



LOCAL LICENSING AUTHORITY

Minutes
August 7, 2019

Meeting Convened at 5:31 p.m.

Deputy City Clerk - Licensing Michelle Carlow called roll.

ROLL CALL

- ✓ Gary Berlin
- ✓ Guyleen Castriotta, Council Alternate
- ✓ Jacob Starkovich
- Kim Groom
- ✓ Leon Murray
- ✓ Mike Shelton
- ✓ Kirsty Lockhart, Alternate

Also present were:

Deputy City and County Attorney Pat Gilbert
Assistant City & County Attorney, Courtney Thiemann
Deputy City Clerk - Licensing, Michelle Carlow

DISPOSITION OF MINUTES

- a. Approval of Minutes - June 5, 2019

Approved.

4. LOCAL LICENSING AUTHORITY BUSINESS

- a. [Quik-Way Retail Associates II, LTD. d/b/a Fast Market 8150 - Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 44-3-901\(6\)\(a\)\(I\); and BMC 9-64-010](#)

Chair Berlin advised that at the May 1, 2019, meeting, the Authority issued a Show Cause Order to the Licensee and that the hearing had been set for the August 7, 2019, meeting.

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised that a stipulation for a penalty had been reached with the Licensee.

Ken Underwood, District Manager, and Amanda Baskall, Manger, were present and responded to Authority inquiries on the violation.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS STIPULATED; AND THAT THE SHOW CAUSE HEARING IN THIS MATTER SCHEDULED FOR 5:30 P.M., AUGUST 7, 2019, BE VACATED. THE MOTION PASSED UNANIMOUSLY.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LOCAL LICENSING AUTHORITY IMPOSE A SUSPENSION OF TEN (10) DAYS; WITH FIVE (5) DAYS TO BE HELD IN ABEYANCE UNTIL APRIL 6, 2020; AND PAYMENT OF A FINE IN LIEU OF FIVE (5) DAYS SUSPENSION IN ACCORDANCE WITH STATE STATUTE; AND LICENSEE WILL PROVIDE

DOCUMENTATION REGARDING TRAINING COMPLETED BY EMPLOYEES ON OR BEFORE FEBRUARY 7, 2020. THE MOTION PASSED UNANIMOUSLY.

- b. [Murphy Oil USA, Inc. d/b/a Murphy Express #8747 - Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 44-3-901\(6\)\(a\)\(I\); and BMC 9-64-010](#)

Chair Berlin advised that at the May 1, 2019, meeting, the Authority issued a Show Cause Order to the Licensee and that the hearing had been set for the August 7, 2019, meeting.

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised that a stipulation for a penalty had been reached with the Licensee.

Adam Stapen, Attorney, Kelly Halstead, Senior Counsel, and Wayne Sauls, District Manager, were present and responded to Authority inquiries on the violation.

AUTHORITY MEMBER SHELTON MOVED AND AUTHORITY MEMBER MURRAY SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS STIPULATED; AND THAT THE SHOW CAUSE HEARING IN THIS MATTER SCHEDULED FOR 5:30 P.M., AUGUST 7, 2019, BE VACATED. THE MOTION PASSED UNANIMOUSLY.

AUTHORITY MEMBER STARKOVICH MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY IMPOSE A SUSPENSION OF TWENTY (20) DAYS TO BE SERVED STARTING WITHIN 2 WEEKS OF MEETING; AND LICENSEE WILL PROVIDE DOCUMENTATION REGARDING TRAINING COMPLETED BY EMPLOYEES ON OR BEFORE FEBRUARY 7, 2020. THE MOTION PASSED UNANIMOUSLY.

Chair Berlin called a recess of the meeting at 7:02 p.m.

Authority Member Starkovich left the meeting at 7:02 p.m.

Meeting resumed at 7:09 p.m.

