

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

M I N U T E S

WEDNESDAY, FEBRUARY 15, 2012, "Revised time" 2:15 P.M.

I. CALL TO ORDER The meeting convened at 2:15 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. SAL, Inc. dba Fiesta Guadalajara-GJ, 710 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for SAL, Inc. dba Fiesta Guadalajara-GJ was found to be in order and approved.

2. GMRI, Inc. dba Red Lobster #685, 575 24 ½ Road, Grand Junction, CO 81505, Hotel and Restaurant

Robyn Klauer, General Manager, was present representing the applicant.

The application for renewal for GMRI, Inc. dba Red Lobster #685 was found to be in order and approved.

3. G A Restaurant, Inc. dba Wrigley Field, 1810 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for G A Restaurant Inc. dba Wrigley Field was found to be in order and approved.

4. City of Grand Junction dba Two Rivers Convention Center, 159 Main Street, Grand Junction, CO 81501, Hotel and Restaurant

Sheryl Thompson, Banquet Manager, was present representing the applicant.

The application for renewal for City of Grand Junction dba Two Rivers Convention Center was found to be in order and approved.

5. Valero Diamond Metro, Inc., dba Diamond Shamrock Corner Store #4115, 599 29 ½ Road, Grand Junction, CO 81504, 3.2% Beer Retail License (Off-Premises)

No one was present representing the applicant.

The application for renewal for Valero Diamond Metro, Inc. dba Diamond Shamrock Corner Store #4115 was found to be in order and approved.

6. Breckenridge Ale House GJ, LLC dba Breckenridge Ale House, 2531 N. 12th Street. Grand Junction, CO 81501, Hotel and Restaurant

Laura Fairey, Office Manager, was present representing the applicant.

The application for renewal for Breckenridge Ale House, GJ, LLC dba Breckenridge Ale House was found to be in order and approved.

7. Fin's Grill LLC dba Fin's Grill, 683 Horizon Drive, Suite 112, Grand Junction, CO 81506, Beer and Wine

No one was present representing the applicant.

The application for renewal for Fin's Grill LLC dba Fin's Grill was found to be in order and approved.

8. VAT, LLC dba Jack Rabbit Liquor, 2681 Unaweep Avenue, Unit C & D, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for VAT, LLC dba Jack Rabbit Liquor was found to be in order and approved.

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

1. KMG ENTERPRISES INC. dba Boston's the Gourmet Pizza, 2404 F Road, Grand Junction, CO 81505-1210, Hotel and Restaurant – Filed 29 days late

Ms. Sue Love, Accountant, was present representing the applicant. Ms. Peterson reported that applicant submitted a letter stating why the late filing. Ms. Love explained that the corporate office was located in Overland Park, KS but has been moved back to Grand Junction. This is the only business that KMG Enterprises has which has a liquor license. When she began working at taking care of these licenses 7 months ago, she was not aware the renewal must be filed 45 days prior to expiration with the Local Authority.

City Attorney Shaver asked Ms. Love how they will prevent this in the future. She said they have changed the address so the renewal will come directly to her at the corporate office and she now knows about the filing deadlines. She

assured City Attorney Shaver and Hearing Officer Grattan this will not happen again.

The application for renewal for KMG ENTERPRISES Inc. dba Boston's the Gourmet Pizza was found to be in order and approved. Good cause was shown for the late filing.

IV. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE

1. Cinnamon Grill, LLC dba Cinnamon Grill, 624 Rae Lynn, Suite C, Grand Junction, CO 81505, Hotel and Restaurant

JDH Corporation (Jeff Hansen), 2700 G Road, Unit 4C, Grand Junction, CO 81506 is now sole member of Cinnamon Grill, LLC

Mr. Hansen will also be the registered manager.

Mr. Jeff Hansen was present. Hearing Officer Grattan asked Mr. Hanson if he is the sole member of JDH Corporation. Mr. Hansen said that was correct.

The application for a change in corporate structure for Cinnamon Grill, LLC, dba as Cinnamon Grill was found to be in order and approved.

