

## *City of Littleton*

### Minutes of Proceeding

#### Littleton Licensing Authority

July 13, 2011

The Littleton Licensing Authority met in a regular session on Wednesday, July 13, 2011 at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

**THOSE PRESENT:** Bill Bradish – Authority Member  
Earl Gunia – Authority Member  
Susan Price - Authority Member  
Donovan O'Dell - Authority Member  
Victoria England - Authority Member  
Andrew Cole - Authority Member

**THOSE ABSENT:** None

**ALSO PRESENT:** Kirsten Crawford – Assistant City Attorney  
Tricia McCarthy – Prosecuting Attorney  
Richelle Work - Deputy City Clerk  
Russ Hoffman – Police Detective

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. A quorum was declared. The following business was transacted.

3. **MINUTES**

**(a) Minutes of Regular Meeting June 8, 2011**

**Action: Approved as submitted**

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

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

4. **AGENDA**

**Action: Approved as amended**

Authority Member O'Dell asked to add two items under general business regarding preliminary hearings and a motion to request a City Council liaison.

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** - None
  
9. **FINDINGS OF PROBABLE CAUSE AND SCHEDULED SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARY VIOLATIONS** - None
  
10. **LIQUOR LICENSE APPLICATION HEARINGS**
  - a) RYAN INC.  
DBA: LITTLETON CAFE  
1409 W LITTLETON BLVD

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 GUNIA seconded by AUTHORITY MEMBER O'DELL TO ADMIT EXHIBITS A-F.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Dave Allen, applicant, addressed the Authority. Mr. Allen gave a background on his history with liquor licenses. He stated that the restaurant would only be open for breakfast and lunch at this time with a minimal amount of alcohol. At this time, they do not intend to be open for dinner, but may be in the future. They will have three people there that will prepare drinks and/or supervise the preparation of drinks. Alcohol will be served at the table and stored where customers cannot access it. They have about six employees and three management people. Everyone will be responsible for checking IDs.

Carol Johnson, Esquire Petitioning gave a description of the petitioning process. She stated there were 571 doorknocks, with 189 people signing the petition. There were 36 people that declined to sign, and 34 ineligible people. There were 150 residents and 34 businesses that signed in support, which is 97.4% in favor. There was one resident in opposition, and four residents that were neutral.

Mr. Allen stated they had one violation in the past at their bowling alley for serving to an underage person during a sting. They had to pay a fine for the violation.

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER BRADISH THAT THE PUBLIC HEARING BE CLOSED AND A RESOLUTION OF THE LITTLETON LICENSING AUTHORITY BE APPROVED WHICH GRANTS RYAN INC., DOING BUSINESS AS LITTLETON CAFE, 1409 WEST LITTLETON 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: 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, Gunia, Price, England and O'Dell

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

**11. MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION HEARINGS – None**

- 12. SHOW CAUSE HEARINGS FOR LIQUOR LICENSES**
- a) SOUTH SUBURBAN PARKS & REC. DISTRICT  
DBA: LITTLETON GOLF AND TENNIS CLUB  
5800 SOUTH FEDERAL BLVD.

Chairperson Bradish stated this hearing was for a Show Cause determination on Police report #2011-002221 dated May 11, 2011.

Eric Jorgensen, attorney for licensee appeared before the authority. He stated that two witnesses that were subpoenaed by the licensee will not be appearing, as one lives in Texas and the other will be presenting a motion to quash the subpoena.

Attorney Pete Larato, attorney for Mr. Andrews filed a motion to quash the subpoena. Mr. Andrews is a defendant in a criminal case in Arapahoe County and is invoking his Fifth Amendment rights to not incriminate himself. He asked the Authority to quash the subpoena.

Authority Member Bradish says he does not have a problem with quashing the subpoena and the hearing can proceed without the witness.

Attorney McCarthy reviewed the motion and felt that due to the pending criminal case, he is within his rights to invoke the Fifth Amendment and it is out of bounds to force him to testify.

