



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Agenda Licensing Authority

Wednesday, June 10, 2015

7:00 PM

Council Chamber

Regular Meeting

1. Roll Call

2. Approval of Agenda

3. Certification of Minutes

[ID# 15-140](#) Certification of the May 13, 2015 minutes

4. Scheduling Renewal Hearings

[LA# 15-009](#) Schedule renewal hearing for Retro Wasteland LLC; d/b/a The Toad Tavern; 5302 S Federal Circle, Suite A; Littleton, Colorado

Attachments: [EX A - Renewal Application](#)
[EX B - 1st Notice to Licensee](#)
[EX C - LPD Memo](#)
[EX D - 2nd Notice to Licensee](#)
[EX E - Lien](#)
[EX F - Pre-Renewal Hearing Notice](#)

5. Liquor License Application Hearings

6. Setting Neighborhood Boundaries

7. Consideration of Other Applications and Requests for Liquor licenses L

a) Transfer Applications

b) Renewal Hearings

c) Miscellaneous

8. Findings of Probable Cause

9. Preliminary Hearing of Liquor code Violations and Stipulations[LA# 15-008](#)

Preliminary Hearing - Woodlawn Liquors Inc.; d/b/a Woodlawn Liquors;
150 W. Littleton Blvd., Littleton, Colorado

Attachments:[EX A - Notification of Findings](#)[EX B - Proposed Stipulation](#)[EX C - LPD Report 2015001585](#)**10. Show Cause Hearings for Liquor Code Violations****11. Medical Marijuana Application Hearings****12. Consideration of Other Applications and Requests for Medical Marijuana Centers****13. Findings of Probable Cause and Scheduling Show Cause Hearings for Medical Marijuana Center violations****14. Preliminary Hearing of Medical Marijuana Center Violations****15. Show Cause Hearings for Medical Marijuana Center Violations****16. Reports:**

- a. Staff
- b. Authority Members
- c. Chair

17. Adjournment



Staff Communication

File #: ID# 15-140, **Version:** 1

Agenda Date: 05/10/2015

Subject:

Certification of the May 13, 2015 minutes

Presented By: Colleen L. Norton, Deputy City Clerk
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CLERK'S CERTIFICATION:

I hereby certify that I have reviewed the video recording for the May 13, 2015 regular meeting of the Littleton Licensing Authority and that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.

PROPOSED MOTION:

I move to approve, based on the clerk's certification, the May 13th video as the minutes for the May 13, 2015 regular session of the Littleton Licensing Authority.



Staff Communication

File #: LA# 15-009, Version: 1

Agenda Date: 06/10/2015

Subject:

Schedule renewal hearing for Retro Wasteland LLC; d/b/a The Toad Tavern; 5302 S Federal Circle, Suite A; Littleton, Colorado

Presented By: Colleen L. Norton, Deputy City Clerk
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ISSUE:

Whether to schedule the renewal application for Retro Wasteland LLC, d/b/a The Toad Tavern, 5302 South Federal Circle, Littleton, Colorado for a public hearing.

INTRODUCTION/HISTORY AND FACTS:

Routine liquor license renewals are generally handled administratively under Section 3-2-16 of the city code. That section states that the chairperson of the authority is authorized to grant renewals so long as “no information regarding alleged violations of the Colorado liquor and beer codes or amendment 20 of the Colorado constitution or violations of this code have been referred to him or her by the police department or otherwise.” Pursuant to Section III.B of the Licensing Authority Guidelines: “If the Littleton Police Department (LPD) renewal report or any other information obtained from other City departments (e.g., Finance) indicates to the City Attorney probable cause to believe there is “good cause” to refuse to renew, the City Attorney has discretion to place the renewal application on the agenda. The issue before the Licensing Authority shall be whether to schedule the renewal application for a public hearing. The Licensing Authority shall be provided with the renewal application, renewal report and any other information upon which the City Attorney based its decision to place the renewal application on the agenda. No testimony shall be taken and the Licensing Authority shall base its decision solely upon such information provided. If the Licensing Authority decides to schedule the renewal application for a public hearing, the renewal application shall be scheduled for the next available public hearing date, following notice as required by C.R.S. § 12-47-302. The chairperson shall be authorized to proceed with approving any renewal application not scheduled for a public hearing by the Licensing Authority as part of this procedure.”

The City Attorney’s Office has placed this application on the agenda for the following reason(s):

- Unpaid taxes and failure to file returns in violation of Article 3, Chapter 9 of the Littleton City Code. A lien (attached) was filed in the office of the Clerk and Recorder for Arapahoe County on May 15, 2015 for past-due 2014 and 2015 taxes.
- Failure to file a complete renewal application timely. The licensee filed 51 days after the expiration of the liquor license and failed to submit sufficient funds to cover fees. \$500 was submitted for payment to the Colorado Department of Revenue for State renewal fees. Notices were sent, via certified mail, to

the licensee on May 4, 2015 and May 18, 2015 requesting the missing fees of \$1,255 payable to the City of Littleton and \$500 in late fees payable to the Colorado Department of Revenue. On June 1, 2015, a cashier's check in the amount of \$1,255 payable to the City of Littleton was received for city renewal fees. Thus, as of the date of this communication, a complete renewal application has been filed with the City, albeit 79 days after the expiration of the license.

- On the renewal application (question 3), the applicant indicates that the applicant, agent, owner, manager, partner or lender had been convicted of a crime since the date of filing of the last annual application. A detailed explanation was not provided, although the applicant did provide an arrest report related to co-owner Garret Steward.

LEGAL AUTHORITY:

Pursuant to C.R.S. § 12-47-302(1), the local licensing authority may cause a hearing on the application for renewal to be held and may refuse to renew the license for good cause as provided in C.R.S. § 12-47-103(9), which states:

C.R.S. 12-47-103 Definitions

(9) "Good Cause", for the purposes of refusing or denying a license renewal or initial license issuance, means:

- (a) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this article or any rules and regulations promulgated pursuant to this article;
- (b) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceeding;
- (c) In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in section 12-47-301(2); or
- (d) Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity, or disorderly conduct. For purposes of this paragraph (d), "disorderly conduct" has the meaning as provided for in section 18-9-106, C.R.S.

