

**TOWN OF AVON, COLORADO**  
**AVON LIQUOR LICENSING AUTHORITY MEETING FOR TUESDAY, NOVEMBER 9, 2010**  
**MEETING BEGINS AT 5:15 PM**  
AVON TOWN HALL, ONE LAKE STREET



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**PRESIDING OFFICIALS**

**CHAIRMAN    RON WOLFE**  
**VICE CHAIRMAN    BRIAN SIPES**  
**BOARD MEMBERS    RICHARD CARROLL, DAVE DANTAS, KRISTI FERRARO**  
**AMY PHILLIPS, ALBERT "BUZ" REYNOLDS, JR.**

**TOWN STAFF**

**TOWN ATTORNEY: ERIC HEIL            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 TOWN HALL AND RECREATION CENTER, ALPINE BANK, AND AVON LIBRARY

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- 1. CALL TO ORDER / ROLL CALL**
- 2. INQUIRY OF THE PUBLIC FOR COMMENT AND APPROVAL OF AGENDA**
- 3. RENEWAL LIQUOR LICENSES**
  - a. Applicant: Saltwater Cowboy, LLC d/b/a Saltwater Cowboy  
Address: 48 E. Beaver Creek Blvd., Suite 105  
Manager: Stephen W. Bullock  
Type: Hotel and Restaurant Liquor License
  - b. Applicant: Nova Entertainment, LLC d/b/a Loaded Joe's  
Address: 82 E. Beaver Creek Blvd, Suite 104  
Manager: Kent Beidel  
Type: Tavern Liquor License
- 4. CONSENT AGENDA**
  - a. Minutes from October 26, 2010
- 5. ADJOURNMENT**

## Memo

**To:** Avon Liquor Licensing Authority  
**Thru:** Larry Brooks, Town Manager  
**cc:** Eric Heil, Town Attorney  
**From:** Debbie Hoppe, Court Clerk  
**Date:** November 4, 2010  
**Re:** Renewal of Liquor Licenses

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### 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: Saltwater Cowboy, LLC d/b/a Saltwater Cowboy  
Address: 48 East Beaver Creek Blvd, Suite 105  
Manager: Stephen W. Bullock  
Type: Hotel & Restaurant Liquor License
- b. Applicant: Nova Entertainment, LLC d/b/a Loaded Joe's  
Address: 82 E. Beaver Creek Blvd, Suite 104  
Manager: Kent Beidel  
Type: Tavern 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. Police Report results are summarized below:

- a. There have been no alcohol related calls for Loaded Joe's during the past year.
- b. There have been two citations for sales to intoxicated persons at Saltwater Cowboy during the past year. Reports for these incidents are attached.:
  - ✓ Avon Police Report # 2010-000193 and 2010-000206
  - ✓ March 21, 2010 and March 27, 2010, the Licensee or Licensee's employees or agents permitted activity to occur on or about the Licensed Premises in violation of CRS 12-47-901(1)(a), to sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to a visibly intoxicated person, which is prohibited under this article.

The penalty for the violation imposed by the Avon Local Liquor Licensing Authority, and permitted under Regulation 47-604, is described in Resolution No. 10-06 which is attached for your review. The applicant served the suspension and paid the fine in the amount of \$636.94 on June 14, 2010.

### 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 Liquor Board Resolution No. 10-06
- Avon Police Department Background Memos

**PROCEEDINGS OF THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO  
ACTING AS THE LOCAL LICENSING AUTHORITY  
COUNTY OF EAGLE AND STATE OF COLORADO**

**RESOLUTION NO. 10-06  
SERIES OF 2010**

**IN THE MATTER OF THE HOTEL AND RESTAURANT LIQUOR STORE LICENSE  
FOR SALTWATER COWBOY LLC D/B/A SALTWATER COWBOY  
FOR THE LICENSED PREMISES LOCATED AT 48 E. BEAVER CREEK BLVD., AVON, COLORADO**

**A RESOLUTION MAKING THE DETERMINATION THAT SALTWATER COWBOY LLC D/B/A  
SALTWATER COWBOY HAS VIOLATED A LAW, RULE OR REGULATION WITH RESPECT  
TO THE OPERATION OF ITS LICENSED PREMISES; AND IMPOSING A TEN (10) DAY  
LIQUOR LICENSE SUSPENSION OF THE HOTEL AND RESTUARNT LIQUOR LICENSE**

WHEREAS, the Town Council of the Town of Avon, acting as the local licensing authority ("Liquor Licensing Authority"), has received two complaints from the Avon Police Department alleging that there are two violations of CRS 12-47-901(1)(a), to sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to a visibly intoxicated person, which is prohibited under this article as follows:

- ✓ March 21, 2010 at Saltwater Cowboy, Allison Ault, an employee, was cited with violation of selling to an intoxicated person (Police Report # 2010-000192).
- ✓ March 27, 2010 at Saltwater Cowboy, Ricardo Aragon Ramos, an employee, was cited with violation of selling to an intoxicated person (Police Report # 2010-000206).

