

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

MINUTES

WEDNESDAY, FEBRUARY 1, 2012, 2:00 P.M.

I. CALL TO ORDER

The meeting convened at 2:00 p.m. Those present were Hearing Officer Mike Grattan, City Attorney John Shaver, and Deputy City Clerk Juanita Peterson.

II. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES

1. Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill, 2504 Highway 6 & 50, Suite 300, Grand Junction, CO 81505, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Chipotle Mexican Grill, Inc. dba Chipotle Mexican Grill was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSE WITH TASTING PERMIT

1. Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits, 611 24 Road, Grand Junction, CO 81505, Retail Liquor Store

Eleni Sica, Owner of Crossroads Wine and Spirits, was present.

The application for renewal with tasting permit for Crossroads Wine and Spirits, LLC dba Crossroads Wine and Spirits was found to be in order and approved.

IV. APPLICATION FOR REGISTRATION OF A NEW MANAGER

1. Mesa Mall BBQ, Inc., dba Famous Dave's Bar B Que, 2440 US Hwy. 6 & 50, Grand Junction, CO 81505, Hotel and Restaurant

Shawna Shakespear, 3227 S. Bunting Avenue, Clifton, CO 81520, replaces Monica Etcheverry

Shawna Shakespear, new General Manager, was present.

The application for registration of a new manager was found to be in order and approved contingent on a clear C.B.I./F.B.I. report.

V. APPLICATION FOR A CHANGE IN CORPORATE STRUCTURE

1. Western Colorado Center for the Arts, Inc. dba Western Colorado Center for the Arts, 1803 N. 7th Street, Grand Junction, CO 81501, Arts

Executive Director: Camille Silverman, 16150 Elk Drive, Glade Park, CO 81523, replaces Cheryl McNab

Camille Silverman, new Executive Director, was present.

The application for the change in corporate structure was found to be in order and approved contingent on a clear C.B.I./F.B.I. report.

VI. APPLICATION FOR A TRANSFER OF OWNERSHIP

1. Top East Restaurant, Inc. dba Top East Restaurant, 707 Horizon Drive, Grand Junction, CO 81506, previously Hereford Steak and Sushi House, Inc. dba Hereford Steak and Sushi House, Hotel and Restaurant

President: Quanbei Zhao, 2217 S. Telluride Court, Aurora, CO 80013

Ms. Peterson reported the applicant came into the City Clerk's office that day and asked for this item to be continued until the next hearing on February 15, 2012 as there is an issue with the lease. Ms. Peterson will provide a new Notice to the applicant to repost the premises for the new hearing date.

City Attorney Shaver and Hearing Officer Grattan had no issue with this request.

VII. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER

1. Carson, Inc. dba Johnny's Beer & Liquor, 2648 Patterson Road, Grand Junction, CO 81501, Retail Liquor Store

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

John Carson, Owner of Johnny's Beer & Liquor, was present.

Hearing Officer Grattan asked Mr. Carson if he agreed with the contents of the stipulation. Mr. Carson said he agreed. Hearing Officer Grattan signed the presented Stipulation, Agreement, and Order and asked the Clerk to submit it in accordance with the Certificate of Mailing.

The stipulation states the licensee agrees to a seven day suspension of its license as a penalty for its violation of the Colorado Liquor Code and the licensee to be actively suspended for two days from 12:01 a.m. on the 17th day of February, 2012 until 11:59 p.m. on the 18th of February 2012. Five days of the suspension to be held in abeyance for a period of one year from the date of the approval of the agreement by the Local Authority.

2. Kuniko Corporation dba Kuniko's Teriyaki Grill, 2695 Patterson Road, #11, Grand Junction, co 81501, Beer and Wine

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Rie Pruitt, owner of Kuniko's Teriyaki Grill, was present.

Hearing Officer Grattan asked Ms. Pruitt if she agreed with the contents of the stipulation. Ms. Pruitt said she agreed. Hearing Officer Grattan signed the presented Stipulation, Agreement, and Order and asked the Clerk to submit it in accordance with the Certificate of Mailing.

