

**MINUTES FOR  
LIQUOR AUTHORITY MEETING**

**CITY OF WHEAT RIDGE, COLORADO  
7500 West 29<sup>th</sup> Avenue, Municipal Building**

**September 13, 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  
Frank Sanzalone

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

**APPROVAL OF MINUTES OF August 9, 2012**

Motion by Mr. Davis for approval of the minutes of August 9, 2012; seconded by Mrs. Worth; carried 7-0

**Mr. Sanzalone arrived at 9:02 am**

Item 1. Public Hearing on application for a new Beer and Wine License from Fulton Ventures, LLC dba "Teller Street Gallery and Studios", 7190 W. 38<sup>th</sup> Avenue, Units A, B, & C, Wheat Ridge, CO.

Deputy City Clerk Roome introduced the Item and provided the summary.

**Max Scott**, owner of Oedipus, Inc. provided the report of the Neighborhood Needs and Desires survey.

**Amanda Fulton**, co-owner, and **Joseph Fulton**, co-owner, were present to answer questions from the Liquor Authority members.

Public Comment:

None present

Motion by Mr. Alldredge to approve the application for a new Beer and Wine Liquor License for Fulton Ventures, LLC d.b.a. "Teller Street Gallery & Studio", 7190 W. 38<sup>th</sup> Avenue Units A-C, Wheat Ridge, for the following reasons:

- (1) All applications and fees required by statute have been filed and paid.
- (2) Notice of hearing and posting of the premises have been accomplished according to statutory requirements.
- (3) The applicant is entitled to occupancy of the premises by virtue of a lease dated March 22, 2012.
- (4) The applicant has been cleared by the Police Department.
- (5) The evidence established that the desires of the residents of the neighborhood under consideration are in support of granting this license. This is evidenced by petitions bearing: **183** signatures favoring issuance and **2** signature opposing issuance.
- (6) Issuance of this license is consistent with the needs of the neighborhood under consideration.

WITH THE FOLLOWING RECOMMENDATION:

It is recommended that the applicant attend a Liquor Licensee training class from a vendor recommended by the Wheat Ridge Police Department.

Seconded by Mr. Miks; carried 8-0.

Item 2. Transfer of Ownership on a Hotel & restaurant Liquor License from Venture III, LTD dba "Luke's Steakhouse", 4990 Kipling Street, Wheat Ridge, to Meyer Ventures I, LLC dba "Luke's Steakhouse", 4990 Kipling Street, Wheat Ridge.

Mr. Roome introduced the item.

**Robert Meyer**, owner was present to answer questions from the Liquor Authority members.

Motion by Mr. Miks to approve the Transfer of Ownership on a Hotel & Restaurant Liquor License Venture III, LTD dba "Luke's Steakhouse", 4990 Kipling Street, Wheat Ridge, to Meyer Ventures I, LLC dba "Luke's Steakhouse", 4990 Kipling Street, Wheat Ridge; for the following reasons:

1. All applications and fees required by statute have been filed and paid.
2. The applicant will be entitled to occupancy of the premises by virtue of a signed

lease dated August 6, 2012.

Seconded by Mr. Davis; carried 8-0

Item 3. Show Cause Hearing for alleged Code of Laws Violation at Super America dba "The Everyday Store", 5990 W. 38<sup>th</sup> 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.

Kevin Flesch, legal counsel, and Harbans Lali, owner, were present to speak on their behalf.

#### Violation Phase

Detective Heather Kendall, WRPD, testified as to her capacity with the City as a police officer. Detective Kendall described her actions at The Everyday Store as the uniformed officer.

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

Motion by Mr. Miks that a violation of CRS Section 12-47-901(5)(a)(I) did occur; seconded by Mr. Alldredge; carried 8-0

Mr. Umesh, District Manager for the Everyday Stores for four years, testified as to his role with the company. Mr. Umesh is in charge of liquor training for the managers and cashiers. The company has policy that if an employee sells to a minor they are immediately terminated. The cashier that sold to the Wheat Ridge undercover buyer was terminated.

Since the incident the Everyday Store had all of its employees at the Wheat Ridge store complete a Responsible Vendor Training Course on August 10, 2012 by the Liquor Licensing Professionals. (exhibit 6)

#### Authority Board Discussion regarding Penalty

Mr. Alldredge is in favor of either revocation or one year suspension.

Mr. Price clarified that the maximum suspension per state law is six months.

Mr. Davis agrees with Mr. Alldredge that there is a significant history of violations and would move for revocation.

Ms. Worth also agrees with Mr. Alldredge.

Motion by Mr. Davis to direct the City Attorney to prepare findings for this meeting and further move to revoke the license of Super America, LLC d/b/a Everyday Stores, 5990 West 38<sup>th</sup> Avenue, Wheat Ridge, Colorado; seconded by Mr. Alldredge; Motion carries 8-0.

Meeting adjourned at 10:13 am.



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Bruce Roome, Deputy City Clerk

APPROVED BY LIQUOR AUTHORITY ON October 11, 2012 BY A VOTE OF  
5 TO 0



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Anthony Davia, Chair