



**SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY**  
**REGULAR MEETING HELD**  
**APRIL 26, 2018**

1. CALL TO ORDER – By Chairman Kaiser at 5:30 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS

Those present were: Kevin Bonich, David Caulder, Daniel Daly, Ronnie Kaiser and Sheryl Williams

Also present were: Aaron Jacks, Assistant City Attorney; Laura Hemler, Assistant City Attorney; Teri Colvin, Deputy City Clerk; and Catalina Colon, Liquor Investigator

4. APPROVAL OF MINUTES

Chairman Pro Tem Daly accepted the Summary Minutes of the regular meeting of March 22, 2018.

5. OLD BUSINESS – none
6. NEW BUSINESS

- A. Application to Change, Alter or Modify the licensed Premises of the Brew Pub License of New Image Brewing Company, LLC, d/b/a New Image Brewing Company, 5620-5624 Yukon Street (Temporary)

Owner Brandon Capps was present and answered questions from the Authority.

Chair Pro Tem Daly moved that the Application to Change, Alter or Modify the licensed Premises of the Brew Pub License of New Image Brewing Company, LLC, d/b/a New Image Brewing Company, 5620-5624 Yukon Street, be Approved for the following dates, from 10 a.m. to 10 p.m. each day: May 5, 2018; June 2 & June 9, 2018; July 7 & July 14, 2018; August 4 & August 11, 2018; September 1 & September 8, 2018; and October 6 & October 13, 2018.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

- B. Application for the Hotel and Restaurant License of Arvada AL, LLC d/b/a MorningStar of Arvada, located at 17351 W 64<sup>th</sup> Avenue (set public hearing)

Chair Pro Tem Daly moved that the Application for the Hotel and Restaurant License of Arvada AL, LLC d/b/a MorningStar of Arvada, located at 17351 W 64<sup>th</sup> Avenue, be Accepted and Scheduled for a Public Hearing on Thursday, June 14, 2018, at 5:30 p.m., in the Council Chambers of the Arvada Municipal Complex, 8101 Ralston Road, and the Boundary Delineation be described as that property surrounded by the following:

On the North by the centerline of West 72<sup>nd</sup> Avenue and extensions thereof  
On the East by the centerline of Indiana Street and extensions thereof  
On the South by the centerline of West 58<sup>th</sup> Avenue and extensions thereof  
On the West by the centerline of Hwy 93 and extensions thereof

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

## 7. PUBLIC HEARING

- A. Application for the Additional Liquor-Licensed Drugstore (LLDS) License of Dillon Companies Inc. d/b/a King Soopers #137, located at 14967 Candelas Parkway

The public hearing opened.

Chairman Kaiser made a motion to postpone the public hearing until May 17, 2018.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
Those Absent:  
The motion carried

The public hearing was closed.

- B. Alleged Violation of the Retail Liquor Store License of AIS LLC, d/b/a Simms Liquor, 11651 West 64<sup>th</sup> Avenue, Unit E-6

The public hearing opened.

Sworn Testimony: Owner Issa Sawaged

Laura Hemler, Assistant City Attorney, provided an opening statement and reviewed the following stipulation with the authority:

Comes now, the City of Arvada, by and through its attorney, Laura Hemler, Assistant City Attorney, and the Licensee, AIS LLC, d/b/a Simms Liquor, 11651 West 64<sup>th</sup> Avenue, Unit E-6, by and through Issa Sawaged, hereby stipulate and agree that the violation of CRS § 12-47- 901(1)(a.5)(I), as alleged in Arvada Police Report for Case Number 2018-002863 and the Local Licensing Authority's Notice and Order to Show Cause dated March 22, 2018, did occur provided that the Authority accept the Parties Recommendation related to penalty.

