



TOWN OF AVON, COLORADO
TOWN OF AVON MEETINGS FOR TUESDAY, NOVEMBER 26, 2013
AVON LIQUOR LICENSING AUTHORITY MEETING BEGINS AT 5:00 PM
URBAN RENEWAL AUTHORITY MEETING BEGINS AT 5:15 PM
REGULAR MEETING BEGINS AT 5:30 PM
AVON TOWN HALL, ONE LAKE STREET

PRESIDING OFFICIALS

MAYOR	RICH CARROLL
MAYOR PRO TEM	TODD GOULDING
COUNCILORS	DAVE DANTAS, CHRIS EVANS, JENNIE FANCHER, ALBERT "BUZ" REYNOLDS, JR., JAKE WOLF

TOWN STAFF

TOWN ATTORNEY: ERIC HEIL	TOWN MANAGER: VIRGINIA EGGER	TOWN CLERK: PATTY MCKENNY
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ALL REGULAR MEETINGS ARE OPEN TO THE PUBLIC EXCEPT EXECUTIVE SESSIONS.

GENERAL COMMENTS ARE WELCOME DURING PUBLIC COMMENT, AND COMMENTS ARE ALSO WELCOME ON ANY AGENDA TOPIC.

PLEASE VIEW AVON'S WEBSITE, [HTTP://WWW.AVON.ORG](http://www.avon.org), FOR MEETING AGENDAS AND MATERIALS.

AGENDAS ARE POSTED AT AVON TOWN HALL, AVON RECREATION CENTER, AND AVON LIBRARY.

THE AVON TOWN COUNCIL MEETS THE 2ND AND 4TH TUESDAYS OF EACH MONTH.

AVON LIQUOR LICENSING AUTHORITY MEETING BEGINS AT 5:00 PM (SEE SEPARATE AGENDA PAGE 3)

URBAN RENEWAL AUTHORITY MEETING BEGINS AT 5:15 PM (SEE SEPARATE AGENDA PAGE 4)

REGULAR MEETING BEGINS AT 5:30 PM

1. CALL TO ORDER & ROLL CALL

2. APPROVAL OF AGENDA

3. PUBLIC COMMENT

4. ACTION ITEMS

- 4.1. Action on Funding A Special Event Concept Development Program as Proposed by Highline, an Event Producer in Eagle Valley, for three (3) 2014 Events in Nottingham Park – Chris Dolan (Special Events Supervisor Danita Dempsey)
- 4.2. Action on a Marketing Service Agreement to retain Origin Design & Communications Ltd, a British Columbia Corporation, for the development of Town of Avon Brand (Mayor Pro Tem Todd Goulding)
- 4.3. Action on MUNIRevs Subscription Agreement (Finance Director Scott Wright)
- 4.4. **PUBLIC HEARING – 2013 and 2014 Final Budget Resolutions – All Funds** (Finance Director Scott Wright)
 - 4.4.1. Resolution No. 13-32, Series of 2013, Resolution to Amend the 2013 Town of Avon Budget
 - 4.4.2. Resolution No. 13-33, Series of 2013, Resolution to Amend the 2013 Town of Avon Capital Projects Fund Budget
 - 4.4.3. Resolution No. 13-34, Series of 2013, Resolution to Adopt the 2014 Town of Avon Budget
 - 4.4.4. Resolution No. 13-35, Series of 2013, Resolution to Accept the proposed Town of Avon Long Range Capital Program and Simultaneously adopt the Year 2014 Capital Projects Fund Budget
- 4.5. Resolution No. 13-31, Series of 2013, Resolution Certifying Delinquent Charges for Collection by the Eagle County Treasurer (Finance Director Scott Wright)



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AVON TOWN HALL, ONE LAKE STREET

4.6. **PUBLIC HEARING** on First Reading of Ordinance 13-14, Series 2013, Ordinance Amending Titles 7, 8, and 15 of the Avon Municipal Code, including Definitions, Historic Preservation, Development Review Procedures, Mailed Notices, Appeals, Flood Damage Prevention, Wood Fireplaces, and Wildlife Enclosures (Planner II Jared Barnes)