Good cause does not include non-payment of taxes unless the authority finds that the licensee's character, record, and reputation are unsatisfactory under C.R.S. § 12-407-307(1)(a), because the licensee is delinquent in payment of taxes and the delinquency has been filed in a court having jurisdiction or has been made a public record by some other lawful means, as required by Regulation 47-310(E). C.R.S. 12-47-307(1)(a) states:

12-47-307 Persons prohibited as licensees

- (1) (a) No license provided by this article or Article 46 or 48 of this title shall be issued to or held by:
 - (II) Any person who is not of good moral character;
 - (III) Any corporation, any of whose officers, directors, or stockholders holding ten percent or more of the outstanding and issued capital stock thereof are not of good moral character;
 - (V) Any person employing, assisted by, or financed in whole or in part by any other person who is not of good character and reputation satisfactory to the respective licensing authorities;

(VI) Any person unless such person's character, record, and reputation are satisfactory to the respective licensing authority.

Regulation 47-310(E) states that "when a licensing authority is required to make a determination as to the character, record and reputation of existing licensees... the authority may consider the following factors... (4) The applicant or licensee has been found to be currently delinquent in the payment of any state or local taxes, and record of such tax delinquency has been filed in a court having jurisdiction or has been made a public record by some other lawful means..."

Further, Littleton Municipal Code 3-2-2 states that "unless otherwise provided by state law, it shall be unlawful for any person within the city to manufacture, sell, or possess for sale any malt, vinous, spirituous liquors or fermented malt beverages unless licensed to do so as provide by both this chapter and applicable provisions of title 12, articles 46, 47 and 48, Colorado Revised Statutes, and said licenses required are in full force and effect and applicable fees and taxes have been paid in full."

CONCLUSIONS AND RECOMMENDATIONS:

Staff recommends that the Authority schedule the renewal application for a hearing at its next regularly scheduled meeting.

SUGGESTED MOTION:

I move that the renewal application for Retro Wasteland LLC, d/b/a The Toad Tavern, 5302 South Federal Circle, be scheduled for a public hearing on July 8, 2015.

OR

I move that the renewal application for Retro Wasteland LLC, d/b/a The Toad Tavern, 5302 South Federal Circle, be approved administratively by the chairman of the Authority without the need for a public hearing thereon.

LIQUOR OR 3.2 BEER LICENSE
RENEWAL APPLICATION

Fees Due	
Renewal Fee	
Storage Permit \$100 x	
Optional Premise \$100 x	
Amount Due/Paid	\$500.00

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name Retro Wasteland LLC		DBA The Toad Tavern		
Liquor License # 4702465	License Type Tavern	Sales Tax License # 29857049	Expiration Date 3-14-15	Due Date
Street Address 5302 S. Federal Cir Ste A Littleton CO 80123				Phone Number 303-796-6877
Mailing Address 15859 E Utah Pl. Aurora CO 80017				
Operating Manager Leah Dillon				

- Do you have legal possession of the premises at the street address above? ☒ YES ☐ NO
Is the premises owned or rented? ☐ Owned ☒ Rented* *If rented, expiration date of lease Dec 13th, 2018
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ YES ☒ NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☒ YES ☐ NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. ☐ YES ☒ NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. ☐ YES ☒ NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit - Restriction on Public Benefits (available online or by calling 303-205-2300) and attach a copy of their driver's license, state-issued ID or valid passport.

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Leah Dillon	Title Owner
Signature Leah M. Dillon	Date 4-30-15

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. THEREFORE THIS APPLICATION IS APPROVED.

Local Licensing Authority For	Date
Signature	Title
	Attest



COPY

City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819
May 4, 2015

Retro Wasteland LLC
d/b/a Toad Tavern
5302 S Federal Circle Ste A
Littleton, CO 80123

RE: Retail Liquor License Renewal Application – Expired license and missing check

Dear Licensee:

I received your renewal application for your Tavern liquor license as of today's mail. Please be advised that your license has lapsed as of March 15, 2015. Pursuant to Colorado Liquor Code 12-47-302 (2)(a) *"Notwithstanding the provisions of subsection (1) of this section, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application."*

As this application has been received within the 90 day allowed timeframe, I will begin processing, pending receipt of the remainder of your fees due (see attached letter sent to you on December 10, 2014) to the City of Littleton as well as the \$500.00 late fee payable to the Colorado Department of Revenue.

Please feel free to contact me should you have any questions. Thank you.

Sincerely,



Colleen L. Norton
Deputy City Clerk



COPY

City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819
December 09, 2014

Retro Wasteland LLC
d/b/a Toad Tavern
5302 S Federal Circle Ste A
Littleton, CO 80123

RE: Liquor License No. 4702465

This letter is a reminder that the Tavern liquor license for the above referenced establishment will expire on March 14, 2015.

Your forms from the State should have been received by you within the past several weeks. Please bring or mail the following information to the City Clerk's office prior to the expiration of your license. Do not submit anything directly to the State:

1. State of Colorado renewal forms*. Fill in all the appropriate blanks and sign the application.

*If forms have not been received from Colorado Department of Revenue, contact my office and I will e-mail blank documents to you for completion.

2. Include appropriate fees:

- a. A check payable to the Colorado Department of Revenue for \$500
- b. A check payable to the City of Littleton for \$1255

3. For a Corporation or LLC, enclose a copy of a Certificate of Good Standing issued by the Secretary of State within the last two years.

If you have any questions regarding the renewal, please call the City Clerk's office at 303-795-3780.

Sincerely,

Megan Cusick
City Clerk Assistant



2255 West Berry Avenue
Littleton, Colorado 80120

CERTIFIED MAIL



7014 0150 0000 9580 7788

Toad Tavern
5302 S Federal Circle Suite "A"
Littleton, CO 80123

PLACE STICKER AT TOP OF ENVELOPE TO BE SURE IT
DOES NOT GET LOST OR DAMAGED

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOAD TAVERN
5302 S. FEDERAL CIRCLE
SUITE "A"
LITTLETON CO 80123

2. Article Number
(Transfer from service label)

7014 0150 0000 9580 7788

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express®

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

City of Littleton

MEMORANDUM

TO: Colleen Norton, Deputy City Clerk
FROM: Trent Cooper, Investigations Division Commander
DATE: May 7, 2015
SUBJECT: Liquor license renewal

RE: The Toad Tavern, LLC.
DBA: The Toad Tavern
5302 S. Federal Cir.

