

**LIQUOR AND BEER MEETING  
LOCAL LICENSING AUTHORITY  
CITY OF GRAND JUNCTION, COLORADO  
TWO RIVERS CONVENTION CENTER, 159 MAIN STREET**

**MINUTES**

**WEDNESDAY, JANUARY 19, 2000, 8:00 A.M.**

I. **CALL TO ORDER** – The meeting convened at 8:05 a.m. Those present were Hearing Officer Phil Coebergh, Assistant City Attorney John Shaver and Senior Administrative Assistant Christine English.

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

1. Feather Petroleum Company dba Stop N Save No. 1, 213 North 1<sup>st</sup> Street. 3.2% Beer Off Premise

The application was in order and approved.

2. Loco Incorporated dba Loco Food Store No. 11, 1904 North 12<sup>th</sup> Street, 3.2% Beer Off Premise

The application was in order and approved.

3. City of Grand Junction dba Lincoln park Golf Course, 800 Mantlo Circle, 3.2% Beer On/Off Premise

The application was in order and approved.

4. Avalon Theatre Incorporated dba Avalon Theatre, 645 Main Street, Arts

Kristina Mallett was present representing the Avalon Theatre. The application was in order and approved.

III. **APPLICATION FOR TRANSFER OF OWNERSHIP**

1. Kenneth M. Prescott, Brian G. Morris and Robert Shea/The Pour House Partnership dba The Pour House, 715 Horizon Drive #100, Tavern

Transfer of Ownership from The Pour House LLC dba The Pour House to Kenneth M. Prescott, Brian G. Morris and Robert Shea/The Pour House Partnership dba The Pour House, 715 Horizon Drive

Partners: Kenneth M. Prescott, 488 32 Road #D7, Clifton, CO  
Brian G. Morris, 710 Ivy Place, Grand Junction, CO  
Robert Shea, 1307 Colorado Avenue #A, Grand Junction, CO

Kenneth Prescott, Brian Morris and Robert Shea were present. The application was in order. The Code Enforcement Department reported the Notice of Hearing was posted in a timely manner and the diagram submitted matches the physical layout of the premises. A temporary permit was issued on December 3, 1999. The temporary permit is good for 120 days or until the new license is issued. The liquor license for The Pour House under The Pour House LLC expired on January 10, 2000. The Police report on Mr. Prescott

disclosed several instances, which were revealed on his individual history. The Police report also shows that there was a failure to appear warrant for Mr. Prescott issued on a court date of December 9, 1999.

Mr. Coebergh swore in Mr. Prescott. Mr. Shaver questioned Mr. Prescott about the disclosures that were made on his individual history. In particular, the probation violation, which included a jail sentence and the failure to complete some alcohol classes. Mr. Prescott stated the probation violation was due to his failure to keep a meeting with his intervention officer. Mr. Prescott stated he is currently signed up at St. Mary's Recovery to complete the alcohol classes. The underlying offense for these is two DWAI's in 1996. Mr. Prescott stated he has had no prior offenses and he would take care of the outstanding warrant today. The court appearance at which he failed to appear was for the non-completion of the useful public service hours. Mr. Prescott stated he still has four hours left to complete. Mr. Prescott stated the charges were due to his own "stupidity", that the blood alcohol level on both charges was very low, and that he reminds patrons at The Pour House on a regular basis that a taxi costs less than a DWAI. Mr. Prescott was placed on supervised probation.

Mr. Coebergh questioned Mr. Prescott on the circumstances surrounding the missed meeting with the probation officer in 1997. Mr. Prescott responded he failed to schedule the meeting and was sentenced to 12 days in jail, which he did serve. Mr. Prescott further stated the reason for the jail sentence was because he had not completed all of his Useful Public Service hours as well as missing the meeting with his probation officer.

Mr. Coebergh questioned Mr. Prescott on the UPS hours. Mr. Prescott stated at that time he was in college, working full time and had a problem getting the hours taken care of. Mr. Prescott stated he has been operating a mobile DJ service and has been working with the American Cancer Society providing free DJ service for their events, using this to fulfill the UPS hours.

Mr. Coebergh asked Mr. Prescott about the probation violation in 1998. Mr. Prescott stated he had not completed paying court costs. The UPS had not been completed at that time either. Mr. Prescott stated he still has four (4) hours to complete on the UPS. Mr. Coebergh stated this is still outstanding after three (3) years from the original sentence. Mr. Prescott stated yes.

