

City of Littleton

Minutes of Proceeding

Littleton Licensing Authority

February 9, 2011

The Littleton Licensing Authority met in a regular session on Wednesday, February 9, 2011 at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Bill Bradish - Chairperson
John Cole - Authority Member
Susan Price - Authority Member
Victoria England - Authority Member
Donovan O'Dell - Authority Member
Andrew Cole - Authority Member

THOSE ABSENT: Earl Gunia - Vice Chairperson

ALSO PRESENT: Kirsten Crawford – Assistant City Attorney
Richelle Work - Deputy City Clerk
Kim Ferber – Police Sergeant

1. **CALL MEETING TO ORDER**

Chairperson Bradish called the meeting to order at 7:00 p.m.

2. **ROLL CALL**

Upon a call of the roll, six members were present. Authority Member Gunia was absent. A quorum was declared. The following business was transacted.

3. **MINUTES**

(a) Minutes of Regular Meeting September 8, 2010

Action: Approved as submitted

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

4. **AGENDA**

Action: Approved as amended

Attorney Crawford advised Authority Members that item 8d, Sanders Champ Limited LLC, DBA: Karma Bar and Tapas, 5654 South Prince Street #D, Probable Cause Determination will be removed from the agenda.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER BRADISH TO REMOVE ITEM 8 d) SANDERS CHAMP LIMITED LLC, DBA: KARMA BAR AND TAPAS, 5654 SOUTH PRINCE STREET #D, PROBABLE CAUSE DETERMINATION FROM THE AGENDA.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

5. **SETTING NEIGHBORHOOD BOUNDARIES AND SCHEDULING APPLICATION HEARINGS** – None

6. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR LIQUOR LICENSES**

(a) **MODIFICATION OF PREMISES** - None

(b) **TRANSFER OF OWNERSHIP** - None

(c) **MANAGER'S REGISTRATION** - None

(d) **SUMMARY SUSPENSION** - None

(e) **CHANGE OF CORPORATE STRUCTURE** – None

(f) **CHANGE OF LOCATION** - None

(g) **RENEWAL APPLICATION** - None

7. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR MEDICAL MARIJUANA DISPENSARIES** - None

8. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR LIQUOR LICENSES**

a) JESSHERI CORP.
DBA: ADVANCE LIQUORS
7945 S BROADWAY

Attorney Crawford presented the allegations to that Authority.

It was moved by AUTHORITY MEMBER O'DELL, seconded by AUTHORITY MEMBER PRICE TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT JESSHERI CORP., DBA: ADVANCE LIQUORS, 7945 S BROADWAY, ARAPAHOE COUNTY, COLORADO, ON JANUARY 8, 2011, AT APPROXIMATELY 6:40 P.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 9TH DAY OF MARCH,

2011, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID RETAIL LIQUOR LICENSE, WHEREIN THE ABOVE-MENTIONED LICENSEE MAY BE PRESENT TO SHOW CAUSE, IF ANY, WHY ITS LICENSE SHOULD NOT BE SUSPENDED OR REVOKED, AND FURTHER THAT NOTICE OF THESE FINDINGS AND THE HEARING TO SHOW CAUSE SHALL BE FORWARDED AND SERVED TO JESSHERI CORP., DBA: ADVANCE LIQUORS, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

- b) ALL SPIRITS LLC
DBA: TOTAL WINE AND LIQUORS
6901 SOUTH BROADWAY

Attorney Crawford presented the allegations to the Authority.

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER JOHN COLE TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT ALL SPIRITS LLC, DBA: TOTAL WINE AND LIQUORS, 6901 SOUTH BROADWAY, ARAPAHOE COUNTY, COLORADO, ON JANUARY 8, 2011, AT APPROXIMATELY 7:57 P.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 9TH DAY OF MARCH, 2011, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID RETAIL LIQUOR LICENSE, WHEREIN THE ABOVE-MENTIONED LICENSEE MAY BE PRESENT TO SHOW CAUSE, IF ANY, WHY ITS LICENSE SHOULD NOT BE SUSPENDED OR REVOKED, AND FURTHER THAT NOTICE OF THESE FINDINGS AND THE HEARING TO SHOW CAUSE SHALL BE FORWARDED AND SERVED TO ALL SPIRITS LLC, DBA: TOTAL WINE AND LIQUORS, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

- c) H & T, INC.
DBA: COLUMBINE VALLEY LIQUOR OF LITTLETON
3615 WEST BOWLES AVE.

