



**TOWN OF BRECKENRIDGE
LIQUOR LICENSING AUTHORITY**

**Regular Meeting
Tuesday, November 17, 2009; 9 a.m.
Town Hall Auditorium**

- 1) Call to Order, Roll Call**
- 2) Approval of Minutes**
 - a) October 20, 2009 – Regular Meeting
- 3) Approval of Agenda**
- 4) Consent Calendar**
- 5) Other Matters**
 - a) Red, White & Blue Update
 - b) Police Department Update
 - c) Town Clerk Update
- 6) Adjournment**

**Breckenridge Liquor Licensing Authority
Regular Meeting
Tuesday, October 20, 2009**

CALL TO ORDER

Chair Garrett called the regular meeting of Tuesday, October 20, 2009 to order at 9:04 a.m.

ROLL CALL

The following Liquor Licensing Authority members answered roll call: Mr. Montepare, Mr. Tatro and Chair Garrett. Ms. Katz and Mr. Blank were absent.

APPROVAL OF MINUTES

With no changes to the regular meeting minutes of September 15, 2009, Chair Garrett declared they would stand approved as presented.

APPROVAL OF AGENDA

A new agenda was handed out to the Authority before the meeting. It includes a public hearing on a new Tavern Liquor License.

CONSENT CALENDAR

RENEWALS

1. Denzaemon LLC dba **Denzaemon Noodle & Bowl Café**
216 S. Main St.
Tavern Liquor License
2. Breckenridge Mining Company dba **Downstairs at Eric's**
111 S. Main St.
Hotel & Restaurant Liquor License
3. Keystone Food & Beverage Co. dba **Great Divide Lodge**
550 Village Road
Hotel & Restaurant Liquor License
4. Keystone Food & Beverage Co. dba **Mountain Thunder Lodge**
50 Mountain Thunder Drive
Hotel & Restaurant Liquor License
5. Breck One, LLC dba **Quandary Grille**
505 S. Main St. unit C-1
Hotel & Restaurant Liquor License
6. Keystone Food & Beverage Co. dba **Sevens Restaurant**
1979 Ski Hill Road
Optional Premises License
7. Philip L. Cohn dba **Skee Vue Liquor**
311 S. Ridge St.
Retail Liquor License

CHANGE OF MANAGER REGISTRATION

8. Breckenridge BBQ Ltd. dba **Kenosha Steakhouse/Rita's**
301 S. Main St.
Hotel & Restaurant Liquor License
 - Michael Beseda replaces Roger Roberts as Manager

CHANGE OF CORPORATE STRUCTURE

9. Backstage Theatre Inc. dba **Backstage Theatre**
121 S. Ridge St.
Arts License
 - Julie Jones replaces Phil Kopp as President of the Board

TRANSFER OF OWNERSHIP

10. Bridge Hospitality LLC dba **Beaver Run Resort**
620 Village Road
Resort Complex Liquor License
 - Robert J. Shackleton – LLC Member and Manager
 - Christine E. Shackleton – LLC Member

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11. Prodigal Seed Inc. dba **Ember**
106 East Adams Ave.
Hotel & Restaurant Liquor License
 - Scott G. Boshaw – sole officer of the corporation and Manager
12. Palmer Industries dba **Liquid Lounge**
500 S, Main St., Units 2T, 2U, 2V
Tavern Liquor License
 - Philip s. Palmer – sole officer of the corporation and Manager

Philip Palmer introduced himself as the new owner of Liquid Lounge. Scott Boshaw introduced himself and his new restaurant, Ember (at the previous Café Alpine location). Chair Garrett asked if the Authority had any additional questions pertaining to the consent calendar. There were none. Chair Garrett declared the consent calendar would stand approved as presented.

HEARING FOR A NEW TAVERN LIQUOR LICENSE

Northside Pizza LLC dba Northside
315 N. Main St.
Tavern Liquor License

Chair Garrett began by introducing this section of the meeting. He asked if the license application together with all supporting documents had been received by the Town Clerk? They had. He asked if the property had been posted and notice of this hearing published? Ms. Loufek responded they had. Chair Garrett asked if any communications in favor of, or in opposition to the application had been received? There were no communications received.

The following is an abbreviated summary of what transpired at the hearing. A verbatim tape recording was made of the entire hearing as required by the Rule 26.12 of the Rules of Procedure of the LLA.

Chair Garrett continued by asking the applicant to present any evidence in support of the application. John Pallaoro and Brian Jones, LLC members, introduced themselves and gave some background information by presenting their resumes. They presented a menu and the plans for the premise. Brian Jones will be the registered manager of the premise. The petition was presented to the Authority.

Chair Garrett asked if there was anyone present who would like to speak in opposition to the application. There was no one present.

Chair Garrett asked if the Authority had any further questions for the applicant. Chair Garrett declared the hearing on the application was considered closed.

Mr. Tatro moved to approve the application of Northside Pizza LLC d/b/a Northside for a new Tavern Liquor License for the premises to be located at 315 North Main Street, based on the applicant's showing of the reasonable requirements of the neighborhood and the desires of the citizens and subject to the applicant receiving a favorable background investigation. The motion passed with 3 members in favor of passage.

OTHER MATTERS

Red White and Blue Fire District – Jay Nelson reported RWB had changed inspection dates of establishments from six months to one year. They are noticing more violations, so they are going back to an every six month inspection schedule. Occupant loads have not been an issue. Blocked stairways and blocked back doorways are being addressed.