Mr. Coebergh questioned Mr. Prescott on the 1998 charge of driving while his driver's license was under suspension. Mr. Prescott stated his driver's license is still suspended. The no proof of insurance was at the same time as the driving while license was under suspension.

Mr. Prescott stated he realized the past history does not look good, but that he is working hard to correct these problems. He is still dealing with the consequences of his actions from that time and he warns the patrons at The Pour House against repeating his mistake. Mr. Prescott stated he realizes he still has a ways to go but he is working hard to reestablish his good standing.

Mr. Shaver asked Mr. Prescott if he has completed the sentence for driving while under suspension and no proof of insurance. Mr. Prescott stated he has completed the sentence, paid the fines and completed the UPS hours.

There was no opposition present.

Mr. Shaver stated there is a significant history of offenses including two (2) alcohol related offenses and the failure to complete the alcohol classes. C.R.S. 12-47-307 provides that in order for a license to issue, the person must have character and reputation that are satisfactory to the licensing authority. Mr. Prescott's record is suspect as to meeting that criteria. The same statute also provides in subparagraph (3), that any applicant may submit information and that the authority is to consider any mitigating circumstances negating the applicant's criminal history by such things as: evidence of rehabilitation, character references, educational achievements and especially those things pertaining to the period of time between the applicant's last criminal conviction and the consideration of the application for a license. Mr. Shaver recommended that the matter be taken under advisement and the applicant be given opportunity to supplement the record in that regard and that he be available for further inquiry by the Authority after the supplement has been filed.

Mr. Coebergh stated he would take this matter under advisement and give Mr. Prescott a week to provide any additional information to show what has been done in regards to the problems discussed today. Mr. Coebergh stated in regard to the showing of good moral character, Mr. Prescott has shown disrespect for the legal system. Mr. Coebergh stated he would take any additional supplement to the application as stated in C.R.S. 12-47-307(3) that Mr. Prescott would like to submit, and he would either reschedule this matter or issue a decision based on the supplementation provided.

#### **IV. DECISION AND RESOLUTION OF FINDINGS RE: APPLICATION FOR NEW LICENSE- Concurrent Review**

1. Greenfields Incorporated dba Greenfields, 118 South 7<sup>th</sup> Street, Tavern

President: Marvin Stevenson, 2144 Redcliff Circle, Grand Junction, CO  
Vice President: Rich Lamont, 515 29 3/8 Road #A, Grand Junction, CO

#### **REPORT OF CHANGE IN CORPORATE STRUCTURE**

Greenfields Incorporated dba Greenfields, 118 South 7<sup>th</sup> Street, Tavern

Vice President: Resignation of Rich Lamont

Tom Volkmann, attorney for Greenfield's Incorporated, was present. Mr. Coebergh stated he had a letter from Mr. Volkmann that was submitted on January 18, 2000, requesting a continuance on this matter. Mr. Volkmann stated he has been discussing with Mr. Shaver the changes in the ownership of the proposed application. Mr. Volkmann stated he would like to have more time to discuss the change in corporate structure and the amendment of the application so that it can be done once, correctly, and then have it considered by the Licensing Authority.

Mr. Shaver recommended that the matter be continued to the next available meeting. As indicated by Mr. Volkmann, there are some questions as to how an amendment to an application is to occur. Mr. Shaver concurred with Mr. Volkmann that it would be better to do it once and do it correctly rather than to consider the application and issue a license at this time and then either have an immediate change or some other issue arise during the consideration of that application. Mr. Volkmann stated there would not be a problem getting the necessary work done before the next hearing date.

Mr. Coebergh stated Jim Majors would be the Hearing Officer at the next meeting. Mr. Shaver stated he would like to see the application in its final form prior to a scheduled

hearing date. Mr. Shaver stated Mr. Coebergh has the authority to continue the hearing date pending the resolution of these matters. Mr. Coebergh stated he would continue this matter and would not reset it for hearing at this time, but would wait until the necessary paperwork was filed and reviewed and then set a hearing date.

Mr. Volkmann asked if there would be a deadline to get the amendment filed. Ms. English asked if the amendment could be filed within a week. Mr. Volkmann stated he would be able to get this accomplished.

There was no opposition to the continuance of the hearing.

**V. ADJOURNMENT** – The meeting adjourned at 8:30 a.m.

**NEXT REGULAR MEETING – February 2, 2000** with Jim Majors as Hearing Officer.