

# ***Local Licensing Authority***

## ***Agenda***

**February 22, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

- I. Call to Order**
- II. Roll Call and Introduction of Newly Appointed Member**
- III. Approval of Agenda**
- IV. Action on Minutes – 01/25/16**
- V. Consent Agenda**

The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the Consent Agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under "Authority Business". In such an event the item shall be removed from the "Consent Agenda" and Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading "Consent Agenda" will appear in the Authority minutes in their proper order.

- A. Renewal Application – Castellino Corp d/b/a Via Toscana – Hotel and Restaurant Liquor License – 356 S. McCaslin Blvd.
- B. Renewal Application – Taj Mahal III, Inc. d/b/a Taj Mahal III – Hotel and Restaurant Liquor License - 1075 S. Boulder Road
- C. Renewal Application – Tri-City Elks Lodge 2541 – Club Liquor License – 525 Main Street
- D. Renewal Application – BCT LLC d/b/a BOB's Sandwich Shop – Hotel and Restaurant Liquor License – 820 Main St. #100
- E. Renewal Application – CST Metro LLC d/b/a Diamond Shamrock Corner Store #652 – 3.2% Beer Off Premises – 1135 S. Boulder Road

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- F. Change of Trade Name – Albertsons LLC d/b/a Albertsons Food Center # 2812 – 3.2 % Beer License Off Premises – 910 W. Cherry Avenue

**VI. Authority Business**

- A. Petition to Pay Fine in Lieu – Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse – Tavern Liquor License – 809 Main Street
- B. Show Cause Hearing - Tri-City Elks Lodge #2541 – Club Liquor License – 525 Main Street
- C. Transfer Application – Sweet Spot Café LLC d/b/a Sweet Spot Café – Hotel and Restaurant Liquor License w/Optional Premise – 585 W. Dillon Road
- D. Transfer Application – Phuket LLC d/b/a Phuket LLC – Hotel and Restaurant Liquor License – 1156 W. Dillon Road #4
- E. Application for New Beer and Wine License - Set Public Hearing and Boundaries of the Neighborhood – Smashburger Acquisition – Denver LLC d/b/a Smashburger #1525 – 994 W. Dillon Road, Suite 500

**VII. Police Department Report**

- A. Incident Report – Union Jack – 12/19/15

**VIII. Secretary's Report**

- A. Blue Mountain Vineyard at Farmer's Market

**IX. Authority Attorney's Report**

**X. Authority Comments**

**XI. Discussion Items for Next Meeting – March 28, 2016 @ 7:00 p.m.**

**XII. Adjournment**

## ***Local Licensing Authority***

### ***Meeting Minutes***

**January 25, 2016  
City Hall, Council Chambers  
749 Main Street  
7:00 PM**

**Call to Order** – Chairperson Machado called the meeting to order at 7:00 p.m.

**Roll Call** was taken and the following members were present:

Authority Members Present: Matthew Machado, Tom Tennessen, Tim Hervey, John Carlson and Marguerite Lipton

Absent: Bart Watson

Staff Members Present: Melinda Culley – Light Kelly P.C.  
Ben Redard, Police Sergeant  
Carol Hanson, Deputy City Clerk

Secretary Hanson noted Bart Watson had been appointed to associate member of the Authority and Tim Hervey moved to a regular member. Mr. Watson was unable to attend this meeting due to a prior commitment.

**Approval of Agenda** – Chairperson Machado called for changes to the agenda. Hearing none, Carlson moved to approve the agenda, seconded by Tennessen. All in favor.

**Approval of Meeting Minutes** – 12/14/15 – Machado called for any changes to the minutes. Machado noted the sentence “Chairperson Machado noted he and Mr. Proffitt attended law school together and started their careers with the same group” needed to read “Chairperson Machado noted he and Mr. Proffitt attended law school together.” Lipton moved to approve the minutes as amended. Carlson seconded. All in favor. Minutes approved as amended.