- c. [Suncor Energy Sales, Inc. d/b/a Shell - Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 44-3-901\(6\)\(a\)\(I\); and BMC 9-64-010](#)

Chair Berlin advised that at the May 1, 2019, meeting, the Authority issued a Show Cause Order to the Licensee and that the hearing had been set for the August 7, 2019, meeting.

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised that a stipulation for a penalty had been reached with the Licensee.

Jacy Rock, Attorney, and Mat Miller, Merchandising and Operations Manager, were present and responded to Authority inquiries on the violation.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER LOCKHART SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS STIPULATED; AND THAT THE SHOW CAUSE HEARING IN THIS MATTER SCHEDULED FOR 5:30 P.M., AUGUST 7, 2019, BE VACATED. THE MOTION PASSED UNANIMOUSLY.

AUTHORITY MEMBER LOCKHART MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LOCAL LICENSING AUTHORITY IMPOSE A SUSPENSION OF TEN (10) DAYS; WITH FIVE (5) DAYS TO BE HELD IN ABEYANCE UNTIL APRIL 6, 2020; AND PAYMENT OF A FINE IN LIEU OF FIVE (5) DAYS

SUSPENSION IN ACCORDANCE WITH STATE STATUTE; AND LICENSEE WILL PROVIDE DOCUMENTATION REGARDING TRAINING COMPLETED BY EMPLOYEES ON OR BEFORE FEBRUARY 7, 2020. THE MOTION PASSED UNANIMOUSLY.

- d. [Hahnum Corp. d/b/a Westlake Liquor - Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 44-3-901\(6\)\(a\)\(I\); and BMC 9-64-010](#)

Chair Berlin advised that at the May 1, 2019, meeting, the Authority issued a Show Cause Order to the Licensee and that the hearing had been set for the August 7, 2019, meeting.

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised that a stipulation for a penalty had been reached with the Licensee.

Jungwon Aldinger, Owner, was present and responded to Authority inquiries on the violation.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER LOCKHART SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED, AS STIPULATED; AND THAT THE SHOW CAUSE HEARING IN THIS MATTER SCHEDULED FOR 5:30 P.M., AUGUST 7, 2019, BE VACATED. THE MOTION PASSED UNANIMOUSLY.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER LOCKHART SECONDED THAT THE LOCAL LICENSING AUTHORITY IMPOSE A SUSPENSION OF TEN (10) DAYS; WITH FIVE (5) DAYS TO BE HELD IN ABEYANCE UNTIL APRIL 6, 2020; AND PAYMENT OF A FINE IN LIEU OF FIVE (5) DAYS SUSPENSION IN ACCORDANCE WITH STATE STATUTE; AND LICENSEE WILL PROVIDE DOCUMENTATION REGARDING TRAINING COMPLETED BY EMPLOYEES ON OR BEFORE FEBRUARY 7, 2020. THE MOTION PASSED UNANIMOUSLY.

- e. [Quail Creek Wine & Spirits Inc. d/b/a Quail Creek Wine & Spirits - Show Cause Hearing Re: Alleged Violation of Colorado Revised Statute 44-3-901\(6\)\(a\)\(I\); and BMC 9-64-010 - Motion To Continue](#)

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised a Motion to Continue the Show Cause Hearing.

Brandon Sandberg, Attorney, was present and responded to Authority inquiries on the Motion to Continue the Show Cause Hearing.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LOCAL LICENSING AUTHORITY CONTINUE THE SHOW CAUSE HEARING SCHEDULED FOR AUGUST 7, 2019, TO THE AUTHORITY'S NEXT MEETING SCHEDULED FOR SEPTEMBER 4, 2019, AT 5:30 P.M. THE MOTION PASSED UNANIMOUSLY.

- f. [Michael Bennett Short Term Rental License 2019-03- Request for Show Cause Hearing for September 4, 2019](#)

Courtney Thiemann, Broomfield Municipal Prosecutor, provided a status update and advised that a Motion to proceed with a Continue to Show Cause Hearing be set.