4.7. Consent Agenda

4.7.1. Minutes from November 12, 2013 Meeting (Town Clerk Patty McKenny)

5. WORK SESSION

5.1. Village at Avon Update (Town Attorney Eric Heil)

6. FISCAL YEAR 2013 FINANCIAL REPORT ONLY (BUDGET ANALYST KELLY HUITT)

7. COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR

7.1. WinterWonderGrass Security Planning (Councilor Jake Wolf)

8. COUNCIL COMMENTS

9. MAYOR REPORT AND FUTURE AGENDA ITEMS

10. EXECUTIVE SESSION (THIS MEETING IS NOT OPEN TO THE PUBLIC)

10.1. Meet Pursuant to Colorado Revised Statute §24-6-402(4) (f) for the purpose of discussing personnel matters related to the annual performance review of the Town Manager

11. ADJOURNMENT

FUTURE AGENDA ITEMS:

December 10th: Public Hearing on 2nd Tier Code Amendments



TOWN OF AVON, COLORADO
TOWN OF AVON MEETINGS FOR TUESDAY, NOVEMBER 26, 2013
AVON LIQUOR LICENSING AUTHORITY MEETING BEGINS AT 5:00 PM
AVON TOWN HALL, ONE LAKE STREET

	PRESIDING OFFICIALS
CHAIRMAN	RICH CARROLL
VICE CHAIRMAN	TODD GOULDING
BOARD MEMBERS	DAVE DANTAS, CHRIS EVANS, JENNIE FANCHER
	ALBERT "BUZ" REYNOLDS, JR., JAKE WOLF

TOWN ATTORNEY: ERIC HEIL	TOWN STAFF	
	TOWN MANAGER: VIRGINIA EGGER	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
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- 1. CALL TO ORDER AND ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**
- 4. RENEWAL OF LIQUOR LICENSES**
 - 4.1. Applicant Name: Blackstar LLC d/b/a Food! by Marc
Address: 137 Benchmark Road 4w
Manager Name: Mark Rouse
Type of License: Hotel and Restaurant Liquor License
 - 4.2. Applicant Name: NOVA Entertainment, LLC d/b/a Loaded Joe's
Address: 82 E. Beaver Creek Blvd, Suite 104
Manager Name: Kent Beidel
Type of License: Tavern License
 - 4.3. Applicant Name: Fork & Knife, Inc. d/b/a Blue Plate
Address: 48 E. Beaver Creek Blvd
Manager Name: Adam Roustom
Type of License: Hotel & Restaurant Liquor License
- 5. MINUTES FROM NOVEMBER 12, 2013**
- 6. ADJOURNMENT**

TOWN OF AVON, COLORADO
TOWN OF AVON MEETINGS FOR TUESDAY, NOVEMBER 26, 2013
AVON URBAN RENEWAL AUTHORITY MEETING BEGINS AT 5:15 PM
AVON TOWN HALL, ONE LAKE STREET

PRESIDING OFFICIALS

CHAIRMAN	RICH CARROLL
VICE CHAIRMAN	TODD GOULDING
COMMISSIONERS	DAVE DANTAS, CHRIS EVANS, JENNIE FANCHER ALBERT "BUZ" REYNOLDS, JR., JAKE WOLF

STAFF

EXECUTIVE DIRECTOR / SECRETARY: VIRGINIA EGGER
TREASURER: SCOTT WRIGHT

ATTORNEY: ERIC HEIL
AUTHORITY CLERK: PATTY MCKENNY

ALL URBAN RENEWAL 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 MUNICIPAL BUILDING AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

- 1. CALL TO ORDER AND ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT**
- 4. PUBLIC HEARING ON BUDGET RESOLUTIONS**
 - 4.1. Resolution No. 13-04, Series of 2013, Resolution Amending 2013 URA Budget (Treasurer Scott Wright)
 - 4.2. Resolution No. 13-05, Series of 2013, Resolution Summarizing Expenditures and Revenues and Adopting a Budget for the Avon Urban Renewal Authority for the Calendar Year Beginning on the First Day of January 2014 and Ending on the Last Day of December 2014 (Treasurer Scott Wright)
- 5. Consent Calendar**
 - 5.1. Minutes from November 12, 2013 Meeting (Authority Clerk Patty McKenny)
- 6. ADJOURNMENT**