**Approval of Consent Agenda** – The following items on the Local Licensing Authority Agenda are considered routine by the Authority and the consent agenda as a whole shall be approved not as individual items, accepted, etc. by motion of the Authority and roll call vote unless the Local Licensing Authority or Authority Member specifically requests such item be considered under “Authority Business”. In such an event the item shall be removed from the

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“Consent Agenda” and the Authority action taken separately on said item in the order appearing on the Agenda. Those items so approved under the heading “Consent Agenda” will appear in the Authority minutes in their proper order.

- A. Designation of Posting Places for Posting Notices for Public Meetings
- B. Renewal Application/Tastings Permit Renewal – Cabbz, Inc. d/b/a Centennial Wine and Spirits – Retail Liquor Store License – 324 S. McCaslin Blvd.
- C. Renewal Application – Downtown Dining LLC d/b/a Madera Grill – Hotel and Restaurant Liquor License – 817 Main Street
- D. Renewal Application - Dillon Companies, Inc., d/b/a King Soopers #13, - 3.2% Retail Beer License (Off Premises) - 1375 S. Boulder Road

Machado called for any changes to the consent agenda. Lipton moved the consent agenda be approved. Tennessen seconded. All in favor. Consent agenda approved.

### **Authority Business**

- A. Introduction of Police Department Staff

Sergeant Redard introduced the Police Department administrative staff: Chief Dave Hayes, Administrative Commander Jeff Fisher and Operations Commander Gene McCausey. Chairperson Machado thanked them for attending.

Chief Hayes thanked the Authority for the invitation to attend. He noted Sergeant Redard will continue to be the liaison for the police department and encouraged the Authority to keep Sergeant Redard informed of anything they might need from the Police Department.

- B. Show Cause Hearing – Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse – Tavern Liquor License – 809 Main Street

Chairperson Machado opened the hearing. Kristin Brown, Special Prosecutor for the Authority, introduced herself. Todd Stoneman, introduced himself as the attorney representing Waterloo and its owner, Josh Karp, who was also present.

Ms. Brown presented a Stipulation and Findings and Order to Chairperson Machado. She outlined the terms and conditions of the Stipulation. The license holder was originally charged with three separate counts all related to the service of alcohol to a visibly intoxicated person. Pursuant to the Stipulation, the license holder would admit to the violation of C.R.S. Section 12-47-901(1)(a) and C.C.R. Regulations Relating to Alcohol Beverages Section 47-900A with the dismissal of Louisville Municipal Code Section 9.22.060. There would be a 14 day

suspension imposed, with 7 days held in abeyance with conditions. The conditions would be no new violations for one year, all current and new employees within 60 days receive responsible vendor training. Signs are to be posted at the establishment during the service of the suspension. The licensee will be filing a fine in lieu of suspension petition to be brought before the Authority at the next meeting.

Mr. Stoneman noted the terms were agreed upon and his client plans to petition to pay a fine in lieu. His client assures he will implement stricter controls to avoid any violations in the future. Mr. Stoneman has put Mr. Karp in touch with an attorney who is very familiar with liquor licensing who has agreed to do on-site training to help the staff be better prepared should situations arise in the future.

Lipton asked if Waterloo staff attended the training provided by the Louisville Police Department. Mr. Karp noted his staff has been attending those trainings on a consistent basis over the years he has been in business.

MOTION: Lipton moved the Authority accept the stipulation and findings and order. Carlson seconded.

Chairperson Machado commented, the reason a show cause was ordered was from the police reports, there was a visibly intoxicated person on the patio and that person was served alcohol. He noted Waterloo does a good job, and he was appreciative, but felt this could not be overlooked. Lipton noted other citizens saw the incident.

Attorney Stoneman stated one police report stated a police officer did not notice signs of intoxication of the party. He wanted it recognized how tough the call can be in these situations.

Lipton questioned the 14 day suspension and whether it followed the guidelines.

Attorney Brown said she had considered the guidelines and noted there was a State Enforcement action within the last year which she took into account when suggesting imposing a 14 day suspension with 7 days held in abeyance. She reported the maximum suggested for more than one violation in 1-2 years was 21 days, so she thought 14 days was appropriate, serving seven.

Lipton thanked the special prosecutor and stood by her previous motion.

