

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

MINUTES

WEDNESDAY, JUNE 6, 2012, 2:00 P.M.

I. CALL TO ORDER

The meeting convened at 2:01 p.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. Hilltop Liquors Inc. dba Hilltop Liquor Store, 1563 Highway 50 South, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Hilltop Liquors Inc. dba Hilltop Liquor Store was found to be in order and approved.

2. Pete's House of Spirits, Inc. dba Pete's House of Spirits, 1560 North Avenue, Grand Junction, CO 81501, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Pete's House of Spirits, Inc. dba Pete's House of Spirits was found to be in order and approved.

3. SINH, LLC dba Redlands Liquor, 2500 Broadway, Unit A8, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for SINH, LLC dba Redlands Liquor was found to be in order and approved.

4. Tequila's II, Inc. dba Tequila's 2560 North Avenue, Grand Junction, CO 81501, Hotel and Restaurant

No one was present representing the applicant.

The application for renewal for Tequila's II, Inc. dba Tequila's was found to be in order and approved.

5. Danner Clark LLC dba Fly'n Roosters, 200 W. Grand Avenue, Units 4&5, Grand Junction, CO 81501, Hotel and Restaurant

Ann Danner, owner of Fly'n Roosters, was present.

The application for renewal for Danner Clark LLC dba Fly'n Roosters was found to be in order and approved.

III. APPLICATION TO RENEW LIQUOR AND BEER LICENSES WITH LATE FILING-
(23 days late in filing)

1. Brightstar Golf Redlands Mesa LLC, dba The Golf Club at Redlands Mesa, 2325 West Ridges Blvd., Grand Junction, CO 81507, Hotel and Restaurant with 3 optional premises

Tad Holloway, General Manager, was present.

Ms. Kemp read a letter that the applicant provided explaining the reason for the late filing into the record (see attached).

City Attorney Shaver asked Ms. Kemp if this is the applicant's first late filing. Ms. Kemp replied that she believed it was.

Hearing Officer Grattan found cause for the late filing. The application for renewal with late filing for Brightstar Golf Redlands Mesa LLC, dba The Golf Club at Redlands Mesa was found to be in order and approved.

IV. APPLICATIONS TO RENEW LIQUOR AND BEER LICENSES WITH OUTDOOR DINING LEASE

1. WTB Enterprises Inc. dba Blue Moon Bar and Grille, 120 N. 7th Street, Grand Junction, CO 81501, Hotel and Restaurant with Outdoor Dining Lease

Theodora Brehmer, owner of Blue Moon Bar and Grille, was present.

The application for renewal for WTB Enterprises Inc. dba Blue Moon Bar and Grille was found to be in order and approved along with Outdoor Dining Lease.

V. RATIFY THE APPROVAL OF THE APPLICATION FOR MODIFICATION OF PREMISES WITH OUTDOOR DINING LEASE – from the May 16, 2012 meeting

1. Boomers, LLC dba Boomers, 436 Main Street, Grand Junction, CO 81501, Tavern

Add outside dining area to licensed premise

Chester Allen, owner of Boomers, was present.

Hearing Officer Grattan advised Mr. Allen that, even though the application for modification was approved at the previous Liquor and Beer Meeting, it is

important for the Authority to hear the details of how the survey was conducted. He asked that Ms. Kemp read the results of the survey into the record so that Mr. Allen can hear them.

Ms. Kemp read the results of the survey into the record.

Hearing Officer Grattan asked if there was anyone present in opposition of the application. There was no one.

City Attorney Shaver asked Mr. Allen if he heard the results, believed that they were true and accurate based on his personal knowledge, and asked who, when, and how the survey was conducted.

Mr. Allen said he found the results to be true. It was he who conducted the survey 3 or 4 days prior to submitting it to the City Clerk's Office in April. He started from his established business location and went north, south, east, and west. He looked for people who were already outdoors at their homes and went into businesses.

City Attorney Shaver asked how long his business has been there. Mr. Allen said since 2003.

Hearing Officer Grattan asked Mr. Allen when he plans on opening the business. Mr. Allen said they are trying to get it open within the current month.

Hearing Officer Grattan said that he finds the business numbers (62) from the survey are adequate but he is concerned with the low numbers for residential (11). He asked for City Attorney Shaver's thoughts on it. City Attorney Shaver said that because it is Main Street, residential isn't in the immediate area, and the application is only an addition for outdoor dining, he believes that the evidence is sufficient for the consideration of the application.

