

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

**MINUTES
WEDNESDAY, JANUARY 7, 2015, 2:00 P.M.**

HEARING OFFICER MICHAEL GRATTAN

I. CALL TO ORDER

The meeting was called to order at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

**II. APPLICATION TO RENEW TASTING PERMIT/REVIEW CONTROL PLAN –
Continued from December 17, 2014**

1. JEMSKT, Inc. dba Country Club Liquors, 683 Horizon Drive, #105, Grand Junction, CO 81506, Retail Liquor Store

Francis Denton, President of JEMSKT, Inc. was present.

Ms. Kemp stated that a new control plan was received and was provided to the Hearing Authority. Mr. Francis Denton was removed from the tasting permit application as a person conducting the tastings because his certificate for completing the Alcohol Server Responsibility Training has expired, and Mr. Tanner Denton was also removed because he has not attended a training and also received a DWAI recently. Both persons had planned on attending the December 11, 2014 training but were unable to.

Hearing Officer Grattan asked who will be conducting the tastings. Mr. Denton stated there will be two employees, Dennis Lebsock and Michael Narducci. Both of their training certificates expire in October, 2015.

Ms. Kemp asked if Tanner Denton were to take the training and receive a certificate, could he be added to the tasting permit. City Attorney Shaver advised that if the only impediment is a DWAI, he would believe that would not be an issue. Hearing Officer Grattan said he would have no problem with Tanner Denton being added to the tasting permit if he received the required certification.

The application to renew the tasting permit for JEMSKT, Inc. dba Country Club Liquors was found to be in order and approved.

III. APPLICATION 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 representing the applicant was present.

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

2. Georgia Lu Lujan dba A Taste of Heaven Catering, 2817 North Avenue, Grand Junction, CO 81501, Tavern

No one representing the applicant was present.

The application for renewal for Georgia Lu Lujan dba A Taste of Heaven Catering was found to be in order and approved.

3. Providence Project, Inc. dba MX Tapas Bar Restaurante, 546 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

No one representing the applicant was present.

The application for renewal for Providence Project, Inc. dba MX Tapas Bar Restaurante was found to be in order and approved.

4. Robert J. Wilcox Inns, Inc. dba West Gate Inn, 2210 Hwy. 6 & 50, Grand Junction, CO 81505, Hotel and Restaurant

No one representing the applicant was present.

The application for renewal for Robert J. Wilcox Inns, Inc. dba West Gate Inn was found to be in order and approved.

IV. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH RETAIL WAREHOUSE STORAGE PERMIT

1. J N Restaurants, LLC dba Bin 707 Food Bar, 225 N. 5th Street, Suite 105, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal with retail warehouse storage permit for J N Restaurants, LLC dba Bin 707 Food Bar was found to be in order and approved.

V. APPLICATION TO REGISTER A NEW MANAGER

1. Blazin Wings, Inc. dba Buffalo Wild Wings, 2412 Highway 6 & 50, Grand Junction, CO 81505, Hotel and Restaurant

Mitchell R. Mazzuca, 250 Beacon Ct., Apt. 1, Grand Junction, CO 81503
replaces Shane Dixon

No one was present representing the applicant.

Ms. Kemp advised that Mr. Mazzuca reported a DWAI from 2003, however there are no charges currently pending and a report from CBI/FBI is still pending.

The application to register a new manager for Blazin Wings, Inc. dba Buffalo Wild Wings was found to be in order subject to a satisfactory report from CBI/FBI.

VI. APPLICATIONS FOR A SPECIAL EVENTS PERMIT

1. Colorado Mesa University Foundation, 1100 North Avenue, Grand Junction, CO 81501 – Concert by the Grand Junction Rockestra on January 17, 2015 from 6:00 p.m. to 10:00 p.m., Robinson Theater in the Moss Performing Arts Center, 1100 North Avenue, Grand Junction, CO 81501, Malt, Vinous, and Spirituous

Pres./Sec'y. of Org.: Peggy Lamm, 507 Dove Ct., Grand Junction, CO 81507
Events Manager: Calvin Hofer, 721 ½ Willow Creek Road, Grand Junction,
CO 81501

