



**Minutes of Proceeding**  
**Littleton Licensing Authority**  
**January 8, 2014**

The Littleton Licensing Authority met in a regular session on Wednesday January 2014 at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

**THOSE PRESENT:** Bill Bradish, Authority Chairperson  
Andrew Cole, Authority Vice Chairperson  
Donovan O'Dell, Authority Member  
Ann Mather, Authority Member  
Tim LeVier, Authority Member  
Robin Peterson, Authority Member

**THOSE ABSENT:** Peter J. Webb, Authority Member

**ALSO PRESENT:** Kristin Schledorn, Deputy City Attorney  
Tricia McCarthy, City Prosecutor  
Arlan Kluth, Detective LPD

**1. CALL MEETING TO ORDER**

Chairperson Bradish called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

Upon a call of roll, 5 members and 1 alternate were present and a quorum declared. The following business was transacted:

**3. APPROVAL OF AGENDA**

**Agenda for Regular Meeting January 8, 2014**

**Action: Approved as submitted**

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER BRADISH, TO APPROVE THE AGENDA OF January 8, 2014 as submitted.

Ayes: Authority Members Bradish, Cole, O'Dell, Mather, LeVier

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

**4. APPROVAL OF MINUTES**

**Minutes of Regular Meeting December 11, 2013**

Chairperson Bradish made a correction to show that he adjourned the meeting instead of Vice Chairperson Cole as stated in the minutes.

**Action: Approved as amended**

It was moved by AUTHORITY MEMBER COLE , seconded by AUTHORITY MEMBER MATHER, TO APPROVE THE MINUTES OF December 11, 2013 as amended.

Ayes: Authority Members Bradish, Cole, O'Dell, Mather, LeVier

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

5. **SCHEDULING RENEWAL HEARINGS FOR LIQUOR LICENSES**
6. **SETTING NEIGHBORHOOD BOUNDARIES AND SCHEDULING APPLICATION HEARINGS FOR LIQUOR LICENSES**
7. **LIQUOR LICENSE APPLICATION HEARINGS**
8. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR LIQUOR LICENSES**
9. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR LIQUOR CODE VIOLATIONS**
10. **PRELIMINARY HEARING OF LIQUOR CODE VIOLATIONS**

- a) Jessheri Corp.; d/b/a Advance Liquors; 7945 S Broadway

Deputy City Attorney Schledorn stated that this matter comes before the Authority as a possible violation of the Colorado Liquor Code and Littleton City Code based on an incident that occurred on November 3, 2013 at approximately 6:50 p.m. The Authority had found, at their regularly scheduled meeting of December 11, 2013, that probable cause did exist to move this issue forward in the process in accordance with the licensing guidelines of the City of Littleton.

City Prosecutor McCarthy presented the stipulation to the facts to the Authority for their consideration. Prosecutor McCarthy stated that she had discussed the stipulation with the licensee, Jesse Vance, and was under the impression that he would attend at this hearing. At the time Prosecutor McCarthy reviewed the stipulation with the Authority, Mr. Vance was not in attendance.

Prosecutor McCarthy stated that, per the stipulation, the licensee would admit to a violation of 3-2-10(F) Sale to Intoxicated Persons and C.R.S. § 12-47-901 based on the events of November 3, 2013, a 750 milliliter bottle of Evan Williams whiskey was sold to a visibly intoxicated patron. The stipulation outlined a recommended penalty of a 10-day suspension, with 5 days of actual suspension and 5 days held in abeyance for one (1) year. Prosecutor McCarthy suggested that the City could accept a fine-in-lieu for the five days of actual suspension. Prosecutor McCarthy stated that the licensee had reviewed the stipulation and had accepted the terms based on his signature of the stipulation and his returning the signed document to her office early in the day on January 8, 2014. She reiterated that she had thought he was going to attend.