REPORT TO AVON LIQUOR LICENSING AUTHORITY

To: Avon Liquor Licensing Authority
From: Patty McKenny, Assistant Town Manager/Town Clerk
Date: November 22, 2013
Agenda topic: Renewal Applications for Liquor Licensing

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:

RENEWAL OF LIQUOR LICENSES

- 1.1. Applicant Name: Blackstar LLC d/b/a Food! by Marc
Address: 137 Benchmark Road 4w
Manager Name: Mark Rouse
Type of License: Hotel and Restaurant Liquor License
- 1.2. Applicant Name: NOVA Entertainment, LLC d/b/a Loaded Joe's
Address: 82 E. Beaver Creek Blvd, Suite 104
Manager Name: Kent Beidel
Type of License: Tavern Liquor License
- 4.3. Applicant Name: Fork & Knife, Inc. d/b/a Blue Plate
Address: 48 E. Beaver Creek Blvd
Manager Name: Adam Roustom
Type of License: Hotel & Restaurant Liquor License

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 show the following information:

1. **Blackstar LLC d/b/a Food! by Marc:** There have been no concerns during the past year.
2. **NOVA Entertainment, LLC d/b/a Loaded Joe's:** There have been no concerns found during the past year.
3. **Fork & Knife, Inc. d/b/a Blue Plate:** The restaurant failed a state liquor compliance check on May 17, 2013 with the details of a "Stipulation, Agreement, and Order SA 13-148" executed with the State of Colorado Liquor Enforcement Division and for a liquor code violation as follows:
 1. Serving to an underage person on a State Liquor Enforcement Division compliance check occurring May 17, 2013, in violation of Colorado Liquor Code, Section 12-47-901(1)(a.5(I), C.R.S. The Stipulation, Agreement, and Order for this matter are attached; this document becomes part of the record for the licensee. In summary, the licensee admitted to the violation of and agreed to the following sanctions:
 - 1.1. A nineteen (15) day suspension of Licensee's Retail Liquor Store License to take place as follows (details on page 2 of document):

- 1.1.1. License to be actively suspended for five days (August 14, 2013 through August 18, 2013)
- 1.1.2. During period of suspension, Licensee will post signs on its premises
- 1.1.3. Ten (10) days of suspension to be held in abeyance for a period of one (1) year, from date of approval of this agreement by State Licensing Authority, pending no further violations of Liquor Code.
- 1.1.4. Paid fine of \$425 (20% of gross revenues from sales during a period of five days).

According to the State Liquor Enforcement Division staff, this incident is something to consider during the renewal process. However, the State also informed us that it is not common for the local authority to consider further action against the licensee, other than that imposed by the State per the stipulation document.

The owner/managers have been invited to attend the Liquor Board meeting.

During the liquor license renewal process, the Liquor Authority 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. It is also noted that a "yes or no action" only is required on renewals; there are no conditions that can be mandated in this process.

Attachments:

- ✓ State of Colorado Renewal Application Form
- ✓ Stipulation, Agreement and Order for Blue Plate
- ✓ Avon Police Department Summary Reports

**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

FOOD! BY MARC
 PO BOX 4237
 AVON CO 81620

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name BLACKSTAR LLC		DBA FOOD! BY MARC		
Liquor License # 4700635	License Type Hotel & Restaurant (city)	Sales Tax License # 27275056	Expiration Date 12/3/2013	Due Date 10/19/2013
Street Address 137 BENCHMARK RD SUITE 4W AVON CO 81620				Phone Number (970) 376 4435
Mailing Address PO BOX 4237 AVON CO 81620				
Operating Manager <i>MARC ROUSE</i>				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 4/30/16
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Marc Rouse</i>	Title <i>owner</i>
Signature <i>[Signature]</i>	Date <i>10/18/13</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

**Avon Police Department
Liquor License Application**

Individual Name(s): Marc Rouse

Name of Business: FOOD! By Marc

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name:
Date of Event:

Location of Business: 137 Benchmark Rd. 4W
Avon, Colorado 81620

Date Received: 10/22/2013

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Detective Sergeant Ken Dammen
 Detective Jeremy Holmstrom

Date: 11/05/2013

CBI Criminal Investigation (attached): No areas of concern.

