

Local Licensing Authority

Agenda

April 27, 2020

7:00 PM

Electronic Meeting

This meeting will be held electronically. Residents interested in listening to the meeting should visit the City's website here to link to the meeting:
louisvilleco.gov/government/boards-commissions/local-licensing-authority

The Authority will accommodate public comments as much as possible during the meeting. Anyone may also email comments to the Authority prior to the meeting at CReason@LouisvilleCO.gov

- I. Call to Order**
- II. Roll Call**
- III. Approval of Agenda**
- IV. Public Comments on Items Not on the Agenda**
- V. Action on Minutes – 02/24/2020**
- VI. 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 – MOD Pizza – Beer & Wine Liquor License
– 994 West Dillon Road Suite 600
- B. Renewal Application and Report of Changes – Smashburger
#1525– Beer & Wine Liquor License – 994 West Dillon Road
Suite 500
- C. Renewal Application – Pica's Tacqueria Louisville – Hotel &
Restaurant Liquor License – 901 Front Street Suite 110

City of Louisville

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- D. Renewal Application – Lulu’s BBQ – Hotel & Restaurant Liquor License – 701 B Main Street
- E. Report of Changes – Verde – Hotel & Restaurant Liquor License – 640 Main Street
- F. Renewal Application – Igadi Ltd – Retail Marijuana License, 1063 Courtesy Road
- G. Renewal Application – Compassionate Pain Management, LLC DBA Ajoya – Retail Marijuana License, 1100 W Dillon Rd #3
- H. Renewal Application – Chipotle Mexican Grill Inc – Hotel & Restaurant Liquor License – 375 South McCaslin Blvd #D
- I. Renewal Application – The Waterloo – Hotel & Restaurant Liquor License – 817 Main Street
- J. Report of Changes – WELL Balfour Tenant LLC – Hotel & Restaurant Liquor License – 1336 East Hecla Drive
- K. Renewal Application – Carrabba’s Italian Grill #608 – Hotel & Restaurant Liquor License – 575 South McCaslin Blvd

VII. Authority Business

- A. None

VIII. Police Department Report

IX. Secretary’s Report

X. Authority Attorney’s Report

XI. Authority Comments

XII. Discussion Items for Next Meeting – May 18, 2020 @ 7:00 p.m.

XIII. Adjournment

Local Licensing Authority Meeting Minutes

**February 24, 2020
City Hall, Spruce Room
749 Main Street
7:00 PM**

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

Roll Call was taken and the following members were present:

Members Present: **John Carlson
Elizabeth Kaufman
Matthew Machado
Nancy Newell**

Absent: **Marguerite Lipton**

Staff Members Present: **Nick Cotton-Baez – Kelly P.C.
Ben Redard, Police Sergeant
Chrissy Reason, Deputy City Clerk
Meredyth Muth, City Clerk
Adam Gollin, Prosecuting Attorney**

Approval of Agenda – Chairperson Carlson called for changes to the agenda. Kaufman made a motion to approve the agenda. Machado seconded. All in favor.

Approval of Meeting Minutes - Machado moved to approve the minutes. Kaufman seconded. All in favor.

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. Renewal Application – Sweet Spot Café LLC – Hotel & Restaurant Liquor License – 585 West Dillon Road
- B. Renewal Application – Tri City Elks Lodge No2541 Inc DBA Tri City Elks Lodge 2541 – Club Liquor License – 525 Main Street
- C. Renewal Application – Taj Mahal III Inc – Hotel & Restaurant Liquor License – 1075 South Boulder Road
- D. Renewal Application – American Legion W Rhodes Post # 111 – Club Liquor License – 1150 Pine St
- E. Renewal Application – Dillon Companies, LLC DBA King Soopers # 13 – Fermented Malt Beverage – 1375 South Boulder Road

Carlson called for any changes to the consent agenda. Kaufman moved the consent agenda be approved. Machado seconded. All in favor.

Authority Business

To allow more time for Xing ChunDu of Mr. Sake Sushi & Grill (item VII.A) to work with an interpreter, item VII.B was taken first.

- B. Show Cause Hearing – Miles Sports Club Inc. d/b/a Miles Sports Pub and Grub – Hotel and Restaurant Liquor License – 328 McCaslin Blvd. – 10/15/19 Incident

City Special Prosecutor Adam Gollin and Jonathan Malone-McGrew, on behalf of the Licensee, introduced themselves.

