

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

**MINUTES
WEDNESDAY, NOVEMBER 5, 2014, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:08 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. Thunder Mountain Tavern, LLC dba Thunder Mountain Tavern, 2701 Hwy. 50, Grand Junction, CO 81503, Tavern

No one was present representing the applicant.

The application for renewal for Thunder Mountain Tavern, LLC dba Thunder Mountain Tavern was found to be in order and approved.

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

Tia O'Neill, Co-owner of Quincy Bar & Grill, was present.

The application for renewal for Myths and Legends, Inc., dba Quincy Bar & Grill was found to be in order and approved.

3. Conchita's Mexican Restaurant, LLC dba Conchita's Mexican Restaurant, 2692 Hwy. 50, Spaces E & G, Grand Junction, CO 81503, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Conchita's Mexican Restaurant, LLC dba Conchita's Mexican Restaurant was found to be in order and approved.

4. Zen Garden, Inc. dba Zen Garden, 2886 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Zen Garden, Inc. dba Zen Garden was found to be in order and approved.

5. TMPTF8, Inc. dba Rib City Grill, 2830 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

Hearing Officer Grattan disclosed that he represents an owner of Rib City Grill, however, the matter has nothing to do with the TMPTF8, Inc. entity. City Attorney Shaver advised that he would waive any conflict of interest.

The application for renewal for TMPTF8, Inc. dba Rib City Grill was found to be in order and approved.

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

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

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

III. APPLICATIONS TO A RENEW LIQUOR AND BEER LICENSE WITH LATE FILING

1. Las Marias, Inc. dba Las Marias, 118 S. 7th Street, Grand Junction, CO 81501, Hotel and Restaurant – Filed in the City Clerk's Office 18 Days Late

Maria Maestas, owner of Las Marias, was present.

Hearing Officer Grattan advised Ms. Maestas that he has reviewed three documents regarding this establishment, a letter from Ms. Maestas regarding the late filing of the renewal, a letter from Ms. Maestas regarding the lease, and a letter from the Health Department.

Ms. Kemp advised that the applicant provided a letter stating the reason for the late filing (there is an issue with the lease for the premises) and Mesa County Health Department is present to address some repeated violations they are having with the premises. The Health Department is requesting a continuance for the approval of the renewal.

City Attorney Shaver asked Ms. Maestas what the status is for the lease. Ms. Maestas advised that she has a person helping her with communication with the landlord and that she is hoping to have a new lease in two weeks. If not, she is also looking for a new location which she prefers not to have to move.

Hearing Officer Grattan advised Ms. Maestas that in order for the liquor license to be approved, they need a location where the license resides.

Hearing Officer Grattan asked Ms. Kemp when the liquor license expires. Ms. Kemp advised that it expires November 18th. Hearing Officer Grattan said that he will continue the renewal for two weeks and since the meeting is November

19th, he advised Ms. Maestas that she cannot serve any alcohol on November 19th since the liquor license will be expired until he makes a ruling on the renewal.

Marcela Lucas, Environmental Health Specialist with Mesa County Health Department, advised the Hearing Authority that they will be holding a hearing with Ms. Maestas on Thursday, November 6, 2014 and what she believes will come out of the hearing is that the Health Department will conduct three monthly inspections in November, December, and January and in order to be in compliance, the establishment must pass all of the inspections.

City Attorney Shaver advised that the Hearing Authority could approve the renewal providing there is possession of the property at the November 19th meeting and make the approval subject to compliance with the Health Department. Hearing Officer Grattan concurred with City Attorney Shaver and asked that the Health Department provide a status letter for the November 19th meeting.

City Attorney Shaver asked Ms. Lucas if the fines that were referred in the letter have been paid. Ms. Lucas said that one of the fines has been paid but two other fines have been assessed and Ms. Maestas has 30 days to pay them.

Hearing Officer Grattan accepted the lateness of filing the renewal application and entered three exhibits into the record: Exhibit A - the letter regarding the late filing, Exhibit B – the letter regarding the lease, and Exhibit C – the letter from the Health Department, and continued the renewal application for Las Marias, Inc. dba Las Marias to November 19, 2014.

IV. APPLICATIONS FOR CHANGE IN CORPORATE STRUCTURE

1. Rosco's, Inc. dba Edgewater Brewery, 905 Struthers Avenue and Kannah Creek Brewing Company, 1960 N. 12th Street, Grand Junction, CO 81501

Existing President James P. Jeffryes replaces Vice President Eric Ross

President/Vice President: James P. Jeffryes
Secretary/Treasurer: Bernadette Jeffryes

Eric Ross will remain a 10.7% stockholder of the corporation

No one was present representing the applicant.

