

Colleen Norton

From: Colleen Norton
Sent: Monday, December 30, 2013 8:58 AM
To: Andrew Cole; Ann Mather; Bill Bradish; Donovan O'Dell; Peter J. Webb; Robin J. Peterson; Tim LeVier
Subject: Packet for 01/01/2014 LLA Meeting

At this time, it is unclear as to whether or not we will have stipulations for either of our licensees on the agenda (Advance Liquors and Santa Fe Spirits). City Prosecutor McCarthy is working on this but, with the holidays, we may not know until the end of the week or beginning of next. I am out of the office beginning tomorrow through the end of the week. Because of this, I will not be sending a standard paper-packet. Rather, I will be sending an electronic packet on Monday of next week which will include the agenda, minutes from our December meeting, a resolution to authorize the city clerk's office to set boundaries for liquor license, and the month-end FYI report. Hard copies will be made available to you at the time of the meeting. In the event we do enter into stipulations with our licensees, you will be emailed copies and then hard copies will be made available to you at the time of the meeting as well.

Please feel free to contact me with any questions or concerns you may have about this process. This is not our normal protocol but seems the best way to get the information disseminated due to short time frames between the December and January meetings (two holidays, time off for internal staff, et al). Thank you.

Colleen L. Norton

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AGENDA
REGULAR MEETING
LITTLETON LICENSING AUTHORITY

MEETING DATE AND TIME: Wednesday January 8, 2014 @ 7:00 p.m.
MEETING LOCATION: Littleton City Center / Council Chamber
2255 West Berry Avenue, Littleton, CO 80120

ORDER OF BUSINESS

1. Call meeting to order
2. Roll call
3. Approval of agenda
4. Approval of Minutes
 - a) Minutes of Regular Meeting December 11, 2013

*Resolution
Stipulations
Authority Comm.
+ Steps
+ Resolution*

Liquor License Cases:

5. Scheduling renewal hearings for liquor licenses –
6. Setting neighborhood boundaries and scheduling application hearings for liquor licenses – None
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
 - b) SHANKER, INC.; D/B/A SANTA FE SPIRITS; 6023 S SANTA FE DRIVE
11. Show cause hearings for liquor code violations –

Medical Marijuana License Cases

12. Medical Marijuana Application Hearings –
13. Consideration of other applications and requests for medical marijuana centers – None
14. Findings of probable cause and scheduling show cause hearings for medical marijuana center violations – None
15. Preliminary hearing of medical marijuana center violations – None

16. Show cause hearings for medical marijuana center violations – None

17. General business –

a) Resolution regarding setting boundaries for new liquor license applications

18. Reports:

- a. Staff
- b. Authority Members
- c. Chairman

19. Adjournment



Minutes of Proceeding
Littleton Licensing Authority
December 11, 2013

The Littleton Licensing Authority met in a regular session on Wednesday December 11, 2013 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
 Peter J. Webb, Authority Member

THOSE ABSENT: None

ALSO PRESENT: Kristin Schledorn, Deputy City Attorney
 Arlan Kluth, Detective LPD

1. CALL MEETING TO ORDER

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

2. ROLL CALL

Upon a call of roll, 5 members and 2 alternates were present and a quorum declared. The following business was transacted:

3. APPROVAL OF AGENDA

Agenda for Regular Meeting December 11, 2013

Action: Approved as submitted

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER MATHER, TO APPROVE THE AGENDA OF December 11, 2013 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 October 9, 2013

Action: Approved as submitted

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER BRADISH, TO APPROVE THE MINUTES OF October 9, 2013 as amended.

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

Nays: None

Absent: None

MOTION CARRIED: 4 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

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

Deputy City Attorney Schledorn presented the following exhibits and asked that the Authority accept them into the record:

Exhibit A - Authority Communication
Exhibit B - LPD Report 2013005576
Exhibit C - Proof of notification to licensee

It was moved by AUTHORITY MEMBER O'DELL, seconded by AUTHORITY MEMBER COLE, to approve admittance of the above exhibits.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Deputy City Attorney Schledorn read the Authority Communication, citing possible violations of the Colorado Liquor Code § 12-47-901(1)(a) and Littleton City Code § 3-2-10(F). After a brief discussion, it was determined by the Authority that there is sufficient probable cause to move this matter forward to a show cause hearing.