Chairperson Carlson opened the show cause hearing.

Mr. Gollin offered exhibit 1 for the hearing record – a motion for a deferred sentence in which Miles Sports Pub and Grub server Melissa Murr had pled no contest to the charge of selling to persons prohibited. Mr. Malone-McGrew objected exhibit 1 be entered into the record.

Chairperson Carlson allowed exhibit 1 be allowed in the record.

Opening statement from owner Jonathan Malone-McGrew stating that the licensee takes great care in the serving of alcohol in the establishment. Mr. Malone-McGrew reviewed the extra precautions that are taken with the staff of the establishment.

Mr. Gollin presented the City's case first and brought his first witness, Sargent Redard.

Sargent Redard was sworn in by Secretary Chrissy Reason.

Mr. Gollin questioned Sargent Redard on the Louisville Police Department's response to Mile Sports Pub on October 15, 2019.

Mr. Gollin requested that the body cam footage from that evening be shown. There are five body cam videos from the evening.

Video #1 was played in full.

Video #2 was played at 6:45 in.

Mr. Gollin questioned Sargent Redard about what the bartender meant when she said, "she was using it as a tool" in reference to serving another drink to the patron. Mr. Malone-McGrew objected to the question stating that Sargent Redard couldn't know what the bartender meant in her statement. Chairperson Carlson allowed the line of questioning. Sargent Redard thought she meant it was a tool to get the patron to sit at the bar longer.

Video # 2 was played at 12:00

Mr. Gollin questions Redard about the second video. Sargent Redard explained that the patron was heavily intoxicated and could not follow simple instructions.

Video # 3 was played in full

Video # 5 was played in full

The body cam videos were entered into evidence as the City's Exhibit # 2.

Mr. Gollin questioned Sargent Redard regarding detaining an intoxicated person.

On cross-examination, Mr. Malone-McGrew questioned Sargent Redard regarding the body cam videos. He also questioned about the timeline of drinks served to the patron.

The Licensing Authority questioned the timeline of events and the statements made by the bartender and cook in the body cam videos.

Mr. Gollin then brought his second witness, Officer Don Adam. Officer Don Adam was sworn in by Secretary Chrissy Reason.

Mr. Gollin questioned Officer Adam on the timeline of the evening. Officer Adam recapped the process for assessing the intoxication level and the arrest made of the patron.

Jonathan Malone-McGrew presented the Licensee's case.

Jonathan Malone-McGrew was sworn in by Secretary Chrissy Reason.

Licensee Mr. Malone-McGrew had the following pieces of evidence to submit into the record, each of which were admitted into the hearing record by Chairperson Carlson.

Exhibit A – a flash drive with security footage from the establishment.

Exhibit B – Ms. Murr’s certification of seller/server training from Colorado Licensed Beverage Association.

Exhibit C – Approved responsible vendor training from Mickey Petrollini.

Mr. Gollin made his closing statement that the authority should be able to ascertain from the hearing and videos how intoxicated the patron was and that the establishment served a visibly intoxicated person.

Mr. Malone-McGrew made his closing statement that the evidence did not show conclusively that the patron was visibly intoxicated at the time of service, and that he could have become visibly intoxicated after he left the establishment.

Chairperson Carlson closed the show cause hearing.

Authority members discussed the evidence provided in the show cause hearing.

Carlson moved that sufficient evidence had been presented to support the violations set forth in paragraph A, B, and C of the show cause order concerning service to a visibly intoxicated person, and that the Authority find such violations to have occurred. All in favor.

The Authority discussed their final findings. The Authority found that, despite their finding of violations, the Licensee’s employee, Melissa Murr, acted in good faith under the circumstances, and that therefore the Licensee’s punishment should be minimal.

Carlson moved that the Licensee’s license be suspended for three (3) days and that all three (3) days be held in abeyance, and directed City staff to issue a letter to the Licensee to require the Licensee to double its efforts and internal controls for future operation. All in favor.

- A. Show Cause Hearing – Asian Dragon Inc. d/b/a Mr. Sake Sushi & Grill – Beer and Wine License – 1387 E. South Boulder Road – 9/17/19 Incident

Mr. Gollin offered the Licensee a settlement offer that the Hotel/Restaurant License be suspended for a period of four (4) days, with two (2) days held in

abeyance. The interpreter had reviewed the settlement offer with Xing ChunDu outside the hearing room during the hearing on the item VII.B.