Authority Member Cole asked for procedural guidance from Deputy City Attorney Schledorn and City Prosecutor McCarthy. He stated that the Authority generally likes to receive input from the licensee on dates of suspension and asked if the Authority should accept it as is and move forward with assigning dates or if they should wait since the licensee was not present. Deputy City Attorney Schledorn advised that the Authority, should they wish input from the licensee on the dates of suspension, this matter could be postponed until later in the evening to give the licensee an opportunity to appear and that the next agenda item could be moved forward. She further stated that the Authority is not obligated to elicit input from the licensee on the dates of suspension and could, therefore, accept the stipulation and set dates without the licensee. City Prosecutor McCarthy said that she had a conversation with the licensee regarding dates and told him that he might want to consider some potential dates for the suspension and fine-in-lieu. She also advised him that the Authority generally likes to see the days as consecutive and that the day(s) of suspension should include the day(s) when the alleged violation occurred, i.e. if the violation occurred on a weekend (Friday, Saturday and/or Sunday), the days of suspension would include one, or more, of those days. In her estimation, he seemed to be fine with that.

Authority Member Cole, with support from Authority Member Mather and Chairperson Bradish, agreed to move this agenda item to be continued after agenda item 10(b). Chairperson Bradish added that if the licensee, Jessheri Corp.; d/b/a Advance Liquors, did not show up, the Authority would move forward and assign the dates/days of suspension without input from the licensee.

**Agenda item continued @ 7:20 p.m.**

Authority Member Cole asked again if the Authority could just accept/approve the stipulation and set the dates of suspension for purposes of determining the fine-in-lieu and if that acceptance would be binding. Prosecutor McCarthy stated that, to her, his signature of the document indicated his acceptance of the terms as outlined in the stipulation and, again, she had thought he would attend. Deputy City Attorney Schledorn stated that the Authority could wait and go to Show Cause in February as well. City Prosecutor McCarthy suggested that the Authority could pick a couple of sets of dates and give the licensee of choice of dates.

Authority Member Mather asked how long the licensee has held this license. The licensee has held the license since 2010, at which time he took possession of the business and license via a transfer process. City Prosecutor McCarthy stated that there was a prior offense in 2011, but that the offense in question is the first one within two years. City Prosecutor McCarthy reminded the Authority that the previous offense involved the owner selling to a minor because he was not wearing his glasses but that offense was almost three years ago.

Authority Member Mather asked if it was the same person involved in this offense. City Prosecutor McCarthy stated that the previous offense involved the owner while this offense involved an employee. She stated that this employee has worked for the licensee for some period and had not had these types of issues in the past. City Prosecutor McCarthy shared that she had discussion with the licensee about the obligation for employees/staff to have a conversation with customers to determine their condition. This includes greeting them as they walk in the establishment, observing them in the establishment and having a discussion at the register during the checkout process.

Authority Member LeVier stated that he was struck by the police report, which states that the officer witnessed the individual exit his vehicle, stumble, and enter the store. Authority Member LeVier feels that this would have been observed by the store employee had she not been distracted by her other duties, i.e. closing out the register for the night. City Prosecutor McCarthy offered some background on the situation, stating that dispatch had received a call earlier about a vehicle driving erratically. The officer did not witness the vehicle on the road but did witness the suspect vehicle in the parking lot of Advance liquors. Because he was aware of a report of erratic driving, the officer was probably on higher alert and would notice behaviors as the suspect exited the vehicle.

Deputy City Attorney Schledorn proposed to the Authority that, should they wish to hear from the licensee and address with him dates and what he is doing to rectify the situation, the issue could be continued to the following month and move the Show Cause hearing, if necessary, to the month after that. Authority Member Cole stated that, while he did not want to delay the matter, he would be open to a continuation to allow the licensee a change to address the Authority in person. At that point, Mr. Vance, the licensee entered the Council Chamber and stated that he did not know he was supposed to in attendance.

Authority Chairperson Bradish administered an oath to Mr. Vance prior to any discussion/testimony beginning. Mr. Vance stated that he only became aware that he was supposed to attend while watching the meeting online and that he had received a letter stating that his hearing was the following month (February) and not this month. The letter actually states that the preliminary hearing, to discuss a stipulation, would be held in January, this date, and a show cause hearing, should a stipulation not be reached, would be held in February.

Authority Member Mather asked the licensee about actions being taken to make sure that an event like this does not happen again. Mr. Vance did not answer the question but stated that mistakes happen, nobody is perfect, the person who "did this" may not have been paying attention and then stated that she's not actually an employee but rather someone who helps on Sundays. Beyond that, Mr. Vance offered no explanation as to what happened, or how he's working to prevent it from happening again. Authority Member Cole asked Mr. Vance if

there were other employees besides himself and the person who made the sale and if they had been trained. Mr. Vance stated yes and that they were all very diligent about carding and observing patrons.

