

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 15, 1997, 8:00 A.M.

I. CALL TO ORDER - The meeting was convened at 8:10 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Acting City Clerk Christine English.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Fraternal Order of Eagles 595 dba Fraternal Order of Eagles 595, 1674 Highway 50,
Club

Sydney Smith, secretary, was present. The application was in order and approved.

2. West Side Delicatessen Inc., dba West Side Delicatessen, 2454 Highway 6 & 50,
Hotel-Restaurant

The application was in order and approved.

3. Page Two Inc., dba Sports Page, 103 North 1st Street, Hotel-Restaurant

The application was in order and approved.

4. Payless Drug Stores #6178 dba Payless Drug Store, 1834 North 12th Street, 3.2%
Beer

Arie DeGroot, manager, was present. The application was in order and approved.

5. The Pour House LLC., dba The Pour House, 715 Horizon Drive, Tavern

Rich Lamont and Marvin Stevenson were present. Assistant City Attorney Shaver introduced the Police Report into the record (see attached. Police Incident Report in licensee file.). The essence of the report is two-fold: A disclosure of a driving under the influence charge to which Mr. Lamont pleaded guilty on November 1, 1996. The sentencing occurred on January 24, 1997 resulting in the defendant having a charge of driving under the influence adjudicated against him. This was not disclosed on the application for renewal. This is the second event in which this has occurred. Previously Mr. Lamont was admonished by the Authority for failing to disclose a prior incident on the initial application. In addition, the report contains other incidents, apparently none of which were directly charged against the licensees, for conduct which would be in violation of the State and Local Codes. Specifically, there is an allegation that a wet T-shirt contest may have been conducted on the premises. There have been fights and other unruly disturbances in which the proprietors have not participated in quelling the disturbances or met their legal obligation of assisting the police by contacting the police when the disturbances occurred. Also, the report details an incident of Mr. Lamont possessing a firearm while he was intoxicated and driving under the influence charge. That constitutes a misdemeanor offense.

Hearing Officer Coebergh questioned Mr. Shaver if he wanted to move for admission of the documents? Mr. Shaver stated he wanted the report to be represented in the file and used for purposes of substantiating the report he had given. The report speaks for itself, and it needs to be admitted before the Authority. Since the various authors are not present, it is a hearsay document, but there are exceptions based upon certain indicia of reliability that the document speaks for itself. Hearing Officer Coebergh stated he had a concern accepting the document for the truth of the matter asserted therein if there is no opportunity for the licensee to cross examine these people; to have them in the file just for the purpose of recognizing that they are there and then perhaps anticipating what the plan would be in the future, perhaps having a hearing concerning this license.

Mr. Coebergh was unsure if the licensee had a chance to examine the documents. Mr. Shaver stated he simply wants to have this be of record and for the Authority to be on notice. He is not anticipating that there will be any direct prejudicial affect to the licensee here this morning. Even though there are a number of instances under the licensing statute on the record, the events do not rise to the level of moral turpitude, so they would not preclude renewal of the license. There are some procedural things the Authority may do in terms of setting a hearing and going through the details, or continuing the renewal to such time as securing some assurances from the licensee that these incidents will not occur in the future. To have the documents admitted for the record this morning is to recognize the existence of these incidents, not that there would be any prejudice as a result.

the Hearing Officer Coebergh accepted the documents on that basis. He stated for record the documents would be entered into the record not for purposes of the truth stated therein, but to recognize there are some matters which need to be resolved. It may lead to a separate hearing where the licensee would have the opportunity to rebut any information or to present other evidence in regard to whether there should be some penalty in relation to the license or the license be terminated.

Mr. Lamont stated the wet T-shirt incident was from the last licensing renewal period where it was brought up. At that time, the policy of the Pour House was changed and they have not done this type of thing since then. A security company has been hired which patrols the parking lot. There have been no fights in the bar for 7 or 8 months. He felt they have bent over backwards to help the Police Department. Being the college bar in town, they are always busy and there are some problems. Inside the premises, there have not been any problems or fights in months. They have really tried to tie the loose ends down in the past year and feel they have done a good job. Compared with last years renewal, they have made a lot of progress.

Mr. Shaver stated the incidents took place in 1996 however, for purposes of disclosure, on the current renewal application, licensee Lamont failed to disclose the arrest for the driving under the influence.

Mr. Lamont stated his attorneys, Steve Laiche and Tim Foster, informed him not to bring it up and if something happened, they would deal with it. He asked if they could get a continuance to seek legal counsel?

Hearing Officer Coebergh assured Mr. Lamont the hearing today was not about the possibility of termination of the license. This is a renewal hearing. There is always the possibility there would be sufficient evidence presented to not renew it, but it has always been the Authority's position to allow a hearing where actual evidence in the form of sworn testimony can be given before having that type of procedure done. Hearing Officer Coebergh asked Mr. Shaver what his position was on what should be happening today?

