



LOCAL LICENSING AUTHORITY

Minutes
September 7, 2016

ROLL CALL

The Regular Meeting of the Broomfield Local Licensing Authority was called to order by Chairperson Murray at 5:30 p.m., September 7, 2016, in the Council Chambers of the City and County Building.

Present: Mr. Ken Claussen
Mr. Leon Murray
Councilmember Shelton

Absent: Councilmember. David Beacom
Mr. Gary Berlin
Councilmember Martha Derda (Alternate)
Mr. Jacob Starkovich (Alternate)

Also present were: Deputy City & County Attorney Pat Gilbert
Records & Licensing Administrator / Deputy Clerk Tricia Kegerreis

DISPOSITION OF MINUTES

There being no corrections or additions, the Minutes of the Regular Meeting of August 3, 2016, stand approved.

LOCAL LICENSING AUTHORITY BUSINESS

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

Gilbert Sena, Manager, was present on behalf of the Applicant. In response to Authority Member inquiry, Mr. Sena explained items listed on his Individual History Record.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON 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. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

- (b) Red Robin International, Inc. d/b/a Red Robin America's Gourmet Burgers & Spirits – Manager Registration – Hotel & Restaurant License

Brent Baumgardner, Assistant Manager, was present on behalf of the Applicant. In response to Authority Member inquiry, Mr. Baumgardner noted that there have been no violations at this restaurant since he started here a year ago.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR RED ROBIN INTERNATIONAL, INC D/B/A RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(c) Quail Creek Wine & Spirits, Inc. d/b/a Quail Creek Wine & Spirits – Renewal – Retail Liquor Store License

Barry Bartling, Manager, was present on behalf of the Applicant. In response to Authority Member inquiry, Mr. Bartling explained the circumstances on the last violation.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE RETAIL LIQUOR STORE LICENSE RENEWAL FOR QUAIL CREEK WINE & SPIRITS, INC. D/B/A QUAIL CREEK WINE & SPIRITS. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(d) Pho Mai, LLC d/b/a Pho Mai Restaurant – Transfer of Ownership – Hotel & Restaurant License

Deputy City and County Attorney Pat Gilbert provided a status update regarding this application. She noted that the application had been revised and was now complete.

Hung Hynh, Owner, was present on behalf of the Applicant. A Vietnamese interpreter was also present.

Applicant responses to Authority questions included: 1) Pho Mai, LLC is buying out NSV Incorporated and will be making payments to NSV Incorporated; and 2) All employees handling alcohol will be trained within three to six months of being hired.

Deputy Attorney Gilbert explained that the Purchase and Sale Agreement showed that Pho Mail LLC was purchasing NSV, Inc. for \$45,000.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE A TRANSFER OF OWNERSHIP OF THE HOTEL AND RESTAURANT LICENSE FROM NSV INCORPORATION D/B/A PHO MAI RESTAURANT TO PHO MAI, LLC D/B/A PHO MAI RESTAURANT. THE MOTION PASSED UNANIMOUSLY WITH MEMBERS CLAUSSEN, MURRAY, AND SHELTON VOTING AYE.

(e) Zoe's Colorado, LLC d/b/a Zoe's Kitchen – Application for a Beer & Wine License

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

Daniel Deters, General Manager, was present on behalf of the Applicant. He agreed to the neighborhood boundary proposed by the Authority.

AUTHORITY MEMBER CLAUSSEN MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY NOTE RECEIPT OF THE APPLICATION FOR A BEER AND WINE LICENSE AT 1 FLATIRON CROSSING DRIVE; THAT THE LOCAL LICENSING AUTHORITY SET A PUBLIC HEARING ON SAID APPLICATION FOR 5:30 P.M. ON OCTOBER 5, 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, MURRAY, AND SHELTON VOTING AYE.

PETITIONS AND COMMUNICATIONS

- (a) Dillon Companies, Inc. d/b/a King Soopers #118 – Change of Manager – 3.2% Beer License (Off-Premises)

Chair Murray noted the Authority had a copy of the notification along with the Agenda Memorandum.

There were no Authority Member questions.

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

- (b) Wal-Mart Stores, Inc. d/b/a Walmart Supercenter #5341 – Change of Manager – 3.2% Beer License (On/Off Premises)

Chair Murray noted the Authority had a copy of the notification along with the Agenda Memorandum.

There were no Authority Member questions.

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

- (c) Qdoba Restaurant Corporation d/b/a Qdoba Mexican Grill – Change of Trade Name – Hotel & Restaurant License

Chair Murray noted the Authority had a copy of the notification along with the Agenda Memorandum.

There were no Authority Member questions.

The Authority acknowledged the receipt of the notice of change of trade name. No motion by the Authority was required.

POLICE DEPARTMENT REPORT

There was no Police Department report.

CITY & COUNTY ATTORNEY'S REPORT

- (a) Determining Good Moral Character for Liquor License Applicants

Deputy City and County Attorney Gilbert stated that the information provided in the memorandum regarding good moral character is based on case law. Ms. Gilbert noted she would be glad to provide more information when all members are present.

Deputy Attorney Gilbert also noted that personal information is generally redacted from the memorandums.

Councilmember Shelton stated that he preferred the names of servers who have violated the law be redacted from memorandums. It was noted that the name is part of the public record.

ADJOURNMENT

Prior to adjournment, Authority Member Murray questioned the timing of the year for the fine in lieu. He suggested that the year should begin after the Authority makes its decision rather than beginning at the time of the violation. Attorney Gilbert responded that she would discuss this with Prosecuting Attorney Karl Frundt and report findings to the Authority.

The meeting was adjourned at 6:04 p.m.

APPROVAL

Minutes Prepared by Tricia Kegensels
Deputy City and County Clerk

Approved by [Signature]
Chairperson