Police Department Update – Sgt. Jagusch reported the Safe Bar training is today at 4:00 p.m. Sgt. Jagusch reported favorably about his conversation with Philip Palmer, Liquid Lounge. Chair Garrett asked if there was any progress in reference to the incident last month at Cecelia's. Mr. Tatro asked if the video surveillance equipment in Cecelia's is up and running. Sgt. Jagusch reported there has been no case breaking news on the incident at Cecelia's, it is still being labeled as a "hate crime". Ms. Loufek stated a surveillance system discussion is ongoing with the management of La Cima mall.

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Town Clerk Update – Ms. Loufek did not have a report today.

ADJOURNMENT

With no further business to discuss, Chair Garrett adjourned the regular meeting at 9:30 a.m. The next regular meeting will be held on Tuesday, November 17, 2009.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Dave Garrett, Chair

MEMORANDUM

TO: Liquor Licensing Authority
FROM: Town Clerk
DATE: November 12, 2009
SUBJECT: Liquor License Consent Calendar

RENEWALS

1. Wills Investments II Inc. & 7-Eleven Inc. dba **7-Eleven Food Store #32267A**
10992 Colorado Highway 9
3.2% Beer Retail License
2. Bubba Gump Shrimp Co. Restaurants Inc.
dba **Bubba Gump Shrimp Co. Restaurant & Market**
10 W. Adams Ave.
Hotel & Restaurant Liquor License
3. Euro-Deli LLC dba **Euro Deli**
100 N. Main St., Unit 214
Beer & Wine License
4. Rasta Pasta Express Inc. dba **Rasta Pasta**
411 S. Main St.
Hotel & Restaurant Liquor License

RENEWAL AND CHANGE OF MANAGER

5. Whale's Tail LLC dba **Whale's Tail**
323 S. Main St.
Hotel & Restaurant Liquor License
 - Andrew Ott replaces Christine Zimmerman as Manager

RENEWAL - ART GALLERY PERMIT

8. Vail Fine Art Gallery, Inc. d/b/a **Breckenridge Fine Art Gallery**
421 S. Main St.
Art Gallery Permit
 - January 29, 30, February 12, 13, March 14, 20, July 2, 3, September 3, 4, 2010, from 4:00 p.m. to 8:00 p.m.

TRANSFER OF OWNERSHIP

6. Modis of Breckenridge Inc. dba **Modis**
113 S. Ridge St.
Hotel & Restaurant Liquor License
 - Eric Mamula – President, Secretary, Treasurer
 - Ian Hamilton – Director and Registered Manager
 - Chris O'Reilly – Vice President
7. Jenny Huang Inc. dba **Taipei Tokyo III**
110 S. Park Avenue
Hotel & Restaurant
 - Jenny Huang – President & Secretary

All Licenses are issued contingent upon the licensed premises being operated in accordance with all state laws, Town ordinances, and rules and regulations.

MEMORANDUM

TO: Liquor Licensing Authority
FROM: Town Clerk
DATE: November 12, 2009
SUBJECT: Approved Special Events

The following special events were approved during the month of October

Breckenridge Outdoor Education Center
"Never Stop Exploring" Speaker Series
322 S. Main St.; The Northface Store - Breckenridge
October 24, 2009; 5:30 p.m - 6:30 p.m.

Posting Date: September 24, 2009
Approval Date: October 5, 2009

Town of Breckenridge
American Bouldering Competitions
880 Airport Road, Breckenridge REC Center Multi-purpose room
November 21, 2009; 12:00 p.m. - 6:00 p.m.

Posting Date: October 16, 2009
Approval Date: October 26, 2009

M E M O R A N D U M

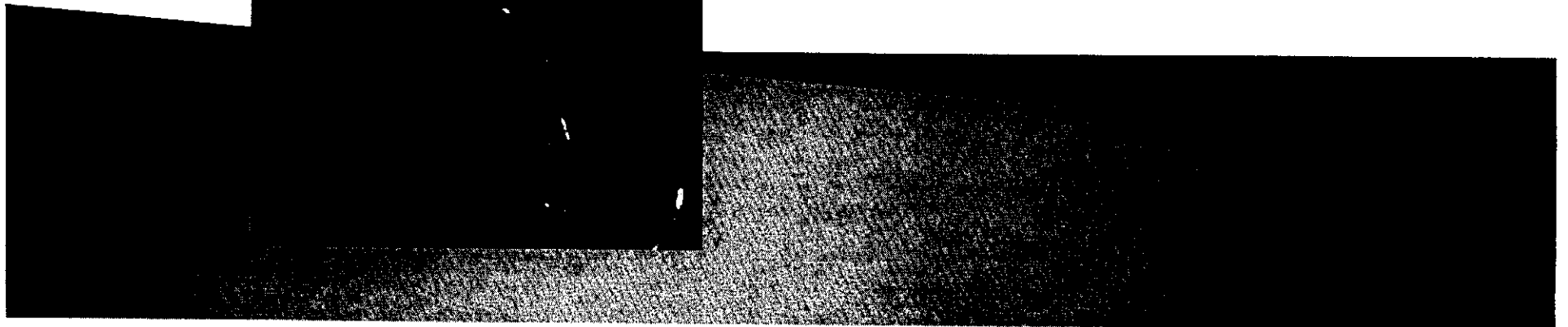
TO: Liquor Licensing Authority
FROM: Town Clerk
DATE: November 12, 2009
SUBJECT: Town Clerk Updates

Handouts from the **Safe Bar** Meeting held on Tuesday, October 20, are attached for your information. There was good representation from many of the bars in Town and we had a very productive meeting.

