



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, MAY 10, 2011
MEETING BEGINS AT 5:00 PM
AVON TOWN HALL, ONE LAKE STREET

PRESIDING OFFICIALS
CHAIRMAN RICH CARROLL
VICE CHAIRMAN KRISTI FERRARO
BOARD MEMBERS DAVE DANTAS, CHRIS EVANS, TODD GOULDING
AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.

TOWN STAFF
TOWN ATTORNEY: ERIC HEIL TOWN MANAGER: LARRY BROOKS TOWN CLERK: PATTY MCKENNY

ALL LIQUOR BOARD MEETINGS ARE OPEN TO THE PUBLIC EXCEPT EXECUTIVE SESSIONS
COMMENTS FROM THE PUBLIC ARE WELCOME DURING PUBLIC HEARINGS
PLEASE VIEW AVON'S WEBSITE, [HTTP://WWW.AVON.ORG](http://www.avon.org), FOR MEETING AGENDAS AND MEETING MATERIALS
AGENDAS ARE POSTED AT AVON TOWN HALL AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. REVIEW OF LIQUOR LICENSE VIOLATION AND ACTION ON WHETHER OR NOT TO ISSUE A NOTICE OF HEARING AND ORDER TO SHOW CAUSE**
 - a. Avon Police Incident Report Case No. 2011-000289 (Bob Ticer, Police Chief)
Establishment Name: Finnegan's Wake Irish Pub, Inc. d/b/a Finnegan's Wake
Address: 82 E. Beaver Creek Blvd.
Manager: Maggie Parker
Date Reported: 03/17/11
Proposed Action: Resolution No. 11-01, Series of 2011, Resolution Finding Probable Cause To Believe That Finnegan's Wake Irish Pub, Inc. d/b/a Finnegan's Wake Has Violated A Law, Rule Or Regulation With Respect To The Operation Of Its Licensed Premises; Setting A Hearing With Respect Thereto; And Directing The Issuance And Service Of A Notice Of Hearing And Order To Show Cause As To Why The Hotel and Restaurant Liquor License Of Such Licensee Should Not Be Suspended Or Revoked or Renewed (Eric Heil, Town Attorney) Possible action by Liquor Board related to Finnegan's Wake Violation & Case Report No. 2011-000289
- 4. RENEWAL LIQUOR LICENSES**
 - a. Applicant: Finnegan's Wake Irish Pub, Inc. d/b/a Finnegan's Wake
Address: 82 E. Beaver Creek Blvd.
Manager: Maggie Parker
Type: Hotel and Restaurant License
 - b. Applicant: Benchmark Liquors, Inc. d/b/a Beaver Liquors
Address: 110 E. Beaver Creek Blvd.
Manager: David Courtney
Type: Retail Liquor Store License



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5. PUBLIC HEARING ON SPECIAL EVENTS PERMIT


- a. Applicant Name: Beaver Creek Resort Company
Event Name: 2011 Beaver Creek Rodeo Series
Event Date: June 30, 2011 / July 7, 14, 21, 2011 / August 4, 11, 18, 2011; 4 pm – 10 pm
Event Manager: Jean Dennison
Event Location: Traer Creek Lot 1

6. CONSENT AGENDA:

- a. Minutes from April 26, 2011

ADJOURNMENT

Memo

To: Avon Local Liquor Licensing Authority
From: Patty McKenny, Assistant Town Manager Management Services 
cc: Larry Brooks, Town Manager
Eric Heil, Town Attorney
Date: May 4, 2011
Re: Liquor Board Agenda – Finnegan’s Wake Irish Pub Violation on March 17, 2011

Summary:

Please find attached two Avon Police Department Incident / Investigation Reports as follows:

Case No. 2011-000284

Offender: Cameron Maurice

Charges: Disorderly Conduct, Illegal Possession or Consumption of Alcohol by Minor, Possession of Liquor by Underage Person

Case No. 2011-000289

Offender: Margaret Parker

Charges: Sale of Alcohol to Minors (Statute 9.12.070) and Sale to Intoxicated Person (Statute 9.12.040)

Arrest Report # 11000213 on 4/15/11

Complaint and Summons Citation No. 23136; Court date set for June 15, 2011

These reports inform the Local Liquor Licensing Authority about a violation that occurred on March 17, 2011 at Finnegan’s Wake Irish Pub. Please note that the first case is provided as supplemental to the second report No. 2011-000289 which describes that Margaret Parker was issued a “Complaint and Summons” to Avon Municipal Court on June 15, 2011 for “Sales to Intoxicated Persons”. The “Authority” will consider whether or not to adopt Resolution No. 11-01 as follows:

- A Resolution Finding Probable Cause To Believe That Finnegan’s Wake Irish Pub LLC d/b/a Finnegan’s Wake Irish Pub Has Violated A Law, Rule Or Regulation With Respect To The Operation Of Its Licensed Premises; Setting A Hearing With Respect Thereto; And Directing The Issuance And Service Of A Notice Of Hearing And Order To Show Cause As To Why The Hotel and Restaurant Liquor License Of Such Licensee Should Not Be Suspended Or Revoked.

Please find attached a copy of the Resolution and the Notice of Hearing and Order to Show Cause”.

Background:

The Colorado Liquor Code provides for rules related to license suspension, revocation and fines. Some highlights from the Colorado Municipal League’s “Liquor & Beer Licensing Practice” Publication are helpful in understanding the role of the Liquor Authority. Some excerpts follow and Chapter 3 is included as an attachment for your review.