Manager: Leah Dillon, DOB:

At your request, a records review was conducted on the above named liquor establishment. The records of the Littleton Police Department revealed the following reported incidents from the period of March 14, 2014, to the present:

<u>Date</u>	<u>Case #</u>	
4/14/14	14-1754	Possible domestic assault. Victim too intoxicated to provide account of events. Refused service at establishment due to intoxication level.
11/8/14	14-5529	Intoxicated subject near the bar, disturbance.
11/9/14	14-5540	Intoxicated, disorderly female in bar. Subject taken to detox. No evidence of overserving.
11/12/14	14-5606	Domestic disturbance between the owners of the bar. One owner, Steward, was reported to have been serving himself alcoholic drinks from the bar.
12/14/14	14-6142	Intoxicated female outside of establishment. No evidence she was served in the establishment.

1/15/15 15-247
After-hours consumption by employees.

1/17/15 15-314
Intoxicated female outside of the establishment. No evidence that she was served at the establishment.

1/28/15 15-429
Female made report regarding possibly being drugged at the bar. No evidence to support the allegation.

2/20/15 15-906
Fall victim in the bar. No injuries.

2/26/15 15-990
Fall victim with injuries. No evidence of overserving.

3/16/15 15-1263
Report of theft. Possible civil situation between the estranged owners.

4/18/15 15-1858
Intoxicated female in bar. No evidence that she was served at the establishment.

4/26/15 15-1998
Large disturbance inside bar and in parking lot. No injuries.



City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819

May 18, 2015

Retro Wasteland LLC
d/b/a Toad Tavern
5302 S Federal Circle Ste A
Littleton, CO 80123

RE: Tavern Liquor License – Incomplete Renewal Application – Fees missing

Dear Licensee:

On May 4, 2015, a letter was sent to you at your place of business, via certified mail (copy enclosed). To date, I have not received the additional funds payable to the City of Littleton or the late fee payable to the Colorado Department of Revenue. Until these fees are received, your application is considered incomplete. Pursuant to Colorado Liquor Code 12-47-302 (2)(a) *“Notwithstanding the provisions of subsection (1) of this section, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application.”*

In order to bring your license into good standing to allow you to continue operating, pending any appearances before the Littleton Licensing Authority, it is imperative that the renewal fees to the City of Littleton (\$1255.00) and the late fee to the Colorado Department of Revenue (\$500.00) be paid immediately. Failure to do so will result in posting of your premises that no alcohol can be served.

Please feel free to contact me at 303-795-3780 if you need clarification or need to discuss possible arrangements.

Sincerely,

Colleen L. Norton
Deputy City Clerk

Enclosure(s)



COPY

City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819

May 4, 2015

Retro Wasteland LLC
d/b/a Toad Tavern
5302 S Federal Circle Ste A
Littleton, CO 80123

RE: Retail Liquor License Renewal Application – Expired license and missing check

Dear Licensee:

I received your renewal application for your Tavern liquor license as of today's mail. Please be advised that your license has lapsed as of March 15, 2015. Pursuant to Colorado Liquor Code 12-47-302 (2)(a) *"Notwithstanding the provisions of subsection (1) of this section, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars each to the state and local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application."*

As this application has been received within the 90 day allowed timeframe, I will begin processing, pending receipt of the remainder of your fees due (see attached letter sent to you on December 10, 2014) to the City of Littleton as well as the \$500.00 late fee payable to the Colorado Department of Revenue.

Please feel free to contact me should you have any questions. Thank you.

Sincerely,

Colleen L. Norton
Deputy City Clerk



2255 West Berry Avenue
Littleton, Colorado 80120

CERTIFIED MAIL™



7014 0150 0000 9580 7825

Leah Dillon
15859 E. Utah Place
Aurora, CO 80017

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS FIELD AT POSTAGE LINE

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature X <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: LEAH DILLON 15859 E. UTAH PLACE AURORA CO 80017	B. Received by (Printed Name) C. Date of Delivery
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

7014 0150 0000 9580 7825



2255 West Berry Avenue
Littleton, Colorado 80120

CERTIFIED MAILTM



7014 0150 0000 9560 7632

Toad Tavern
Attn: Leah Dillon
5302 S Federal Circle, Suite A
Littleton, CO 80123

Not suitable for use as return address for mail.
Use only for return address for mail.

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☐ Print your name and address on the reverse so the mail can be returned to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOAD TAVERN
ATTN: LEAH DILLON
5302 S. FEDERAL CIRCLE
SUITE "A"
LITTLETON CO 80123

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
- B. Received by (Printed Name) ☐ Addressee
- C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail[®] ☐ Priority Mail Express[™]
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7014 0150 0000 9560 7632

PS Form 3811, July 2013

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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1. Article Addressed to:

TOAD TAVER
ATTN: LEAH DILLON
15302 S. FEDERAL Circle
SUITE "A"
LITTLETON CO 80123

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Leah M. Dillon

☐ Agent☐ Addressee

B. Received by (Printed Name)

Leah Dillon

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail® ☐ Priority Mail Express™☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7014 0150 0000 9580 7832



Sales Tax Division
2255 W Berry Avenue
Littleton, Colorado 80120

(303) 795-3768
Web: www.littletongov.org
Email: egreen@littletongov.org
lbattin@littletongov.org

NOTICE OF DEFICIENCY

RETRO WASTELAND LLC
15859 E UTAH PL
AURORA, CO 80017-5029

Account Number: 17268

The amount shown below is due on your account. This may include penalties and interest. Penalty of 10% and interest of 1% per month is charged on late returns. As a result you have incurred the amount shown below.

Please apply this amount on your next return by listing it on line 14 or by returning a copy of this letter with your payment.

Filing Period	Total Due
8/2014	\$1,402.31
9/2014	\$1,132.01
10/2014	\$1,235.17
11/2014	\$1,648.78
12/2014	\$1,169.30
1/2015	\$1,187.47
2/2015	\$6,099.42

TOTAL DUE:	\$13,874.46
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Should you have any questions, please contact our office at (303) 795-3768 or (303) 795-3956.

Note: Returns are due on the 20th of the month following the end of the reporting period.

TO INSURE PROPER CREDIT, PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR
PAYMENT, CHECK OR MONEY ORDER.

PAYABLE TO: CITY OF LITTLETON

MAIL TO: CITY OF LITTLETON - FINANCE DEPT/SALES TAX DIVISION, 2255 W BERRY AVENUE, LITTLETON, CO 80120.



City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819

May 18, 2015

Retro Wasteland LLC
d/b/a Toad Tavern
5302 S Federal Circle Ste A
Littleton, CO 80123

RE: Tavern Liquor License Renewal Hearing

Dear Licensee:

This letter is to inform you that the Littleton Licensing Authority will be considering the renewal of your Tavern liquor license on Wednesday, June 10, 2015. This pre-renewal hearing is being held in accordance with section 3-2-16 of the Littleton city code and section III(B) of the licensing authority guidelines. The City Attorney's office has placed your renewal application on the agenda based on a report of unpaid city sales taxes from our Finance Department.

