

**LIQUOR AND BEER MEETING
LOCAL LICENSING AUTHORITY
CITY OF GRAND JUNCTION, COLORADO
MUNICIPAL HEARING ROOM, CITY HALL, 250 NORTH 5TH STREET**

MINUTES

WEDNESDAY, APRIL 2, 2008 9:00 a.m.

I. **CALL TO ORDER** – The meeting convened at 9:00 a.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Debbie Kemp.

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

1. **Loyal Order of Moose Grand Junction #270** dba Loyal Order of Moose Grand Junction Lodge 270, 567 25 ½ Road, Grand Junction, CO 81505, Club

No one representing the applicant was present.

The application for renewal was found to be in order and approved.

2. **Carson, Inc.**, dba Johny's Beer and Liquor, 666 Patterson Road, Grand Junction, CO 81506, Retail Liquor Store

John Carson, President/General Manager of Carson, Inc., was present.

Ms. Kemp stated that the Police Department had reported that on November 11, 2007, there was a liquor violation for a sale to an underage person. Ms. Kemp advised that Mr. Carson had disclosed that violation on his renewal.

City Attorney Shaver stated that he would like to take exception to Mr. Carson's referring to the sting as an entrapment in his letter of explanation on the violation noting that with an entrapment, it leaves the violator no choice other than to break the law and in any service of alcohol, there is always a choice. Mr. Carson stated that the person used in the sting was a twenty year old female who looked to be at least thirty years old. Mr. Carson believes that taxpayers' money would be better spent if the State would use people for their stings looking under twenty one. He also feels that the stings shouldn't be performed because it is illegal for a person under the age of twenty one to purchase alcohol.

Hearing Officer Grattan stated that the prohibition is serving anyone under the age of twenty one and the law is very clear on that.

The application for renewal was found to be in order and approved.

3. **Nepal Restaurant GJ, LLC** dba Nepal Restaurant, 356 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Anil Luitel, owner of Nepal Restaurant, was present.

The application for renewal was found to be in order and approved.

III. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING

1. **JiMarc Enterprises, Inc.** dba Cavett House Grille & Pub, 359 Colorado Avenue, Suite 2, Grand Junction, CO 81501, Hotel and Restaurant – Filed in the City Clerk’s Office 30 days late

Marc Rice, owner of the Cavett House Grille & Pub, was present.

Ms. Kemp noted that the applicant had submitted a letter explaining the reason for filing the renewal late in the City Clerk’s Office.

City Attorney Shaver asked Ms. Kemp if the applicant has paid their Occupational Tax that was due January 2nd, as he received notice that they hadn’t last week. Ms. Kemp stated that they had not yet paid.

City Attorney Shaver asked Mr. Rice why he had not paid it. Mr. Rice stated that the last notice he received stated it was due by April 4th and that is when he intends to pay it.

City Attorney Shaver asked Ms. Kemp if this is the first time the applicant has filed late. Ms. Kemp said that it was.

Mr. Rice apologized for the late filing and stated that it won’t happen again.

The application for renewal was found to be in order and approved.

2. **Thai Chili, Inc.** dba Thai Chili Restaurant, 2536 Rimrock Drive, Suite 700, Grand Junction, CO 81505, Beer and Wine – Filed in City Clerk’s Office 23 days late

No one was present representing the applicant.

Ms. Kemp noted that the applicant had submitted a letter explaining the reason for filing the renewal late in the City Clerk’s Office.

The application for renewal was found to be in order and approved.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING AND REGISTRATION OF A NEW MANAGER – Continued from March 19, 2008

1. **Carino’s Italian Kitchen, Inc.** dba Carino’s Italian Grill, 2480 Highway 6 & 50, Grand Junction, CO 81505, Hotel and Restaurant – Filed in the City Clerk’s Office 16 days late

Eliazar Garza, 1817 Bunting Avenue, Grand Junction, CO 81505 replaces Jon Bond.

Eliazar Garza, General Manager, was present.

Ms. Kemp explained that this item was continued from March 19, 2008 because of a Health Department concern and also because the applicant had advised that they were in the process of registering a new manager. Ms. Kemp read a report from the Health Department stating that a 2nd follow-up inspection will be conducted on April 2nd and that the applicant is faxing daily temperature logs and conducting staff training.

City Attorney Shaver asked Ms. Kemp if a report had been received from C.B.I. on the background investigation for Mr. Garza. Ms. Kemp stated that she has not received a report. City Attorney asked if Mr. Garza had revealed anything on his individual history form. Ms. Kemp stated that he had disclosed a D.W.A.I. from December, 2007, has paid a fine, and is under supervision until 2009.

Mr. Garza said he has just had his first meeting with a probation officer and has not had any other violations since December, 2007.

Hearing Officer Grattan asked Mr. Garza why the renewal was filed late in the City Clerk's office. Mr. Garza said he believes it was because of the changing of the new manager.

