



## **MINUTES**

### **LOCAL LICENSING AUTHORITY**

**Thursday January 18<sup>th</sup>, 2024 – 8:30 A.M.**

**City Council Chambers – 500 E. Third Street  
Loveland, Colorado**

#### **IN ATTENDANCE:**

**Judge Geri Joneson, Local Licensing Authority**

**Andrew Trevino, Assistant City Attorney**

**Sergeant Jeff Mayers, Liquor and Tobacco Enforcement Officer**

**Sterling Wilson, Local Licensing Authority Secretary**

**Adriana Hernandez, Assistant City Clerk**

#### **CONSENT AGENDA**

Approval of Minutes:

A. Minutes from LLA Meeting on October 19<sup>th</sup>, 2023 – Approved in their current form.

#### **2. PUBLIC HEARING**

##### **A. Tobacco License – Lit Investments LLC dba Lit Tobacco**

An application for a new tobacco license was filed on August 9<sup>th</sup>, 2023, by Lit Investments LLC, dba Lit Super Smoke Shop, located at 410 E. Eisenhower Blvd., in Loveland, CO. The applicant seeks to continue the licensing process which had been started in the previous years.

**In Attendance:** Mr. Bertrand, Attorney, Yash Kapoor, owner.

Mr. Kapoor stated that the establishment has invested in ID scanners and sting operations to monitor employees, with the intention of preventing sales to minors. All employees have completed a training program for tobacco sales and service. The store is currently closed for training, and Mr. Kapoor stated that they are taking great measures to prevent sales to minors and contribute as a good partner to the business community. A zero tolerance policy is now in place for employees who sell to minors.

Mr. Bertrand stated that he has assisted Mr. Kapoor in drafting these policies and reviewed them extensively to ensure compliance with the law.

Mr. Trevino inquired about how long Lit Tobacco has been operating, and inquired as to whether Mr. Kapoor was aware of the licensing requirement. He stated that he was unaware that a City tobacco license was required, but that the business had been operating since 2021.

Mr. Trevino noted that there was no license issued to this business in the year 2021, and has never been issued to this business. In the year 2022 and 2023, the business sold

tobacco, but Mr. Kapoor stated that he was unsure if the business had a license to sell tobacco.

Mr. Kapoor's testimony detailed that while the business did not have clear policies for tobacco sales initially, they are now operating with strict procedures and policies to prevent sales to minors.

Mr. Trevino asked if the business currently or previously had a City of Loveland Tobacco license prominently posted. Mr. Kapoor stated that he does not know.

Additionally, Sgt. Mayers reported that this business has repeatedly failed compliance inspections with Loveland Police Department. The State of Colorado Tobacco Enforcement Division confirmed that this business currently has two open tobacco licensing show-cause hearings. Seven distinct parties have filed complaints that their children (under 21) have been sold tobacco products by Lit Tobacco. In response to these complaints, Sgt. Mayers has on each occasion thereof that the business needed to immediately cease operations; after numerous complaints, the business ceased selling tobacco and had been closed after a failed compliance inspection in December 2023. In January of 2024, Sgt. Mayers again inspected the premises, and upon arrival witnessed an employee selling tobacco products to a customer. In 2024, there have already been two occasions on which Sgt. Mayers has personally had to reiterate that the business was not to operate.

Mr. Bertrand responded that his client is investing heavily in revising his business practices and will work to be in compliance with the law. Further responses from the licensee indicate that he is unaware as to whether his business holds a valid sales tax license with the City of Loveland or the State of Colorado. When asked by the authority about his business practices, Mr. Kapoor repeatedly answered, "I don't know" to yes-or-no questions.

Mr. Bertrand proposed a period of 60 days in order to allow Mr. Kapoor to revise his business practices and comply with the law, however Mr. Trevino objected to this proposal, stating that the business practices of not only Lit Tobacco, but Mellow Yellow and One Stop Fuel, all owned by either Mr. Kapoor or his relatives. Mellow Yellow and Lit Tobacco belong to Mr. Kapoor. Mr. Trevino stated that, in the past year alone, nearly all of the municipal court cases involving minor-in-possession of tobacco have originated from Lit Tobacco.

