

<b>Northglenn Liquor Licensing Authority</b>  <b>Annual Renewal – Findings and Order</b> April 1, 2013	<b>Applicant:</b> Bueno/Kirk, Inc. d/b/a @ Cheers
	<b>Location:</b> 11964 Washington Street
	<b>License Type:</b> Tavern
<b>Request Summary:</b>	
<p>On March 18, 2013, the Northglenn Liquor Licensing Authority held a public hearing on the liquor license renewal application filed by Bueno/Kirk, Inc. d/b/a @Cheers. At the conclusion of the hearing, the Authority directed the Attorney for the Authority to draft an order approving the renewal application with certain conditions.</p>	
<b>Action Needed:</b>	
<ul style="list-style-type: none"> <li>• Issue Order</li> </ul>	
<b>Sample Language for Motions:</b>	
<ul style="list-style-type: none"> <li>• “I move to issue the order approving the renewal of the tavern liquor license held by Bueno/Kirk, Inc. d/b/a @Cheers with conditions.”</li> </ul>	
<b>Attachments:</b>	
<ul style="list-style-type: none"> <li>• Draft Order</li> </ul>	

CITY OF NORTHGLENN LIQUOR LICENSING AUTHORITY

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**ORDER APPROVING RENEWAL OF TAVERN LIQUOR LICENSE, WITH CONDITIONS**

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In Re the Matter of:

Bueno/Kirk, Inc.

dba @Cheers

11964 N. Washington Street

Northglenn, Colorado 80233

Colorado State License No. 12-91032-0000

Northglenn License No. 12-91032-0000-0428

Expiration Date: March 7, 2013

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Upon issuance of a Notice of Hearing on Renewal of the Tavern Liquor License held by Bueno/Kirk, Inc. dba @Cheers ("Licensee"), a hearing was held on March 18, 2013, before the City of Northglenn Liquor Licensing Authority ("Licensing Authority"), and in connection therewith the Licensing Authority issues the following findings and order:

A. The Licensing Authority finds and determines that based on the evidence presented, that while "good cause" as defined by C.R.S. § 12-47-103(9) could have been determined based on the evidence presented, the Liquor Authority finds that the evidence does not rise to the level of good cause warranting non-renewal of the Licensee's Tavern License so long as Licensee complies with the conditions set forth herein. Thus, renewal of the Tavern License is and must be subject to the conditions set forth below based on the conduct of the establishment.

B. Specifically, the Licensing Authority finds that the evidence could have constituted "good cause" for nonrenewal based on certain of the incidents that occurred, including two incidents that included violence that originated on the Licensee's premises and caused a negative impact on the community.

C. The Licensing Authority is cognizant of the definition of "good cause" for purposes of nonrenewal of a liquor license, which is defined by C.R.S. § 12-47-103(9) as follows:

"Good cause", for the purpose of refusing or denying a license renewal or initial license issuance, means:

(a) The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of this article or any rules and regulations promulgated pursuant to this article;

(b) The licensee or applicant has failed to comply with any special terms or conditions that were placed on its license in prior disciplinary proceedings or arose in the context of potential disciplinary proceedings;

(c) In the case of a new license, the applicant has not established the reasonable requirements of the neighborhood or the desires of its adult inhabitants as provided in section 12-47-301(2); or

(d) Evidence that the licensed premises have been operated in a manner that adversely affects the public health, welfare, or safety of the immediate neighborhood in which the establishment is located, which evidence must include a continuing pattern of fights, violent activity, or disorderly conduct. For purposes of this paragraph (d), “disorderly conduct” has the meaning as provided for in section 18-9-106, C.R.S.

D. The Licensing Authority also took note of the statements in mitigation of Licensee that some of the police reports that reference persons being significantly impaired by alcohol may not necessarily have been persons served or over-served at the licensed premises, but such persons may have entered the premises under the influence of alcohol and obtained alcohol either at a retail liquor establishment and/or had alcohol in their personal vehicles.

E. Based on the evidence presented, the Licensing Authority hereby RENEWS Licensee’s Tavern License, but subject to the following conditions:

1. Licensee shall install surveillance cameras sufficient to observe the parking areas adjacent to the licensed premises, which cameras shall be in operation from when Licensee opens for business each day until at least one half hour after licensee closes each day, such cameras to be installed within thirty (30) days of this Order;

2. Licensee shall provide TIPS training or an equivalent training program approved by the Licensing Authority to all employees. Such training shall be completed on or before May 31, 2013; and

3. Commencing immediately, Licensee shall require that its employees maintain a log that contains, at a minimum the following information:

a. A description of incidents for which police assistance is required at the licensed premises, whether the call originated from the Licensee or from others; and

b. A description of any occasion at which service is refused to a patron, a patron is requested to leave the licensed premises, or where a patron is refused entry.

4. The Licensing Authority further finds that the conditions set forth above shall be deemed conditions within the meaning of C.R.S. § 12-47-103(9)(b), and the failure to comply with such conditions shall be deemed “good cause” for purposes of non-renewal.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 1<sup>st</sup> day of April, 2013.

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Virgil Hall, Liquor Authority Chair

ATTEST:

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Lisa Andrews, Deputy City Clerk