Ms. Kemp advised Hearing Officer Grattan that the renewal is actually filed out of the corporate office.

City Attorney Shaver also advised Hearing Officer Grattan that a notice is sent to the local establishment.

Hearing Officer Grattan advised Mr. Garza to watch for the notice next year.

Finding good cause for the late filing, the application for renewal was approved conditional upon a report from the Health Department stating that all violations had been corrected.

The application for registration of a new manager was found to be in order and approved.

V. APPLICATION FOR SPECIAL EVENTS PERMIT

1. **Latin Anglo Alliance Foundation, Inc.**, P.O. Box 1734, Grand Junction, CO 81502, Cinco de Mayo Celebration, 3rd and Main Street, Grand Junction, May 3, 2008

Pres./Sec'y. of Org.: Dolores Pitmas, 2721 Sierra Vista Rd., Grand Junction, CO 81503
Event Manager: Mike Archuleta, 667 Cordial Ct., Grand Junction, CO 81501

Melvin Madril, Permit and Licensing Coordinator for Latin Anglo Alliance Foundation, was present.

City Attorney Shaver asked Ms. Kemp of the exact location of the event. Ms. Kemp provided Hearing Officer Grattan and City Attorney Shaver the diagram submitted for the event (Exhibit A attached). Mr. Madril stated that the beer garden will be in the parking lot on 3rd and Main Street. The event will be from 3rd and Main Street to 7th and Main Street.

City Attorney Shaver said in reference to 12-48-103, C.R.S. regarding that existing licensed facilities are inadequate for the purpose of serving members or guests of the organization and that additional facilities are necessary by reason of the nature of the special event, the statute has been complied with, and he recommends approval.

Hearing Officer Grattan agreed and approved the application for a special events permit.

V. APPLICATION FOR NEW LICENSE – RESOLUTION OF FINDINGS AND DECISION

1. **Planet Wines, LLC, dba Planet Wines**, 420 Main Street, Grand Junction, CO 81501, Retail Liquor Store

Managing Partner: Michael Chariton, 2879 Victoria Drive, Grand Junction, CO 81503
Partner: Jeffrey Browning, 2842 NE Hoyt, Portland, OR 97232

Michael Chariton, Managing Partner for Planet Wines, LLC, was present.

Ms. Kemp reported the application was in order and the applicant requested a concurrent review. The Police Department reported that nothing derogatory was found on a local

background check on the owners and the fingerprint cards and individual history forms were forwarded to CBI for further investigation. Code Enforcement reported that the premises were posted in a timely manner. The Building Department will provide a Certificate of Occupancy once the building remodel is completed. Ms. Kemp read into the record the results of the survey provided (see attached).

City Attorney Shaver asked Mr. Chariton if he found the results of the survey that Ms. Kemp read to be true and accurate. Mr. Chariton stated that he did. City Attorney Shaver asked who conducted the survey, what dates and times was it conducted and how was it conducted. Mr. Chariton stated that it was himself, his wife, and two friends that conducted the survey on a Friday morning and a Saturday morning about two weeks prior. They contacted businesses on Friday and residential on Saturday. They went door to door and explained that they plan on opening a liquor store specializing in wines and are required to conduct a survey. They explained the wording of the questions and provided people a chance to either object or be in favor. City Attorney Shaver asked if there were any negative reactions. Mr. Chariton said he had one person that refused to sign the survey because they were not in favor of any alcohol but overall, he was surprised at the number of cordial responses. Business owners were also enthusiastic. There were several residential people not at home and he did not attempt to go back. City Attorney Shaver asked Mr. Chariton if he feels he covered a good part of the survey area. Mr. Chariton said he did.

Hearing Officer Grattan found the requirements have been met. The approval for the issuance of the retail liquor store liquor license on the local level was granted with the condition of a Certificate of Occupancy is issued. The City Clerk's Office will prepare a resolution for Hearing Officer Grattan's signature.