Local Criminal Investigation: No problems noted.

Comments:

Liquor Code Violations in the past calendar year: Yes No
If yes, explain: _____

Smoking violation in the past calendar year: Yes No
If yes, explain: _____

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 2 hours.

Administration Time: 1 hour.



**LIQUOR OR 3.2 BEER LICENSE
 RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x <u>1</u>	<u>100.00</u>
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	\$600.00

LOADED JOES
 P O BOX 9030
 AVON CO 81620

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW


RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name NOVA ENTERTAINMENT LLC		DBA LOADED JOES		
Liquor License # 28362890001	License Type Tavern (city)	Sales Tax License # 28362890001	Expiration Date 12/16/2013	Due Date 11/1/2013
Street Address 82 E BEAVER CREEK BLVD #104 AVON CO 81620				Phone Number (970) 331 6433
Mailing Address P O BOX 9030 AVON CO 81620				
Operating Manager KENT BEIDEL				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 4/30/16
- Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
- SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business KENT BEIDEL	Title MANAGING MEMBER
Signature 	Date 11/08/13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

**Avon Police Department
Liquor License Application**

Individual Name(s): Kent Beidel

Name of Business: Loaded Joe's

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name: n/a

Date of Event: n/a

Location of Business: 82 East Beaver Creek blvd
Avon, Colorado 81620

Date Received: October 24, 2012

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Lt. Greg Daly
 Detective Jeremy Holmstrom

Date: November 19, 2013

CBI Criminal Investigation (attached): No

Local Criminal Investigation: Nothing

Comments: The establishment or employees have not been cited or summonsed for any criminal violation related to the business in the last 12 months. There have been two compliance checks conducted on this establishment by Avon PD and the State Liquor Enforcement Division and the establishment was in compliance on both occasions.

Liquor Code Violations in the past calendar year: Yes No

If yes, explain: n/a

Smoking violation in the past calendar year: Yes No

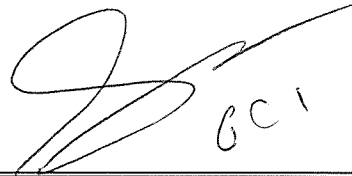
If yes, explain: n/a

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 1 hour

Administration Time: 1 hour



LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

BLUE PLATE
 PO BOX 8951
 AVON CO 81620-8929

Make check payable to: **Colorado Department of Revenue.**
 The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name FORK & KNIFE INC		DBA BLUE PLATE		
Liquor License # 07971890000	License Type Hotel & Restaurant (city)	Sales Tax License # 07971890000	Expiration Date 12/12/2013	Due Date 10/28/2013
Street Address 48 E BEAVER CRK BLVD AVON CO 81620				Phone Number (970) 827-5325 845 2252
Mailing Address PO BOX 8951 AVON CO 81620-8929				
Operating Manager ELISABETH ROUSTON				

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease 2021
2. Since the date of filing of the last annual application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO *see attach*
4. Since the date of filing of the last annual application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO
6. **SOLE PROPRIETORSHIPS, HUSBAND-WIFE PARTNERSHIPS AND PARTNERS IN GENERAL PARTNERSHIPS:** Each person must complete and sign the DR 4679: Affidavit – Restriction on Public Benefits (available online or by calling 303-205-2300) and **attach a copy of their driver's license, state-issued ID or valid passport.**

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business ELISABETH ROUSTON	Title VICE PRESIDENT
Signature <i>[Signature]</i>	Date 10/04/13

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For Town of Avon	Date
Signature <i>[Signature]</i>	Title
	Attest

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE

STATE OF COLORADO

STIPULATION, AGREEMENT, AND ORDER
SA 13-148

IN THE MATTER OF:

**FORK & KNIFE INC.
D/B/A BLUE PLATE
48 EAST BEAVER CREEK BOULEVARD
AVON, COLORADO 81620**

Hotel & Restaurant License No. 07-97189-0000

The State of Colorado, Liquor Enforcement Division ("Division") and Fork & Knife Inc., d/b/a Blue Plate, 48 East Beaver Creek Boulevard, Avon, Colorado 81620 ("Licensee") hereby stipulate and agree as follows:

1. Licensee has been the subject of an investigation conducted by the Division. Agents of the Division allege violations of the Colorado Liquor Code, Section 12-47-901(1)(a.5)(I), C.R.S.

