

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

December 10, 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 2:03 p.m.

ITEM 2 – NEW APPLICATION

Tavern License
The Penalty Box, Inc.
d/b/a The Penalty Box Bar & Grill
1862 S. Wadsworth Blvd.

Patrick Casey Delants, 7574 Halleys Dr., Littleton, CO 80215, was sworn in and stated he and his wife circulated the petitions. Mr. Delants stated that he was unable to get very many signatures and thought it was due to the holidays. Mr. Delants stated that the petitions showed that one person was neutral and everyone else was in favor and that no one opposed the license. Mr. Delants stated that there were no changes to the business entity. Mr. Delants stated that the landlord was in favor of the change in use. Mr. Delants stated that there were no other pending issues with the city.

In answer to Mr. Miller's question, Ms. Wamboldt stated that everything was posted as required.

In answer to Mr. Miller's question, Ms. Millard stated that the Lakewood Police Department had not yet completed the background investigation.

Mr. Miller stated that upon issuance and approval by the State and issuance by the City of the Tavern License, the Hotel & Restaurant License would be surrendered. Mr. Miller having found that all of the requirements for a Tavern License had been satisfied, approved the application for a Tavern License for The Penalty Box, Inc., d/b/a The Penalty Box Bar & Grill, located at 1862 S. Wadsworth Blvd., contingent upon the completion of the background investigation and a satisfactory recommendation by the Lakewood Police Department.

In answer to Mr. Delants question, Ms. Moore stated that Mr. Delants could remove the notice for the hearing from the door.

ITEM 3 – SHOW CAUSE HEARING

Hotel & Restaurant License
Giovanni's Italian Café, LLC
d/b/a Giovanni's Italian Café
3355 S. Yarrow St. E131

Carla Stevens, 8996 W. Swarthmore Dr., Littleton, CO 80123, was sworn in.

Ms. Roth, Lakewood Municipal Prosecutor, stated that Ms. Stevens was going to admit to the violation, Conduct of Establishment, and that it was a first offense. Ms. Roth stated that she was recommending the standard first offense sanction of 10 days suspension with 5 days held in abeyance for one year. Ms. Roth stated that the licensee inquired about paying a fine in lieu of 5 days suspension.

In answer to Mr. Miller's question, Ms. Stevens stated that she understood the agreement she had made with the City.

Ms. Stevens stated that she was a partner in the business with her husband and had the authority to speak for the licensee in this matter.

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 October 15, 2009 and the following penalty be imposed upon Giovanni's Italian Café, LLC, d/b/a Giovanni's Italian Café. 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 December 10, 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 December 10, 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. December 11, 2009 and end on December 16, 2009 at 7:00 a.m. Mr. Miller found that Giovanni's Italian Café LLC, d/b/a Giovanni's Italian Café, be permitted to pay a fine in lieu of five days actual suspension imposed.

In answer to Mr. Miller's question, Ms. Stevens stated that she was not sure how to prevent this violation from occurring in the future. Ms. Stevens stated that the server thought the underage person looked of legal age. Ms. Stevens stated that the server went to court and paid a fine. Ms. Stevens stated that the employee was still employed with Giovanni's Italian Café. Ms. Stevens requested an Alcohol Awareness Seminar schedule.

Ms. Moore stated that she was drafting the schedule and all licensees would be mailed a new schedule in January 2010.

ITEM 4 – SHOW CAUSE HEARING

Hotel & Restaurant License
Z & K Enterprises LLC
d/b/a Purple Ginger Asian Fusion
2610 Youngfield St.

Ms. Roth, Lakewood Municipal Prosecutor, stated that when she spoke with Mr. Kam Yim Choi over the phone, that he did not speak English very well so his daughter got on the phone to translate. Ms. Roth stated that Mr. Choi's daughter could not be at the hearing to translate for him so he was given the opportunity to continue the hearing until she could attend. Ms. Roth stated that Mr. Choi told her that he understood what his daughter translated from the phone conversation and would like to move forward with the hearing. Ms. Roth stated that Mr. Choi was going to admit to the violation, Conduct of Establishment, and that it was a first offense. Ms. Roth stated that she was recommending the standard first offense sanction of 10 days suspension with 5 days held in abeyance for one year. Ms. Roth stated that the licensee inquired about paying a fine in lieu of 5 days suspension.

Mr. Kam Yim Choi, 8823 S. Nightingale Way, Littleton, CO 80126, was sworn in. Mr. Choi stated that he understood what Ms. Roth explained and that he understood the agreement he had with the City and was going to admit to the violation. Mr. Choi stated that there was confusion between he and the waiter the night the waiter served alcohol to a minor. Mr. Choi stated that the waiter thought Mr. Choi checked the patron's I.D. and Mr. Choi thought the waiter had already checked it. Mr. Choi stated that he instructed all of his employees to check everyone's I.D. themselves from now on.

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 October 15, 2009 and the following penalty be imposed upon Z & K Enterprises LLC, d/b/a Purple Ginger Asian Fusion. 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 December 10, 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 December 10, 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. December 11, 2009 and end on December 16, 2009 at 7:00 a.m. Mr. Miller found that Z & K Enterprises LLC, d/b/a Purple Ginger Asian Fusion, be permitted to pay a fine in lieu of five days actual suspension imposed.

ITEM 5 – SHOW CAUSE HEARING

Tavern License
BKM Investments Inc.
d/b/a Hart's Corner Bar
5201 W. Mississippi Ave.

Ms. Millard stated that the licensee had requested a continuance and the hearing had been administratively continued to January 14, 2010. Ms. Millard stated that they had recently hired an attorney who was unable to attend the hearing.

ITEM 6 – SHOW CAUSE HEARING

Tavern License
SFH Enterprises LLC
d/b/a Cleopatra's
6045 W. Alameda Ave. #104

Ms. Millard stated that the licensee had requested a continuance and the hearing had been administratively continued to January 28, 2010. Ms. Millard stated that they had recently hired an attorney and the attorney needed time to prepare for the hearing.

ITEM 7 – 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 SFH Enterprises LLC, d/b/a Cleopatra's, 6045 W. Alameda Ave. 104, 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 SFH Enterprises LLC, d/b/a Cleopatra's, 6045 W. Alameda Ave. 104, should not be suspended or revoked, such hearing to be held on January 28, 2010.

Ms. Roth stated the second complaint was against Baker St Belmar LLC, d/b/a 221 B Baker St Pub & Grill, 7260 West Alaska 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 Tavern License held by Baker St Belmar LLC, d/b/a 221 B Baker St Pub & Grill, 7260 West Alaska Dr., should not be suspended or

revoked, such hearing to be held on January 14, 2010.

ITEM 8 – ADJOURNMENT

There being no further business to come before the Authority, Richard Miller adjourned the meeting at 2:41 p.m.

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

Joyce Wamboldt, Liquor Licensing Specialist