The parties further stipulate that:

The Notice and Order to Show Cause dated March 22, 2018, was served and is in all respects and for all purposes legally sufficient;

The Licensee has received and reviewed a copy of the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures;

Any reviewing authority may take judicial notice of all referenced provisions of the Colorado Revised Statutes, the Colorado Code of Regulations, or other laws or regulations including the Sentencing Guidelines for the Arvada Liquor Licensing Authority dated October 24, 2013, and the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures, historical data on sanctions imposed by the Arvada Local Liquor Licensing Authority, and Colorado Department of Revenue Liquor Enforcement Division 2011 Report of Enforcement Actions, as necessary;

The Licensee has at all times pertinent to this proceeding held Retail Liquor Store License Number 15913 and has no prior violations within one year.

The Parties stipulate to the admission of this Stipulation and Order, Recommendation Relating to Penalty and Order, and all attachments listed as Exhibits 1 through 4, respectively, which are described below and attached hereto:

- Exhibit 1. Copy of Letter AIS LLC, d/b/a SIMMS LIQUOR, dated March 22, 2018, Certificate of Certified Mailing, and Certificate of Personal Service.
- Exhibit 2. Copy of Notice and Order to Show Cause and Copy of Show Cause Hearing Procedure.
- Exhibit 3. Copy of Retail Liquor Store License Number 15913, issued to AIS LLC, d/b/a SIMMS LIQUOR.
- Exhibit 4. Copy of the ticket and narratives from the February 23, 2018 incident report in Arvada Police Department Case Report Number 2018-002863, in reference to the incident involving the sale of alcohol to a minor.

Chairman Kaiser accepted the exhibits into the record.

Chairman Kaiser moved that this Local Licensing Authority accepts the proposed stipulation, as outlined by Assistant City Attorney Laura Hemler.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

Ms. Hemler reviewed the following recommendation relating to penalty:

Comes now, the City of Arvada, by and through its attorney, Laura Hemler, and the Licensee, AIS LLC, d/b/a Simms Liquor, 11651 West 64<sup>th</sup> Avenue, Unit E-6, by and through Issa Sawaged, hereby stipulate to and recommend that the Licensing Authority accept the following agreement and penalty recommendation:

The Parties hereby agree and recommend that the Arvada Liquor Authority (“Authority”) accept the following Recommendation Relating to Penalty:

1. A penalty of suspension of the Retail Liquor Store License Number 15913 for 10 days, of which 7 days will be held in abeyance pending the satisfactory completion of the following conditions:
  - a. For one year from today’s date, the Licensee cannot be charged with any violation of the Colorado Liquor Code or Department of Revenue Regulations from which an administrative body finds a violation; or conviction, plea of nolo contendere, or other guilty finding in a criminal action; or stipulation (of any kind) results;
  - b. All employees handling alcohol sales, who have not done so in the past two years, shall attend an Authority approved liquor education class within ninety (90) days and submit written proof of attendance to the City Clerk’s Office (those that have attended in the past two years must provide proof of the same);
  - c. Pay a fine in lieu of a three day active suspension. Licensee shall submit copies of its sales tax records for the last 60 days, and must include a breakout of all sales by category (including all alcohol sales) on monthly Income Statements within fourteen days of this Order. The fine shall be equivalent to twenty percent of the licensee’s estimated gross revenues of alcohol sales for a three-day period, except that the fine shall not be less than \$200.00 or more than \$5,000.00.

- d. Payment of the fine shall be in the forms of cash or certified funds made within twenty (20) days of written notification of the amount of the fine pursuant to the Order.
2. If any of these conditions are not met in the manner set forth above, Licensee's Retail Liquor Store License shall be suspended for the number of days held in abeyance, consecutively.

Mr. Sawaged had nothing additional to add.

Mr. Daly asked about further steps for training the employees. Mr. Sawaged stated that his employees attended training on April 24, 2018.

Ms. Williams asked about training of new employees.

Ms. Kaiser encouraged Mr. Sawaged to insist on checking all id's rather than recommending his employees do so.

Chairman Kaiser moved that after considering the statements made in mitigation and aggravation, the sentencing guidelines, and the Recommendation Relating to Penalty, the Local Licensing Authority of the City of Arvada accepts the Recommendation Relating to Penalty as outlined by Assistant City Attorney Laura Hemler and is hereby made an order of the Local Licensing Authority of the City of Arvada, this 26<sup>th</sup> day of April, 2018.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

Public hearing was closed.

