



SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY
REGULAR MEETING HELD
DECEMBER 13, 2018

1. CALL TO ORDER – By Chairman Daly 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, Julie Richards, Senior Assistant City Attorney; Teri Colvin, Deputy City Clerk; Catalina Colon, Liquor Investigator and Duane Eaton, Investigator.

4. APPROVAL OF MINUTES

Chairman Daly accepted the Summary Minutes of the regular meeting of November 8, 2018.

5. EXECUTIVE SESSION

Chairman Daly made a motion for the Arvada Liquor Authority to go into Executive Session for Legal Advice, Pursuant to C.R.S. 24-6-402(4)(b), pertaining to questions of State law with respect to liquor license applications, liquor license hearings, and modifications to liquor-licensed premises.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

The Arvada Liquor Authority went into Executive Session at 5:31 p.m.

The Arvada Liquor Authority came out of Executive Session at 5:49 p.m.

6. OLD BUSINESS – none

7. NEW BUSINESS

- A. Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of CST Metro LLC d/b/a Diamond Shamrock Corner Store #1177, located at 9989 W 80th Avenue

Attorney Adam Stapen and business representative Petra Bennett answered questions from the Authority.

Authority Member David Caulder made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of CST Metro LLC d/b/a Diamond Shamrock Corner Store #1177, located at 9989 W 80th Avenue.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

- B. Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License at the following Dillon Companies LLC d/b/a King Soopers locations:

King Soopers #03, located at 6350 Sheridan Boulevard

King Soopers #36, located at 8031 Wadsworth Boulevard

King Soopers #45, located at 12350 West 64th Avenue

King Soopers #85, located at 15200 West 64th Avenue

King Soopers #121, located at 8055 Sheridan Boulevard

Attorney Adam Stapen answered questions from the Authority.

Chairman Pro Tem Williams made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of Dillon Companies LLC d/b/a King Soopers #03, located at 6350 Sheridan Boulevard, be Approved.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

Chairman Pro Tem Williams made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of Dillon Companies LLC d/b/a King Soopers #36, located at 8031 Wadsworth Boulevard, be Approved.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

Chairman Pro Tem Williams made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of Dillon Companies LLC d/b/a King Soopers #45, located at 12350 West 64th Avenue, be Approved.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

Chairman Pro Tem Williams made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of Dillon Companies LLC d/b/a King Soopers #85, located at 15200 West 64th Avenue, be Approved.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

Chairman Pro Tem Williams made a motion to approve Application to Change, Alter or Modify the licensed Premises of the Off Premise - 3.2% FMB Liquor License of Dillon Companies LLC d/b/a King Soopers #121, located at 8055 Sheridan Boulevard, be Approved.

The following votes were cast on the motion:

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

Those absent: None.

The motion carried.

- C. Application for the Hotel and Restaurant License WMU, LLC d/b/a Flights Wine Cafe, located at 7714 Grandview Avenue (set public hearing)

Chair Pro Tem Williams moved that the Application for the Hotel and Restaurant License WMU, LLC d/b/a Flights Wine Cafe, located at 7714 Grandview Avenue, be Accepted and Scheduled for a Public Hearing on Thursday, January 10, 2019, 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 64th Avenue and extensions thereof
On the East by the centerline of Lamar Street and extensions thereof
On the South by the centerline of West 52nd Avenue and extensions thereof
On the West by the centerline of Carr Street and extensions thereof

The following votes were cast on the motion:
Those voting Yes: Bonich, Caulder, Daly, Kaiser and Williams
Those absent: None.
The motion carried.

8. PUBLIC HEARING

- A. Alleged Violation of the Retail Liquor Store License of 3N Ventures, LLC d/b/a Sheridan's Liquor, 8075 Sheridan Boulevard, Unit #E

The public hearing opened.

