

**TOWN OF AVON, COLORADO**  
**AVON LIQUOR AUTHORITY MEETING FOR TUESDAY, OCTOBER 14, 2008**  
**MEETING BEGINS AT 5:15 PM**  
AVON MUNICIPAL BUILDING, 400 BENCHMARK ROAD



**PRESIDING OFFICIALS**  
**CHAIRMAN RON WOLFE**  
**VICE CHAIRMAN BRIAN SIPES**  
**BOARD MEMBERS RICHARD CARROLL, DAVE DANTAS, KRISTI FERRARO**  
**AMY PHILLIPS, TAMRA NOTTINGHAM UNDERWOOD**

**TOWN STAFF**  
**TOWN ATTORNEY: JOHN DUNN      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 MUNICIPAL BUILDING AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

**1. CALL TO ORDER / ROLL CALL**

**2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**

**3. RENEWAL OF LIQUOR LICENSES**

- a. Applicant: TCFI, LLC d/b/a Zacca Za  
Address: 0101 Fawcett Road, Unit 100  
Manager: Paul Ferzacca  
Type: Hotel and Restaurant Liquor License
- b. Applicant: Fork and Knife, Inc. d/b/a Blue Plate Bistro  
Address: 47 E. Beaver Creek Blvd.  
Manager: Adam Roustom  
Type: Hotel and Restaurant Liquor License
- c. Applicant: Pazzo's West, Inc. d/b/a Pazzo's Pizzeria  
Address: 82 E. Beaver Creek Blvd  
Manager: Mark Colwell  
Type: Hotel and Restaurant Liquor License
- d. Applicant: Krusen Inc. d/b/a Avon Liquor  
Address: 100 West Beaver Creek Blvd  
Manager: Brian Kruse  
Type: Retail Liquor Store License
- e. Applicant: Avon Properties, LLC d/b/a Village Warehouse Wines  
Address: 100 Fawcett Road  
Manager: Pete Cuccia  
Type: Retail Liquor Store License
- f. Applicant: Philips 66  
Address: 46 Nottingham Road  
Manager: Annakut Loya  
Type: 3.2% Beer Retail License (Off Premises)

**4. CONSENT AGENDA**

- a. Minutes September 23, 2008

**5. ADJOURNMENT AT 5:25 PM**

## Memo

**To:** Avon Local Liquor Licensing Authority  
**Thru:** Larry Brooks, Town Manager  
**From:** Patty McKenny, Town Clerk  
**Date:** October 9, 2008  
**Re:** Liquor Licensing Applications

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### Summary:

The following establishments have submitted **Renewal Applications** for consideration by the Avon Liquor Licensing Authority as follows:

- a. Applicant: TCFI, LLC d/b/a Zacca Za  
Address: 0101 Fawcett Road, Unit 100  
Manager: Paul Ferzacca  
Type: Hotel and Restaurant Liquor License
- b. Applicant: Fork and Knife, Inc. d/b/a Blue Plate Bistro  
Address: 47 E. Beaver Creek Blvd.  
Manager: Adam Roustom  
Type: Hotel and Restaurant Liquor License
- c. Applicant: Pazzo's West, Inc. d/b/a Pazzo's Pizzeria  
Address: 82 E. Beaver Creek Blvd  
Manager: Mark Colwell  
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- d. Applicant: Krusen Inc. d/b/a Avon Liquor  
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Manager: Brian Kruse  
Type: Retail Liquor Store License
- e. Applicant: Avon Properties, LLC d/b/a Village Warehouse Wines  
Address: 100 Fawcett Road  
Manager: Pete Cuccia  
Type: Retail Liquor Store License
- f. Applicant: Philips 66  
Address: 46 Nottingham Road  
Manager: Annakut Loya  
Type: 3.2% Beer Retail License (Off Premises)

### Background & Discussion:

Liquor licensed establishments renew the liquor licenses on an annual basis, submitting application materials first to the Local Licensing Authority. Once approved at this level, renewal applications are forwarded to the State of Colorado for review and issuance of the state license as well.

### Discussion:

The Town Clerk, Town Attorney, and Avon Police Department have reviewed the applications submitted; all application materials are in order. A report from the Police Department is attached for each license; this report addresses a background investigation on the applicant, an update on whether or not there have been any incidents reported at this location and any smoking related violations.

Note that Paul Ferzacca contacted me on Friday October 3, 2008, regarding the renewal application for his establishment Zacca Za's Restaurant. It came to our attention according to both of our records that the license had not yet been renewed and the liquor license expired on July 8, 2008. Per the Liquor Statute below, the State Liquor Enforcement Division forwards the renewal application to the applicant 90 days prior to its expiration date (see 12-47-302). Further research with the State indicated that the original application was filed with a Traer Creek post office box mailing address which has since been closed. The applicant then never received the renewal application. The Statute does however allow for a late filing opportunity as outlined in

section (2) below. Please note the application was filed with the clerk's office on Monday, October 6, 2008 which was the 90<sup>th</sup> day and the appropriate fee was paid. The applicant will be present to answer any questions. Please see below related sections of the Liquor Code which addresses renewal of applications.

**12-47-302. License renewal.** (1) Ninety days prior to the expiration date of an existing license, the state licensing authority shall notify the licensee of such expiration date by first class mail at the business' last-known address. Application for the renewal of an existing license shall be made to the local licensing authority not less than forty-five days and to the state licensing authority not less than thirty days prior to the date of expiration. No application for renewal of a license shall be accepted by the local licensing authority after the date of expiration, except as provided in subsection (2) of this section, but filing with the local licensing authority shall be deemed filing with the state, and all renewals filed with the local licensing authorities prior to expiration, and subsequently approved, shall be processed by the state licensing authority, and the expiration date is extended until the state license is processed. The state or the local licensing authority, for good cause, may waive the forty-five- or thirty-day time requirements set forth in this subsection (1). The local licensing authority may cause a hearing on the application for renewal to be held. No renewal hearing provided for by this subsection (1) shall be held by the local licensing authority until a notice of hearing has been conspicuously posted on the licensed premises for a period of ten days and notice of the hearing has been provided the applicant at least ten days prior to the hearing. The licensing authority may refuse to renew any license for good cause, subject to judicial review. Any renewal hearing held by the state licensing authority shall be pursuant to section 12-47-305 (2).

(2) (a) Notwithstanding the provisions of subsection (1) of this section, a licensee whose license has been expired for not more than ninety days may file a late renewal application upon the payment of a nonrefundable late application fee of five hundred dollars to the local licensing authorities. A licensee who files a late renewal application and pays the requisite fees may continue to operate until both state and local licensing authorities have taken final action to approve or deny such licensee's late renewal application.

(b) No state or local licensing authority shall accept a late renewal application more than ninety days after the expiration of a licensee's permanent annual license. Any licensee whose permanent annual license has been expired for more than ninety days must apply for a new license pursuant to section 12-47-311 and shall not sell or possess for sale any alcohol beverage until all required licenses have been obtained

**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 Renewal Applications, Memos from Avon Police Department