- C. Alleged Violation of the Retail Liquor Store License of Veecee Inc., d/b/a Arvada Wine & Spirits, 6350 Sheridan Blvd., #117

The public hearing opened.

Sworn Testimony: Owner Chandrakant Nambiar

Laura Hemler, Assistant City Attorney, provided an opening statement and reviewed the following stipulation with the authority:

Comes now, the City of Arvada, by and through its attorney, Laura Hemler, Assistant City Attorney, and the Licensee, Veecee Inc., doing business as ARVADA WINE & SPIRITS, 6350 Sheridan Blvd, #117, Arvada, Colorado 80003, by and through Chandrakant Nambiar, hereby stipulate and agree that the violation of CRS § 12-47-

901(1)(a.5)(I), as alleged in Arvada Police Report for Case Number 2018-002868 and the Local Licensing Authority's Notice and Order to Show Cause dated March 22, 2018, did occur provided that the Authority accept the Parties Recommendation related to penalty.

The parties further stipulate that:

The Notice and Order to Show Cause dated March 22, 2018, was served and is in all respects and for all purposes legally sufficient;

The Licensee has received and reviewed a copy of the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures;

Any reviewing authority may take judicial notice of all referenced provisions of the Colorado Revised Statutes, the Colorado Code of Regulations, or other laws or regulations including the Sentencing Guidelines for the Arvada Liquor Licensing Authority dated October 24, 2013, and the Arvada Local Liquor Licensing Authority Show Cause Hearing Procedures, historical data on sanctions imposed by the Arvada Local Liquor Licensing Authority, and Colorado Department of Revenue Liquor Enforcement Division 2011 Report of Enforcement Actions, as necessary;

The Licensee has at all times pertinent to this proceeding held Retail Liquor Store License Number 16012 and has no prior violations within one year.

The Parties stipulate to the admission of this Stipulation and Order, Recommendation Relating to Penalty and Order, and all attachments listed as Exhibits 1 through 4, respectively, which are described below and attached hereto:

- Exhibit 1. Copy of Letter VEECEE INC., d/b/a ARVADA WINE & SPIRITS, dated March 22, 2018, Certificate of Certified Mailing, and Certificate of Personal Service.
- Exhibit 2. Copy of Notice and Order to Show Cause and Copy of Show Cause Hearing Procedure.
- Exhibit 3. Copy of Retail Liquor Store License Number 16012 and Extended Temporary Permit, issued to VEECEE INC., d/b/a ARVADA WINE & SPIRITS.
- Exhibit 4. Copy of the ticket and narratives from the February 23, 2018 incident report in Arvada Police Department Case Report Number 2018-002868, in reference to the incident involving the sale of alcohol to a minor.

Chairman Kaiser accepted the exhibits into the record.

Chairman Kaiser moved that this Local Licensing Authority accepts the proposed stipulation, as outlined by Assistant City Attorney Laura Hemler.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams

The motion carried.

Ms. Hemler reviewed the following recommendation relating to penalty:

Comes now, the City of Arvada, by and through its attorney, Laura Hemler, and the Licensee, Veecee Inc., d/b/a Arvada Wine & Spirits, 6350 Sheridan Blvd., #117, by and through Chandrakant Nambiar, hereby stipulate to and recommend that the Licensing Authority accept the following agreement and penalty recommendation:

The Parties hereby agree and recommend that the Arvada Liquor Authority (“Authority”) accept the following Recommendation Relating to Penalty:

1. A penalty of suspension of the Retail Liquor Store License Number 16012 for 10 days, of which 7 days will be held in abeyance pending the satisfactory completion of the following conditions:
  - a. For one year from today’s date, the Licensee cannot be charged with any violation of the Colorado Liquor Code or Department of Revenue Regulations from which an administrative body finds a violation; or conviction, plea of nolo contendere, or other guilty finding in a criminal action; or stipulation (of any kind) results;
  - b. All employees handling alcohol sales, who have not done so in the past two years, shall attend an Authority approved liquor education class within ninety (90) days and submit written proof of attendance to the City Clerk’s Office (those that have attended in the past two years must provide proof of the same);
  - c. Pay a fine in lieu of a three day active suspension. Licensee shall submit copies of its sales tax records for the last 60 days, and must include a breakout of all sales by category (including all alcohol sales) on monthly Income Statements within fourteen days of this Order. The fine shall be equivalent to twenty percent of the licensee’s estimated gross revenues of alcohol sales for a three-day period, except that the fine shall not be less than \$200.00 or more than \$5,000.00.

