



Douglas County

Minutes of the Local Liquor Licensing Authority

Friday, May 20, 2011

The Douglas County Local Liquor Licensing Authority met in the Philip S. Miller Building, 100 Third Street, Castle Rock, Colorado.

Present

Scott Lemmon, Chair
Don Bammes
Chris Carlson
Kelly Dunnaway, Deputy County Attorney
Holly Carrell, Project Coordinator/Liquor Clerk

Call to Order

The Chair called the meeting to order at 1:30 p.m.

The Pledge of Allegiance was recited.

All those who would be testifying were sworn in.

Don Bammes made a motion to approve the Minutes from the Worksession and Hearing held on March 11, 2011. Chris Carlson seconded the motion and it was passed unanimously.

SHOW CAUSE HEARING

Show Cause Hearing on Complaint of Liquor Code Violation Concerning Western Convenience Stores, Inc., d/b/a Western Convenience Store No. 104, located at 800 S. Wilcox Street, Castle Rock, Colorado.

Kelly Dunnaway, Deputy County Attorney, stated that he had spoken with the licensee who agreed to stipulate to the facts of the violation and the suspension. Mr. Dunnaway recommended that the Authority impose a 15-day suspension, with 12 days held in abeyance and 3 days served to be completed on May 26, 27 and 28, 2011 as chosen by the licensee.

Mr. Bob Van Meter, Director of Operations, appeared representing Western Convenience Stores and wished to address the Authority. He explained two years ago the company enacted use of a system, which required that the clerk input the buyer's birth date in order to complete a sale for liquor or tobacco. The use of this program was instituted because of a previous violation at this location. They have

recently acquired a new system call Sapphire, which requires that the clerk actually swipe an ID for a liquor or tobacco sale. Violation of a company policy, such as sale to a minor, results in immediate termination; the employee signs a form in acknowledgement of this at the time of hiring.

Mr. Van Meter explained that they do not offer refresher training, but do emphasize the procedures for liquor sales every six months.

The Authority expressed their concern for the licensee's past violation record, how many underage sales are taking place without being caught and that the licensee doesn't appear to take violations seriously. Mr. Van Meter assured the Authority that they do take this seriously, but that there is a lot of turnover in convenience stores and it's difficult to keep employees who are trained around for long periods of time. Mr. Van Meter also explained that this store has a minimal amount of gross alcohol sales and if he had a spike in beer sales he would investigate that.

Mr. Van Meter further explained that everyone who purchases alcohol must have their ID checked and that they also display standard signage in their stores.

Mr. Lemmon explained the increasing severity for future violations if they should happen within 18 months from a previous violation.

Mr. Bammes made a motion to impose a 15-day suspension with 12 days held in abeyance. The three days to be served will be May 26, 27 and 28, 2011. Ms. Carlson seconded the motion and it passed unanimously.

NEW APPLICATION

New Application for a Beer and Wine License for Monart School of the Arts, LLC, d/b/a Canvas & Corkscrews, located at 12509 E. Lincoln Ave #301, Englewood, Colorado.

Holly Carrell, Project Coordinator, provided an overview of the application and introduced the applicant, Nancy Daniel.

Ms. Daniel provided a summary of her business model and art programs offered. Tickets for the classes are sold on her webpage in advance and alcoholic beverages are purchased at the time of the class. She explained procedures and training and that only four people will be responsible for serving so it's a small operation. All instructors will be trained in the future and no one will be served who are not taking a class.

There are classes offered to children during the day where no alcohol will be served, but evening classes are exclusively geared to adults over 21. The

applicant explained that other similar business models exist in the Denver Metro area.

Ms. Susan Duffy-Schwall from Liquor Licensing Professionals presented the petitioning results. She also described the report and the methods used in surveying. Mr. Lemmon confirmed that those who were asked about the issuance of this license were clearly informed of the kind of business applying for a liquor license. In Ms. Schwall's opinion, the results of 96% favoring the issuance of the license showed that the area had a need and desire for an additional liquor establishment. She also stated that this concept is popular and they have received several contracts recently to complete petitioning for similar business models.

Mr. Lemmon inquired how Ms. Daniel would be able to comply with the food requirements of this type of license. She offered that they would be offering light snacks and would also be working with a deli next door to provide sandwiches. They have been in business for six years and art is their prime focus, but feel that offering alcohol is a nice way to simply enhance the experience and get people to relax.

Mr. Bammes made a motion to approve the new license application and Ms. Carlson seconded the motion. There was no public testimony given, a vote was taken and the motion passed unanimously.

New Application for a Hotel and Restaurant Liquor License for Parry's Pizza III, LLC, d/b/a Parry's Pizza, located at 9567 S. University Blvd #B-2, Highlands Ranch, Colorado.

Holly Carrell, Project Coordinator, provided an overview of the application and Mr. Dunnaway confirmed that the County Attorney's Office reviewed all affidavits of posting and public notice and found questionable jurisdiction regarding compliance with the Liquor Code. The public notice was posted 8 days in advance of the hearing rather than the 10 days required due to an error at the local newspaper and was no fault of the applicant's. He advised the applicant and Authority that a level of risk existed associated with hearing the application, but that a complaint (Rule 106 Action) would have to be filed within 90 days and that the situation could be rectified at that time by having the applicant reapply and go through the process again to issue a valid license. No public testimony in opposition was provided and Ms. Carlson made a motion to move forward with hearing the application under the condition of substantial compliance. The motion was seconded by Mr. Bammes and the motion passed unanimously. Ms. Carrell introduced the applicant, David Parry.

Mr. Parry offered that this is the third Parry's Pizza location in their five years of business. They had one liquor violation four years ago, learned from that mistake and understand the seriousness. They ID everyone and training is their top priority.

Ms. Carlson asked questions about procedures for serving alcohol on the patio and what systems are used for checking IDs. Mr. Parry explained that there is no electronic program, but that there is signage and a calendar showing the date which a patron must be older than to be of age. They are a family establishment and are not the "local watering hole."

The Authority asked questions about staffing levels and restaurant layout, new hire training and the situation surrounding the violation. Mr. Parry offered that they deploy a mystery shopper every three months and that they will work with employees who do not pass; they do not have an immediate termination policy.

Ms. Susan Duffy-Schwall from Liquor Licensing Professionals presenting the petitioning results and explained the surveying process. Ms. Schwall stated that the 95% who signed in favor demonstrated a need and desire for an additional liquor license in the area.

Mr. Bammes made a motion to approve the new license application and Ms. Carlson seconded the motion. There was no public testimony given and the motion passed unanimously.

Adjournment

There being no further business to come before the Authority, the Chair adjourned the meeting at 2:15 p.m.