SUMMARY MINUTES OF THE ARVADA LIQUOR LICENSING AUTHORITY
REGULAR MEETING HELD
JANUARY 12, 2017

1. CALL TO ORDER – By Chairman Caulder 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 Phil Swartzlander

Also present were: William Barber, Senior Assistant City Attorney; Teri Colvin, Deputy City Clerk; Liquor Investigator Susan Gaetano; Liquor Investigator Scott Regan; Deputy City Attorney Emily Grogg; Deputy City Attorney Ron Arguello

4. APPROVAL OF MINUTES

Chairman Caulder moved to approve the Summary of Minutes of the regular meeting of December 8, 2016.

The following votes were cast on the motion:
Those voting Yes: Bonich, Caulder, Daly, Kaiser and Swartzlander
The motion carried.

5. OLD BUSINESS – none

6. PUBLIC HEARING

A. Alleged Violation of the Retail Liquor Store License of Gagan, Inc., d/b/a Arvada Wine & Spirits, 6350 Sheridan Blvd, #117-118

The public hearing opened.

Sworn Testimony:
Owners Randeep Thiara and Manjit Thiara

Ronald Arguello, Assistant City Attorney, provided an opening statement.
The City presented four exhibits:

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 15680, issued to Gagan, Inc., d/b/a Arvada Wine & Spirits.
Exhibit 4. Copy of the narratives from the November 8, 2016, incident report in Arvada Police Department Case Report Number 2016-016882, in reference to the incident involving the sale of alcohol to a visibly intoxicated person.

The exhibits were accepted into the record.

Mr. Arguello reviewed the following stipulation with the authority:

Comes now, the City of Arvada, by and through its attorney, Ronald Arguello, Assistant City Attorney, and the Licensee, Gagan Inc., d/b/a Arvada Wine & Spirits, 6350 Sheridan Blvd, #117-118, Arvada, CO 80003, by and through Randeep Thiara, hereby stipulate and agree that the violation of CRS § 12-47-901(1)(a) CRS, as alleged in Arvada Police Report for Case Number 2016-016882 and the Local Licensing Authority’s Notice and Order to Show Cause dated November 10, 2016, 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 January 12, 2017, 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 15680 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 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 15680, issued to Gagan, Inc., d/b/a Arvada Wine & Spirits.
Exhibit 4. Copy of the narratives from the November 8, 2016, incident report in Arvada Police Department Case Report Number 2016-016882, in reference to the incident involving the sale of alcohol to a visibly intoxicated person.

Chairman Caulder accepted the exhibits into the record.

Chairman Caulder moved that this Local Licensing Authority accepts the proposed stipulation, as outlined by Assistant City Attorney, Ronald Arguello.

The following votes were cast on the motion:
Those voting Yes: Bonich, Caulder, Daly, Kaiser and Swartzlander
The motion carried.

Mr. Arguello reviewed the following recommendation relating to penalty:

Comes now, the City of Arvada, by and through its attorney, Ronald Arguello, and the Licensee, Gagan, Inc., d/b/a Arvada Wine & Spirits, 6350 Sheridan Blvd, #117-118, Arvada, CO 80003, by and through Randeep Thiara, 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 15680 for 7 days, with an additional 14 days which 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. The Licensee shall post two notices in conspicuous places, one on the exterior and one on the interior of the licensed premises, for the duration of the suspension in compliance with Colorado Department of Revenue Regulation 47-600.F.

2. If any of these conditions are not met in the manner set forth above, Licensee's Retail Liquor Store License #15680 shall be suspended for the number of days held in abeyance, consecutively.

3. The three day active suspension shall be consecutive and shall begin at 12:01 a.m. on January 17, 2017 and continue through and including January 23, 2017.

Mr. Thiara had nothing additional to add.

Public hearing was closed.

Chairman Caulder 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 Ronald Arguello and is hereby made an order of the Local Licensing Authority of the City of Arvada, this 12th day of January, 2017.

The following votes were cast on the motion:
   Those voting Yes: Bonich, Caulder, Daly, Kaiser and Swartzlander
   The motion carried.