WHEREAS, Licensee appeared by Stephen Bullock, Owner and Manager, and admitted the violation;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF AVON, COLORADO, ACTING AS THE LOCAL LIQUOR LICENSING AUTHORITY, AS FOLLOWS:**

Section 1. The Liquor Licensing Authority finds and determines the following:  
The Licensee admits a violation of § 12-47-901(1)(a), C.R.S., concerning the sale of alcoholic beverages to a visibly intoxicated person, and stipulates that the facts alleged in the Show Cause Order did occur on March 21, 2010 as they pertain to the sale of alcohol to a visibly intoxicated person. The undersigned agree to the following factual basis for the Stipulation:

On March 21, 2010 at approximately 1:30 AM, Allison Ault, an employee of Saltwater Cowboy, sold an alcoholic beverage to a visibly intoxicated person.

3. Pursuant to § 12-47-901(1)(a), C.R.S., it is illegal to sell alcoholic beverages to any person who is visibly intoxicated.
4. The Show Cause Order issued to the Licensee concerning the allegation that the Licensee sold an alcoholic beverage to a visibly intoxicated person on March 27, 2010 is hereby withdrawn upon the stipulation of the parties.

Section 2. As the penalty for the violation, the Avon Local Liquor Licensing Authority imposes a penalty permitted under Regulation 47-604 and described in "Exhibit A" in the form of a Stipulated Findings of Fact, Conclusions and Sanctions Order" to the Licensee Saltwater Cowboy, a ten (10) business day liquor license suspension to be served. Details of the suspension are outlined in attached Exhibit A.

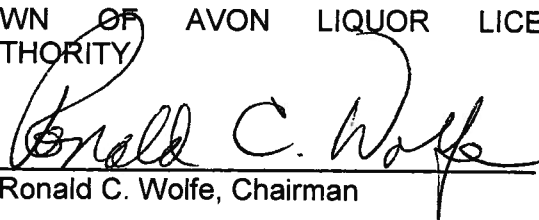
Section 3. This Resolution shall be effective immediately upon adoption.

**RESOLUTION APPROVED AND ADOPTED THIS 8th DAY OF JUNE 2010.**

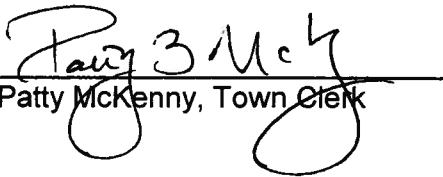


TOWN OF AVON LIQUOR LICENSING  
AUTHORITY

By

  
Ronald C. Wolfe, Chairman

ATTEST:

  
Patty McKenny, Town Clerk

**TOWN OF AVON LIQUOR LICENSING AUTHORITY**

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**STIPULATED FINDINGS OF FACT, CONCLUSIONS  
AND SANCTIONS ORDER**

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**In Re the Matter of the Hotel and Restaurant Liquor License of:**

**Saltwater Cowboy LLC, d/b/a Saltwater Cowboy (the "Licensee")  
Address: 48 East Beaver Creek Boulevard, Avon, Colorado**

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This matter comes before the Town of Avon Local Liquor Licensing Authority (the "Authority") upon the Authority's Notice of Hearing; and Order to Show Cause, dated April 13, 2010 (the "Show Cause Order"), a copy of which was mailed to the representative of record for the Licensee by certified mail, return receipt requested.

**I. INTRODUCTION**

Section 12-47-601, C.R.S and 1 C.C.R. 203-2, Regulation 47-600 empower the Authority to conduct a hearing whenever a written complaint is made charging a licensee or its agents, servants or employees of a violation of any laws or rules or regulations adopted by the State Licensing Authority. After investigation and public hearing, at which the licensee shall be afforded an opportunity to be heard, if a finding is made that a violation has occurred, the Authority is authorized to consider whether to suspend or revoke a liquor or beer license.

