

**CITY OF NORTHGLENN
LIQUOR LICENSING AUTHORITY
March 18, 2013**

- CALL TO ORDER** Chairman Virgil Hall called a regular meeting of the Northglenn Liquor Licensing Authority to order on Monday, March 18, 2013 at 9:00 a.m. in City Hall Council Chambers, 11701 Community Center Drive, Northglenn.
- ROLL CALL** Present were: Chairman Virgil Hall, Authority Members John Clancy, Gloria Mikan, and Maxine Foster.
- ABSENT** None.
- STAFF PRESENT** Attorney Corey Hoffmann and Deputy City Clerk Lisa Andrews.
- APPROVAL OF MINUTES:**
March 4, 2013 Minutes of the March 4, 2013 meeting were approved as presented.
- LIQUOR CODE VIOLATION – FINDINGS AND ORDER**
Colorado Hospitality Services, Inc. d/b/a Ramada Plaza – Damon’s As directed by the Authority on March 4, 2013, Deputy City Clerk Andrews presented the Findings and Order drafted by Attorney Jeff Parker regarding the liquor code violation on or about December 15, 2013 by Colorado Hospitality Services, Inc. d/b/a Ramada Plaza – Damon’s.
- MOTION TO PASS** Ms. Foster **MOVED** and it was **SECONDED** by Mr. Clancy to issue the Findings and Order accepting a stipulation with regard to the liquor code violation that occurred on or about December 15, 2012 and suspending the liquor license held by Colorado Hospitality Services Inc. d/b/a Ramada Plaza – Damon’s for fourteen days with six days of actual suspension and eight days held in abeyance for a period of two years during which there can be no further violation of the Colorado Liquor or Beer Code. With regard to the actual suspension, the licensee shall serve a two day mandatory suspension on March 31, 2013 through April 1, 2013 and be allowed to pay a fine in lieu of suspension for April 2, 2013 through April 5, 2013.
- MOTION PASSED** There was no discussion and the motion **PASSED**.
IN FAVOR - Hall, Clancy, Mikan, Foster.
OPPOSED - No one.
ABSENT - No one.

**LIQUOR LICENSE
RENEWAL
APPLICATION –
HEARING:**

Bueno/Kirk, Inc. d/b/a
@Cheers

Chairman Hall opened the public hearing on the liquor license renewal application filed by Bueno/Kirk, Inc. d/b/a @Cheers. There were no objections to the jurisdiction of the Authority or the form and substance of the public hearing.

Mr. Robert Kirk was present on behalf of Bueno/Kirk, Inc. d/b/a @Cheers. Mr. Kirk testified that he has reviewed ten (10) police reports attributed to the establishment within the last year and offered to elaborate on the incidents. In reference to police reports 12-3509, 12-3919, and 12-5643, Mr. Kirk stated that the subjects taken to the detoxification facility frequent the shopping center parking lot and are not patrons of @Cheers. Regarding 12-0065, a cell phone was stolen within the establishment but the crime was not related to the conduct of the establishment. In reference to 12-5568, Mr. Kirk explained that a small child was at the establishment with her parents. The parents became intoxicated and were asked to leave by the bartender who offered to pay for a cab. The subjects become angry and disruptive at the suggestion that they leave and the bartender called the police. Regarding 12-6428, Mr. Kirk explained the incident occurred at the end of the “Battle of the Bands” event and holiday party; an unknown individual began assaulting Mr. Kirk, several patrons and other employees. Mr. Kirk stated that he (Kirk) had consumed alcohol during the party but that he was not managing the bar at the time. Mr. Kirk testified that his nineteen year old son was working as the bartender during the incident and had been assaulted. Police officers could not locate Mr. Kirk’s son and reported that Mr. Kirk was not cooperative. Mr. Kirk stated that he was unaware that his son had gotten a ride home after the incident. Regarding 12-5401, Mr. Kirk stated that there was a stabbing in the parking lot. Mr. Kirk stated that the suspect was not a regular patron of the bar.

There was discussion regarding disturbances spilling out into the parking lot, potential over-service of alcohol, and motorcycle “biker” clubs frequenting the establishment.

The Authority asked Mr. Kirk if employees have received alcohol server training and if there are written alcohol service policies or procedures. Mr. Kirk testified that all employees that serve alcohol have received liquor server training within the last two years. Security personnel have not been trained and the establishment does not have written procedures in place.

Chairman Hall asked for anyone wishing to speak in favor of the liquor license renewal application to come forward.

Mr. Huey Jackson, owner of Alley Cat Beads, a neighboring business, spoke in favor of the application stating that Mr. Kirk has turned the establishment around and improved the environment of the shopping center. Mr. Jackson also testified regarding the busy nature of the shopping center and stated that not all of the police calls for service are associated with @Cheers.

Prosecuting Attorney Ausmus asked Mr. Jackson how many times he has called for police service within the last year. Mr. Jackson stated that he has called the police four (4) times, mostly due to vagrants loitering in the parking lot or begging for money outside of his business. Attorney Ausmus asked if those calls for service were to the address of his business and Mr. Jackson indicated that they were. Attorney Ausmus asked if Mr. Jackson was present during any of the incidents involving a police call for service that occurred at @Cheers. Mr. Jackson stated that he was at the holiday party but left prior to the disturbance.