Attorney Jorgensen stated that Mr. Andrews is not the person they are saying was over-served and he does not agree that his testimony is irrelevant. Maybe what Mr. Brown would say may be more relevant, but feels it is difficult to proceed without either witness.

Authority Member Cole asked if it is the belief of Mr. Jorgenson that he cannot disprove over-serving with the other people who were there.

Attorney Jorgenson stated that he will call the bartender and manager, but thinks his case would be better with this witness. He asked that if the Authority quashes the warrant and Mr. Anderson is not required to testify, that fact it is taken into consideration when deciding the case.

It was moved by AUTHORITY MEMBER PRICE, seconded by AUTHORITY MEMBER GUNIA TO GRANT THE MOTION TO QUASH THE SUBPOENA FOR RICHARD ANDREWS.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Attorney Jorgensen stated they are willing to resurrect the stipulation that was previously submitted and would not contest the facts. They asked for a 3-day suspension with all three days held in abeyance.

Authority Members discussed the proposal.

Attorney McCarthy stated that she has reviewed police reports and talked with witnesses. This licensee has gone 23 years without any incident or violations. She believes that the proposal is fair and if she were permitted to offer a stipulation, this would be her offer.

Attorney Jorgensen stated that the bartender, assistant manager and manager all attended TIPS training in June.

Authority Members discussed the proposal, stating they felt that not contesting the facts was not acceptable and asked the City Attorney if there is a legal difference.

Attorney Crawford stated that there is no legal distinction between not contesting the facts and admitting to the violation.

Attorney McCarthy explained that this would be similar to a no contest plea in a criminal incident. They do not contest the facts, but accept the consequences. There is no difference between the two.

Authority Members discussed the proposal and decided to hold the show cause hearing.

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER PRICE TO REJECT THE PROPOSED STIPULATION AND HOLD THE SHOW CAUSE HEARING.

Ayes: Authority Members Gunia, Price, and O'Dell

Nays: Authority Members Bradish and England

Absent: None

MOTION CARRIED: 3 to 2

Attorney McCarthy presented the following Exhibits to the Authority: Exhibit A, Proof of Publication of Hearing; Exhibit B, Certified Letter to Licensee Regarding Show Cause Hearing; Exhibit C, Licensing Authority Communication with Attachments for Show Cause Hearing and Exhibit D, Public Hearing Roster.

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER PRICE TO ADMIT EXHIBITS A-D.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

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

Attorney McCarthy called Geralynn Cooper to testify. Mrs. Cooper stated that on June 8, 2011, she was at Littleton Golf & Tennis Club with her husband Rick and Joe Schnurr, a friend. Mr. Schnurr had gotten a hole-in-one and they went into the grill area to fill out

some paperwork. They ate some snacks and drank iced tea. There were four people at another table, three men and one woman, and two of the men were loud and arguing. There were a couple drinks on the table, but she did not see anyone take a drink of them. She stated both men were disheveled and appeared to be intoxicated. They were extremely loud and yelling, fighting over family. There was an older gentleman, probably over 80 and a younger man around 55. The 55-year-old man grabbed the older man and punched him in the face. They both fell to the ground, and he had the older man pinned down and was punching him. The man from the pro-shop, the bartender, and another employee came out and broke it up and called 911 because the older gentleman was bleeding. The younger man would not stop talking, the older gentleman was tending to himself and was bleeding from nose and mouth. The younger man was very annoying.

Attorney Jorgensen questioned Mrs. Cooper.

Mrs. Cooper stated that her group did not have any alcohol that day, they were just drinking iced tea. She stated that both men were yelling at each other. She did not see them order or be served drinks, the drinks were already on the table. She did not see anyone serve them anything. She did not know the relationship between the other two people, but the four did play golf together. She did not see who was drinking the drinks at the table.

Attorney McCarthy stated that she misspoke, that the incident occurred on the 7<sup>th</sup> and asked Mrs. Cooper to verify.

Attorney Jorgensen asked the Authority to strike Mrs. Cooper's testimony as the date of report is May 7 and the witness was asked twice about the date and both times said it was June.

Authority Member Bradish stated they are not going to strike the testimony.

