

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

**MINUTES**

**WEDNESDAY, APRIL 1, 1998, 8:00 A.M.**

I. **CALL TO ORDER** - The meeting was convened at 8:08 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. Loda Incorporated dba Mama Longos, 2830 North Avenue, Beer and Wine

The application was in order and approved.

2. Grand Junction Athletic Club Incorporated dba Grand Junction Athletic Club, 2515 Foresight Circle, Tavern

The application was in order and approved.

III. **APPLICATION FOR RENEWAL WITH DECISION ON CAUSE FOR LATE FILING**

1. Super Mart Convenience Stores Incorporated dba Super Mart, **7 locations**, 3.2% Beer

1. 2903 North Avenue
2. 201 North Avenue
3. 502 Grand Avenue
4. 2526 Broadway
5. 2494 Highway 6 & 50
6. 2525 Broadway
7. 2498 F Road

There was no one present in the auditorium representing Super Mart Convenience Stores Incorporated.

Hearing Officer Coebergh requested Ms. English to briefly state the situation with the licensee. Ms. English stated the renewals were received the first week of March, 1998. At that time seven (7) checks accompanied the applications in the amount of \$57.50 each. Ms. Humphrey was contacted that day and told the correct amount for a City license renewal is \$53.75. Ms. Humphrey stated she had called the City Clerk's office and she had been told the fee was \$57.50 each. Ms. Humphrey requested the renewals be returned so a check could be issued for the correct amount. The renewals were received on March 19, 1998 with a check in the correct amount. This put the licensee well past the 30 day renewal requirement. Ms. English again contacted Ms. Humphrey and explained about the late renewal process and requested a letter of explanation from her stating why the renewals were late. That letter was received on March 23, 1998. A copy of the agenda was sent to Ms. Humphrey 10 days prior to today's hearing with a note attached stating a representative needed to be present.

This requirement each renewal had been told so a check could be issued in 1998 with a check in requirement. Ms. English process and requested a letter was received on prior to today's

Hearing Officer Coebergh asked Mr. Shaver as to the procedure for renewal applications? Mr. Shaver cited State Statute 12-47-302 C.R.S. which states that "90 days prior to the expiration date of an existing license, the State Licensing Authority shall notify the licensee of the expiration. Application for renewal shall be made to the Local Authority not less than 45 days and to the State Licensing authority not less than 30 days prior to the date of expiration". Based upon the facts stated today, it appears there was significant non-compliance. It is Mr. Shaver's recommendation based upon the letter submitted by the applicant's

representative,  
Mr. Shaver  
was required

good cause be found. Since the representative is not present this morning, recommended continuing the hearing based on the fact that the representative to be in attendance at the hearing this morning.

Mr. Coebergh concurred with Mr. Shaver. Mr. Coebergh stated the hearing would be continued to the next regularly scheduled meeting and requested that a letter be sent to Super Mart Convenience Stores Inc. to the attention of Ms. Humphrey indicating that a representative needs to be present at the next meeting so this matter can be discussed.

Mr. Shaver stated there maybe some confusion in the statute he cited which is Article 47 of Title 12 of the Liquor Code. Specifically, since we are dealing with 3.2% beer licenses the applicability of Article 47 of Title 12 is established via 12-46-102.2 C.R.S. which states "to aid administrative efficiency, the provisions in Article 47 of Title 12 shall apply to the regulation of fermented malt beverages except when otherwise expressly provided for in this Article". That is why the reference is made to 12-47 instead of 12-46.

IV. **ADJOURNMENT** - The meeting was adjourned at 8:12 a.m.

**NEXT REGULAR MEETING** - April 15, 1998