Authority Member LeVier confirmed that the stipulation that Mr. Vance signed was for a 10-day suspension with five days held in abeyance for a period of one year and a fine-in-lieu to be paid instead of the five days of actual suspension. Authority Member LeVier asked Mr. Vance if he was concerned about the five days held in abeyance and Mr. Vance responded yes, stating that being shut down for five days consecutively would kill his business. Authority Member LeVier asked Mr. Vance, again, what steps are being taking to make sure that a violation does not happen again. Mr. Vance stated that he has already told all of his people to be very diligent in what they're doing, talk to people when they walk in and observe – "that's all you can do".

Authority Member Cole asked Mr. Vance if he had a preference on days of the week to be used for the days of suspension for the fine-in-lieu. Mr. Vance stated that Sundays and Mondays are his slowest days. After some discussion, it was determined that the days would be Sunday through Thursday. Before dates were determined, Mr. Vance again stated that he had a letter that said he was supposed to be present on the "11<sup>th</sup> of next month". Authority Member Cole explained the process of having the probable cause hearing (December 11, 2013), with a preliminary hearing to follow the next month (January 8, 2014 – today) to discuss a stipulation if one is reached and then the show cause hearing the month after that (February 12, 2014) if not stipulation is reached. Authority Member Cole reassured Mr. Vance that his late arrival at tonight's meeting would have no bearing on the outcome or decision of the Authority, as a stipulation has already been reached and agreed to. Authority Chairperson Bradish suggested the dates of suspension for purposes of calculating the fine-in-lieu be February 9, 2014 through February 13, 2014.

It was moved by AUTHORITY MEMBER O'DELL, seconded by AUTHORITY MEMBER BRADISH, to approve the stipulation between Jessheri Corp.; d/b/a Advance Liquors; 7945 S Broadway, Littleton, Colorado and the City of Littleton. In Section 5(c) of the stipulation, the period of proposed suspension for purposes of calculating the fine-in-lieu of suspension shall be February 9, 2014 through and including February 13, 2014.

Ayes: Authority Members Bradish, Cole, O'Dell, Mather, LeVier

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

b) Shanker, Inc.; d/b/a Santa Fe Spirits; 6023 S Santa Fe Drive

Deputy City Attorney Schledorn stated that this matter comes before the Authority as a possible violation of the Colorado Liquor Code and Littleton City Code based on an incident, which occurred on November 8, 2013 at approximately 10:40 a.m. The Authority

had found, at their regularly scheduled meeting of December 11, 2013, that probable cause did exist to move this issue forward in the process in accordance with the licensing guidelines of the City of Littleton.

City Prosecutor McCarthy presented the stipulation to the facts to the Authority for their consideration. Per the stipulation, the licensee would admit to a violation of 3-2-10(F). The stipulation outlined a recommended penalty of a 10-day suspension, with 5 days of actual suspension and 5 days held in abeyance for one (1) year. Prosecutor McCarthy suggested that the City could accept a fine-in-lieu for the five days of actual suspension.

Counsel for the licensee, Jon Stonbraker, confirmed that the City had accurately presented the stipulation to the facts and stated that the licensee has been in possession of the license for seven years come April of 2014 with no violations. He continued that the licensee has scheduled retraining for all of his staff and that the training would be completed within the calendar month. As to the days of actual suspension, the licensee had suggested a Monday through Friday, and asked the Authority to consider January 20 through January 24, 2014.

Authority Member Cole confirmed with Deputy City Clerk Norton that the City requires more time, at least 30 days out from today's date, for the days of suspension. Authority Member Mather asked for clarification on the retraining process- is it just the employee in question or is it the entire company? Mr. Stonbraker confirmed that the entire company is receiving refresher training. They have contracted with the Colorado Licensed Beverage Association, which offers training more geared towards retail liquor stores.

Mr. Stonbraker suggested February 17, 2014 up to, and including, February 21, 2014 for the days of suspension for the purposes of calculating the fine-in-lieu. Authority Member Cole stated that he was agreeable to the suggested dates of February 17 through February 21, and that he was in favor of accepting the stipulation as presented.