Attorney McCarthy called Rick Cooper to testify. Mr. Cooper stated that it was May 7, and there were two people at a table arguing, being belligerent. It was an uncomfortable situation. He said it sounded like family issues, one man kept saying that the family always hated him; the other man said they did not hate him. He observed them for about 15 minutes. He did notice one drink on the table that was orange in color. He did not know what type of alcohol was in the drink. He believed they were intoxicated, as his personal experience tells him they were intoxicated. The younger man was more aggressive and loud. The older man was trying to play it down, but not doing a very good job of it. He did not see any drinks served at the table.

Attorney Jorgensen questioned Mr. Cooper.

Mr. Cooper stated that he plays at that golf course frequently and goes into the Centennial Grille about 80% of the time when playing golf. He has never seen anything like this happen there. He believes that staff acted appropriately with what happened. They stayed until police released them.

Attorney Crawford stated that the board needs to do a formal vote on the motion on whether to strike the testimony of Mrs. Cooper.

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER PRICE TO DENY THE MOTION TO STRIKE THE TESTIMONY OF GERALYNN COOPER.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Attorney McCarthy called Joe Schnurr to testify. Mr. Schnurr stated that he had gotten a hole-in-one, went in to the grill to fill out paperwork for that hole-in-one, and they sat at a table next to group of four people. The people were not being loud at first, but it escalated about 10-15 minutes after they sat down. Both men were being belligerent to each other, using profanity, and the argument was definitely family related. He felt they were intoxicated, because they were so loud and using inappropriate language. He thinks there were a couple drinks on the table, maybe a screwdriver that was half-empty. The older man pushed or slapped and younger guy, then the younger man lunged at him, pushed him down to floor, and popped him in the nose a couple times. He thought they probably had too much to drink, but were not over the top.

Attorney Jorgensen questioned Mr. Schnurr.

Mr. Schnurr stated that he plays golf regularly there and sometimes has alcohol, but did not have any alcohol that day. He did not see anyone serve the men any drinks while he was there. He has never seen an incident like that happen there. He felt staff responded appropriately.

Attorney McCarthy again questioned Mr. Schnurr.

Mr. Schnurr stated they were pretty close to the other people. The food area is maybe 25 feet around with 6-7 tables. Their table was maybe 15 feet away from bar. Once the fight started everyone who was in the grill caught on to what was happening. Mr. Schnurr stated that the bartender was not near the table, and thinks she was at the bar or back in the grill area. When they ordered their iced tea, they went to the bar to order and pick it up. He said the bartender was paying attention once the men got loud, but they were right next to table, so he was not sure she could have heard it when it first started. He stated that he thinks that when a person has one too many drinks, they start to say things they would not have said, but are not falling on the floor.

Attorney McCarthy called Laurie Kinsella to testify. Ms. Kinsella stated that she has been employed at the Centennial Grille for one year, but worked there previously for another year. She is the bartender/waitress. She does the cooking, serving, etc., and she was the only person there. She could see the table. She began work at 2:00 pm; the older gentleman was her first customer. He was there alone for about 20 minutes, and then the other three people joined him. The older gentleman ordered a well screwdriver, which is vodka and orange juice. It was a single shot of vodka and orange juice in a tall glass. The

others came in; they all ordered double vodkas, with soda and a splash of cranberry. Patrick ordered three drinks total from 2-6pm. The last drink was served around 5pm. Patrick had won money on the horse race and was celebrating. Richard had three drinks total in three hours. Richard was having singles, everyone else was having doubles. She pulled the tab for that table once Patrick was arrested so he could sign for payment. The tab totaled up to 22 single shots. She spoke with police officers and thinks she said she should not have served them the last drink. She acknowledges she said should not have served the last round. The bar area was about 5-10 feet away from table. She saw Patrick slap the older man, and then she yelled at him. They then stopped, but a few minutes later, the fight started. She did hear them yelling.

Attorney Jorgensen questioned Ms. Kinsella.

