification.

Hearing Officer Grattan noted that regulation 47-302 (B) has five factors that need to be taken into account to rule on a modification of premises. Assuming that the requirements of 2, 3, and 4 will be satisfied by the requirements of the City, that would only leave the requirement of the reasonable requirements of the neighborhood and the desires of the adult inhabitants be taken into account. Some basis needs to be established to meet that requirement. City Attorney Shaver believes that it would be appropriate to do a proposed drawing and have people effected sign in favor and note any opposition. According to the

State Statute, the Authority has some discretion to the survey and what would be expected of an applicant when performing a survey.

Hearing Officer Grattan advised Ms. Kemp to have the applicant have some kind of notice on the premises of the change that is being proposed with a diagram and have a place for both "in favor of" or "opposed to" the modification and the hearing date and time.

Ms. Kemp said that she already has their renewal scheduled for February 5, 2014. She asked if she also included the modification of premises on the agenda, would that allow enough time. Hearing Officer Grattan said yes, that would be sufficient because it doesn't make a lot of sense to spend a great deal of time and effort for a reduction of premises, but the requirements of the regulation still have to be considered and he has to have some basis upon which to make a decision.

**X. ADJOURNMENT**

The meeting was adjourned at 3:44 p.m.

**NEXT REGULAR MEETING – February 5, 2014**

## Grand Junction Police Department

### Memorandum

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To: Debra Kemp  
From: Ofc David Keech  
Date: 6<sup>th</sup> Jan 2014  
Subject: CMU Rockestra Event (01/18/14)

On my check of the previous Rockestra event at the Robinson Theater, I observed a lack of compliance with identification checking and wrist banding, as required by the special event permit. There appeared to be an apparent lack of understanding for the responsibility of alcohol service by some individuals.

My previous report read;

*On 10-19-13 at about 1900 hrs I performed a check on the CMU Rockestra event. There were two bars, one beer and one wine, the license and under 21 sign were prominently displayed behind the wine table only and no obvious over service or underage service was observed.*

*I observed several patrons consuming alcohol with no visible wristbands or hand stamps and when bar tenders were questioned they were not sure if wristbands were being used or not, but stated they were checking identification themselves.*

*My presence seemed to promote the wristbands to appear and a podium set up to allow wrist banding although now several patrons were already drinking without wristbands. I observed the wrist banding for a while and was approached by one young lady who was checking identification who had questions about what she could and could not do, she obviously had received no or inadequate training.*

*As I watched I observed that very few patrons had their identification checked, although many appeared to be much older than 21, but even those appearing to be under 30 were not checked consistently. I understand that identification checks are not required by Colorado law in a licensed liquor establishment but the applicant stated this would be done at the event.*

*There were several students scattered about the lobby area in bright green shirts fulfilling the security role.*

I would ask that the liquor hearing officer ensure that the organizers of this next event fully understand the responsibility they have when providing alcoholic beverages and the requirement for their compliance with the special event permit.

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### SPECIAL EVENT PERMIT QUESTIONNAIRE AND AFFIDAVIT

1. Name of Event: Concert by the Grand Junction Rockestra
2. How many attendees are expected at this event?  
500
3. Has the event been held in the past? If so, how many years?  
Yes, 6 concerts in this venue dating back to June of 2011
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.  
Robinson Theater in the Moss Performing Arts Center on the campus of Colorado Mesa University,  
including the lobby area and Room 128 adjacent to the lobby area.
6. What type of security will be provided at this event?  
There will be at least 4 staff members in bright green shirts patrolling the designated areas
7. How many security personnel will be on hand?  
A minimum of 4
8. How will security personnel be identified?  
They will be wearing bright, lime gree shirts that have "security" printed on them
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?  
N/A
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.)  
There will be two staff members at the entrance to the room in which alcohol is served.  
They will check I.D.'s and put wrist bands on those who are old enough to consume.

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

Three TIPS trained servers monitor the consumption of alcohol and level of intoxication of attendees.