As a reminder, the **training** by State Liquor Enforcement Licensing Supervisor Dan Gunter has been rescheduled to follow the December 15 Liquor Licensing Authority Meeting. Please plan to be available from 9:30-12 noon on that day.

The Town's **Holiday Party** is on Friday, December 4 and I hope you plan to attend! The party will be held at the Riverwalk Center, and features cocktails, appetizers, music and dancing. The cost is \$10 per person. Please RSVP by Wednesday, November 25, to Jena Taylor at jenat@townofbreckenridge.com or by calling 547-3126.

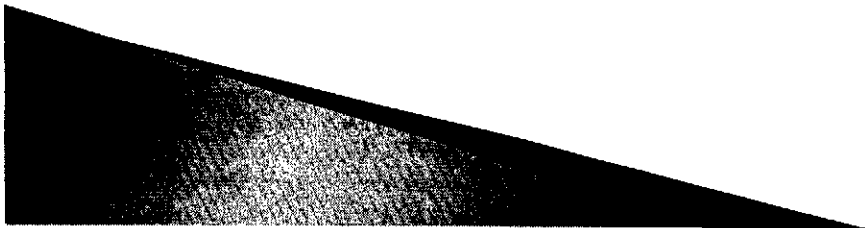
2009/2010 SAFE BAR CAMPAIGN



GOOD AFTERNOON

▶ INTRODUCTIONS

▶ WELCOME TO OUR GUESTS AND NEW MEMBERS



2008/2009 GOALS

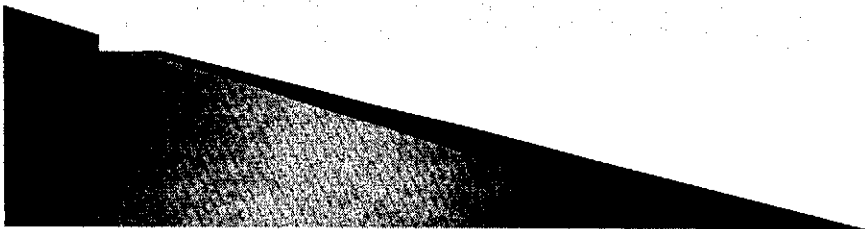
1. PARTICIPATION BY EVERYONE

2. AGREEMENTS

- INAPROPRIATE BEHAVIOR WILL NOT BE TOLERATED BY THE BAR ESTABLISHMENT OR THE POLICE
- POLICE AND BAR STAFF WILL WORK COLLECTIVELY TO ADDRESS PROBLEMS IN AND AROUND THE BARS
- MAIN GOAL IS TO ADDRESS PROBLEMATIC PATRONS NOT A CRACK DOWN ON THE BARS

BAR STAFF AGREES TO

- ▶ Identify problems early in an attempt to keep small problems from becoming big problems.
- ▶ Consistently contact police when problems occur
- ▶ Be good witnesses
- ▶ Provide accurate, detailed information to dispatch
- ▶ Operate a responsible business.



POLICE AGREE TO

Respond in a consistent manner

Hold trouble makers more accountable

- ▶ Arrest or summons when probable cause exist
- ▶ Agreement with judge to levy stiff fines

Consistently seek out and interview bar staff and use as a resource after an incident occurs

When possible remove the problem from the bar area for investigation

Conduct appropriate bar checks

Avoid over response when appropriate

Provide training to officers and bar staff

WHAT DID WE ACCOMPLISH?

Training for officers and bar staff was completed

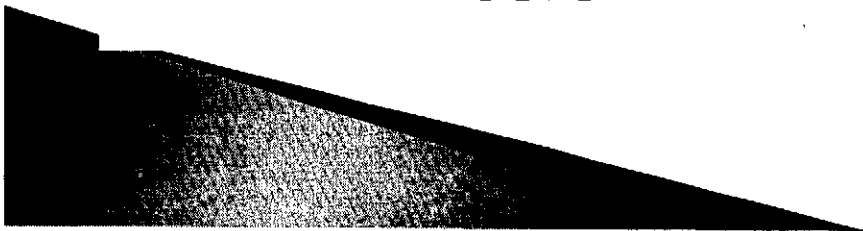
Bar staff consistently called when an incident occurred