Lit Tobacco has been closed for 8 days, and Mellow Yellow was shut down on January 17<sup>th</sup>. Sgt. Mayers expressed that based on the multiple opportunities for compliance, he has reached the point where his next steps are to issue a court order to close the business. At this point, no one in the gallery identified themselves in favor or opposition to this application and the public hearing was closed.

#### **Findings and Action Taken:**

Based on the testimony received from Mr. Kapoor, Sgt. Mayers, and the responses to Mr. Trevino's questioning, the Authority will deny this application for a new tobacco license.

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This business has, on numerous occasions, presented a risk to the community by selling tobacco to minors. The Authority is not convinced that the licensee holds the understanding to hold the responsibility of a tobacco license. There will be no tobacco products sold in and out of the premises, the applicant must reapply for a tobacco license as of January 1, 2025.

#### **B. Transfer License – Supreme Enterprise LLC., dba Boise Tavern**

An application was filed on December 6<sup>th</sup>, 2023 for the transfer of the Tavern License from the current ownership of Supreme Enterprise, LLC, dba Boise Tavern to Anastasiia Ruban Knight, dba Boise Tavern, for the license located at 1475 N Boise Ave. in Loveland. A temporary transfer permit was requested on December 6<sup>th</sup>, 2023 and is under consideration.

**In Attendance:** Anastasiia Ruban Knight, owner, Deanne Bosse, manager.

Both applicants declined to make an opening statement. Ms. Ruban Knight was contracted to take ownership of the business as of January 2<sup>nd</sup> of this year, however she declined to step in until a liquor license is issued as per the language of the contract. This was established to ensure compliance with the law, as she stated. Ms. Ruban Knight does not intend to begin operating the business as the owner until a license has been issued and any necessary inspection or other processes have been completed.

Ms. Ruban Knight holds ten years of bartending experience and/or experience working as a barback, though she has never owned a bar. She began her career in Utah and later moved to Colorado. Through practical experience, she worked her way from barback to server, and server to bartender. Once she moved to Colorado, she was first employed as a bartender at Boise Tavern, but has been mainly operating as an assistant manager and barback as needed during normal operation.

When prompted by the Assistant City Attorney, Ms. Ruban Knight described a past incident. She had intended to transfer ownership of this business to her name, however she did not understand the process well and extenuating circumstances affected the process (2020 pandemic) – she was cited for this in 2020 having inadvertently operated the business illegally. At the time, the correct legal process was unclear to her and she has rectified her mistake by consulting appropriate legal counsel for this transfer application.

The establishment is well monitored by 5-6 people and offers frozen pizza and bar snacks (nuts, pickles, pretzels, chips, etc.). Patrons are welcome to bring any food into the bar from neighboring establishments including a pizza restaurant next door; no outside alcohol is permitted.

Staff members are mostly between the ages of 24 and 26, with a few older employees who are more experienced. Alcohol storage is located behind the bar, a walk-in cooler, and back-up product is located in a locked room and shared office space at the back of the building, as indicated on the diagram provided. Only managers and bartenders are allowed access to alcohol storage and hold keys. The bartender has clear view of both alcohol storage and the whole establishment.

The business is open for operation from 10am and closes at 2am, with last-call at 1:30am.

Law Enforcement has no concerns about the business, and the City attorney presented no findings in opposition to this application. No one in the gallery identified themselves in opposition or in favor of the application.

#### **Findings and Action Taken:**

With respect to a transfer of ownership from Boise Tavern, Supreme Enterprise LLC, to Anastasiia Ruban Knight, also dba Boise Tavern: The Application packet is in order, and the applicant is entitled to possession of the premises. The applicant's criminal history is complete; the applicant is of good moral character. The applicant is qualified to conduct the type of business proposed. All fees and taxes are paid and accounts up to date. Based on the findings presented at this hearing, the Authority will Grant this application for a transfer of ownership. A temporary transfer permit will be granted to the applicant for use and operation during the timeframe it will take to approve the transfer at the state level.

#### **C. New License – The Awakened School Retreat Center LLC., dba Casa Sagrada**

An application was filed on August 31<sup>st</sup>, 2023, for a new **Lodging & Entertainment License** by The Awakened School Retreat Center, LLC., d/b/a Casa Sagrada, located at 404 E. 3<sup>rd</sup> Street in Loveland. The neighborhood boundaries were designated as: **(NORTH – 16<sup>th</sup> St.; SOUTH – 12<sup>th</sup> St.; EAST – N Boise Ave.; and WEST – Duffield Ave.)**. The premise was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires.

