

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

MINUTES

WEDNESDAY, April 7, 1999, 8:00 A.M.

I. **CALL TO ORDER** – The meeting convened at 8:03 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. Sam's Club #6360 dba Sam's Club, 1040 Independent Avenue, 3.2% Beer

Harold McCain representing Sam's Club was present. The application was in order and approved.
2. Gay Johnsons Incorporated dba Gay Johnsons, 333 North 1st Street, 3.2% Beer

The application was in order and approved.
3. Horizon Drive Texaco LLC dba Horizon Drive Texaco, 745 Horizon Drive, 3.2% Beer

The application was in order and approved.
4. Loco Incorporated dba Loco Food Store No. 15, 722 Horizon Drive, 3.2% Beer

The application was in order and approved.
5. City Market Incorporated dba City Market No. 18, 2830 North Avenue, 3.2% Beer

The application was in order and approved.
6. Minh A. Voong dba Silver House, 2886 North Avenue, Beer and Wine

The application was in order and approved.
7. DLK Enterprises Incorporated dba Brass Rail Lounge, 476 28th Road, Tavern

The application was in order and approved.

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

1. Black Sam Incorporated dba Pantuso's Ristorante, 2782 Crossroads Blvd, Hotel-Restaurant – License Expires April 16, 1999, Filed on March 23, 1999

There was no one present representing Black Sam Incorporated. The applicant submitted a letter of explanation on the late filing (see attached). The Health Department

reported 3 critical violations. Two violations were corrected at the time of inspection. A reinspection is scheduled for April 11, 1999.

Mr. Shaver recommended, as there was no one present representing the establishment, and it has been the Authority's position in the past to require an appearance by the licensee, this matter be continued to the April 21, 1999 meeting for further consideration.

Mr. Coebergh requested a letter be sent to the applicant requesting someone to be present representing Black Sam Incorporated at the April 21, 1999 meeting.

IV. APPLICATION FOR SPECIAL EVENTS PERMIT

1. Application by Latin Anglo Alliance Foundation Incorporated for a Fermented Malt Beverage Liquor Special Events Permit for "Cinco de Mayo" on May 1, 1999, to be held on Main Street between 5th and 7th Streets from Rood Avenue to Colorado Avenue on 6th Street from 10 a.m. to 11 p.m.

Applicant: Latin Anglo Alliance Foundation Incorporated
President: Michael Archuleta, 2652 Hemlock Court, Grand Junction
Event Mgr: Rafael Quintana, 1326 Poplar #7, Grand Junction

Daria Serna was present representing Latin Angelo Alliance Foundation Inc. Ms. English read into the record the letter submitted to the Licensing Authority (see attached). Mr. Shaver stated C.R.S. 12-48-103 had been fulfilled and recommended approval of the application.

The application was in order and approved.

IV. REPORT OF CHANGE IN CORPORATE STRUCTURE-CONTINUED FROM MARCH 17, 1999

1. QS Incorporated dba Shanghai Garden Restaurant, 715 Horizon Drive, Hotel-Restaurant

President: Shiou C. (Joy) Kwan replaces Chiew Han Chiou
Stockholder: Yen-Fen Chen replaces Quangen Jiang

Mr. Chiew Chiou was present. The application was continued from the March 17, 1999 meeting. Mr. Chiou was requested to be present by certified mail. Mr. Chiou stated there is a conflict as he owns a restaurant in Breckenridge with a beer and wine license. Mr. Chiou stated he was working with Brian Turner from the State Liquor Enforcement Division on this matter.

Mr. Coebergh asked Mr. Chiou if he did have an interest in a liquor license at another location. Mr. Chiou stated yes. He did not know there would be a conflict and that he could not have an interest in another liquor license. Mr. Coebergh asked Mr. Chiou if he would like the decision postponed. Mr. Chiou stated yes. Mr. Coebergh asked Mr. Chiou how the business was currently being operated, and if alcohol was being served. Mr. Chiou stated the previous owners are running the restaurant and beer and wine is being served. Mr. Coebergh asked who was actually holding the license? Mr. Chiou stated his wife is now running the restaurant. Mr. Chiou stated a report would be filed with Brian Turner on Monday, April 12, 1999 and this report would solve the problem.