Mr. Allen said that because the liquor license has been established at that location for such a long time in good standing, he didn't feel that he needed to work extremely hard to canvas the neighborhood.

The application for modification of premises for Boomers, LLC dba Boomers was found to be in order and approved.

VI. APPLICATION FOR TRADE NAME CHANGE

1. DSDJ Entertainment, Inc., dba The Red Room, 103 N. 1st Street, Grand Junction, CO 81501, Hotel and Restaurant

Trade Name Change from The Red Room to Weaver's Red Room

No one was present representing the applicant.

The application for a trade name change for DSDJ Entertainment, Inc., dba Weaver's Red Room was found to be in order and approved.

VII. APPLICATION FOR CHANGE OF LOCATION WITH NEW OUTDOOR DINING LEASE

1. Fins Grill, LLC dba Fins Grill, 683 Horizon Drive, Suite 112, Grand Junction, CO 81506-8424 to 420 Main Street, Grand Junction, CO 81501, Beer and Wine with Outdoor Dining Lease

Ron Hegge, owner of Fins Grill, and Becky Brown, employee of Fins Grill who conducted the survey, were present.

Ms. Kemp read the results of the survey into the record (see attached).

Hearing Officer Grattan asked if there was anyone present in opposition of the application. There was no one.

City Attorney Shaver asked Ms. Brown how the survey was conducted. Ms. Brown said that she walked up and down the streets, knocked on doors and explained to people Fins Grill was changing their location and asked if they would like to sign the petition. Main Street was where they received most of the signatures. City Attorney Shaver asked Ms. Brown if she heard the results Ms. Kemp read into the record and if she believes the results to be true and accurate. Ms. Brown said yes.

City Attorney Shaver asked Mr. Hegge how many seats the diagram he provided is indicating. Mr. Hegge said it is 90. City Attorney Shaver asked Mr. Hegge if that is how many seats he will have. Mr. Hegge said he probably won't have that many, but wanted to put it down just in case. City Attorney Shaver asked Mr. Hegge if that number included the outdoor dining. Mr. Hegge said no, the outdoor dining will have 16 seats.

Mr. Hegge noted that they have received two letters from Liquor Enforcement stating they have passed compliance checks. He and his employees are proud of that.

Hearing Officer Grattan expressed concern over the low numbers on the survey. As with Boomers, he understands the low number of residential, but believes there should have been more businesses canvassed. He noted that there was a prior liquor license at the proposed location which indicates it is generally acceptable.

Mr. Hegge said that there was another young man that conducted the survey, but he did not keep track of residences that were not at home.

After conferring with City Attorney Shaver, Hearing Officer Grattan continued the application for change of location for Fins Grill, LLC dba Fins Grill, 420 Main Street, to the June 20, 2012 Liquor and Beer Meeting and asked that Mr. Hegge get at least 23 more business signatures in favor of the on the survey. Mr. Hegge's attendance on June 20th would not be required.

VIII. APPLICATION FOR A SPECIAL EVENTS PERMIT

1. Western Equality, 740 Gunnison Avenue, Grand Junction, CO 81501-
Masquerade on June 9, 2012 from 8:00 p.m. to 12:30 a.m. at the Center for
Independence gym, 740 Gunnison Avenue, Grand Junction, CO 81501

President/Event Manager: Jerry Shelton, 1153 W. Paradise Way, Fruita, CO
81521

Jerry Shelton, Board President of Western Equality, was present.

City Attorney Shaver asked Mr. Shelton if he is familiar with the Special Events Questionnaire and asked him to describe the responses that were provided to the questions. Mr. Shelton advised that he completed the questionnaire and said that the Masquerade is an event for gay, lesbian, bisexual, transgender individuals, and/or supporters. They are expecting 250 to 300 people at the event. In the past 4 events that they have had, they have 6 trained people for security identified by wearing orange vests and it has worked well for them. Each person is checked for identification and a wrist band is placed on them for either under 21 or over 21. The person at the bar rechecks their band and if they do not have a band, they are not served at all.