IT IS ALLEGED THAT:

- A. On May 17, 2013, the Licensee, by and through its employee/agent Ede Kun, permitted the selling, serving, giving, or procuring of an alcohol beverage (Pinot Grigio brand vinous liquor) to 12-WF-19382, a nineteen-year-old Liquor Enforcement Division underage purchaser.
2. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Stipulation, Agreement, and Order ("Order").
3. The Division and Licensee have discussed the merits of the investigation and allegations, and they have come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations in lieu of proceeding to the issuance by the State Licensing Authority of an Order to Show Cause and conducting a hearing to determine the merits of such allegations. The terms and conditions of this Order are subject to approval by the State Licensing Authority.
4. Licensee admits the violations as alleged above in paragraph 1.

5. Licensee agrees, in lieu of the issuance of an Order to Show Cause, and subsequent proceedings, to submit to the following sanctions:
 - A. A **fifteen (15) day** suspension of Licensee's **hotel & restaurant license** to take place as follows:
 - i. License to be actively suspended for **five (5) days** from 12:01 a.m. on **August 14, 2013** until 11:59 p.m. on **August 18, 2013**.
 - ii. During any period of active license suspension, Licensee will post signs on its premises in compliance with Regulation 47-600(F), 1 C.C.R. 203-2.
 - iii. **Ten (10) days** of the suspension to be held in abeyance for a period of one (1) year, from the date of approval of this agreement by the state licensing authority, pending no further violations of the Colorado Liquor Code during this period.
6. The Licensee has filed a written petition to the Division in accordance with 12-47-601(3), C.R.S. requesting that the Licensee be allowed to pay a fine in lieu of active suspension. The Division finds that the petition supports the following:
 - A. That the public welfare and morals would not be impaired by permitting the Licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes; and
 - B. That the books and records of the Licensee are kept in such a manner that loss of sales of alcohol beverages which the Licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and
 - C. That the Licensee has not had its license or permit suspended or revoked, nor had any suspension stayed by the payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in this stipulation and agreement.
7. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's estimated gross revenues from the sales of alcohol beverages during a period of five (5) days, except that the fine shall not be less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00). The parties agree that the average days' sales for the month of **May 2013** shall be the appropriate measure of said estimated gross


revenues. Based upon these records, the amount of the fine has been determined to be \$425.00.

- A. Payment of the fine pursuant to the provisions of this agreement shall be in the form of a **certified check or a cashier's check** made payable to the Colorado Department of Revenue. Said fine shall be paid to the Department of Revenue on or before July 24, 2013.
 - B. Upon the timely payment of the fine agreed upon in this paragraph, Licensee's five (5) day suspension as set forth in paragraph 5 of this stipulation and agreement shall be deemed automatically permanently stayed.
 - C. If the Licensee fails to make payment in a timely manner as detailed in this paragraph, the full five (5) day suspension shall be served as detailed in paragraph 5.
8. This Order shall be admissible as evidence in future proceedings concerning any alleged violation of this Order. The matters at issue in said future proceeding shall be limited to the question of whether or not Licensee has failed to comply with the terms of this Order. Any issues relating to the underlying complaint or investigation that formed the basis for action against Licensee (and any defenses that Licensee may have to such complaint and investigation) shall specifically not be at issue in the proceeding against Licensee for failing to comply with the terms of this Order. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are proven, or Licensee enters into a stipulation in lieu of hearing in which it admits such allegations, the State Licensing Authority shall, in addition to any other penalty imposed, order Licensee to serve all or any days of suspension presently held in abeyance pursuant to this agreement. In the event an alleged violation of this Order is taken to hearing and the State Licensing Authority determines that the allegations are unproven, then the Division shall take no further action and this Order shall remain operative and in full force and effect.
 9. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to § 12-47-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in §§12-47-103(9) (b) and 12-47-601, C.R.S.
 10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. After the opportunity to consult with legal counsel,

