



**TOWN OF AVON, COLORADO**  
**AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY MARCH 27, 2012**  
**MEETING BEGINS AT 5 PM**  
AVON TOWN HALL, ONE LAKE STREET

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**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**      **INTERIM TOWN MANAGER: PATTY MCKENNY**      **DEPUTY TOWN CLERK: CATHERINE MYTHEN**

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

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- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. PUBLIC HEARING FOR TRANSFER OF OWNERSHIP**
  - a. Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Address: 126 Riverfront Lane  
Manager: Bob Trotter  
Type: Joint License for Resort Complex Liquor License
- 4. CONSENT AGENDA:**
  - a. Minutes from February 14, 2012
- 5. ADJOURNMENT**

## MEMO

**TO:** AVON LIQUOR LICENSING AUTHORITY  
**THRU:** PATTY MCKENNY, INTERIM TOWN MANAGER  
ERIC HEIL, TOWN ATTORNEY  
**FROM:** DEBBIE HOPPE, DEPUTY TOWN CLERK  
**DATE:** MARCH 19, 2012  
**RE:** TRANSFER OF OWNERSHIP APPLICATION – PUBLIC HEARING FOR EAST WEST RESORT, LLC & AVON RIVERFRONT RESTAURANT, LLC D/B/A WESTIN RIVERFRONT RESORT & SPA AND CIMA



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### Summary:

The Avon Liquor Licensing Authority is asked to consider a Transfer of Ownership Application for a Resort Complex Liquor License as submitted by:

- a. Applicant: East West Resorts, LLC & Avon Riverfront Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Current Owner: East West Resorts, LLC & Riverfront Village Restaurant, LLC d/b/a Westin Riverfront Resort & Spa and cima  
Address: 126 Riverfront Lane  
Manager: Bob Trotter  
Type: Joint License for Resort Complex Liquor License

### Background

A transfer of ownership must be reported to and approved by the Local and State Licensing Authorities prior to any actual change of ownership. The applicable state and local license fees must accompany these applications. Both the state and town will issue new licenses for all transfers of ownership. The Town's Liquor Code states that "the burden of proof in an application for the transfer of an existing license shall be upon the applicant." The Avon Town Council acting as the Local Liquor Licensing Authority has the duty to conduct hearings and make findings of fact as to whether to grant or deny a transfer of ownership on an existing license. The Town Clerk, Town Attorney and Police Department handle the review of the liquor license applications administratively. In the case of a transfer of license, an investigation of the background of the parties is completed and a public hearing is set. The applicant may also apply for a temporary permit which allows an applicant for a transfer of ownership to operate the establishment until the Authority considers the application.

The Liquor Code of Colorado provides that in making any decision, the Local Licensing Authority must consider the following before approving or denying the application:

- Facts and evidence resulting from the investigation and any facts brought to the attention of the Authority.
- Any other pertinent matters affecting the qualifications of the applicant for the conduct of the type of business proposed.

Requests for licenses may be denied for various reasons such as the applicant is not of good moral character, the applicant's character, record, or reputation is unsatisfactory, or the proposed outlet is within 500 feet of any school.

### Discussion:

The Town Clerk and Town Attorney have reviewed the application materials and the Avon Police Department has completed the background checks on the principals for each of the companies. The documents that have been included in the packet are outlined as follows:

**EXHIBIT A:**

- ✓ Colorado Liquor Retail License Application (DR 8404)

The application form has been completed and executed by the applicant. The hearing has been set for March 27, 2012 with the appropriate notice posted on the premises.

- ✓ Temporary Permit & Affidavit of Transfer & Statement of Compliance

The applicant applied for and received a Temporary Permit dated December 28, 2011 that allows them to operate for 120 days until the transfer of ownership application has been approved. The completion of the Affidavit of Transfer & Statement of Compliance is also a part of review in issuing the temporary permit.

- ✓ Financial Affidavit

The application includes information related to the source of funds to be used in this financial investment.

**EXHIBIT B:**

- ✓ Individual History Records & Memos from Avon Police Department

The background investigation has been completed by the Avon Police Department and the report indicates no concerns with the applicants' background. The Colorado Bureau of Investigation results are still pending.

