



## Douglas County

### Minutes of the Local Liquor Licensing Authority

Monday, September 30, 2010

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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  
Chris Carlson, Member  
Kelly Dunnaway, Deputy County Attorney  
Holly Carrell, Project Coordinator  
Dru Campbell, Office Manager

#### **Call to Order**

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

All those who would be testifying were sworn in.

Don Bammes made a motion to approve the Minutes from July 13, 2010 and August 9, 2010. Chris Carlson seconded the motion and it was passed unanimously.

#### **NEW APPLICATION**

**New Application for a Retail 3.2% Beer Off-Premise License for Target Corporation d/b/a Target Store T-0271, located at 1950 E County Line Rd, 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's attorney, Roger Morris and the registered manager, Ted Washington.

Mr. Morris stated that two other members of Target staff were also present, David Arnone, Human Resource Executive and Bryan Stoddard, Asset Protection. Mr. Morris called Max Scott, owner of the professional petitioning company, Oedipus Inc., as his first witness. Mr. Scott gave background on his business, explained the process with which they conducted their surveys, how the results were tabulated and reviewed the results. He stated that the petition results of 92% in favor demonstrated that the community needs and/or desires a new 3.2% Off-Premise liquor license.

Mr. Lemmon and Mr. Bammes stated that they were very happy with the report and appreciate how easy it was understand.

Mr. Bammes directed questions to Mr. Washington regarding which employees will be handling alcohol, how they plan to monitor asking customers for identification, what kind of training program Target utilizes and how soon employees go through the training. He also asked how often staff get re-trained and the repercussions of non-compliance.

Mr. Washington advised that they would follow all laws and no one under 18 years of age will stock or sell alcohol. Those who do handle alcohol will be supervised while doing so. All cashiers at the front lanes complete training, which includes six pages of alcohol information that explains how to identify a fake ID or one that's been tampered with, the difference between vertical and horizontal IDs and also signs of intoxicated customers. They also use the computer to confirm the age of a customer. If the buyer is under 21 the system will lock-up and not allow the sale. Target has a corporate state-specific training program, which is approximately one hour long and all employees get trained on alcohol policies and laws before they are ever on the floor or at a register. Periodic training takes place at minimum one time per year. If there is a violation, that staff will go through refresher training. If two or more violations take place, they are terminated.

Ms. Carlson asked questions about the computer system.

Mr. Lemmon asked Mr. Washington about posted signage and how this Target store will avoid violations, unlike other Target stores listed in their application. Mr. Washington believes that they have strong leadership who will enforce how much they care about compliance with the law. Target staff will ID everyone who attempts to purchase alcohol.

Ms. Carlson asked if there will be modifications made to their monitoring system with the addition of selling alcohol. Mr. Washington responded that they have already added 3 more cameras to their security system during their recent remodel.

Mr. Lemmon offered a warning that violations will result in unfavorable consequences. He asked if any members of the public wanted to comment on the Target application. After seeing none, he read the motion for the record.

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

**New Application for a Hotel and Restaurant Liquor License for RL Inc. d/b/a Egg Roll King, located at 7142 E County Line Road, 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 applicants, Tiffany Ruan and Xian Ruan.

Mr. Ruan stated that they chose to apply for a liquor license because many of their customers have asked to have beer or wine with their meal.

Mr. Ruan called Carol Johnson from Esquire Petitioning Services to the podium. She described how her company conducts petitioning and the results of the survey, which were 98% in favor, indicating that the community has a need and/or desire for an additional liquor license in the area.

Mr. Lemmon asked if, during the petitioning, she discovered any problems with issuing a new license. Ms. Johnson said that many of the individuals they contacted were not even aware that the business existed. Her hopes are that the survey process will result in more business for the restaurant.

Mr. Lemmon asked if the community will support the business. Ms. Johnson stated that both residents and businesses provided favorable comments about the restaurant.

Ms. Carlson asked questions regarding ownership of the restaurant, the applicant's experience in the industry, any prior liquor violations and their training program,

Mr. Ruan answered that Egg Roll King is not a chain and that he has not managed a restaurant before, but has worked in restaurants in the past. He indicated that he has not had any prior liquor violations and all employees will be verbally trained by the applicants (currently just he and his sister, Tiffany, are employed there). They plan to take a liquor training class and also refresher classes and will have any additional employees sign a form that they understand the liquor laws.

Ms. Carlson requested clarification of the premises. Mr. Ruan explained that the liquor will be controlled because the bar and sushi bar is right next to the cash register. The cashier is the responsible party for the sale of alcohol and the space is very small so they can see the entire restaurant. They will visually check IDs and talk to customers to make sure they are not intoxicated and it's not a fake ID. They will also post signage.

