

**SPECIAL LICENSING AUTHORITY
MINUTES
MAY 19, 2022
AMENDED**

Chair David Chung called the meeting to order at 6:30 p.m. Chair David Chung, Bryan Campbell and Mike Appleby were present. Alternate members Brandi Wilks and Greg Simpson were also present. Vice-Chair Kelli Narde and Jon Brusco were absent. Staff present were Town Clerk Chris Vanderpool, Deputy Town Clerk Susan Irvine, Town Clerk Administrative Specialist Amy Putch, Authority Attorney Katie Vera and Police Detective Nate Finley.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Mike Appleby moved to approve the corrected minutes from the March 17, 2022 Special Licensing Authority meeting.

Brandi Wilks seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes

Brandi Wilks - Yes

David Chung - Yes

Greg Simpson - Yes

Bryan Campbell - Yes

The motion was approved unanimously.

Brandi Wilks moved to approve the minutes from the April 21, 2022 Special Licensing Authority meeting.

Greg Simpson seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes

Brandi Wilks - Yes

David Chung - Yes

Greg Simpson - Yes

Bryan Campbell - Yes

The motion was approved unanimously.

PUBLIC HEARINGS**A. SPECIAL EVENTS PERMIT APPLICATION (MALT, VINOUS AND SPIRITUOUS LIQUOR)**

Applicant: Raise the Future
Event: Annual Fundraising Event
Location: 18301 Lincoln Meadows Parkway
Date: June 21, 2022

There was no one from the public to comment on this item.

The applicant submitted a Special Events Permit Application on May 4, 2022, with supporting documents and fees. The applicant had a Notice of Public Hearing posted on this matter on May 9, 2022, ten (10) days prior to the hearing, as required by law.

Kirby Lind, Event Manager, was present to speak on behalf of the event. Raise the Future is a non-profit organization that seeks to raise money for youth and families in the Foster Care system. Kirby stated this would be the non-profit's 32nd annual event and would take place over two days. The first evening would consist of a fundraising gala with a silent auction, food and drinks. The second day would consist of a golf tournament.

Bryan Campbell asked who would be providing the security for the event. Kirby answered that, since the event is taking place at a private venue, Vehicle Vault would be providing the security that evening.

Chair David Chung asked who would be serving the alcohol during the evening. Kirby answered that there had been a change since the date she filed the application, and the non-profit now plans to use their caterer, Epicurean whoseservers and bartenders are T.I.P.S. certified.

Brandi Wilks asked if the non-profit had found someone to donate alcohol and, if so, which company would be donating. Kirby responded that, unfortunately, the non-profit has been unable to secure a company to donate alcohol for their event.

Bryan Campbell asked if there would be anyone in attendance under the age of 21. Kirby stated that no one under 21 would be in attendance. However, the non-profit plans to check the identification of each attendee at the door to ensure age compliance.

Greg Simpson moved to approve the Special Events Permit Application (Malt, Vinous and Spirituous Liquor) for the Raise the Future Annual Fundraising Event on June 21, 2022, at 18301 Lincoln Meadows Parkway.

Bryan Campbell seconded the motion.

A voice roll call was taken:

Mike Appleby – Yes

Brandi Wilks – Yes

David Chung – Yes
Greg Simpson - Yes
Bryan Campbell - Yes

The motion was approved unanimously.

B. LODGING AND ENTERTAINMENT LIQUOR LICENSE APPLICATION (NEW)

License Type: Lodging and Entertainment
Applicant: The Swings Bays LLC
d/b/a The Swing Bays
Location: 11183 South Parker Road Unit A

The Public Hearing opened at 6:39 p.m.

The applicant had a Notice of Public Hearing posted on this matter on May 9, 2022, and publication was made in *The Douglas County News Press* on May 5, 2022.

Trevor McGarvey, Attorney for The Swing Bays introduced the owners, Dustin Miller and Adam Cotton, and Austin Gemmell (attended via Zoom), petitioner with Oedipus Petitioning, the petitioning company for the applicants. Both Dustin Miller and Austin Gemmell were sworn in. Attorney Trevor McGarvey spoke on behalf of the company stating The Swing Bays is a business seeking to be an instructional golf center where customers can take lessons, purchase golf equipment and merchandise and purchase a drink or two prior to or after their golf lesson. Attorney Trevor McGarvey stated the company applied for a Lodging and Entertainment liquor license specifically as the company does not plan to have any bartenders on-site serving alcohol, nor do they plan to have people drinking a lot of alcohol and getting intoxicated. The idea is for people to have one or two drinks, as alcohol is not the focus of business. Attorney Trevor McGarvey believes alcohol will cover about ten percent of the revenue generated.