Machado moved to approve the settlement offer that the Hotel/Restaurant License be suspended for a period of four (4) days, with two (2) days held in abeyance. All in favor.

Mr. Gollin stated that that Xing ChunDu of Mr. Sake Sushi & Grill had agreed to accept the settlement offer on behalf of the Licensee, and that the Licensee preferred to serve the two (2) day suspension rather than to pay fees in lieu.

After determining that the incident giving rise to the show cause order had occurred on a Wednesday, the Authority ordered the two (2) days of suspension to be served by the Licensee on Tuesday, March 10 and Wednesday March 11, 2020.

Police Department Reports

No report.

Secretary's Report

Members decided the next Local Licensing Authority meeting will be moved from the 23rd of March to the 30th of March.

Authority Attorney's Report

No report.

Authority Comment

No report.

Adjourn – The meeting was adjourned at 8:42 pm.

**SUBJECT: RENEWAL APPLICATION –BEST PIZZA LLC DBA MOD PIZZA–
HOTEL AND RESTAURANT LIQUOR LICENSE – 994 W
DILLION ROAD SUITE 600**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Best Pizza LLC DBA MOD Pizza, has submitted an application for renewal of its Hotel and Restaurant Liquor License at 994 W Dillion Road Suite 600

The lease for the premises is current and on file.

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

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:

Approve the renewal application for Hotel and Restaurant Liquor License for, Best Pizza LLC DBA MOD Pizza, 994 W Dillion Road Suite 600

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.

**SUBJECT: RENEWAL APPLICATION AND REPORT OF CHANGES –
SMASHBURGER ACQUISITION-DENVER LLC DBA
SMASHBURGER #1525 – BEER AND WINE LIQUOR LICENSE –
994 W DILLION ROAD SUITE 500**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Smashburger Acquisition-Denver LLC DBA Smashburger #1525, has submitted an application for renewal of its Beer and Wine Liquor License at 994 W Dillion Road Suite 500

The lease for the premises is current and on file.

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

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

City of Louisville sales tax account is current.

The licensee has submitted a corporate report of changes for its Beer and Wine Liquor Licenses in Louisville. Gabriel Trujillo is the new manager of Smashburger #1525.

RECOMMENDATION:

Approve the renewal application for Beer and Wine Liquor License for, Smashburger Acquisition-Denver LLC DBA Smashburger #1525, 994 W Dillion Road Suite 500

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

**SUBJECT: RENEWAL APPLICATION – PERROS BLANCOS LLC DBA
PICA’S TACQUERIA LOUISVILLE – HOTEL AND RESTAURANT
LIQUOR LICENSE – 901 FRONT STREET**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Perros Blancos LLC DBA Pica’s Tacqueria Louisville, has submitted an application for renewal of its Hotel and Restaurant Liquor License at 901 Front Street

The lease for the premises is current and on file.

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

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

Sales tax for February has not been paid as of April 16. Staff recommends renewal at this time as we know many businesses are behind this month due to COVID-19 issues.

RECOMMENDATION:

Approve the renewal application for Hotel and Restaurant Liquor License for, Perros Blancos LLC DBA Pica’s Tacqueria Louisville, 901 Front Street

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

**SUBJECT: RENEWAL APPLICATION –LULU’S BBQ LLC– TAVERN
LIQUOR LICENSE – 701 B MAIN STREET**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, LuLu’s BBQ LLC, has submitted an application for renewal of its Tavern Liquor License at 701 B Main Street

The lease for the premises is current and on file.

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

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:

Approve the renewal application for Tavern Liquor License for, LuLu’s BBQ LLC, 701 B Main Street

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.

**SUBJECT: REPORT OF CHANGES SIDEWALK SERVICE AREA – VERDE
NO. 2 LIMITED PARTNERSHIP LLLP DBA VERDE – HOTEL
AND RESTAURANT LIQUOR LICENSE – 640 MAIN STREET**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

An application has been submitted for a temporary modification of premises to the Hotel and Restaurant Liquor License for Verde No.2 Limited Partnership LLLP DBA Verde – 640 Main St. The addition of outdoor dining to the licensed premises is requested.