2. Beye Lotz Grand Junction dba VFW Post #1247, 1404 Ute Avenue, Grand Junction, CO 81501

Add the following officers:

Commander: Kyle Kelly, 505 West Ouray, Grand Junction, CO 81501

Jr. Vice: Larry Baker, 3229 Bunting, Clifton, CO 81520

Chaplain: Cole Poppleton, 999 Bookcliff #B2, Grand Junction, CO 81501

Mr. Eugene J. Southard, Commander, was present. Mr. Southard apologized for not being at the last hearing as he did not get notified. Mr. Southard said the 90 day suspension was lifted on January 28, 2012 that was imposed by the State charter so they are now able to add the additional officers.

Ms. Peterson reported that the local report of the new officers is fine, but F.B.I. is still pending on all of them. They are also compliant with sales tax.

The application of a change in corporate structure for Beye Lotz Grand Junction dba VFW Post #1247 was found to be in order and approved pending satisfactory FBI reports.

V. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE AND REGISTRATION OF NEW MANAGER

1. Erich and Connie, LLC dba Rocky Mountain Pub, 359 Colorado Avenue, Grand Junction, CO 81501, Tavern

Remove Erich Frei from the LLC and make Connie Frei 100% owner.

Ms. Peterson reported that the paperwork was in order with all the required documents to remove Mr. Frei from the LLC and make Connie Frei 100% owner.

Hearing Officer Grattan said he would address the two items separately. Hearing Grattan said he found the change in corporate structure to be in order and approved.

Add Kimberly Ann Gennarelli, 945 Colorado Avenue, Grand Junction, CO 81501 as registered manager

Ms. Peterson reported the local background on Ms. Gennarelli was fine, but FBI is still pending. Ms. Peterson also reported that sales tax is in compliance and read the summary of the establishment provided by Officer Patrick with the Grand Junction Police Department.

In the summary there was reference to a pending administrative action for an incident on December 3, 2011. Hearing Officer Grattan said at the time that action might come before him; he would address the summary of incidents.

Hearing Officer Grattan found the application for the registration of Kimberly Ann Gennarelli to be in order and approved pending a clear report from FBI.

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. Mai Zhang was present representing the applicant due to Mr. Zhao needing assistance with the language. Ms. Zhang is the seller for Hereford Steak and Sushi House Inc. Hearing Officer Grattan disclosed that he has represented Ms. Zhang on previous issues and asked Ms. Zhang if she had an issue with him hearing this. Ms. Zhang said no.

Ms. Peterson reported that the paperwork was all in order. This item was continued from the February 1, 2012 hearing due to an issue with the lease and that has been cleared up. Mesa County Health Department will re-inspect in 60 days after the new owner takes over. The rest of the reports with Police, Fire, and Sales Tax are in compliance.

Hearing Officer Grattan asked City Attorney Shaver if he had anything to add and City Attorney Shaver said no. Hearing Officer Grattan found the transfer of

ownership to Top East Restaurant Inc. dba Top East Restaurant to be in order and approved.

VII. APPLICATION FOR NEW LICENSE – RESOLUTION AND FINDINGS AND DECISION

1. Orchard Mesa Dragon Treasure, Inc. dba Dragon Treasure II, 2740 Hwy. 50, Suite 101, 102, & 103, Grand Junction, CO 81503, Beer and Wine

President: Onnie Hong, 1281 13.2 Road, Loma, CO 81524

Hearing Officer Grattan disclosed that he has worked with Mr. Hong in the past.

Ms. Cindy Hale, accountant for the applicant, was present. With her were JC Hale and Sandy Gagne who conducted the needs and desires survey. Ms. Peterson reported the paperwork is in order and with the issuance of the CO (certificate of occupancy) a final report will be done by the Fire and Health departments prior to opening. FBI is still pending on Mr. Hong. Ms. Peterson read the results of the survey (see attached) into the record.

City Attorney Shaver asked Mr. Hale and Ms. Gagne if they agreed with the results that Ms. Peterson read. Both agreed. City Attorney Shaver asked them how they conducted the survey and when. Mr. Hale responded that they went door to door on a Wednesday between noon and 3:30 p.m. and Saturday between 12:30 and 4:30 p.m. Mr. Hale said at the businesses they only asked for either an owner or manager to sign and several had neither available when they were there. Mr. Hale also said there were several empty businesses in this area.

Hearing Officer Grattan reviewed the "exhibit" sheets and asked Mr. Hale if he believed there was more contact made that was reflected by the final numbers of the survey. Both Mr. Hale and Ms. Gagne said yes and the reasons were listed on the "exhibit" sheets.

