

Local Licensing Authority

Agenda

**April 25, 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 – 03/28/16**
- 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. Special Event Permit Application – Louisville Chamber of Commerce – Taste of Louisville – 6/4/16 9am – 4pm
- B. Special Event Permit Application – Downtown Business Association of Louisville – Street Faire – 7 nights June to August
- C. Special Event Permit Application – Craig Hospital – Pedal 4 Possible – 101 S. Taylor Ave. – 6/18/16
- D. Renewal Application – Chipotle Mexican Grill Inc. d/b/a Chipotle Mexican Grill – Hotel and Restaurant Liquor License – 375 S. McCaslin Blvd. #D
- E. Renewal Application – Jalisco Dos Amigos, Inc. d/b/a Casa Alegre – Hotel and Restaurant Liquor License – 1006 Pine Street
- F. Renewal Application – Tilt! Entertainment LLC d/b/a Tilt! Pinball – Beer and Wine License – 544 County Road

City of Louisville

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- G. Special Event Permit Application – Coal Creek Theater of Louisville – May 7, 13, 14, 16, 20, 21, 2016 – 801 Grant Ave.
- H. Renewal Application – Lulu’s BBQ LLC d/b/a Lulu’s BBQ – Tavern Liquor License – 701 Main St
- I. Renewal Application – Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing – Brew Pub Liquor License – 820 Main St.

VI. Authority Business

- A. Petition to Pay Fine in Lieu – Union Jack Liquor, Inc. d/b/a Union Jack Liquor – Retail Liquor Store – 1160 South Boulder Road
- B. Public Hearing – Application for New Beer and Wine License – Best Pizza LLC d/b/a MOD Pizza – 994 W. Dillon Road Suite 600
- C. Modification of Premises – KCM Restaurant Holdings LLC d/b/a Mudrock’s Tap & Tavern – Hotel and Restaurant Liquor License – 585 E. South Boulder Road
- D. Conversation with Police Chief Hayes
- E. Set Boundaries of Neighborhood and Public Hearing – New Application for Beer and Wine License – Refuge Décor – 1132 W. Dillon Road #4
- F. Discussion/Direction – Rules of Procedure

VII. Police Department Report

VIII. Secretary’s Report

- A. Attendees at March 20, 2016 seller/server training
- B. Marijuana stores hours of operation Ordinance

IX. Authority Attorney’s Report

X. Authority Comments

XI. Discussion Items for Next Meeting – May 23, 2016 @ 7:00 p.m.

XII. Adjournment

Local Licensing Authority

Meeting Minutes

March 28, 2016
City Hall, Council Chambers
749 Main Street
7:00 PM

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

Roll Call was taken and the following members were present:

Authority Members Present: Tom Tennesen, Matthew Machado,
Marguerite Lipton, John Carlson and. Bart Watson

Absent: Tim Hervey

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

Approval of Agenda – Chairperson Tennesen called for changes to the agenda. Lipton moved to approve the agenda as presented. Tennesen seconded. All in favor. Agenda approved. Hervey absent.

Approval of Meeting Minutes – 02/22/16 – Tennesen called for any changes to the minutes. He noted Sergeant Redard was not at the last meeting. Lipton moved to approve the minutes with the change to the attendance. Carlson seconded. All in favor. Minutes approved. Hervey absent.

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 “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. Special Events Permit Application – Louisville Art Association -
Arts Center 801 Grant Ave.- 4/22, 6/4, 6/10, 9/3 and 9/9/2016