**II. FINDINGS AND CONCLUSIONS**

1. The Licensee operates that business generally known as the Saltwater Cowboy Bar within the Town of Avon, Colorado and sells alcoholic beverages at such business pursuant to Town of Avon and State of Colorado liquor licenses.
2. Factual Basis: The Licensee admits a violation of § 12-47-901(1)(a), C.R.S., concerning the sale of alcoholic beverages to a visibly intoxicated person, and stipulates that the facts alleged in the Show Cause Order did occur on March 21, 2010 as they pertain to the sale of alcohol to a visibly intoxicated person. The undersigned agree to the following factual basis for the Stipulation:

On March 21, 2010 at approximately 1:30 AM, Allison Ault, an employee of Saltwater Cowboy, sold an alcoholic beverage to a visibly intoxicated person.

3. Pursuant to § 12-47-901(1)(a), C.R.S., it is illegal to sell alcoholic beverages to any person who is visibly intoxicated.

4. The Show Cause Order issued to the Licensee concerning the allegation that the Licensee sold an alcoholic beverage to a visibly intoxicated person on March 27, 2010 is hereby withdrawn upon the stipulation of the parties.

### III. ORDER FOR SANCTIONS

Relying upon the stipulations set forth above, the Authority Orders as follows:

1. Licensee's Town of Avon Liquor License shall be, and is, **HEREBY SUSPENDED** for a period of ten (10) business days. Such suspension shall be served as follows:

A. Five (5) days of the suspension shall be held in abeyance for a period of one (1) year from the date of the approval of this Stipulation by the Authority.

I. With regard to the period of suspension to be held in abeyance, the Authority specifically finds that the public welfare and morals will not be impaired by permitting the Licensee to operate during the period set for suspension and that the suspension period held in abeyance will achieve the desired disciplinary purposes.

II. The suspension period to be held in abeyance is contingent upon the following:

a. The Licensee having no further violations of the Colorado Beer or Liquor Codes, including all regulations thereunder, any portion of the Town of Avon Municipal Code concerning the sale or service of alcoholic beverages, or the terms of this Stipulation during the one year abeyance period.

b. In an effort to prevent future violations, the Licensee shall have all current employees that sell, serve, dispense or handle alcoholic beverages trained with basic alcohol awareness training (TIPS) within 60 days of the date of the Authority's approval of this Stipulation, if those employees are not already so trained. Additionally, Licensee shall have any new employees that sell, serve, dispense or handle alcoholic beverages that are hired within one (1) year abeyance period TIPS certified within 60 days of such new employee's date of hire. The Licensee shall provide written proof of TIPS training for all employees to the Town Clerk within the timeframes set forth above.

III. If at any subsequent hearing or stipulation in lieu of hearing the Authority should find that the Licensee, during the one year abeyance period, violated any provision of the Colorado Beer or Liquor Codes, including all regulations thereunder, any portion of the Town of Avon Municipal Code concerning the sale or service of alcoholic beverages, or the terms of this Stipulation and the obligations imposed herein, then the Authority shall, in addition to any other penalty imposed, order the Licensee to serve all days of suspension held in abeyance without further notice.

B. The remaining five (5) days of the suspension may be satisfied by either:

I. The Licensee serving the period of suspension, over consecutive days and prior to Wednesday, June 9, 2010, less any days for which the Licensee petitions to pay a fine in lieu of such suspension; or

II. The Licensee paying a monetary fine in lieu of the suspension in accordance with § 12-47-601, C.R.S.

a. With regard to a fine in lieu of the suspension, the Authority specifically finds that the public welfare and morals would not be impaired by permitting the Licensee to operate during the period of suspension and that the payment of the fine in lieu of suspension will achieve the desired disciplinary purposes.

b. The Authority finds that the books and records of the Licensee are kept in a manner that loss of sales of alcoholic beverages, which the Licensee would have suffered had the suspension gone into effect, can be determined with reasonable accuracy; and

c. The Authority finds that the Licensee has not had its Liquor License 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 complaint that has resulted in this Stipulation.

d. The parties agree that the fine shall be the equivalent of twenty percent (20%) of the Licensee's gross revenues from the sale of alcoholic beverages during the period for which a fine in lieu of suspension is petitioned for, except that the fine shall not be less than Two Hundred Dollars (\$200.00) nor more than Five Thousand Dollars (\$5,000.00). The dates for the calculation of the fine shall begin on the day immediately following the date of the incident, March 22, 2010, and shall run consecutively after such date for the full period for which a fine in lieu of suspension is petitioned.

e. If the Licensee petitions to pay a fine in lieu of suspension for all or any portion of the five (5) day suspension period, the Licensee shall submit a computer printout or manual accounting of the sales of alcohol for the designated days set forth above to the Town Clerk by no later than June 7, 2010.

