

City of Littleton

Minutes of Proceeding

Littleton Licensing Authority

June 9, 2010

The Littleton Licensing Authority met in a regular session on Wednesday, June 9, 2010, at the Littleton City Center, 2255 West Berry Avenue, Littleton, Colorado.

THOSE PRESENT: Bill Bradish - Chairperson
Earl Gunia - Vice Chairperson
John Cole - Authority Member
Susan Price - Authority Member
Victoria England - Authority Member
Donovan O'Dell - Authority Member
Andrew Cole - Authority Member

THOSE ABSENT: None

ALSO PRESENT: Kirsten Crawford – Assistant City Attorney
Richelle Work - Deputy City Clerk
Kim Steen – Police Sergeant

1. **CALL MEETING TO ORDER**

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

2. **ROLL CALL**

Upon a call of the roll, seven members were present. A quorum was declared. The following business was transacted.

3. **MINUTES**

(a) Minutes of Special Meeting May 5, 2010

Action: Approved as submitted

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Bradish, John Cole, Gunia, Price and England

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

(b) Minutes of Special Meeting May 6, 2010

Action: Approved as submitted

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER PRICE TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Bradish, John Cole, Gunia, Price and England

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

c) Minutes of Regular Meeting May 12, 2010

Action: Approved as submitted

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER ENGLAND TO APPROVE THE MINUTES AS SUBMITTED.

Ayes: Authority Members Bradish, John Cole, Gunia, Price and England

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

4. AGENDA

Action: Approved as submitted

5. SETTING NEIGHBORHOOD BOUNDARIES AND SCHEDULING APPLICATION HEARINGS – None

6. CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS LIQUOR LICENSES

(a) MODIFICATION OF PREMISES - None

(b) TRANSFER OF OWNERSHIP - None

(c) MANAGER'S REGISTRATION - None

(d) SUMMARY SUSPENSION - None

(e) CHANGE OF CORPORATE STRUCTURE – None

(f) CHANGE OF LOCATION - None

(g) RENEWAL APPLICATION - None

7. **CONSIDERATION OF OTHER APPLICATIONS AND REQUESTS FOR MEDICAL MARIJUANA DISPENSARIES** - None

8. **FINDINGS OF PROBABLE CAUSE AND SCHEDULING SHOW CAUSE HEARINGS FOR LIQUOR LICENSES**

- a) INTERNATIONAL MARKETING CORPORATION
DBA: FAT FROG CAFE
2530 WEST MAIN STREET

Authority Chairperson Bradish stated this hearing was for a Probable Cause determination on Police report #201002110, dated May 5, 2010.

Attorney Crawford presented the police report and alleged violation information to the Authority. Sergeant Kim Steen addressed the Authority with a supplemental report.

Authority Members discussed the alleged violation information and questions on the report from the police department.

It was moved by AUTHORITY MEMBER JOHN COLE, seconded by AUTHORITY MEMBER ENGLAND TO FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT INTERNATIONAL MARKETING CORPORATION, DBA: FAT FROG CAFÉ, 2530 WEST MAIN STREET, LITTLETON, ARAPAHOE COUNTY, COLORADO, ON APRIL 25, 2010, AT APPROXIMATELY 12:41 A.M., DID VIOLATE COLORADO LIQUOR CODE AND LITTLETON MUNICIPAL CODE. BASED ON SAID FINDINGS, I MOVE A PUBLIC HEARING BE SET FOR THE 14TH DAY OF JULY, 2010, FOR THE PURPOSE OF CONSIDERING THE STATUS OF SAID TAVERN LICENSE, WHEREIN THE ABOVE-MENTIONED LICENSEE MAY BE PRESENT TO SHOW CAUSE, IF ANY, WHY ITS LICENSE SHOULD NOT BE SUSPENDED OR REVOKED, AND FURTHER THAT NOTICE OF THESE FINDINGS AND THE HEARING TO SHOW CAUSE SHALL BE FORWARDED AND SERVED TO INTERNATIONAL MARKETING CORPORATION, DBA: FAT FROG CAFÉ, IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

Ayes: Authority Members Bradish, John Cole, Gunia, Price and England

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

9. **FINDINGS OF PROBABLE CAUSE AND SCHEDULED SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARY VIOLATIONS** - None

10. **LIQUOR LICENSE APPLICATION HEARINGS** - None

11. **MEDICAL MARIJUANA DISPENSARY LICENSE APPLICATION HEARINGS** –
None
12. **SHOW CAUSE HEARINGS FOR LIQUOR LICENSES** - None
13. **SHOW CAUSE HEARINGS FOR MEDICAL MARIJUANA DISPENSARIES** - None
14. **GENERAL BUSINESS**
 - (a) Discussion regarding Probable Cause Hearing procedures

Deputy City Clerk Work explained the previous discussions on this item and that the Authority could choose to handle probable cause hearings in a less formal setting, through telephone poll or email poll, similar to how they currently handle setting boundaries on new licenses.

Authority Member John Cole agreed that probable cause could be determined by email or telephone and was in favor of establishing probable cause outside of a public hearing.

Authority Member Gunia stated he felt that a hearing should be held as the Authority may need to ask questions of staff and may need supplemental information.

Authority Member Price agreed, stating that the case tonight was a perfect example, where supplemental information was needed to determine probable cause. She also said she thinks there needs to be more information on the police report to help determine probable cause and potential violations.

Authority Member O'Dell thinks that information obtained at the meeting may be necessary for Authority Members to determine probable cause and feels the board should continue to handle these at a hearing.

Sergeant Steen stated that the police officers cite the offenses they believe there is probable cause for and list them on the front sheet of report.

Chairperson Bradish stated he feels that the board should continue hearings for probable cause issues.

Authority Member England stated she feels that these could be handled outside of a hearing as they receive enough information from the police report to determine probable cause.

Authority Member John Cole stated that the board is only determining probable cause and the licensee is not permitted to speak at this hearing, but would be called in to the show cause hearing.

Authority Members Bradish, O'Dell, Gunia and Price feel it should be an open hearing and not done outside the public forum.

It was moved by AUTHORITY MEMBER BRADISH, seconded by AUTHORITY MEMBER PRICE TO CONTINUE HOLDING PROBABLE CAUSE HEARINGS IN A PUBLIC MEETING.

Ayes: Authority Members Bradish, Gunia and Price

Nays: Authority Members John Cole and England

Absent: None

MOTION CARRIED: 3 to 2

15. REPORTS

a) **Staff** – None

Assistant City Attorney – None

b) **Authority Members** – Authority Member Gunia asked about the City Council meeting regarding 3.2% alcohol in public parks. Attorney Crawford and Deputy Clerk Work explained this does not affect the board, as there is no permit issued by the city. This change would allow 3.2% beer in public parks, which is in line with current state law.

Authority Member Gunia also asked how far ahead of time an applicant can apply for a liquor license, especially if they have not broken ground on their building yet. Specifically, he asked about the current new application for 7-11 located at 3099 West Mineral Avenue.

Deputy Clerk Work explained the process for applying and issuance of a license and the timeframe involved.

Attorney Crawford said she could look into any specific regulations and report back to the board.

c) **Chairperson** – Chairperson Bradish commended the City Attorney and City Clerk's Offices on their procedures for the medical marijuana hearings and thanked Authority members for handling the situation in an admirable manner.

16. ADJOURNMENT – There being no further business, Chairperson Bradish adjourned the meeting at 7:32 p.m. on June 9, 2010.



Richelle Work
Deputy City Clerk/Recording Secretary