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- B. Modification of Premises – Marsco LLC d/b/a The Huckleberry – Hotel and Restaurant Liquor License – 700 Main St.
- C. Modification of Premises – Cane Nero LLC d/b/a Zucca Ristorante- Hotel and Restaurant Liquor License – 808 Main Street
- D. Modification of Premises – Eat Drink LLC d/b/a Empire Lounge & Restaurant – Hotel and Restaurant Liquor License – 816 Main St.
- E. Modification of Premises – Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing – Brew Pub Liquor License – 820 Main St. #101
- F. Renewal Application –SHI-II Louisville Lodge, LLC d/b/a The Lodge at Balfour – Tavern Liquor License - 1331 E. Hecla Dr.
- G. Renewal Application – SHI-II Louisville Residences, LLC d/b/a The Residences at Balfour – Tavern Liquor License – 1336 Hecla Dr.
- H. Special Event Permit Application – Mad Hops – 500 Front Street – May 13, 2016 6 PM to Midnight
- I. Special Event Permit Application– Coal Creek Theater Of Louisville – 5/6, 8/26 And 10/28/2016 – 801 Grant Ave.
- J. Special Event Permit Application – Impact on Education – June 3, 2016 – Community Park
- K. Special Event Permit Application – Boulder Creek Events – June 25, 2016 – Community Park
- L. Modification of Premises/Trade Name Change – Bobbo’s Sweet Shop LLC d/b/a Bittersweet Café and Confections – 836 Main St.
- M. Renewal Application – Altermeds LLC d/b/a Starbuds – Retail Marijuana License – 1156 W. Dillon Road #3
- N. Modification of Premises – Waterloo Icehouse Inc. d/b/a Waterloo Icehouse – Tavern Liquor License – 809 Main St.
- O. Renewal Application – American Legion Walter Rhodes Post No. 111 – Club Liquor License – 1150 Pine St.
- P. Renewal Application – Compassionate Pain Management LLC d/b/a Ajoya – Retail/Medical Marijuana License – 1100 W. Dillon Road #3

Tennessee called for any changes to the consent agenda. Lipton moved to approve the consent agenda. Machado seconded. All in favor. Consent agenda approved. Hervey absent.

Authority Business

A. Show Cause Hearing - Tri-City Elks Lodge #2541 – Club Liquor License – 525 Main Street

Chairperson Tennessee opened the show cause hearing. Kristin Brown, Special Prosecutor for the Authority, noted there was a stipulation and agreement. She noted the licensee and Dan Carr, Attorney for the licensee, were present as well. She summarized the terms of the agreement. The original order cited three violations all relating to serving a visibly intoxicated person. The agreement is the licensee will admit to two of the violations and the third will be dismissed. The license will be suspended for a period of 10 days with 5 days held in abeyance. The licensee cannot have any liquor violations for a one year period and all employees must attend training within sixty days.

Dan Carr, Attorney for Tri-City Elks, noted the current employees have already attended TIPS training except for one recently hired employee who will attend. He said the licensee is aware they can petition to pay a fine in lieu but have chosen to close for the suspension days. They requested the days of suspension be April 16-20, 2016. He noted the three violations cited in the order to show cause are really all the same, not three separate violations; all relating to one incident of serving to a visibly intoxicated person.

Authority member Machado felt the violation concerning serving to a habitual drunkard was different. He was concerned about service to a known alcoholic and them driving in the downtown area with many citizens present. He stressed the safety concern.

Dan Carr noted Jennifer Knott, manager at the Elks Club, expressed that same safety concern when she found out what happened. He wanted it known this was only one incident not three different ones. He noted the TIPS training is essentially the same as the training provided by the Police Department.

Carlson moved the Authority accept the Stipulation as presented. Lipton seconded. All in favor. Hervey absent.

B. Show Cause Hearing – Union Jack Liquor Inc. d/b/a Union Jack Liquor – Retail Liquor Store License – 1160 South Boulder Road

Tennessee opened the show cause hearing. Kristin Brown, Special Prosecutor for the Authority, noted there was a stipulation and agreement. There were four violations cited in the order to show cause. The licensee will

admit to two of the violations with two being dismissed. The license will be suspended for a period of 7 days with 5 days held in abeyance. The conditions being no further liquor violations for a period of one year and employees attend training within 60 days. The licensee has expressed a desire to petition to pay a fine in lieu.

Authority member Lipton expressed concern the person noted in the police report was sold alcohol because she was a regular and not enough attention was paid to her intoxication level.

Michael Rennich, counsel for Union Jack, stated he had seen the video of the incident and it was not clear the person was drunk, but the licensee is admitting she was intoxicated and was sold alcohol. He wanted it noted the four charges are all related and refer to this one incident. The employee involved in the incident is no longer employed by Union Jack. He said the store has been in business for 27 years and had only one incident which occurred seven years ago. A letter commending Craig Gentry, who was present and an employee of Union Jack, was sent by the Authority in 2006 because he kept a drunk driver off the road. The store has chosen not to do tastings because of their concern for the safety of Louisville citizens. He noted the next police department training scheduled is outside the sixty day window and asked to be able to send the employees to TIPS training. He asked if he could petition verbally to pay a fine in lieu and noted the licensee met the conditions to do so.

