



TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, OCTOBER 23, 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	ACTING TOWN MANAGER: PATTY MCKENNY	DEPUTY TOWN CLERK: CATHERINE MYTHEN
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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. RENEWAL LIQUOR LICENSES**
 - a. Applicant: Vail Valley Mexican Foods, LLC d/b/a Agave
 Address: 1060 W. Beaver Creek Blvd
 Manager: Richard Wheelock
 Type: Hotel and Restaurant Liquor License
 - b. Applicant: Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen
 Address: 20 Nottingham Road, Units A & C
 Manager: James Pavelich
 Type: Hotel & Restaurant Liquor License
- 4. 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 Case Report No. 2012-748 dated September 20, 2012 (Bob Ticer, Police Chief)
 Establishment Name: China Garden, Inc. d/b/a China Garden
 Address: 100 W Beaver Creek Blvd.
 Manager: Sharon Mou
 Type: Hotel and Restaurant Liquor License
Proposed Action: Resolution No. 12-12, Series of 2012, Resolution Finding Probable Cause To Believe That China Garden 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 China Garden Restaurant located at 100 W. Beaver Creek Blvd Violation & Case Report No. 2012-748*
- 5. CONSENT AGENDA:**
 - a. Minutes from October 9, 2012
- 6. ADJOURNMENT**

Memo

To: Avon Liquor Licensing Authority
Thru: Patty McKenny, Interim Town Manager
Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Date: October 17, 2012
Re: Renewal of Liquor Licenses

Summary:

The Town Council serving as the Avon Liquor Licensing Authority will consider the following liquor license applications for renewal at its board meeting next week:

- a. Applicant: Vail Valley Mexican Foods, LLC d/b/a Agave
Address: 1060 W. Beaver Creek Blvd
Manager: Richard Wheelock
Type: Hotel and Restaurant Liquor License
- b. Applicant: Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen
Address: 20 Nottingham Road, Units A & C
Manager: James Pavelich
Type: Hotel & Restaurant Liquor License

Background & Discussion:

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the applications submitted referenced above and the materials are in order. The Police Report results are summarized below:

- a. Agave did not have any negative liquor enforcement contacts in the past year.
- b. Northside Coffee & Kitchen did not have any negative liquor enforcement contacts in the past year.

The Liquor Authority Board has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. There have been various types of behavior, such as failure to pay taxes and fraud that have been held in the courts as valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority's ability to hold a hearing on the application for renewal.

Managers have been invited to attend the Liquor Board meeting.

Financial Implications:

There are local and state liquor licensing fees associated with renewal applications that have been submitted to the Town.

Town Manager Comments:

Attachments:

- State of Colorado Forms for Liquor License Renewals
- Avon Police Department Background Memo & Incident / Investigation Report

Memo

To: Avon Local Liquor Licensing Authority
Thru: Patty McKenny, Interim Town Manager
Eric Heil, Town Attorney
From: Debbie Hoppe, Deputy Town Clerk
Date: October 17, 2012
Re: Liquor Board Agenda: Violation & Resolution No 12-01, Series of 2012 on Show Cause Hearing for China Garden

Summary:

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

Case No. 2012-000748

Offender: Harley Ruben EK M, Employee of China Garden Restaurant

Charge: Sale of Alcohol to Minor (Statute 9.12.070) and Sale to Intoxicated Person (Statute 9.12.040)

Arrest Report # 12-000748 on 9/20/12

This police report informs the Local Liquor Licensing Authority about a violation that occurred on September 14, 2012 at the China Garden Restaurant. Please note that the employee Harley Ruben Ek M was issued a "Complaint and Summons" to Eagle County Court on November 21, 2012 for "Sale to Underage Minor during a "compliance check" conducted by Eagle County Law Enforcement Agencies. These checks are conducted as a result of funding from the "Drug Free Communities Grant".

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 as well as Chapter 3 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:

Based on the police information presented, the Avon Liquor Authority will evaluate whether or not there is probable cause to believe that a violation occurred at this establishment. The Authority can choose to hold a hearing at which time it must decide whether or not a violation occurred and why the license should not be suspended or revoked.

Please find attached a copy of the Resolution and the Notice of Hearing and Order to Show Cause" that proposes November 27, 2012 as a show cause hearing date. The "Authority" will consider Resolution No. 12-01 as action as to setting the hearing, as follows:

- A Resolution Finding Probable Cause To Believe That China Garden Inc., d/b/a China Garden 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.

The manager of the China Garden Restaurant has been informed that this violation is before the Liquor Authority and that consideration will take place on November 27, 2012, Sharon Mou will attend this meeting.

Exhibits:

1. Avon Incident / Investigation Reports
2. Resolution No. 12-01
3. Notice of Hearing; and Order to Show Cause Notice

TOWN OF AVON, COLORADO
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING
October 9, 2012

The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5:50 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, Dave Dantas, Chris Evans, Kristi Ferraro, Todd Goulding, Amy Phillips and Buz Reynolds.

RENEWAL LIQUOR LICENSES

- a. Applicant: R&E Enterprise LLC, d/b/a Gondola Pizza
Address: 240 Chapel Place, #113
Manager: Claudiu Popa
Type: Hotel & Restaurant Liquor License

Chairman Carroll asked if the application materials were in order; Acting Town Manger Patty McKenny noted that all materials were submitted. Chairman Carroll opened the public hearing, no comments were made, and the public hearing was closed. Board member Evans moved to approve R&E Enterprise LLC, d/b/a Gondola Pizza; Board member Ferraro seconded the motion and it passed unanimously.

- b. Applicant: Pazzo's West Inc. d/b/a Pazzo's Pizzeria
Address: 82 E. Beaver Creek Blvd.
Manager: Mark A. Colwell
Type: Hotel and Restaurant Liquor License

Chairman Carroll asked if the application materials were in order; Acting Town Manger Patty McKenny noted that all materials were submitted. Chairman Carroll opened the public hearing, no comments were made, and the public hearing was closed. Board member Ferraro moved to approve Pazzo's West Inc. d/b/a Pazzo's Pizzeria; Board member Evans seconded the motion and it passed unanimously.

CONSENT AGENDA:

- a. Minutes from August 28, 2012

Chairman Carroll asked for a motion on the consent agenda. Board member Evans moved to approve the minutes from August 28th; Board member Phillips seconded the motion and it passed unanimously.

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

RESPECTFULLY SUBMITTED:

Catherine Mythen, Secretary

APPROVED:

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