



LOCAL LICENSING AUTHORITY

Minutes
July 6, 2016

ROLL CALL

The Regular Meeting of the Broomfield Local Licensing Authority was called to order by Chairperson Murray at 5:30 p.m. on July 6, 2016, in the Council Chambers of the George Di Ciero City and County Building.

Present: Mr. Gary Berlin
 Mr. Ken Claussen [left after Item 4(c)]
 Mr. Leon Murray
 Councilmember Mike Shelton
 Mr. Jacob Starkovich, Alternate

Absent: Councilmember David Beacom
 Councilmember Martha Derda, Alternate

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

DISPOSITION OF MINUTES

(a) Minutes of the Regular Meeting of June 1, 2016

Since there were no corrections or additions, the Minutes of the Regular Meeting of June 1, 2016, were approved as submitted.

LOCAL LICENSING AUTHORITY BUSINESS

(a) Emily, Inc. d/b/a El Tapatio – Manager Registration – Hotel & Restaurant License

This Agenda item was considered following item 4(c).

Rodrigo Padilla, Manager, was present on behalf of the Licensee, and responded to questions from the Authority regarding relevant criminal history that was disclosed on his Individual History Record. He advised that the family operates eight restaurants and he has never been denied approval as a manager.

AUTHORITY MEMBER BERLIN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR EMILY, INC. D/B/A EL TAPATIO LOCATED AT 588 SUMMIT BOULEVARD IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, MURRAY, SHELTON, AND STARKOVICH VOTING AYE.

Item 5(a) was considered next.

(b) Nori-Soy, LLC d/b/a Taigun Sushi – Transfer of Ownership – Hotel & Restaurant License

Nori-Soy, LLC d/b/a Taigun Sushi submitted an application for Transfer of Ownership of the Hotel & Restaurant License at 535 Zang Street, Suite B, in Broomfield, currently held by East Sea, Inc. d/b/a Taigun. Applicable fees and required application materials have been submitted. A temporary liquor permit will be issued to this Applicant.

Won Jae Lee and Julie Won, Managing Members, and Kris Hoeltgen, Attorney, were present on behalf of the Applicant. Responding to Authority member questions, they advised that the patio is enclosed and there is no exit from the patio to outdoors. Ms. Won advised that Two Boys Enterprise was a liquor store that she previously owned, so she does have liquor service experience.

AUTHORITY MEMBER BERLIN MOVED AND AUTHORITY MEMBER CLAUSSEN SECONDED THAT THE LICENSING AUTHORITY APPROVE A TRANSFER OF OWNERSHIP OF THE HOTEL & RESTAURANT LICENSE FROM EAST SEA, INC. D/B/A TAIGUN TO NORI-SOY, LLC D/B/A TAIGUN SUSHI, WITH THE CONDITION THAT THE CBI AND FBI BACKGROUND INVESTIGATIONS ARE COMPLETED AND RETURNED WITHOUT ANY PREVIOUSLY UNDISCLOSED RELEVANT CRIMINAL HISTORY. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS BERLIN, CLAUSEEN, MURRAY, AND SHELTON VOTING AYE.

(c) Pizza on Purpose, Inc. d/b/a Double D's Sourdough Pizza – Application for a Hotel & Restaurant License – Public Hearing

Chairperson Murray opened the public hearing at 5:37 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 Hotel & Restaurant license submitted by Pizza on Purpose, Inc. d/b/a Double D's Sourdough Pizza.

Ted Dorr, President / Owner, and 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-9 for purposes of the public hearing. Information provided by Staff was also offered as Exhibits B-1 through B-3.

Chairperson Murray admitted Exhibits A-1 through A-9 and Exhibits B-1 through B-3 since there were no objections.

Ted Dorr advised that although the application is for a Hotel & Restaurant license, he expects to sell mainly Colorado craft beers. He no longer has ownership interest in the Double D's Pizza business in Westminster. The patio area will have signage and will be monitored by employees. Mr. Dorr noted that the patio area is elevated, which prevents alcohol from easily leaving the premises. Mr. Scott distributed a copy of the patio signage that will be used, which was admitted as Exhibit A-10. Mr. Dorr advised that the logged and recorded incidents listed as part of the Control Plan will be for internal use meetings citing alcohol-related incidents, especially with regular customers, so that staff can be more aware. He is aware that certain disturbances must

be reported to the police. He explained the circumstances of the single violation at his previous restaurant in 2012.

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

Mr. Scott distributed copies of the restaurant's menu to Authority members, which was entered in the record as Exhibit A-11. He reviewed the survey results which showed that 97.5 percent of signatures favored issuance, based on the needs and desires of the neighborhood. Mr. Scott advised that there will also be signage prohibiting alcohol from being brought onto the premises from the outside. In a closing statement, he testified that the results of the petitioning indicate that the license should be granted.

The public hearing was closed at 5:52 p.m.

Deputy City and County Attorney Gilbert presented the proposed Findings.

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

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER BERLIN 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 BERLIN, CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

Authority Member Clausen left the meeting at this time.

Agenda Item 4(a) was considered next.

PETITIONS AND COMMUNICATIONS

- (a) Circle K Stores, Inc. d/b/a Circle K Store #2709903 – Change of Manager – 3.2% Beer License (Off-Premises)

The Authority acknowledged receipt of the notice of Change of Manager. No motion by the Authority was required.

- (b) little roro llc d/b/a Midway Liquor – Change of Corporate Structure – Retail Liquor Store License

The Authority acknowledged receipt of the notice of Change of Corporate Structure. No motion by the Authority was required.

- (c) State Liquor Enforcement Activity

Responding to Authority member inquiry, Deputy City and County Attorney Gilbert advised that Larkburger will be required to come before the Authority for the next renewal of its Beer & Wine license.

POLICE DEPARTMENT REPORT

- (a) Liquor Training – July 10, 2016

CITY & COUNTY ATTORNEY'S REPORT

Deputy City and County Attorney Gilbert introduced Julie O'Campo-Pierce, the new Legal Administrative Assistant for the Attorney's office.

ADJOURNMENT

Prior to adjournment, Authority members questioned the definition of "moral turpitude" and what grounds would be relevant for not approving an individual. Deputy City and County Attorney Gilbert advised that she will provide an update at the August 3, 2016 meeting.

The meeting was adjourned at 6:25 p.m.

APPROVAL

Minutes Prepared by


Deputy City and County Clerk

Approved by


Chairperson