At the June 10, 2015 meeting, the Licensing Authority will consider whether to schedule your license renewal application for a public hearing, which would occur at the next available public hearing date following notice as required by state statute.

The scheduled meeting will state at 7:00 p.m. on June 10, 2015, at the Littleton Center, 2255 West Berry Avenue, in the Council Chamber. While you may be present at this meeting, no testimony will be heard. If the Authority sets your renewal application for a public hearing, you will have an opportunity to offer testimony at that time.

Sincerely,


Colleen L. Norton
Deputy City Clerk

Enclosure(s)

CITY OF LITTLETON, COLORADO

FINANCE DEPARTMENT
2255 W. BERRY AVE
LITTLETON, CO 80120

Reception #: D5048974, 05/15/2015 at
09:22:00 AM, 1 OF 1, R, Rec Fee \$11.00
Arapahoe County CO Matt Crane, Clerk &
Recorder

NOTICE OF LIEN FOR SALES AND/OR USE TAX

Pursuant to the City of Littleton's Sale and Use Tax Ordinance, Sections 3-9-6-8 and 3-9-6-13, of the City of Littleton Municipal Code, the City of Littleton hereby claims a first and prior lien for delinquent and unpaid sales and/or use taxes, together with penalties and interest accrued thereon, in the amount and for the period set forth below, on the tangible personal property located at the address described below, except with respect to pre-existing claims or liens or a bona fide mortgagee, pledge, judgment creditor, or purchaser whose rights have attached to such property prior to the filing of this Notice.

FIRST:

Name of Taxpayer: **Retro Wasteland LLC**

Business Name: **The Toad Tavern**

Located in County of: **ARAPAHOE**

License #: **17268**

For the Periods: **August 2014, September 2014, October 2014, November 2014, December 2014, January 2015, February 2015, and March 2015**


Address: **5302 S Federal Circle
Littleton CO 80123-8935**

SECOND: That said lien is for sales and/or use tax including penalties, interest, and fees thereon as follows:

(a) Principal amount of sales/use tax	\$ 14,593.65
(b) Penalty incurred	\$ 1,342.44
(c) Interest accrued through 4/30/2015	\$ 158.37
TOTAL	\$ 16,094.46

Said lien is a perpetual and continuing lien and increases monthly until paid; and the exact amount may be ascertained at the office of the Finance Department, City of Littleton.

I, Tiffany Hooten, Assistant Finance Director of the City of Littleton, Colorado, do hereby state that the above-stated amounts are true and correct and are levied in compliance with and pursuant to the laws of the City of Littleton, and I have hereunto set my hand in behalf of the City of Littleton this 11th day of May, 2015.

By:  Assistant Finance Director

STATE OF COLORADO)
COUNTY OF ARAPAHOE)

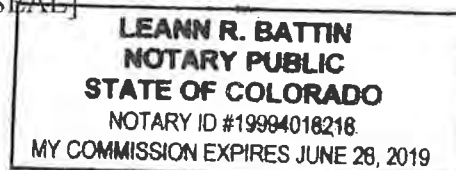
The foregoing instrument was acknowledged before me this 11th day of May, 2015,

By:  Notary Public

[SEAL]

Witness my hand and official seal.

My commission expires : 6-28-19



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

TOAD TAVERN
ATTN: LEAH DILLON
5302 S. FEDERAL CIRCLE
STE "A"
LITTLETON CO 80123

2. Article Number
(Transfer from service label)

7014 0150 0000 9580 7856

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☐ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type ☐ Priority Mail Express®
☒ Certified Mail® ☐ Registered
☐ Insured Mail ☐ Return Receipt for Merchandise
☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

CERTIFIED MAIL



7014 0150 0000 9580 7856

Toad Tavern
Attn: Leah Dillon
5302 S Federal Circle, Suite A
Littleton, CO 80123

UNPAID TO POST OFFICE. RETURN TO POST OFFICE. IF RECEIVED BY POST.

SENDER: COMPLETE THIS SECTION

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1. Article Addressed to:

LEAH DILLON
15859 E. UTAH PLACE
AURORA CO 80017

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent
- B. Received by (Printed Name) ☐ Address
- C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

- 3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery
- 4. Restricted Delivery? (Extra Fee) ☐ Yes ☐ No

7014 0150 0000 9580 7849

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013 Domestic Return Receipt

CERTIFIED MAIL



7014 0150 0000 9580 7849

Leah Dillon
15859 E. Utah Place
Aurora, CO 80017

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TOM TAVERN
ATTN: LEAH DILLON
5302 S. FEDERAL CIRCLE
STE "A"
LITTLETON CO 80123

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Leah M. Dillon

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Leah Dillon

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail®

☐ Priority Mail Express™

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7014 0150 0000 9580 7856

PS Form 3811, July 2013

Domestic Return Receipt



Staff Communication

File #: LA# 15-008, Version: 1

Agenda Date: 06/10/2015

Subject:

Preliminary Hearing - Woodlawn Liquors Inc.; d/b/a Woodlawn Liquors; 150 W. Littleton Blvd., Littleton, Colorado

Presented By: Colleen L. Norton, Deputy City Clerk
--

ISSUE:

Whether the stipulation between the licensee and the City should be approved.

INTRODUCTION/HISTORY AND FACTS:

This matter comes to the Authority following a possible violation of the Colorado Liquor Code and the Littleton City Code by the licensee involving an incident on April 3, 2015, at approximately 11:21 a.m.

At the probable cause hearing held on May 13, 2015, the Licensing Authority found that probable cause existed and set the matter for a preliminary hearing and show cause hearing in accordance with the Licensing Authority Guidelines.

In a preliminary hearing:

- a. The Authority will consider and rule on any proposed stipulation between the City and the licensee.
- b. The Authority will consider whether or not the proposed stipulation should be accepted, rejected or if a counter offer should be made by the Authority to the parties to the stipulation for their consideration.
- c. If the Authority accepts the proposed stipulation, then all sanctions authorized by the code, or set forth in the stipulation, may be imposed, and the previously set show case date shall be vacated.
- d. If the Authority sets forth additional conditions to the proposed stipulation and the licensee rejects the Authority's counter offer, then the preliminary hearing will end. The previously set show cause date will be retained and the parties shall appear on that date to present evidence regarding their particular issues surrounding the alleged violation which gave rise to the show cause hearing.
- e. The preliminary hearing is not designed to provide a forum for the taking of legal or factual evidence regarding any alleged violations.
- f. Any party may make a motion to continue the preliminary hearing and may be granted upon consent of the opposing party and a finding by the Authority that there is good cause to continue the hearing.
- g. In addition to the above proceedings, the parties at the preliminary hearing may make legal motions regarding any matters that would be heard at the show cause hearing. These motions will include, but are not limited to, the following; Motion to Continue the Show Cause Date; Motion for Subpoena of Witnesses; and Motion to Subpoena Witnesses.