VI. **ADJOURNMENT** – The meeting adjourned at 9:34 a.m.

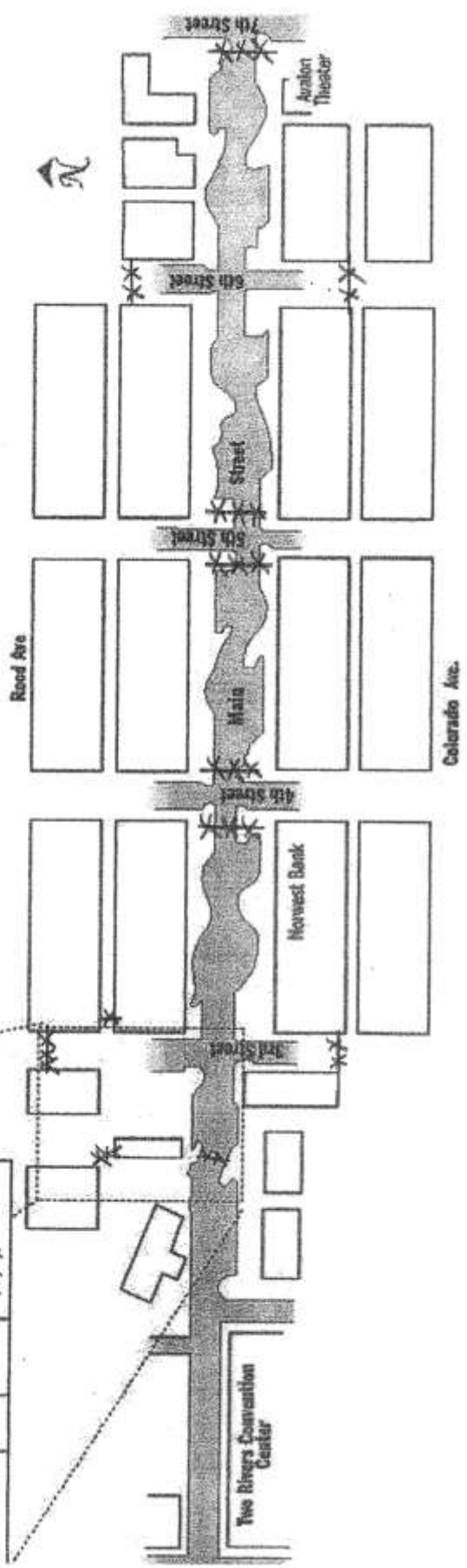
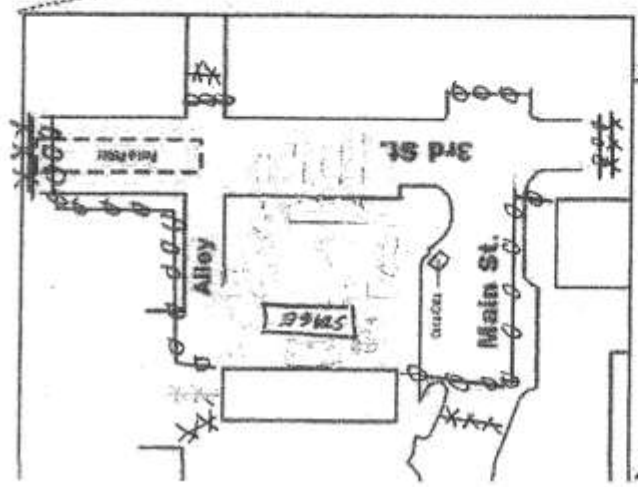
NEXT REGULAR MEETING – April 16, 2008

(A)

LATIN ANGLO ALLIANCE
CINCO-DE-MAYO
May 3, 2008

LEGEND

- XXXXX TRAFFIC BARRIERS
- ooooo Beer Consumption Limits



MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: March 11, 2008
SUBJECT: Application for a new retail liquor store liquor license by Planet Wines, LLC, dba Planet Wines, 420 Main Street

Planet Wines, LLC filed an application with the Local Licensing Authority on February 29, 2008 for a new retail liquor store liquor license permitting sales of malt, vinous and spirituous liquors not for consumption at place where sold at 420 Main Street, under the trade name of Planet Wines. The application and supplementary documents were reviewed, found to be in order and accepted. A copy was sent to the State Liquor Enforcement Division for a Concurrent Review. The hearing date was set for April 2, 2008. The Notice of Hearing was given by posting a sign on the property on or before March 23, 2008 and by publishing a display ad in the Daily Sentinel on March 21, 2008.

In order to address the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood, the applicant conducted a survey. The neighborhood was defined as the area bounded on the North by Teller Avenue, on the South by 3rd Avenue, on the East by 10th Street, and on the West by Vine Street. The results of that survey are as follows:

- As an owner of property in the neighborhood, an employee or a business lessee of property in the neighborhood, and/or an inhabitant residing in the neighborhood for more than six months each year, I believe the reasonable requirements of the neighborhood are already being met by other existing outlets.

Yes	1
No	176
N/A	1

- As an inhabitant who resides in the neighborhood for more than six months each year, it is my desire that the license be issued.

Yes	102
No	1

The Grand Junction Police Department has investigated the owners for local criminal history. Reports have been requested by the Grand Junction Code Enforcement, City of Grand Junction Sales Tax Department, and the Building Department for a final certificate of occupancy (CO) upon completion of remodeling the building.

The number of similar-type outlets in the survey area is as follows:

Retail Liquor Store – 2 (Grand Central Liquors and Bottle Shop Liquors)

The number of similar-type outlets in a one mile area in addition to above

Retail Liquor Store – 3 (Last Chance Liquors, Andy's Liquor Mart, and North Avenue Liquor)

That concludes this report.

cc: Applicant
John Shaver, City Attorney
TJ Rix, Grand Junction Police Department
File