

**Breckenridge Liquor Licensing Authority
Regular Meeting
Tuesday, July 19, 2011**

CALL TO ORDER

Chair Garrett called the regular meeting of Tuesday, July 19, 2011 to order at 9:02 a.m.

ROLL CALL

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

APPROVAL OF MINUTES

With no comments or corrections to the meeting minutes of June 21, 2011, Chair Garrett declared they would stand approved as presented.

APPROVAL OF AGENDA

Ms. Loufek, Town Clerk, brought an addendum to the consent calendar to the Authority's attention. The addendum is for a modification of premises, applied for by Harvest Catering, for the USA Pro Cycling Challenge at the Riverwalk Center.

CONSENT CALENDAR

RENEWALS

1. Barr Harbour LLC dba **Brooklyn's Tavern and Billiards**
500 S. Main St. Ste. 1F, 1G, 1H
Tavern Liquor License
2. City Liquors, Inc. dba **City Liquors**
400 N. Park Ave. Unit 6B
Retail Liquor License
3. Dillon Companies dba **City Market Store #30**
400 N. Park Ave.
3.2% Beer Retail License
4. Hearthstone Restaurant, Inc. dba **Hearthstone Victorian Dining**
130 S. Ridge St.
Hotel & Restaurant Liquor License
5. Mi Casa, Inc. dba **Mi Casa Mexican Restaurant & Cantina**
600 S. Park Ave..
Hotel & Restaurant Liquor License
6. My Thai, Inc. dba **My Thai**
500 S. Main St.
Hotel & Restaurant Liquor License
7. Northside Pizza LLC dba **Northside**
315 N. Main St.
Tavern Liquor License
8. Ridge Street Wine, LLC dba **Ridge Street Wine**
304 S. Main St.
Retail Liquor License

MODIFICATION OF PREMISES

9. Harvest Catering Inc. d/b/a **Harvest Catering**
150 W. Adams Ave.
Hotel & Restaurant Liquor License
 - Extend Liquor License premise onto the Riverwalk Center lawn on Saturday, August 27, 2011 for the Pro Cycling Challenge (delete lawn area on August 28).

Mr. Tatro had a question concerning the renewal of Brooklyn's. The licensee moved pool tables out of the premises for their opening event in 2010. Mr. Tatro asked if there was anything further that came about as a result of that alteration. Officer Lyn Herford was present and reported that after their opening the owner moved the pool tables back into the premises and has since been operating in the way initially intended. Their opening was far from the volume they had anticipated.

Mr. Montepare asked about the Gold Run Rush Race 2 special event permit listed on the Special Event memo. Ms. Loufek explained the organizer of the Gold Run Rush event worked with the Wellington Neighborhood HOA to host the end of the race party.

PUBLIC HEARING; ACTION ITEMS

A Resolution concerning The Issuance Of Special Event Permits By The Local Licensing Authority

Ms. Loufek explained Senate Bill 11-066 "Concerning the Issuance of Special Events Permits" was recently signed by the Governor and becomes effective on August 10, 2011. The new statute authorizes a "local licensing authority" to elect not to involve the State in the issuance of special event permits. The resolution included in the Authority's packet would authorize the local licensing authority to by-pass the State and approve all special event permits locally. All other statutory requirements will remain in effect.

Ms. Loufek further explained the Senate Bill raises the number of days a permit may be issued to a qualified non-profit. The State will maintain a database of permitting activity throughout the State to ensure compliance with the annual limit on permits to qualified organizations. She further commented that authorizing a local licensing authority to issue special event permits without State approval will allow the town more flexibility in the amount of time it takes for permit approval and issuance. This process will also save the applicant fees paid to the State.

Questions were asked of Mr. Loufek. She stated she has been approving special event permits at the town level since 2003. Mr. Berry, Town Attorney, stated this will streamline the approval process for

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Regular Meeting
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special events. Chair Garrett confirmed there will be no need for the Authority to approve special events. Mr. Berry confirmed and stated that if the resolution is approved today the process will remain the same except, after August 10, the State will be by-passed. Mr. Berry and Ms. Loufek recommended adoption of the resolution.

Ms. Katz moved to approve A Resolution Concerning the Issuance of Special Events Permits by the local licensing authority. A roll call vote was taken with all members of the Authority voting in favor of the motion.

OTHER MATTERS

Red White and Blue Fire District – Jackie Pike was present and had nothing to report.

Police Department Update – Officer Lyn Herford reported on a citation issued to a bartender at the Quandary Grille on March 13, 2011. Officer Herford explained that at 3:45 a.m. the Police Department responded to a call at Main Street Station and noticed two people seated at the Quandary Grille bar. The two people had been served. The bartender is scheduled for a pre-trial conference with Seth Murphy. Officer Herford confirmed the police have had no previous problems with Quandary Grille. Ms. Loufek pointed out that daylight savings time had gone into effect on March 13. Chair Garrett asked what the LLA would like to do. Mr. Berry suggested a short executive session at the end of the meeting.

Chair Garrett asked the police about La Montana Linda. Chief Holman, who was present, stated this is an active investigation, the Police Department is not able to report at this time.

Ms. Katz reported she had been notified by a person from Advocates for Victims of Assault that there had been reports, by both men and women, of being “Ruphied”. The police had not received any reports. Officer Herford will follow up.