It was moved by AUTHORITY MEMBER O'DELL, seconded by AUTHORITY MEMBER LeVIER, that there is probable cause to believe that Jessheri Corp.; d/b/a Advance Liquors, 7945 S Broadway, Littleton, Colorado on November 3, 2013 at approximately 6:50 p.m., did violate the Colorado Liquor Code and Littleton City Code (specifically, C.R.S. § 12-47-901(1)(a), and City Code § 3-2-10(F). Based on said findings, it was moved that a public hearing be set for the 12th day of February 2014 for the purpose of considering the status of said 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 Jessheri Corp.; d/b/a Advance Liquors, 7945 S Broadway, Littleton, Colorado, in accordance with the provisions of state law. It was moved that a preliminary hearing, if necessary, be set for the 8th day of January, 2014, for the purpose of considering a possible stipulation, if any, between the licensee and the City of Littleton.

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 presented the following exhibits and asked that the Authority accept them into the record:

Exhibit A - Authority Communication
Exhibit B - LPD Report 2013005654
Exhibit C - Proof of notification to licensee

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER BRADISH, to approve admittance of the above exhibits.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

Deputy City Attorney Schledorn read the Authority Communication, citing possible violations of the Colorado Liquor Code § 12-47-901(1)(a) and Littleton City Code § 3-2-10(F). After a brief discussion, it was determined by the Authority that there is sufficient probable cause to move this matter forward to a show cause hearing.

Authority Member Peterson asked how it was possible for the clerk to notice the possible

level of intoxication based on a short exchange with a customer that may not have included a verbal exchange. She also asked about the timeframe between the time of sale and the time of the officer's contact with the individual. Deputy City Attorney Schledorn reminded the Authority that the purpose of the Probable Cause hearing was only to determine if there is a reasonable belief that a violation occurred and that discovery of specific facts would occur at the Show Cause hearing.

It was moved by AUTHORITY MEMBER COLE, seconded by AUTHORITY MEMBER LeVIER, that there is probable cause to believe that Shanker, Inc.; d/b/a Santa Fe Spirits, 6023 S Santa Fe Drive, Littleton, Colorado on November 8, 2013 at approximately 10:40 a.m., did violate the Colorado Liquor Code and Littleton City Code (specifically, C.R.S. § 12-47-901(1)(a), and City Code § 3-2-10(F). Based on said findings, it was moved that a public hearing be set for the 12th day of February 2014 for the purpose of considering the status of said 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 Jessheri Corp.; d/b/a Advance Liquors, 7945 S Broadway, Littleton, Colorado, in accordance with the provisions of state law. It was moved that a preliminary hearing, if necessary, be set for the 8th day of January, 2014, for the purpose of considering a possible stipulation, if any, between the licensee and the City of Littleton.

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

Nays: None

Absent: None

MOTION CARRIED: 5 to 0

10. PRELIMINARY HEARING OF LIQUOR CODE VIOLATIONS

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

Authority Member Bradish asked about an agenda item for a resolution to define boundaries.

Deputy City Clerk Norton explained that the agenda item would be moved to the January 8 agenda for discussion. A brief overview was given that the City Clerk's office and the City Attorney's office are hoping to streamline the process by which boundaries are defined for new liquor license. The resolution would grant authority to the City Clerk's office to define boundaries based on factors included location of new proposed established and boundaries used in previous applications for similar licenses in the same geographic area. Should a concern be raised about the boundaries as defined, either by the Licensing Authority or the licensee, a hearing would be set to discuss and redefine if necessary.

18. REPORTS

Authority Member O'Dell brought up the fact that Champps at Aspen Grove was recently closed and asked about the license issued to the establishment, i.e. does it just "go away".

