

**CITY OF NORTHGLENN
LIQUOR LICENSING AUTHORITY
March 3, 2005**

CALL TO ORDER Mayor Novak called a regular meeting of the Northglenn Liquor Licensing Authority to order on Thursday, March 3, 2005 at 6:37 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were Mayor Novak, Mr. Martin, Ms. Garner, Mr. Goodspeed, Ms. Carlow, Ms. Tichy, Mr. Lindsey, Ms. Paiz, Mr. Gillespie.

ABSENT No one.

STAFF PRESENT City Manager Nelson, City Attorney Phillips, Assistant City Attorney Hoffmann, City Clerk Lentz.

SHOW CAUSE HEARINGS

American Liquor, Inc. dba
American Liquors
10 Melody Drive

Mayor Novak read the procedures to be used into the record for the show cause hearing for American Liquor, Inc. dba American Liquors.

Mr. Corey Hoffmann, Assistant City Attorney, stated that an employee was cited for selling alcohol to a minor at American Liquors on October 24, 2004 and had pled guilty to the charge in Northglenn Municipal Court on January 4, 2005. He presented a certified copy of the municipal court proceedings and stated that the City finds there has been a violation by a preponderance of evidence. Mr. Hoffmann stated this is the licensee's first offense and noted that based on the guidelines, a penalty ranging from a written warning to a 15-day suspension would be appropriate.

City Clerk Lentz swore-in Mr. Pancratius Francis, owner of American Liquors.

Mr. Francis provided testimony about the violation and stated that he has taken false identification cards from customers and has given them to the police department. Mr. Francis spoke about his business and stated that he has never had a violation before.

There were questions from the Authority about the identification cards used by the underage persons and if the licensee, in addition to the employee, was cited for the violation.

Mayor Novak closed the hearing.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Ms. Tichy to impose a seven-day suspension, all of which shall be held in abeyance for a period of one year with the condition that there are no further violations for a period of one year.

**FRIENDLY
AMENDMENT**

Mr. Gillespie asked for a friendly amendment to require the licensee to post a notice of the violation for the entire suspension period that is held in abeyance.

MOTION TO AMEND

Mr. Goodspeed **MOVED** and it was **SECONDED** by Ms. Paiz to impose a seven-day suspension.

MOTION FAILED

There was discussion and the motion to amend **FAILED**.
IN FAVOR - Goodspeed, Paiz, Gillespie.
OPPOSED - Novak, Martin, Garner, Carlow, Tichy, Lindsey.
ABSENT - No one.

MOTION TO AMEND

Mr. Goodspeed **MOVED** and it was **SECONDED** by Mr. Lindsey to impose a 15-day suspension.

MOTION FAILED

There was no discussion and the motion to amend **FAILED**.
IN FAVOR - Goodspeed, Lindsey.
OPPOSED - Novak, Martin, Garner, Carlow, Tichy, Paiz,
Gillespie.
ABSENT - No one.

MOTION PASSED

There was discussion and the main motion, including the friendly amendment, **PASSED**.
IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Paiz.
OPPOSED - Goodspeed, Lindsey, Gillespie.
ABSENT - No one.

Filia, Inc. dba Tug's Bar
615 Garland Drive

Mayor Novak read the procedures to be used into the record for the show cause hearing for Filia, Inc. dba Tug's Bar located at 615 Garland Drive.

Mr. Corey Hoffmann, Assistant City Attorney, stated that an employee was cited for selling alcohol to a minor at Tug's Bar on October 24, 2004 and had pled guilty to the charge in Northglenn Municipal Court on November 23, 2004. He presented a certified copy of the municipal court proceedings and stated that the City finds there has been a violation by a preponderance of evidence. Mr. Hoffmann stated this is the licensee's first offense and noted that based on the guidelines, a penalty ranging from a written warning to a 15-day suspension would be appropriate.

City Clerk Lentz swore-in Mr. Nikolaos Hondrogiannis, owner of Tug's Bar.

Mr. Hondrogiannis provided testimony about the violation and stated that he takes full responsibility for his employee's actions. He spoke about the different procedures he has implemented since the violation to check identification and showed the Authority a card-swiping machine that he had purchased to scan ID's.

The Authority asked if the employee was terminated after the incident. There were questions about training provided to employees and any prior violations.

Mr. Hondrogiannis stated that the employee was not terminated and he believes the employee will not make this same mistake again.

MOTION TO PASS

Mr. Lindsey **MOVED** and it was **SECONDED** by Mr. Goodspeed to impose a 15-day suspension.

MOTION FAILED

There was discussion and the motion **FAILED**.

IN FAVOR - Goodspeed, Lindsey.

OPPOSED - Novak, Martin, Garner, Carlow, Tichy, Paiz, Gillespie.

ABSENT - No one.

MOTION TO PASS

Ms. Carlow **MOVED** and it was **SECONDED** by Ms. Tichy to impose a seven-day suspension, all of which shall be held in abeyance for a period of one with the condition that there are no further violations for a period of one year, and to require the licensee to post a notice of the violation for the entire suspension period that is held in abeyance.

MOTION PASSED

There was discussion and the motion **PASSED**.

IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Paiz.

OPPOSED - Goodspeed, Lindsey, Gillespie.

ABSENT - No one.

Liquor Authority
Training

Mayor Novak inquired about having a training class for the Authority. City Clerk Lentz stated that she is working with the State to provide a class for the Liquor Authority that would be coordinated with the City of Thornton. She stated that she is hoping to schedule the class in the evening and offer it to surrounding liquor authorities. City Clerk Lentz also provided information about upcoming training for licensees.

Ordinance Enforcement

Mr. Goodspeed inquired about the ordinance that was adopted to cite the licensee as well as the employee who sold alcohol to a minor. City Manager Nelson provided information about staff's procedures. City Clerk Lentz stated the police department was

notified about the ordinance and it was addressed in training given to licensees.

Police Chief Van Houten spoke about his concerns relating to the enforceability of the ordinance. He noted that liquor stings would be increased to four times per year as long as resources allow.

City Attorney Phillips stated it would be a strict liability offense and is enforceable.

There was discussion about the liquor stings and the need for varied types of compliance checks.

ADJOURNMENT

The meeting adjourned at 7:42 p.m.

DIANA L. LENTZ, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor