



**TOWN OF BRECKENRIDGE  
LIQUOR LICENSING AUTHORITY**

**Regular Meeting  
Tuesday, March 18, 2014; 9:00 AM  
Town Hall Auditorium**

- 1) Call to Order, Roll Call**
- 2) Approval of Minutes**
- 3) Approval of Agenda**
- 4) Consent Calendar**
- 5) Public Hearing; Action Items**
- 6) Informal Discussion**
  - a) Red, White & Blue Update
  - b) Police Department Update
  - c) Town Clerk Update
  - d) Public Comment
- 7) Adjournment**

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- 1) Call to Order, Roll Call  
Chair Katz called the regular meeting of Tuesday, February 18, 2014 to order at 9 a.m.
- 2) Approval of Minutes  
With no changes or corrections to the meeting minutes of January 21, 2014, Chair Katz declared they would stand as approved.
- 3) Approval of Agenda  
Ms. Power, Deputy Town Clerk, stated that there were no changes to the agenda.
- 4) Consent Calendar  
Mr. Bradley Sommers introduced himself as the owner of the Hungry Dog 2, LLC. Mr. Sommers stated that he owns a restaurant in Steamboat called The Hungry Dog and wanted to open one in Breckenridge. The restaurant is located in La Cima Mall. Chair Katz inquired about TIPS training. Mr. Sommers stated that he didn't know where to get TIPS training, but would be happy to get his staff trained. The consent calendar stood as approved.
- 5) Public Hearing; Action Items
  - a) Public Hearing  
Mun Cheeze, LLC d/b/a Mun Cheeze  
1900 Airport Rd., A-3 & A-4  
Hotel & Restaurant License  

Mrs. Lori Morgan introduced herself as owner of Mun Cheeze, LLC. Mrs. Morgan stated that they would like to compliment their restaurant menu with liquor. Mrs. Morgan stated that she has not been involved in a liquor licensed establishment before but that her husband has. Mr. Blank inquired as to why they want a liquor license. Mrs. Morgan stated that it complements the Italian food the restaurant serves. Mr. Tatro inquired about what type of liquor they will be serving. Mrs. Morgan stated that they will be having higher end liquor, but serve primarily wine and beer. Mr. Morgan stated that he is TIPS trained and will have all of the staff TIPS trained. Mrs. Morgan is working on being TIPS trained as well. Mr. Montepare inquired if there was a bar in the establishment. Mr. Morgan stated that there are two different suites, one side has a bar and one side has a restaurant. There are no opponents for the license. Mr. Garrett motioned that the application should be approved for a hotel & restaurant license. A vote was taken and license passed 5-0.
  - b) Show Cause Renewal Hearing  
Rasta Pasta Express, Inc. d/b/a Rasta Pasta  
411 South Main Street  
Hotel & Restaurant License

**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 Katz stated the rules of procedure for the show cause hearing and opened the hearing. Chair Katz stated for the record that the Town Attorney would not be

involved in the presentation of any evidence in the matter, and would remain available to advise the Town Liquor Licensing Authority. Taryn Power, Deputy Town Clerk, administered oath to Detective Alex Blank. Detective Blank stated that the Breckenridge police department responded to Rasta Pasta for a noise complaint on September 6, 2012 at about 2:30 a.m. The officers observed individuals inside of the establishment. Upon being allowed entry to Rasta Pasta, the officers observed four individuals, 2 males and 2 females, with open alcohol containers. Mr. Scott Lias, owner of Rasta Pasta, was contacted via phone to be made aware of the situation. Mr. Lias was given a follow-up call from which he did not respond to. Detective Blank stated that he had reached out to Scott Lias and had not been able to get into contact with him. Mr. Tatro clarified with Detective Blank that the owner did not contact the police department following the incident. Detective Blank confirmed. Chair Katz read exhibits to the hearing into evidence that had already been discussed. Taryn Power, Deputy Town Clerk, administered oath to Town Clerk Helen Cospolich. Mrs. Cospolich read the charges and dispositions of the four individuals involved in the Rasta Pasta incident on September 6, 2012 into record. Chair Katz asked if there was anything else from the Town to be presented. Chair Katz asked if the defendant had anything to say. Chair Katz noted that there was no present from Rasta Pasta, including Mr. Lias. Chair Katz closed the hearing at 9:45 a.m. and opened discussion for the Liquor Licensing Authority. Chair Katz first wanted to address the continuance request from Mr. Lias. Chair Katz stated that based on the documentation that was submitted to the Liquor Licensing Authority, it was difficult to see if Mr. Lias had a court date in Larimer County or not. Mr. Berry stated that in order to deny the renewal of a license, there had to be good cause. Mr. Berry stated that the applicable offense would be the after hour sale by the individuals who plead guilty to 63-F-15 of the Breckenridge Town code, unlawful for a person to consume an alcoholic beverage on a liquor licensed premise between the hours of 2 a.m. - 7 a.m. This is the same basic liquor rule as the state liquor rule. Mr. Berry stated that based on the evidence presented so far, there was a violation of the liquor rules that occurred on the licensed premises on September 6, 2012. Chair Katz stated in this case, it has been documented on the record that there has been zero communication with Mr. Lias since the event and he has failed to appear today. Chair Katz added the municipal court disposition records to the record. Mr. Blank inquired about the fact that there was after hour consumption and underage drinking. Mr. Berry stated that underage drinking is not a basis for non-renewal. Mr. Berry stated that the applicant has the burden of proof in this matter. Mr. Berry stated that there has been no evidence brought forth by the licensee and that they have not met the burden. Chair Katz stated that regardless of how you view the burden, there is no evidence to consider if trying to weigh things. Chair Katz stated that she wants to make sure that other licensees know that they are not renewing the license based on one incident, they are not renewing based on the total pattern of conduct from the night of September 6, 2012 until today. Chair Katz moved that the liquor license authority deny the request of the Rasta Pasta Express, Inc. to renew its hotel & restaurant license. A vote was taken and the renewal of the hotel & restaurant license was denied 5-0.

- 6) Informal Discussion
  - a) Red, White & Blue Update  
Mr. Jay Nelson, Deputy Fire Chief with Red, White and Blue Fire Department, stated

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that they are working on some egress issues with One Ski Hill Place regarding their bar/kitchen operation.

- b) **Police Department Update**  
Officer Brady Allen stated that there has been an increase in fake ID's, roughly 30 in two months, since the last Liquor Licensing Authority Meeting. Chair Katz inquired about the big week for Spring Break. Officer Allen stated that Breckenridge is on a rolling schedule and will stay steady the entire break. Mr. Garrett inquired about citations for marijuana. Officer Allen stated that there were 22 citations issued over the past 3 months.
  - c) **Town Clerk Update**  
Ms. Power stated that there was no Town Clerk update.
  - d) **Public Comment**  
There was no public comment.
- 7) **Adjournment**  
With no further business to discuss, the meeting adjourned at 10:03 am. The next regular meeting will be held on March 18, 2014. Submitted by Taryn Power, Deputy Town Clerk, Municipal Services.

ATTEST:

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Helen Cospolich, Deputy Town Clerk

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Jeri Beth Katz, Chair

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**M E M O R A N D U M**

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**TO:** Liquor Licensing Authority  
**FROM:** Town Clerk  
**DATE:** March 18, 2014  
**SUBJECT:** Liquor License Consent Calendar

**RENEWALS**

1. Colorado Mountain Junior College District d/b/a **Colorado Mountain College**  
107 Denison Placer Rd.  
Hotel & Restaurant
2. EB South Inc. d/b/a **Park & Main – Quality Food**  
500 S. Main St., 2L & 2M  
Hotel & Restaurant
3. Breckenridge Cheese and Chocolate LLC d/b/a **Breckenridge Cheese and Chocolate**  
304A S. Main St.  
Beer & Wine

**REPORT OF CHANGES/MODIFICATION OF PREMISES**

1. Moguls Bar LLC d/b/a **Blue River Bistro**  
305 N. Main St.  
Temporary Modification of Premises for Event  
Temporary Modification Dates: May 2<sup>nd</sup> & 3<sup>rd</sup>, 2014

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# MEMORANDUM

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**TO:** Liquor Licensing Authority  
**FROM:** Town Clerk  
**DATE:** 3.18.2014  
**SUBJECT:** Approved Special Events

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The following special events were approved during the month of February:

**Breckenridge Blue Goose Rugby Club**  
St. Valentine's Day Massacre Rugby Tour  
880 Airport Rd., Breckenridge, CO 80424  
Saturday, February 8, 2014; 8am-9pm

Posting: Thursday, January 23, 2014  
Hearing/Approval: Tuesday, February 4, 2014

**Breckenridge Festival of Film**  
A Night of Art & Jazz  
411 S. Main Street, Breckenridge, CO 80424  
Friday, February 14, 2014; 5pm-9pm

Posting: Monday, February 3, 2014  
Hearing/Approval: Thursday, February 13, 2014

**Breckenridge Resort Chamber**  
Chamber Mixer  
203 S. Main Street, Breckenridge, CO 80424  
Wednesday, February 19, 2014; 4pm-8pm

Posting: Tuesday, February 4, 2014  
Hearing/Approval: Friday, February 14, 2014

**Friends of the CAIC**  
Breck Spring Beer Festival  
100-200 Blocks of Ridge Street, Breckenridge, CO 80424  
Saturday, April 5, 2014; 11am-6pm

Posting: Tuesday, February 11, 2014  
Hearing/Approval: Friday, February 21, 2014