Mr. Bammes suggested that they take the Colorado TIPS program for training and asked what the consequences are for future employees who sell to a minor. Mr. Ruan responded that they will make them take a refresher course and if they repeat the offense, they will be fired. They will be trained their first day and will work on an official training program.

Mr. Lemmon reiterated strongly that the applicants take formal training. He asked their hours/days of operation.

Mr. Lemmon asked if any members of the public wanted to comment on the Egg Roll King application. After seeing none, he read the motion for the record.

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

**New Application for a Hotel and Restaurant Liquor License for FB Lucent, LLC d/b/a Fat Burger, located at 9344 Dorchester Street, Suite 101, 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 two of the applicants, John (Jack) Hercher and Chris Dupuis.

Mr. Hercher proceeded to describe the location, business plan and organizational structure. He also explained their survey process and summarized the results, stating that 95% favored the new application. He offered the Board a copy of their recently completed liquor policy and introduced Mr. Dupuis.

Mr. Dupuis described his 30 years of experience in the restaurant business and stated he has had no past liquor violations.

The Board requested time to review the new liquor policy.

Mr. Bammes asked questions about using an electronic system for checking IDs. Mr. Dupuis stated that it could be added to their computer and that they will consider it. He went on to explain that Fat Burger has been open for over 5 years in this location and that employees will get TIPS certification. He stated that he used to be a certified TIPS trainer and has asked Deputy Dieck to give an hour of training as well. He plans to retrain employees quarterly, use digital surveillance and a supervisor over 21 years of age will be on the premises at all times. He said that one violation will result in suspension and retraining and that a second

violation will result in termination.

Commissioners had discussion with Mr. Dunnaway and both applicants regarding the low rate of survey responses and the process with which they followed as well as the community feedback received during petitioning.

Mr. Lemmon suggested that they change an item in the new liquor policy that they would card everyone, not just those that appear to be under 40 years of age as listed.

Mr. Lemmon asked how service would take place after transitioning to full service and selling alcohol and about hours of operation. He also suggested signage and was informed that security cameras are already installed.

Ms. Carlson requested clarification about the restaurant interior and how they will monitor alcohol consumption. Mr. Dupuis answered that managers will be on the floor monitoring activity constantly.

Ms. Carlson questioned about future outdoor seating. Mr. Dupuis explained that they plan to add a patio and that a manager will monitor the area, training will occur often and a fence will be installed in accordance to the State law.

Mr. Bammes asked if security cameras would then be installed outdoors. Mr. Dupuis responded that cameras can be added to their system.

Mr. Lemmon asked if Mr. Hercher has ever had a liquor license violation. He answered no and that no other Fat Burger restaurants have had a liquor license.

Mr. Lemmon indicated that the Board decided that the petition was a good representation of the community's needs and desires. He then asked if any members of the public wanted to comment on the Fat Burger application. After seeing none, he read the motion for the record.

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

**New application for a Hotel and Restaurant Liquor License for The Waterford Restaurant Group, Inc., d/b/a Dickey's Barbecue Pit, located at 4004 Red Cedar Drive, Unit #C-4, 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 two applicants, Tom and Mary Beth O'Neill.

Mrs. O'Neill proceeded to explain their business location and model and the Dickey's chain as well as employment history and personal philosophy regarding business management. She stated that they have both completed TIPS training and are in the process of scheduling training for all of their employees (Responsible Vendor training) with Liquor License Professionals.

Mr. O'Neill described feedback from the public. He has heard from a large number of people in the area who reacted very favorably to having their business opening soon and to have a liquor license nearby in a family atmosphere.

Mrs. O'Neill stated that all of their employees will be trained regardless of whether they handle alcohol or not. Retraining will take place annually and at regular monthly meetings and everyone who appears under 40 years of age will be carded. They will have posted signage and will not utilize an electronic system. If there is a violation the employee will be terminated immediately.

Mrs. O'Neill introduced Susan Duffy Schwall to present the survey results. She explained when and how the survey was conducted and stated that 98% of respondents were in favor of the new liquor license.

Ms. Carlson asked questions about the restaurant lay-out and how they will monitor the dining room as well as about the presence of security cameras. The applicants stated that the area is small enough to visually monitor and that they will be installing a 360-degree digital security camera in the dining room.

The Board suggested that they card everyone and post signage as well.

Discussion took place regarding their background in the restaurant business and a future expansion to add outdoor seating in a patio area.

Mr. Lemmon asked if any members of the public wanted to comment on the Dickey's Barbecue Pit application. After seeing none, he read the motion for the record.

Mr. Bammes made a motion to grant the new Dickey's Barbecue Pit 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 3:00 p.m.