Authority member Carlson moved to accept the stipulation with the added requirement the employees do not only the TIPS training, but attend the training provided by the police department as well. Lipton seconded. All in favor. Hervey absent.

It was determined the written stipulation would need to be modified to include the amendment. Authority Attorney Culley noted the fine in lieu petition should be in writing along with sales figures and determination of the fine. How to calculate the fine in lieu was discussed and clarified it would be for the 2 day suspension.

- C. Public Hearing – Application for New Beer and Wine License - Smashburger Acquisition – Denver LLC d/b/a Smashburger #1525 – 994 W. Dillon Road, Suite 500

Chairperson Tennessen opened the public hearing. Secretary Hanson stated the application was complete and included in the Authority packet. Background checks were conducted with the State Master File. The hearing had been posted and published in accordance with state law. There was no reason found to require denial of the application.

Chairperson Tennessen called for any objections to the boundaries of the neighborhood being the current city limits of the City of Louisville. Hearing no objections, he moved the entire application be made a part of the record of this hearing. Lipton seconded. All in favor.

Chairperson Tennessen called for an applicant presentation. Douglas H. Wetzel, 16805 E. Villanova Circle, Aurora, CO, applicant representative took the oath. Carol Johnson, Esquire Petitioning Services, 7265 C S. Xenia Circle, Centennial, CO took the oath.

Ms. Johnson presented the petitioning survey procedures and results. The final needs and desires showed support for the issuance of the beer and wine license.

Chairperson Tennessen called for Authority questions or comments. Tennessen asked about the number of violations noted in the application concerning service to underage persons. He noted this location will be in close proximity to a high school.

Mr. Wetzel, noted he is a district manager and all managers are required to take training. There is also in house training and computers are programmed to make the employee check identification before it will let them proceed. He noted in his district, he has not had any violations.

Chairperson Tennessen called for any audience members in support or opposition. Hearing none, he called for a motion.

Carlson moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, the inhabitants of the neighborhood desire the license be granted, the license will meet the reasonable requirements of the neighborhood, all City and State law requirements have been met and, based on these findings, the Local Licensing Authority approve issuance of a Beer and Wine Liquor License for Smashburger Acquisition – Denver LLC doing business as Smashburger #1525. Machado seconded. All in favor. Hervey absent.

D. Public Hearing – Application for New Hotel and Restaurant Liquor License - Perros Blancos LLC d/b/a Pica's Taqueria Louisville – 901 Front Street Suite 110

Chairperson Tennessen opened the public hearing. Secretary Hanson stated the application was complete and included in the Authority packet. Background checks were complete. The hearing had been posted and published in accordance with state law. There was no reason found to require denial of the application.

Chairperson Tennessen moved the boundaries of the neighborhood be set as the current boundaries of the City of Louisville. Lipton seconded. All in favor.

No objections were heard to the boundaries being the city limits, Chairperson Tennessen moved the entire application be made a part of the record of this hearing. Lipton seconded. All in favor.

Tennessen called for an applicant presentation.

Trent Davol, 1020 Rex Street, Louisville, CO, owner, introduced himself and took the oath. He noted he did not have a presentation but was happy to answer any questions.

Mr. Davol was asked about the hours of operation. He noted he would likely stay open later in Louisville than they do at the Boulder store. When asked about liquor violations in the Boulder store, he reported they had not had any. He said he hopes to have all the liquor storage locked. He requires employees to do liquor service training.

Sergeant Redard noted the building where the establishment will be located has lots of access points throughout. He cautioned Mr. Davol to be vigilant about securing doors at night.

Machado asked for any audience members to speak for or against the application. Hearing none, he closed the public hearing and called for a motion.