Ms. Kinsella stated that the two other people stayed the entire time. All drinks were put on Patrick's tab at his request. She has tended bar and been a server for 15 years. She has never been charged with serving an intoxicated person before this. She knows the signs of an intoxicated person. She said they were getting loud, but they were celebrating. She said that there seemed to be some problem between the two of them. No one else served them during the time they were there. They seemed fine to her until Patrick slapped him, then it went downhill from there. They did not appear to be visibly intoxicated. Her boss Tina came in, staff from the pro-shop came in, and they helped break up fight. No one in the grill complained about the behavior of the men. No one suggested that they had too much to drink. No one directed her to keep serving them, it was her own decision. She attended TIPS training in June. Since completing the training, she now thinks she would have made sure they ate something during the time. She stated that prior to taking the TIPS training, she had no other formal training, but had worked at a lot of restaurants. The drinks were evenly served between all the people and the last round was not finished. She stated that sometimes there is a lot for one person to do with the cooking and serving. She thought they were fine or she would not have continued to serve them.

Attorney McCarthy called Officer Adam Alderson to testify. Officer Alderson stated that he has been a police officer with Littleton for six years. On May 7, he was dispatched to Littleton Golf & Tennis. Officer Geiser arrived first. Officer Geiser is out of town on vacation and could not be here tonight. When he arrived, he assessed the situation and had fire rescue look at Mr. Andrews, then gathered up the witnesses. He did not speak to Patrick Browne directly, but Mr. Browne was talking a lot while sitting at table. He was attempting to defend his actions very loudly. He had a strong odor of alcohol, watery, bloodshot eyes, his speech was heavily slurred, and he started and stopped sentences as if he was losing his train of thought. He has had training through the police academy and two dui courses as well as impaired driving training. He believed Patrick Browne was heavily intoxicated, believing he was well above a .1 intoxication level. He observed him for at least 20 minutes. He also observed Richard Andrews. He walked out with him and Fire Rescue, who transported him to Littleton Hospital. He then went to the hospital and stayed with him during tests. He could smell a strong odor of alcohol. Mr. Andrews had a towel over his eyes and nose, so he could not see his eyes to determine their status. He was bleeding heavily from his nose and mouth. He went to the hospital and consulted with doctors and nurses to determine the injury and potential criminal charges. He was at the hospital about 45 minutes. Mr. Andrews was confused at hospital and his speech was slurred. His eyes were watering, but he was punched in nose. He could smell alcohol in



the room from Mr. Andrews's breath. A PBT test was administered at the scene and Mr. Browne's test was .176; Mr. Anderson's was .113. The PBT results say that Mr. Browne was highly intoxicated, double the limit for driving under the influence. He spoke with Laurie Kinsella. He asked her for the bar tab, looked at it, noticed 22 servings of alcohol at the table, asked her if that was correct, and she said she should not have served the last two drinks. He immediately wrote those comments down in quotes in his notes.

Attorney Jorgensen questioned Officer Alderson.

Officer Alderson charged Mr. Browne with 3<sup>rd</sup> degree assault. He was told to issue the citation by the investigating officer. Both men were charged with 3<sup>rd</sup> degree assault. He was advised that Mr. Andrews had another health issue by his daughter while at the hospital. He was aware that four people were served. Officer Geiser spoke to other people, but he was present. The other two people with them both appeared to be intoxicated. He has investigated other bar fights. He stated that the act of fighting does not always indicate that parties were intoxicated nor does it always establish a liquor license violation.

Attorney Jorgensen called Tina Sullivan to testify.

Ms. Sullivan stated that she is the Grill Supervisor at Littleton Golf & Tennis, South Suburban Parks & Rec, and has been at that location for a little over one year. She is in charge of training, food ordering, menu, promotions, and supervising the grill. She also serves drinks at the bar and works on the beverage cart. She saw both Mr. Andrews and Mr. Browne on the course, but did not serve alcohol to them while on the course. She was in the grille to unload the cart at about 5:15 pm. She heard voices from outside the kitchen area. She came out through the kitchen to the restaurant. At that time, the men were already on floor. She pulled Patrick off Richard. She was the first to intervene. They were both upset, but weren't resistant to being pulled apart. She told the pro shop to call 911 for police and medical assistance. Neither of the men appeared to be intoxicated on the golf course. She explained the training she gives to her employees. After this incident, she had all employees review the grill's policy, discuss it with her and sign a document stating they understood the policies. Tina, Laurie, and her assistant, Preston, went to TIPS training. She had taken the TIPS training before but took it again. She stated that it is a judgment call as to when to stop serving a person. She explained the cues used to determine intoxication. She was not in the restaurant before the fight, but from what she understands, there were many family issues between the two men and this possibly escalated the situation. No one directed Laurie to serve them, it is always the servers call. There have been no other fights there or no other liquor license violations in this establishment.