Mr. Shaver stated the question he had been referring to, and to which Mr. Lamont has suggested be ignored, is Question #4 on the application which states, "Since the date of filing the last annual application, has the applicant, or any of its agents, owners, managers, principals, or lenders (other than licensed financial institutions), been convicted of a crime?" That question was answered no by Mr. Lamont. Mr. Shaver's position is the incidents do not rise to the level of not renewing the license, however, there has to be some form of adequate assurances from the licensees that each and every

requirement of the liquor code will be met. Mr. Shaver conceded the incidents that are documented in the police report, other than the most recent driving under the influence conviction, occurred in 1996. Apparently an effort has been made to keep the establishment in compliance, however there is a checkered history particularly the failure to disclose information. Mr. Shaver recommended approval of the renewal for the license at this time. If it is deemed appropriate, a review hearing on the license can be set to see if additional sanctions should be imposed.

Hearing Officer Coebergh requested Mr. Shaver begin the process to set a hearing on the license to deal with the significant problems, specifically the DUI with the possession of a weapon, of Mr. Lamont. A hearing should be set to determine if a fine, suspension or the termination of the license be imposed. The application for renewal was in order and approved.

Mr. Shaver requested the licensees remain to the conclusion of the hearing so he could speak with them. He wanted to discuss regulation 12-47-307 of the Liquor Code to make them aware of the law.

III. REPORT OF CHANGE IN CORPORATE STRUCTURE

1. GMRI Inc., dba Red Lobster, 575 24 1/2 Road, Hotel-Restaurant

and James D. Smith replaces Jeffrey J. O'Hara as President, Senior Vice President Finance Director.

The application was in order and approved.

IV. ADJOURNMENT - The meeting was adjourned at 8:30 a.m.

NEXT REGULAR MEETING - November 5, 1997

To: Chris English
From: Julia Marston
Subject: Criminal History on Liquor License Renewal
Date: 10/08/97 Time: 11:31a

DATE: October 8, 1997

TO: Chris English
City Clerk's Office
Grand Junction, Colorado

FROM: Julia Marston
Desk Officer, Investigation Section
Grand Junction Police Department

REF: Liquor License Renewal Application
Tavern Liquor License
Pour House LLC
DBA/The Pour House
715 Horizon Drive
Grand Junction, Colorado

Investigation into this Liquor License Renewal Application resulted in the following information beinguncovered.

The original liquor license application was filed in September, 1995, listing Rich Lamont and Marvin Stevenson as Managing Members in this business. When the renewal application was filed in November,1996, Lamont was left off the application as manager. Therefore his criminal history was not checked. However, a report (Case Report Number 96-09738) filed in September, 1996, names Lamont as bar manager.(A copy of that report will be sent via inter-office mail.)

On the 1996 renewal application Question 4 was answered no. This question asks, 'Since the date offiling of the last annual application, has the applicant, or any of its agents, owners, managers,principals, or lenders (other than licensed financial institutions), been convicted of a crime? This question was also answered no on the 1997 renewal application.

On March 22, 1996, Richard L. Lamont (date of birth 06-28-68) was involved in a motor vehicle accident in the 2900 block of Bookcliff Avenue. Lamont was arrested and charged with Driving Vehicle Under the Influence of Alcohol; Failure to Provide Proof of Insurance Upon Request; Careless Driving; and Prohibited Use of Weapons by Possessing a Firearm While Under the Influence of Intoxicating Liquor. The traffic accident was handled by Officer T. J. Rix . The arrest was handled by Officer P. See. The report shows that Lamont was in possession of a 9mm Ruger pistol with three magazines and 31 rounds ofammunition His blood alcohol tested at .240.

On November 1, 1996, Lamont pleaded guilty to D.U.I. On January 24, 1997, he was sentenced to Level II education, 26 hours of therapy, 48 hours of useful public service, \$400 costs and, \$66.40 for the cost ofsubpoenas. A \$300 fine was suspended, as was 30 days in jail. A copy of this report will be sent to you via inter-office mail.

There was no criminal history found on Marvin Stevenson.

Also, in the course of this background check, two cases of interest were found. Case Report # 96-09738 documents a wet t-shirt contest held on November 29, 1996. Officer Campbell states the female participants were encouraged to remove their clothing by employees. Case Report #96-09895 documents a fight at that location. Officer Paquette's report states the crowd was unruly and uncooperative. He also reported that he received no assistance from bar personnel. Copies of these reports will be sent via inter-office mail.

Gary Konzak, Chief of Police
Grand Junction Police Department

Julia Marston
Desk Officer, Investigations
Grand Junction Police Department