Officers held the trouble makers more accountable. Arrests from 68 to 126

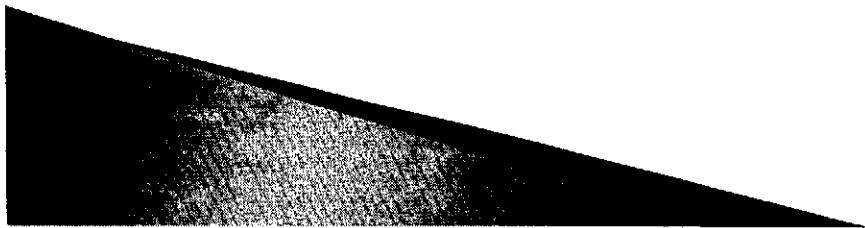
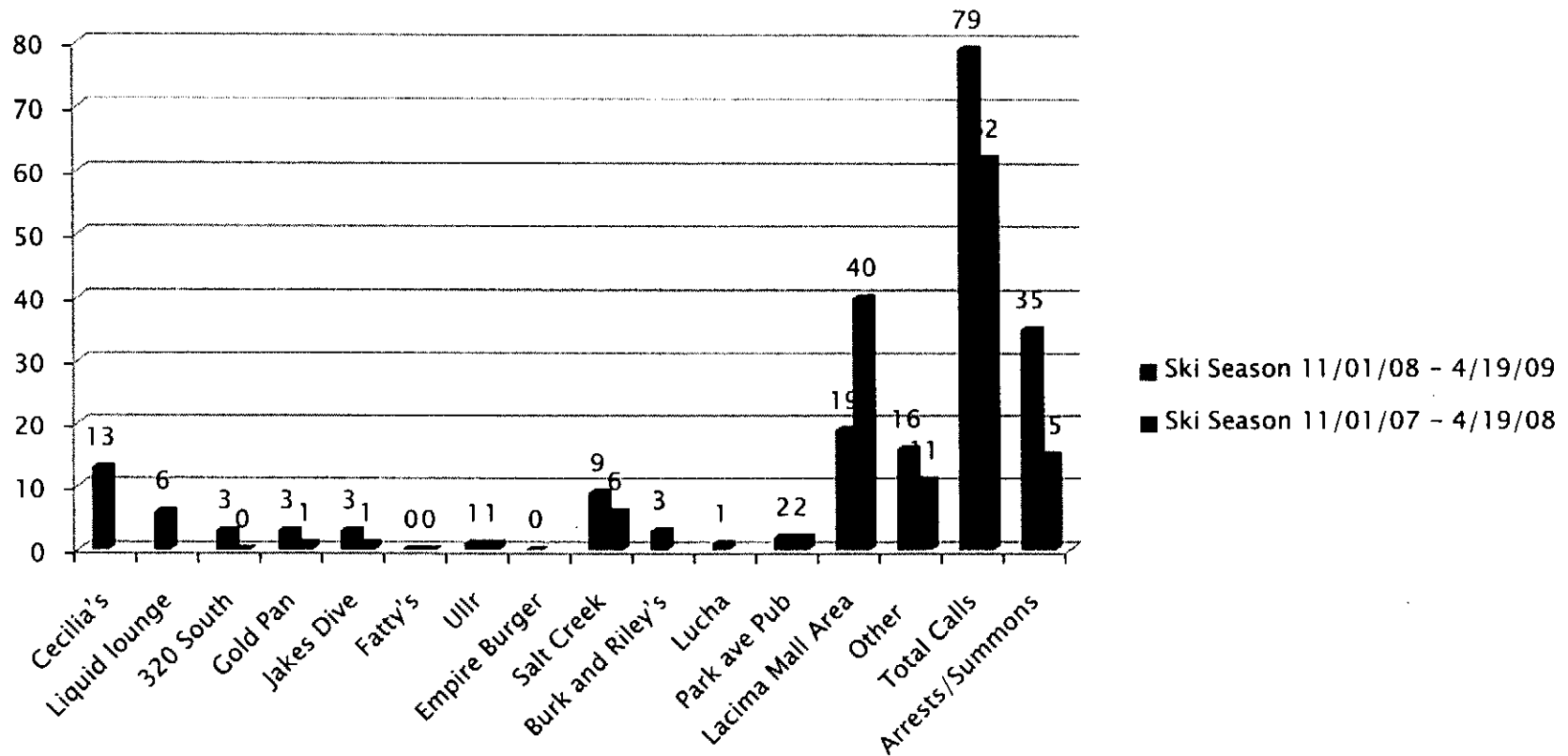
Judge Allen levied heavier fines

\$20,783 in fines from 60 random cases audited \$716.00 average

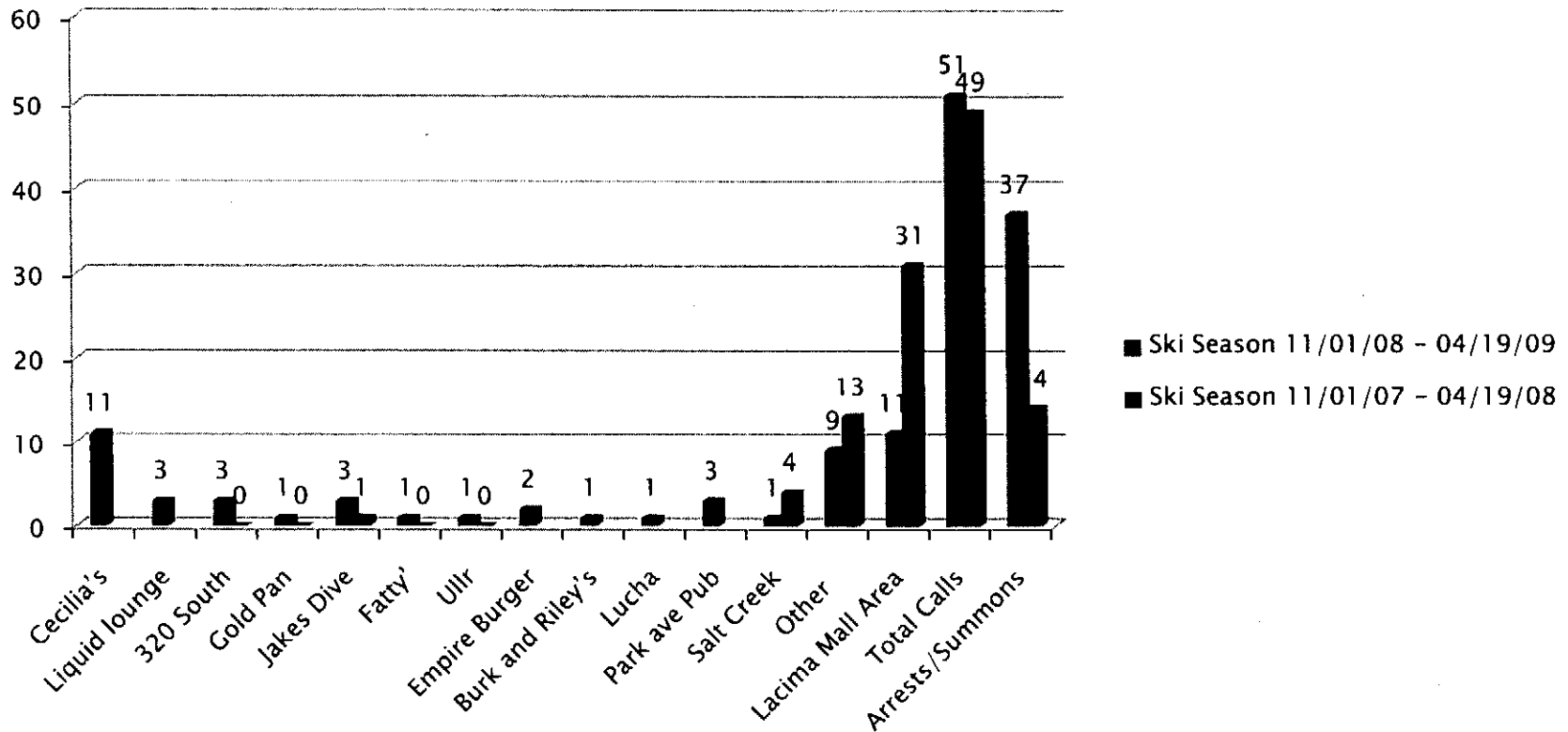
Better relations was reported between bar staff and officers



