

## RESOLUTION NO. 6-00

### DECISION ON APPLICATION FOR A NEW RETAIL LIQUOR STORE LIQUOR LICENSE BY WYLIE R. MILLER UNDER THE TRADE NAME OF JESTER'S LIQUOR TO BE LOCATED AT 1430 NORTH AVENUE, GRAND JUNCTION, COLORADO,

Public hearings were held on June 7 and 21, 2000, by the Local Licensing Authority for the City of Grand Junction (hereinafter "Authority"), on the application submitted by Wylie R. Miller, (hereinafter "Applicant") for a new Retail Liquor Store liquor license under the trade name of Jester's Liquor to be located at 1430 North Avenue, Grand Junction, Colorado. The Authority having duly considered the evidence adduced at said hearings and having reviewed the evidence including supplemental documents submitted by the Applicant, the opposition and oral and written statements of legal counsel, FINDS:

1. That the hearings on June 7, 2000 and June 21, 2000, on the application were held after proper notice thereof, as required by 12-47-336 C.R.S., et. seq.
2. That Section 12-47-301(2)(a), C.R.S., establishes the legal basis for review of any application and that before granting any license, all licensing authorities shall consider, except where this article and article 46 of this title specifically provide otherwise, the reasonable requirements of the neighborhood, the desires of the adult inhabitants as evidenced by petitions, remonstrances, or otherwise, and all other reasonable restrictions that are or may be placed upon the neighborhood by the local licensing authority.
3. That the petitions, surveys, remonstrances and other evidence, including but not limited to statements of the Applicant and those in opposition, demonstrate that the Applicant has not shown that the needs of the neighborhood are not already being met by existing licenses and that the adult inhabitants do not desire that the license issue.
4. That Section 12-47-312(2)(a) C.R.S. requires (in relevant part) that before entering any decision approving or denying the application, the local licensing authority shall consider ... the facts and evidence adduced as a result of it's investigation, as well as any other facts (emphasis added). The other facts that the Authority found compelling includes an admission by the Applicant that those opposed to the issuance of the license were not fully reported on the Applicant's survey. Furthermore, the Authority considered the fact, as shown by the competing surveys, that there was apparent confusion among those responding to the survey/petitions.
5. While extensive testimony and argument concerning Undue Concentration, 12-47-301 (2)(b) and Colorado Liquor Regulation 47-301, was received the Authority is deciding the application on other grounds, specifically those detailed in this Resolution.
6. That the application for a new Reail Liquor Store liquor license be denied.

**NOW, THEREFORE, BE IT RESOLVED BY THE LOCAL LICENSING AUTHORITY OF THE CITY OF GRAND JUNCTION:**

That the application submitted by Wylie R. Miller under the trade name of Jester's Liquor to be located at 1430 North Avenue, Grand Junction, Colorado, for a new Retail Liquor Store liquor license is denied.

**DONE**, this 21st day of June 2000.

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Philip Coebergh, Hearing Officer  
Local Licensing Authority for the  
City of Grand Junction

ATTEST:

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Christine English  
Senior Administrative Assistant