Consideration of this matter by the Authority is appropriate at the preliminary hearing under Section III(C)(2)

(g) of the Licensing Authority Guidelines.

SUGGESTED MOTION:

Motion to approve the Stipulation, Agreement and Order between the city prosecutor and the licensee. In Section 5(c) of the stipulation, the period of proposed suspension for purposes of calculating the fine in lieu of suspension shall be _____, 2015 to _____, 2015. The show cause hearing date, originally scheduled for July 8, 2015, is hereby vacated.

OR

Motion to deny the Stipulation, Agreement and Order between the city prosecutor and the licensee. The licensee shall appear before the Licensing Authority on July 8, 2015 for its scheduled show cause hearing.



City Clerk

2255 West Berry Avenue
Littleton, Colorado 80120
303-795-3753 • Fax 303-795-3819

May 14, 2015

Woodlawn Liquors Inc.
d/b/a Woodlawn Liquors
1500 W Littleton Blvd
Littleton, CO 80120

RE: Hearing on liquor code violations

Dear Licensee:

On May 13, 2015, based on information presented regarding an incident at your establishment on April 3, 2015, the Littleton Licensing Authority determined that there is probable cause to believe that you are in violation of:

Littleton City Code 3-2-10(F) – Sale to Intoxicated Persons, which provides: “It shall be unlawful for any person to sell, serve, give away, dispose of, exchange or deliver or permit the sale, serving, giving or procuring of any fermented malt beverages, malt, vinous, or spirituous liquors to or for any person visibly intoxicated or known to be a habitual drunkard.”

Colorado Revised Statute 12-47-901: “(1) Except as provided in section 18-13-122, C.R.S. it is unlawful for any person: (a) To sell, serve, give away, dispose of, exchange, or deliver, or permit the sale, serving, giving, or procuring of any alcohol beverage to a visibly intoxicated person or to a known habitual drunkard...”

A hearing date of July 8, 2015, has been scheduled in the Council Chamber of the Littleton Center at 2255 West Berry Avenue, at which time you may be present to show cause, if any, why the license should not be suspended or revoked. Prior to the Show Cause hearing, a preliminary hearing, if necessary, has been scheduled for June 10, 2015 for the purpose of considering a possible stipulation, if any, between the licensee and the City of Littleton.

Please do not hesitate to contact me at 303-795-3780 should you have any questions regarding this action.

Sincerely,

Colleen L. Norton
Deputy City Clerk

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WOODLAWN LIQUORS
1500 W LITTLETON BLVD
LITTLETON CO 80120

COMPLETE THIS SECTION ON DELIVERY

- A. Signature ☒ Agent ☐ Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7014 0150 0000 9580 7795

Domestic Return Receipt

CERTIFIED MAIL



7014 0150 0000 9580 7795

Woodlawn Liquors
1500 W Littleton Blvd.
Littleton, CO 80120

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

WOODLAWN LIQUORS
1500 W LITTLETON BLVD
LITTLETON CO 80120

2. Article Number
(Transfer from service label)

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

MARK MACK

C. Date of Delivery

05/16/13

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail®☐ Registered☐ Insured Mail☐ Priority Mail Express™☐ Return Receipt for Merchandise☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7014 0150 0000 9580 7795

Domestic Return Receipt

CITY OF LITTLETON LIQUOR LICENSING AUTHORITY

STIPULATION, AGREEMENT AND ORDER

IN THE MATTER OF:

Woodlawn Liquors, Inc.
DBA: Woodlawn Liquors
1500 West Littleton Blvd #101
Littleton, CO 80120-2136

Colorado State License No. 09-91174-0000
Expiration Date: 05/11

The City of Littleton Prosecutor and Woodlawn Liquors, Inc. D/B/A Woodlawn Liquors, 1500 West Littleton Blvd #101, Littleton, CO 80120-2136, ("Licensee") hereby stipulate and agree as follows:

1. Licensee was issued an ORDER TO SHOW CAUSE AND NOTICE OF HEARING alleging a violation of Littleton Municipal Code Section 3-2-10(F) Sale to Intoxicated Persons and Colorado Revised Statutes Section 12-47-901(1)(a).

IT IS ALLEGED THAT:

- A. On April 3, 2015 at approximately 11:14 am, Licensee sold a can of Bud Light & Clamato, four 50 ml mini bottles of Disaronno Amaretto to a patron who appeared to be visibly intoxicated.
 - B. These facts as summarized would constitute a violation of Littleton Municipal Code 3-2-10(F) and C. R.S. § 12-47-901.
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the Order to Show Cause and Notice of Hearing, by entering into this Stipulation, Agreement and Order.
3. The Prosecutor and Licensee have discussed the merits of the violation and allegations and have come to a mutual agreement and understanding and jointly propose to the Littleton Liquor Licensing Authority ("Authority") a resolution of the allegations in lieu of proceeding to a Hearing on the merits of the alleged violations as detailed in the Order to Show Cause that was issued by this Authority on May 13, 2015.
4. Licensee admits the violations as alleged above in paragraph 1 above.
5. Licensee agrees, in lieu of a Hearing on the Order to Show Cause, to submit to the following sanctions:

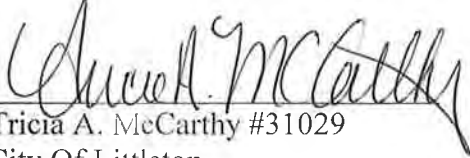
- A. A ten (10) day suspension of Licensee's liquor license with five (5) days of actual suspension and five (5) days held in abeyance for one (1) year from the date of the final Order. Licensee shall be allowed to pay a fine in lieu of the actual suspension.
- B. For purposes of permitting the Licensee to pay a fine in lieu of actual suspension, the parties to this Agreement state as follows:
- i. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;
 - ii. That the books and records of the Licensee are kept in such a manner that the loss of sales of alcoholic beverages that the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - iii. Licensee has not had license suspended or revoked, or paid a fine in lieu of such actions, within the prior two years.
- C. The fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross sales of alcohol beverages during the period of the proposed suspension; except that the fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00) pursuant to C.R.S. § 12-47-601. The period of proposed suspension for purposes of calculating the fine in lieu of suspension shall be:

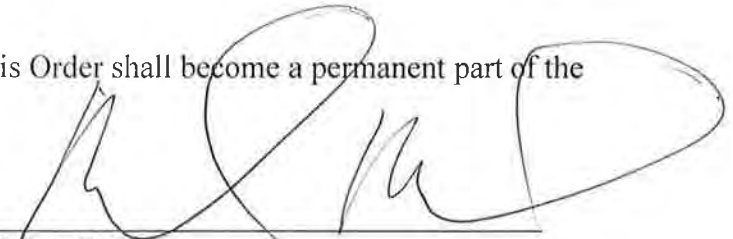
_____, 2015 to _____,
2015.