Additionally, Attorney Trevor McGarvey explained that the business plans to open very soon after receiving the Certificate of Occupancy but would. Once the application is approved, they will start hiring staff to handle the alcohol, and the only people serving alcohol will be the employees at the cash register who will be T.I.P.S. trained.

Austin Gemmell, petitioner, spoke about the petitioning process and survey results. Overall, the results were favorable, demonstrating that the community is excited about a potential golf instructional facility with 100% of the residents and businesses surveyed in favor of this new license and no one in opposition. The petitions to establish the reasonable requirement of the defined neighborhood were circulated and submitted by Oedipus, to the Town Clerk on May 6, 2022. An audit by the Town Clerk staff confirmed the following:

- 159 Eligible Signatures Favoring
(Residential – 104; Business – 52)
- 0 Eligible Signatures Opposing
(Residential – 0; Business – 0)

- 3 Disqualified
(2 – Residential – 1-no age given & 1 nonexistent address; 1 – Business – 1-age does not qualify)
- **159 Eligible Signatures**

Dustin Miller, owner, stated the business will have fitting equipment for clubs, six bays, simulator golf, a pitching and putting green area and an area for golf lessons. Dustin Miller also stated that he is familiar with T.I.P.S. training.

Bryan Campbell asked if Dustin or his partner would be there at all times during business hours. Dustin Miller stated he does not feel it is necessary as he is hiring a seasoned manager to be on-site when the owners are not present. Additionally, Dustin Miller stated that the manager they are hiring has lots of experience with this type of business model as he has worked in several golf clubs in various locations.

Chair David Chung asked who would be conducting the T.I.P.S. training. Attorney Trevor McGarvey stated that Oedipus, the petitioning company for the business, conducts T.I.P.S. training and will be training the employees on how to handle and serve alcohol. Dustin Miller also stated that he and the new manager would be training the employees as well.

Brandi Wilks asked what their hours of operations would be. Dustin Miller replied their hours would be 9:00 a.m. to 9:00 p.m. Mondays through Saturdays and 9:00 a.m. to 4:00 p.m. on Sundays.

Chair David Chung asked what type of model they would have, a walk-in model, membership model, etc. Dustin Miller answered that the model would be by appointment only, but they would also offer memberships where members could come in anytime during business hours.

Greg Simpson asked if the customers would serve themselves alcohol or would an employee give the customers the alcohol. Dustin Miller stated that an employee would hand the customers their alcoholic beverage.

The Public Hearing was closed at 7:01 p.m.

Mike Appleby moved to approve the application for a new Lodging and Entertainment Liquor License for The Swing Bays LLC, d/b/a The Swing Bays, at 11183 South Parker Road Unit A, Parker, CO 80134, based on the following conditions: that the applicant submit plan revisions for an occupancy change and obtain all final building approvals through the Town of Parker's Building Department.

Brandi Wilks seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes

Brandi Wilks - Yes

David Chung - Yes
Greg Simpson - Yes
Bryan Campbell - Yes

The motion was approved unanimously.

LIQUOR LICENSE RENEWAL

Licensee: Sylvia Ochoa Delsouz Inc. & 7-Eleven Inc.
d/b/a 7-Eleven Store #34035A
Location: 19832 East Hilltop Road
License Type: FMB Off-Premises

The licensee submitted their renewal application on April 6, 2022. Since the company failed a state compliance check, staff was unable to administratively approve the application.

Ramir Delsouz, son of the manager, Ardy Delzouz, of 7-Eleven Store #34035A, was present to address the Special Licensing Authority and speak on behalf of the failed state compliance check.

Bryan Campbell stated that several 7-Eleven stores failed compliance checks or received suspensions for accidentally selling to minors and this seems to be a common problem with 7-Eleven franchises. Bryan Campbell wondered if there was a problem with the franchises' point of sale system. Ramir Delsouz answered that these incidents can happen very easily as 7-Eleven is a fast-paced work environment and employees are often busy doing multiple tasks at once and sometimes end up manually entering their own birth dates instead of the customers' birth date. However, Ramir also stated that this 7-Eleven store is now requiring employees to scan a person's identification card before they sell alcohol, instead of entering the person's birth date manually. Since implementing this new system, for the past six months, the store has not had any incidents of selling to a minor, and everyone has passed the store's undercover checks.

Chair David Chung asked if each individual 7-Eleven Store gets to make decisions on how they enter in a person's information, off their identification card, or if all the 7-Eleven stores have made this change as well. Ramir Delsouz answered it is up to the individual 7-Eleven store to decide, and not all 7-Eleven stores have upgraded to this change of swiping a person's identification card.. Both Mike Appleby and Chair David Chung noted that their new system was a smart move and appears to be effective at stopping the problem.

Bryan Campbell moved to approve the FMB Off-Premises Liquor Renewal Application for Sylvia Ochoa Delsouz Inc. & 7-Eleven Inc. d/b/a 7-Eleven Store #34035A, at 19832 East Hilltop Road.