**In Attendance:** Rachael Jayne Groover, Owner, Ashleigh Burr, sales and operations manager.

Ms. Groover established that this business operates by reservation only and is not open to the public at large.

The establishment is an event and retreat center providing reservations for multi-day retreats or conferences. Alcohol will not be stored on the premises, although there is the capacity to do so if needed. The business will not practice storage of alcohol on the premises unless it is specifically necessary for a scheduled event.

The business expects to host alcohol service for 20-30 events, with third party clients serving alcohol. While this could be accomplished through private event practices under

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state law, the business' legal advisors recommended liquor licensure as a sort of "umbrella policy."

The business plans to serve mostly beer and wine, with wedding patrons capable of serving specialty cocktails if they desire under the Lodging and Entertainment Liquor License. The three-story premises will be monitored at all times by staff during events, including an outdoor garden space that is enclosed by gated fencing.

The business is staffed by Ashleigh Burr as a full-time manager of operations, with an event manager on site during reserved retreats/events. Alcohol service will be provided by third-party bartenders who are TIPS trained. Bartenders will be present depending on how alcohol is provided, but the business will not staff any bartenders directly. Ms. Burr stated that if a client wishes to contract a different service, that service would be subject to approval for TIPS training (if alternative from Fresh Plate Catering, LLC).

Bartenders and event servers are responsible for establishing correct identification.

The Applicants circulated a petition surveying the needs and desires of the neighborhood as defined by GIS Mapping. Erin McCollough of Oedipus Petitioning was contracted to circulate this petition: the petition was circulated on October 30<sup>th</sup> and November 1<sup>st</sup> of 2023. Of the designated neighborhood boundaries, respondents were asked to state if they were over the age of 21, and residence within the neighborhood was verified.

No signatures were collected in opposition to this application, with 107 in total. All respondents were in favor of this application. No one in the gallery spoke in favor of this application and the Authority summarized the findings of this item.

The business will have a registered manager, with Ms. Burr present at all times. Vendors will come into the business, cater the event, and serve alcohol. The business will collect profits from the sale of alcohol if granted a license.

**Findings and Action Taken:**

To the Applicant, The Awakened School and Retreat Center LLC, dba Casa Sagrada: The location is not within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. The applicant possesses a valid City and State Sales Tax License and is not prohibited to obtain a license due to multiple ownership restrictions. The needs and desires of the adult inhabitants of the neighborhood were assessed with a petition filed on November 13<sup>th</sup>, 2023. The petition summary is as follows: 107 signatures submitted, 107 favorable, with 0 in opposition. The Fire Marshal indicates that the applicant follows the fire code adopted by the City of Loveland. The Chief Building Official indicates that the applicant holds a valid Certificate of Occupancy and complies with all applicable regulations. The Authority will approve

this application for a new Lodging and Entertainment liquor license and asks that the applicant complete a police inspection prior to issuance of this license, which will be coordinated through the City Clerk's Office.

#### **D. New License – Loveland Pickleball LLC, dba The Picklr**

An application was filed on December 6<sup>th</sup>, 2023, for a new **Beer & Wine License** by Loveland Pickleball, LLC., d/b/a The Picklr, located at 3137 N Garfield Ave. in Loveland. The neighborhood boundaries were designated as: **(NORTH – Juniper Pl.; SOUTH – Crescent Dr.; EAST – N Boise Ave.; and WEST – Duffield Ave.)**. The premise was posted with a sign advertising the Public Hearing and a notice was published in the Reporter Herald as the law requires.

**In Attendance:** Jim Lautzenheiser, LLC Member, operating partner, Chad Preiss, LLC Member.

The business is a membership-based model offering open-play and league pickleball play. The premises diagram indicates that alcohol is not permitted on the courts and is for concessions purposes only. Alcohol will be stored in these areas in small quantities within a locked refrigerator. The front desk manager and Mr. Lautzenheiser will have access to this cooler.