- D. Payment of this fine shall be in the form of cash or certified check or cashiers check made payable to the Authority. The fine shall be paid within ten (10) business days of notice from the City Clerk of the final determined amount. Upon payment of the fine the five (5) day suspension shall be permanently stayed.
6. This Stipulation and Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying case or investigation that formed the basis for this Order against Licensee (and any defenses that Licensee may have to the underlying case and investigation) shall specifically not be an issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the Authority determines that the allegations are proven, or Licensee enters into a Stipulation in lieu of such a hearing in which it admits such allegations, the Authority shall, in addition to any other penalty imposed, order Licensee to serve all of the days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the Authority determines that the

allegations are unproven, then the Prosecutor shall take no further action and this Order shall remain operative and in full force and effect.

7. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to C.R.S. Section 12-47-601, except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by this Authority.
8. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel, Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.
9. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
10. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives all the rights it would have had at a Show Cause Hearing.
11. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the City of Littleton or the Authority.
12. This Order shall be effective on the date approved and ordered by the Authority and the Liquor Authority Chair. Should the Authority reject the terms hereof, Licensee's admissions herein shall be withdrawn, and the matter set for a continued Show Cause Hearing.
13. Upon approval and order of the Authority, this Order shall become a permanent part of the record.


Tricia A. McCarthy #31029
City Of Littleton
Prosecutor


Mark Mack
Licensee

Date:

Date:

APPROVED AND ORDERED this _____ day of June, 2015.

Liquor Authority Chair



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD INCLUSIVE CASE REPORT

Case Number

2015001585

Date: 04/17/2015

Page: 1 of: 8

Incident Case Number 2015001585 IR Title DUI
Date/Time Occurred 04/03/2015 11:21:00 AM IR Date/Time 04/03/2015 11:14:00 AM
Name/Business Name ICE CUBE LIQUOR Incident Location 1500 W LITTLETON BLVD, LITTLETON,
Case Clearance NOT APPLICABLE (NOT Case Clearance Date 04/04/2015

Offense

Offense Code 42-4-1301 CSA COMPLETED Location LIQUOR STORE
Description DROVE VEH WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR BOTH (COMMERCIAL

Offense Code 12-47-901 CSA COMPLETED Location LIQUOR STORE
Description ALCOHOL-SALES TO AN INTOXICATED PERSON

Person

Person Type WITNESS
Name Type LEGAL Last VASHAW First COURTNIE Middle LENA
Address Type HOME Address [REDACTED] Apartment [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED] Phone [REDACTED]
DOB [REDACTED] Age [REDACTED] Sex FEMALE Race UNKNOWN Height [REDACTED] Weight [REDACTED]
Hair Color [REDACTED] Eye Color [REDACTED] Driver License [REDACTED] State [REDACTED]

Person Type ADDITIONAL PERSON
Name Type LEGAL Last GEISER First JENNY Middle [REDACTED]
Address Type WORK Address 2255 W BERRY AVE [LITTLETON] Apartment [REDACTED]
City LITTLETON State COLORADO Zip 80165 Phone (303)794-1551
DOB [REDACTED] Age [REDACTED] Sex [REDACTED] Race [REDACTED] Height [REDACTED] Weight [REDACTED]
Hair Color [REDACTED] Eye Color [REDACTED] Driver License [REDACTED] State [REDACTED]

Person Type ADDITIONAL PERSON
Name Type LEGAL Last KELIIHOLOKAI First STEPHEN Middle [REDACTED]
Address Type BUSINESS Address [REDACTED] Apartment [REDACTED]
City LITTLETON State [REDACTED] Zip [REDACTED] Phone (303)794-1551
DOB [REDACTED] Age [REDACTED] Sex [REDACTED] Race [REDACTED] Height [REDACTED] Weight [REDACTED]
Hair Color [REDACTED] Eye Color [REDACTED] Driver License [REDACTED] State [REDACTED]

Person Type ADDITIONAL PERSON
Name Type LEGAL Last MITCHELL First CINDY Middle [REDACTED]
Address Type WORK Address 2255 W BERRY AVE [LITTLETON] Apartment [REDACTED]
City LITTLETON State COLORADO Zip 80120 Phone (303)734-8214
DOB [REDACTED] Age [REDACTED] Sex [REDACTED] Race [REDACTED] Height [REDACTED] Weight [REDACTED]
Hair Color [REDACTED] Eye Color [REDACTED] Driver License [REDACTED] State [REDACTED]

Person Type ADDITIONAL PERSON
Name Type LEGAL Last QUINTANA First AL Middle [REDACTED]



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD INCLUSIVE CASE REPORT

Case Number
2015001585

Date: 04/17/2015

Page: 2 of: 8

Address Type WORK Address 2255 W BERRY AVE [LITTLETON] Apartment _____
City LITTLETON State COLORADO Zip 80165 Phone (303)734-8232
DOB _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Hair Color _____ Eye Color _____ Driver License _____ State _____

Person Type ADDITIONAL PERSON
Name Type LEGAL Last MARTENS First PAUL Middle OFC
Address Type WORK Address 2255 W BERRY AVE [LITTLETON] Apartment _____
City LITTLETON State COLORADO Zip 80120 Phone (303)734-8205
DOB _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Hair Color _____ Eye Color _____ Driver License _____ State _____

Person Type ARRESTEE
Name Type LEGAL Last DE STABACH First VICTORIA Middle DAVILA
Address Type HOME Address [REDACTED] Apartment [REDACTED]
City [REDACTED] State [REDACTED] Zip [REDACTED] Phone _____
DOB [REDACTED] Age [REDACTED] Sex FEMALE Race WHITE Height 502 Weight 128
Hair Color BROWN Eye Color BROWN Driver License [REDACTED] State COLORADO

