

**LIQUOR AND BEER MEETING  
LOCAL LICENSING AUTHORITY  
CITY OF GRAND JUNCTION, COLORADO  
CITY/COUNTY AUDITORIUM, 520 ROOD AVENUE**

**M I N U T E S**

**WEDNESDAY, JULY 20, 1994, 8:00 A.M.**

- I. **CALL TO ORDER** - The meeting convened at 8:05 a.m. Those present were Hearing Officer Philip Coebergh, Assistant City Attorney John Shaver, and City Clerk Stephanie Nye.

II. **DECISION - LIQUOR AND BEER CODE VIOLATIONS**

- A. Liquor Violation - Tall Pine, Inc., dba The Bottle Shop, 725 Pitkin Avenue (Retail Liquor Store)

There was no one present representing Tall Pine, Inc.

The written stipulation which was submitted at the July 6, 1994, hearing has been reviewed by the Hearing Officer and approved. It now becomes an Order of the Liquor Authority. A \$310 fine was imposed.

- B. Liquor Violation - Joe Velarde dba La Mariposa, 159 Colorado Avenue (Hotel-Restaurant)

Mr. Velarde was present. He had nothing to present.

The written stipulation which was submitted at the July 6, 1994, hearing has been reviewed by the Hearing Officer, and approved. It now becomes an Order of the Liquor Authority. A \$510 fine was imposed.

III. **DECISION - RESOLUTION OF FINDINGS AND DECISION REGARDING APPLICATIONS FOR NEW LICENSES**

- A. Application for a Hotel-Restaurant Liquor License and Extended Hours Special License by L S & L Restaurant Corp. dba Big Cheese Pizza, 810 North Avenue -

There was no one present representing L S & L Restaurant Corp. Mr. Leo Seiler, President of the corporation, had called the City Clerk stating that he would be out of town this week, and unable to attend the hearing. The application was approved under Resolution No. 8-94.

- B. Application for a Hotel-Restaurant Liquor License and Extended Hours Special License by Steven Warner Smidt and Jeanine Marie Smidt dba Blondies, 509 28-1/2 Road -

Steven Smidt was present representing Blondies.

Hearing Officer Phil Coebergh stated that he had heard the news of the break-in of Blondies which was certainly disturbing. The report showed a lot of damage to the establishment. He stated that this application came up in April, and the decision was difficult at that time. It was a hotly contested matter with considerable evidence both for and against the issuance of the license. The application was denied at that time. He had hoped that there would be some resolution by working between the applicant and the neighborhood. The evidence produced at the July 6, 1994, hearing was basically similar to the previous evidence, and not just relying on consistency alone, but also the fact that the evidence showed a great deal of opposition, it is Mr. Coebergh's determination to once again deny the application. The application was denied under Resolution No. 7-94.

Steve Smidt stated that he has tried to work with the neighborhood. He said that he showed a good response from a good amount of people that do desire and want the place. The people that were in opposition at the hearing did not come into the restaurant. They would not open their door when he and others knocked on their door regarding their agreed to stipulations by the City. He feels that these people do not want to work with him, they have no intention of allowing a liquor license in their area. He feels he has gone to great extent to try to communicate with these people. Mr. Smidt stated that it is extremely difficult for him to understand how a decision to deny this application can be made.

#### **IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

- A. Dos Hombres Restaurant, 421 Brach Drive (Hotel-Restaurant and Extended Hours Special License)  
The renewal application was in order, and approved.
- B. W.W. Peppers, 759 Horizon Drive (Hotel-Restaurant and Extended Hours Special License)  
The renewal application was in order, and approved.
- C. Texaco Food Mart, 459 Pitkin Avenue (3.2% Beer)  
The renewal application was in order, and approved.
- D. North Avenue Liquor, 801 North Avenue (Retail Liquor Store)  
Consideration of the application was postponed to the August 3, 1994, meeting due to the fact that a transfer of ownership application has been submitted to the City Clerk's office. The present owner, Elsie Woldruff, does not want to pay for another year's licenses when this transfer is scheduled to take place

between now and August 3, 1994.

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- E. Pizza Hut No. 1, 1440 North Avenue (3.2% Beer)
- F. Pizza Hut No. 2, 704 Horizon Drive (3.2% Beer)
- G. Pizza Hut No. 3, 601 N. 1st Street (3.2% Beer)

City Clerk Stephanie Nye stated that the applicant's attorney submitted the following statement regarding an incident in which Mr. McGovern was convicted during this licensing period: "Patrick Woods McGovern is the President of McGovern Enterprises, Inc., of Grand Junction, Colorado. Mr. McGovern pled guilty to the crime of vehicular assault, a classified felony, in the Mesa County District Court, Grand Junction, Colorado, on October 4, 1993. Mr. McGovern was sentenced by the District Court on December 6, 1993, and required to spend 90 days in a Community Work Release Program. Mr. McGovern has completed his work release commitment."

Mr. P.J. McGovern was present to answer questions of the Hearing Officer.

Assistant City Attorney John Shaver will review the Beer Code and decide whether a hearing is appropriate regarding the felony conviction.

Mr. Jerry Tompkins, attorney for McGovern Enterprises, Inc., was present and pointed out to the Local Licensing Authority that Colorado Case Law is clear that there is nothing about this conviction that would, in and of itself, lead to a conclusion that the president of the corporation is of the status that would deny a license. It could be used as a basis for the finding, but it will not be sufficient. Mr. Tompkins offered his assistance to the Assistant City Attorney John Shaver.

The City Clerk stated that the Health Department reports on Pizza Hut #1 and #3 did cite several critical items at the time of the inspection, and will do follow-up inspections. Mr. McGovern stated that he believed the violations had been corrected. The Hearing Officer approved the licenses subject to the receipt of final Health Department reports and noting that Assistant City Attorney Shaver's review of the Beer Code will determine if further action is needed regarding the felony conviction of the corporation president.

V. **ADJOURNMENT** - The meeting was adjourned at 8:22 a.m.

**NEXT REGULAR MEETING - August 3, 1994**