

**SPECIAL LICENSING AUTHORITY
VIRTUAL MEETING
MINUTES
MAY 21, 2020**

Chair Chung called the meeting to order at 6:34 p.m. Mike Appleby, Bryan Campbell and Kelli Narde were present. Jon Brusco and Steve Connor were absent. Staff present were Town Clerk Carol Baumgartner, Deputy Town Clerk Chris Vanderpool, Administrative Specialist Mandy Denny, Assistant to the Town Administrator Dannette Robberson, Detective Wil Plenis, Detective Nate Finley, Authority Attorney Corey Hoffman and Prosecuting Attorney Christy Ausmus.

Chair Chung led the Pledge of Allegiance.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Kelli Narde moved to approve the February 20, 2020 Special Licensing Authority minutes.

Mike Appleby seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

**MOTION TO WAIVE THE NEIGHBORHOOD PETITIONING REQUIREMENTS
FOR A CHANGE OF LOCATION APPLICATION and SET A PUBLIC HEARING
DATE FOR THE CHANGE OF LOCATION APPLICATION**

License Type: Hotel & Restaurant
Applicant: Chipotle Mexican Grill, Inc.
d/b/a Chipotle Mexican Grill - Continued from March 19, 2020
Location: 18320 Cottonwood Drive
to 18400 Cottonwood Drive, Suite 101

This item was originally scheduled for March 19, 2020, and was continued to April 16, 2020, by Emergency Order 1-2020 and then was continued to May 21, 2020, by Emergency Order 11-2020.

The applicant submitted a motion to waive the neighborhood petitioning requirement for a Change of Location application they filed with the Town on March 9, 2020. Chipotle is moving

to a new location approximately 380 feet from the current location. If a neighborhood radius was created for the new location, it would be very similar to the neighborhood radius for the current location. This is not a change of location to a different neighborhood that would require the applicant to establish the needs and desires of the neighborhood.

Attorney Brian Proffitt spoke on behalf of Chipotle. After 15 years at the current location, Chipotle signed a new lease to move the location, approximately 380 feet from current location. He asked that the Authority waive the neighborhood petitioning requirement as the needs and desires would be the same as current location. He added that with the safer at home orders, it seems ill advised to ask petitioners to go door-to-door.

Kelli Narde moved to approve the motion to waive neighborhood petitioning requirement for the change of location application and to set a public hearing date for the application on June 18, 2020. Bryan Campbell seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes

Kelli Narde - Yes

Bryan Campbell - Yes

David Chung - Yes

The motion was approved unanimously.

SHOW CAUSE HEARINGS

**A. Licensee: Cherry Village Asian Grill, LLC
d/b/a Cherry Village Asian Grill, LLC
Continued from March 19, 2020**

Location: 17001 Lincoln Avenue, #A1

Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This was not their first violation. Licensee had a prior violation in July 2005 which resulted in a (5) five-day suspension with all days held in abeyance for a one-year period and TIPS training. Attorney Ausmus explained the Stipulation Agreement to the Authority. The licensee shall provide basic alcohol awareness training to all employees by July 20, 2020, and file proof with the Town Clerk on or before that date. If the licensee fails to comply with the training requirement, the licensee agrees to a mandatory five (5) day suspension beginning on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m.

Danny Lo was the interpreter for owner Kathy Lung. Ms. Long explained the point-of-sale system in the restaurant and how everyone would be asked for identification.

Mike Appleby moved to approve the Stipulation Agreement as presented by Attorney Ausmus. Kelli Narde seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

B. Licensee: Everyday Stores LLC
d/b/a Everyday Stores #5716
Continued from March 19, 2020
Location: 10610 S. Longs Way
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. Licensee has had several previous violations. The licensee received a Warning Letter as a result of a violation that occurred on May 31, 2018, which required all employees to attend a TIPS training class. The licensee also had violations on February 22, 2014, and November 18, 2011, for sale of alcohol to a minor. Both violations resulted in suspensions. Attorney Ausmus explained the Stipulation Agreement to the Authority. The licensee agrees to a fourteen (14) day suspension and all fourteen (14) days shall be served by paying a fine in lieu of suspension. The fine shall be paid to the Town Clerk on or before June 20, 2020. The licensee shall provide basic alcohol awareness training to all employees by July 20, 2020. Proof must be filed with the Town Clerk's office by July 20, 2020. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m.

