

**LOCAL LICENSING AUTHORITY**

*Minutes  
March 2, 2016*

**ROLL CALL**

The Regular Meeting of the Broomfield Local Licensing Authority was called to order by Chairperson Claussen at 5:32 p.m. on March 2, 2016, in the Council Chambers of the George Di Ciero City and County Building.

Present: Mr. Ken Claussen  
Mr. Nolan Garrido, Alternate  
Mr. Leon Murray

Absent: Councilmember David Beacom  
Councilmember Martha Derda, Alternate  
Councilmember Mike Shelton

Also present were: Deputy City and County Attorney Pat Gilbert  
Assistant City and County Attorney Karl Frundt  
Administrative Analyst / Deputy Clerk Judy Keiser

**DISPOSITION OF MINUTES**

(a) Minutes of the Regular Meeting of February 3, 2016.

There being no corrections or additions, the Minutes of the Regular Meeting of February 3, 2016, were approved as submitted.

**LOCAL LICENSING AUTHORITY BUSINESS**

(a) Twin Restaurant Broomfield, LLC d/b/a Twin Peaks Restaurant – Manager Registration – Hotel & Restaurant License

Stephen Danesi, Manager, was present on behalf of the Licensee.

There were no Authority Member questions or comments.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR TWIN RESTAURANT BROOMFIELD, LLC D/B/A TWIN PEAKS RESTAURANT LOCATED AT 299 E. FLATIRON CROSSING DRIVE IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

(b) Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill – Manager Registration – Hotel & Restaurant License

Chris Stackpole, Manager, was present on behalf of the Licensee. Responding to Authority member inquiry, Mr. Stackpole explained the relevant criminal history listed on his Individual History Record and advised that other than a speeding ticket, he has not had any violations since 2005.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR ZRC OPERATIONS COMPANY, INC. D/B/A QDOBA MEXICAN GRILL LOCATED AT 4550 W. 121ST AVENUE, SUITE C IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

(c) Concord Hospitality Enterprises Company & Oxford Select Investors – Broomfield LLC d/b/a Hyatt House Boulder / Broomfield – Manager Registration – Tavern License

Heath Dobyms, Manager, and Adam Stapen, Attorney with Dill & Dill, were present on behalf of the Licensee. Responding to Authority member inquiry, Mr. Dobyms explained the circumstances and outcome of a violation listed on his Individual History Record and advised that he has had no personal violations since 2009. Mr. Dobyms added that he has had no alcohol serving violations at any of his previous jobs as manager.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE TAVERN LICENSE FOR CONCORD HOSPITALITY ENTERPRISES COMPANY & OXFORD SELECT INVESTORS BROOMFIELD LLC AT 13351 W. MIDWAY BOULEVARD IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

(d) Avellino LLC d/b/a Follow the Ruel – Application for a Hotel & Restaurant License

Deputy City and County Attorney Pat Gilbert presented the Staff summary, stating that all that is necessary at this point is to note receipt of the application, establish the neighborhood boundaries and set a date and time for the hearing. The suggested neighborhood boundary is the area within a radius of one mile from the premises proposed for the license.

Constance Ruel, Owner, was present on behalf of the Applicant and agreed to the proposed one-mile neighborhood boundary.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE LOCAL LICENSING AUTHORITY NOTE RECEIPT OF THE APPLICATION FOR A HOTEL & RESTAURANT LICENSE AT 1386 U.S. HIGHWAY 287; THAT THE LOCAL LICENSING AUTHORITY SET A PUBLIC HEARING ON SAID APPLICATION FOR 5:30 P.M. ON APRIL 6, 2016, TO BE HELD IN THE CITY COUNCIL CHAMBERS OF THE GEORGE DI CIERO CITY AND COUNTY BUILDING; AND THAT THE LOCAL LICENSING AUTHORITY ESTABLISH THE NEIGHBORHOOD BOUNDARIES FOR THE SUBJECT APPLICATION AS THE AREA WITHIN A RADIUS OF ONE MILE

FROM THE APPLICANT'S PROPOSED LOCATION. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

- (e) CST Metro, LLC d/b/a Corner Store #1129 – Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 12-47-901(5)(a)(I) and BMC 9-64-010

Chairperson Claussen advised that at the January 6, 2016, meeting the Authority received a report from the Broomfield City Prosecutor alleging violations of the Colorado State Liquor Code and the Broomfield Municipal Code by the Licensee on December 11, 2015. The Authority issued a Show Cause Order stating there was probable cause to believe the Licensee had violated: C.R.S. §12-47-901(5)(a)(I) which provides that it is unlawful for any person to sell at retail an alcohol beverage to any person under the age of twenty-one years and Section 9-64-010 of the Broomfield Municipal Code (B.M.C.) which provides that it is unlawful for any person to sell, serve, give away, dispose of, exchange, deliver, or permit the sale, serving, giving or procuring of any alcoholic beverage to or for any person under the age of twenty-one years. The Local Licensing Authority set the Show Cause Hearing for February 3, 2016, at 5:30 p.m. At the request of the Licensee, the Show Cause Hearing was continued until March 2, 2016, at 5:30 p.m. The purpose of the hearing is to determine whether the Licensee is in violation of the Colorado State Liquor Code and/or the Broomfield Municipal Code for an offense for which the Authority may take action against the Licensee, and whether any action is to be taken against the Licensee.

