

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

MINUTES

WEDNESDAY, AUGUST 5, 2009 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. Wigout Productions Inc., dba Mesa Theater & Club, 538 Main Street, Grand Jct, CO 81501, Tavern (Continued from July 15, 2009)

Mr. David Prather, owner, was present. Hearing Officer Grattan explained that this was continued from the last hearing so that Mr. Prather could be present to talk with the Authority regarding the calls to the establishment. Ms. Peterson reported the reports were all fine and read into the record the annual calls provided by the Police Department (see attached).

Mr. Prather said that he believes he has a great working relationship with the Police Department which has cut down on the incidents at the establishment. Also the staff and customers know what to expect and they have weeded out a lot of people who are not even allowed into the establishment.

City Attorney Shaver asked Mr. Prather if the establishment maintains a log. Mr. Prather stated they did, and they also keep a copy of the ID and some of the ones who have been declined entrance to the establishment go back numerous years, but most are banned for a 3 month period of time. Mr. Prather also said on the over and under nights, patrons IDs are checked three times. Once at the door, once at the “pat-down”, and once when they get the wristbands.

Hearing Officer Grattan said he believes this trend is good and approved the license for renewal.

2. Weside Delicatessen Inc., dba The Winery Restaurant, 642 Main Street, Grand Jct, CO, 81501, Hotel and Restaurant

Mr. Stephen Thoms, owner, was present.

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

3. Texas Roadhouse of Grand Junction, LLC dba Texas Roadhouse, 2870 North Avenue, Grand Jct, CO, 81501, Hotel and Restaurant

No one was present representing the applicant.

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

4. Safeway Stores 46 Inc., dba Safeway Store #2625, 681 Horizon Drive, Grand Jct, CO, 81506, 3.2% Beer Retail (Off-Premises)

No one was present representing the applicant.

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

5. McGovern Enterprises Inc., dba Pizza Hut of Grand Junction No. 1, 1440 North Avenue, Pizza Hut No. 2, 704 Horizon Drive, and Pizza Hut No. 3, 601 N. 1st Street, Grand Jct, CO, 3.2 % Beer Retail (On-Premises)

Ms. Dena Carpenter, Office Manager, was present.

Ms. Peterson asked Hearing Officer Grattan to address the renewals one at a time as two of the establishments had violations.

Pizza Hut No. 1, 1440 North Avenue had an employee cited in April, 2009 during a local sting operation conducted by the Grand Junction Police Department. Ms. Peterson read the letter submitted by Ms. Carpenter into the report and advised the other report was fine.

Ms. Carpenter said since the sting, the Operations Manager has attended the Seller/Server Training Class offered by the City. They also post a notice in the wait stations of all locations that serve beer. Ms. Carpenter said they met with Mr. Brian Turner, State Liquor Enforcement Officer, today on the stipulation they received.

City Attorney Shaver asked what was issued. Ms. Carpenter said this was the first offense for this location. They agreed to a payment of fine in lieu of a suspension, but just signed that today. City Attorney Shaver asked Ms. Carpenter if she had a copy of this. She stated no.

City Attorney Shaver and Hearing Officer Grattan concurred to approve the renewal for Pizza Hut No. 1 contingent on the stipulation matching what Ms. Carpenter reported.

Pizza Hut No. 2, 704 Horizon Drive, Ms. Peterson reported that all the reports came back fine.

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

Pizza Hut No. 3, 601 North First Street, reported two violations in the last renewal period. In November 2008 and in April 2009 employees were cited for serving to underage purchasers. The stipulation was agreed upon to suspension of 5 days held in abeyance for the November 2008 stipulation as well as an additional 5 days for the April incident. The suspension is set for August 1 through August 10, 2009. Again Ms. Carpenter reviewed the steps the establishments have taken to prevent this type of incident from occurring in the future.

Ms. Peterson reported that a copy of the stipulation will be forward to the Police Department so that Ms. Maestas can distribute to the officers to make sure the suspension is being followed.

Hearing Officer Grattan and City Attorney Shaver concurred this was unfortunate this has happened, but approved the renewal.

6. Fisher's Liquor Barn Inc., dba Fishers Liquor Barn, 2438 F Road, Grand Jct, CO 81505, Retail Liquor Store

No one was present representing the applicant.

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

7. Wal Mart Stores Inc., dba Wal Mart Supercenter #1280, 2881 North Avenue and Wal Mart Supercenter #5099, 2545 Rimrock Avenue, Grand Jct, CO, 3.2% Beer Retail (Off-Premises)

No one was present representing the applicant.

The applications for renewal were found to be in order and approved for both locations.

8. Valero Diamond Metro Inc., dba Valero Corner Store #1720, 2520 Broadway, Grand Jct, CO 81507, 3.2% Beer Retail (Off-Premises)

No one was present representing the applicant.