Mr. Shaver's concern was the actual ownership of the restaurant. With the proposed change in corporate structure, Mr. Chiou is no longer actually the licensee. Mr. Shaver stated it was his understanding that Mr. Chiou is the owner of the restaurant. This is where the financial conflict enters in by virtue of the licensed establishment in Breckenridge and Mr. Chiou's owning the restaurant here in Grand Junction and if Mr. Chiou is benefiting from this license because of the ownership interest. As purposed, he is not a member of the corporation that holds the license. Mr. Shaver asked if Mr. Chiou was going to retain the ownership here, or if in fact he is an owner, which creates a problem.

Mr. Chiou stated he was going to divest his interest or forfeit the beer and wine license in Breckenridge.

Mr. Coebergh stated the problem is with the license here in Grand Junction, which is still selling beer and wine, and with Mr. Chiou's ownership of this restaurant, but him not being the owner of the license. The question is should Mr. Chiou be selling any beer and wine from this restaurant at this point.

Mr. Shaver asked Mr. Chiou if he was planning on divesting his interest. Mr. Chiou stated he was. He would forfeit the beer and wine license in Breckenridge. Mr. Shaver asked if action has been taken to divest. Mr. Chiou stated yes. Mr. Chiou stated he is going to have his lawyer talk to Brian Turner concerning this. Mr. Shaver asked Mr. Chiou if the license in Breckenridge was an individual license or was it held by a corporation. Mr. Chiou stated it was held by a corporation, a different corporation than the one for Shanghai Garden. Mr. Chiou stated he and his wife are on the corporation with the license in Breckenridge and the corporation for ownership in Grand Junction is not under both of their names. Mr. Shaver recommended that the change in corporate structure not be approved at this point given the difficulty with the license here and the license in Breckenridge, and to continue this for the next meeting in two weeks so the applicant can demonstrate that he has taken the proper steps to comply with the statute. If in that time, this has not occurred, the matter would be referred to his office for purposes of initiating enforcement action.

Mr. Coebergh stated this change in corporate structure would be continued to the next meeting on April 21, 1999. Mr. Coebergh stated he still had questions as to whether or not Mr. Chiou should be selling alcohol at this time. From what has been presented today, it would seem the owner of the license is not participating in the restaurant at this point and that Mr. Chiou is. Mr. Coebergh strongly urged Mr. Chiou to check with Mr. Shaver to see if he is facing some significant problems for continuing to sell alcohol at the current time until this matter is resolved.

Mr. Shaver recommended the two weeks would be the maximum for this matter to be resolved. There may not only be enforcement action taken by the City but by the State as well. The safest thing would be not to continuing selling alcohol, but as long as there has not been an order from the Authority and action has not been taken against the license, that is not legally required, but it is advisable. Mr. Chiou concurred with this.

V. ADVISEMENT ON VERIFIED COMPLAINTS AND SETTING HEARINGS

1. In the Matter of The Pour House LLC dba The Pour House, 715 Horizon Drive, Regarding Violation of 12-47-901(5)(a)(I) C.R.S. UNLAWFUL ACTS and Colorado

Liquor Regulation 47-900; and 12-47-901(5)(e) C.R.S. UNLAWFUL ACTS and Colorado Liquor Regulation 47-914

Rich Lamont and Merv Stevenson were present representing The Pour House.

Mr. Shaver stated the Authority has received a verified complaint with certain allegations. Jointly, these allegations charge unlawful acts, over service issues and alcohol being on the licensed premise that is not permitted by the license. The events stem from the "Tough Man", or "The Toughest Man Competition" which the licensees allowed to occur on the licensed premise at 715 Horizon Drive. The purpose this morning is an advisement on the complaint and setting a hearing for evidentiary purposes. Mr. Shaver recommended setting the hearing for 30 to 45 days hence. Mr. Shaver suggested the licensees contact Ms. Rubenstein, staff attorney, to discuss possible disposition within that time frame.

Mr. Coebergh asked the licensees if they had received a copy of the complaint. Mr. Lamont stated they had not. They received in the mail a letter stating they needed to be at this meeting. They did not know what this is about. Mr. Lamont clarified they had not received the police report, but they had received a copy of the complaint.