12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?

Yes - T.I.P.S. trained

13. What types of alternate beverages and food/snacks will be available?

There will be snacks available for free - pretzels, peanuts

Water and soda will also be available for sale

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 - 98-05973

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.

*Calvin Hofen*

Date 12/18/13

Applicant's Signature

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

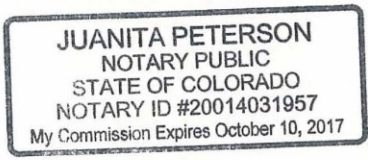
Subscribed and sworn to before me this 19<sup>th</sup> day of Dec., 2013.

Witness my hand and official seal.

*Juanita Peterson*

My commission expires 10-10-2017

Notary Public

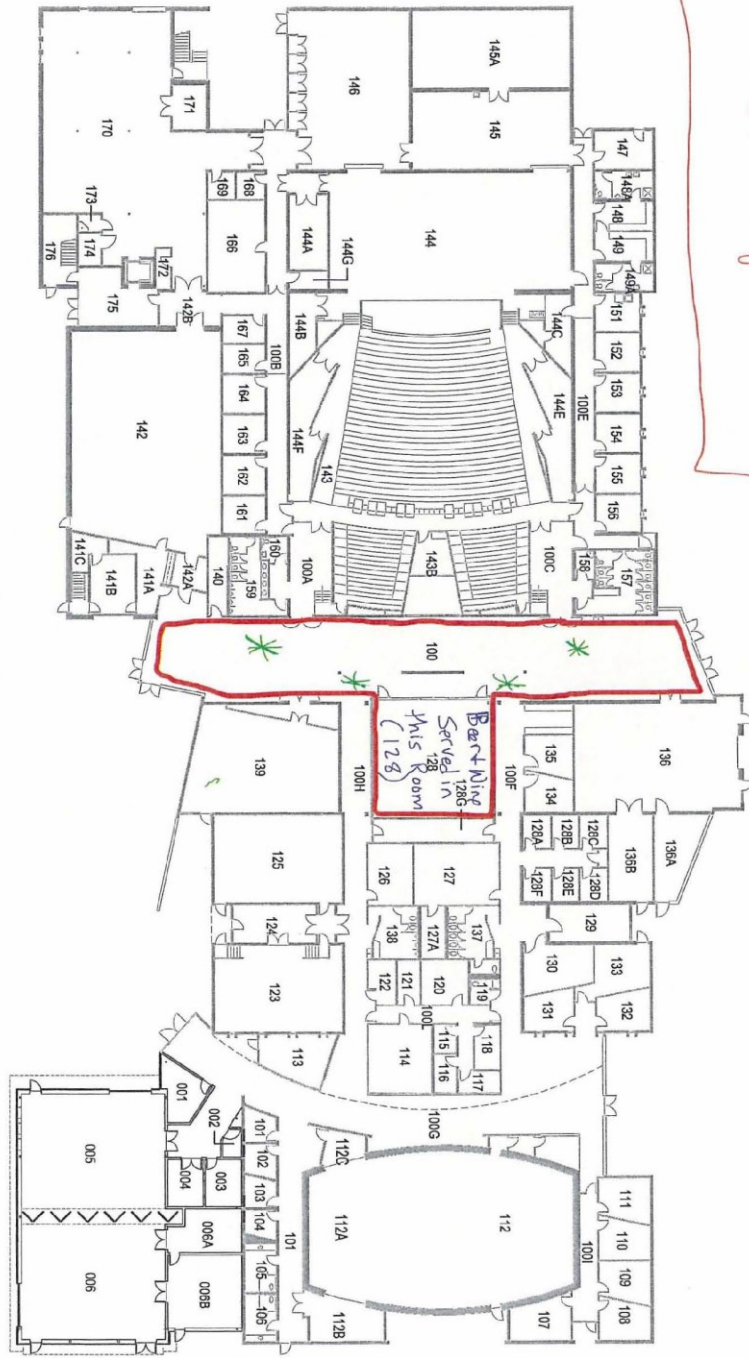


CB

# Grand Junction Rockestra Concert January 19, 2013

Alcohol permitted only within  
Red boundary

\* = Security Personnel (2)  
2 TIPS Trained Personnel  
in Room 128



COLORADO MESA UNIVERSITY  
MOSS PERFORMING ARTS CENTER  
SCALE: 1/8" = 1'-0"