Narrative
Mode of Travel:
By Car

Person Type ARRESTEE
Name Type LEGAL Last MACK First MARK Middle LOWELL
Address Type HOME Address [REDACTED] Apartment _____
City [REDACTED] State [REDACTED] Zip [REDACTED] Phone [REDACTED]
Address Type WORK Address 1500 W LITTLETON BLVD [LITTLETON] Apartment _____
City LITTLETON State COLORADO Zip 80120 Phone (303)794-2414
Address Type CELLULAR Address _____ Apartment _____
City _____ State _____ Zip _____ Phone [REDACTED]
DOB [REDACTED] Age [REDACTED] Sex MALE Race WHITE Height 506 Weight 140
Hair Color BLOND OR STRAWBERRY Eye Color BLUE Driver License [REDACTED] State COLORADO

Person Type VICTIM
Name Type LEGAL Last STATE OF First _____ Middle _____
Address Type _____ Address _____ Apartment _____
City _____ State _____ Zip _____ Phone _____
DOB _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Hair Color _____ Eye Color _____ Driver License _____ State _____

Person Type VICTIM
Name Type LEGAL Last CITY OF First _____ Middle _____



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD

INCLUSIVE CASE REPORT

Case Number
2015001585

Date: 04/17/2015

Page: 3 of: 8

Address Type BUSINESS Address 2255 W BERRY AVE [LITTLETON] Apartment _____
City LITTLETON State COLORADO Zip _____ Phone _____
DOB _____ Age _____ Sex _____ Race _____ Height _____ Weight _____
Hair Color _____ Eye Color _____ Driver License _____ State _____

Vehicle

Veh No 1 Type AUTOMOBILE Top Color GOLD Bottom Color _____ Year 2003
Make FORD Model FOCUS Expires 2015
VIN [REDACTED] License [REDACTED] State COLORADO
Vehicle Description _____

Narrative/Summary

Narrative - IR Investigation:

Assignment:

On April 3, 2015, at 11:14 am, I was dispatched on a possible DUI at 1500 West Littleton Boulevard, Ice Cube Liquor. Dispatch advised that the reporting party had followed the suspect vehicle, a gold 2003 Ford Focus ([REDACTED]), from Cherry Hills to Littleton and she was on scene.

Investigation:

Officer Stephen Keliiholokai and Officer Cindy Mitchell had arrived on scene prior to me. Upon my arrival, I observed an Hispanic female, later identified as Victoria Davila De Stabach, [REDACTED], handcuffed and seated in the back of Officer Mitchell's patrol vehicle.

Officer Mitchell informed me that the reporting party, identified as Courtne Vashaw, DOB [REDACTED], told her that Victoria traveled into oncoming on West Belleview Avenue, east of Broadway. Officer Mitchell said that Courtney observed Victoria pull into the parking lot, park in front of Ice Cube Liquor, and appeared to stagger into the liquor store. She advised that Courtne observed Victoria exit the liquor store with a bag in her hand.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Officer Keliiholokai told me that when he arrived on scene he observed Victoria seated in the driver seat of the Ford Focus. He said she had keys in her hands and appeared to have difficulty determining which one was for the ignition.

Officer Keliiholokai told me that a white plastic bag on the front passenger seat contained a cold can of Bud Light & Clamato, four 50 ml mini bottles of Disaronno Amaretto, and an unopened pack of Marlboro cigarettes. A receipt for the items was not located. I photographed the items. Officer Keliiholokai said that Victoria was clearly drunk and suggested that I speak with her.



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD
INCLUSIVE CASE REPORT

Case Number
2015001585

Date: 04/17/2015

Page: 4 **of:** 8

I opened the rear passenger door of Officer Mitchell's patrol vehicle. I immediately detected the odor of an unknown alcoholic beverage on Victoria's breath. I observed that her eyes were bloodshot and watery. Victoria was slouched in the seat and appeared to have a difficult time sitting up straight.

I asked Victoria what had happened today. She mumbled something that I could not understand. I told Victoria that she appeared to be intoxicated and I asked her how much she had to drink. Victoria began to cry and mumbled, "A lot."

At approximately 11:37 am, Victoria voluntarily submitted to a PBT which resulted in a .213 BrAC.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Victoria's vehicle was locked up and left in the parking lot.

At that time, I asked Corporal Al Quintana, who had earlier arrived on scene, if he could request from the liquor store clerk a copy of Victoria's receipt. Shortly, thereafter, Corporal Quintana handed to me a duplicate receipt.

I asked Corporal Quintana if he would issue a citation to the clerk for selling alcohol to Victoria, who was clearly intoxicated. (See Corporal Quintana's supplemental report for details.)

[REDACTED]



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD
INCLUSIVE CASE REPORT

Case Number
2015001585

Date: 04/17/2015

Page: 5 **of:** 8

[REDACTED]

I left a business card with Victoria's keys, which were in her purse. I wrote on my business card: You must call me and come to the police department immediately, 303-794-1551.

I retained Victoria's Colorado driver license (14-227-0584).

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

When Victoria saw me she began to cry. I informed her that she would be going to jail. On April 3, 2015, at 3:30 pm, I took Victoria into custody (handcuffed, checked for tightness, double-locked). I escorted her to my patrol vehicle and transported her to police headquarters.

I placed Victoria into hold cell #1 while I completed my probable cause paperwork.

Officer Paul Martens transported Victoria to the Arapahoe County jail.

No further information at this time.

Neighborhood Canvass: None

Property/Evidence: Memory card from digital camera booked into evidence

Attachments:

Colorado Driver License [REDACTED] in the name of Victoria Davila De Stabach
Determination of Probable Cause to Detain (copy)
Statement in Support of Warrantless Arrest with Attachment A (copy)
Citation 782508 (copy)
Express Consent Affidavit and Notice of Revocation
Citation 782507 for liquor violation
Receipt from liquor store
Written statement from Courtnie Vashew
Custody Activity Record

Disposition:

Clear, Open and Pending

J. Geiser 200405 April 3, 2015

Disposition:
OPEN/PENDING



Littleton Police
Department
2255 W. Berry Ave
Littleton, CO 80165

LITTLETON PD

INCLUSIVE CASE REPORT

Case Number
2015001585

Date: 04/17/2015

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Officer - IR 200405 GEISER, J Report Date 04/03/2015
Supervisor Review WREN, J Review Date _____
Distribution _____

Narrative - Supplemental 1 Information/Supplemental Narrative:

SUPPLEMENTAL REPORT BY OFFICER MITCHELL: On April 3, 2015 at approximately 1112 hours I responded to Ice Cube Liquor Store, 1500 W. Littleton Blvd on a report of a possible DUI.