Mr. Coebergh stated this was to set a hearing on this matter. Mr. Coebergh suggested the licensees contact Ms. Rubenstein to discuss possible resolution of this matter. Mr. Coebergh stated he has seen the licensees a number of times before the Authority. There have obviously been problems with the license in the past. This would make it more difficult to have a resolution without having a hearing on this matter. Mr. Coebergh set this matter for hearing on May 19, 1999. In the meantime, a resolution may be worked out.

2. In the Matter of JV Entertainment dba Cheers, 201 Colorado Avenue, Regarding Violation of 12-47-901(5)(a)(I) C.R.S. UNLAWFUL ACTS and Colorado Liquor Regulation 47-900

No one was present representing JV Entertainment.

Mr. Shaver recommended that by the non-appearance of the licensee, the advisement has been waived and requested the Authority to set this for hearing 30 to 45 days hence. The licensee will then be served with the Notice of Hearing.

Mr. Coebergh concurred and the hearing was set for May 19, 1999.

3. In the Matter of North Avenue Liquors dba North Avenue Liquors, 801 North Avenue, Regarding Violation of 12-47-901(5)(a)(I) C.R.S. UNLAWFUL ACTS

John Williams, attorney, and Dave McCarty, owner of North Avenue Liquors, were present. Mr. McCarty acknowledged receiving a copy of the Verified Complaint.

Mr. Shaver stated this allegation involves under age sale. Mr. Shaver and Mr. Williams have been in contact and have discussed the possibility of a disposition in this case. Mr. Shaver recommended setting this for hearing in 30 to 45 days.

Mr. Williams stated he has discussed this with his client and they would like this matter resolved as soon as possible. Mr. Williams requested an early hearing date. Mr. Williams stated this is the first violation the licensee has had and it is causing his client a

great deal of anxiety. Mr. Williams stated there are police present around Mr. McCarty's establishment on a continual basis.

Mr. Coebergh set the hearing for the April 21, 1999 hearing.

Mr. Williams asked if the Authority has subpoena power. Mr. Shaver stated if Mr. Williams would present him with a witness list, he would see that this was done.

VI. ADVISEMENT ON ORDER TO SHOW CAUSE AND SETTING A HEARING

1. In the Matter of Beye Lotz Grand Junction VFW Post #1247 dba VFW Post #1247, 1404 Ute Avenue, Regarding Violation of 12-47-307(1)(a)(V) C.R.S.

No one was present representing VFW Post #1247.

Mr. Shaver stated this was a show cause based upon the failure of one of the officers to disclose a prior criminal conviction. Mr. Shaver recommended due to the non-appearance of the licensee today, the advisement be waived and a hearing be set for 30 to 45 days hence.

Mr. Coebergh set the hearing for the May 19, 1999 hearing. Mr. Shaver stated the licensee would be personally served with the Notice of Hearing.

Mr. Coebergh announced this would be the last hearing held in the City/County Auditorium. The future hearings will be held at the Two Rivers Convention Center.

VII. ADJOURNMENT – The meeting adjourned at 8:35 a.m.

NEXT REGULAR MEETING – April 21, 1999 at Two Rivers Convention Center, 159 Main Street.

March 23, 1999

To Whom It May Concern:

Please excuse the error. I sent off my license to the State prior to having local authorization. Enclosed is my check to the City of Grand Junction for \$125.00. The State has received the additional monies.

Thank you for your prompt response.

Very truly yours,

Chris Blackburn

March 17, 1999

Stephanie Nye
City Clerk

250 N. 5th St.
Grand Junction, CO 81501

Dear Ms. Nye,

The Latin-Anglo Alliance has been holding the yearly Cinco De Mayo Celebration in downtown Grand Junction for the past sixteen years. This activity is planned as an outdoor activity, because there are not halls or buildings large enough to accommodate the large number of people who attend. In the past the Daily Sentinel has estimated that as many as 10,000 people have attended. We think this number is high and that 5,000 would be a more realistic projection. With 5,000 attendees, it is still a figure that even Two Rivers Convention Center would have a hard time holding.

We ask that we again be allowed to hold our celebration on Main Street on May 1, 1999.

Thank you,

Rafael Quintana
Event Manager
Cinco De Mayo