The stipulation states the licensee agrees to a seven day suspension of its license as a penalty for its violation of the Colorado Liquor Code and the licensee to be actively suspended for two days from 12:01 a.m. on the 17th day of February, 2012 until 11:59 p.m. on the 18th of February 2012. Five days of the suspension to be held in abeyance for a period of one year from the date of the approval of the agreement by the Local Authority.

3. Junct'n Square Pizza, LLC dba Junct'n Square Pizza, 119 N. 7th Street, Grand Junction, CO 81501, Hotel and Restaurant

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.5)(I), it is unlawful for any person, including a licensee, manager, or agent of any licensed establishment to sell, serve, exchange, or permit the sale and procurement of any alcohol beverage to or for any person under the age of twenty-one years

Earl Stevenson, Owner of Junct'n Square Pizza, LLC, was present.

Hearing Officer Grattan disclosed that he represents Mr. Stevenson on other matters. City Attorney Shaver asked Hearing Officer Grattan if he represented Mr. Stevenson specific to this matter. Hearing Officer Grattan said he has represented him on other general business and information matters. City Attorney Shaver asked Mr. Stevenson if he felt there was a conflict, and he said no. City Attorney Shaver said the City has no conflict.

Hearing Officer Grattan asked Mr. Stevenson if he agreed with the contents of the stipulation. Mr. Stevenson said he agreed. Hearing Officer Grattan signed the presented Stipulation, Agreement, and Order and asked the Clerk to submit it in accordance with the Certificate of Mailing.

The stipulation states the licensee agrees to a seven day suspension of its license as a penalty for its violation of the Colorado Liquor Code and the licensee to be actively suspended for two days from 12:01 a.m. on the 3rd day of February, 2012 until 11:59 p.m. on the 4th of February 2012. Five days of the suspension to be held in abeyance for a period of one year from the date of the approval of the agreement by the local Authority. The licensee agreed to pay a fine equivalent to 20% of the licensee's estimated gross revenue from the sale of alcohol beverages during a period of two days, except that the fine shall not be less than \$200. Based on the average sales the amount of the fine was determined at be the minimum fine of \$200.00 which the applicant paid as agreed in the stipulation.

VIII. OTHER BUSINESS

1. Beye Lotz Grand Junction dba VFW Post #1247, 1404 Ute Avenue, Grand Junction, CO 81501, Tavern – Verify that an application for a Change in Corporate Structure has been received

Ms. Peterson reported the application for a Change in Corporate Structure has not been received in their office. Hearing Officer Grattan asked if there was anyone present on this item and no one indicated they were. Hearing Officer Grattan said it has been 90 days since the last review which should be ample time for the applicant to get everything needed in order. City Attorney Shaver agreed. Hearing Officer Grattan said he would give them until the end of business on Monday, February 6, 2012 to complete this. City Attorney Shaver said his office would be happy to contact them and let them know the expectation of compliance before a penalty is issued.

Hearing Officer Grattan addressed the person in the audience and asked who she was and what item she was here on.

Debra Sexton said she was here to just listen to the comments on the item for the V.F.W. She said she has concerns about over service at the establishment and she has worked for them in the past. Hearing Officer Grattan asked that she visit with Ms. Merritt with the City Attorney's Office, and Joe Patrick with the Grand Junction Police Department, who were both still in the Hearing Room after the meeting.

Hearing Officer Grattan asked City Attorney Shaver about prior violations and if these are considered when determining the penalty and also how far back a violation can be and still be considered as relevant.

Ms. Merritt said everything is considered even if it was a stipulation issued by the State or the City, it is considered. Also that any previous violations stay with the establishment, they never go away. The outcome of a previous violation and how the establishment has been in compliance since the last violation (i.e. what they have done to prevent this in the future) are all items her office takes

into consideration. City Attorney Shaver said the expectation is compliance before penalty.

Hearing Officer Grattan also wanted to address the stipulations that are on the agenda. He said that if all the stipulations are presented to him signed in the exact form they are presented at the Liquor and Beer meeting, there is no need for anyone to appear unless they would want to. City Attorney Shaver said that he feels having the licensee appear gives more merit to the seriousness of the stipulation. Hearing Officer Grattan agreed.

IX. ADJOURNMENT – 2:29 p.m.

NEXT REGULAR MEETING – February 15, 2012