7. **NEW BUSINESS**

   A. Application to Change, Alter or Modify the licensed Premises of the Tavern Liquor License of Kline’s, LLC, d/b/a Kline’s Beer Hall, 7519 Grandview Avenue

   The owner, Mike Huggins, was present to answer questions from the Authority.

   Chairman Caulder moved that the Application to Change, Alter or Modify the licensed Premises of the Tavern Liquor License of Kline’s, LLC, d/b/a Kline’s Beer Hall, 7519 Grandview Avenue, be approved.
The following votes were cast on the motion:

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

B. Application for Transfer of Ownership of the Hotel and Restaurant Liquor License of Grandview Olde Town, LLC, d/b/a The Grandview to Tyrrell Enterprises LLC, d/b/a The Grandview Tavern and Grill, at 7427 Grandview Avenue.

Owner Alec Tyrrell was present to answer questions from the Authority.

Mr. Tyrell reviewed the details of the application and answered questions from the Liquor Authority.

Chairman Caulder moved that the Application for Transfer of Ownership of the Hotel and Restaurant Liquor License of Grandview Olde Town, LLC, d/b/a The Grandview to Tyrrell Enterprises LLC, d/b/a The Grandview Tavern and Grill, at 7427 Grandview Avenue, be approved.

The following votes were cast on the motion:

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

8. PUBLIC HEARING

A. Application for the Retail Liquor Store Liquor License of A & B Enterprises Inc d/b/a Brown Jug, located at 6205 Carr Street.

The public hearing was opened.

Sworn Testimony:
Kris Hoeltgen, Attorney
Max Scott, Oedipus
Davinder Kaur Samra, owner of Brown Jug
Kewal Samra, property owner
Ranjeet Singh, construction manager and employee

The Applicant presented three exhibits:
Exhibits 1-5 Petition packets numbers one through seven
Exhibit 6 Posting Log and Posting Affidavit

The City presented four exhibits:
Exhibit A Licensing Investigator’s Clearance Memo
Exhibit B Publisher’s Affidavit
Exhibit C Pictures of posted signs
Chairman Caulder accepted the exhibits into the record.

Mr. Scott reviewed the results of the petitioning process. Mr. Scott introduced Exhibit 7, a traffic count and a population chart. Mr. Scott went on to explain the importance of the information that he submitted. Mr. Scott added that in his professional opinion, the petition results prove that the needs of the neighborhood are not being met by the existing outlets and that the adult inhabitants desire an additional liquor store in the area.

Chairman Caulder accepted Exhibit 7 into the record.

Property owner, Mr. Kewal Samra, detailed his plans to expand the property by tearing down the existing building and rebuilding a new stand-alone building in its place.

The Authority asked about how long the new building would take to construct. Mr. Samra stated that he expected the construction to take six months.

Brown Jug applicant/owner Davinder Kaur Samra testified to her experience running a liquor licensed establishment.

Ranjeet Singh, construction manager and employee of Brown Jug and also an employee of the gas station next door, provided an overview of the proposed company and how they intend to operate their new business in Arvada. Mr. Singh stated that the building will be a single tenant building. Mr. Singh reviewed his relationships with his current customers that come into the gas station and their desires to have a liquor store in the area. Mr. Singh also reviewed the distance to the nearest liquor store.

Attorney Kris Hoeltgen shared that in her legal opinion the petition results prove that the needs of the neighborhood are not being met by the existing outlets and that the adult inhabitants desire an additional liquor store in the area.

No one else was present wishing to speak against the application.

The public hearing closed.

Chairman Mr. Caulder stated that he felt the petition results proved that the needs and desires of the neighborhood are not being met by the retail liquor stores in the area and that the applicant is of good moral character. Liquor Authority Member Daniel Daly agreed with Chairman Caulder.
Liquor Authority Member Phil Swartzlander asked Liquor Investigator Gaetano about the ownership restrictions for retail liquor stores in Colorado. Investigator Gaetano clarified that the nearby gas station and the liquor store are owned by two different people, further clarifying that the physical property/real estate of the gas station and the liquor store are owned by the same person, the applicant’s husband, and that the law allows this.