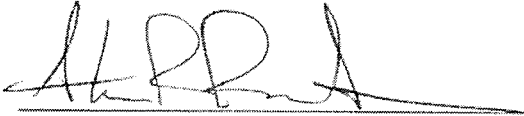
Licensee affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.

11. Upon execution by all parties, this Order shall represent the entire and final agreement of the parties. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
12. Licensee understands and knowingly and voluntarily enters into this Order. Licensee further understands and knowingly and voluntarily waives the following rights:
 - A. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the State Licensing Authority to meet its burden of proof in a formal hearing;
 - B. The right to cross-examine all witnesses against Licensee at a formal hearing;
 - C. The right to subpoena witnesses, present evidence and to testify on Licensee's own behalf at a formal hearing;
 - D. The right to be represented by counsel of Licensee's own choosing and at Licensee's expense at any stage of this proceeding;
 - E. The right to engage in pre-hearing discovery of the State Licensing Authority's evidence; and
 - F. The right to appeal this Order.
13. All the costs and expenses incurred by Licensee to comply with this Order shall be the sole responsibility of the Licensee, and shall not in any way be the obligation of the Division.
14. This Order shall be effective on the date approved and ordered by the Executive Director of the Department of Revenue, as the State Licensing Authority. Should the State Licensing Authority reject the terms hereof, Respondent's admissions herein shall be withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause.

15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the record, and shall be open to public inspection and published pursuant to the Division's standard policies and procedures or applicable law.



Don Burmania
Director
Liquor Enforcement Division



Adam Roustom
Blue Plate

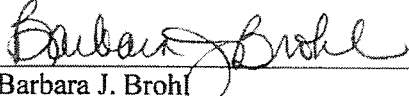
06-27-13

Date

6/15/13

Date

APPROVED and ORDERED this 5th day of July 2013.



Barbara J. Brohl
Executive Director
Department of Revenue
State Licensing Authority

**Avon Police Department
Liquor License Application**

Individual Name(s): Adam Roustom

Name of Business: Blue Plate

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name: n/a
Date of Event: n/a

Location of Business: 48 East Beaver Creek blvd
Avon, Colorado 81620

Date Received: November 19, 2012

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Lt. Greg Daly
 Detective Jeremy Holmstrom

Date: November 22, 2012

CBI Criminal Investigation (attached): No

Local Criminal Investigation: Nothing

Comments: The establishment had one law enforcement action taken against them in the last twelve months. The establishment failed a State Liquor Enforcement compliance check in May 2013. The penalty was a 15 day suspension. They paid for five days by way of a fine and ten days were placed on suspension. The business did pass two subsequent liquor compliance checks by the Avon Police department and State Liquor Enforcement.

Liquor Code Violations in the past calendar year: Yes No

If yes, explain: See comments above

Smoking violation in the past calendar year: Yes No

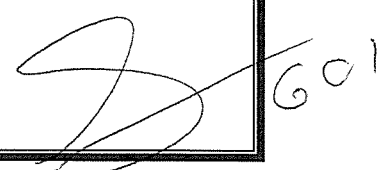
If yes, explain: n/a

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 1 hour.

Administration Time: 1 hour.





TOWN OF AVON, COLORADO
AVON LIQUOR LICENSING AUTHORITY MEETING MINUTES FOR TUESDAY, NOVEMBER 12, 2013
AVON TOWN HALL, ONE LAKE STREET

1. CALL TO ORDER AND ROLL CALL

Chairman Carroll called the meeting to order at 5 PM. A roll call was taken and Board members present were Dave Dantas, Jennie Fancher, Todd Goulding, Buz Reynolds and Jake Wolf. Chris Evans was absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Assistant Town Manager/Town Clerk Patty McKenny, Police Chief Bob Ticer, as well as other staff members and the public.