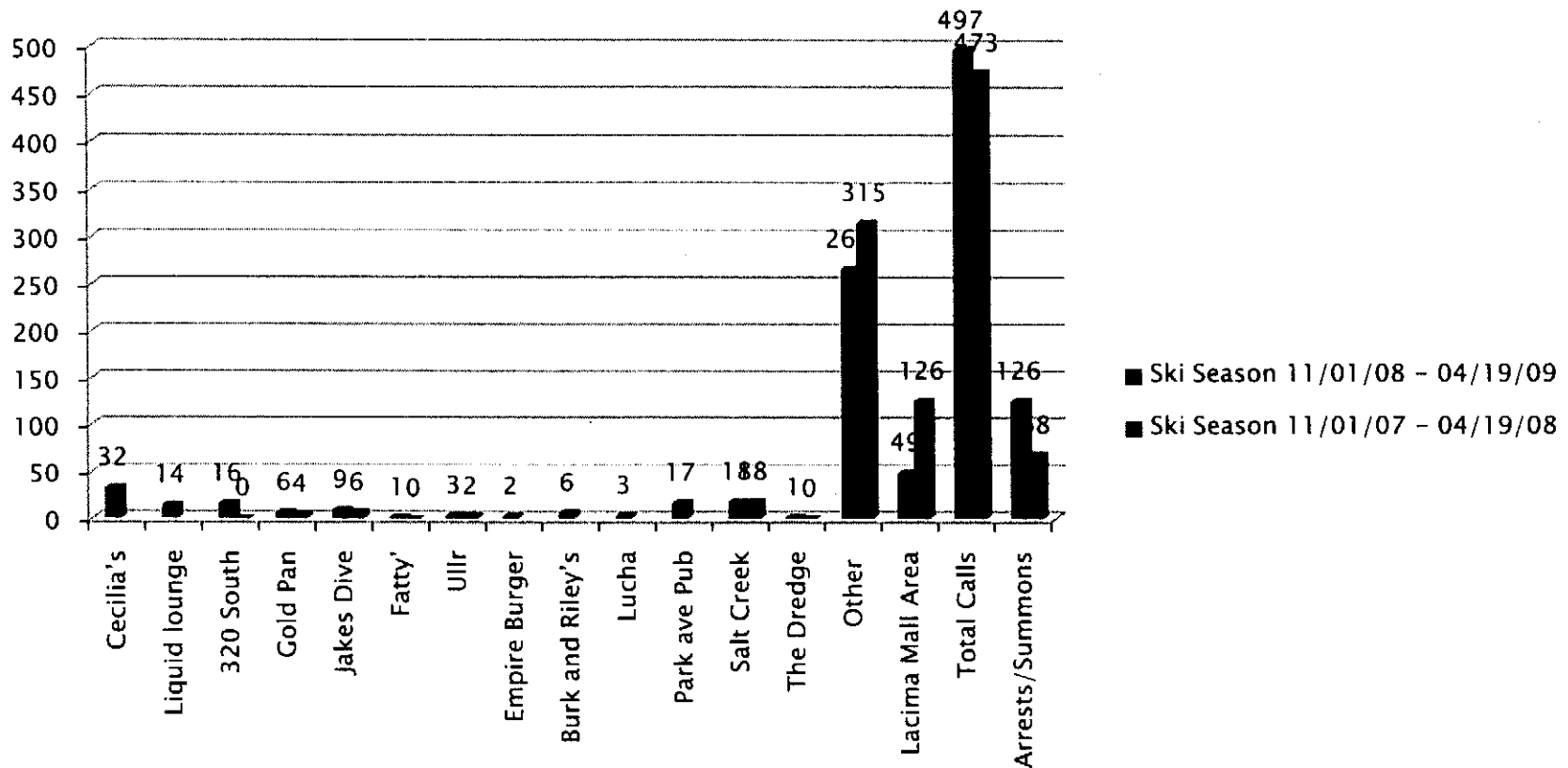
Fights In Progress



Disturbance/Disorderly Conducts



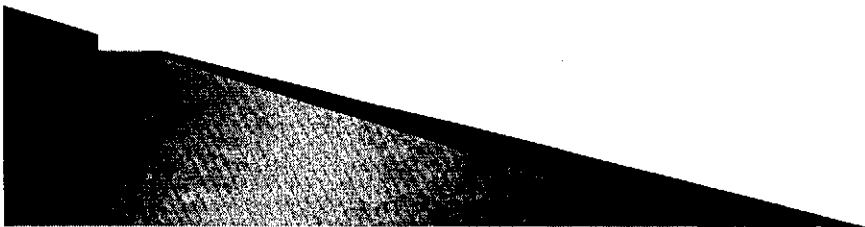
Total calls for fights, disorderly, trespassing, assaults, etc.



Areas of improvements

We are doing a good job catching these trouble makers and holding them more accountable

Now need to do a better job identifying the potential problem and taking action earlier



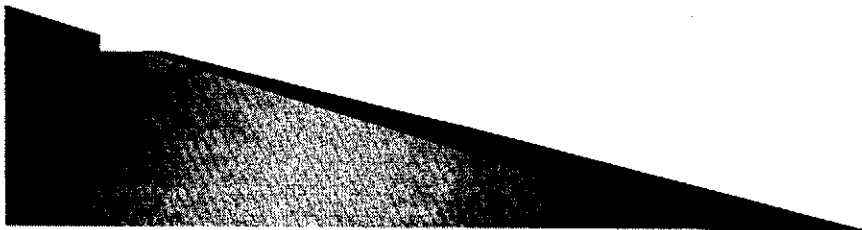
2009/2010 GOALS

Better bar checks by officers to help identify problems early

Over service by bar staff

Better communication between bars

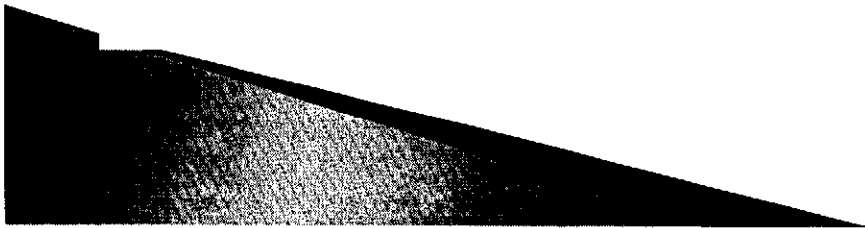
Continue to build upon previous years achievements



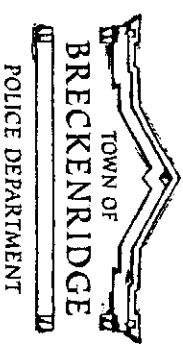
WHATS NEXT

Majority of the departments calls for service in the town are dealing with unruly and highly intoxicated persons

Question for this group is how do we move to the next step and address this problem?



MEMORANDUM



To: Breckenridge Police Officers
From: Sergeants George Hughes and Shannon Haynes
Date: November 12, 2008
Subject: Safe Bar Patrol Directives

This memo is intended to address the commitment of the Breckenridge Police Department to the Safe Bar Campaign. It is the intention of this program to ensure a safe, fun environment for our residents and guests when they are patronizing our local establishments. The success of the program hinges on partnerships between the police, bar staff, court system, media and other town entities.

To start, Judge Allen has agreed to levy higher fines and stiffer penalties against individuals arrested for inappropriate, illegal behaviors at our Breckenridge establishments. In addition, he has agreed to a "reward" program for bars (bar staff) who identify and report the use of fake identification that results in arrest.

To increase the likelihood of cooperation from bar staff, Sgt. Hughes and Ofc. Ridge provided training to bar staff and asked them to engage in the following activities.

Bar staff will:

- Identify problems early in an attempt to keep small problems from becoming big problems;
- Be good witnesses;