Hearing Officer Grattan asked Mr. Shelton to describe the perimeter for the alcohol and asked how the security people were trained to watch out for over-service. Mr. Shelton advised that the event will be in a gymnasium which is basically blocked off from the rest of the building. Identification is checked at a table when coming into the gymnasium and given the appropriate wristband. A security person is posted at all three emergency exits. There is security making sure no one is buying alcohol for an underage person and if it happens, they are both immediately ejected. The bartender watches people very closely for slurred speech, staggering, etc.

Hearing Officer Grattan entered the diagram into the record as Exhibit A.

Hearing Officer Grattan found that pursuant to C.R.S. 12-48-106, there is nothing in the Special Event Permit request that will be injurious to the public welfare and approved the application for a Special Events Permit for Western Equality.

IX. REVIEW AND AUTHORIZE STIPULATION, AGREEMENT AND ORDER

1. Rockslide Brew Pub, Inc. dba Rockslide Brew Pub, 401 Main Street, Grand
Junction, CO 81501

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.), 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 a visibly intoxicated person.

Stephan Schweissing, attorney representing Rockslide Brew Pub, and Mike Bell, General Manager for Rockslide Brew Pub were present.

Hearing Officer Grattan asked for clarification on a sentence in the agreement about contesting the violation on October 27, 2011. Mr. Schweissing explained that if a second violation had not occurred on December 3, 2011, they would request a hearing for the violation on October 27, 2011 because of other circumstances that happened along with the alleged violation which Mr. Schweissing detailed. The applicant just wanted to convey their disagreement to that violation in the agreement.

Hearing Officer Grattan asked DeLayne Merritt, City Staff Attorney, if she agreed with Mr. Schweissing. Ms. Merritt said she did.

The applicant agreed to a twenty-two day suspension with fifteen days held in abeyance for a period of one year from the date of the agreement and to pay a fine in lieu of active suspension which amounts to \$4,147.97 on or before July 2, 2012 which the applicant agreed to do.

Hearing Officer Grattan asked Mr. Schweissing if he wants to enter into the agreement. Mr. Schweissing said yes. Hearing Officer Grattan asked Ms. Merritt if the City wants to enter into the agreement. Ms. Merritt said yes. Hearing Officer Grattan asked Mr. Bell if he agrees. Mr. Bell said yes. Hearing Officer Grattan asked both Mr. Schweissing and Ms. Merritt if they would like him to enter the agreement as an order of the Authority. Both Mr. Schweissing and Ms. Merritt said yes. Hearing Officer Grattan entered the agreement, which offered a fine in lieu of suspension, as drafted and asked that Ms. Kemp distribute the agreement in accordance with the certificate of mailing.

2. Robert J. Wilcox Inns, Inc. dba West Gate Inn, 2210 Highway 6&50, Grand Junction, CO 81505, Tavern

Pursuant to Colorado Revised Statutes §12-47-901(1)(a.), 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 a visibly intoxicated person.

Robert Wilcox, owner of West Gate Inn, and Carla Pearson, General Manager for West Gate Inn, were present.

Ms. Merritt said that she met with Mr. Wilcox and Ms. Pearson on May 16, 2012. The history of the license and any mitigating factors involving the particular incident were discussed at the meeting. They advised Ms. Merritt of what they do to prevent violations from happening. The applicant has had no prior violations and was offered a fine in lieu of suspension. She advised that the applicant came to the meeting very organized with a lot of forms, policies, and a lot of data regarding intoxication to show that they take the law very seriously. They also do training, internal and external. The employee that was involved in the violation was terminated.

The applicant agreed to a 10 day suspension with seven days of the suspension to be held in abeyance for a period of one year from the date of the approval of this Agreement and pay a fine in lieu of active suspension in the amount of \$334.28 by June 6, 2012 which the applicant agreed to do.

Hearing Officer Grattan asked Mr. Wilcox and Ms. Merritt if they would like him to enter the agreement as an order of the Authority. Both Mr. Wilcox and Ms. Merritt said yes. Hearing Officer Grattan entered the agreement, which offered a fine in lieu of suspension, as drafted and asked that Ms. Kemp distribute the agreement in accordance with the certificate of mailing.

X. OTHER BUSINESS

There was none.

XI. ADJOURNMENT

The meeting was adjourned at 2:58 p.m.

NEXT REGULAR MEETING – June 20, 2012



May 16, 2012

City of Grand Junction
City Clerk
250 North 5th St.
Grand Junction, CO 81501

RE: RETAIL LIQUOR LICENSE NO. 4020607

To Whom It May Concern:

Please accept this letter as to why our liquor license application is delinquent.