Attorney Crawford presented the allegations to the Authority.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT H & T, INC., DBA: COLUMBINE VALLEY LIQUOR OF LITTLETON, 3615 WEST BOWLES AVE, ARAPAHOE COUNTY, COLORADO, ON JANUARY 8, 2011, AT APPROXIMATELY 6:40 P.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 9TH DAY OF MARCH, 2011, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID RETAIL LIQUOR LICENSE, WHEREIN THE ABOVE-MENTIONED LICENSEE MAY BE PRESENT TO SHOW CAUSE, IF ANY, WHY ITS LICENSE SHOULD NOT BE SUSPENDED OR REVOKED, AND FURTHER THAT NOTICE OF THESE FINDINGS AND THE HEARING TO SHOW CAUSE SHALL BE FORWARDED AND SERVED TO H & T, INC., DBA: COLUMBINE VALLEY LIQUOR OF LITTLETON, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

d) SANDERS CHAMP LIMITED LLC
DBA: KARMA BAR AND TAPAS
5654 SOUTH PRINCE STREET #D

Action: Removed from Agenda

9. **FINDINGS OF PROBABLE CAUSE AND SCHEDULED SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARY VIOLATIONS** - None

10. **LIQUOR LICENSE APPLICATION HEARINGS**

a) RANCILIO FOODS LLC
DBA: UPPER CRUST PIZZA COMPANY
151 WEST MINERAL AVE SUITE 109

Attorney Crawford entered the following city exhibits into the record:

Exhibit A - Waiver of hearing

Exhibit B - Affidavit of posting of premises

Exhibit C - Proof of publication

Exhibit D - Licensing Authority Communication with Attachments

Exhibit E - Petition Information

Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER JOHN COLE seconded by AUTHORITY MEMBER O'DELL TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

Brad Viar, managing member of Rancilio Foods, addressed the Authority. Mr. Viar gave Authority Members copies of the diagram and menu and explained the restaurant. He stated that his wife, Christine Viar also works at the restaurant. Mrs. Viar has attended alcohol awareness training at the City of Lakewood. She has since trained staff at Upper Crust on proper ID checking and alcohol service. The restaurant's business hours are Monday-Thursday 11am 9pm, Friday and Saturday from 11am to 10pm, and Sunday noon to 9pm.

Kelly Pietrs, Esquire Petitioning, explained the petitioning process. The petitioners completed 526 door knocks, with 98 residents and 44 business owners in support of issuance of the license, for a total of 142 persons in favor. There were two residents in opposition and no businesses in opposition. This is 99% in favor of the license.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER O'DELL THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LICENSING AUTHORITY BE APPROVED WHICH GRANTS RANCILIO FOODS LLC, DOING BUSINESS AS UPPER CRUST PIZZA COMPANY, 151 WEST MINERAL AVE SUITE 109, LITTLETON, COLORADO, A HOTEL AND RESTAURANT LIQUOR LICENSE CONTINGENT UPON APPROVAL FROM THE COLORADO BUREAU OF INVESTIGATION AND THE COLORADO LIQUOR ENFORCEMENT DIVISION AND BASED UPON THE FOLLOWING FINDINGS OF FACT: THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT NOW BEING MET; AND THAT IT IS THE DESIRE OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD THAT THE LICENSE BE ISSUED.

Ayes: Authority Members Bradish, John Cole, Price, England and O'Dell

Nays: None

Absent: Authority Member Gunia

MOTION CARRIED: 5 to 0

- 11. **MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION HEARINGS** – None
- 12. **SHOW CAUSE HEARINGS FOR LIQUOR LICENSES** - None
- 13. **SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARIES** - None

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14. **GENERAL BUSINESS** - None

15. **REPORTS**

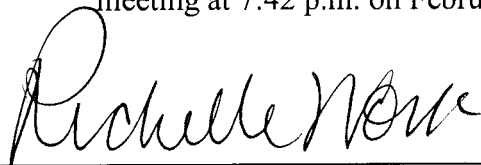
a) **Staff** – None

City Attorney – None

b) **Authority Members** – None

c) **Chairperson** – None

16. **ADJOURNMENT** – There being no further business, Chairperson Bradish adjourned the meeting at 7:42 p.m. on February 9, 2011.



Richelle Work

Deputy City Clerk/Recording Secretary