

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

MINUTES

WEDNESDAY, JUNE 17, 2009 2:00 p.m.

I. CALL TO ORDER – The meeting convened at 2:02 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. Tequila's II, Inc. dba Tequila's, 2560 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

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

2. DELK6 LLC, dba Country Inns of American, 718 Horizon Drive, Grand Junction, CO 81506, Tavern

No one was present representing the applicant.

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

3. New Dragon Wall Inc., dba New Dragon Wall Chinese Buffet Restaurant, 2939 North Avenue, Grand Junction, CO 81501-4918, Beer and Wine

No one was present representing the applicant. Ms. Peterson reported that the Police, Fire, and Sales Tax reports were fine. Ms. Peterson reported the letter from Ms. Darleen McKissen with Mesa County Health Department revealed five violations of a critical nature from cross contamination, evidence of insects or rodents, poisonous and toxic items improperly stored, and food thermometer issues. Ms. McKissen has asked for this to be continued until July 15, 2009 to have several treatments with pest control and some needed wall and floor repairs conducted along with a detailed cleaning schedule.

Hearing Officer Grattan and City Attorney Shaver concurred that would be wise with these critical violations and have the owner present at the next hearing date. Ms. Peterson said she would notify the owner by certified mail that the matter has been continued to July 15, 2009.

4. Rafael Cisneros dba Las Palmas Mexican Restaurant, 752 ½ Horizon Drive, Grand Junction, CO, 81506, Hotel and Restaurant

No one was present representing the applicant. Ms. Peterson reported the paperwork was in order and the Fire and Sales Tax reports were fine. Ms. Peterson read into the record the report from PST Maestas regarding an inspection she performed on November 3, 2008 at the establishment. The establishment did not have their State or City liquor licenses posted. Ms. Maestas also found (4) 3.2% Corona beer bottles in the cooler in the bar. This establishment holds a hotel and restaurant liquor license; therefore they are prohibited from selling 3.2% beer. Mr. Cisneros stated that he must have run out of Corona and a member of his staff went to purchase some more from the local grocery store. Ms. Maestas explained to Mr. Cisneros that his license did not allow him to sell 3.2% beer and it needed to be removed which he did. Ms. Maestas also explained as a hotel and restaurant liquor license, they are allowed to purchase \$1,000 per year of alcohol outside of a distributor if necessary, but it has to be from a retail liquor store. A verbal warning was issued regarding the liquor license not being posted and the 3.2% beer on the premise.

Ms. Peterson also reported that Mesa County Health Department found many critical violations on an inspection. A follow-up inspection is scheduled after June 15, 2009 and Ms. Peterson talked with Mr. Tom Orr from the Health Department and he was scheduled to conduct the inspection today (June 17, 2009) but as of the hearing time she had not heard from him.

Hearing Officer asked Ms. Maestas if Mr. Cisneros was cooperative while she was there and there were no additional issues. She stated that is correct. Hearing Officer Grattan stated due to the seriousness of the warning given by Ms. Maestas and no follow-up report from the Health Department, he will continue this item until July 1, 2009 and ask Mr. Cisneros to be present. Ms. Peterson said she would send a certified letter to make sure he would be present at the July 1, 2009 Liquor and Beer Hearing. City Attorney Shaver concurred.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE, REGISTRATION OF MANAGER, AND CHANGE IN CORPORATE STRUCTURE

1. Coco's Restaurants, Inc. dba Coco's Bakery Restaurant, 755 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

Registration of new manager:

Kelly Ruess, 115 Epps Drive, Grand Junction, CO 81501 replaces Robert Winkler

Change in Corporate Structure:

CEO/Dir. Kazumasa Ogawa, 6640 Ambrosia Ln., Carlsbad, CA 92011 replaces Samuel Borgese

Dir. Jim Kensinger, 6561 Messina Pl., Alta Loma, CA 91701 replaces Al Schulten

Ms. Peterson reported that the renewal and registration of new manager we filed in a timely manner, but the change in corporate structure was delinquent. All other reports were fine. Ms. Peterson read into the record the letter from Rebecca Walsh, Corporate Secretary/Director regarding the lateness of notification due to a corporate office move and they are taking steps to ensure this doesn't happen again.