- d. Payment of the fine shall be in the forms of cash or certified funds made within twenty (20) days of written notification of the amount of the fine pursuant to the Order.
2. If any of these conditions are not met in the manner set forth above, Licensee's Retail Liquor Store License shall be suspended for the number of days held in abeyance, consecutively.

Mr. Nambiar stated that this is a pretty serious incident and reviewed what happened. Additionally, Mr. Nambiar stated that his employees only have one thing they need to do right every day and that is not to sell to a minor. Mr. Nambiar said the employee that sold to the minor has had beer bottles thrown at him when he has refused service before. Mr. Nambiar said that he is taking it very seriously and asked for the penalty to be reduced. Mr. Nambiar reviewed the point-of-sale system that he has installed and reviewed its ability to check ideas. Mr. Nambiar added that there is a prompt for every sale that asks for the age of the purchaser; however he stated that it can be bypassed by the employee.

Mr. Daly stated that the recommended penalty is on par with the adopted sentencing guidelines of the City and stated that if Mr. Nambiar would like to renegotiate a lesser penalty, he would have to do so at a public hearing that would happen on a later date.

Mr. Caulder stated that Mr. Nambiar had two options today, either accept the stipulation or not and go to a public hearing.

Assistant City Attorney Jacks clarified that if Mr. Nambiar did not agree with the stipulation previously signed by him, that a public hearing would be required to discuss a different penalty.

Mr. Nambiar stated that he is comfortable moving forward with the stipulation as agreed upon previously and decided that he was not interested in going forward to a public hearing.

Mr. Daly acknowledged Mr. Nambiar's efforts trying to mitigate these types of events from happening again and hopes that he learned something from this incident.

Ms. Kaiser stated that the point-of-sale system installed would not have prevented the mistake that caused this violation and encouraged Mr. Nambiar to ensure that his employees were not relying solely on the point-of-sale system.

Mr. Caulder reminded him that all employees handling sales would be required to go to alcohol awareness training.



Mr. Bonich commented that the point-of-sale ID scanners are not 100% reliable and encouraged Mr. Nambiar to use caution when using them at his business and expressed how important it is to train your employees correctly and not rely only on the ID scanner.

Chairman Kaiser moved that after considering the statements made in mitigation and aggravation, the sentencing guidelines, and the Recommendation Relating to Penalty, the Local Licensing Authority of the City of Arvada accepts the Recommendation Relating to Penalty as outlined by Assistant City Attorney Laura Hemler and is hereby made an order of the Local Licensing Authority of the City of Arvada, this 26<sup>th</sup> day of April, 2018.

The following votes were cast on the motion:

Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams  
The motion carried.

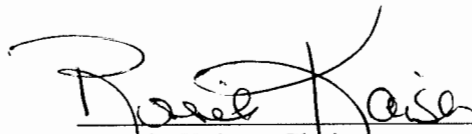
Public hearing was closed.

8. OTHER AUTHORITY ITEMS – none
9. STUDY SESSION – none
10. REPORT FROM CITY ATTORNEY’S OFFICE – none
11. REPORT FROM CITY CLERK’S OFFICE

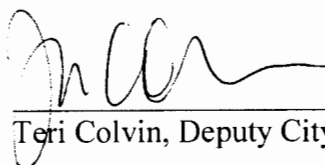
Deputy City Clerk Colvin reminded Authority members that the next regular Liquor Authority meeting would be held on May 17, 2018.

12. REPORT FROM POLICE DEPARTMENT – none
13. ADJOURNMENT – 6:04 p.m.



  
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Ronnie Kaiser, Chairman

ATTEST:

  
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Teri Colvin, Deputy City Clerk