Local Licensing Authority

Agenda

May 18, 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 – 04/27/2020
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 – 12 Degree Brewing – Brew Pub Liquor License – 820 Main Street
B. Renewal Application – Tilt III LLC – Lodging & Entertainment Liquor License – 640 Main Street Suite B
C. Renewal Application – Village Square Liquor – Retail Liquor Store Liquor License – 645 E South Boulder Rd
D. Renewal Application – Sushi Yoshi Restaurant – Hotel & Restaurant Liquor License – 917 Front Street Suite 100
E. Renewal Application – 740 Front – Hotel & Restaurant Liquor License – 740 Front Street
F. Renewal Application – Abo’s Pizza – Hotel & Restaurant Liquor License – 1355 South Boulder Road C2
G. Renewal Application – Lucky Pie Pizza and Taphouse – Hotel & Restaurant Liquor License – 637 Front Street
H. Renewal Application – The Huckleberry – Hotel & Restaurant Liquor License – 700 Main Street
I. Renewal Application – Starbuds Louisville – Retail Marijuana Store – 1156 W Dillon Road Unit 3

VII. Authority Business
A. Findings and Order – Miles Sports – Hotel and Restaurant Liquor License - Address

VIII. Police Department Report
A. Incident Report – Union Jack – 03/26/2020

IX. Secretary’s Report
X. Authority Attorney’s Report
XI. Authority Comments
XII. Discussion Items for Next Meeting – June 22, 2020 @ 7:00 p.m.
XIII. Adjournment
Local Licensing Authority

Meeting Minutes

April 27, 2020
Electronic Meeting
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
Marguerite Lipton
Matthew Machado
Nancy Newell

Absent:

Staff Members Present: Melinda Culley – Kelly P.C.
Ben Redard, Police Sergeant
Chrissy Reason, Deputy City Clerk

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 – Carlson called for any changes to the minutes, seeing none, 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 – 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
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
K. Renewal Application – Carrabba’s Italian Grill #608 – Hotel & Restaurant Liquor License – 575 South McCaslin Blvd

Carlson called for any changes to the consent agenda, seeing none, Lipton moved the consent agenda be approved. Kaufman seconded. All in favor.

Authority Business
A. None.

Police Department Reports
A. Sergeant Redard reported that there was an incident at a liquor store that will be coming to the Licensing Authority for review on the May 18, 2020 meeting. Redard also reported that there was a robbery at Retail Marijuana Store Ajoya.

Secretary’s Report
A. None.

Authority Attorney’s Report
A. None.

Authority Comment
A. None.

Adjourn – Lipton moved to adjourn. Machado seconded. All in favor. The meeting was adjourned at 7:09 pm.
SUBJECT: RENEWAL APPLICATION – 12 DEGREE BREWING – BREW PUB LIQUOR LICENSE – 820 MAIN STREET

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Twelve Degree Brewing LLC, has submitted an application for renewal of its Brew Pub Liquor License at 820 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 Brew Pub Liquor License for, Twelve Degree Brewing LLC, 820 Main 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 – TILT III LLC – LODGING & ENTERTAINMENT LIQUOR LICENSE – 640 MAIN STREET SUITE B

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Tilt III LLC, has submitted an application for renewal of its Lodging & Entertainment Liquor License at 640 Main Street Suite B.

The lease for the premises is current and on file.

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

City of Louisville sales tax account is current.

RECOMMENDATION:

Approve the renewal application for Lodging & Entertainment Liquor License for, Tilt III LLC, 640 Main Street Suite B.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
SUBJECT: RENEWAL APPLICATION – VILLAGE SQUARE LIQUOR – RETAIL LIQUOR STORE LIQUOR LICENSE – 645 E SOUTH BOULDER RD

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Village Square Liquor LLC, has submitted an application for renewal of its Retail Liquor Store Liquor License at 645 E South Boulder Rd.

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 Retail Liquor Store Liquor License for, Village Square Liquor LLC, 645 E South Boulder Rd.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
SUBJECT: RENEWAL APPLICATION – SUSHI YOSHI– HOTEL & RESTAURANT LIQUOR LICENSE – 917 FRONT STREET SUITE 100

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Sushi Yoshi Restaurant, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 917 Front Street Suite 100.

