

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

MINUTES

WEDNESDAY, FEBRUARY 3, 2010 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 Juanita Peterson.

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

1. City of Grand Junction dba Lincoln Park Golf Course, 800 Mantlo Circle, Grand Junction, CO 81501, 3.2 Percent Beer Retail (On/Off Premises)

Rob Stong, Head Golf Professional, was present. Ms. Peterson reported the paperwork was in order but that Mesa County Health Department would do a re-inspection in March when the restaurant opened again for the season to check the thermometers and temperatures.

The application for renewal was found to be in order and approved.

2. Waltersheid Investment & Consulting, Inc. dba All Pro Liquor, 2913 F Road, #104, Grand Junction, CO 81504, Retail Liquor Store

Leonard Waltersheid, Owner, was present. Ms. Peterson reported the paperwork was in order and everything was fine.

The application for renewal was found to be in order and approved.

3. VAT, LLC. dba Jack Rabbit Liquor, 2681 Unawep Avenue, Unit C & D, Grand Junction, CO 81503, Retail Liquor Store

Touch Vat, Owner, was present. Ms. Peterson reported the paperwork was in order and the applicant did disclose the sale to an underage person in April, 2009 with a letter attached to the renewal. Hearing Officer Grattan asked Mr. Vat if he wouldn't mind signing the letter that was submitted. Mr. Vat said yes and signed the letter Ms. Peterson presented to him.

The application for renewal was found to be in order and approved.

4. Breckenridge Ale House GJ, LLC dba Breckenridge Ale House, 2531 N. 12th Street, Grand Junction, CO 81501, Hotel and Restaurant

Brian Oliver, General Manager, was present. Ms. Peterson reported that all of the paperwork was in order.

The application for renewal was found to be in order and approved.

5. GMRI, Inc. dba Red Lobster #685, 575 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

Robyn Kaluer, General Manager, was present. Ms. Peterson reported that all of the paperwork was in order.

The application for renewal was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH TASTING PERMIT

1. Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits, 611 24 Road, Grand Junction, CO 81505, Retail Liquor Store

Eleni Sica, Owner, was present. Ms. Peterson reported that all of the paperwork was in order. The police report came back with a notation on one of the servers for the Tasting Permit. Ms. Peterson reported that the court disposition was possession of marijuana charge – dismissed and possession of paraphernalia charge – guilty and that all fines and fees were paid in full.

Hearing Officer Grattan asked City Attorney Shaver if he should be concerned about this. City Attorney Shaver said as the Hearing Officer he could proceed however he felt necessary. Hearing Officer Grattan could see that Ms. Sica was surprised about this report, and it was revealed who the employee was, Teresa Jens, and she indicated that this person was a very good employee. Hearing Officer Grattan said that he would approve the renewal with the Tasting Permit with the removal of Ms. Jens and that he would give Ms. Sica the opportunity to find out about this incident and that if she was ok with it after speaking to Ms. Jens, she could contact the City Clerk's Office and request that the Tasting Permit be reviewed again with Ms. Jens added.

The application for renewal and the tasting permit were found to be in order and approved with the removal of Ms. Jens.

IV. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. Kuniko Corporation dba Kuniko's Teriyaki Grill, 1133 Patterson Road, Grand Junction, CO 81506, Beer and Wine

Michael Pruitt, Vice President/Director, was removed from the corporate structure

There was no one present. Ms. Peterson said the change in corporate structure was just to remove Mr. Pruitt due to him being a law enforcement officer.

The change in corporate structure was approved.

V. APPLICATION FOR A NEW ART GALLERY PERMIT

1. JABO, LLC dba The Great Frame Up, 2518 Broadway #B-1, Grand Junction, CO 81507

Janice Jackson, Owner/manager, was present. Ms. Peterson reported the paperwork was in order.

The application for the art gallery permit was found to be in order and approved.

VI. SHOW CAUSE HEARINGS

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

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Sumiko Boyd, Owner, and her son Steve Boyd, were present.

DeLayne Merritt, Staff Attorney, advised the Authority that the City has reached a plea agreement with Ms. Boyd. She agreed to a 7 day suspension of the license with 2 days of active suspension and 5 days would be held in abeyance for a period of one year from the date of the approval pending no further violations of the Colorado Liquor Code, local ordinances or regulations during that period. The Licensee and the City have agreed that the Licensee can pay a fine in lieu of active suspension. The fine calculates out to be \$200.00. Ms. Merritt advised the Authority what steps the establishment has taken to prevent future violations.

Hearing Officer Grattan asked Ms. Boyd if she has reviewed the stipulation and understands it and finds it acceptable. Ms. Boyd said she has reviewed it and she does understand it. Hearing Officer Grattan asked if she entered into the agreement willingly and voluntarily without being coerced. Ms. Boyd said yes. Hearing Officer Grattan asked Ms. Boyd if she would like him to enter the stipulation into the record as an order of the Authority. Ms. Boyd said yes.

Hearing Officer Grattan noted that there is a check for \$200.00 attached to the agreement.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing.

2. Flavors West, LLC dba Qdoba Mexican Grill, 2536 Rimrock Avenue, Grand Junction, CO 81505, Hotel and Restaurant

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Todd Rademacher, General Manager, was present.