ROOM NUMBERS

CHAMBERLAIN REPORTERS  
AUGUST 21, 2012



MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk *DK*

DATE: January 6, 2014

SUBJECT: Application for a change of location for a hotel and restaurant liquor license by Las Marias, Inc. dba Las Marias, 118 S. 7<sup>th</sup> Street, Grand Junction, CO

Las Marias filed an application with the Local Licensing Authority on December 12, 2013 for a change of location for a hotel and restaurant liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 118 S. 7<sup>th</sup> Street under the trade name of Las Marias. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for January 15, 2014. The Notice of Hearing was given by posting a sign on the property on or before January 5, 2014 and by publishing a display ad in the Daily Sentinel on January 3, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Grand Avenue, South Avenue on the South, 10<sup>th</sup> Street on the East and 4<sup>th</sup> Street on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose the proposed change of location as described above because this will/will not conflict with the reasonable requirements of the designated area.

Business Results:	FAVOR:	84
	OPPOSE:	0
Residential Results:	FAVOR:	9
	OPPOSE:	0

No letters of opposition or counterpetitions have been filed to date.

There were 6 responses that were disqualified because one respondent did not answer whether they supported or opposed the change of location and five respondents did not list an address.

There were no "exhibits to survey petition" filed with the petitions.

The Grand Junction Police Department has investigated the owner for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.


The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 10 (Blue Moon Bar & Grille, Junct'n Square Pizza, The Winery Restaurant, La Bamba, Suehiro Japanese Restaurant, Il Bistro Italiano, Bin 707 Food Bar, 626 On Road – Modern American Cuisine & Wine Bar, and Naggy McGee's Irish Pub)

There are six other hotel and restaurant liquor licenses within a mile radius; Los Reyes Restaurant, Two Rivers Convention Center, LeRouge, Dream Café, Loree's Seafood & Steakhouse, and Nepal Restaurant.

That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
David Keech, Grand Junction Police Department  
File

MEMO: Local Licensing Authority  
FROM: Debbie Kemp, Deputy City Clerk   
DATE: January 7, 2014  
SUBJECT: Application for a new tavern liquor license by Volleys, LLC dba Volleys

Volleys, LLC filed an application with the Local Licensing Authority on November 27, 2013 for a new tavern liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 304/330 North Avenue under the trade name of Volleys. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for January 15, 2014. The Notice of Hearing was given by posting a sign on the property on or before January 5, 2014 and by publishing a display ad in the Daily Sentinel on January 3, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Texas Avenue, Gunnison Avenue on the South, 7<sup>th</sup> Street on the East, and Balsam Street on the West, and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	42
	OPPOSE:	0
Residential Results:	FAVOR:	57
	OPPOSE:	0

There were eight responses disqualified for: three respondents did not list an address, three respondents were out of the survey boundary area, and two respondents didn't answer yes or no.