**EXHIBIT C:**

- ✓ Diagrams of Premises

The diagram of the premises has been provided and includes the "Riverfront Village Site Plan" that shows an outline in red of the premises which includes both the main building of the Westin Riverfront Resort & Spa as well as the Westin Riverfront Villas and outdoor patio and public plaza area (also shown on Exhibits D & E of the maps included).

**EXHIBIT D:**

- ❖ East West Resorts, LLC (Co-license)
- ❖ East West Resorts Management, Inc. (29.2% of EWR, LLC)
- ❖ East West Resorts Management IV, LLC (70% EWR, LLC)
- &
- ❖ Avon Riverfront Restaurant, LLC (Co-License)
- ❖ Riverfront Village Hotel, LLC (50% of ARR, LLC)
- ❖ Modern Mexican Restaurants, Inc. (50% of ARR, LLC)

**EXHIBIT E:**

- ✓ Restaurant Lease and License Agreement between Riverfront Village Hotel, LLC & Avon Riverfront Restaurant
- ✓ Restaurant Management Agreement between Avon Riverfront Restaurant, LLC & Modern Mexican Restaurants

If approved by the Local Licensing Authority, the Town of Avon & the State of Colorado will issue new licenses. A public hearing has also been scheduled for this application; the public notice was posted on the premises. The applicant's manager Bob Trotter will be present for the hearing. Also please find included a memo from the Town Attorney's Office regarding their review of the application. A public hearing is required prior to Council action on the application.

**Financial Implications:**

The transfer of ownership application fees has been submitted to the Town and the State fees will be forwarded with the application materials upon Local Liquor Authority approval.

**TOWN OF AVON, COLORADO**  
**MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING**  
**HELD FEBRUARY 14, 2012**

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The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5:35 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.

**PUBLIC HEARING ON NEW HOTEL AND RESTAURANT LIQUOR LICENSE**

- a. Applicant: Debbie Marquez Restaurants LLC d/b/a Café de Luna by Debbie Marquez  
Address: 47 E. Beaver Creek Blvd., Units #13 & #14, Christie Lodge  
Manager: Deborah K. Marquez  
Types: Hotel & Restaurant Liquor License  
Permit Application for Retail Warehouse Storage Permit (Informational Only and Obtains Colorado Liquor Enforcement Division Approval Only)

Mayor Carroll presented the item and noted the new Hotel and Restaurant liquor license application would require a public hearing and all the materials were in order. Chairman Carroll opened the public hearing, and the following comments were heard:

- Debbie Marquez, -applicant and owner of the restaurant, gave a brief update on the services that will be available in the restaurant.
- Fritch Schmidt spoke on behalf of Ms. Marquez and was in favor of the Hotel and Restaurant Liquor License.
- Rick Dameron, Christie Lodge, spoke on behalf of the restaurant and applicant and was in favor of the liquor license approval.

Mayor Carroll closed the public hearing. Board member Ferraro moved to approve the New Hotel and Restaurant Liquor License for Debbie Marquez Restaurants LLC d/b/a Café de Luna by Debbie Marquez. Board member Reynolds seconded the motion and it passed unanimously.

**RENEWAL LIQUOR LICENSES**

- a. Applicant: Fiesta Jalisco Numero Tres, LLC d/b/a Fiesta Jalisco  
Address: 240 Chapel Place, B129  
Manager: Ricardo Aragon  
Type: Hotel & Restaurant Liquor License

Mayor Carroll noted that the application materials were in order. Board member Ferraro moved to approve the Hotel & Restaurant Liquor License for Fiesta Jalisco Numero Tres, LLC d/b/a Fiesta Jalisco; Board member Evans-seconded the motion and it passed unanimously.

**CONSENT AGENDA:**

Chairman Carroll asked for a motion for the consent agenda. Board member Dantas moved to approve the consent agenda; Board member Evans seconded the motion and it passed unanimously. (Ferraro and Goulding Abstained due to absence from the meeting).

- a. Minutes from February 28, 2012

There being no further business to come before the Board, the meeting adjourned at 5:40 PM.

**RESPECTFULLY SUBMITTED:**

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Patty McKenny, Secretary

**APPROVED:**

Rich Carroll

Dave Dantas

Chris Evans

Kristi Ferraro

Todd Goulding

Amy Phillips

Albert "Buz" Reynolds

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