The City is providing patios in the parking spaces along Main Street for the summer months. Verde would like to include the ability to serve alcohol in this area. This applicant has been reminded of their responsibility for control of the alcohol on the patios and in the sidewalk area leading to them.

RECOMMENDATION:

Authority approve the temporary addition of the outdoor patio to the liquor licensed premises.

**SUBJECT: RENEWAL APPLICATION – IGADI LTD – RETAIL MARIJUANA
LICENSE – 1063 COURTESY ROAD**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

Igadi, a currently licensed Retail Marijuana Store, has applied to renew the retail marijuana license. This renewal aligns the license with the renewal date of the State license.

The applicant has also applied to the State for renewal of its retail license.

The lease is current.

City sales and use tax is current.

RECOMMENDATION:

Authority approve the renewal of the Retail Marijuana Store conditioned upon approval at the State level as well.

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.

**SUBJECT: RENEWAL APPLICATION – COMPASSION PAIN
MANAGEMENT, LLC DBA AJOYA – RETAIL MARIJUANA
LICENSE – 1100 WEST DILLION ROAD #3**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

Ajoya, a currently licensed Retail Marijuana Store, has applied to renew the retail marijuana license. This renewal aligns the license with the renewal date of the State license.

The applicant has also applied to the State for renewal of its retail license.

The lease is current.

City sales and use tax is current.

RECOMMENDATION:

Authority approve the renewal of the Retail Marijuana Store conditioned upon approval at the State level as well.

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.

**SUBJECT: RENEWAL APPLICATION – CHIPOTLE MEXICAN GRILL INC
DBA CHIPOTLE MEXICAN GRILL – HOTEL AND RESTAURANT
LIQUOR LICENSE – 375 SOUTH MCCASLIN BLVD #D**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Chipotle Mexican Grill INC, has submitted an application for renewal of its Hotel and Restaurant Liquor License at 375 South McCaslin Blvd #D.

The lease for the premises is current and on file.

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

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:

Approve the renewal application for Hotel and Restaurant Liquor License for, Chipotle Mexican Grill INC, 375 South McCaslin Blvd #D.

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.

SUBJECT: RENEWAL APPLICATION – KARP HOLDINGS LLC DBA THE WATERLOO – HOTEL AND RESTAURANT LIQUOR LICENSE – 817 MAIN STREET

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, KARP Holdings LLC DBA The Waterloo, has submitted an application for renewal of its Hotel and Restaurant Liquor License at 817 Main Street.

The lease for the premises is current and on file.

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

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

Sales tax for February has not been paid as of April 16. Staff recommends renewal at this time as we know many businesses are behind this month due to COVID-19 issues.

RECOMMENDATION:

Approve the renewal application for Hotel and Restaurant Liquor License for, KARP Holdings LLC DBA The Waterloo, 817 Main Street.

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

**SUBJECT: REPORT OF CHANGES MODIFICATION OF PREMISES – WELL
BALFOUR TENANT LLC DBA THE RESIDENCES AT BALFOUR
– HOTEL AND RESTAURANT LIQUOR LICENSE – 1336 EAST
HECLA DRIVE**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

An application has been submitted for a modification of premises to the Hotel and Restaurant Liquor License for WELL Balfour Tenant LLC DBA The Residences at Balfour – 1336 East Hacla Drive. The addition of more square footage on the first floor to the licensed premises is requested.

RECOMMENDATION:

Authority approve the addition of the square footage to the liquor licensed premises.

**SUBJECT: RENEWAL APPLICATION – ITALIAN RESTAURANT GROUP
LLC, DBA CARRABBA’S ITALIAN GRILL #608 – HOTEL AND
RESTAURANT LIQUOR LICENSE – 575 SOUTH MCCASLIN
BLVD**

DATE: APRIL 27, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Italian Restaurant Group LLC DBA Carrabba’s Italian Grill # 608, has submitted an application for renewal of its Hotel and Restaurant Liquor License at 575 South McCaslin Blvd.

The lease for the premises is current and on file.

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

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:

Approve the renewal application for Hotel and Restaurant Liquor License for, Best Italian Restaurant Group LLC DBA Carrabba’s Italian Grill # 608, 575 South McCaslin Blvd.

Alternatively, the Authority may set hearing on this renewal application. Staff can begin that process, however given the current state of emergency this may require waiting until an in-person meeting can be held.