

MINUTES
REGULAR MEETING OF
LAKEWOOD LIQUOR AND FERMENTED MALT BEVERAGE
LICENSING AUTHORITY

August 27, 2009

A Regular Meeting of the Lakewood Liquor and Fermented Malt Beverage Licensing Authority was held on this date in the City Council Chambers.

ITEM 1 – CALL TO ORDER

Hearing Officer Richard Miller called the meeting to order at 2:00 p.m.

ITEM 2 – SHOW CAUSE HEARING

Hotel & Restaurant License
Nite Owl Sports Bar and Grill, Inc.
d/b/a Nite Owl Sports Bar and Grill
1050 S. Wadsworth Blvd., Unit T

Ms. Roth, Lakewood Municipal Prosecutor, stated that she had reached an agreement with the licensee, Mr. Marvin Johnston, and that the licensee would admit to the violation, Conduct of Establishment, that occurred on February 18, 2009 and the City would then move to dismiss the remaining alleged violations that occurred on April 14, 2009 and April 19, 2009. Ms. Roth stated that this was a first offense for the licensee and that she would recommend a ten-day suspension with five days held in abeyance for one year. Ms. Roth stated that the licensee was asking to pay a fine in lieu of suspension.

Marvin Johnston, 6649 S. Everett Way, Littleton, CO 80123, was sworn in and stated that he was the principal shareholder in the Nite Owl Sports Bar and Grill, Inc.

Mr. Miller stated the events that led up to the violation that occurred on February 18, 2009 that was stated in the complaint.

Mr. Johnston stated that he was admitting to the violation that occurred on February 18, 2009. Mr. Johnston stated that he had owned the Nite Owl Sports Bar and Grill for four and a half years. Mr. Johnston stated that he tried to run a very tight ship and that he kept very good notes on what occurred at the bar. Mr. Johnston stated that he showed those notes to Ms. Roth and explained to her the systematic approach that he took to his daily business operation to prevent problems.

Mr. Miller stated that he would accept the stipulation between Ms. Roth and the licensee. Mr. Miller found that the violation that was alleged in the complaint had occurred on February 18, 2009 and the following penalty be imposed upon Nite Owl Sports Bar and Grill, Inc., d/b/a Nite Owl Sports Bar and Grill. A suspension of ten days be imposed and that five of the days be held in abeyance for a period of one year, commencing on August 13, 2009, and if there were no further violations of the Colorado and Lakewood codes during the next year, the period held in abeyance would be dismissed. In the event a violation did occur within one year from August 13, 2009, regardless of when the hearing on such violation should be held, the five days held in abeyance be imposed after such hearing in addition to any other penalty. The balance of the suspension would begin at 7:00 a.m. August 31, 2009 and end on September 3, 2009 at 7:00 a.m. and would begin again at 7:00 a.m. September 7, 2009 and end on September 9, 2009 at 7:00 a.m. Mr. Miller found that Nite Owl Sports Bar and Grill, Inc., d/b/a Nite Owl Sports Bar and Grill, be permitted to pay a fine in lieu of five days actual suspension imposed.

ITEM 3 – GENERAL BUSINESS

Ms. Roth stated that she had two complaints that were being brought forward for motions to show cause.

Ms. Roth stated the first complaint was against BMJ, Inc., d/b/a Ecks Saloon, 9890 W. Girton Dr., for an alleged violation of Conduct of Establishment.

Mr. Miller found there was probable cause to believe that a violation of the Colorado and/or Lakewood codes had occurred and to serve a notice of hearing and order to show cause why the Hotel and Restaurant License held by BMJ, Inc., d/b/a Ecks Saloon, 9890 W. Girton Dr., should not be suspended or revoked, such hearing to be held on October 8, 2009.

Ms. Roth stated the second complaint was against El Torito Bar & Grill, LLC, d/b/a El Torito Bar and Grill, 999 Sheridan Blvd., for an alleged violation of Conduct of Establishment.

Mr. Miller found there was probable cause to believe that a violation of the Colorado and/or Lakewood codes had occurred and to serve a notice of hearing and order to show cause why the Tavern License held by El Torito Bar & Grill, LLC, d/b/a El Torito Bar and Grill, 999 Sheridan Blvd., should not be suspended or revoked, such hearing to be held on October 8, 2009.

ITEM 4 – ADJOURNMENT

There being no further business to come before the Authority, Richard Miller adjourned the meeting at 2:21 p.m.

Richard Miller, Hearing Officer,
Lakewood Liquor and Fermented
Malt Beverage Licensing Authority

Joyce Wamboldt, Liquor Licensing Specialist