- Provide accurate, detailed information to dispatch;
- Operate a responsible business.

Just as there are requirements for bar staff there are also requirements for police. The remainder of this memo will address the operational directives for the patrol division with regard to the Safe Bar Campaign.

- Officers must complete appropriate bar checks. A bar check provides officers an opportunity to proactively address potential issues before they get out of hand. Just as bar staff are expected to identify problems early, so must police staff. Officers should be looking for obviously intoxicated individuals, underage drinkers and trouble makers.

A revised bar checklist has been created for guidance in completing bar checks. A checklist should be completed during each bar check and turned in with the officer's log.

- When investigating complaints/incidents officer should use bar staff as a resource. This is particularly important when the call originates from the staff.
- Often incidents are investigated by interviewing involved participants and friends. It is imperative that other independent witnesses be interviewed. In many cases there are an abundance of independent witnesses who may be able to provide valuable information. Identifying and interviewing independent witnesses has recently also been required by our local judges and DA.
- When possible, remove the problem from the area. As we conduct our business we rarely consider the implications on surrounding establishments. Police presence can be somewhat daunting to potential customers. So, when possible and able officers should attempt to move the problem. This can be done by going around a corner or moving to a parking lot.
- Officers should avoid over response. Often when a call comes in all working officers (and sometimes the SO) respond. Officers and Sergeants should consider how many units need to respond. A fight between two suspects does not require the same response as a brawl between twenty.
- Fake ID's. When dispatched to a complaint of fake ID the officer must also list the bar as a victim. This will allow the judge to provide restitution to the bar owner.