AUTHORITY MEMBER SHELTON MOVED AND AUTHORITY MEMBER LOCKHART SECONDED THAT THE LOCAL LICENSING AUTHORITY HAS DETERMINED PROBABLE CAUSE EXISTS TO BELIEVE THE NAMED LICENSEE HAS VIOLATED THE CITY AND COUNTY OF BROOMFIELD MUNICIPAL CODE, AND THAT AN ORDER TO SHOW CAUSE AND NOTICE OF HEARING BE ISSUED TO THE

LICENSEE, AND HEARINGS BE SCHEDULED FOR THE LICENSEE FOR 5:30 P.M., SEPTEMBER 4, 2019. THE MOTION PASSED UNANIMOUSLY.

- g. [Village Tavern Inc. of North Carolina d/b/a Village Tavern - Manager Registration - Hotel and Restaurant License](#)

Timothy Carlson, Manager, was present and responded to the Authority Members' questions.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR VILLAGE TAVERN INC. OF NORTH CAROLINA D/B/A VILLAGE TAVERN, LOCATED AT ONE W. FLATIRON CROSSING DR #100 IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY.

- h. [AMC Theatre American Multi-Cinema, Inc. d/b/a AMC Theatres Flatiron Crossing 14 - Manager Registration - Lodging and Entertainment License](#)

Aaron GreenwoodTubbs, Manager, was present and responded to the Authority Members' questions.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE LODGING AND ENTERTAINMENT LICENSE FOR AMERICAN MULTI-CINEMA, INC. D/B/A AMC THEATRES FLATIRON CROSSING 14, LOCATED AT 16 WEST FLATIRON CROSSING DRIVE IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY.

- i. [Green Bamboo Corp. d/b/a Ooka Asian Cuisine - Manager Registration - Hotel and Restaurant License](#)

Edward Wijaya, Manager, was present and responded to the Authority Members' questions.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LOCAL LICENSING AUTHORITY APPROVE THE MANAGER REGISTRATION FOR THE HOTEL AND RESTAURANT LICENSE FOR GREEN BAMBOO CORP. D/B/A OOKA ASIAN CUISINE, LOCATED AT 6485 W. 120TH ST. IN BROOMFIELD. THE MOTION PASSED UNANIMOUSLY.

- j. [Civic Duty, LLC d/b/a Civic Duty - Application for a New Tavern License](#)

Pat Gilbert, Deputy City and County Attorney, summarized the memo.

Eric Gooley, Owner, was present on behalf of the Applicant and responded to Authority Member questions.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LOCAL LICENSING AUTHORITY NOTE RECEIPT OF THE APPLICATION FOR A NEW TAVERN LICENSE AT 8000 ARISTA PLACE, BROOMFIELD, CO 80021; THAT THE LOCAL LICENSING AUTHORITY SET A PUBLIC HEARING ON SAID APPLICATION FOR 5:30 P.M. ON SEPTEMBER 4, 2019, TO BE HELD IN THE CITY COUNCIL CHAMBERS OF THE GEORGE DI CIERO CITY AND COUNTY BUILDING; AND THAT THE LOCAL LICENSING AUTHORITY ESTABLISH THE NEIGHBORHOOD BOUNDARIES FOR THE SUBJECT

APPLICATION AS THE AREA WITHIN A RADIUS OF ONE MILE FROM THE APPLICANT'S PROPOSED LOCATION AS ATTACHED. THE MOTION PASSED UNANIMOUSLY.

- k. [ADM Yeti Beverages, Inc. d/b/a High 5 Liquor - Transfer of Ownership - Retail Liquor Store License](#)

Michael Martin, Attorney, Kirshna Pokharel, Manager, and Tara Pathak, Owner, were present and responded to Authority Member questions.