Machado moved the Local Licensing Authority of the City of Louisville find the applicant is of good moral character, the inhabitants of the neighborhood desire the license be granted, the license will meet the reasonable requirements of the neighborhood, all City and State law requirements have been met and, based on these findings, the Local Licensing Authority approve issuance of a hotel and restaurant liquor license for Perros Blancos LLC d/b/a Pica's Taqueria Louisville. Lipton seconded. All in favor. Hervey absent.

- E. Set Boundaries of the Neighborhood and Public Hearing –
Application for New Beer and Wine License – Best Pizza LLC
d/b/a MOD Pizza – 994 W. Dillon Road Suite 600

Carlson moved the Authority set the boundaries of the neighborhood as the boundaries of the City of Louisville and set the public hearing for the next meeting of April 25, 2016. Machado seconded. All in favor.

- F. Discussion/Direction – Hours of Operation for Marijuana
Businesses

Authority Attorney Culley noted one of the current marijuana business owners had asked for discussion of the operating hours currently in the Louisville Municipal Code (LMC) for retail and medical marijuana. State law allows the stores to stay open until midnight. LMC currently limits medical marijuana hours from 8am to 7 pm and retail from 8am to 8pm.

In the past, Council has looked to the Local Licensing Authority to provide recommendation concerning marijuana businesses.

Shaun Gindi, owner of Ajoya, 1100 W. Dillon Road, Louisville, CO noted there are only a handful of marijuana businesses allowed to be open later. He felt the Louisville stores are in a great place to be open later. He felt the sales could almost double if he were able to stay open later. He noted the stores in Edgewater that are able to stay open until midnight do most of their business between the hours of 6pm to midnight.

Carlson thought it was worth discussion, but wondered if there would be objections to more traffic for marijuana. Tennessen noted the Authority had seen no police reports for the businesses and asked for Sergeant Redard to comment.

Sergeant Redard noted the impact on the Police Department from the marijuana businesses had been minimal. He said during discussions with the police administration, they felt the department would not have a reason to object.

Carlson wondered if Louisville wanted to draw folks from other communities. Authority members discussed the comparisons with liquor stores, the Denver restriction at 8pm and the possibility of not extending until midnight.

Authority Attorney Culley noted the suggestion of hours should be specific if an ordinance is forwarded to Council.

Machado noted in forwarding this to Council, it could be noted there have not been problems with the businesses, they are in a decent location just off the highway, the police department does not seem to think it is a concern. Carlson agreed and noted then Council will make the decision. Authority members asked staff to prepare an ordinance proposing changes to the hours of operation for marijuana businesses.

Police Department Reports

No reports.

Secretary's Report

Hanson noted she had included results of compliance checks recently conducted by State Liquor Authority in the packet. She reported Chief Hayes will be present at the next meeting for discussion with the Authority.

Authority Attorney's Report

No report.

Authority Comment and Discussion Items for next meeting

Carlson asked for a copy of the police department training.

Machado wanted to have a conversation about the Rules of Procedure concerning show cause hearings. Authority members discussed what is currently happening in ordering and resolving show cause orders and hearings and what they recalled from previous years.

The Authority directed staff to review the Rules of Procedure and bring the topic back for discussion at the next meeting.

Adjourn – Carlson moved to adjourn. Lipton seconded. All in favor. The meeting was adjourned at 8:37 p.m.

**SUBJECT: SPECIAL EVENTS PERMIT – LOUISVILLE CHAMBER OF
COMMERCE – FOR 6/4/2016 – 700 TO 900 BLK. OF MAIN
ST. AND WALNUT TO FRONT AND FRONT BY THE
STEINBAUGH PAVILION**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The Louisville Chamber of Commerce has submitted a Special Events Permit for the downtown area. This will be in conjunction with the Taste of Louisville.

RECOMMENDATION:

Authority approve the Special Events Permit.

**SUBJECT: SPECIAL EVENTS PERMIT – DOWNTOWN BUSINESS
ASSOCIATION OF LOUISVILLE – STREET FAIRE ON JUNE
17, 24, JULY 8, 15, 22, 29 AUGUST 5, 2016**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The Downtown Business Association has submitted a Special Events Permit for the downtown area. This will be in conjunction with the Street Faire.

The premises have been posted with a public notice for ten days and no objections have been received.

RECOMMENDATION:

Authority approve the Special Events Permit.