Town Clerk Update – Ms. Loufek had nothing to report.

Public Comments - There was no public comment.

SHOW CAUSE HEARING – Beaver Run Homeowners’ Association Copper Top Settlement Proposal

Chair Garrett introduced this matter. He asked Ms. Loufek if the applicant was given notice of this hearing. Ms. Loufek responded, they had. Chair Garrett asked that the Notice of Hearing be entered into the record as an exhibit. Chair Garrett, for the record, stated Mr. Berry will not be presenting any evidence in this matter. He is present to advise the Liquor Licensing Authority if needed. Chair Garrett asked the attorneys to enter their appearance. Thomas Dunn was present representing Beaver Run Homeowners’ Association Inc. Bob Barton and John Beauchamp were present. Seth Murphy was present representing the Breckenridge Police Department. The following is an abbreviated summary of what transpired at the hearing. A verbatim recording was made of the entire hearing as required by the Rule 26.12 of the Rules of Procedure of the LLA.

Mr. Murphy stated a proposed Stipulation had been reached. The Stipulation includes a 14 day suspension with a Fine in Lieu of Suspension. The proposed fine is \$5,000.

Police Chief, Rick Holman, addressed the Authority. He stated the Police Department is supportive of the Stipulation.

Mr. Dunn addressed the Authority. He confirmed Beaver Run is taking the incident very seriously and immediately took action to prohibit events that may have contributed to the event being discussed today. Mr. Dunn addressed the facts of the incident. He handed out materials evidencing the steps Beaver Run Homeowners’ Association Inc. is taking to insure something like this never happens again. Chair Garrett asked that the record reflect Mr. Dunn handed out a document that included: New Policy and Procedure; Copper Top Training Manual; Employee Handbook Materials; Statements by Eric Empey, Nina Gardner, Ben Foster and Alix Landry; Newspaper Advertisement – Breckenridge Spring Break Events and e-mail Shannon Fritsch; TIP Trainer Certification Class Information for two managers; Employee Drinking Policy; Charitable Fundraising Event Materials; and Secret Shopper Program/Documentation. Mr. Dunn had nothing further to report.

Ms. Katz disclosed a conversation with someone from the District Attorney’s office approximately two months ago. This person asked Ms. Katz if she knew what day the town would hold its Show Cause Hearing for this matter. Ms. Katz replied July 19. Chair Garrett asked if either attorney or the Authority had a problem with Ms. Katz participating in the remainder of the hearing. No one had a problem with her continuing.

Chair Garrett asked if the Authority had any questions or comments for Mr. Murphy, Mr. Dunn, or the Police Chief. Mr. Montepare stated he appreciates all Beaver Run is doing. He has concerns about the level of intoxication of the employee and would like to see a permanent realization by Beaver Run employees of the impact of this incident. Mr. Dunn explained that drinks are no longer available to on or off duty hourly employees without prior approval of management. Mr. Barto explained this rule further: sometimes employees have been allowed to drink on premise for special occasions. Examples would be if the family of an employee is visiting or if management is meeting with clients.

Mr. Blank asked if the employee is okay. Mr. Barto responded that she was. Mr. Tatro had no further questions. Ms. Katz was happy with the steps being put into place by Beaver Run. Chair Garrett confirmed with Mr. Dunn that he is in favor of the Stipulation.

Mr. Berry asked that there be an original of the Stipulation signed by both parties presented to the Town Clerk for the hearing record.

**Breckenridge Liquor Licensing Authority
Regular Meeting
Tuesday, July 19, 2011**

Chair Garrett asked for a motion. Ms. Katz moved that the Stipulation and Agreement submitted jointly by the Breckenridge Police Department and the Beaver Run Homeowners' Association Inc. be approved; that the Petition to Pay a Fine In Lieu of Suspension included in the Stipulation and Agreement be granted; and that the form of Order Approving the Stipulation and Approving Petition to Pay a Fine In Lieu of Suspension, prepared in this matter by the Town Attorney, be approved and adopted as the Final Decision and Order of the Liquor Licensing Authority in this matter. A roll call vote was taken with all Authority members voting in favor of the motion.

Chair Garrett thanked everyone and closed the proceedings.

EXECUTIVE SESSION

At 10:05 a.m., Mr. Tatro moved to 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 Garrett stated a motion had been made by Mr. Tatro to 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.

A roll call vote was taken. All members of the Authority were in favor of the motion.

At 10:13 a.m., Ms. Katz moved to reconvene in the regular Liquor Licensing Authority meeting of July 19. A roll call vote was taken with all members of the Authority voting in favor of the motion.

Mr. Montepare moved the Town Attorney, Tim Berry, draft a Show Cause Order for the alleged after hour service violation at Quandary Grille on March 13, 2011. A roll call vote was taken with all members of the Authority voting in favor of the motion.

NEW BUSINESS

There was no new business.

With no further business to discuss, Chair Garrett moved to adjourn the regular meeting at 10:15 a.m. The next regular meeting will be held on Tuesday, August 16, 2011. Submitted by Wanda Creen, Deputy Town Clerk.

ATTEST:

Mary Jean Loufek, CMC, Town Clerk

Dave Garrett, Chair