Machado called for a roll call vote on the motion to accept the stipulation and findings and order. Roll call vote: Machado – yes, Carlson – yes, Tennessen – yes, Lipton – yes and Hervey – yes.

### C. 2015 Annual Report

Lipton commented it was a wonderful report. Carlson moved to approve the Annual Report and forward it to City Council and the City Manager's office. Lipton seconded. All in favor.

D. Election of Officers

Secretary Hanson noted traditionally the Authority has voted the Vice-Chairperson into the Chair position. However, the Vice-Chair was David Hughes who is no longer on the Authority.

Lipton nominated Tom Tennesen for Chair. Machado seconded. Tennesen accepted the nomination. All in favor.

Tennesen nominated Lipton to serve as Vice-Chair. Machado seconded. Lipton accepted the nomination. All in favor.

Tom Tennesen will serve as Chair for 2016 with Marguerite Lipton as Vice-Chair.

Chairperson Machado continued to serve as Chair for this meeting.

**Police Department Reports**

A. Incident Report – Tri-City Elks – 12/4/2015

Machado noted this incident involved a hit and run investigation. The driver was contacted and booked for a DUI, which led police back to the Tri-City Elks Lodge where the driver had allegedly been drinking.

Authority members discussed the police report.

Tennesen moved to order a show cause hearing on the following:

- A. C.R.S. § 12-47-901(1)(a), stating in pertinent part that it is unlawful for any person to “sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcoholic beverage to a visibly intoxicated person or to a known habitual drunkard.”
- B. Colorado Code of Regulations, Regulations Relating to Alcohol Beverages § 47-900.A, stating in pertinent part that the licensee as well as any employee or agent of licensee “shall conduct the licensed premises in a decent, orderly and respectable manner, and shall not serve a known habitual drunkard or any person who displays any visible signs of intoxication, nor shall they permit a known habitual drunkard or any person who displays any visible signs of intoxication to remain on the premises without an acceptable purpose . . . .”
- C. Louisville Municipal Code § 9.22.060, stating in pertinent part that no person “shall sell, serve, give away, dispose of, exchange or deliver, or permit the sale, serving, giving away or procuring of, any alcohol beverages, as defined in section 9.22.010, . . . to a visibly intoxicated person, or a known habitual drunkard.”

And to appoint a special prosecutor and set the show cause hearing for the next Authority meeting to be held on February 22, 2016.

Lipton seconded. Roll Call Vote: Hervey – yes, Lipton – yes, Tennesen – yes, Carlson – no and Machado – yes. Show cause ordered

**B. Incident Report – Waterloo /Mudrock’s – 12/10/2015**

This report involved an employee of Waterloo, who consumed alcohol there after her shift. Later she was contacted for a DUI and reportedly was also seen at Mudrock’s.

Authority members discussed the report and concluded no further action needed to be taken.

Sergeant Redard asked the Authority if they wanted the reports for the initial police contact in the future. Authority members agreed the complete report could be informative.

Tennesen asked about the newspaper report concerning La Revolucion owing federal taxes and if there was anything the Authority could or should do. Attorney Culley noted not paying taxes could be considered under “good character”. Generally, the Authority only looks at City sales tax since that information is readily available. Tennesen thanked the Authority for discussing the situation.

**Secretary’s Report**

**A. Distribution of Open Government and Ethics Pamphlet for 2016**

Hanson noted the requirement to present this pamphlet. It was included in the packet materials. The training required for board and commission members will be offered soon and the Authority members will be notified.

**B. Attendees at December 13, 2015 Seller/Server Training**

Hanson noted the attendees at the December 13 training were all from Waterloo. Carlson asked if the Police Department could share the training materials with the Authority members. Sergeant Redard reported he would find a way to share the PowerPoint.

**Authority Attorney’s Report**

No report.

**Authority Comment and Discussion Items for next meeting**

**Adjourn** – Tennesen moved to adjourn. Machado seconded. All in favor. The meeting was adjourned at 7:49 p.m.

**SUBJECT: RENEWAL APPLICATION – CASTELLINO CORP. D/B/A VIA  
TOSCANA – HOTEL & RESTAURANT LIQUOR LICENSE –  
356 S. MCCASLIN BLVD.**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Castellino Corp. d/b/a Via Toscana, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 356 S. McCaslin Blvd.