**SUBJECT: SPECIAL EVENTS PERMIT – CRAIG HOSPITAL – FOR
6/18/16 – 101 S. TAYLOR AVE.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Craig Hospital has submitted a Special Events Permit for 101 S. Taylor Avenue. The event known as Pedal 4 Possible will end at this location and the applicant would like to be able to serve alcohol.

RECOMMENDATION:

Authority approve the Special Events Permit.

**SUBJECT: RENEWAL APPLICATION – CHIPOTLE MEXICAN GRILL,
INC., D/B/A CHIPOTLE MEXICAN GRILL — HOTEL &
RESTAURANT LIQUOR LICENSE – 375 S. MCCASLIN
BLVD., UNIT D.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 375 S. McCaslin Blvd., Unit D.

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 Louisville's liquor training over the past year.

There were no incidents over the past year that required filing of police reports. This establishment was part of the State compliance check and they served to an underage patron.

City of Louisville sales tax account is current.

RECOMMENDATION:

Authority approve the renewal application for– Chipotle Mexican Grill, Inc., d/b/a Chipotle Mexican Grill – Hotel & Restaurant Liquor License – 375 S. McCaslin Blvd.

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

**SUBJECT: RENEWAL APPLICATION - JALISCO DOS AMIGOS D/B/A
CASA ALEGRE - HOTEL & RESTAURANT LIQUOR
LICENSE – 1006 PINE ST.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Jalisco Dos Amigos d/b/a Casa Alegre, has submitted an application for renewal of its Hotel & Restaurant Liquor License located at 1006 Pine St.

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 Jalisco Dos Amigos d/b/a Casa Alegre.

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

**SUBJECT: RENEWAL APPLICATION – BEER AND WINE LICENSE –
TILT! ENTERTAINMENT, LLC D/B/A TILT! PINBALL – 544
COUNTY ROAD**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Tilt! Entertainment, LLC d/b/a Tilt! Pinball, has been submitted a renewal application their Beer and Wine Liquor License – 544 County Road.

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

The lease for the premises is current and on file.

The Corporate Certificate of Good Standing is current and on file.

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

City of Louisville sales tax is current.

RECOMMENDATION:

Authority approve the renewal application for a Beer and Wine Liquor License for Tilt! Entertainment, LLC d/b/a Tilt! Pinball.

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

**SUBJECT: SPECIAL EVENTS PERMIT – COAL CREEK THEATER OF
LOUISVILLE – MAY 7, 13, 14, 16, 20, 21, 2016 – 801
GRANT AVE.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The Coal Creek Theater of Louisville has submitted an application for Special Events Permit in addition to their opening nights throughout the year at the Louisville Center for the Arts. The Theater Group would like the ability to serve alcohol during several evening performances in May.

The premises have been posted with a public notice for ten days and no objections have been received.

RECOMMENDATION:

Authority approve the Special Events Permits.

**SUBJECT: RENEWAL APPLICATION – LULU’S BBQ LLC D/B/A
LULU’S BBQ – TAVERN LIQUOR LICENSE – 701 MAIN ST.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, LuLu’s BBQ, LLC d/b/a LuLu’s BBQ - has submitted an application for renewal of its Tavern Liquor License located at 701 Main St.

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 Tavern Liquor License for LuLu’s BBQ, LLC d/b/a LuLu’s BBQ – 701 Main St.

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

**SUBJECT: RENEWAL APPLICATION – TWELVE DEGREE
BREWING LLC D/B/A TWELVE DEGREE BREWING –
BREW PUB LIQUOR LICENSE – 820 MAIN ST.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing, has submitted an application for renewal of its Brew Pub Liquor License at 820 Main St.

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– Twelve Degree Brewing LLC d/b/a Twelve Degree Brewing – Brew Pub Liquor License – 820 Main Street.

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

**SUBJECT: PETITION TO PAY FINE IN LIEU OF SUSPENSION – UNION
JACK LIQUOR INC. D/B/A UNION JACK LIQUOR – RETAIL
LIQUOR STORE LICENSE – 1160 SOUTH BOULDER ROAD**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

A Stipulation and Agreement was entered into with Union Jack Liquor Inc. d/b/a Union Jack Liquor at the last Local Licensing Authority meeting. The licensee has filed a petition to pay a fine in lieu of suspension.