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

City Attorney Shaver handed Mr. Hofer three documents, the first two pages marked as Exhibit A and the third page marked as Exhibit B. He asked Mr. Hofer if he has personal knowledge of the documents. Mr. Hofer said he did, he filled them out. City Attorney Shaver asked whose signature is on Exhibit A. Mr. Hofer said it was his. City Attorney Shaver asked if the signature represents that the information contained in the document is true and accurate. Mr. Hofer confirmed that to be true. City Attorney Shaver asked if the event has been conducted previously. Mr. Hofer said they have had eight concerts before in that venue. City Attorney Shaver asked if there have ever been any problems with the service of alcohol during any of the eight events that have been held at the designated venue in the past. Mr. Hofer replied no, although there was some confusion with timing of staff and with the wristbands one time when Officer Keech was present but that was corrected right away without any citation or legal action. Mr. Hofer said two security guards will be hired from Citadel Security and will be checking identification and administering the wristbands and watching the event. They will have staff members in lime green shirts roaming around the event to make sure alcohol is not taken out of the premises. City Attorney Shaver asked Mr. Hofer to describe Exhibit B. Mr. Hofer said that is the layout of the Moss Performing Art Center and the area marked in red is the service area boundary area where alcohol cannot be taken out of. The diagram also shows where security guards will be and where staff will be patrolling.

No one was present in opposition to the application.

Hearing Officer Grattan disclosed that his kids are band kids and he knows Dr. Hofer through that. There was no conflict found.

Hearing Officer Grattan entered Exhibits A and B into the record and 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 concert which has previously been held eight different times), 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 found that the application for a special events permit submitted by Colorado Mesa University Foundation for the Grand Junction Rockestra on January 17, 2015 was in order and he approved it.

2. Grand Valley Public Radio Company, 1310 Ute Avenue, Grand Junction, CO 81501 – KAFM Radio Room Concert Series on January 24, February 19, and March 27, 2015, from 6:00 p.m. to 10:00 p.m. 1310 Ute Avenue, Grand Junction, CO 81501

Pres./Sec'y. of Org.: Mark McCain, 3231 Lakeside Dr., #301, Grand Junction, CO 81506

Events Manager: Ramona Winkeller, 2461 F ¼ Rd., #532, Grand Junction, CO 81505

Mark McCain, Executive Director for KAFM, was present.

City Attorney Shaver handed Mr. McCain three documents, the first two pages marked as Exhibit A and the third page marked as Exhibit B. He asked Mr. McCain if he has personal knowledge of the documents. Mr. McCain said he has seen the documents before and the office director/events manager, Ramona Winkeller, completed them. City Attorney Shaver asked Mr. McCain if he was directed by the board to make the application on behalf of KAFM. Mr. McCain said yes. City Attorney Shaver asked if Mr. McCain has personal knowledge of the events being proposed. Mr. McCain said he did. City Attorney Shaver asked Mr. McCain to describe the nature of the events. Mr. McCain said there are for three separate standard concert presentations with small groups of around 75 people. The concerts have been done in the past for several years. City Attorney Shaver asked if there have ever been any problems with the service of alcohol during any of the previous events. Mr. McCain said he was not aware of any problems with the previous events. City Attorney Shaver asked Mr. McCain to describe Exhibit B. Mr. McCain said it is the main floor of 1310 Ute Avenue and the black line indicates the boundary for consuming and possessing alcohol. There will be a posted staff person at the entrance and the exit near the stage area will be watched to make sure no alcohol leaves the area. They will check identification on persons who appear to be under forty and will place wrist bands on anyone under 21 years old which rarely happens that they get persons under the age of 21. TIPS certified volunteers help with the service of alcohol.

Hearing Officer Grattan asked Mr. McCain to mark the alcohol service area on the diagram and asked for clarification of another door shown on the application which Mr. McCain said it is a door that goes to another portion of the radio station that is locked during the concert series.

No one was present in opposition to the application.