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

9. Rosco's Inc. dba Kannah Creek Brewing Company, 1960 N. 12th Street, Grand Jct, CO 81501, Brew Pub

Mr. Jim Jeffries, one of the owners, was present.

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

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING

1. Manuel J. Cruz dba EC's Asian Station, 509 28 ½ Road, Grand Jct, CO, 81501, Hotel and Restaurant – **45 days late in filing**

Mr. Manuel Cruz, owner, was present. Ms. Peterson reported the application was 45 days late filing with the City Clerk's Office. Ms. Peterson reported that health, fire, and sales tax reports were fine, but read into the record the report from the Police Department (see attached).

Hearing Officer Grattan asked PST Maestas to come forward and explain. She stated she has not been called to come back to see if the licenses were posted and she has been trying to get a hold of Mr. Cruz's accountant to produce the receipts which she finally did, but still has not received anything.

City Attorney Shaver asked if the accountant said she had the receipts. Ms. Maestas said she did. City Attorney Shaver asked who the accountant was. Mr. Cruz responded Marge Carey. Mr. Cruz also stated the licenses were posted, but were behind some equipment and they are now moved.

Hearing Officer Grattan asked Mr. Cruz if he has contacted Ms. Maestas to come back to the establishment to view the licenses. He stated no.

Hearing Officer Grattan asked if a letter had been submitted to the late filing. Ms. Peterson presented the letter and Hearing Officer Grattan read it into the record (see attached). Mr. Cruz said he would like to apologize; the late filing was due to financial issues; that this has been a hard first year and he is looking at relocating.

Hearing Officer Grattan asked the date the license expired. Ms. Peterson said July 8, 2009. Hearing Officer Grattan asked Mr. Cruz if he has been serving alcohol. Mr. Cruz stated he has not.

City Attorney Shaver asked Mr. Cruz if he has secured the change of location. Mr. Cruz said he has not.

Hearing Officer Grattan said for him the biggest issue is the direct request from Ms. Maestas for the proof of receipts. This is disturbing and unacceptable and he doesn't have much sympathy for someone not in compliance like this.

Hearing Officer Grattan asked Ms. Maestas if she would be able to work with Mr. Cruz over the next two weeks to address the issue of the receipts. She said absolutely.

City Attorney Shaver stated he would like to see this continued over for two weeks to see if these issues can be resolved.

Ms. Peterson stated for the record that the City Clerk's Office has not told Mr. Cruz that he needs to stop serving alcohol.

Hearing Officer Grattan affirmed to Mr. Cruz that he did not have to stop serving, and this would be continued to August 19th at 2:00 p.m. and put first on the agenda, and hoped he would have the fundamental issues taken care of by then.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH CHANGE IN CORPORATE STRUCTURE

1. Danner Clark LLC dba Fly n Roosters, 200 W. Grand Avenue, Unit 5, Grand Jct, CO 81501, Hotel and Restaurant

Operating Manager: Ann A. Danner, 637 N. Placer Ct., Grand Jct, CO 81504 replaces Don Clark

Mr. Steve Danner, owner, was present. Ms. Peterson reported all of the reports came back fine, but that C.B.I. was still pending on the new member, Ann Danner.

The application for renewal and change in corporate structure was found to be in order and approved contingent on a clear C.B.I. report.

V. APPLICATION FOR TRANSFER OF OWNERSHIP

1. CHANNCL, LLC dba Teller Arms Liquor, 2353 Belford Avenue, Grand Junction, CO 81504 from Zamner Inc., dba Teller Arms Liquor, Retail Liquor Store

Owner/Manager: Chasaroeun Lao, 13530 Wentworth, Arleta CA 91331
Officer: Hour Thauv Hak, 850 Mireflores Avenue, San Pedro CA 90731

Mr. Chasaroeun Lao, owner, was present. Ms. Peterson reported they have been issued a temporary permit and that all the reports have come back fine.

City Attorney Shaver seen no reason for the transfer of ownership to not be approved and Hearing Officer Grattan agreed and approved the Transfer of Ownership from Zamner Inc. dba Teller Arms Liquor to CHANNCL, LLC dba Teller Arms Liquor.

VI. APPLICATION FOR SPECIAL EVENT PERMIT

1. Mesa Youth Services Inc./Mesa County Partners, 1169 Colorado Avenue, Grand Junction CO 81501 – Boulder Acoustic Society at Western Colorado Botanical Gardens Amphitheater, 641 Struthers Avenue, Grand Junction, Malt and Vinous Special Event Permit August 21, 2009

President/Sec.: Maggie Moorland, 322 North Orchard, Fruita CO 81521
Event Manager: Alex Mackey, 1631 Main Street, Grand Junction CO 81501

Mr. Alex Mackey, Event Manager, was present. Mr. Mackey addressed the Authority on the reason they are seeking a Special Event Permit. He said this would be a money making event for Mesa Youth Services/Partners, and the Botanical Gardens.