RECOMMENDATION:

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

**SUBJECT: PUBLIC HEARING – NEW BEER AND WINE LIQUOR
LICENSE – BEST PIZZA LLC D/B/A MOD PIZZA – 994 W.
DILLON RD. #600**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

An application has been submitted for a new Beer and Wine Liquor License – Best Pizza LLC d/b/a MOD Pizza - 994 W. Dillon Road #600

RECOMMENDATION:

Authority hold a Public Hearing for a new Beer and Wine Liquor License – Best Pizza LLC d/b/a MOD Pizza - 994 W. Dillon Road #600

**SUBJECT: MODIFICATION OF PREMISES – KCM RESTAURANT
 HOLDINGS LLC D/B/A MUDROCK’S TAP AND TAVERN –
 HOTEL AND RESTAURANT LIQUOR LICENSE – 585 E.
 SOUTH BOULDER RD.**

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The licensee, KCM Restaurant Holdings LLC d/b/a Mudrock’s Tap and Tavern, has submitted an application for a one-day modification of premises. They wish to expand the premises to include the breezeway right outside their building for a pig roast and beer tasting event.

RECOMMENDATION:

Authority review and approve the application for a modification of premises for KCM Restaurant Holdings LLC d/b/a Mudrock’s Tap and Tavern.

SUBJECT: CONVERSATION WITH POLICE CHIEF HAYES

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

The Local Licensing Authority expressed a desire to have a conversation with Police Chief Dave Hayes. He has been invited to attend.

**SUBJECT: SET PUBLIC HEARING DATE – SET BOUNDARIES OF THE
NEIGHBORHOOD – NEW BEER AND WINE LIQUOR
LICENSE – REFUGE DÉCOR – 1132 W. DILLON RD. #4**

DATE: APRIL 25, 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 – Refuge Décor LLC. Boundaries have traditionally been established as the boundaries of the City of Louisville.

Staff recommends the public hearing be set for May 23, 2016 at 7:00 PM.

SUBJECT: DISCUSSION/DIRECTION – RULES OF PROCEDURE

DATE: APRIL 25, 2016

PRESENTED BY: CAROL HANSON, AUTHORITY SECRETARY

SUMMARY:

Members of the Local Licensing Authority had a conversation at the last meeting and asked a discussion of the Rules of Procedure around show cause hearings be included on this agenda.

RECOMMENDATION:

Discussion and Direction.

RULE 18

SUSPENSION AND REVOCATION; HEARINGS AND PROCEDURE.

(a) The local licensing authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to suspend or revoke any license issued by the Authority for any violation by the licensee, or by any of the agents, servants or employees of such licensee of the provisions of the Colorado Liquor or Beer Code, or any of the rules, City ordinances or regulations authorized pursuant to such Codes or of any of the terms, conditions or provisions of the license issued by the Authority.

(b) Proceedings to suspend or revoke a license shall be initiated as follows:

- (1) Whenever a written complaint shall be filed with the Authority, charging the licensee with a violation of any provisions of the Colorado Liquor or Beer Code, or of the rules, City ordinances or regulations promulgated thereunder, or any of the provisions of the license issued, or
- (2) By motion of the Authority, when information has been received from the Louisville Police Department or the State Department of Revenue which, if substantiated, could be grounds for a suspension or revocation of license. In determining whether such proceedings shall be initiated by such motion, the Authority shall consider the relevant circumstances of the alleged violations, the number of alleged violations concerning the licensee, and the severity of the violations alleged. If information is received by the Authority, which if substantiated, could be grounds for suspension or revocation of the license, but the Authority determines not to initiate formal suspension or revocation proceedings, notification regarding the alleged violation shall be mailed, by first

class mail, to the licensee. The notification shall be in the form of a letter, and shall contain such information as the Authority deems appropriate.

(c) If suspension or revocation proceedings are initiated, the Licensing Authority shall determine, by investigation, the probable truth of the charges against the licensee. The Authority Secretary is hereby authorized to conduct such investigation on behalf of the Authority.