Hearing Officer Grattan entered Exhibits A and B into the record and 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 (they are concerts which has been held multiple times), its location within the community (which he noted it is an appropriate venue), or the failure of the applicant in a past special event to conduct the event in compliance with applicable laws. He found that the application for a special events permit submitted by Grand Valley Public Radio Company for the KAFM Radio Room Concert Series on January 24, February 19, and March 27, 2015 from 6:00 p.m. to 10:00 p.m. was in order and he approved each permit separately.

VII. OTHER BUSINESS

1. Mesa Theater & Club, LLC dba Mesa Theater and Lounge, 538 Main Street, Grand Junction, CO 81501, Tavern – Review Status of Temporary Permit

No one was present representing the applicant.

Ms. Kemp advised that a transfer of ownership was approved on October 15, 2014. The applicant was operating under a temporary permit which expires on January 7, 2015. She explained that the insurance which is required for the outdoor dining lease was canceled before she mailed the application to the State for their approval for the transfer of ownership. She couldn't mail it in because the application was no longer complete. The applicant was notified of the insurance cancellation by the City Clerk's Office several times and was told that until a current certificate of insurance is received, the application cannot be sent onto the State. The applicant kept advising that he was working on getting the certificate of insurance to the City Clerk's office, but never did. The CBI/FBI report on the background check of the sole owner, Eric Smith, came back and showed more history on the report than what was disclosed on the individual history report.

Meghan Woodland, Grand Junction Police Services Technician, advised that there was one charge that appeared on his background in which the case could not be found. It may have been booked into municipal court or it was dismissed and never made it to court. The CBI/FBI report did not show a disposition. The report and the individual history record were shown to Hearing Officer Grattan and City Attorney Shaver. Ms. Woodland said Mr. Smith was found guilty on the misdemeanor charge of the issuance of a bad check in 2005 in Garfield County. That was not disclosed on his individual history report.

Ms. Kemp reported that the City's Sales Tax Department advised that the applicant is not in compliance with Sales Tax.

Ms. Tatiana Gilbertson, Revenue Supervisor for the City of Grand Junction, was sworn in by Hearing Officer Grattan. Ms. Gilbertson said that the applicant opened up the sales tax account in October 2014 and was delinquent from the beginning. He was contacted at least twice each month and recently, has been contacted weekly regarding the delinquent account in an effort to help him be in compliance for his liquor license. He repeatedly said he would be in to pay by 4:00 p.m. but would not show up. On December 30th, he dropped off a temporary check to Customer Service to pay for September, October, and November sales tax. Because of it being a temporary check, the bank was contacted, and at that time, there were funds in the account to cover the check. Hearing Officer Grattan asked Ms. Gilbertson if the check did clear, would that bring the account into compliance. Ms. Gilbertson said no, the applicant would still owe \$58.74 in interest plus he has never filed an initial use tax report. City Attorney Shaver asked Ms. Gilbertson if she is the person who reviews sales tax compliance and asked if Mesa Theater and Club are on monthly filings. Ms. Gilbertson replied affirmatively.

Hearing Officer Grattan called Ms. Woodland back up to the podium, swore her in, and asked her to briefly summarize her previous testimony. City Attorney asked Ms. Woodland if part of her duties in her position is to regularly review background checks from CCIC/NCIC and did she do so in this matter in accordance with her lawful authority. Ms. Woodland confirmed that to be true.

Hearing Officer Grattan asked Ms. Kemp what notice was given to the applicant, Mesa Theater. Ms. Kemp advised that on December 19, a letter was written and mailed to Mr. Smith by certified mail with return receipt requested. The letter advised that the temporary permit is due to expire on January 7, 2015 and because everything is not in compliance, it will be placed on the January 7, 2015 Liquor and Beer meeting agenda for review and his attendance at that meeting is required. The return receipt card was never received back in the City Clerk's Office. When information came back from CBI/FBI, another letter was written to Mr. Smith on January 2, 2015 recapping the information from the December 19th letter. Ms. Kemp read the following from that letter:

"Just to clarify on Wednesday, January 7, 2015 at 2:00 p.m. at the Liquor and Beer Meeting be prepared to:

- 1) Present a current Certificate of Insurance with the City and the Downtown Development Authority named as additional insured;
- 2) Proof of compliance with the City's Sales Tax Division;
- 3) Confirmation of the current status of the lease, in writing, from the landlord; and
- 4) Explanation of the failure to disclose prior arrests as reported by the CBI/FBI background check".