Attorney McCarthy questioned Ms. Sullivan.

Ms. Sullivan did not observe what they were served or their demeanor while in the restaurant. She only had short contact with them on the golf course. She was in the grill area until 8:00 that night. Patrick was extremely belligerent while police officers were there. At that time, he seemed to be intoxicated. She could not tell if Richard was intoxicated because of his injuries.

Authority Members asked if she thinks that the bartender has too much to do to be able to take care of the grill and bar.

Ms. Sullivan said that during the busy times, she has more than one person working. There are eight employees that can serve alcohol. Three took the TIPS training. One other person is TIPS certified. She is confident that this will not reoccur in the future.

Attorney Jorgensen presented his closing argument. He stated that no witness testified that they saw service of alcohol or that they were intoxicated when Laurie served them. If no one can testify about that, it is inferring that because there was a fight, they were visibly intoxicated. Both men behaved poorly and were charged with assault. Everyone says that there were issues between the two men. Nothing indicated they were visibly intoxicated before the fight nor did anyone testify that they were intoxicated before the fight. He asserts that staff acted responsibly in breaking up fight and getting medical assistance. He does not dispute that the men had been drinking, but intoxication is circumstantial because of the fight.

Attorney McCarthy presented her closing argument. Being served is not the act of handing a person a drink, but being served is the entire four-hour period. There was testimony that drinks were on table at time of fight; that is being served. Witnesses state that these two men were intoxicated, drew their attention, were belligerent, and were intoxicated at the time they sat down. Ms. Kinsella said she watched Mr. Browne slap Mr. Anderson, but did not make a move away from the bar. There were 22 shots served. Officer Alderson clearly indicated that Patrick Browne was heavily intoxicated. He described the intoxication level clearly above a .1. Officer statements help corroborate lay witnesses that the men were heavily intoxicated. There is sufficient evidence showing they were intoxicated, were being served, and that the liquor should have been removed prior to the fight.

Authority Members discussed the testimony.

Authority Member Gunia stated that based on the alcohol level and officer testimony, he finds it hard to believe they were not intoxicated. If nothing else, when the slap took place, the situation was getting out of control and the alcohol should have been removed.

Authority Member Price agreed. There is no way they could have had that blood alcohol level and appeared so intoxicated 15 minutes later. Evidence shows over-service.

Authority Member Bradish stated that 22 drinks were served to four people and that was enough alcohol to get all those people drunk.

Authority Member Gunia stated that there are 12 different things looked at during the hearing. He is not sure that only sending three people to the TIPS training shows a strong desire to prevent such a thing from happening again.

Authority Member O'Dell stated that the witnesses observed the men and clearly felt that they were intoxicated. Police officers are trained to determine intoxication, and it was verified later through testing that the men were in the range of being seriously intoxicated.

Authority Member England state that serving someone is subjective and is left up to the server to determine. TIPS training would have helped, but does not see this as a serious of violation as the rest of board. TIPS training would be great for everyone, but it is expensive and she felt that the staff could impart that training to remaining employees.

Authority Member Cole stated that he felt a violation occurred and corrective action was taken. It was not willful, but it would be good to have more people on staff to help. It is good that they took TIPS training and reviewed that training with other staff. He thinks the mitigating factors are positive.