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 & Restaurant Liquor License for, Sushi Yoshi Restaurant, 917 Front Street Suite 100.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
SUBJECT: RENEWAL APPLICATION – ABO’S PIZZA – HOTEL & RESTAURANT LIQUOR LICENSE – 1355 SOUTH BOULDER RD C2

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Abo’s Pizza, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 1355 South Boulder Road C2.

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 & Restaurant Liquor License for, Abo’s Pizza, 1355 South Boulder Road C2.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
SUBJECT: RENEWAL APPLICATION – LUCKY PIE PIZZA & TAPHOUSE – HOTEL & RESTAURANT LIQUOR LICENSE – 637 FRONT STREET

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, Lucky Pie Pizza & Taphouse, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 637 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 March has not been paid as of May 14. 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 & Restaurant Liquor License for, Lucky Pie Pizza & Taphouse, 637 Front Street.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
RENEWAL APPLICATION – THE HUCKLEBERRY – HOTEL & RESTAURANT LIQUOR LICENSE – 700 MAIN STREET

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

The licensee, The Huckleberry, has submitted an application for renewal of its Hotel & Restaurant Liquor License at 700 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 Hotel & Restaurant Liquor License for, The Huckleberry, 700 Main Street.

Alternatively, the Authority may set a hearing on this renewal application. The hearing may be held after proper notice is completed.
LOCAL LICENSING AUTHORITY MEMO
AGENDA ITEM VI-I

SUBJECT: RENEWAL APPLICATION – STARBUDDS LOUISVILLE LLC – RETAIL MARIJUANA LICENSE – 1063 1156 W DILLON ROAD UNIT 3

DATE: MAY 18, 2020

PRESENTED BY: CHRIS REASON, AUTHORITY SECRETARY

SUMMARY:

Starbuds Louisville, 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 a hearing on the renewal application. That hearing could be held after proper notice is completed.
SUBJECT: FINDINGS AND ORDER – MILES SPORTS CLUB INC. D/B/A MILES SPORTS PUB AND GRUB – HOTEL AND RESTAURANT LIQUOR LICENSE – 328 MCCASLIN BOULEVARD

DATE: MAY 18, 2020

PRESENTED BY: CHRISSY REASON, AUTHORITY SECRETARY

SUMMARY:

A Show Cause Hearing was held on February 24, 2020 concerning Miles Sports Club Inc. d/b/a Miles Sports Pub and Grub – Hotel and Restaurant Liquor License – Incident dated 10/15/2019

RECOMMENDATION:

The Authority Attorney has drafted Findings of Fact, Conclusions of Law, and Final Decision and Order for the Authority’s review.
BEFORE THE LOCAL LICENSING AUTHORITY, CITY OF LOUISVILLE, COUNTY OF BOULDER, STATE OF COLORADO

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION AND ORDER

IN THE MATTER OF:

MILES SPORTS PUB, INC., Licensee,
d/b/a MILES SPORTS PUB & GRUB
328 MCCASLIN BOULEVARD
LOUISVILLE, CO 80027
License No. 03-10277

I. Introduction.

A. This matter came before the Local Licensing Authority of the City of Louisville, Colorado (“Authority”) pursuant to an investigative report and summons and complaint filed by the City of Louisville Police Department with the Secretary of the Authority, relating to an incident occurring on October 15, 2019, at Miles Sports Pub & Grub.

B. By order dated November 25, 2019, the Authority ordered the Licensee to appear at a hearing and show cause why its liquor license should not be suspended or revoked for violation of one or more of the following laws, regulations or ordinances:

1. Section 44-3-9-1(1)(a), Colorado Revised Statutes (C.R.S.);
2. Section 47-900.A, Colorado Code of Regulations (C.C.R.); and

C. The hearing was opened on January 27, 2020, and continued until Monday, February 24, 2020.

D. The hearing was held on Monday, February 24, 2020. Authority members Carlson, Machado, Newell, and Kaufman were present. Appearing for the City was Adam Gollin, Esq. Appearing for the Licensee was Jonathan Malone-McGrew.