Karl Frundt, Broomfield Municipal Prosecutor, provided a status update and advised that a stipulation for penalty had been reached with the Licensee, which includes a suspension of seven days, with four days to be held in abeyance until December 10, 2016, and payment of a fine in lieu of three days suspension in accordance with State statutes. In addition, the Licensee is required to provide proof that all current employees who are involved with the sale of alcoholic beverages have completed either the Broomfield Police Department's alcohol servers training class or an equivalent program allowed by the Authority.

Michelle Harding, Manager; Carol Grenawalt, Area Manager; and Adam Stapen, Attorney, were present on behalf of the Licensee. Responding to Authority inquiry, Mr. Stapen advised that TIPS training is required for all employees who work the register, with additional training once a year. Point-of-service safeguards require that identification be shown and weekly meetings are held after which an employee signs off that the rules are understood. If a violation occurs, both the employee and the managers lose half their bonus. In this case, the employee did not check identification and was let go. Staff is scheduled to attend the March 13 Broomfield Police Department liquor training.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS STIPULATED; AND THAT THE SHOW CAUSE HEARING IN THIS MATTER SCHEDULED FOR 5:30 P.M., MARCH 2, 2016, BE VACATED. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED, THAT THE LOCAL LICENSING AUTHORITY IMPOSE A SUSPENSION OF SEVEN DAYS, WITH FOUR DAYS TO BE HELD IN ABEYANCE IF NO FURTHER VIOLATIONS OCCUR ON OR BEFORE DECEMBER 10, 2016; AND PAYMENT OF A FINE IN LIEU OF THREE DAYS SUSPENSION IN ACCORDANCE WITH STATE STATUTES; AND LICENSEE

WILL PROVIDE DOCUMENTATION REGARDING TRAINING COMPLETED BY EMPLOYEES. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

(f) Modmarket, LLC d/b/a Modern Market – Application for a Beer & Wine License – Public Hearing

Chairperson Claussen opened the public hearing at 5:54 p.m. and advised that the purpose of the hearing was to permit all parties in interest an opportunity to be heard regarding the application for a Beer and Wine license submitted by Modmarket, LLC d/b/a Modern Market.

Modern Market representatives Wyatt Williams, Regional Manager, and Christopher Nash, Store Manager, as well as Max Scott of Oedipus, Inc. were present on behalf of the Applicant and sworn in prior to providing testimony.

Deputy City and County Attorney Gilbert reviewed the Staff memorandum and advised that the information submitted by the Applicant was offered as Exhibits A-1 through A-8 for purposes of the public hearing. Information provided by Staff was also offered as B-1 through B-3.

Chairperson Claussen admitted Exhibits A-1 through A-8 and Exhibits B-1 through B-3 since there were no objections.

Max Scott summarized the petitioning procedures and results, noting that 98% of the signatures obtained were in favor of the application, confirming the needs and desires of the neighborhood.

Representatives testified that the hours of operation will be from 8 a.m. to 9 p.m. and described the menu that will be available. Alcohol servers will be required to take TIPS training before being allowed to serve. There will be a point-of-service identification scanner on the cash register. The outside patio area will be secured by a fence and gate, signage, security cameras, and good visibility by staff so that alcohol does not leave the premises. Mr. Williams advised that since TIPS training has been implemented, there have been no violations at any of Modern Market's restaurants.

Deputy City and County Attorney Gilbert advised that Petitions submitted by the Applicant were offered as Exhibits A-9, A-10, and A-11, respectively; the Affidavit of Posting was offered as Exhibit A-12; and the Final Report by Oedipus, Inc. regarding the Survey of the Needs and Desires of the Neighborhood was offered as Exhibit A-13.

Chairperson Claussen admitted Exhibits A-9 through A-13 since there were no objections.

There was no party in interest in attendance who appeared in opposition nor in support of the application.

In a closing statement, Mr. Scott advised that the survey shows the needs and desires of the neighborhood for a new license at this location.

The public hearing was closed at 6:10 p.m.

Deputy City and County Attorney Gilbert presented the proposed Findings, as amended.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT THE PROPOSED FINDINGS, AS AMENDED, BE ADOPTED. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER GARRIDO SECONDED THAT, HAVING REVIEWED THE EVIDENCE IN ITS ENTIRETY, THE AUTHORITY FINDS THAT THE APPLICANT HAS SUSTAINED ITS BURDEN OF SHOWING THAT THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE INHABITANTS WERE NOT SATISFIED BY EXISTING OUTLETS. ACCORDINGLY, THE APPLICATION IS APPROVED AND THE LICENSE WILL BE ISSUED PENDING ISSUANCE BY THE STATE AND INSPECTION AND APPROVAL OF THE PREMISES BY THE CITY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, GARRIDO, AND MURRAY VOTING AYE.

Authority Members requested that in the future a copy of the petitioning report be provided to them prior to the meeting to allow them more time for review.

#### PETITIONS AND COMMUNICATIONS

There were no petitions or communications.

#### POLICE DEPARTMENT REPORT

- (a) Liquor Training – January 31, 2016

#### CITY & COUNTY ATTORNEY'S REPORT

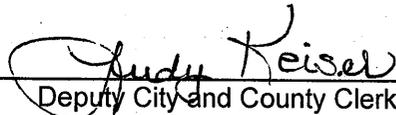
- (a) History of Violations and Penalties Imposed – Report
- (b) Follow-Up on Notices of State Applications for Colorado Liquor Sales Rooms

#### ADJOURNMENT

The meeting was adjourned at 6:22 p.m.

#### APPROVAL

Minutes Prepared by

  
Deputy City and County Clerk

Approved by

  
Chairperson