Ms. Peterson reported Kelly Ruess, the new manager, disclosed three incidents in her background that did come back from the local police department and CBI reports.

City Attorney Shaver asked about the dates of the incidents. Ms. Peterson said 2001 was for a warrant, 2005 for a DUI and driving on a suspended license and failure to display proof of insurance and in 2007 she drove with a restraint on her license.

Hearing Officer Grattan asked for clarification on the change in corporate structure of Mr. Ogawa and Mr. Kensinger. Ms. Peterson reported that they each replaced a director but director Rebecca Walsh is currently on the corporate listing.

Hearing Officer Grattan found good cause and accepted the reason for late notification of the change in corporate structure, approved the renewal, and registration of new manager. City Attorney Shaver concurred.

2. Kuniko Corporation, dba Kuniko's Teriyaki Grill, 1133 Patterson Road Unit #11, Grand Junction, CO 81506, Beer and Wine

Change in Corporate Structure/Registration of Manager - Addition of Vice President and Operating Manager:
Rie Pruitt, 2635, G Road, Grand Junction CO, 81506

No one was present representing the applicant.

The application for renewal, change in corporate structure, and operating manager was found to be in order and approved. Ms. Peterson reported that C.B.I. is still pending on Ms. Pruitt.

V. APPLICATION FOR A MODIFICATION OF PREMISES – Continued To June 17, 2009

1. Las 2 Margaritas Colorado, Inc. dba Las 2 Margaritas Grill Mexican Restaurant, 2516 Broadway, Grand Junction, CO 81507, Hotel and Restaurant

Add outdoor patio area (low walled with gate)

Ms. Peterson recommended a continuance of this application to an unspecified date as the due to the request for the outdoor patio will increase the seating by 40 and the applicant does not have adequate parking to accommodate this. The applicant will need to work with the City Planning Department for a Minor Site Plan Review to secure an additional parking agreement with another merchant in the area. Also, the applicant needs to work with Mesa County Health Department regarding the outdoor patio area and come into compliance with City Sales Tax.

Hearing Officer and City Attorney Shaver concurred and will wait to hear from the applicant on a date specific.

VI. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE – CREATE MASTER FILE

1. Loco Inc., dba Loco Food Store No. 11, No. 12, No. 14, No. 15, and No. 16, 2249 Broadway, Unit 10, Grand Junction CO 81507

President and 53.1% ownership: Robert Lee Lipson, 296 W. Morrison Ct., Grand Junction CO 81507

Sec/Treas. Sandra Lynn Lipson, 296 W. Morrison Ct., Grand Junction CO 81507 replaces Gene Frances Lipson

Peter Lee Lipson 46.9% ownership, 2185 Glenstone Court, Grand Junction CO 81507

Ms. Peterson reported that last fall, a death notice was noticed in the paper for Gene Lipson and after a grieving period she wrote to the applicant and sent paperwork for a change in corporate structure. Ms. Sandra Lipson contacted the City Clerk's office and said they were working on the re-structure of the corporation and would get back to this office as soon as that was completed.

In realizing that Loco Inc. has five stores within the City limits and others within Mesa County that all needed changed, a Master File was discussed for this ownership change to save the applicant funds within the City. The City Clerk's office created an administrative process for a Master File modeled after the State's Master File process. Once all of this paperwork was submitted and accepted, this was scheduled before the Local Authority.

After Ms. Lipson submitted all of the required paperwork, it was noted that Gene Lipson had resigned in 1995 and Sandra Lipson took over as Secretary/Treasurer at that same time. Until Ms. Peterson contacted Ms. Lipson, she was unaware that anything needed to be done with the liquor licenses. This change has been out of compliance for over 14 years.

Ms. Peterson reported that individual histories and fingerprint cards for all three were submitted and the local and C.B.I. reports came back clear. A

Certificate of Good Standing was submitted and the sales tax report was in compliance on all five locations.

Hearing Officer Grattan just wanted to clarify that each member was over 21 years of age and he asked Ms. Lipson what she has done to make sure this doesn't happen in the future. Ms. Lipson acknowledged everyone was over 21 and that she has created a file and guidelines of duties for the corporate secretary; not only for their duties as corporate secretary to the corporation, but duties in relation to holding liquor licenses.