AUTHORITY MEMBER MURRAY MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE LICENSING AUTHORITY APPROVE A TRANSFER OF OWNERSHIP OF THE RETAIL LIQUOR STORE LICENSE FROM PEMBERTON FAMILY LIQUOR, LLC D/B/A HIGH FIVE LIQUOR TO ADM YETI BEVERAGES, INC. D/B/A HIGH 5 LIQUOR. THE MOTION PASSED UNANIMOUSLY.

- l. [Kattapas Kitchen, LLC d/b/a Kattapas Kitchen - Transfer of Ownership - Hotel and Restaurant License](#)

Santosh Mudireddy, Manager, was present and responded to Authority Member questions..

AUTHORITY MEMBER CASTRIOTTA MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THE LICENSING AUTHORITY APPROVE A TRANSFER OF OWNERSHIP OF THE HOTEL AND RESTAURANT LICENSE FROM DRSM, INC. D/B/A MINI INDIA RESTAURANT TO KATTAPAS KITCHEN, LLC D/B/A KATTAPAS KITCHEN. THE MOTION PASSED UNANIMOUSLY.

- m. [Rock Solid Restaurants Colorado, LLC d/b/a Hops N Drops - Application for a Hotel and Restaurant License - Public Hearing](#)

The public hearing was declared open at 7:58 p.m.

Kevin Eggen, Managing Member, Erik Yates, Managing Member, Heidi Yates, Marketing, and Carol Johnson, Esquire Petitioning Company, were present on behalf of the Applicant.

Pat Gilbert, Deputy City & County Attorney, summarized the city administration's report.

The public hearing was closed at 8:15 p.m.

Pat Gilbert, Deputy City & County Attorney, presented the proposed findings.

AUTHORITY MEMBER LOCKHART MOVED AND AUTHORITY MEMBER CASTRIOTTA SECONDED THAT THE PROPOSED FINDINGS BE ADOPTED. THE MOTION PASSED UNANIMOUSLY.

AUTHORITY MEMBER LOCKHART MOVED AND AUTHORITY MEMBER SHELTON SECONDED THAT THAT, HAVING REVIEWED THE EVIDENCE IN ITS ENTIRETY, THE AUTHORITY FINDS THAT THE APPLICANT HAS SUSTAINED ITS BURDEN OF SHOWING THAT THE REASONABLE REQUIREMENTS OF THE NEIGHBORHOOD OR THE DESIRES OF THE INHABITANTS WERE NOT SATISFIED BY EXISTING OUTLETS. ACCORDINGLY, THE APPLICATION IS APPROVED AND THE LICENSE WILL BE ISSUED PENDING ISSUANCE BY THE STATE AND INSPECTION AND APPROVAL OF THE PREMISES BY THE CITY. THE MOTION PASSED UNANIMOUSLY.

5. PETITIONS AND COMMUNICATIONS

- a. [Safeway Stores 45 Inc. d/b/a Safeway #2624 - Change of Manager - Fermented Malt Beverage License](#)

The Authority acknowledged receipt of the notice for Change of Manager. No motion by the Authority is required.

- b. [Walmart Inc. d/b/a Walmart Store #4288 - Change of Manager- Fermented Malt Beverage License](#)

The Authority acknowledged receipt of the notice for Change of Manager. No motion by the Authority is required.

- c. [Suncor Energy Sales Inc. d/b/a Shell - Change of Manager - Fermented Malt Beverage License](#)

The Authority acknowledged receipt of the notice for Change of Manager. No motion by the Authority is required.

6. POLICE DEPARTMENT REPORT

No police department report.

7. CITY & COUNTY ATTORNEY'S REPORT

- a. [Violation Report Update](#)
- b. [Background Information on Short Term Rental Licenses](#)

Deputy City and County Attorney Pat Gilbert responded to Authority Members' questions.

8. ADJOURNMENT

The meeting was adjourned at 8:34 p.m.

[Radius Map](#)

APPROVAL

Minutes Prepared by Michelle Carlow
Deputy City Clerk

Approved by Mary Berlin
Chairperson