The operating manager will be TIPS trained as well as Mr. Lautzenheiser, and both plan to attend the upcoming LPD course. None of the applicants have experience in alcohol sales. ID will be checked for all members, but no explicit policy for alcohol was stated. No food or drink will be allowed on the courts. Snacks (prepackaged) and light sandwiches will be available for purchase.

Alcohol service will be monitored at all times within the licensed areas by those serving. The Authority inquired about the process for checking ID of patrons purchasing alcohol and recommendations were made on proper practices.

Oedipus Petitioning was engaged to conduct the neighborhood needs and desires petition for Loveland Pickleball LLC applying for a beer and wine license. 158 contacts were made, 109 valid signatures were collected. Two were against issuance. Overall the general feedback was positive, with 107 signatures in favor of the application.

No one was present in the gallery to state opposition or support for this application.

#### **Findings and Action Taken:**

To the Applicant, Loveland Pickleball, LLC, dba The Picklr: The location is not within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. The applicant possesses a valid City and State Sales Tax License and is not prohibited to obtain a license due to multiple ownership restrictions. The needs and desires of the adult inhabitants of the neighborhood were assessed with a petition filed on January 8<sup>th</sup>, 2024. The petition summary is as follows: 107 in favor, 109 total, two in opposition. The applicant is currently working with the Chief Building

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Official and the Fire Marshal to obtain a certificate of occupancy for a liquor license and close outstanding building permits.

The Authority will approve this application conditionally until the background investigation can be completed. Upon completion, the applicant must complete a police inspection prior to issuance of a license.

The following conditions need to be satisfied:

1. Criminally histories must be received and not warrant additional investigation by the City or the Authority.
  - a. As of 2/9/2024, background check reports are being delivered through the Colorado Bureau of Investigation Secure Document System and will be forwarded to the Department of Revenue for final review by the CBI.
2. The applicant submit a modified diagram reflecting the entire premises as suggested by Sgt. Mayers if the applicant decides to do so.
3. Satisfy and comply with a Loveland Police Department final inspection.

**E. Transfer License – Aloha is Colorado LLC., dba Da Big Kahuna Bar and Grill**

An application was filed on November 1<sup>st</sup>, 2023 for the transfer of the Hotel & Restaurant License from WAKD Inc., dba Mex O'Malley's Pub to Aloha is Colorado LLC, dba Da Big Kahuna Bar and Grill, for the license located at 548 N Lincoln Ave. in Loveland. A temporary transfer permit was issued on November 6<sup>th</sup>, 2023 at the request of the applicants.

**In Attendance:** Erynn Helenihi, James Helenihi, Owners.

The owners made no additions or opening statements. The business is a restaurant and bar, with a full food menu providing substantial meals as well as beer, wine, and spirits.

The applicants have no prior experience in alcohol sales, however they have been trained by the former owner Dave Mayhew and employ TIPS trained bartenders. All staff members are over the age of 21 with the exception of one cook, who will not be allowed to serve alcohol. Hawaiian-fare comprises the menu with a full selection of traditional appetizers and entrée items.

No modifications to the premises have been proposed, and alcohol storage is exclusively behind the bar area where it is both secure and constantly monitored. The entire establishment can be visually monitored.

No one in the gallery identified themselves in favor or opposition and the public hearing was closed.



### **Findings and Action Taken:**

With respect to a transfer of ownership from WAKD Inc. dba Mex O'Malley's, to Aloha is Colorado LLC, dba Da Big Kahuna Bar and Grill: The Application packet is in order, and the applicant is entitled to possession of the premises. The applicant's criminal history is complete; the applicant is of good moral character. The applicant is qualified to conduct the type of business proposed. All fees and taxes are paid and accounts up to date. Based on the findings presented at this hearing, the Authority will Grant this application for a transfer of ownership.

### **F. Special Event Permit Application – Centerra Engagement Assembly**

An application for a new special event permit was submitted on December 18<sup>th</sup> 2023, to take place at Chapungu Sculpture Park on February 17<sup>th</sup>, 2024. The event, Loveland Lights Live Night, will take place from 5 p.m. to 9 p.m., presented by Centerra Engagement Assembly, a nonprofit corporation in the State of Colorado. The event will feature live music, mobile food vendors, and locally produced wine and beer sold in benefit of Centerra Engagement Assembly.