DeLayne Merritt, Staff Attorney, advised the Authority that the City has reached a plea agreement with Qdoba at a meeting where Mr. Rademacher and Mr. Warner, Regional Manager, were present. They agreed to a 7 day suspension of the license with 2 days of active suspension and 5 days would be held in abeyance for a period of one year from the date of the approval pending no further violations of the Colorado Liquor Code, local ordinances or regulations during that period. The Licensee and the City have agreed that the active suspension be from 12:01 a.m. on the 5th day of February, 2010 until 11:50 p.m. on the 6th day of February, 2010. Ms. Merritt advised the Authority what steps the establishment has taken to prevent future violations.

Hearing Officer Grattan asked Mr. Rademacher if he has reviewed the stipulation and understands it and finds it acceptable. Mr. Rademacher said he has reviewed it and he does understand it. Hearing Officer Grattan asked if he entered into the agreement willingly and voluntarily without being coerced. Mr. Rademacher said yes, along with Mr. Warner. Hearing Officer Grattan asked Mr. Rademacher if he would like him to enter the stipulation into the record as an order of the Authority. Mr. Rademacher said yes.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing.

3. McGovern Enterprises, Inc. dba Pizza Hut of Grand Junction No. 1, 1440 North Avenue, Grand Junction, CO 81501, 3.2 % Beer Retail (On-Premises)

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Dena Carpenter, Office Manager, and Nancy Herrera, local Pizza Hut Manager, were present.

DeLayne Merritt, Staff Attorney, advised the Authority that the City has reached a plea agreement with Pizza Hut of Grand Junction No. 1 at a meeting where Ms. Carpenter and Ms. Herrera, were present. They agreed to a 15 day suspension of the license with 5 days of active suspension and 10 days would be held in abeyance for a period of one year from the date of the approval

pending no further violations of the Colorado Liquor Code, local ordinances or regulations during that period. The Licensee and the City have agreed that the active suspension be from 12:01 a.m. on the 12th day of February, 2010 until 11:59 p.m. on the 16th day of February, 2010. Ms. Merritt advised the Authority what steps the establishment has taken to prevent future violations.

Hearing Officer Grattan asked Ms. Carpenter if she has reviewed the stipulation and understands it and finds it acceptable. Ms. Carpenter said she has reviewed it and she does understand it. Hearing Officer Grattan asked if she entered into the agreement willingly and voluntarily without being coerced. Ms. Carpenter said yes, along with Ms. Herrera. Hearing Officer Grattan asked Ms. Carpenter if she would like him to enter the stipulation into the record as an order of the Authority. Ms. Carpenter said yes.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing.

4. Buon Appetito, Inc. dba Il Bistro Italiano, 400 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Brunella Gualerzi, Owner, and Ronald Hall, Registered Manager, were present.

DeLayne Merritt, Staff Attorney, advised the Authority that the City has reached a plea agreement with Il Bistro at a meeting where Ms. Gualerzi and Mr. Hall, were present. They agreed to a 7 day suspension of the license with 2 days of active suspension and 5 days would be held in abeyance for a period of one year from the date of the approval pending no further violations of the Colorado Liquor Code or local ordinances or regulations during that period. The Licensee and the City have agreed that the Licensee can pay a fine in lieu of active suspension. The fine calculates out to be \$227.97. Ms. Merritt advised the Authority what steps the establishment has taken to prevent future violations.

Hearing Officer Grattan asked Ms. Gualerzi if she has reviewed the stipulation and understands it and finds it acceptable. Ms. Gualerzi said she has reviewed it and she does understand it. Hearing Officer Grattan asked if she entered into the agreement willingly and voluntarily without being coerced. Ms. Gualerzi said yes. Hearing Officer Grattan asked Ms. Gualerzi if she would like him to enter the stipulation into the record as an order of the Authority. Ms. Gualerzi said yes.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing.

5. Fraternal Order of Eagles 595 dba Fraternal Order of Eagles 595, 1674 Hwy. 50, Grand Junction, CO 81503, Club

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Randy Grimes, President, was present, along with two other officers.

DeLayne Merritt, Staff Attorney, advised the Authority that the City has reached a plea agreement with Fraternal Order of Eagles 595 at a meeting with Mr. Grimes. They agreed to a 7 day suspension of the license with 2 days of active suspension and 5 days would be held in abeyance for a period of one year from the date of the approval pending no further violations of the Colorado Liquor Code, local ordinances or regulations during that period. The Licensee and the City have agreed that the Licensee can pay a fine in lieu of active suspension. The fine calculates out to be \$200.00. Ms. Merritt advised the Authority what steps the establishment has taken to prevent future violations.

Hearing Officer Grattan asked Mr. Grimes if he has reviewed the stipulation and understands it and finds it acceptable. Mr. Grimes said he has reviewed it and he does understand it. Hearing Officer Grattan asked if he entered into the agreement willingly and voluntarily without being coerced. Mr. Grimes said yes and signed the agreement. Hearing Officer Grattan asked Mr. Grimes if he would like him to enter the stipulation into the record as an order of the Authority. Mr. Grimes said yes.

Hearing Officer Grattan signed the agreement and asked that the City Clerk's office mail out the signed agreement in accordance with the certificate of mailing.

VII. OTHER BUSINESS

Hearing Officer Grattan asked Lisa Maestas to approach the podium as he had a few questions regarding the Art Gallery Permits. Hearing Officer Grattan asked Ms. Maestas if she had done any inspections on any of the events. Ms. Maestas said she has recently, and found two Art Galleries that were serving without permits. Ms. Maestas issued warnings to each of them. They were The Great Frame Up and Hang Ups Art Gallery. The Great Frame Up was on the agenda today to come into compliance.

VIII. ADJOURNMENT – 2:48 p.m.

NEXT REGULAR MEETING – February 17, 2010