2. APPROVAL OF AGENDA

There were no changes to the agenda.

3. PUBLIC COMMENT

There were no public comments at this time.

4. RENEWAL OF LIQUOR LICENSES

- 4.1. Applicant Name: Red Mountain Grill Avon LLC d/b/a Red Mountain Grill Avon
Address: 240 Chapel Place Unit B123
Manager Name: Steven Kaufman
Type of License: Hotel & Restaurant Liquor License

Town Clerk Patty McKenny noted that the renewal application was in order. Board member Dantas moved to approve the renewal of the Hotel & Restaurant Liquor License for Red Mountain Grill Avon LLC d/b/a Red Mountain Grill Avon; Board member Goulding seconded the motion and it passed unanimously by those present. (Board members Evans absent).

- 4.2. Applicant Name: Avon Properties Leasing, LLC d/b/a Village Warehouse Wines
Address: 101 Fawcett Road
Manager: Pete Cuccia
Type of License: Retail Liquor Store License

Town Clerk Patty McKenny noted that the renewal application was in order. Board member Wolf moved to approve the renewal of the Retail Liquor License for Avon Properties Leasing, LLC d/b/a Village Warehouse Wines; Board member Reynolds seconded the motion and it passed unanimously by those present. (Board members Evans absent).

- 4.3. Applicant Name: Suncor Energy Sales, Inc. d/b/a Shell
Address: 46 Nottingham Road
Manager: Anakut Loya
Type of License: 3.2% Beer License (Off Premises)

Town Clerk Patty McKenny noted that the renewal application was in order. Board member Dantas moved to approve the renewal of the 3.2% Beer License for Suncor Energy Sales, Inc. d/b/a Shell; Board member Goulding seconded the motion and it passed unanimously by those present. (Board members Evans absent).

5. REPORT OF LIQUOR LICENSE VIOLATION AND RESOLUTION NO. 13-01 RESOLUTION FINDING PROBABLE CAUSE, SETTING HEARING AND ISSUANCE OF NOTICE OF SHOW CAUSE HEARING

- 5.1. Avon Police Report No. 2013-000758
Applicant Name: Y&Z, Inc. d/b/a Nozawa Sushi & Kitchen
Address: 101 Fawcett Road



TOWN OF AVON, COLORADO

AVON LIQUOR LICENSING AUTHORITY MEETING MINUTES FOR TUESDAY, NOVEMBER 12, 2013

AVON TOWN HALL, ONE LAKE STREET

Manager: Jennifer Brosch; Owner: Yong Hu Yuan

Type of License: Hotel & Restaurant Liquor License

Chief Ticer presented the Avon Police Report for the violation and summons issued to an employee of Nozawa Sushi & Kitchen for violations to the following regulations:

Avon Municipal Code 9.12.070, sale of alcohol to minors

CRS 12-47-901(5)(c), sale of fermented malt beverage to a person under the age of 21 years

The report was reviewed and it was noted the incident occurred during an Avon Police Department compliance check that occur annually with funding by the Eagle River Youth Coalition. Jennifer Brosch, manager of the restaurant was present and acknowledged the incident occurred and that they continue to make every effort to train and ask employees to check identification. Board member Dantas move to approve Resolution No. 13-01, Resolution Finding Probable Cause To Believe That Y&Z Inc. d/b/a Nozawa Sushi & Kitchen 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. Board member Fancher seconded the motion and it passed unanimously by those present (Board member Evans absent). The show cause hearing was set for December 10, 2013.

6. MINUTES FROM OCTOBER 22, 2013

Board member Dantas moved to approve minutes from October 22, 2013; Board member Fancher seconded the motion and it passed unanimously by those present. (Board member Evans absent).

There being no further business to come before the Board, the meeting adjourned at 5:15 PM.

RESPECTFULLY SUBMITTED:

Patty McKenny, Secretary

APPROVED:

Rich Carroll

Dave Dantas

Chris Evans

Jennie Fancher

Todd Goulding

Albert "Buz" Reynolds

Jake Wolf

