



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY APRIL 10, 2012
MEETING BEGINS AT 5 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 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

- 1. ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. PUBLIC HEARING FOR TRANSFER OF OWNERSHIP**
 - a. Applicant: Montana's Cantina & Grill, LLC d/b/a Montana's Cantina & Grill
Current Owner: Finnegan's Wake Irish Pub, LLC d/b/a Finnegan's Wake Irish Pub
Current Owner: Maggie Parker
New Manager: Thomas Beaver
Address: 82 E. Beaver Creek Blvd.
Type: Hotel and Restaurant Liquor License
- 4. CONSENT AGENDA:**
 - a. Minutes from March 27, 2012
- 5. ADJOURNMENT**

Memo

TO: AVON LIQUOR LICENSING AUTHORITY
THRU: PATTY MCKENNY, INTERIM TOWN MANAGER *PM*
ERIC HEIL, TOWN ATTORNEY
FROM: DEBBIE HOPPE, DEPUTY TOWN CLERK
DATE: APRIL 5, 2012
RE: PUBLIC HEARING ON TRANSFER OF OWNERSHIP APPLICATION
MONTANA'S CANTINA & GRILL, LLC D/B/A MONTANA'S CANTINA & GRILL

Summary:

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

- a. Applicant: Montana's Cantina & Grill, LLC d/b/a Montana's Cantina & Grill
Current Owner: Finnegan's Wake Irish Pub, LLC d/b/a Finnegan's Wake Irish Pub
Current Owner: Maggie Parker
New Manager: Thomas Beaver
Address: 82 E. Beaver Creek Blvd.
Type: Hotel and Restaurant 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 (Legal memo as attachment to this memo) have reviewed the application materials as follows. The application appears to be in order for the transfer of ownership to occur if approved by the Avon Liquor Licensing Authority. The components of the application are 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 April 10, 2012 with appropriate notice posted on the premises.

EXHIBIT B:

- ✓ Diagrams of Premises

The diagram of the premises has been provided and includes the outdoor patio area. There are additional diagrams pages for the 2nd floor & outdoor patio area.

EXHIBIT C:

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

The applicant applied for and received a Temporary Permit dated January 26, 2012 that allows them to operate for 120 days until the transfer of ownership application has been approved. The affidavit of Transfer & Statement of Compliance is included and is considered as part of this process.

EXHIBIT D:

- ✓ 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 E:

- ✓ Lease between Servco, Inc. and Montana's Cantina and Grill, LLC

An executed copy of the lease has been included.

EXHIBIT F:

- ✓ Articles of Organization

EXHIBIT G:

- ✓ Operating Agreement

An executed copy of the operating agreement has been included.

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 applicants manager/owner Thomas Beaver and owner Andrea Burrows will be present for the hearing.

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 Manager Comments:

ADM



TO: Avon Liquor Authority Board
CC: Patty McKenny, Acting Town Manager
FROM: Meredith Van Horn, Assistant Town Attorney
THRU: Eric J. Heil, Esq., Avon Town Attorney
RE: Montaña's Cantina & Grill Transfer of Ownership Application
DATE: March 19, 2012

Summary: Montaña's Cantina & Grill LLC has submitted an application for a Transfer of Ownership, Hotel and Restaurant License ("Application"). The Application was reviewed and meets the requirements of possession by the applicant under the Liquor Code.

Under C.R.S. §12-47-301(3)(b), the licensee "shall possess and maintain possession of the premises ... for which the license is issued." Possession may be by lease, rental, ownership or other arrangement. The Lease Agreement between SERVCO, Inc., as landlord, and Montaña's Cantina & Grill, LLC, as tenant, states in Section 2.2, "Landlord hereby leases and demises to Tenant and Tenant hereby accepts from Landlord ... the Premises as defined in Section 1.1(f)." The Premises described in Section 1.1(f) is coextensive with the premises to be covered by the liquor license as indicated on the maps in the Application materials.

Thanks, Meredith