A public hearing on the Application for the Retail Liquor Store Liquor License of A & B Enterprises Inc d/b/a Brown Jug, located at 6205 Carr Street, Arvada, Colorado was held on Thursday, January 12, 2017, 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 Wadsworth Blvd and extensions thereof
   On the South by the centerline of West 58th Avenue and extensions thereof
   On the West by the centerline of Independence Street and extensions thereof

2. The City Clerk's Results of Investigation dated January 4, 2017, 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 are three similarly licensed outlets presently existing within the applicant's delineated boundary.

5. The applicant submitted petitions containing the signatures of approximately 331 persons, none of which were deleted. Of the petition signers, 279 support the issuance of the proposed license and 52 oppose it. Petition signers, according to the testimony of the circulators, support the issuance of the proposed liquor license.

6. Two 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 one spoke in opposition. The Authority finds there has been an adequate showing 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 Caulder moved that the Application for the Retail Liquor Store Liquor License of A & B Enterprises Inc d/b/a Brown Jug, located at 6205 Carr Street, Arvada, Colorado be Accepted.

The following votes were cast on the motion:
   Those voting Yes: Bonich, Caulder, Daly, Kaiser and Swartzlander
   The motion carried.

B. Application for the Hotel and Restaurant License of Arvada Hotel Investors LLC d/b/a Hilton Garden Inn Denver/Arvada, located at 5455 Olde Wadsworth Boulevard

The public hearing was opened.
The Applicant presented three exhibits:
Exhibits 1-2 Petition packets numbers one through seven
Exhibit 3 Posting Log and Posting Affidavit

The City presented four exhibits:
Exhibit A Licensing Investigator's Clearance Memo
Exhibit B Publisher's Affidavit
Exhibit C Pictures of posted signs

Chairman Caulder accepted the exhibits into the record.

Sworn Testimony:
General Manager James Burkett
Esquire Petitioning representative Carol Johnson

Ms. Johnson provided an overview of the petitioning process and shared the results of the petitioning process.

Mr. Burkett provided an overview of the company and how they intend to operate their new business in Arvada and answered questions from the Authority.

No one else was present wishing to speak against the application.

The public hearing closed.

Members of the Authority stated that the petitions showed the needs and desires show a need for more and that the character of the applicant is satisfactory.

A public hearing on the Application for the Hotel and Restaurant License of Arvada Hotel Investors LLC d/b/a Hilton Garden Inn Denver/Arvada, located at 5455 Olde Wadsworth Boulevard, Arvada, Colorado was held on Thursday, January 12, 2017, 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 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
2. The City Clerk's Results of Investigation dated January 4, 2017 is incorporated herein and made a part hereof.

3. 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 23 similarly licensed outlets presently existing within the applicant's delineated boundary.

5. The applicant submitted petitions containing the signatures of approximately 162 persons, none of which were deleted. 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 one spoke in opposition. The Authority finds there has been an adequate showing 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 Caulder moved that the Application for the Hotel and Restaurant License of Arvada Hotel Investors LLC, d/b/a Hilton Garden Inn Denver/Arvada, located at 5455 Olde Wadsworth Blvd., Arvada, Colorado, be Accepted.

The following votes were cast on the motion:
Those voting Yes: Bonich, Caulder, Daly, Kaiser and Swartzlander
The motion carried.

9. OTHER AUTHORITY ITEMS

10. STUDY SESSION – none

11. REPORT FROM CITY ATTORNEY’S OFFICE – none

12. REPORT FROM CITY CLERK’S OFFICE

Ms. Colvin advised the Liquor Authority that their next meeting would be held on January 26, 2017.

Ms. Colvin thanked Liquor Investigator Susan Gaetano for her years of service and introduced the new Liquor Investigator, Scott Regan. Investigator Gaetano will be retiring at the end of January.

13. REPORT FROM POLICE DEPARTMENT – none

14. ADJOURNMENT – 6:43 p.m.

David Caulder, Chairman

ATTEST:

Ted Colvin, Deputy City Clerk