

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

**MINUTES**

**WEDNESDAY, JANUARY 16, 2013, 2:00 P.M.**

**HEARING OFFICER MICHAEL GRATTAN**

**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 Debbie Kemp.

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

1. LOCO, Inc. dba LOCO Food Store No. 14, 2902 Patterson Road, Grand Junction, CO 81504, 3.2% Beer Retail (Off Premises)

Crystal Jensen, LOCO Food Store No. 14 Store Manager, was present.

The application for renewal for LOCO, Inc. dba LOCO Food Store No. 14 was found to be in order and approved.

2. Waltersheid Investment and Consulting, Inc. dba All Pro Liquor, 2913 Patterson Road, #104, Grand Junction, CO 81504, Retail Liquor Store

No one was present representing the applicant.

The application for renewal for Waltersheid Investment and Consulting, Inc. dba All Pro Liquor was found to be in order and approved.

3. Mimosa, Inc. dba Fairground Wine and Liquor, 2771 B ½ Road, Grand Junction, CO 81503, Retail Liquor Store

No one was present representing the applicant.

Ms. Kemp reported that the applicant disclosed a violation that occurred in March 2012 for sale to an operative minor and the business was suspended for seven days.

City Attorney Shaver asked Ms. Kemp if the disclosure of the offense was a complete disclosure. Ms. Kemp replied that number four on the renewal form asks if the entity has had an alcohol beverage license denied, suspended, or revoked, and that is where the applicant disclosed the offense.

The application for renewal for Mimosa, Inc. dba Fairground Wine and Liquor was found to be in order and approved.

**III. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE AND CHANGE IN TRADE NAME – Continued from January 2, 2013**

1. Tyluk, Inc. dba After Shock (formally Whiskey River), 490 28 ¼ Road, Grand Junction, CO 81501, Tavern

Add Vice President Peggy Lou Vieira, 144 32 Road, Grand Junction, CO 81503

Peggy Lou Vieira, Vice President for Tyluk, Inc. was present.

Ms. Kemp stated that the Fire Department has reported that all violations have now been corrected, the Health Department is still waiting for the applicant to file the form for the name change, sales tax is now in compliance, and the report from CBI/FBI for criminal background check is still pending.

Ms. Vieira reported that she did file the paperwork with the Health Department on Friday, January 11, 2013 and paid the fee for the new license, it will be mailed to the establishment, and an inspection will occur within a month.

City Attorney Shaver asked Ms. Kemp if it is her understanding that Mr. Boyd is 85% stockholder of Tyluk, Inc. and Ms. Vieira is 15% stockholder of Tyluk, Inc. and also asked if Ms. Vieira is an officer in the corporation. Ms. Kemp replied that Mr. Louis H. Boyd, Jr. is the President of Tyluk, Inc. and holds 85% of the stock in the corporation, and Ms. Vieira is the Vice President of Tyluk, Inc. holding 15% of the stock in the corporation.

The application for change in corporate structure and change of trade name for Tyluk, Inc. dba After Shock (formally Whiskey River) was approved conditioned on a clear report from CBI/FBI on Ms. Vieira and the Health Department reporting to the City Clerk that the applicant has met all requirements.

**IV. APPLICATION FOR CHANGE IN CORPORATE STRUCTURE**

1. Thai Chili, Inc. dba Thai Chili and Pho, 2536 Rimrock Drive, Suite 700, Grand Junction, CO 81505, Hotel and Restaurant

President: Mei Zhao, 2217 S. Telluride Court, Aurora, CO 80013 replaces Quan Bei Zhao

Ms. Kemp reported that a report from CBI/FBI is still pending.

City Attorney Shaver asked Ms. Kemp if this change of corporate structure is for the new license. Ms. Kemp confirmed that to be correct. Ms. Kemp said that the reason for the change is because Ms. Zhao, Mr. Zhao's daughter, is fluent in English and Mr. Zhao speaks no English.

The application for change in corporate structure for Thai Chili, Inc. dba Thai Chili and Pho was approved conditioned on a clear report from CBI/FBI on Ms. Zhao.

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

1. Georgia Lu Lujan dba A Taste of Heaven Catering, 2817 North Avenue, Grand Junction, CO 81501, Tavern

Owner/Operator: Georgia Lu Lujan, 223 S. Mesa Street, Fruita, CO 81521

Georgia Lujan, owner/operator of A Taste of Heaven Catering, and Phil Lujan, Ms. Lujan's husband who also helped conduct the survey, were present.

Ms. Kemp reported that CBI/FBI investigations were still pending on the owner.

Ms. Kemp read the results of the survey that was conducted into the record (see attached) and also advised that it is one of the best surveys she has ever verified and lauded the Lujan's for their effort.

City Attorney Shaver asked Ms. Lujan if the results of the survey that were read into the record were a true and accurate representation of what she knew. Ms. Lujan said yes. City Attorney Shaver asked how the survey was conducted. Ms. Lujan said she and her husband tried several times, both evenings and daytime. They were able to collect most of the signatures on New Year's Day because more people were at home. City Attorney Shaver asked if they think they hit most of the neighborhood. Ms. Lujan said that they tried to get signatures from all directions around the business. Mr. Lujan stated that they started on 28 ¼ Road, hitting the business area, down to 28 ½ Road. They then went to an apartment building on 26<sup>th</sup> Street and up to Orchard Avenue to 27<sup>th</sup> Street. Next they went to residents on Texas, Mesa, and Elm Streets. City Attorney Shaver asked if there were any other people who helped with the survey. Ms. Lujan said no, just herself and her husband. City Attorney Shaver asked if the building at 2817 North Avenue is a new building. Ms. Lujan said no, it was the old Furr's Cafeteria. She believed that the building was built in 1977.