If a licensee or an agent, servant, or employee of a licensee, violated any of the provisions of the Colorado Liquor Code, any rules or regulations authorized pursuant to the Liquor Code, or any terms, conditions or provisions of the license issued by the local authority, the local licensing authority may suspend or revoke the license. The local authority may act on its own motion or a complaint. Before suspending or revoking a license, the local authority must investigate and hold a public hearing at which the licensee is afforded an opportunity to be heard.

If there is probable cause to believe that a violation has occurred, the local authority must issue and cause to be served on the licensee a notice of hearing and order to show cause why the license should not be suspended or revoked.


Discussion:

The Authority can choose to hold a hearing at which time it must decide whether or not a violation occurred based on the evidence presented. The resolution is provided as action the Local Authority could take to set a hearing date. The Finnegan's Wake Irish Pub establishment has been informed that this violation is before the Liquor Authority and that consideration will take place on May 10, 2011. I have asked the owner of Finnegan's, Maggie Parker, to attend this meeting. The resolution and notice suggest a June 14, 2011 date if the Authority decides to set a show cause hearing. Typically there has been a 30 day timeframe that has been used in setting the hearing date; the final date is a decision of the Authority.

Attachments:

- A. Avon Incident / Investigative Reports
- B. Resolution No. 11-01
- C. Show Cause Notice
- D. CML Liquor & Beer Licensing and Practice / Chapter 3: License Suspension, Revocation, and Fines

Memo

To: Avon Liquor Board
Thru: Larry Brooks, Town Manager
cc: Eric Heil, Town Attorney
From: Debbie Hoppe, Court Clerk
Patty McKenny, ATM Management Services 
Date: May 04, 2011
Re: Special Events Permits– PUBLIC HEARING

Summary:

The Town Council serving as the Local Liquor Authority will consider the following special event permit application at the May 10th Liquor Board Meeting; this application will require a **Public Hearing**.

SPECIAL EVENT PERMITS – PUBLIC HEARINGS

- a. Applicant: Beaver Creek Resort Company
- Event Name: 2011 Beaver Creek Rodeo Series
- Event Date: June 30, 2011 / July 7, 14, 21, 2011 / August 4, 11, 18, 2011; 4 pm–10 pm
- Event Manager: Jean Dennison
- Event Location: Traer Creek Lot 1

Discussion:

The following information as required by the State Liquor Enforcement Division & the Town of Avon is attached:

- ✓ Application for a Special Events Permit
- ✓ Map of Premises & Diagrams where liquor will be served
- ✓ Certificate of Good Standing
- ✓ License Agreement between Traer Creek, LLC & Beaver Creek Resort Company for use of premises
- ✓ Alcohol Management Plan
- ✓ Avon Police Report on Background checks on applicant

The applicant has provided all appropriate materials. The Town has posted the premises for notice of the public hearing. Jean Dennison, Event Manager, will be present at the meeting to answer any questions.

Financial Implications: There are local liquor licensing fees associated with the special event permits and the applicant has submitted those fees.

Town Manager Comments:

TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
HELD APRIL 26, 2011

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5:45 PM at the Avon Town Hall, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Rich Carroll as Chairperson, and Board members Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips, and Buz Reynolds.

REPORT OF CHANGES: CHANGE OF MANAGER

- a. Applicant: Fiesta Jalisco Numero Tres LLC, d/b/a Fiesta Jalisco
Address: 240 Chapel Place, B129
Former Manager: Jesus Del Toro
New Manager: Ricardo Aragon
Type: Retail: Hotel and Restaurant License

It was noted that all materials were in order for the report of change in manager for Fiesta Jalisco Numero Tres LLC, d/b/a Fiesta Jalisco. Board member Ferraro moved to approve the manager change; Board member Evans seconded the motion and it passed unanimously.

REPORT OF CHANGES: CORPORATE CHANGE

- b. Applicant: Suncor Energy Sales, Inc. d/b/a Shell
Address: 46 Nottingham Road
Owners: Steven J. Ewing
Manager: Anakut Loya
Type: 3.2% Beer Retail License

Chairman Carroll asked if the application materials were in order; it was confirmed that the materials were in order. Board member Dantas moved to approve the Report of Corporate Changes for Suncor Energy Sales, Inc. d/b/a Shell. Board member Goulding seconded the motion and it passed unanimously.

RENEWAL LIQUOR LICENSES

- a. Applicant: Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #1199
Address: 171 Yoder Ave
Manager: Matthew Mower
Type: 3.2% Beer off Premises License

Chairman Carroll asked if the application materials were in order; it was confirmed that the materials were in order. Board member Dantas moved to approve the renewal 3.2% Beer Off Premise License for the Wal-Mart Stores, Inc. d/b/a Wal-Mart Supercenter #1199. Board member Evans seconded the motion and it passed unanimously.

CONSENT AGENDA

Chairman Carroll asked for a motion on the consent agenda. Board member Ferraro moved to approve the consent agenda; Board member Reynolds seconded the motion and it passed unanimously.

- a. Minutes from February 8, 2011

There being no further business to come before the Board, the meeting adjourned at 5:30 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Secretary

APPROVED:

Rich Carroll	_____
Dave Dantas	_____
Chris Evans	_____
Kristi Ferraro	_____
Todd Goulding	_____
Amy Phillips	_____
Albert "Buz" Reynolds	_____