**In Attendance:** Christine Jakupovich, Director, Centerra Engagement Assembly.

The Applicant established that mobile food vendors are being contracted and is working with the city to ensure proper licensure.

This event will be a "date night" sort of theme operated in conjunction with the Loveland Sweetheart Festival. Golden Goodness Food Truck will provide food, while Grimm Brothers Brewhouse will provide beer.

A perimeter will be established by the natural wetlands surrounding the park. The hills surrounding the area prevents unrestricted access, but construction mesh fencing will establish a perimeter in open areas. The park is sunken-down below the level of the surrounding parking lots, with two main entry points, with the parking lot behind the Centerra Macy's Store being closed to the public for the use of a food truck pad and serving area – physical barriers will be present in this area.

This same set up, relative to liquor service, was operated by the High Plains Art Society in years past, and they have mirrored their practices. Security will be contracted, as well as one off-duty LPD officer currently being contracted.

Beer and wine will be provided by Grimm Brothers and Sweetheart Winery. IDs will be checked by trained staff members with a three drink (ticket) limit, with alcohol dispensed per service.

No one in the gallery was present to speak in favor or opposition to this application.

### **Findings and Action Taken:**

The Event will Take place on February 17, from 5-9pm. While the applicant has not held similar permits, the applicant has been associated with similar events with no history of



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violations. The applicant is a not for profit corporation and specifically entitled to hold this type of permit. The applicant has provided linear dimensions of barriers and boundaries of the space where alcohol will be available. Satisfactory personnel will be available to monitor the event. All concerns of the authority have been satisfied by the applicant and the Authority will grant this application for a Special Events Permit.

**3. STAFF REPORT**

- A. City Clerk's Office – Retail Establishment and Art Gallery Permit:
  - a. Local and State Requirements – We will mirror the state criteria
    - i. Applicants will need to come before the authority to make their cases.
    - ii. This does create an enforcement issue – training requirements are a MUST to prevent alcohol from leaving the premises, particularly downtown.
    - iii. Revocable permit? – there is a responsibility requirement, but it does not relieve the burden on the LEU (only four officers in the future, currently only two) – this will affect all of LPD Patrol.
  - b. DDA Meeting Informational Session – Early Feb
  - c. Local Permit Fees – to be established later if needed. When the very details are discussed:
    - i. Strict signage – no alcohol beyond this point is not sufficient – let's post the Loveland Municipal Code, create a sign that must be posted with the exact language identifying penalties.
    - ii. This could create an unsanctioned entertainment district at times – service occasions should be appropriately tracked.
    - iii. The Authority will approve this type of permit, however we will need to establish practiced standards as applications come in.
      - 1. We still need to hold a meeting to discuss these exact parameters.
- B. Patio Program/Temporary Modification Program Rumors vs. HIP Streets discussion.
  - a. Community Impacts
  - b. Retail Establishment Permits
    - i. We will await more information and develop a plan
- C. Grimm Brothers Brewhouse and Fresh Plate Catering

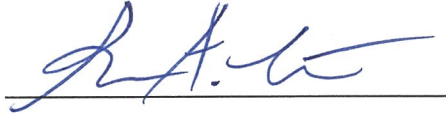
The Authority proposed moving the February 15<sup>th</sup> meeting to February 22<sup>nd</sup>. City Council Chambers are not available at this time. February 29<sup>th</sup> is being considered, however the Authority will consider coverage for the 15<sup>th</sup>. There are limited dates for LLA Meetings, however other weekdays can be used – February 13<sup>th</sup> was proposed along with February 20<sup>th</sup>. We will reconvene on February 13, 2024 at 8:30 am.

If there are in fact two show cause hearings on the next agenda, we will need to continue all other applications to the March 21<sup>st</sup> date.

## ADJOURN

The next regularly scheduled Local Licensing Authority Meeting will be held on Tuesday February 13<sup>th</sup>, 2024, at 8:30 AM, in the City Council Chambers.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'S. Wilson', written over a horizontal line.

Sterling Wilson, Assistant City Clerk

Liquor Licensing Secretary

Approved:

A handwritten signature in blue ink, reading 'Geri R. Joneson', written over a horizontal line.

Geri R. Joneson, Municipal Judge

Liquor Licensing Authority