The letter was mailed certified mail with return receipt requested as well as a copy being sent by first class mail. The letter was also copied to Hearing Officer Grattan, City Attorney Shaver, PST Meghan Woodland, Sales Tax Support Specialist Lori Bang, and Downtown Development Authority Executive Director Harry Weiss. The return receipt card was not received back in the City Clerk's Office nor had Ms. Kemp heard from or has seen Mr. Smith. City Attorney Shaver asked Ms. Kemp if 538 Main Street is the address on file where the licensee regularly receives mail. Ms. Kemp replied affirmatively.

Hearing Officer Grattan asked for clarification that the temporary permit for Mesa Theater and Club expires January 7, 2015. Ms. Kemp confirmed that to be true and advised that, for good cause, the temporary permit can be extended for up to 60 days.

City Attorney Shaver advised that because the applicant has not appeared let alone addressed any of the issues, the Authority may proceed, if so inclined, to summarily suspend extending the temporary permit. Hearing Officer Grattan advised that he does not find good cause for extending the temporary permit.

Hearing Officer Grattan declined to find good cause for the following reasons:

- 1) the applicants failure to appear at the hearing;
- 2) failure to submit information for the State;
- 3) outdoor dining lease was canceled;
- 4) no certificate of insurance;
- 5) the material omission from the individual history record as testified by Ms. Woodland; and
- 6) the applicant is in arrears with sales tax.

Hearing Officer Grattan found a lack of good cause to extend the temporary permit and the existing temporary permit will expire at midnight on January 7, 2015.

VIII. ADJOURNMENT

The liquor and beer meeting was adjourned at 2:38 p.m.

NEXT REGULAR MEETING – January 21, 2015

A

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, 8 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?
2 security personnel will be hired from Citadel Security Company.
7. How many security personnel will be on hand?
2 hired security guards and 4 CMU staff members.
8. How will security personnel be identified?
The hired security guards will be in their Citadel Security Uniform. CMU staff will be in
bright lime-green shirts that have "staff" on the back.
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.)
The 2 hired security guards will be 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.

11. How will the conduct and level of intoxication of attendees be monitored and by whom?
 In addition to the 2 hired security guards, two TIPS trained servers will 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 sandwiches as well as snacks available for free - pretzels, peanuts
 Water and soda will also be available for sale, and there are numerous water fountains throughout the building.
-
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 12/8/2014
 Applicant's Signature

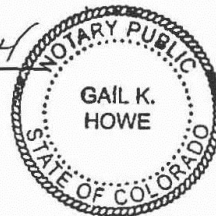
STATE OF COLORADO)
 COUNTY OF MESA) SS.
 CITY OF GRAND JUNCTION)

Subscribed and sworn to before me this 8th day of December, 2014.

Witness my hand and official seal.