Overall we are requiring officers to take enforcement action every time probable cause exists, unless there are articulable, extenuating circumstances. Officer will have discretion on whether to summons and release, take an individual to jail or to detox.

As a police department we need to send a clear message that inappropriate, illegal behavior will not be tolerated. We are also asking the bars to send the same message. While the intent of the program is to hold individuals responsible for their behavior we also expect bar owners and staff to be responsible. This means, among other things, that they do not over serve and they do check identification. We expect officers to take enforcement action against bars that do not act responsibly.

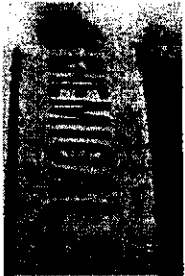
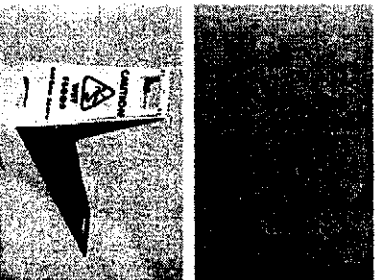
This program can only be a success with your help and cooperation. We expect that the success of the program will reduce the number of criminal incidents at our local establishments. Sgt. Hughes will be keeping statistics, which we will share at the end of the season. We will compare those statistics year by year, but expect that you will see the results before the numbers show the improvement. The only way to keep accurate statistics is by properly entering the incident into RMS. **As a reminder all incidents that are entered must have the bars name entered into the qualifier box next to location on the detail screen.**

If you have any questions see Sergeant Hughes or Haynes.

SAFE BAR CAMPAIGN BAR STAFF TRAINING AGENDA

November 4, 2008

- **Opening statements and introductions**
 - Sergeant George Hughes
- **Safe Bar Campaign program outline and desired benefits**
 - Police, bar staff, court system, media and other town entities working in partnership to address the problematic patrons
 - Inappropriate behavior will not be tolerated by the establishment and the police
- **When to call the police**
 - Identify problems early before turn into bigger problem
 - Be a good witness
 - What information to give when calling 911
 - What can/can't bar staff and bouncers do? Restraints etc.
 - Must still be responsible business
- **Fake ID's**
 - Reward program with Judge Allen
- **Change to police response and officer training**
 - Appropriate bar checks
 - Interview door/bar staff 1st
 - Interview independent witnesses
 - Remove problem from bar and area
 - No "over response"
 - Holding Vail resorts responsible at their operations
- **Questions**



LIQUOR LIABILITY - ENSURING CUSTOMERS ARE NOT "OVER-SERVED"

As the World Series looms in the distance and Monday Night Football gears up, Hotels, Bars, and Restaurants need to be ever vigilant in their managing of the sales of liquor. Lawsuits are prevalent and can get ugly when customers are over-served and subsequently get involved in auto accidents. Law suits can name managers just as easily as owners. Therefore, if you are a manager of a restaurant or bar, you should understand, preach, and hold servers accountable to the company's alcohol serving policy.



- Ensure food servers have appropriate food handling cards.
- Don't serve alcohol to employees, even after shift.
- Offer water and snacks in bar settings, and even suggest groups order food with their drinks.

CONTINGENCY PLANS

Your organization should have contingency plans in case that a guest becomes "intoxicated".

- Have enough staff near closing time to deal with unruly guests.
- Consider paying for off-duty police officers to act as security or have hired secured guards perform regular patrols.
- Have taxi numbers on hand and encourage employees to know when to call over the manager or the MOD.
- On busy nights and events, follow the rules for safe capacity limits within the facility.

SIGNS OF INTOXICATION

While alcohol affects everyone differently, the signs of intoxication generally include:

- Slurred or slowed speech
- Red eyes, inability to focus
- Decreased alertness
- Fine motor skills are affected
- Drinking faster than usual
- Being overly friendly
- Staggering or the inability to walk
- Tendency to lose a train of thought

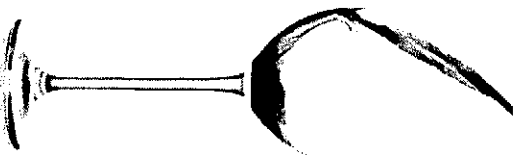
ALCOHOL SERVING POLICY

Your organization should decide on a alcohol serving policy for your employees to follow.

- Let employees know the property does not condone over-serving.
- Educate servers to resist the temptation of big tips related to over-serving alcohol. Workplace violence, assault, and property damage will far outweigh any profits made on alcohol sales.
- Set a time for "Last Call".
- Empower servers to report over-served guests and let them know about the property's commitment to providing a taxi home.
- Offer non-alcoholic drinks at no charge to the designated driver. It's well worth the investment.

TIPS TRAINING

- Ensure servers have training and cards for alcohol server training.



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SAFETY MATTERS

HOW MUCH IS TOO MUCH?

To monitor how much a guest is drinking, the SMART (Server & Managers Alcohol Responsibility Training) program suggests using the traffic light system rather than counting how many drinks a guest has had. Here's how it works:

- **Green:** Patron shows no sign of impairment, is in a good mood, and is not drinking rapidly. Guest gets a green light!
- **Yellow:** Patron is not yet intoxicated, may be drinking quickly, is either in a "down" mood or out to celebrate, and may be showing some signs of impairment. Your goal is to stop serving before a guest is intoxicated, so serve this guest with caution!
- **Red:** Patron is showing signs of intoxication, may be in a depressed, aggressive or bad mood, is drinking fast, and seems intent on becoming drunk. Stop! This guest should not be served alcohol.