City Attorney Shaver said that based on the fact that there is no one present to protest and the fact that the survey appears to be supportive of the issuance of the license as well as Ms. Kemp's prior comments about the survey, he recommended approval.

Hearing Officer Grattan adopted City Attorney Shaver's recommendation and found that the application for a new tavern license for Georgia Lu Lujan dba A Taste of Heaven Catering was in order and he approved the application. The City Clerk's office will prepare a resolution for Hearing Officer Grattan's signature.

## **VI. OTHER BUSINESS**

Ms. DeLayne Merritt, City Staff Attorney, advised that Joe Patrick with the Police Department has been reassigned to a new position and she believes that he is no longer running the background checks. Ms. Kemp advised that Officer Patrick will continue running background checks in addition to his new position until he has trained someone to take over with running the background checks.

Ms. Merritt asked if Hearing Officer Grattan prefers addressing the Stipulation, Agreement, and Orders on or off of the record. Hearing Officer Grattan said that his personal position is that people have entered into the agreement and have waived the hearing in writing; he is ok with them not showing up at all. On the other hand, on the City's position, he understands that there is a value to bring people in to make them understand the import of violating the law. Hearing Officer Grattan noted for the record that he has signed a Stipulation, Agreement, and Order for Nagggy McGee's Irish Pub right before this meeting. City Attorney Shaver stated that the City is 100% concurrence with what Hearing Officer Grattan just said. Based upon Ms. Merritt's experience in dealing with these situations, she understands the benefit of bringing them forward at a hearing. He asked Hearing Officer Grattan if he is ok with an adjustment to the approach on the agreements by representing in the agreement when a hearing is needed and when it is not. Hearing Officer Grattan advised that he has no problem with Ms. Merritt's judgment as to when people need to be brought forward or not; however, he asked that there is a clear and unequivocal waiver in the stipulation. Ms. Merritt said that a clause has been included in the agreement that allows the Hearing Officer to schedule a hearing if clarification is needed. Hearing Officer Grattan stated that it is his opinion that the offender needs to be brought to a hearing when 1) there is a difficult situation and 2) when there is a repeat violator, as he is seeking compliance with the law and perhaps these people aren't getting it. City Attorney Shaver said that the City appreciates Hearing Officer Grattan's perspective with compliance with the law because that is what this is all about.

City Attorney Shaver expressed concern about the comment made by Ms. Vieira with Tyluk, Inc. referencing an issue with Brian Turner, State Liquor Enforcement Officer. Ms. Kemp stated that she will call Mr. Turner to find out what that is about. She also is concerned with the statement Ms. Vieira made about the Health Department mailing a new license to the establishment. There should not be a need for a new license. Ms. Kemp will also call the Health Department to find out information about that.

Ms. Kemp asked for guidance and clarification when a survey is necessary for a non-significant modification of premises as it has seemed to her that on a couple of past non-significant modification of premises applications, both Hearing Officer Grattan and City Attorney Shaver felt that a survey wasn't really necessary. She advised them that she will be bringing forward a modification of premises application for an expansion and revision of a bar area and asked them if it would be acceptable for the applicant to provide a statement to address the effect on the needs and desires of the neighborhood instead of conducting a survey. Hearing Officer Grattan said that as long as the applicant provides something to satisfy the requirements of the Code and establish that the reasonable requirements of the

neighborhood and desires of the adult inhabitants be being met, he could be flexible in his consideration for approval of the application. City Attorney Shaver also said that if the applicant could provide proof that the modification is an immaterial change and does not change the occupancy, it could be helpful in making a decision without having to conduct a survey.

**VII. ADJOURNMENT**

The meeting was adjourned at 2:33 p.m.

**NEXT REGULAR MEETING – February 6, 2013**

MEMO: Local Licensing Authority  
FROM: Debbie Kemp, Deputy City Clerk   
DATE: January 8, 2013  
SUBJECT: Application for a new tavern liquor license by Georgia Lujan dba A Taste of Heaven Catering

Georgia Lujan filed an application with the Local Licensing Authority on December 6, 2012 for a new tavern liquor license permitting sales of malt, vinous, and spirituous liquors by the drink for consumption on the premises at 2817 North Avenue under the trade name of A Taste of Heaven Catering. The application and supplementary documents were reviewed, found to be in order and accepted. The hearing date was set for January 16, 2013. The Notice of Hearing was given by posting a sign on the property on or before January 6, 2013 and by publishing a display ad in the Daily Sentinel on January 4, 2013.

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 Orchard Avenue, Grand Avenue on the South, 28 ½ Road on the East and N. 24<sup>th</sup> Street 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:	60
	OPPOSE:	1
Residential Results:	FAVOR:	144
	OPPOSE:	4

There were 2 responses disqualified for not listing an address or answering the question and answering for a business but listed a residential address which was outside of the survey boundary area.

There was 1 "exhibit to survey petition" that indicated 4 people refused to sign, 6 with no answer, 1 with no solicitors posted, 2 marked other due to dogs, and 3 other reasons not listed.

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

The Grand Junction Police Department has investigated the individual for local criminal history. They inspected the property to ensure the Notice of Hearing had been posted in a timely manner. 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:

Tavern – 2 (Brass Rail Lounge and After Shock)

That concludes this report.

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