

**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, OCTOBER 16, 1996, 8:00 A.M.

Jim Majors, Alternate Hearing Officer

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

II. **APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES**

- Suite 1. Tres Hermanos, Inc., dba Todo Bien, 2430 Highway 6 & 50,
232, Hotel-Restaurant with Extended Hours

Todo Alexander Hart and Paul Tsondra were present representing
Bien.

The application was in order. The Health Department confirmed, after 3 separate inspections, the violations found on their reports have been corrected. Mr. Hart and Mr. Tsondra confirmed these violations have been corrected. The application was approved.

- Street, 2. Silver Star Bowling, Inc., dba Freeway Bowl, 1900 Main
Tavern with Extended Hours

The application was in order and approved.

3. Kenneth H. Funnelle dba Cheers, 201 Colorado Avenue, Tavern
with Extended Hours

The application was in order and approved.

4. Granber, Inc., dba G.B. Gladstones, 2531 North 12th Street,
Hotel-Restaurant

The application was in order and approved.

5. Page Two Inc., dba Sports Page, 103 North 1st Street, Hotel-
Restaurant with Extended Hours

The application was in order and approved.

III. **APPLICATION FOR RENEWAL AND REPORT OF CHANGE IN CORPORATE STRUCTURE**

1. City Market, Inc., dba City Market No. 1, 2770 Highway 50
South, 3.2% Beer Retail

Treasurer/

Secretary: Ronald Lee Warren replaces John F. Gaarde

The application for renewal including the change in corporate structure was in order and approved.

IV. APPLICATIONS FOR TRANSFER OF OWNERSHIP

Street, 1. G. Roger Warren dba This Is It Grocery, 215 South 11th Street, 3.2% Beer Retail

Transfer of Ownership from Mary H. Davis to G. Roger Warren, 215 South 11th Street

Owner: G. Roger Warren, 878 22 Road, Grand Junction

Roger Warren was present.

The closing has taken place and the applicant has been issued a temporary license. The application was in order and approved.

2. MX, Inc., dba Dolce Vita, 336 Main Street, Suites #101-104, Hotel-Restaurant

Grill #101-104 Transfer of Ownership from Christopher Bell dba Runyon's to MX, Inc., dba Dolce Vita, 336 Main Street, Suites #101-104

President:Sharme Perucchini, PO Box 19174, Avon, Co
Vice Pres:Massimiliano Perucchini, PO Box 19174, Avon, CO

Max and Sharme Perucchini were present.

The Health and Fire Departments have reported several areas which need to be taken care of prior to opening. The Fire Department reported 10 violations and will need to do a final inspection prior to opening. The Health Department will be doing another walk through inspection today. Mr. Perucchini stated the Health Department violations were in the process of being corrected at this time. He stated there is only one item on the Fire Department report that has yet to be corrected and that is the Fire Exit sign. The opening date is expected to be next week. The application was in order and approved contingent on the correction of the Fire violations and the filing of the Fire Department's final inspection report.

V. STIPULATIONS ON VERIFIED COMPLAINTS

1. In the Matter of Alfredo J. Martinez dba Chupiros Place, 122 South 5th Street, regarding Violation of 47-105.1(A) Colorado LiquorRegulation 12-47-130 C.R.S VIOLATION OF REGULATIONS

Alfredo Martinez was present.

Assistant City Attorney Shaver reported he has been in contact with a representative of the Martinez Family Corporation, Cindy Enos-Martinez, and it was agreed to

have this matter received from the Authority at this time matter be continued for concurred with Mr. Shaver for six months.

continued for six months. A letter was licensee and was submitted to the Local (see attached). He recommended the the six month period. Mr. Majors and the matter was continued

2. In the Matter of Larry Evenson dba The House of Spirits, 1560 North Avenue, regarding Violation of 12-47-128(5)(a)(I) Colorado Liquor Regulation C.R.S. UNLAWFUL ACTS

Larry Evenson was present, along with his counsel, Joe Hambright.

Assistant City Attorney Shaver reported he has discussed this with Mr. Hambright on behalf of the licensee and an agreement has been reached. The terms of the stipulation are the licensee will incur a 2 day suspension of the liquor license and, in accordance with state statutes and local ordinance, the licensee will have a fine in lieu of active suspension of the license. The ordinance provides for a payment of a stipulated 20% of the licensee's estimated gross revenues from the sales of alcoholic beverages during the period of suspension. The licensee provided a copy of the tax return from November of last year indicating approximately \$23,000 in average based on a 30 day month would be \$766.00 and 20% of that for a period of 2 days would be \$306.66. This will be the amount of the fine. Mr. Majors questioned the nature of the complaint. Mr. Shaver stated the violation was of the Unlawful Acts provision. The incident occurred when the licensee sold alcohol to an intoxicated person. A delivery driver saw a person come out of the House of Spirits who was obviously intoxicated. He pulled his van in behind the person's car, blocking his exit. He took the driver's keys and called the police. The police responded and conducted a DUI investigation and then contacted the owner of the House of Spirits, Mr. Evenson, about the sale of alcohol to the intoxicated person. Mr. Hambright stated Mr. Evenson admits to the factual basis of the complaint and is prepared to pay the fine. Mr. Shaver stated the signed stipulation and order would be submitted to the Local Licensing Authority.

VI. ADJOURNMENT - The meeting was adjourned at 8:25 a.m.

NEXT REGULAR MEETING - November 6, 1996

October 9, 1996

John Shaver, Asst. City Attorney
City of Grand Junction
250 N. 5th Street
Grand Junction, CO 81501

RE: CHUPIRO'S PLACE
122 S. 5TH STREET
GRAND JCT., CO 81501

Mr. Shaver,

Per our phone conversation on Tuesday, October 8, 1996 regarding a Public Hearing set for October 16, 1996 pertaining to an alledged Liquor Code violation, we mutually agreed to continue this Public Hearing for six months. If there are no further problems regarding Liquor Code violations, within the six month period, Public Hearing will be cancelled and no violations will be filed.

Respectfully,

/s/ Cindy Enos-Martinez
Cindy Enos-Martinez, Representative
Martinez Family Corporation