Sworn Testimony: Owner Nazeeh Sawaked

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 A. Hemler, and the Licensee, 3N VENTURES, LLC, doing business as SHERIDAN'S LIQUOR, 8075 SHERIDAN BLVD, UNIT #E, Arvada, Colorado 80003, by and through Nazeeh Sawaked, hereby stipulate and agree that the violation of CRS § 44-3-901(1)(a), as alleged in Arvada Police Report for Case Number 2018-019263 and the Local Licensing Authority's Notice and Order to Show Cause dated October 25, 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 October 25, 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 16045 and has had one previous violation of a sale to a minor on July 9, 2011.

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 3N VENTURES, LLC, d/b/a SHERIDAN'S LIQUORS, dated October 25, 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 16045, issued to 3N VENTURES, LLC, d/b/a SHERIDAN'S LIQUOR.
- Exhibit 4. Copy of the ticket and narratives from the September 17, 2018 incident report in Arvada Police Department Case Report Number 2018-019263, in reference to the incident involving the sale of alcohol to an intoxicated person.

Chairman Daly accepted the exhibits into the record.

Chairman Daly 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 A. Hemler, and the Licensee, 3N Ventures, LLC, doing business as SHERIDAN'S LIQUOR, 8075 Sheridan Blvd, Unit #E, Arvada, Colorado 80003, by and through Nazeeh Sawaked, 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 16045 for 10 days, of which 8 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 a state certified 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 two 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 two-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. Sawaked had nothing additional to add.

Chairman Daly 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 13th day of December, 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.

- B. Application for the Hotel and Restaurant License Eggstrodinary Restaurants Sheridan, LLC d/b/a Morning Story, located at 8025 Sheridan Boulevard, Unit Y

The public hearing was opened.

The Applicant presented the following exhibits:

Exhibit 1 Posting Log and Posting Affidavit
Exhibits 2-4 Petition packets

The City presented the following exhibits:

Exhibit A Licensing Investigator's Clearance Memo
Exhibit B Publisher's Affidavit
Exhibit C Pictures of posted signs

Sworn Testimony: Attorney Lauren Brown
Owner James Gregory
Oedipus Inc Owner Max Scott / Petition Representative

Chairman Daly accepted the exhibits into the record.

Mr. Scott, representative from Oedipus Inc., provided an overview of the petitioning process and shared the results.

Attorney Brown and Owner James Gregory provided an overview of the facility and the applicant's plans for serving alcohol and answered questions from the Authority about company policies and how they plan to train employees as it relates to alcohol service.

No one was present wishing to speak against the application.

Liquor Authority Members stated that they felt the petition results proved that the needs and desires of the neighborhood are not being met by the existing hotel and restaurant licenses in the area and felt that the applicant was of good moral character.

A public hearing on the Application for the Hotel and Restaurant License of Eggstrodinary Restaurants Sheridan, LLC d/b/a Morning Story, located at 8025 Sheridan Boulevard, Unit Y, was held on Thursday, December 13, 2018, before the

City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 88th Avenue and extensions thereof
On the East by the centerline of Lowell Boulevard and extensions thereof
On the South by the centerline of West 72nd Avenue and extensions thereof
On the West by the centerline of Pierce Street and extensions thereof

2. The City Clerk's Results of Investigation dated December 3, 2018, are incorporated herein and made a part hereof.
3. Representatives of the applicant and the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there are 10 similarly licensed outlets presently existing within the applicant's delineated boundary.
5. A representative of the applicant submitted petitions containing the signatures of approximately 188 persons, one of which was deleted. Based on the needs and desires of the petition signers, 186 support the issuance of the proposed license and one opposes it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. City Zoning permits the use of the subject property for the proposed outlet.
9. No petitions in opposition were received and no persons spoke in opposition. The Authority finds there has been an adequate showing that the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.

10. As authorized by C.R.S. 12-47-313 (III), Section 6-97 of the Code of the City of Arvada allows for the issuance of a Liquor License within 500 feet of any public or parochial school or the principal campus of any college, university or seminary. Therefore, the Licensing Authority does not need to determine whether the proposed outlet is located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary.
11. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.
 - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
 - C. The character, record and reputation of the individuals involved in the application are satisfactory.