Mike Appleby seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes
Brandi Wilks - Yes
David Chung - Yes
Greg Simpson - Yes
Bryan Campbell - Yes

The motion was approved unanimously.

REQUEST TO SET PUBLIC HEARING DATE AND PETITIONING BOUNDARIES

A. License Type: Beer and Wine
Applicant: Thrashin Axes LLC
d/b/a Thrashin Axes LLC
Location: 18671 Mainstreet Unit C

Greg Simpson moved to approve a Public Hearing date of June 16, 2022, for a Beer and Wine license for Thrashin Axes LLC, d/b/a Thrashin Axes LLC, at 18671 Mainstreet Unit C, Parker, CO 80134, and to establish the neighborhood petitioning boundaries included as part of this staff memorandum.

Bryan Campbell seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes
Brandi Wilks - Yes
David Chung - Yes
Greg Simpson - Yes
Bryan Campbell - Yes

The motion was approved unanimously.

B. License Type: Fermented Malt Beverage Off-Premises
Applicant: Murphy Oil USA Inc.
d/b/a Murphy Express #8898
Location: 9560 Twenty Mile Road

Mike Appleby moved to approve a Public Hearing date of June 16, 2022, for a FMB Off-Premises license for Murphy Oil USA Inc., d/b/a Murphy Express #8898, at 9560 Twenty Mile Road, Parker, CO 80134, and to establish the neighborhood petitioning boundaries included as part of this staff memorandum.

Greg Simpson seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes
 Brandi Wilks - Yes
 David Chung - Yes
 Greg Simpson - Yes
 Bryan Campbell - Yes

The motion was approved unanimously.

C.	License Type:	Hotel and Restaurant
	Applicant:	Parker Gunther Toody's Diner LLC
		d/b/a Gunther Toody's Diner
	Location:	19502 East Parker Square Drive

Brandi Wilks moved to approve a Public Hearing date of June 16, 2022, for a Hotel and Restaurant license for Parker Gunther Toody's Diner LLC, d/b/a Gunther Toody's Diner, at 19502 East Parker Square Drive, Parker, CO 80134, and to establish the neighborhood petitioning boundaries included as part of this staff memorandum.

Mike Appleby seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes
 Brandi Wilks - Yes
 David Chung - Yes
 Greg Simpson - Yes
 Bryan Campbell - Yes

The motion was approved unanimously.

OTHER BUSINESS

Bryan Campbell stated he was very concerned about one of the licensees approaching Kelli Narde after the March Special Licensing Authority meeting. Bryan Campbell also stated he did some research and found this incident could be considered a violation of several Colorado statutes as he believes the licensee attempted to influence and bribe a public servant. **Colorado Revised Statutes Title 18 Article 8 which addresses offenses in relation to governmental operations. Bryan specifically referenced section 18-8-302 of this statute, which talks about if someone commits the crime of bribery by seeking "to influence a public servant's vote, opinion, judgement, exercise of discretion or other action in his official capacity."** Bryan also stated he would leave a copy of the statute and requested that it be added the minutes.

Attorney Katie Vera stated, after looking at the law, her office did not feel that the message was threatening or was an attempt to bribe or influence a public servant. Attorney Katie Vera further stated she did not feel this message rose to that level as the message was sent after the licensee was approved for renewal by the Special Licensing Authority.

Bryan Campbell stated that if the Town had found this incident to be a violation of Colorado Statute 18-8-302, that this violation would be classified as a class 4 felony. Bryan believes that this communication was an attempt to influence a public servant which is a violation of section 18-8-306 of Colorado Statutes. Bryan stated that he feels that this type of issue would no longer be an issue for the Authority but for the Police Department to handle as a possible criminal offense. He also stated that he feels this incident is more serious in nature than what has been considered previously.

Bryan Campbell requested that the Special Licensing Authority get a refresher on these types of ex parte communication laws.

Attorney Katie Vera stated her office has a presentation already created on this topic and would be happy to host a training over the material.

Town Clerk Chris Vanderpool stated there is also information regarding this topic in the Special Licensing Authority's training manual. Chris said she would find it for the Special Licensing Authority to review.

Additionally, Chris Vanderpool stated that she set up a tour of the Vehicle Vault for Thursday, June 16, 2022, from 4:00 p.m. to 5:00 p.m.

ADJOURNMENT

Mike Appleby moved to adjourn the meeting at 7:25 p.m. Brandi Wilks seconded the motion.

A voice roll call was taken:

Mike Appleby - Yes

Brandi Wilks - Yes

David Chung - Yes

Greg Simpson - Yes

Bryan Campbell - Yes

The motion was approved unanimously.


Amy Putsch, Town Clerk Admin. Specialist
Chris Vanderpool, Town Clerk


David Chung, Chair