

**SPECIAL LICENSING AUTHORITY
MINUTES
JUNE 18, 2020**

Vice Chair Narde called the virtual meeting to order at 6:30 p.m. Bryan Campbell and Mike Appleby were present. David Chung, 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.

Vice Chair Narde led the Pledge of Allegiance.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Bryan Campbell moved to approve the May 21, 2020 Special Licensing Authority minutes. Mike Appleby seconded the motion.

A roll call vote was taken:

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

The motion was approved unanimously.

PUBLIC HEARINGS

CHANGE OF LOCATION FOR A HOTEL & RESTAURANT LICENSE

License Type: Hotel & Restaurant
Applicant: Chipotle Mexican Grill, LLC
d/b/a Chipotle Mexican Grill
Location: 18400 Cottonwood Drive, Suite 101

6:37 p.m.

Attorney Brian Proffitt and Field Leader for Chipotle April Nungaray, were present.

Attorney Proffitt spoke about the applicant moving approximately 100 yards from the current location. He stated that the Special Licensing Authority waived the neighborhood petitioning requirement at the May meeting.

Ms. Nungaray was sworn in. Ms. Nungaray spoke about the layout of the new store and the training that is taking place. She is responsible for eight locations including the current and new location. She has been with Chipotle for 15 years. Chipotle is moving to have better visibility and so they can introduce a Chipotlane, which is a drive-up where people can order

prior to arriving and then pick their order up; it is not a typical drive through. The new dining area will be a little smaller than the current location. They are anticipating about \$1,000 more per day in revenue with the Chipotle. There will only be beer at this location, no margaritas. There will be no alcohol sales through the Chipotle. Chipotle does not sell alcohol to go. They are opening the new location on June 23, 2020. The restaurant hours will be 10:45 am - 10:00 p.m. Ms. Nungaray stated that .5% of sales is alcohol related. There is more alcohol sold in the summer months while people can sit on the patio. The layout will be similar to current location with ordering process. The new location has an outdoor patio with about 14 seats, during non-COVID-19 times. The Manager and Shift leaders will only be allowed to serve alcohol at this location, all employees will be going through TIPS training and will have to sign a sheet acknowledging store policies. Management will be asking for identification from everyone regardless of age. The point-of-sale system will pop up with an age requirement question. IT is working on a patch to make the point-of-sale system require a manager.

Bryan Campbell asked about the patio area, Ms. Nungaray is in the process of making sure the patio is entirely enclosed. Ms. Nungaray advised that there will be no alcohol on the patio until it is completely fenced.

Mike Appleby moved to approve the application for Change of Location for Chipotle Mexican Grill, LLC, d/b/a Chipotle Mexican Grill, 18400 Cottonwood Drive, Suite 101. Bryan Campbell seconded the motion.

A roll call vote was taken:

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

The motion was approved unanimously.

SHOW CAUSE HEARINGS

A. Licensee: Charles D. Cox, LLC
d/b/a Armando's Ristorante
Location: 9355 Crown Crest Blvd.
Department: Attorney Corey Hoffmann

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This is not the licensee's first violation. Licensee received a 4-day suspension; however, they were given a fine in lieu as a result of a violation that occurred on August 15, 2018 and Warning Letter for a violation that occurred on May 31, 2008. Attorney Ausmus explained the Stipulation Agreement to the Authority. Licensee agrees to a seven (7) day suspension. Licensee shall be actively suspended beginning 12:00 a.m. on June 25, 2020 through 11:59 p.m. on July 1, 2020. The licensee shall provide basic alcohol awareness training for all employees by August 17, 2020. Proof must be filed with the Town Clerk's office by August 17, 2020. If conditions are not met, the licensee agrees to an additional mandatory five

(5) day suspension beginning on August 24, 2020, at 12:00 a.m. through August 28, 2020, at 11:59 p.m.

Owners Armando and Cynthia Sarlo were present and spoke about the violation. Mr. Sarlo said he understands TIPS training is a requirement of the Stipulation Agreement. He stated that they are struggling during the COVID-19 pandemic and requested they not serve the seven days suspension. Attorney Ausmus asked Mr. Sarlo if he is in agreement with the Stipulation. Mrs. Sarlo stated they are in agreement and that Mr. Sarlo was just appealing to the board.

Bryan Campbell asked about TIPS training and about the point-of-sale system. Armando said they are working on a new system that will require identification when alcohol is ordered and they will have all employees TIPS trained.

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

A roll call vote was taken:

Mike Appleby - Yes

Bryan Campbell - Yes

Kelli Narde - Yes

The motion was approved unanimously.

**B. Licensee: Gupta Holdings, LLC
d/b/a Fizz Liquors
Location: 11021 S. Parker Road
Department: Attorney Corey Hoffmann**

Attorney Christy Ausmus stated the violation was a result of a compliance check on December 11, 2019. This is not the licensee's first violation. Licensee received a 15-day suspension (5 days of suspension paid by a fine in lieu of and 10 days suspended for a year) as a result of a violation that occurred on February 4, 2014 and received a Warning Letter for a violation that occurred on May 27, 2011. Attorney Ausmus explained the Stipulation Agreement to the Authority. The licensee agrees to a four (4) day suspension and all four (4) days shall be served by paying a fine in lieu of suspension. The fine shall be paid to the Town Clerk on or before July 10, 2020. The licensee shall provide basic alcohol awareness training to all employees by August 17, 2020. Proof must be filed with the Town Clerk's office by August 17, 2020. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on August 24, 2020, at 12:00 a.m. through August 28, 2020, at 11:59 p.m.