Lori Beck and Harbinder Lali were present to speak on behalf of Everyday Stores. Mr. Lali spoke about the store's point of sale system and how beer transactions would be handled going forward.

Bryan Campbell asked if identification was asked for and if it was presented, Detective Plenis responded in the affirmative. The employee who served is no longer an employee.

Kelli Narde moved to accept the Stipulation Agreement as presented by Attorney Ausmus. Mike Appleby seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

C. Applicant: MICI Parker LLC
 d/b/a MICI Handcrafted Italian
 Continued from March 19, 2020
Location: 11290 S. Twenty Mile Rd., Suite 121
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This was their first violation. Identification was presented at the time of violation. Attorney Ausmus explained the Stipulation Agreement to the Authority, she stated a warning letter will be added to their file. The licensee shall provide basic alcohol awareness training to all employees by July 20, 2020, and file proof with the Town Clerk on or before that date. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m.

Attorney Brian Proffitt, and CEO Elliott Schiffer, were present to speak about the establishment. The employee is no longer employed, she was suspended and then she resigned. They will retrain the staff. Staff had informal training at the beginning of year, but will do formal training with the employees. Mr. Schiffer described the point of sale system and stated they do not have the functionality to enter a birth date because they are a pizza place. He added this is the first time in 16 years that they have had a violation.

Bryan Campbell moved to accept the Stipulation Agreement as presented by Attorney Ausmus. Mike Appleby seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

D. Licensee: Best Pizza, LLC
d/b/a MOD Pizza
Continued from March 19, 2020
Location: 18300 Cottonwood Drive, #111
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This was their first violation. Attorney Ausmus explained the Stipulation Agreement to the Authority. A warning letter will be added to their file. The licensee shall provide basic alcohol awareness training to all employees on or before July 20, 2020, and proof filed with the Town Clerk. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m.

Attorney Kevin Coates with Dill Dill Carr Stonbraker & Hutchings PC, and CEO Scott Schooler, were present to speak about the violation. This location has been open for about 1.5 years. MOD Pizza has 17 locations throughout the state. This is their first violation ever. The employee was terminated. Everyone was retrained through an internal training program. Oedipus provided responsible vendor training for all of the store employees. Mr. Schooler stated they have added signage at the register as well as a point-of-sale system.

Town Clerk Carol Baumgartner stated that the Town did infact receive the training certificates.

Kelli Narde moved to accept the Stipulation Agreement as presented by Attorney Ausmus. Mike Appleby seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

E. Licensee: Pester Marketing Company
d/b/a Alta Convenience Store #6116
Continued from March 19, 2020
Location: 11515 N. Highway 83
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This was their first violation. Attorney Ausmus explained the Stipulation Agreement to the Authority. A warning letter will be added to their file. The licensee shall provide basic alcohol awareness training to all employees on or before July 20, 2020, and proof filed with the Town Clerk. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m. Attorney

Ausmus noted that identification was presented at the time of the sale.

Vice President of Operations Dennis Dirkse, Area Supervisor Gabe Archuleta, and Richard Sprester were present to speak on behalf of Alta. Mr. Dirkse stated that there are 107 stores with 75 in Colorado. There are four employees at this store. The point-of-sale system has a scan ID component. The employee did not scan the ID for this purchase. Mr. Dirkse also stated Alta is a member of the BARS program. He noted that the employee was terminated.

Mr. Archuleta spoke about the incident and advised that all employees are required to attend Colorado Beverage Training.

Kelli Narde moved to accept the Stipulation Agreement as presented by Attorney Ausmus. Bryan Campbell seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

**F. Licensee: Chipotle Mexican Grill, Inc.
d/b/a Chipotle Mexican Grill
Continued from April 16, 2020**
Location: 18320 Cottonwood Drive
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. It took a while to reach a Stipulation Agreement due to the number of violations with this establishment; 3 violations within 5 years. Attorney Ausmus explained the Stipulation Agreement to the Authority. There will be a thirty (30) day suspension beginning on June 1, 2020, at 12:00 a.m. through June 30, 2020, at 11:59 p.m. The Licensee is required to post its premises in compliance with state and local regulations. The licensee shall provide basic alcohol awareness training to all employees on or before July 20, 2020, and proof filed with the Town Clerk. If conditions are not met, licensee agrees that an additional mandatory five (5) day suspension shall begin on July 27, 2020, at 12:00 a.m. through July 31, 2020, at 11:59 p.m. The licensee agrees to accept permanent conditions upon its license, which conditions may be included on the face of its license (at the discretion of Special Licensing Authority and the Parker Town Clerk's Office), as follows:

Licensee shall require any employee acting as a General Manager or Shift Leader at this location to complete a State-approved Colorado Responsible Vendor Training Program BEFORE acting in this official capacity.