The applications for change in corporate structure for Rosco's, Inc. dba Edgewater Brewery, 905 Struthers Avenue and Kannah Creek Brewing Company, 1960 N. 12th Street were found to be in order and approved.

2. CEC Entertainment, Inc. dba Chuck E Cheese's, 2424 U. S. Hwy. 6 and 50, Grand Junction, CO 81505 – Master File Established with CO State Liquor Enforcement

President John Roger Cardinale replaces Michael Magusiak

Ms. Kemp advised that CEC Entertainment, Inc. has a Master File with State Liquor Enforcement so this application was filed as a courtesy by the applicant.

The application for change in corporate structure for CEC Entertainment, Inc. dba Chuck E Cheese's was found to be in order and approved.

V. APPLICATION FOR REGISTRATION OF A NEW MANAGER

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

Wendi K. Gdovin, 2532 B. Shetland Drive, Grand Junction CO 81505 replaces Randy Gulden

No one was present representing the applicant.

The application for registration of a new manager for KMG Enterprises, Inc., dba Boston's The Gourmet Pizza, was found to be in order and approved conditioned upon a positive report from CBI/FBI on the manager.

VI. APPLICATION FOR NEW LICENSE – RESOLUTION, FINDINGS, AND DECISION

1. Maverik, Inc. dba Maverik, Inc. #500, 2696 Hwy. 50, Grand Junction, CO 81503, 3.2% Beer (Off-Premises)

Pres./CEO: Thomas K. Welch, PO Box 982193, Park City, UT 84098

VP Fuel: John D. Hillam, 1801 S. 200 W., Kaysville, UT 84307

Dir.: Crystall Maggelet, 4 Dartmoor Ln., Salt Lake City, UT 84103

Stock Holder: Thad Call, 943 Eagle Wood Loop, N. Salt Lake City, UT 84054

Tina Irvine, area supervisor for Maverik, Inc., Joy Logan, manager for Maverik, Inc. #500, and Susan Duffy Schwall, Liquor Licensing Professionals (company who conducted the needs and desires survey), were present.

Ms. Kemp advised that Maverik, Inc. has a Master File established with State Liquor Enforcement and read the results of the survey that was conducted into the record (see attached).

City Attorney Shaver showed Ms. Schwall a three page report and asked her whose signature is on the bottom of the third page. Ms. Schwall advised that it was her signature. City Attorney Shaver asked if she testifies that the information in the report is true and accurate to the best of her knowledge. Ms. Schwall replied affirmatively. City Attorney Shaver asked for clarification for the dates and times that the survey was conducted as the report indicated 11:30 p.m. to 2:30 p.m. Ms. Schwall apologized and advised that it was actually 11:30 a.m. City Attorney Shaver asked if the persons who circulated the surveys were employees of Liquor Licensing Professionals and also asked if the methodology listed on the report is customary practice. Ms. Schwall said

yes. City Attorney Shaver asked how many surveys has Liquor Licensing Professionals conducted over the years. Ms. Schwall said they have conducted 500 or more. City Attorney Shaver asked Ms. Schwall if she has formed an opinion based on the needs and desires for Maverik, Inc. #500. Ms. Schwall said she has, 83% in favor of a 3.2% beer off premises license which is a strong, positive result indicating the needs and desires of the license. Of that type of license in the past, they have only seen in the 70% range in favor. City Attorney Shaver asked Ms. Schwall if the results Ms. Kemp read into the record are a true and accurate representation of the results that her firm compiled of the needs and desires. Ms. Schwall said yes.

There was no one present in opposition to the application.

The application for a new 3.2% Beer (Off-Premises) license for Maverik, Inc. dba Maverik, Inc. #500, 2696 Hwy. 50, Grand Junction, CO 81503, was found to be in order and approved. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VII. OTHER BUSINESS

Meghan Woodland, Grand Junction Police Department, asked if the Hearing Authority would like her to follow up with Las Marias on November 19th to make sure no alcohol beverages are being served. Hearing Officer Grattan said that would be fine.

VIII. ADJOURNMENT

The meeting was adjourned at 2:40 p.m.