Hearing Officer Grattan made note that there was no one present in opposition of the application. He did note that the number of business contacts on the survey was low but after a review of the "exhibit" sheets he finds the survey results were sufficient. City Attorney Shaver concurred.

The application for a new beer and wine license for the Orchard Mesa Dragon Treasure, Inc. dba Dragon Treasure II, was found to be in order and approved conditioned on satisfactory reports from FBI on the owner and a final certificate of occupancy (CO) is issued. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

VIII. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER

1. New Asia Garden, Inc. dba Asia Garden Chinese and Thai Cuisine, 2692 Hwy. 50, Units L & M, Grand Junction, CO 81503, 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

John Sy, President and local agent for Asia Garden Chinese and Thai Cuisine, was present.

Hearing Officer Grattan asked Mr. Sy if he agreed with the contents of the stipulation. Mr. Sy said he did. 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 license 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. Mimosa, Inc. dba Fairground Wine & Liquor, 2771 B ½ Road, Grand Junction, CO 81503, 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

Jerry Sparks, owner of Fairground Wine & Liquor, was present.

Hearing Officer Grattan asked Mr. Sparks if he agreed with the contents of the stipulation. Mr. Sparks said he did. 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 license to be actively suspended for two days and 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 elected to pay the find calculated on the average days' sales for the month of December 2011. Based on the average sales the amount of the fine has been determined to be \$1,745.88.

3. LOCO, Inc. dba LOCO Food Store No. 12, 107 Grand Avenue, Grand Junction, CO 81501, 3.2% Beer Retail (Off Premises)

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

Tom Hoffman, controller for LOCO Inc., was present representing the owner.

Hearing Officer Grattan asked Mr. Hoffman if he agreed with the contents of the stipulation. Mr. Hoffman said he did. 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 license to be actively suspended for two days from 12:01 a.m. on the 24th day of February 2012 until 11:59 p.m. on the 25th day 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.

IX. OTHER BUSINESS

There was no other business.

X. ADJOURNMENT – 3:08 p.m.

NEXT REGULAR MEETING – March 7, 2012

MEMO: Local Licensing Authority

FROM: Juanita Peterson, Deputy City Clerk

DATE: February 3, 2012

SUBJECT: Application for a beer and wine liquor license by Orchard Mesa Dragon Treasure, Inc. dba Dragon Treasure II, 2740 Hwy. 50, Suite 101, 102, & 103

Orchard Mesa Dragon Treasure Inc. filed an application with the Local Licensing Authority on January 10, 2012 for a new beer and wine liquor license permitting sales of malt and vinous and fermented malt beverages by the drink for consumption on the premises at 2740 Highway 50, under the trade name of Dragon Treasure II. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for February 15, 2012. The Notice of Hearing was given by posting a sign on the property on or before February 5, 2012 and by publishing a display ad in the Daily Sentinel on February 3, 2012.

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 Redwood Court, B Road on the South, Lynwood Street on the East and Fischer Avenue on the West and includes both sides of the streets as the outer boundaries. The results of that survey are as follows:

Check the yes/no column if you support/oppose this type of license being issued because the existing outlets do/do not adequately serve the reasonable requirements of the designated area.

Business Results:	FAVOR:	10
	OPPOSE:	1
Residential Results:	FAVOR:	51
	OPPOSE:	6

No letters of opposition or counterpetitions have been filed to date.

There were 7 responses that were disqualified because there were 4 responses that didn't list an address and 3 responses that didn't answer in favor or opposed.

There were 8 "exhibits to survey petition" that indicated 4 persons were under 21 years of age, 11 people refused to sign, 55 no answers, 10 no solicitors, 15 of other reasons why they chose not to sign.

The Grand Junction Police Department has investigated the individuals for local criminal history. They will be inspecting the property to ensure the Notice of Hearing has been posted in a timely manner and verifying that the diagram matches the establishment. The

fingerprints have been forwarded to CBI for further processing. Reports have been requested by the Grand Junction Fire Department, Mesa County Health Department, and City of Grand Junction Sales Tax Department.

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

Beer and Wine – 0

The number of similar-type of outlets in a one mile radius:

Beer and Wine – 1 – Asia Garden Chinese and Thai Cuisine

That concludes this report.

ec: Applicant
Joe Patrick, Grand Junction Police Department
cc: John Shaver, City Attorney
File

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Dragon Treasure II