Licensee shall require that all alcohol sales at this location be made by management staff (either the General Manager or Shift Leaders noted above). No other employees or agents shall be authorized to sell alcohol at this location.

Attorney Brian Proffitt, introduced April Nungaray who is the field leader. She oversees eight locations and Edgar Huerta who is the team director and oversees a number of field leaders.

Attorney Proffitt stated it was a younger cashier who was not permitted to sell alcohol and who made the sale. She was terminated. The store has a high turnover with hourly employees. He stated they removed the ability of non-management staff to sell alcohol. Four people will be permitted to sell and serve alcohol, one general manager and three shift leaders. The point-of-sale system will be modified at this location to freeze sales of alcohol so that only management can complete the sale. Attorney Proffitt stated he has informed his client that this is their last chance at this store and the license will be revoked if there is another violation.

Ms. Nungaray added that the employees will need to sign a form acknowledging the policy of not serving alcohol. She noted that the entire management team at this store has changed.

Mike Appleby moved to accept the Stipulation Agreement as presented by Attorney Ausmus. Kelli Narde seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - No
David Chung - Yes

The motion was approved 3-1.

LIQUOR LICENSE RENEWAL

A. Licensee: Pester Marketing Company
d/b/a Alta Convenience Store #6116
Location: 11515 N. Highway 83
Continued from March 19, 2020

This renewal was originally scheduled for March 19, 2020, and was continued to April 16, 2020, by Emergency Order 1-2020 and then was continued to May 21, 2020, by Emergency Order 11-2020.

The applicant submitted all required documentation and fees. Everything appears to be in order. Since there was a violation within the last year, staff was unable to approve the renewal administratively.

Kelli Narde moved to approve the Fermented Malt Beverage Liquor Renewal Application for Pester Marketing Company, d/b/a Alta Convenience Store #6116, 11515 N. Highway 83. Mike Appleby seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

B. Licensee: MICI Parker LLC
d/b/a MICI Handcrafted Italian
Location: 11290 S. Twenty Mile Rd., Suite 121

The applicant submitted all required documentation and fees. Everything appears to be in order. Since there was a violation within the last year, staff was unable to approve the renewal administratively.

Mike Appleby moved to approve the Beer & Wine Liquor Renewal Application for MICI Parker LLC d/b/a MICI Handcrafted Italian, 11290 South Twenty Mile Road, Suite 121. Bryan Campbell seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

CONSIDERATION OF AN ORDER TO SHOW CAUSE AND NOTICE OF PUBLIC HEARING FOR VIOLATION OF THE PARKER MUNICIPAL CODE

**A. Licensee: Los Dos Potrillos Parker, LLC
d/b/a Los Dos Potrillos
Continued from March 19, 2020**
Location: 19340 E. Cottonwood Drive
Department: Attorney Corey Hoffmann

Kelli Narde moved to approve the Show Cause Hearing and set the date for June 18, 2020, at 6:30 p.m. David Chung seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

**B. Licensee: S&S Fuels Management, LLC & 7-Eleven, Inc.
d/b/a 7-Eleven Store 39067A
Continued from March 19, 2020**
Location: 12358 S. Parker Road
Department: Attorney Corey Hoffmann

Kelli Narde moved to approve the Show Cause Hearing and set the date for June 18, 2020, at 6:30 p.m. Bryan Campbell seconded the motion.

A roll call vote was taken:

Mike Appleby - Yes
Kelli Narde - Yes
Bryan Campbell - Yes
David Chung - Yes

The motion was approved unanimously.

OTHER BUSINESS

Carol talked about temporary modifications of premises as it relates to patio extensions for restaurants due to the recent emergency order. Staff will send the order to the Authority and will provide a list of approved applications.

ADJOURNMENT

There being no further business to come before the Authority, the meeting was adjourned at 8:29 p.m.

Mandy Denny
Mandy Denny, Administrative Specialist

Kelli D. Narde
~~David Chung, Chair~~
Kelli D. Narde,
Vice Chair