(d) If it shall appear upon such investigation, or otherwise come to the attention of the Authority, that there is probable cause to believe that grounds for revocation or suspension exists, the Authority shall issue a notice of hearing and order to show cause why the license should not be suspended or revoked, and shall appoint counsel to represent the City at the hearing. Such notice and order shall be sent by certified mail to the licensee at the address contained in the license, and shall contain such information as will reasonably notify or inform the licensee of the charges or alleged grounds for suspension or revocation.

(e) The hearing shall be held at the place and time designated in the notice, or upon such other day as may be set for good cause shown. At the hearing, evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the licensee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted.

(f) At such hearing, the Local Licensing Authority has the power to administer oaths. The Authority has the power to issue subpoenas to require the presence of persons and the production of all papers, books and records necessary to its determination.

(g) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee, but standing alone establishes a violation of some other law, rule or regulation, the licensee shall be permitted to give evidence and statements in defense,

explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee, the licensee shall state the substance thereof and upon his request, the hearing may be recessed for not more than 10 days and shall continue under the same procedure as though no recess had occurred.

(h) In the event the licensee is found not to have violated any law, rule or regulation, the charges against him will be dismissed. If the licensee is found to have violated some law, rule or regulation, his license may be suspended or revoked.

(i) The Licensing Authority shall furnish the licensee its decision, in writing, within 60 days following the hearing. Such notice shall be certified mailed to the licensee at the address contained in such license.

- (j) In the event of revocation, or suspension, no portion of the license fee or occupation tax shall be refunded.
- (k) If a license has been suspended, the Authority has the power to order the posting of notices of suspension on the premises.
- (l) No suspension of a license shall be for a period longer than six months.
- (m) Where the Authority has reasonable grounds to believe and finds that a licensee has been guilty of a deliberate and willful violation of any applicable law or regulation or that the public health, safety or welfare imperatively requires emergency action and incorporates such findings in an order, the Authority may temporarily or summarily suspend the license pending proceedings for a suspension or revocation hearing, which shall be promptly instituted and determined. A temporary suspension of a license without notice pending any prosecution, investigation or public hearing, shall be for a period not to exceed 15 days.
- (n) The following suspension penalties represent guidelines only and are not binding on the Authority. The Authority reserves the right to impose any penalty authorized by law.

LICENSE TYPE	1st Offense		2 nd Offense	
	Minimum*	Maximum	Minimum**	Maximum
Retail Liquor Store	1 day	3 days	2 days	5 days
3.2% Beer – Off Premises	3 days	5 days	7 days	21 days
On Premises Hotel-Restaurant Beer & Wine Tavern Club 3.2% Beer – On Premises Bed & Breakfast	3 days	5 days	7 days	21 days

*Service of a one day suspension is required for first offense

**Service of the listed minimum suspension period required for second offense

- (o) The Authority may consider the following among other things, in imposing suspension periods:

Mitigating Facts

- √ Training programs (initial & on-going)
- √ Written policies
- √ Supervision procedures
- √ Self-check programs
- √ Use of birthdate-input cash registers

Aggravating Facts

- √ Prior violations in past five years
- √ Irresponsible advertising policies
- √ Failure to accept responsibility
- √ Failure to institute corrective measures/policies
- √ Prior police reports or other reports of disturbances on the licensed premises

- (p) Any period of suspension imposed by the Authority, or agreed to by the Licensee in a stipulated settlement of a hearing, must be served within thirty (30) days of the hearing at which the suspension is imposed or the stipulation approved.

The Authority will consider requests for the abeyance of imposition of all or any part of the suspension period and requests to pay a fine-in-lieu of suspension on a case-by-case basis. The Authority may also require managers and/or all employees involved with sales or service of alcoholic beverages to attend a training program if the Licensee has been found guilty of a violation.

In addition to the foregoing penalties, the Authority may revoke any future permits for special events or tastings where a violation has occurred at a special event or at a tasting.

Secretary's Report

AGENDA ITEM

VIII

Attendees at March 20, 2016 Seller/Server Training

There were a total of 47 attendees with 12 from Louisville establishments.

Blue Parrot - 1

Centennial Wine and Spirits - 3

Down Under Wine and Spirits - 1

Empire Lounge - 2

Mudrock's - 5