Gail K. Howe
 Notary Public

My commission expires 12-14-14

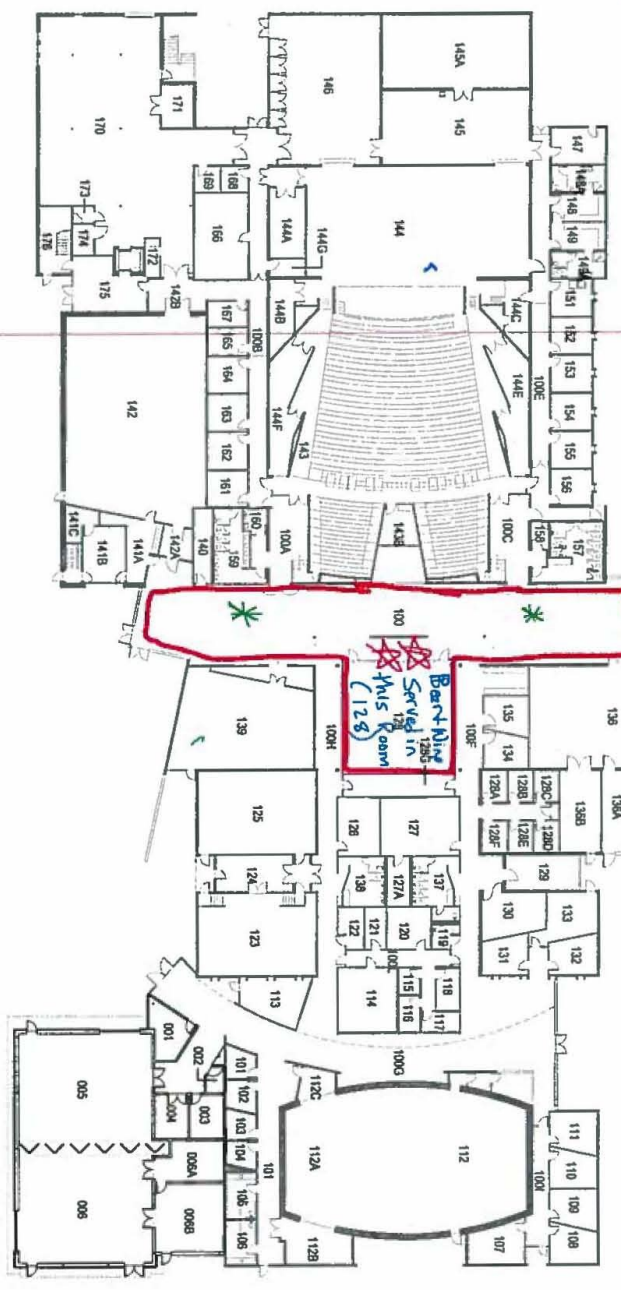


My Commission Expires 12-14-14

B

Grand Junction Rockestra Concert October 18, 2014

Alcohol permitted only within
Red boundary



* = 2 CMU Staff Patrolling
2 TIPS Trained Personnel
in Room 128
* - 2 Citadel Security
Guards checking I.D.'s

COLORADO MESA UNIVERSITY
MASS PERFORMING ARTS CENTER
SCALE: 1/2" = 1'-0"

ROOM NUMBERS

CHARTER BY ARCHITECT
AUGUST 17, 2012



A

**SPECIAL EVENT PERMIT
QUESTIONNAIRE AND AFFIDAVIT**

1. Name of Event: KAEM Radio Room Concert Series
2. How many attendees are expected at this event?
30 - 75
3. Has the event been held in the past? If so, how many years?
Concerts and informational Community Events - 6
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.
The Radio Room and Art Gallery is a small perform
venue on the first floor of KAEM Community Radio
6. What type of security will be provided at this event?
Radio Room Manager/Event Coordinator and
designated volunteers are assigned Security
7. How many security personnel will be on hand?
one to two designated depending on ticket sale
8. How will security personnel be identified?
Clearly labeled KAEM T-shirts
9. If this event is being held outdoors, how will the exterior boundaries of the premises be marked (i.e., roped, fenced, etc.)?
Not applicable
10. What method will be used in checking identification for proper age of attendees (i.e., at the door, 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.)
ID's will be checked at the bar/serving counter
for anyone who appears under 50 years of age
Attendees under 21 will receive an "X" with
permanent marker

11. How will the conduct and level of intoxication of attendees be monitored and by whom? **A**
Event Coordinator and TIP Certified Volunteer
Servers will monitor attendees
12. Have the volunteers or members of your organization been trained in the sale/service of alcohol beverages?
Yes, servers are TIP certified and/or have
extensive training at establishments serving alcohol
13. What types of alternate beverages and food/snacks will be available?
water, soda, chips, granola bars, Meat, Cheese
and other snacks
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 - # 0120-750

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.

[Signature]
 Applicant's Signature

Date 12/8/2014

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

Subscribed and sworn to before me this 8th day of December, 20 14.