It was moved by AUTHORITY MEMBER GUNIA, seconded by AUTHORITY MEMBER PRICE THAT SOUTH SUBURBAN PARKS & REC. DISTRICT, DBA: LITTLETON GOLF AND TENNIS CLUB, 5800 SOUTH FEDERAL BLVD., LITTLETON, ARAPAHOE COUNTY, COLORADO DID VIOLATE C.R.S. 12-47-901(1)(A), AND LITTLETON MUNICIPAL CODE 3-2-10(F). BASED ON SAID FINDINGS, I MOVE THAT SOUTH SUBURBAN PARKS & REC. DISTRICT, DBA: LITTLETON GOLF AND TENNIS CLUB, 5800 SOUTH FEDERAL BLVD., LIQUOR LICENSE BE SUSPENDED FOR 5 DAYS, WITH 4 DAYS HELD IN ABEYANCE FOR ONE YEAR, 1 DAY TO BE SERVED AND THAT NOTICES OF SUCH SUSPENSION BE POSTED IN AND OUTSIDE OF THE LICENSED PREMISES IN ACCORDANCE WITH LIQUOR CODE REGULATION 47-600(F); AND THAT THE 1-DAY SUSPENSION BE SERVED ON AUGUST 2, 2011.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

**13. SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARIES - None**

**14. GENERAL BUSINESS**

a) Motion to move location for the August 10, 2011 meeting to the Municipal Court due to conflict with Western Welcome Week Events.

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER GUNIA TO MOVE THE LOCATION FOR THE AUGUST 10, 2011 MEETING TO THE MUNICIPAL COURT DUE TO CONFLICT WITH WESTERN WELCOME WEEK EVENTS.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

- b) Discussion regarding preliminary hearings  
Authority Member O'Dell asked about preliminary hearings, if the board wants to do them and how they would be handled.

Authority Member Bradish stated that City Council's intention was that the board not have preliminary hearings.

Attorney Crawford stated that her impression was that they were looking to the board to see what board wanted to do. It was not her impression that the board could not have preliminary hearings. If the board does want to build that into the process, it would just be written into the rules and procedures, so Council would get a chance to vote on that change. In discussion with the attorney on the Littleton Golf case, he felt strongly that his proposed stipulation should be given to board ahead of the meeting and that is why it was presented before the meeting. The Board could choose to have a procedure that a proposed stipulation could be presented to Authority.

Authority Member O'Dell stated that the current procedure is that an attorney can come before authority with proposed stipulation. Would a preliminary hearing allow discussion on agreement without the licensee being committed?

Attorney Crawford stated that Littleton has not done preliminary hearings in the past. The purpose of a preliminary hearing is to not have to call in witnesses with the idea that it would save money and be more efficient.

Attorney McCarthy stated that many other jurisdictions have a preliminary hearing process. She asked what would be the purpose of a preliminary hearing if the board does not want stipulations presented ahead of time.

Authority Member O'Dell stated that he feels it should remain the same procedure.

Authority Members decided that the procedures would remain the same.

- c) Request for City Council Liaison  
Authority Member O'Dell stated that he is very sensitive to ethics and that he would like to request City Council appoint a council liaison to the board.

Attorney Crawford stated that some boards do have Council Liaisons, but boards could always communicate through their staff liaisons.

Authority Members discussed this and decided that the current process of going through staff liaisons will continue.

Authority Member O'Dell withdrew his request for a City Council liaison.

**15. REPORTS**

- a) **Staff** - None

- b) **City Attorney** - None

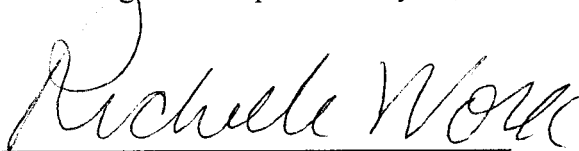
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- b) **Authority Members** – Authority Members announced that Authority Member John Cole has resigned from the board effective immediately. This will make Donovan O'Dell a regular member and Andrew Cole Alternate One.
  - c) **Chairperson** - None
16. **ADJOURNMENT** – There being no further business, Chairperson Bradish adjourned the meeting at 10:25 p.m. on July 13, 2011.



Richelle Work

Deputy City Clerk/Recording Secretary