

**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, 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 Michael Grattan, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

II. APPLICATION 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 renewal for Tequila's II, Inc. dba Tequila's was found to be in order and approved.

2. El Tapatio, LLC dba El Tapatio, 1145 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The renewal for El Tapatio, LLC dba El Tapatio was found to be in order and approved.

3. Yummy, LLC dba Enzo's Pizzeria and Italian Café, 759 Horizon Drive, Grand Junction, CO 81506, Hotel and Restaurant

No one was present representing the applicant.

The renewal for Yummy, LLC dba Enzo's Pizzeria and Italian Café was found to be in order and approved.

4. JJ's Cruisers, LLC dba Cruisers, 715 Horizon Drive, Suite 100, Grand Junction, CO 81506

No one was present representing the applicant.

Ms. Peterson reported the Fire Department is asking for a conditional approval so the applicant can get the threshold to the exit door repaired. They are estimating about 30 days and then the Fire Department will re-inspect. Ms. Peterson said all other reports are in compliance.

Hearing Officer said he would approve the renewal with a conditional approval of the exit issue being fixed.

5. Loco Inc. dba LOCO Food Store No. 15, 722 Horizon Drive, Grand Junction, CO 81506, 3.2% Beer Retail (Off-Premises)

No one was present representing the applicant.

The application for renewal for Loco Inc. dba LOCO Food Store No. 15 was found to be in order and approved.

6. Kuniko's Teriyaki Grill dba Kuniko's Teriyaki Grill, 2695 Patterson Road, #11, Grand Junction, CO 81506-8854, Beer and Wine

No one was present representing the applicant.

The application for Kuniko's Teriyaki Grill dba Kuniko's Teriyaki Grill was found to be in order and approved.

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

1. Pete's House of Spirits, Inc. dba Pete's House of Spirits, 1560 North Avenue, Grand Junction, CO 81501, Retail Liquor Store with Tasting Permit

No one was present representing the applicant.

Ms. Peterson reported all the reports are in compliance and this is the first Tasting Permit for Pete's House of Spirits. The additional paperwork and control plan are in compliance.

City Attorney Shaver and Hearing Officer Grattan reviewed the control plan.

Hearing Officer Grattan found the renewal and tasting permit for Pete's House of Spirits, Inc. dba Pete's House of Spirits to be in order and approved them.

IV. APPLICATION FOR TRANSFER OF OWNERSHIP

1. L.V.S. LLC dba Teller Arms Liquor, 2355 Belford Avenue, Grand Junction, CO 81501, Retail Liquor Store from CHANNCL, LLC dba Teller Arms Liquor, 2355 Belford Avenue, Grand Junction CO 81501

Member: Pei Pei Tang, 2862 Tyndale Way, Grand Junction, CO 81503
Member: Thida Yong Va, 676 Old San Francisco Road #6, Sunnyvale, CA 94086
Member: Da Sun, 3045 E Poppy St., Long Beach, CA 90805

Ms. Pei Pei Tang, Member, was present.

Ms. Peterson reported all of the paperwork was in order and all of the reports are in compliance. The notice was posted as required and the diagram matched the premises.

City Attorney Shaver asked Ms. Tang if this was a new entity purchasing the business. Ms. Tang said yes.

Hearing Officer Grattan said there was no one present but Ms. Tang and Ms. Woodland in the room, so he would approve the transfer of ownership of Teller Arms Liquor from CHANNCL, LLC to L.V.S.LLC.

Ms. Peterson told Ms. Tang the State is several months behind, so closer to the time, the City Clerk's office will probably issue the temporary permit for the final 60 days, but the City Clerk's office will be in touch with her then.

Ms. Tang asked if she could take down the notice. Ms. Peterson said yes.

V. OTHER BUSINESS

1. Verifying Posted Notices

City Clerk Stephanie Tuin joined the meeting.

This is a continued discussion from the previous meeting. Hearing Officer Grattan brought the topic up regarding checking the notices for hearings on the applicant or other options. City Clerk Stephanie Tuin sent the Authority an email suggesting the applicants submit an affidavit regarding the posting of the notice instead of having the Police Department verify the postings. Hearing Officer Grattan and City Attorney Shaver said they would not like to rely solely on this. Ms. Tuin said she would like to suggest still having Ms. Woodland check the notice on Monday. The applicant would file an affidavit that they did post timely.

There was a discussion of moving the hearing date which both City Attorney Shaver and Hearing Officer Grattan were comfortable with.

Ms. Tuin said if the Authority would like verification by City staff, the hearing date so that the required day for posting would land on a business day rather than the weekend

Hearing Officer Grattan was against 100% self-verification by the applicant.

Ms. Tuin said what the City Clerk's office is uncomfortable with saying is that it was certified by Staff and it was posted 10 days prior to the hearing. If the City Clerk's office had an affidavit from the applicant that they swore it was posted 10 days prior (that falls on a Sunday and Staff does not work then) and it being verified by staff the next day, she would be satisfied with that. Hearing Officer Grattan said he liked that idea of the affidavit and verification.

City Attorney Shaver wanted to ask if extending the posting would be acceptable to Ms. Tuin. She said yes, but by rule or ordinance. Ms. Tuin said to have it in writing so the applicants can be provided that information. A general discussion was to change the posting to 14 days prior to the hearing with a specific time that would work.

City Attorney Shaver said Hearing Officer Grattan could adopt a rule; there is a provision in the Code that allows that and then amend the Liquor Code by ordinance.

City Attorney Shaver's advice to the Authority is to do a regulation in the interim and then to follow up with legislation. The time frame for that could be from 60-75 days.

Hearing Officer Grattan reviewed all the ideas presented and summarized the consensus. 1) Create an affidavit to be provided by the applicant. 2) Change the posting requirement administratively to 14 days prior to the hearing date by noon. 3) Have the Police Department randomly verify at least 20% of the postings, and 4) Evaluate this again the second meeting in September.

City Attorney Shaver and Hearing Officer Grattan both agreed that legislation to amend the Code would follow.

Hearing Officer Grattan said beginning with all new applications an affidavit created by the City Attorney's office as soon as possible be given to the City Clerk's office; 2) the affidavit from the applicant would address when, where, and by whom it was posted; 3) to have Ms. Woodland verify at least 20% of the postings; and 4) review the status of this process in 90 days.

Ms. Tuin said Ms. Woodland has been checking 100% of the postings now. Hearing Officer Grattan said that was fine, and this will be reviewed again in the 90 day time frame whether the ordinance is pending or passed.

VI. ADJOURNMENT – 2:29 p.m.

NEXT REGULAR MEETING – July 1, 2015