E. Liaison to the Authority, Patrol Sergeant Benjamin Redard and Officer Don Adam of the Louisville Police Department appeared at the hearing and gave testimony at the request of the City. Jonathan Malone-McGrew gave testimony on behalf of the Licensee.
F. After establishing an evidentiary foundation, the City showed select clips of body camera footage from police who responded to the incident, which showed the officers’ contacts with Casey Dockstader, Melissa Murr, and Jessica Martinez.

G. Mr. Malone McGrew showed footage from Miles Sports Pub & Grub’s video surveillance system, which showed Mr. Dockstader at the bar with Ms. Martinez, and Mr. Dockstader’s head down on the bar after Ms. Martinez left.

H. Both the body camera and surveillance footage was admitted by the Authority into the hearing record.

II. **Factual Background and Findings.**

A. Miles Sports Pub, Inc. holds a hotel and restaurant license. Its licensed premises are located at 328 McCaslin Boulevard in Louisville, Colorado, where it operates Miles Sports Pub & Grub.

B. Corporal Gabe Romano responded to 328 McCaslin Boulevard in reference to a drunk person at approximately 10:02 PM on October 15, 2020. (Exhibit A to Order to Show Cause, hereinafter “Romano’s Report”.)

C. When en route, Corporal Romano was relayed a description of a male wearing a black shirt and green hat given to Boulder County Dispatch by Melissa Murr, the reporting party and an employee of Miles Sports Pub & Grub. (Romano’s Report.)

D. Upon arrival, Officer Romano and Officer Adam contacted a male matching the description who they later identified as Casey Dockstader. (Romano’s Report.)

E. According to Romano’s Report, Mr. Dockstader was standing in the doorway of Miles Sports Pub & Grub and appeared to be yelling at the staff inside, before he shut the door and began walking away from the business, whereupon Corporal Romano observed that Mr. Dockstader looked “very unsteady on his feet.” (Romano’s Report.)

F. Officer Adam testified that Mr. Dockstader displayed signs of intoxication, including balancing issues and heavy odor of alcohol, which due to Officer Adam’s training, led him to conclude Mr. Dockstader was intoxicated. (Adam Testimony.)

G. Corporal Romano and Officer Adam then detained Mr. Dockstader “for his own safety, based on his level of intoxication and the safety of Officers.” (Romano’s Report; Adam Testimony)

H. Sergeant Redard arrived sometime after Mr. Dockstader was detained. (Redard Testimony.)
I. Sergeant Redard observed that Mr. Dockstader was slurring his words and giggling a lot, and concluded, in accordance with his training, that Mr. Dockstader was intoxicated. (Redard Testimony.)

J. Corporal Romano then proceeded inside Miles Sports Pub & Grub to speak with Ms. Murr, the reporting party. (Romano’s Report.)

K. Ms. Murr advised that Mr. Dockstader showed up to the Miles Sports Pub & Grub and was having drinks with a female later identified as Jessica Martinez. (Romano’s Report.)

L. Ms. Murr further advised that Mr. Dockstader had told her to put Ms. Martinez’s drinks on his bar tab. (Romano’s Report.)

M. Mr. Dockstader and Ms. Martinez ordered three lemon drop shots, three Modelo beers, and one Vegas bomb shot, for a total of $34.75. (Romano’s Report; Body Camera Footage.)

N. Ms. Murr observed Mr. Dockstader being very friendly with Ms. Martinez, and shortly thereafter Ms. Martinez left Miles Sports Pub & Grub and walked over to Centennial Wine and Spirits, her place of employment, which Ms. Murr surmised was done in order to get away from Mr. Dockstader. (Romano’s Report; Body Camera Footage.)

O. After Ms. Martinez left, Mr. Dockstader put his head down on the bar and became uncooperative with Ms. Murr about paying his tab. (Romano’s Report.)

P. Ms. Murr then called the police after kitchen staff overheard the interaction and intervened. (Body Camera Footage.)

Q. Never did the interaction between Miles Sports Pub & Grub staff and Mr. Dockstader become physical. (Romano’s Report.)

R. After speaking with Ms. Murr, Corporal Romano then contacted Ms. Martinez at Centennial Wine and Spirits, who advised that Mr. Dockstader arrived at the bar after she had and that he appeared already intoxicated. (Romano’s Report.)