Pradeep Gupta, owner of Fizz Liquors, stated that the font on the driver's license is very small and hard to read. The salesperson did look at the license but still allowed the alcohol sale.

Kelli Narde suggested a new point-of sale system to help with the reading of the license.

Mr. Gutpa spoke about the stipulation and is still confused. Christy explained the Stipulation Agreement again and the posting of the signage and what the signage means. The sales for January and February will be used to calculate the fine. He has reached out to Parker Police Department about TIPS training.

Kelli Narde asked about how the fine is calculated. Attorney Ausmus said the State sets the guidelines for average alcohol sales.

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

A roll call vote was taken:

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

The motion was approved unanimously.

**C. Licensee: Oriental Zhang Café, Inc.
d/b/a Johnny's Asian Bistro**
Location: 10471 S. Parker Rd.
Department: Attorney Corey Hoffmann

The Town of Parker is withdrawing the motion for a Show Cause Hearing. The licensee surrendered the license.

**D. Licensee: RAN Holdings Inc.
d/b/a Top Shelf Liquors**
Location: 10471 S. Parker Rd. #A4
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 August 17, 2020, and proof filed with the Town Clerk's office by August 17, 2020. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on August 24, 2020, at 12:00 a.m. through August 28, 2020, at 11:59 p.m. Attorney Ausmus stated that identification was presented and signage was posted in the store.

Owner Richard Nord advised that TIPS training will be completed in July by all employees but one, who will have training in August. All employees will be required to be TIPS trained within 60 days of employment. Mr. Nord stated the point-of-sale system does require age to be entered.

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

A roll call vote was taken:

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

The motion was approved unanimously.

E. Licensee: Los Dos Potrillos Parker, LLC
d/b/a Los Dos Potrillos
Location: 19340 E. Cottonwood Drive
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 August 17, 2020. Proof must be filed with the Town Clerk's office by August 17, 2020. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on August 24, 2020, at 12:00 a.m. through August 28, 2020, at 11:59 p.m.

Attorney Adam Stapen with Dill Dill Carr Stonbraker & Hutchings, PC, and Jose Ramirez and Daniel Ramirez were present to speak.

Attorney Stapen stated that he has been working with alcohol laws for over 20 years. He stated that this is Los Dos Potrillos's first violation in 18 years. The employee was terminated the day of the violation. The policies that Los Dos Potrillos had were sufficient. And two days after the violation, Los Dos Potrillos had all employees retrained. He stated that six (6) days after the violation they purchased a scanning machine. They are now requiring bartenders to write down all birth dates of anyone having a drink.

Daniel Ramirez stated he feels embarrassed and the violation does not represent Los Dos Potrillos and he does not want this to happen again.

Kelli Narde advised that their training packet was very thorough. She appreciates the licensee taking responsibility.

Mike Appleby was impressed with actions Los Dos Potrillos took after the violation.

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

A roll call vote was taken:

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

The motion was approved unanimously.

**F. Licensee: S&S Fuels Management, LLC & 7-Eleven, Inc.
d/b/a 7-Eleven Store 39067A**
Location: 12358 S. Parker Road
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 August 17, 2020. Proof must be filed with the Town Clerk by August 17, 2020. If conditions are not met, the licensee agrees to a mandatory five (5) day suspension beginning on August 24, 2020, at 12:00 a.m. through August 28, 2020, at 11:59 p.m. Attorney Ausmus stated that identification was presented.

Attorney Kevin Coates with Dill Dill Carr Stonbraker & Hutchings, PC, represented S&S Fuels Management. Sarita Maharja and Kami Dadras, both with S&S Fuels Management, were present for the meeting. Attorney Coates stated they have reached out to LiquorPros for training. He stated that the clerk did ask for identification and then scanned the product, the product didn't scan because it wasn't in the system. The clerk asked the patron how much the product was and then entered the price and the system didn't require identification at this point. The employee should not have made the transaction. Everyone at the store was retrained internally immediately. They do require identification for every alcohol transaction. They don't just scan the card; they look at the date on the card as well. The employee was terminated.

Bryan Campbell asked Kami Dadras what processes they have for out of state licenses. Kami Dadras stated that the point-of-sale system does read out of state licenses, but the product wasn't coded correctly.

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

A roll call vote was taken:

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

The motion was approved unanimously.

LIQUOR LICENSE RENEWAL

Licensee: Charles D Cox LLC
d/b/a Armando's Ristorante

Location: 9355 Crown Crest Boulevard

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

Bryan Campbell moved to approve the Hotel & Restaurant Liquor License Renewal Application for Charles D. Cox LLC, d/b/a Armando's Ristorante, 9355 Crown Crest Boulevard. Mike Appleby seconded the motion.

A roll call vote was taken:

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

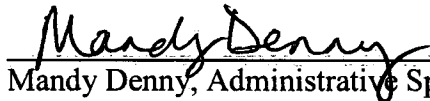
The motion was approved unanimously.

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Authority, the meeting was adjourned at 7:39 p.m.


Mandy Denny, Administrative Specialist


David Chung, Chair