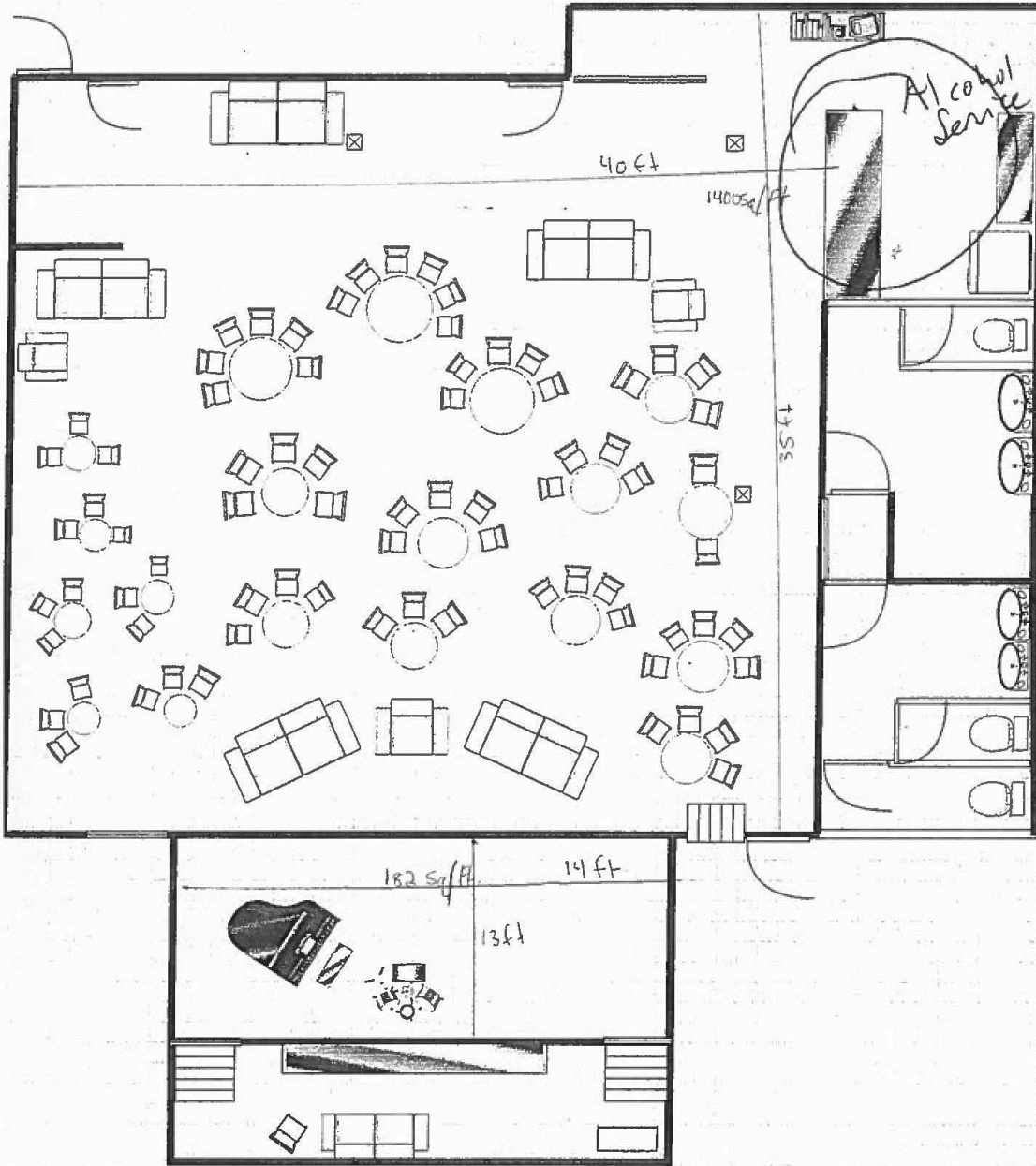
Witness my hand and official seal.

[Signature]
 Notary Public

My commission expires July 11, 2018



B



3 x 6' - 18'
 5 x 8' 40'
 58'
 1 x 8' nine 8'
 46

9 30" Tables
 7 24" Tables
 5 48-60" Tables