

**MINUTES FOR
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO
7500 West 29th Avenue, Municipal Building**

August 9, 2012

Mr. Davia called the Liquor Authority Meeting to order at 9:00 a.m.

Liquor Authority Members present:

Anthony Davia
Robert Alldredge
Carolyn Peterson
Paul Shaver
Kent Davis
Claudia Worth
John Miks

Members Absent: Frank Sanzalone

Also present: Deputy City Clerk, Bruce Roome; City Attorney, Chris Price; staff; interested citizens.

APPROVAL OF MINUTES OF June 16, 2012

Motion by Mrs. Worth for approval of the minutes of June 16, 2012; seconded by Mr. Davis; carried 7-0

Item 1. Show Cause Hearing for alleged Code of Laws Violation at Hiko Enterprises, Inc. dba Prk-N-Pik Liquor, 9345 W. 44th Avenue, Wheat Ridge.

Mr. Roome introduced the item.

Opening Statements

Mr. Price as prosecuting attorney for the City of Wheat Ridge stating this was a Show Cause hearing for an alleged sale of alcohol to a minor specifically citing Section 12-47-901(5)(a)(I) of the Colorado Revised Statutes. Mr. Price also stated he would have testimony from three witnesses which would prove guilt regarding the allegations.

Mr. Kyung Rho, owner, made opening statement on his behalf.

Violation Phase

Officer Larry Taggart, WRPD, testified as to his capacity with the City as a police officer. Officer Taggart described his actions at Prk-N-Pik as the uniformed officer.

Kayla Mally, citizen volunteer and underage liquor buyer, testified as to her participation in the operation.

Officer Barry Malloy, testified as to his capacity with the City as a plain clothes officer in the operation.

Exhibits 1 – 5 were entered into the record by Mr. Price and identified by Mr. Roome as follows:

Exhibit 1: Request for Show Cause Hearing paperwork from Wheat Ridge Police Department; WRPD Case Report #201204004; Summary of Probable Cause; Summons of Prk-N-Pik employee who sold the alcohol; WRPD witness statement; WRPD color photographs of underage buyers; WRPD color photographs of beer that was purchased at Prk-N-Pik; WRPD color photograph of change from the \$20 bill used to purchase the beer; WRPD photocopy of Prk-N-Pik employee that sold the beer.

Exhibit 2: Prk-N-Pik liquor license renewal application for 2012 listing Kyung K. Rho as the responsible party for the business.

Exhibit 3: Certificate of mailing dated July 25, 2012; Certified return receipt of mailing from the US Post Office dated July 27, 2012.

Exhibit 4: From Wheat Ridge Municipal Court a copy WRPD Summons of Prk-N-Pik employee who sold the alcohol stamped by Municipal Court Judge as "Guilty Plea" along with Court paperwork showing fine paid of \$100.00.

Exhibit 5: Certificate of mailing dated July 5, 2012; Certificate of Service dated July 5, 2012; Certified return receipt of mailing from the US Post Office dated July 6, 2012

Motion by Mr. Davis that a violation of CRS Section 12-47-901(5)(a)(I) did occur; seconded by Mr. Miks; carried 7-0

Mr. Roome read into the record that on July 10, 2003 Prk-N-Pik Liquor was found guilty by the Wheat Ridge Liquor Authority of a violation of C.R.S. 12-47-101, *et seq.*) and Section 16-127(e) of the Code of Laws of the City of Wheat Ridge both read in pertinent part:

It is unlawful for any person ... [t]o 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.

On behalf of the City Mr. Price recommended a 6 day suspension with 4 held in abeyance for a period of 12 months.

Mr. Davia recommended a 4 day suspension with 3 held in abeyance for a period of 6 months. Mr. Davia also recommended that the suspension be on a Monday or Tuesday.

Motion by Mr. Alldredge for a 3 day suspension with 2 days in held in abeyance for a 9 month period with the one day closure to occur on Monday August 28, 2012; seconded by Mr. Davis; Motion carries 7-0

Item 2. Modification of Premises for Pietra's Pizzeria, 9045 W. 44th Avenue, Wheat Ridge.

Joseph DeMott, Manager, was present to answer any questions from Authority members.

Motion by Mr. Miks to approve the application for modification of premises for Pietra's Pizzeria, 9045 W. 44th Ave., Wheat Ridge, Colorado; seconded by Mr. Shaver; motion carries 6-1 with Mrs. Worth voting no.

Item 3. Modification of Premises for Right Coast Pizza, 7100 W. 38th Avenue, Wheat Ridge.

Justin Vogel, owner of Right Coast Pizza, was present to answer any questions from Authority members.

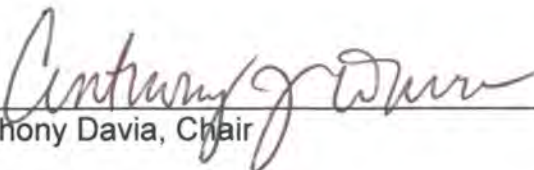
Motion by Mr. Miks to approve the Temporary Modification of Premises for Right Coast Pizza, 7100 W. 38th Ave., Wheat Ridge, Colorado on 8/25/12 from 12:00 pm to 12:00 am, 9/8/12 from 6:30 pm to 12:00 am, and 9/22/12 from 12:00 pm to 12:00 am; seconded by Mr. Shaver; motion carried 7-0.

Meeting adjourned at 10:00 am.



Bruce Roome, Deputy City Clerk

APPROVED BY LIQUOR AUTHORITY ON September 13, 2012 BY A VOTE OF 7
TO 0



Anthony Davia, Chair