The premises are leased and the current agreement is valid.

Certificate of Good Standing is current and on file.

There were two employees who attended liquor training over the past year.

There have been no liquor incidents over the past year which required police reports to be issued.

City sales tax is current.

**RECOMMENDATION:**

Authority approve the renewal application for Hotel & Restaurant License for Castellino Corp. d/b/a Via Toscana – 356 S. McCaslin Blvd.

Alternatively, the Authority may set a hearing on this renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – TAJ MAHAL III, INC D/B/A TAJ  
MAHAL III – HOTEL AND RESTAURANT LIQUOR LICENSE  
– 1075 SOUTH BOULDER ROAD**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Taj Mahal III, Inc. d/b/a Taj Mahal III, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 1075 South Boulder Road.

The premises are leased and the current agreement is valid.

A Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were no incidents over the past year that required filing of police reports.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for– Taj Mahal III, Inc. d/b/a Taj Mahal III – Hotel & Restaurant Liquor License – 1075 South Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – TRI CITY ELKS LODGE 2541 –  
CLUB LIQUOR LICENSE – 525 MAIN ST.**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, Tri-City Elks Lodge, has submitted an application for renewal of its Club Liquor License located at 525 Main Street.

The premises are owned by the licensee.

Certificate of Good Standing is current and on file.

There were no employees who attended liquor training over the past year.

There were three incidents over the past year requiring the filing of police reports. Two required no action by the Authority and one show cause was ordered which is on the agenda for tonight.

City of Louisville sales tax is current.

**RECOMMENDATION:**

Authority approve the renewal application for a Club Liquor License for Tri-City Elks Lodge – 525 Main Street.

Alternatively, the Authority may set a hearing on this renewal application which may be held after proper notice.

**SUBJECT: RENEWAL APPLICATION – BCT, LLC D/B/A BOB’S  
SANDWICH SHOP – HOTEL & RESTAURANT LIQUOR  
LICENSE – 820 MAIN STREET #100.**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

The licensee, BCT, LLC d/b/a Bob’s Sandwich Shop, has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 820 Main Street #100.

The premises are leased and the lease is current and on file.

There were no employees who attended liquor training in the past year.

Certificate of Good Standing is current and on file.

There were no incidents over the past year that required the filing of a police report.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for a Hotel & Restaurant Liquor License for BCT, LLC d/b/a Bob’s Sandwich Shop.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT:** RENEWAL APPLICATION – CST METRO LLC D/B/A  
DIAMOND SHAMROCK #652 – 3.2% RETAIL BEER (OFF-  
PREMISES) LIQUOR LICENSE – 1135 SOUTH BOULDER  
ROAD

**DATE:** FEBRUARY 22, 2016

**PRESENTED BY:** CAROL HANSON, AUTHORITY SECRETARY

**SUMMARY:**

The licensee, CST Metro, LLC, d/b/a Diamond Shamrock #652 has submitted an application for renewal of its 3.2 % Retail Beer (Off Premises) Liquor License at 1135 South Boulder Road.

The licensee owns the premises.

Certificate of Good Standing is current and on file.

There were no employees who attended liquor training during the past year.

There were no reports of liquor incidents requiring filing of a police report over the past year.

City of Louisville sales tax account is current.

**RECOMMENDATION:**

Authority approve the renewal application for a 3.2 % Retail Beer (Off Premises) Liquor License for CST Metro LLC d/b/a Diamond Shamrock #652 – 1135 South Boulder Road.

Alternatively, the Authority may set a hearing on the renewal application, which may be held after proper notice.

**SUBJECT: CHANGE OF TRADE NAME – ALBERTSONS LLC D/B/A  
ALBERTSONS FOOD CENTER # 2812 – 3.2 % BEER  
LICENSE OFF PREMISES – 910 W. CHERRY AVENUE**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Albertsons LLC d/b/a Albertsons Food Center #2812, has submitted a Change of Trade Name. The trade name will change from Albertsons Food Center #812 to **Albertsons Food Center #2812..**

**RECOMMENDATION:**

Authority approve the change of trade name application.