NEXT REGULAR MEETING – November 19, 2014

(A)

10-22-2014
To whom it may concern:

Sorry I'am late filing to renewal,
was waiting for an answer on my lease

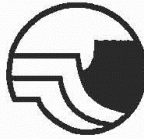
Thank you
Mou D. Mauti

(B)

10-22-2014

To whom it may concern:
My name is Maria V. Maestas
at this time I'am in the process of
negotiating a new lease, with my existing
landlord. If a new lease is not established
I will be applying for a new location
or change of location

Thank you
Maria V. Maestas
Las Marias



**MESA COUNTY
HEALTH DEPARTMENT**
Working Together for a Healthy Community

P.O. Box 20,000
Grand Junction, CO 81502-5033
(970) 248-6900
www.health.mesacounty.us



November 4, 2014

City of Grand Junction
250 North 5th Street
Grand Junction, CO 81501
Attn: Debra Kemp, City Clerk's Office

RE: Renewal of Hotel and Restaurant Liquor License
Las Marias, Inc.
dba Las Marias
118 S 7th St
Grand Junction CO 81501

Dear Debbie:

The most recent inspection for the above referenced facility was conducted on October 17, 2014. The Mesa County Health Department is currently in an active civil penalty process with this facility. The process began on March 6, 2014 and has resulted in the issuance of three fines for \$500, \$250, and \$500. The inspections are summarized below:

3/6/2014	3/17/2014	4/10/2014	4/23/2014	5/9/2014	10/7/2014
Regular Inspection	Intervention	Follow-Up Inspection	2nd Follow-Up Inspection	3rd Follow-up Inspection	Regular Inspection
9 critical violations cited	On-site education provided	13 critical violations cited	\$500 fine and 9 critical violations cited	All critical violations were corrected	\$500 fine and 6 critical violations cited

Due to the public health significance of the repeated critical violations and the multiple fines issued, Mesa County Health Department asks for a continuance for the application referenced above. I will attend the liquor hearing in order to address any questions concerning the inspection history.

A compliance hearing has been scheduled with the facility for November 6, 2014. During this Hearing, the Compliance Officer can recommend to the Board of Health suspension or revocation of this retail food establishment license, but will likely offer a probation period. The probation will require 3 monthly inspections, one to be conducted in November, December, and January. If the facility agrees and meets the conditions of the probation, the facility will be allowed to continue operating and the next regular inspection will begin a routine inspection series. This facility will not be in compliance until the 3 monthly inspections are completed successfully.

Please contact me at (970) 248-6961 if you need copies of the inspection report or if you have any questions regarding this information.

Sincerely,

Marcela Lucas
Environmental Health Specialist

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk *DK*
DATE: October 24, 2014
SUBJECT: Application for a new retail 3.2% beer (off premises) license by
Maverik, Inc. dba Maverik, Inc. #500, 2696 Highway 50, Grand
Junction, CO

Maverik, Inc. filed an application with the Local Licensing Authority on September 23, 2014 for a new retail 3.2% beer (off premises) license permitting the sale of fermented malt beverage for consumption off the premises of the licensee at 2696 Highway 50 under the trade name of Maverik, Inc. #500. 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 November 5, 2014. The Notice of Hearing was given by posting a sign on the property on or before October 26, 2014 and by publishing a display ad in the Daily Sentinel on October 24, 2014.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant hired Liquor Licensing Professionals, LLC out of Manitou Springs, CO to conduct a survey. The neighborhood was defined as the area bounded on the North by the Colorado River, the Gunnison River on the South, 28 Road on the East and 26 3/4 Road 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** column if you **SUPPORT** this type of license being issued because the existing outlets do not adequately serve the reasonable requirements of the designated area or check the **NO** column if you **OPPOSE** this type of license being issued because the existing outlets adequately serve the reasonable requirements of the designated area

Business Results: YES: 6
NO: 0

Residential Results: YES: 124
NO: 26

There were 3 residential responses that were disqualified because they were out of the defined neighborhood boundary.

There were four sets of "Exhibits to Survey Petition" for residential responses submitted which indicated that 6 people were not 21 years of age, 17 people refused to sign, there

were 210 no answers, and 9 other reasons, 8 not specified, 1 because of a dog. There were 119 additional attempts.

There was one set of "Exhibits to Survey Petition" for business responses submitted which indicated that 2 people refused to sign, there were 9 no answers, and 8 other reasons not specified. There were 5 additional attempts.

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 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. Reports have been requested by the City of Grand Junction Sales Tax Department and a Certificate of Occupancy will have to be issued upon completion of the building.

The number of liquor licensed outlets in the survey area are as follows:

3.2% Beer Retail (Off Premises) – 1 (City Market #1)
Retail Liquor Store – 2 (Jack Rabbit Liquors, Fairground Wine and Spirits)
Club – 1 (Fraternal Order of Eagles 595)
Beer and Wine – 1 (Dragon Treasure II)
Tavern – 1 (Thunder Mountain Tavern)
Hotel and Restaurant – 3 (Aztecas Family Mexican Restaurant, Orchard Mesa
Lanes, and Conchita's Mexican Restaurant)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
Liquor Licensing Professionals, LLC
File