City Attorney Shaver said if there had been any violations, he would have made a different recommendation, but seeing none, to get the Loco locations into compliance as soon as possible, he has no objection to approving the Master File with these changes. Hearing Officer Grattan agreed. Ms. Peterson reported that this might be the first of other Master Files the City Clerk's office will help create to be more customer friendly to the establishments. It will be forwarded to the State for their approval.

VII. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Spirit of Grand Junction LLC dba Redlands Liquor Store, 2500 A Broadway, Grand Junction, CO 81503, Retail Liquor Store to SINH, LLC dba Redlands Liquor Store, 2500 A8 Broadway, Grand Junction, CO 81503

Owner, Vuthy Sinh, 2845 Kelso Mesa Drive, Grand Junction, CO 81503

Mr. Vuthy Sinh, owner, was present. Ms. Peterson reported all of the paperwork was in order and the applicant was issued a temporary permit after the closing.

Hearing Officer Grattan asked Mr. Sinh if he purchased the LLC. Mr. Sinh stated no, he did not. Seeing that all the paperwork is in order, Hearing Officer Grattan approved the transfer of ownership and asked City Attorney Shaver if he had anything to add. City Attorney Shaver did not, and agreed to the approval of the transfer.

VII. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDS AND DECISION

1. Areios Western Slope Colorado, LLC dba Smash Burger, 115 A&B W. Grand Avenue, Grand Junction, CO 81501, Beer and Wine

Member: James P. Cagle, Jr., 2440 ½ Jack Creek Rd., Grand Jct CO 81505

Member: Kenneth B. Milyard, Jr., 868 Quail Run, Grand Jct CO 81505

Manager: David S. Madison, 2050 N. 15th St., Grand Jct CO 81501

Mr. James Cagle, Member and Mr. Todd Colosimo, Chief Operations Officer, were present. Mr. Colosimo stated that he completed the

paperwork for this location. Ms. Peterson reported the paperwork was submitted and accepted and all reports were fine. Ms. Peterson noted that Member Mr. Bruce Milyard, Jr. noted three incidents which happened over 40 years ago on his Individual History, but there was a fourth incident that came back on C.B.I. which Ms. Peterson asked Mr. Milyard about. Mr. Milyard contacted Ms. Maestas regarding the incident and due to the time that has elapsed, the records were not located onsite and would take quite a bit to locate these. Mr. Milyard stated to Ms. Peterson he honestly could not remember an additional incident. The report also only gave a case number and no future details.

Ms. Peterson said a survey was conducted. Ms. Erica Davis was present who was hired by the applicant and conducted the survey. Ms. Peterson read the results of the survey into the record (see attached).

City Attorney Shaver asked Ms. Davis if she concurred with the results Ms. Peterson read into the record. She agreed. City Attorney Shaver asked Ms. Davis about the exhibits that were submitted along with the survey results, if the numbers reflected the additional times she tried to contact each address. She stated yes. She also made reference to a code used to respond to addresses that were not at home, did not want to sign, were not 21 years of age, or had no solicitation at the address. City Attorney Shaver asked Ms. Davis the times and days she conducted the survey and how she presented it. Following her explanation, City Attorney Shaver had nothing future to add.

Hearing Officer Grattan stated due to the years that have passed, he wasn't concerned about Mr. Milyard's 4th incident, and asked Mr. Cagle and Mr. Colosimo if they had anything to add. Neither did.

Hearing Officer Grattan found the requirements have been met and approved the new beer and wine liquor license on the local level was granted. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VIII. OTHER BUSINESS

1. Shiman Chu, LLC dba No Coast Sushi, 1119 N. 1st Street, Unit A, Grand Junction, CO 81501, Hotel and Restaurant

Review of the violations that the Grand Junction Police Department had reported for the March 4, 2009 liquor and beer meeting.

Ms. Elizabeth Boyd was present. Ms. Peterson reported that there have been no additional incidents at the location. City Attorney Shaver said his office has investigated and they have not received any other complaints or issues. Ms. Boyd did not have anything to add.

Hearing Officer Grattan thanked Ms. Boyd for coming and that there is no reason for additional reviews, he would just review again at the annual liquor license renewal.