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER BRADISH, to approve the stipulation between Shanker, Inc.; d/b/a Santa Fe Spirits, 6023 S Santa Fe Drive, Littleton, Colorado and the City of Littleton. In Section 5(c) of the stipulation, the period of proposed suspension for purposes of calculating the fine-in-lieu of suspension shall be February 17, 2014 through and including February 21, 2014.

Ayes: Authority Members Bradish, Cole, O'Dell, Mather, LeVier

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

As the licensee for agenda item 10(a) had not yet arrived, Deputy City Attorney Schledorn

suggested moving on to agenda item 17(a), a proposed resolution for defining boundaries for liquor licenses.

**11. SHOW CAUSE HEARINGS FOR LIQUOR CODE VIOLATIONS**

**12. MEDICAL MARIJUANA APPLICATION HEARINGS**

**13. CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR MEDICAL MARIJUANA CENTERS**

**14. FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA CENTER VIOLATIONS**

**15. PRELIMINARY HEARING OF MEDICAL MARIJUANA CENTER VIOLATIONS**

**16. SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA CENTER VIOLATIONS**

**17. GENERAL BUSINESS**

Deputy City Attorney Schledorn presented a draft resolution to the Authority, which would delegate the primary authority for setting, boundaries used to determine the needs and desires of the adult inhabitants for all liquor license considerations to the City Clerk's office. The boundaries as designated by the City Clerk's office would be used to prove the needs and desires unless the licensee or another interested party objected at which time a hearing would be scheduled to discuss, and possibly redefine, the boundaries.

Authority Member LeVier asked for clarification on the process. His understanding is that the applicant would be given boundaries, would conduct the petition process, or other means of showing needs, desires of the adult inhabitants of the defined geographic area, would come to hearing, and then potentially raise a concern about the boundaries thereby having to reschedule a new hearing date and conduct a new petition process. Deputy City Clerk Norton stated that applicants are notified of proposed boundaries as soon as they are set and are asked to sign either in acceptance of those boundaries or to challenge them at that time. Should the applicant dispute the set boundaries, they would be brought before the Authority at either a specially scheduled or a regularly scheduled hearing to ask for redefinition of boundaries. A hearing would be scheduled for the following month to hear the motion of a new license and review the results of the needs and desires process. The only time the objection to defined boundaries might be challenged at the actual licensing hearing would be if it were an "interested" party other than the applicant. The Authority would, at that time, need to determine if the challenge was warranted or not.

Chairperson Bradish asked if this meant that the Authority would no longer be asked to approve boundaries via e-mail as has been the practice. Deputy City Attorney Schledorn stated that if the Authority were to be involved in the decision making process, it would need to occur at a public meeting/hearing. Authority Member Cole asked if the impetus behind this proposed new process was, not that the existing process is flawed, that the City would be more comfortable with the Authority making these decisions as part of a public meeting/hearing. Deputy City Attorney Schledorn advised that any action taken on behalf, or

by, the Authority needed to take place in a public meeting/hearing. Deputy City Schledorn stated that the other option, instead of delegating authority to the City Clerk's office, would be to set hearings to discuss boundaries. She further stated that there have not been issues, historically, with boundaries that have been set in the past. Deputy City Clerk Norton confirmed that, to date, she has not had any applicant challenge or otherwise raise concern with boundaries as they are being set. Deputy City Attorney Schledorn stated that delegating authority for defining boundaries for liquor license applications is an easier way to handle the issue, versus setting hearings to define boundaries thereby delaying processing of applications by at least one month.

Authority Member Cole suggested that clarifying language be added to either/and the last "whereas" clause or Section 1. Authority Member LeVier stated that it should be clear that the applicant would have the right of appeal to come before the Authority if they were in conflict with the boundaries as proposed by the City Clerk's office. Deputy City Attorney Schledorn agreed to make the recommended changes/additions and will present the revised Resolution at the next regularly scheduled meeting of the Littleton Licensing Authority on February 12, 2014.

**Resume discussion on agenda item 10(a) Jessheri Corp.; d/b/a Advance Liquors**

## **18. REPORTS**

## **19. ADJOURNMENT**

There being no further business, Chairperson Bradish adjourned the meeting at 7:41 p.m. on January 8, 2014



Colleen Norton  
Deputy City Clerk/Recording Secretary