Intervening with an intoxicated patron may seem difficult, but your actions are critical. By taking the appropriate steps to prevent over-serving patrons and alcohol-impaired driving, everyone benefits. If you turn an over-served patron loose on the highway, someone you love maybe driving at the same time.

DEALING WITH INTOXICATED PATRONS

You have both the right and the duty to refuse service to an intoxicated patron. Continuing to serve an intoxicated patron can put you at risk, so keep the following in mind:

- Politely deny service. Offer food or alcohol-free alternatives.
- Tact and courtesy go a long way in preventing explosive situations.
- Avoid threatening statements, such as "You are drunk!" Instead, put the focus on yourself. For example, "If I serve you another drink, I could lose my job."
- Offer to call a taxi or call their friend for a ride.
- Be firm. Once you have refused service, do not bargain or back down.
- Stay calm and remain in control. Move on to serving other customers or attend to other tasks to keep yourself busy.

If removal of a drunk patron becomes necessary, it should be done as quickly as possible and with the least amount of force. Using **unreasonable** force may result in injury and subsequent legal action. If there is the chance of a violent reaction from a patron, be prepared to call the police for assistance.

In the event of a fight, assault or even a trip and fall, fill out a Liquor Liability Incident Form, which documents the measures taken to control an intoxicated person, and helps to defend liability in the event of an alcohol-related accident. Also, capture and archive surveillance footage if available.

Know your organizations policy for removing an intoxicated guest. Some companies may not want you to intervene, but instead call security or call the police. Discuss with supervisors what the correct action should be.



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The IMA Division of Alcohol Beverage Control, 2000 Avenue of the Americas, New York, NY 10013

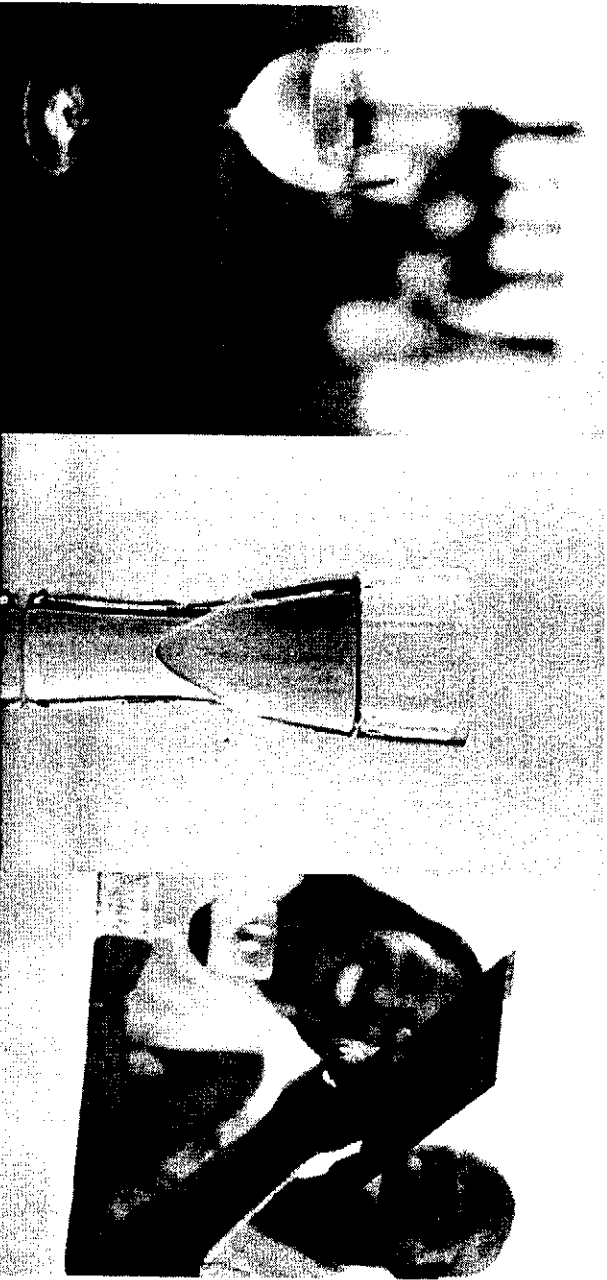
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SAFETY MATTERS

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Information provided by Chris Hagan, Vice President, Risk Control
Type for Services of Machine Engineers, Safety Matters, 27 years www.27years.com, (827)720/81

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Holiday Party

Friday, December 4

5:30pm Cocktails

6:00pm–8:00pm Appetizers

5:30pm–10:00pm Music &
Dancing

Riverwalk Center

RSVP to an ERC Representative
with \$10/adult by November 23rd

All FT/PT/ seasonal Employees with guests and Council,
Boards & Commissions with guests are Welcome
Holiday Attire encouraged

ERC Representatives

Ann Brideau, Jena Taylor, Carol Hebert-
Administration, Council, Commissions & Finance

Scott Reid—Community Development &
Engineering

Neal Burton—Golf Course & Nordic Center

Bree Schacht & Patt Reyes
Ice Arena & Recreation Center

Robyn Goble—Police

Scott Jackman & Bill Springer—Public Works

Michelle Gehr—Riverwalk Center



*You are cordially
invited to the
2009
Town
of
Breckenridge
Holiday Party*