S. Ms. Martinez further advised that after having a few drinks with Mr. Dockstader, she felt the date was going badly, so she had her coworker text her so that she could leave the situation. (Romano’s Report.)

T. Corporal Romano then responded back to Miles Sports Pub & Grub to speak with Ms. Murr a second time. (Romano’s Report; Body Camera Footage.)

U. Ms. Murr advised that in the beginning Mr. Dockstader was coherent and did not appear to be extremely intoxicated. (Romano’s Report; Body Camera Footage.)
V. Ms. Murr further advised that Mr. Dockstader had two lemon drop shots and Ms. Martinez had three beers and a lemon drop shot. (Romano’s Report.)

W. Mr. Dockstader and Ms. Martinez then went outside for approximately ten minutes before returning. (Romano’s Report.)

X. After Ms. Martinez left Miles Sports Pub & Grub, Mr. Dockstader ordered a Vegas bomb. (Romano’s Report.)

Y. Ms. Murr asked Mr. Dockstader if he was driving and he responded that he would be getting an Uber or Lyft. (Romano’s Report.)

Z. Ms. Murr told Mr. Dockstader that she would give him the Vegas bomb, but that he would have to pay the tab after that. (Romano’s Report.)

AA. Ms. Murr recounted an experience of hers wherein an intoxicated person had been hit by a car after leaving another bar at which she had worked in the past. (Body Camera Footage.)

BB. Ms. Murr advised that she knew that if she did not serve Mr. Dockstader, he would leave, and she did not want Mr. Dockstader in the road. (Redard Testimony.)

CC. Ms. Murr further advised that Mr. Dockstader’s speech become very slurred after consuming the Vegas bomb.

DD. Mr. Malone-McGrew challenged whether the evidence in the record credibly established whether Mr. Dockstader was visibly intoxicated at the time he was served with alcohol.

EE. The City’s Special Prosecutor urged the Authority to exercise common sense.

III. **Applicable Law.**

A. C.R.S. § 44-3-901(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.”

IV. Violations Established at the Hearing.

A. The Authority finds, by a preponderance of the evidence, that Licensee violated Section 44-3-9-1(1)(a), Colorado Revised Statutes (C.R.S.); Section 47-900.A, Colorado Code of Regulations (C.C.R.); and Section 9.22.060, Louisville Municipal Code (“LMC”).

B. While the Authority finds that Licensee violated the above-cited laws and regulations, the Authority also finds that Licensee’s employee, Melissa Murr, acted in good faith under the circumstances.

C. The Authority further finds Melissa Murr’s good faith actions to be a mitigating factor, and that the penalty for the violations should be minimal.

V. Order.

At the conclusion of the hearing, upon motion made, seconded and duly adopted, the Authority found the Licensee violated the laws listed in IV.A, above.

At the Authority meeting held on February 24, 2020, this matter was reconvened and the parties were permitted to give testimony in the nature of mitigation and/or aggravation. The Authority has taken such testimony into account in imposing the suspension set forth below.

Based on the findings of fact and conclusions of law as set forth herein, it is hereby ORDERED that the Licensee’s tavern liquor license be suspended for a period of three (3) days. The three (3) day suspension will be held in abeyance, provided that the Licensee is not found to have violated the Colorado liquor statutes or regulations or the Louisville Municipal Code for a period of one (1) year from the date of this Order. If Licensee is found by the Authority to have violated the Colorado liquor statutes or regulations or the Louisville Municipal Code within the one (1) year abeyance period, the Authority may require the Licensee to serve all or part of the three (3) day suspension on dates as determined by the Authority.

Dated this 18th day of May, 2020.

CITY OF LOUISVILLE, COLORADO
LOCAL LICENSING AUTHORITY
CERTIFICATE OF MAILING

I hereby certify that true copies of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION AND ORDER were placed in the U.S. mail, certified mail return receipt requested, this ___ day of __________, 2020, addressed to:

MILES SPORTS PUB, INC., Licensee,
d/b/a MILES SPORTS PUB & GRUB
328 MCCASLIN BOULEVARD
LOUISVILLE, CO 80027

By: ______________________________
    Chrissy Reason, Deputy City Clerk
LOUISVILLE POLICE DEPARTMENT
CRIME & INCIDENT REPORT

UNION JACK
(03/26/2020)