Mr. Rich Landis testified that he leases the kitchen within the establishment known as @Cheers and that the establishment has improved under Mr. Kirk's ownership.

Chairman Hall asked if there was anyone else that would like to speak in favor of the application. No one responded.

On cross examination, Attorney Ausmus asked Mr. Kirk if, as noted in police report 12-6428, his son was ever unconscious on the night of the holiday party. Mr. Kirk stated that his son was never unconscious; Mr. Kirk last saw him sitting on the curb. Attorney Ausmus asked Mr. Kirk how many drinks he had at the party. Mr. Kirk testified that he drank approximately six (6) or seven (7) beers from about 10 p.m. to 2 a.m. Attorney Ausmus asked if there was a manager on duty during the party and Mr. Kirk answered that Ms. Jessica Ralph was the manager on duty. Attorney Ausmus asked if Ms. Ralph had consumed alcohol that night. Mr. Kirk answered that she had not and stated employees are not allowed to drink while working.

Attorney Ausmus then proceeded with the presentation of the City of Northglenn's case, noting that not all of the 79 police calls for service to the shopping center are directly attributable to @Cheers; however, the Police Department has identified several reports that potentially relate to the conduct of the establishment.

Attorney Ausmus called Lt. Commander Ron Osgood to testify regarding the nature of six specific reports. Regarding police report

12-3135, Lt. Commander Osgood testified that the parties involved in the disturbance were noted to be highly intoxicated. Regarding police report 12-3509, Lt. Commander Osgood testified the party involved was noted to be severely intoxicated and taken to a detoxification facility. Regarding police report 12-3919, Lt. Commander Osgood testified that there was a disturbance in the establishment and the suspect was noted to be intoxicated. Regarding police report 12-5319, Lt. Commander Osgood testified that there was a disturbance and several parties involved were visibly intoxicated. In reference to police report 12-5568, Lt. Commander Osgood testified that a subject was contacted, found to be very intoxicated and taken to a detoxification facility. Regarding police report 12-5401, Lt. Commander Osgood testified that there was a stabbing incident and the victim was noted to be “incredibly” intoxicated. Regarding police report 12-5568, Lt. Commander Osgood testified regarding a verbal disturbance involving two very intoxicated individuals in the establishment with their small child. In reference to police report 12-6428, Lt. Commander Osgood testified that Mr. Hayden Kirk was found by officers to be unconscious in the parking lot and Mr. Robert Kirk was noted to be intoxicated and actively involved in a physical disturbance in the parking lot. Attorney Ausmus stated that she had no further questions for Lt. Commander Osgood.

Chairman Hall invited anyone else that would like to speak regarding the application to come forward. Ms. Jessica Ralph identified herself as a bartender for @Cheers. Ms. Ralph testified that she was the bartender during the incident involving the parents and small child. Ms. Ralph explained that the father was involved in a poker tournament and the family had been in the establishment for a few hours and had ordered one pitcher of beer to split between the couple and a friend. Ms. Ralph observed that the three were becoming very intoxicated and suspected that they had been drinking in the parking lot while they were outside during breaks from the poker tournament.

Mr. Kirk testified that there is a liquor store in the shopping center and he often finds empty alcohol containers outside of his establishment. Mr. Kirk stated that some patrons leave to consume alcoholic beverages in the parking lot and then come back into the establishment, adding to their levels of intoxication.

Attorney Ausmus asked Mr. Kirk if there are security cameras in the parking lot. Mr. Kirk stated there are not. Mr. Kirk testified that he would be willing to install additional cameras. Attorney Ausmus asked Mr. Kirk if any of the bouncers are TIPS trained. Mr. Kirk stated that they are not. Mr. Kirk further testified that there are no bouncers on duty during the poker tournaments. Attorney Ausmus asked Mr. Kirk if he is willing to develop written

alcohol service policies for his staff. Mr. Kirk agreed. Attorney Ausmus indicated that she had no further questions.

Attorney Hoffmann advised the Authority regarding good cause for non-renewal of a liquor license and explained the Authority's options.

Attorney Ausmus recommended to the Authority that the liquor license application filed by Bueno/Kirk, Inc. d/b/a @Cheers be approved with the following conditions: The applicant is to install security cameras and adequate lighting in the parking lot, provide yearly TIPS training for both alcohol servers and security personnel, and maintain logs documenting police calls for service and any incidents of refused service.

With no others wishing to speak regarding the application, Chairman Hall closed the hearing.

MOTION TO PASS

Ms. Foster **MOVED** and it was **SECONDED** by Ms. Mikan to approve the liquor license renewal application filed by Bueno/Kirk, Inc. d/b/a @Cheers with the following conditions: The applicant is to install security cameras and adequate lighting in the parking lot, provide yearly TIPS training for both alcohol servers and security personnel, and maintain logs documenting police calls for service and any incidents of refused service.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Hall, Clancy, Mikan, Foster.
OPPOSED - No one.
ABSENT - No one.

OTHER MATTERS: None.

COMMUNICATIONS: None.

ADJOURNMENT: There being no further business, the meeting adjourned at 10:54 a.m.

LISA ANDREWS, CMC
Deputy City Clerk

VIRGIL HALL
Chairman