

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

MINUTES

WEDNESDAY, JUNE 17, 1998, 8:00 A.M.

I. **CALL TO ORDER** - The meeting was convened at 8:05 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. City Market Incorporated dba City Market No. 9, 1909 North 1st Street, 3.2% Beer

The application was in order and approved.

2. McGovern Enterprises Incorporated dba Pizza Hut of Grand Junction, **3 locations**, 3.2% Beer

1. 1440 North Avenue
2. 601 North 1st Street
3. 704 Horizon Drive

The applications were in order and approved.

3. Q.S. Incorporated dba Shanghai Gardens Restaurant, 715 Horizon Drive, Hotel-Restaurant

There was no one present representing Shanghai Gardens Restaurant. Acting City Clerk English stated the lease for the premises of Shanghai Gardens will expire on February 1, 1999, approximately mid-way through their licensing period. The City Clerk's office has been in touch with the applicant and the property manager for the building. The property manager, Bob Wakefield, has stated he will produce a new lease upon his return from vacation. This will be in one week.

Hearing Officer Coebergh asked Assistant City Attorney Shaver what the state statute says on this issue. Mr. Shaver replied the statute states that the applicant has to have continuous possession of the premises, but does not define whether or not the lease terminating or expiring during the tenancy of the license would constitute a violation. Mr. Shaver stated since the applicant was on notice, if they do not have legal possession of the premises, their license would be subject to revocation. Mr. Shaver recommended approval of the license contingent upon the applicant submitting a lease covering the entire licensing period. Mr. Coebergh concurred. The application was approved contingent upon the applicant filing a new lease with the City Clerk's office.

4. Texas Roadhouse of Grand Junction, LLC., dba Texas Roadhouse, 2870 North Avenue, Hotel-Restaurant

The application was in order and approved.

5. Rockslide Brew Pub Incorporated dba Rockslide Brew Pub, 401 Main Street, Brew Pub

The application was in order and approved.

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

1. Minh A. Voong dba Silver House, 2886 North Avenue, Beer and Wine

Minh Voong was present. Mr. Coebergh asked for the status of this application. Ms. English stated the application was filed on May 19, 1998. The expiration date of the license is June 10, 1998. Mr. Voong was told to submit a letter of explanation for the late filing which he did on May 20, 1998 (see attached). Mr. Coebergh questioned whether or not Mr. Voong understood what was taking place, since there seemed to be a language barrier. He wanted Mr. Voong to have the opportunity to present any further explanation he may have. Mr. Voong stated he was on vacation and he told his employee to go to his accountant and pick up the application and he would sign it. The employee forgot to pick it up so when he got back from vacation he brought it to the Clerk's office.

Mr. Shaver stated the applicable statute 12-47-302 C.R.S. states the renewal application shall be provided to the local licensing authority 30 to 45 days prior to the expiration date. Mr. Shaver had read the letter of explanation and he felt that with some additional information from the applicant good cause could be found. Mr. Coebergh was concerned that the applicant may not understand what was being asked of him.

Mr. Shaver confirmed the letter stated Mr. Voong had been out of town for two weeks. Had Mr. Voong received the application prior to this vacation? Mr. Voong stated he had received the application prior to his vacation and he took it to his accountant. He told his employee to pick it up and she did not. He has never been late before. Mr. Shaver asked if the application had been completed by Mr. Voong prior to his vacation and had just not been filed? Mr. Voong stated he had taken it to his accountant, General Account on Horizon Drive, to fill out. Mr. Shaver asked if this was done prior to his vacation? Mr. Voong stated he thought he had. Mr. Shaver asked if there was a problem with the mailing or receipt of the application? Mr. Voong stated no. Mr. Shaver asked upon Mr. Voong's return, how did he know the application had not been filed? Mr. Voong asked his employee, Karen, if the application and checks had been sent to City Hall? He was told no, so he immediately brought them to the City Clerk's office. Mr. Shaver felt there was a language barrier and maybe this in itself is good cause. Mr. Shaver recommended Mr. Coebergh admonish the licensee that there cannot be any additional late filings. Based upon the fact there has been no prior late renewal applications, the application be approved.

Mr. Coebergh concurred with Mr. Shaver. Mr. Coebergh admonished the applicant on the necessity of filing the application in a timely manner. This seems to be an oversight and with the good history of the licensee, Mr. Coebergh approved the application.

IV. APPLICATION FOR TRANSFER OF OWNERSHIP

1. Western Host Incorporated dba Grand Junction Hilton, 743 Horizon Drive, Hotel-Restaurant

Western Transfer of Ownership from HEI Hotels LLC., dba Grand Junction Hilton to Host Incorporated dba Grand Junction Hilton

President: Theodore Darnall, 8235 N. 62nd Place, Paradise Valley, AZ
Treasurer: Charles E. McCain, 10728 N., 140th Place, Scottsdale, AZ
Secretary: Gail Jackson, 6526 N. Villa Manana Drive, Phoenix, AZ

Susan Bell, general manager, and Sandy Garrett, food and beverage manager, were present representing the Hilton Hotel. Ms. English stated the application was in order. The Health Department reported several critical violations. A schedule has been set up to bring the Hilton into compliance.

Ms. Bell stated she is the new general manager. She has been in the hotel/motel business for 25 years. This is her third hotel and her second liquor license.

Mr. Coebergh questioned why the ownership has changed so many times in the past few years? Ms. Bell stated the company she works for bought H.E.I. Prior to that it changed from Richfield to HEI. These are management companies. The ownership of the hotel has stayed the same for eleven years. The management is changing not the ownership. Ms. Bell stated her company is now the largest hotel company in the world. Mr. Coebergh approved the application.

V. ADJOURNMENT

NEXT REGULAR MEETING - July 1, 1998

**Received
May 20, 1998**

Voong Minh A
Silver House Restaurant
2886 North Avenue
P.O. Box 40822
Grand Junction, CO 81504-0822

ATTN: LOCAL LICENSING AUTHORITY

RE: Voong Minh A
Silver House
License # 02-40457-000
Liability # 08-018-5812-I-061192

Dear Sir/Madam:

This letter is in reference to the **LIQUOR LICENSE RENEWAL APPLICATION**, and my failure to file it with my **LOCAL LICENSING AUTHORITY** in the 45 day period prior to the expiration date. I have been in business for 8 years and this is the first time I have failed to make this deadline. In explanation I have been out of town for the past two (2) weeks and failed to remember this needed done.

Please excuse my mistake and take into consideration my prior 8 years of timely renewal.

Thank You,

Minh Voong, Owner
Silver House