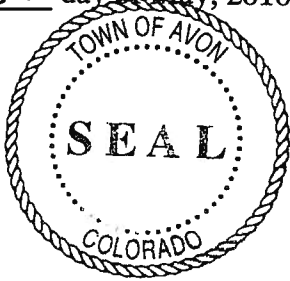
f. Within five business days of receipt of said accounting the Town Clerk shall invoice the Licensee the amount of the fine via certified mail or hand delivery.

g. The Licensee shall remit cash, certified check or cashier's check to the Town Clerk for the total fine amount no later than five business days after the receipt of such invoice.

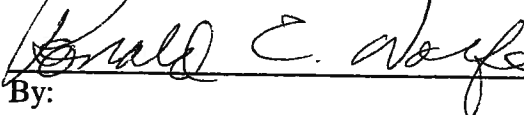
h. The Licensee shall timely comply with all of the obligations set forth in this Stipulation as well as any future dates or obligations required by the Town concerning documentation regarding the payment of any fine in lieu of suspension.

2. This Stipulation shall not be effective unless it is accepted and approved by the Liquor License Authority.

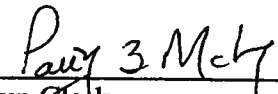
IN WITNESS WHEREOF, I have hereunto set my hand and seal of my office this 25<sup>th</sup> day of May, 2010.



TOWN OF AVON, COLORADO  
LIQUOR LICENSING AUTHORITY


  
By: \_\_\_\_\_  
Chairperson

Attest:


  
\_\_\_\_\_  
Town Clerk

Stipulated and Agreed to:

  
\_\_\_\_\_  
Seth Murphy, No. 28768  
Attorney for the Town of Avon

  
\_\_\_\_\_  
Stephen Bullock, Manager  
Saltwater Cowboy, LLC

Approved as to form:

  
\_\_\_\_\_  
Terry O'Connor, No. 9574  
Attorney for Saltwater Cowboy, LLC



**TOWN OF AVON, COLORADO  
MINUTES OF THE LOCAL LIQUOR LICENSING AUTHORITY MEETING  
HELD OCTOBER 26, 2010**

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The Avon Town Council acting as the Local Liquor Licensing Authority for the Town of Avon, Colorado convened at 5 PM at the Avon Town Hall, One Lake Street, Avon, Colorado. A roll call was taken and Board members of the Authority present were Brian Sipes as Chairperson, and Board members Dave Dantas, Rich Carroll, Kristi Ferraro, and Amy Phillips. Ron Wolfe and Buz Reynolds were absent.

**LIQUOR LICENSE RENEWALS**

- a. Applicant: Vail Valley Mexican Foods, LLC d/b/a Agave  
Address: 1060 W. Beaver Creek Blvd  
Manager: Richard Wheelock  
Type: Hotel & Restaurant Liquor License

Chairman Sipes asked if the application materials were in order; it was confirmed that the materials were in order. Board member Carroll moved to approve the renewal of the Hotel and Restaurant Liquor License for Vail Valley Mexican Foods, LLC d/b/a Agave. Board member Ferraro seconded the motion and it passed unanimously (Reynolds; Wolfe absent).

- b. Applicant: Fork & Knife Inc, d/b/a Blue Plate  
Address: 47 East Beaver Creek Blvd  
Manager: Adam Roustom  
Type: Hotel & Restaurant Liquor License

Chairman Sipes asked if the application materials were in order, Town Clerk Patty McKenny noted that the application was in order. Board member Phillips moved to approve the renewal of the Hotel & Restaurant Liquor License for Fork & Knife Inc, d/b/a Blue Plate. Board member Carroll seconded the motion and it passed unanimously (Reynolds; Wolfe absent).

- c. Applicant: Avon Properties Leasing, LLC d/b/a Village Warehouse Wines  
Address: 101 Fawcett Road  
Manager: James Valerio  
Type: Retail Liquor Store License

Chairman Sipes asked if the application materials were in order; Town Clerk Patty McKenny noted that everything was submitted. Board member Carroll moved to approve the renewal of the hotel and restaurant liquor license for Avon Properties Leasing, LLC d/b/a Village Warehouse Wines. Board member Ferraro seconded the motion and it passed unanimously (Reynolds; Wolfe absent).

**CONSENT AGENDA**

Board member Dantas moved to approve the consent agenda; Board member Phillips seconded the motion and it passed unanimously.

- a. Minutes from September 28, 2010

There being no further business to come before the Board, the meeting adjourned at 5:10 PM.

**RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
Patty McKenny, Secretary

**APPROVED:**

Rich Carroll  
Dave Dantas  
Kristi Ferraro  
Amy Phillips  
Albert "Buz" Reynolds  
Brian Sipes  
Ron Wolfe

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