Chairman Daly moved that the Findings of Fact be adopted and the Application for the Hotel and Restaurant License Eggstrodinary Restaurants Sheridan, LLC d/b/a Morning Story, located at 8025 Sheridan Boulevard, Unit Y, be approved.

The following votes were cast on the motion:

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

The public hearing was closed.

- C. Application for the Retail 3.2% Beer Off-Premises License of Nagina Inc. d/b/a Ralston Food & Gas, located at 10440 Ralston Road, also known as 10440 W 64th Ave

The public hearing was opened.

The Applicant presented the following exhibits:

Exhibit 1 Posting Log and Posting Affidavit
Exhibits 2-3 Petition packets

The City presented the following exhibits:

Exhibit A Licensing Investigator's Clearance Memo
Exhibit B Publisher's Affidavit
Exhibit C Pictures of posted signs

Sworn Testimony: Attorney Carl Ream
Owner Nagina Shrestha
Esquire Petitioning Services Representative Carol Johnson

Chairman Daly accepted the exhibits into the record.

Ms. Johnson, representative from Esquire Petitioning Services, provided an overview of the petitioning process and shared the results.

Attorney Ream and owner Ms. Shrestha provided an overview of the facility and the applicant's plans for serving alcohol and answered questions from the Authority about company policies and how they plan to train employees as it relates to alcohol service.

No one was present wishing to speak against the application.

Liquor Authority Members stated that they felt the petition results proved that the needs and desires of the neighborhood are not being met by the existing hotel and restaurant licenses in the area and felt that the applicant was of good moral character.

A public hearing on the Application for the Retail 3.2% Beer Off-Premises License of Nagina Inc. d/b/a Ralston Food & Gas, located at 10440 Ralston Road, was held on Thursday, December 13, 2018, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 72nd Avenue and extensions thereof
On the East by the centerline of Carr Street and extensions thereof
On the South by the centerline of West 58th Avenue and extensions thereof
On the West by the centerline of Ward Road and extensions thereof
2. The City Clerk's Results of Investigation dated December 5, 2018, is incorporated herein and made a part hereof.
3. Representatives of the applicant and the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.

4. The Authority finds there are four similarly licensed outlets presently existing within the applicant's delineated boundary.
5. A representative of the applicant submitted petitions containing the signatures of approximately 165 persons, six of which were deleted. Based on the needs and desires of the petition signers, 158 support the issuance of the proposed license and one opposes it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. City Zoning permits the use of the subject property for the proposed outlet.
9. No petitions in opposition were received and no persons spoke in opposition. The Authority finds there has been an adequate showing that the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.
10. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.
 - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
 - C. The character and reputation of the individuals involved in the application are satisfactory.

Chairman Daly moved that the Findings of Fact be adopted and the Application for the Retail 3.2% Beer Off-Premises License of Nagina Inc. d/b/a Ralston Food & Gas, located at 10440 Ralston Road, be Approved.

The following votes were cast on the motion:

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

The public hearing was closed.

- D. Application for the Retail 3.2% Beer Off-Premises License of Sam's West Inc. d/b/a Sam's Club #6630, located at 7370 W. 52nd Avenue

The public hearing was opened.

The Applicant presented the following exhibits:

Exhibit 1 Posting Log and Posting Affidavit
Exhibits 2-3 Petition packets

The City presented the following exhibits:

Exhibit A Licensing Investigator's Clearance Memo
Exhibit B Publisher's Affidavit
Exhibit C Pictures of posted signs

Sworn Testimony: Attorney Kevin Coates
 Store Manager Corey Nichols
 Oedipus Inc. Owner Max Scott / Petition Representative

Chairman Daly accepted the exhibits into the record.