Ms. Peterson reported all the reports were fine and read the letter of request into the record of the reason they are wanting the event to be held at the Botanical Gardens, even though the Avalon and Two Rivers Convention Center who hold liquor licenses were available to host the event. The goal is to bring more awareness to the Botanical Gardens Amphitheater area to host events like this.

City Attorney Shaver asked Mr. Mackey how many people they were expecting. He stated about 450.

Hearing Officer Grattan and City Attorney Shaver concurred on the approval of the Special Events Permit.

VII. ADJOURNMENT – The meeting adjourned at 2:50 p.m.

NEXT REGULAR MEETING – August 19, 2009

Grand Junction Police Department

Memorandum

To: Juanita Peterson
From: Lisa Maestas
Date: July 13, 2009
Subject: Liquor License / Renewal Mesa Theater

The following summary and attached reports document police calls for service between July 1, 2008 thru July 9, 2009 for Mesa Theater bar 538 Main St, GJ CO 81501.

Summary

A total of 190 police service calls were compiled through the GVCC (Grand Valley Communication Center). The service calls are further broken down for each month into number of incidents, number of arrests made, a brief narrative summary for each documented incident, number of calls for service without formal documentation, and number of self initiated police bar checks.

Of the 190 police service calls, only 32 had actual documented involvement directly with Mesa Theater. 74 of the police service calls had no reports to further explain the call or its relation to the call address. A majority of these calls involve the area within the 500 block of Main St, and received various clearances (i.e. assist, verbal warning, gone on arrival) by officers. 84 of the police service calls were self initiated police bar checks.

There were a total of 21 arrests made from the 32 police calls for service, and only involved patrons of the bar, none were employees, and no reports of any unlawful acts by employees were found.



Grand Junction Police Department

Memorandum

To: Juanita Peterson
From: Lisa Maestas
Date: July 13, 2009
Subject: Liquor License Renewals

The following background information check was completed through local computer records information from both the Mesa County Sheriff's, Grand Junction Police departments, and based only on the information contained below as provided, to include Individual History Record when provided.

I have checked the local criminal history over the past year for the person(s) and business(s) listed below. With the exception of what is noted below, I have found nothing unusual or derogatory which would hinder the renewal of these license(s) for the persons or businesses listed below.

Manuel J. Cruz dba EC's Asian Station, 509 28 ½ Road, Grand Junction, CO 81501

Manuel J. Cruz
820 E. 1st Street
New Castle, CO 81647
DOB: 12/24/1961

On 06-12-09 I responded to EC's Asian Station to perform a routine inspection of the licensed premise. The establishment did not have its State or City liquor license posted, or a Minor Warning Sign posted. I asked Cruz where his liquor licenses were, and he advised "they were in a folder somewhere". Cruz searched for the licenses for a short while, but was unable to locate them. I explained to Cruz that per statute both the liquor licenses needed to be posted, in an area that could be viewed by the public. Cruz advised that the establishment was coming up for renewal soon, at which time the new licenses would be issued, and he would have them posted immediately.

I provided a Minor Warning Sign to Cruz, and also explained to him that the sign needed to be posted per statute. Cruz advised he would post the sign immediately

Upon further inspection, I found that a majority of the liquor in the establishment had price tags on the bottles (indication that they were purchased from a retail liquor store). I asked Cruz if he purchased the liquor from a retail liquor store, and he advised he had. Cruz stated he purchases all his alcohol from a retail liquor store, and does not receive any from distributors or wholesalers. I explained to Cruz that as

a Hotel/Restaurant license per statute, he was only allowed \$1000 per year to purchase alcohol from a retail liquor store. I asked Cruz if he purchased his beer from the liquor store also, and he replied that distributors drop off beer. I asked Cruz if he had kept his receipts for the liquor he purchased at the liquor stores. Cruz showed me three receipts he had from the prior month, which totaled close to \$300. I explained to Cruz that I would need to see all his receipts from the past year. Cruz stated the receipts for all his liquor were at his brother's house, and he would need time to retrieve them. I advised Cruz I would return to the business on 06-16-09 to review the receipts.

On 06-16-09 I responded to the business to review the receipts and Cruz advised his business accountant had all of the receipts for tax purposes. When asked Cruz advised he did not know the last name or telephone number of his accountant. I explained to Cruz that he needed to contact his accountant and then contact me when he retrieved the receipts that needed to be reviewed.

As of today's date 07-11-09 I have not received any contact from Cruz.

To The city clerk office of Grand Junction

I regret that I came to renew my
liquor licence very late in the year.

This has been our first year it has been
very difficult ~~to maintain~~ to keep up with
all our payments due to financial problems

I do apologize once again and I will try
to be on time next year.

Sincerely

Manuel J. Cruz

07-08-009