



Douglas County
Minutes of the Local Liquor Licensing Authority

Tuesday, August 9, 2010

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, member
Christina Carlson, member
Kelly Dunnaway, Deputy County Attorney
Dru Campbell, Office Manager
Holly Carrell, Project Coordinator

Call to Order

The Chair called the meeting to order at 1:08 p.m.

All those who would be testifying were sworn in.

SHOW CAUSE HEARING

Show Cause Hearing on Complaint of Liquor Code Violation Concerning Gelazzi, Inc., d/b/a Gelazzi Gelato Italiano Café, located at 9579 S University Blvd #270, Highlands Ranch, Colorado.

Kelly Dunnaway, Deputy County Attorney, stated that he had spoken with the licensee who agreed to stipulate to the underlying facts of the violation and to the suspension. The licensee wished to address the Authority regarding mitigating factors and 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 September 30, October 1 and October 2.

Mike van Buskirk, Director of Operations, addressed the Authority. He stated that the two employees involved are stellar employees so their punishment was written documentation only. He and the owner decided that to decrease the chances for a violation to happen in the future they would improve upon their existing training program to include: three times a year they will hold internal liquor training classes, mandatory TIPS or Serve Safe training as a condition of employment and implement a secret shopper program.

Mr. Buskirk responded to questions from Mr. Lemmon regarding previous violations, current policies, signage, training classes he has taken and when employees are trained. Mr. Lemmon was pleased with the changes that were

proposed and offered that keeping these employees on will teach them a valuable lesson and likely work as the best deterrent to a second violation.

Ms. Buskirk then responded to questions from Ms. Carlson regarding disciplinary action.

Mr. Lemmon cautioned the licensee that a second offense would be very costly. Mr. Bammes made a motion to accept the recommendation of the Deputy County Attorney to impose a 15-day suspension with 3 days served and 12 days held in abeyance. Ms. Carlson seconded the motion. All members voted, the motion passed unanimously.

SHOW CAUSE HEARING

Show Cause Hearing on Complaint of Liquor Code Violation Concerning Valero Diamond Metro, Inc., d/b/a Diamond Shamrock #1161, located at 8071 Blakeland Drive, Sedalia, Colorado.

Mr. Dunnaway stated that he spoke with the licensee's representative, Adam Stapen, who confirmed that the licensee is stipulating to the underlying facts of the violation, but wished to address the Authority regarding mitigating circumstances. He also offered that this licensee had a violation March 31, 2005, where they served a 15-day suspension with 3 days served and 12 days held in abeyance. Because this violation was more than 1 year ago, the case that was being heard was to be considered as a first violation.

Mr. Stapen addressed the Authority and appeared with his client, Mr. Tom Berens, Area Manager. He explained that all employees must pass computer based training regarding alcohol, tobacco and other operational systems before working the cash register, every quarter they have to sign an alcohol affirmation, and every year they are required to pass the computer test again to retain employment. They also have an electronic point-of-sale system, which prompts the employee to enter a birth date. In this case, the employee willfully entered a false birth date manually in order to complete the transaction. Policy dictates zero tolerance with a violation of this nature and the acting manager loses 100% of their bonus. Supervisors have access to cash register records in order to monitor unusual patterns of information keyed into the system and can therefore address any problems in advance of a violation being issued.

Mr. Stapen requested a lesser sentence based on the steps that the company has taken to avoid alcohol violations. He proposed that they impose a 7-day suspension with 2 days served and 5 days held in abeyance.

Mr. Lemmon addressed Mr. Berens with questions regarding signage posted at the business and commented that he believes this to be a gross violation based on the fact that it was not simple negligence; the employee had to enter a deliberately

falsified birth date. Mr. Lemmon asked if they would take any actions to modify policies or procedures in order to decrease the chances of repeat violations. Mr. Berens answered that they would implement secret shoppers more often and that the manager would more closely monitor the cash register records.

Mr. Bammes stated that he was concerned about how many violations go undetected and the threat of illegal alcohol sales to the safety of teenagers. He said that he felt that additional steps should be taken to ensure that violations do not take place. Mr. Berens responded that any time that humans are involved in a process, deviations will occur and reiterated the training policies in place.

Mr. Lemmon offered a final suggestion that the company take all actions necessary to avoid a repeat offense as consequences increase in severity and become very expensive. Mr. Berens noted that there has been a change to the store manager, not directly related to this incident, but it was a factor. Mr. Stapen asked that the Authority consider the dates of August 17 and August 18 for a 2-day suspension and August 17, 18 and 19 for a 3-day suspension.

Ms. Carlson made a motion that a 15-day sentence be imposed with a 3-day suspension and 12 days held in abeyance. Mr. Bammes seconded the motion and, upon a vote, it passed unanimously.

NEW APPLICATION

New Application for a Beer and Wine License for It's All About Jack, Inc., d/b/a Anthony's Pizza and Pasta, located at 3506 Town Center Drive, Unit E, 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 them to be in compliance with the Liquor Code. Ms. Carrell introduced the applicant, Alexandra Marsh Grier.

The applicant and her managing partner, Scott Connors, stated that they desire to add to the restaurant experience and to offer a responsible family dining environment. They jointly responded to questions from Mr. Lemmon, Ms. Carlson and Mr. Bammes regarding the petition results, community needs and desires, the location of Shea Stadium located nearby, training policies, past history in the alcohol industry and past violations, percentage of food vs alcohol, control of alcohol on the patio outdoors, age of employees, handling of alcohol related situations and business viability.

Mr. Lemmon and Mr. Bammes suggested that they contact the Sheriff's Office, the State and others as a resource to prepare for serving beer and wine. Mr. Lemmon cautioned the applicant against the consequences of a liquor license violation.

Mr. Lemmon asked for public comment, there was none.

Mr. Bammes made a motion to grant the new license application and Ms. Carlson seconded the motion. A vote was taken and the motion passed unanimously.

Adjournment

There being no further business to come before the Authority, the Chair adjourned the meeting at 1:59 p.m.

DOUGLAS COUNTY LOCAL LIQUOR LICENSING AUTHORITY

Scott Lemmon, Chair

Holly Carrell, Project Coordinator/Liquor Licensing Clerk

***Note:**

These minutes summarize the final decision made by the Authority at the referenced meeting. This meeting was also audio recorded and that recording is available for review. In the event there is confusion as to what the final decision of the Authority is, the Authority will rely on the audio tape to interpret the Authority's intent. The audio tape shall serve as the official record of these proceedings for any necessary purpose when, in the opinion of the Authority, the minutes are in anyway insufficient. An audio copy of the Douglas County Local Liquor Licensing Authority proceedings are available by contacting the Liquor Licensing Clerk located in the Philip S. Miller building at 100 Third Street, Castle Rock, Colorado, (303) 814-4344 or by e-mail at hcarrell@douglas.co.us.