Mr. Scott, representative from Oedipus Inc., provided an overview of the petitioning process and shared the results. Mr. Scott reviewed his experience with Sam's Club and Walmart as clients of his for many years. He reviewed that he has completed more than 50 petition processes for new applications for Sam's Club stores and Walmart stores wanting a 3.2% Beer license and mentioned that Sam's Club and Walmart always contemplate the viability of applying for a 3.2 % license versus a retail liquor store license with each store that they open.

Attorney Coates and Store Manager Nichols provided an overview of the facility and the applicant's plans for serving alcohol and answered questions from the Authority about company policies and how they plan to train employees as it relates to alcohol service.

No one was present wishing to speak against the application.

Liquor Authority Members stated that they felt the petition results proved that the needs and desires of the neighborhood are not being met by the existing hotel and restaurant licenses in the area and felt that the applicant was of good moral character.

A public hearing on the Application for the Retail 3.2% Beer Off-Premises License of Sam's West Inc. d/b/a Sam's Club #6630, located at 7370 W. 52nd Avenue, was held on Thursday, December 13, 2018, before the City of Arvada Liquor Licensing Authority (hereinafter "Authority"). After considering all of the evidence presented

at said public hearing, reviewing the exhibits, petitions, remonstrances, and considering all of the facts presented, the Authority adopts the following Findings of Fact:

1. The neighborhood to be served by the requested license is that area surrounded by the following:

On the North by the centerline of West 58th Avenue and extensions thereof
On the East by the centerline of Pierce Street and extensions thereof
On the South by the centerline of I-70 and extensions thereof
On the West by the centerline of Carr Street and extensions thereof
2. The City Clerk's Results of Investigation dated December 3, 2018, is incorporated herein and made a part hereof.
3. Representatives of the applicant testified as to the character and reputation of the individuals involved in the application and plans for operation of the proposed outlet.
4. The Authority finds there is one similarly licensed outlet presently existing within the applicant's delineated boundary.
5. A representative of the applicant submitted petitions containing the signatures of approximately 181 persons, 19 of which were deleted. Based on the needs and desires of the petition signers, 159 support the issuance of the proposed license and three oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.
6. No persons, other than representatives of the applicant testified in support of the proposed license regarding the needs and desires of the neighborhood.
7. The Authority finds the applicant's file is complete.
8. City Zoning permits the use of the subject property for the proposed outlet.
9. No petitions in opposition were received and no persons spoke in opposition. The Authority finds there has been an adequate showing that the present outlets in and near the neighborhood are not meeting the reasonable requirements thereof.

10. The Authority has considered all of the evidence coming before the Authority at the public hearing and finds the evidence does establish conclusively:
 - A. The reasonable requirements of the neighborhood are not presently being met.
 - B. The desires of the inhabitants of the neighborhood are consistent with these Findings and the granting of the application.
 - C. The character and reputation of the individuals involved in the application are satisfactory.

Chairman Daly moved that the Findings of Fact be adopted and the Application for the Retail 3.2% Beer Off-Premises License of Sam's West Inc. d/b/a Sam's Club #6630, located at 7370 W. 52nd Avenue, be Approved.

The following votes were cast on the motion:

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

The public hearing was closed.


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

Assist City Attorney Aaron Jacks stated Senior Assistant City Attorney Richards will take over for him as the legal representative for the Liquor Authority.

12. REPORT FROM CITY CLERK'S OFFICE – none
13. REPORT FROM POLICE DEPARTMENT

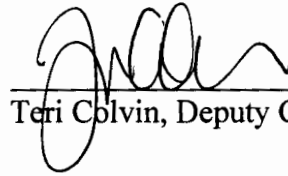
Liquor Investigator Catalina Colon reported on a recent compliance check conducted by the Arvada Police Department.

14. ADJOURNMENT – 7:29 p.m.



Daniel Daly, Chairman

ATTEST:



Teri Colvin, Deputy City Clerk

