

City of Littleton

Minutes of Proceeding

Littleton Liquor Licensing Authority

July 8, 2009

The Littleton Liquor Licensing Authority met in a regular session on Wednesday, July 8, 2009, at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Anthony Gallagher - Chairperson
Bill Bradish - Vice Chairperson
John Cole - Authority Member
Susan Price - Authority Member
Earl Gunia – Authority Member
Victoria England - Authority Member
Donovan O'Dell - Authority Member

THOSE ABSENT: None

ALSO PRESENT: Alan Katz – Deputy City Attorney
Richelle Work - Deputy City Clerk
Greg Bohlen – Police Sergeant

1. **CALL MEETING TO ORDER**

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

2. **ROLL CALL**

Upon a call of the roll, seven members were present. A quorum was declared. The following business was transacted.

3. **MINUTES**

(a) Minutes of Regular Meeting June 10, 2009

Action: Approved as presented

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER COLE TO APPROVE THE MINUTES AS PRESENTED.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

4. **AGENDA**

Action: Approved as presented

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

6. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS**
 - (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

8. **LIQUOR LICENSE APPLICATION HEARINGS**
 - a) BIG PAPA'S BBQ, INC.
DBA: BIG PAPA'S BBQ
5151 S. FEDERAL BLVD

Robert A. Dill, attorney, and Frank Alfonso appeared for applicant. The information from the meeting from June 10, 2009 is incorporated into this meeting.

Attorney Katz 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 - Liquor Authority Communication with Attachments
- Exhibit E - Petition Information
- Exhibit F - Public Hearing Roster

It was moved by AUTHORITY MEMBER GUNIA seconded by AUTHORITY MEMBER BRADISH TO ADMIT EXHIBITS A-F.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Frank Alfonso spoke to the Authority regarding his testimony from the last meeting. The site location is projected to open mid-September to late September. TIPS training will be completed before the opening. The applicants have two other restaurants with no liquor violations. The proposed business hours will be 11 a.m. – midnight, but may change at a

later date. There will be approximately 25-30 employees. It is projected that the sales from alcohol will be 10-15% of the total sales.

Authority Member Gunia asked for clarification on page 4 regarding the breakdown of ownership, as these numbers do not match the attachment submitted.

Mr. Alfonso stated that the attachment is correct and asked that the application be amended to reflect those numbers.

Susan Duffy-Schwall, Liquor Licensing Professionals. This company was hired to conduct the petition survey. They contacted businesses on 6/26/09 and residents on 6/27/09. They obtained 193 signatures, with 183 in favor, and 10 in opposition. This is a 95% favorable response. The petitions prefiled with City Clerk's office in advance of the hearing.

Authority Member Gunia asked how the specific neighborhoods were chosen.

Ms. Duffy-Schwall stated that they tried to stay in close in to the location of the restaurant, but wanted to make sure that they were not only saturating one solid area.

Authority Member Gunia asked for clarification on the business hours.

Mr. Alfonso stated that they might change those hours at a later date as they are not sure until they have some business trends to base it on.

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER GUNIA THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LIQUOR AUTHORITY BE APPROVED WHICH GRANTS BIG PAPA'S BBQ, INC., DOING BUSINESS AS BIG PAPA'S BBQ, 5151 S. FEDERAL BLVD., 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: (1) THAT THE NEEDS OF THE NEIGHBORHOOD ARE NOT NOW BEING MET; AND (2) THAT IT IS THE DESIRE OF THE ADULT INHABITANTS OF THE NEIGHBORHOOD THAT THE LICENSE BE ISSUED.

Ayes: Authority Members Gallagher, Bradish, Cole, Gunia and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

7. **FINDINGS OF PROBABLE CAUSE OF LIQUOR CODE VIOLATIONS AND SCHEDULING SHOW CAUSE HEARING**

- A) BB O'REILLEYS LLC
DBA: BB O'REILLEY'S GRILL & TAVERN
1500 W LITTLETON BLVD #120

Authority Chairperson Gallagher stated this hearing was for a Probable Cause determination on Police report #2009002768, dated June 2, 2009.

Attorney Katz presented the police report and alleged violation information to the Authority.

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER PRICE TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT BB O'REILLEYS LLC, DBA: BB O'REILLEY'S GRILL & TAVERN, 1500 W. LITTLETON BLVD #120, LITTLETON, ARAPAHOE COUNTY, COLORADO, ON MAY 29, 2009, AT APPROXIMATELY 11:18 A.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 12TH DAY OF AUGUST, 2009, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID HOTEL & RESTAURANT 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 BB O'REILLEYS LLC, DBA: BB O'REILLEY'S GRILL & TAVERN,, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Gallagher, Gunia, Bradish, Cole, and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

- B) BROADWAY WINE & LIQUOR, INC.
DBA: BROADWAY WINE & LIQUOR
7945 SOUTH BROADWAY

Authority Chairperson Gallagher stated this hearing was for a Probable Cause determination on Police report #2009003504, dated July 8, 2009.

Attorney Katz presented the police report and alleged violation information to the Authority. He has forwarded this report to Adam Stapen, who was the attorney that represented this licensee at the last show cause hearing in June.

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER BRADISH TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT BROADWAY WINE & LIQUOR, INC., DBA: BROADWAY WINE & LIQUOR, 7945 SOUTH BROADWAY, LITTLETON, ARAPAHOE COUNTY, COLORADO, ON JULY 7, 2009, AT APPROXIMATELY 4:27 P.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 12TH DAY OF AUGUST, 2009, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID HOTEL & RESTAURANT 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 BROADWAY WINE & LIQUOR, INC., DBA: BROADWAY WINE & LIQUOR, 7945 SOUTH BROADWAY, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Gallagher, Gunia, Bradish, Cole, and Price

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

9. **SHOW CAUSE HEARING**

10. **GENERAL BUSINESS**

11. **REPORTS**

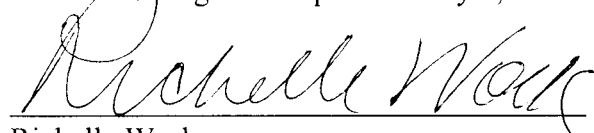
- a) **Staff** – Deputy City Clerk Work reminded Authority Members that the August 12, 2009 meeting would be held at the Littleton Municipal Courthouse and will not be televised.

Assistant City Attorney – No new reports

- b) **Authority Members** – None

- c) **Chairperson** – None

12. **ADJOURNMENT** – There being no further business, Chairperson Gallagher adjourned the meeting at 7:25 p.m. on July 8, 2009.



Richelle Work

Deputy City Clerk/Recording Secretary