IX. ADJOURNMENT – 9:45 a.m.

NEXT REGULAR MEETING – July 1, 2009

MEMO: Local Licensing Authority
FROM: Juanita Peterson, Deputy City Clerk
DATE: May 12, 2009
SUBJECT: Application for a new beer and wine liquor license by Areios Western Slope Company LLC, dba Smash Burger, 115 A&B, W. Grand Avenue

Areios Western Slope Company, LLC filed an application with the Local Licensing Authority on April 16, 2009 for a new hotel and restaurant liquor license permitting sales of malt and vinous liquors by the drink for consumption on the premises at 115 A&B W. Grand Avenue, under the trade name of Smash Burger. 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 May 20, 2009 but will be continued until June 17, 2009. The Notice of Hearing was given by posting a sign on the property on June 7, 2009 and by publishing a display ad in the Daily Sentinel on May 8, 2009.

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 North Avenue, D Road on the South, 6th Street on the East, and on the West by 25 ½ Road. The results of that survey are as follows:

- As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

Yes	23
No	192

2. As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

Yes	93
No	8
N/A	2

Exhibits were provided for a record of attempts at the survey due to no answer, no solicitation, non participant or under 21 years of age. These are attached as Exhibit A, Pages 1-5.

The Grand Junction Police Department has investigated the owners for local criminal history. Reports have been requested by the Grand Junction Fire Department, Code Enforcement, Mesa County Health Department, and the City of Grand Junction Sales Tax Department. A final Certificate of Occupancy (CO) will be required from the Building Department upon completion of the remodel.

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

Beer and Wine – 1 (Pablo’s Pizza)

There has not been any remonstrance’s or petitions received in the City Clerk’s office as of the date of this letter.

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Lisa Maestas, Grand Junction Police Department
Erica Davis, 927 Colorado Avenue, #3, Grand Jct CO 81501
File

Record of Attempts to Elicit a Survey Response

Date	Address	Reason	Number of Attempts
7/5	557 Chipeta	NA	1
	540 Chipeta	NA	1
	538 Chipeta	NA	1
	530 Chipeta	NA	1
	528 Chipeta	NA	1
	522 Chipeta	NA	1
	511 Chipeta	NA	1
	400 Chipeta	NA	1
	254 Chipeta	NA	1
	248 Chipeta	NA	1
	238 Chipeta	NA	1
	236 Chipeta	NA	1
	210 Chipeta	NA	1
	170 Chipeta	NA	1
	110 Chipeta	NA	1
	90 Chipeta	NA	1
	80 Chipeta	NA	1
	302 Chipeta	NA	1
	300 Chipeta	NA	1
	320 Chipeta	NA	1
	338 Chipeta	NA	1
	350 Chipeta	NA	1
	300 Chipeta	NA	1
	438 Chipeta	NA	1
	444 Chipeta	NA	1
	460 Chipeta	NA	1
	450 Chipeta	NA	1
	460 Chipeta	NA	1
	502 Chipeta	NA	1
	514 Chipeta	NA	1
	540 Chipeta	NA	1

Record of Attempts to Elicit a Survey Response

Date	Address	Reason	Number of Attempts
5/19	645 W. Colorado	NA	1
5/19	641 W. Colorado	NA	1
5/19	639 W. Colorado	NA	1
5/19	611 West Ave	NA	1
5/19	404 W. Duway	NA	1
5/19	408 W. Duway	NA	1
5/19	408 W. Duway	NA	1
5/19	408 W. Duway	NA	1
5/19	402 W. Duway	NA	1
5/19	532 Chupeta	NA	1
5/19	510 Chupeta	NA	1
5/19	178 Chupeta	NA	1
5/19	210 Chupeta	NA	1

Record of Attempts to Elicit a Survey Response

Date	Address	Reason	Number of Attempts
5/6	Auto Market 1000 S. 1st St First Empire State	NP to budget concerns IDIS	
5/9	Riviera Hotel W. 1st St Cape	N/A NIP competitor	
"	A. Bras & Sons A. Bras St	N/A to budget concerns IDIS	
"	College of Business	N/A NIP	
"	juice shop	N/A NIP within 21	