

Breckenridge Liquor Licensing Authority
Regular Meeting
Tuesday, January 19, 2016

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- 1) Oath of Office - Swear in New Liquor Licensing Authority Members
New member Leigh Girvin and returning member Dave Blank were both sworn into the Liquor Licensing Authority.
- 2) Call to Order, Roll Call
Chair Katz called the regular meeting of Tuesday, January 19, 2016, to order at 9:00 am.
- 3) Approval of Minutes
With no changes or corrections to the meeting minutes of December 15, 2015, Chair Katz declared they would stand as approved.
- 4) Approval of Town of Breckenridge Liquor Licensing Authority Annual Report
Mr. Tatro motioned to approve the Town of Breckenridge liquor licensing authority annual report. Roll call was taken and the motion was approved 5-0.
- 5) Motion to appoint Liquor Licensing Authority Chair and Vice Chair
Mr. Montepare stated that he would like to appoint JB Katz as chair. Roll call was taken and the motion was approved 5-0. Chair Katz nominated Dave Blank to be Vice Chair. Roll call was taken and the motion was approved 5-0.
- 6) Approval of Agenda
Taryn Power, Deputy Town Clerk, stated that there were no changes to the agenda.
- 7) Consent Calendar
Chair Katz inquired about any information regarding a background check for MunCheeze. Mr. Berry stated that it may be best to wait to see the outcome of the case before they set a hearing. Ms. Girvin inquired as to how the authority would be notified with the outcome of the case. Assistant Police Chief Dennis McLaughlin stated that the police department will give an update. Mr. Montepare stated that he would like to see the background checks moved to the beginning of the packet.
- 8) Public Hearing; Action Items

Justin Guadagnoli, owner of Modis, is in attendance at the request of the Liquor Licensing Authority. Mr. Blank inquired as to how long Mr. Guadagnoli has owned Modis. Mr. Guadagnoli stated that he has been the owner for about 4 years. Mr. Blank stated that they have not had any problems at Modis recently and that is why they did not hold a show cause hearing for the incident that took place there. Mr. Blank stated that the Authorities primary concern is that Modis did not report the event. Mr. Guadagnoli inquired as to if they should stay on the phone once the police show up even if no one has answered the phone. Mr. Montepare stated that it is the establishment's requirement to make sure that their report is documented. Mr. Tatro stated that failure to report was the reason that he needs to be present. The LLA thanked Mr. Guadagnoli for appearing.

 - a) Show Cause Hearing (Continuance Requested by Town of Breckenridge)
Fatty's Pizzeria, Inc. d/b/a Fatty's

106 S. Ridge St.
Hotel & Restaurant License

Vice chair Blank stated that he used to rent to Mr. Daisy's head chef who came down with a fatal illness and Mr. Blank and Mr. Daisy worked closely with the chef until he passed away. Mr. Montepare stated that he has been a strong acquaintance of Mr. Daisy's for a long time. He feels as though he feels as though he is good at being objective, but wanted to let everyone know. Mr. Berry stated under the Town's ethic ordinance, it is up to the LLA if they see a conflict or not. Mr. Berry stated that the way a conflict is described is really in a financial interest. If Mr. Montepare thought that he couldn't be fair, he would need to state that. Mr. Berry inquired if both Mr. Montepare and Mr. Blank feel as though they can fairly treat this case. Mr. Tatro stated that for a financial disclosure, that his company does do work for Mr. Daisy's restaurant, but he does not feel as though it is a conflict. Mr. Tatro stated the his company has done work for Mr. Daisy and Fatty's in the past, but does not feel as though it is a conflict of interest. Ms. Girvin stated that she is also a long time acquaintance of Mr. Daisy. She feels that she can be fair, partial and objective to the case and is fine with everyone being fair for the hearing. The record reflects that Mr. Blank, Mr. Montepare, Mr. Tatro and Ms. Girvin do not have a disqualifying relationship with the licensee.

9) Informal Discussion

a) Red, White & Blue Update

Mr. Jay Nelson, Deputy Chief Red, White & Blue Fire, was absent.

b) Police Department Update

Dennis McLaughlin, Assistant Chief, Town of Breckenridge Police Department, stated that the police department is very busy. The Liquor Licensing Authority inquired about an article in the Summit Daily News referencing a Town of Breckenridge liquor licensee, The Mine. Assistant Chief McLaughlin stated that the incident referenced in the article did not involve the bar and was more of a domestic dispute. Mr. Montepare inquired if over service lead to the dispute. Assistant Chief McLaughlin stated that it is difficult to know where the last drink was consumed and the main concern, at that point, is the fight and not the over service. Assistant Chief McLaughlin stated that there hasn't been anything in the paper that would come in front of the Liquor Licensing Authority. Assistant Chief McLaughlin stated that there he will give a shot ski update. This is the first year that the shot ski had a liquor license. He stated that Breckenridge Tourism Office did well with the shot ski. They hired 8 security guards and charged \$5 for entrance to the shot ski. Breckenridge Tourism Office gave all participants a wrist band, a bead necklace and a shot ski cup. There were a few issues with alcohol coming out onto the line, there were 7 "pirate ski's" that hopped onto the shot ski and either brought their own alcohol or allowed the distillery to serve them. Assistant Chief McLaughlin stated that no participants were hurt, so that was successful, but there are still a few logistics to work out. Ms. Girvin inquired about the fencing down Main Street during the event. Assistant Chief McLaughlin stated that the fencing was for both the shot ski and to help keep kids out of the parade that are trying to catch candy. Mr. Montepare stated that we got a clear picture of what happened with the shot ski. Assistant Chief McLaughlin stated that they know what to work on next year with respect to the shot ski.

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- c) Town Clerk Update
Ms. Power, Deputy Town Clerk, stated that there was an update with Jaibo, LLC d/b/a Rio Café Mexican Restaurant. They are no longer operating and there is a new breakfast place in their location. The liquor license is still active on the location, the new business is not interested in selling liquor, but if they were they would have to wait for the license to be removed from the premises. Mr. Montepare stated that he would like to set a hearing to remove the liquor license from the premises. Mr. Berry, Town Attorney, stated that they will put the motion to add the hearing to the next Liquor Licensing Authority meeting.
- d) Public Comment
There was no public comment.

10) Executive Session

At 9:36 a.m. Mr. Montepare moved that the Liquor Licensing Authority go into executive session pursuant to Paragraph 4(d) of Section 24-6-402, C.R.S., relating to details of investigations, and Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions relating to such investigations.

Chair Katz stated that a motion has been made for the Liquor Licensing Authority to go into an executive session pursuant to Paragraph 4(d) of Section 24-6-402, C.R.S., relating to details of investigations, and Paragraph 4(b) of Section 24-6-402, C.R.S., relating to conferences with the Town Attorney for purposes of receiving legal advice on specific legal questions relating to such investigations.”

A roll call vote was taken with all members in favor of the motion.

At 9:42 am Mr. Montepare moved for the Authority go out of executive session and reconvene in the regular meeting. A roll call vote was taken. All members were in favor of the motion.

11) Adjournment

With no further business to discuss, the meeting adjourned at 9:42 am. The next regular meeting will be held on February 16, 2016. Submitted by Taryn Power, Deputy Town Clerk, Municipal Services.

ATTEST:

Helen Cospolich, Town Clerk

Jeri Beth Katz, Chair