On arrival, Officer KELIIHOLOKAI was speaking to the driver of a gold Ford Focus, Colorado 425VDQ, which matched the description and license plate of the reported DUI driver.

A Hispanic female was in the driver's seat of the vehicle, and I could hear that her speech was extremely slurred, and from where I stood on the passenger side with the passenger window open, I could clearly smell the strong odor of an unknown alcoholic beverage on her breath. Officer KELIIHOLOKAI asked her to produce her driver's license, and she fumbled with her purse, and located a billfold, and then had great difficulty attempting to remove the license. She was then told by Officer KELIIHOLOKAI to put her billfold back in her purse and step out of her vehicle, and she just sat there and starting crying, and acted as though she could not comprehend the instructions.

She was then assisted out of her vehicle, because she was having great difficulty standing, due to her lack of coordination. She was tangling her feet across each other, and could not walk without assistance. She also was not following instructions and began to pull away from me. At this time I placed hand cuffs on her, for her safety and mine. She was placed in the rear of my patrol vehicle. During this time I could observe that the female had bloodshot watery eyes, a fixed gaze, and I could again smell the strong odor of an unknown alcoholic beverage on her breath.

Officer GEISER arrived and while she was speaking with the driver, I contacted the reporting party, who was on scene, and who identified herself as Courtneie Lena YASHAW, DOB [REDACTED]. YASHAW stated that she first observed the vehicle in the area of S. University and Hampden Avenue, where she saw the vehicle swerving numerous times, and as she continued to follow, she observed the vehicle go into oncoming traffic three times as the vehicle was in the 5600 block of S. Broadway. The vehicle then turned westbound on W. Littleton Blvd, and was still swerving. She followed the vehicle to the liquor store at 1500 W. Littleton Blvd, and had called in the vehicle with the description and plate.

YASHAW observed the vehicle pull in to a parking spot in front of the liquor store, and she stopped and talked to the female driver from her vehicle, asking her "are you OK? You look drunk - you shouldn't be driving if you're drunk." She stated that she could see the female clearly through the open driver's window, and that this was the same female I was just in contact with. She stated that the female driver looked intoxicated to her.



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YASHAW stated that she then left the area for approximately three minutes to pick her sister up, and that she then came back to the liquor store. She stated that the female was still sitting in the driver's seat of the vehicle in the same spot. She then observed the female get out of the vehicle, and that she "stumbled" into the liquor store, walking in a "zig zag", and then returned with a bag in her hand to indicate that she had made a purchase. She stated that at this time officers arrived on scene. YASHAW completed a written statement regarding her observations.

See Officer GEISER's report for further information on contact with the driver of the vehicle.

C MITCHELL 9203 040315

Officer - Supplemental 1 9203 MITCHELL, C **Report Date** 04/03/2015
Supervisor Review WREN, J **Review Date** _____
Distribution _____

Narrative - Supplemental 2 Information/Supplemental Narrative:

SUPPLEMENT REPORT BY OFFICER KELIIHOLOKAI:

On April 3, 2015 at 1112 hrs, I responded to a possible DUI at 1500 W. Littleton Blvd in the Woodlawn Shopping Center parking lot. Dispatch advised that the vehicle was a gold Ford Focus that was parked in front of the liquor store and the driver was a female with her hair pulled back.

Upon arrival, I observed the female walk out of the liquor store and get into the vehicle. I made contact with female as she was sitting in the driver seat of the vehicle, where she appeared to be looking at her keys but confused on how to use them. I opened the car door to the vehicle and asked the female for her drivers licenses but she started crying. The female was identified by her Colorado DL as, Victoria Davila De Stabach, DOB: [REDACTED]. I observed Stabach's eye's to be blood shot and I smelled a strong odor of an unknown alcoholic beverage. I asked De Stabach to get out of the vehicle and stand at the back of her car.

When Stabach got out of the car she was very unsteady and held on to the car for balance. I grabbed Stabach's arm to assist her and that's when she tried to pull away from me. for Stabach's safety, Officer Mitchell and I handcuff her and placed her in the back of Officer Mitchell's patrol car. Stabach was concerned about her purse and asked if I'd get it for her. Stabach's purse was in the front seat of her car along with a plastic bag from the liquor store that had one Bud Lite beer and 4 shooter size Disaronno Amaretto bottles.

Officer Geiser arrived on scene and began talking to Stabach as she sat in the back seat of the patrol car. [REDACTED]

[REDACTED] I administered a PBT to Stabach that showed her BAC to be 0.213.

At this point, I was called away to another call for service.

No further actions taken at this time.



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S. KELIIHOLOKAI 9901

Officer - Supplemental 2 9901 KELIIHOLOKAI, S **Report Date** 04/03/2015
Supervisor Review WREN, J **Review Date** _____
Distribution _____

Narrative - Supplemental 3 Information/Supplemental Narrative:
SUPPLEMENT REPORT BY CORPORAL AL QUINTANA:

On 040315 at approximately 1121 hrs., I assisted Officer Geiser at 1500 W. Littleton Blvd. with a DUI case. Officer Geiser advised me that she needed assistance by issuing a citation to the clerk on duty at Ice Cube Liquors located at the above listed address. According to Geiser, the suspect in this case had purchased alcoholic beverages at the store when visibly intoxicated.

I entered Ice Cube Liquor and I met with a white male, who was identified by Colorado OLN: [REDACTED] as Mark Lowell Mack, DOB: [REDACTED]. I asked him if he remembered the female that we had in custody who had been in his store. Mack stated that he did sell the alcohol to her and she paid cash. I asked him if he could provide me with a copy of the receipt for the transaction. Mack provided me with the receipt.

I asked Mack if he noticed if the suspect was intoxicated and he advised me that he observed her walk into his store and the only thing that he noticed was that she was crying.

I advised Mack that she was visibly intoxicated, and I also told him that I was going to issue him a summons. Mack was issued summons M782507 for Unlawful Acts, selling alcohol to a visibly intoxicated person and is scheduled to appear in court on 06/05/15.

Nothing further.

A. Quintana 9702 040415

Officer - Supplemental 3 9702 QUINTANA, A **Report Date** 04/04/2015
Supervisor Review WREN, J **Review Date** _____
Distribution _____