There were three "exhibit to survey petition" included that indicated one person was not 21 years of age, one person refused to sign, 41 with no answers, six with no solicitor signs, and five were marked as other.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department has investigated the owners for local criminal history. They inspected the property to ensure the Notice of Hearing had been posted in a timely manner. The fingerprints were forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Tavern – None

There number of similar-type outlets within a one mile radius – one (Lincoln Park Sports Complex)


That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
Joe Patrick, Grand Junction Police Department  
File



CITY CLERK

MEMO: Local Licensing Authority

FROM: Debbie Kemp, Deputy City Clerk 

DATE: January 6, 2014

SUBJECT: Application for a new hotel and restaurant liquor license by La Salsa Restaurant & Bar, LLC dba La Salsa, 1224 N. 25<sup>th</sup> Street, Grand Junction, CO

La Salsa Restaurant & Bar, LLC filed an application with the Local Licensing Authority on December 13, 2013 for a new hotel and restaurant liquor license permitting sales of alcohol beverages by the drink for consumption on the premises at 1224 N. 25<sup>th</sup> Street under the trade name of La Salsa. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for January 15, 2014. The Notice of Hearing was given by posting a sign on the property on or before January 5, 2014 and by publishing a display ad in the Daily Sentinel on January 3, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Texas Avenue, Hill Avenue on the South, 28 1/4 Road on the East and 21<sup>st</sup> Street on the West and included both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	24
	OPPOSE:	0
Residential Results:	FAVOR:	54
	OPPOSE:	0

No letters of opposition or counterpetitions have been filed to date.

There were 36 responses that were disqualified because they did not answer whether they supported or opposed the issuance of the license (6), the address listed was out of the survey boundary area (18), they did not list an address (3), no signature (1), no such address (4), or the address was illegible (4).

There was 2 "exhibits to survey petition" that indicated 5 people refused to sign, 4 with no answer, and 6 with no solicitors posted.

The applicant circulated more petitions on January 4, 2013 and the results of that survey are as follows:

Business Results:	FAVOR:	0
	OPPOSE:	0
Residential Results:	FAVOR:	22
	OPPOSE:	0

There were three responses that were disqualified because one respondent listed an address out of the survey boundary area and two respondents were duplicate names and addresses from previous petitions circulated.

There were no "exhibits to survey petition" filed with the second set of petitions.

No letters of opposition or counterpetitions have been filed to date.

The Grand Junction Police Department has investigated the individuals for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

The number of similar-type outlets in the survey area is as follows:

Hotel and Restaurant – 1 (Tequila's)

There are two other hotel and restaurant liquor licenses within a mile radius, Wrigley Field and Rib City Grill.

That concludes this report.

cc: Applicant  
John Shaver, City Attorney  
David Keech, Grand Junction Police Department  
File

**Grand Junction Police Department  
Liquor Enforcement**

**Quincy Bar Report**

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Since our last meeting with Quincy Bar manager, Tia O'Neat<sup>ll</sup>, on 6<sup>th</sup> Nov 2013, I have been watching the venue and making random bar checks. The venue has continued to be the busiest downtown bar and incidents reported to police have been; Fights x4, Assaults x3, Verbals x2, Intox subjects x3, DUI's x3, Assistance Calls x0.

There have been 2 assaults in the venue during this time where a beer glass or bottle was used as a weapon and caused serious bodily harm to the victim. One incident was not reported to police by venue staff as required, administrative action is pending reference this failure to report.

On several bar checks, very intoxicated patrons have been observed in the venue, security was informed and the patrons asked to leave without incident. On more than one occasion I have observed male patrons drinking from a pitcher rather than a glass, which obviously leads to over service issues.

I believe that Quincy Bar security is trying to enforce the liquor laws as best they can; they did remove an identification card from a female trying to use it fraudulently and seem to perform fairly well in preventing intoxicated persons entering the venue. The problem as I see it, from my own experience in the same role, is that they are often too late detecting and acting on problems. The security guards have limited experience which combined with the mixed clientele demographic could explain the problem. The bar staff seems to over serve the patrons which leads to the problems, either inside the venue or shortly after they leave.

As Quincy Bar security personnel have changed recently I have offered to repeat the training given previously in June 2013, a co-worker recently certified to teach TIPS so this training is now available also.

The downtown area has been quiet during the last two months so the incidents reported have reflected this too. I am asking that Quincy Bar representatives return again in April 2014 to review their performance at that time.

Ofc David Keech  
01-15-14