Deputy City Clerk Norton explained that when the City becomes aware of a licensed establishments closure, the first step is to reach out to the corporate office and/or officers to determine future plans, i.e. will the license be surrendered or is there a thought of possibly selling the premise and transferring the license. If there is no plan to transfer, the business is sent an Affidavit of Surrender to be signed and returned with both the City and State licenses.

The State is then notified and copies are sent to State to close the file. If the licensee opts not to A) surrender the license or B) transfer the license, they have a viable expiration date during which time they could theoretically reopen.

19. ADJOURNMENT

There being no further business, Vice Chairperson Cole adjourned the meeting at 7:18 p.m. on December 11, 2013

Colleen L. Norton
Deputy City Clerk/Recording Secretary

CITY OF LITTLETON, COLORADO

RESOLUTION NO. 1, Series of 2014

A RESOLUTION OF THE LIQUOR LICENSING AUTHORITY OF THE CITY OF LITTLETON, COLORADO, DELEGATING RESPONSIBILITY FOR SETTING ALL BOUNDARIES USED TO ESTABLISH NEEDS AND DESIRES FOR ALL LIQUOR LICENSE APPLICATIONS TO THE CITY CLERK'S OFFICE.

WHEREAS, pursuant to Colorado Liquor Code § 12-47-301(2)(a), all licensing authorities, before granting a new license, must consider the reasonable requirements, i.e. needs, of the neighborhood and the desires of the adult inhabitants, and;

WHEREAS, an applicant for a liquor license must show that the needs and desires of the proposed neighborhood are not now being met by use of petitions, remonstrances or otherwise, and;

WHEREAS, the most common means of exhibiting needs and desires of the neighborhood is use of the petition process, and;

WHEREAS, a defined geographic area must be determined to represent the "neighborhood", and;

WHEREAS, the City Clerk's office has the knowledge and background of boundaries previously set for applicants in similar geographic areas.

NOW, THEREFORE, BE IT RESOLVED BY THE LIQUOR LICENSING AUTHORITY OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1. The City Clerk's office will set all boundaries to be used in determining the needs and desires for liquor license applications and will notify the Licensing Authority and the applicant(s) of the proposed boundaries.

Section 2. Should either the Licensing Authority or the applicant disagree with the proposed boundaries, a special hearing of the Licensing Authority will be set to discuss concerns and, if necessary, redefine boundaries for the application.

INTRODUCED, READ, AND ADOPTED at a regular meeting of the Licensing Authority of the City of Littleton, Colorado, on the **8th day of January, 2014**, in the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado.

Liquor Authority Chairperson

ATTEST:

Colleen L. Norton, Deputy City Clerk

APPROVED AS TO FORM:

Kristin Schledorn, Deputy City Attorney

TO: Members of the Licensing Authority

FROM: Colleen Norton, Deputy City Clerk

DATE: January 1, 2014

SUBJECT Licensing Activity – December 2013

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This memo is a way to inform you of some of the routine liquor licensing activity that takes place outside of your monthly meetings. These items do not require any action on your part. This list is for your information only.

Applications for New License:

Rancho La Playa, LLC – Pending (hearing pushed to 2/12/14)
d/b/a 3 Potrillos Mexican Restaurant & Taqueria
3625 W Bowles #16

Liquor License Renewals complete:

McKinner's Pizza Bar
2389 W Main Street

Jack N Grill
2630 W Belleview Ave Suite 150

The Shack
151 W Mineral Avenue #101

There are 21 other renewal applications in progress

Modification of Premises:

Change of Corporate Structure:

DRC Capital - Pending
d/b/a The Patriot
699 S. Littleton Blvd

Change of Trade Name:

Delvickio's Littleton, LLC - Pending
d/b/a Delvickios (Pinocchios)
819 W Littleton Blvd

Transfer of Owner:

International Marketing Corp
d/b/a Fat Frog Cafe

2530 W Main Street

Miscellaneous Licensee Status

Art Gallery Permit

None

MMC Change of Corporate Structure

None

MMC Renewals complete:

Special Events Permit:

Fines paid in Lieu of Suspension

Licensee	Penalty	Date(s) of Fine in Lieu	Gross Sales	Fine Paid