**SUBJECT:           PETITION TO PAY FINE IN LIEU – WATERLOO ICEHOUSE,  
INC, D/B/A WATERLOO ICEHOUSE - TAVERN LIQUOR  
LICENSE – 809 MAIN STREET**

**DATE:               FEBRUARY 22, 2016**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

A Stipulation and Findings and Order were presented and accepted during the Show Cause Hearing held January 25, 2016 for Waterloo Icehouse, Inc. d/b/a Waterloo Icehouse concerning their Tavern Liquor License – 809 Main Street.

**RECOMMENDATION:**

The Authority review and determine if granting permission to pay the fine in lieu of suspension is appropriate.

**SUBJECT:           SHOW CAUSE HEARING – TRI-CITY ELKS CLUB #2541 -  
                          CLUB LIQUOR LICENSE – 525 MAIN STREET**

**DATE:               FEBRUARY 22, 2016**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

A Show Cause Hearing, Tri-City Elks club #2541 – Club Liquor License – Incident dated 12-4-15

**RECOMMENDATION:**

The Authority may conduct a Show Cause Hearing for the purpose of determining whether the licensee has violated one or more of the laws, or regulations set forth in the Colorado Liquor Code.

**SUBJECT:           TRANSFER APPLICATION – SWEET SPOT CAFÉ LLC D/B/A  
SWEET SPOT CAFE – HOTEL AND RESTAURANT LIQUOR  
LICENSE w/ OPTIONAL PREMISE – 585 W. DILLON ROAD**

**DATE:                FEBRUARY 22, 2016**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

See attached application for Transfer of Ownership of a Hotel and Restaurant Liquor License w/ Optional Premise – Sweet Spot Café LLC d/b/a Sweet Spot Cafe – 585 W. Dillon Road

The Authority Attorney has reviewed the application.

This license was previously held by the City of Louisville d/b/a Coal Creek Golf Course.

**RECOMMENDATION:**

Authority approve the application for Transfer of Ownership of a Hotel and Restaurant Liquor License to Sweet Spot Café LLC d/b/a Sweet Spot Café.

Alternatively, the Authority may set a hearing on the transfer application, which may be held after proper notice.

**SUBJECT:           TRANSFER APPLICATION – PHUKET LLC  
                          D/B/A PHUKET LLC – HOTEL AND RESTAURANT  
                          LIQUOR LICENSE – 1156 W DILLON ROAD SUITE 4**

**DATE:                FEBRUARY 22, 2016**

**PRESENTED BY:   CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

Phuket LLC D/B/A Phuket LLC has submitted an application for a transfer of the hotel and restaurant liquor license located at 1156 West Dillon Road Suite 4. The license was previously held by Thai Monkey Club.

**RECOMMENDATION:**

Authority approve the transfer application for a Hotel and Restaurant Liquor License for Phuket LLC.

Alternatively, the Authority may set a hearing on this application, which may be held after proper notice.

**SUBJECT: SET PUBLIC HEARING DATE – SET BOUNDARIES OF THE NEIGHBORHOOD – NEW BEER AND WINE LIQUOR LICENSE – SMASHBURGER ACQUISITION – DENVER LLC D/B/A SMASHBURGER #1525 – 994 W. DILLON RD. #500**

**DATE: FEBRUARY 22, 2016**

**PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY**

**SUMMARY:**

An application has been submitted for a new Beer and Wine Liquor License.

**RECOMMENDATION:**

Authority motion is required to establish Boundaries of the Neighborhood and set a Public Hearing Date for a new Beer and Wine License – Smashburger Acquisition – Denver LLC d/b/a/Smashburger #1525. Boundaries have traditionally been established as the boundaries of the City of Louisville.

Staff recommends the public hearing be set for March 28, 2016 at 7:00 PM.

**LOUISVILLE POLICE DEPARTMENT  
CRIME & INCIDENT REPORTS**

**UNION JACK LIQUORS  
(12/19/15)  
#15-2583 & 2584**

Police respond to report of an apparently drunk female getting into a vehicle in the parking lot of the establishment.

AGENDA ITEM  
**VII-A**