Payment was sent on April 19, 2012 directly to the Colorado Department of Revenue (check #7279) but did not have the correct renewal paperwork included. Payment was sent on April 19, 2012 to the City of Grand Junction (check #7274) along with our monthly water payment without the correct renewal paperwork included. We have submitted form DR8404 & DR8404-1 on May 16, 2012 for the June 6th hearing.

If you have any questions, please feel free to contact our office.

Sincerely,

Tad Holloway
General Manager

TH/hf

MEMO: Local Licensing Authority
FROM: Debbie Kemp, Deputy City Clerk
DATE: May 30, 2012
SUBJECT: Application for a relocation of a beer and wine license from 683 Horizon Drive, Suite 112 to 420 Main Street by Fins Grill, LLC dba Fins Grill

Fins Grill, LLC filed an application with the Local Licensing Authority on May 7, 2012 for a relocation of a beer and wine license permitting sales of malt, vinous and spirituous liquors by the drink for consumption at place where sold at 420 Main Street under the trade name of Fins Grill. The application and supplementary documents were reviewed, found to be in order, and accepted. The hearing date was set for June 6, 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 boundaries are defined as: Teller Avenue on the north, 3rd Avenue on the south, 10th Street on the east, and Vine Street on the west and includes both sides of the streets as the outer boundaries.

The results of that survey are as follows:

If you support/oppose this proposed relocation of premises as described above because this will not conflict with the reasonable requirements of the designated area and it is your desire the relocation be approved/not approved.

Business Results:	FAVOR:	27
	OPPOSE:	0
Residential Results:	FAVOR:	16
	OPPOSE:	0

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

There were 2 responses that were disqualified because they were out of the defined neighborhood. There were no "Exhibits to Survey Petition" sheets submitted.

Reports from the police, fire, health, and sales tax departments will be obtained before the issuance of the licensed.

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

Beer and Wine – 3 (Pablo's Pizza, The Palette, and Smashburgers, which the business is closed and the liquor license expires June 16, 2012)

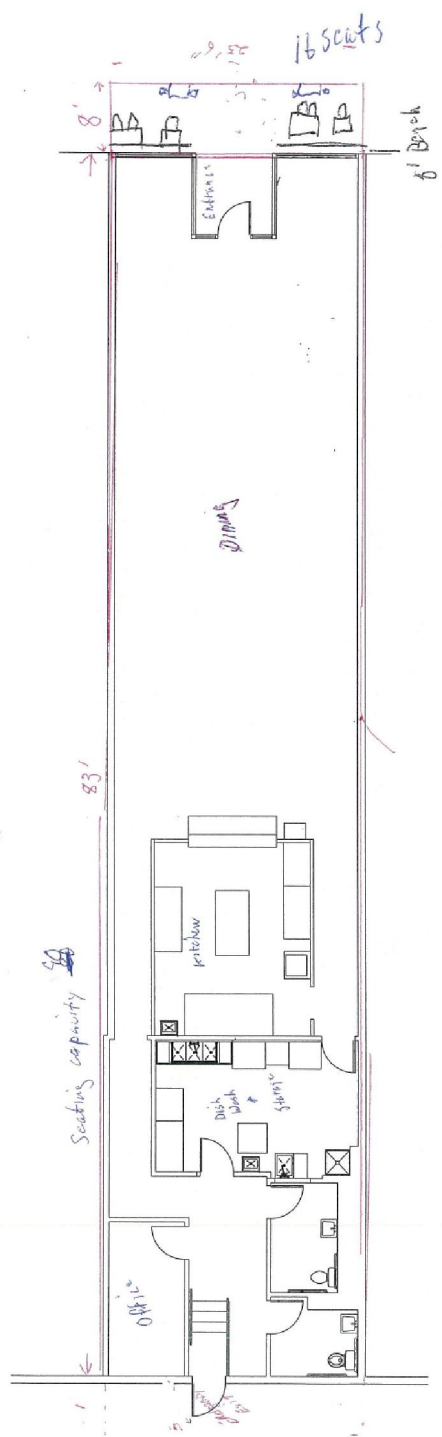
That concludes this report.

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

1/8 scale

E
N S
W

S



(A)
Fin's Grill,
LLC

(A)

Western Community

